

The Doctrine of the Call in the Confessions and Lutheran Orthodoxy

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A. THE UNITY OF DOCTRINE AND PRACTICE

According to the Lutheran Confessions theology and practice are a complete and inextricable unity.¹ This is true in respect to every article of the Christian faith, whether we refer to the immanent Trinity, whom we confess and worship in the ecumenical creeds, or the Ten Commandments, or the article of justification (the forgiveness of sins) for Christ's sake, or the doctrine of the Lord's Supper. In respect to any and all articles of faith, if the doctrine, practice, or worship is errant or not in joint, all will be errant and out of joint.

This inexorable fact is especially clear in the case of Augustana XIV, which speaks of the divine call of a suitable man into the public ministry of the Word. Article XIV of the AC presents a *doctrine* of the call: "Our churches *teach* . . ." The call is God's action through the whole church (Tr. 24), a *practice* which comes down from apostolic times. The call in the wider sense, a sense as often used in the Confessions and by Lutheran theologians from Luther on, includes ordination and installation, which is a liturgical rite.

The unity of doctrine, practice, and public liturgical worship becomes more apparent and significant when we note the relation between the doctrine of the call and other articles of faith, specifically AC III and IV on redemption and justification (cf. SA II.ii.1),

1. Cf. Robert D. Preus, "Confessional Lutheranism in Today's World" in *Concordia Theological Quarterly* 54 (April-July 1990): 100-103. Cf. AC XXVIII.5. This unity between theology and practice (which includes liturgy) remains whether theology is viewed as a theological habitude (*habitus practicus theosdotos*) or as Christian doctrine (*logos tou theou kai peri tou theou*).

around which all the articles of faith cluster, and AC V, which addresses itself to the institution and appointment (*einsetzen*) of the ministry for preaching the Gospel of justification so that faith might be worked and sinners justified for Christ's sake, and establishes the mission of the church.² The principle just stated is also seen as we compare AC XIV "On Ecclesiastical Order" with AC VII and VIII on the church and AC XXVIII "On Ecclesiastical Power," and even FC X on church rites. All of these articles deal with doctrine, divine action, practice, and worship; and the referents of the doctrine in every article are not abstractions, but realities: God and His saving work; the concrete office of the ministry and its saving power and work; the call which places a man in that ministry; the explicit mission, power, and work of the church, and its worship.

Almost every reputable book or commentary on the Confessions sees a causal as well as an organic relationship between AC V and AC III and IV, AC XIV, AC VII and VIII, and AC XXVIII.³ The Gospel creates the ministry and the church, and the church and her ministers have no other work and mission than to preach

2. Cf. Robert Preus, "The Confessions and the Mission of the Church" in *Springfielder* 39 (June 1975): 20-39. Compare also Eugene Bunkowske, "Was Luther a Missionary?" in *A Lively Legacy: Essays in Honor of Robert Preus*, ed. Kurt E. Marquart, John R. Stephenson, Bjarne W. Teigen (Fort Wayne: Concordia Theological Seminary Press, 1985), 15-32.

3. Norman Nagel, "The Office of the Holy Ministry in the Confessions" in *Concordia Journal* 14 (July 1988): 298: "What goes with the Office of the Keys is 'To preach the Gospel, to forgive and retain sins, and to give out and administer the Sacraments' (AC XXVIII.5). That these things be done flows from (*ut*) Article 4, Justification. What is confessed in Article 4 is confessed as given out by the ministry of preaching (*Predigtamt*). When Gospel and Sacraments are given out they are the means by which the Holy Spirit works faith in those who hear the Gospel." Cf. Frederick Mildenberger, *The Theology of the Lutheran Confessions*, trans. Erwin L. Lueker, ed. Robert C. Schultz (Philadelphia: Fortress Press, 1986), 233. Cf. also Edmund Schlink, *The Theology of the Lutheran Confessions*, trans. Paul F. Koehneke and Herbert J. A. Bouman (Philadelphia: Muhlenberg Press, 1961), 229-33. In a very learned article entitled "Augsburg V: Intent and Meaning of the Confessors on 'Ministry,'" *Concordia Journal* 17 (January 1991): 30-42, my colleague Dr. Eugene Klug argues that AC V speaks primarily of the work of the Holy Spirit through the means of grace (which is admitted by virtually all scholars), and only *implicitly* of the preacher, or minister. This is going too far, in my opinion. Luther's reference to the ministry as that of the "oral Word" in the Schwabach Articles, a source of AC V, and Luther's attack against the enthusiasts in SA III.viii for their teaching that the Holy Spirit works outside the Scriptures and the oral Word, indicate that AC V not only *implies* but *entails* the actual preaching of a concrete minister.

the Gospel and administer the sacraments through which the church and her ministry lives. And all jurisdiction of the church and her ministers is confined to this one activity. Fagerberg says, "The various tasks of the ministry can therefore be consolidated into this one: to make the voice of Christ heard through preaching and through the administration of the Sacraments and the power of the keys."⁴ The church is a saved community with a soteriological purpose and mission. The ministry is for the sake of the Gospel (Ap. XXVIII.18, 23.).

B. THE CALL

The term "call" is used in several ways in the Confessions as it is in the Scriptures.⁵ First, the term is used simply to name something, to denominate or identify (Tr. 61, 62, 74; LC I.142; II.36; III.37, 44). Second, more specifically, the term is used for the call of God to be a Christian, whether the call to faith (Ap. XX.12, 13; SC II.6; LC II.45) or the eternal call and election to eternal life and salvation (FC SD XI.33, 73). In the latter case, however, it is only through the external call by means of the Word that the elect are chosen (*passim*). Third, the Confessions speak of a call (*Beruf, vocatio*) to a specific divinely mandated position, such as ministers and civil magistrates (AC XXI.1; XXVII.13). Although Luther in the SC Table of Duties does not use the term "call," it is implied there that every station in life (*Amt und Dienst*), approved by God, is a call, and Melancthon says so implicitly (AC XXVI.38; XXVII.49), although he rules out monks having any kind of call. Fourth, a great deal of attention and emphasis is put by the Confessions on the call to the public ministry of the Word (e.g. AC XIV; Ap. VI.28; XXVII.41, 49; Tr. 67 *passim*).

Is there any common meaning to the term "call" in these many contexts? Is there a relationship between the use of the term in the various contexts? Yes. The term refers in every case to an action of God which is personal and concrete: "callings are personal"

4. Holsten Fagerberg, *A New Look at the Lutheran Confessions (1529-1537)*, trans. Gene Lund (St. Louis: Concordia Publishing House, 1972), 244.

5. For a discussion of the New Testament usage of the term, see Walter A. Maier, "The New Testament Doctrine of the Call," an unpublished essay delivered at a free conference, St. Louis, Missouri, February 17, 1990.

(*vocationes sunt personales*, Ap. XXVII.49). God is acting upon individual persons either to save them or place them in some office whereby they might serve Him. He is calling the person from a position to a position, a status. This much is clear so far as the term is used in the Confessions. The relationship between the various contexts in which the single term is used is only adumbrated in the Confessions and even in Luther and the earlier dogmaticians, although the soteriological connection is always clear.

It remained for Quenstedt, the premier of the later dogmaticians, to synthesize what was already and always implicit. Mindful of Luther's *vocatio caritatis*, the call to be a Christian and to love and live a life of love in one's own station, Quenstedt speaks of God's *gratiosa vocatio* by which he welds into one organic whole God's saving activity, God's church and ministry.⁶ The call, he says, is an act "by which God calls men to faith and repentance through the Word, when read or written, and offers them the grace of conversion. By grace those who have been converted are able to become partakers of salvation." The specific way in which this call is effected is through the ordinary ministry of the Word, the preached Word of the Gospel. God uses the "ordinary ministry [*causa ministerialis*] of the Word" to convert men (Mt 22:3; 9:38-39; Jas 5:20), and the "preachment of the Word" [*causa organica*] is always serious and efficacious. The *form* of the call is "God's intention," i.e., His determination and execution. Intention applies to all who hear the Gospel, execution to all who believe it. Why the execution does not take place among Muslims or barbarians in America cannot be answered. So much for Quenstedt. He did not get far with his synthesis. The *cur alii alii non* (why some, not others) stopped him.

Gerhard does better by not synthesizing, but only describing what the call to the ministry of the Word is.⁷ It is God's choosing, he says, "some special persons" from the rest of the multitude of men. These He places (*praefercit*) in authority in His church (Heb 5:4; Is 49:1; Gal 1:15; Rom 1:1). The call may be called a mission

6. John Andrew Quenstedt, *Systema Theologicum* (Leipzig: 1715), P. III, C. 5, Th. 4ff. (2, 663ff.).

7. John Gerhard, *Loci Theologici*, ed. Johann F. Cotta (Tübingen: 1763), 12:51.

(*missio*: Rom 10:15), at times an election (1 Chr 23:13; Lk 6:13; Jn 6:70; Acts 1:2, 24; 9:15; Rom 16:13). Essentially therefore, call and election belong together and involve each other. Election precedes the call and is more important. When God calls mediately, no one should be called who is not elected, except in the case of necessity. Sometimes the call is in reference to the one choosing, calling, sending (Is 49:1); sometimes the term is used passively for the one called (1 Cor 7:20). With the call God creates something which did not before exist, namely a minister, and God provides him with the gifts necessary for his task.

C. THE CALL IS FROM GOD

The author, the *causa efficiens*,⁸ of the call is God. He is the only subject of the action.⁹ It is His call, His office to which He calls, His saving Word to which the minister is called to preach, His Word of salvation for Christ's sake. With His Word He creates the church, with His Word He creates the preaching office. And through the preaching office "Word and office become one."¹⁰ Chemnitz says, "Because the ministry of the Word is that of God Himself, which He Himself wants to carry out through ordained means and instruments in His church, Lk 1:70; Heb 1:1, 2 Cor 5:20, 'We are ambassadors for Christ, as though God' [who is not far away from His ambassadors as king or ruler] 'were appealing through us.' Therefore, it is absolutely necessary, if you want to be a faithful pastor of the church, that you be certain that God

8. Quenstedt, *Systema Theologicum*, Th. 3.

9. Cf. Wilhelm Maurer, *Historical Commentary on the Augsburg Confession*, trans. H. George Anderson (Philadelphia: Fortress Press, 1986), 223 *passim*.

10. Cf. *Ibid.*, 188: "Just as the office depends on the Word, so the church depends on the office. Luther finds the connection between the office and the Word first in absolution and then in teaching. The consolation of forgiveness comes about through the preaching office; here Word and office become one. The same thing happens, albeit in the process of learning and believing perception, in the application of the 'Key of Teaching.' The 'general preaching office' serves, in a comprehensive sense, 'to proclaim the opening of the gates of heaven to all.' The minister of the Word is none other than a voice sounding clearly and consistently from the apostles through their successors to the present day" (cf. *Luther's Works*, American Edition, ed. Jaroslav Pelikan and Helmut T. Lehmann [Philadelphia: Fortress Press and St. Louis: Concordia Publishing House, 1955-86], 40:357-58; hereafter cited as AE).

wants to use your labors and that you are such an instrument of His."¹¹

Since the call to the ministry of the Word is from God, and the ministers are ambassadors for Christ, it is Christ's ministry.¹² Balthazar Mentzer,¹³ in commenting on the divinity of the call, stated that AC XIV is based on Rom 10:15. God has instituted the ministry of the Word and called men to it not only to declare His Word, but to protect the church against wolves (Mt 7:15; Jn 10:8; Jer 23:21). The primary target of his warning is the Anabaptists who deny the divine external call. After affirming that all Christ's people are indeed priests (1 Pt 2:9; Rv 1:6; 5:10) and are committed to offering spiritual sacrifices (Rom 12:1; Heb 13:15)—although there is no Levitical priesthood in the New Testament—Mentzer says that God Himself has established a difference (*discrimen*) in His church: some are teachers while others are hearers and disciples (1 Cor 12:29; Eph 4:11). It is God who calls both. He alone has the right and power to do so. And "there is no true call which does not issue from God and answer to God" (*quae non a Deo fiat, et ad Deum referatur*). So God calls ministers to save souls because He loves us all, but also out of good order to warn the flock.

11. Martin Chemnitz, *Loci Theologici*, trans. J. A. O. Preus (St. Louis: Concordia Publishing House, 1989), 2:699.

12. AE 38:200: "For we must believe and be sure of this, that Baptism does not belong to us but to Christ, that the Gospel does not belong to us but to Christ, that the office of preaching does not belong to us but to Christ, that the Sacrament does not belong to us but to Christ, that the Keys or forgiveness and retention of sins do not belong to us but to Christ. In summary the offices and the Sacraments do not belong to us but to Christ, for He has ordained all this and left it behind as a legacy in the Church to be exercised and used to the end of the world; and he does not lie or deceive us. Therefore we cannot make anything else out of it but must act according to His command and hold to it. However, if we alter it or improve on it, then it is invalid and Christ is no longer present, nor is His ordinance." Cf. Nagel, "Office of the Ministry," 290. Cf. also Heinrich Bornkamm, *Luther in Mid-Career, 1521-1530*, trans. Theodore Bachmann (Philadelphia: Fortress Press, 1979), 146 and *passim*. All the dogmaticians took 2 Cor 5:18-20 to refer to the ministers of the Word. This is also the case with Martin Luther; cf. AE 39:74.

13. Balthasar Mentzer, *Exegesis Augustanae Confessionis*, in *Opera Latina* (Frankfurt, 1669), 1:228.

D. GOD CALLS THROUGH THE CHURCH

Luther, the Confessions, Chemnitz, and all the dogmaticians teach with one voice against the Anabaptists, Socinians, Schwenckfeldians, and other enthusiasts, that after the time of the apostles God does not call pastors and ministers directly but mediately through the church. This is obviously the meaning of AC XIV. Mentzer bases AC XIV on such passages as 1 Tm 4:14; 2 Tm 1:6; Acts 20:28; and Eph 4:21. Thus, God calls through the church, Christ's bride, to whom He gives the keys of the kingdom. "Thus the total ministry is of the church (Eph 4:12; 1 Cor 3:21). And pastors are called ministers of the church" (1 Cor 3:5). Although the church consists of its members (Rom 12:5; 1 Cor 12:12), still there is a distinction in the church between certain orders or classes of men. The result is that not all in the church may be called to be ministers. There are pastors and sheep, or, if you prefer, elders and people. This is according to divine order (Eph 4:11). Mentzer here is merely echoing Melancthon's principle in the Apology (XXIII.15): "The church cannot arrogate to itself the freedom to call Christ's ordinances matters of indifference." God's call through the church is no less divine for that. And God's call is a command (Ap. XXVII.41) of His, not some trifling vow or decision man makes for himself.

Chemnitz articulates the position of Tr. 66 to 70 on the mediate call: "Through the apostles He [God] has given and prescribed to the church a certain form how He now wants to send and call ministers, namely through a mediate call. God absolutely wills that to the end of the age the ministry be bound to that word of teaching which has been received from the Son of God and handed on to the church through the apostles who were directly called" (Gal 1:8-9; 2 Tm 1:14; Heb 1:1). Again he argues for the position of the Treatise: "This mediate call has sure and solid foundations in the Word of God, for the apostles, through the vote (*suffragia*) of the church, maintained elders in individual churches, Acts 14:23. The apostles and church in their day did not want teachers to be sent immediately from God, but through the vote of the church they chose learned and suitable men and gave them their assignment." Lest the reader suppose that God has surrendered

to the church His own supreme right to call laborers into His vineyard, Chemnitz adds, "Nor must we think that this mediate call rests only on examples without divine command. For Paul directs Titus and Timothy to ordain presbyters and how they should do it through means, Titus 1:5; 1 Tim 2:2." And then Chemnitz argues that the mediate call in our day is as divine as that call to the prophets in the Old Testament. Timothy was no less called by God than Paul himself, and so it is for every minister today (Acts 20:28; 2 Cor 5:18–20; 1 Cor 12:28). God gives the same grace, help, power, and divine efficacy to the ministry of the Word today.¹⁴

E. THE NECESSITY OF THE CALL

And so the call is necessary. That is the very point of AC XIV when it says, "*Nobody* should preach publicly in the church or administer the sacraments *unless* he is regularly called." This point had already been made by Luther in his many writings against both Anabaptists and Papists.¹⁵ Admittedly, a church, by the grace of God, can exist for a time without a pastor. Luther had granted this in his letter to the citizens of Prague when he urged them to go without the Sacrament of the Altar and practice house devotions rather than submit to papally ordained priests.¹⁶

The old Lutheran theologians, like Luther, emphasized the necessity of the external mediate call to the ministry. Not only must no person preach publicly without a call from God, but no

14. Chemnitz, *Loci Theologici* 2:700.

15. For a discussion on Luther's insistence on the necessity of the call and the ministry in the church, cf. Charles J. Evanson, "The Holy Ministry: Luther and Lutheran" in *And Let Every Tongue Confess: Essays in Honor of Norman Nagel on the Occasion of His Sixty-fifth Birthday*, ed. Gerald S. Krispin and Jon D. Vieker (Dearborn, MI: Nagel Festschrift Committee, 1990), 156–59. Cf. AE 39:309: "Since a Christian congregation neither should nor could exist without God's Word, it clearly follows from the previous [argument] that it nevertheless must have teachers and preachers who administer the Word. And since in these last accursed times the bishops and the false spiritual government neither are nor wish to be teachers—moreover, they want neither to provide nor to tolerate any, and God should not be tempted to send new preachers from heaven—we must act according to Scripture and institute from among ourselves those who are found to be qualified and whom God has enlightened with reason and endowed with gifts to do so."

16. AE 40:7–43.

one should listen either.¹⁷ For the call is not by human arrangement (*constitutio humana*), but by divine order.¹⁸ Not merely the example of the early church, but a divine command (*mandatum divinum*) controls the call of a minister (Ti 1:5; 1 Tm 2:2).¹⁹ Quenstedt poses the question "whether a specific call is required of one who occupies the Christian ministry?" He answers that the question is not concerning qualifications, or love, or dedication; not whether there is a "case of necessity" (urgency), but whether one must be legitimately called to carry out the ministry of the Word. He responds that when one functions in his own legitimate office in a church rightly founded by the Word of God, no one should enter that office of teaching (*munus docendi*) without a legitimate call. "This is absolutely necessary" (*omnino necesse est*). And he cites AC XIV. Quenstedt is only reiterating what Luther and all the dogmaticians have said before him.²⁰ Gerhard says, "This call

17. Chemnitz, *Loci Theologici* 2:698.

18. Ibid. 2:699.

19. Ibid., 700. Cf. Martin Chemnitz, *Examination of the Council of Trent*, trans. Fred Kramer (St. Louis: Concordia Publishing House, 1978), 2:678; Chemnitz, *Loci Theologici* 2:700; AE 40:111, 384; Abraham Calov, *Systema Locorum Theologicorum* (Wittenberg, 1655), 8:316. Calov writes against the Socinians and Arminians, using Jn 20:21-22, Mt 28:19, Rom 10:18, Eph 8:12, and 1 Cor 12:18 as his proof. Calov believes ordinarily people are brought to faith through the ministers of the Word. There are exceptions, but few are found in Scripture except those converted directly by Christ, and even Paul was confirmed through the ministry of Ananias. Luther in his "Infiltrating and Clandestine Preachers" (1532) claims that preachers without a call are of the devil. They rob legitimately called pastors of their ministry, indeed rob God Himself. They have no right to divide a parish or cause dissensions. By doing so they despise the pastor, judge and condemn him behind his back "without charge or a fair hearing" (AE 40:386). "If we did not hold fast to and emphasize the call and commission, there would finally be no church," Luther says. "The church would be devastated by all kinds of intruders, would be divided, and soon nothing would be left." Luther is most insistent that a pastor must have a call. "One cannot hold an office without a commission or call." "The Lord did not give the servants the talents with which they were to trade before He called them in and commanded them to trade. 'He called His servants,' the text says, 'entrusted them His property.' Let the interloper bring such a call and authorization with him, or let the Lord's money alone. Otherwise he will be found as a thief and a rogue. According to Matthew 20, the laborers did not go into the vineyard until the householder hired them and sent them. Some stood idle the whole day while they were called and sent." Luther goes on to say (p. 392) that it is not proper for an outsider to arrogate to himself a "call" or "power" to pass sentence on pulpits which are not theirs. That is nothing but thievery and murder, he says, and interferes with another's office and must not be tolerated (1 Pt 4:15). Cf. AE 39:301ff.

20. Quenstedt, *Systema Theologicum*, q. 1.

into the ministry is absolutely (*omnino*) necessary for those who, according to the will of God, desire to carry out this office (*munus*) with a good conscience and for the benefit of those who hear them."²¹ Again, AC XIV is quoted.

The necessity of the divine external call implies two very important points of doctrine. The office itself to which one is called is necessary, a *mandatum Dei*, as Melancthon already makes clear in the Treatise (72) and the Apology (XIII.12). Second, the call creates the office. Chemnitz says, "He who understands the fundamentals of the heavenly doctrine and has been equipped for teaching well, when he offers his work to God and the church, seeks nothing else than that God through some lawful call would declare whether, when and where God wills to use his service (*ministerium*) in the church."²² No call, no ministry. No one may run, if God has not called and sent him. If a call does not come, one does not "push his way in." Our Confessions and theologians with great consistency view the call into the ministry of the Word as a divine action, not unlike Baptism, if one does not press the image, whereby one is placed in a new status, or office.

F. THE OFFICE

What is this office to which a person is called? It is known by many titles in the Confessions: pastor, elder, teacher, preacher, minister, occasionally bishop, almost never priest.²³ The nomenclature is so varied because all the terms, taken from Scripture, speak of the same one office, from different points of view. Our

21. Gerhard, *Loci Theologici* 12:52. Gerhard proves his point for the necessity of the call and the necessity of the ministry with massive exegesis from Jer 23:2, Jn 17:9, Jn 3:2, Rom 10:15, and Heb 5:4.

22. Chemnitz, *Loci Theologici* 2:698.

23. Fagerberg, *A New Look at the Lutheran Confessions*, 236–38. The term priest is never used in the later Confessions. The reason for this is that it was confused with the Roman title, and also the term was reserved for the entire church who were all priests before God, a doctrine which scarcely gets into the Lutheran Confessions, but was a doctrine taught at length by Luther in the early 1520s. It was by virtue of the universal priesthood of all believers that the church had the right to call pastors. Even Luther does not use the word priest very often, and only in certain contexts as he debates the Romanists. In his early writing "Concerning the Ministry" of 1523 (AE 40:3–44) he ordinarily speaks of bishops, ministers, or pastors in an exegetical fashion. See *ibid.*, 40.

Confessions recognize this fact when they equate all the titles (Tr. 61ff.), but do little to explain systematically the various nuances and connotations peculiar to the several terms. However, by a brief examination of how the titles are used in the Confessions, we can learn more of what is comprised within the one office.

To Luther, pastor, preacher, and minister denote the same person or office (SA II.iii.1; cf. his practice in the SC and LC, and also the usage in FC). Pastors and ministers are often classified with bishops and always bear that title (AC XXVII.13; XXVIII.38). By divine right the pope, like any minister, is no more than the pastor and bishop of the churches at Rome: other churches may attach themselves to him politically, but only by human right, for the other churches did not choose him as overlord (SA II.iv.1).

The title *elder* is also used interchangeably with pastor, bishop, and minister (Tr. 64). In the ancient church those who presided over the churches were called elders and bishops, and those called elders, or presbyters, would by human right choose one man over the rest to avoid schism and for decency and order (Tr. 62–67). But any distinction between bishop, elder, and pastor is only by human right, and when bishops become tyrannical or enemies of the Gospel, the church—the term is used in the singular and the plural—has the right to call, elect, and ordain ministers, and the ordination by another pastor is valid “by divine right.”

Another term is used often for the pastor, namely *teacher* (Tr. 79: *doctor, Prediger*; SC Table of Duties, 2–3; FC SD Preface, 4–5; FC SD XII.3: *Lehrer, doctores*). And it is this term which brings the minister (the term used most often) back to his office, namely the “ministry of teaching the Gospel and administering the Sacraments” (AC V) and to the mission of the church (note the consistent introductory formula of the AC, “Our churches teach . . .” and of the FC, “We believe, teach, and confess”). The burden of the ministry is to teach. Oversight, rule, ministry, preaching, pastoring, leading, the various duties inherent in the ministry, are all realized through the teaching of the Gospel.

The works of Luther and our Lutheran dogmaticians are replete with references to teacher/disciple; preacher/hearer; pastor/sheep (flock); minister/people. This is further evidence that there is only one office of ministry in the church. There is no call but

that to the office and function of teacher, either in local churches or the church at large.

The dogmaticians discuss in great detail the titles for the minister according to the biblical data. The most extensive and useful discussion is by Gerhard, who goes far beyond the other dogmaticians. All the biblical terms and contexts and concepts are meticulously studied: *leitourgia* (service), *episkope* (oversight), *oikonomia* (administration), *ierourgia* (religious service), *diakonia* (ministry), *ierarchia* (Old Testament priestly rule), and many of the descriptive titles for the minister (e.g. father, ruler, etc.).²⁴ His conclusions are the same as Luther's and the Confessions'. All the terms and titles refer to one office, the office of preaching and teaching the Word. By the time of Gerhard and stretching into the eighteenth century (Hollaz), one title for the office became dominant, *Predigtamt; ministerium docendi*, the very terms Melancthon had chosen in AC V.1.

Preaching and teaching the Gospel: the two terms are interchangeable. This activity, along with the administration of the sacraments, is the one mission and work of the church. This activity, along with the administration of the sacraments (which is included under this activity), constitutes the marks of the church. And it is this activity alone to which the minister and teacher in the church is called.

A couple of comments on the prevailing title for the one who holds the office. The title "minister" (*minister, Diener*) is taken from the New Testament *diakonos*, servant. Office (*ministerium*) means service; minister means servant.

Second, the minister ministers, or serves the church, by teaching. The title teacher is also commonly used in our Confessions for a minister of the Word, as we have seen. It corresponds to the New Testament *didaskalos* (or the more specific *rabbi*), just as the specific descriptive title minister is a translation of the generic term *diakonos* in the New Testament.

But at times it refers to a special, leading teacher in the church, a doctor, most often a professor. In some cases such a *doctor ecclesiae* would have a congregation; at times he might be a bishop or superintendent (Hans Paulsen Resen, Jesper Broch-

24. Gerhard, *Loci Theologici* 12:4ff.

mand in Copenhagen; Chemnitz in Braunschweig; Gerhard at Heldberg) and pastor of a congregation; in other cases he would be simply a professor. He was called to his professorship. Almost all the old dogmaticians were professors (Hollaz was an exception). Luther was called to the University of Wittenberg through the offices of Staupitz, his superior, and the elector. He also, interestingly, regarded his doctor's degree, which he never sought, as a call by which he was justified in being a teacher to "the whole church" and in reforming the church.²⁵ Although this opinion of his did not affect the doctrine of the call, it furthered the notion that professors of theology were to be called, and, like parish ministers, they were called, but to be teachers (doctors) of the whole church.²⁶

Doctors came to be called the "representative church" (*ecclesia repraesentativa*) and performed the role of teachers of the whole church. Thus, the great Lutheran universities rendered opinions on all kinds of theological questions; their opinions were published and shared through all of Lutheranism, and their opinions were valued and respected. Their calls as professors were not merely to teach men, to administer the sacraments, or to prepare

25. Hermann Sasse, *Here We Stand* (Minneapolis: Augsburg Publishing House, 1946), 63. Cf. *D. Martin Luthers Werke: Kritische Gesamtausgabe*, 58 vols. (Weimar: Hermann Böhlau und Nachfolger, 1883-1948), 30³:386: "But I, Doctor Martin, am called to, and compelled to, become a doctor, without my having willed it, purely out of obedience. Thus I had to accept the doctoral office and promise to pledge my most beloved Holy Scripture that I would preach and teach it faithful and pure." Luther received his letter of call from Johann Staupitz, minister-general of the Augustinians, with the consent and confirmation of the elector, Frederick. The call was to the presbytery and the theological professorship in the church and academy at Wittenberg. In his doctorate he received the consent of the Augustinian Order. As far as I can determine, just as the Augsburg Confession was signed only by political magistrates, the Smalcald Articles were signed only by pastors, preachers, superintendents (who were pastors), and professors who were also ministers at churches. The one exception is Phillip Melancthon. This was probably true also of the thousands who signed the Formula of Concord. Hollaz, *Examen Theologicum Acroamaticum* (Leipzig: 1741), 1320, defines the representative church as "meeting of doctors who represent in their own way the synthetic church." They do this as ministers of the church in councils, synods, and other meetings and thus give leadership to the church in the area of doctrine and worship.

26. All the Lutheran dogmaticians have a section in their works on the validity of Luther's call, even after his excommunication and ban. When God places a man in the ministry of the Word, no one and nothing can set this divine work aside.

them for the ministry, but to teach the whole church. Today in the Lutheran Church—Missouri Synod, *doctores ecclesiae* at seminaries have been gradually deprived of this function of their call, and the function has been transferred to the Commission on Theology and Church Relations (CTCR), an elected and officially appointed group with no call to the ministry of teaching.

A term which is only rarely found in the Confessions for the minister and sedulously avoided by Chemnitz and all the later dogmatists is the term "cleric." Neither the Confessions nor the later Lutheran teachers speak of the distinction between clergy and laity; it was a misleading and confusing distinction because of the excesses, elaborations, and aberrations of the papacy. The term, as used in the Roman and other communions for centuries, was derived from the Greek *kleros* (lot, portion, inheritance; 1 Pt 1:4), a beautiful word used for the entire Christian community, the universal priesthood, but ironically appropriate to the purposes of the papists who divided and subdivided their clergy into ranks.²⁷

According to AC V and XIV the ministry is the office of publicly teaching and preaching the Gospel and administering the sacraments. That simple definition of what the minister is called to never changes. Quenstedt, 160 years after the first Lutheran was ordained into the sacred ministry, offers a typical and comprehensive definition. "The ecclesiastical ministry is a sacred and public office, divinely instituted and entrusted by the conferral of a legitimate call upon certain and suitable persons, in order that they who are provided with special power (*peculiaris potestas*)

27. Cf. Gerhard, *Loci Theologici* 12:35ff. Cf. also Robert Bellarmine, *De Controversiis Christianae*, De Clericis (I, 1101ff.). Bellarmine divided the ranks of the clergy as follows:

The Seven Sacred Orders

Greater Orders (Priests)

1. Patriarchs
2. Archbishops
3. Metropolitans
4. Bishops

Lesser Orders (Elders)

2. Deacons
3. Subdeacons
4. Acolytes
5. Lectors
6. Exorcists
7. Ostiaries

Bellarmin taught that the clergy were the inheritance and lot of the Lord. Gerhard and the Lutherans believed that the term clergy should apply to the whole church. Bellarmine taught that clergy were always and only those under the bishops. Gerhard believed that the sheep of the Good Shepherd were the *kleroi* (inheritance) of the Lord.

might properly carry out the function (*munus*) demanded of them. That duty is to preach the Word of God, administer the sacraments, preserve discipline in the church, bring about the conversion and salvation of men, and extend the glory of God."²⁸ A tremendous amount of discussion is given in the Confessions and the tomes of the dogmaticians explaining and defending this simple definition. By "discipline," a term foreign to the Confessions, Quenstedt means the public administration of the office of the keys by the minister. Whereas the Reformed Confessions have special articles on excommunication and scarcely mention the loosing key of the Gospel or even the office of the keys at all, except as a concession to the Lutherans, our Lutheran Confessions on the other hand, with their emphasis on the centrality of justification (Ap. IV), absolution (Ap. XIII.51ff.), and God's *opus proprium* to quicken, console, forgive, and save through the office of the ministry (Ap. XIII.51ff.), and their bare mention here and there of excommunication, illustrate not only the evangelical character of their theology, but indicate that the office of the minister is at bottom an evangelical office. According to the Lutheran Confessions the law is preached for the sake of the Gospel. Excommunication (the lesser ban) is pronounced by the minister upon manifest and impenitent sinners in order that they might repent, receive absolution, and be saved (SA III.ix; Tr. 60). And the Confessions warn against hasty and unjust excommunications (AC XXVIII.2; FC SD XII.26).

There is in the Confessions a precise correlation between the means of grace which create and sustain the church, the marks of the church which denote the church, and the office of the ministry which serves the church. In every case, we are speaking of the preaching of the Gospel and administration of the sacraments. This is the office (*officium, Amt, functio, usus, opus*; AC XXVIII.85, 87; SA III.x.2), this and nothing else. The pastor may make new ordinances in the church, and there is nothing wrong with that. These rules can be observed for the sake of love and tranquility (Ap. XXVIII.53-57), e.g. women covering their heads (1 Cor 11:5), Sunday services, etc. But it is no sin to omit such things, and consciences should not be burdened by them (Ap. XXVIII.15-17). And

28. Quenstedt, *Systema Theologicum*, Thesis 13.

so the office is clearly delineated and delimited. It is *nothing less* and *nothing more* than the preaching of the Gospel and administration of the sacraments. If the minister does less than the office requires, he fails to carry out the function of the office; if he adds to the duties of the office, he violates the office. The call is to the one and only office, the ministry, nothing more and nothing less.²⁹ There is no call to an office which is not the preaching of the Gospel and administration of the sacraments, no call to social work, political action, works of mercy, or anything else—such functions are the office of the *vocatio caritatis*, which belongs to all the Christians, to the universal priesthood of believers. But woe to the minister who does not carry out the public office and preach the Gospel. All that he does is to promote the ministry; whether he studies, interprets, explains Scripture; whether he teaches, catechizes, comforts, warns, or applies the Word (2 Tm 3:16ff; Rom 15:4);³⁰ all belongs to the mandate of the office. He serves with the Word and he leads and rules with the Word; with the Word he tends the people of God whom Christ has purchased with His blood and who have been entrusted to him; and he will give an account (AE 38:100; 41:164; Tr. 10, 30; FC SD X.10).

There are two conclusions of primary importance to be drawn from what has just been said, and from the fact that the call must correspond to the ministry itself. First, there simply is no call from God through the church but the call to the preaching of the Word (and administration of the sacraments), no call to monkery, exorcists, ostiaries; social work, political office, military service; no call in our day to fund-raising, accounting, public relations, Sunday school or parochial school teaching, or even so-called directorships of Christian education, evangelism, or church administration. There is only the one call to the one public *ministerium evangelii docendi*.

Second, if one is placed in the ministry and does not carry out the office of the ministry of the Word, he has no call and no ministry. This is the point made by Luther in his many writings against the papacy and by Melancthon in the Treatise and Apology. The pope is not the head of Christendom by divine right or

29. Hollaz, *Examen Theologicum Acroamaticum*, 1346.

30. *Ibid.*, 1346–47.

according to God's Word, for that position belongs only to Christ (SA II.iv.1ff.). What he has usurped to himself by human authority is blasphemous, diabolical, and tyrannical, for he has lost track of the Word concerning the redemption in Christ. The entire hierarchical system is a pretense. The bishops are of "no use to the church" and they have no ecclesiastical office, for they have not been called or ordained to the ministry of the Word (Ap. XIII.7-13; Tr. 70); and it is only the ministry of the Word which "has God's glorious commands and promises" (Ap. XIII.12-13). If the bishops were to tend to the work of ministry of the Word, they could be obeyed. Since the pope buries the Gospel and tyrannizes the church through his bishops, he is the Antichrist of 2 Thessalonians 2.³¹

There is another reason for rejecting the ministry of Roman Catholic bishops besides the fact that they were never called to the ministry of Word and Sacrament and never served that ministry.³² The Confessions do not recognize ranks (*status*) by divine

31. These were the two reasons why Luther in his writings and in the Smalcald Articles, and Melanchthon in the Treatise, were identifying the pope as the Antichrist: he buries Christ by refusing to let the Word of the Gospel be preached in its beauty and clarity and by his resacrifice of Christ in the mass again and again. The ordination of the priesthood, which makes a priest what he is, is fundamentally the ordination to say mass and resacrifice Christ, thus once again burying Him and obscuring the Gospel. The second reason the papacy was identified as the Antichrist is based upon the first; namely, that he tyrannizes the true Christians, putting ministers of the Gospel out of office, and in that way once again, by destroying the ministry of the Word, obscuring the Gospel, and burying Christ. Melanchthon and especially Luther see the recognition of the papacy as the Antichrist as indication that a Christian understands the doctrine of justification and appreciates the treasures in the Sacrament of the Altar and the office of the ministry of the Word. Cf. Luther's "Passional Christi und Antichristi," W² XIV, 198ff. Cf. also XV.2430; XXIa.156; XXII; XXIII; XXIV; XXa.184; XV.1638; XV.2463; XV.1475, 1627. From Luther on, all the Lutherans believed that the papacy was the Antichrist: Bugenhagen, Flacius, Egidius Hunnius, Lukas and Andraeus Osiander, Baldwin, Calov, Spener, Joachim Lange. Also Zwingli, Calvin, and Beza. For an excellent summary on this whole issue see Daniel Preus, "Luther on the Pope: Justification and the Papal Office, a Study in Conflicting Soteriologies" (STM thesis, Concordia Theological Seminary, Fort Wayne, 1989). In the list of those who believe that the papacy is the Antichrist are all the Lutheran dogmaticians without exception.

32. The corruption, simony, and nepotism connected with ordination and investiture to positions in the Roman church had descended to the very depths at the time of Luther. In 1492 Rodrigo Borgia, who had just bought the papacy principally from Cardinal Ascanio Sforza, on the day of his coronation as Alexander VI appointed his son, Cesare, a youth of sixteen, to the bishopric of Valencia, without even receiving the sanction of King Ferdinand. The next year

right among ministers, as was taught and practiced in the Roman church. "The distinction between bishop and pastor is not by divine right," Melancthon says (Tr. 65). The bishops have no power to coerce churches against their will and make laws for churches and ministers which are against the Gospel (Ap. XXVIII.76 *passim*). All pastors and bishops are equal according to divine right (SA II.iv.9; Tr. 61, 62). What authority they possess, then, is by human right.³³ According to human right and for the sake of love and unity, bishops may continue to be in charge of ordination and confirmation (SA III.x.1). The pastor may also obey bishops who by human right fix festivals and set orders of service and other matters of administration.³⁴ The ranking of clergy by hu-

the young man was elevated to the office of cardinal. He never functioned as either. Cf. Ferdinand Gregorovius, *Lucrezia Borgia*, trans. Ludwig Goldschneider (London: Phaeton Press, 1948). The appointment or investiture to an office does not make one a bishop or an officeholder. The appointment or investiture to any office other than Word or Sacrament is a sham. The Lutherans believed that one was called by divine right into the ministry of Word and Sacrament. Only one in that ministry could by human right be elevated to bishop or superintendent or some other auxiliary office in the church.

33. Schlink, *Theology of the Lutheran Confessions*, 241ff. Cf. Chemnitz, *Examination of the Council of Trent* 2:687, where he argues the case more fully than the Confessions do: (1) there is no command of God that there be ranks or what ranks should be within the one ministry of the Word; (2) there were no ranks in apostolic times; (3) rather, all men performed the same duties and "performed all the duties which belonged to the ministry." Orders were free at the time of the apostles to be observed for the sake of good order and edification. As examples of such "orders" Chemnitz lists prophecies, miracles, and other special "gifts."

34. Cf. Schlink, *Theology of the Lutheran Confessions*, 250 and *passim* for a thorough discussion of the difficulties that the Lutherans encountered with the entire problem of ecclesiastical order and the relationship between "divine right" and "human right." To Schlink, human right is not the right of the world but the right of the church, of believers, to put church ordinances into effect in Christian liberty.

Schlink says (*ibid.*, 252), "Ecclesiastical Order must always be constituted anew in such a way as to 'offer the office of the ministry a maximum of possibilities to accomplish its service of preaching the pure Gospel and of properly administering the sacraments by the name and by the command of the Lord of the church'" (H. Sasse, *Kirchenregiment und Weltliche Obrigkeit nach lutherischer Lehre*, 60). Cf. Schlink, *passim*, for a full and excellent account of the entire issue of human and divine right in the church, an issue which plagued Lutheranism in that day as well as today. Lief Grane sums up the issue, "Precisely because the Lutheran reformers do not consider themselves church founders, it is logical that the AC regards the office of bishop as being normal in the church. The office is also a *ministerium verbi* (ministry of the Word), however, which means that a bishop is not a true bishop by virtue of his ordination alone. If he does not exercise the ministry of the Word he is not to be

man right so as to carry out the one mission of the church in decency and order was a vexing problem for the Lutheran church since the first years of the Reformation. It is safe to say as an observation that as time went on, *de jure humano* church order, always for the sake of good order, became more and more elaborate, as the breach with the Roman church became more fixed. But one might also observe that the later Lutherans were conservative in the changes they made, and did not forget the goal of all church order, the cause of the Gospel and the ministry of the Word. And in their doctrine and practice of the call they faithfully upheld what was much more briefly taught by Luther and the Confessions.

An important principle may be drawn from what we have just said. Just as there is only one ministry (*ministerium docendi*), there is only one call to that ministry. A call to any public position or function other than the one and only ministry of the Word is no call at all, at least in the sense that AC XIV, Luther, Melancthon, and all the dogmaticians use the term. Of course, there were other positions (*status*) and functions (*functiones, munera*) in the church at the time of the Reformation and among the Lutherans, notably later on deacons, but also sextons, cantors, and in our day parochial school teachers;³⁵ but as far as I know,

obeyed. . . . The only thing necessary is the ministry of the Word, which is the true task of the bishop as well. The fate of the office of bishop, therefore, must depend upon whether or not it serves the Gospel" (Lief Grane, *The Augsburg Confession: A Commentary*, trans. John H. Rasmussen [Minneapolis: Augsburg Publishing House, 1988], 157-58).

35. C. F. W. Walther calls parochial school teachers, almoners, sextons, and the like "auxiliary" offices which support the ministry of Word and Sacrament. He quotes two Bible verses in support of his position: 1 Tm 5:17 and Rom 12:8. Walther does not say that those who held any of these positions were "called" to their position, and it is my understanding that they were not. The positions, he says, are to be "regarded as ecclesiastical and sacred, for they take over a part of the one ministry of the Word and support the pastoral office" (C. F. W. Walther, *Church and Ministry*, trans. J. T. Mueller [St. Louis: Concordia Publishing House, 1987], 290). Of all these positions, the only one that would have any biblical precedent would be the deacon, an office recognized by Luther, the Confessions, and the dogmaticians. I rather doubt that at the time of the Reformation and soon after, deacons were called and ordained in the Lutheran church. The term deacon, a term more generic than *episkopos*, became the term generally used for the office, beginning with Luther and Melancthon in the Apology and the Treatise. Using the umbrella title for the office, some of the dogmaticians spoke of Stephen and Phillip, who actually preached as ministers of the Word in addition to their "serving tables."

they did not receive calls. As we shall see, the call into the ministry was carried out according to a process which invariably included examination, election, confirmation, and ordination; and the latter rite, although never considered absolutely necessary for entering the office, was nevertheless never omitted.

Another issue calls for comment. If the call corresponds to the ministry, how are we to consider the ministry: as a permanent status or a function only? There has been tremendous and heated debate on this point since the rise of pietism in the Lutheran church and especially since the writings of J. W. F. Hoefling in the mid-1800s.³⁶ The position of Scandinavian and German pietism and of Hoefling, who reasoned in a more sophisticated way, was to combine the ministry with the universal priesthood which, according to Luther, had the right to carry out the ministry of the Word, but not publicly. Hoefling, like the pietists who argued that they were preempting the public office of the ministry out of necessity, maintained that the ministry therefore is a function, an activity whereby the Gospel is preached and the sacraments rightly administered, no more. It is merely by human right that a pastor is chosen to carry out the office publicly.³⁷ Hoefling was opposed by many theologians (Vilmar, Stahl, et al.), in the nineteenth century, some of whom strongly urged that the pastoral office can only be *conferred* by a pastor, a position rejected in our circles.³⁸ Without entering this controversy which still rages here and there, I might make a few comments.

As I read Luther, the Confessions, and the Lutheran teachers, I find the debate to be a pseudo-debate. Hoefling's view clearly denies AC XIV and the office of the public *ministerium docendi*, and that's that. But apart from that, there can be no real debate between a so-called functional and a so-called ontic view of the ministry of the Word. The confessors would have been puzzled by such a debate. The call in AC XIV is to both office (*status, officium, Amt*) and function (*officium, munus, opus, Amt*). It was the assumption of Luther, Melanchthon, and all the rest that every of-

36. J. W. F. Hoefling, *Grundsätze evangelisch-lutherischer Kirchenverfassung* (Erlangen, 1853).

37. Cf. Fagerberg, *A New Look at the Lutheran Confessions*, 226ff. Cf. also the discussions of Grane and Schlink.

38. Schlink, *Theology of the Lutheran Confessions*, 244.

fice has a function, and every function has a corresponding office. This is just common sense. The word *vocatus* in AC XIV is in the passive perfect tense, meaning something has taken place, and the result remains. A man has been called into the ministry of the Word, a position, and he *is* and *remains* a minister. But he functions in his position and office. The words "minister," "pastor," "teacher," and "presbyter" are verbal nouns, like "farmer," "tailor," "lawyer." If one in these various offices fails to function and carry out his office (nonfeasance), he *eo ipso* no longer occupies the office. And if the minister of the Word becomes a heretic, blasphemer, or manifest sinner (misfeasance, malfeasance), he quits the office, and is no longer a minister of the Word, even though he may parade as one.

This basic principle is true, in the nature of the case, also of secular offices where there is no mediate call involved. A farmer retires, sells his farm, and moves to Florida. He is no longer a farmer, although he might call himself one. President Eisenhower leaves his office after two terms and becomes president of Columbia University. He is no longer president of the United States, does not function as president of the United States any longer, although he continues to be called by the honorific title President. So it is with a minister who has been placed into his office by the Holy Spirit. If he leaves his office by early retirement, or some permanent disability, or for some no good reason, or by being justly or unjustly deposed, he is no longer a minister, he has no call, no ministry, no function, even though he might bear the honorific title of Reverend and be included in the *Lutheran Annual*. It ought to go without saying that if a former pastor without call is without blame and teaches no false doctrine, he may be invited to preach occasionally at vacant churches, as is often done in our circles. Former President Carter has carried out several missions at the request of his successors. But if there is any element of permanency in these "vacancies," a call should be extended, in conformity with AC XIV.

This is an important point which neither the Confessions nor the dogmaticians fail to make. As God, sin, Christ, justification, Word and Sacrament, and the church are real, so is the ministry—and the one who occupies that office. Although one may—wisely or unwisely—consider the ministry *in abstracto*, apart from any

consideration of the minister,³⁹ there is nothing abstract or unreal about the ministry or the minister or the function. Gerhard spends pages arguing that there *really is* a ministry; the ministry is not a mere name or title, but a concrete office (*ministerium ecclesiasticum*). The office is not some sort of Platonic idea, floating about, any more than the church is. But just as the church has no existence apart from the believers who constitute it, so there is no office of the public ministry unless ministers fill the office and carry out its function.⁴⁰ (The referents of all theological discourse are real. This is a fundamental theological and confessional principle.)

The heresy of the Anabaptists, Socinians, and enthusiasts was that they denied the reality of the office of the minister and, of course, the mediate call. The heresy of the Romanists was that they denied the reality of the ministry in the Lutheran churches. A more serious error of the Romanists is that they denied that the call made one a minister, of the Anabaptists that they denied that the ministry of the Spirit is carried out through instruments, Word and sacraments, and men who administer the same.

One further comment. The call in AC XIV is to the *public* office. Wilhelm Maurer⁴¹ emphasizes that the call to the public office in 1530 was a legal right as well as a spiritual call. And even today ministers perform public legal acts such as marriage. But all that is only minor. The call to the public office means that the minister teaches right out in the open: first, of course, in the public services, and to the flock to which he is called. But more than that: not cravenly, covertly, like the Anabaptists who infiltrate unsuspecting congregations and steal sheep from faithful pastors.⁴² No,

39. E.g. Ludwig Hartmann; see Walther, *Church and Ministry*, 178; Gerhard, *Loci Theologici* 3:67. Gerhard speaks of the goal, or *finis*, of the ministry and uses the term ministry in the abstract. Why, I don't know. It is very seldom that the dogmaticians speak of the term ministry in the abstract. Hartmann speaks of the abstract use of the term ministry in AC V in contrast to the concrete use elsewhere in the Augsburg Confession. This seems to be unwise. Hartmann views the ministry in AC V as the ministry of the Holy Spirit, or ministry of ministers of Gospel and Sacrament (both of which are probably intended by Melancthon); there is nothing abstract about either. But, of course, Hartmann and Gerhard are merely thinking *abstractly*, adverbially.

40. Gerhard, *Loci Theologici* 12:38–47.

41. *Historical Commentary*, 198.

42. "Infiltrating and Clandestine Preachers," AE 40:383ff.

the minister must be fearless, speak out boldly, like Peter on Pentecost. Luther says, "The preaching office and God's Word should shine like the sun, not covertly and sneaking in the darkness, as one plays blind man's bluff, but acting freely in the light of day."⁴³ Commenting on the implications of the *publice* in AC XIV, Maurer says, "Therefore, to fear no one and to set forth the truth freely and openly is not a test of the pastor's courage; it is a matter of office and command. Those who preach should not wear out and let themselves be chased into a corner, nor should they become impatient and creep away to the wilderness. Public service demands a person who is willing to risk everything and who is totally committed, who is tough when things are tough, and who will not be frightened or silenced." To minister publicly means to witness for the truth in season and out of season, at every opportunity, no matter what the consequences.⁴⁴ And the minister has the divine call to do this.

In his public office as preacher, the *minister docendi* watches over the sheep (*episkope*) by feeding them and protecting them by the Word. It is the *ministerium evangelii docendi* (*diakonia*). The Lutheran Confessions, when speaking of their own pastors and teachers, clearly prefer the term minister over the term bishop (supervisor). When they rejected the Roman hierarchy they used the term visitor or superintendent, not bishop usually, for those who were to be responsible for the oversight of church doctrine and life in a larger community and thus serve to maintain order in doctrine and practice and worship in the individual congregations and larger communities. And these visitors and particularly the superintendents, at least as time went on and the situation became more regularized, were always ministers chosen by ministers, themselves.⁴⁵ They were *primi inter pares*, according to

43. Quoted in Maurer, *Historical Commentary*, 199.

44. Maurer depicts the public nature of the office according to Luther and the Confessions in a moving way. The deep concern for confessing the Gospel stated by Luther so often and reflected throughout the Confessions is moving, as portrayed by Maurer, who weaves a tapestry of Luther quotations into his discussion—truly a reflection on our comfortable, entrepreneurial idea of witnessing to the Gospel today.

45. In the case of visitors this was not always the case at first. In reference to the "Instructions for the Visitors of Parish Pastors in the Electoral Saxony" written by Melancthon, a layman, with introduction by Luther, a professor and

human right. Their jurisdiction to advise, counsel, and even discipline when necessary was given them by the ministers themselves (in the early days it might have been Luther, the University of Wittenberg, or the elector). But they could not hold the position of superintendent, or bishop, as they were called in some areas and in the Scandinavian countries, unless they were ministers (pastors or professors).⁴⁶

I rather suspect that the Lutherans, at least most of them in Germany, at the time the Confessions were written, chose the title superintendent rather than bishop because it was somewhat more congenial to the disposition and servant role of the office to which they were elected by human right. For they were exercising a function of the ministry of the Word, just like ordinary pastors and teachers.⁴⁷ So far as I know, superintendents were not

doctor, instructions which were directed totally and exclusively to doctrine and practice in the churches, we find that the first four visitors sent were laymen, including Melancthon. The elector sent the visitors at Luther's strong suggestion (AE 40:265-320).

46. This consistent practice in strict accordance with AC XIV as it was carried on for 150 years presents a problem with respect to the present practice of the Lutheran Church—Missouri Synod regarding the synodical president and district presidents, offices which are clearly patterned after that of superintendent (bishop) in the sixteenth and seventeenth centuries. According to the constitution of our synod (X.B.1), "The President, Vice Presidents, and Secretary *must be ministers of the church*." This seems always to have been the case in the history of our church body since its inception (with the possible exception of President Schwan for a short period of time) until recent times, possibly the 1950s. We are not being picayunish when we emphasize that our constitution says that the supervisors of doctrine and life throughout the synod "must be," not "must have been," "ministers of the church." Thus we have the anomaly of supervisors over ministers of the Word who themselves do not hold the office of the ministry of the Word, people in *jure humano* offices exercising jurisdiction and even discipline over those who are *rite vocati* and are ministers of the Word *de jure divino*. Something really ought to be done about this. Our constitution originally wanted to maintain ecclesiastical order which was in conformity with our Confessions and the historic practice in the Lutheran church. It is highly questionable whether our present practice of the electing of synodical and district presidents is not contrary to the Lutheran Confessions and to the intention of our synodical constitution. See Carl S. Meyer, ed., *Moving Frontiers: Readings in the History of The Lutheran Church—Missouri Synod* (St. Louis, Concordia Publishing House, 1964), 149-64, where the 1854 constitution of the LCMS is presented. The constitution as a whole is much more simple and dedicated to the spreading of the Word, preaching with Word and Sacrament, visitations, and spiritual matters than our present handbook. By its chapter on "Rights and Duties of Officers and Other Members of Synod" (157), it clearly indicates that all officers of synod act *jure humano*, for even the office of general president may be abolished.

47. It is not clear to me whether these superintendents in the sixteenth

called and ordained as such, but were chosen by their fellow ministers, probably with some influence from the political magistrates.

century exercised jurisdiction over the professors (*doctores ecclesiae*) or not. I rather think not. So often the professors were supervisors or bishops themselves as well as being pastors. Dr. C. F. W. Walther exercised this function in the nineteenth century. As a non-expert, I cannot interpret the constitution of our synod on this matter. Article XI.B.1.a does not seem to refer to professors at seminaries, but probably does refer to that professor who is also called to be president. At least that is the way the practice has been. Handbook bylaw 3.101b, however, clearly gives the synodical president the power and duty to visit seminaries regularly in his capacity of "supervision of the doctrine taught in the synod and over the administration of the officers and employees of the synod." Nothing like this seems to have been done in the sixteenth century up to the Formula of Concord, possibly because the situation was too confused. Certainly no single supervisor enters into the picture as having authority of visitation on a regular basis. The severe controversies of that day were finally solved by a combination of church leaders, many of them professors, and the elector August and other political leaders. In 1559, fifty-one superintendents, professors, and pastors called for a convocation of a general Lutheran "synod." The one allusion in our Confessions to such visits of schools, no doubt universities and schools preparing men for the ministry, is in the preface to the Book of Concord, which was signed by many political magistrates exclusively (cf. *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, trans. and ed. Theodore G. Tappert [Philadelphia: Fortress Press, 1959], 14-16). On this point it seems the Missouri Synod at some time in its history assumed to itself what were thought to be the prerogatives of the political magistrate in the sixteenth century. Many other functions of the political magistracy have been taken over by the various *jure humano* functions of the Lutheran Church—Missouri Synod through the years. This is no doubt due to the constitution of our country, which divides the functions of church and state, whereas in Europe the state always played an important role in the work and life of the church.

It is discouraging to see the recent studies by the Council of Presidents of the Lutheran Church—Missouri Synod, as they review their own supervisory functions in terms of *episcopate* rather than *diakonia*. Cf. Wilbert J. Sohns, *Episcopate in the Lutheran Church—Missouri Synod*, September 19-23, 1989. This lengthy study with its many exhibits, a very good study in many ways, takes the biblical and confessional data dealing with the minister of the Word who is called by divine mandate and applies it all to the district presidents (superintendents) who have their position only by human right, and are not even mentioned in the New Testament. In many cases, of course, the data applies, although usually in an extended manner. But one would have hoped that these men who do not have parishes of their own would have seen their roles from the perspective of service and ministry rather than supervision. Of course, which biblical term for the minister is used as an umbrella term for discussion is probably no more than a matter of preference. And the pontiff in Rome calls himself the *servus servorum*. So, any biblical title can be abused. But the study of the Council of Presidents, by and large, sees the task of the office of a district president in terms of *episcopate* and administration rather than as a ministry of the Word. I do not recall that the study was ever offered to the doctors of the church or to the ordinary ministers of the church for any kind of review.

G. THE CALL PROCESS

It is God who calls. His call is necessary, effective, a great blessing to the church. But He calls through means, His church. What do Luther, the Confessions, and the dogmaticians mean by the term "church" when they speak of God's mediate call through it? Just what is the referent for the term "church" when Melanchthon teaches that the church has the right to call, elect, and ordain ministers (Tr. 24, 67, 69, 72)? The clear referent is the whole church (*tota ecclesia*) to which Christ has given the keys to heaven, the Word, and sacraments (Tr. 24; Ap. XII.4; cf. Tr. 40). By the whole church Melanchthon refers in these contexts to the entire company of believers, the universal priesthood, who have not only been given the keys and the Word and sacraments, but are mandated to preach and administer them.

But how does this *tota ecclesia* carry out this right (*jus*)? It can be done only by delegation. To whom is the right delegated? Not to the bishops alone (the papistic aberration). Not to the people alone, to the local congregation—another term not often found in the vocabulary of the Confessions—(the aberration of the Anabaptists). No, the delegation to call is given to all the segments, all the "estates," of the church: the political (the civil magistracy), the ecclesiastical (the ministers), and the economic, or domestic (the people). This seems like a strange and cumbersome method of exercising the call process, especially to us in the United States, where the state cannot interfere in the affairs of the church and where anticlericalism is rife. But it happens to be the way the church exercised its right to call ministers when Melanchthon wrote AC XIV and the Treatise.⁴⁸ And that was the way all the churches in the Lutheran lands of Europe exercised their right to call pastors, in some cases even to this very day (e.g. Norway). In America the state does not enter into the process, and so what the government did in those days is taken over by the people (the local congregation) or synodical officials. The state is out of the picture. And so are the nearby pastors, the ecclesiastical estate, unfortunately, except for the laying on of hands, after everything else has been done.

48. Cf. Schlink, *Theology of the Lutheran Confessions*, 2-7. See Chemnitz, *Loci Theologici* 2:702.

What, then, was the process of the call? John Gerhard, a teacher of the church, who was professor at the University in Jena, Saxony and who was also a superintendent for a while, gives the most detailed account of the process which did not change from Luther's and Chemnitz's day in its essentials, although modifications were made to fit local situations.⁴⁹ He begins by saying that the "right to call pertains to the whole church." All three estates of the church are involved, but the ecclesiastical (pastors) have the highest responsibility. He says, "In general, we say that the ministers must not be appointed by the ministers alone, by the civil magistracy alone; much less should their appointment be subjected to the will of the indiscriminate and unlearned crowd; but the right to call belongs to the whole church." In practice the call was a series of steps in a process: the examination, ordination, and installation were carried out by the ministers; nomination, presentation, and confirmation by the Christian magistracy; and consent, suffrage and approval by the "people." In some cases the people could demand a pastor. Although the process differed somewhat according to local situation and development, what Gerhard suggests is, he believes, the overall New Testament practice, allowing for the fact that civil rulers and magistrates were not Christian until the beginning of the fourth century. Gerhard always thinks beyond the confines of the local congregation. He is concerned with the rights of the people; like the Confessions, he denies that the prelates are the church (SA III.xii), and argues that the church is hearers as well as preachers. "Leaders" (*seniores*, superior men) take part in the affairs of the church, and together at times they, with the ministers, constitute a "*ministerium*" (church council, today?), or "consistory" which at times represents the church.

49. Gerhard, *Loci Theologici* 12:84ff. Cf. also Chemnitz, *Examination of the Council of Trent*, 608ff., and his *Loci Theologici* 2:700-703; as well as David Hollaz, *Examen Theologicum Acroamaticum*, 1329-30. Quenstedt (*Loci Theologici*, P. 3, C. 12, S. 1, Thesis 1 [22:1497]) explains the part played by the three orders or estates in the church militant. The economic estate serves the multiplication and propagation of the human race; the political the defense of the same; and the ecclesiastical estate serves the salvation of the human race. Compare also Mentzer, *Exegesis Augustanae Confessionis* 1:229.

The sheep must approve the shepherd.⁵⁰ This is why the people, the whole church, must be involved in the call (Mt 7:15; Jn 5:39; 10:27; Gal 1:9; 1 Thes 5:19–20), an awesome responsibility, but a duty and a right (Jer 10:21; Acts 2:29–30). At the same time the people cannot be left to their own devices in the call process, and the ministers must play their part in the call process, especially in the examination which was open and before the assembly and was never omitted.⁵¹ Gerhard and the other dogmatists are especially concerned that the people do not have pastors foisted upon them, but at the same time that the pastors tend particularly to the examination and the ordination of new ministers.⁵²

50. Gerhard, *Loci Theologici* 12:87. Cf. AE 39:306–14.

51. Ibid., 91: "We do not approve the anabaptistic confusion and disturbances of order as they remove false prophets. But we affirm that the whole church has the right to call suitable pastors and remove perverse ones. We must absolutely flee from them as we flee from false prophets. But at the same time we must do nothing against the divinely instituted order. But if in the vineyard wolves take the place of shepherds, we must resist them by legitimate means. We cannot permit them to destroy the vineyard and to defraud the sheep of Christ from the food of the pure doctrine. The rest of the members of the church must help each other, and the church according to its own right should seek a remedy from this evil by choosing suitable pastors and rejecting perverse pastors." Cf. AE 40:379ff. Cf. Mentzer, *Exegesis Augustanae Confessionis*, 230. Thus, Mentzer says, "The total ministry is of the church (Eph 4:12; 1 Cor 3:21). And pastors are called ministers of the church (1 Cor 3:5)." Like Gerhard, Mentzer (230) is seriously concerned about Caesaropapism. Quoting 1 Cor 14:40, Mentzer, as he tries to defend the people's right to a choice in their pastors with the advice of the ministers, says, "The governance of the church in this world is neither democratic nor monarchical, but aristocratic." By this he is referring to the ecclesiastical order in which pastors are rightly included in the examination and ordination of other pastors in the church.

52. Gerhard, *Loci Theologici* 12:104 and *passim*. Against Bellarmine (*De Controversiis Christianae*, I, 1050 *passim*), Gerhard proves from the noted cardinal's own patristic medieval sources that for centuries in both Spain and France, outside the empire, both rulers and people were commonly included in the calling and placement of ministers (priests and bishops). In Luther's day it was all in the hands of the pope and his bishops. Gerhard points out that Luther and the Reformers quickly returned to the ancient form of involving all three estates in the call. By 1525 the *tota ecclesia* was calling and ordaining and installing pastors and professors, a practice observed at the time of Chrysostom, Ambrose, Augustine, Leo, Gregory, et al. until the time of Constantine IV (668–85), when the emperor was very weak and concerned with other matters. Commenting on the practice in the early church after AD 306, Gerhard says, "One easily concludes that neither the people nor the magistrates who were converted to Christ were in former times denied the vote in the election of priests. Furthermore, it is beautifully explained just what parts in this matter were played by the individual estates of the church; for the words still survive: 'nomination,

Gerhard⁵³ then looks to the manner in which the election process was established in the churches and the process it took in his area.

1. When a pastor dies, the superintendent of the diocese reports to the consistory.

2. No candidate for the office is nominated if he is postponing or delaying his own work in the church, and under those conditions one should not nominate oneself for a certain place.

3. The magistrates who are protectors (*patroni*) of the church and have a right to be consulted are given the power to nominate certain candidates who are suitable to the consistory, and they present them for examination.

4. The consistory examines the candidates to determine whether they have an unfeigned faith, exhibit a highly esteemed life, and are "instructed in the necessary gifts for teaching."⁵⁴

5. The consistory sends the candidates who have been examined, often rigorously and with trial sermons, to the "synod" for confirmation.⁵⁵ Gerhard's fifth point was consciously in harmony

request, presentation, election, confirmation, conferral,' etc. Thus, we have a lovely explanation of what was left to the magistracy and the people in the calling of ministers. Sometimes the people would nominate a certain person according to their own desire or petition or request. Sometimes the magistracy would propose one. More often, however, the bishops who were able to judge better the qualities of those to be chosen would propose them, and then the people approved the choice by their vote, and the magistrate added his confirmation. To this day, almost the same practice is observed in our churches: For among us ecclesiastical consistories have been established, and in them both ecclesiastics and magistrates preside. In the name of the church they attend to the overall placement [*constitutio*] of the ministry; they inquire into the qualities of those who are to be elected; they present them to be heard to the congregation of which they are to be in charge; and they leave to the hearers the free choice sometimes of one, sometimes of more (candidates). In the meantime, the churches also nominate an individual to the consistory. This shows their agreement, once there has been the promised deliberation and examination of the nominee. Finally, the higher magistrate adds his confirmation and investiture. In this way, the individual functions are left to the estates of the church and never is a minister forced upon a church which does not want him."

53. Gerhard, *Loci Theologici* 12:106.

54. That the candidate has unfeigned faith and lives out an exemplary life and that the candidate teaches the pure doctrine are the two criteria which every examination sought to learn. All the qualifications for the bishop, or minister, outlined by Paul in his pastoral epistles are summed up in these two criteria. These are the sole concerns of the consistory as they examined candidates.

55. I do not know what the term "synod" means in this context. The word is not used in such a context by Gerhard or any of the other dogmaticians other

with what had occurred in the early church and been revamped by Luther. In many cases the magistrate exerted more power than the ministers and teachers liked him to. The patron was, according to the law of the old empire, the defender of the church, the ministry, and the people, protecting them from heresy, blasphemy, sedition, and other aberrations. This was often effected by coercion according to civil law. Luther had inaugurated visitations in the churches a century before with the same goal in mind, but to protect the church and help it carry out its mission in peace. In Gerhard's day the highest magistrate would call a "synod" after visitations had taken place. The synod had power and authority over those in attendance. This was the authority of the state, the precedent for such a convention being the emperor Constantine himself. Although dealing with religious matters, the synod's actions were considered civil decisions. We recall how Luther (and also Calvin and others) had in his day called upon the emperor to call a church council. Step Five of the process has totally changed in our day. The "synod" is no longer a mere meeting sponsored by the civil government, but has become a permanent entity, a kind of super-church with permanent officers and bureaucrats who have not only duties relative to the preaching of the Word (and administration of the sacraments), but scores of non-theological chores which in those days were the function of the state. For all practical purposes, the synod today has taken over the office of the political estate; and in our society it governs with the Gospel (Tr. 30 attributes such rule to the minister) and an amalgam of church and civil law which do not necessarily conflict with each other. In other words, just as the kingdom of the left entered into the activity of the church and the process of the call in the sixteenth through the eighteenth centuries in Europe, the kingdom of the left enters the activity of the synod in the twentieth.

6. If those who come together in the synod are either unwilling or unable to nominate suitable persons, then the consistory may act in their place and provide for the minister of the church.

than in this case, so far as I know. The word synod usually meant simply a mini-council, such as a synodical convention or, better, a district convention today. It had no permanency. Cf. Gerhard, *Loci Theologici* 14:47.

7. Those who are to be placed in a church ought first to be heard and approved by it. No one, if he is found suitable, should be imposed upon a church against its will, unless there are unique and serious reasons. Rather, the votes of the church should be collected after an approved assembly of the church.

8. Finally, the man who has been examined, approved, and called should be ordained through the laying on of hands and prayer, confirmed by synodical and regental letters of call which was a legal contract, and invested by a solemn rite.

All the elaborate steps in the call process were taken out of deep concern that the *ministerium evangelii docendi* be preserved, that the teaching be pure and that the minister in the public office be honored, and, above all, souls saved. "We must sedulously beware that no one plots against the office of one who has been placed in the church office through a legitimate call and who is experiencing the hatred of the world because of the faithful administration of his office," Gerhard says with a deep concern, like Luther's, a century before.⁵⁶ "Neither should anyone allow himself to be put in the place of another who has been removed from his position without due process of law (*sine legitimo iudicii processu*)."

Of course, the process had become more careful and lengthy since Luther's day. He had received his letter of call from Staupitz and confirmation from the elector. His call to the university entitled him to preach throughout the "entire papacy," if they would tolerate it, but his call to the presbytery allowed him to preach only within the area.

All those who followed Luther discussed the call he received by gaining his doctor's degree.⁵⁷ He had, as it were, a twofold call from God, to preach in Wittenberg in the churches and at the university to preach to the whole church. This argumentation, which was Luther's, Gerhard develops into a lengthy discussion of the "estate of a professor." The office is by divine right and can be traced back to our Lord's ministry as a rabbi and to the twelfth century, when doctors and masters were called to teach theology to the church at the universities. In Luther's and Gerhard's day,

56. Ibid. 12:121; cf. 122, 124.

57. Ibid., 128, 142ff.

the office was often combined with a pastorate. Only rarely did one teach theology who was not called into the ministry (e.g. Melancthon; Martin Franzmann in our day); and that was under unusual circumstances.⁵⁸

The call should *always* result in ordination, and never, never should one be ordained without a call. Although the Confessions are silent on the matter, Luther and all the dogmaticians without exception say that women can and shall not be ministers of the Word and therefore should not be called into such an office.⁵⁹ The confusion in our synod centering in the question whether an illegitimately chosen, called, ordained, and invested person (who is a woman) can be said to have the public ministry of the Word could not have arisen at the time or have been possible according to the theology of AC XIV, which we have delineated. The call, considered in the broad sense as the entire process, creates the office, and that is the nature of the case. An illegitimate call simply cannot and does not create a legitimate office. Any affirmation to the contrary denies the doctrine of the call.⁶⁰

58. AE 40:388–89.

59. Calov, in *Systema Locorum Theologicorum* (VIII:309), maintains that the sacred ministry, being a “status ordained by God” of “called men,” called to proclaim the Word and will of God and administer the sacraments to the glory of God and the salvation of human beings, is simply not open to women (1 Cor 14:34; 1 Tm 2:12). He argues this against the Anabaptists who sent women out indiscriminately with men as “preachers.” Cf. also Hollaz, *Examen Theologicum Acroamaticum*, IV, 1, 11, q. 4; the passages quoted are always the same. No other argument is given prohibiting women from being ministers of the Gospel and receiving a call thereto. Gerhard, *Loci Theologici*, 13:8, as usual, argues more definitively. He traces the issue back to Gn 3:16. Although Luther and the Confessions and the dogmaticians do not speak of other offices in the church as it seems to carry out good order, they do not envisage “auxiliary offices” in the sense in which this type of thing has been multiplied in the Missouri Synod for the last thirty years. They certainly would not condone a call into any “ministry” to a woman. Cf. “The Ministry, Offices, Procedures, and Nomenclature,” a report of the CTR of the LCMS, September, 1981, p. 29. This study speaks about a “person being called” when “he or she” is summoned by the church to the office of Word and Sacrament or to an office auxiliary to it on a full-time basis and by education, by certification, and by solemn and public act (e.g., ordination and commissioning). This is a confusing statement, to say the least. One thing is certain, the ministry of the Word and no part of the ministry of the Word is given to women and no woman can get a call into a part of the ministry of the Word. The call is always to the ministry and all of it per se and corresponds to it.

60. Compare the various answers or “opinions” given by the two seminaries and the CTR to the Alexandria Circuit Pastors’ Conference in 1987. The response of the CTR completely ignored question two of the Alexandria

The call is always permanent. The notion of a temporary call is inconceivable in the nature of the case, and therefore the matter is not even considered by Luther or the Confessions or any Lutheran theologian. The function of the ministerial office, Calov asserts,⁶¹ is to work for the church as a servant (*diaconus*), not as a lord, to do the work of an evangelist to the grave, to guard and be an example to the flock, an angel of God's revelation of His Word. One never quits such a calling. As the immediate call in apostolic times was for life (until God Himself called the person to a new place), so it is with the mediate call.⁶² It is permanent and irrevocable, unless God Himself intervenes.

As one can expect, the idea of retirement at the time of the Reformation and the next couple of centuries did not occur to people. Luther, the Confessions, and the dogmaticians speak of death, extreme physical sickness and disability, persecution and exile, and often of adamant refusal of the entire congregation to heed the Word of God as causes of the termination of a call. But, although ministers did retire occasionally for causes which are not clear (e.g. Chemnitz), they usually resumed their ministry elsewhere, and did not simply resign like the emperor Diocletian, who retired to Thrace and raised cabbages happily during his golden years.

One might with some justification argue that the Lutheran nations in those days had no leisure class, certainly among the preachers, as in Italy during the Renaissance, where prelates were happy to be put out to pasture. No social security and pension plans existed to induce them into a peaceful retirement, but this is hardly why simple retirement was so rare in those days. In all my reading of the dogmaticians, I found only one mention of a "pastor emeritus," and he was still working, like so many "retired" pastors today. No, I think Luther, the writers of the Confessions, and the orthodox dogmaticians had a higher view of the call

Circuit, which stated, "Are we in any way to regard women ordained into these churches as pastors?" See R. Preus, op. cit., p. 116, n. 15.

61. Calov, *Systema Locorum Theologicorum* 8:315. For Luther's opinion see Maurer, *Historical Commentary*, 199-201.

62. Gerhard, *Loci Theologici* 12:80, 104-5. Cf. Luther, "That a Pastor Should Not Be Silent at the Unjust Deposition of a Minister," W², 10, 1686ff. Quoted in Walther, *Church and Ministry*, 225.

and of the ministry than we do in our day. The ministry was considered the highest of all callings, in a class by itself (*sui generis*), an office to which suitable men should aspire with all their hearts (1 Tm 3:1 is cited most frequently), regardless of cost. The Spirit would supply all the gifts necessary. Souls will be converted and saved by the power of the Gospel. Why would anyone leave or retire from such an office, such a divine call? Why indeed? A faithful steward has no right to leave his charge without compelling and justifiable mitigating circumstances. This conviction permeates the teaching and examples of Luther and the confessors. And why would the church wish to extend only a temporary call to a minister? Like God's call to be saints and priests, the call to this special office is for life; "as long as you live," Luther says.⁶³

63. In reference to the "retirement" of presidents and faculty members of seminaries (*doctores ecclesiae*) the LCMS has gotten itself into a tangle which for good theological and confessional reasons it never should have gotten into, but from which it is slowly extricating itself. Before 1976 the president of a seminary who was also always a professor could be retired, presumably with or against his will, at age sixty or after fifteen years in office and put out to pasture; professors were divested of their call at age seventy (see 1981 Handbook, 6.53). Now the president "shall be relieved of his presidential responsibility at the end of the school year at which he reaches the age of 70," and professors divested of their call at age seventy-five. Nothing is said about the president being divested of his call as professor at age seventy, so presumably he is treated like other professors in that regard. All this is a step in the right direction, a step, ironically, brought about by changes in federal law.

It is troubling therefore to read in the Indiana District Supplement of the *Lutheran Witness*, January 1991, 12, that the president of the LCMS, in speaking of the honorable retirement of the president of a seminary, said "that the calls are usually extended according to specific terms, which may ordinarily call for mandatory retirement at age 70, or after 15 years of service. These calls, though divine, are unlike pastoral calls to parishes because of their limited tenure." Of course, the synodical president may never have said what was attributed to him in the form of indirect discourse and not in quotes. But the statement as it speaks of "mandatory retirement" of one who has been rightly called into the ministry of the Word, and bases that retirement upon "specific terms" of the call, introduces a concept foreign to AC XIV and dangerously contrary to the trend in our synod reflected in the recent changes in its handbook. The statement does not reflect the content of the present synodical handbook or the theology of Luther and the Confessions.

The *de jure divino* call must take precedence over the *jure humano* regulations and rules of bishops and other church officials. This basic principle was once and for all cast by the faculty and students gathered on December 10, 1520, at the Elster gate at Wittenberg, who burned copies of scholastic writings and canon law. This was a proclamation that the Word of God was above canon law. When Luther, trembling, threw into the flames the papal bull which excommunicated him, he testified to the world that the call to the ministry of the Word

What about transferal from one church to another and removal from office altogether? The principle underlying both actions is stated by Chemnitz as follows: "Just as there is a lawful method [*legitima ratio*] for calling someone into the ministry of the church, so also there is a lawful method for removing someone or for transferring [him] from one church to another." Transferal occurred only when another legitimate call was forthcoming. "The Lord of the harvest has the authority to transfer His ministers from one church to another." Chemnitz is chary about transfers. Pastors in those days usually stayed in one parish for a long time or for life unless difficulties arose (it was different with professors, and often for political reasons). Chemnitz is strongly opposed to parish ministers who are climbers, changing locations "for their own advantage."^{64a}

The position of Luther and all the dogmaticians on the matter of the dismissal of a minister comports with the theology of the Confessions exactly and with no deviation. The call is God's call. It is to the ministry of Word and Sacrament. If he is faithless to his call by false teaching or ungodly living, God will remove him, and He will do so mediately just as He called the minister mediately. Chemnitz states the Lutheran position,

Just as the one God properly claims for Himself the right to call even when the call takes place mediately, so also it is properly of God to remove a person from the ministry [*proprie Dei est remove aliquem a ministerio*]. Therefore, as long as God endures in the ministry His minister who teaches correctly and lives blamelessly, the church does not have the authority to remove someone else's servant [*ecclesia non habet potestatem alienum servum amovendi*]. But when he no longer edifies the church by doctrine or life, but destroys it, then God Himself removes him. Hos 4:6; 1 Sm 2:30. Therefore, there are two reasons for which God removes unfaithful ministers from their office: (1) because of doctrine, when they teach error. Mal 2:7: "the lips of the priest should guard knowledge, and they should require the Law of his mouth." (2) Because of life, when they act in such a way that the name of the Lord is blasphemed . . . 1 Sm 2:30. And then also the church not only can but also should [*debet*] remove such a one from the ministry. For just as God calls, so also does He remove through means. But just as it is necessary for a call

is above all tyrannical excommunication and bans upon faithful preachers of the Word.

64a. *Loci Theologici* 2:703.

to be in keeping with the instruction of the Lord of the harvest, so also, when someone must be removed from the ministry, it is necessary that the church show with certainty that this is the judgment and will of God. And just as for the call, so also must the deposition pertain to the whole church [*tota ecclesia*] in a certain orderly way [*certo quodam ordine*].^{64b}

Gerhard goes into more detail, but says little beyond what Chemnitz says.⁶⁵ Like Chemnitz, he insists that the "removal," as he puts it, corresponds to the terms of the legitimate call and to the function of the ministry. Since the Peace of Passau (1552), investiture was transferred in Lutheran territories from the bishops to the princes; in either case Gerhard insists that the whole church (including the people) be involved in any removal, and that it take place "according to divinely prescribed conditions"—he is afraid of papism and Caesaropapism. A third reason for removal from the call and ministry, namely total inability to function due to total lack of courage (Gerhard wrote during the Thirty Years' War) or physical or mental collapse, is added in a footnote written, I think, by Gerhard's son.

Concerning this matter, Gerhard warns, "We should never allow the rashness of the people or the arbitrary will of those in power to remove a minister from his position and throw him into exile without the recognition of a legitimate cause and the examination of the same. Such acknowledgement of cause pertains to the whole church." In practice the bishops or superintendents tended to the matter and reported to the consistory. Gerhard goes on to say, "If anyone without due legal process and for causes which are not legitimate and sufficient (e.g. the overzealous condemnation of the vices of men, of hatred, or insignificant mistakes) is put out of office, then the one who takes his place is not to be regarded as the true, legitimate, and called minister." Luther calls one who replaces an illegally deposed pastor a "thief and a murderer." He has stolen another's call and destroyed his ministry.⁶⁶ Gerhard, like Luther and all the Lutheran confessors, knew

64b. Ibid.

65. Gerhard, *Loci Theologici* 12:175ff.

66. Ibid., 176. Gerhard quotes Chemnitz, Brenz, Moerlin, and Luther. Luther's position concerning the unjust removal of a pastor was extremely strong. Cf. his letters to Sebastian Stuede and to Pastor Housmann in Zwickau, in Walther, *Church and Ministry*, 225-29 ("That a Pastor Should Not Be Silent

that the ministry was, although glorious and richly rewarding, a hard and often thankless calling. But then as now many faithful ministers are persecuted and thrown out of their call. Like Luther, he comforts them with God's promises concerning the ministry of the Word and of grace and strength to continue in one's office and call. For it is a divine call.

H. CONCLUSIONS, THE CONTEMPORARY SITUATION (ABERRATIONS, EXCESSES, EVALUATION, DIAGNOSIS, PROGNOSIS)

In the late 1950s Dr. Martin Scharlemann said, "Theology moves," and for a time he defended the statement. It was an unclear statement theologically and was abandoned; but descriptively the statement is true, as any history of dogma will prove. How does such movement happen? Sometimes radically and overtly, like the enthusiasm of Luther's day and the charismatic movement today (SA III.iv; FC XII), or like Dr. F. A. Schmidt's sudden and frank denial of the doctrine of election as taught in FC XI. At other times the movement is more covert, subtle, and difficult to perceive, like Melanchthon's incipient synergism and the inchoate Arminianism of the church growth movement (FC II). Sometimes theology moves in the wrong or right direction with one burst. Sometimes it moves in a definite progression. That last kind of movement is what, I believe, has happened in Lutheran circles in regard to the doctrine of the call into the ministry. The steps in this movement have been from (1) emergency (casuistry, expediency, necessity, special situations, etc.), to (2) practice (or worship),

at the Unjust Deposition of a Minister"). Deposing a pastor against his will and without due process is tyranny, Luther says, a malicious offense against church order and administration. For a pastor or anyone in authority to stand by and see this happen makes him a partaker of church robbery and of tyranny, and he should be condemned from the pulpit. No one should surrender his ministry to another until he is rightfully deposed. He who barges into the office of one who has been unjustly deposed is a robber and murderer. Luther's defense of wrongly deposed pastors was, undoubtedly, so intense because of what he himself had suffered. He was called by God mediately to the university and church at Wittenberg. Even though he was excommunicated by the pope and put under the ban of the emperor, he remained in his call, preaching thousands of sermons and lecturing thousands of hours. He would not relinquish it, not as long as he had life and breath.

to (3) doctrine. This three-phase movement is very common, as theology is influenced by social and cultural change and other factors. Sometimes theologians and church leaders deliberately initiate the movement; sometimes it just happens.

Let me offer two examples of how perceived emergency has led to bad practice in the LCMS; and then bad practice has led to a vitiation and a virtual denial of AC XIV.

1. *Laymen are publicly preaching in congregations of the LCMS without being rightly called.*⁶⁷ The movement has taken place exactly according to the steps listed above. At the Wichita Convention, necessity was summoned as the reason for a change of policy, or practice. As the practice continues after the convention and nothing is done to return to the doctrine and practice (inseparably connected in this case) of AC XIV, our synod in effect *teaches by its practice* that one can *publicly* preach the Gospel without being *rite vocatus*, the very practice and doctrine forbidden by AC XIV.

What went wrong to cause this debacle which was a long time in coming? First, there was no "necessity" for this change of position. What is meant by necessity? To Lutherans necessity has always referred to a situation where Christians have no way to be served with the Gospel.⁶⁸ Necessity simply did not obtain in the United States at the time of the Wichita Convention.⁶⁹ There is

67. Cf. Resolution 3-05B, "To Adopt Recommendations of Lay Worker Study Committee Report as Amended," *Proceedings*, 57th Regular Convention of the LCMS, Wichita, Kansas, 1989, 111-14.

68. *Grace for Grace*, ed. S. C. Ylvisaker, Ch. Anderson, and George Lillegard (Mankato: Lutheran Synod Book Co., 1943), 139: "The only correct definition of 'need' is that there exists a need when a pastor is not at hand and cannot be secured; or when, if there is a pastor, he either does not serve the people properly but teaches false doctrine, or cannot serve them adequately but only so rarely that the people cannot thereby be brought to faith or be kept in it and be defended against errors, so that the Christian must faint for lack of care. When such need exists efforts should be made to relieve it by definite and proper arrangements according as circumstances permit." This definition was carefully worked out by the old Norwegian Synod at a meeting in Holden, Goodhue County, Minnesota, in 1862. Walther took part in the meeting. The immigrant Norwegians had been plagued by lay preachers and needed such a clear statement. The definition represents the position of the Lutheran church from the time of the Reformation, but it was tailored to the American situation.

69. During the second quarter of the nineteenth century, Norwegians were immigrating to this country, but no pastors followed for twenty-five years. In Wisconsin and Illinois the Christian people, most of them affected by the

an old Latin proverb which Luther and the other Lutherans employed at times, *Necessitas non habet legem*: laws don't hold in times of necessity. Thus, Luther in his letter to the people of Prague urged women to baptize babies and the laity to carry out the office as best they could in times of necessity, i.e. under the tyranny of the pope and his bishops. But he was equally insistent, especially in his later years, that AC XIV be strictly observed. From the time of Jakob Spener, lay preachers have been active in certain quarters of Lutheranism.⁷⁰ Could it be that the Missouri Synod in its fervor toward evangelism and renewal has, after 150 years, succumbed to this movement?

A second example of the tripartite movement of theology outlined above is the gradual switch in meaning of the terms "minister" and "ministry." Historically the terms referred to AC XIV and the office of public preaching. Now the terms have become generic for anyone, man or woman (but not yet child), who serves the Lord and His church *full time*, either publicly or privately, and all the shades between the two. These "ministers" have the "ministry of the Word" by contract or "call," it is supposed, and the

Haugean, pietistic movement, appointed lay preachers in their necessity. They did a pretty bad job of it. In many cases the lay preachers themselves were converted, in one case to Mormonism, in several cases to Quakerism, and in a few cases to the Baptists and Methodists. When pastors rightly called finally came to these communities, the lay preachers, who were untrained, uncalled, and often quite heterodox, refused to quit. A controversy ensued. A Norwegian pastor and member of the Old Norwegian Synod appealed to Walther and the Missourians for an opinion on several occasions. From the inception of the Norwegian Synod, ordained pastors were able to serve the scattered Norwegian congregations and they performed much better, as might be expected, than the untrained and the uncalled lay preachers. (See Magnus Rohne, *Norwegian American Lutheranism up to 1872* [New York: The Macmillan Company, 1926]). A more striking example of the failure of a movement of lay preachers cannot be illicit than from Rohne's detailed history.

The Missouri Synod congregations never went through such turmoil, because Germans were more prevalent and pastors immigrated with them in a timely fashion. It is ironic that the Missouri Synod now should adopt a program of lay ministers after 150 years of militant opposition to the whole program and of help to the beleaguered Norwegian Lutherans on the frontier. It is doubly ironic because in this day of advanced communications in terms of travel and electronic media there are no such situations of necessity as the term has been used in the Confessions and Lutheran theology. Cf. Tr. 67; AE 40:34 *passim*; 39, 310.

70. Cf. James Pragman, "Ministry and Orthodoxy and Pietism," in *Called and Ordained*, ed. Todd Nichol and Marc Kolden (Minneapolis: Fortress Press, 1990), 73.

Lutheran Annual lumps into one generic category these church workers (a venerable old generic term) "Commissioned Ministers—Teachers." I suppose that sometimes these people are called, sometimes not; and I do not know whether there is any rationale for calling or only contracting them. This semantic confusion undermines, at least, the doctrine of AC XIV and all our Confessions which refer to something and someone very specific when they speak of "the ministry of teaching the Gospel and administering the Sacraments" (AC V) or men who "publicly teach or preach or administer the sacraments in the church." I have never been able to figure out why these many new offices, classified under Walther's "auxiliary offices" (a term which I cannot find in Luther or the Confessions or the dogmaticians, unless it be their recognition of the office of deacon), should be called "ministries" in contrast to the multitudinous other offices and duties other Christians hold on boards of congregations and in every walk of life. Of course, the universal priesthood and every individual priest has the ministry of Word and Sacrament,⁷¹ and the whole church has the right to call public ministers of the Word. But the office and station of each individual is not the office of the ministry in the sense in which it is used in AC XIV and throughout the history of the Lutheran church. A friend can say to my wife, "God bless your ministry to your grandchildren," but she is not speaking of the ministry of the Word. Why all this semantic confusion today? Probably, ironically, for no better reason than that people want to be helpfully systematic as they classify church workers in the *Lutheran Annual*.⁷²

Not only has the term "ministry" been debased by modern semanticistic endeavors, but also the term "call." Again the specific, narrow meaning of the word as used in AC XIV for the "call" has been "genericized." It seems that everyone, at least many, who are working full-time for the synod these days are being "called"

71. AE 36:116 *passim*.

72. Cf. "The Ministry, Offices, Procedures, and Nomenclature, A Report of the CTCR," LCMS, September 1981, 12, where the "ministry," "public ministry," and "office of the public ministry" are defined in a sense which seems both innovative and arbitrary. Cf. Francis Pieper, *Christian Dogmatics*, trans. J. T. Mueller (St. Louis: Concordia Publishing House, 1950), 343.

in some sense or other.⁷³ I suspect this semantic confusion is not a deliberate denial of AC XIV, but it certainly vitiates in practice the doctrine of AC XIV.

2. *Ministers are deposed and put out of the holy ministry or restricted without cause from being called.* This aberration in practice which in fact denies the doctrine of AC XIV occurs in a multiplicity of ways.

- a. *Congregations for no given cause fire pastors without any due process.*⁷⁴
- b. *The congregation deposes the pastor without cause and due process, claiming that the pastor is "an employee at will" and the congregation is autonomous.* This position is refuted by the doctrine of our Confessions and dogmaticians that it is not the congregation in isolation which calls, but the *tota ecclesia*. And the call is not a human contract only, but a divine call.
- c. *A district president may place a pastor who is in office or who has been deposed from office, either rightfully or wrong-*

73. The CTCR document on "The Ministry," after broadening the term "ministry" to include also every kind of auxiliary office (19), redefines the term "called," at least as it is used in respect to the ministry of the Word in AC XIV. "A person is 'called' when he or she is summoned by the church [?] to the office of Word and Sacrament or to an office auxiliary to it on a full-time permanent basis and by education, by certification, and by solemn and public act (e.g., ordination or commissioning) is brought into a unique relationship with the church from which he or she has unique authority and through which he or she is authorized to perform functions of that office of the church into which he or she has been ordained or commissioned, at a specific post for the length of time which is ordinarily continuing and indefinite, but which in certain cases and under certain specific circumstances may be a specified period of time, which is evidenced by the individual's name being placed on and retained on one of the official rosters of the Synod" (29). This is all one sentence! But who, really, knows what it means? Certainly the term "call" is given a new meaning, a meaning quite different from that in AC XIV. Perhaps the reason for the statement of the CTCR was simply to justify what was already happening in the use of nomenclature in the *Lutheran Annual*. We can understand no other reason for this new, confusing definition of the term.

74. Cf. Calov, *Systema Locorum Theologicorum* 8:299. In such situations Calov, like all his predecessors, advocates that ministers in a church which oppresses them and who are removed wrongly and replaced with an orthodox and proven pastor should just turn the other cheek. This statement was made by one who worked out his ministry in a territorial setting with a civil protector to whom he could appeal. As we have seen above, neither Luther nor Gerhard recognized the ministry of one who had replaced a wrongfully deposed pastor. There is tension at this point, so far as the deposed pastor is concerned.

fully, on so-called "restricted status." If this is done prior to due process (Dt 19:17; Tr. 51, 74, 75), it is per se a violation of the minister's call according to AC XIV or of his right to receive a call, and constitutes a tyrannical imposition of the lesser ban.

As a matter of fact, this "ban" is often made with the condition that the pastor who is in trouble with his congregation, or who has been deposed, or the candidate who wishes to receive a call into the ministry, undergo "counseling"⁷⁵ before he is permitted to receive a call. Any such demand or "suggestion" by a district president or seminary which pressures the pastor or candidate to undergo "psychological evaluation" or "counseling" against his will is a violation of AC XIV for three reasons. First, it subjects the pastor or candidate to non-biblical criteria for entering or remaining in the ministry. Second, it deprives the pastor or candidate of due process to which he is entitled before he is restricted in any way from entering the ministry (and the congregation is wrongfully restricted from calling him). Third, it violates even the secular *Ethical Principles of Psychologists* which in seeking and protecting the "welfare of those who seek their services" will not countenance any violation of their skills or misuse by others.⁷⁶

75. Cf. Sohns, *Episcope in the Lutheran Church—Missouri Synod*, 35, where we are told that the district president is to "carry out by human authority functions of the office of the episcopate and concern himself with . . . the life of the pastors in congregations." Although the essay before the Council of Presidents at this point emphasizes the service orientation of the district president, there have been many occasions where both district presidents and seminary administrations have demanded or "suggested" that a pastor or candidate subject himself to psychological counseling, or . . .

76. Cf. "Ethical Principles of Psychologists," *American Psychologist* 45 (March 1990): 390–95. Principle 3c says, "In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions." One who makes a referral of a person arbitrarily, erroneously, speciously, without just cause or due process, violates principle 1 of the "Ethical Principles." The psychologist to whom the pastor is referred is responsible to the pastor, and owes him confidentiality (principle 3c). "The basic premise of the ethical doctrine of informed consent is that the patient is an autonomous person who is entitled to make treatment decisions based on relevant, factual information and perhaps advice provided by a doctor or other care provider. In this regard, it follows a long-standing American legal tradition that protects and encourages the autonomy of the in-

dividual" (*Informed Consent: A Study of Decision Making in Psychiatry*, ed. C. W. Lidz, A. Meisel, E. Zerubavel, M. N. Carter, R. M. Sestak, and L. H. Roth [New York: Guilford Press, 1984], 4). Cf. also D. K. Kentsmith, S. A. Salladay, and P. A. Miya, *Ethics in Mental Health Practice* (Orlando: Grune and Stratton, 1986); and *American Psychologist* 36:652, 663.

Any non-professional person making a referral (demanding or pressuring treatment) is in no position to make such a judgment, which requires the expertise of a mental health professional. The ethical principle on professional relationships prohibits one from acting as both psychologist/counselor and boss, spouse, friend, or supervisor. "Psychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with the treatment of employees, students, supervisees, close friends, or relatives" (*American Psychologist* 46 [March 1990]: 393).

The practice of disqualifying candidates or pastors who are on restricted status from receiving a call without first subjecting themselves to professional counseling requires further comment.

1. By what criteria will the professional counselor be selected? Since the purpose of the evaluation will be to "determine whether Rev. N. is emotionally (psychologically) and spiritually fit for pastoral ministry at this time," the following must be assumed:

- a. There is a standardized definition for "emotionally fit" for the ministry. By standardized I mean definitions that are generally accepted and agreed upon. Being "standardized," any competent professional can apply the criteria with accuracy. As one knows from watching the news and perhaps from other experience, there is generally little agreement within the field of psychology as to what "emotional health" is. If one individual counselor were to evaluate Rev. N., he might find him extremely stressed and perhaps somewhat cranky and depressed. Nonetheless, he might chalk it up to "normal reaction" to his situation. Another mental health professional could validly conclude differently.
 - b. There is in the Sacred Scriptures a "standardized definition" for "spiritually fit" for the ministry. This poses an insurmountable problem. No mental health professional can legally or ethically profess to be able to define (and accurately assess) "spiritual fitness."
 - c. That the chosen counselor is cognizant of these standardized definitions and can competently apply them to determine Rev. N.'s "fitness."
2. As there is a large preponderance of non-Christian (much less non-Lutheran) mental health professionals, the selection of competent professionals would be limited.

3. Suppose Rev. N. is found to be "unfit" for the ministry of the Word by a mental health professional. By what criteria and by whom will he be re-evaluated to determine whether and when he is fit?

4. The conditions imposed upon the candidate seeking a call or reinstatement into the ministry of the Word are extremely offensive according to the principles of Scripture, the Lutheran Confessions, and the ethical principles of professional counselors, psychologists, and psychiatrists. If it is necessary for Rev. N. to be found fit for the ministry and "completely clear his record" before he can enter the ministry, then he must have been found unfit (guilty of some sin or very serious pastoral deficiency) and needed his record cleared. But who found him unfit or guilty? When you receive a traffic citation, there is the word of a trained professional and sometimes objective evidence (radar guns) that you have been speeding or have broken the law. But what trained professional has determined that the pastor or candidate should undergo counseling? And what

evidence is there that he should undergo this "record-clearing" process? Would any lawyer agree to such conditions if he were asked to do this by his firm?

Some comments need to be made about "informed consent" and "confidentiality" (see *Handbook of Outpatient Treatment of Adults*, M. E. Thase, B. A. Edelstein, and M. Hersen, eds. [New York: Plenum Press, 1990]). Both are ethical and legal principles. In essence, Rev. N. would be asked to forfeit both in this case. Therefore, it should be assumed that a competent, conscientious mental health professional would refuse to provide the services.

There are two legal principles embodied in the doctrine of "informed consent." Both principles are designed to protect the user of mental health services from exploitation (e.g., "I am a professional, I know things you don't, you must enter long and expensive treatment with me.")

1. The person seeking psychiatric services does so fully aware of the diagnosis (the problem being treated) and the treatment (the plan, its inherent risks, costs, and potential benefits).

2. There is self-determination, that is: "Every human being of adult years and sound mind has a right to determine what shall be done with his own body" (Judge Cardozo, 1914). See L. S. Miller, "Informed Consent: I," *Journal of the American Medical Association*, 244: 2100-30.

In the absence of informed consent (entering fully aware and with free will), any psychiatric intervention is bound to fail. It can be said that informed consent "is the basis of all psychiatric interventions and that without it no psychiatric intervention can be justified" (see F. Redlich and R. Mollica, "Overview: Ethical issues in Contemporary Psychiatry," *American Journal of Psychiatry* (1976): 125 *infra*.)

By definition, *a priori*, it is assumed that Rev. N. will yield his right to confidentiality by entering this agreement. That is, he, the district president involved, their secretaries, the accountant who pays the bills for treatment, his future congregation, and others will know about the results of the evaluation. This only speaks to the evaluation process. What if he needs treatment? Then the treatment and the outcome (whether he is cured and is ready to enter or re-enter the ministry) are also open for all the aforementioned to see. This is quite different than saying to someone who works for your painting company, "I'm worried about your drinking habits; maybe you should think about seeing a professional" (no coercion, fully confidential, etc.).

There are generally two situations in which such a forced evaluation is warranted. (1) If the individual has been accused of some crime and must undergo psychiatric evaluation to determine if he is fit to stand trial (can help in his own defense), or if the individual has been found guilty of some crime and the judge wants to know if he will benefit from counseling or would be harmed by incarceration. (2) If the individual is seeking a position or a promotion wherein psychiatric evaluation is a necessary part of the process. In these cases, evaluation is *clearly* declared and *universally* applied. For example, in some jurisdictions, police officers must undergo psychological evaluation to join the force or to qualify for promotion. In essence, the evaluations are used to determine whether there is a problem with drug or alcohol abuse, whether there is an anger control problem, and whether the person can handle authority, etc. The evaluations are intended to answer specific questions (standardized assessment) and are applied to everyone, including the chief of police and every sergeant.

Obviously, Rev. N. has not been accused, much less found guilty of any crime, public offense, or false doctrine which would prevent him from entering the ministry. Moreover, any application of evaluation is clearly *idiosyncratic*, *specious*, and ill-intended. Despite the fact that we are living in the 1990s, there is still tremendous stigma attached to psychiatric or counseling services, and

The suggestion or intimation by a district president, congregation, or seminary staff that a pastor or candidate has a history of mental illness or is in need of psychological or vocational counseling or evaluation so that the person's status as a pastor or candidate is jeopardized in effect constitutes a violation of AC XIV and is the kiss of death!

- d. *A district president may control the call list of a congregation.* This is a clear violation of the right of the congregation, the "people," to have a decisive role in the call of the whole church,⁷⁷ which was the concern of Luther, the Confessions, and all the dogmaticians. At this point we might point out one clear deviation in the practice of the LCMS from that of the Lutheran church for at least the first two hundred years since the Reformation. The congregations calling historically were always urged to play a principle role in the examination of the pastor to be called. This was the practice of the Lutheran churches in Germany and Scandinavia and was an essential part of the call process. The university had no part whatsoever in "qualifying" or "examining" the candidate. And even if a man had been a minister for years, if a congregation was thinking of calling him, he would undergo an examination, often rigorous, by the congregation calling and the pastors of the locale, and no doubt with the superintendent present, if possible. The idea of the congregation simply depending on the word or evaluation of the superintendent (or the university at which the candidate studied) was unthinkable.⁷⁸

Rev. N. will clearly do himself harm by agreeing to this evaluation. It is a no-win proposition for him, it is wholly inappropriate, and any mental health professional who understands the situation would advise him to refuse the offer. In effect, the pastor or candidate is made to look guilty by suspicion or implication of something that would prohibit him from entering or re-entering the public ministry, and the professional counselor is manipulated and made to be an accessory to keeping a qualified person out of the public ministry. This practice, which is becoming more and more common in Lutheran circles, is a violation of AC XIV, ecclesiastical due process, and the Eighth Commandment. It should be stopped!

77. AE 39:312-13.

78. From its earliest years the Missouri Synod put on the seminary the responsibility to qualify candidates. This was probably because in the small church body the seminary president was also the president of the church body and a pastor of a church. At any rate, we have never rid ourselves of this custom which,

- e. *A district president or visitor (circuit counselor) may interfere in the ministry of a pastor by talking with members and hearing complaints against him behind his back.* This action, whether purposeful or accidental, is a violation of due process and of the minister's call.
- f. *A "temporary call" is a violation of the divinity of the call to the ministry of the Word.* Such an action is an oxymoron. Although a divine call and letter of call is indeed a legal contract, it is much more, as we have seen. It is God's own placement in the ministry of the Word. A "contract call" for two or three years, an idea contemplated here and there in our synod, is equally pernicious. Kurt Marquart puts it well: "The so-called 'temporary call' must be seen for what it is: a 'call' with built-in dismissal on unbiblical grounds. No one can without self-contradiction say to a minister, 'God wishes you here now, but wants you gone by Jan. 1 three years hence, unless we are pleased to keep you another three years.' It is another matter, of course, if the position or task is itself by its very nature temporary, e.g. chaplain to an expedition, helping out in cases of illness, etc. What is objectionable is the limitation of the 'call' without intrinsic need, simply to allow the 'calling' persons to dismiss the minister at their pleasure, without having to bother about proving ungodly doctrine or life."⁷⁹ The pastor is not "an employee at will." The length of the call is not an adiaphoron, but the call is for life, as we have seen.

more or less, leaves the congregation in the lurch. On March 3, 1990, the Council of Presidents adopted a new "self-evaluation tool (SET) for pastors" whereby a pastor evaluates himself. There is, of course, nothing wrong with this type of instrument. It is actually valuable for the pastor and saves the "visitor" time. However, the "tool" hardly gets to the deep theological questions which Luther and Melancthon worked out in their instructions for the visitors of parish pastors in electoral Saxony in 1528. The questions have far too much to do with sociological and adiaphoristic concerns. It would be far better for all concerned if the congregations were once again, with the help of nearby pastors and, if possible, district presidents, to resume the examination of pastors whom they are thinking of calling. There is nothing wrong with interviews and "trial sermons," etc. The concern of our Confessions is that congregations know what they are getting in a pastor.

79. Cf. Kurt Marquart, *The Church and Her Fellowship, Ministry, and Governance*, Confessional Lutheran Dogmatics, vol. 9 (Fort Wayne, IN: The International Foundation for Lutheran Confessional Research, 1990), 158.

- g. *Forced retirement violates AC XIV.* We have already discussed this issue. A minister or teacher of the church can be forced from his call only for false doctrine or ungodly life, and then only after due process, unless the sin is grossly manifest. The idea of "divine dismissal" or "divine disposal" for reasons other than false doctrine or unholy living⁸⁰ is simply wrong-headed and wrong theology unless the dismissal or deposal is for valid biblical reasons, in which case the discussion of the issue is superfluous.
- h. *A call to a woman to be a minister of the Word or the recognition of the "ministry" of a woman "called" into the ministerium docendi is a violation of AC XIV in respect to both doctrine and practice.* This burning issue confronts our church body directly, for neither the official leadership of our synod nor the CTCR has stated clearly the simple fact that an "ordained" woman is not a minister and must not be recognized or treated as such. In this regard the pressure of pragmatism and expediency (perhaps the yen for a closer level of relationship with ELCA) has already affected our practice and will inevitably affect and change our doctrine, unless we come to grips with the issue. The prognosis for our determination or capability to do so is at this time problematic. In reference to the doctrine of the call our synod is in a fragile state of confusion and danger.

80. Cf. W. J. Sohns, "The Divine Disposal/Dismissal of Ministers of the Word and Sacraments," A study prepared for the Council of Presidents, 4/23/90. The lengthy essay has a great deal of good stuff in it, many fine quotations from Luther and other theological sources. However, the "Diploma of Revocation" which is affixed to the article is quite ridiculous, unless, again, the minister is being put out of the ministry for biblical cause. In such a case there is hardly a need for liturgical rite to say so or a "Diploma of Revocation." Someone may have gotten this idea for such an ecclesiastical action from a brief report of the CTCR, stating that the length of tenure associated with the call is an adiaphoron. The statement is found in the 1971 *Convention Workbook*, p. 32: "We find no theological reasons which prohibit the termination or modification of a call or the abolition of the office to which a man has been called. Because the Scriptures are silent on the length of tenure associated with a call, we consider length of tenure to be an adiaphoron rather than a doctrinal matter. We note that this understanding of a call is reflected in the provisions of the synodical handbook." The statement probably refers to what have been called "auxiliary offices" which are created *de jure humano*, but it could be applied to called professors of theology and called pastors, I think.

I. CONCLUSION

The aforementioned eight points are all examples of perceived need, urgency of mission, desired administrative efficiency, and emergency combining to change gradually practice and worship in our synod. This movement is thought to be innocuous at worst, beneficial and progressive at best. The result is a change of public doctrine. Let me point out two very serious results of this development.

Prior to the turn of the century men were called to only two positions (*status*) as ministers: pastors and professors (teachers of theology). These two positions were both thought to embrace the *Predigtamt*, and in fact the two positions were combined. Then in the 1890s a controversy on the office of parochial school teachers broke out between the Wisconsin Synod and the Missouri Synod. J. P. Koehler led the Wisconsin camp in advocating the "call" being extended to teachers.⁸¹ The *Predigtamt* which belonged to the universal priesthood and sprang from the universal priesthood was exercised publicly by a school teacher as well as by a pastor of a local congregation, Koehler maintained. The *Predigtamt* was not the pastoral office (*Pfarramt*), but embraced all sorts of other offices and possible multiplication of them (Hoeftling). School teachers were called, but for some reason not ordained. Missouri resisted that change in practice for half a century. For in Missouri's theology, as clearly taught in the Confessions, especially the Treatise, the public ministry of the Word was an exercise of Christ's ministry through the apostolate and was a unique office. Only to this specific office could suitable persons be called, and only to this office could one be ordained.

Then, long after the controversy with the Wisconsin Synod, changes came in the LCMS. Day school teachers were called, various district and synod staff workers, often occupied in affairs not directly related to the ministry of the Word, DCEs, and others. Throughout her history district presidents were always in the ministry of the Word, having a call to a local congregation. Now since the 1950s almost all of them have no call to a congregation.

81. *The History of the Wisconsin Synod* (Salk Rapids, MN: The Protestant Conference, 1981), 232, *passim*.

Many of them perhaps perceive that they have a temporary call by virtue of their election to office; but do they? This was not the case in Luther's or Chemnitz's day when all superintendents were also pastors. Nor did visitors, who always had parishes, receive calls. And I suspect they do not now.

Perhaps a call is given only to those, men and women, who work full-time in the congregation or synod and whose work is tangential to the one ministry of Word and Sacrament? But one thing seems certain: the proliferation of "calls" and "ministries" in the Missouri Synod has caused great confusion and degraded the one office of the ministry, to say nothing of our understanding of AC XIV and doctrine of the call.

This brings us to another related point. The proliferation of "ordained ministers" who have no legitimate call, according to AC XIV, to the public ministry of Word and Sacrament, and who often hold ranks by human right above those in the parish ministry and those of us who are doctors and teachers of the church, is bound to cause mischief. Ranks among the ministers of the Word have always historically been ranks among those who are rightly called; and superintendents (district presidents, or possibly visitors today) have always been *premi inter pares*, first among equals. But how can that be if such superintendents and other supervisory officials do not in fact hold the office of the ministry? Can one who holds only a strictly *de jure humano* office superintend those who are rightly called to the one office of the public ministry of the Word? I am just asking searching questions, occasioned by the bulging ecclesiastical bureaucracy in our synod. A somewhat similar situation in the papacy in Luther's day elicited similar questions.

The answer to our questions and concerns is simple, but the solution most difficult to achieve. Back to the Word and to the one office of the called ministry of the Word. Not every man and woman, even those working faithfully and well in full-time work for the church, is a minister. But every called and ordained minister ought to function as one and carry out only that function. A return to the doctrine and paradigmatic practice of AC XIV and the Confessions will be a great blessing to both the preachers and the hearers, the ministers and the people. And at this point our synod will remain a confessional Lutheran fellowship.