

CLTS Faculty Response to CCMS Questions Directed to CTCR & Seminary Faculties

Approved by the Faculty of Concordia Lutheran Theological Seminary, St. Catharines, 12 May 2016

The Faculty of CLTS warmly thanks the CCMS, along with Revds Ney and Stahlke, for the courtesy of directing these two questions to us, and we hope that this response will generate light, not heat, as the responsible organs and officers of LCC move ahead with the restructuring process.

As we have prepared this brief response, we have become convinced that deep and vital biblical and doctrinal issues are at stake in both of the questions that have been submitted to us, and we would respectfully urge that, despite the looming deadline of fall 2017, the restructuring process not be rushed but that the clergy and laity of Synod would calmly wrap their minds around pertinent data and thoroughly process them. It may be that the first question can be appropriately resolved more swiftly than can the second, but both will need time to digest and properly address, particularly the second.

Question #1

The Survey respondents, while reaffirming our historical practice that each congregation of Synod will cast two votes at a Convention (currently at District Conventions), also suggest a change in the manner in which the votes may be cast. As you are aware, our position since the days of C. F. W. Walther has been that only congregations have vote and that one vote be cast by the congregation's pastor and the other by a lay person. The suggested change is as follows: One vote is to be cast by ONE OF ITS ROSTERED CHURCH-WORKERS, and ONE TO BE CAST BY A LAY PERSON. The Survey also noted that the desire is to have every congregation of Synod represented at Synodical Conventions.

The CCMS therefore requests your opinion regarding whether or not such a change would be possible without negatively affecting our understanding of the Office of the Pastoral Ministry and its relationship to the Office of Deacon in Lutheran Church-Canada. We are requesting your input on these issues because whatever restructuring changes the CCMS will eventually put forward to the church, we do not want to go against any clear biblical/theological/confessional positions of our church body.

We strongly urge that Synod not depart from C. F. W. Walther's "historic compromise", which, whether he knew it or not, had its roots in Henry Melchior Muhlenberg's accommodation to North American culture.

Equal representation of clergy and laity at district and synodical conventions emerged as a pragmatic response to particular situations on the North American continent,¹ and is not based on a clear directive of Sacred Scripture² or historic ecclesiastical model. Yet any departure from the Muhlenberg-Walther

¹ Significant factors for the Missourians included: the expulsion of Bishop Martin Stephan from the Saxon community, the absence of the European episcopal and consistorial governance systems, and the presence of certain strong-minded laypersons.

² It is noteworthy that in the only biblical account of a "synodical gathering"—the council of Jerusalem in Acts 15—the apostles and presbyters sequester themselves to discuss the theological question of Gentile incorporation into the church and then simply announce their decision to the multitude. Neither the laity of the church nor the Gentile visitors participated in the decision-making process. Hence, lay voting, while not contrary to Scripture, does not derive from a scriptural model.

compromise in the direction indicated would mark a fateful, even dire departure from our biblical and confessional foundation.

Classic ecclesiastical structures that concentrated governance in the hands of the ordained clergy were based on the theological reality that the office of the holy ministry (in distinction from other roles that the church might create) was established by Christ. Our present synodical structure acknowledges this reality by granting clergy a distinct category of membership in synod. While it may be pragmatically wise to restrict voting privileges to ordained clergy who are serving congregations, it is not entirely correct to conclude that those pastors *represent their congregations* in the exercise of their vote. Rather, because the pastoral office (like the congregation) is itself an institution of Christ, it is more accurate to say that the pastor represents the *office* that he holds within the church. Understanding this basic theological reality must precede any examination of whether a diaconal or lay person might take the pastor's place as a voting delegate.

When LCC created the diaconate, an office was born that was not clearly fish or fowl. In granting deacons membership in synod, LCC recognised that in some sense they were part of the *clergy* (broadly defined). But in excluding them from the distinctive functions of the pastoral office with respect to Word and Sacrament, LCC asserted that, theologically speaking, they were part of the *laity*. Whether deacons may take clergy or lay votes at decision-making assemblies of synod is an issue that may be illuminated by certain formulations, based in Scripture and Confession, that come to us from the obscurely known epoch of Lutheran Orthodoxy. Even though the terms that emerged at that time may strike our people as highly technical and very arcane, they offer us vital assistance in thinking through the issue at hand.

Reflecting upon the divine institution of both the pastoral office and the church, our Lutheran fathers defined the visible church as consisting of two numerically unequal portions: the clergy/teachers, on the one hand, and the laity/hearers, on the other. The church (properly speaking) is thus to be considered as the *ecclesia synthetica*, that is, the synthetic or composite church. This notion, which long fell into forgetfulness on North American soil, stands at the root of our CTCR document, *Pastor and People Together in Christ's Church*. A quick check through Scripture and Confessions would show that we are dealing here with non-negotiable truth; the terms are changeable, but the content they transmit is fixed.

However, we need to consider how Lutheran Orthodoxy also developed the notion of the *ecclesia representativa*, the representative Church, which, to put it crudely, "does business" on behalf of the mystical body of Christ. Modern North Americans would be shocked to register how, throughout the age of Lutheran Orthodoxy, the *ecclesia representativa* was basically just the clerical half of the *ecclesia synthetica*. At the end of the Orthodox epoch, David Hollaz (†1713) took the view that some (but not many) well educated and highly suitable lay men could play a role in the *ecclesia representativa*.

Fast forward to North American conditions, and we find Muhlenberg eventually conceding equal lay representation in the Pennsylvania Ministerium, and then Walther granting the same principle as he dealt with the crisis that erupted in Perry County shortly after the Saxon migration. Both fathers of North American Lutheranism thus did not create a new representative (congregational) structure as such, but added the lay vote to the classic ministerial governance they had inherited.

The deacons of LCC can be considered as belonging to the clergy of our church (in a broad sense) if we think in terms of the doctrine of the three estates (orders, hierarchies) articulated by Luther in 1528 and repeated thereafter; the document in which he articulated the notion is arguably part of our confessional

heritage.³ Luther allows for the *ordo ecclesiasticus* to embrace more persons than just the ordained; but this (actually very solid) framework entails complex and subtle distinctions that the members of our synod could not be expected to grasp and work out in detail by the fall of next year. Moreover, since the deacons would belong to the *ordo ecclesiasticus* as subordinates to the presbyterate (their supervising pastors), availing ourselves of Luther's framework would *not* lead to the conclusion that our deacons should be interchangeable with our pastors.

To call in question the basic principle of the pragmatic 50-50 rule would be profoundly unwise. To rewrite the rule so as to reduce the role of ordained presbyteral servants in the governance of the Church would be tantamount to denying the strong testimony of the New Testament and Book of Concord concerning the divinely-instituted pastoral office. *Thus, we most strongly urge the CCMS to decline any proposal to grant members of the diaconate the right to carry the pastor's vote at a convention of synod or district.* Whether or not deacons might bear the congregation's *lay* vote may be more a question of expediency than theology.

Even after the LCC diaconate has existed for twenty years, we still lack a well-grounded theological understanding of this office and its relationship to the pastorate. For the good of the church, our deacons should be asked for patience. As our synod wrestles with the increasingly complex nature of congregational alignments into multi-point parishes and "deaneries", the details of carrying out the 50-50 principle will certainly need reconsideration. Should the number of lay and clergy votes in these new-style parishes be reconfigured, synod might find occasion to provide some form of representative voting both to ordained clergy not serving congregations and to deacons, without entirely upsetting the apple cart.

Question #2

The Survey showed that a majority of the respondents preferred having the Synodical Presidency divided into two separate positions, namely, "Spiritual Leader" and "Administrator". The respondents were divided between lay opinion and clergy opinion regarding what the title of the "Spiritual Leader" should be. The lay people were very much opposed to the term, "Bishop" but the clergy were clearly very much in favour of the term "Bishop".

The CCMS is therefore asking that the CTCR and the two Seminary faculties give the church guidance as to what would be the most biblical and appropriate term to use for the "Spiritual Leader", currently the Synodical President. Of course, "Synodical President" could be continued as now, but whatever term would be chosen, it must be clearly defined for the purposes of expressing ecclesiastical/spiritual leadership. It has also been suggested that a Bible Study be prepared either by the CTCR or one of the Seminary faculties which would aid the members of Synod to understand biblically how the title of the spiritual leader is to be understood in contrast to the "Administrator".

The factor of surprise in the recorded reaction to the replacement of "president" with "bishop" does not consist in its firm rejection by a small (unrepresentative?) sample of the laity, but in the strong yearning of a majority of our pastors for a return to a term with strong biblical, historic, and pastoral overtones.

Three comments are called for on the clergy response to the questionnaire, before we enter into further discussion of the merits of "bishop" over "president".

³ The Reformer wrote as follows concerning this "ecclesiastical estate": "All who are engaged in the clerical office or ministry of the Word are in a holy, proper, good, and God-pleasing order and estate, such as those who preach, administer sacraments, supervise the common chest, sextons and messengers or servants who serve such persons" (*Confession Concerning Christ's Supper* [1528], AE 37:364).

First, the statistic culled from the pastoral replies is a stunning bolt from the blue. Given the sticky end of Martin Stephan and lingering anti-“Catholic” sentiment, the response of the small proportion of the laity who answered the questionnaire is only to be expected. Conversely, while there may have been some suspicion that a small segment of our pastors would like to have recourse to the language (and reality) of “bishop”, no one could have predicted the strong preference of our clergy from coast to coast and across the whole range of theological opinion for the term under discussion.

Secondly, on a day to day and week by week basis, pastoral members of synod are much more likely than lay members of our congregations to have official and informal contact with those who hold the offices of synod and district president; these officers are understandably more remote in the perception of the laity, who customarily encounter the clergy in the person and acts of their own parish pastors. There is much more at stake, therefore, for the clergy than for the laity in the matter of the nomenclature with which we refer to the head of the ministerium at the levels of synod and district. Since this is so, the laity might respectfully be asked at this juncture to permit (even invite) pastors to indicate why use of “bishop” as opposed to “president” is important for them and what benefits the change of usage might be hoped to bring about.

Thirdly, those who have held the pastoral office for some period of time are burdened by the harsh reality that *pastoral* care for the pastors, as opposed to administrative “supervision” (which comes across as the language of the Law), is not built into our churchly structure. However kindly he may be toward the pastors under his supervision, a “president” does not cut it as spiritual father or elder brother toward the harassed shepherds of today. Moreover, for going on the past two thousand years, the “pastor of the pastors” (*pastor pastorum*) has almost universally been known by the term that has (quite providentially) grown straight out of the New Testament for this purpose, namely, “bishop” (see below). Nothing is to be gained from an attempt to reinvent the wheel, so to say.

The first observation in the three just listed is remarkable in that there has been next to no public discussion in our pastoral or other gatherings on the virtues or otherwise of “bishop” versus “president”. Only one of our faculty members has published anything on this topic, and this body of writing consists only of one book review issued within the last decade and one Festschrift article published almost three years ago. Neither he nor any other member of the faculty is aware of having raised or addressed the issue under discussion in seminary classes, sermons, Bible classes, or any other public settings; at most it has cropped up only in private discussion. The present discussion of restructuring thus affords an excellent and needed occasion for a thorough consideration of the pastoral care of the pastors, and of the appropriate terminology for the ministerial heads who should properly be the first to exercise this needed care. Let us therefore avoid unseemly haste and give this matter a proper hearing.

If the Lutheran Church is to remain the pre-eminent scriptural church, the hearing must begin with the testimony of the New Testament. The terminology for the office of the ministry is somewhat in flux in the apostolic era. The Evangelists use ἀπόστολος “apostle” and μαθητής “disciple” almost interchangeably to refer to the original Twelve. St Paul presents a list of five, “the apostles and the prophets and the evangelists and pastors and teachers” (Eph. 4:11), whose members cannot all be defined and distinguished with absolute precision. In practice Paul often uses δοῦλος “servant”, but prefers the general term διάκονος, best translated “minister” (rather than the later term “deacon”). Luke in writing the Acts of the Apostles more often uses πρεσβύτερος “elder”—which has come into English by way of contraction as “priest”.

Does any of these biblical terms commend itself for a position of ecclesiastical supervision today? Certainly Paul’s Ephesian list gives pre-eminence to “apostle”, “prophet”, and “evangelist”; but it has been the near universal belief of the church that these offices were foundational (Eph. 2:20) and non-repeatable. These days only heretical groups would claim the title apostle or prophet for their leader! What remains is ἐπίσκοπος, which by etymology means “over-seer” or “super-visor”, but has come into

English by way of contraction as “bishop”. Used five times in the New Testament, it is a term that is applied in the first instance to Jesus Christ, “the pastor and bishop of your souls” (1 Pet. 2:25). By derivation it pertains to His undershepherds who care for His church in His stead (Acts 20:28). In one place it is likely used interchangeably with πρεσβύτερος “elder/priest” (Tit. 1:7). But in two key places, ἐπίσκοπος “bishop” is paired with διάκονοι “[assistant] ministers” in such a way as to suggest that the bishop figure exercises pastoral oversight and care over subordinate ministers within a larger parish structure (Phil. 1:1; 1 Tim. 3:2).

Thus, if one reaches for a supervisory term with *biblical* support, the New Testament cupboard is bare of all but one: bishop. Likewise, the near universal practice of the church from the first post-apostolic generation through to the eve of the Reformation was to order the presbyteral and diaconal offices under supervisors bearing the name of bishop. This faculty can offer no alternative term that remotely competes with such a pedigree. To exchange one non-biblical, non-historical, and non-ecclesiastical term (President) for another—especially when no alternative term is on the table—would be a step backwards, not forwards. While it might be possible to remain with *status quo* for the “synodical president”, the likelihood that we will expand the number of ecclesiastical supervisors in the new structure compels us to seek a new term, for a plethora of “regional presidents” would merely exacerbate the current problem.

In all likelihood, those laypeople who have expressed opposition to the term “bishop” are unaware that the Lutheran Confessions clearly express their preference for continuing (while in certain respects reforming) the polity of the pre-Reformation Church. Moreover, even the clergy are likely to be unaware of the strong (biblically and historically founded) desire of Dr Luther and other Wittenberg theologians to preserve the office of bishop. It deserves to be better known that, in Luther’s last years, he was offering the strongest possible support to the “Lutheran takeover” of two dioceses on the territory of Electoral and Ducal Saxony, where he had consecrated Nicholas von Amsdorf as Bishop of Naumburg and Prince George of Anhalt to discharge episcopal functions in the diocese of Merseburg. The relationship the Reformer cultivated with his long-time academic colleague von Amsdorf in his new capacity as bishop illustrates what many of our pastors hope to receive through the recasting of our church presidents as bishops. It should be clearly noted that the restrictions placed on Bishop George stemmed from princely greed, and that the collapse of these Lutheran bishoprics and the death of episcopacy in Lutheran Germany is a tragedy that we must lay at the door not of Charles V, with his temporary and fragile victory following the Smalcald War, but of the Lutheran princes, who wanted to grab as much territory as possible and who insisted on arrogating supreme authority over the church to themselves. Perhaps those adamantly set against conceding the title and role of bishops to the synodical and district presidents of LCC might care to reflect on these sentences (from a document soon to be published in full for the first time in English translation) that Luther and Melancthon considered thoroughly biblical and in keeping with the reliable tradition of the church:

There must nevertheless be an order among these curates of souls, for they do not have the same gifts, cannot all be judges in weighty articles of doctrine, and cannot all set up and conduct courts. And since this wretched nature is shot through with instances of all manner of shortcomings, there must be certain particular places and persons where folk know to come for counsel, [and] likewise, [there must be those] who have supervision over others. And the same places must be equipped with persons and support in such a way that, as much as human forethought can provide, a stable arrangement is established. There must therefore be bishops, as a degree above other priests, and these must exercise assigned governance (from *The Wittenberg Reformation*, 1545)

This faculty’s hearty commendation of the term “bishop” is not accompanied by a naïve belief that such a change in nomenclature is a simple matter. The instinctive opposition to the term among our laity and some of our clergy arises not only from our early Missouri history but also from a simple self-

identification as “not Catholic”. These instincts are often accompanied by the belief that a change from “president” to “bishop” would necessarily entail a move away from service towards power—quite the opposite of what is intended. It would be critically dangerous to the health of our church if the change in nomenclature were, so to speak, “foisted” upon the synod without a thoroughgoing attempt to address the preceding issues. We strongly urge the CCMS, therefore, should the term “bishop” be part of the restructuring proposal (as we indeed hope), to provide Bible Study materials to every congregation of synod together with a plan to ensure their use. Our faculty stand prepared to provide such a resource—recognising, of course, that there may be many other issues concerning the nature of the church and her structure that might be part of such a vital study.

“May the God of our Lord Jesus Christ, the Father of glory, give to you the Spirit of wisdom and revelation in the knowledge of Him” (Eph. 1:17).

Respectfully submitted,

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