

“Exceptions in the Practice of Holy Communion”

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In Nomine ✠ Jesu

Recently I came across this Communion statement: *“If you have been baptized, acknowledge Christ as your Lord and Savior and have faith that His blood was ‘given and shed for you,’ you are welcome to commune.*

Notice that there is no reference to the Real Presence, no reference to doctrinal unity, no reference to confessional or church identity, no reference to any needed preparation for salutary reception of the Sacrament, no reference that one can receive this Sacrament unworthily and to their judgment ... and equally disturbing, it is a statement from one of our own LCMS churches! This is an “open communion” statement.

One wonders if Luther, seeing the Lutheran Church today, would bemoan as he did seeing the deplorable conditions of the Saxon churches: *“Good God, what wretchedness I beheld! ... How will you bishops answer for it before Christ that you have so shamefully neglected the people and paid no attention at all to the duties of your office?”* [Book of Concord, Preface to the Small Catechism, Tappert, p. 338]

It is my contention that the “deplorable conditions” and “disunity” we now find among ourselves as to how and to whom we administer Holy Communion is due not only to poor catechesis and care for souls, as in the day of Luther, but so also to the practice of granting “exceptions” to those not of our Lutheran fellowship. There is more than sufficient evidence among us that what was once understood as an “exceptional case” has since evolved into and become an acceptable common practice.

While the abuse of something does not necessarily make that something illegitimate in itself, I have come to question the validity of “exceptions” as a whole in communing non-Lutherans and those of other variant Lutheran fellowships, for lack of finding a legitimate biblical and confessional basis for granting them.

My objective in this paper is to raise the question as to the validity of granting “exceptions” in communing those of heterodox fellowships in any circumstance, and encourage a thorough study of C. F. W. Walther’s most instructive essay on Communion Fellowship.

The two primary sources for my presentation are Walther’s 1870 *Theses on Communion Fellowship With Those Who Believe Differently* [Theses], and Charles Porterfield Krauth’s 1877 *Theses on the Galesburg Declaration on Pulpit and Altar Fellowship* [Declaration]. These two documents address the questions that the early American Lutherans were struggling with as to who should be coming at Lutheran altars. Walther, as correctly summarized in the Translator’s Preface, “argues decisively that communion fellowship without agreement in doctrine is contrary to a scriptural understanding of the Sacrament and totally inconsistent with the historic practice of the Lutheran Church.” Krauth, author of the Akron/Galesburg Rule, which limits Lutheran altars to Lutherans only, also gives rationale for “exceptions” to that Rule. We will find these resources as valuable and relevant today in our current discussions as they were to the early American Lutherans.

THE QUESTION

If one is truly concerned with proper pastoral care and discretion he must also take into consideration these questions when contemplating communing someone of another denomination. *Why would we not normally allow a person of another denomination to commune with us, but then would allow it under certain extenuating circumstances? What is the original concern, and how is that concern mitigated by a change in circumstance when there has not been a change in confession?*

To answer this concern I will first address two other questions, admittedly in short order given my limited time. The first question is: “*Who should and should not be communing at our Lutheran altars?*” And the second: “*Are there any exceptions to the first question?*”

WALTHER

To the first question, it was also, as Walther put it, “a burning question of our time.” [*Theses*, p. 6]. He states it this way in his essay, “*Why don’t we admit those who believe differently to Holy Communion?*” The answer he delivers to the 1870 Convention of the Western District of the German Evangelical Lutheran Synod of Missouri, Ohio, and other States. The Convention’s response was a unanimous adoption of the essay as the position of the Missouri Synod on Communion Fellowship.

The essay is directed at the errors of the General Council (or Church Council as Walther refers to them), in particular their acceptance and allowance of their member congregations to commune Christians from Reformed Church bodies, or those of the Evangelical denominations. The use of the term “Evangelical denominations” by the Church Council is not a neutral one. It includes all protestant groups. It implies “that all Christians who are not either papists or gross rationalists are to be considered orthodox ... and must cultivate church fellowship with one another” [*Theses*, p. 7].

This identifies the central question of Communion Fellowship as one of Ecclesiology, or the Doctrine of the Church. Thus Walther states in Thesis I: *The true visible church in an absolute sense, or part of the same, is that church in which the Word of God is preached purely and the Holy Sacraments are administered according to Christ’s institution.* This Thesis simply restates Article VII of the Augsburg Confession on the Church.

Corresponding with this true visible church in the **absolute** sense is also a true visible church in the **relevant** sense. A true visible church in the **absolute** sense is:

... a group of Christians, in which there are certainly always evil men and hypocrites intermingled, but among whom the pure unadulterated Word of God and Sacraments are found.

Likewise, a true visible church in the **relevant** sense is:

*... a mixed group in which the Word of God and the Sacraments are only generally or fundamentally present ... One such church, for example, is the Reformed. That is to say, they are a fellowship which is organized in the goal of promoting the Word of God and the Sacraments among themselves. It is only because they do not have these means of grace purely, in accordance with the institution, that they cannot be called a true visible church in an absolute sense. But praise God that there is still one such church! [*Theses*, pp. 6-7]*

Of course the question arises as to who that church is, and Walther makes no apology for the answer. It is the Evangelical Lutheran Church. In fact, he goes so far as to say, “not only ‘a’ but ‘the’ true visible church on earth, insofar as ‘true’ means nothing other than ‘as it should be according to the Word of God’” [*Theses*, p. 7].

It is this distinction that defines the question of Communion Fellowship as one between that of the **orthodox** (those of right or true teaching – or the true visible church in the absolute sense) and the **heterodox** (those of another opinion – or the true visible church in the relevant sense). The Church Council’s error on the Doctrine of the Church is that it does not, in Walther’s words, “really believe there is one true visible church on earth **in an absolute sense**” (emphasis mine) [*Theses*, p. 6]. Hence, we find the unionizing of all protestant groups into the “Evangelical denominations” over which is cast the orthodox banner.

The idea that the Lutheran Church may boast of the “pure doctrine” is denied by the Church Council. Such denial, as Walther asserts, is to then only view the Lutheran Church as “merely the best among many goods; not the orthodox next to the heterodox; not the true visible church in an absolute sense” [*Theses*, p. 7].

Communion Fellowship among the Protestant groups becomes merely a matter of what is good, better, or best – or levels of agreement or fellowship ... not truly what is right or wrong in any absolute sense, thus removing any Biblical prohibitions associated with doctrinal disunity. Walther states that “our doctrine of the orthodox

Lutheran Church is basically a horror to them. If we Lutherans maintain that we alone possess the truth they discard it as arrogant, intolerable, presumption” [Theses, p. 7]. He concludes, “their unionistic communion practice originates in the wretched theory of open questions” [Theses, p. 7], a theory Walther had already refuted in 1868 in a series of articles titled “The False Argument for the Modern Theory of Open Questions.”

As a side, these articles are a most helpful companion to Walther’s Theses on Communion Fellowship and I highly commend them to your reading. Both of these works by Walther may be downloaded from the ACELC website [www.acelc.net].

If, as the Church Council believes, there is no true visible church in the absolute sense, then it must follow that there can be no absolute unity in the Church in this life, but only a fundamental one, that is, an agreement in fundamental doctrines only, not all doctrines. The consequent error of the Church Council’s position on the Doctrine of the Church is unionism and its correlate fellowship practice of “open communion.”

For clarity, “open communion” is not simply that of communing crass errorists such as those outside the Christian faith, but also includes those in the Christian church with whom one does not have unity of faith and doctrine. And in view of the true visible church in the **absolute** sense, it includes those who are only of the true visible church in the **relevant** sense, meaning, those of heterodox fellowships.

The distinction between orthodoxy and heterodoxy is essential. Each have their corresponding consequent. From Revelation 3 Walther compares the church in Philadelphia with the church in Laodicea. It is the Philadelphia church who has held fast to the Word of truth and kept the pure doctrine that continues today, while the lukewarm church in Laodicea has since vanished. And what Christ said of those who did not faithfully hold to the Word and have fallen away is not that they are “dear brothers who have another equally valid viewpoint,” but that they are “the liars” [Theses, p. 10]. There is a real danger and judgment upon those fellowships where the Word of truth is not kept.

“Fellow Christians, by the name of our Lord, Jesus Christ, I urge you all to agree and not be divided but perfectly united in your understanding and judgment,” the words of Christ through St. Paul to the Corinthian church (1 Cor. 1:10).

Walther uses this verse as the Holy Spirit’s condemnation of unionism. This sets up Thesis II: *A Fellowship in which the Word of God is fundamentally denied, or in which a fundamental denial of the Word of God is tolerated, is not a true orthodox church, but a false heterodox church or sect.*

The thrust of this Thesis is that where the Word of God is falsified with impunity, and where the lie is considered as good as the truth, and error is tolerated, there also is the fearful judgment of Christ, as upon the church in Laodicea, **“I would that you were either hot or cold. But because you are lukewarm and neither hot nor cold I will spit you out of my mouth”** (Rev. 3:15-16) [Theses, p. 12].

Therefore Theses III and IV state: *Every man is obligated to recognize the true visible church, and, if he has the opportunity, to join it. And likewise, Every man is obligated to avoid heterodox churches, and in the event that he has belonged to a heterodox church, his obligation is to renounce it and separate himself from it.*

The supporting biblical texts are numerous. These “separation from the heterodox (or those of other opinion) texts” include Psalm 26:4-5 (not to sit with men who lie or keep company with hypocrites), Romans 16:17 (to avoid those who divide the church with false doctrine), 1 Corinthians 10:18 (not to participate in false communions), Matthew 7:15 (beware of false prophets), 1 Timothy 6:3-5 (concerning those who do not agree with the sound words of Jesus), Titus 2:10 (warning and avoiding a heretic), and 2 Corinthians 6:14 (not to be yoked with unbelievers).

These speak not only of unbelievers, but so too of erring believers. Unionism is based on unbelief since it tolerates error and those who openly teach contrary to God’s Word. The one who takes part in unionism, writes Walther, “also therewith takes part in the evil and unbelief that is basic to it” [Theses, p. 19].

Yet in Thesis 5 Walther also makes it clear that, *True Christians are also found in heterodox fellowships as a result of their lack of knowledge.* Such Christians may be outwardly following a false teacher, not perceiving

their evil, nevertheless inwardly their hearts are depending on Christ [*Theses*, p. 21]. But it is then contended that if Lutherans do acknowledge this, that there are Christians in other churches, then should not these Christians also be able to participate in their Sacraments since these are signs and seals of God's goodwill to all Christians? [*Theses*, p. 26].

To this Walther writes in Thesis VII:

*The main purpose of the Holy Sacrament is to be a tool and a means through which the promises of grace are offered, communicated, and appropriated, as with a seal, guarantee, and pledge through which these promises are confirmed. However, **within this major purpose, as a secondary goal, the Sacrament is to be a distinguishing sign of confession and a bond of fellowship in worship. Therefore Communion Fellowship is Church Fellowship** (emphasis mine).*

1 Corinthians 12:13 says of Holy Baptism, "**By one Spirit all of us ... were baptized to form one body.**" Likewise in 1 Corinthians 10:17 says in view of Holy Communion, "**All of us are one body because there is one bread and all of us share that one bread.**" By this eating together, writes Walther, "a person is declared to be one in Christ with all Christians" [*Theses*, p. 26].

To commune then with those who are of another faith or confession is a violation of that unity and oneness of faith and to be considered a "grievous sin" [*Theses*, p. 27]. In addition, such communion practice with those of another faith and confession, as the "Church Council" was doing, and thus allowing the errant to remain in their error, plunges both into the "sin of hypocrisy." For "the Sacraments are also marks and bonds of Divine Service and brotherly fellowship in the faith" [*Theses*, p. 27].

Walther continues, "The spokesman of the 'Church Council' would also admit that Baptism and Holy Communion are the distinguishing marks of the orthodox church. This being the case it is a most grievous fraud and a deception in the name of God to impress the seal of orthodoxy upon those who believe differently, in that they are received at Holy Communion" [*Theses*, p. 30].

To the charge that the Missourians are then treating other Christians who believe differently as those who are excommunicated is refuted in Thesis XI:

*We do not place members of heterodox fellowships under excommunication or declare them to be heretics or damned by our refusal to allow them to participate in the celebration of communion within the fellowship of the Lutheran Church. Instead, **they are merely suspended until such time as by their separation from the false fellowship they are reconciled with the orthodox church** (emphasis mine).*

And if we would venture to know just how Walther would answer such a person from a heterodox fellowship wanting to commune in the Lutheran Church, he most willingly obliges:

*We would be glad to allow you to come to holy communion with us. But there is still a barrier in the way. That is the sin of your error in doctrine which you have not recognized up to now. **This you must acknowledge and abandon first and become a member of the orthodox church** (emphasis mine). Then you will be a dear, welcome guest at communion with us [*Theses*, p. 45].*

In summary two things should be noted, that not only unbelief is a breach of the unity and oneness of faith in Christ, but so too the false belief of the heterodox; **and therefore communing the heterodox is a sin.** The sin being both of violating the oneness of faith essential to the oneness of the body of Christ, and the deception of placing the seal of orthodoxy upon the heterodox, and thus allowing the heterodox to remain in their error.

As to who then should come to Communion, Walther writes:

*All should come to preaching, but only Christians should come to Communion who have confessed the proper Christian faith with their mouths. Whoever, therefore, goes to Holy Communion in a Lutheran Church declares openly before the world: "I belong to this church, to the doctrine which is preached here, to the faith which is confessed here, and to all the confessors who belong here." The pastor who administers the Sacrament to him declares exactly the same thing [*Theses*, p. 27].*

Thesis VIII carries us further into the proper administration of the Sacrament. It states: *Holy Communion was not instituted to make people Christians. It was instituted to strengthen the faith of those who already are true Christians. Therefore Communion should be administered to no one who has been revealed as a false Christian.*

This Thesis rests squarely on 1 Corinthians 11:27-30, as translated from Walther's Theses, "Anyone who eats the bread or drinks the Lord's cup in an unworthy way is sinning against the Lord's body and blood. Examine yourself and then eat some of the bread and drink from the cup. Anyone who eats and drinks without seeing that the body is there is condemned for his eating and drinking" [Theses, p. 31].

Thus the pastor does not have the obligation to commune everyone. He is not to administer it to heretics, the heterodox, or "openly fleshly people," but only those that he cannot "publicly prove unchristian behavior." Here Walther quotes Luther:

I must have no doubt but be certain that those to whom I give the Sacrament have laid hold of the Gospel and sincerely believe. And again: No one should be allowed to go to communion who has not been individually examined by his pastor to see if he is prepared to go to the holy Sacrament. For Paul says in I Corinthians 11:27 that they are guilty of profaning the body and blood of Christ who receive it unworthily. Not only do they who receive it unworthily dishonor the Sacrament, but also those who carelessly give it to the unworthy. [Theses, p. 31]

Many of our own challenges today with those who believe differently seeking the Lord's Supper at our altars, are due to what we have let fall into disuse, that which works to properly prepare a communicant for worthy reception of the Supper and helps negate difficult and compromising situations at the altar. Walther states it this way:

*This indicates the continuing importance of personal announcement before Holy Communion in our churches. Those pastors who do not continue these announcements, practice shamefully, faithlessly, and unscrupulously and do not exercise the utmost care toward the salvation of the members of their congregations. The thought of the most holy body and blood of Christ being eaten by false Christians is even more dreadful than the thought of throwing them down in the mud! **A false Christian is one who will not give up either false doctrine or a godless life** (emphasis mine). [Theses, p. 33]*

The consequent of this lack of care on the part of pastors, and even the congregations, is brought to light more pointedly in Thesis IX:

*In Holy Communion the Body and Blood of Christ is actually present, distributed and received by every communicant. Therefore Communion can not be administered to anyone who does not confess a belief in this mystery **without grievous sin** (emphasis mine).*

The basis of this Thesis is 1 Corinthians 11:29: "**For anyone who eats and drinks without discerning the body eats and drinks judgment on himself.**" In conjunction Walther quotes 1 Corinthians 4:1 "**This is how one should regard us, as servants of Christ and stewards of the mysteries of God,**" after which he states that, "Accordingly pastors are not only distributors of the divine mysteries of grace but also their stewards" [Theses, p. 35]. This means that a proper reception of the Lord's body and blood for the blessing of the communicant is not only the responsibility of the communicant in self-examination, but so also the steward who is bound by a definite instruction by which he is to administer the sacraments [Theses, p. 35]. The Augsburg Confession:

And so our people are frequently instructed on the Holy Sacrament with the utmost diligence as to how it was established and is to be used ... And in that regard there is also instruction against other impure doctrines on the Sacrament. [AC XXIV, 64].

And Luther:

We cannot and will not give such a Sacrament to anyone who has not been previously examined as to what he has learned from the Catechism and whether he is willing to abandon the sins which he has

done to the contrary. [Warnungsschrift an die zu Frankfurt a.M., sich vor Zwinglischer Lehre and Leheren zu Hutten, St. Louis, XVII, 2018.]

What is clear here is that the historic understanding and practice of the orthodox Lutheran Church was not to commune anyone who was not first examined by the pastor and found properly prepared. Walther is concerned about the proper administration of the Supper and the high pastoral care of souls. The communing of those of heterodox fellowships is not without violation of the very essence of Holy Communion in the unity and oneness of faith. This raises a few questions for discussion:

Is it a proper and responsible practice to make statements of belief concerning the Lord's Supper for guests and visitors to read and decide for themselves whether they are prepared and worthy to receive the Sacrament? Does such practice exonerate a pastor of his duty to be a responsible steward of God's mysteries by individual examination and announcement?

And ...

How is it that we require instruction and Confirmation of our own members for proper reception of Holy Communion, but not of guests or visitors whom we know little or nothing about, especially those of another denomination? Do we not know enough about the variant teachings of other denominations that they are not of one mind and understanding with us, and thus not in "communion" fellowship with us?

To the first question: "*Who should and should not be communing at our Lutheran altars?*" Only the orthodox should commune at Lutheran altars – those who confess the "proper Christian faith" and are members of the true visible church in the **absolute** sense, where *the pure unadulterated Word of God and Sacraments are found*. And that church is the Evangelical Lutheran Church.

The "heterodox" are not to commune at Lutheran altars – not only those who teach contrary to the *pure Word of God and Sacraments*, but so too those Lutherans who refuse to repudiate their error and allow them into their communion fellowship. Thus Walther does not ascribe "orthodoxy" to the liberal General Synod, nor the moderate Church Council, who hold to such practice or allow it. Such Lutherans are also "heterodox" in their union with them and to be avoided in church fellowship.

Now concerning the second question: "*Are there any exceptions to the first question?*"

KRAUTH AND THE GALESBURG DECLARATION

Here I turn to where "exceptions" in communion fellowship were first formalized and defended in American Lutheranism ... the Akron/Galesburg Rule, also known as the Galesburg Declaration. The Rule was written by Charles Porterfield Krauth, then President of the General Council (or Church Council). Krauth wrote the Rule in 1872, two years after Walther's Theses, which were again reaffirmed by the General Council in 1875. What influence Walther's Theses may have had upon Krauth and the General Council is not clear, but nevertheless the Rule was an attempt to move the General Council toward a more orthodox communion practice. But not everyone supported it. By order of the General Council Krauth prepared a defense and explanation of the Rule and it's granted "exceptions."

The rule is: Lutheran pulpits are for Lutheran ministers only. Lutheran altars are for Lutheran communicants only. The exceptions to the rule *belong* to the sphere of privilege, not right. The determination of the exceptions is to be made in consonance with these principles, by the conscientious judgment of pastors, as the cases arise. [see Translator's Preface to Walther's *Theses*, p. 2]

To better understand what this Rule and its "exceptions" mean, four essential questions arise. To **whom** are exceptions being granted? And to **what** are exceptions being granted? And on what **basis** are the exceptions being granted? And by what **authority** are the exceptions being granted?

According to Krauth's 105 *Theses on the Galesburg Declaration on Pulpit and Altar Fellowship*, the answer to the first question as to **whom** are exceptions being granted are non-Lutherans, specifically Reformed Christians, those included in the "Evangelical denominations." [*Declaration*, Thesis 12, p. 3].

As to *what* are exceptions being granted is the Rule itself: *Lutheran pulpits are for Lutheran ministers only. Lutheran altars are for Lutheran communicants only.* But here we are only addressing the communion issue.

On what *basis* are the exceptions being granted is essentially that of circumstance, on the presumption that there “may be” exceptions. Krauth writes in Thesis 8, “Extraordinary cases may arise in which those who are not ‘Lutheran Preachers’ ... may be admitted to Lutheran pulpits, and those who are not ‘Lutheran communicants’ ... may be admitted to Lutheran altars.”

The exceptions are defined in Thesis 17:

Such exceptions may be defined *positively*, as cases of peculiar and exceptional necessity “*which arise*,” such as are produced by times of pestilence, by imminent death, by close imprisonment, by extreme peril from persecution, from sanguinary and oppressive laws, or tyrannical governments, from real inability to make public confession, or from mental feebleness, or of invincible ignorance which preclude a comprehension of more than the elements of doctrine.

But it is not until we get to Thesis 66 that we find this statement: “That which is wrong *in principle* if constant, is wrong *in principle* if occasional. Expediency in its proper sphere, may allow of the *occasional* as over against the constant, but *principle* does not.” This means, according to Krauth, that *in principle* there are no exceptions. But in matters of *expediency* there may be exceptions. Thus expediency trumps principle. Expediency simply refers to *that which is suited to the circumstances or occasion* [Webster’s New World College Dictionary, 4th ed.].

And, as by what *authority* is the exception being granted, it is that of the “conscientious judgment of pastors,” and granted as a “privilege,” not a “right” by which someone could then demand admission. Privilege means *a right, advantage, favor, or immunity specially granted to one* [Webster’s New World College Dictionary, 4th ed.].

So to sum up what this means, is that on the “presumption” that there “may be” exceptions, and this as a possibility of “extraordinary cases” of “peculiar and exceptional necessity,” like imminent death, close imprisonment, or extreme peril from persecution, to name a few, the pastor by his own discretion and conscience may essentially, as a privilege to the communicant, grant immunity to the Rule, to which under “normal and constant conditions” there are absolutely no exceptions, but on a change of “circumstance” does allow the communing of a non-Lutheran, or heterodox Christian. Krauth writes, “What may be imperatively the Rule in normal cases, becomes impossible in exceptional ones” [*Declaration*, Thesis 17, p. 4]. Meaning, that under certain circumstances, an orthodox Lutheran pastor may commune a heterodox Christian without renunciation of his heterodox fellowship or error, and also without the offense of sin.

This also raises questions:

If communing the heterodox is sinful in the general sense, then what makes the “exception” not a matter of sin? And, if the “exceptional” communing of the heterodox is not a sin, then what makes the general communing of the heterodox a sin?

And consequently ...

How then does an emergency or special case so change the nature of Communion itself that what it condemns in general, is no longer an offense in an exceptional “circumstance”?

Thus, what we find ultimately, is that Krauth’s *Declaration* gives no Scriptural or Confessional basis for the granting of “exceptions.” It lies completely within the realm of human judgment, or as we will hear Francis Pieper state later, of “human caprice.” Now this may seem even less than in short order, more could be said about the issue of exceptions, but the bottom line for the justification of granting “exceptions” in communing the heterodox at Lutheran altars is simply *expediency*. And thus also do we find the same rationale in our own CTCR documents.

MISSOURI TODAY

It is not exactly correct as stated in the 1999 CTCR Report *Admission to the Lord's Supper* concerning communing those of "another confession," that "the Synod has also consistently held that there can be exceptions to the ordinary way of proceeding and that such exceptions are best left up to *ad hoc* pastoral discretion." [CTCR 1999, p. 46] This statement takes up the spirit of the Akron/Galesburg Rule and its "exceptions" clause with which the early Missourians did not agree.

There is no indication at all in Walther's *Theses* of granting exceptions in communing the heterodox, or those of "another confession." On the contrary. In Thesis X Walther includes an account of a rumored exception that was then sternly refuted by the accused, that no such exception was granted [*Theses*, pp. 38-39].

The only case that could possibly be construed as an exception with Walther is where one is near the point of death as mentioned in his *Amerikanisch-Lutherische Pastoraltheologie* [p. 193, n. 1]. However, this should not be understood apart from his concern in Thesis VIII that "those who believe differently should not receive Holy Communion as long as they have not renounced their error or their heterodox fellowship and in this way reconcile themselves with the orthodox church" [*Theses*, p. 33]. In such a case one is hard pressed to call this an "exception" when both the right confession and proper fellowship have been established, even if in short order.

It was the "Galesburg Rule" that Francis Pieper, an ardent student of Walther, was criticizing in the following footnote in his *Christian Dogmatics* concerning communing those of heterodox churches:

¹³⁸ This "admission as guests" involves a self-contradiction. When Lutheran synods in America indeed wanted to cling to the rule, "Lutheran *altars* for Lutheran Communicants only," but then wanted exceptions to the rule *granted*, they were again making admission to the Lord's Supper a matter of human caprice and were thus in fact dropping the divine rule. [Francis Pieper, *Christian Dogmatics*, III, p. 386]

And concerning Altar-fellowship Pieper writes:

In regard to altar-fellowship the same reasons hold good which forbid Church-fellowship with errorists. Altar fellowship certainly is Church-fellowship. There is, however, an additional reason to be noted on this point. According to the explicit *statement* of Holy Scripture all such as are not able to "discern the Lord's body," partake unworthily of the Lord's Supper. Consequently, love bars us from admitting to our altars Christians who do not believe the real and substantial presence of the body and blood of Christ in the Holy Supper, and, therefore, are not able to discern the body of the Lord. ***This rule too, being taken from the Word of God, admits no exceptions. To say that making exceptions should be left to the discretion of the individual pastor or congregation, is, in fact, granting license to act against the Word of God*** (emphasis mine). [Franz Pieper, "The Synodical Conference" in *The Distinctive Doctrines and Usages of the General Bodies of the Evangelical Lutheran Church in the United States*, Lutheran Publication Society, Philadelphia, PA., p. 9]

Again he writes in view of Romans 16:17:

All Christians are commanded to avoid those who teach doctrines contrary to the Scriptures (Rom. xvi. 17); teachers, therefore, who in any way proclaim false doctrines, are not to be admitted into, but to be excluded from our pulpits. **As this rule is taken from the Word of God, it admits of no exception, but applies to every case and occasion** (emphasis mine). ... In regard to altar-fellowship the same reasons hold good which forbid Church-fellowship with errorists. Altar-fellowship certainly is Church-fellowship. [Franz Pieper, "The Synodical Conference" in *The Distinctive Doctrines and Usages of the General Bodies of the Evangelical Lutheran Church in the United States*, Lutheran Publication Society, Philadelphia, PA., 1893, p. 128-129]

Therefore one cannot properly appeal to Pieper in making a case for granting "exceptions" to the heterodox. Yet the rationale given in the 1983 CTCR Report on *Theology and Practice of the Lord's Supper* seems to do just that when it quotes in a footnote the following from Pieper:

²⁸ 1967 Res. 2-19. See also 1969 Res. 3-18 and 1981 Res. 3-01. Cf. Francis Pieper, *Christian Dogmatics*, III p. 381. Pieper begins his discussion concerning who is to be admitted to the Lord's Supper by stating: "***Christian congregations, and their public servants, are only the ministrants and not lords of the Sacrament.... On the one hand, they are not permitted to introduce 'Open Communion'; on the other hand, they must guard against denying the Sacrament to those Christians for whom Christ has appointed it.***" [emphasis mine – the apparent rationale being used for exceptions] [The CTCR continues...] To be sure, a heavy responsibility rests on pastors in making decisions as they evaluate those **exceptional cases of pastoral care where persons who are members of denominations not in fellowship with the LCMS desire to receive the Lord's Supper** [emphasis mine]. However, part of the pastor's responsibility in such situations involves informing individuals desiring Communion also of *their* responsibility regarding an action which identifies them with the confessional position of the church body to which the host congregation belongs and their willingness to place themselves under the spiritual care of the pastor in that place.

In short order, there is, as in Krauth's *Declaration*, a presumption of "exceptional cases." I say "presumption" because there is no biblical basis provided in this document for such cases. Pieper's quote is it, in particular, that the ministrants of the Sacrament "***must guard against denying the Sacrament to those Christians for whom Christ has appointed it.***" This quote provided by the CTCR is actually used by Pieper to refute the practice of "Open" Communion," not refute and then provide an exception to the rule. That would contradict his statement that exceptions are a contradiction to the rule, as stated above, and that the Rule "applies to every case and occasion."

The 1999 CTCR Report continues the presumption of "acceptable exceptions" with a text provided from the Preface to the Book of Concord:

"But we have no doubt at all that one can find many pious, innocent people even in those churches which have up to now admittedly not come to agreement with us. These people go their way in the simplicity of their hearts, do not understand the issues, and take no pleasure in blasphemies against the Holy Supper as it is celebrated in our churches according to Christ's institution and as we concordantly teach about it on the basis of the words of his testament. It is furthermore to be hoped that when they are rightly instructed in this doctrine, they will, through the guidance of the Holy Spirit, turn to the infallible truth of the divine Word and unite with us and our churches and schools." [*Book of Concord*, Preface, Tappert, p. 11-12]

This text simply states that there are ingenuous Christians in other church bodies. There is no indication that such were admitted to Lutheran altars as an "exception." But, conversely, that once they are instructed, they would embrace the infallible truth of the divine Word and then be united with us in fellowship. This perfectly coincides with what is taught in the Augsburg Confession, "for none are admitted unless they are first heard and examined" [AC XXIV.6, Tappert]. And, it would fall short to think that inclusion into altar fellowship was based only upon the doctrine of the Lord's Super. To infer otherwise is simply to ignore the greater context of the Book of Concord itself.

Interestingly, this same text from the Preface is what the General Council was using for its justification for communing the heterodox. Walther takes them to task for this in Thesis V where he writes:

"There are also Christians in other churches. We do not condemn them, but only the false doctrine and its stubborn teachers and defenders. This passage is all the more significant in this discussion because from it, as noted above, the spokesmen of the "Church Council" wish to conclude that one can rightfully admit heterodox, simple, dear Christians and their preachers from other church fellowships to altar and pulpit fellowship. They contend that we are guilty of un-Lutheran practice because we exclude these people from our altars and pulpits. But we will hear later how false that conclusion is from this passage." [*Theses*, p. 22]

While here an appeal to the Confessions is made for the case of "acceptable exceptions" in communing those of other denominations, it simply misses the mark. However the CTCR does remain consistent in one thing con-

cerning the granting of exceptions and its historical basis ... that is, it gives no biblical and confessional basis and thus ultimately leaves it a matter “best left up to *ad hoc* pastoral discretion.”

PASTORAL DISCRETION

This, then, raises the question as to what the very nature of pastoral discretion is. If we follow what is asserted in the Akron/Galesburg Rule, a pastor has the discretion to make decisions in pastoral care that essentially lie outside of given biblical bounds. This presumes that under certain extraordinary circumstances immunity may be granted a man from what the Bible otherwise prohibits. This raises the following concern:

*Do we really believe that we hold the right as stewards to discern a departure from the practice that is in accord with Christ’s institution on the basis of some exceptional or extenuating circumstance? Is that what “pastoral discretion” is – discerning when it is appropriate to depart from the “norm,” that is, the *norma normans* and the *norma normata* ... rather than to discern what is actually in keeping with them so as not to violate them? Do we determine when a matter of sin is no longer a matter of sin due to some exceptional or extenuating circumstance? Would that also include other matters of sin like adultery?*

As a called and ordained servant of the **Word**, it should go without saying that pastoral discretion is a matter of making proper distinctions and discernment *in keeping with that same Word*.

CONCLUSION

I will simply state here that the LCMS has lost sight of its historic position as first adopted in 1870 for essentially that of the Church Council and the Akron/Galesburg Rule, specifically with it’s corresponding presumption of “exceptions,” apart from any given biblical and confessional basis.

We are again standing at the precipice of the debate on Communion Fellowship between the early American Lutherans, except this time not as multiple synods or councils or conferences working toward unity, but as multiple factions all under the banner of Missouri. In the least we ought to take serious note of where those Lutheran bodies are today that largely made up the more liberal General Synod and moderate General Council ... and that is in the ELCA who now communes “officially” with a number of Reformed church bodies and all their variant doctrines – in practice exercising a fellowship of doctrinal indifference, or unionism. ***Once the head of the serpent is in the door, there is nothing to stop the rest of him from coming through.*** Walther and the early Missourians held the orthodox line. The difference? Their uncompromising focus on doctrine. And because of this they held that communion unity of oneness in faith in Christ for whom “*Christ has appointed it.*”

Did God actually say, “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 10:1). YES! *Then why are we not?* Because we have not collectively believed it and trusted that God’s Word alone, and the ardent study of it can and does bring about this oneness and unity of mind and judgment. It does so or we call Satan true and God a liar.

In closing, hear what one official from the General Council observed about the early Missourians after attending one of their conventions:

“Now I understand why the Missourians are so unified. The reason is that they always spend a great deal of time in the thorough study of doctrine. They don’t merely discuss it thoroughly, but they always get down to the basic principles and prove everything on the basis of Scripture. That is the secret of the Missourians. With that kind of approach, they cannot help being unified.” [“Duties of an Evangelical Lutheran Synod” in *At Home in the House of My Fathers*, by Matthew C. Harrison, Lutheran Legacy, 2009, p.299]

We would do well to be like them again. *Thank you!*

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