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ARTHUR CARL PIEPKORN

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The Sacred Ministry and Holy Ordination in the Symbolical Books of the Lutheran Church

ARTHUR CARL PIEPKORN

1. *General.* In the course of the confessional revival in the Church of the Augsburg Confession during the 19th and 20th centuries, Lutheran theologians interpreted the statements of the Symbolical Books about the sacred ministry in three typical ways.

Stated in an extreme form, the first view holds that the sacred ministry is only the activity of the universal royal priesthood of believers, the public exercise of which the Christian community has solemnly committed to certain persons merely for the sake of good order and efficiency. At the opposite extreme is the position which sees the sacred ministry as the contemporary form of the primitive apostolate and as the personal representation of Christ. A third view occupies the middle ground between these two positions and incorporates elements of both. It sees the

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sacred ministry as a divine institution that is essential to the church's existence. It regards the responsible public proclamation and application of the Gospel and the administration of the sacraments as the primary content of the sacred ministry. It looks upon ordination as the indispensable act of admission to the sacred ministry.

The modifications of these views are many. Each theologian believes that he has the authority of the Symbolical Books for his view. Almost all of the positions that Lutheran theologians currently take reflect to a greater or lesser degree the traditions of their own past which they are espousing or against which they are reacting.

2. *Sources.* The primary sources in the Symbolical Books for a doctrine of the sacred ministry are Articles 5, 14, and 28 of the Augsburg Confession (1530), Articles 13, 14, and 28 of the Apology (1531), Articles 4 in Part Two and 9 and 10 in Part Three of the Smalcald Articles (1536—1538), and the Treatise on the Authority and Primacy of the Pope (1537).¹ Except for the Smalcald Arti-

¹ This article uses the following abbreviations: AC, Augsburg Confession; Ap, Apology of the Augsburg Confession; SA, Smalcald Articles; Tr, Treatise on the Authority and Primacy of the Pope; SC Small Catechism; LC, Large Catechism; FC, Formula of Concord; Ep, Epitome; SD, Solid Declaration; WA, Weimarer Ausgabe, the critical edition of Martin Luther's works; CR, *Corpus Reformatorum* (for the works of Philip Melancthon).

cles, which are by Luther, these are all from Philip Melancthon's pen.

It is essential that one keep in mind the historical antithesis or at least the historical situation that conditioned a particular affirmation of the Symbolical Books.

3. *Lay people and clergymen.* The church consists of preachers and Christians (LC Decalog 262), rectors (*Pfarrherr*) and parishioners (LC Introduction 2-3); rectors and people (SC Introduction 6), bishops, rectors, and preachers on the one hand and Christians on the other (SC Table of Duties 2-3); laymen (FC Ep Summary Concept 5; SD Summary Concept 8) and the ministers of the word who preside over the community of God (FC SD 10, 10). The presbyters are a part of the total church (Ap 22, 1.2.4). The church is more than (*supra*) the ministers; no minister has superiority or domination over the church at large (Tr 11).

4. *The divinely ordained purpose of the sacred ministry.* God instituted the sacred ministry (*ministerium ecclesiasticum; Predigtamt*) of teaching the Gospel and of administering the sacraments. His purpose in so doing is that men might obtain the faith that God forgives them by grace for Christ's sake through faith. The divine Word and the sacraments are, as it were, means by which God gives the Holy Spirit that works faith when and where God wills in those who hear the Word and receive the sacraments. The Lutherans reject the position that the Holy Spirit is received by purely interior preparation, meditation, and activity without the external Word of God personally communicated through the sacred ministry (AC 5). The antithesis here is the asserted position of the

Enthusiasts, who depreciated the sacred ministry.

The content of the sacred ministry is the responsible public proclamation of the Gospel and the administration of the Sacraments (AC 14; Ap 13, 7-9). It is not the offering up of an expiatory sacrifice which earns forgiveness of sins for the living and the dead. The sacred ministry (*Kirchendienst*) is "the Word preached and heard" (FC Ep 12, 22; SD 12, 30).

The obligation of the incumbents of the sacred ministry to proclaim and apply the Gospel of divine grace in Christ does not exclude the proclamation of the Word of God as judgment. On the contrary, it implies the latter as a necessary corollary of the sacred minister's primary task.

5. *The sacred ministry and the world.* The sacred ministry is part of the equipment of the church for an outreach into the world. God's gift of pastor-teachers to the church and their proclamation of the Gospel have in view the "edification" of the church (Tr 67). This is so not only in the metaphorical sense of the interior fortification of the church through an increase of devotion. It also looks to the literal building up of the church by the incorporation into it of those who are not as yet a part of it.²

² LC Our Father 52-54: "So that we who have accepted [the divine Word] may remain with it and daily increase in it and that it may find a response and acceptance among others and go mightily throughout the world, so that the Holy Spirit may lead many to come to the kingdom of grace and become partakers of salvation"; "that [the kingdom of God] may come to those who are not yet in it"; "that the Gospel may be purely proclaimed throughout the world." Of interest is the stress in the Wittenberg ordination formularies of the late 1530s (WA 38, 423-33) on ordination as the fulfillment of the petition that Christ commanded

6. *Functional and personal elements in the sacred ministry.* The Symbolical Books see the sacred ministry chiefly but not exclusively in dynamic and functional terms. Nevertheless, the Symbolical Books are conscious of the fact that apart from its incumbents the sacred ministry is an abstraction. "The authority of the *bishops* according to the Gospel is the authority or commandment to preach the Gospel, to retain sins, and to administer the sacraments" (AC 28, 5).³ The ministry of the Word and sacraments is committed to *bishops as bishops* (AC 28, 21). "*Priests . . . are called to teach the Gospel and administer the sacraments to the people*" (Ap 13, 9). "The Gospel gives *those who rule over the churches* the command to teach the Gospel, to remit sins, and to administer sacraments. . . . This authority by divine right is common to *all who rule over churches*, whether they are called pastors, presbyters, or bishops" (Tr 60-61).

The church has the divinely imposed responsibility not merely of proclaiming the Gospel and administering the sacraments but also of choosing, calling, and ordaining fit persons to carry out these functions (Tr 67.72; Ap 13, 12 German). God gave to the church the concrete persons who discharge these functions, the "pastors and doctors" (*pastores et doctores*) that is, those who are engaged in the pub-

lic and responsible "teaching of the Gospel" (*docendi evangelium*) (Tr 60-67).⁴ We may have here a recognition that Eph. 4:11 by a kind of hendiadys is describing a single office with the words "pastors and teachers."

God wills to preach and to work through the human beings that the church has chosen and ordained to the sacred ministry (Ap 13, 11-12 German). Thus the incumbents of the sacred ministry are the human instruments through whom the Holy Spirit sanctifies and governs the church.

A minor problem arises on occasion when one tries to ascertain if "ministry" (*ministerium*) in a given passage means generally and abstractly the function of preaching the gospel and administering the sacraments—as it does frequently—or if it means concretely the incumbents of the sacred ministry as they engage in these functions. Sometimes, as in AC 5, 1 Latin and 28, 9, this is a matter of exegetical decision. Of interest is the fact that *Predigtamt* (literally, "the office of preaching") occasionally (for instance, AC 5, 1 German and Ap 7, 20 German) has "the Gospel" or "the Gospel and the sacraments" as an explanatory apposition. To be effective, the Gospel must actually be preached and the sacraments must be administered. But these are precisely the

His disciples to offer, imploring the Lord of the harvest to send out laborers into the plentiful harvest (Matt. 9:37-38; see John 4:35). The prayer of the rite invokes the Holy Spirit to the end that God's ministers may be His evangelists with great masses of people (*scharen/hauffen*). (Ibid., 429, 6—430, 13)

³ "According to the Gospel" is in the Symbolical Books as a synonym for "by divine right (*jure divino*)" (AC 28, 21 Latin; see also Tr 60-61 and SA II, 4, 1).

⁴ At another place, however, outside the Symbolical Books, Melancthon would differentiate the authority to teach the Gospel (*potestas docendi evangelium*) from the authority to govern the church (*potestas gubernationis ecclesiae*). The former is common to the clergy and to the *doctores* (like himself); the latter—the administration of the church (*administratio ecclesiae*), which includes the administration of the sacraments (*administratio sacramentorum*)—belongs to the clergy alone (CR 24, 313).

functions the Symbolical Books attribute to the incumbents of the sacred ministry.

7. *The sacred ministry as service.* The sacred ministry is exactly a ministry (*ministerium; diakonia*), not a source of privilege, prestige, and power. The linkage of *ministerium* with *diakonia* goes back to the Vulgate of Eph. 4:12. *Diakonia* has of course a very general and a technical sense ("a form of service") that does not refer to "deacons" in the strict sense which *diakonos* acquired in the later New Testament documents.

8. *The sacred ministry as an order in the church.* In order to give the sacred ministry an exclusively functional character and to eliminate distinctions between "lay people" and "ordained persons," some theologians have taken the position that the Lutheran view of the sacred ministry conceives of it only as a function or office that does not exist apart from its actual discharge, but never as an order in the church. The Symbolical Books, however, see the sacred ministry both as an office (*ministerium; Amt*) and as an order or estate (*ordo; Stand*) within the church (Ap 13, 11-12; 22, 13; 28, 13; SA III, 11, 1; compare SC Table of Duties 1, *heilige Orden und Stände*, "holy orders and estates"). This differentiation does not, of course, carry with it any narrowly clerical or hierarchical implications.

9. *The clergyman as the representation of God and of Christ.* In his proclamation and application of the Gospel and his administration of the sacraments, the officiant or celebrant acts in the place of God and in the stead of Christ (*vice Christi*), not in his own person (Ap 7, 28.47; 13, 12).

God preaches through the chosen clergy of the churches (Ap 13, 12 German).

It is God Himself who baptizes (LC Baptism 10).

The absolution is to be believed as nothing less than a voice sounding from heaven (Ap 12, 40), that is, from God Himself. The confessor who administers absolution is ordinarily an ordained clergyman (Ap 12, 109, "the confession which is to be made to *priests*," and 176, "the *ministers of the Gospel* should absolve those who are converted"; Tr 60).

The Symbolical Books imply that the celebrant of the Sacrament of the Altar will be an ordained clergyman (AC 24, 34 German, "the *priest* and others"; FC SD 7, 32, quoting Luther approvingly, "the *priests* who administer it.")⁵ Christ binds His promise and activity in the Sacrament of the Altar to the speaking of the celebrant who consecrates the elements. "The words are spoken by the mouth of the *priest*, but by God's power and grace through the words that he speaks, "This is My body," the elements set before us in the Supper are consecrated" (*gesegnet, consecrantur*; the Greek original of Saint

⁵ The case (1531) of John Sutel in Göttingen makes it clear that in the mind of the early Lutheran community the mere possession of a call without a public ordination through the laying on of hands did not authorize the recipient to preside over the Eucharistic assembly and pronounce the formula of consecration. Luther counsels Sutel to refrain from celebrating the Sacrament of the Altar until he "publicly before the altar with prayer and the laying on of hands receives from the other clergymen the evidence [of the legitimacy of his status] and authority to celebrate the Sacrament of the Altar" (*tum publice coram altari a reliquis ministris cum oratione et impositione manuum testimonium accipies et auctoritatem coenae tractandae* [WA Br 6, 43—44]).

John Chrysostom [347?—407] that the Formula of Concord here appropriates has *metarrhythmizei* [FC SD 7,76; see also 77-78]).

The immorality or unbelief of an unworthy clergyman does not invalidate the Gospel that he preaches or the sacraments that he administers (AC 8, 1-3; Ap 7, 3.19. 28.47; LC Sacrament of the Altar 5.16; FC Ep 12, 27; SD 7, 32.89).

The Symbolical Books make frequent use of Luke 10:16 (AC 28, 22; Ap 7, 28.47; 12, 40; 28, 18-19): "He who hears you, hears Me." They see this passage as imposing on the clergy the obligation of teaching according to Christ's Word and not according to human traditions (Ap 28, 19).

10. *Authority (potestas)*. The authority of bishops (*potestas episcoporum*), the "power" of the keys (*potestas clavium*), or ecclesiastical authority (*potestas ecclesiastica*) is primarily the responsible public proclamation and application of the Gospel and the administration of the sacraments. These are described as the specific tasks and missions not only of an office in the church but of bishops and priests as public persons (Ap 13, 9.12; 28, 12).

The Symbolical Books accept the distinction between the authority of the clerical order (*potestas ordinis*) and the authority of jurisdiction (*potestas jurisdictionis*). The former is the competence of the pastor/bishop to do everything that he needs to do in order to proclaim and apply the Gospel and to administer the sacraments. The latter is his competence — to be exercised in accordance with the instructions contained in the Word of God — to excommunicate notorious evil livers and to reconcile them to the church again when

they come to a better mind (Ap 28, 13).⁶ The jurisdiction of the pastor/bishop in another place is seen as embracing reconciling sinners, rejecting doctrine that contradicts the Gospel, and excluding those whose impiety is a matter of public knowledge from the communion of the church by means of the divine Word alone, without human coercion. Herein the churches must obey them (AC 28, 20-21; SA III, 9; Tr 74).⁷

Minor episcopal functions, such as the administration of confirmation and the consecration of bells, do not, in the view of the Symbolical Books, require consideration (Tr 73).

11. *The sacred ministry as the identifying "mark" of the church (nota ecclesiae)*. Ap 7, 3 identifies the "signs" (*signa*) of the church as the Word of God, the response of the church to the divine gift in the form of its "profession" of confidence in Him, and the sacraments. Paragraph 20 of the same article calls the "pure teaching of the Gospel and the sacraments" the characteristic marks or "notes" (*notae*) of the church. To be "signs" or "marks" of the church the Word of God must obviously be proclaimed and applied and the sacraments administered at concrete times and in concrete places. Since this procla-

⁶ These *potestates* correspond to the authority to sanctify and the authority to rule.

⁷ The authority to proclaim the Gospel and to administer sacraments implies the authority to ordain. In the *Loci communes* of 1538 and 1541 Melancthon includes in the authority of the clerical order (*potestas ordinis*) the command to call — in the broad sense that includes ordaining — ministers (*mandatum vocandi ministrorum*) (CR 21, 501). So does the *Confessio Saxonica* of 1551 (CR 28, 413, *ordinare ministros rite vocatos*, "to ordain rightly called ministers").

mation and application of the Gospel and this administration of the sacraments is precisely the task of the sacred ministry, the sacred ministry itself becomes a "mark" or characteristic of the church.⁸

12. *The sacred ministry and the universal priesthood of the faithful.* The Symbolical Books nowhere attempt to derive the sacred ministry from the universal priesthood of the faithful.⁹ The doctrine of the universal priesthood of believers had receded into minor importance — even for Luther himself — by the time the Symbolical Books were being framed. The classical proof-text for this teaching, 1 Peter 2:9, is cited only once in the Symbolical Books (Tr 69): "Since the church exclusively possesses the priesthood, it certainly has the right to choose and ordain its ministers."¹⁰ It may be that the term "royal priesthood" is here best taken as another designation for the people (that is, the new Israel) of God: "Since only the church is the new Israel of God, it certainly has the right to choose and ordain its

⁸ See also Luther, *Von den Conciliis und Kirchen*, WA 50, 632, 35—633, 11.

⁹ The Wittenberg ordination formula H of the late 1530s stresses that the sanctification represented by the vocation into the holy and divine ministry is a second sanctification, the first being through the divine Word and the Sacrament of Baptism. (WA 38, 424, 23—425, 5.28-34)

¹⁰ The only other passage in Melancthon's works known to this writer in which the church's authority to choose and ordain clergymen is related to 1 Peter 2:9 is in his *Loci communes* of 1535. Here he argues not only from the cited passage, but also from Ephesians 4:8. The priesthood (*sacerdotium*) in this passage is the authority to administer the Gospel (*ius administrandi evangelii*); thus it includes the church's right and obligation to administer the Gospel by calling fit persons into the service of the Gospel. (CR 21, 505)

ministers." ("Church" here is obviously not to be equated with a local congregation.)

The attitude of the Symbolical Books toward the Levitical ministry of the Old Testament is superficially ambivalent. They reject the late medieval suggestion that the Christian priesthood perpetuates the Levitical ministry as a function that earns the forgiveness of sins (AC 28, 39.61; Ap 13, 7; 24, 26.53-55), particularly when the obligation of sacerdotal celibacy is inferred from this thesis (Ap 23, 27.41-42). At the same time the Symbolical Books identify the sacrifice of the Levites forecast in Mal.3:3 with the sacrificial activity of those who preach the Gospel in the New Covenant and with the good works that this proclamation produces (Rom. 15:16) (Ap 24, 34).¹¹ The rejection of the Levitical ministry would seem to involve only the rejection of the misunderstanding and distortion or the function of the Levitical ministry as a service that earned forgiveness of sins. Again, the sacred ministry of the New Covenant is not bound to members of a single tribe functioning exclusively in one temple in a single Holy City; nor do they function by the leave of a single person, the bishop of Rome (Tr 25-26).

13. *The spiritual paternity of the clergy.* The clergy are spiritual fathers (LC Decalog 158-59). The use of *Pfarrkinder* (literally, "parish children") to describe the parishioners in the Symbolical Books has

¹¹ This is, of course, wholly consistent with the transfer in 1 Peter 2:9 of the title "a kingdom of priests and a holy nation" of Ex. 19:6 from the Israel of the Old Covenant with its Levitical priesthood to the Israel of the New Covenant.

the fatherhood of the clergy as its correlative.

14. *The unitary character of the sacred ministry.* The Symbolical Books see the sacred ministry as unitary. There is basically only one holy order. That is the presbyterate-episcopate of the New Testament.

The Symbolical Books never call into question the existence of the sacred ministry itself by divine right (*jure divino*). What they do call into question is the postapostolic differentiation of grades within it by the separation of the presbyterate from the episcopate and, by implication, the subsequent introduction of the initially lay office of deacon into the major orders of the sacred ministry. These developments, they insist, exist only by human right (*jure humano*).

Regardless of their title, all ordained clergymen have the same basic authority to discharge the duties of their office (AC 28, 8.21; Tr 60-61.74). The terminology of the Symbolical Books reflects a recognition of an inevitable hierarchical structuring of any social institution like the church, but this does not have to do with inherent spiritual authority. They use the term "bishop" both for the head of a medieval diocese¹² and — on the analogy of the episcopal "parish-sees" (*paroikiaí*) of the first three centuries — for the chief pastor of a town. They also use "rector" (*Pfarrherr*); "presbyter"; "pastor" (Tr 65); "preacher" (*Prediger*, especially to designate assistant clergymen); "priest" (*sacer-*

dos/Priester); and "minister" (*(Kirchen)/diener*). (See *Excursus I*, pp. 565—68)

15. *The diaconate and minor orders.* By the 16th century the diaconate had become a purely vestigial stage in the "course of honors" (*cursus honorum*) without any real function in the church in the Holy Roman Empire. The term *diaconus/Diakon* in the Lutheran documents of the 16th century (for example, Ap 13, 11 German) must be understood as referring to ordained priests serving as curates or assistants to the rector of a parish.¹³

The Symbolical Books were even less under constraint to discuss the lower orders of the clergy. These too had by the 16th century become only nominal stages in the process of becoming a priest. The tonsure was frequently received with no intention of taking higher orders in order to secure the valuable legal and canonical immunities that attached to clerical status.

16. *The adiaphoristic nature of church polity.* As long as the divinely ordained necessity of the sacred ministry is recognized and provided for, polity is an adiaphoron as far as the Symbolical Books are concerned.

Although the hierarchical structuring of the church is of human right only, the Symbolical Books affirm their preference for episcopal polity (Ap 14, 1.5). The ideal is a universal episcopatism in which all bishops are equal in office, united in doctrine, belief, sacraments, prayer, and works of love (SA II, 4, 9).

¹² Although it was not unusual for some bishops, for example both Archbishop Gebhard II von Waldburg (1547—1601) of Cologne and his successor in the archsee, Archbishop Ernest of Bavaria (1554—1612), to be only in priest's orders.

¹³ In the fourth century St. Jerome in *Letter 146 (85) to Evangelus* was making the point that there is a primordial difference between the presbyter-bishops on the one hand and deacons on the other. (Migne, *Patrologia latina*, 22, 1193—94)

17. *The authority of bishops.* Bishops have the right to establish regulations for the government of the church and for worship in the interest of good order, and the congregations and subordinate clergy are bound in charity to obey such canons, but the bishops have no authority to make the salvation of the faithful dependent on obedience to such regulations nor may they properly institute any regulation and declare that observance of it earns forgiveness of sins (AC 28, 30-64). Change is of the nature of humanly established canons, and even the ceremonial injunctions of the Council of Jerusalem and the liturgical directives of the apostles were temporary in character (AC 28, 53-54.65-66; Ap 28, 16). The Apology sees the issue precisely as the question if the bishops have by divine right the authority to make laws the observance of which is useful for the attainment of everlasting life (Ap 28, 6). This it denies.

The authority of the bishops dare never conflict with the Gospel, and if the bishops teach or enjoin something that does contradict the Gospel (AC 28, 34), God has commanded the faithful not to obey (*ibid.*, 23-28, quoting the Sacred Scriptures, canon law, and St. Augustine; see also Tr 60-82).

18. *The secular power of hierarchs.* The Symbolical Books urge ecclesiastical authorities in the Holy Roman Empire — especially prince-bishops and prince-abbots — who also possess temporal power not to confuse the two (AC 28, 1-2). Both types of authority derive from God, but their ends are different (*ibid.*, 10-17). Pastors and bishops have no right to arrogate authority in temporal matters to themselves. Specifically, they have no divinely given authority in matters affecting matrimony

and taxation (AC 28, 29; Tr 77-78.80-81; SC Marriage Booklet 1).

19. *Apostolic succession.* Without discussing the necessity of a succession of ministers, the Symbolical Books operate explicitly with the concept of a *de facto* succession of ordained ministers (SA III, 10; Tr 72, *adhibitis suis pastoribus*, "using their own pastors for this purpose").¹⁴ It is noteworthy in this connection that Saint Jerome regards all presbyters as well as all bishops as "successors of the apostles" (*apostolorum successores*) (*Letter 146 {85} to Evangelus*, 1; Migne, *Patrologia latina*, 22, 1194). The bishops — that is, the pastors of town-dioceses — are the successors of the apostles in the government of the church (SA II, 4, 9).

The political situation in the 16th century throughout northern Europe — the domains of the King of Sweden excepted — made it a practical impossibility for the adherents of the Augsburg Confession to perpetuate the historic episcopate with apostolic succession.

20. *The papacy.* The papacy, in the sense of the Roman bishop's claim to universal primacy of jurisdiction, is a historical phenomenon that exists by human right only, not by divine right (Tr 1-21).

The bishop of Rome is by divine right the bishop and pastor only of the church of Rome. In addition he is the pastor of those who of their own will or through a political arrangement — that is, in both cases, by human right — have attached

¹⁴ It is regrettable that the important words *adhibitis suis pastoribus* are omitted in the German translation as well as in Theodore G. Tappert (translator-editor), *The Book of Concord* (Philadelphia: Muhlenberg Press, 1959), p. 332.

themselves to him (SA II, 4, 1). The papacy is not a universal institution; the Eastern churches have never been under the pope. In the patriarchate of the West, the medieval papacy did not exist for at least the first 500 years (*ibid.*, 4-5). The Smalcald Articles are dubious about the value of the papacy even as a humanly instituted symbol of Christian unity (*ibid.*, 7-8). As long as the pope insists on the last 17 words of *Unam Sanctam*,¹⁵ he is the antichrist of 2 Thessalonians 2:4 (*ibid.*, 4.10-13).

There is no consensus of the fathers that would refer the rock of St. Matt. 16:8 to St. Peter, according to the Treatise on the Authority and Primacy of the Pope. But the Treatise agrees that St. Peter is the rock on whom the church is built, although he has this foundation-status because he is a "minister." Since the other apostles (and all clergy) received the same authority that Christ conferred on the prince of the apostles, "upon this rock" really means "upon this ministry" (Tr 22-29).

While Christ commanded St. Peter to shepherd and rule the church by means of the divine Word, this conferred on him no special superiority, since St. Peter had the Word only in common with the other apostles (Tr 30).

21. *The sacramental nature of order.* The term "sacrament" is applicable both

¹⁵ "Further, we declare, state [and] define that for every human being it is absolutely necessary for salvation to be under the bishop of Rome (Porro subesse Romano pontifici omni humanae creaturae declaramus, dicimus, diffinimus omnino esse de necessitate salutis)" (Henry Denzinger, *Enchiridion symbolorum definitonum et declarationum de rebus fidei et morum*, 32d edition by Adolf Schönmetzer [Barcelona: Herder, 1963; hereafter cited as Denzinger-Schönmetzer], no. 875).

to the sacred ministry itself and to ordination by the laying on of hands (Ap 13, 9-13).

22. *Ordination jure divino.* Ordination is effective (*rata*) by divine right (Tr 65). Obviously this implies as a lesser included principle that ordination itself is by divine right. Ordination can be called an adiaphoron only in a most narrow and technical sense.

The church institutes clergymen by divine command (Ap 13, 12). Because the authority to minister the Gospel exists wherever the church is, the church necessarily possesses the authority to choose, call, and ordain ministers (Tr 67). The churches are compelled (*coguntur*) to exercise this authority (Tr 72).¹⁶

The need for ordination that the adherents of the Augsburg Confession felt increasingly from the 1530s onward is reflected in the Ordination Register of Saint Mary's Church, Wittenberg, which provides data on 1,979 clergymen ordained between 1537 and 1560. Of these at least 1,025 (possibly as many as 1,069) are known to have been recruited from other professions and crafts, because the former profession or craft of the ordained is listed; 92 were former manual laborers.¹⁷ It is possible that many more of the 900-plus

¹⁶ Preaching on Acts 13:1 ff., Luther had declared in 1524: "One must not act on God's behalf unless one is called and ordained by God. . . . I preach in that name, because I have been ordained thereto (Nemo in causa Dei agere debet, nisi sit vocatus et ordinatus a Deo. . . . Ego praedico in eo nomine, quia ordinatus ad hoc)" (WA 17, 1, 508, 10-11; 509, 16-17).

¹⁷ See *Bekennnisschriften der evangelisch-lutherischen Kirche herausgegeben im Gedenkjahr der Augsbürgischen Konfession 1930*, 5th ed. (Göttingen: Vandenhoeck & Ruprecht, 1963), p. 501, n. 1.

ordinands had been recruited from other professions and crafts, since it is unlikely that all of them were university graduates.

The necessity of ordination was the issue in the famed "Freder ordination controversy" (1550—1556), which involved primarily John Freder (1510—1562) and the Pomeranian Reformer John Knipstro (1497—1556). A general synod of the clergy of Pomerania decided the controversy in 1556 by ruling that "the calling or election of a person (*vocatio vel electio personae*) must be distinguished from the ordination" and by committing itself to "the general rule of Luther" that "there must be a rightful vocation and ordination to the sacred ministry wherever the church of Christ is." The Wittenberg faculty, with Melancthon concurring, rejected the position that ordination was an adiaphoron and held that Freder's vocation did not constitute an ordination.¹⁸

23. *The essentiality of ordination.* Only persons who are duly chosen, called, and ordained (*rite vocatus, ordentlicher Beruf*) are competent publicly and responsibly to proclaim the Gospel and to administer the sacraments (AC 14).

The verbs in AC 14 (*debeat/soll*) allow no option; they are the same verbs which describe the indispensable relation of good works to faith in AC 6. They have the force of the modern English "must" rather than "should."¹⁹

¹⁸ James Henry Balthasar, *Erste Sammlung einiger zur Pommerischen Kirchen-Historie gehörigen Schriften* (Greifswald: Andreas Buss, 1723), p. 114. See the comprehensive excursus on the controversy in Hellmut Lieberg, *Amt und Ordination bei Luther und Melancthon* (Göttingen: Vandenhoeck & Ruprecht, 1962), pp. 360—71.

¹⁹ See, for example, the letter *Ejus exemplo* of Innocent III to the archbishop of Tarra-

The *docent* ("they teach") with which the article begins, along with the location of the article among the doctrinal articles rather than among the reform (or "abuse") articles, indicates that the thesis of the article is a dogmatic statement.

That AC 14 implies ordination is clear from a number of facts:

First, it is the response of the Lutheran theologians to the charge that John Eck made in his *404 Propositions* that the Lutherans denied the existence of the sacrament of orders, called it a figment of human invention, and asserted that any layman at all can consecrate churches, confirm children, and so on (Wilhelm Gussmann, *D. Johann Ecks Vierhundertvier Artikel zum Reichstag von Augsburg 1530* [Kassel: Edmund Pillardy, 1930], nos. 267 to 268, pp. 134 and 177—78). The Lutheran response is that laymen are not admitted to the really crucial tasks of publicly and responsibly proclaiming the Gospel and of administering the sacraments.

Second, the word *rite* in *rite vocatus* implies in the normal terminology of the 16th century a formal ordination as something over and above a mere calling.²⁰

gonia (the profession of faith of Durandus of Huesca) (1208): "Non potest nec *debet* eucharistiam consecrare . . . nisi sit presbyter . . . regulariter ordinatus (No one can or may consecrate the eucharist . . . unless he is a priest . . . regularly ordained)" (Denzinger-Schönmetzer, no. 794).

²⁰ See Hans Asmussen, *Warum noch lutherische Kirche? Ein Gespräch mit dem Augsburger Bekenntnis* (Stuttgart: Evangelisches Verlagswerk, 1949), pp. 182—86; Ernst Sommerlath, "Amt und allgemeines Priestertum," *Schriften des Theologischen Konvents Augsburger Bekenntnisses*, 5 (Berlin: Lutherisches Verlagshaus, 1953), 57-58.64; and Martin Dörne, *Lutherisches Pfarramt: Rechenschaft und Wegweisung* (Leipzig: A. Deichert, 1937),

Both *vocatio* ("calling") and *ordinatio* ("ordination") are extensively used in this period to describe the whole process of election and ordination.²¹

Third, the "canonical form of church government" (*politia canonica*) which Ap 28, 12 "does not reprehend," includes ordination.

Fourth, in 1530 there was still a ray of hope that the growing schism might be healed and that the bishops might consent to permit the proclamation of the Gospel. Under these circumstances the Augsburg Confession would not have proposed pre-terminating ordination.

Fifth, the *Confutatio pontificia* accepted Article 14 in principle. It would not have done so if it had understood the article as suggesting that ordination was not necessary. The particular point on which the *Confutatio* insisted was that a bishop perform the ordination. This is clear from the Apology on Article 14. The first draft formulates the proviso in these words: "that ordination be performed by bishops

(*ut ordinatio fiat ab episcopis*)." In its final form the Apology restates the proviso: "as long as we use canonical ordination (*si tamen utamur ordinatione canonica*)." The Apology makes it clear that it has no quarrel with ordination or even with episcopacy, but that episcopal ordination is not available to the proponents of the Augsburg Confession. The implication is that they may have no alternative but to avail themselves of ordination by clergymen in presbyter's orders. The number of such ordinations prior to 1530 was very small; indeed, regular ordinations in the Church of the Augsburg Confession did not begin until 1535 and on a large scale not until 1537.

Sixth, Ap 13, 11-12 relates the sacred ministry to ordination by using the term *ordo* for both.

Seventh, the edition of 1540 explicates Melancthon's intention by adding after *vocatus*: "as St. Paul commends St. Titus to appoint presbyters city by city (*sicut et Paulus praecipit Tito, ut in civitatibus presbyteros constituat*)" (CR 26, 360).²²

pp. 14—15. For a medieval example of the use of *rite* see chapter 1, *De fide catholica*, of Lateran IV (1215): "[Hoc] sacramentum nemo potest conficere nisi sacerdos qui *rite* fuerit ordinatus (No one can confect [this] sacrament except a priest who has been duly ordained)" (Denzinger-Schönmetzer, no. 802).

²¹ A not untypical statement is one that Luther makes in a sermon of 1524: "Sed nos qui jam habemus ministeria commendabimus in nostrum ministerium. . . . Si . . . scimus pium hominem, extrahimus eum et damus in virtute verbi quod habemus auctoritatem praedicandi verbum et dandi sacramenta. Hoc est ordinare. (But we who already have ministries will recommend [others] into our ministry. . . . If . . . we know a devout man, we take him out and by virtue of the Word that we possess we give him the authority to proclaim the Word and to administer the sacraments. This is what it means to ordain)" (WA 15, 721, 1-5).

²² The bearing of this becomes clearer from another statement of Melancthon in his disputation *De politia ecclesiae seu ministerio et ordinationibus* (date uncertain): "Jus vocandi et eligendi ministros pertinent non tantum ad populum, sed Paulus jubet Titum constituere presbyteros, et Timotheo scribit: Nemo cito manum impone. Necessè est igitur, pastores a pastoribus ordinari. . . . Pugnat cum jure divino et cum veteri ecclesia *demokratia* in qua populus ad se rapit electionem, sine judicio et approbatione pastorum. (The right of calling and choosing ministers [of the church] belongs not only to the people, but St. Paul directs St. Titus to appoint presbyters, and he writes to St. Timothy, 'Do not lay hands on anybody rashly.' It is accordingly necessary that pastors be ordained by pastors. . . . The kind of democracy in which the people snatch the election [of clergymen] to themselves without the

Eighth, when the Greek translation of the Augsburg Confession was drawn up in 1559, it added to *rite vocatus* in Article 14 the words *pros tēn hypēresian* ("to the ministry"). In 1584 the Lutheran theologians of the University of Tübingen published their correspondence with His All-Holiness Jeremiah II, the ecumenical patriarch. In 1576 Jeremiah had indicated his understanding of the Augsburg Confession by paraphrasing the Greek translation at this point: *ei mē hypo tōn tachthentōn enthesmōs pros tautēn tēn hypēresian* ("except by those who have lawfully been instituted for this service"). In this sense he approved the article. Martin Crusius (1526—1607) significantly translated this phrase into Latin in these words: *nisi rite vocatus et ordinatus ad hanc functionem* ("unless he has been duly called and ordained to this function"). In 1577 Luke Osiander the Elder (1534—1604) and Crusius included in their summary of the areas where Jeremiah and the Lutherans agreed, the thesis "that it must not be granted to anyone to take to himself the office of teaching or administering the holy sacraments in the church unless he be lawfully called (*mē nomikōs klēthenta*), but that in a case of necessity even a layman can rightfully baptize." How they understood this is apparent from their description of a Lutheran ordination: "In a well-attended assembly of the people, after a sermon has been preached and a number of prayers said pertaining to this matter, the candidates are ordained (*cheirotomountai*) by the bishop of the place, with one or more sacred ministers assist-

— judgment and the approbation of the pastors is in conflict both with the divine law and with the ancient church." (CR 12, 490)

ing, and then [the newly ordained clergyman] assumes the care of the church committed to him" (*Acta et scripta theologorum Wirtembergensium et Patriarchae Constantinopolitani D. Hieremiae, quae utriusque ab anno MDLXXVI usque ad annum MDLXXXI de Augustana Confessione inter se miserunt, graece et latine ab iisdem theologis edita* [Wittenberg: Haeredes Johannis Cratonis, 1584], pp. 104—105.148.176).

24. *The ordination rite and the imposition of hands.* Ordination need not be an elaborate ceremony. Originally ordination was a simple rite in which a bishop laid hands on the candidate (Tr 70).²³ Ap 13, 12 sees the imposition of hands in ordination as an integral part of what it is ready to call "the sacrament of orders."²⁴

²³ The "custom" referred to in this passage was not ordination but the mode of electing and ordaining/consecrating the pastor/bishop. The first antithesis is between the election of the pastor by the people of the parish/diocese and the arbitrary selection of the pastor by higher authority. The second antithesis is between the simple primitive rite and the elaborate ceremonies into which ordinations and consecrations had developed in the late Middle Ages. The Wittenberg ordination rite of the late 1530s (WA 38, 423—33) called for the ordination to take place within a celebration of the Holy Eucharist and consisted of seven elements: (a) corporate prayer for laborers in the Lord's harvest; (b) *Veni Sancte Spiritus* with versicle, response, and the Whitsunday collect; (c) lessons; (d) obligation of the ordinands to the sacred ministry; (e) imposition of hands by the ordinator and the assistant ministers with the Our Father and an invocation of the Holy Spirit upon the ordinands; (f) "Go then and tend the flock" (1 Peter 5:2-4) as a votum; (g) blessing of the newly ordained clergymen with the sign of the holy cross. There is some variation in parts and sequence among the four surviving rites.

²⁴ Compare Luther's statement in his *Commentary on Genesis* (on 28:17): "Impositio

25. *The minister of ordination.* The differentiation of grade between bishop and presbyters is not by divine right (Ap 14, 1; Tr 65), and therefore by divine right presbyters have the authority to ordain. An ordination that a pastor performs in his own church upon qualified candidates is valid by divine right (Tr 65).

When canonical bishops have become heretics or refuse to ordain, "the churches are compelled by divine right to ordain pastors and ministers, using their own pastors for this purpose (*adhibitis suis pastoribus*)." Significant is the bracketing of "calling, choosing, and ordaining" under the singular noun *jus* in Tr 67 and of "choosing and ordaining" again under the same singular noun in paragraphs 67, 69, and 72.

Ordination by the existing bishops is permissible for the sake of love and good order, but it is not necessary (SA III, 10, 1). Under the circumstances, the adherents of the Augsburg Confession ought and propose to ordain fit persons to the sacred ministry. This procedure conforms to the primitive practice of the church at Alexandria, as St. Jerome reports, while canon law affirms that the validity even of a heretical ordination must be conceded (*ibid.*, 3). (See Excursus II, pp. 568—72)

26. *The "ineradicable mark" (character indelebilis) of ordination.* The Symbolical Books do not address themselves to the somewhat metaphysical question of the "ineradicable mark" (*character indelebilis*) of ordination. In actual practice, the eccle-

manuum non est traditio humana; sed Deus facit et ordinat ministros (The laying on of hands is not a human tradition; on the contrary, God makes and ordains ministers [of the church])" (WA 43, 600, 25-26).

siastical authorities in the churches of the Augsburg Confession did not reordain those who had received holy orders in the medieval church. The present writer knows of no instance in the 16th century of the reordination of a clergyman who had received holy orders in the Church of the Augsburg Confession, had laicized or apostatized, and then sought readmission to the exercise of the sacred ministry.

27. *The competence of laymen as sacramental ministers.* While the ordinary minister of Baptism and reconciliation/absolution is an ordained clergyman, the Symbolical Books, following a pseudo-Augustinian tradition of medieval canon law, allow a layman to be the extraordinary minister of these sacraments in a life-and-death emergency (Tr 67).

It is noteworthy that this passage does not accord a layman the authority to consecrate the Eucharistic elements even in a life-and-death emergency. That a layman may not presume to do so is not in the premises wholly an argument from silence. The Eucharist is not as indispensably necessary as Baptism or reconciliation with the church (absolution).²⁵

²⁵ For that reason the opinion of the Church of the Augsburg Confession of this period holds that a layman may not celebrate the Eucharist even in an emergency (WA Br 7, 338—39, 365—66; WA TR 5,621, no. 6361). The assertion has repeatedly been made (for example, by Robert E. McNally, *The Unreformed Church* [New York: Sheed and Ward, 1965], p. 134, and by Clyde Leonard Manschreck, *Melanchthon, the Quiet Reformer* [New York: Abingdon Press, 1958], p. 72) that Melanchthon, the lay author of the Augsburg Confession, the Apology, and the Tractate, presumed to celebrate the Eucharist in Wittenberg in 1521. This assertion is based on a misunderstanding of a Latin account of Melanchthon's attendance with his students at a celebration of the Eucharist in which both kinds were distributed to the com-

The Symbolical Books concede to matrimony the status of an inferior sacrament (Ap 13, 14). While they do not discuss the question of the minister of marriage, Lutheran theology has always held that the contracting partners are the ministers of matrimony. The clergyman who presides at the liturgical exchange of their expressions functions (1) as a witness and (2) as the public representative of the church competent to impart the "priestly blessing" (*benedictio sacerdotalis*), as it came to be called.

EXCURSUS I: THE PRIMITIVE AND
MEDIÆVAL CHURCH ON THE IDENTITY
OF BISHOPS AND PRESBYTERS

The Biblical evidence alleged in favor of the original identity of the episcopate and the presbyterate has been often rehearsed: The reference to bishops and deacons, with no mention of presbyters, in Phil 1:1; the reference to the same officials of the Ephesian church as presbyters and bishops within the space of 12 verses in Acts 20:17-28; the reference to the presbyters that Titus had instituted in Crete as bishops (Titus 1:5-7); the listing of canonical qualifications for bishops and deacons but not for presbyters in the Pastorals; the designation of the authors of 2 and 3 John and of 1 Peter as presbyter and copresbyter (2 John 1; 3 John 1; 1 Peter 5:1);²⁶ and the reference to presbyters but not to bishops in James.

municants. Melancthon says explicitly of himself: "I do not possess the authority to administer the sacraments (*Non habeo administrationem sacramentorum*)" (CR 24, 313).

²⁶ The textually dubious *episkopountes* ("exercising oversight") in 1 Peter 5:2 would, if it were original, not be without significance in this connection.

The situation is not much different in the period of the Apostolic Fathers. In 1 Clement (about 96) the leaders of the Christian communities are bishops and deacons (42, 45); presbyter seems to be the synonym of bishop at least in 44, 5 (see verses 1 and 4); 47, 6; 54, 2; and 57, 1. The community of the Didache (first half of the second century) also operates with bishops and deacons (15,1). The presbyters are named as the ruling officers in the Shepherd of Hermas (about 150) (Vision 2,4,2,3 [see 2,2,6; 3,7,8; 3,9,7]; apostles, bishops, teachers, and deacons appear in 3,5,1; bishops and *philoxenoi* [literally, "stranger-lovers"] appear in Similitude 9,27,2). There are presbyters and deacons at Smyrna and at Philippi according to the *Letter* of St. Polycarp (69?—155?) 5,3; the address and 6,1 speak only of presbyters; the reference to Valens the presbyter in 11,1 does not help us; St. Polycarp himself is called bishop only in the subsequently added titles of the *Letter* and of the *Martyrdom*. Presbyters are the ruling officers in 2 Clement 17,3 (about A. D. 150). Presbyter is a synonym of bishop in St. Irenaeus of Lyons (130?—200?), *Against the Heresies* 3,2,2 (see 3,3,2) and 4,26,5 (Migne, *Patrologia graeca*, 7, 847.848.1055); in Eusebius, *Church History*, 5,24 (Migne, *Patrologia graeca*, 20, 505), quoting St. Victor of Rome (died 198); and in St. Clement of Alexandria (150?—215?), *Quis dives salvetur?*, 42 (Migne, *Patrologia graeca*, 9, 648). The *Letter* of St. Firmilian of Carthage (died 268), reproduced in St. Cyprian's correspondence as *Letter* 75, 4.7 (Migne, *Patrologia latina*, 3,1206.1209), can also be cited.

St. John Chrysostom recognizes the

synonymity of presbyter and bishop in the New Testament in his *Homilies on Philippians* (on 1:1) (*Interpretatio omnium epistolarum Paulinarum per homilias facta*, ed. Frederick Field, 5 [Oxford: J. Wright, 1855], 8). So does Theodoret (393?—458?) in his comments on Phil. 1:1 and 1 Tim. 3:1 (Migne, *Patrologia graeca*, 82,560.804), as well as Oecumenius (6th century) in his *Commentary on the Acts of the Apostles* (on 20:17) (Migne, *Patrologia graeca*, 118, 255) and Saint Maximus the Confessor (580?—662) in his *Scholia on "Concerning the Divine Names" of Dionysius the Areopagite*, 1,1 (Migne, *Patrologia graeca*, 4, 185).

St. Jerome (342?—420) sets forth his position unambiguously in his *Letter 146* (85) to *Evangelus*: "The apostle clearly [teaches] that presbyters are the same as bishops. . . . Listen to another bit of evidence in which it is most clearly proved that the bishop and the presbyter are the same. . . . But at a later date the choice of one who was placed ahead of the others was undertaken as a remedy against schisms, lest some one person by attracting a following would rend the church of Christ. Thus at Alexandria from St. Mark the Evangelist down to the bishops SS. Heraclas [died 247] and Dionysius [died 265], the presbyters always chose one of their own number whom they would place on a higher level and call bishop, just as if an army were to make an emperor, or deacons would choose out of their midst one whose diligence they knew and call him archdeacon. For, apart from ordination, what does a bishop do that a presbyter does not do?"²⁷

²⁷ "Apostolus perspicue [docet] eosdem esse presbyteros quos episcopos. . . . Quod autem

In his *Commentary on Titus* (on 1:5) he states: "The presbyter accordingly is the same as a bishop, and before rivalries came about in our religion through diabolical impulse and they would say among the people, 'I am of Paul,' 'I am of Apollo,' 'I am of Cephas,' the churches were governed by a common council of presbyters. Later on some individual believed that those whom he baptized were his, not Christ's, and it was decreed in the whole world that one of the presbyters should be chosen and placed over the rest and have the care of a single church and the seeds of divisions be removed. If anyone should think that this opinion, that the bishop and the presbyter are one and that the one designation refers to his age and the other to his office, is our own and not that of the Scriptures, let him read again the words of the apostle when he speaks to the Philippians. . . . Philippi is one city of Macedonia, and certainly in a single city there could not have been a number of bishops, as they are called. But because at that time the same persons were called bishops and presbyters, he speaks on that account without distinction about bishops as he does about priests. . . . On that account these things [are so] as we demonstrated that among the ancients presbyters and bishops were the same but

postea unus electus est, qui caeteris praeponeretur, in schismatis remedium factum est, ne unusquisque ad se trahens Christi ecclesiam rumperet. Nam et Alexandriae Marco evangelista usque ad Heraclam et Dionysium episcopos, presbyteri semper unum ex se electum, in excelsiori gradu collocatum, episcopum nominabant, quomodo si exercitus imperatorem faciat; aut diaconi eligant de se, quem industriam noverint, et archidiaconum vocent. Quid enim facit excepta ordinatione episcopus, quod presbyter non faciat?" (Migne, *Patrologia latina*, 22, 1193—94)

gradually, in order that the emerging shoots of dissension might be plucked out, the whole responsibility was transferred to a single person. Therefore as the presbyters know that they are subject to the one who has been placed over them by an ecclesiastical custom, so the bishops should know that they are greater than presbyters more through custom than through the verity of an ordinance of the Lord and that they [all] ought to rule the church in common."²⁸

"Among the ancients bishops and priests [were] the same,"²⁹ St. Jerome says in his *Letter 69 to Oceanus*, 3.

A relic of the old tradition emerges as late as the turn of the fifth/sixth century

²⁸ "Idem est ergo presbyter qui et episcopus, et antequam diaboli instinctu studia in religione fierent, et diceretur in populis, 'Ego sum Pauli, ego Apollo, ego autem Cephae,' communi presbyterorum concilio ecclesiae gubernabantur. Postquam vero unusquisque eas quos baptizaverat suos putabat esse, non Christi, in toto orbe decretum est, ut unus de presbyteris electus superponeretur caeteris ad quem omnis ecclesiae cura pertineret, et schismatum semina tollerentur. Putet aliquis non Scripturarum sed nostram esse sententiam, episcopum et presbyterum unum esse, et aliud aetatis, aliud esse nomen officii, relegat apostoli ad Philippenses verba dicentis. . . . Philippa una est urbs Macedoniae et certe in una civitate plures, ut nuncupantur, episcopi esse non poterant. Sed quia eosdem episcopos illo tempore quos et presbyteros appellabant, propterea indifferenter de episcopis quasi de presbyteris est locutus. . . . Haec propterea, ut ostenderemus apud veteres eosdem fuisse presbyteros quos et episcopos; paulatim vero ut dissensionum plantaria evellerentur ad unum omnem sollicitudinem esse delatam. Sicut ergo presbyteri sciunt se ex ecclesiae consuetudine ei qui sibi praepositos fuerit esse subjectos, ita episcopi noverint se magis consuetudine quam dispositionis dominicae veritate presbyteris esse majores, et in commune debere ecclesiam regere." (Migne, *Patrologia latina*, 26, 597—98)

²⁹ "Apud veteres iidem episcopi et presbyteri [fuerunt]." (Migne, *Patrologia latina*, 22, 656)

when the fourth of the Egyptian canons pseudonymously attributed to St. Hippolytus directs: "When a presbyter is ordained, all things concerning him shall be done as concerning a bishop, except taking his seat on the throne. And the bishop's prayer shall be said over him entire, except the name of 'bishop.' The bishop is in all respects the equivalent of the presbyter except in regard to the throne and ordination, because he was not given authority to ordain."³⁰

St. Isidore of Seville (560?—636) in chapter 7 ("De presbyteris") of his *De ecclesiasticis officiis* sees the authority to ordain and consecrate reserved to the bishops "to prevent a challenge to the discipline of the church by many to destroy its harmony and generate scandals," and he sees the New Testament addressing bishops under the designation presbyters and comprehending presbyters under the name of bishop.³¹

Amalarius of Metz (780—851?) in chapter 13 ("De presbyteris") of the second book of his *De ecclesiasticis officiis* commits himself to the view of St. Ambrose in his treatise on the letters to Saint Timothy, that in ancient times presbyters were called both bishops and presbyters and to the now familiar view of Saint Jerome as expressed in his *Commentary on Titus* and in his *Letter 146 (85) to Evangelus* (Migne, *Patrologia latina*, 105, 1088

³⁰ Quoted in the translation of Francis Crawford Burkitt in Walter Howard Frere, "Early Ordination Services," *Journal of Theological Studies*, 16 (1914—1915), 345—47.

³¹ "Ne a multis ecclesiae disciplina vendicata concordia solveret, scandala generaret." For the whole passage see Migne, *Patrologia latina*, 83, 787—88.

to 1091). According to Ludwig Ott³² even John Duns Scotus (1264?—1308) allowed a certain probability to St. Jerome's view.

The question of the divine origin of the episcopate was extensively argued at Trent, and that council did not undertake to define the preeminence of bishops of presbyters with reference to the power of jurisdiction and the power of consecration in terms of either divine or human-ecclesiastical law.

EXCURSUS II: THE MINISTER OF ORDINATION IN THE PRIMITIVE AND MEDIEVAL CHURCH

The earliest description of an ordination that has survived from the early church is in the *Apostolic Tradition* ascribed to St. Hippolytus of Rome (died 235). By this time the monarchical episcopate had been introduced in the church of the city of Rome.

In the era prior to the introduction of the monarchical episcopate, ordination would have been imparted by members of the local college of presbyter-bishops. Rome prior to the middle of the second century would have been a case in point.

In the second century it appears that the local college of presbyters instituted the bishop at Alexandria and Lyons.

Canon 13 of the Council of Ancyra (314), approved by St. Leo IV, bishop of Rome from 847 to 855, provided that neither chorepiscopi nor city presbyters may ordain presbyters or deacons outside their own *parochia*, unless the bishop has

granted permission in the form of a letter for them to do so.³³

According to Blessed John Cassian (360 to 435), the Egyptian presbyter-abbot Paphnutius ordained his successor, the abbot Daniel, to both the diaconate and the presbyterate.³⁴

Even prior to their respective consecrations as bishops, SS. Willehad (730—789) and Liudger (774?—809) were administering ordination to the presbyterate in their missionary districts.

In his *Vita Sancti Willehadi*, 5, Saint Ansgar writes: "In the year of the Lord's incarnation 781, and in the fourteenth year of the reign of the noted prince Charles . . . the servant of God Willehad began to build churches throughout Wigmodia [a district of Lower Saxony] and to ordain presbyters over them who would freely

³³ John Dominic Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 2 (Florence: Antonius Zatta, 1759), 517. The occasion of this 18-bishop council is uncertain and the canons (including this one) appear in various forms (see *ibid.*, cols. 525 and 531). Whatever the text of the canon may originally have been, it is noteworthy that a later generation saw nothing inappropriate about the version here cited.

³⁴ "Merito puritatis ac mansuetudinis [Danielis] a beato Pafnutio solitudinis eiusdem presbytero . . . ad diaconii est praelectus officium. In tantum enim idem beatus Pafnutius virtutibus ipsius adgaudebat, ut . . . coequare sibi etiam sacerdotii ordine festinaret, siquidem . . . eum presbyterii honore provexit. (In view of [Daniel's] purity and gentleness the blessed Paphnutius, the presbyter of the same desert monastery . . . preferred [Daniel] to the office of deacon. Indeed, the same blessed Paphnutius rejoiced in [Daniel's] virtues to such a degree, that . . . he hastened to put [Daniel] on a par with himself even in the order of the priesthood, inasmuch as . . . he advanced him to the honor of the presbyteral office.)" John Cassian, *Conferences*, IV, 1, ed. E. Pichery (Paris: Les Éditions du Cerf, 1955), p. 167.

³² Ludwig Ott, *Fundamentals of Catholic Dogma*, trans. Patrick Lynch, ed. James Bastible, 6th ed. (St. Louis: B. Herder Book Company, 1964), p. 453.

confer on the peoples [of the area] the counsels of salvation and the grace of Baptism."³⁵ Section 8 of the same biography recounts that in 785 St. Willehad "restored the churches that had been destroyed, and appointed approved individuals to exercise authority over the individual localities who would give to the peoples [of the area] the counsels of salvation."³⁶ St. Willehad was not consecrated a bishop until 787.

Altfrid (died 849), second bishop of Mimigernaford (Münster-in-Westfalen) and the successor of its founder, Saint Liudger, writes in his *Vita Sancti Liudgeri*, 19: "He baptized one Landric, the son of a certain prince [of Helgoland], and ordained him a presbyter after he had instructed him in the Scriptures."³⁷ Section 20 of the same biography states that Saint Liudger, "in his accustomed fashion, with all longing and concern strove to do good to the rude peoples among the Saxons by teaching them and, after the thornbushes of idolatry had been rooted out, to sow the Word of God diligently in place after place, to build churches, and to ordain presbyters whom he had educated to be co-workers with him [in proclaiming] the

Word of God in each of these places." During this period St. Liudger declined episcopal rank humbly (*pontificalem gradum humiliter*) and tried to persuade disciples of his to receive episcopal orders in his stead; he yielded only later to the arguments of Bishop Hildibald of Cologne and allowed himself to be consecrated.³⁸

Following the lead of Hugo of Pisa (Huguccio; died 1210), many medieval canonists took the position that a simple presbyter was competent to ordain to the presbyterate if the pope empowered him to do so.

Concretely, the bull *Sacrae religionis* of Boniface IX, dated Feb. 1, 1400, provides: "We . . . grant . . . [to] the same abbot [of the Monastery of SS. Peter and Paul the Apostles and of St. Osith the Virgin and Martyr, of the Order of Canons Regular of St. Augustine, in Essex in the diocese of London], and [to] the abbots of the same monastery who are his successors for the time being in perpetuity, to have the power freely and licitly to confer on all professed canons, present and future, all minor orders, as well as the subdiaconate, the diaconate, and the presbyterate, at the times established by the law, and that the said canons promoted in this way by the said abbots are able to serve freely and licitly in the orders so received, notwithstanding any conflicting constitutions, apostolic and others, whatsoever, put forth to the contrary and reinforced with any degree

³⁵ "Anno incarnationis Domini 781, regni vero memorati principis Karoli 14mo . . . servus Dei Willehadus per Wigmodiam ecclesias coepit construere ac presbyteros super eas ordinare, qui libere populis monita salutis ac baptismi conferrent gratiam" (George Henry Pertz, ed., *Monumenta Germaniae historica: Scriptores*, 2 [Stuttgart: Anton Hiersemann, 1963], 381, 48-50).

³⁶ "Ecclesias quoque destructas restauravit, probatasque personas qui populis monita salutis darent singulis quibus locis praeesse disposuit" (*ibid.*, p. 383, 1-3).

³⁷ "Cuiusdam etiam eorum principis filium, Landricum nomine, accepit a fonte; quem sacris literis imbutum ordinavit presbiterum" (*ibid.*, p. 410, 35-36).

³⁸ *Ibid.*, p. 411, 11-22. The quoted passage reads in the original: "More solito cum omni aviditate et sollicitudine rudibus Saxonum populis studebat in doctrina prodesse, erutisque ydolatrie spinis, verbum Dei diligenter per loca singula serere, ecclesias construere, et per eas singulos ordinare presbiteros, quos verbi Dei cooperatores sibi ipsi nutriverat."

whatever of firmness."³⁹ Because of the objection of Bishop Robert of London, who had the right of patronage in the monastery named, the same pope on Feb. 6, 1403, in the bull *Apostolicae sedis* withdrew the permission granted in *Sacrae religionis*, again specifying that the privilege had authorized the abbots of the monastery to confer orders through the presbyterate.⁴⁰

In the bull *Gerentes ad vos*, Martin V on Nov. 16, 1427, conferred on the abbot of the Cistercian monastery at Alzelle in Upper Saxony the license and faculty "of conferring on each of the monks of the same monastery and on persons subject to you, the abbot, all holy orders, without in the least requiring a license to do this from the diocesan of the place, notwithstanding any constitutions and ordinances, apostolic and otherwise, to the contrary."⁴¹

On Aug. 29, 1489, Innocent VIII, in the bull *Exposcit tuae devotionis*, conferred on Abbot John of Cîteaux and on "the four other aforesaid abbots of [La Ferté, Pon-

tigny, Clairvaux, and Morimond], and to their successors [authority] freely and licitly . . . to confer lawfully upon any monks so ever of the said order, as religious of the aforesaid monasteries whom you shall find qualified therefor, the orders of the subdiaconate and the diaconate."⁴²

As conservative a Roman Catholic dogmatician as Ludwig Ott sees this authorization of presbyters to impart orders as posing a question that demands one of two answers: (1) Either the popes of the 15th century "were victims of the erroneous theological opinions of their times"; or (2) "a simple priest is an extraordinary dispenser of the orders of diaconate and presbyterate, just as he is an extraordinary dispenser of confirmation. In this latter view, the requisite power of consecration is contained in the priestly power of consecration as *potestas ligata*. For the valid exercise of it a special exercise of the papal power is, by divine or church ordinance, necessary."⁴³

With reference to the first answer, at least one Roman Catholic scholar holds that if the popes in question had erred in

³⁹ "Nos . . . ut idem abbas et successores sui in perpetuum abbates eiusdem monasterii pro tempore existentes omnibus et singulis canonicis praesentibus et futuris professis eiusdem monasterii omnes minores necnon subdiaconatus, diaconatus et presbyteratus ordines statutis a iure temporibus conferre libere et licite valeant et quod dicti canonici sic per dictos abbates promoti in sic susceptis ordinibus libere et licite ministrare possint, quibuscumque constitutionibus apostolicis et aliis contrariis in contrarium editis quibuscumque quacumque firmitate roboratis nequaquam obstantibus . . . indulgemus" (Denzinger-Schönmetzer, no. 1145).

⁴⁰ Denzinger-Schönmetzer, no. 1146.

⁴¹ "Singulis monachis eiusdem monasterii ac personis tibi abbati subiectis omnes etiam sacros ordines conferendi, dioecesani loci licentia super hoc minime requisita, constitutionibus et ordinationibus apostolicis ceterisque contrariis nequaquam obstantibus" (Denzinger-Schönmetzer, no. 1290).

⁴² "Quibuscumque dicti ordinis monachis, aliis vero quatuor abbatibus praefatis ac eorum successoribus, ut suorum monasteriorum praedictorum religiosi quos ad id idoneos repereritis, subdiaconatus et diaconatus ordines . . . rite conferre . . . libere et licite" (Denzinger-Schönmetzer, no. 1435). The diaconate was conferred in Rome at least as late as 1662 with the apparent knowledge and approval of the pope (Corrado Baisi, *Il ministro straordinario degli ordini sacramentali* [Rome: Libreria Cattolica Italiana, 1935], pp. 16—24). Elsewhere Cistercians made use of the permission until it began to fall into desuetude in the 18th century, and an order for the ordination of a subdeacon and deacon is still a part of the most recent edition (1949) of the *Rituale Cisterciense* (Denzinger-Schönmetzer, p. 352).

⁴³ Ott, p. 459.

giving these faculties, the erring pope "in his official capacity as pope [would have] imposed material idolatry on those of the faithful who sought the ministry of men ordained in virtue of these bulls."⁴⁴ The final clause of the second answer is for a Lutheran, of course, not a necessary conclusion.

While a Lutheran will not insist that "ordinary minister" necessarily implies an "extraordinary minister" in certain circumstances — although this might very well be a legitimate inference — he observes that the bull of union of the Armenians (*Exsultate Deo* of Nov. 22, 1439; Eugene IV and the Council of Florence) declares with reference to the sacrament of order: "The ordinary minister of this sacrament is a bishop (*ordinarius minister huius sacramenti est episcopus*)."⁴⁵

Gabriel Vázquez (1549—1604) asserts that Benedictine presbyter-abbots and Franciscan presbyter-missionaries in India had received authority to administer the sacrament of orders, but this statement still lacks documentation.⁴⁶

⁴⁴ Alban Baer, art. "Abbot, Ordination by," in H. Francis Davis, Aidan Williams, Ivo Thomas, and Joseph Crehan, eds., *A Catholic Dictionary of Theology*, 1 (London: Thomas Nelson and Sons, 1962), 4.

⁴⁵ Denzinger-Schönmetzer, no. 1326. Canon 951 of the 1917 Code of Canon Law makes the point that a consecrated bishop is the ordinary minister of holy ordination, but it contemplates an extraordinary minister who may lack the "mark" of a bishop (*characteris episcopalis careat*) but who "may receive either from the law (*a jure*) or from the Apostolic See by a special indult the authority (*potestatem*) to impart certain orders" (*Codex juris canonici Pii x Pontificis Maximi* [Rome: Typi Polyglotti Vaticani, 1923], p. 264).

⁴⁶ *Disputationes in partem tertiam Summae theologiae S. Thomae*, disp. 243, c. 4, cited by Piet Fransen, art. "Ordo," in Josef Höfer and

While the historical evidence inclines most Lutherans to deny that the diaconate was originally an integral part of the clerical office, the Roman Catholic inclusion of the diaconate among the authentically sacramental grades of the clerical estate is not wholly without significance for the present discussion. If the making of a deacon is part of the single sacrament of order, it would seem to be important that in the case of the diaconate the minister of the sacrament has had to be a person in episcopal orders.

Granted the unity of the sacrament of order that Roman Catholic theology asserts, a Lutheran sees a number of questions arising. For instance, if there is only one sacrament, why should a minister who is competent to administer part of the sacrament not be competent to administer the whole sacrament? Concretely, if a priest is competent to ordain to the diaconate, why is he not intrinsically competent to ordain to the presbyterate? If the episcopal order is competent to coopt additional members of the order and if in emergencies laymen can by baptism coopt, as it were, additional members of the one holy catholic and apostolic church, why cannot the presbyterate function similarly, at least in a case of necessity? Again if a presbyter is competent to administer one properly episcopal function, namely confirmation, why is he not competent to administer another properly episcopal function, namely ordination?

If it be argued that to concede the validity of presbyteral ordinations to the presbyterate is depriving the bishop of

Karl Rahner, eds., *Lexikon für Theologie und Kirche*, 7 (Freiburg: Verlag Herder, 1962), 1216.

a privilege that is exclusively his, a possible answer is that the alienation of an exclusive privilege is not something unique in the experience of the episcopal order. Once the monarchical bishop had established his preeminent authority, he was for a long time normally the only person that administered Baptism, a privilege that he ultimately came to share with the presbyters. Until the fifth century it was his exclusive prerogative to preach during the Sunday Eucharist; this prerogative too he had to share with the presbyters. Until the tenth century he alone administered absolution to the penitents who were undergoing public discipline; thereafter this became a competence of the presbyters as well. The once exclusively episcopal privilege of administering chrismation was widely delegated to presbyters in the Eastern Church at an early date. In more recent times the administration of the parallel Western ceremony of confir-

mation has ceased to be the exclusive province of the bishop in the Roman Catholic Church.

The Lutheran Church does not equate any ecclesial community — its own, the Roman Catholic (SA III, 12, 1) or any other large or small — with the one holy catholic and apostolic church. It respects the right of the Roman Catholic Church to determine the canonical licitness of the ordinations performed within that communion and does not seek to impose Lutheran standards of canonical licitness upon the Roman Catholic community. By the same token it reserves to itself the right to establish its own standards of canonical licitness in the case of ordinations on those points where the divine law (*jus divinum*) makes no prescriptions and to reject those of other denominations as binding in matters that cannot be established as being of divine right.

St. Louis, Mo.

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