

“A Person’s Informal Confession of Faith Must Also Be Considered”:

Reflections on the Use of Pastoral Discretion in the Administration of Holy Communion, with Special Reference to the Practice of the Evangelical Lutheran Synod

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I. The Unity of the Church in God’s Word

When David Chytraeus, in his *Catechesis*, asked the question, “For what reason was the Lord’s Supper instituted?,” the fourth part of his six-part answer was that the Lord’s Supper “is a mark or note of confession or doctrine.”¹ Chytraeus was referring to the unity of doctrine that is jointly confessed by those who commune together, in the very act of their communing together. This is not to be understood as a man-made unity based on human reason, negotiated compromise, or shared indifference, but is a unity that is based on, and created by, the teachings of God’s Word – since “the Word of God shall establish articles of faith and no one else, not even an angel.”² Such a godly and God-given unity is expressed at the Table of the Lord, when the Lord’s disciples unite there in receiving their Savior’s true body and blood. They thereby show forth the fact that “we who are many are one body, for we all partake of the one bread” (1 Corinthians 10:17b, ESV); and they demonstrate once again that “as often as you eat this bread and drink the cup, you proclaim the Lord’s death until he comes” (11:26, ESV). Here we have an ongoing point of intersection involving the interrelated and overlapping doctrines of the Lord’s Supper, of the church, and of church fellowship.

When the church’s *unity* in the faith is challenged, by challenges to the *faith* in which the church is united, the admonition of St. Jude is to be heeded by all who love God and his truth: “Beloved, although I was very eager to write to you about our common salvation, I found it necessary to write appealing to you to contend for the faith that was once for all delivered to the saints” (Jude 3, ESV). And Jude also admonishes us that when such who have denied this revealed and delivered faith are nevertheless allowed to commune in an otherwise orthodox congregation, “These are blemishes on your love feasts” (12a, ESV).

Positively, St. Paul directly links the harmony and the unified voice of a shared confession of the truth, which God wants for those who belong to his church, to the instruction that God’s people receive together from the inspired Holy Scriptures:

For whatever was written in former days was written for our instruction, that through endurance and through the encouragement of the Scriptures we might have hope. May the God of endurance and encouragement grant you to live in such harmony with one another, in accord with Christ Jesus, that together you may with one voice glorify the God and Father of our Lord Jesus Christ. Therefore welcome one another as Christ has welcomed you, for the glory of God. (Romans 15:4-7, ESV)

And negatively, St. Paul explains that the unity and fellowship of the church is *broken* by those who turn aside from the instruction of the Scriptures. In view of the divisions that those who embrace and promote error are causing, they are not to be “greeted” in the specific sense of being welcomed to the fellowship of the Lord’s Table. With reference to the original, ancient version

of the *Pax Domini* fraternal greeting that was and is exchanged by minister and members before their communion, the apostle both encourages and warns the church as follows:

Greet one another with a holy kiss. All the churches of Christ greet you. I appeal to you, brothers, to watch out for those who cause divisions and create obstacles contrary to the doctrine that you have been taught; avoid them. (Romans 16:16-17, ESV)

The kind of confessional unity in all revealed articles of faith that Paul teaches is necessary for the outward fellowship *of* the church, has its basis in the Lord's own great commission *to* the church. Before his ascension, Jesus said:

“All authority in heaven and on earth has been given to me. 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, teaching them to observe all that I have commanded you. And behold, I am with you always, to the end of the age.” (Matthew 28:18b-20, ESV)

And St. Paul accordingly expresses his wish for the church to be firm and faithful in its stewardship and guardianship of the unchanging truth of God that has been entrusted to it:

God is faithful, by whom you were called into the fellowship of his Son, Jesus Christ our Lord. I appeal to you, brothers, by the name of our Lord Jesus Christ, that all of you agree and that there be no divisions among you, but that you be united in the same mind and the same judgment. (1 Corinthians 1:9-10, ESV)

In the Book of Acts, St. Luke describes the church's interlocking and organic unity – in its common adherence to apostolic doctrine, in its mutual sacramental participation, and in its shared liturgical prayer – as he recounts the constructive consequences of St. Peter's preaching on the Day of Pentecost. Luke notes that “those who received his word were baptized” and added to the church, and that all the members of the church then “devoted themselves to the apostles' teaching and fellowship, to the breaking of bread and the prayers” (Acts 2:41-42, ESV).

There is a postmodern tendency in the Christendom of our day to confuse and blur together a Christian's obligation to believe and confess the whole apostolic faith, and a Christian's obligation to be loving toward others. But this is not a new problem. Martin Luther, too, had to address this confusion in his ongoing battle with the Sacramentarians of his day. His disentangling of these related but distinct obligations, on the basis of God's Word, can still be of great help to us:

...we reply [to the sectarians] with Paul: “A little yeast leavens the whole lump” [1 Cor. 5:6]. In philosophy a tiny error in the beginning is very great at the end. Thus in theology *a tiny error overthrows the whole teaching*. ... Doctrine belongs to God, not to us; and we are called only as its ministers. Therefore we cannot give up or change even one dot of it (Matt. 5:18). ... On this score we cannot yield even a hairbreadth. *For doctrine...cannot be divided; that is, it cannot stand either subtraction or addition*. ... We are surely prepared to observe peace and love with all men, provided that they leave the doctrine of faith perfect and sound for us. If we cannot obtain this, it is useless for them to demand love from us. A curse on a love that is observed at the expense of the doctrine of faith, to

which everything must yield... If they believed that it is the Word of God..., they would treat it with the utmost respect; they would put their faith in it without any disputing or doubting; and they would know *that one Word of God is all and that all are one, that one doctrine is all doctrines and all are one, so that when one is lost all are eventually lost, because they belong together and are held together by a common bond.* ... It belongs to love to bear everything and to yield to everyone. On the other hand, it belongs to faith to bear nothing whatever and to yield to no one. Love yields freely, believes, condones, and tolerates everything. Therefore it is often deceived. ... In the issue of salvation, on the other hand, when fanatics teach lies and errors under the guise of truth and make an impression on many, there love is certainly not to be exercised, and error is not to be approved. For what is lost here is not merely a good deed done for someone who is unthankful, but the Word, faith, Christ, and eternal life. *Therefore if you deny God in one article of faith, you have denied Him in all; for God is not divided into many articles of faith, but He is everything in each article and He is one in all the articles of faith.* ... *With the utmost rigor we demand that all the articles of Christian doctrine, both large and small – although we do not regard any of them as small – be kept pure and certain.* This is supremely necessary. For this doctrine is our only light, which illumines and directs us and shows the way to heaven; if it is overthrown in one point, it must be overthrown completely. ...we shall be happy to observe love and concord toward those who faithfully agree with us on all the articles of Christian doctrine. ... “One dot” of doctrine is worth more than “heaven and earth” (Matt. 5:18); therefore we do not permit the slightest offense against it. ...by the grace of God our doctrine is pure; we have all the articles of faith solidly established in Sacred Scripture.³

In order for there to be a God-pleasing ecclesiastical fellowship among pastors and churches, every Biblically-revealed article of faith must be mutually believed and confessed by those pastors and churches. Luther insists on this. This fellowship would ordinarily be a *publicly-declared* fellowship, and a *reciprocally-recognized* fellowship; and it would by necessity *exclude* any pastors and churches that do *not* believe and confess the fullness of revealed Christian truth. Specifically in a Confessional Lutheran context, this could mean that even certain groups and parties that identify themselves as “Lutheran” may also need to be excluded. For example, those Lutheran pastors and churches that subscribed to the Formula of Concord of 1577 were not only acknowledging their fellowship with each other, but they were also thereby declaring that they were *not* in fellowship with Philippist and Flacian “Lutherans.”

II. Patience with the Weak

St. Paul (together with the other writers of the New Testament) is abundantly and repeatedly clear in his teaching that the outward unity of the church requires all its members to be joined together in the same faith, and in a confession of the same faith. But Paul would also encourage the church and its pastors to be patient with those who are *weak* in their personal faith and understanding – that is, with those who, while not deliberately and persistently denying anything that the Scriptures teach, may still struggle to grasp fully everything that God has revealed, or to perceive clearly how God’s Word properly works itself out practically in the life of the church and in the lives of individual believers. Paul therefore writes:

I therefore, a prisoner for the Lord, urge you to walk in a manner worthy of the calling to which you have been called, 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.
(Ephesians 4:1-3, ESV)

He likewise tells St. Timothy – and through him, all Christian pastors and teachers of all times and places – to “preach the word; be ready in season and out of season; reprove, rebuke, and exhort, with complete patience and teaching” (2 Timothy 4:2, ESV). One who is weak, then, is not to be cut off from the fellowship of the church, but is to be brought ever more deeply *into* the fellowship of the church, by patient and loving instruction. “As for the one who is weak in faith, welcome him...” (Romans 14:1a, ESV). All of this is done in imitation of the graciousness and gentleness of Christ, of whom we are told that “a bruised reed he will not break, and a faintly burning wick he will not quench” (Isaiah 42:3a, ESV).

As we would expect, Luther also holds that evangelical patience – in the spirit of Christ’s patience with us in our weakness – is to be exercised by mature and well-grounded pastors and churches with respect to those who are still in a learning process; and who may not yet fully apprehend everything that God’s Word teaches, or fully understand all the practical implications of what God’s Word teaches. In 1536, Luther and his Wittenberg colleagues were involved in doctrinal discussions with representatives of the Church of England. Based on how well these discussions seemed to have gone, there was a genuine hope on the part of many that a God-pleasing agreement could be reached, and church fellowship formally established. A tentative document, known as the “Wittenberg Articles,” had been prepared, largely under Luther’s influence, as a part of these discussions. After the English delegation had returned to England, where those articles were now under review, and where King Henry VIII was now also examining them, Luther penned a letter concerning this document – and this whole process – to Francis Burchart (the Vice-Chancellor of Electoral Saxony). Luther was very balanced and even-handed in the approach that he took in this letter. He wrote:

Since my Most Gracious Lord [the Elector] has requested an answer to the question of how far one could go in making concessions to the King of England regarding the articles, it is my judgment, dear Mr. Vice-Chancellor, that in this matter we are unable to concede anything beyond what has been already conceded. If one wishes to talk about the issues or to formulate the results in different words it suits me fine (so that we do not appear to be contemptuous of the ability of other people). Yet it is impossible that the articles and the central points be believed or taught differently. ... Of course it is true that *one must patiently realize that in England not everything can be abruptly put into practice according to the teaching (just as among us it also did not go swiftly)*. Nevertheless the central points must not be changed or abandoned.⁴

Luther expresses himself in this kind of balanced and even-handed manner also in his “Brief Confession Concerning the Holy Sacrament” of 1544:

For it is certain that whoever does not rightly believe in one article of faith, or does not want to believe (after he has been admonished and instructed), he surely believes no article with an earnest and true faith. And whoever is so bold that he dares to deny God or to accuse him of lying in one word, and he does this maliciously in opposition to that about which he was once or twice admonished and instructed, he also dares (and he certainly does it, too) to deny God in all of his words and to accuse him of lying. For this reason we say that everything is to be believed completely and without exception, or

nothing is to be believed. The Holy Spirit does not let himself be divided or cut up so that he should let one point be taught and believed as trustworthy and another as false – *except in the case where there are weak believers who are willing to let themselves be instructed and are not stubbornly opposing his truth*. Otherwise, if this attitude should obtain that it does not harm anyone if he desires to deny one article of the faith because he still regards all the others as true (although basically this is impossible), then no heretic would ever be condemned, indeed, there could not even be a heretic on earth. For it is characteristic of all heretics that they start by denying one article of the faith; after that, all the articles must suffer the same fate and they must all be denied, just as the ring, when it gets a crack or a chink, is totally worthless. And if a bell cracks at one place, it does not chime any more and is completely useless.⁵

C. F. W. Walther wisely observes that “The church militant must indeed aim at and strive for complete unity of faith and doctrine, but it never will attain a higher degree of unity than a fundamental one.”⁶ John P. Meyer (of the Wisconsin Synod) elaborates on Walther’s sentiment when he writes that

Those are in fundamental agreement who, without any reservation, submit to the Word of God. When the Word of God has spoken in any matter, that matter is settled. There may be things that some men have not yet found in their study of the Bible; there may be matters with reference to which they have accustomed themselves to an inadequate mode of expression; yet, no matter what their deficiency may be, they are determined to accept the Bible doctrine. Where such is the case, there is fundamental agreement. ... A fundamental agreement is all the church can ever hope to attain here on earth. We are not all equally gifted; one has a much clearer and a much more comprehensive insight into God’s doctrines than another. We all strive to grow daily in understanding. Besides, when once we have accustomed ourselves to a faulty or an inadequate expression, it is not only difficult to unlearn the particular phrase and to acquire a proper one, but the inadequate term may tend also to warp our views on other points. Yet, in spite of all such differences, where there is an unconditional willingness to hear what God has to say in his Word, there is fundamental agreement.⁷

The *Confessional Lutheran* belief in the necessity of fundamental agreement in all revealed articles of faith, for the recognition and practicing of church fellowship, should not, of course, be confused with the *unionistic* belief in the necessity of agreement only in the so-called fundamental articles of faith. “Fundamental agreement” is not the same as “agreement in fundamentals.” According to the Augsburg Confession,

it is enough for the true unity of the church to agree concerning the teaching of the gospel and the administration of the sacraments. It is not necessary that human traditions, rites, or ceremonies instituted by human beings be alike everywhere. As Paul says [Eph. 4:5,6]: “One faith, one baptism, one God and Father of all...”⁸

The point of comparison here is between a pure and orthodox teaching of the gospel and a right administration of the evangelical sacraments, on the one hand; and human traditions and ceremonies on the other. The point of comparison is *not* between the gospel minimalistically defined and the sacraments on the one hand, and other less important articles of faith on the other – as ecumenically-minded Lutherans often maintain. Such attempts to smuggle into the Book of

Concord a demand for unity only in fundamental doctrines, rather than a demand for fundamental unity in all doctrines, are both misguided and anachronistic. This is made clear by the Formula of Concord's elaborations and clarifications on this matter, when it says that "the churches are not to condemn one another because of differences in ceremonies when in Christian freedom one has fewer or more than the other, as long as these churches are otherwise united *in teaching and in all the articles of the faith* as well as in the proper use of the holy sacraments."⁹

III. Confessing and Living Out the Unity of the Church

In the Smalcald Articles, Luther explains why "the pope is not the head of all Christendom 'by divine right' or on the basis of God's Word," and why the church on earth does not require something like the papacy even as a practical matter. In considering the legitimate need for "the unity of Christendom" to be "preserved against sects and heretics," Luther does not concede that a pope is required for this, but he suggests instead that "the church cannot be better ruled and preserved than if we all live under one head, Christ, and all the bishops – equal according to the office (although they may be unequal in their gifts) – keep diligently together in unity of teaching, faith, sacraments, prayers, and works of love, etc. So St. Jerome writes that the priests at Alexandria ruled the churches together in common, as the apostles also did and afterward all bishops throughout Christendom, until the pope elevated himself over them all."¹⁰

Luther lists here some of the important ways in which orthodox bishops and pastors mutually strengthen and affirm their unity under Christ and his Word. This includes joint use of the marks of the church (the means of grace), as well as joint participation in spiritual activities that flow from, and testify to, a common adherence to these marks. Since these confessional actions testify to a fundamental unity in faith on the part of those who together engage in them, these actions would in principle *not* be engaged in with those who do *not* confess, or adhere to, the pure marks of the church.

Perhaps the most obvious example of this is joining together in the Lord's Supper, since – as Martin Chemnitz states – "fellowship at the Lord's table is a testimony of consensus, harmony, and unity in doctrine and faith, as Paul says: 'We who are many are one body, for we all partake of the one bread' (1 Cor. 10:17)."¹¹ But this is not the only religious act or activity that properly testifies to a "consensus, harmony, and unity in doctrine and faith" on the part of those who are together engaging in it. The Synod of Laodicea, held around 363 or 364 A.D., testifies to the doctrine and practice of the ancient orthodox church in its decree that "No one shall join in prayers with heretics or schismatics."¹² In keeping with this apostolic and patristic norm, Luther states in his "Lectures on Galatians" that

we will gladly maintain love and harmony with those who like ourselves have a Christian view concerning all of the articles of Christian doctrine. Yes, so far as we are concerned, we will also gladly live in peace with our enemies. We shall *pray for* those who out of ignorance ridicule our doctrine and persecute us. But we cannot maintain peace with those who knowingly and deliberately and in conflict with their consciences do violence to one or more articles of Christian doctrine.¹³

In an attempt to resolve a twentieth-century controversy among the synods that then belonged to the Evangelical Lutheran Synodical Conference of North America, the "Overseas

Brethren” of the Synodical Conference prepared and offered thirteen theses on “Fellowship in Its Necessary Context of the Doctrine of the Church,” the last three of which are:

11. The marks of the church are all-decisive. Everything must be referred to them. This duty is hindered by presumptuous judgments or statements concerning the faith or lack of it in individuals. It is Enthusiasm to build on subjective faith (*fides qua*) and love, for faith is hidden and love is variable. Both are in man. The means of grace are objective, solid, apprehensible. Since these are God’s own means, we must attend entirely upon them and draw from them the distinction between the orthodox church and heterodox churches. ...

12. The fellowship created by Word and sacraments shows itself fundamentally in pulpit and altar fellowship. It can show itself in many other ways, some of which, like prayer and worship and love of the brethren, the church cannot do without; others of which, like the holy kiss or the handshake or the reception into one’s house, vary from place to place and from time to time. In whatever way the fellowship created by Word and sacraments shows itself, all visible manifestations of fellowship must be truthful and in accordance with the supreme demands of the marks of the church. The “sacred things” (*sacra*) are the means of grace, and only by way of them is anything else a “sacred thing” (*sacrum*). Acts 2:41-47; 1 Cor. 1: 10; cf. 15:1-4; 10:16,17; 11:22-34; 12:13; ch. 14; 2 Cor. Chs. 8,9. ...

13. Prayer is not one of the marks of the church and should not be coordinated with Word and sacraments, as though it were essentially of the same nature as they. As a response to the divine Word, it is an expression of faith and a fruit of faith, and when spoken before others, a profession of faith. As a profession of faith it must be in harmony with and under the control of the marks of the church. Dan. 9:18; Acts 9:11; Gal. 4:6; Rom. 10:8-14; 1 Tim. 2:1,2; Acts 27:35. – Ap XIII:16; XXIII:30,31; LC, Lord’s Prayer: 13-30.¹⁴

Unfortunately this attempt failed, and the Synodical Conference was dissolved in 1967. A division – over the doctrine of church fellowship – had already taken place among its affiliate synods, with the Wisconsin Evangelical Lutheran Synod and the Evangelical Lutheran Synod remaining in fellowship with each other, while mutually severing their previous fellowship with the Lutheran Church – Missouri Synod, because of that body’s departures from what had been the common teaching of all the synods.¹⁵

IV. Pastoral Discretion in the Practicing of Fellowship in Today’s Church

It is, of course, important always to remember – as Gaylin R. Schmeling would remind us – that

The principles of church fellowship set forth in the Scriptures...are not legalistic rules but loving directives of the Lord for the good of his church. They must be applied in the spirit of the gracious Savior who loved us so much that he gave his life for us. There will be times when prayer together with other Lutheran Christians or even with Christians of other denominations may be proper, such as when it is apparent that their membership in the false church body is the result of a weak faith which does not fully understand the error of the church body, or it is clear that they actually do not share in the error at all. In such situations one must consider more than the confession of their church membership.

There will be times when it will be necessary to attend the worship services of an erring church, such as at the wedding or funeral of a loved one. Here care must be taken so that such attendance is not understood as agreement with the doctrine of the erring church. The highly individualistic spirit of the times and the abandonment in practice of formal confessions of faith by many church bodies have resulted in many individuals being put in a state of flux regarding their religious convictions and confessions. They do not necessarily hold to the teaching of the church body to which they belong. They may indeed be open to instruction from the Word and may be seeking direction. When such individuals come to us, we cannot always deal with them solely on the basis of their formal confession of faith which they make by their formal church membership. One has to also consider their informal confession of faith. However, this informal confession too must be considered on the basis of the true marks of the church.¹⁶

Also in this spirit is a *Gutachten* that was prepared jointly by officials of the WELS and of the ELS in 1976. The primary authors of this document were Carl J. Lawrenz (WELS) and Theodore A. Aaberg (ELS), but the document was approved, and jointly issued, by the WELS Commission on Inter-Church Relations and the ELS Board of Theology and Church Relations.¹⁷ It was drafted in the context of discussions that had been taking place with representatives of the Conference of Authentic Lutherans, which was comprised of congregations that had withdrawn from the Lutheran Church – Missouri Synod for doctrinal reasons a few years earlier, and that were now seeking to solidify fellowship relations with the WELS and the ELS.¹⁸ But these congregations also had informal relationships with certain individuals who still held membership in the LCMS – although those individuals (within the LCMS) were in a state of protest against the errors of the LCMS. The CAL representatives wanted to know if, according to the standards for pastoral care and evangelical practice that were considered to be normative in the WELS and in the ELS, their pastors would be recognized as having the discretion to be able to make judgments in specific cases regarding the practicing of church fellowship with such individuals. The answer they received was this:

Do we hold that the exercise of church fellowship, especially prayer and altar fellowship, can be decided in every instance solely on the basis of formal church membership, that is, on whether or not the person belongs to a congregation or synod in affiliation with us? No. Ordinarily this is the basis on which such a question is decided since church fellowship is exercised on the basis of one's confession to the pure marks of the church, and ordinarily we express our confession by our church membership. There may be cases in the exercise of church fellowship where a person's informal confession of faith must also be considered. This is especially true regarding the weak. But whether one is guided by a person's formal or informal confession of faith, in either instance it must in principle be a confession to the full truth of God's Word. In addition, special care must be exercised so as not to cause offense to others or to interfere with another man's ministry. Further, we are not to judge harshly concerning the manner in which a brother pastor after much agonizing handles such difficult cases.¹⁹

When the *Gutachten* speaks of "the weak" in this context, it is referring specifically to those whose weakness lies in the area of not fully appropriating, or not consistently applying, the doctrine of church fellowship, with respect to their own outward ecclesiastical affiliations and associations. "The weak" therefore include professing Lutherans who are not formally in fellowship with a congregation where pastoral care and Christian fellowship are being sought,

even though they are in fundamental agreement with the teachings of that congregation as far as their own informal, personal confession of faith is concerned.

Insofar as the activities of praying together and communing together both function as expressions of religious fellowship, and as mutual testimonies of a fundamental unity in faith, they are considered together in the *Gutachten*. But practical exceptions in the area of joint prayer with weak Christians with whom we are not formally in fellowship, are made much more often than practical exceptions in the area of joint participation in the Lord's Supper with such people,²⁰ because participation in the Lord's Supper is also *much more* than an expression of religious fellowship and a mutual testimony of unity. For each communicant it is also and chiefly a direct and personal encounter with Christ, and an actual partaking of Christ's true body and blood; and is therefore to be preceded by focused pastoral instruction and pastoral examination, and also by a careful self-examination before every communion.²¹

The Apology of the Augsburg Confession states that "Every Lord's Day many in our circles use the Lord's Supper, but *only after they have been instructed, examined, and absolved.*"²² And in view of St. Paul's serious warning about communing in an unworthy manner, the Formula of Concord (quoting the Wittenberg Concord) acknowledges "that the body and blood of Christ are truly distributed even to the unworthy and that the unworthy truly receive the body and blood when the sacrament is conducted according to Christ's institution and command. But they receive it to judgment, as St. Paul says [1 Cor. 11:27-32], for they misuse the holy sacrament because they receive it without true repentance and without faith."²³ But still, even with these heightened concerns, the *Gutachten* does indicate that practical exceptions for those who are not formally in fellowship with the congregation in question, even with respect to admission to the Sacrament of the Altar, can sometimes be made, and under certain circumstances should be made.

The *Gutachten* recognizes these pastoral judgments to be matters of casuistry, involving specific cases of pastoral care where conflicting or seemingly conflicting Biblical principles need to be weighed and prioritized, and a decision needs to be made regarding a course of action in each case that best honors God, and best reflects God's loving will for the church as a whole and for individual souls. When a question arises regarding a pastor's offering of spiritual care – including also the offering of the Lord's Supper – to someone who is not formally in fellowship with that pastor, the answer will not always be an inflexible and automatic "No." (And of course it will certainly not always be an automatic "Yes," either.)

The *Gutachten* does not simply address the specific casuistic cases that CAL pastors were at that time dealing with, but it lays down some general guidelines that can be applied, and worked through, also in other similar circumstances. Those other kinds of circumstances over the years have involved situations such as conservative LCMS military personnel and their families who are stationed, for longer or shorter periods of time, in the parish area of a WELS or ELS congregation; conservative LCMS university students who are away from home, in residence at an academic institution in a community that is served by a WELS or ELS congregation; and conservative LCMS seasonal migrants to "Sun Belt" states who spend their winters in communities where a WELS or ELS congregation is located. If such people worship exclusively at the WELS or ELS church during their time of residence in that church's parish area, and if they express a desire to receive the Lord's Supper there, what will the response be?²⁴

The *Gutachten* guides conscientious pastors in their consideration of the pertinent factors that should be taken into account in such circumstances, and in their consideration of the type of questions that they should be asking as they seek to be faithful “servants of Christ and stewards of the mysteries of God” (1 Corinthians 4:1, ESV). For example: *Should* this person, ideally, *be* in formal fellowship with us, because of what he or she actually believes and confesses – even if his or her fellowship relationships are currently in a state of flux, and are still in the process of being sorted out, due to the confusing ecclesiastical situation of our day? Is this person’s need for pastoral care a relatively urgent need, or a relatively long-term need? Will a testimony of compromising God’s truth appear to be given to others (or to the individual in question), if such pastoral discretion is exercised in this case, or in this context? Will the faith of the person who is seeking pastoral care be unnecessarily harmed, if such pastoral discretion is *not* exercised in this case, or in this context? And is this person open to further instruction regarding the importance of a Christian’s outward ecclesiastical affiliations being brought into accord with his or her actual beliefs?

The possible admission of someone from outside the formal fellowship of a Confessional Lutheran congregation, to the Lord’s Supper within that congregation, would at the very least presuppose that this person identifies as a Lutheran: that is, that he or she has been catechized in the chief parts of Christian doctrine as confessed in the Evangelical Lutheran Church, and professes to believe that doctrine.²⁵ In this respect, someone from a non-fellowship *Lutheran* background, who personally adheres to a conservative understanding of Lutheran teaching, and who is seeking to commune with us, would not be treated or responded to in the same way as someone from an overtly heterodox and non-Lutheran background who is seeking to commune with us.

And even if an orthodox pastor reaches the judgment that a visiting Lutheran from outside his congregation’s fellowship should refrain from communing (which would probably be the case more often than not), it would still be good for that pastor (and all pastors) always to remember what Aaberg writes elsewhere regarding this subject. In considering the way in which an ELS pastor would be advised to deal with situations in which “Lutherans from heterodox Lutheran churches present themselves for communion in our churches,” Aaberg suggests that “some visitors” in this category may change their minds, and decide that they do “not want to commune at our altars” after all, when it is explained to them that “By participation in the Lord’s Supper one is confessing a common faith with the others communing at the same altar.”²⁶ He continues by noting, however, that

Perhaps more vexing, in this connection, is the case of a conservative Lutheran, who still holds membership in his old church which has become increasingly liberal. Privately and informally he may stand with us confessionally, but one has to consider his formal church membership too, and the danger of giving offense to others by his participation at the Lord’s Table with us.²⁷

But even with these cautions in place, Aaberg goes on to say:

We would plead for this, that our pastors do not simply lump all would-be communion participants from outside our fellowship into one category, and give one stock answer to all, namely, only members of our own church or sister churches can commune with us. That does not do justice to our position. Nor is it fair to the people in question.²⁸

V. Pastoral Discretion in the Practicing of Fellowship in the Nineteenth Century

C. F. W. Walther was the chief theologian of the Missouri Synod in the nineteenth century. Under his leadership, the Missouri Synod was, at that time in history, a bulwark of Lutheran orthodoxy. In Thesis X of his 1870 essay on “Communion Fellowship,” Walther writes that

Holy Communion is also a mark of confession of the faith and doctrine among those with whom one celebrates it. Therefore the admission of members of heterodox fellowships to the celebration of Communion within the Lutheran church is in conflict with: 1. Christ’s institution; 2. The commanded unity of the church in faith and corresponding confession; 3. Our love for the one to whom the Sacrament is administered; 4. Our love for our own fellow believers, especially the weak who by this action would be given grievous offense; 5. The command not to become participants in the sins and errors of others.²⁹

Walther is chiefly thinking of situations where lax or nominal Lutheran pastors might admit to the Lord’s Supper guests from Reformed or sectarian churches who do not even *profess* to be Lutherans – as would have been done in the so-called “American Lutheran” congregations and synods of the General Synod of the Evangelical Lutheran Church in the United States of America of that time. In his explication of this thesis, Walther explains why only “Lutherans” should be admitted to communion in a Lutheran church, and why “Calvinists” and other non-Lutheran sectarians should not be admitted.³⁰ Elsewhere in this essay Walther states that, “As necessary and important as it therefore is to testify above all over against the Reformed and the union churches that the sacraments are true means of grace and pledges for our faith, yet the time has now also come when we must confess over against the unionistic Lutherans that the sacraments are also marks and bonds of worship [fellowship] and of fraternal fellowship in faith.”³¹

Even though the General Synod paid lip service to the Augsburg Confession as a basic summary of its faith, it was characterized by severe confessional laxity, and even by an uncritical toleration of Zwinglian and similar errors in regard to the doctrine of the Lord’s Supper. Over time a more strictly Confessional element did arise within its ranks – under the leadership of Charles Porterfield Krauth – which sought to call and lead the General Synod as a whole to return to a proper Lutheran faith and practice. But their efforts bore little fruit. At its 1864 convention, the General Synod had received into membership a regional synod that did not acknowledge the Augsburg Confession in any way. In protest, the delegates of the Pennsylvania Ministerium withdrew from the convention. At the next General Synod convention – in Fort Wayne, Indiana, in 1866 – the Pennsylvania Ministerium delegation (which included Krauth) was not allowed to be seated until it applied for readmission to the General Synod. The Ministerium’s action at the previous convention was being treated as a severing of its affiliation with the general body. The controversy that ensued from this official snubbing consumed most of the convention. A few weeks later the Pennsylvania Ministerium did dissolve its connection with the General Synod, and several other regional synods followed suit. In 1867 those synods joined together in the organization of a new general body, called the General Council of the Evangelical Lutheran Church in North America.

During that contentious Fort Wayne convention in 1866, at a time when the Pennsylvania Ministerium still considered itself to be a member synod of the General Synod,

On the Sunday between the sessions the Ministerium delegation worshiped *and received Holy Communion* at the Missouri Synod's St. Paul's Lutheran Church where Wilhelm Sihler was pastor. The fervent hope was expressed that the day would soon come when America's Lutherans would be one.³²

At the time, not everyone in the Missouri Synod thought that Pastor Sihler had made the correct judgment in admitting the Pennsylvania Ministerium delegates to the sacrament in his church, before a formal ecclesiastical relationship between the Ministerium and the Missouri Synod had been established. And as it turned out, the Pennsylvania Ministerium did not in fact enter into fellowship with the Missouri Synod, but participated instead in the formation of the General Council, of which the Missouri Synod was never a member.³³

Indeed, in these kinds of casuistic pastoral judgments, different Confessional Lutheran pastors may ultimately arrive at different decisions regarding the best way to proceed in a certain kind of extraordinary situation. Upon reflection and in the clarity of hindsight, a pastor may also come to regret the way in which he had handled certain situations in the past, and seek to learn from his mistakes as he moves forward in his ministry. What Armin W. Schuetze said in the twentieth century, concerning "cases of casuistry," applies to Lutherans in all centuries:

In such cases not everyone may arrive at the same conclusion, depending upon a person's knowledge and understanding of the circumstances. Care must also be taken that we do not hastily pass judgment on one another when we disagree with the way a certain case of casuistry was handled in a sister congregation or by a brother pastor. We may not know all the circumstances that led to the course of action that was followed. We must, however, assure ourselves that we agree on the scriptural principles.³⁴

VI. Pastoral Discretion in the Practicing of Fellowship in the Sixteenth Century

The kind of pastoral discretion in special situations that we have been discussing – concerning the admission to communion of someone who is not formally affiliated with the church where he wishes to commune, but who nevertheless personally confesses the faith of that church – was also permitted and encouraged by Luther. Tom G. A. Hardt writes that the Lutheran churches in Luther's time

formed a conscious, confessionally minded fellowship, knowing about its borders from the very beginning. It is wrong to assume that this consciousness grew only gradually, as time passed on, and the souls hardened in their attitude of defense. We can see this in the formulations by Luther's closest friend, the Bishop of Naumburg, Nikolaus von Amsdorf, when he excommunicated a priest who had committed the blasphemous and heretical act of distributing an unconsecrated host at the celebration of the sacrament. This man was not to be tolerated "in our Christian church," that is "in the fellowship of all Wittenbergian Christian churches." The word "Wittenbergian" here apparently serves as the name of a denomination, pointing to churches that received each other's communicants but also accepted the excommunication issued by one particular church or bishop. *In principle this fellowship reached also outside the churches that had passed through the reformation of the Latin church at the beginning of the sixteenth century.* In one case Luther is known to have issued a letter of recommendation for an Ethiopian deacon Michael. The intention is apparently to make it possible for Michael to receive the

sacrament; the similarity between the outward forms of the Lutheran and Ethiopian eucharistic liturgy being stressed. Michael was said to have accepted all our articles of faith, “omnibus nostris articulis.”³⁵

In a 1538 Table Talk remark, Luther recalled this deacon’s visit to Electoral Saxony: “Three [*sic*] years ago there was an Ethiopian monk with us here, with whom we had discussions through an interpreter, and, having finished with all our articles, he said: ‘This is a good creed, that is, faith.’”³⁶ Presumably the Ethiopian had reviewed, and discussed with Luther, all the doctrinal articles of the Augsburg Confession. (Luther was, by the way, slightly off in his memory, since the Ethiopian had visited Wittenberg *four* years earlier.) Communicating with this deacon from the Ethiopian Orthodox Church was not easy. During the time of Deacon Michael’s visit in 1534, Philip Melanchthon wrote to a friend, concerning the deacon, that

He spoke a few things with Luther through an interpreter who knows Italian, who is our student. He [the student] says that he [the Ethiopian] speaks very broken Italian ... He knows very little Latin. This much about the Trinity he said to Luther: that the opinion of the eastern church agrees with the western church. We are not able to converse sufficiently since he does not know any western language enough, neither Latin nor Italian nor Greek. I asked whether he knew how to write Greek; he said that he did not know the Greek letters, but I believe he knows some everyday Greek, just as he knows Italian.³⁷

Luther was nevertheless confident enough in his understanding of Deacon Michael’s confession of faith, and in Deacon Michael’s comprehension of what the Lutherans were teaching – with which he expressed full agreement – to write this letter of recommendation, also in 1534, to any Lutheran pastor to whom the Ethiopian visitor might present himself:

There has been with us in Germany, the Reverend Michael the Ethiopian, a Deacon. Conversing privately with him concerning Christian doctrine, we have heard that he properly agrees with the Symbol which the Western Church holds, and that he does not think differently about the Trinity than what the Western Church thinks. Therefore we commend him to good people as much as we surely can. For, although the Eastern Church has several dissimilar ceremonies, he judges that their dissimilarity does not nullify the unity of the church and does not militate against the faith, since the kingdom of Christ is the spiritual righteousness of the heart, the fear of God, and confidence through Christ. We also think this opinion is right. We have also learned from him, that the rite which we observe in the use of administration of the Lord’s Supper and the Mass, agrees with the Eastern Church. We wish, moreover, that all peoples would acknowledge and glorify Christ, and would submit to Him with true confidence in His mercy and with love for one’s neighbor. For this reason we ask that good people would demonstrate Christian love also to this visitor.³⁸

Deacon Michael was a member of a church body – the Ethiopian Orthodox Church – that was not formally in fellowship with the Lutherans of Germany. But this deacon was going to be away from home for a very long time. And in a theological discussion that was as thorough as it could be (given the linguistic challenges), he had professed his agreement with “all our articles.” And so, taking into consideration this man’s spiritual need, and his apparent desire to commune

periodically during his sojourn among the Lutherans, Luther concluded that he should be allowed to commune at Lutheran altars.

Deacon Michael's agreement with Evangelical Lutheran teaching, insofar as he understood it, might be explained in part by the continuing influence of the fifteenth-century "Stephanite" movement within Ethiopian Orthodoxy. The founder of this movement was the monk Estifanos of Gwendagwende, who "led a renewal movement emphasizing grace and mercy in the Ethiopian Orthodox Church thirty years before Martin Luther led a similar movement in the West."³⁹ The Stephanites were "against the mixing of state and the church," and "the cults of the cross and Mary" were also "very distasteful" to the Stephanites, who "chose to confine their theology with the worship of the Father, Son and Holy Spirit, rejecting anything beyond this."⁴⁰ The Stephanites were persecuted and suppressed, and by the time of Deacon Michael's visit to Wittenberg they had ceased to exist as a quantifiable movement. We cannot help but think, however, that Michael may very well have been under the lingering influence of at least some of their teachings and principles.⁴¹

Today we would likely not do as Luther did. We know more about what the Ethiopian Orthodox Church teaches, and about what its members are expected to believe, so that we would not consider those teachings and beliefs to be in fundamental harmony with all the teachings of the Augsburg Confession. But the pastoral judgment that was made by Luther – as he acted in good faith, and on the basis of what he knew at the time – illustrates the validity of the principle we have been discussing, namely, that the practicing of altar fellowship with someone need not in every case be based exclusively on the formal ecclesiastical affiliation of the would-be communicant. A potential communicant, under certain conditions, can be embraced as being one in faith with us, even if his or her ecclesiastical associations elsewhere are not yet as they should be; or if relations between his or her church body, and the church body in which spiritual care is being sought, have not yet been regularized.

Luther would certainly not have recommended admission to Lutheran altars for someone from another church who professed *a different doctrine* from the doctrine of the Lutheran Church. Luther's well-known declaration – rejecting any fellowship with those who deny the Real Presence of the body and blood of Christ in the consecrated bread and wine of the Lord's Supper – comes readily to mind. This declaration – which has been incorporated into the Formula of Concord, and which is therefore a part of the official creedal standard of the Confessional Lutheran Church – reads as follows:

"I regard them all as being part of the same cake" (that is, as sacramentarians and fanatics), "as indeed they are. For they do not want to believe that the Lord's bread in the Supper is his true, natural body which the godless person or Judas receives orally just as well as St. Peter and all the saints. Whoever (I say) does not want to believe that should not trouble me...and should not expect to have fellowship with me. That is final."⁴²

In the case of Michael the deacon, however, Luther was implementing, in an evangelical and catholic spirit, a conviction he had expressed in 1530 regarding the divine truth confessed by the Lutherans in the Augsburg Confession, and regarding the true believing church of Christ on earth:

We must confess that the doctrine which was declared and submitted at Augsburg is the true and pure Word of God, and that all who believe and keep it are children of God and will be saved, whether they already believe it or will be illuminated later. For this Confession will endure to the end of the world on Judgment Day. It is indeed written that whosoever believeth on Him and shall call on the name of the Lord shall be saved (Rom. 10:11,13). And we must take note not only of those who will be added in the future, but also of the Christian church, which preaches the Word, and of our own people, according to the word: “As many as walk according to this rule, peace be on them, and mercy, and upon the Israel of God” (Gal. 6:16), which passage excludes none; therefore all who believe and live according to the teaching of the [Augsburg] Confession and its Apology are our brethren, and their peril concerns us as much as does our own. As members of the true church we dare not forsake them, regardless of when they join us, whether they do so secretly or openly, whether they live among us or in the diaspora. This we say and confess.⁴³

In commenting on this passage from Luther, and in applying its principles to the confused ecclesiastical situation of the nineteenth century, Walther expressed these thoughts:

Alas, how many upright (*rechtschaffene*) people there are today, partly in the “United Church,” partly in synods that call themselves “Lutheran” but espouse false doctrine, who personally profess the pure Lutheran doctrine! [They remain where they are] either because of weakness, not having recognized that they must leave such a communion, or they are induced by other circumstances to maintain their present membership. *Nevertheless, they are our brothers in the faith.*⁴⁴

To be sure, the doctrine of church fellowship, in all of its public and private applications and ramifications, is an important article of faith. Neither Luther nor Walther could ever have been accused of laxity in their teaching and practice with respect to this subject. But church fellowship is not the only important article of faith. And the doctrine of church fellowship is not the “chief” article of faith, either. That place of honor is held by the article of the sinner’s justification before God by grace alone, through faith in Christ alone. The article on justification is the “hub” around which the other articles of faith are “spokes,” which find their proper place in the “wheel” of Christian truth based on their connection to the chief article in the center. The article on church fellowship is not this “hub” in the center.

Orthodox Lutheran pastors would certainly like to see, among those whom they serve, a fully consistent embracing and integration of all aspects of all the articles of faith as revealed in Scripture. But they very seldom see this. As a concession to human weakness, and for the sake of the deeper needs of the soul’s comfort and eternal salvation, they are generally willing to tolerate a certain degree of inconsistency here and there, with this or that person. In the words of Walther, “We do not say that a Lutheran Christian cannot err in even one thing that is contained in Holy Scripture, but maintain only this, that he has the full truth in *all articles of faith*, which are revealed for everyone very clearly and plainly in Scripture, so that he can therefore joyfully live and die.”⁴⁵ But over time, orthodox Lutheran pastors do endeavor patiently to lead those for whom they have permanent or temporary oversight responsibility, toward a greater consistency, and toward a greater understanding of God’s Word. And they seek to teach and explain – as occasion demands, and as opportunity allows – what God expects of all of us in our beliefs, in our confession of faith, and in our ecclesiastical affiliations.

VII. Pastoral Discretion and Selective Fellowship

A pastor's individual sensitivity to the individual needs of a professing Lutheran who is not formally from within that pastor's ecclesiastical fellowship, is not "selective fellowship" as that term has traditionally been defined. The phrase "selective fellowship" has historically been applied to situations where *congregations* from church bodies that are not in fellowship with each other, go ahead and establish their own local fellowship relationships with each other anyway, and engage regularly in things like the exchanging of pulpits and the sponsoring of joint worship services.

This is the kind of "selective fellowship" that Hermann Sasse criticized, in response to the American Lutheran Church's 1957 resolution that "Wherever congregations and pastors of the ALC find they are mutually agreed in confession and practice with congregations and pastors of other Lutheran Church bodies they may in good conscience practice fellowship both in worship and work."⁴⁶ Such an arrangement short-circuits the need for representatives of the church bodies to which such congregations belong, to do the hard work that is required by God's Word in identifying the theological problems that do exist within and among synods that are not yet united in doctrine and practice; and in correcting those problems on the basis of God's Word. Individual Lutherans are not exempt from this duty, either. Neither are they immune to the painful effects of the disunity of the church, which will not cease to be a problem just because it is ignored or wished away. Sasse accordingly describes the normative criteria according to which Lutheran laymen *ordinarily* conduct themselves in matters of worship, in matters of participation in the Sacrament of the Altar, and in matters of congregational membership:

The fellowship which the individual Christians in the various churches have is contained in and derived from the fellowship between the *ecclesiae*. This is evident from Rom. 16, where Paul "greet" many individual Christians and groups of Christians (probably in the various house-churches of the big city) "in the Lord," that means in the communion of the Church which is the Body of Christ. Thus these greetings lead up to the admonition to greet one another with that liturgical kiss which expresses and confirms the full unity and peace of the church. From the biblical facts it must be understood that the Church in all ages up to the 17th century always has seen fellowship between Christians as fellowship between the churches to which the individuals belong. There was never such a thing as private practice of inter-communion, never something like "selective fellowship," which is an invention of modern Americans.⁴⁷

But while Sasse rejects outright the practice of congregation-to-congregation selective fellowship, Sasse does recommend the "Galesburg Rule" that was adopted by the General Council in 1875, as a proper example of the approach that Lutheran pastors and churches should take regarding the question of altar fellowship. And the Galesburg Rule explicitly allows for pastoral exceptions in individual cases. Sasse writes:

One of the most significant events in the history of American Lutheranism was the meeting of the "General Council" at Galesburg, 1875. Three years before, the Council had accepted at Akron, Ohio, a statement of its president, Dr. Krauth, on altar and pulpit fellowship which since then has become famous under the name "Galesburg Rule." The Akron text is an attempt to solve the problem of reconciling the strict confessional principle with the actual situation prevailing in the member synods of the Council, and it

is worthwhile to have a look at it in order to understand the action which has now been taken by the ALC. “1. The rule is: Lutheran pulpits are for Lutheran ministers only; Lutheran altars are for Lutheran communicants only. 2. The exceptions to the rule belong to the sphere of privilege and not of right. 3. The determination of the exceptions is to be made in consonance with these principles by the conscientious judgment of pastors, as the cases arise.” The meeting of Galesburg made an insertion into the first paragraph, the definite form of which was now: “The rule, which accords with the Word of God and with the confessions of our church, is...”⁴⁸

And so, even with all of his strictness in articulating what the proper *principles* are, Sasse does recognize the legitimacy of pastoral discretion and flexibility in *applying* those principles in individual cases. Otherwise he would not have endorsed the Galesburg Rule and the approach it takes.

Sasse’s primary reason for criticizing the ALC’s endorsement of selective fellowship, was his concern that a congregation of the ALC may thereby be establishing *de facto* fellowship with a congregation of a professedly Lutheran church body that is functionally not really a *Lutheran* church any more, but a *union* church, which allows or even encourages its affiliate congregations to admit to communion not only Lutherans from beyond their official fellowship boundaries, but also non-Lutherans who make no pretense of confessing the faith of the Book of Concord. The primary focus of Sasse’s concern was not on the problem of a *premature* fellowship between well-intentioned Lutherans who have not yet found a common way of interpreting and expressing their Lutheranism, but on the more fundamental problem of an *illicit* fellowship between misguided Lutherans and *so-called* “Lutherans” who have actually *surrendered* their Lutheranism to the skeptical indifference and ecumenical liberalism of the age. This is why he writes:

I know of Lutheran churches in America where everyone who believes in Jesus Christ as Son of God is admitted to the altar, to say nothing of pulpit fellowship. And what about the churches within the Lutheran World Federation which grant the full right – not only a privilege, like Sweden, Denmark, Holland – of altar fellowship and even of participation in the government of the church to non-Lutherans, even to Calvinists (e.g., Brazil and other churches in Latin America, Italy, England, German territorial churches, etc.)? Obviously the ALC recognizes also them as Lutheran. In what sense, then, would the ALC still recognize the principle of Galesburg? If the authorities of the ALC or the growing new merger church cannot answer the question, how, then, can they expect the individual pastors and congregations to be able to do that? ... Thus we must say that “Selective Fellowship” is no solution of the problem of Lutheran unity...⁴⁹

And Sasse adds:

At all times admission to the Lord’s Supper has been understood as the “conclusive action” by which a person testifies that he belongs to the church where he receives Holy Communion. In case he did not belong to it thus far he joins it by partaking in the sacrament. “Open Communion” is no communion at all...⁵⁰

The basic principle is this: To commune in a Lutheran church that really is a Lutheran church, is to commune in *the* Lutheran Church. To commune in a church that *calls* itself “Lutheran,” but that is actually a *union* church, is to *separate* oneself from *the* Lutheran Church.

And yet, in situations that involve individuals who are *near death*, Sasse allows for pastoral exceptions, under certain conditions, even for non-Lutherans. On the question of whether or when a non-Lutheran might be communed by a Lutheran pastor, or whether or when a Lutheran might be communed by a non-Lutheran pastor, Sasse writes that

There is only one border-line case. This is the immediate danger of death. In the First World War it has happened that in desolate prison camps of Siberia a Catholic chaplain, himself a prisoner, has given Holy Communion to dying Protestants who confessed their belief in the Real Presence. Similar cases are reported from Silesia at the time after the last war when no Protestant minister was available. The border-line in these cases is the border-line between time and eternity. On the battlefield, or in similar cases of emergency when death is imminent, a minister of Christ may decide that he ought not to refuse the sacrament to a person who believes in Christ as his Saviour and wants to receive in faith and penitence that which Christ has sacrificed for him at Calvary, His true body and His true blood, before he passes from this world to the judgment seat of God. The pastor will do that on his own responsibility and the Church will approve of that, though in this case she has no right of dispensation. We have to ask for Christ’s own dispensation, knowing that He will not refuse it.⁵¹

VIII. Remaining Faithful and Evangelical in Doctrine and Practice

In addressing the pastoral challenges that exist in the church (and in the world) in the twenty-first century, ELS President John A. Moldstad writes that

A sizable number of Lutherans have difficulty seeing how synodical affiliations affect the body of doctrine they confess. The closed Communion practice followed in the ELS and in the WELS reminds all that these “membership connections” ought not be taken lightly. In love, we have a duty to warn our neighbor about every manner of false teaching. We also know how our Lord has forbidden fellowship with errorists (Rom. 16:17; Matt. 7:15,20; Gal. 1:8-9; etc.). Careful pastoral advice and direction especially is needed when dealing with those who may privately profess agreement and yet unsuspectingly hold membership in a Lutheran church body that promotes or tolerates error. As a rule, though, we would say one has not self-examined properly when there is disregard for the way church membership has a bearing on one’s public confession of the Christian faith.⁵²

Moldstad recommends the 1976 *Gutachten* – authored chiefly by Lawrenz (WELS) and Aaberg (ELS) – as a guide for pastors in navigating through the difficulties of instructing, and providing spiritual care to, people in our time who have a weak understanding of, and a limited appreciation for, the doctrine and practice of church fellowship. He notes that the intent of this *Gutachten* “was not to soften or deny our Communion practice since it solidly reflects the *principle* that we commune only those communicant members who are in good standing within our doctrinal fellowship.”⁵³ Moldstad nevertheless acknowledges that

The Aaberg / Lawrenz statement does mention that an exception might be made in admitting to the Table one who *formally* is not a member of ELS / WELS but whose *informal* confession of faith must also be considered. This is not to be regarded as a license for the pastor as gatekeeper to treat lightly the practice of closed Communion. Rather, the statement speaks to a case of casuistry where pastoral judgment is exercised in an extraordinary circumstance. Since a private, pastoral judgment is made in a special case as this where also the elders are informed, the “exception to the rule” should not be widely publicized lest needless offense be given.⁵⁴

The general and normative practice of the church, rooted as it is in the Biblically-revealed doctrine of church fellowship, is not nullified by the recognition of such special cases. And the existence of such special cases does not provide an excuse to drop all Confessional standards for communicants in a Confessional Lutheran church. Moldstad accordingly reminds us that

We should take opportunity to remind ourselves periodically of the importance of adhering to the closed Communion practice. The two chief reasons for our practice are these:

1) *The vertical concern* – By having a closed Communion practice we assist those who commune at our altars in examining carefully their need for the Savior’s forgiveness of sins, in understanding that it is the true body and blood of the Lord Jesus they are receiving in the Sacrament, and in knowing and believing without a doubt that through the body and blood of Jesus, under the bread and wine, the forgiveness of sins is conveyed personally to the repentant sinner. There also should be a desire to serve the Lord in thankfulness for this tremendous gift of his mercy, striving to conform our daily lives to God’s commandments. To discern the Lord’s body and blood is so vital in preparation for worthy reception of the sacrament that the Apostle Paul mentions a judgment can fall upon an ill-prepared communicant (1 Corinthians 11:28-33). This is the chief reason for having a closed Communion practice. It demonstrates to each communicant under one’s pastoral care the necessary love and concern for a proper and beneficial reception, not a harmful one.

2) *The horizontal concern* – By the practice of closed Communion we also are making a confession of faith with fellow communicants, i.e., that the body of doctrine believed and confessed is in conformity with Scripture. We think here of the comment in 1 Corinthians 11:26 regarding “proclaiming the Lord’s death until he comes.” We think also of the words Jesus spoke in Matthew 28, impressing on his followers of every age to “observe all things as He has commanded.” This too involves a deeply loving reason for being cautious as to whom we commune at our altars. It serves as a protection for the unity of faith inside the congregation of believers (locally and synodically). It also serves as a testimony to the serious nature of confessing the truth on all biblical teachings, a confession of faith ordinarily shown by the membership in a given congregation and/or church body. Here especially we see the need to observe in Communion the fellowship lines expressed through the holding of one’s membership in a particular denomination or synod. Neglecting this procedure in how we conduct our Communion worship services readily results in a laxity of a clear doctrinal confession made by the regular communicant membership at a given church. It also sends an erroneous signal to a visiting communicant not of our fellowship that doctrinal confession must not be so important, after all. Again, love for God’s doctrine, and love for the soul of each communicant is at stake.⁵⁵

We close with these words from the Reformer's pastoral and poetic heart:

May God bestow on us His grace and favor
To please Him with our behavior
And live as brethren here in love and union
Nor repent this blest Communion!
O Lord, have mercy!
Let not Thy good Spirit forsake us;
Grant that heav'nly-minded He make us;
Give Thy Church, Lord, to see
Days of peace and unity:
O Lord, have mercy!⁵⁶

Phoenix, Arizona
October 26, 2017

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ENDNOTES:

¹David Chytraeus, *A Summary of the Christian Faith* (translated by Richard Dinda) (Decatur, Illinois: Repristination Press, 1997), p. 125.

²Smalcald Articles II, II:15, in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, edited by Theodore G. Tappert (Philadelphia: Fortress Press, 1959), p. 295.

³Martin Luther, "Lectures on Galatians," *Luther's Works*, Vol. 27 (Saint Louis: Concordia Publishing House, 1964), pp. 37-39, 41-42. Emphases added.

⁴Martin Luther, Letter to Francis Burchart, April 20, 1536, *Luther's Works*, Vol. 50 (Philadelphia: Fortress Press, 1975), pp. 140-41. Emphasis added.

⁵Martin Luther, "Brief Confession Concerning the Holy Sacrament," *Luther's Works*, Vol. 38 (Philadelphia: Fortress Press, 1971), p. 308. Emphasis added.

⁶C. F. W. Walther, "Theses on Open Questions" (1868), Thesis V.

⁷John P. Meyer, "Unionism," in *Essays on Church Fellowship* (edited by Curtis A. Jahn) (Milwaukee: Northwestern Publishing House, 1996), pp. 63-64.

⁸Augsburg Confession VII:3-4 (Latin), in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, edited by Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress Press, 2000), p. 43.

⁹Formula of Concord, Solid Declaration X:31, Kolb/Wengert p. 640. Emphasis added.

¹⁰Smalcald Articles II, IV:1,7,9, Kolb/Wengert pp. 307-08.

¹¹Martin Chemnitz, *Examination of the Council of Trent*, Part II (translated by Fred Kramer) (Saint Louis: Concordia Publishing House, 1978), p. 302.

¹²Canon XXXIII of the Synod of Laodicea, *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, Second Series, Vol. XIV (The Seven Ecumenical Councils) (Reprint: Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1983), p. 149.

¹³Luther, “Lectures on Galatians,” p. 41; as quoted in a revised translation in John F. Brug, “Luther and Fellowship: The Courage to Break and the Courage to Be Patient,” in *Reformation 500: The Enduring Relevance of the Lutheran Reformation* (edited by Curtis A. Jahn) (Milwaukee: Northwestern Publishing House, 2017), p. 95. Emphasis added.

¹⁴“Fellowship in Its Necessary Context of the Doctrine of the Church,” *Proceedings of the Recessed Forty-sixth Convention of the Lutheran Synodical Conference*, 1961, pp. 11-12.

The “Overseas Brethren” sent a delegation to the United States in April 1961, to meet with committees that had been appointed by the member-churches of the Synodical Conference. Theodore A. Aaberg informs us that “The ELS Committee was favorably impressed with the presentation on church fellowship by the Overseas Brethren. In a preliminary evaluation, the Committee stated: ‘As especially pertinent we throughout all of the theses note the emphasis placed on the *notae ecclesiae* [marks of the church, i.e. Word and sacraments] as bestowing faith, bringing the Church into existence, and as being the standard by which all the doctrine and practice in the church are to be regulated. Equally important is the attempt in these theses to eliminate the subjective element for recognizing the presence of the true Church and for setting up principles for Church Fellowship... We also find it particularly gratifying to note the importance of making the actual confession of a church (i.e., what is taught, written, practiced, or officially resolved by it) the basis upon which church fellowship can be established and maintained’” (*A City Set on a Hill: A History of the Evangelical Lutheran Synod (Norwegian Synod) 1918-1968* [Mankato, Minnesota: Board of Publications, Evangelical Lutheran Synod, 1968], pp. 232-33).

¹⁵The Evangelical Lutheran Synod – still known then as the Norwegian Synod – had suspended fraternal relations with the Missouri Synod already in 1955. In the convention resolution by which this was done, the Norwegian Synod stated: “1. That we declare on the basis of Rom. 16, 17 that fellowship relations with the Lutheran Church – Missouri Synod are suspended and that the exercise of such relations cannot be resumed until the offenses have been removed by them in a proper manner. 2. That we declare our desire to maintain and establish fraternal relations with those synods, congregations, and individuals who are of one mind and spirit with us in matters of Christian doctrine and practice” (quoted in Aaberg, *A City Set on a Hill*, p. 191). The Norwegian Synod changed its name to the Evangelical Lutheran Synod in 1958.

A smaller member-church of the Synodical Conference, of Slovak heritage – the Synod of Evangelical Lutheran Churches – remained in fellowship with the Missouri Synod throughout this period, and became a non-geographical district of the Missouri Synod in 1971.

¹⁶Gaylin R. Schmeling, “The Theology of Church Fellowship,” *Lutheran Synod Quarterly*, Vol. XXXIII, No. 2 (June 1993), pp. 46-47.

¹⁷The ELS Board of Theology and Church Relations is now known as the ELS Doctrine Committee.

¹⁸The congregations that comprised the Conference of Authentic Lutherans in 1976 had recently been members of the Federation for Authentic Lutheranism, which existed as a more formally-structured church body from 1971 to 1975. In 1975, when the FAL disbanded, some of its congregations had joined the WELS, some had joined the ELS, and some had remained quasi-independent, as members of the CAL.

¹⁹“A reply of the WELS Commission on Inter-Church Relations and of the ELS Board of Theology and Church Relations based on their synods’ public confession on the doctrine of church fellowship to a question regarding church fellowship raised by pastors from the Conference of Authentic Lutherans,” *Lutheran Sentinel*, Vol. 59, No. 14 (July 22, 1976), pp. 220-21.

²⁰On the topic of joint prayer, or prayer fellowship, Armin W. Schuetze observes that “Joint prayer, praying with someone, is always an act of Christian fellowship even as it is always an act of Christian fellowship to go to Holy Communion together at the same altar. Of a handshake I may say: This handshake as you are installed as pastor is an expression of our unity of faith and is an act of Christian fellowship. Another handshake may be a mere friendly greeting with no religious fellowship implications. When we pray together, however, we cannot say: This prayer is nothing more than an act of friendship. The fact is that joint prayer always has religious implications, simply because prayer always is, or should be, a religious action” (“Joining Together in Prayer and the Lord’s Supper: The Scriptural Principles of Fellowship Applied to Prayer and Holy Communion,” *Wisconsin Lutheran Quarterly*, Vol. 93, No. 2 [Spring 1996], p. 123). Still, distinctions between what may or should be done in private settings, and what may or should be done in public settings, can legitimately be made, since “In public actions the matter of offense more readily becomes a factor. This may not be present in private situations. In public we must carefully guard lest our prayer practices give the impression of indifference to doctrine, or even of agreement with false doctrine, either of which may be harmful to someone’s faith. In private situations the personal confession of the individual may be expressed in such a way that calls for recognition. Not to acknowledge it could prove harmful to that person’s faith. Particularly weakness in faith and understanding may in private situations call for action that may not be possible in public” (p. 127). Schuetze goes on to provide some practical examples of actions that would be proper in certain private settings: “We may visit a sick relative or friend who is not of our fellowship. What do I do? Must I avoid any religious discussion and prayer? This may be a fruitful opportunity for Christian witness, to strengthen the sick person’s faith, to proclaim the Lord’s forgiveness, mercy, power to help, and faithfulness. But what about prayer? A simple confession of faith in the Lord Jesus as Savior from sin and the only hope for salvation may be the only confession I need to join this sick person in approaching the throne of grace in prayer. This confession may well show that a person’s membership in a heterodox church is a weakness, that in this private situation his personal confession supersedes anything else I may know. When a confession is lacking I can still pray for the person, also in his presence. This is a time to build and strengthen faith. We may come upon a person who is seriously hurt, a total stranger. What if that person should request that I pray with him? If there is no possibility for any kind of confession, I can speak a prayer to the Lord Jesus in his behalf. This may well comfort and meet the needs of someone who has faith in the Lord Jesus. If the person was a pious pagan, the Christian message in the prayer is the Holy Spirit’s means that may prove effective. On the other hand, if there is opportunity for a gospel witness and a response of faith, under these circumstances this is the only confession I need to join this person in prayer in his desperate need” (p. 128).

John F. Brug adds these thoughts about prayer in a home where spouses (or other family members) may belong to different churches: “If one spouse is a non-Christian, the Christian partner may pray for and in the presence of the non-Christian husband or wife. Obviously, they cannot pray together. If the other spouse is a member of a heterodox church and ridicules or rejects the beliefs of our member, joint prayer is hardly possible. If the other spouse’s membership in a heterodox church is seen as a matter of weakness in understanding, joint prayer may be possible in the privacy of the home” (*Church Fellowship: Working Together for the Truth* [Milwaukee: Northwestern Publishing House, 1996], p. 149).

²¹It is also the case, of course, that prayer as such is not a means of grace, while the Lord’s Supper as such is. Still, the sound doctrinal content that is properly to be reflected in a Christian prayer can function, indirectly, as a proclamation of the gospel to those who hear or overhear the prayer. We therefore agree with Henry Eyster Jacobs that “The voice of the Holy Spirit is heard through the voice of the preacher or the voices of the united congregation in confession, prayer and hymn (which are also different forms of preaching...)” (*A Summary of the Christian Faith* [Philadelphia: The United Lutheran Publication House, 1905], pp. 290-91). And Martin Luther has this to say concerning the relationship between preaching and prayer: “...by their nature preaching and prayer are connected with each other. It is impossible to pray unless one has first instructed the people concerning God. In fact, you will never pray successfully in private unless you have preached to yourself either the Creed or some other passage of Scripture that draws your attention to the goodness of God as the One who has not only commanded you to pray but has also added the promise that He will hear you. Through this private sermon, which you direct to yourself, your heart is impelled to pray. The same thing takes place publicly in our churches. We have no silent forms of worship, but the voice of the Gospel is always heard. Through it men are taught about the will of God. And to the sermons we add prayers or thanksgivings. Similarly in 1 Cor. 14[:13] Paul desires that the churches should first be taught and exhorted. Then thanksgiving or prayer may properly follow. Zechariah (12:10) promises that the Lord will pour out the Spirit of grace and of supplication. It is the Spirit of grace who gives instruction concerning the will of God and incites men to faith by praising the mercy of God. The Spirit of prayer follows Him, for those who know that God is

reconciled and propitious call upon Him in danger with a firm hope of deliverance. Thus preaching and prayer are always together” (“Lectures on Genesis,” *Luther’s Works*, Vol. 2 [Saint Louis: Concordia Publishing House, 1960], p. 333).

²²Apology of the Augsburg Confession XV:40, Tappert p. 220. Emphasis added.

²³Wittenberg Concord (1536); quoted in Formula of Concord, Solid Declaration VII:16, Kolb/Wengert p. 596.

²⁴In his book on *Church Fellowship*, WELS author John F. Brug takes aim at scenarios like this, which admittedly do not involve life-or-death emergencies, but which some pastors in the WELS have nevertheless seen as occasions wherein the kind of pastoral discretion envisioned by the 1976 WELS-ELS *Gutachten* might properly be exercised. But Brug himself, while allowing for pastoral exceptions in principle, disagrees with these broader casuistic judgments, and sets forth instead his own more strict casuistic criteria regarding such cases. He writes: “We should, however, be very careful that exceptions do not undermine the principle or the normal practice, which still stands. Exceptions will normally occur only in cases in which we can establish that the person is properly prepared to receive the Lord’s Supper but there is not time to fully explore the issues raised by the person’s affiliation with a heterodox Lutheran church, or the person has lost the mental capacity to understand those issues. Cases in which a person, for convenience’ sake, wants to attend Communion both in a WELS congregation and in an ELCA or LCMS congregation, such as when Midwesterners spend the winter in the Sun Belt or when students are away at school, are not emergency situations. In such circumstances we owe the people a clear testimony that they cannot keep one foot in each camp. Since attendance at the Lord’s Supper is not often an emergency need, exceptional cases will be very rare” (p. 120). But again, this is Brug’s casuistic judgment. The present writer is acquainted with several WELS pastors who disagree with him, and who also disagree with his having included his own casuistic judgment in his book in such a way as to suggest that his approach is the only conceivable approach – thereby implying that what he says is a matter of settled dogma and not a matter of debatable casuistry.

It is also often the case that for conservative LCMS college students or Sun Belt migrants who belong to a Confessional and liturgical LCMS church in another state, but who wish to receive pastoral care at an ELS or WELS church in their temporary place of residence, attending the ELS or WELS church is *less* “convenient” than attending an LCMS church would be. When a geographically-closer LCMS church has embraced liberal or sectarian beliefs and usages that are offensive to the conservative LCMS members, they are often willing to go to the *inconvenience* of attending a church of another fellowship that is farther away, but that in doctrine and practice is in accord with their own personal convictions.

Brug’s book makes no mention of the 1976 *Gutachten*, even though this *Gutachten* has remained as an important guide in the ELS since its issuance. The strictures that one finds in Brug’s book do not arise from the pastoral experience and ecclesiastical culture of the ELS. They should not be seen as somehow overruling the standards for spiritual care that have always been normative in the ELS, and that are more accurately reflected in the *Gutachten* (which, it must be remembered, bore the endorsement of WELS leadership at the time it was written).

Another WELS author, Armin W. Schuetze, recalls that his church body suspended fellowship with the LCMS in 1961, because of certain unscriptural errors that had arisen (without being corrected) within the LCMS. He then states – with respect to the errors of the LCMS, and with respect to the continuing implications of those errors for WELS-LCMS relations – that “Since then, the situation has not changed. To practice altar fellowship with LCMS members as we observe the Lord’s Supper in our congregations is to say that the action of our synod was contrary to God’s Word or that conditions have changed and that we must withdraw the suspension. This we cannot say” (“Joining Together in Prayer and the Lord’s Supper,” p. 134). But is it absolutely and invariably so, that such an exercising of pastoral discretion with respect to a worshiper who belongs to an LCMS congregation, would necessarily and under all circumstances be understood by everyone as “saying” this? We are not persuaded that this is the case.

Schuetze is, however, more pastorally flexible in his recommendations for when and how an exception to the usual fellowship practice might be made, if such an exception would be made in a private setting. He asks: “Are there exceptions to the practice we have outlined above? There can be very unusual circumstances where in private we may serve a person we cannot commune in a public service. In the private setting we may recognize the person’s true confession to Christ and realize that membership in an erring church body is a weakness in understanding. I’m thinking, for example, of an aged LCMS parent living with a child belonging to our congregation. The parent wishes to retain membership in the LCMS congregation. The pastor’s contact with the parent reveals a simple faith in the

Lord Jesus and the teachings of Scripture, not aware of any doctrinal problems in the LCMS. The bed-ridden parent desires the comfort of the Lord's Supper which the LCMS pastor is unable to provide. To deny the request for private communion of such a person would show little concern for a soul that is looking to the Savior for forgiveness, peace, and rest" (pp. 136-37)

WELS President Mark G. Schroeder does *not* rule out the possibility of exceptional applications of the principles of church fellowship in *public congregational celebrations of the Lord's Supper*, that would involve admitting to the sacrament someone who is not formally in fellowship with WELS, but whose personal confession of faith is in accord with WELS doctrine. In an essay that Schroeder delivered at the Emmaus Conference in Tacoma, Washington, in 2011, he said: "Exceptional situations, in which a loving application of fellowship principles may be done in a way that is truly *exceptional* to the normal practice, do arise. They must remain *exceptions*. Permit an illustration: A young WELS pastor was only a few months into his ministry. ... One Sunday the young pastor is in the church sacristy minutes before the worship service (with the Lord's Supper) is to begin. An elderly couple in their 80's, long-time members of the congregation, enters. A third person is with them, another elderly woman who was a visitor that morning. The woman who was a member of the church said with some emotion, 'Pastor, this is my sister Edith. She has been visiting for the last two weeks. It's the first time we have seen each other in nearly 20 years. She lives in western Canada. She is a member of the Lutheran Church of Canada, but only because there are no Wisconsin Synod churches nearby. I know that she believes exactly as she always did and exactly as I do. This afternoon she will be going back home, and I know that today is the last time we will ever see each other again. Pastor, could she please take Communion with us today?' The pastor saw the tears in both of their eyes and heard the quiver in the voice. He knew that to say 'no' would be devastating to the faith of these two believers. He also knew that there was little, if any, possibility of any public offense. The service was about to begin in moments. He said yes, she was welcome to share in Communion. The young pastor felt strongly that he did the right thing... ...later that week, he shared the incident and his decision with his church council and said, 'I am fully committed to our synod's teachings on fellowship and I am fully convinced that the practice of closed Communion is the correct one. But I felt that this case was an exception, and to do otherwise would not have been loving or God-pleasing. ...' To a man they told their pastor he had done the right thing. ...the young pastor went to his next pastors' conference... He did the same thing as he did with his council... Every pastor assured the young man that his decision was correct. ...it was an exception that a loving application of fellowship principles allowed – even demanded – him to make" ("Walking Together with Jesus: Church Fellowship and its Implications for Confessional Lutherans," pp. 45-46. Emphases in original.). Schroeder himself was the young pastor in this autobiographical story.

²⁵In the Preface to his Small Catechism, which he addresses to the pastors and preachers of the church, Martin Luther writes that "Those who do not want to learn these things – who must be told how they deny Christ and are not Christians – should also not be admitted to the sacrament, should not be sponsors for children at baptism, and should not exercise any aspect of Christian freedom" (Preface: 11, Kolb/Wengert p. 348).

²⁶Theodore A. Aaberg, "A Young Pastor's Concern over Close Communion," *Lutheran Synod Quarterly*, Vol. XXII, No. 3 (September 1982), pp. 74-75.

²⁷Aaberg, "A Young Pastor's Concern over Close Communion," p. 75.

²⁸Aaberg, "A Young Pastor's Concern over Close Communion," p. 75. Punctuation slightly revised.

Within the Evangelical Lutheran Synod, a distinctive evangelical "flavor" – characterized by a measure of practical flexibility as governed by the gospel and the law of love, rather than by a legalistic spirit – has always been evident. The story of an exceptional occurrence from the middle of the twentieth century can illustrate the larger point regarding the evangelical culture of the ELS. Oak Park Lutheran Church in Oklee, Minnesota, was previously a member-church of the Norwegian Lutheran Church of America. This was the Norwegian merger of 1917, known after 1946 as the Evangelical Lutheran Church, which the founders of the reorganized Norwegian Synod (later the ELS) had refused to enter for doctrinal reasons. Pastor Halvor Lie, who served the Oak Park congregation from 1941 to 1953, was a clergyman of the merger church, but he sympathized with the doctrinal position of the Norwegian Synod, and wanted his congregation to withdraw from the merger church and align with the Norwegian Synod upon his retirement. But the congregation was not yet ready to make that decision. And so an arrangement was made with the Norwegian Synod, according to which an associate pastor from the Norwegian Synod served the congregation together with Pastor Lie during his final year, to "grease the skids" for a transition of the congregation from the merger church to the Norwegian Synod, and to make that transition as smooth as possible. When Pastor Lie

retired, the congregation did in fact then withdraw from the merger church, and was an independent congregation in formal fellowship with the Norwegian Synod (later the ELS) until 1987, when it became a full member-church of the ELS.

The arrangement at Oak Park during that year of transition, in 1953, was a temporary irregularity. But the long-term cause of God's kingdom and the gospel was served. And during this time of transition, the associate pastor who was serving the members of that ELC congregation had the unique opportunity – with the senior pastor's blessing – to explain to them "the way of God more accurately" (Acts 18:26, ESV). That associate pastor – from whom this information was obtained – was Wilhelm W. Petersen, who became the sole pastor at Oak Park after Pastor Lie's retirement, and who in later years was the President of the ELS's Bethany Lutheran Theological Seminary.

It should also be noted that these things were happening at the same time as relations between the Norwegian Synod and the Missouri Synod were becoming severely strained. The Norwegian Synod, even in the midst of that intense inter-synodical conflict, did not allow itself to become legalistic and rigid in matters of pastoral care and fellowship at the local level, when dealing with people with a simple faith, and with a willingness to learn and grow.

²⁹C. F. W. Walther, "Communion Fellowship," in *Essays for the Church: C. F. W. Walther* (edited by August R. Suelflow) (Saint Louis: Concordia Publishing House, 1992), Vol. I, p. 220.

³⁰Walther, "Communion Fellowship," pp. 220-25.

³¹Walther. "Communion Fellowship," p. 215.

³²August R. Suelflow and E. Clifford Nelson, "Following the Frontier," *The Lutherans in North America* (edited by Nelson) (revised edition) (Philadelphia: Fortress Press, 1980), p. 234. Emphasis added.

³³After the formation of the General Council, C. F. W. Walther and the Missouri Synod did not believe that this new body was as consistent as it should have been in the practical implementation of its stated commitment to Confessional Lutheranism. Walther took note of the disappointing fact that there were many pastors within the General Council who, despite their withdrawal from the General Synod, and their renunciation of the blatant heterodoxy of the General Synod, "still want all to be admitted to Holy Communion who are not openly unchristian, of course regardless of their particular confession" ("Communion Fellowship," p. 203).

³⁴Schuetze, "Joining Together in Prayer and the Lord's Supper," p. 122.

³⁵Tom G. A. Hardt, "The Confessional Principle: Church Fellowship in the Ancient and in the Lutheran Church," *Logia: A Journal of Lutheran Theology*, Vol. VIII, No. 2 (Eastertide 1999), pp. 26-27. Emphasis added.

³⁶Martin Luther, Table Talk #4126 (Nov. 17, 1538) (translated by Mark DeGarmeaux). [See WA Br 7, p. 86.]

In Table Talk #6035, Philip Melanchthon is quoted as recalling that "the Ethiopian" had informed the Wittenbergers three years earlier that in "Asia" there are no private masses (without communicants), but only a common public mass. "Asia" was probably meant to refer to the "East" and to the Eastern Church generally. [See WA Br 7, p. 86.] The Wittenbergers were also visited in 1541 by a Christian "Moor" named Francis Megara, who provided them with additional information about the Eucharistic beliefs and practices of the Eastern Church. For a Table Talk comment by Luther that referred to Megara's visit to Wittenberg, see *The Familiar Discourses of Dr. Martin Luther* (translated by Henry Bell) (new edition revised and corrected by Joseph Kerby) (London: Sussex Press, Lewes, 1818), p. 278.

³⁷Philip Melanchthon, Letter to Benedict Pauli (May 31, 1534) (translated by Mark DeGarmeaux). [See WA Br 7, pp. 85-86.]

³⁸Martin Luther, Letter of Introduction for Deacon Michael the Ethiopian (July 7, 1534) (translated by Donald D. Schoewe; translation revised by Mark DeGarmeaux). [WA Br 7, p. 86.]

³⁹Flower Pentecostal Heritage Center, book description of Estifanos, *Galle Abune Estifanos Zegundagunde* [The Miracle of Aba Estifanos of Zegundagundo]. Addis Ababa, Ethiopia: Good News Renewal Ministry, 2003 or 2004 (published in Amharic).

⁴⁰Eskinder Tadesse Woldegebrail, “Christological Conceptions within the Ethiopian Orthodox Tewhado Church (EOTC) and the Ethiopian Evangelical Churches (EEC): Possible Christological-Soteriological Unity between the EOTC-EEC” (South African Theological Seminary Ph.D. thesis, 2013), pp. 26-27. The Stephanites ran afoul of the Ethiopian king at the time, Zera Ya’iqobs (1434-1468), who persecuted them and eventually murdered many of them. The Ethiopian Orthodox Church at the official level repudiated the Stephanites and canonized the king who killed them, but “the northern wing of the same church accepted the Stefanite Martyrs as saints” (p. 27).

⁴¹If Deacon Michael had been under the influence of Stephanite ideas, then he probably would have come from the northern region of Ethiopia, where Stephanite influences could still be felt into the sixteenth century. It is possible that Michael was in Europe as a refugee from persecution due to his Stephanite beliefs, and that he was drawn to Wittenberg because of the similarity between those beliefs and Lutheran teaching. It is also possible that Michael was in Europe as a refugee from the Muslim invasion and conquest of Ethiopia under Ahmad Gragn, which lasted from 1531 to 1542. For more on the Stephanite movement see Tadesse Tamrat, “Some Notes on the Fifteenth Century Stephanite ‘Heresy’ in the Ethiopian Church,” *Rassegna di Studi Etiopici*, Vol. 22 (1966), pp. 103-15.

⁴²Martin Luther, “Brief Confession concerning the Holy Sacrament” (1544); quoted in Formula of Concord, Solid Declaration VII:33, Kolb/Wengert p. 598.

Unlike the “Sacramentarians,” the pope of Rome and his adherents did confess the Real Presence of Christ’s body and blood in the Lord’s Supper. But because of their many other errors, fellowship with them was likewise rejected by the Treatise on the Power and Primacy of the Pope, in its declaration that “all Christians must beware lest they become participants in the ungodly teachings, blasphemies, and unjust cruelty of the pope. Indeed, they ought to abandon and curse the pope and his minions as the realm of the Antichrist, just as Christ commanded: ‘Beware of false prophets’ [Matt. 7:15]. Paul also commanded that ungodly teachers are to be shunned and denounced as accursed, and in 2 Corinthians 6[:14] he says: ‘Do not be mismatched with unbelievers. For what fellowship is there...between light and darkness?’ To dissent from the consensus of so many nations and to be called schismatics is a grave matter. However, divine authority commands all people not to be accomplices and defenders of ungodliness and unjust cruelty. Thus, our consciences are sufficiently absolved. For the errors of papal rule are manifest, and the Scriptures cry out with one voice that those errors are the teaching of demons and of the Antichrist” (Treatise 41-42, Kolb/Wengert pp. 337-38).

⁴³Martin Luther, “Opinion on the Recess of the Imperial Diet” (1530); quoted in C. F. W. Walther, “The True Visible Church,” in *Essays for the Church: C. F. W. Walther*, Vol. I, pp. 142-43.

⁴⁴Walther, “The True Visible Church,” p. 143. Emphasis added.

⁴⁵Walther, “Communion Fellowship,” p. 205. Emphasis in original.

⁴⁶quoted in Hermann Sasse, “Selective Fellowship,” *Logia: A Journal of Lutheran Theology*, Vol. V, No. 3 (Holy Trinity 1996), p. 29. This essay originally appeared in *Australasian Theological Review*, Vol. 28, No. 3 (September 1957).

⁴⁷Sasse, “Selective Fellowship,” p. 34.

⁴⁸Sasse, “Selective Fellowship,” pp. 34-35.

⁴⁹Sasse, “Selective Fellowship,” p. 35.

⁵⁰Sasse, “Selective Fellowship,” p. 35.

⁵¹Sasse, “Selective Fellowship,” p. 35.

Martin Luther taught that “where mass is celebrated according to Christ’s ordinance, be it among us Lutherans or under the papacy or in Greece or in India, even if it is also only under one kind – which is nonetheless wrong and an abuse – as is the case under the papacy at Easter and otherwise during the year when they provide the sacrament for the people, nevertheless, under the form of bread, the true body of Christ, given for us on the cross, [and] under the form of wine, the true blood of Christ, shed for us, are present” (“A Letter of Dr. Martin Luther concerning his Book on the Private Mass,” *Luther’s Works*, Vol. 38 [Philadelphia: Fortress Press, 1971], p. 224). We would not want to minimize the significance and the spiritual danger of the various errors that are taught in the Roman Catholic and Greek Catholic Churches, in the Eastern Orthodox Churches, and in the Oriental Orthodox Churches; but we would still gratefully recognize that the genuine Sacrament of the Altar is validly celebrated and truly offered by the ministers or priests of these churches. This is in contrast to the ministers and preachers of Reformed and sectarian churches in the tradition of Zwingli and Calvin, whose churches have changed the institution of Christ through public confessional denials of the true meaning of his sacramental Words, and who therefore do not celebrate or offer the sacrament that Christ instituted. Luther is approvingly quoted to this effect in the Formula of Concord: “I also say and confess that in the Sacrament of the Altar the true body and blood of Christ are orally eaten and drunk in the bread and wine, even if the priests who distribute them or those who receive them do not believe or otherwise misuse the sacrament. It does not rest on human belief or unbelief but on the Word and ordinance of God – unless they first change God’s Word and ordinance and misinterpret them, as the enemies of the sacrament do at the present time. They, indeed, have only bread and wine, for they do not also have the words and instituted ordinance of God but have perverted and changed it according to their own imagination” (“Confession concerning Christ’s Supper” [1528]; quoted in Solid Declaration VII:32, Kolb/Wengert p. 598).

⁵²John A. Moldstad, “Reviewing the Practice of Closed Communion,” *Lutheran Synod Quarterly*, Vol. 56, No. 1 (March 2016), p. 92.

⁵³Moldstad, “Reviewing the Practice of Closed Communion,” p. 92. Emphasis added.

⁵⁴Moldstad, “Reviewing the Practice of Closed Communion,” pp. 92-93. Emphases in original.

⁵⁵Moldstad, “Reviewing the Practice of Closed Communion,” pp. 93-94.

⁵⁶Martin Luther, stanza 3 of “O Lord, We Praise Thee” (translated by the editors of *The Lutheran Hymnal* of 1941), in *Evangelical Lutheran Hymnary* (Saint Louis: MorningStar Music Publishers, Inc., 1996), #327.