

LCMS POLITY: THE CONGREGATION'S RIGHTS

A QUESTION OF RIGHTS

We all expect – even demand – our “rights”: right to “life, liberty and the pursuit of happiness” (Thomas Jefferson), civil rights, human rights, women’s rights, rights of the unborn, right to vote. And there are more. As articulated in the “Bill of Rights” (1791), add to the list religious rights, freedom of speech, right to assemble peaceably, right of people to keep and bear arms, right to security, right to a speedy and public trial, the right of a trial by jury, etc.

In The Lutheran Church—Missouri Synod today “The Congregation’s Rights” demand our attention. Lifting up the human organization of the Synod, the clergy, or Synod leadership above the congregation has been a recurrent problem and challenge throughout our history. Whether the concern is the control of members and their obedience to a human institution (the Synod), the condescending of the priesthood of believers, the disparagement and belittling of the laity – the result is the same. The local congregation is demeaned and their historic, Scriptural and Confessional rights dismissed.

As the Lutheran Saxon immigrants departed for America under Martin Stephan in the years 1838-1839, they departed from their homeland and their church home in Germany. They brought with them a church polity that was a strongly hierarchical (*domineering and unbounded control*) organization with an “episcopal” polity. The clergy were a privileged class, and that the laity would have little or no say. In their new home the immigrants established a hierarchy with spiritual and material authority under a church government, characterized by submission or obedience to leadership, both spiritual and temporal. They evidenced no “congregational polity” or the “priesthood of believers.”

However, when the immigrants expelled the hierarchical leader “Bishop” Martin Stephan for immoral reasons and unfaithfulness, C.F.W. Walther emerged as the new leader. He emphasized the Scriptural and Lutheran teaching of the “priesthood of believers” and the “self-government” of the local congregation. When the LCMS was founded in 1847, they chose a congregational polity and congregational rights over a clergy-centric hierarchical form of church government. (*For extended historical background information of the above, see Zion On The Mississippi, Forster, 1953, CPH and Moving Frontiers, Meyer, 1964, CPH).*

Walther's understanding of "Congregational Polity" comes in part from the writings of Luther, whom Walther quotes in Church and Ministry ("Kirche und Amt"), *Concerning the Church*, Thesis IV, (CPH, 1987, pp. 54 -57):

"The keys do not belong to the pope...but the church, that is, to the people of Christ, the people of God, or the holy, Christian people, as far as the world extends, or wherever there are Christians....in Matthew 18:18-20 and John 20: 23 Christ gives them to the whole church...Christ gives to every Christian the power and the use of the keys...the keys belong to the whole communion of Christians and to everyone who is a member of that communion, and this pertains not only to their possession but also to their use and whatever else there may be... (Matthew 16:19...Matthew 18:19)"

CONGREGATION'S RIGHTS HAVEN'T CHANGED

With the understanding that the congregation is a divine institution, the official polity of our Synod today continues to center officially in the rights of the congregation. Thus, the Constitution and Bylaws of the Synod, a human institution, reflect the rights of the congregation. The "Congregation's Rights" need to be a continual focus lest they be undermined and lost:

In its relation to its members the Synod is not an ecclesiastical government exercising legislative or coercive powers, and with respect to the individual congregation's right of self-government it is but an advisory body. (Article VII)

The Synod is organized to work in support of and on behalf of congregations to assist them in carrying out their ministries as they seek to serve our Lord Jesus Christ, the members of His body, and the world which stands in need of the Word and the impact of His redeeming love.

- (a) The Synod functions in support of its member congregations by providing assistance as congregations conduct their ministries locally, as well as their ministries at large.*
- (b) The Synod on behalf of its member congregations administers those ministries that can be accomplished more effectively in association with other member congregations through the Synod.*

In this way, member congregations utilize the Synod to assist them in carrying out their functions of worship, witness, teaching and nurture, service, and support. (Bylaw 1.1.1)

Synod: Refers collectively to the association of self-governing Lutheran congregations Bylaw 1.2.1 (v)

*The Synod expects every member congregation of the Synod to respect its resolutions and to consider them of binding force **if** they are in accordance with the Word of God and **if** they appear applicable as far as the condition of the congregation is concerned. The Synod, being **an advisory body**, recognizes **the right of a congregation to be the judge** of the applicability of the resolution to its local condition. However, in exercising such judgment, a congregation must not act arbitrarily, but in accordance with the principles of Christian love and charity. (Bylaw 1.7.2)
[Emphasis added in above Constitutional and Bylaw quotes]*

The right of a congregation's "self-government" includes calling of pastors and other church workers, the establishment, conducting and supervision of all its mission (being sent-ones), ministries, and programs at home and at large, owning congregational property, judging doctrine, exercising Christian discipline, executing the financial, business and administrative affairs of the congregation, the determination to join or discontinue its association with a synod and/or other societies and groups, etc.

While the LC-MS recognizes that, by divine Institution, only congregations have the right to call pastors, by membership in the Synod, congregations have agreed to certain restrictions in the exercise of that right, such as limiting the calling of pastors to those who have been synodically trained and/or approved.

The Synod, an advisory human organization, also retains the power to terminate membership for failure to abide by its resolutions or the opinions of the Commission on Constitutional Matters (CCM). The Synod's resolutions or CCM opinions may violate our constitution of historic polity. They may fail to honor and recognize that the congregation alone has the right to call and to carry out its mission and ministry.

HOLY SCRIPTURE SUPPORTS CONGREGATION'S RIGHTS

The Lutheran historical understanding of this divine “right” comes from Scripture, such as:

So let no one boast in men. For all things are yours,²² whether Paul or Apollos or Cephas or the world or life or death or the present or the future—all are yours. 1 Corinthians 3:21-22

And Jesus answered him, “Blessed are you, Simon Bar-Jonah! For flesh and blood has not revealed this to you, but my Father who is in heaven.¹⁸ And I tell you, you are Peter, and on this rock I will build my church, and the gates of hell shall not prevail against it.¹⁹ I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.”
Matthew 16:17-19

If he refuses to listen to them, tell it to the church. And if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector. Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.¹⁹ Again I say to you, if two of you agree on earth about anything they ask, it will be done for them by my Father in heaven.²⁰ For where two or three are gathered in my name, there am I among them.” Matthew 18:17-20

And Jesus came and said to them, “All authority in heaven and on earth has been given to me.¹⁹ Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit,²⁰ teaching them to observe all that I have commanded you. And behold, I am with you always, to the end of the age. Matthew 28:18-20

Jesus said to them again, “Peace be with you. As the Father has sent me, even so I am sending you.”²² And when he had said this, he breathed on them and said to them, “Receive the Holy Spirit.²³ If you forgive the sins

of any, they are forgiven them; if you withhold forgiveness from any, it is withheld.” John 20:21-23

THE CONFESSIONS SUPPORT CONGREGATION’S RIGHTS

Although the Lutheran Confessions are not on a par with Scripture, The Treatise on the Power and Primacy of the Pope echoes the above Scripture:

*⁶⁷ For wherever the church exists, the right to administer the Gospel also exists. Wherefore it is necessary for the church to retain the right of calling, electing, and ordaining ministers. This right is a gift given exclusively to the church, and no human authority can take it away from the church... Where the true church is, therefore, the right of electing and ordaining ministers must of necessity also be. So in an emergency even a layman absolves and becomes the minister and pastor of another. It is like the example which Augustine relates of two Christians in a ship, one of whom baptized the other (a catechumen), and the latter, after his Baptism, absolved the former. ⁶⁸ Here the words of Christ apply which testify that the keys were given to the church and not merely to certain individuals: “Where two or three are gathered in my name, there am I in the midst of them” (Matthew 18:20).⁶⁹ Finally, this is confirmed by the declaration of Peter, “You are a royal priesthood” (1 Pet. 2:9). These words apply to the true church which, since it alone possesses the priesthood, certainly has the right of electing and ordaining ministers. (p. 331, Tappert, T. G. [Ed.] [1959]. *The Book of Concord the confessions of the Evangelical Lutheran Church*. Philadelphia: Mühlenberg [Fortress] Press.)*

WALTHER DEFENDS CONGREGATION’S RIGHTS

In his writings, C.F.W. Walther, the first president of the Synod, defended the rights of the congregation against the hierarchical domination by the clergy or the Synod. With the Word of God, he accentuated the doctrine of the priesthood of believers who form congregations and who carry out their God-appointed mission. For Walther, the congregations had absolute

independence from everyone and everything except God's Word. In his first presidential address in the 1848 Synod convention, he emphasized:

*"I mean the thought that, according to the constitution under which our Synodical union exists, **we have merely the power to advise one another,** that **we have only the power of the Word,** and of **convincing.** According to our constitution, we have no right to formulate decrees, to pass laws and regulations and to make a judicial decision, to which our congregations would have to submit unconditionally, in any matter involving the imposing of something upon them. Our constitution by no means makes us a consistory, by no means a supreme court of our congregations. It rather grants them the most perfect liberty in everything, excepting **nothing but the Word of God,** faith, and charity. According to our constitution we are **not above our congregations,** but **in them** and **at their side.**"*
(Emphasis added)

In guarding against a hierarchical organization and clericalism, Walther guarded the supreme authority of the congregation as highlighted in his *Der Lutheraner* articles, *The Congregation's Right To Choose its Pastor* in 1860-1861 (Translated in 1987 by Prof. Fred Kraemer, edited by Wilbert Rosin, published by Concordia Seminary, St. Louis, 1997) such as:

"In this passage [Matthew 16: 15-19] the keys of the church...are clearly and plainly given...to all true, believing Christians, to the whole church, to every group of Christians, be it ever so small and despised, that is, they are promised all church rights and powers by Christ the Lord Himself."
(Page 35)

"The keys belong to the entire congregation of all Christians, and to everyone who is a member of this congregation..." (Page 53)

"...but the congregation or church is the one root, from which the office or the power of the keys grows forth; for Christ gave the power of the keys to His church immediately and originally..." (Page 61)

“Meanwhile every Christian has the right, according to the measure of grace given to him, to teach his fellow Christian, to rebuke, to strengthen, to comfort him...all true Christians have their spiritual priesthood.”
(Page105)

OUR DOCTRINAL STATEMENTS PROMOTE CONGREGATION’S RIGHTS

The doctrinal statement, Church and Ministry (Kirche und Amt), adopted by the Synod in 1851, Thesis IV (Theses on The Church), enunciates that the primacy of the Priesthood of Believers and the Rights of the Congregation:

This true Church of believers and saints it is to which Christ has given the keys of the kingdom of heaven. Therefore this Church is the real and sole holder and bearer of the spiritual, divine, and heavenly blessings, rights, powers, offices, etc., which Christ has gained and which are available in His Church.

In another doctrinal statement, The Brief Statement, adopted in 1932, this key teaching is further emphasized:

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... 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, etc.

The “Congregation’s Rights” has inestimable significance today in our Synod. As described in Heritage in Motion, (Aug. Suelflow, [Ed.], 1998. CPH, Church Polity, pp 145ff), it was not by accident that our Synod fathers formed a synod which guarded congregational polity and guarded against domination by ecclesiastical authority and that “A Task Force on Organization” in 1975 (Convention Res. 5-01A) saw itself as trying to preserve congregational polity. **Today, it is still a matter requiring a constant effort, convention after convention, year after year, to preserve the congregational polity of church government.**

OUR RESPONSIBILITY DOES NOT EVER END

We must be vigilant about remaining an advisory synod. While an advisory synod lacks the authority to have control over its members, its responsibility to advise, encourage, and support them is indeed substantial.

There is no Scriptural command for a synod. It is a human device and arrangement. A synod is not absolutely necessary. However, with an advisory synod congregations are free to govern themselves as they are free to participate in the synod “for enjoying fraternal consultation, supervision, and aid to spread the kingdom of God jointly and to make possible and accomplish the aims of the church in general” (C.F.W. Walther’s address, 1848 Convention). Such participation requires mutual responsibility and respect!

The historical position of the “Congregation’s Rights” must be honored and upheld by the advisory-synod in Synod’s resolutions, CCM opinions, ecclesiastical supervision, the practical applications of church and ministry, the mission and the world-wide mission. These must not limit or restrict the congregation’s right of direct mission decision and involvement. The historical position of the “Congregation’s Rights” must also be honored by the advisory-synod in Synod’s understanding and practice of the participation of the laity, the role and service of women, the role of the clergy, the use of resource materials, and in matters of worship and the congregation’s administration of the means of grace, etc.

A “Congregation’s Rights” is a divine matter. *“The church is free and lord of all, and the bishops ought not to dominate the faith of the congregations, not burden or oppress the congregations against their will” (Luther, LW 49, 384).* While congregations are never to ignore fellow Christians and Christian congregations (see Acts 15), the congregation’s self-governance must remain unaltered.

Our freedom to exercise our rights, however, have the limits of love.

“A congregation must not act arbitrarily, but in accordance with the principles of Christian love and charity” (Synod Bylaw 1.7.2).

In its covenant of Christian love, Synod and its members will avoid the extremes of absolute synodical supremacy and a congregational self-governance (autonomy) that has no regard for fellow congregations. The Synod and its congregations must always maintain the integrity of the Congregation’s rights.

Congregations have rights. ***Congregations Matter***©

APPENDIX A

THE RIGHTS, AUTHORITY AND RESPONSIBILITY OF EVERY CHRISTIAN:

1. Every Christian is a royal priest through faith in Christ and Holy Baptism and a recipient of all God's blessings or treasures (1 Peter 2:9; Ephesians 1:3).
2. Every Christian is a member of Christ's body and stands in a functional relationship to Christ and to his or her neighbor, especially fellow believers (1 Corinthians 12; Ephesians 4; Romans 12).
3. Every Christian seeks and is led, by the power of the Holy Spirit through the Word, to offer to God the spiritual sacrifice and worship life of love, service, prayer, praise, and thanksgiving, yes, one's whole and daily life and to view one's own body as a Temple of God (Romans 12:1ff; Hebrews 13:15-16; 1 Corinthians 6:19; 2 Corinthians 6:16).
4. Every Christian fully possesses and uses the means of grace, the Office of the Keys, the ministry of the Gospel (Matthew 16:18; Matthew 18; Matthew 28; John 20; John 3:27-29; 1 Corinthians 11:2; Ephesians 5:32; 1 Corinthians 3:21-23; Galatians 4:26; 1 Peter 2:9).
5. Every Christian is a "missionary" and has a spiritual ministry (not the pastoral office) to be a sent one by Christ to the world, to love, and to aid another; to share, teach or proclaim the Gospel; to disciple, admonish, reprove, absolve and comfort others; to judge and discern doctrine according to God's Word; and to pray for each other (See above and John 17:18; John 21: 21-23; 1 Corinthians 14:26 ff; Ephesians 4:12; 5:11, 19-20; 6:4; Colossians 3:12-17; 2 Corinthians 8:4; Romans 10:9; 1 Thessalonians 4:18).
6. Every Christian bears the sacred cross patiently and submissively (Luke 9:23; 14:27; James 1:2-4, 12).
7. Every Christian has a specific office, a vocation, a calling—a businessman, teacher, government official, DCE, plumber, nurse, pastor, etc.—all are led to do what they do. Therefore, no one should get puffed up and consider him/herself better than others (cf. Romans 12; 1 Corinthians 12; Philippians 2:1-5).
8. Together with other Christians, believers constitute a local congregation, establish the God-commanded office of the public ministry and call a pastor(s) as the shepherd and overseer of the flock and steward of the mysteries of God for the public administration of the Word and Sacraments (Titus 1:5-7; Acts 14:23; Acts 20:17, 28; 1 Peter 5:1-2; 1 Corinthians 4:1).

9. Together with other Christians in the congregation, they hear, follow and submit to their called pastor(s) as he faithfully proclaims the Word of God, as well as support, honor, encourage and admonish their pastor (Luke 10:16; Hebrews 13:17; 1 Thessalonians 5:12-13; 1 Timothy 5:17; Colossians 4:17).
10. Together with other Christians, they humbly yield before and serve one another in Christian love, strive for peace, harmony and unity and actively support and participate in the life, ministry, and mission of the congregation (1 Peter 4:10-11; Romans 12:4-8; Philippians 2:1-5; Colossians 3:12-14; 1 Thessalonians 4:9-10).

APPENDIX B

THE RIGHTS, AUTHORITY AND RESPONSIBILITY OF THE CONGREGATION (LOCAL CHURCH):

1. The Christian congregation is the gathering of Christians, the priesthood of believers, into local congregations by divine will around the Word and Sacraments existing for the purpose of being sent by Christ into the world for the eternal salvation of the lost.
2. The congregation is the immediate possessor of the ministry of the Gospel, the Office of the Keys (the administration of the Gospel).
3. The congregation has the authority and responsibility under Christ to establish its course to disciple Christ's redeemed, to bring Christ's rescue to the lost and His loving care to all people everywhere.
4. The congregation has the supreme and final jurisdiction (all decisions, the life of the congregation, the mission and ministry of the congregation, Christian discipline, etc.).
5. The congregation has the right, authority and responsibility to establish and maintain "church polity" for itself.
6. The congregation has the right of protection, care, advice, mutual aid and support as a member of the LCMS (Article III, 8, 9, Synod Constitution).
7. The congregation has the authority and responsibility to establish and maintain the divinely ordained office of the public ministry in that place and it may create an auxiliary office(s) as it may desire or deem necessary.
8. The congregation is a judge of doctrine according to the Word of God.
9. The congregation has the right, authority and responsibility of training, examining, electing, calling, ordaining pastors or entrusting the public office to a pastor. That includes the delegation and dividing of the office and functions as the needs and circumstances warrant. Some of these are exercised by the authority which the congregation entrusts to District/Synod.
10. The congregation has the authority and responsibility to honor all of those in the office of the public ministry as servants and representatives of Christ (love, support, care, prayer, aid in word and deed, assist, a Christ-centered "obedience", etc.).
11. The congregation has the right, authority and responsibility of the supervision of all those in the office of the public ministry (admonish, encourage, advise, comfort). The congregations have also entrusted the District President (Synodical President) with the responsibility of supervision.
12. The congregation has the right, authority and responsibility to remove from office those not meeting God's requirements for those holding the God-created public office.