

OBSERVATIONS ON THE DOCUMENT "MINISTRY IN THE CHURCH" BY THE
LUTHERAN/ROMAN CATHOLIC JOINT COMMISSION

by

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In 1978 an important statement on the Eucharist by the Lutheran/Roman Catholic Joint Commission was published and very favourably received.* It was also announced that another statement was being prepared on "*Ministry in the Church with special reference to the ordained episcopal ministry*". It is this that is before us now.

It was not to be expected that in a work of this kind on so complex a subject there should be agreement on all points; I shall express some

reservations myself later on. But in the long and difficult march towards unity this is certainly a new advance, at which we can only rejoice and look forward to fresh progress.

The document is presented as follows: a short introduction retraces the Commission's work since the *Malta Bericht* of 1972; the connection between study of the Eucharist and that of Ministry is emphasised. We are warned that deeper study of a question so complex as the Primacy of Peter can only come later; here the problem will merely be

*Document published by the Secretariat for Promoting Christian Unity, *Information Service*, no. 39 (1979) pp. 23-35. Other documents will be cited; (1) Report of the RC/Lutheran Joint Commission 'The Gospel and the Church', 1972 (cited as '*Malta*') (ii) Report of the Faith and Order Commission on Baptism, Eucharist and Ministry, 1974 (cited as '*Accra*').

set out. It is stressed finally that the debate about ministry is important not only in dialogue between the old churches but also to a world in evolution and for the missionary task.

The rest of the document is of four chapters: 1) The saving action of God accomplished through Jesus Christ in the Holy Spirit; 2) Ordained ministry in the Church; 3) Ministry in its various forms; 4) Mutual recognition of ministries; it is in these chapters that the most serious difficulties between Lutherans and Catholics are confronted, so we must dwell on them.

Chapter I. — *The Saving Action of God through Christ in the Spirit.*

Here is a common starting point already affirmed in the *Malta Bericht* of 1972: "Lutherans and Catholics are, like others, convinced that we owe salvation exclusively to the saving action of Christ accomplished once for all by God in Christ Jesus as the Gospel testifies."¹ Christ then is forever the great High Priest, the shepherd, the teacher of the truth, and is present and active in the Church through the Spirit (no. 6-9). Sent by the Father, Jesus Christ in turn sent his disciples to carry the gospel to the whole world. The gift of the Spirit which the Apostles received guaranteed that they should act not by their own power but in the name of the risen Lord. In the paragraphs which follow, (nos. 11-15) the statement rightly insists that it is the whole people of God which is sent on mission, which receives and transmits salvation at the order and with the authority of Christ; the whole people shares in spiritual priesthood, witness and service. Undoubtedly within this priestly people there are different ministries, as the New Testament indicates but all particular ministry is at the service of the whole people. Lutheran/Catholic agreement on all these points is an important starting-point for a search for further agreement on ministry.

Chapter II. — *Ordained Ministry in the Church*

This chapter begins by recalling the apostolic origin of the Church; the Church is founded once for all on the apostles and their mission is in that respect unique and not transferable; but the church keeps permanently its relation to its apostolic origin: "The doctrine of apostolic succession underlines the permanent normative character of apostolic origin and at the same time wishes to

affirm that the mission entrusted to the apostles is to be continued" (no. 16). This first presentation of the expression 'apostolic succession' will certainly create difficulty for Catholic theologians; I shall return to it later.

If the role of the apostles as foundation of the Church cannot be passed on to others, the responsibility they had for the growth and conduct of the first communities has to be maintained. The New Testament itself reveals the existence of a particular ministry: this ministry remains essential at all times and in all circumstances², though it may take concrete forms which vary according to need. It is comparable to the charism of government of which the New Testament already speaks; it is interesting to note that the document refers here not only to the list of charisms in *I Cor.* XII, 28 but also to the texts of the pastoral epistles which mention the qualities required by 'bishops' and 'presbyters' (*I Tim.* III,1; *Tit.* I,6 *saa.*) and to the charism conferred by the laying on of hands (*I Tim.* IV,14; *II Tim.* I,6). With the *Accra* document our commission says: "The presence of this ministry in the community signifies the priority of the divine initiative and authority in the existence of the Church"³. There can be no question then of a delegation 'from below' but only of institution by Christ and this is how Vatican II should be understood when it says that the common priesthood and the ministerial priesthood "differ from one another in essence and not only in degree"⁴. We must acknowledge the importance of this declaration.

Nos. 21-22 express in a remarkable way the dependence of this ministry on Christ and his presence in the ministry which is his instrument and organ. One can only rejoice at these points of agreement. The same applies to what is said about the relation of the minister to the community (nos. 23-24): borrowing the words of the *Malta Bericht*, "the ministry is set before the community as well as within the community and so cannot be a delegation from the latter".

Here the text broaches the problem of the ministry of women and their ordination. Without going into it fully, it underlines its importance and the difficulty it creates both within the Lutheran churches and for dialogue with the Catholic Church (no. 25).

The section which examines the functions of ministry (nos. 26-31) recalls the divergences be-

(1) Cf. *Malta*, no. 48.

(2) These affirmations repeat almost to the letter those of *Accra*, no. 13.

(3) Cf. *Accra*, no. 14.

(4) Vatican II, Constitution on the Church (*Lumen Gentium*) no. 10; this explanation is found in note 23 of the present document.

tween Lutherans and Catholics especially after the Council of Trent: the latter puts the accent on ministry of the sacraments, especially the Eucharist, while the Lutherans insist on the proclamation of the Gospel, of such a sort that faith may be kept lively and strengthened. None the less the signatories propose a common declaration acceptable to all, though slightly different from that proposed at Accra (Accra 15): "the essential and specific function of the ordained minister is to assemble and build up the Christian community by proclaiming the word of God, celebrating the sacraments and presiding over the liturgical, missionary and diaconal life of the community." (n. 31). An acceptable formula, in harmony with the declarations of Vatican II (cf. *Lumen Gentium*, n. 27).

The next section, which deals with ordination is an important one (nos. 32-35). Following the *Malta Bericht*, it acknowledges a *de facto* convergence in the practice of the two churches: introduction into the apostolic ministry is by the laying on of hands and a prayer during the eucharistic assembly, and thus too the Holy Spirit is signified and given to the minister for the fulfilment of his mission. This rite, which is recognised as going back to apostolic times, is regarded by Catholics as a sacrament, while the Lutherans, who have a more restricted understanding of the word *sacrament*, do not use it in this case though they do not absolutely reject such a use. Even so we might well agree with the signatories in asking, whether, leaving aside the use of words, the differences are not now largely surmounted.

Ordination is conferred, in dependence on the risen Christ, by ministers already ordained. However the Lutherans allow that in case of extreme necessity a local community might ordain. This is explained by the situation of the Lutheran churches in the 16th century when bishops had refused to ordain their ministers.

Lutherans and Catholics are agreed that ordination is once for all and that re-ordination is impossible (nos. 36-9). Lutherans prefer to avoid the expression *character indelebilis* used by Catholics, because of its 'ontological implications' and also to guard against the idea that ordination might be sought primarily for the personal sanctification of the recipient; but we can speak of a 'consensus in substance' (*Konsens in der Sache*). Lutherans also distinguish, among themselves, between ordination and installation in a given community; though they are against the idea of an "absolute ministry" (*freischwebendes Amt*), that is one not ordained to the service of a community, neverthe-

less ordination is habitually done without reference to a *particular* community; ministry of itself is directed to the whole Church and is conferred for life, even if the service of a given community is given up or changed. The importance of this paragraph 38 should be emphasised in view of present discussions about *character*, even within the Catholic Church.

Chapter III. — *Ministry in its various forms*

Much obscurity still surrounds the historic distinction between episcopate and presbyterate. The first Lutheran Confessions appealed to Jerome's contention that the two ministries were originally identical; yet they show a desire to preserve the episcopate and the distinction of degrees in ministry. Since it was impossible to reach agreement on the doctrine and to persuade bishops to ordain evangelical ministers, a situation of extreme urgency arose (*Notsituation*) which compelled the renouncing of continuity with the former order; it then seemed legitimate to proceed to institute ministers through non-episcopal ministers or even through the community (under certain conditions). Nevertheless the need was felt for a ministry of government and oversight (episcopè) over local ministers, which would have various titles — visitors, superintendents, etc. The document acknowledges that the Lutheran Church has lost continuity with the former episcopal ministry; in practice the spiritual functions of the bishop have been for the most part entrusted to local pastors, and this was interpreted as a return to the primitive situation of the Church. Yet in certain places the historic continuity of the episcopate has been preserved. Further, there are regional ministers to whom a number of tasks are reserved and only given to local ministers in exceptional circumstances. Thus there is something of a significant convergence (*bedeutsame Konvergenz*) in the practice of the two churches.

But theologically there is plainly a notable difference. The section which deals with this subject (nos. 45-49) is somewhat complex. The reason is undoubtedly the wish to avoid talking, at this stage of the discussion, about the "apostolic succession" of the episcopate, which will be discussed later. On the way in which distinction came about historically between presbyterate and episcopate plenty of obscurities remain; at all events according to the signatories it is not a question of mere historical development or of simple sociological necessity; the development was with assistance of the Holy Spirit, to answer to an essential need of the Church, which is not only local but also re-

gional and universal and requires at all its levels a ministry which will be at once "in and over against" (*in und gegenüber*) the community.

In this perspective, which can be admitted by both churches, will Catholics feel wholly at ease? In their traditional view, confirmed by Vatican II, it is starting from the episcopate (succeeding historically the apostles) and its universal mission that other ministries should be understood; our document on the contrary would start rather from the local pastor (*Pfarrer*) and only from that starting-point would it see the necessity of regional and universal episcopè. The perspective is evidently very different.

About the teaching ministry and authority of the episcopate (nos. 50-58), the Catholic position on infallible *magisterium* is known. The signatories of the document rightly emphasise that bishops exercise this function in union with the whole people of God, which has received the "supernatural sense of the faith"⁵, and that for its exercise they need the help of priests and theologians. These last, and especially theological faculties, have a much more important and decisive role in the Lutheran churches. They are faced with difficult problems: estrangement between university theology and the practical life of the Church, many doubts about the need for a magisterial organ wielding authority, about the authority of local organs, etc.... The problem is even being raised afresh of the doctrinal authority of the bishops (n. 56). Nevertheless, following the *Malta Bericht* the signatories all agree that "the church's abiding in the truth should not be understood in a static way but as a dynamic event which takes place with the aid of the Holy Spirit in ceaseless battle against error and sin in the church as well as in the world."⁶

We must dwell rather longer on the section dealing with the problem of "apostolic succession" (nos. 59-66). The signatories begin by distinguishing between (1) apostolic succession in the sense of transmission of ministry and (2) in the general

sense. The latter, they say, is the more important and is intended to show that "the Church is at all times referred back to its apostolic origin." It is even said: "In the New Testament and in the period of the early fathers, the emphasis was placed more on the substantive understanding of the apostolic succession in faith and life."⁷ I think many Catholics will feel seriously uneasy about this for several reasons.

First because the word "succession" (*diadachè*) is equated with *permanence* or *continuity*: the Accra document also said this: "The fullness of the apostolic succession of the whole Church involves continuity in the permanent characteristics of the Church of the apostles."⁸ Now if the Church of today *continues* the Church of the apostles it does not *succeed* it, for this would imply that the Church of the apostles had disappeared and been replaced by another; you cannot speak of succession unless one person is substituted for another who preceded him.⁹ Our document in fact identifies *apostolic succession* with *apostolicity*.¹⁰ Can we agree with it that in present Catholic theology this way of seeing and talking of the matter is steadily gaining ground?

Moreover, is it true that this conception of apostolic succession is the most widespread in the New Testament and in the early Fathers? Hardly! The idea of *succession*, from the time it first appears, is applied primarily if not exclusively to "succession in ministry"¹¹. Undoubtedly we must require what is true in the proposed distinction: it would not do to reduce the apostolicity of the Church to "apostolic succession" understood as a historical succession of bishops; but neither can this latter be reduced to something relatively secondary and accidental without disowning the Catholic (and Orthodox) tradition: "...through those who were appointed bishops by the apostles, and through their successors down to our own time the apostolic tradition is manifested and preserved throughout the world."¹²

Our text does however say, following the Malta

(5) Lumen Gentium, no. 12.

(6) No. 58, which repeats Malta, no. 23.

(7) No. 60 which quotes Malta, no. 57.

(8) Accra, no. 28. See also *ibid* no. 27: "This succession is an expression of the *permanence* and, therefore, *continuity* of Christ's own mission in which the Church participates". Italics mine.

(9) See the remarks of A.M. Javierre in "La *successione apostolica nel dialogo ecumenico attorno al ministero*" in the symposium *Baptism-Eucharist-Ministry*, printed in *Studia Anselmiana*, 74, Rome, 1977: especially pp. 220-222 and 227-229.

(10) This is no novelty in protestant theology; for a resumé of the history of discussions on the point see the study cited in note 9, pp. 191 sqq.

(11) See again A.M. Javierre, "Le thème de la succession des Apôtres dans la littérature chrétienne primitive," in the symposium *L'Épiscopat et l'Eglise universelle*, Paris, 1962 pp. 171-221. See also two articles by W. Breunig, *Successio Apostolica*, in *Lexikon für Theologie und Kirche* and in *Sacramentum Mundi*.

(12) Lumen Gentium, no. 20. Le Groupe des Dombes, in its 1976 meeting, recognised that "the unilateral assertion" of the Lutheran Reformed position on apostolic succession "glossed over the legitimacy of the apostolic succession of the bishop" (Doc. Cath. 74, 1977, p. 16, No. 69-70).

document, that succession in the episcopal charge does not *ipso facto* guarantee the accurate preaching of the Gospel.¹³ According to the Catholic tradition, indeed, a bishop who departs from the apostolic faith loses *eo ipso* the right to exercise his ministry. But this of course is true of each bishop separately, and not of the *corps* or *college* in which, according to Vatican II, the infallibility promised to the Church resides.¹⁴

One appreciates the effort the Lutherans make to explain the break made in the 16th century (n. 64) and to bring their position close to that of the Catholic Church (nos. 65-66).

There is force too in certain of their reservations: when they say, for example, that recognition of the apostolic succession of the episcopate should not be an isolated act, but has meaning only in relation with the unity in faith of the Church itself, we cannot but agree: apostolic succession is not isolated from the Christian faith as a whole, but I think it is the sign and guarantee of the faith of the Church, and it is precisely the faith of the Church that affirms this to us.

Besides the ministry of bishops in particular churches, the problem of a ministry at the service of the universal Church is raised; and here arises particularly the problem of the primacy of the bishop of Rome. We shall not linger on this, especially since the Introduction promises a deeper study of the problem. The presentation of it here seems to me right and favourable to further research.¹⁵

Chapter 5. — *Mutual Recognition of Ministries*

Is it possible for the Catholic Church to recognise Lutheran ministries, where apostolic succession in the episcopate is lacking? Our document puts questions which deserve everybody's attention: where there is no episcopate, should it necessarily be thought that there is a total lack of the ministry instituted by Christ? Is it not rather a ques-

tion of lack of fulness of this ministry, of a deficiency which does not entirely rule out the possibility of some authentic ministry?¹⁶ Is there not in the separated churches a certain action of the Holy Spirit and a fruitfulness in certain of their ministries? Does not the New Testament bear witness to a diversity of ministries: Finally it is recalled that in the history of the Catholic Church there are cases where priests (presbyters) have ordained priests (n. 76).

This last fact need not be dwelt on — it is constantly brought up in ecumenical conversations and many explanations have been given of it. As far as the action of the Holy Spirit in all churches is concerned, there is no reason to doubt it: obviously God can act in other ways than through the sacraments he has instituted; in the absence of the sacrament of Order, as St. Thomas already notes,¹⁷ he can sanctify in other ways known to him and thus supply historical deficiencies. But this confidence would not excuse deliberate negligence by men who have been given responsibility for preserving the heritage entrusted to the apostles. Part of this heritage is "apostolic succession" in the Catholic Church's traditional sense. Can it be said that belongs only to the *fulness* of ministry and does not rule out the possibility of an authentic ministry where the episcopate no longer exists? (n. 77). If we are talking about an ordained ministry, many Catholics will find that hard to accept.¹⁸

For the Lutheran Churches it is no longer simple, especially since, as H. Schürmann and H. Conzelmann remark at the end of the *Malta Bericht*, the Lutheran churches have no common doctrine on ministry and ordination.¹⁹ Suffice it to say that, according to the Augsburg Confession, the Church exists wherever the Gospel is truly preached and the sacraments duly administered. This is what our document recalls (n. 79) following that of Malta. But in the eyes even of many Lutherans,

(13) No. 62. Cf. *Malta*, no. 57.

(14) *Lumen Gentium*, no. 25.

(15) For the importance and difficulty of this question see the important symposium *Papsttum als ökumenische Frage*, published Munich and Mainz, 1979. See also Documents of U.S. Catholic/Lutheran Dialogue: *Papal Primacy and the Universal Church*, Minneapolis 1974; *Teaching Authority and Infallibility in the Church*, in *Theological Studies*, Vol. 39, No. 1, March 1979.

(16) Our document relies on the expression used in Vatican II's Decree on Ecumenism, no. 22, which speaks of a "*Sacramenti Ordinis defectus*" in the Reformation churches; it is sought to interpret the word *defectus* "im Sinn des Mangels nicht aber des völligen Fehlens" (in the sense of a defect, but not in the sense of a total lack). All the same, it may be asked whether the Vatican II text supports such an interpretation. See J. Feiner's edition of the Acts of the Council for *Lex f. Theol. u. Kirche*, II, p. 118.

(17) *Suppl. qu.* 35, art. 3, ad 2.

(18) This is not to say that they rule out absolutely the theoretical possibility of a presbyteral succession, as Le Groupe des Dombes suggested in 1972 (*Doc. Cath.* 70, (1973) p. 135 n. 40). Supposing that ordination of priests by priests is absolutely speaking possible (and a certain number of arguments for this can be given: cf. H. Schütte, *Erwägungen zur Möglichkeit einer presbyteralen Sukzession*, in the symposium *Ministry and the Celebration of the Eucharist*, (published in *Studia Anselmiana*, 61, Rome, 1973 pp. 215 sqq.) the fact remains that at the time of the Lutheran Reformation this power was bound by the supreme power of the Church, as it is today.

(19) See the reservations expressed by these two signatories of the *Malta Bericht*, in *Doc. Cath.* 79 (1972), pp. 1080-1). Interesting too are the remarks of Le Groupe des Dombes in 1972 (cf. *Doc. Cath.* 70 (1973) pp. 136-137 nos 43-45).

who can guarantee that the Catholic Church has these two fundamental marks? Is the mere idea of episcopal ministry in harmony with the purity of the Gospel? Many texts of Luther seem to deny this.

The Lutheran signatories have discerned another difficulty in the declaration of the Augsburg Confession: if the unity of the Church is sufficiently realised wherever the Gospel is truly preached and the sacrament duly administered, is it not superfluous (*überflüssig*) to look also for an agreement on ministries? The answer given in No. 80 appears to be an embarrassed one; it is summed up I think in two points: 1) the minister is not independent of the two conditions just cited, since it is he who is charged with the preaching of the Gospel and the administration of the sacraments; 2) even if a certain unity is already in existence, it is desirable to strive towards a more perfect unity... Can we see future possibilities for a mutual recognition of ministries, and on what conditions? (nos. 81-86). Many proposals have been made, but our document acknowledges that it has not been possible to reach an agreement on the point. Catholics and Lutherans believe in any case that it is not possible to reach a recognition of ministries without a complete mutual recognition of churches; now a necessary condition for the latter is agreement on confession of faith, which would itself include shared understanding of ministries and sacraments, and also fraternal communion of the Christians concerned and of their churches. Such

a recognition can clearly only come about gradually, and our document indicates some steps; it asks particularly that each church should make known the results already achieved in ecumenical dialogue, and should try to match its practice to those results in the matter of recruitment to orders and ordination (no. 84).

Catholic feeling would find no. 85 harder to accept. It suggests as a possible further step that the ministry of the *other* church might be recognised as exercising *de facto* the essential functions of the ministry which Christ instituted in his Church, a ministry which each believes to be realised fully in *his own* church. Without doubt it can be recognised that Lutheran pastors exercise *de facto* many functions which belong *de jure* to the ministry instituted by Christ. But as things are at present, in the absence of apostolic succession and of ordination, is it possible to say more than that, and to speak of conformity with the will of Christ and the apostles?

It will be seen that plenty of difficulties remain and it would be vain to ignore them or pass over them in silence. The document we are studying in no way disguises those difficulties, nor does it pretend to solve them all, as its last paragraph clearly shows: it is not on human resources that we can build the hope of reaching full unity between the churches; it is in the Lord's promise, in the Holy Spirit's action, that the ecumenical movement puts its trust.

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