

The Evangelical Lutheran Diocese of North America

Response to Questions from the Association of Confessional Lutheran Churches

Concerning the Malone Theses:

1. *Under "Office of the Ministry" - "Laymen ought not preach or read sermons at the divine service."*

Questions: What is meant here? Is the idea that they have decided among themselves that laymen will not read sermons in their churches in the pastor's absence but will have fellowship with others who allow the practice? Or do they mean to say that the practice violates AC XIV and cannot be allowed in Lutheran churches with whom they will have fellowship?

We respond:

The word "ought" is used in the usual sense set forth in the dictionary: "to indicate obligation or duty; to indicate advisability or prudence; to indicate desirability," etc. The Confessions clearly teach, "Of Ecclesiastical Order they teach, that no one should publicly teach in the Church or administer the Sacraments, unless he be regularly called." (AC XIV) The restriction set forth in AC XIV is not absolute, as the Church recognizes cases of necessity: "Just as in a case of necessity even a layman absolves, and becomes the minister and pastor of another; as Augustine narrates the story of two Christians in a ship, one of whom baptized the catechumen, who after baptism then absolved the baptizer." (Tr. §67) The language of the Book of Concord is quite clear: in such a case of necessity, the one "becomes the minister and pastor of another"—his ministrations are as a pastor who has entered the office without the regular testimony of ordination, and persists for the duration of the period of necessity.

"Necessity" must not be confused with "convenience." In our age of technological conveniences (such as CDs and tape recorders) and relatively inexpensive, fast transportation, circumstances such as pastoral vacations and vacancies can be dealt with in a means which is consistent with our Lutheran Confessions.

A pastor being gone for a Sunday or two may be considered "inconvenient," but it does not become a matter of "necessity." It would certainly be the preferable practice that the pastor leave a recorded message, if no other orthodox Lutheran pastor is available on that occasion. The congregation could also consider gathering for singing hymns on such an occasion, without having a sermon on that particular Sunday.

2. *Under "Episcopacy" - "We seek the restoration of the historic, preferred polity - that is, the offices of Bishop, Presbyter, and Deacon - within the one divinely established office of the ministry as local circumstances warrant."*

Questions: How does the biblical office of deacon fit into the one Office of the Ministry instituted by Christ?

We respond: In answer to this question, we refer the ACLC to Bishop Heiser's essay in the office of deacon in the 16th and 17th century Lutheran Church.

[3.] Given the statement in the introduction of the Theses, "We all agree that these stated positions are our firmly held convictions and in conformity with Holy Scripture and the Lutheran Confessions, and we wish to have fellowship with all others who teach and confess the same," are they willing to have fellowship with those who retain the "democratic mind-set that is dominant in the Lutheran Churches of America" in the form of voters' assemblies in local congregations and the pastoral/lay delegate polity of larger assemblies?

We respond:

As we declare in the conclusion to the Malone Theses: "Many of the matters addressed by these theses are not matters that are divisive of fellowship (episcopacy, liturgy, etc.)." Again, "These theses, and those agreed to in Niles, Michigan are not seen by us as additions to our vows to the Scriptures and the Lutheran Confessions, which vows are unconditional. These theses may change as the issues are further clarified."

Holy Scripture—and the faithful exposition of the doctrine of Holy Scripture set forth in the Book of Concord (1580)—determine the limits of church fellowship. When the words "our fellowship" are used in the theses, we are referring to what is now our diocese.

[4.] Questions concerning the Niles Theses:

Under "Office of the Ministry" - "The office of the ministry is ... conferred through call and ordination within the church," and under 3) "Ordination is not an adiaphoron."

Questions: What is meant by "Ordination is not an adiaphoron?"

In what respect is the office of the ministry conferred through ordination?

We respond:

The full text of the thesis in question reads: "4) Ordination is not an adiaphoron. It is part of a right understanding of a proper call." When the entire thesis is read, we believe it answers the question posed to us. Nevertheless, for further clarity, we note that the Book of Concord teaches, "it is manifest that ordination by a pastor in his own church has been appointed by divine law" (Tr. 65). Nothing which is a matter of divine Law is an adiaphoron.

[5]. Assuming formal church fellowship were established between ELDoNA and the ACLC, if an ELDoNA pastor received a Call to an ACLC parish would polity be a determining factor as to whether or not he would accept such a call?

We respond:

There are many factors weighed by a pastor in consideration of a call—including salary, history of the congregation, even his own family's preferences—so it is impossible for us to declare in advance what a particular pastor would assess to be a determining factor in his considerations. Certainly, if fellowship were recognized between the ELDoNA and the ACLC, the pastors of both fellowships should be open to consideration of a call into either body.

[6]. If a more democratic polity in the ACLC is not prohibitive of church fellowship, what does ELDoNA see as the limitations of such a polity, i.e., what is permitted, what is not permitted.

We respond:

The teaching and practice set forth in Holy Scripture and the Book of Concord (1580) is determinative of church fellowship.

[7]. What is ELDoNA's position with regard to laymen reading Scripture lessons in church? What about laymen conducting liturgy?

We respond:

This question has been answered under response number one.

[8]. Further clarification on the Bishop's lifetime appointment – what is the advantage of this? Why is it preferable to “terms of office”?

We respond:

As the Office of Bishop is a grade within the one office of the holy ministry (AC XXVIII, AP XXVIII, Treatise, SC-Table of Duties, etc.) we do not recognize any man-made ‘term of office’ for any call to service in the office of the holy ministry. A minister leaves office by death; resignation; removal for false doctrine or immoral life; or diminished capacity for service (so-called ‘retirement’).

[9]. Further clarification on the Bishop's Divine Call – If the Bishop's Call is to his congregation, is he merely “appointed” Bishop with no Call to that position?

We respond:

The bishop had a divine call as pastor to his congregation, and a divine call as bishop to the pastors of the diocese.

[10]. Congregations are not “members” of the diocese and do not send delegates to Diocesan [sic] conferences to participate in decision-making (though laity are invited and encouraged to attend such meetings). So, if the Diocese makes decisions regarding, for instance, the training of pastors, mission starts, etc., what role do the congregations play in ratifying such decisions? What voice do the laity have?

We respond:

The diocese has no authority over congregations. Therefore, the laity have a substantial role in determining their involvement in support for the training of pastors, mission starts, etc. If, for example, the diocese decides begins a seminary, it will depend on the voluntary support of the congregations. In such a situation, the congregations have full authority to determine what level, if any, of support they will provide to such an endeavor. The same is the case with support for missions. For example, Salem Lutheran Church (Malone, Texas) established the Confessional Lutheran Mission Fund, with a board which consists of the members of Salem; the board determine how such mission support provided, in keeping with the guidelines set forth in the congregational constitution.

[11]. Regarding nomenclature: While the Lutheran Confessions certainly do employ the use of the historic Ministry nomenclature, such terminology is alien to the experience of most people in the churches of the old Synodical Conference (LCMS, WELS, ELS).

That being the case, while there may be a desire to return to using such historic terminology, is it wise to do so? Is this a challenge that we should be putting in front of the people? Is it one worth contending for at this point?

We respond:

It seems inconceivable that such terminology would be “alien” to the experience of any Christian. Granted, the terminology is used with different emphases in different churches at different times, nevertheless the term has been in constant usage since the time of the holy apostles, and certainly designated a “pastor to the pastors” from the first century, as is testified in 1 Clement and the Epistles of St. Ignatius of Antioch. It has also been, and continues to be, the terminology used by the overwhelming majority of Lutherans today, and was consistently upheld by the Nordic Lutheran Churches, many of the German Lutheran Churches, the Baltic Lutheran Churches, etc.

Indeed, despite the preference within the church bodies of the WELS/ELS aligned-“Confessional Evangelical Lutheran Conference” for the title “president,” the Ukrainian Lutheran Church has retained the episcopal polity. Within the LC—MS-aligned International Lutheran Council, the Evangelical Lutheran Church of Ghana, the Independent Evangelical Lutheran Church (SELK-Germany), the Evangelical Lutheran Church of Ingria in Russia, and the Gutnuis Lutheran Church (Papua-New Guinea) are all episcopal in polity. Therefore, those leaving the LC—MS, WELS or ELS have all been in fellowship with episcopally-structured church bodies.

As the questioner observes, “The Lutheran Confessions certainly do employ the use of the historic ministry nomenclature”. Those laity and clergy who are unfamiliar with this usage within our Lutheran Confessions might consider this a “teaching moment.”

[12]. Regarding Walther's "Church and Ministry" - Thesis X on the Ministry: Does ELDoNA agree with Walther's thesis that not only the Ministry of the Word but also the laymen possess the right and duty to judge doctrine. If so, given the fact laymen are not accorded, in the Diocese, both a seat and vote together with the clergy, how do the laymen in congregations affiliated with ELDoNA exercise this right and duty? Could you please give your view in some detail?

We respond:

We read in Acts 17: “**10** Then the brethren immediately sent Paul and Silas away by night to Berea. When they arrived, they went into the synagogue of the Jews. **11** These were more fair-minded than those in Thessalonica, in that they received the word with all readiness, and searched the Scriptures daily *to find out* whether these things were so.” It is always the obligation of the the laity to listen to their pastors and compare what they are hearing to what is taught in the Word of God. As Lutherans, we are greatly blessed to have a clear exposition of the Holy Scripture in the Book of Concord (1580) we is our confession of what the Scriptures teach, and pastors and congregations are obligated that all their teaching and practices will be in conformity with God’s Word and the Lutheran Confessions. The laity exercise this responsibility with regard to their congregation, and the pastor whom the Lord of the Church has called through them to bring them the Word in its truth and purity, and the Sacraments

according to Christ's institution. The Bereans were responsible for evaluating the word which was proclaimed to them; thus it shall always be for Christians within the congregation in which the Lord of the Church has placed them.

[13]. What is ELDoNA's stance toward women's suffrage? Is it tolerated, promoted, being sunsetted, etc.?

We respond:

The ELDoNA does not take a position on the internal organization of congregations, except that all Lutheran Congregations are pledged to uphold the Table of Duties (Small Catechism). We confess in the Large Catechism:

Thus we have two kinds of fathers presented in this commandment, fathers in blood and fathers in office, or those to whom belongs the care of the family, and those to whom belongs the care of the nation. Besides these they are yet spiritual fathers; not like those in the Papacy, who have indeed caused themselves be so designated, but have not performed the functions of the paternal office. For those only are to be called spiritual fathers who govern and guide us by the Word of God. Of this name St. Paul boasts (1 Cor. 4:15), where he says: "In Christ Jesus I have begotten you through the Gospel." Because they are fathers indeed they are entitled to honor above all others. (LC Ten Commandment:158–159)

In each of the three estates (Church, State and Home), the fatherhood which the Lord has established shall be upheld.

[14]. If a seminary is established, are the professors called and if so by whom? How would the seminary be run and regulated?

We respond:

The headmaster would be called to a congregation to serve as an assistant pastor (or, in historic Lutheran terminology, deacon), and would also be called by the diocese. This relationship is consistent with the received 'Synodical Conference' practice, where seminary professors were regularly called to a local parish as a pastor, and by the synod (through a board of regents) to serve as a professor. We think that the modern practice of divorcing seminary instruction from parish service has been disruptive and unnecessary.

[15]. If missionaries are sent out, would they be called or commissioned, and if so by whom?

We respond:

All missionaries are pastors, and all pastors are missionaries, and all pastors receive their call from Christ through the Church—specifically, through a congregation.

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