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# An Assessment of LCMS Polity and Practice on the Basis of the Treatise

George F. Wollenburg

The uniqueness of church polity in the Lutheran Church—Missouri Synod can perhaps be illustrated in no better way than to recall an incident which continues to make headlines in the news media of our country. A Lutheran pastor was ordered by his Synod president to surrender his pulpit. When he refused to do so, the Synod president sought a court order to enforce his mandate. As a result the pastor was arrested by civil authorities for refusing to obey the court order enforcing the mandate of the Synod president. Since the pastor was supported by a significant number of members of his congregation and the congregation itself was divided over the matter, the Synod president declared the congregation dissolved and the church closed. Under the constitution of the Lutheran Church—Missouri Synod no event such as this can occur. It might happen in other denominations in which a hierarchical form of church polity is followed, but it could not be envisioned in the LCMS.

On the other hand, the church polity of the LCMS is not an autonomous congregationalism. Perhaps the best way to describe the church polity of the LCMS is to call it a “synodical” church polity. The Synod is an association of congregations and pastors and teachers who are bound together, not by an overarching organizational structure which exercises power and authority over its members, but instead are bound together by agreement in the doctrine of the Gospel. The Synod is not over its congregations, neither is it under its congregations. Instead, the Synod *is* its congregations walking together. The only power and authority which is to rule and govern in the Synod is the Word of God. Thus the constitution of the Synod provides freedom for its members from any coercive kind of power exercised by elected officers of the Synod. “In relation to its members the Synod is not an ecclesiastical government exercising legislative or coercive powers, and with respect to the individual congregation’s right of self-government it is but an advisory body” (Constitution, Article VII). “All matters of doctrine and of conscience shall be decided only by the Word of God” (Constitution, Article VIII, C).

This unique form of church polity has its source in the genius of C.F.W. Walther whose own spiritual and ecclesiastical pilgrimage took him from his native Saxony as a dedicated follower of the cult of Martin Stephan to the frontiers of America. We can pay no greater tribute

to Walther than to say that his own personal desire was to be first of all a man completely obedient to the Word of God, the Sacred Scriptures, and secondly a true Lutheran, bound by his views of ordination to the Sacred Scriptures and the symbolical books of the Lutheran church. The constitution of the Missouri Synod, and the form of church government which he advocated, and under which the Missouri Synod was organized, was derived, not from the principles of American political thought, but instead from the writings of Martin Luther and the Lutheran Confessions. A clear case for this point has been made by Carl Mundinger in his volume, *Government in the Missouri Synod*.<sup>1</sup>

The uniqueness of Walther's understanding of church polity is pointed out by his presidential address to the 1848 convention of the Synod. Under the Synodical constitution the assembled delegates have only the "*power to advise one another, . . . only the power of the Word, and of convincing.*" The assembled delegates of the Synod are "not above our congregations, but in them and at their side." The church is not of the same nature as the temporal state. The church as the kingdom of Christ is ruled by Christ alone. He exercises His power and rules in His church by ". . . His Word, accompanied and sealed by the Holy Sacraments." He also expressly "denies to all others any other power, any other rule, and any other authority to command in His church." Even the Apostles "did not at all claim any dominion over the congregation." In the church no one dare be required to submit to any power other than the Word. Matters which are not regulated by the Word of God, but which must be arranged in the church for the sake of order, ". . . are not to be arranged by any power above the congregation, but the congregation, that is, pastors and hearers, arrange them, free of every compulsion. . ." If congregations are required by membership in the Synod to submit to the rules and regulations of the Synod, the result would be "constant dissatisfaction, . . . fear of hierarchical efforts, and thus. . . endless friction." The "chief battle would soon center about the execution of manufactured, external human ordinances and institutions and would swallow up the true blessed battle for the real treasure of the church, for the *purity and unity of doctrine.*" Underlying the thoughts in this presidential address is the primary concern for the purity of the Gospel. Church polity must recognize the primacy of the Word as the only power in the church. Any form of church polity which subordinates the people of Christ to human authority not only denies them the freedom which Christ has purchased for them at so great a cost, but will ultimately result in the loss of the Gospel.<sup>2</sup> We shall now assess the polity enunciated by Walther in the light of the Treatise. We shall then proceed to look at the development of the polity and practice as it

presently exists within the LCMS in order to determine whether the polity envisioned by Walther still retains its vigor.

### Efforts to Arrange Polity in the Reformation

In order to understand the background for the Treatise, it is necessary to examine briefly the development of church polity in the churches of the Lutheran lands of Germany. In 1523 Luther published his tract entitled *That a Christian Assembly or Congregation Has the Right and Power to Judge All Teaching and to Call, Appoint and Dismiss Teachers Established and Proved by Scripture*. This tract was a reply to the congregation at Leisnig who, having chosen their own pastor without the consent of the bishop, found themselves involved in a dispute. In 1523 they appealed to Luther to provide a Biblical rationale for their action. In the Treatise Luther clearly emphasizes the Word as the basis for ministry. The congregation is created by the Word through which men are called to faith. The congregation created by the Word also bears the responsibility of proclaiming the Word. Since the congregation shares the authority of the Word on the basis of Baptism, it may call its own preachers.<sup>3</sup> The Christian congregation is identified by the preaching of the pure Gospel. Wherever the Gospel is, there must be Christians.<sup>4</sup> In the matter of judging doctrine and appointing pastors or teachers, no human statute, law, precedent, usage, or custom should be of concern to a Christian congregation.<sup>5</sup> The congregation has the right and duty to depose and remove from office any and all who teach and rule contrary to God and His Word.<sup>6</sup> Since every Christian has the duty and right to teach the Gospel, there is no doubt that a congregation may call or appoint someone from among its members to teach publicly.<sup>7</sup>

Prior to this work Luther had written *Against the Spiritual Estate (So Called) of the Pope and Bishops*. Since the bishops are more concerned with wealth and temporal honor than with the teaching of the Word, God's gracious offer of forgiveness is not proclaimed to the souls of people. For the sake of their salvation, Christians are therefore to root out and destroy the episcopal form of government. This is to be done with the Word, not with violence.<sup>8</sup> No distinction is to be made between grades of ministers in the church. The true bishop in the church is the one who tends the flock of Christ with the Gospel.<sup>9</sup>

In 1523 Luther's treatise *Concerning the Ministry* appeared. It was addressed to the Bohemian Christians and the senate of the city of Prague. Since they were Hussite Christians and celebrated the Sacrament under both kinds, the pope refused them an archbishop. Because they still counted ordination as a sacrament, they sent their

candidates to Italy for ordination. Luther first encourages them to refuse papal ordination. The function of the office of the ministry has been given to all Christians. These functions are enumerated. The first is the ministry of the Word; second, to baptize; third, to administer or consecrate the sacred bread and wine; fourth, to bind and loose from sin; fifth, to offer the sacrifice of a holy life, praise and thanksgiving; sixth, to intercede for others; seventh, to judge doctrine.<sup>10</sup> Since these are the common right of all Christians, no one may arrogate to himself what belongs to all without the consent of the whole body. To act publicly means to act on behalf of all in the stead of others.<sup>11</sup>

The ideas of church government which Luther had formed during the period from 1519 to 1525 underwent a change as a result of the religious conditions that prevailed in the churches of Saxony. On November 30, 1525, Luther wrote to Elector John, urging him to appoint four teams of visitors to investigate the religious conditions of the churches.<sup>12</sup> In February of 1527, the visitation began. However, the lack of explicit instructions hampered the visitors. Philip Melancthon drew up a short guide for the visitors entitled *Articles of Visitation*. The Biblical basis for such visitation is first established (Acts 9:32; 15:3). This Biblical basis is not seen as a divine command, but as an apostolic practice which is wholesome for the parishes. The visitor is identified as a bishop. "Actually bishop means supervisor or visitor."<sup>13</sup> Such visitors possessed no authority other than the authority of the Word, common to all Christians. Luther regarded this *Kirchenordnung* as a temporary expedient until something better would be brought to pass by the Holy Spirit.<sup>14</sup> The instructions for visitation focus on the Word, as is indicated by their content.

Included in the *Visitation Articles* was the provision for the appointment of a superintendent. This superintendent was to be responsible for all other parish priests in his district. His first concern was that correct teaching be done in the parishes. When a parish was without a pastor, the new pastor was to be presented to the superintendent for examination regarding his life and doctrine.<sup>15</sup> The superintendent was accountable to the elector. This seems to be the only effort at establishing any form of church government in the decade prior to the Augsburg Confession. With this arrangement the foundation was established for church government in Germany, a form of church government in which the territorial prince later became the counterpart of the medieval bishop.<sup>16</sup>

Luther's shift in emphasis can best be illustrated by his reaction to the constitution (*Kirchenordnung*) for Hesse, drawn up by Lambert of Avignon in 1526. "In this constitution, the local congregation

is dominant. In fact, Luther's principle of the priesthood of all believers receives full recognition. The congregation elects the pastor."<sup>17</sup> Luther opposed this constitution and suggested that the prince bore the responsibility for the parishes in his territory. The result of these efforts to find a suitable form of church government to replace the Roman episcopacy and papal primacy led to the eventual rule of the churches in Germany by the temporal powers. Such regulation of the churches was carried out through the consistorium and the superintendent. Carl Mundinger describes the way in which a parish received a pastor, or in which a theological candidate received an appointment to a parish. The congregations possessed little power in calling their pastors. Although the local boards of the parish had some high-sounding names they had little authority. "They kept the buildings in repair, supervised the janitors, administered the funds which came in through the plate collections on Sundays."<sup>18</sup> Thus the freedom of the congregation, and the priesthood of all believers which Luther had taught with such vehemence again was buried under a church polity which was more concerned with the orderly and smooth functioning of an organizational institution than with the true spiritual worship of God. Melancthon proposed in the Treatise that the chief members of the church, the kings and princes, should "... have regard for the interests of the church and see to it that errors are removed and consciences are healed" (Treatise 54). This arrangement led to an new form of human tyranny in the church and to a suppression of the Gospel.

My somewhat cynical observation regarding all forms of government, whether in the temporal affairs of the state or in the church, is: "Imagine the worst that could possibly happen under this particular form of government, and rest assured that eventually it will happen." The Revelation of St. John makes it clear that all human institutions and structures, no matter how good and even though divinely instituted, are subject to Satanic perversion (Rev. 13:1,4; 11-18). Melancthon identifies the medieval institution of the papacy with the Antichrist. He does so, not on the basis of the personal immorality or impiety of the pope and bishops, but on the basis that the very institution which could and should have served the ministry of the Gospel had been subverted by and become guilty of promoting and defending "godless forms of worship, idolatry, and doctrines which conflict with the Gospel" (Treatise 38, 39). The advent of the episcopacy in the church originally was intended to preserve the Gospel. The ultimate outcome was the obscuring of the Gospel.

The founding fathers of the Lutheran Church-Missouri Synod had sufficient reason to fear a hierarchical structure in the church. Their

experience with the consistoriums of Germany, and the attempt of Martin Stephan to assume the title and authority of bishop, taught them to fear any polity and structure which governed the church through the exercise of power and authority vested in human beings. Their experience indicated to them that the Word and work of the Lord could not be guaranteed by the powers of control vested in and exercised over the church by persons in authority. Rather than serving to keep the church faithful, these very structures of control and power vested in the hands of the leadership corrupted the church, its doctrine and life. The danger in any form of church polity which seeks to guarantee the purity of the Gospel by means of structures of power and control lies in the very fact that once the structures of power to control have been created, there is no guarantee that in the future the power to control will not fall into the hands of persons who, either through ignorance or by design, subvert the Gospel.

Historically, the church has never been preserved from corruption of its doctrine and life by placing its trust in some sort of external organization with the power to control. Seeking security for the future in such organizational genius is a form of idolatry. The story of Israel in the Old Testament, as well as the history of the church since the days of our Lord offer ample evidence of the idolatrous nature of such confidence in human genius.

### Church Polity in the Treatise

While the Treatise on the Power and Primacy of the Pope was drafted primarily as a rejection of the papal and episcopal polity of the medieval church, it sets forth the basic principles for church polity which the reformers were convinced came from the Holy Scriptures. I shall try to summarize these principles in the following paragraphs.

(1) *The purpose of all church polity is the correct teaching of the Gospel, the glory of Christ, the consolation of consciences, and the true worship of God (that is, the exercise of faith which struggles against unbelief and despair over the promise of the Gospel)* (Treatise 44). Articles IV and V of the Augustana are basic for a proper understanding of church polity as set forth in the Treatise. The chief article of the Christian faith is the article on justification. All that the church is and does and teaches must be related to this article in such a way that it is not obscured or denied. "We receive forgiveness of sins and become righteous before God by grace, for Christ's sake, through faith. . ." (AC IV). Article IV is followed immediately by article V which describes how such faith is obtained. "To obtain such faith, God has instituted the office of the ministry, that is, provided

the Gospel and the Sacraments” (AC V; according to the Latin, God “. . . instituted the ministry of teaching the Gospel and administering the sacraments”).

A valid church polity exists when the only power which the church claims is a spiritual power. “Christ gave only spiritual power, that is, the command to preach the Gospel, proclaim forgiveness of sins, administer the Sacraments, and excommunicate the godless without physical violence” (Treatise 31). Churches (congregations) have the right to change any form of polity which corrupts or obscures the Gospel. Not only do Christians have this right, but they are under obligation to disobey and disassociate themselves from such structures and to ordain ministers for themselves in order that the Gospel might be administered (Treatise 66,67,73).

Administration of the Gospel is not administration in the modern sense, namely, of maintaining a smoothly functioning organization. Administration is the right feeding, guiding, and direction of the church by means of the Gospel and the Sacraments. The command of Christ is that the church be governed by the preaching of the Word alone. Through the preaching of the Word, God leads to true repentance and genuine faith, gives His Holy Spirit, and thus brings men into the kingdom of His Son. In this kingdom He alone rules; His Word alone has authority over His people. No one has the right to demand obedience to any other authority in the church.

The kingdom of Christ or the church in the proper sense of the word is “an association of faith and of the Holy Spirit in men’s hearts” (Ap. VII-VIII:5,28). In this present world and life it is hidden and known to God alone. Therefore, it may not be directly identified with an outward organization or with any “association of outward ties and rites” (Ap. VII-VIII: 5,10). It is guided, governed, and judged by the Gospel, by which the church is created and sustained. For this reason the church must be free from the encumbrances of ecclesiastical legislation (Treatise 11).

(2) *A proper church polity must recognize and give expression to the truth that the keys belong to the whole church, and not to any select group of individuals or persons within the church.* It is evident that the church possesses the power of the keys, or the ministry of the Gospel and the sacraments, since the words of Jesus, “Where two or three are gathered together in My name, there am I in the midst of them” (Matt. 18:20), and the declaration of Peter, “You are a royal priesthood” (I Pet. 2:9), apply to the true church which alone possesses the priesthood. The church, therefore, has the right of electing and ordaining ministers. The authority of the keys, or the authority of the church, is nothing else than the authority to proclaim the Gospel, remit sins, administer the sacraments, and, in

addition, exercise jurisdiction, that is, excommunicate those who are guilty of notorious crimes and absolve those who repent (Treatise 60). This authority is "... bestowed especially and immediately upon the church..." (Treatise 24). The keys are nothing else than the office (*Ampt*) by means of which the promise of the Gospel is distributed (*mittgeteilt*) (Treatise 24). The ministry of the church does not consist of persons, but instead consists of the proclamation of the Gospel (Treatise 26).

Since the authority of the keys belongs to the entire church, those who are ordained and chosen by the church as ministers are not granted authority by their election or ordination. They already possess the authority of the keys as members of the Body of Christ. Thus ordination confers no authority upon the minister which he does not already possess, neither does it give him a spiritual authority which other Christians do not have; "... the church is above ministers" (Treatise 11). Even if there were superiority or primacy which existed in the church by divine right, obedience would still not be due to those ministers or bishops who "defend godless forms of worship, idolatry, and doctrines which conflict with the Gospel" (Treatise 38). In addition to this, the churches have the responsibility to remove impious teachings and impious forms of worship and, therefore, the responsibility and duty to judge those who teach in the church (Treatise 51).

(3) *A proper church polity must recognize that the smallest local church (congregation), by divine right, possesses the power of the keys and therefore has as much authority as the whole church (Tota Ecclesia).* Since the keys are given to the church immediately by Christ, the local church does not derive its power or authority from the larger church, much less from the authority of bishops or pastors. The Treatise quotes Matthew 18:19 (20), "If two or three of you agree on earth," etc., in order to support the position that the local church does not derive its power and authority from the larger ecclesiastical organization (Treatise 24). Accordingly, there is no divine command which compels a local congregation to recognize or submit to the jurisdiction of any ecclesiastical authority in the organizing of its own affairs. It is bound solely by the Word of God and therefore possesses complete liberty in all matters not prescribed by the divine word. Such liberty applies to matters such as organizational structure, liturgical forms, officers, auxiliaries, committees, etc. The only limit to such liberty is that nothing be done which is contrary to the meaning and nature of the gospel and the sacraments, and that such matters are arranged without "frivolity and offense. . . , serve the purpose of good order, Christian discipline, evangelical decorum, and the edification of the church" (FCSD X: 9).

“Accordingly, no church polity is valid if it denies or curtails, under whatever pretext, the full churchly power, dignity, and authority of local churches.”<sup>19</sup> Thus, the understanding of church polity presented by Edmund Schlink cannot be supported by the Confessions: “Disobedience to the bishop is disobedience to God. Over against this it cannot be urged that the institution of a superior church government and the delimitation of its authority is by human right, that is, the outgrowth of the free arrangement of the church. For obedience to church administration is taken out of the area of free interest of individuals and of those *congregations* . . . moreover, we should not only obey the preaching but *also the regulations which the church has adopted in the unity of faith* and love for the preservation of preaching. . . Also disobedience to an ordinance of the church instituted by human right is disobedience to God, since it violates the law of love.”<sup>20</sup> This same position was advocated by Pastor J. A. Grabau in opposition to the position that the Missouri Synod adopted. Grabau maintained that unconditional obedience is due the ministerial office not only when the Word of God is applied, but in all things not contrary to God’s Word. Only a combination of congregations, or synod, not a congregation is the supreme tribunal to decide what is at variance or in accord with the Word of God. In contrast to this position the Formula of Concord states regarding the freedom of the local churches, “As soon as this article is weakened and human commandments are forcibly imposed on the church as necessary and as though their omission were wrong and sinful, the door has been opened to idolatry, and ultimately the commandments of men will be increased and be put as divine worship not only on a par with God’s commandments, but even above them” (FC SD X:15). The churches must retain the power to remove impious teachings and impious forms of worship (Treatise 51) in order that the Gospel may be rightly administered (Treatise 67). Wherever the church exists, this right, including the right to call, elect, and ordain ministers also exists (Treatise 67).

(4.) *Proper church polity must recognize that all the pastors of the church are equal in so far as divinely given right and authority is concerned.* Although a church polity which give various ranks of ecclesiastical hierarchy may be a legitimate church polity, such ranks are created by human authority not by divine command (AC XIV:2). When such an arrangement is made, the bishops have a responsibility to see to it that there is proper preaching of the Gospel and administration of the sacraments in the church (Ap. XXVIII:1). Even in such polity, the bishops have only the power of order and the power of jurisdiction, that is, the ministry of the Word and Sacraments and the authority to excommunicate those guilty of public offenses,

or to absolve them if they are converted (Ap. XXVIII: 13, 14). If such hierarchical ranking of pastors is done in the church, it is done only for the sake of order, and such persons possess no power or authority over others by divine right, but only by human right (Treatise 7). All who preside over the churches, whether they are called pastors, presbyters, or bishops, possess the same right and authority (Treatise 61,74).

The church has the command to appoint ministers (Ap. XIII:12). For this reason the right to elect, call, and ordain ministers always belongs to the church and must be retained by it (Treatise 67). Ecclesiastical ordination is an apostolic tradition and has no divine mandate (Treatise 14). If ecclesiastical ordination is interpreted in relation to the ministry of the Word, it may even be called a sacrament (Ap. XIII:12). However, it is the call and election of the church which places a man into the pastoral office, or the public ministry of the Word. Ecclesiastical ordination serves the useful purpose of preventing schism in the church through a cult of personality in which an individual pastor gathers a personal following for himself (Treatise 62). Ecclesiastical bishops, or those who function as bishops (district presidents), are elected and chosen by their own churches according to the ancient tradition which is called an apostolic usage by Cyprian (Treatise 14,15). The right of such bishops to administer ordination may be granted by the church, not of divine necessity or command, but for the sake of love and order and to prevent schism.

Whether the "churches" mentioned in the Treatise are local churches, in the sense of congregations, or groups of congregations in a particular territory cannot be determined with absolute finality. From Luther's own writings it can be established that he did not understand the word "church" to refer to an external ecclesiastical organization or institution.<sup>21</sup> On the other hand, Luther does not mean that the church is not perceptible. Just as the invisible God is perceptible in His work, so also the church is perceptible and can be recognized by the means of grace in action. Wherever the Gospel is proclaimed, there the Holy Christian Church is found. Although unbelievers may be included among those who hear the Gospel and use the sacraments, they in no way belong to the church in its strict sense. Nevertheless, the term "church" may be applied in an "improper sense" to that group of persons who are united in a common confession and in external fellowship to proclaim the Gospel and administer the sacraments. C.F.W. Walther and other fathers of the Missouri Synod understood the word "churches" in the Treatise to apply to local churches or congregations. Apparently this understanding can be supported by the statement in the Treatise, "... it is manifest that

ordination administered by a pastor in his own church is valid by divine right" (Treatise 64). That Christians gather regularly to proclaim the Gospel and to administer the sacraments takes place by divine command. Accordingly, the only way in which the church, strictly speaking, is perceptible is in the local church or congregation.

(5.) *Local churches owe one another fraternal churchly recognition and cooperation, that is, church fellowship.* The external marks by which such churchly recognition, or church fellowship, is recognized are the pure teaching of the Word (Gospel) and the administering of the sacraments in conformity with the Gospel (Ap. VII-VIII:5). Agreement in the confession, that is, in the doctrine of the Gospel and in the right administration of the sacraments is sufficient to establish the external fellowship between congregations (AC VII). Such mutual recognition is accorded by the churches to one another through the apostolic usage of ordination. The election of a pastor by the people of a local church was confirmed with the laying on of hands by the bishop of that church or the bishop of a neighboring church (Treatise 70). Although the church, strictly speaking, is perceptible in the local church or congregation, it is not circumscribed by the geographic boundaries of the congregation. By placing a man into the office of the ministry, the congregation acts as church. The confirmation of their action is not demanded by divine right. However, since the congregation owes mutual recognition to other churches which are agreed with it in the confession of the Gospel, it ought not act arbitrarily in this matter (Treatise 14). Just as the external ecclesiastical organization cannot be identified with the church, strictly speaking, so also the local congregation in its institutional form cannot be identified with the church. For the local church to seek mutual recognition of its pastor from other congregations with whom it is in confessional fellowship by means of ecclesiastical ordination is not simply an adiaphoron. To refuse such confirmation and recognition is a schismatic act and separates a congregation from the confessional fellowship (Treatise 62).

On the other hand, the local church owes no fellowship to bishops or ecclesiastical organizations which promote doctrines that conflict with the Gospel (Treatise 38). Here the words of Christ in Matthew 7:15 apply, "Beware of false prophets" (Treatise 41). This matter does not fall into the realm of Christian freedom or the vote of a majority (Treatise 57).

There is no divine command that local churches form larger bodies or organizations such as synods, with officers and so on. Such organizations exist for the purpose of enabling the mutual recognition of churches and maintaining the unity of confession of the Gos-

pel. In addition, such organizations can and do serve a useful purpose in mutual strengthening and nurture of local churches. When such organizations are created in Christian freedom, they may not in any way infringe on the freedom and dignity of the local churches. "No church polity is valid if it allows one church to oppress another, few to oppress many, or many to oppress few."<sup>22</sup> A proper polity may not violate the powers and rights of the local churches.

A synod is church when and if the local churches walk together in the confession of the truth of the Gospel, and because the local churches walk together as churches, not for reasons of human goals and temporal causes, but for churchly purposes. In this sense "decisions of the synods are decisions of the church. . ." (Treatise 56). The chief purpose of such a larger organization is the definition, proclamation, and defense of the Gospel and the sacraments through mutual action and work by the local churches. The true purpose of such larger ecclesiastical structures can easily be ignored and neglected when they are seen as self-generating organizations that seek power and control over the churches by means of legislative authority, managerial techniques, and total control of the media of communication within the organization (Treatise 7,8).

(6.) *Proper church polity must provide for proper judicial procedures by means of which the churches are allowed to remove impious forms of worship and impious teachings* (Treatise 51). No single person or group of persons within the church may be vested with such authority that they cannot be judged by the churches (Treatise 50). The primary consideration in any form of church polity is the ministry of the pure Gospel and the administering of the Sacraments according to the Gospel. For this reason a valid Lutheran church polity will have congregations bind their pastors, not only to the Sacred Scriptures, but also to the Lutheran Confessions. This is the congregations' chief protection against its ministers becoming lords over their faith. "The primary requirement for basic and permanent concord within the church is a summary formula and pattern, unanimously approved, in which the summarized doctrine commonly confessed by the churches of the pure Christian religion is drawn together out of the Word of God" (FCSD, Rule and Norm:1). On the other hand, no Lutheran polity may require of its ministers that they pledge themselves to teach in accordance with other expositions and explanations, useful and helpful as these may be (FCSD, Rule and Norm:10).

Just as the Scriptures are subject to private interpretations which are contrary to the apostolic doctrine, so also the Lutheran Symbols are subject to private interpretations which do violence to their meaning. For this reason a true Lutheran polity will provide a way in which

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the churches may determine their commonly agreed understanding of the Confessions (FCSD, Rule and Norm:4,6,10). For the sake of the Gospel the right of judging teachers and teachings may not be taken from the churches or congregations (Treatise 56).

Larger ecclesiastical structures are the means by which the churches seek to prevent schisms and to maintain the unity of confession among their fellowship. For this reason the right of supervision of doctrine is entrusted to persons who are chosen by the congregations. Whether such persons are called bishops, after the tradition of the ancient church, or whether such persons are called presidents or visitors, they are under the authority of the churches, not set over the churches to lord it over their faith (Treatise 20). Such offices are not a divine arrangement, but exist by human right. Persons who hold such offices should be held accountable to the churches.

Within the larger ecclesiastical structures, adequate judicial procedures need to be adopted to protect the rights of the congregations. Thus, by-laws (or canon law) exist to set limits to the authority of persons who hold office in ecclesiastical structures. Such church regulations also need to provide for an orderly way of determining when an individual teaches contrary to the accepted doctrinal confession. This involves not only pastors within congregations, but also teachers at seminaries and schools, officials of the ecclesiastical structures, district presidents, etc.

### An Evaluation of Present Church Polity in the LCMS

Walther's understanding of the church which grew out of his own study of the Scriptures and the Lutheran Confessions, his personal experience with Martin Stephan, and his experience as pastor of Trinity Congregation in St. Louis gave him a true appreciation for the priesthood of all believers and the uniqueness of the local church or congregation. For these reasons he wanted the Synod to be a consultative body to which troubled congregations might come to seek counsel. The Synod, therefore, was not to be a kind of ecclesiastical organization with power to execute laws for the congregations. Not all who met in 1847 were of the same mind. Pastor W. Sihler, then of Fort Wayne, Indiana, maintained that the "Synod should not merely be advisory, but it should be a body or corporation which in the name of the church, i.e., the whole number of the adult and confirmed members, will direct, watch over, and administer the church."<sup>23</sup> Walther's position prevailed in the constitution eventually adopted to organize the Missouri Synod.

Since the Synod was not a superior ecclesiastical organization, but instead a "walking together" of the congregations, provision was made

for the congregations to be represented by their pastor and by one elected lay-delegate. At the insistence of Trinity Congregation in St. Louis, the constitution contained the stipulation that the voting strength of the clerics must never exceed the voting strength of the laymen. Since congregations were represented in the meetings of the Synod, the right to vote was restricted to congregations represented by a pastor and a lay delegate. Thus, the full churchly rights of the local churches or congregations were recognized and protected. If a congregation had two pastors, only one of them was permitted to cast a vote. The size of congregations did not matter, since the smallest congregation possesses as much spiritual power and authority as the largest.

### The Right of Suffrage in the Synod

Recent efforts to change this arrangement for voting grow out of an American ideal of democracy with its roots outside the confessional understanding of the nature of the church as expressed in the Lutheran Symbols and advocated by C.F.W. Walther. For more than a decade each convention of the Synod has been confronted with overtures that request that Synod give the right to vote at conventions to individuals, rather than representatives of congregations. Parochial school teachers, professors of colleges and seminaries, and advisory clergy have all asked for the right to vote at meetings of the Synod. Another suggestion has been offered on numerous occasions, that the number of delegates to a convention of the Synod or district be determined by the number of communicant members in a congregation or group of congregations. This idea is advocated on the principle of "one man, one vote," applied by the Supreme Court of the United States to political elections. It is important for us to recognize that neither of these suggestions in essence understand that the Synod is a fellowship of local churches; instead they understand the Synod to be more than a Synod, to be an ecclesiastical structure with legislative authority over its congregations. The reason why the pastor of a congregation is one of its delegates to a convention lies in the fact that the congregation has chosen him and appointed him to tend the Gospel in its midst. For this reason he cannot be excluded from a voice or vote in decisions which are made regarding the Gospel within the church or the Synod. Again in recent years the suggestion has been made to use the words, "pastor or other professional church worker," in lieu of "pastoral delegate." This idea again fails to recognize the nature of the congregation. The congregation is pastor and people, not "professional church workers and people."

Much of this grows out of a changing perception of what the Synod is. It is only natural to look at the visible organization with its

structure and in our thinking externalize the church and approach it primarily from the institutional, statistical, and organizational point of view. Efforts are then directed toward perfecting the organization, making it operate smoothly and efficiently. This is especially true when the church is measured by the common statistical measurements used in any society of men. Externalizing the church by emphasizing it as a visible organization, permits the intrusion of John Calvin's view of the church: "The functionaries of the visible church make the church a holy church, not primarily through faith in Christ, but through an enforced sanctification. Thus the communion of saints becomes a *congregation, not of believers, but of obeyers*."<sup>24</sup> That such influence should be felt in the Synod ought not to be a surprise in view of the fact that we live in a country where the predominant theological climate and understanding of the church is formed in Protestant circles by the teachings of Calvin or by Arminian theology, both of which view the church as a visible body of holy people.

This understanding of the church produces some, not only unfortunate, but also serious consequences. "Stewardship and righteousness become intimately related to the question of quantity. Righteousness and commitment become measureable qualities in people as they compare directly to the amount of offerings and time dedicated to the church and its mission."<sup>25</sup> In this view of the church, congregations have value because they are local "retail outlets" for the religious corporation. Their efficiency and effectiveness is subject to evaluation on the basis of measureable statistics. When one such "outlet" fails to "produce," the management is examined to determine whether or not it is properly handled. Usually this means the pastor. To this end, the questions asked most about a pastor are not, "Does he faithfully teach and proclaim the Gospel and administer the Sacraments in order to distribute the benefits of Christ's redemption?" but, "Is he a good administrator-manager? Does he have the ability to get people involved (in activities of the church)? Can he get the congregation to produce for the Synod in terms of visible membership growth, but especially in terms of funds for the organizational treasury, in order to carry out the mission of the church?"

Out of concern for the larger mission of the church, the mission that goes beyond the geographic boundaries of the local congregation, it is easy to move in the direction of controlling the congregations and building the kind of organizational structure which will achieve that subtle form of control. Today, we tend to look at successful organization in business and the body politic for models for organizational structure in the Synod. Recognizing the dangers inherent in a synod where, seemingly, every pastor is his own bishop

(pope) and each congregation its own authority, we need to be aware of trying to eliminate these dangers by substituting control for patient persuasion. A drift toward control is a betrayal of our confessional foundation and heritage, the sale of our birthright for a mess of ecclesiastical porridge. The original concept of the organization of the Synod was drawn out of biblical and confessional ecclesiology. Modern business methods emphasize control of "units" in order that the goals and objectives of the corporation may be served. In such a model, love and patient persuasion merely serve as a preliminary step and are never really genuine, since the ultimate threat of power and control constantly remains in the not too hidden background.

Has there been a subtle shift toward control? It seems to me that the arguments about voting rights at synodical conventions indicate that a perception exists in the minds of many in the Synod that conventions and structures of the Synod do, in fact, possess authority and power to control. The demand for "rights" arises when people feel themselves to be powerless against a superior authority, or when people desire to exercise power and control over others.

#### Church or Synod

It seems significant that the original name chosen by the founders of the Synod did not contain the word "church": "The Evangelical Lutheran Synod of Missouri, Ohio and other States." The Synod was not the church. The Synod was a walking together of churches who found themselves united by a common confession. The churchly functions by which the church is identified (i.e., the administration of the means of grace) are not a proper function of a Synod. The Synod is not identified as a church because it does not, as Synod, possess the keys immediately as do the local churches. The Synod does not call men to administer the means of grace. The local churches or congregations do this. The temporary meeting of any group of individuals, even though it includes pastors and members of local congregations, does not have the character of church. The call and election of the congregation, not ecclesiastical ordination, confers the pastoral office upon a man, and he is appointed through such a call and election to administer the means of grace publicly, i.e., on behalf of the church. Without such a call, even the person who has received ecclesiastical ordination acts only on the basis of his call into the priesthood of all believers, in the same manner as any laymen.

Nevertheless, ecclesiastical ordination by the Synod was regarded as important for the well-being of the church and in order that the confessional fellowship should not be sundered by individual pastors or congregations. Thus Walther writes in his *Pastoral Theology*:

"...neither the examination administered by a duly appointed congregational commission...nor the ordination he likewise receives from duly appointed persons outside the congregation make the *vocatio* (call) valid; both procedures belong to the most salutary arrangements of the church and have...among other purposes, especially the weighty one of publicly certifying the *vocatio* (call) as one recognized by the whole church as legitimate and divine. Therefore anyone who, except in case of necessity, omits one or the other acts schismatically and lets it be known that he belongs to those who 'having itching ears...accumulate for themselves teachers to suit their own liking...' (II Tim. 4:3)."<sup>26</sup>

The authorization of the ordination and installation of pastor by the synodical or district president does not confer authority upon the pastor of the congregation. The president acts as representative of the churches in the confessional fellowship in such authorization and publicly attests the recognition which the churches of the synod give to this act of the congregation and the person whom it has called. The proper examination of men who present themselves to be called as pastors is to be done by those whom the churches have chosen for the supervision of doctrine in the fellowship. Thus, the rights of the congregations to have pastors who are able and competent to proclaim sound doctrine is protected. Neither such examination and certification, nor ecclesiastical ordination, however, place a man into the pastoral office. Only the election of a congregation can do so. For this reason ordination was to take place in the presence of the calling congregation.<sup>27</sup> The call, not ordination, confers the pastoral office upon a man.

Just as the call by a congregation places a man into the pastoral office, so the congregation alone can remove him from that office. The congregations of pastors who are found guilty of false doctrine are required to deal with them according to the command of Christ (Matt. 18:17). The Synod does not remove from the pastoral office, but merely suspends from membership in the Synod. The congregation is to act in removing the man from the pastoral ministry.<sup>28</sup> Failure on the part of the congregation to depose such a pastor from office forfeits the congregation's membership in the Synod.<sup>29</sup> All of this indicates that the Synod was not regarded as "church" in the same sense as the local congregation. The synodical polity sought to guard the authority of the local congregation and at the same time to maintain the unity of confession. In such a polity, the primary concern was not human authority and power, but the pure doctrine of the Gospel.

Over the years there has been a gradual shift in practice within the Synod. Prior to 1962 the by-laws of the Synod restricted ordination

to men who had received a call from and to a certain congregation. In 1962 the convention adopted Resolution 6-35 which amended the by-laws to permit the ordination of a man when he has been declared qualified for the office of the ministry of Word and Sacrament in the church by the proper (seminary) faculty or the Colloquy Board and has received and accepted a call to full-time work in the church. Ordination is no longer restricted to the public confirmation of the election and call of a pastor by the congregation, but instead seems to be regarded as conferring some sort of ecclesiastical authority to administer the office of Word and Sacrament. Is it the election and call of a congregation that authorizes a man to publicly administer the Gospel and the Sacraments, or is it ecclesiastical ordination by the synodical authority?

The original constitution of the Synod, in conformity with its understanding of the pastoral office and of the local congregation as the only group which could confer the pastoral office upon a man, also insisted that the *ordination or installation* should take place *in the presence* of the respective congregation. A number of years ago an exception was made to this rule. Today the exception has become the rule, and ordination in the presence of the congregation which has called the candidate as its pastor is the exception.

In the light of these changes in practice, it is not surprising that in the perception of most people ordination, and not the call and election of a congregation, is considered as the means by which some authority or power is granted to an individual. We should not be surprised, therefore, that a baptismal font has been installed in the chapel of the international headquarters of the LCMS and that baptisms are performed there by synodical staff members. Neither ought we to be surprised when members of the congregation request that their "favorite pastor" baptize their children, rather than the pastor of their own congregation. The multiplication of non-congregational communion services likewise follows from the perception that ecclesiastical ordination, not the election and call of a congregation, confer upon a man the authority to administer the sacraments of Christ. We might well ask the question, "Why are communion services held at youth gatherings, LWML rallies, LLL conventions, conventions of the Synod, and its districts, etc.?" Do people have no opportunity to receive the blessed body and blood of our Lord in their own congregations? If the answer is given that such practices build greater unity in the Synod, it is my contention that they do precisely the opposite. They may create a feeling of unity and oneness, but this is something quite different from the true unity of the church, which is perceived by faith, not by the senses. Dr. C.F.W. Walther quotes the opinion of

the Wittenberg Faculty of 1638 concerning the performance of pastoral functions: "...the pastor is not permitted to perform official pastoral functions in another diocese without the permission of the regular pastor, ...for the call is limited not only to a certain number of parishioners but also to a definite place. I Peter 5:2."<sup>30</sup>

Strange language has crept into our vocabulary in the past quarter century. As late as 1967, Dr. Oliver Harms rejected the title "Pastor to the Pastors." Today it is the common perception of the office of district president. Other titles such as "Presiding Minister" applied to the district or synodical president also indicate a subtle shift in the understanding of synodical polity. The duties of district presidents as given in the synodical constitution are to "exercise supervision over the doctrine, life, and administration of office of the pastors and teachers of their district...and, according as they see it necessary, hold investigations in the congregations...suspend from membership...see to it that resolutions of the Synod...are carried out...perform" or authorize "ecclesiastical ordination...as well as the installation...of all ministers and teachers...in their districts." Not one of these duties is in any way the duty of the pastoral office in the church. The pastoral office is identified with the preaching of the Gospel and the administration of the sacraments. The duties prescribed for the district president in the constitution are a ministry of the law, not of the Gospel. Perception of the office of district president as a pastoral office confuses law and gospel in the church and destroys both the purpose of the office of district president and the pastoral office in the congregations. The hierarchy in the church serves only the purpose of order; therefore, this ministry is not properly speaking a ministry of the Gospel, but a ministry of law. The ministry of the Gospel is greater than the ministry of the law (II Cor. 3:7-11). Therefore, the pastoral office in the local church is the highest office in the church. It is divinely mandated, for it is the office of preaching. The function of ecclesiastical government is to serve the ministry of the Gospel. Therefore it is always under, and never over, the congregations.

This does not imply that the district president ought not to fulfil his duties in a kind and gentle manner, or that he should see himself as only an ecclesiastical law-enforcer. However, it must be remembered that there is no such thing as an "evangelical law" or "by-law" and that the administration of laws and by-laws is never an evangelical (strictly speaking) ministry.

#### The Preservation of the Unity of the True Faith

The right of the congregation to call and ordain pastors does not make it exclusively the church. Such a perception of the church is not biblical or confessional. Such an institutionalized view of the

church, namely, that it is a visible organized body of believers, is unscriptural and self-contradictory. The idea that the local church or congregation is an autonomous entity with no relationship to the larger whole (*tota ecclesia*) is inconceivable according to confessional church polity. The unity of the local congregation with other local churches finds its outward and visible expression in the external marks of the church, the means and grace and confession of the true faith (AC VIII). There is a mutual responsibility and fellowship which such churches owe to one another. The practice of visitation which began in Saxony in 1528 indicates that Luther regarded the larger body of believers as having some responsibility also for the local churches. Such a relationship, however, in no way means that there is a divine command which subordinates the congregation's rights to a larger group. Just as the individual Christian does not surrender his rights and duties as one of the holy priesthood by becoming part of a congregation, or by delegating the responsibility of the public exercise of those duties to a called pastor, so the congregation surrenders none of its duties or powers to a larger group when it becomes a member of such a larger whole.

In matters such as calling a pastor and those matters which have not been prescribed by the word of God, the larger whole may not impose laws or restrictions on the congregation without its consent. This does not apply to the area of doctrine in the same way. No congregation which wants to be Christian may act arbitrarily in the matter of doctrine. In this area a Christian congregation is subject to a norm which not only coordinates it with sister congregations, but also subordinates it. Lutheran congregations are placed under a norm, the Scriptures and the Lutheran Confessions, and this has validity beyond the individual congregation. This subscription (or the norm) obligates the pastor to the larger whole, those congregations teaching the same doctrine. The norm under which the congregations and pastors are subordinated is the true and correct proclamation of the Gospel and the administering of the sacraments of Christ according to the Gospel (AC VII:2).

Mutual recognition, which churches owe to one another when there is such unity, extends beyond the boundaries of synodical membership. Orthodox pastors who are members of the synod may serve congregations that are not members of the synod. The mutual recognition in the form of church fellowship (pulpit and altar fellowship) is granted to such congregations on the basis of their subscription to the norm and the doctrine and teaching of their pastors, who have become members of the synod and subordinated themselves to the confessional

norm. Although the congregation may be urged and encouraged to join the confessional fellowship of the synod, that is not a requirement for church fellowship. The pastors of such congregations are, however, under the supervision of the synod's district presidents. The expulsion of such a pastor from the synod, or his withdrawal in order not to be under the doctrinal supervision of the synod, constitutes a break in church fellowship with the congregation, if it continues to hold him as its pastor. The same basic principle applies to congregations that are members of the synod.

The decision to extend church fellowship to another church does not lie within the province of a congregation which is a member of the synod or served by one of its pastors. That decision is not made by the congregation alone, or by the congregation and its pastor, but by the entire synod. To permit such independent action by a single congregation and its pastor sunders the fellowship already established between such a local congregation and other congregations within the confessional fellowship.

To preserve the unity of the true faith, and to prevent schism within the confessional fellowship, supervision of the doctrine of pastors and teachers is not only a wholesome practice but a necessary one. Such supervision is intended to prevent factions created by self-appointed leaders who seek to draw men after themselves. The supervision is carried out by those persons whom the churches themselves choose. Thus it is not imposed upon the congregations by some sort of ecclesiastical authority, but represents a willing subordination of the pastors and congregations to one another in the interest of maintaining the unity of the confession. Since such supervision cannot be carried out over great distances (Treatise 16), the Synod is divided into districts and circuits. The district president could not fulfil the obligation to visit all of his congregations once every three years. Thus the office of the circuit visitor was initiated. The principal duties of the circuit visitor (counselor) were described by his title. The circuit visitor was assigned the duties of visitation and inquiry which originally had been delegated to the president of the synod, then to district president, as the synod grew. These duties included listening to the pastor preach at least one sermon (determining whether the pastor rightly divided law and Gospel, whether doctrine and admonition were in correct proportion to each other, whether there was a reproof of existing errors, and whether this was done out of love, not carnal zeal) and observing the church's program of catechization of the youth, the handling of liturgical acts and ceremonies, the application of law and Gospel by the pastor in the private care of souls, and, in general, the spiritual condition of the congregation. The visi-

tor, like the president in the original constitution, was empowered to call a meeting of the congregation through its officers, even if the pastor objected.

In recent years the office of the circuit counselor has assumed more of the character of an administrative position in the synod. The change of the name to "counselor" indicates a change in the perception of the office. The common understanding of what a counselor is differs considerably from the perception of parish visitors as described in the "Instructions to the Parish Visitor" of 1528 and the office of circuit visitor which was patterned after the model. It is, I believe, essential for the LCMS to seek to restore this office to its originally intended function.

In addition to such a provision for supervision, pastors of the synod were required to meet in conferences. The circuit conference, although not required, was regarded as one of the principal opportunities for the brethren to grow in their own knowledge and understanding of doctrine and thus to promote the unity of the true faith. No other church body of which I am aware was organized with such an emphasis upon the unity of doctrine. Underlying all of this was the conviction that, if pastors and congregations were bound to no authority other than the Word of God, and if agreement in the confession of the true faith was maintained, the body of Christ, that is His church, would continually grow in love (Eph. 4:16).

Such supervision of doctrine also demands that pastors who are found guilty of false doctrine, or of an ungodly life, and remain impenitent, must be removed from the synodical fellowship by expulsion. The right of the congregations to be assured that those men who were declared suitable for the office of pastor are indeed men who proclaim the pure doctrine of the Gospel, and set an example for the flock in their own manner of life, cannot be guaranteed unless there is such discipline in a confessional fellowship. Expulsion from the synod does not depose a man from the pastoral office. The synod cannot depose from this office, since it does not confer the office upon a man. Only the congregation can confer the office of pastor; only the congregation can depose from the pastoral office. On the other hand, the congregation is held to depose such a pastor when he is expelled from the synod. If it does not do so, the congregation forfeits its membership in the synod. By continuing to retain a pastor whose doctrine is not in agreement with the confession of the synod, the congregation separates itself from the confessional fellowship and from the synod.

Congregations may not, on the other hand, arbitrarily dismiss or depose their pastors. When a congregation acts in dismissing its pas-

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tor, such action is subject to review by the official judicial processes of the synod. The purpose of such review is not simply to guarantee the individual rights of the pastors and teachers, but again has as its basic purpose the "preservation of the unity of the true faith." If congregations were allowed to summarily and arbitrarily dismiss their pastors or depose them, the authority of the Word of God would not rule in the church, but instead the mere wishes of people. The pure doctrine of the Gospel and the right administration of the sacraments would not be maintained. A congregation which deposes its pastor, either for false doctrine or for an ungodly life, thereby removes him, not only from his office in that congregation, but also declares him to be disqualified for the pastoral office in any other congregation of the synod. In dismissing or deposing its pastor for these reasons, the congregation has submitted itself to the authority of the Word of God and has the right to expect other congregations in the synod to honor its submission to Christ by recognizing its action as proper and right. Officers of the synod are likewise to honor the action of the congregation and may not suggest a man so dismissed or deposed to another congregation for the pastoral office.

What is honored in principle is often ignored in practice. The subtle danger is always present that the authority of the Word will not be recognized. Dr. Paul Bretscher has summarized this danger: "the smooth operation of the institution with maximal efficiency and minimal friction is mistaken for the unity and power of the church. Statistical progress becomes the mark of divine approval."<sup>31</sup> How easy it is for congregations as well as synodical authorities to apply this principle. Thus, a pastor who is able to demonstrate his administrative ability by remarkable statistical progress is retained in office, even though he may be guilty of the most gross immorality. The congregation hesitates to depose him or, if it dismisses him from its own pastorate, he is retained on the roster of the synod and simply moved to another congregation. Problems which are truly spiritual in nature are resolved by administrative measures that are designed to keep the organization operating smoothly. Charges of false doctrine, whether valid or invalid, are not resolved by a proper judicial procedure which either exonerates the individual or ultimately results in his removal from the synod, but are instead allowed to go unresolved in the hope that administrative action may remove the problem from public scrutiny and maintain the smooth functioning of the organization. Conflict between persons, disagreements and arguments that rise from personal sins of pride, envy, or self-aggrandizement, are dealt with as administrative matters, rather than spiritual problems to be confronted with the authority of the Word. When was the last time that one heard of

a congregation placing its pastor under church discipline and excommunicating him for gross and impenitent immorality? Or, when was the last time that a personal quarrel between professors at any of our schools, or between persons within the synodical structure, was dealt with on the basis of the authority of the keys?

How easily the external form is preserved, but the true authority of the church is altered and changed! Human authority replaces the authority of the Word. The "office" becomes a clerical office in which the cleric is regarded as having some kind of authority over the church other than the authority of the Word alone. Rules, regulations, constitutions, by-laws, and policy manuals become the authority. Someone has observed that as the unwritten moral consensus of a people changes, more and more legislation is needed to retain some semblance of decency and order in the society. Perhaps this applies as well to the church. The multiplication of rules, regulations, and by-laws becomes necessary as there is less and less consensus on the pure understanding of the Gospel and the administering of the sacraments in accordance with the Divine Word (AC VII).

### *Quo Vadis?*

The theological battles and warfare of the seventies have in the eyes of some enhanced the desirability of vesting more power and control in the leadership of the synod. At least some feel that the doctrinal solidarity of the church and doctrinal purity cannot be maintained without increasing the power and authority of the central structures of the synod. That raises the question of whether we are creating a synodical structure which will in the future make any kind of reformation in the synod an impossibility. The reformation which occurred in the seventies was possible precisely because there were no central structures which could control by the exercise of power. If, in the interest of preserving a doctrinally pure church, we create a structure of church government which places the power to control into the hands of the elected leadership, without adequate safeguards, the very thing which we fear will eventually happen. The following observations are not intended to impugn the good will or the good intentions of any person. Instead, they are offered as my personal opinion.

The restructuring of the synodical organization which was accomplished by the 1981 and 1983 conventions of the synod have invested two offices within the synod with more power to control. The powers of the president were enormously enhanced by by-laws adopted in 1981. The duties of the president were enlarged as the chief executive officer of the synod. He now bears the responsibility for the day-to-day supervision of all employees of the synod. The specific changes

are requiring the approval of the synodical president for the appointment of the principal staff person for each board or commission and the approval of the president for the dismissal of any such person. While this may seem to be an insignificant change, it has much greater implications than would at first appear. It vests the synodical president with the power to control the selection of staff persons of elected synodical boards. This is not an insignificant change.

The office of synodical secretary has also undergone a number of significant changes in the past two decades. In 1971 the office was made a full-time office. Since that time the duties of the secretary have been considerably increased. In addition to the duties normally required of a secretary of any corporate structure, the secretary of the synod serves as secretary of the Commission of Constitutional Matters. He serves at the same time on the Commission on Structure and is the only full-time employee of the synod serving on both these commissions. Thus the secretary serves as resource and staff person to that commission which proposes changes in the constitution and by-laws of the synod, and at the same time he serves on the commission which determines the constitutionality of such by-laws. While this may be interpreted as a "congruence of interest," it certainly provides the possibility of a radical conflict of interest.

The Commission on Constitutional Matters offers another example of a possible difficulty. The commission originated about a quarter of a century ago to give an opinion when a dispute developed concerning the interpretation of a by-law, the constitution, or a resolution of a convention. Such opinions were at first not binding upon the parties involved in the dispute. The gradual evolution of this commission into a kind of ecclesiastical supreme court occurred in the past decade. On at least one occasion the secretary of the synod argued that an opinion of the commission could not be set aside by a convention. More recently the commission in guidelines prepared for the constitution and by-laws of congregations "... *ruled* that included in this process are also the by-laws which congregations adopt."<sup>32</sup> Other strange language occurs in the guidelines: "Then follows a chapter on bylaws. Here still more license is accorded to congregations. . . ." License, according to my understanding, is the same as permission. Permission is granted by a governing authority. Does the congregation receive permission for its bylaws from the synod?

Another issue is raised by the suggested constitutional provision in congregational constitutions in the event of a division. The suggestion is that, in the event of a division over doctrine, the property of the congregation and all benefits remain with those communicant members who "continue to adhere in confession and practice to the

confessional paragraph of the constitution *as determined by the adjudication procedures of the Synod.*" At the same time the provision of the synodical bylaws (8.07,b.c.) provides that, if a congregation is involved in such a dispute, the final authority to determine who is right in the doctrinal dispute belongs, not to the congregation, but to the synod, and that the provisions of this chapter cannot be set aside if a congregation terminates its membership in the synod while there is such a dispute. In the following paragraph I will illustrate what this seems to mean.

The majority of the members of a congregation are convinced that the synod no longer teaches in accordance with the pure doctrine of the Gospel and vote to withdraw from the synod. A minority, large or small, does not agree. The congregation must allow a commission of the synod to determine whether or not the synod continues to teach in accordance with its own norm. If the congregation writes the suggested provision into its own constitution, it binds itself in the future to accept the doctrinal judgment of the synod and forfeits the right to judge doctrine for itself. The provision of synodical by-law 8.07c ("No person or entity to whom or to which the provisions of this chapter (8.07b) are applicable because such person or entity is a member of the synod may render the provisions of this chapter inapplicable by terminating the membership") produces a "Catch 22" situation for the congregation. This is, in effect, a way of insuring that the property of the congregation will remain in the possession of those who are loyal to the synod. What this will do in terms of loyalty to the Word of God, and the true unity of the synod, remains to be seen. I can well envision congregations who do not agree with the doctrinal position of the synod remaining within the synod only to retain possession of their property.

### Conclusion

The Word of God creates the church. The ministry of the Word is the means by which the Word is proclaimed and by which God the Holy Spirit "calls, gathers, enlightens, and sanctifies the whole Christian Church on earth and keeps it with Jesus Christ in the one true faith" (Small Catechism, Third Article). This church is the holy Bride of Christ, whom He has "sanctified and cleansed with the washing of water by the word, that she might be a glorious church, not having spot or wrinkle. . . holy and without blemish" (Eph 5:25-27). Those who are thus gathered into the church by God express their fellowship by gathering and organizing congregations. Congregations then together form larger church bodies. Through these institutionalized structures they provide for the ministry of the Word, encourage one

another, bear one another's burdens, and seek to share the word of reconciliation with one another and with the world. Through such institutionalized forms they are able to express love and concern, not only toward those in their own fellowship, but also toward those beyond the outward boundaries of the institution. Although the institutionalizing external form of the church may be full of hazards, the church does not, and perhaps cannot, exist in the world without such forms, for the church is flesh-and-blood people who continue to live in a real world.

It is easy to criticize the institutionalized forms of the church, and necessary. Such criticism however, dare not come from an anti-institutionalizing bent. The cure for bad forms is not formlessness. The solution to legalized order that displays the potential for tyranny over the churches is not disorder and chaos. The enemy is not institutions, forms, and people, but Satan who constantly seeks to sow his seeds in the church in order to destroy the blessed Gospel of the grace and glory of Christ. God does not give up on the church, not even on its institutionalized forms, imperfect as they may be. He does not insist on a ideal and perfect form and institution, but allows the freedom for Christian people to determine the shape and structure of that form and then works within it with His Word and Spirit to bring reconciliation to the world. This does not mean that the external forms are a matter of complete indifference. It means that there must be a constant watchfulness in order not to allow those forms to hinder the ministry of the Gospel or to get in the way of God's Spirit by substituting the goals and wisdom of the organization for the direction and wisdom of the Spirit.

I have written this essay as a loyal son of the Lutheran Church-Missouri Synod, one who loves his church, and is grateful to God for the privilege which has been given to him of serving the Savior through this church. The Synod has consciously tried to preserve the form of polity which by God's grace was given to it through the genius of its founders. The great blessing of this church has been its primary concern with the purity of the Gospel, not with organizational efficiency. That is still its strength. Those who criticized the polity at the beginning of the synod and prophesied that it would not and could not endure, or who referred to it as "mob rule," have long since been proven false prophets in their prediction. As long as we are determined to recognize no authority in the church except the Word of God, to continue to uphold the honor and dignity of the royal priesthood of the believers, and to trust the Spirit's guidance of that holy priesthood, we will be able to meet the challenges of a growing church, a new century, and the great task of the mission which Christ has

given to His church. New forms and new structures will be created for the work which we do together as synod. In doing so, we must not turn to the models of successful organization and government in temporal society, but instead seek to draw our polity from the Biblical and confessional understanding of the nature of the church.

### Endnotes

1. Carl S. Mundinger, *Government in the Missouri Synod* (St. Louis: Concordia Publishing House 1947), pp.199 ff.
2. Carl S. Mayer, *Moving Frontiers* (St. Louis: Concordia Publishing House 1964), pp.170-177.
3. *Luther's Works*, ed. Jaroslav Pelikan and Helmut Lehmann (St. Louis and Philadelphia: Concordia Publishing House and Fortress Press, 1955-1972), 39, pp.303,304.
4. *Ibid.*, p.305.
5. *Ibid.*, p.306.
6. *Ibid.*, p.308.
7. *Ibid.*, p.311.
8. *Ibid.*, pp.247 ff.
9. *Ibid.*, pp.282-284.
10. *Luther's Works*, 40, pp.21-31.
11. *Ibid.*, p.34
12. *Luther's Works*, 49, pp.137-139.
13. *Luther's Works*, 40, p.270.
14. *Ibid.*, p.273.
15. *Ibid.*, p.313.
16. Mundinger, p. 12.
17. *Ibid.*, p.15.
18. *Ibid.*, p.31.
19. K. Marquart, "Implications of the Lutheran Confessions for Church Structure" (unpublished paper, 1977), p.2.
20. H. Armin Moellering, unpublished research paper prepared for the Commission on Theology and Church Relations of the Lutheran Church-Missouri Synod, 1978.
21. *Luther's Works*, 39, p.67.
22. Marquart, p.2.
23. Mundinger, p.175.

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24. F.E. Meyer, "The Proper Distinction between Law and Gospel and the Terminology 'Visible' and 'Invisible Church,'" *CTM* XXV (March 1954), p.183.
  25. Leonard Harms, unpublished conference paper, Billings, Montana, 1980.
  26. C.F.W. Walther, *Pastorale*, p.62, as quoted by H. Armin Moellering, op.cit.
  27. *The Synodical Handbook* (St. Louis: Evangelical Lutheran Synod of Missouri, Ohio, and Other States, 1924), p.29, bylaw G,2.
  28. Meyer, p.153.
  29. *The Synodical Handbook*, Constitution, Art. XIII,3.
  30. C.F.W. Walther, *The Form of a Christian Congregation*, trans. J. T. Mueller (St. Louis: Concordia Publishing House, 1963), p.16.
  31. Paul G. Bretscher, *Cain Come Home* (St. Louis: Clayton Publishing House, 1976), p.90.
  32. "Guidelines for the Constitution and Bylaws of a Lutheran Congregation" (St. Louis: Commission on Constitutional Matters of the Lutheran Church-Missouri Synod, May 11, 1984).