

**Response to “Request for CTCR Opinion
Concerning Continued Eligibility of an Inactive *Emeritus* Member
Under Article VI of the Constitution of The Lutheran Church—Missouri Synod”**

Background and Request to the CTCR

In a letter dated September 7, 2009 a district president depicts a scenario in which an *emeritus* ordained member of The Lutheran Church—Missouri Synod (LCMS) is receiving Holy Communion in a member congregation of the Evangelical Lutheran Church in America (ELCA). Referring to the Synod’s Constitution, he then asks the Commission on Theology and Church Relations (CTCR) to give an opinion on two questions:

QUESTION I: Is reception of the Lord's Supper "[t]aking part in the services and sacramental rites" of a congregation, as that phrase is used in Article VI, Section 2 b of the Constitution?

If the answer to QUESTION I is yes, then;

QUESTION II: Is the reception of the Lord's Supper by a member of Synod, with a congregation that is a member of a church body that is not in church fellowship with The Lutheran Church—Missouri Synod (i.e., the ELCA), a failure of the membership requirement of "[r]enunciation of unionism and syncretism of every description" as that phrase is used in Article VI, Section 2 of the Constitution?

The district president notes that consideration was given to requesting an opinion from the LCMS Commission on Constitutional Matters (CCM), but the decision was made instead to request an opinion from the CTCR based on an earlier CCM decision regarding a similar issue. In a 2002 request, “Interpretation of Article VI 2 b (02-2278)” the CCM was asked: “Could you explain the exact meaning of Article VI 2 b of the Constitution which proscribes members of Synod from ‘taking part in the ... sacramental rites of heterodox congregations or of congregations of mixed confessions’; specifically, with reference to the celebration of the Lord’s Supper in heterodox congregations? Does this forbid members of Synod from communing in such congregations (presumably congregations not in fellowship with the LCMS) or does it only forbid members from being celebrant or helping in the distribution of the elements or some other service at the altar?”

The CCM declined to offer a specific response to this question, stating:

Article VI indicates that taking part in a service or sacramental rite of a heterodox congregation or a congregation of mixed confession is an act of unionism and syncretism. The specific questions are then: 1) What constitutes "taking part"? 2) What constitutes a "service"? 3) What constitutes a "heterodox congregation"? 4) What constitutes a "congregation of mixed confession"? The answer to these questions relates to a minister of religion's commitment to witness publicly and privately to the one and only Gospel set forth in the Holy Scriptures. Among the functions of the Commission on Theology and Church Relations is to "provide guidance to the Synod in matters of theology and church relations" (Bylaw 3.925 b). Thus this question should be directed to that commission.¹

¹ Commission on Constitutional Matters (of the LCMS), “Interpretation of Article VI 2 b (02-2278)”.

CTCR Response

As the CTCR has considered this request and the issues raised therein, it can offer only a limited response. While it can address certain issues raised in the district president's request in light of the CCM response cited above, it cannot respond directly to the specific questions raised.

1. The CTCR has addressed the matter of a Lutheran communing at the altar of a church with which his or her church body is not in doctrinal agreement. On page 25 of its 1983 report *Theology and Practice of the Lord's Supper* the CTCR asks: "Is it proper for a Lutheran to attend the Lord's Supper at the altars of churches not in doctrinal agreement with the church body of which he/she is a member?" It responds:

In accordance with the confessional nature of participation in the Lord's Supper (cf. pp. 19-23), and in agreement with Lutheranism's historic position, it is inappropriate to attend the Lord's Supper at non-Lutheran altars. Since participation in Holy Communion, Scripturally and confessionally understood, entails agreement in the Gospel and all its articles, it would not be appropriate to attend the Lord's Supper in a church with which such agreement is not shared.

What is said here about Lutherans in general (i.e., members of Lutheran congregations) certainly applies also to Lutheran pastors (*emeritus* or otherwise), who by virtue of their office bear a special responsibility "to witness publicly and privately to the one and only Gospel set forth in the Holy Scriptures" (see CCM response cited above). However, the response given in the CTCR's 1983 report does not answer the specific questions posed by the district president about "the continued eligibility of an inactive *emeritus* member under Article VI of the Constitution."

2. Certain *terminological* questions raised in the district president's request in reference to the CCM's 2002 Opinion—such as the definitions of "service," or of "heterodox congregation" or "congregation of mixed confession"—are matters which can be considered theologically. For example, in its 2001 report, *The Lutheran Understanding of Church Fellowship: Report on Synodical Discussions*, the CTCR addresses the question of the meaning of a "service" and defines it as "any occasion in which the Word of God is preached and prayer is made to Him by a fully authorized church worship leader." The document further notes that the same understanding of the meaning of a service was articulated by a 1973 Opinion of the Commission on Worship (with the concurrence of the CTCR), "What is a service?"²

² The complete reference on this topic is found on pages 10-11 of *The Lutheran Understanding of Church Fellowship: Report on Synodical Discussions*: "But what is meant by a public worship service? According to the historic LCMS understanding, a worship service is any occasion in which the Word of God is preached and prayer is made to Him by a fully authorized church worship leader. Thus worship services include not only regular Sunday services or other set times of worship (e.g., festival services, Lenten and Advent services), but also those in which worship takes place (e.g., weddings, funerals). Leading such services with those not in church fellowship with the LCMS violates the Synod's biblical and confessional commitments."

In the same document, footnote 1 (on pages 10-11) says: "In a 1973 opinion titled 'What Is a Service?' (with which the CTCR concurred) the Synod's Commission on Worship responded in part as follows to the question, 'Is a wedding ceremony a 'service' in the same sense as, for instance, Sunday morning worship?'

...any occasion on which a public worship of God occurs—that is, in which the Word of God and prayer are used by a regularly designated worship leader of the church—is understood to be a 'service.' This would therefore include not only those occasions regularly designated as worship services (e.g., the ordinary Sunday morning worship noted in the question above) but also occasions—such as weddings, funerals,

In a 1973 Opinion, “Statement on Lutheran/Non-Lutheran Marriage Ceremonies,” the CTCR defined the term heterodox as “those who hold theological opinions not in accord with our acknowledged standard,” namely, the Scriptures of the Old and New Testaments and the Lutheran Confessions. The CTCR’s 2000 document, *The Lutheran Understanding of Church Fellowship: Study Materials* indicates that the term “heterodox” is used simply to refer to false teaching.³ Specific definitions for these terms were also suggested in the CTCR’s 1991 study document *Inter-Christian Relationships: An Instrument for Study*.⁴ However, as the titles of the latter two documents indicate, both were intended for study and cannot be cited as “official statements” of the CTCR or of the Synod.

Moreover, the definition of these terms does not seem to be the decisive factor in the questions posed to the CTCR. For example, no one would deny that a service of Holy Communion would fall under the usage of “service” in Article VI of the Constitution. Additionally, our Synod is clearly on record that we do not consider the ELCA to be an orthodox Lutheran church body, and is therefore heterodox (2001 Res. 3-21A). Lastly, in the scenario as depicted, the congregation is of one confession and is not mixed. Therefore, none of these issues appear to be in dispute in the scenario in question.

3. What *remains* to be considered is the interpretation of the phrase from Article VI “*taking part* in the services and sacramental rites” of a congregation (emphasis added). This, clearly, is the critical question being posed in this request: what exactly does “taking part” mean “as that phrase is used in Article VI, Section 2 b of the Constitution?” It is precisely this question that the CTCR does not believe it can interpret *theologically* with any certainty. For example, the Synod has understood this expression as referring to being a co-officiant or worship leader in some capacity such as performing a Baptism, preaching, reading the lessons, offering the prayers, or conducting either the liturgy of the Word or of Holy Communion (see, e.g., 1973 Opinion of the CTCR, “Statement on Lutheran/Non-Lutheran Marriage Ceremonies”). Alternatively however, the expression itself could possibly refer to attending a service of worship and singing psalms and hymns and joining silently in public prayer. Obviously, one might also understand this expression to mean receiving Holy Communion in the service. Each of these examples is conceivable as a legitimate grammatical and theological way of understanding the phrase “taking part” in the services of a congregation. What is not clear is how “that phrase is used” or is intended to be understood or interpreted in Article VI of the Constitution.

The CTCR’s 1991 study document *Inter-Christian Relationships* offers this definition: “*Taking part in* such services and rites refers both to the conducting of worship services or portions thereof by pastors and to the official sponsorship or involvement of congregations as such in worship services, as distinguished from the occasional attendance by individuals at the services

dedications, baccalaureates, etc.—which may have an ad hoc assembly different from the regular congregational worship assembly. It should be noted, moreover, that there are other types of ‘service’ than just the ‘public’ occasions for worship. Thus when the congregation’s (or its delegated representative’s—e.g., mission board, association of congregations, etc.) officially designated worship leader (chaplain, pastor, etc.) carries out his regularly appointed ministerial functions (private Communion, etc.) in which the Word of God and prayer (also at times exposition of the Word and/or singing of hymns) form the major portion of such function, this also is rightly understood to be a congregational ‘service,’ albeit only a private or a semiprivate one.”

³ See page 7.

⁴ Page 19.

of heterodox denominations (such as weddings or funerals)” (p. 19). However, as noted above, this is a study document and has no official status in the Synod. Moreover, the definition offered in this study document does not provide an exact answer to the question before the Commission. It suggests that “taking part in” refers to conducting worship by pastors or congregational sponsorship of worship services. It then contrasts this with “occasional attendance,” but seems to refer more to such services as weddings and funerals than to the divine service of Word and Sacrament and does not address the issue of communing in such a service at all.

As to Article VI terms, one additional underlying question may be identified. Are the “members” in question in Article VI 2 congregational or individual members? In the wider context of Article VI, some references can only involve individual members (6). Sections 3, 4, and 5 refer primarily to congregations while others obviously refer to both congregations and individual members of Synod (1, 7). Section 2 a clearly refers to ministers and 2 c likely refers to both congregational and individual members. 2 b, however, is not completely clear in terms of its specific point of reference. This ambiguity increases the difficulty for the Commission to answer with any certainty the question of what Article VI 2 b means by “taking part.”

Given this uncertainty, the Commission on Theology and Church Relations cannot answer Questions 1 or 2 directly on the basis of the stated theological positions of the Synod or past CTCR reports or opinions. As noted in the CCM’s 2002 Opinion, the Commission is currently continuing its work on a longstanding assignment to give guidance concerning “inter-Christian relationships” (see 1981 Res. 3-03A). This assignment, however, does not include a specific request to provide a precise definition of the phrase “taking part” in Art. VI 2 b of the Synod’s Constitution.

It is the opinion of the CTCR that the meaning of the phrase “taking part in” within the context of Article VI 2 b *is a matter of interpretation based upon the original intent of our Synod’s fathers when they drafted the Constitution*. Its potential *theological* meanings are varied, as noted above. Its particular usage in the context of the Constitution of The Lutheran Church—Missouri Synod is a question, therefore, that can be rightly decided only by those who are charged with the responsibility for such interpretation, the Commission on Constitutional Matters.⁵

Conclusion

The Commission therefore cannot answer the first question posed to it regarding the meaning of the specific constitutional terminology, “taking part in.” The second question is asked provisionally, that is, the question applies only if the answer to the first question were Yes. Therefore it too cannot be answered by the CTCR.

Adopted by the CTCR
February 12, 2010

⁵ The CCM may wish to consult the Concordia Historical Institute or other historians on this matter.