


WORKERS FOR HIS HARVEST



"Ask the Lord of the harvest,
therefore, to send out workers
into his harvest field."
- Luke 10:2

For Conversation among the Congregations
and Pastors of the Lutheran Church –
Missouri Synod Concerning Public Word
and Sacrament Ministry

A Publication of the Board of Directors of the Northwest District – LCMS

November 2018

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Summary Introduction

The 2013 LCMS Convention established a task force to study the use of Licensed Lay Deacons (LLDs) in the LCMS. The Task Force published a report in 2015 that led to the passing of Res. 13-02A by the 2016 LCMS Convention. It resolved to end the regular use of LLDs for public Word and Sacrament ministry.

The term “public” means ministry that is done, not simply in public, but “on behalf of” the church. In other words, it is done with the authority of God and the consent of the community of believers. Public “Word and Sacrament” ministry refers to preaching God’s Word in worship and administering baptism and Lord’s Supper. 2016 Res. 13-02A affirmed the theological position of the Task Force Report, which said that public Word and Sacrament ministry should only be done by those “examined for fitness, called by a congregation, and ordained to the Office of the Ministry”¹ (i.e. pastors). Among their reasons were: (1) that the Scriptures and The Lutheran Confessions set these limits, (2) that the use of the word deacon in scripture does not correlate to Licensed Lay Deacons of the LCMS, and (3) that anyone who would do ministry in a public manner needs the approval of the whole LCMS, not just of a congregation or even of a district. The Task Force called this “transparochial” certification and affirmation.

Those who present this document appreciate the work of the Task Force and the Floor Committee who drafted 2016 Res.13-02A, and yet disagree fundamentally with those three statements. This document is offered constructively to foster conversation around faithful approaches to the public ministry of Word and Sacrament amidst contemporary challenges. *This document is offered in a spirit of unity and for mutual benefit.*

1. The Witness of the Scriptures and the Lutheran Confessions

Ephesians 4:11-12 tells us that the Office of the Public Ministry is Jesus’s gift to his church: “He gave the apostles, the prophets, the evangelists, the pastors and teachers to equip the saints for the work of ministry, for the building up of the body of Christ.”² The LCMS, along with The Lutheran Confessions, understands that list of “apostles, prophets, evangelists, pastors, and teachers,” to describe one “Office of the Public Ministry” that we now commonly call the office of the pastor. Every believer, as part of the priesthood of believers, is called to “proclaim the excellencies of him who called you out of darkness into his wonderful light” (1 Peter 2:9). Yet not every believer should do this “on behalf of” the rest unless further “called” to do so. Jesus invites humility among his people: “If anyone would be first, he must be last of all and servant of all” (Mark 9:35). As Luther expressed it, “We have the same power in respect to the Word and the sacraments. However, no one may make use of this power except by the consent of the community.”³ The Lutheran Confessions in Augsburg Confession Article XIV sum this up saying, “no one should publicly preach, teach, or administer the sacraments unless properly called.”⁴ Pastors are called by a formal process of

¹ 2013 Resolution 4-06a Task Force Report to the Synod, 21.

² All scripture in this summary is from *The Holy Bible*, English Standard Version® (ESV®), copyright © 2001 by Crossway Bibles, a division of Good News Publishers. Used by permission. All rights reserved.

³ Martin Luther, *Luther’s Works*, vol. 36:, ed., J. J. Pelikan, H. C. Oswald, & H. T. Lehmann (Philadelphia: Fortress Press, 1958), 116.

⁴ Robert Kolb and Timothy J. Wengert, ed., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000), 47.

education/certification, call, and ordination. However, limiting this only to pastors places unnecessary barriers upon the proclamation of the Gospel.

In the scriptures, along with those in the Office of the Public Ministry (referred to in the New Testament as apostles, pastors, overseers, bishops, teachers, presbyters, and elders), there were also assistants that joined in this public preaching and sacramental ministry supporting them. Philip and Stephen are set apart in Acts 6 to distribute food to widows so the Apostles may focus on preaching. In the next two chapters, Philip and Stephen are preaching God's Word, too, and Philip is baptizing. Apollos in Acts 18 began public ministry in Ephesus and then went on to serve in Corinth.

“Pastoral Ministry is the highest office in the church, and from it stem all other offices.”

– C.F.W. Walther

Paul approved of him as a fellow-worker (1 Corinthians 3:5-9) although the scriptures never tell of him being ordained to the “Office of Ministry.” Luther says Apollos did this “without the formality of ordination.”⁵

When no pastors are available, the group of believers, to whom the Gospel has been given in all its facets, has the right to call someone from among

its members, even informally, to carry out the ministry on their behalf. The church may also set apart some for more specific formal roles of service, even in public ministry of Word and Sacrament, to support the spread of the Gospel. While Jesus intends his church to continue to utilize the Office of the Public Ministry to carry out His mission until he returns, the public ministry of his Word and the sacraments are not confined to it. Paul said regarding those who tried to confine his ministry of the Gospel, “The word of God is not bound” (2 Timothy 2:9).

C.F.W. Walther, the first president of the LCMS, wrote a set of theses supported by quotes from the Scriptures, *The Lutheran Confessions*, the writings of the Lutheran reformers, and the early church fathers in a work called *Church and Ministry*. Since 1851 *Church and Ministry* has been the Synod's official view on the Office of the Public Ministry, the priesthood of believers, and their relation to one another. In that work Walther says, the “Pastoral Ministry is the highest office in the church, and from it stem all other offices”⁶ and “Every other public office in the church is part of the ministry of the Word or an auxiliary office that supports the ministry. . . . for they take over a part of the one ministry of the Word and support the pastoral office.”⁷

2. The Use of the Word Deacon in the Scriptures and in the LCMS

The 2013 Resolution 4-06A Task Force Report said that the language of deacon is so varied in the scripture that no one can say if there was truly an “office” of deacon or what they might have done.⁸ However, in *Church and Ministry*, Walther uses the word deacon to describe the variety of supporting offices that the church may develop as it sees fit to further the ministry of the Gospel. He

⁵ Martin Luther, *Luther's Works*, vol. 40, 38.

⁶ C. F. W. Walther, *Church and Ministry*, trans., J. T. Mueller (St. Louis: CPH, 1987), 289.

⁷ Walther, *Church and Ministry*, 289-290.

⁸ *Convention Workbook: Reports and Overtures 2016*, 257 and *2013 Resolution 4-06a Task Force Report to the Synod*, note 21, 6.

says, “the incumbents of subordinate offices are called deacons.”⁹ Similarly, Johann Gerhard, a Lutheran theologian whom Walther quotes freely in *Church and Ministry*, says that deacons both in the New Testament and in the early church were often “joined to the presbyters, preached the Word together with them, administered the Sacraments, visited the sick, etc. In this way, they were made teachers of a lower order in the church.”¹⁰ Ample support in the early church shows this to be true.

The purpose of this document is... to bring to light an aspect of the ministry of the Gospel... which, if left undiscussed, could lead to serious limitations on the forward progress of the Gospel through the LCMS.

In the early days of the LCMS Walther helped write twenty eight more theses to encourage the use of one specific application of men like this. These were called the *Reiseprediger* theses. Thesis 8 says, “As all orders of God in the New Testament are not laws but God’s gracious establishments for the salvation of souls, so also is the order of the office of the public ministry,” and Thesis 18 continues, “Even where there are Christians but where the church suffers from a lack of public ministers and souls would otherwise be in danger of becoming lost, love has the call and obligation to appear publicly and

teach the Word of God provided she has knowledge of this and the gift for it.”¹¹ In other words, the public ministry of the Gospel is not bound to the office of the pastor.

3. Who Must Approve of Those Called into Public Ministry?

The LCMS has agreed for good order on a Synod-wide approval process for its pastors, yet this is not a matter of scriptural doctrine. Even Walther’s *Church and Ministry* encourages a simpler local approach. His supporting material includes the example of the church at Ephesus in the scriptures, which appointed its ministers without approval from apostles in any other city. The citation suggests that such a church “would maintain full communion with all other Christians by its doctrine and faith”¹² despite its processes for approving ministers. If so for pastors, certainly this may be the case for such assisting offices as well.

Final Summary Remarks

This is simply a summary of that which will be presented in detail, with supporting documentation and research, in this document. The purpose of this document is not to incite controversy or to protest, but rather to bring to light an aspect of the ministry of the Gospel that is being lost under the resolves of 2016 LCMS Res. 13-02A; and which, if left undiscussed, could lead to serious limitations on the forward progress of the Gospel through the LCMS. The presenters of this document pray that it will open new avenues for conversation in order that these vital aspects of the public ministry of God’s Word and the sacraments will not be lost in the Synod or in its partner churches.

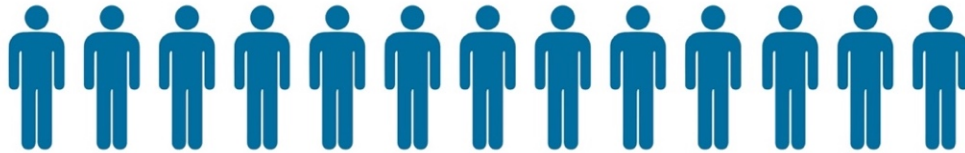
⁹ Walther, *Church and Ministry*, 289.

¹⁰ Johann Gerhard, *On the Ministry: Part I*, in *Theological Commonplaces: XXVI/1*, ed., Benjamin T.G. Mayes (St. Louis: CPH, 2011), 40.

¹¹ *Moving Frontiers*, 206-207.

¹² Walther, *Church and Ministry*, 240.

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Statement of Intent

Prior to Res. 13-02A's presentation before the 2016 Synod Convention, considerable effort was expended to research the current use of Licensed Lay Deacon (LLD) ministry within the LCMS, the factors which precipitated the need for such ministry, the theological foundations upon which the use of LLDs was first approved by the LCMS in convention in 1989, as well as the appropriateness of continuing such ministry from a scriptural and confessional framework. The 2013 Res. 4-06A Task Force on LLDs and its Chairman, Rev. Larry M. Vogel, should be commended for its thorough study, the timeliness of its report published in the summer of 2015, and its FAQs published in the 2016 Convention Workbook giving fuller explanation to many concerns and questions raised in the Synod in response to the 2015 report.

While the resolution may unify practice, it has not brought about a common theological understanding of this issue.

Likewise Floor Committee 13, chaired by Rev. Dr. Roger Paavola, deserves appreciation for its attentiveness to voices of concern from all sides of this issue (expressed in the 50 overtures published in the 2016 Convention Workbook on this topic). They endeavored to bring to the floor a resolution faithful to the Scriptures and *The Lutheran Confessions* which would unite the Synod in common theology and practice concerning the regular carrying out of the specific functions of public preaching and administration of the sacraments in the context of LCMS congregations.

Yet it is in this last point that the presenters of this document believe 2016 Res. 13-02A to be inadequate despite these diligent efforts. While the resolution may unify practice, it has not brought about a common theological understanding of this issue.

However, it is in the spirit of the third resolved of 2016 Res. 13-02A that this document is presented. That resolved stated, "That the LCMS, while mindful of the need for continued conversation within the church, affirm the theological framework of the '2013 Res. 4-06A Task Force Report.'"¹⁴ *This document is intended as a vehicle for continued conversation within the church regarding the theological framework upon which both the "2013 Res. 4-06A Task Force Report" and the subsequent 2016 Res. 13-02A were presented. It is not intended to incite controversy or create division within the church but rather to foster continued conversation and clarity on the theology of this issue in particular.*

This document is intended as a vehicle for continued conversation.

To that end 2016 Floor Committee 13 should also be commended for its work on Res. 13-01A which resolved to "Convene a task force including lay leaders, representatives from districts both with and without licensed lay deacons, and representatives from the Council of Presidents, both seminaries, and the CTCR to consider how best to facilitate an ongoing conversation and communication among laity, districts, and the Synod in

¹⁴ *Convention Proceedings* 2016 (St. Louis: LCMS, 2016), 237.

order to foster the blessed complementary relationship between the royal priesthood and the Office of the Public Ministry.”¹⁵ It is hoped that this document may be beneficial in that effort as well.

Evidence and Summary of Discord

As is clear from the plethora of overtures received in 2016 supporting LLD ministry (thirty four of the fifty printed in the 2016 Convention Workbook) and of those requesting further study on the matter (two of the fifty) that despite the apparent consensus of the convention vote on the final resolution (Yes: 809 to No: 277) there is NOT clear consensus regarding the theological framework of this matter across the LCMS. Most of the thirty four overtures supporting LLD *ministry appealed to both scripture and The Lutheran Confessions for their theological basis. These overtures supporting LLD ministry also have a “transparochial” character in themselves; that is, they do not surface from one distinct region in the Synod but from across the Synod from Alaska to Florida, Arkansas to Michigan, New York to Texas.* While this is not an argument for the legitimacy of their theological approach to the issue, it certainly demonstrates the need for continued study and discussion.

It is the position of this document is that the core theological framework upon which the 2013 Res. 4-06A Task Force Report and 2016 Res. 13-02A stand should be reconsidered in the following respects:

- A. *In its understanding of “call,” it is the position of those who submit this document that rite vocatus, of Augsburg XIV, does not restrict the public preaching of God’s Word and the administration of the sacraments strictly to those formally placed into the pastoral office, the Office of the Public Ministry. Rather, it relates to a broader theology of the call and the relationship between the Office of the Public Ministry and the priesthood of believers.*
- B. *In its reasons for declining the possibility of additional offices in the church that would participate in public Word and Sacrament ministry, it is the position of those who submit this document that the variety of uses of diaconal language in the New Testament should not be cause to abandon auxiliary and subordinate offices that participate in public preaching or public administration of the sacraments as if they are sources of confusion. Such offices have been utilized in faithfulness to The Lutheran Confessions and have been a blessing to the church. Confusion instead arises from restrictive understandings of rite vocatus that reduce the public ministry of the Word and the sacraments to the Office of the Public Ministry alone instead of allowing it to be the office from which all others stem, even others that participate in these primary functions.*
- C. *In its arguments for the necessity of “Transparochial Certification/Affirmation,” it is the position of those who submit this document that “Transparochial Certification/Affirmation” is not a scriptural and confessional necessity but a matter of agreement within the Synod. When matters of human arrangement set in place for good order, which are time and context conditioned, are elevated to the level of doctrine, which is timeless and transcends context, it creates undue barriers to the free course of the Gospel.*

The first of these topics will be treated in the most detail as the second and third are related to it and therefore will rely upon and build upon much of what is being demonstrated with regard to the first.

¹⁵ *Convention Proceedings* 2016, 236.

Celebration of Accord

Before delving into these three matters that need further clarity, it is important to first celebrate matters of agreement that display the accord already present through the united witness of the Synod, even in this discussion of church and ministry. Those who present this document stand with the confession of the LCMS in agreement with C.F.W. Walther and his articulation of the Office of the Public Ministry and its relationship to the priesthood of believers. That is both in opposition to the overemphasis on the lay priesthood espoused by Carl Vehse and Franz Marbach on the one hand and in opposition to the argument that the Office of the Public Ministry is a spiritual estate in and of itself that receives its powers apart from the priesthood of believers as was espoused by Wilhelm Loehe and J. A. A. Grabau on the other. Understanding that these matters were vigorously debated in the early days of the Synod, those who present this document do not intend to rehash those arguments.

“Since the Christians are the Church, it is self-evident that they alone originally possess the spiritual gifts and rights which Christ has gained for, and given to, His Church. Thus St. Paul reminds all believers, ‘All things are yours.’ ”

– The Brief Statement 1932

This document is presented in solidarity with the theses enumerated by Walther and defended in his volume *Church and Ministry* which was accepted already in 1851 (even prior to its publication) and is still held to be the position of the LCMS on these matters. To that end, let it be celebrated that there is full agreement that the Office of the Public Ministry (not just the functions of preaching and administering the sacraments) exists by divine institution, that this office is distinct from the priesthood of believers, and that the church is bound to maintain and utilize this office for the continuing of Christ’s mission on earth until he returns (Theses I, II, and III on the ministry).

Likewise, there is full agreement that the public preaching of God’s Word and the public administration of the sacraments are primary functions of the Office of the Public Ministry and that the power to carry these out “on behalf of” the people of God is conferred by the priesthood of believers (Thesis VI on the ministry). That is, as Walther states it clearly,

Since the congregation or church of Christ, that is the communion of believers, has the power of the keys and priesthood immediately (Matthew 28:15-20; 1 Peter 2:5-10; cf. also what has been said under Part I, Thesis IV), it also and it alone can entrust the Office of the Ministry, which publicly administers the Office of the Keys and all ministerial [priesterliche] functions in the congregation by electing, calling, and commissioning.¹⁶

This last point was also eloquently enumerated in paragraph 30 of the *Brief Statement* in 1932,

Since the Christians are the Church, it is self-evident that they alone originally possess the spiritual gifts and rights which Christ has gained for, and given to, His Church. Thus St. Paul reminds all believers, ‘All things are yours,’ 1 Cor. 3:21, 22, and Christ Himself commits to all believers the keys of the kingdom of heaven, Matt. 16:13-19; 18:17-20; John 20:22, 23, and commissions all believers to preach the Gospel and to administer the sacraments, Matt. 28:19,20;

¹⁶ C. F. W. Walther, *Church and Ministry*, trans., J. T. Mueller (St. Louis: CPH, 1987), 219.

1 Cor. 11:23-25. Accordingly, we reject all doctrines by which this spiritual power or any part thereof is adjudged as originally vested in certain individuals or bodies such as the Pope, or the bishops, or the order of the ministry, or the secular lords, or councils, or synods.¹⁷

Walther is clear that the means by which this power of the keys to publicly preach the Gospel and administer the sacraments is conferred is through the call (Thesis VI on the ministry). This is in concert with the witness of the *Augsburg Confession*. Augsburg V notes the divine institution of both the Office of the Public Ministry and the functions of preaching and administering the sacraments in abstract (without respect to the persons who fill the office) saying, “So that we may obtain this faith, the ministry of teaching the Gospel and administering the sacraments was instituted. For through the Word and sacraments as through instruments the Holy Spirit is given, who effects faith where and when it pleases God in those who hear the gospel.”¹⁸ Following this, Augsburg XIV notes that the power to exercise these functions publicly is granted by a proper call, and so speaks concretely of those who carry out these functions on behalf of the church. Thus it states, “concerning church order...no one should publicly preach, teach, or administer the sacraments unless properly called [*rite vocatus*].”¹⁹

It is particularly the understanding of this proper call that is first in question and leads to the first item in this discussion.

The “Call” to Publicly Preach and Administer the Sacraments is Primary to the Office of the Public Ministry, but is it also Exclusive to that Office?

The following quotes state the position of the 2013 Res. 4-06A Task Force Report:

The proper calling—*rite vocatus*—involves several aspects. The Task Force commends to the Synod the understanding of this phrase that was emphasized in the CTCR’s 2003 report *Theology and Practice of “the Divine Call”*. . . . Noting Melancthon’s references to the rights of calling, choosing (or electing), and ordaining, *Divine Call* argues that, “Taken together, the terms used by the Treatise constitute and explain the ‘rightly called’ (*rite vocatus*) of AC XIV.”. . . . Therefore, the confessional understanding of *rite vocatus* involves three elements: examination (or certification), call, and ordination.²⁰ . . . While there is a call of sorts by the congregation, when the church inducts a licensed lay deacon, it specifically does not place the man into the pastoral office. Yet the church is telling the man to go and to do pastoral work (albeit under supervision). The people see the man behaving as their pastor, yet they are not to call him pastor, but deacon.²¹ . . . However, this principle should always apply: If we ask a man to go and do pastoral work, we should make him a pastor. . . . That is, he should in some public, mutually agreeable

¹⁷ *A Brief Statement of the Doctrinal Position of the Missouri Synod* (St. Louis: LCMS, 1932).

¹⁸ Robert Kolb and Timothy J. Wengert, ed., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000), 40-41. The German text includes the concept of office saying, “To obtain such faith God instituted the office of preaching, giving the gospel and the sacraments.”

¹⁹ Kolb and Wengert, *The Book of Concord*, 47.

²⁰ *2013 Resolution 4-06a Task Force Report to the Synod*, 9-10.

²¹ *2013 Resolution 4-06a Task Force Report to the Synod*, 12.

*manner, be examined for fitness, called by a congregation, and ordained to the Office of the Ministry.*²²

Similarly the 2013 Res. 4-06A Task Force FAQs published in the 2016 Convention Workbook state this in Q7.A.

*For the Office of Public Ministry, the defining responsibility is one of public preaching and the administration of the Sacraments for the church (see AC V). Based on this, the report's first recommendation is to make this clear: When you preach and administer the sacraments for a congregation, you are serving as a pastor.*²³

It is the burden of this document to show that while the public preaching of God's Word and public administration of the sacraments is a primary function of the Office of the Public Ministry, it is not exclusive to that office.

The Scriptural Witness Offers a Broader Perspective

This one-size-fits-all approach is not reflective of the biblical witness in which there were various assistants and other ministers serving in public Word and Sacrament ministry who were not ordained as overseers, elders, or pastors when they began this ministry. Three specific examples are commonly cited: those of Philip, Stephen, and Apollos.

Stephen and Philip were each selected in Acts 6 by the full gathering of disciples and in v. 6 hands were laid upon them setting them into ministry. This is at times viewed as indication that they were "ordained." However, they were specifically set into a ministry of table service and not that of preaching the Word of God, which the apostles in this text considered to be their primary focus in ministry. So regardless of how one understands the manner in which they are set into their office, what is clear is that Stephen, Philip, and the other five chosen in Acts 6 are specifically not ordained to the Office of the Public Ministry, see v. 2. Yet for the next two chapters Philip and Stephen do precisely what they were set apart to allow the apostles to do: Philip and Stephen preach the Word of God, and Philip administers the sacrament of baptism.

So regardless of how one understands the manner in which they are set into their office, what is clear is that Stephen, Philip, and the other five chosen in Acts 6 are specifically not ordained to the Office of the Public Ministry.

There are a couple of different ways that the Lutheran reformers understood this in relation to the concept of call. In Martin Chemnitz's discussions of the Office of the Public Ministry, he evaluates the service of Philip and Stephen in this way, "Since the apostles themselves appointed some of the deacons who had proved themselves, such as Stephen and Philip, to the ministry of the Word we conclude that these grades or orders were also to serve the purpose of preparing and testing some

²² 2013 Resolution 4-06a Task Force Report to the Synod, 21.

²³ Convention Workbook: Reports and Overtures 2016 (St. Louis: LCMS, 2016), 257.

in the minor offices in order that they might be entrusted with more important functions of the ministry with greater security and profit.”²⁴ Walther finds this quote, about those in the Office of the Public Ministry entrusting some of the functions of the public ministry to others, helpful enough regarding the relationship of the Office of the Public Ministry to other subordinate or auxiliary offices in the church that he includes it under Thesis VIII of *Church and Ministry*. He cites it in the section that supports his statement, “Every other public office in the church is part of the ministry of the Word or an auxiliary office that supports the ministry. . . . For they take over a part of the one ministry of the Word and support the pastoral office.”²⁵ This document will take up discussion of subordinate and auxiliary offices later; for now it is enough to note that this has been a Lutheran approach to these examples from the scriptural witness.

Martin Luther, by contrast, instead of appealing to the appointment of Philip and Stephen to a “minor office” that fulfills some of the functions of the pastoral office, simply appeals to Philip and Stephen’s calling as Christians who belong to the priesthood of believers. He writes, “Certainly they were not asked or called by anyone, but they did it on their own initiative and by reason of a common law, since the door was open to them, and they saw the need of a people who were ignorant and deprived of the Word. How much more readily they would have done it had they been asked or called by anyone or by the community?”²⁶ Luther even suggests that the eunuch baptized by Philip in Acts 8 went on to do the same and that a church sprang from his ministry too. Luther rounds it out saying, “All these things a eunuch accomplished through no other right than that inherent in baptism and faith, especially in places lacking any other ministers.”²⁷

The next example, Apollos in Acts 18, brings to light yet another aspect of being called to service in public Word and Sacrament ministry without placement into the Office of the Public Ministry. When Priscilla and Aquila “explained to him the way of God more accurately,”²⁸ there is no record that the believers at Ephesus ordained him to the Office of the Public Ministry. Yet he continued to preach and carry out his ministry in Ephesus and later even in Corinth, not just among unbelievers but among believers in established churches. The text says he did so with the encouragement and welcome of the believers in both Ephesus and Achaia (Acts 18:27). He also did this with the Apostle Paul’s encouragement (1 Corinthians 16:12). The Apostle Paul even compares their ministries in 1 Corinthians 3:5-9 and makes no distinction between the appropriateness of his own ministry and that of Apollos, a distinction he clearly makes in 1 Corinthians 9:1 in regard to the so-called super-apostles who are active in Corinth, “Am I not an apostle? Have I not seen our Lord?” and does again in 2 Corinthians 12:11ff. Instead of such distinctions regarding Apollos, here Paul writes: “What then is Apollos? What is Paul? Servants through whom you believed, as the Lord assigned to each. I planted, Apollos watered, but God gave the growth. So neither he who plants nor he who waters is anything, but only God who gives the growth. He who plants and he who waters are one, and each

²⁴ Walther, *Church and Ministry*, 297.

²⁵ Walther, *Church and Ministry*, 289-290.

²⁶ Martin Luther, “Concerning the Ministry” (1523) in American Edition *Luther’s Works*, vol. 40: Church and Ministry II, ed., J. J. Pelikan, H. C. Oswald, & H. T. Lehmann (Philadelphia: Fortress Press, 1958), 38.

²⁷ Luther, *Luther’s Works*, vol. 40, 38.

²⁸ Acts 18:26. Unless otherwise indicated, all scripture quotations in this article not contained within other quotes are from The Holy Bible, English Standard Version® (ESV®), copyright © 2001 by Crossway Bibles, a division of Good News Publishers. Used by permission. All rights reserved.

will receive his wages according to his labor. For we are God's fellow workers. You are God's field, God's building."²⁹

Two words used here are of particular note. The first is "servant" (*διάκονος*), closely related to *διακονία* and *διακονέω* used in Acts 6 both for the "ministry" of the Word of God and for the "ministry" of serving the food distribution. Diaconal language is fluid in the New Testament with a variety of uses. This point was raised by the 2013 Res. 4-06A Task Force FAQs published in the 2016 Convention Workbook, which referred to John Collins as "perhaps the foremost authority on deacon terminology."³⁰ It is worth noting here briefly the breadth of that variety. Paul uses the terminology to speak of everything from the office and work of Christ himself (as in Romans 15:8 calling him "a servant to the circumcised to show God's truthfulness") to the description of the office and work of a political leader (as in Romans 13:4, where Paul calls each "God's servant"). He uses it to describe works of charity (as in 2 Corinthians 9:1,12, & 13) and his cohort Luke uses it to refer to food service (Luke 10:40 and Acts 6:1 & 4). In addition, Paul also uses the terminology for a distinct office for carrying out the ministry of the Gospel. That is evident in both Philippians 1:1 and also in 1 Timothy 3:1-13 where he defines two separate lists of qualifications: one for overseers and one for deacons.³¹ More will be drawn from this later. What is primary to the point in this text is that Paul is using the terminology here with no specificity as to his office in order to show unity in the ministry of the same Gospel despite any difference in office between himself and Apollos.

The second word in 1 Corinthians 3:5-9 that conveys this sentiment is "fellow-worker" (*συνεργός*). It too has a variety of uses in the New Testament. It is used by Paul of those ordained to the Office of the Public Ministry, such as Titus (2 Corinthians 8:23) and Timothy (Romans 16:21 & Thessalonians 3:2), for others like Philemon (Philemon 1) whose particular role in ministry is not as clear, and of those who clearly were not in that office, such as Priscilla (Romans 16:3). There is no need for an exhaustive examination of the term. Suffice to say that Paul is using the term in 1 Corinthians 3 to designate that both he and Apollos are united in this work of the ministry irrespective of office. Rather, what unites them is the common message they proclaim and of which they are stewards, 1 Corinthians 4:1. That is not true of the so-called super-apostles.

Though largely an argument from silence, some suggest that if Apollos is so approved by Paul in ministry, he must have been ordained by him to the office. Johann Gerhard takes that approach. He says, "Consequently, Paul recommends him in such a way that he establishes him as a colleague in the ministry or teaching office. . . . One cannot deny therefore that Philip and Apollos had a divine call to teach. . . . Therefore who could believe that Philip and Apollos preached without any call and that the apostles did not first lay their hands on them and in this way commit the ministry of teaching to them."³² However, even Luther, with the emphasis he places upon a rightly ordered Office of the

²⁹ 1 Corinthians 3:5-9.

³⁰ *Convention Workbook: Reports and Overtures 2016*, 257.

³¹ The 2013 Res. 4-03A Task Force in its FAQs in the 2016 Convention Workbook, Q5A, cites research by John Collins to show that this deacon terminology has fluid and varied use in the Scriptures, which makes it difficult to define a particular office of deacon. *Convention Workbook: Reports and Overtures 2016*, 257. This is a clear example in which Paul is not intending to speak of an office of deacon but is rather using the term to express his partnership in ministry with Apollos regardless of position or office in the church.

³² Johann Gerhard, *On the Ministry: Part I*, in *Theological Commonplaces: XXVI/2*, ed. Benjamin T. G. Mayes (St. Louis: CPH, 2012), 93.

Public Ministry, is obliged to recognize Apollos as an unordained participant in the ministry of Word and Sacrament among believers. In his 1523 Treatise *Concerning the Ministry*, he discusses the right of the priesthood of believers to elect their own ministers and in defense of his statement that wherever two or three believers are gathered together they have this right and privilege, he turns to Apollos and says:

Even before such election we have been born and called into such a ministry through baptism. If we ask for an example, there is one in Acts 18[:24ff.], where we read of Apollos who came to Ephesus without call or ordination, and taught fervently, powerfully confuting the Jews. By what right, I ask, did he exercise the ministry of the Word except by the general right common to all Christians, as described in 1 Cor. 14[:30], "If a revelation is made to another sitting by, let the first be silent," and in 1 Pet. 2[:9], "That you might declare his wonderful deeds"? This man was afterward even made an apostle without the formality of ordination, and not only functioned in the

"This man was afterward even made an apostle without the formality of ordination, and not only functioned in the ministry of the Word but also proved himself useful in many ways to those who had already come to faith."

– Martin Luther

ministry of the Word but also proved himself useful in many ways to those who had already come to faith. In the same way any Christian should feel obligated to act, if he saw the need and was competent to fill it, even without a call from the community. How much more then should he do so if he is asked and called by the brethren who are his equals, or by the whole community?³³

Whereas Gerhard is not comfortable conceiving of an informal concept of call, Luther apparently is.³⁴ Luther simply works with and acknowledges what is given in the text. Luther is not concerned that this informal concept of call will negate the divine institution of the Office of the Public Ministry or the

need for more formal mediate calls to that office. Rather, the informal calls evident in scripture lend credence and validity to the more formal calls, in a "How much more then . . ." fashion. Though not formal, even Apollos, before moving on to Achaia, has a mediate request by believers – that is, a call – to share in this ministry. As Acts 18:27 notes, "And when he wished to cross to Achaia, the brothers encouraged him and wrote to the disciples to welcome him."

One additional scripture passage, Ephesians 4:11-12, should be noted particularly since some have assumed that the legitimacy of involving a member of the priesthood of believers in public Word and Sacrament ministry without placing him into the Office of the Public Ministry relies solely on an incorrect reading of this passage. In particular such arguments decry a reading that removes the commas in verse 12, which in the LCMS Richard R. Caemmerer proposed already in the early 1960s even before modern translations went that way. Caemmerer wrote, "Take out the commas!

³³ Luther, *Luther's Works*, vol. 40, 37–38.

³⁴ That Luther says Apollos was made an apostle does not mean that Apollos took on the same apostolic office as Paul for Paul in this very epistle reserves that office for those who have seen the risen Christ and have been sent directly by him (1 Corinthians 9:1-3). Yet even Paul uses apostle language for other servants in the ministry who are sent in someone's stead but are not in the apostolic office, such as the delegation that accompanies Titus to Corinth in 2 Corinthians 8:23. It is in this way that Luther is referring to Apollos when he says that he was, "made an apostle without the formality."

He gave pastors and teachers for perfecting the saints for the work of the ministry which the saints are to do!”³⁵ Those disagreeing with this argue that his was bad advice and that a proper read of the passage makes the “work of ministry” the sole function of those in the Office of the Public Ministry identified in verse 11.

This case is sometimes made based on the use of the verbal noun *καταρτισμός* in verse 12 (translated by the ESV as “equip” or the KJV as “perfecting”) suggesting that it cannot have the sense of equipping or preparing someone for an activity. Since Ephesians 4:12 is the only use of the noun *καταρτισμός* in the New Testament, such arguments typically use a study of the related verb form *καταρτίζω*.³⁶

Another, often overlooked, place where Paul expresses this thought is 2 Timothy 3:16-17. There Paul speaks of an equipping, or perfecting, similar to Ephesians 4:12 using the adjectival form of the same root, *ἀρτιος*, and its related verb *εξαρτίζω*, to describe the efficacy of the Scriptures so that the man of God may be

“complete, equipped” for every good work. The “man of God” addressed by Paul in that verse is Timothy, who is being equipped by the Scriptures to preach the Word of God in season and out of season, by virtue of his call and ordination. Paul calls this Timothy’s “ministry” (*διακονία*) in 2 Timothy 4:5, but this efficacy of the Scriptures is not limited to Timothy or his ministry. As Timothy preaches the Word from the Scriptures it will do the same for his hearers (2 Timothy 4:2). Since the Scriptures have thus “completed, equipped” him for the good work to which he’s been called, they will be profitable to “complete, equip” his hearers for their good work, too. As Paul said, the

Since the Scriptures have thus ‘completed, equipped’ him for the good work to which he’s been called, they will be profitable to ‘complete, equip’ his hearers for their good work, too. As Paul said, the Scriptures equip for ‘every good work.’

³⁵ Richard R. Caemmerer, *Feeding and Leading* (St. Louis: CPH, 1962), 38.

³⁶ For a recent example see Robert Mayes, “‘Equipping the Saints’? Why Ephesians 4:11-12 Opposes the Theology and Practice of Lay Ministry,” *Logia*, 24 no. 4 (2015): 7-15. Mayes study reveals that most all uses of the verb *καταρτίζω* in the New Testament convey the idea of completion or perfection. It also cites Daniel Wallace’s *Greek Grammar Beyond the Basics* pages 664-65 to argue that verse 12 contains no purpose or result clause and therefore the grammar “forbids” the reading that the saints are being prepared for the “purpose” of the work of ministry with the “result” that the body of Christ is built up. This all leads Mayes to question and conclude: “How are people, broken by sin, made complete and perfect? By no means is it by having lay people do works, not even the work of doing ministry! Rather, being complete and perfect is most certainly by grace through faith in Christ!” However, Paul speaks in these verses not simply of justification but of sanctification, which does indeed entail training in righteousness and good works as the further discussion above regarding 2 Timothy 3:16-17 will demonstrate. In addition, the pages cited in Wallace speak of dependant adverbial clause constructions that convey purpose or result without prepositions. Verse 12 indeed does not contain such a clause; but it does contain three prepositions. Wallace explains on page 357 of his grammar that prepositions function adverbially as well and further states on page 369 that the preposition of interest here, *εἰς*, with the accusative, used twice in Ephesians 4:12, may function this way to denote either purpose or result. Another prominent example of this is Acts 2:38, in which the crowds are told to repent and be baptized “for (*εἰς*) forgiveness.” Regardless of who is the doer of the action in Ephesians 4, those in the Office of the Public Ministry of verse 11 or the saints of verse 12, it does not change the meaning of the prepositional phrases. See Daniel B. Wallace, *Greek Grammar Beyond the Basics* (Grand Rapids, MI: Zondervan Publishing House, 1996), 357, 369.

Scriptures equip for “every good work.” This concept is certainly present in Paul’s letter to the Ephesians as well (Ephesians 2:10, 4:16).

This leads back to the term “ministry” (*διακονία*), which in the parallel passage above referred to Timothy’s pastoral work. Based on the research of John Collins, which has shown that *διακονία* is not general self-directed service but refers to delegated tasks carried out on behalf of someone in authority, it has been argued that the “ministry” (*διακονία*) of Ephesians 4:12 likewise must refer to the work done by the incumbents of the Office of the Public Ministry mentioned in the previous verse.³⁷ Yet in light of the discussion above concerning the variety of contexts in which “ministry” (*διακονία*), or the related *διάκονος*, is used in the New Testament, and Paul’s further descriptor in 2 Timothy 3:17 of “every good work,” even if one does not believe the saints are in any way to be about the specific work of public preaching and public administration of the sacraments, surely they can be charged with the work of charity (2 Corinthians 9:13), or delegated the work of table service (Acts 6:1, Luke 10:40), and even set apart to carry out God’s will in secular office (Romans 13:4). It is the apostles themselves who prevent us from reading this text in such a way that the officeholders of the Office of the Public Ministry must carry out all the work of “ministry” (*διακονία*) themselves. They are the ones who said, while clarifying the roles of their specific apostolic office in Acts 6:1-2, that “it would not be right.”

In regard to this, Richard R. Caemmerer did not suggest the “perfecting the saints for the work of ministry” view in order to erase the distinction between the pastor’s calling and that of the everyday Christian, but rather to highlight the breadth of ministry for which the pastor is to equip or perfect the saints in their everyday calling. Elsewhere he writes, “The pastor is a gift of Christ to His church, a helper of the people, to train and equip them to carry out their calling to one another and the world.”³⁸

What is revealed in this short review of Ephesians 4:11-12 is that while it certainly establishes Christ’s institution of the Office of the Public Ministry, Paul does not attempt in it to answer to the question, “Who may do which ministry tasks and functions?” Pressing the text to answer that question either to limit ministry to those in the Office of the Public Ministry or to argue for lay participation in the primary functions of public ministry will only lead to continued debates. Paul simply is not attempting to answer that question in Ephesians 4. Since the question at hand is who

³⁷ For an example see Thomas M. Winger, *Ephesians Concordia Commentary: A Theological Exposition of Sacred Scripture* (St. Louis: CPH, 2015), 424-501 which presents a thorough and well documented study of this section of Ephesians. In it he notes that the syntactical relationships between the prepositions of purpose in Ephesians 4:12 are insufficient to determine the relationship between the three phrases; that is, whether the “saints” in the first phrase may be the doers of the “ministry” in the second phrase. Instead he suggests that lexical study of the nouns must be the deciding factor. The study offered is commendable and points out Collins’s reevaluation of the term *διακονία*. Winger also aptly notes regarding the meaning of *διακονία*, “The specific form of service is not conveyed by the semantic freight of the term itself, but by the external entailments—the genitives or prepositional phrases that modify the word.” Yet admitting that such external entailments are lacking in Ephesians 4:12, he suggests “they are best supplied from the normal use of the term elsewhere in the NT or by the immediate context.” This leads him to the conclusion that since the majority of the uses of *διακονία* elsewhere in the New Testament relate to functions of the Office of the Public Ministry and since that office is the topic of verse 11, then verse 12 should be understood in that way also. However, such reasoning ignores clear cases, such as Acts 6 and 2 Corinthians 9, where the external entailments do define *διακονία* as service that is officially delegated for the saints to participate in, not just those in the Office of the Public Ministry. Likewise it ignores that “the saints” are also in the immediate context of verse 12.

³⁸ Richard R. Caemmerer, *Preaching for the Church* (St. Louis: CPH, 1959), 12.

may participate in the specific functions of public Word and Sacrament ministry, instead of appealing to Ephesians 4, this document will let the scriptural examples of Stephen, Philip, and Apollos suffice.

These scriptural examples should not be considered exceptions to the concept of call in Augsburg XIV. Nor should they be squeezed into a tightly circumscribed definition of *rite vocatus*, such as to presume that Stephen, Philip, and Apollos actually fit the principle that “If we ask a man to go and do pastoral work, we should make him a pastor. . . . That is, he should in some public, mutually agreeable manner, be examined for fitness, called by a congregation, and ordained to the Office of the Ministry.”³⁹ In these cases that principle simply does not hold true.

These scriptural examples should not be considered exceptions to the concept of call in Augsburg XIV. Nor should they be squeezed into a tightly circumscribed definition of rite vocatus.

One might argue that these accounts are atypical examples which are not normative for the life of the church. However, even if that case is made, one must also be careful not to profess a doctrine of the ministry that neglects this biblical witness. What our church confesses regarding the ministry should be broad enough to encompass the way the ministry was actually carried out by the apostles themselves. The Office of the Public Ministry was in the New

Testament, and still is today, the primary vehicle for carrying out the public ministry of God’s Word. Yet, the Scriptures indicate that alongside that office there were, from the beginning, assistants and servants called to participate in public Word and Sacrament ministry as well without ordination to the Office of the Public Ministry.

Confessional Reasons for Acknowledging the Broader Scriptural Perspective of “Call”

The 2013 Res. 4-06A Task Force Report and the 2003 CTCR Document *The Theology and Practice of ‘the Divine Call’* each interpret Augsburg Confession Article XIV with respect to discussion that follows in the *Apology* and the *Treatise on the Power and Primacy of the Pope*. Often that is a helpful hermeneutic in reading *The Lutheran Confessions*: to understand the former in light of the latter. It is from reading *rite vocatus* in that light that it is said to entail three specific aspects: that one is chosen (examined and certified), called, and ordained. This view is then used to reduce all public preaching of God’s Word and administration of the sacraments that would be in accord with Article XIV to the Office of the Public Ministry, that is, the pastoral office, alone.

The *Apology of the Augsburg Confession* follows *The Confutation’s* rebuttal concerning canonical ordination. It therefore narrows the discussion at that point specifically to the rites and orders of ordination to the Office of the Public Ministry. The *Smalcald Articles* and *The Treatise on the Power and Primacy of the Pope* do this as well when they address the Roman bishops who withhold ordination of evangelical pastors. However, as was already evident from the quotes of Luther above in respect to the scriptural witness, this document suggests that the *Augsburg Confession* is

³⁹ 2013 Resolution 4-06a Task Force Report to the Synod, 21.

intentionally written more broadly and does not limit itself to discussion of the Office of the Public Ministry in Article XIV. Instead, by referencing the specifics of neither certification nor ordination, it is presenting a broader theology of the relationship between the priesthood of believers and the Office of the Public Ministry. The *Apology of the Augsburg Confession* makes it clear that this omission was intentional as the confessors noted that they would be willing to work within the orders “established by human authority,”⁴⁰ if such orders did not impede the Gospel, which at the time they were.

Using the hermeneutic of the 2013 Res. 4-06A Task Force, the confessional witness in the *Augsburg Confession* becomes so narrow that it not only fails to accommodate the scriptural examples above (such that they must be considered exceptions to it) but it also does not fit the witness of the reformers who had a hand in writing the *Augsburg Confession*. As a case in point, take Martin Luther’s approach to the concept of “call” in his treatise *The Babylonian Captivity of the Church*:

“Let everyone, therefore, who knows himself to be a Christian, be assured of this, that we are all equally priests, that is to say, we have the same power in respect to the Word and the sacraments. However, no one may make use of this power except by the consent of the community or by the call of a superior.”

– Martin Luther

Let everyone, therefore, who knows himself to be a Christian, be assured of this, that we are all equally priests, that is to say, we have the same power in respect to the Word and the sacraments. However, no one may make use of this power except by the consent of the community or by the call of a superior. (For what is the common property of all, no individual may arrogate to himself, unless he is called.)⁴¹

Here Luther is specifically writing against canonical ordination, and his point is that propriety and humility prevail among believers so that a Christian in the presence of other believers, even when as few as “two or three” are gathered, must not take such a calling to himself, but in Christian love, he should wait until he has been invited by others to do so.

One year after writing that treatise, Luther suggested that this theology be put into practice in letters written in 1521 regarding the reformer who later authored the *Augsburg Confession* itself. This comes from a letter in September of that year written to George Spalatin:

I really wish Philip would also preach to the people somewhere in the city on festival days after dinner to provide a substitute for the drinking and gambling. This could become a custom which would introduce freedom and restore the form and manners of the early church. For if we have broken all laws of men and cast off their yokes, what difference would it make to us that Philip is not anointed or tonsured but married? Nevertheless he is truly a priest and actually does the work of a priest, unless it is not the office of a priest to teach the Word of God. In that case Christ himself would not be a priest, for he taught now in synagogues, then in ships, now at the shoreline, then in the mountains. In a word, [Christ] was always and everywhere all things to all people at all times. Since, therefore, Philip is called by God and performs the ministry of the Word, as no one can deny. . . . Therefore he has to be called and driven [to preaching] by the

⁴⁰ Kolb and Wengert, *The Book of Concord*, 222.

⁴¹ Luther, *Luther’s Works*, vol. 36, 116.

*order and pressure of the whole congregation. For if the congregation demands and requests it, he ought not and cannot say no.*⁴²

It is evident that Luther does not here intend that Melanchthon should be ordained into the Office of the Public Ministry, but simply that he be informally called to preach because, in another letter dated the same day to Nicholas von Amsdorf, Luther says, “You have a fitting answer if someone wants to object that a layman should not preach the gospel in a corner; answer that [Melanchthon] is doing it under the auspices of the University.”⁴³

Some might make the case that this is early in the Reformation and is not necessarily reflective of the scriptural theology that comes to be present nine years later in the *Augsburg Confession*. However, when one looks closely at writings more concurrent with the presentation of the *Augsburg Confession*, one finds the same principles at play. There is acknowledgment of the Office of the Public Ministry and recognition that the person in the Office of the Public Ministry is responsible for what is preached and taught, yet there is also acknowledgment that with permission others may publicly preach and teach it. This is not the same as saying “everyone is a priest” therefore “everyone is a preacher.” It is not to assert that every Christian has the right or call to preach publicly, with no acknowledgement to the Office of the Public Ministry. That was the misguided theology of the Anabaptists, the enthusiasts, and other radical reformers from whom the confessors sought to distinguish themselves on the one side, even as they distinguished themselves from the rigidity of the Roman orders on the other.

“You have a fitting answer if someone wants to object that a layman should not preach the gospel in a corner; answer that [Melanchthon] is doing it under the auspices of the University.”

– Martin Luther

Just a year and a half after the *Augsburg Confession* was first presented, Luther wrote a letter to Eberhard von der Tannen, which shows the kinds of mischief this article of the *Augsburg Confession* was written to prevent:

I have learned, my dear lord and friend, how the Anabaptists are seeking to infiltrate also in your vicinity and to infect our people. . . . If they came from God and were honest, they would first of all repair to the parish pastor and deal with him, making clear their call and telling what they believed and asking for his permission to preach publicly. If then the parish pastor would not permit it, they would be blameless before God and could then wipe the dust off their feet, etc. [cf. Luke 10:11]. For to the pastor is committed the pulpit, baptism, the sacrament [of the altar], and he is charged with the care of souls. But now these want to dislodge the pastor secretly. . . . I have been told how these infiltrators worm their way to harvesters and preach to them in the field during their work, as well as to the solitary workers at charcoal kilns or in the woods. Everywhere they sow their seed and spread their poison, turning the people from their parish churches. . . . the people must be constantly instructed . . . so that they admit no infiltrators, considering them truly as sent of the devil, and learning to ask of them, whence do you come? Who has sent you? Who has bidden you to preach to me? Where are your seals and letters of authorization from persons who have sent you? . . . If the interloper can prove that he is a prophet or a teacher of

⁴² Luther, *Luther's Works*, vol. 48, 308.

⁴³ Luther, *Luther's Works*, vol. 48, 310.

*the church to which he comes, and can show who has authorized him, then let him be heard as St. Paul prescribes. Failing this let him return to the devil who sent him to steal the preacher's office.*⁴⁴

The proper call, *rite vocatus*, here protects against “interlopers” attempting to infiltrate the church as preachers sent by God, when in reality they have neither a call from God nor man. Respecting the Office of the Public Ministry and that preaching is a primary responsibility given to those who have been legitimately called to it are significant aspects of this, but not the only aspects. Notice that Luther places it within the responsibility of the parish pastor to grant permission to those who would preach in his parish, and if these “interlopers” had come from God and had been honest, they would have sought his permission first before preaching.

In the quote above from Luther's letter regarding Melanchthon, he said that Melanchthon's preaching at the request of the people, or at the request of the nobleman and theologian Nicolaus von Amsdorf, even without his placement into the Office of the Public Ministry, “could become a custom which would introduce freedom and restore the form and manners of the early church.”⁴⁵ This is the principle that was evident in the theology of the Scriptures (as demonstrated above) and is evident in the earliest of the Early Church Fathers as well. Ignatius⁴⁶ in his *Letter to the Smyrneans* writes:

*See that ye all follow the bishop, even as Christ Jesus does the Father, and the presbytery as ye would the apostles. Do ye also reverence the deacons, as those that carry out [through their office] the appointment of God. Let no man do anything connected with the Church without the bishop. Let that be deemed a proper Eucharist, which is [administered] either by the bishop, or by one to whom he has entrusted it. . . . It is not lawful without the bishop either to baptize, or to offer, or to present sacrifice, or to celebrate a love-feast. But that which seems good to him, is also well-pleasing to God, that everything ye do may be secure and valid.*⁴⁷

The same principle is seen in the following quote from Tertullian, who said in his treatise *On the Power of Conferring Baptism*:

Of giving it, the chief priest (who is the bishop) has the right: in the next place, the presbyters and deacons, yet not without the bishop's authority, on account of the honour of the Church, which being preserved, peace is preserved. Beside these, even laymen have the right; for what is equally received can be equally given. Unless bishops, or priests, or deacons, be on the spot. . . . But how much more is the rule of reverence and modesty incumbent on laymen—seeing that

⁴⁴ Luther, *Luther's Works*, vol. 40, 383-385, 388.

⁴⁵ Luther, *Luther's Works*, vol. 48, 308.

⁴⁶ While one can make a case for many things using the writings of the Early Church Fathers that do not necessarily agree with what Confessional Lutherans would consider sound scriptural doctrine, the Early Church Fathers cited in this document are all Fathers cited by Walther at various points in *Church and Ministry*. This document cites them in support of the scriptural and confessional witness, but not to establish that witness. Where there is cause to question the authenticity of these witnesses that will be noted as well. In regard to Ignatius, several letters attributed to him are by common consent considered spurious. The quotations herein come from the seven epistles generally accepted as genuine.

⁴⁷ Ignatius, *Epistle to the Smyrneans*, in *The Apostolic Fathers with Justin Martyr and Irenaeus*, ed. Alexander Roberts and James Donaldson, vol. 1 of *Ante-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library) 232, <http://www.ccel.org/ccel/schaff/anf01.pdf>.

*these powers belong to their superiors—lest they assume to themselves the specific function of the bishop!*⁴⁸

The principle at work in the relationship between the Office of the Public Ministry and the priesthood of believers is one of propriety, reverence, and modesty, not exclusivity. As indicated above, there are other proper calls to participate in public Word and Sacrament ministry that do not place a man into the Office of the Public Ministry.

The presenters of this document appreciate the wording of the first resolved of 2016 Res. 13-02A, which in part acknowledges what has been said above as it recognizes an emergency public use of the Word of God by laity saying, “Resolved that the LCMS recognize that ‘emergency knows no rule’ and that no Synod action can or should prevent a congregation from taking reasonable and scripturally faithful steps necessary to provide for the Word to be proclaimed in time of emergency.”⁴⁹ It is also appreciated that the Task Force recognizes that it would not be helpful to “try to define terms such as emergency (or even exceptional circumstance)” for to do so would “encourage endless debates that would quickly devolve into trivialities.”⁵⁰ This will continue to be an important concept for the LCMS as congregations, for various reasons, find themselves in circumstances without access to a pastor.

The principle at work in the relationship between the Office of the Public Ministry and the priesthood of believers is one of propriety, reverence, and modesty, not exclusivity.

Yet, the completion of that first resolved in 2016 Res. 13-02A says, “at the same time, every congregation of the Synod is required to address matters involving the Office of the Public Ministry in a way that is consistent with its subscription to Scripture and the Confessions, as well as its agreement to abide by the Synod’s constitution.”⁵¹ In light of these remarks, this document seeks to clarify that the call of laity in a time of necessity to participate in the public aspects of ministry is first, consistent with the Scriptures and our confession, and second, that it extends beyond the call to proclaim the Word and extends to the ability to absolve, to baptize, and to administer the Lord’s Supper as well.

If *rite vocatus* of Augsburg XIV must be understood as the 2013 Res. 4-06A Task Force has suggested above, then one is forced to understand Luther’s dictum, “emergency knows no rule,” as if it means that in time of emergency Augsburg XIV may be ignored. However, the Confessions themselves show a consistency in which even this very idea of emergency use, perhaps better described as the “call of necessity,” does fit into the theology being expressed in the term *rite vocatus*.

⁴⁸ Tertullian, *Of the Power of Conferring Baptism*, in *Latin Christianity: Its Founder, Tertullian*, ed. Allan Menzies, vol. 3 of *Ante-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library), 1510-1511, <http://www.ccel.org/ccel/schaff/anf03.pdf>.

⁴⁹ *Convention Proceedings* 2016, 237.

⁵⁰ *Convention Workbook: Reports and Overtures* 2016, 261.

⁵¹ *Convention Proceedings* 2016, 237.

It is this very point that the Confessors make in *The Treatise on the Power and Primacy of the Pope* when they use Augustine's example of two men stranded in a boat: one baptizes the other and then the latter absolves the former. The situation is not one of self-appointment, ignoring the concept of call. The whole context of the argument in *The Treatise* is about the right to call. It is by the mutual request and act, *The Treatise* says, that "one becomes the minister or pastor of another."⁵² The point *The Treatise* is driving at is that "wherever the church exists, there also is the right to administer the gospel."⁵³ It is because the church has this right to administer the Gospel that it also has the right to "call, choose, and ordain its ministers"; however, the use of this emergency example clearly shows that formally choosing, calling, and ordaining are not the extent of that right.

To prove that a new idea is not being invented and forced back into *The Lutheran Confessions* here, one might look closely at the citations of some of the theologians Walther quotes in *Church and Ministry*, who confessed *The Lutheran Confessions* in that very reformation era. Walther quotes Polycarp Leyser, a professor of theology at Wittenberg in the sixteenth century, who said,

*A penitent Christian in time of need, when he cannot obtain a regular minister of the word or a pastor, may confess his sins to a brother Christian and request absolution of him. . . . Although the public ministry ordinarily belongs only to those who have been duly called by the church and who in the name of God and the power of the church exercise the power to loose and bind, nevertheless, in an emergency this power reverts to the next best Christian.*⁵⁴

So also he quotes Johann Gallus, pastor at Erfurt during the days of the Reformation, who said, "Therefore, not only ministers but, in most urgent and extreme emergency (that is, when no pastor can be obtained and a Christian is asked by a fellow believer), laymen are also permitted to administer Holy Communion, to baptize, and to pronounce absolution."⁵⁵ In addition he quotes Tilemann Hershuisius, a professor of theology at Rostock and Heidelberg in the time of the Reformation, who writes:

*In such emergencies a Christian should not be troubled about being a busybody in another's business, but he should know that he is performing a true and due call of God and that his ministry is as efficacious as if it were ratified by the laying on of hands for the office of the ministry in the whole church. This does not mean that two or three Christians should separate themselves from the true church, avoid the regular ministers, and cause factions, but I say this of emergency cases when either there are no pastors or those who exist spread false doctrine and so must be avoided. In addition there is also the emergency that the use of the sacraments cannot be found in other places. In such cases, every Christian, with the consent of two or three, is authorized and justified.*⁵⁶

⁵² Kolb and Wengert, *The Book of Concord*, 341.

⁵³ Kolb and Wengert, *The Book of Concord*, 341.

⁵⁴ Walther, *Church and Ministry*, 282.

⁵⁵ Walther, *Church and Ministry*, 280-281.

⁵⁶ Walther, *Church and Ministry*, 281.

So even though this call of necessity is very informal, it is not an exception to Augsburg XIV. Augsburg XIV is about more than simply the placement of men into the Office of the Public Ministry; it is about the public, on behalf of, use of the Word of God and the sacraments.

All three of these theologians speak of the importance of this ministry being done at the request of or with the consent of other believers present. The idea being conveyed is not that our confession is transgressed. Rather, the idea is that when there is legitimate need for ministry and no one formally called to the Office of the Public Ministry is present to carry it out, the power of the keys not only to absolve but also to publicly preach and administer both baptism and the Lord's Supper "reverts," that is, it returns to those who originally possess it. This does not then revert to chaos, nor does it mean the ministry must stop, for one of those original possessors, of the priesthood of believers, may therefore be "asked by a fellow believer" to exercise it publicly for the time of need. Who? "The next best Christian." That is not by self-assessment but by the assessment of the community there gathered. When this is done, even though it does NOT place one into the Office of the Public Ministry with a

tenured call later to be confirmed by the church with ordination, his "call" is as "true," "due," and "of God" as if he had been through that formality. So even though this call of necessity is very informal, it is not an exception to Augsburg XIV. Augsburg XIV is about more than simply the placement of men into the Office of the Public Ministry; it is about the public, on behalf of, use of the Word of God and the sacraments.

At times Luther speaks as if the emergency use is not a "public" or "on behalf of" use of the Word and Sacraments at all. In his treatise *Concerning the Ministry*, he writes, "For it is one thing to exercise a right publicly; another to use it in time of emergency. Publicly one may not exercise a right without consent of the whole body or of the church. In time of emergency each may use it as he deems best."⁵⁷ In such cases he is speaking about when a believer steps in to baptize or to preach in an emergency, without even the informal request to do so by anyone. Without this mediate call the believer then is simply acting by virtue of the call of God in his baptism. This then is not a public, or on behalf of, act, even though it is done in the presence of other believers. Luther argues that there are situations where a Christian must step up and do this too. Again notice that this is not transgressing Augsburg XIV's confession of *rite vocatus*, because this is not "public" ministry.

So when Luther uses the phrase "emergency knows no rule" or "necessity ignores all laws," he is not talking about disregard for *The Lutheran Confessions* or disregard for the scriptural doctrines regarding the relationship of the priesthood of believers to the Office of the Public Ministry.

He is talking about human laws, rules, and arrangements that have been appended to these. In his letter, cited previously, Luther said that Melanchthon's preaching, "could become a custom which would introduce freedom and restore the form and manners of the early church," and he went on to explain, "we have broken all laws of men and cast off their yokes."⁵⁸

⁵⁷ Luther, *Luther's Works*, vol. 40, 33.

⁵⁸ Luther, *Luther's Works*, vol. 48, 308.

Therefore, when a congregation, however small, finds itself without a pastor and is not able to arrange for one to minister to them, it may in concert with *The Lutheran Confessions* and faithfully according to the Scriptures, select from among its members devout Christian men to carry out the ministry on its behalf. That ministry is not limited to the preaching of God's Word, but extends to the whole ministry of the Gospel: absolution, baptism, and the Lord's Supper. Doing so does not place these people into the Office of the Public Ministry, or make them "de facto" pastors; rather, it adheres to the theology of *rite vocatus* and respects the relationship between the Office of the Public Ministry and the priesthood of believers.

This evidence all supports the case that *rite vocatus* as used in the *Augsburg Confession* does not always entail the three aspects: that one is chosen (examined and certified), called, and ordained in their formality. Historical notes in the Lutheran Confessions under the Smalcald Articles in the article Concerning Ordination and Vocation indicate that the confessors of the *Augsburg Confession* did not begin to use ordination to place men into the Office of the Public Ministry until five years after the *Augsburg Confession* was first written and confessed.⁵⁹ In the years most immediately following the presentation of the *Augsburg Confession*, they simply installed men into the office.

In addition, the evidence above gives credibility to the view that *rite vocatus* in Augsburg XIV is not simply speaking about the Office of the Public Ministry either.⁶⁰ It is speaking about choosing, calling, and placing men into that office, yet it is also speaking about additional aspects of public ministry, another of which is the call to an auxiliary or subordinate office.

The 2013 Res. 4-06A Task Force in its 2016 Convention Workbook FAQs acknowledged the possibility of utilizing the office of deacon within our church body, and the presenters of this document appreciate that the Task Force gave it their "full consideration" before determining that it would "entail further confusion and would not heal divisions."⁶¹

However, may it be suggested that the confusion is not caused by whether the LCMS has deacons or lay ministers or any other subordinate or auxiliary office participating in public Word and Sacrament ministry. Likewise, it is not caused by lingering questions such as whether or not they

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⁵⁹ October 20, 1535, according to Kolb and Wengert, *The Book of Concord*, note 159, 324. See also the *Bekennnisschriften* notes in reference to the same *Smalcald Article*.

⁶⁰ Arthur Carl Piepkorn offers convincing evidence that *rite vocatus* in the writings of the reformers most often referred to call and ordination. Yet he does not consider examples such as those cited here that give evidence of a broader view in use among the reformers as well. See Arthur Carl Piepkorn, "The Sacred Ministry and Holy Ordination in the Symbolical Books of the Lutheran Church" in *The Church: Selected Writings of Arthur Carl Piepkorn*, ed. Michael P. Plekon and William S. Wiecher (Dehli: ALPB, 1993), 62-64.

⁶¹ *Convention Workbook: Reports and Overtures 2016*, 257.

should be ordained or in some other way installed to their respective offices. The source of the confusion is in placing undue limits and exclusions on the public ministry that the Scriptures and *The Lutheran Confessions* do not warrant. This leads to all sorts of misunderstandings about how ministry should be carried out, about what persons may legitimately do it, and it breeds uncertainty about exceptions.

Subordinate and Auxiliary Offices Participating in Public Word and Sacrament Ministry

A case in point is the example auxiliary or subordinate office of deacon. The 2013 4-06A Task Force noted in the 2016 Convention Workbook FAQs, Q5.A., that the LCMS is free to have “an office of deacon but the definition of that office would be a matter of human authority, not divine authority, and it should not create confusion about the necessity of the one office of preaching.”⁶² It used citations from John Collins to support this statement as well as statements in the 2013 4-06A Task Force report, such as, “the Bible refers to deacons; however, there is no indication within the texts regarding the service that deacons provide. They are associated with bishops . . . but beyond that there is nothing about what the ‘office’ implies or involves.”⁶³

It is beyond the scope of this document to study the New Testament language and grammar to determine the intricacies of each use of diaconal terminology. That task is best left to experts such as John Collins. It is, however, worth noting that John Collins does not see the lack of precision in the scriptural language as reason to abandon the office of deacon in the church even though that is the conclusion at which the 2013 Res. 4-06A Task Force arrives after citing him. Collins, by contrast, argues for the church to return to those forms of the early ministry making use of the diaconate instead of collapsing all public Word and Sacrament ministry into one office. He writes:

*The fact that the titles and inter-relationships of bishop, presbyter and deacon are observable early in the second century does not tell us as much as the information appears to offer. The principal factor here is our lack of further information about the character of the congregation and of its operations. Nonetheless, it would seem to be wholly unrealistic to anticipate that, in the interests of making itself more pastorally relevant in the early stages of the third millennium, the great church of the West might refashion the order of its ministry in any way substantially different from the order it has inherited. Thus, it is not going to be reducing its three-fold ministry to a single univocal ministry with multi-functional operatives sustaining the congregations in their faith and works.*⁶⁴

He goes on in that article to suggest that the lay ministers in his tradition ought to be placed into the office of deacon. Collins is not writing from a Lutheran perspective. Therefore, in speaking of the three-fold ministry he does not benefit from the eloquent conclusions in *The Lutheran Confessions*, which demonstrate both from the Scriptures and from the early church witness that substantive distinctions between presbyters and bishops are neither divine nor helpful. However, the distinction

⁶² *Convention Workbook: Reports and Overtures 2016*, 257.

⁶³ *2013 Resolution 4-06a Task Force Report to the Synod*, note 21, 6.

⁶⁴ John N. Collins, “Fitting Lay Ministries into a Theology of Ministry,” *Worship*, 79:3 (May 2005): 209.

between bishops and deacons is evident in the Scriptures (Philippians 1:1; 1 Timothy 3:1-13).⁶⁵ It is evident in *The Lutheran Confessions* too. *The Treatise* cites Jerome to show that there is no substantive distinction between a presbyter and a bishop, and yet that very citation acknowledges the distinction between presbyters (bishops) and deacons (archdeacons).⁶⁶ Meanwhile the 2013 4-06A Task Force is correct in stating that the office of deacon was not divinely instituted; it was auxiliary, and its participation in public Word and Sacrament ministry proved very helpful for the church of the New Testament and for centuries following. Once one has clear grasp of *The Lutheran Confessions* and that the propriety spoken of in Augsburg XIV does not limit the public use of Word and Sacrament ministry to the Office of the Public Ministry alone, one can begin to consider Collins's advice regarding deacons.

The search for such lists of duties in the Scriptures is only important if one understands Augsburg XIV to limit who may publicly preach the Word of God and administer the sacraments to the incumbents of the Office of the Public Ministry alone. If that is so, then many questions arise: Is the office of deacon a subdivision within the Office of the Public Ministry itself so that its incumbents may carry out these functions? If that is so, are they then in the highest⁶⁷ office, for that is the way Luther, *The Lutheran Confessions*, and Walther refer to the Office of the Public Ministry? If they are, how do they relate to and how are they different from pastors?⁶⁸ On the other hand, is the office of deacon a subordinate or auxiliary office such that it may not carry out these distinctive functions? If so, does the LCMS need it when there are already multiple auxiliary office designations within the Synod? The CTCR in 1981 set out to resolve much of that confusion in *The Ministry: Offices, Procedures, and Nomenclature*.

While that study is very helpful in clarifying Walther's view of auxiliary offices and emphasizes that auxiliary offices have a legitimate call,⁶⁹ to resolve the confusion that study finds it necessary to create limitations that do not exist in the Scriptures or in *The Lutheran Confessions* in regard to auxiliary offices:

⁶⁵ Johann Gerhard, *On the Ministry: Part II*, in *Theological Commonplaces: XXVI/2*, ed., Benjamin T.G. Mayes (St. Louis: CPH, 2012), 49-50, argues on the basis of these two passages that the offices of bishop and presbyter are not distinct but rather are one and the same office. In his argument he notes that if they were distinct, Paul would have listed them separately, as he does the deacons.

⁶⁶ Kolb and Wengert, *The Book of Concord*, 340.

⁶⁷ The term "highest office" is not to suggest aggrandizement since this is an office of humility and service patterned after our Lord, who humbled himself "not to be served but to serve" (Matthew 20:28; Mark 10:45). Rather, it is called the "highest office" to reflect that those to whom it is entrusted are entrusted with the full ministry of the Gospel in all its facets, and that all other subordinate offices stem from it carrying out part of the ministry under its oversight. For further discussion see the section *Lutheran Theology of Subordinate and Auxiliary Offices*.

⁶⁸ Questions such as these have generated many debates between LCMS and Wisconsin Synod theologians. The latter, rather than acknowledge the Office of the Pastor as the highest office and as the divinely established form of the Office of the Public Ministry, have understood the theology of Martin Chemnitz and Johann Gerhard to point to a variety of forms for the Office of the Public Ministry. For a recent example see: "The Grades and Ranks of Ministers of the Church," *Wisconsin Lutheran Quarterly*, vol. 110, no. 1 (Winter, 2013): 28-33.

⁶⁹ "In order to clarify what is meant by call we define it as follows: 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." CTCR, *The Ministry: Offices, Procedures, and Nomenclature* (St. Louis: LCMS, 1981), 35.

However, the reference to auxiliary offices in the New Testament indicates that some of the actual functions of the office of the public ministry may be performed by others under his guidance and direction. . . . he must not disregard his responsibility as the overseer. If that principle is kept clearly in mind, various arrangements for the auxiliary offices to assist the pastoral ministry are possible and often desirable. . . . Functions that are essential exercises of the ministry of Word and Sacrament should be performed by those who hold the office of the public ministry. Thus preaching in the worship service, leading the public prayer, celebration of the Sacrament of the Altar, baptisms, wedding and funeral services should be carried out by those who hold the office of the public ministry.⁷⁰

The first two points in that quotation, one, that the auxiliary offices carry out their functions under the guidance and direction of the one who holds the Office of the Public Ministry and, two, that within this principle various auxiliary offices are possible and desirable, are in keeping with the scriptural, confessional, and historic witness as this document has and will continue to show. However, the third point in that quotation, that preaching, leading public prayer, celebrating the sacrament of the altar, and baptism should be performed only by the one holding the Office of the Public Ministry, the

Although the Scriptures do not give us a detailed list for the duties of a deacon, that should not cause us to abandon the use of such an office or another like it.

pastor, is a humanly established, not a scripturally or even confessionally established, limitation added onto the ministry of the Gospel. That is not necessarily bad for the church unless it impedes the ministry of the Gospel. If it does, then perhaps it is time, as the first confessors did, to “cast off that yoke,” to borrow the language of Luther cited above.

Although the Scriptures do not give us a detailed list for the duties of a deacon, that should not cause us to abandon the use of such an office or another like it. The Scriptures do not provide a formal list of functions for the pastoral office, the Office of the Public Ministry, either. It is taken for granted in the LCMS that the administration of the sacrament of the altar is a primary responsibility of the Office of the Public Ministry, yet one is hard pressed to find any scripture that defines that duty. The CTCR has even acknowledged this in the past by saying with regard the New Testament, “nor are we told who ministered at celebrations of the Lord’s Supper.”⁷¹

The scripture most used in support of the Lord’s Supper being a primary function of the Office of the Public Ministry is 1 Corinthians 4:1 in which Paul states that he, Peter, and Apollos are “stewards of the mysteries of God.” Yet, *The Lutheran Confessions* correctly acknowledge that this is not simply about the Lord’s Supper but is about the preaching of Christ.⁷² Add to this that Paul very pointedly states in that epistle, “Christ did not send me to baptize, but to preach the gospel” (1 Corinthians 1:17). Does that then exclude baptism from the mysteries of God of which he speaks? If attention is given to the mystery Paul refers to in 1 Corinthians, it is the message of Christ crucified (1 Corinthians 2:1-2 & 7). That this mystery includes the crucified Christ present in the Sacrament of the Altar and the burial with Christ taking place in baptism is an interpretive step. It is legitimate, yes, but it is not by any means clearly defined as it would be in a list of responsibilities. The same can be

⁷⁰ CTCR, *The Ministry: Offices, Procedures, and Nomenclature*, 35.

⁷¹ CTCR, *The Ministry in its Relation to the Christian Church* (St. Louis: LCMS, 1973), 7.

⁷² Kolb and Wengert, *The Book of Concord*, 272.

said in response to the argument of the 2013 Res. 4-06A Task Force Report that the New Testament use of the overseeing and oversight function of the Office of the Public Ministry describes a pastor's relationship to his flock, not his relationship to those functioning under him in public Word and Sacrament ministry.⁷³ The Scriptures simply do not delineate all the specifics of even the pastoral office. So, to discard the role of deacons for lack of such a clearly defined list in scripture is a fairly soft excuse.

Just as we know from the life of the church, which grew out of the New Testament, that pastors, in addition to preaching, administered the sacraments of baptism and the Lord's Supper, we also know from the witness of that earliest church that deacons participated in both the preaching and the administration of the sacraments, not as those holding the divinely established Office of the Public Ministry, but as those appointed by God to assist them and who served under their oversight.

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The quotes cited above from Ignatius and Tertullian that helped define the concept of call also demonstrate the principle that operated in the earliest centuries regarding auxiliary offices such as deacons. There was no detailed list of their functions; rather, they served in all things with which the bishop entrusted them. To reiterate from above in his *Epistle to the Smyrneans*, Ignatius writes, "reverence the deacons, as those that carry out [through their office] the appointment of God. Let no man do anything connected with the Church without the bishop. Let that be deemed a proper Eucharist, which is [administered] either by the bishop, or by one to whom he has entrusted it."⁷⁴ Hear also how he describes their role in his *Epistle to the Trallians* in a way reminiscent of 1 Corinthians 4:1, "stewards of the mysteries of God":

It is therefore necessary that, as ye indeed do, so without the bishop ye should do nothing, but should also be subject to the presbytery, as to the apostle of Jesus Christ, who is our hope, in whom, if we live, we shall [at last] be found. It is fitting also that the deacons, as being [the ministers] of the mysteries of Jesus Christ, should in every respect be pleasing to all. For they are not ministers of meat and drink, but servants of the Church of God.⁷⁵

The deacons in this text are clearly not stewards in the sense of the bishops or presbytery carrying out the full apostolic ministry. Rather, they are underservants participating in the ministry of those same mysteries under the authority of the bishops. This activity of the office of deacon rises right out

⁷³ 2013 Resolution 4-06a Task Force Report to the Synod, 7.

⁷⁴ Ignatius, *Epistle to the Smyrneans*, in Roberts and Donaldson, *The Apostolic Fathers with Justin Martyr and Irenaeus*, 232.

⁷⁵ Ignatius, *Epistle to the Trallians*, in Roberts and Donaldson, *The Apostolic Fathers with Justin Martyr and Irenaeus*, 184.

of the New Testament era, written in the later half of the first century. Likewise, Clement of Rome's *First Epistle to the Corinthians* is dated near the same time. He writes,

And thus preaching through countries and cities, they appointed the first-fruits [of their labours], having first proved them by the Spirit, to be bishops and deacons of those who should afterwards believe. Nor was this any new thing, since indeed many ages before it was written concerning bishops and deacons. For thus saith the Scripture in a certain place, "I will appoint their bishops in righteousness, and their deacons in faith."⁷⁶

Clement of Rome does not mention what they do, but he attests to the continued use of deacons in the life of the church most closely following the time of the apostles. Clement of Alexandria, likewise, speaks of deacons further indicating their widespread use from the earliest days of the church. He writes: "The grades here in the Church, of bishops, presbyters, deacons, are imitations of the angelic glory."⁷⁷ He further indicates that men are often promoted in the church from the office of deacon to the office of presbyter, from lower to higher. It was an apprenticeship model that served to build the Office of the Public Ministry in the church rather than detract from it.

Johann Gerhard cites Justin Martyr when he says, "Because the deacons were distributing to the poor ... it happened that they were also promoted to the administration of the Eucharist (which was celebrated from the same collections) and finally also to the preaching of the Word, which is evident from Justin (*Apol. 2. proChrist.*)."⁷⁸

Cyprian of Carthage in North Africa in the third century speaks of the importance of deacons having a mediate call into ministry just as the bishops do because they too serve a "ministry of the altar." He writes,

Neither do we observe that this was regarded by the apostles only in the ordinations of bishops and priests, but also in those of deacons, of which matter itself also it is written in their Acts: "And they twelve called together," it says, "the whole congregation of the disciples, and said to them;" which was done so diligently and carefully, with the calling together of the whole of the people, surely for this reason, that no unworthy person might creep into the ministry of the altar."⁷⁹

Deacon ministry was an apprenticeship model that served to build the Office of the Public Ministry in the church rather than detract from it.

⁷⁶ Clement of Rome, *The First Epistle of Clement to the Corinthians*, in *The Apostolic Fathers with Justin Martyr and Irenaeus*, ed. Alexander Roberts and James Donaldson, vol. 1 of *Ante-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library), 53, <http://www.ccel.org/ccel/schaff/anf01.pdf>.

⁷⁷ Clement of Alexandria, *The Stromata*, in *The Fathers of the Second Century*, ed. Alexander Roberts and James Donaldson, vol. 2 of *Ante-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library), 1074-1075, <http://www.ccel.org/ccel/schaff/anf02.pdf>.

⁷⁸ Johann Gerhard, *On the Ministry: Part II*, 47.

⁷⁹ Cyprian, *To the Clergy and People Abiding in Spain, Concerning Basilides and Martial*, in *The Fathers of the Third Century*, ed. Alexander Roberts and James Donaldson, vol. 5 of *Ante-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library), 894, <http://www.ccel.org/ccel/schaff/anf05.pdf>.

Gerhard also cites Jerome in the fourth century speaking of deacons saying, “With the passing of time in other churches they were also placed in charge of giving sermons to the people, according to Jerome (Letter *ad Rusticum diaconum*).”⁸⁰

This particular use of deacons existed from the earliest writings of the Church Fathers, shortly after the completion of the New Testament texts, up through the first great council of the church.

At the council of Nicea concern rose over the use of deacons in the church, not because they participated in public administration of the Word and Sacrament to laity, but over their administration of the Lord’s Supper in the presence of presbyters and bishops. Canon XVIII addresses this saying,

It has come to the knowledge of the holy and great Synod that, in some districts and cities, the deacons administer the Eucharist to the presbyters, whereas neither canon nor custom permits that they who

*have no right to offer should give the Body of Christ to them that do offer. . . . Let all such practices be utterly done away, and let the deacons remain within their own bounds, knowing that they are the ministers of the bishop and the inferiors of the presbyters.*⁸¹

So as time drew on by the end of the fourth century there were definite limits placed on the various orders in the church. Minor and major orders arose, and so forth, through the centuries. Ambrose himself recounts this progression in his reflections on Ephesians 4. Ambrose writes:

*In order that the people might increase and multiply, everyone in the beginning was allowed to preach the gospel and baptize and explain the scriptures in the church. But when the church encompassed all places, assemblies were established, and rectors and the other offices were ordered [ordinata] in the churches. This was so that none of the lot [clerus] who was not ordained would dare assume an office that he knew was not entrusted nor granted to him. It began to be governed by another order and providence. You see, if all people could do the same things, it would be irrational and would appear to be something common and very cheap. This is why today deacons also do not preach among the people, nor do the clerici or laymen baptize, nor are the believers anointed on any day except when they are sick.*⁸²

Ambrose here does not recognize a concept of call in the Scriptures, “everyone in the beginning was allowed to preach.” His perspective suggests the necessity of increasing order in the church. However, it was the proliferation and abuse of increasing order regarding the doctrines of the royal priesthood and the Office of the Public Ministry that led the Lutheran reformers to study the Scriptures and rediscover, with the Lord’s guidance, a proper doctrine of the call. So, rather than assimilate Ambrose’s theology above, his thoughts are shared as evidence of what took place within the church. Prior to Ambrose’s time deacons participated in the public ministry; it was only later that limits began to be imposed.

⁸⁰ Johann Gerhard, *On the Ministry: Part II*, 47.

⁸¹ *The First Ecumenical Council*, in *Nicene and Post-Nicene Fathers*, series 2, vol. 14, ed. Philip Schaff and Henry Wace (Grand Rapids: Christian Classics Ethereal Library), 105, <http://www.ccel.org/ccel/schaff/npnf214.pdf>

⁸² Ambrose of Milan, in Johann Gerhard, *On the Ministry: Part I*, 98.

This is not an exhaustive study of the presence and use of deacons in the Early Church; that would be a volume in itself. What is presented here is evidence that the practice of placing men into the auxiliary office of deacon for public Word and Sacrament ministry was, first, geographically widespread in the early church. The practice was found from Rome in Italy to Antioch in Syria, and from Carthage in western North Africa to Alexandria in Egypt. Second, it shows that this particular use of deacons existed from the earliest writings of the Church Fathers, shortly after the completion of the New Testament texts, up through the first great council of the church.

The 2013 Res. 4-06A Task Force is correct in stating that deacons did not everywhere and at all times carry out the same functions of ministry. In the early second century, Justin Martyr also speaks of deacons as assistants in the worship service that distribute the Lord's Supper and take it to the homebound.⁸³ The *Apostolic Constitutions* of the fourth century speak this way too, yet they also echo the principle found in Ignatius that deacons extend the bishop's ministry. So they say:

*And let the deacon refer all things to the bishop, as Christ does to His Father. But let him order such things as he is able by himself, receiving power from the bishop, as the Lord did from His Father the power of creation and of providence. But the weighty matters let the bishop judge; but let the deacon be the bishop's ear, and eye, and mouth, and heart, and soul, that the bishop may not be distracted with many cares, but with such only as are more considerable, as Jethro did appoint for Moses, and his counsel was received.*⁸⁴

Lutheran Theology on Subordinate and Auxiliary Offices

As introduced above, Walther uses the nomenclature of “deacon” to cover a variety of “subordinate,” or as he also calls them “auxiliary,” offices which take part in the functions of the Office of the Public Ministry even though their incumbents are not placed into that highest office. To reiterate, Walther writes, “Therefore, in scripture the incumbents of the ministerial office are called elders, bishops, rulers [*Vorsteher*], stewards, and the like, and the incumbents of subordinate offices are called deacons, that is, servants, not only of God but of the congregation and the bishop.”⁸⁵ Further, Walther writes, “Every other public office in the church is part of the ministry of the Word or an auxiliary office that supports the ministry. . . . for they take over a part of the one ministry of the Word and support the pastoral office.”⁸⁶

In support of such offices Walther quotes Chemnitz, who says, “Paul himself sometimes attended to the ministry of the Word in such a way that he entrusted the administering of the sacraments to others: ‘For Christ did not send me to baptize, but to preach the Gospel’ (1 Corinthians 1:17).”⁸⁷

⁸³ In *The First Apology of Justin Martyr*, Chapter LXV, Administration of the Sacraments, he writes, “those who are called by us deacons give to each of those present to partake of the bread and wine mixed with water over which the thanksgiving was pronounced, and to those who are absent they carry away a portion.” *The Apostolic Fathers with Justin Martyr and Irenaeus*, Roberts and Donaldson, 494.

⁸⁴ *The Constitutions of the Holy Apostles: Book II*, in *The Fathers of the Second Century*, ed. Alexander Roberts and James Donaldson, vol. 7 of *Ante-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Christian Classics Ethereal Library), 930, <http://www.ccel.org/ccel/schaff/anf07.pdf>.

⁸⁵ Walther, *Church and Ministry*, 289.

⁸⁶ Walther, *Church and Ministry*, 289-290.

⁸⁷ Walther, *Church and Ministry*, 298.

As witnessed in the early church fathers, Walther too acknowledges that such offices carry out their ministry under the “oversight” of one in the Office of the Public Ministry. This is acknowledged in Walther’s *Church and Ministry* by his citation of Luther who said of bishops (pastors), “They are the ones who are placed over every office. . . . That should be the business of the bishops; for this reason they are called overseers or *antistites* (as St. Paul here designates them), that is, presiders and rulers.”⁸⁸

The Lutheran church fathers understood from the Scriptures and the witness of the church through the centuries that these “subordinate” or “auxiliary” offices are not limited to one specific office of deacon, but rather that as the apostles established the ministry of the first deacons as a result of practical and contextual concerns, so also they affirm the church is free to establish these offices according to need and context for the sake of the Gospel.⁸⁹ The 2013 Res. 4-06A Task Force acknowledged this as well. In support of that freedom, Walther quotes Chemnitz, saying, “Those grades and orders of which we have spoken above were not above and outside of the ministry of Word and Sacraments; the very functions of the ministry itself were divided into these grades.”⁹⁰

From Walther’s own examples it is not immediately apparent that these auxiliary offices may take on the roles of public preaching in worship or administration of the sacraments because he mentions Christian parochial day school teachers, almoners (persons who distribute alms), sextons (persons who look after the church grounds), and precentors at public worship (people who assist in singing and prayers)⁹¹ as his present day examples. Yet, the theological foundations he lays in that section do not exclude it. In support of auxiliary offices he quotes from Luther in places where Luther defined the deaconate ministry as a ministry of distributing alms to the poor, saying that a bishop “must also have servants, and these are the deacons who serve the congregation in such a way that they have a list of all the poor people and care for them in all their needs with the money of the congregation.”⁹² At the same time, Walther also quotes Luther about auxiliary offices carrying out the sacrament of baptism. So he includes Luther saying:

*The office to preach the Gospel is the highest of all, for it is the apostolic office that lays the foundation for all others that belong to all. . . . Even Christ above all only preached the Gospel as he who was to administer the highest office and not to baptize. So also Paul boasts that he was not sent to baptize, which is a minor and subsequent office.*⁹³

And again,

*John 4:2 tells us that Christ did not baptize but that he only preached and Paul boasts that he was not sent to baptize but to preach the Gospel (1 Cor. 1:17). Therefore, the one to whom the ministry is entrusted is entrusted with the highest office in Christendom. After that he may also baptize, administer the sacrament, and minister to souls. Or if he does not desire these duties, he may adhere to preaching, letting others baptize and administer the minor offices as did Christ and all his apostles.*⁹⁴

⁸⁸ Walther, *Church and Ministry*, 293.

⁸⁹ Walther, *Church and Ministry*, 296-297.

⁹⁰ Walther, *Church and Ministry*, 299.

⁹¹ Walther, *Church and Ministry*, 290.

⁹² Walther, *Church and Ministry*, 293.

⁹³ Walther, *Church and Ministry*, 292.

⁹⁴ Walther, *Church and Ministry*, 292.

Likewise Walther quotes Chemnitz and applies his words to auxiliary offices, where Chemnitz said:

Paul and Barnabas took Mark with them as their assistant (Acts 13:5). But he was not merely to render them bodily service; he was to be entrusted with some functions of the ministry of the Word, as Paul states (Acts 15:38). In the church at Corinth there were apostles, prophets, and teachers; some spoke with tongues, others expounded the Scriptures, others spoke psalms, others prayers, praise, and thanksgiving not merely in private devotions [Privatgottesdiensten] but in the public assemblies of the congregation (1 Cor. 12:8ff; 14:2ff).⁹⁵

Since Walther freely quotes from Johann Gerhard for support under this particular thesis, it is helpful to note what else Gerhard, in his loci on the ministry, says about the variety of ministry in which deacons may participate. He writes:

This doctrine contained in The Lutheran Confessions truly emanates from the Scriptures and is affirmed in the witness of the early church.

Likewise, there were two kinds of deacons, so called from “ministering.” Some were in charge of the care of the poor and the management of church property. Acts 6:2 describes their origin. In 1 Cor. 12:28 they are called “helps,” that is, “helpers,” because from the alms and collections they aided the poor, widows, orphans, and foreigners. . . . On the other hand, some had been joined to the bishops or presbyters in the office of teaching and of administering the Sacraments in order to take their place and alleviate their labors.”⁹⁶

This does not mean that they were placed into the highest office, the Office of the Public Ministry; one need only look back at what Gerhard has already established:

But in the end those deacons were commissioned also with the ordinary duty of teaching (from which also those whom Acts 6 mentions were not simply excluded, though they were chiefly in charge of the tables), so that they, joined to the presbyters, preached the Word together with them, administered the Sacraments, visited the sick, etc. In this way, they were made teachers of a lower order in the church. Accordingly, in Phil. 1:1 deacons are joined with bishops or presbyters; and in 1 Tim. 3:8, after the apostle had described the virtues of a bishop, he adds the things that are required of deacons, that is, in ministers of a lower order: “Deacons likewise must be serious,” etc.⁹⁷

If the understanding of *rite vocatus* in Augsburg XIV forces us to conclude that the public use of Word and Sacraments must entail choosing (election/certification), call, and ordination to the highest office, The Office of the Public Ministry, then one is left with many questions regarding the practice of the early church and how that could be faithfully implemented today. However, if one recognizes that the operative aspects of *rite vocatus* are (1) the propriety of allowing oneself to be called, that is, chosen and requested to serve by other believers, and (2) the respect and deference owed to those who have been formally called to and placed into the Office of the Public Ministry, then one begins to see that this doctrine contained in *The Lutheran Confessions* truly emanates from the Scriptures and is affirmed in the witness of the early church.

⁹⁵ Walther, *Church and Ministry*, 297.

⁹⁶ Johann Gerhard, *On the Ministry: Part II*, 47.

⁹⁷ Johann Gerhard, *On the Ministry: Part I*, 40.

Another example from Walther's *Church and Ministry* is under Thesis VI on the Ministry, where Walther discusses the rite of ordination. He writes,

In place of dogmatic statements from the writings of the ancient church teachers we here repeat what Dannhauer reports of the ancient church: "Origen was not ordained, but when persecution set in, he went to Jerusalem, where he was permitted to preach and administer the sacraments. But Demetrius, the bishop of Alexandria disliked this, because thereby the canons of the church were not observed. However, Alexander, bishop of Jerusalem, answered him very aptly that nothing is done against custom if anyone teaches and administers the sacraments without ordination, as long as he has been called."⁹⁸

That situation is discussed in greater detail in Eusebius's *Ecclesiastical History*. Eusebius describes that this occurred while Origen was a young layman. Alexander, the bishop of Jerusalem, and Theoctistus, the bishop of Caesarea, were in agreement on inviting Origen to preach in Jerusalem without ordaining him to an office in the church. Eusebius explains that they then together wrote a reply to Demetrius's complaint, and he provides the content of that reply:

He has stated in his letter that such a thing was never heard of before, neither has hitherto taken place, that laymen should preach in the presence of bishops. I know not how he comes to say what is plainly untrue. For whenever persons able to instruct the brethren are found, they are exhorted by the holy bishops to preach to the people. Thus in Laranda, Euelpis by Neon; and in Iconium, Paulinus by Celsus; and in Synada, Theodorus by Atticus, our blessed brethren. And probably this has been done in other places unknown to us."⁹⁹

These bishops of the church in Caesarea and Jerusalem at the turn of the third century are pointing to a practice that has, so far as they know, been longstanding in the church. It is the practice of bishops, under the authority of their own call to the Office of the Public Ministry, inviting capable laypersons to preach on occasion, even in the presence of other bishops, without ordaining them into the Office of the Public Ministry. They cite examples from places beyond Jerusalem and Caesarea as well for further support. The account reflects the same principle cited above from Ignatius, "Let no man do anything without the bishop . . . but that which seems good to him is pleasing to God as well."¹⁰⁰

⁹⁸ Walther, *Church and Ministry*, 267.

⁹⁹ Eusebius Pamphilius, *Church History*, in *Eusebius Pamphilius: Church History, Life of Constantine, Oration in Praise of Constantine*, ed. Philip Schaff and Henry Wade, series 2, vol. 1 of *Nicene and Post-Nicene Fathers*, ed. Philip Schaff, (Grand Rapids: Christian Classics Ethereal Library), 667-668, <http://www.ccel.org/ccel/schaff/npnf201.pdf>.

¹⁰⁰ Ignatius, *Epistle to the Smyrneans*, 232.

Either the modern LCMS reader must posit that Walther was mistaken... or ... must recognize that rite vocatus of Augsburg XIV is broader than the placement of men into the Office of the Public Ministry.

Walther uses this example from the Early Church Fathers to demonstrate what he says in Thesis VI, that the power of the keys is conferred “by God through the congregation . . . by means of its call” and that ordination is “no more than a solemn public confirmation of the call.”¹⁰¹ If Augsburg XIV is understood solely to refer to the placement of a man into the Office of the Public Ministry, then how can this in any way be construed as a proper example of a call? Walther, and Dannhauer before him, would hold this up as a problematic example to be avoided. Yet they don't. They hold it up as a

positive example of proper call. Either the modern LCMS reader must posit that Walther was mistaken to use the example, or, more likely, the modern LCMS reader must recognize that *rite vocatus* of Augsburg XIV is broader than the placement of men into the Office of the Public Ministry. It is instead about the propriety of respecting the one who has the call of the congregation through the Office of the Public Ministry and the humility of waiting until one is asked, or called, to publicly participate in the ministry of the Word or administration of the sacraments.

Some argue that Walther would never have accepted the practice of informally inviting laymen to preach in public assemblies even if the laymen were capable, humble, respected the office, and only participated on occasion when requested to do so.¹⁰² It is not the intent of this document to create a caricature of what Walther might have done based on a particular way of reading his *Church and Ministry*. What remains to be seen is what Walther did do. For that, this document turns its attention to the actual practice of the LCMS beginning with Walther as the first Synod President.

Yet before leaving the discussion of *The Lutheran Confessions*, let it be said that the presenters of this document acknowledge that seminary level theological education is important for those having oversight of God's flock through their call to the Office of the Public Ministry and that the formal call to the Office of the Public Ministry was the expression of *rite vocatus* most commonly put into practice among the confessors, whether by examination/certification, call, and installation in those early years, or in 1535 and thereafter ordination, and it has continued to be so. However, the LCMS should not let these other expressions of “call” atrophy as if they are unfaithful to *The Lutheran Confessions* and in particular to the doctrine of *rite vocatus*. From time to time they have proved necessary for carrying out the ministry of the Gospel and so have found their place in the ministry of the church, even among LCMS theologians and in LCMS practice.

¹⁰¹ Walther, *Church and Ministry*, 219.

¹⁰² Ken Shurb cautions that to say that Walther would have supported occasional lay preachers is an inaccurate caricature of Walther. In support he refers to a letter in which Walther counseled against such a practice. Ken Shurb, “Was Walther Waltherian?” *Concordia Journal*, 37:3 (Summer, 2011): 189-200.

This Broader Perspective of “Call” Found in the Theology and Practice of the LCMS

The flood of German immigrants pouring into the U.S. in the later half of the nineteenth century provided a rich soil in which new Lutheran congregations might take root. However, those communities were cropping up faster than orthodox Lutheran pastors could be secured either from Europe or from the Synod’s own fledgling seminary and partner seminaries. One of the mission strategies employed by the Synod at the time was to appoint *Besuchers*, visitors, who would travel to these immigrant communities and gather the Lutheran families together, encouraging them to establish the Office of the Public Ministry in their midst. While the *Besuchers* tended to be ordained pastors, some were not. Karl Frincke, one of the first, was not; he was a candidate. His seminary education complete, he had not yet been placed into the Office of the Public Ministry. That would not happen until after his time as a *Besucher* was over and he was called to a parish and ordained. In the meantime, he was present at the organizing meeting of the Synod in the Spring of 1847 and the Synod sent him to immigrant communities in Wisconsin, Illinois, Indiana, and Ohio in order to gather families there into congregations. Some might be tempted to overlook this, thinking “seminary students are in training for the Office of the Public Ministry and in this man’s case he was already ‘certified’ for ministry, so that’s what qualified him to do this,” as if close enough to the Office of the Public Ministry is what counts. However, while those credentials may have given Walther faith in his capability, that did not, in Walther’s theology, authorize him to preach or administer the sacrament on behalf of other Christians. However, three things expected of him in his charge are particularly relevant to this discussion, instruction numbers 5, 6, and 12:

(5) It is his duty to urge the people in all love and seriousness to establish the office of the ministry in their midst...

(6) ...on the special request of his brethren in the faith, he is not only to preach but also to baptize their children.

(12) He should carefully avoid intruding on another man’s office, even where this is carried on by a heretic or a heterodox person.¹⁰³

These three are significant because they display in practice the theology of the ministry described above regarding Augsburg XIV. The essential component for *Besucher* Frincke’s public exercise of the Office of the Keys, whether through his preaching or baptism, was the “call.” Two aspects of the doctrine of the call are at play here. First is a respect for the formal call to the Office of the Public Ministry both in the recognition of another person who may already be in the Office of the Public Ministry in that place – orthodox or not – and in the effort to establish the Office of the Public Ministry when feasible. Second is the informal call that comes in the request of a believer, or group of believers, to preach or administer the sacrament of baptism on their behalf. As long as he was respecting the former, he may respond to the latter.

While the *Besuchers* always operated with an eye toward establishing the Office of the Public Ministry, their reports betray that often the realities of the situation offered little hope this would happen any time soon. One such report regarding a community in Iowa lamented,

¹⁰³ *Moving Frontiers*, ed. Carl S Meyer (St. Louis: CPH, 1964), 203.

*Many an eye was filled with tears, many a sigh was audible as I brought home their spiritual destitution and begged them to bend every effort towards getting a pastor of the orthodox church. But alas, I myself readily realize that for the present it is impossible to provide these people with divine services – and if not now, surely not at all in the future [it will be too late].*¹⁰⁴

This left many Iowa Lutherans, who were not satisfied with turning to the pews of Methodist and Union preachers for spiritual care, to find their own solutions. One such young layman in a Swedish settlement in Iowa wrote in 1848,

*The small and poor pioneer settlements of Iowa could not secure an educated pastor. I was brought through the latest trial to the conviction that I must take care of them. Now there were no earthly advantages to be won by being their pastor. . . . I myself did not seek the office, but would rather flee from it. But just now it was God's time to call me and use me, at least for the time being.*¹⁰⁵

One blessing the German Lutherans from Missouri had to give was a sound theology of church and ministry, and they tried their best to disseminate it. The comment was made by one of the Synod's early *Colporteurs*, traveling book salesmen, that he "would have sold not an inconsiderable number of Professor Walther's book on the church and the ministry if he could have been supplied with it from the beginning."¹⁰⁶ Had it been available, it may have helped this frightful young layman feel more encouraged and equipped for his ministry since he too had, as Walther confirmed in his quote from Hershuisius, "a true and due call of God."¹⁰⁷

"Now there were no earthly advantages to be won by being their pastor ... I myself did not seek the office, but would rather flee from it. But just now it was God's time to call me and use me, at least for the time being."

– A layman in Iowa, 1848

Walther's *Church and Ministry* was a landmark volume that enabled this new synod of Lutherans to navigate the waters of American Christianity, which was full of enthusiasts with tent revivals and self-appointed preachers, without reverting to the episcopal clericalism of the Buffalo Synod or selling out the Office of the Public Ministry in favor of an Americanized version of the same interlopers that Luther decried. Did that mean there would be no traveling lay preachers among the Missourians? That depends on how one defines "laity." For the purposes of this document, "lay" is being defined as those who do not meet the three criteria that the

2013 Res. 4-06A Task Force states are necessary for a man to be *rite vocatus* and therefore in the Office of the Public Ministry: certification, call, and ordination. If Augsburg XIV were understood in that fashion in *Church and Ministry*, then one would expect this Synod, which in 1851 affirmed this work as its doctrine on the ministry, and the theologian who wrote it, would ensure that all who publicly participated in the ministry of Word and Sacraments would meet those criteria. However, in addition to the *Besuchers*, there were even others who functioned as unordained (lay) preachers in the early days of the LCMS.

¹⁰⁴ *Moving Frontiers*, 196-197.

¹⁰⁵ *Moving Frontiers*, 45.

¹⁰⁶ *Moving Frontiers*, 204.

¹⁰⁷ Walther, *Church and Ministry*, 281.

The *Besuchers* moved from one community to another but did not return to provide continuing ministry. In place of their style of itinerant ministry, the Synod commissioned *Reiseprediger*, traveling preachers. The theology of *Church and Ministry* meant these lay preachers would operate within the doctrine of “call”; that is, they were appointed by the Synod and preached where invited. It meant that they would carry out their ministry with respect for those who had the “call” to the Office of the Public Ministry in that place; that is, they did not encroach on another pastor’s flock. It meant that they still carried out their ministry with an eye toward establishing the Office of the Public Ministry; that is, when there were enough families gathered to form a congregation this lay preacher could be formally called and ordained as that congregation’s pastor. However, unlike the *Besucher*, organizing congregations was not their principal charge. As the Synod Proceedings of 1866 describe, “Preaching and in fact frequent preaching, also on weekdays, should be the principal task of the *Reiseprediger*, not the gathering of congregations.”¹⁰⁸ Such was the call of a *Reiseprediger* that even if God did through his ministry establish a congregation, and that congregation called him to be its pastor, and he thus was ordained and entered the Office of the Public Ministry, he was not to tie himself to that single congregation but was to continue his circuit preaching ministry as much as possible.¹⁰⁹

After the first successful ministry of, and report back from, a *Reiseprediger* to the Synod, Walther assisted the Western District in producing twenty eight additional theses to support the continued use of the *Reiseprediger* even though they specifically were not placed into the Office of the Public Ministry. Six of these theses deserve specific attention in light of this discussion:

7. *To set aside the order of the public office of the ministry is not allowed any creature under any circumstance, unless it be that God’s Word itself commands one to depart from it in certain circumstances. Matt. 15:1-6; Rom. 10:15.*

8. *As all orders of God in the New Testament are not laws but God’s gracious establishments for the salvation of souls, so also is the order of the office of the public ministry.*

10. *There are emergency cases, in which also the order of the public office of the ministry cannot nor need be observed. Exodus 4:24-26.*

11. *An emergency occurs then when, through legalistic retention of the order, souls, instead of being saved, are lost, and thus love is thereby violated.*

16. *Love gives no right to interfere in the office of a preacher who has been properly called to carry on the work of a public minister even to a heretical congregation.*

18. *Even where there are Christians but where the church suffers from a lack of public ministers and souls would otherwise be in danger of becoming lost, love has the call and obligation to appear publicly and teach the Word of God provided she has a knowledge of this and the gift for it.¹¹⁰*

Walther assisted the Western District in producing twenty eight additional theses to support the continued use of the Reiseprediger even though they specifically were not placed into the Office of the Public Ministry.

¹⁰⁸ *Moving Frontiers*, 206.

¹⁰⁹ *Moving Frontiers*, 208.

¹¹⁰ *Moving Frontiers*, 206-207. The one limit placed on the *Reiseprediger* was the administration of the Lord’s Supper because of the nature of their itinerant preaching. Thesis 23 thus states, “The administration of Holy Communion presupposes the existence of a Christian congregation and the private care of souls; it should, therefore, not be done where there is no Christian congregation and where there is no private care of souls.”

These theses demonstrate that inviting others to participate in public Word and Sacrament ministry, such as the *Reiseprediger*, without being ordained to the Office of the Public Ministry does not by default transgress divine doctrine, for the teaching of God's Word calls for this at times. While affirming the importance of the Office of the Public Ministry and the church's obligation to make use of it, these theses also affirm the breadth of circumstances where it would be against God's Word to restrict the public ministry of the Word to that office.

The example of the *Reiseprediger* is an example of the mission of Christ causing the church to have a robust and healthy understanding of "call." While the theses describe the use of *Reiseprediger* as a setting aside of the "order" or "regulation" of the Office of the Public Ministry on account of necessity, it was not a setting aside of Augsburg XIV, for the language of *rite vocatus* as demonstrated above includes this call of necessity. It also includes the call to auxiliary offices.

The resolved of the 1866 convention that charged the St. Louis pastoral conference, the faculty, and the President of the Synod to "assume the responsibility that as soon as possible capable men are commissioned as *Reiseprediger*"¹¹¹ shows that the *Reiseprediger* also exemplify an auxiliary office that participates in public preaching and public administration of the sacrament of baptism. These men, as the *Besuchers* before them, are not merely performing that which every Christian may be called to do in an emergency. Their positions were established positions within the church, such that they may be understood as auxiliary offices which take part in some aspects of the public ministry; even preaching and administration of baptism.

After the period of initial expansion of the Synod subsided, these examples of auxiliary offices and men by the call of necessity participating in public preaching and administration of the sacraments subsided as well. The focus shifted toward preparing laity for the auxiliary office of parochial school teacher to assist in the growing ministry of the Word through education at a time when even prominent cities such as St. Louis had only fledgling public school systems.¹¹² While parochial school teacher was an auxiliary office that Walther specifically delineated in *Church and Ministry*, sadly, many a pastor was still left to carry out that ministry by himself too.¹¹³

The language of rite vocatus as demonstrated above includes this call of necessity. It also includes the call to auxiliary offices.

Several factors contributed to this. Alan Graebner's historical look at the voice of laity within the Missouri Synod, *Uncertain Saints*, demonstrates that even though the theology of an empowered laity existed early on in the Synod, and glimpses of it can be seen, for the first sixty-five years of the Synod's history the laity were surprisingly passive. This was owing to their Germanic cultural

¹¹¹ *Moving Frontiers*, 206.

¹¹² The first public elementary schools in St. Louis opened in 1838 and the first public high school in 1853.

¹¹³ "The need for Lutheran parish schoolteachers was acute throughout the 19th century. . . . Certainly it is a great emergency for a congregation when . . . the pastor, who without that is burdened enough, must look after the school as well . . . it is also a good opportunity to call the congregations' attention specifically to the fact *that the harvest is great and the workers are few, and that also pious schoolteachers must be prayed for from God.*" *Moving Frontiers*, 232. (Emphasis original)

heritage, their lack of education, and the willingness of their pastors to speak for them on all things theological. Regarding education, Graebner explains that while the founders of the Synod were for the most part graduates of German universities that would not hold true for subsequent generations in these immigrant communities. He notes, “a fortunate American educated child might finish sixth grade.”¹¹⁴ That educational disparity persisted even into the 1920s. One of the first chronicles of the Synod’s history, *Ebenezer: Reviews of the Work of the Missouri Synod During Three-Quarters of A Century* published in 1922 notes, “The German population of our country during all those years of our synodical activities consisted mostly of farmers, mechanics, and wage-earners. Such therefore was the character of our congregations both in the towns and cities and in the rural districts. The rich and educated were rare exceptions.”¹¹⁵ In regard to the passivity of the laity that resulted, Graebner notes:

*By 1900 the actual, working relationship between pastor and people had reverted to a highly paternalistic one. Official synodical polity aside, the laity was decidedly subsidiary and secondary to the Lutheran Herr Pastor. . . . Yet pastoral paternalism was not a stealthy conspiracy led by the clergy . . . in fact, laymen often expected, perhaps even wanted, a paternalistic clergy.*¹¹⁶

Yet this wasn’t just the fault of the laity. The encouragement to carry out, within their own vocations, the ministry of the Gospel through evangelism, an encouragement that was powerfully present in the preaching of Walther, dulled as the turn of the twentieth century drew near. Graebner quotes from *Lutheran Witness* articles in that time period that actually admonished the laity to the contrary:

*Forbidden to the Christian is ‘first, the conversing with ungodly men, where there is no necessity, no providential call, no business, that requires it; secondly the conversing with more frequency than business necessarily requires; thirdly, the spending more time in their company than is necessary to finish our business’. . . . ‘It matters not whether the occasion be in itself sinful or not; if in taking part in such affairs I must fraternize, be brothers, be in fellowship with those who are not united with me in the faith, I must refrain from sharing their society.’*¹¹⁷

It was the mission efforts abroad in the early twentieth century that brought a resurgence in the LCMS of these broader ways of thinking about the doctrine of the call and involving the laity more in the ministry. For example, Edward L. Arndt on furlough in the U.S. from mission work in China in 1922 wrote:

If we were as practical and determined about this as our fathers, we would find a way. But we are hampered by a dense ignorance in regard to mission work and have gotten into ruts so badly that we fear we will break all our wheels if we try to get out. We do not know that the largest mission in China among its 1,111 workers hardly has thirty ordained pastors, while the large Liebenzell Mission among its sixty-one has not one. Yet here are two large organizations who have brought some 50,000 Chinese heathen to Christ, and the writer can testify from what he has himself seen and heard that among their Christians are very devoted men. Why then not do as our fathers did, and look for laymen who have good knowledge of Christian doctrine and deep

¹¹⁴ Alan Graebner, *Uncertain Saints: The Laity in the Lutheran Church – Missouri Synod 1900-1970* (Westport: Greenwood Press, 1975), 13.

¹¹⁵ *Ebenezer: Reviews of the Work of the Missouri Synod During Three-Quarters of a Century*, ed., W.H.T. Dau (St. Louis: CPH, 1922), 503.

¹¹⁶ Graebner, *Uncertain Saints*, 8-9.

¹¹⁷ Graebner, *Uncertain Saints*, 113.

*love for Christ and give them a short and practical training, and then send them out. We do not like to hear it nowadays, but the writer has made some original studies in Missouri Synod history and he knows that in the early days of our Synod such men were sometimes rushed through.*¹¹⁸

On the home front, however, as the educational disparity began to disappear and more educated and successful Missouri Synod Lutherans filled the pews, laity were just beginning to find a place in the leadership of the church again. Despite the pleas of missionaries like Arndt, the influx of lay leadership began not with direct evangelistic or mission activity, but with attention to Synod's financial state, for which the Lutheran Laymen's League (LLL) was originally founded,¹¹⁹ and with lay involvement in the expansion of Christian higher education to prepare students for secular occupations as well as church work.¹²⁰

It wasn't until after the LLL redirected its mission towards radio through the Lutheran Hour (wildly successful in the 1940s) and after the post-World War II religious renewal in America took hold, that the fast-growing LCMS began looking again to laity to participate and support the ever-expanding ministry needs. In that period the Synod's growth rate was highest of all American denominations. As Graebner notes, "The number of adults baptized or confirmed – clearly growth from outside – jumped exponentially by decade: 85,000 in the thirties, 165,000 in the forties, 300,000 in the fifties. By 1970 adult converts in the preceding two decades equaled one-third of the synod's communicant membership."¹²¹ Keeping pace with this growth was the increasing emphasis on the participation of the laity in the ministry of the Synod. The pendulum had swung dramatically from what it had been at the close of the nineteenth century. It is in this time frame that Caemmerer of the St. Louis Seminary encouraged pastors to "Take out the commas!" from Ephesians 4:11-12 and to begin "perfecting the saints for the work of ministry which the saints are to do!"¹²² It's at this time period that the Synod in Convention began once again encouraging laity to see themselves as those "gathered out of and sent into the world as the body of Christ."¹²³ The Synod was no longer warning its laity to limit connections with nonbelievers but was encouraging them to leverage their connections for the sake of the Gospel.

It was also at this time that, for lack of professional church workers to meet the needs, the Synod began to explore additional auxiliary offices and the use of laymen in public ministry again. The Lutheran Lay Training Institute opened in September of 1961 to educate Lay Ministers for service in the church. Its graduates supported pastors in many areas: evangelism, youth, administration, adult education, and missions.¹²⁴ However, it was not just the ancillary areas of ministry in which the Synod was encouraging lay participation. This was a time when the LCMS also encouraged laity in the congregation to be ready to assist their pastor with public preaching and leading public worship.

¹¹⁸ Edward J. Arndt, "Lay Ministry-A Historical Note," *Concordia Historical Institute Quarterly*, vol. 59 (Winter, 1986): 183-85.

¹¹⁹ Graebner, *Uncertain Saints*, 32-34.

¹²⁰ Graebner, *Uncertain Saints*, 78.

¹²¹ Graebner, *Uncertain Saints*, 160.

¹²² Caemmerer, *Feeding and Leading*, 38.

¹²³ Graebner, *Uncertain Saints*, 176.

¹²⁴ Ronald H. Jahnke, "Lutheran Lay Ministry," *Concordia Historical Institute Quarterly*, vol. 59 (Spring, 1986): 2-12.

An article from the LCMS periodical, *Advance*, in 1954 shares the criteria by which laymen should do this:

Laymen can preach the Gospel

- 1) if they are doctrinally sound;
- 2) if they are able to speak in public otherwise;
- 3) if they are requested to preach by a congregation.¹²⁵

In terms of respecting the Office of the Public Ministry, the article also said, “Without discounting the importance of ordination of called pastors, it is sound Lutheran teaching to have laymen conduct services when there is no ordained pastor available. There is no thought to having these men compete with the ordained clergy or with seminarians. Often the only available man is a lay preacher.”¹²⁶

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– Article in 1954 LCMS periodical

It is also worth noting the clear connections between the theology so simply expressed in this *Advance* article and that which is outlined in this document. There is both respect for Office of the Public Ministry and those called to it as well as the humility and propriety of a laymen allowing himself to be asked into to such service. The service of laymen being outlined here is an expression of, not an exception to, Augsburg XIV.

The author of the *Advance* article suggests it would be beneficial if the Synod or its districts would formalize training for laity in such roles. Another article from a later issue of *Advance*, in 1958, makes a similar case for the regular use of laymen in public Word and Sacrament ministry under the supervision of a pastor for dealing with long-term vacancies that stretch not just for months but even for years.¹²⁷ The creation of the Lay Training Institute in 1961 was one response to this rising need.

These developments prompted a response by the Systematics Department of Concordia Seminary, St. Louis, which was published in the *Concordia Theological Monthly*, entitled “Lay Workers in the Church.” That response acknowledged, “No passage in the sacred scriptures speaks explicitly to the general question of whether a lay worker can be given charge of a congregation or the specific question regarding the Sacrament of the Altar.”¹²⁸

Yet after reviewing the relevant material in the *Lutheran Confessions*, the response concluded,

¹²⁵ Robert Just, “Laymen Can Preach – If” *Advance*, (November, 1954): 7.

¹²⁶ Just, *Advance*, 7.

¹²⁷ Eldor A. Bruss, “Layman Conducts Services During Pastoral Vacancy,” *Advance* (October, 1958): 17.

¹²⁸ “Lay Workers in the Church,” *Concordia Theological Monthly*, 39 (December 1968): 772-75, in *Heritage in Motion: Readings in the History of the Lutheran Church – Missouri Synod 1962-1995*, ed. August R. Suelflow (St. Louis: CPH, 1998), 69.

These facts appear to lay down the principle that lay workers should not be given charge of congregations by District officials, if this implies they are to exercise the Pastoral Ministry. Furthermore it may be suggested that if the situation in our church is so grave anywhere that it appears necessary to have “lay workers” perform the functions of the sacred ministry, the proper solution would be so to modify the terms of the synodical handbook such that “lay workers,” provided they meet the requirements that the Pastoral Letters set up for bishops, be ordained to the sacred ministry.¹²⁹

The response then gave a historical example from Wittenberg where well over a thousand laymen, who were known to have been recruited from common secular occupations between 1537 and 1560, were ordained into ministry at St. Mary’s Church in Wittenberg with minimal theological education. While that is one faithful response to the need, the approach did not satisfy many pastors in the Synod and faithful pastors and districts continued to seek alternative ways to accommodate the pressing needs of ministry within a sound theology of the proper call.

Voices from mission fields abroad once again led the way. The newly planted church in the Philippines (a mission of the LCMS that began in 1946 and became a partner church body in 1956) began an institute for lay workers that prepared them to conduct services and baptisms.¹³⁰ That same sister church, a little over a decade later, expressed its intent to create an office of deacon as a subordinate office subject to the supervision of a pastor and requested advice from the LCMS. The CTCR responded positively: “A church which finds the order of deacon as an order of clergy necessary for the successful performance of its work has the right to institute this office and ordain

The CTCR responded positively: ‘A church which finds the order of deacon as an order of clergy necessary for the successful performance of its work has the right to institute this office and ordain men to it, just as Lutheran Churches in India and New Guinea have instituted the office of catechist.’

men to it, just as Lutheran Churches in India and New Guinea have instituted the office of catechist.”¹³¹ Yet it is important to note that by speaking of these deacons and catechists as clergy, and referring to ordaining them, the CTCR was not suggesting that they were placed into the highest office, the Office of the Public Ministry. The same document cites one of the Synod’s founders, C. A. T. Selle, stating that called parochial school teachers are also “clergy” and goes on to recommend that since they are responsible to the pastor and perform a function of the ministry under his care, both called parochial school teachers and directors of Christian education may too be ordained, with the understanding that it is not to the pastoral office.¹³²

¹²⁹ “Lay Workers in the Church,” 70.

¹³⁰ *Moving Frontiers*, 323-324.

¹³¹ CTCR, *The Ministry in its Relation to the Christian Church*, 11.

¹³² CTCR, *The Ministry in its Relation to the Christian Church*, 10.

Once again, this practice and theological reflection of the LCMS reveals and affirms that *rite vocatus* in Augsburg XIV is not simply referring to the highest office, the Office of the Public Ministry, but includes the call to auxiliary offices as well, which also may participate publicly in ministry of Word and Sacrament.

The 25-year history since the passing of 1989 Res. 3-05B reviewed in the 2013 Res. 4-06A Task Force Report is just a glimpse of a much longer history that goes back to the very start of the Missouri Synod itself, stretches back to the Reformation, to the early church, and into the very witness of the Scriptures. In 1989, Res. 3-05B introduced licensing, formalized oversight, provided training, and gave a name to an expression of the call of necessity enabling it to be recognized as a blessing to the church.

The whereas section of 2016 Res.13-02A notes that the use of LLDs in the LCMS has surpassed the language of 1989 Res. 3-05B, which is true. What was resolved to continue in 1989 under the concept the call of necessity in effect began to function as an auxiliary office. That is not just the case with LLDs. That is the case with the seven men chosen in Acts 6 who began to assist out of a time of need in a limited fashion with administrative duties but quickly began to preach. By the later years of the New Testament, what began in Acts 6 had developed into a role more characteristic of an office of deacon. That was also true with the *Reiseprediger*. A practice that began under the call of necessity took on the structure and features of an auxiliary office over time. The practice of using LLDs has similarly taken on more structure and features. However, the use of LLDs has not overrun the scriptural or confessional understanding of the relationship between the priesthood of believers and the Office of the Public Ministry. It has not extended beyond the scope of the theology expressed in Walther's *Church and Ministry*. Most importantly, it has not neglected the doctrine of *rite vocatus*.

Luther supported the validity of Philip's call and that of the Ethiopian eunuch by pointing to the churches that sprang from their ministries; this document will also regarding the call of laymen like LLDs. In the 1980s mission work began in the villages of Alaska organized by the churches of the Alaska Circuit in an effort that later became Alaska Mission for Christ (AMC). From its inception, due to the small number of LCMS pastors in the geographically largest state in the country, the pastors involved trained and called laymen to carry out public Word and Sacrament ministry in Alaskan communities. From the passage of 1989 Res. 3-05B to the present, more than sixty laymen have been trained for this purpose through AMC. They have served as LLDs in remote villages and as traveling missionaries to regions both accessible by road and well beyond it. They have done so with humility working under the ordained pastors of AMC and of the Alaska Circuit. They have served with respect for the Office of the Public Ministry whenever and wherever there has been someone already called to that office. They have served with the welcome request, i.e., call, of the people to whom they have ministered. Indeed, it has all been done with an eye towards gathering congregations and establishing the Office of the Public Ministry in their midst.

The mission at Copper Center, Alaska, is a good example. In 1993 a group of believers there contacted AMC for pastoral assistance. The closest Lutheran congregation was 150 miles away. AMC worked with the Lay Assistance Program of Concordia University in Portland to prepare men to serve this small community. Services were provided twice a month by AMC's ordained circuit riding pastor rotating with several LLDs over the next seven years. Ministry became more consistent under the service of a retired DCE, who began weekly service as an LLD in Copper Center in 2000 and

served there several months each year. In 2006 a commissioned LCMS missionary was called by AMC to serve the region. In 2007 the mission became its own congregation, Mt. Drum Lutheran Church. Their missionary was certified through colloquy, called by the congregation, and ordained to be their pastor. Yet, similar to the charge of a *Reiseprediger*, which said that even if he was called to a small congregation, he was not to tie himself down but was to continue his mission efforts to the surrounding communities, so has Mt. Drum's pastor. He continues to serve as missionary to the region and continues to train laymen for ministry in Alaska.

The community at Funny River is another example. A commissioned LCMS teacher moved to the Kenai Peninsula of Alaska and served there many years as a public school principal. Thoroughly connected to the community, he helped found and build Funny River Community Lutheran Church. Licensed as an LLD of the Northwest District of the LCMS, at the request of the congregation, he served that community with public Word and Sacrament ministry for nearly a decade. He completed the colloquy process, was called to be pastor of the congregation, and was ordained in 2006. Upon his retirement Funny River Community Lutheran Church called a seminary graduate, who now serves as its pastor.

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In total, of the sixty-plus LLDs trained for service in Alaska since 1989, three have been ordained through colloquy and eleven more have gone on to enroll in seminary education. Although many LLDs do not intend to progress toward the Office of the Public Ministry, the establishment of these congregations and the ordination of these men would not have taken place without the supporting public Word and Sacrament ministry of the rest of those laymen. Ministry successes of the Gospel like

these are hampered when we append human limitations on the works of God by further restricting who can and cannot publicly carry out His ministry.¹³³

Transparochial Certification and Affirmation

The 2013 4-06A Task Force both in its report and in the 2016 Convention Workbook FAQs stressed that transparochial certification and affirmation for those serving in public Word and Sacrament ministry requires the approval of the whole church.¹³⁴ The practice of LLDs was

¹³³ For history on the mission of AMC see: <http://www.alaskamissionforchrist.org/history/> and <http://mtdrumlutheran.com/about-us/our-history/>

¹³⁴ “Because the office of preaching and administering the Sacraments (the public ministry) belongs to the whole church, it is and has always had a transparochial dimension that should not be ignored. . . . the public ministry does not simply belong to a given local congregation (or even a district since those from outside are invited to participate). . . . Such churchwide *recognition* does not exist for deacons. For this reason there are questions and confusion about the service of deacons. Because their work is not recognized *transparochially*.” (Emphasis original) *Convention Workbook: Reports and Overtures* 2016, 256.

considered suspect because its processes for licensure came only through the districts of the LCMS.¹³⁵ Likewise, and more troublesome, it was inferred by the 2013 Res. 4-06A Task Force Report that *rite vocatus* includes the whole Synod process of examination, certification, call, and ordination to the Office of the Public Ministry, and that none of these is negotiable.¹³⁶

Careful distinction must be made between doctrine which the church confesses as divinely given on the one hand, and Synod agreements that are established for the sake of order on the other. In the *Apology of the Augsburg Confession*, when the confessors stated their willingness to maintain canonical orders of ordination, they did so in Article XIV with the proviso, “even though they were established by human authority.”¹³⁷ Further, the very next article in the *Apology* explains why the confessors were willing to keep it: “Those ecclesiastical rites ought to be observed which can be observed without sin and which contribute to tranquility and good order.”¹³⁸ It is important to distinguish between humanly established practices of order and the divine doctrine. The body of Christ is to adhere to the doctrine for all time as God’s gift. The practices of human arrangement may change with time and circumstance as the church sees the need for better order and tranquility.

In regard to the Synod’s processes for transparochial certification and affirmation, the presenters of this document maintain that these are Synod’s agreements for good order, not doctrinal necessities. Therefore, it is not unfaithful to the doctrine of *rite vocatus* to conceive of other ways of calling men to the public ministry of Word and Sacrament that do not include the certification and consent of entities at a national Synod level. It may well be determined that this provides the best order and tranquility, but elevation of that discussion to the level of doctrine and necessity is what creates confusion in the church, not just over the use of lay deacons but also over what the doctrine of *rite vocatus* truly is.

In regard to the Synod’s processes for transparochial certification and affirmation, the presenters of this document maintain that these are Synod’s agreements for good order, not doctrinal necessities.

To prove that point one needs only turn again to Walther’s *Church and Ministry*. In Walther’s day the Lutherans in Missouri found themselves suddenly disconnected from a larger church body, from bishops, and from ecclesiastical structures. They were concerned about whether they could constitute a legitimate ministerium of their own. In response, Walther researched the issue and in his

¹³⁵ “Contrast this with the procedure for LLDs. Here everything is under the aegis of one man, who is elected by his district alone. . . it raises fundamental questions about the transparochial nature of the ministry being conducted. Such questions should be eliminated.” *Convention Workbook: Reports and Overtures* 2016, 256.

¹³⁶ “Examination takes place via seminary faculties or colloquy process. Calls are issued, in most cases, by action of the congregation alone, acting to fill its pastoral vacancy. Ordination is conducted on behalf of the whole church by the District President or his representative after due examination and call. During the ordination, the calling congregation speaks on behalf of the whole church to receive the candidate as a duly called and ordained pastor. *Rite vocatus* includes this whole process. None of these three aspects is negotiable.” *2013 Resolution 4-06a Task Force Report to the Synod*, 10.

¹³⁷ Kolb and Wengert, *The Book of Concord*, 222.

¹³⁸ Kolb and Wengert, *The Book of Concord*, 223.

supporting documentation for Thesis VI took up the question of the necessity of transparochial certification and affirmation. In doing so he cited a situation in the seventeenth century in which Lutheran congregations in Moscow and in Hungary, places far flung from Wittenberg, were cropping up. The question at that time was whether men called to be pastors in those places should be sent to Wittenberg to be certified and ordained. In other words, did the concept of transparochial certification and affirmation necessitate the direct involvement of the theologians or the ecclesiastical structures of Wittenberg? Walther cites the response of Viet Ludwig Von Seckendorf¹³⁹ to this issue. Seckendorf said, “such congregations have the full right to appoint their own ministerium and ministers” and further said that in doing so a congregation, “would maintain full communion with all other Christians by its doctrine and faith without depending on any church government.”¹⁴⁰ In defense of this, Seckendorf turned to the Scriptures. He said regarding the church at Ephesus,

*Thus, for example, the few disciples at Ephesus who were at first instructed by Apollos and then baptized by Paul, twelve in number (Acts 19:7), formed a church of Christ, and if its number had not increased, this little congregation would have had the same right that afterward the larger parishes had, of whose elders Paul says that the Holy Spirit had made them overseers to feed the church of God (Acts 20:28). He did not direct them to Jerusalem, Peter, or himself but only to the doctrine by which he declared to them all the counsel of God.*¹⁴¹

This is the freedom that exists within the doctrine of *rite vocatus*. Even within this freedom Walther still encourages congregations NOT to act alone. He writes,

*A vacant congregation should not act alone and according to its own opinion but seek the counsel of ministers in office whom it may consult . . . and concede to them especially the examination.*¹⁴²

Who are these other ministers? They may be councils of district presidents; they may be seminary faculty. However, Walther's *Church and Ministry* affirms that they may also simply be geographically neighboring pastors. Walther's citations of the Early Church pattern found in Cyprian's writings bear this out:

*Therefore, we must carefully maintain as a divine tradition and an apostolic practice what is also guarded by us and in almost all lands, that the appointment is rightly observed when the neighboring bishops of the province come to the congregation that know best the life of each individual and examine his way of living.*¹⁴³

This historic pattern of certification and affirmation is a local one, not a national one. This theology is what gave the LCMS forefathers the encouragement and confidence they needed from God to begin a new Synod in the first place. Certainly the LCMS has grown and by agreement within the Synod

¹³⁹ Viet Ludwig Von Seckendorf was the first chancellor of the University at Halle in the seventeenth century, which later combined with the University of Wittenberg to become Martin Luther University of Halle-Wittenberg. He was a nobleman, an attorney, and an accomplished historian. He wrote an influential defense of Lutheranism called *Commentarius Historicus et Apologeticus de Lutheranism sive de Reformatione*.

¹⁴⁰ Walther, *Church and Ministry*, 240.

¹⁴¹ Walther, *Church and Ministry*, 240.

¹⁴² Walther, *Church and Ministry*, 220.

¹⁴³ Walther, *Church and Ministry*, 245.

has developed more involved patterns and procedures. Yet there is no doctrinal reason preventing the LCMS from having a simpler approach to some auxiliary offices that work closely under the supervision of a pastor and who serve only locally without eligibility for call elsewhere in the Synod. This is especially true since the Synod already directs its polity through districts as Synod Bylaw 4.1.1.1. states, “A district is the Synod itself performing the functions of the Synod.”¹⁴⁴ In addition, regional Concordia University faculties already certify candidates for other auxiliary offices. District certification processes and online training in partnership with regional LCMS universities is certainly not only in line with, but even well beyond, the good order that Walther cites in *Church and Ministry* regarding this topic.

Summary and Conclusion

Even though the LCMS has determined in convention to relinquish its use of LLD's for regular public Word and Sacrament ministry, those who present this document encourage our Synod not to let these vital understandings of *rite vocatus* atrophy to one specific application in the Office of the Public Ministry. The LCMS needs the flexibility of every expression of *rite*

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vocatus that arises from the Scriptures in order that the church may be fully equipped to carry out the ministry Jesus left to his people. As our Lord said, “The harvest is plentiful, but the laborers are few. Therefore pray earnestly to the Lord of the harvest to send out laborers into his harvest.”¹⁴⁵

To clarify, this document is not presented in protest of the practicalities in 2016 Res. 13-02A. This document is presented in love for the sake of future ministry in the LCMS so that discussion might take place and, God willing, the theology presented here might not be lost among

confessional Lutherans. The presenters of this document find it significant and certainly inspired that the Apostle Paul, prior to writing about the divine institution of the Office of the Public Ministry in Ephesians 4:11, encouraged God's people to carry themselves “*with all humility and gentleness, with patience, bearing with one another in love, eager to maintain the unity of the Spirit in the bond of peace.*”¹⁴⁶ It is with that gentle Spirit of unity and peace that this is offered. May the Lord bless the LCMS ever to maintain it.

¹⁴⁴ *Synod Handbook*, 2013, 187.

¹⁴⁵ Luke 10:2.

¹⁴⁶ Ephesians 4:2-3