

DOCUMENTARY SUPPLEMENT

ROMAN CATHOLIC/LUTHERAN JOINT COMMISSION

THE MINISTRY IN THE CHURCH

PREFACE

The following document differs in many respects not only from most other ecumenical documents but also from the findings already published by the joint commission on other subjects.

Even the language itself is technical rather than pastoral in character. This is largely due to the controversial questions of church orders and structures which must be dealt with in connection with the problem of the ministry.

Perhaps some Lutherans will find this document "too Roman" and some Catholics will find it "too Lutheran". This reaction may have something to do with the unfamiliarity of the terminology used by one side or the other. The theology of the ministry has been developed largely by both sides in mutual controversy. Statements formerly marked by polemic will no longer be maintained in the same way today. Some of what was once regarded as "typically Lutheran" and "typically Catholic" is being rediscovered as a shared heritage and is therefore increasingly losing its divisive character.

The main object of the Joint Commission has been to set forth clearly what our churches have in common regarding the ministry both in doctrine and in practice, and at the same time not to ignore the remaining differences. It was not the intention to provide a complete defense of our shared views. Neither was it possible to deal with some themes which are of importance today not only in our respective church traditions but also in relationship with the contemporary world.

Nonetheless the limited scope of the document may also be a virtue. Although the agreements which it identifies in the understanding of ministry and episcopacy do not remove all differences, they can nevertheless have momentous consequences.

At a number of places in the document statements are made in the form of a condition. We use formulas which were similarly employed by Reformation churches in the Leuenberg Agreement, such as "if such and such a thing is taught in our churches, a consensus (or a considerable measure of agreement) is reached". This is equivalent to saying that such statements can only be

ventured in the form of questions or challenges to our churches. Are the churches able and willing to consider them as being consonant with the Word of God and with their respective traditions? In addition to this, are they willing to accept the practical implications? It is the churches themselves which are competent to make a final decision as to whether and how these conditional statements can be turned into affirmative declarations.

We hope and pray that this document may contribute to the unity which God wills in his providence. We therefore submit the results of our studies to the authorities of our churches, to the theologians and congregations, for their scrutiny, discussion and comments.

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Hans L. Martensen
Bishop of Copenhagen
Denmark

George A. Lindbeck
Professor, Yale University
New Haven, USA

Chairpersons

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INTRODUCTION

1. The task of the Roman Catholic/Lutheran Joint Commission appointed by the Secretariat for Promoting Christian Unity and the Executive Committee of the Lutheran World Federation is to seek solutions to problems which the 1972 report on *The Gospel and the Church* (Malta Report) could not deal with or dealt with in insufficient detail and which have been noted as in need of further examination in evaluations of that report from both the Lutheran and the Catholic side.

2. As a first result of this task a document on the Lord's Supper, *The Eucharist* was published in 1980. It expressed a joint witness and dealt with common problems that need further clarification.¹

(1) Lutheran/Roman Catholic Joint Commission, *The Eucharist*, Geneva, 1980.

Now, as promised in the document on the eucharist, the statement on *The Ministry in the Church*, with special reference to the episcopate, is presented. Greater agreement on the understanding of the eucharist requires the overcoming of hitherto existing differences concerning the ordained ministry; and this makes necessary joint consideration of episcopal ministry in order to remove the obstacles in this area to a Lutheran-Catholic *communio*.

3. The discussion of these problems needed to be focused and set within limits. It was possible to deal with fundamental christological and pneumatological questions quickly as here there are no major controversies between the two churches.² The same is not the case with respect to the theme of the papal office, which represents a serious problem between our churches. In view of the complexity of the exegetical and historical problems connected with this theme, a separate study needs to be devoted to it.³ Reference will be made in the present document only to the place, the significance, and the problem of the Petrine office. This is possible because the Catholic attitude to the ministry of other churches, as illustrated by the Catholic position vis-a-vis the ministry of the Orthodox churches, is not directly dependent on the question of the primacy. So, too, the Lutheran understanding of ministry can be discussed without reference to the question of the papacy.

4. We have tried in our reflections not to lose sight of the ecumenical implications — the relationship to other churches — even if the problems we have touched upon are presented rather differently in

other churches, as for example in the tradition of the Eastern churches.⁴

5. The matters we have dealt with must be seen not only in the context of Europe and North America. Urgent problems are arising in all parts of the world which are important for understanding the nature and tasks of the church's ministry. Social justice, racial equality, the dignity of the individual, improvement of basic living conditions (especially in the countries of the Third World), the creation of new forms of society — all these and many others are questions related to the proclamation of the gospel. Also the discussion of the longstanding differences between our churches must be viewed against the horizon of the challenges of today and must help to accomplish the missionary tasks that arise from them. Every step we are able to take in clearing away obstacles to the achievement of community between our churches will help us better to fulfil our Christian responsibilities toward the world.⁵

1. The Saving Act of God Accomplished through Jesus Christ in the Holy Spirit

1.1 *Salvation once for all*

6. The saving act of God accomplished through Jesus Christ in the Holy Spirit is the common center of our Christian faith. "Lutherans and Catholics share the conviction that we owe our salvation exclusively to the saving act of God accomplished once for all in Jesus Christ according to the witness of the gospel."⁶ Christ's death

(2) Cf. B. "Documentation of Ordination Liturgies".

(3) Cf. the various reports on the official theological conversations between representatives of the Lutheran and the Roman Catholic traditions in the USA:

— "Differing Attitudes Toward Papal Primacy", *Papal Primacy And the Universal Church*, edited by Paul C. Empie and T. Austin Murphy, Minneapolis, 1974, pp. 9-42.

— *Teaching Authority and Infallibility in the Church*, edited by Paul C. Empie, T. Austin Murphy, and Joseph A. Burgess, Minneapolis, 1978.

(4) Cf. B. "Documentation of Ordination Liturgies", especially "Notes on the Character of the Ordination Liturgies".

(5) We are referring to the following ecumenical documents:

Agreed Statement of the Commission on Faith and Order of the World Council of Churches: "The Ministry", *One Baptism, One Eucharist and a Mutually Recognized Ministry*, Faith and Order Paper No. 73, Geneva, 1978^s, pp. 29-56; quoted: Accra.

Reports on official Roman Catholic/Lutheran dialogues:

— Report on the Joint Lutheran/Roman Catholic Study Commission "The Gospel and the Church" (the so-called Malta Report), *Lutheran World*, Vol. XIX, No. 3, 1972, pp. 259-273; quoted: Malta.

— "Eucharist and Ministry", *Lutherans and Catholics in Dialogue*, Washington, D.C. and New York, N.Y., 1970, Vol. IV, pp. 7-33; quoted: USA IV.

— "Differing Attitudes Toward Papal Primacy", *Papal Primacy and the Universal Church*, op. cit.; quoted: USA V.

Texts of agreement issued by the Group of Les Dombes, France, consisting of French-speaking Roman Catholic, Lutheran and Reformed theologians:

— "Pour une reconciliation des ministeres", Group des Dombes, Les Presses de Taizé, 1973; quoted: Dombes III.

— "Le ministere episcopal", *ibid.*, 1976; quoted: Dombes IV.

(6) Malta No. 48.

on the cross and his resurrection is the climax of God's saving act for the redemption of the whole world. By his death Christ offered himself once for all in obedience to the Father for the sins of the world (*Heb* 9:26-28; 10:11f.). Jesus Christ is the only mediator between God and human beings (*1 Tim* 2:5). Through Jesus Christ "the world is reconciled to the Father in the communion of the Holy Spirit"⁷.

7. As a result of Christ's exaltation, his saving act is valid and effective for the whole of humankind. Jesus Christ is therefore the high priest not just once, but once for all, who intercedes for his flock before the Father for all time (*Heb* 7:25). He is always the shepherd who gathers and guides his people; he is for ever the teacher of truth. As the glorified one, he remains present and active in history.

8. Jesus Christ is always present in his church through the outpouring of the Holy Spirit. It is the Holy Spirit who leads us ever deeper into the word and the work of Christ (*Jn* 14:20; 16:13). Through the Holy Spirit Christ grants us salvation, freedom, peace, reconciliation, justification and new life. Through the Holy Spirit we become a "new creation" in Christ (*2 Cor* 5:17; *Gal* 6:15). The Spirit himself is the gift of salvation.

9. The doctrine of the justification of sinners was the central point of controversy in the sixteenth century. "Today, however, a far-reaching consensus is developing in the interpretation of justification."⁸ This consensus also helps us to see the earlier attempts to achieve unity in the doctrine of justification in a new light. Consequently, we now have a *joint starting point* for the question of the communication of salvation in history.

1.2 The Communication of Salvation in History

10. Just as Christ, in the Holy Spirit, was sent into the world by the Father, he now sends his disciples into the world so that in his name they bring the gospel to all humankind (*Mt* 28:19; *Mk* 16:15).⁹ The promise and the outpouring of the Holy Spirit assures the apostles that they act in behalf of the risen Christ and not by their own strength.

11. "The witness of the gospel requires that there be witnesses to the gospel."¹⁰ The ministry of reconciliation belongs also to the act of reconciliation. Through this "ministry of reconciliation" (*2 Cor* 5:18) the risen Lord makes us participate in his saving work accomplished once for all. In the Holy Spirit and by his messengers, Christ gathers his community on earth. The church is the community in which by faith the new life, reconciliation, justification and peace are received, lived, attested and thus communicated to humanity. The Holy Spirit enables and obliges the church to be an effective sign in the world of the salvation obtained through Christ.

12. The People of God called in this way is a people with a special mission in the world: "a holy priesthood, to offer spiritual sacrifices" and to "declare the wonderful deeds of him" (*1 Pet* 2:5-9). Under the one shepherd this people is held together in the unity of the Holy Spirit. Thus the church, as God's temple, is built with "living stones"; it is one body with many members and a diversity of gifts. "Membership in the community of the Church involves fellowship with God the Father through Jesus Christ, in the Holy Spirit."¹¹ The church is the recipient of salvation in Christ, and is at the same time sent with the authority of Christ to pass on the received salvation to the world. The community bears witness to the Lord "who was put to death for our trespasses and raised for our justification" (*Rom* 4:25); it offers to God the praise which humankind owes him as his due and it serves humankind in loving self-sacrifice.

13. *Martyria*, *leiturgia* and *diakonia* (witness, worship and service to the neighbor) are tasks entrusted to the whole people of God. All Christians have their own charismata for service to God and to the world as well as for the building up of the one body of Christ (*Rom* 12:4-8; *1 Cor* 12:4-31). Through baptism all constitute the one priestly people of God (*1 Pet* 2:5,9; *Rev* 1:6; 5:10). All are called and sent to bear prophetic witness to the gospel of Jesus Christ, to celebrate the liturgy together and to serve humankind. This doctrine of the common priesthood of all the baptized is amply attested in the church fathers and the theologians of the High Middle

(7) Accra No. 5.

(8) Malta No. 26.

(9) Cf. Accra No. 18; and the reading from *Mt* 28 in the ordination liturgies.

(10) Malta No. 48.

(11) Accra No. 4.

Ages.¹² The Reformation was against emphasizing a special clerical class within the people of God and stressed the universal priesthood of the baptized.¹³ In both our churches, consciousness of this calling of the whole people of God diminished greatly in recent centuries. In contemporary Protestant teaching regarding the church, the universal priesthood of all the baptized is once again stressed. The Second Vatican Council expressly emphasized the common priesthood of the faithful.¹⁴

14. Within this priestly people of God, Christ — acting through the Holy Spirit — confers manifold ministries: apostles, prophets, evangelists, pastors and teachers “to equip the saints for the work of ministry, for building up the body of Christ” (*Eph* 4:11f.). Called into the ministry of reconciliation, and as those being entrusted the word of reconciliation, they are “ambassadors in Christ’s stead” (cf. *2 Cor* 5: 18-20);¹⁵ yet they are not lords over the faith but ministers of joy (*2 Cor* 1:24). They render their service in the midst of the whole people and for the people of God which, as a whole, is the “one, holy, catholic and apostolic Church”.

15. The doctrine of the common priesthood of all the baptized and of the serving character of the ministries in the church and for the church represents in our day a *joint starting point* for Lutherans and Catholics in their attempt to clarify as yet open problems regarding the understanding of the ordained ministry in the church.

2. The Ordained Ministry in the Church

2.1. Apostolic Origin and Missionary Openness

16. The church stands once for all on the foundation of the apostles.¹⁶ It was the exalted Lord himself who sent the apostles into the world to

proclaim the gospel. This special mission of theirs is therefore unique and cannot be transferred. The post-apostolic church must forever maintain its relation to its apostolic beginning. The doctrine of the apostolic succession¹⁷ underscores the permanently normative character of the apostolic origin while at the same time intending to insist on the continuance of the missionary task.

17. In addition to their unique function in founding the church, the apostles also had a responsibility for building up and leading the first communities, a ministry that later had to be continued.¹⁸ The New Testament shows how there emerged from among the ministries a special ministry which was understood as standing in the succession of the apostles sent by Christ. Such a special ministry proved to be necessary for the sake of leadership in the communities. One can, therefore, say that according to the New Testament the “special ministry” established by Jesus Christ through the calling and sending of the apostles “was essential then — it is essential in all times and circumstances”¹⁹. For Lutherans and Catholics it is an open theological problem as to how one theologially defines more exactly the relationship of the one special ministry to the various other ministries and services in the church, and whether, therefore, and to what extent some of the characteristics attributed to the special ministry in what follows also belong analogously to other ministries and services. Yet Lutherans and Catholics start from the common conviction that the trend toward the emergence of the special ministry which finds expression in the New Testament is of normative significance for the post-apostolic church.

18. The special ministry and the other manifold ministries in the church take shape according to existing historical structures and thus respond to the respective missionary needs of the church.

(12) Among others Thomas Aquinas, *Summa Theologica*, III q. 63, a. 1-3; Bonaventura, *Commentarium in Sententias*, IV, d. 6, p. 2, a. 3, q. 2, concl. 13.

(13) Note that “clergy” is not identical with “ordination”. Cf. Decretum Gratiani C. XII, qu. 1 c. 7: “Duo sunt genera Christianorum. Est autem genus unum, quod mancipatum diuino officio, et dedi turn contemplationi et orationi, ab omni strepitu temporalium cessare conuenit, ut sunt clerici, et Deo deuoti, uidelicet conuersi...

Aliud uero est genus Christianorum, ut sunt laici...

His licet temporalia possidere...” (E. A. Friedberg, *Textkritische Ausgabe des Corpus Iuris Canonici*, Leipzig 1879-81, Vol. I, 678). “The acceptance into the clergy which had become a privileged class, is not conferred by an ordination, but by the tonsure... All members of an order participate also in the rights of the clergy, even if they are no clergy or can never become clergy, as for example the nuns” (Wetzer-Welte, *Kirchenlexikon*, Freiburg ²1884, III 544f.). Cf. Works of Martin Luther, Philadelphia Edition, II, 66 (...priests and monks).

(14) Vatican II, Dogmatic Constitution on the Church, Nos. 10-12; Decree on the Apostolate of the Laity, Nos. 2-4.

(15) Cf. the readings from *2 Cor* 5 and *Eph* 4 seen in several ordination liturgies.

(16) Cf. Malta No. 52.

(17) Cf. chapter 3.4 below.

(18) Accra No. 1 3.

(19) Ibid.

Thus while the existence of a special ministry is abidingly constitutive for the church, its concrete form must always remain open to new actualizations.²⁰

2.2 *The Christological and Pneumatological Dimension*

19. In the New Covenant Jesus Christ is the one Lord, the one priest, the one shepherd and the one mediator between God and human beings. In the Holy Spirit he is ever present in the church to realize his word and his work. He is present through the church as a whole and through all its members. Through baptism all the members jointly constitute the one priestly people of God (1 *Pet* 2:5,9; *Rev* 1:6).

20. Within the church, there is a diversity of services and charismata of the Holy Spirit which jointly bear witness to Jesus Christ and all together serve to build up the one body of Christ (1 *Cor* 12:4-31). Paul testifies that God has given the first place in the church to the apostles; but at the same time he indicates that within the manifold structure of charismata the gift of leadership also has its place (1 *Cor* 12:28). In the pastoral epistles, a ministry of leadership is already clearly identifiable (1 *Tim* 3:1; 4:14; 2 *Tim* 1:6; *Tit* 1:6f.). The ministry in the early church developed on the basis of such a variety of New Testament starting points.²¹

In continuous relation to the normative apostolic tradition, it makes present the mission of Jesus Christ. The presence of this ministry in the community “signifies the priority of divine initiative and authority in the Church’s existence.”²² Consequently, this ministry is not simply a delegation “from below”, but is instituted by Jesus Christ.²³

21. The ministry in the church is, therefore, subordinated to the one ministry of Jesus Christ. It

is Jesus Christ who, in the Holy Spirit, is acting in the preaching of the Word of God, in the administration of the sacraments, and in the pastoral service. Jesus Christ, acting in the present, takes the minister into his service; the minister is only his tool and instrument. Jesus Christ is the one and only high priest of the New Covenant. When ministers are described as priests in the Catholic tradition, this is to be understood only in the sense that in the Holy Spirit they share in and manifest the one priesthood of Jesus Christ.²⁴ In the Lutheran church, the minister has not ordinarily been termed a priest, but the purpose has been to avoid obscuring the distinction between the priesthood of Christ by which God has reconciled the world to himself and the service of the minister. According to the understanding of both traditions, the minister does not have “power” over Christ during the consecration when celebrating the eucharist, but he speaks on behalf of and in the name of Jesus Christ: “this is my body” — “this is my blood”. Jesus Christ himself speaks and acts through him.²⁵ This ministry is therefore performed in the communion of the Holy Spirit through Jesus Christ to the honor of the Father.

22. The christologically based authority (*exousia*) of the ministry must be exercised in the Holy Spirit. The minister must bring Christ’s cross into the present not only through his words and the administration of the sacraments, but through his whole life and his service (2 *Cor* 4:8-18; 11:22-33). The church’s ministers must constantly look afresh to Jesus Christ and be renewed by him. They must also heed the Spirit which acts in the other members of the church. The ministers as well as the other church members are dependent day by day on the renewed forgiveness of their sins. — Following the example of Jesus Christ, the ministry in the church cannot claim any worldly advantages, but must rather be characterized by radical obedience and service.²⁶

(20) Cf. Malta Nos. 54-56.

(21) As regards the participation of the manifold ministries in the service of Christ, see Nos. 14 and 17 above.

(22) Accra No. 14.

(23) When Vatican II affirms that the ordained ministry differs from the common priesthood of all the baptized in essence and not only in degree (Dogmatic Constitution on the Church, No. 10), this formulation wants to say the following: the church ministry cannot be derived from the congregation, but it is also not an enhancement of the common priesthood, and the minister as such is not a Christian to a greater degree. The ministry is rather situated on a different level; it includes the ministerial priesthood which is interrelated with the common priesthood.

(24) See Yves Congar, “One Mediator”, pp. 00ff. below.

(25) Apology of the Augsburg Confession VII and VIII, 28, 47f., The Book of Concord, pp. 173 and 177; Formula of Concord, Solid Declaration VII, 75ff., The Book of Concord, pp. 583f.; Vatican II, Constitution on the Sacred Liturgy, No. 7; Decree on the Ministry and Life of Priests, No. 5; cf. also the relation of the celebration of the Lord’s Supper to the ordination in the ordination liturgies.

(26) As a sign of this availability for Christ and for the congregation the Latin Church considers in general the celibacy of priests as a condition for ordination. However, it does not understand it as demanded by the nature of the priesthood (cf. Vatican II, Decree on the

2.3 Ministry and Community

23. For Lutherans and Catholics it is fundamental to a proper understanding of the ministerial office that “the office of the ministry stands over against the community as well as within the community”.²⁷ Inasmuch as the ministry is exercised on behalf of Jesus Christ and makes him present, it has authority over against the community. “He who hears you hears me” (*Lk* 10:16).²⁸ The authority of the ministry must therefore not be understood as delegated by the community.

24. This authority of the ministry is however not to be understood as an individual possession of the minister, but it is rather an authority with the commission to serve in the community and for the community. Therefore, the exercise of the authority of the ministry should involve the participation of the whole community. This applies also to the appointment of the ministers.²⁹ The ordained minister “manifests and exercises the authority of Christ in the way Christ himself revealed God’s authority to the world: in and through *communion*”³⁰. For this reason the ministry must not suppress Christian freedom and fraternity, but should rather promote them.³¹ The Christian freedom, fraternity and responsibility of the whole church and of all its members must find its expression in the conciliar, collegial and synodical structures of the church.

25. The church is called to present the image of a society molded by God’s recreating Spirit. This must also be evident in the form of the community of men and women in the church. Both men and women can make a specific contribution within the ministry of the people of God. The church needs the special form of ministry which can be exercised by women just as it needs that exercised by men. “Since in our times women have an ever more active share in the whole life of society, it is very important that they participate more widely also in the various fields

of the Church’s apostolate.”³² In this context the question of the entrance of women into the ordained ministry arises. Different answers are given to this question in our respective churches and it poses a problem that is not yet solved. In all efforts to reach a common understanding, the significance of theological hermeneutics becomes obvious. The question of the ordination of women cannot be regarded as simply a special point in the theology of the ministry, but is related indissolubly to a number of other prior theological decisions. The divergence of opinions in the churches with regard to this question does not coincide completely with the confessional boundaries.

It can be said that in general the *Lutheran* churches which have introduced the ordination of women do not intend a change of either the dogmatic understanding or the exercise of the ministerial office. Since the new practice of ordination of women is spreading in the Lutheran churches, it is becoming more and more necessary to intensify the dialogue both between conflicting views within Lutheranism and with the Catholic church.

The *Catholic* church according to its practice and doctrine does not see itself in a position to admit women to ordination. Nevertheless it is able to strive for a consensus on the nature and significance of the ministry without the different conceptions of the persons to be ordained fundamentally endangering such a consensus and its practical consequences for the growing unity of the church.³³

2.4 The Function of the Ministry

26. In the past Catholics and Lutherans had different starting points when defining the ordained ministry. The Reformers protested against tendencies in the Middle Ages to emphasize almost exclusively the sacramental functions of the

Ministry and Life of Priests, No. 16). The Reformation has opposed this ordinance in the name of Christian freedom (cf. *Confessio Augustana* [quoted: CA] XXIII and XXVIII, *The Book of Concord*, pp. 51ff. and 81ff.). This does not exclude the Lutheran church from knowing celibacy as a personal call.

(27) Malta No. 50.

(28) As regards the interpretation, cf. CA XXVIII, 22, *The Book of Concord*, p. 34; *Apology of the Augsburg Confession* VII and VIII, 28, 47f., *The Book of Concord*, pp. 173 and 177.

(29) Cf. No. 34 below.

(30) Accra No. 18.

(31) Cf. also Vatican II, *Dogmatic Constitution on the Church*, Nos. 18, 30, 32.

(32) Vatican II, *Decree on the Apostolate of the Laity*, No. 9; cf. *Congregation for the Doctrine of the Faith*, “Declaration on the Admission of Women to the Ministerial Priesthood”, 13 October 1976, introduction (*Acta Apostolicae Sedis* 1977, 99).

(33) Cf. H. Legrand / J. Virkstrom: “The Admission of Women to the Ministry”. This article is recommended for thorough study as a helpful theological orientation and introduction to the entire question of the ordination of women.

ministry of the priest, particularly the offering of the sacrifice of the mass.³⁴ They emphasized as task of the ministry the proclamation of the gospel in which word and sacrament are closely connected with each other.

27. The *medieval understanding of the ministry* remained influential in the *Council of Trent* which placed the emphasis primarily on the administration of the sacraments. Yet the Tridentine decrees are meant positively and not exclusively: according to the Council of Trent the proclamation of the gospel is included in the task of the ministry.³⁵ The Second Vatican Council highlighted three basic functions: the proclamation of the word, the administration of the sacraments, and pastoral ministry.³⁶ The pastoral ministry includes service of unity in the congregation and between congregations. In contemporary Catholic theology this service often constitutes the starting point for understanding the ministry of the church as a whole; for through the word and sacrament the church is built up as the one body of Christ in the Holy Spirit.³⁷

28. The Catholic teaching that the ordained ministry is of constitutive importance for the celebration of the eucharist can also be understood in terms of the service of unity.³⁸ The eucharist is the sacrament of unity; it is the source and climax of the whole life of the church.³⁹ Therefore the ministerial service of unity belongs to the full reality of the eucharistic mystery.⁴⁰

29. The *Reformation* was critical of an understanding of the ministry as a sacrificial priesthood because this seemed to endanger the once-and-for-all validity of the highpriestly ministry of Christ.⁴¹ "According to the Lutheran Confessions, it is the task of the ministerial office to proclaim the gospel and administer the sacraments in accordance with the gospel, so that in this way faith is awakened"⁴² and the community of Christ is built up. The unity of the church is thereby based on the right proclamation of the gospel and the right administration of the sacraments.⁴³ Included in this commission is the authority to forgive sins and to retain sins. For this a special ministry was instituted by God.⁴⁴ To that extent the ministry, also in the Lutheran understanding of it, serves the unity of the church and is one of its fundamental marks.

30. From this derives the importance of the ministry for the celebration of the Lord's Supper. It is true that in the doctrine of the Lord's Supper only the performance of the action according to the Lord's institution is mentioned as essential for validity and as a presupposition for Christ's real presence. The ministry itself is not mentioned. According to the *Confessio Augustana V*, however, the ministry is presupposed for the administration of the sacraments. According to the *Confessio Augustana XIV* this ministry of public proclamation and administration of the sacraments is exercised only by those who have been duly called, i.e. as would be said today, by ordained ministers. "Wherever the ministry of the church is to be

(34) In the Middle Ages since the 12th century there had been a change in the emphasis of the understanding of the ministry because of an exchange of the content of *corpus Christi mysticum* (mystical body of the church instead of sacramental body) and *corpus Christi verum* (real presence of Christ's body in the Eucharist instead of church as body of Christ). The function of the ministry is directed primarily (*principaliter*) to the presence of the real body of Christ in the sacrament of the Eucharist and no longer primarily to the church as body of Christ, so that now the offering of the sacrifice of the mass is understood as central function of the priest. J. Altenstaig, *Vocabularius theologiae*, Hagenau 1517, *Sacerdos*: "Sacerdos Evangelicus est, qui ex traditione Episcopi accepit in sua ordinatione potestatem super corpus Christi verum in altaris sacrificio efficiendum, offerendum et populo dispensandum. Et super corpus Christi mysticum ad membra huius corporis incorporandum..."; Thomas Aquinas[^] *Sent. I.IV, dist. 24, qu. 1, art. 3, sol. II ad 1*; *ibid. qu. 3, art. 2, sol. I*. Cf. H. de Lubac, *Corpus mysticum*, Paris² 1949. J. Ratzinger, *Das neue Volk Gottes*, Düsseldorf, 1969, 98f. Against the background of a certain doctrine of the sacrifice of the mass which was opposed by Luther, the Reformation rejects the definition of the priest as sacrificer (cf. *Apology XIII, 7f.*, *The Book of Concord*, p. 212).

(35) Council of Trent, *Sessio XXIII, De reformatione, Canones I, XIV* (*Conciliorum Oecumenicorum Decreta*, Ed. G. Alberigo et alii, Freiburg, Br., 1962, 720, 725); H. Denzinger / A. Schönmetzer, *Enchiridion Symbolorum definitionum et declarationum de rebus fidei et morum*, Freiburg, Br., 1965 (quoted: DS) 1764, 1771, 1777.

(36) Vatican II, Decree on the Ministry and Life of Priests, Nos. 4 and 6.

(37) Synod of Bishops, Rome 1971, *Acta Apostolicae Sedis*, Vol. LXIII, 1971, 898-922. Letter of the German bishops about the priestly ministry. Herder-Korrespondenz, Trier, 1969, No. 45. Joint Synod of the Dioceses in the Federal Republic of Germany, *Die pastoralen Dienste in der Gemeinde*, Nos. 2.51; 5.11 (*Offizielle Gesamtausgabe I*, Freiburg, Basel, Wien, 1976).

(38) Lateran Council IV, DS 802; Council of Trent, DS 1764, 1771; Vatican II, *Dogmatic Constitution on the Church*, No. 17; Decree on the Ministry and Life of Priests, No. 5.

(39) Lateran Council IV, *ibid.*; Vatican II, *Dogmatic Constitution on the Church*, No. 11.

(40) Vatican II, Decree on Ecumenism, No. 22.

(41) In the document *The Eucharist* the Lutheran/Roman Catholic Joint Commission has dealt extensively with the controversial question of the mass as sacrifice and has reached considerable convergence. Cf. *The Eucharist*, Nos. 56-62 and *Supplementary Studies*, 4, pp. 76ff. Consequently it is possible to see in a new light the Catholic understanding of the ministry in its relationship to the mass as sacrifice.

(42) Cf. Malta No. 61; cf. also the Lutheran ordination formulae II, III, VII, XI, XII.

(43) CA VII, *The Book of Concord*, p. 32.

(44) CA V., *The Book of Concord*, p. 31.

exercised, ordination is essential.”⁴⁵ This affirmation does not only reflect disciplinary considerations, but rather has substantive significance for the public manifestation of unity of the church.

31. Our churches are thus able today to declare *in common* that 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.⁴⁶

2.5 *Sacramental Nature of Ordination*

32. Since apostolic times the calling to special ministry in the church has taken place through the laying on of hands and through prayer in the midst of the congregation assembled for worship.⁴⁷ In this way the ordained person is received into the apostolic ministry of the church and into the community of ordained ministers. ‘At the same time, through the laying on of hands and through prayer (*epiklesis*), the gift of the Holy Spirit is offered and conveyed for the exercise of ministry. On the basis of such an understanding of and practice of ordination the possibility of substantial convergence between the two churches is open.’⁴⁸

33. The *Catholic* tradition speaks of this act of the church, in which the Holy Spirit works through word and signs, as a sacrament. In the Catholic church this sacramental understanding of ordination is binding.⁴⁹ The *Lutheran* tradition uses a more restricted concept of sacrament and therefore does not speak of the sacrament of ordination. Yet in principle a sacramental understanding of the ministry is not rejected.⁵⁰ Wherever it is taught that through the act of ordination the Holy Spirit gives grace strengthening the ordained person for the life-time ministry of word and sacrament, it must be asked whether differences which previously divided the churches on this question have not been overcome. For both Catholics and

Lutherans it is incompatible with this understanding of ordination to see ordination merely as a mode or manner of ecclesiastical appointment or installation in office.⁵¹

34. This *fundamental mutual understanding* also leads Catholics and Lutherans to common statements about the minister of ordination. Ordination is primarily the act of the exalted Lord who moves, strengthens and blesses the ordained person through the Holy Spirit.⁵² Since the ministry expresses the priority of the divine initiative, and since in the service of unity it stands in and between the local churches, its transmission takes place through those who are already ordained. Thus the fact that ministers can perform the service of unity only in community with other ordained ministers is expressed in this way.⁵³ It is also important, however, that the congregation be involved in the calling and appointment of ministers because the ministry is for the congregation and must carry out its mission in concert with the whole congregation.

35. In the *Lutheran* tradition the view is held that a congregation in situations of extreme need can entrust one of its members with the ministry. This outlook is connected with the sixteenth-century experience.⁵⁴ Yet, without prejudice to this view, in practice ordination according to the constitutional regulations of the Lutheran churches takes place in conformity with the above mentioned principles.

2.6 *Uniqueness of Ordination*

36. By means of ordination Christ calls the ordained person once and for all into the ministry in his church. Both in the Catholic and in the Lutheran understanding, therefore, ordination can be received only once and cannot be repeated. Ordination must be distinguished from commissioning to service in a particular congregation. Commissioning can be repeated and, in certain

(45) Statement by the Theological Committee of the United Evangelical Lutheran Church in Germany (VELKD) on the question of the church ministry and ordination, 13 October 1970, *Amt und Ordination im Verständnis evangelischer Kirchen und ökumenischer Gespräche*, A. Burgmüller and R. Frieling (editors), Gütersloh, 1974, 73 (B 3 b).

(46) Cf. Accra No. 15.

(47) Cf. Ordination liturgies, imposition of hands during the prayer for the Holy Spirit (*epiklesis*).

(48) Cf. Malta No. 59.

(49) DS 1766; 1773.

(50) Apology of the Augsburg Confession XIII, 11, The Book of Concord, p. 212.

(51) Statement by the Theological Committee of the VELKD (manuscript of the Lutheran church office of the VELKD, Hanover, 1976), Nos. 3 and 4.

(52) Accra No. 14.

(53) See chapter 3.1 below.

(54) Cf. Nos. 42f. below.

circumstances, can be withdrawn. This distinction between ordination given once for all and a commissioning, which is repeatable, to ministry in a specific congregation is a distinction in many ways comparable to that between *ordo* and *iurisdictio*.⁵⁵

37. Both distinctions, to be sure, raise problems that have not yet been satisfactorily resolved on either side. In the *Catholic* tradition, the mission transmitted once for all was expressed in ontological categories in the doctrine of the *character indelebilis*.⁴⁶ The relation with baptism and confirmation, which also impress a spiritual sign which cannot be destroyed and taken away, is thereby emphasized. This means that God's calling and commissioning subjects the ordained person for all times to the promise and the claims of God. This doctrine was sometimes mistakenly materialized. Moreover, there was often the danger of seeing the ordination of priests as primarily a means for personal sanctification. In contemporary Catholic doctrinal statements, the *character indelebilis* is again understood more in terms of the promise and mission which permanently mark the ordained and claim them for the service of Christ.⁵⁷

38. In the *Lutheran* tradition, polemical reaction against the idea of a, so to speak, "free-floating" ministry completely separated from the people of God, has partly contributed toward ignoring the distinction between ordination and installation into a concrete ministry. Thus the conviction has been expressed that in principle ministry and congregation cannot be separated, but must be related to each other. Yet in the area of the *Lutheran* Reformation general ordination, not limited to a particular congregation, has usually been practised. In the *Lutheran* view, the renewed distinction between ordination and installation expresses the conviction that the ministry of proclaiming the gospel is not in principle restricted in time and space, but is for the whole church. In the same way, the individual local congregation cannot be thought of as isolated and autonomous when it comes to the conferring of the ministerial office. The call to the ministry of preaching and administering the sacraments, which takes place

in the name of Christ, can only occur in the context of the ministry as instituted for the whole church. For the same reason, the repetition of ordination is opposed. In the *Lutheran* understanding also, ordination to the ministry of the church on behalf of Christ, conferred in the power of the Holy Spirit, is for life and is not subject to temporal limitations. Thus even if one avoids the use of the concept of the *character indelebilis* because of its ontological implications, the act of ordination is characterized by a uniqueness which cannot be given up. It remains valid even if the service of a specific congregation is abandoned.

39. Wherever there exists this understanding of an ordination that is imparted once and for all and where one-sidedness and distortions have been overcome, it is possible to speak of a *consensus* on the reality.

3. The Various Forms of Ministry

3.1 Historical Development

40. Both churches distinguish various ministries. However, they theologially evaluate these distinctions in different ways.

41. *Catholic* teaching starts from the development in the ancient church. While there are differences in the ways in which the New Testament speaks about the episcopal and presbyteral ministry, it was not until the second century that the three-fold division of the ministry into episcopate, presbyterate and diaconate emerged.⁵⁸

When the area of the episcopate later on became larger, the structure of the local congregation of the bishop became internally differentiated. The presbyters, on behalf of the bishop, acquired functions in congregations within the episcopal diocese which were originally exercised by the bishop (especially celebrating the eucharist and baptizing). Through this internal differentiation of the episcopal local congregation, the local episcopal ministry also became in practice a ministry of regional government.

(55) The complex problem of *ordo* and *iurisdictio* cannot be dealt with in detail here.

(56) DS 1313, 1609, 1767, 1774; Vatican II, Dogmatic Constitution on the Church, No. 21.

(57) Cf. the letter of the German bishops about the priestly ministry, op. cit., No. 33; cf. also Malta No. 60. The *character indelebilis* shows that the three sacraments of baptism, confirmation and ordination cannot be repeated. Cf. Cone. Trid. Sess. VII, Can 9: "In tribus sacramentis, baptismo, confirmatione et ordinatione...characterem in anima, hoc est signum quoddam spirituale et indelebile, unde ea iterari non possunt" (DS 1609). The *character indelebilis* is also a gift of the Spirit (DS 1774).

(58) Cf. Malta No. 55.

In the late Middle Ages the distinction between bishop and presbyter was seen almost exclusively from the point of view of jurisdiction.⁵⁹ In addition it was of far reaching practical importance that spiritual and secular power were generally intermingled in the episcopal office in the Middle Ages. For all these reasons, the relationship between episcopate and presbyterate long remained unclarified. Jerome's opinion that bishops and priests were originally one and the same also played a role and was later referred to by the Lutheran Confessional Writings.⁶⁰

The Second Vatican Council for the first time introduced greater clarity on this point in the Roman Catholic Church. The Council tried to do justice to the development of the ancient church by calling the diocese over which the bishop presides a "local congregation".⁶¹ Accordingly, the fullness of the ministry belongs to the bishop alone; the sacramental character of the episcopal consecration is expressly affirmed by the Council.⁶² According to the teaching of the Council the presbyters in exercising their ministry depend on the bishop; they are co-workers, helpers and instruments of the bishop and form in community with their bishop a single presbyterate.⁶³ Yet even after the Second Vatican Council, questions regarding the more precise determination of the relationship of episcopate and presbyterate still remain open.

42. The *Lutheran Confessions* wanted to retain the episcopal polity of the church and with it the differentiation of the ministerial office⁶⁴ on the condition that the bishops grant freedom and opportunity for the right proclamation of the gospel and the right administration of the sacraments and not prevent these by the formal requirement of obedience. The fact that it was impossible at this time to arrive at an agreement in doctrine

and to persuade the bishops to ordain Reformation ministers led perforce to forsaking continuity with previous order. In this emergency situation the installation of ministers by non-episcopal ministers or even by the congregation appeared legitimate provided it took place rite, i.e., publicly and in the name of the whole church.⁶⁵ Moreover, the appointment of inspectors was equivalent to a recognition of the need for a ministry of leadership and of pastoral supervision (*episcopo*).⁶⁶ It was provided for in the German area through the function of the territorial princes as "emergency bishops"⁶⁷ and by the appointment of inspectors under various titles (superintendent, *propst*, etc.)⁶⁸.

43. In view of the emergency situation, the Lutheran Confessions avoided prescribing any specific form of *episcopé* in the sense of regional church leadership. Episcopacy, to be sure, was normal at least for the *Confessio Augustana*. The loss of this office in its historic character has nevertheless had certain consequences for the Lutheran understanding of the church's ministerial structure. The Lutheran office of pastor, comparable to that of presbyter, has really taken over the spiritual functions of the bishop's office⁶⁹ and was even at times theologically interpreted as identical with it. This was seen as a return to an earlier ministerial structure in church history in which the bishop's office was a local one. Within this context the function of *episcopo* was retained as necessary for the church; but its concrete ordering was taken to be a human and historical matter.⁷⁰ The holders of this superordinated office are at present given a variety of titles: bishop, church president, super-intendent. In some Lutheran areas, where this was possible, the historical continuity of the episcopal office has been maintained.

44. We are, therefore, confronted with the empirical

(59) Cf. Huguccio, *Summa* d. 95 c. 1; Petrus Aureoli, *Sent.* IV d. 24 q. un. a. 2 prop. 2 (fol. 163 a-b). See also Thomas Aquinas, *S. Th. Suppl.* q. 40 a. 4 Respondeo; *Super IV lib. Sententiarum* 4, d. 17, q. 3, a. 3, q. 5 Solutio.

(60) Articles of Christian doctrine, The Smalcald Articles, Part II, IV, The Book of Concord, pp. 298ff.; Treatise on the Power and Primacy of the Pope, 59-73, The Book of Concord, pp. 330ff.

(61) Vatican II, Dogmatic Constitution on the Church, No. 26; Decree on the Bishops' Pastoral Office in the Church, No. 11.

(62) *Ibid.*, Dogmatic Constitution on the Church, Nos. 21 and 26.

(63) *Ibid.*, No. 28.

(64) Apology of the Augsburg Confession XIV, 1, The Book of Concord, p. 214; CA XXVIII, 69, The Book of Concord, p. 93.

(65) CA XIV, The Book of Concord, p. 36.

(66) Cf. Domes IV, No. 2.

(67) The princes, of course, never exercised the religious supervisory function in the strict sense but delegated it to inspectors.

(68) I. Asheim and Victor R. Gold (editors), *Episcopacy in the Lutheran Church?* Philadelphia, 1970.

(69) USA IV, No. 21.

(70) "According to divine right, therefore, it is the office of the bishop to preach the Gospel, forgive sins, judge doctrine and condemn doctrine that is contrary to the Gospel, and exclude from the Christian community the ungodly whose wicked conduct is manifest. On this account parish ministers and churches are bound to be obedient to the bishops according to the saying of Christ in Luke 10:16. On the other hand, if they teach, introduce or institute anything contrary to the Gospel, we have God's command not to be obedient in such cases" (CA XXVIII, 21 ff.). The Book of Concord, p. 84.

fact that in both churches there are local congregational ministries (priest, pastor) as well as also superordinated regional ministries. These regional ministries have the function of pastoral supervision and of service of unity within a larger area. These functions are connected with the commission to preach, administer the sacraments and lead the congregation, and involve teaching and doctrinal discipline, ordination, supervision, church order and in western Catholic practice (which in this respect, however, is clearly different from that of the Eastern as well as Lutheran churches) also confirmation. These tasks are entrusted to local ministries only in exceptional circumstances. In the two churches there thus exists a significant convergence as regards the actual character of ecclesial practice.

3.2 *The Theological Distinction between Episcopate and Presbyterate, i.e., between Bishop and Pastor*

45. The existence of local congregational ministries and superordinated regional ministries on both sides is for both churches more than the result of purely historical and human developments or a matter of sociological necessity. Rather, they recognize here the action of the Spirit as this has been experienced and attested from the very beginnings of the church. The development of the one ministry of the church into different ministries can be understood as having an intimate connection with the nature of the church. The church is actualized at different levels: as the local church (congregation), as the church of a larger region or country, and as the universal church. At each of these levels, albeit in different forms, it is essential that the ministry be both "in and over against" the ecclesial community.⁷¹ There is thus a noteworthy structural parallelism between the two churches.

46. The Catholic and Lutheran traditions nevertheless give different descriptions and theological evaluations of the development of the one ministry.

47. In respect to the one apostolic office, the Lutheran tradition does make a distinction be-

tween bishop and pastor so far as the geographical area of ministry is concerned. Traditionally this distinction has been described as one of human law. At the same time it recognizes that the *episcopate* is indispensable for historical unity and continuity. It was for this reason that after the loss of the link with the historic episcopate, a new structuring of *episcopate* was needed.

48. The Catholic tradition makes a theological distinction between bishop and priest (episcopate and presbyterate). The Council of Trent held that this distinction exists *divina ordinatione*,⁷² and thereby deliberately avoided the term *de iure divino*. All that the Second Vatican Council says is that this distinction has existed from antiquity (*ab antiquo*).⁷³ Nevertheless the Catholic tradition also speaks of only one single sacrament of orders in which bishop, priest and deacon share in different ways.

49. If both churches acknowledge that for faith this historical development of the one apostolic ministry into a more local and a more regional ministry has taken place with the help of the Holy Spirit and to this degree constitutes something essential for the church, then a *high degree of agreement* has been reached.

3.3 *Teaching Ministry and Teaching Authority*

50. In the Catholic teaching the most eminent task of the bishops consists of the preaching of the gospel.⁷⁴ In this the bishops are both preachers of the faith and authentic teachers of the faith.⁷⁵ They do not stand above the word of God, but serve it; they have to listen to it devoutly, guard it scrupulously, and interpret it faithfully.⁷⁶ They should bear witness to the glad tidings in a manner adapted to the needs of the times, i.e., to speak to the difficulties and questions by which people are burdened and troubled. But they should also protect the good news and defend it against omissions and falsifications. They should show how closely the church's teaching is connected with the dignity of human persons, their freedom and their rights, with the questions of

(71) At the level of the universal Church, moreover, there also arise some special problems; cf. chapter 3.5 below.

(72) DS 1776.

(73) Vatican II, Dogmatic Constitution on the Church, No. 28. As regards the problem and the meaning of the term *ius divinum*, cf. Malta Nos. 31-34.

(74) Council of Trent, op. cit., Sessio XXIV, Can. IV, 739.

(75) Vatican II, Dogmatic Constitution on the Church, No. 25.

(76) Ibid., Dogmatic Constitution on Divine Revelation, No. 10.

peace and of the just distribution of earthly goods among all peoples.⁷⁷

51. The bishops can discharge this task only in community with the whole church. For the entire people of God participates in the prophetic office of Christ; the entire people of God receives the supernatural sense of the faith from the Holy Spirit.⁷⁸ Priests share Christ's prophetic office in a special manner; they are co-workers in the preaching ministry of the bishops.⁷⁹ If the bishops are to perform their functions, especially today, they also need the collaboration of theologians. The theologians must intellectually investigate the faith by interpreting it on the basis of the witness of Holy Scripture and of the church tradition and by making it accessible to contemporary minds. For this they need adequate freedom within the church. The teaching ministry of the bishops, therefore, takes place in a many-sided exchange regarding faith with believers, priests, and theologians.

52. When controversies endanger the unity of faith in the church, the bishops have both the right and the duty to make binding decisions. On those matters where the bishops interpret the revealed faith in universal agreement with each other and in communion with the Bishop of Rome, their witness has final authority and infallibility.⁸⁰ Such infallible decisions, however, in order to be juridically valid, do not need a special formal consent by the totality of the local congregations of the faithful, but they depend on extensive reception in order to have living power and spiritual fruitfulness in the church.

53. In the *Lutheran* view the office of the bishop is "to preach the Gospel, forgive sins, judge doctrine and condemn doctrine that is contrary to the Gospel". The holders of the episcopal office are therefore entrusted in a special manner with the task of watching over the purity of the gospel, and this involves a teaching ministry which should be carried out "not by human power but by God's Word alone".⁸¹

54. Given the situation created by the Reformation, it was in actual fact the theologians who fulfilled this teaching function, above all in the

formulation of the Confessions. Thus the theological faculties and with them the officials charged with supervising church affairs became the authorities in formulating doctrine, even though doctrinal decisions acquired legal status through the action of the territorial princes as "emergency bishops". Always, however, the binding character of doctrine became manifest through the process of reception in which each adult Christian, as receiver of the Spirit, was accorded, at least in dogmatic principle, full power of authority to judge teaching.

55. Also in our day, there is interpretation and development of church doctrine in Lutheran churches through the decisions of the appropriate ecclesial authorities (synods, church authorities, etc.). A decisive part in these is played by teachers of theology together with non-ordained church members and ordained ministers. Such decisions have the purpose of serving the contemporary proclamation and unity of the church. Yet here there appear a number of difficult problems. University theology had sometimes become remote from the life of the church. In other cases there have been doubts that there is any need for a further binding development. Even where such further development is considered necessary, appropriate means are often lacking, or there is not enough clarity about the teaching competence of existing agencies.

56. The Lutheran churches are therefore confronted with the need to rethink the problem of the teaching office and the teaching authority. The question of the function of the episcopal ministry arises especially in this connection. On the other hand, the significance of the reception of doctrinal statements by the community and the competence of the community to judge in questions of faith must be considered.

57. *In both churches* there thus exists a teaching responsibility at a supra-congregational level, which, of course, is performed in different ways. But one can recognize a certain parallelism between the two churches. In both churches, teaching responsibility is tied to the whole church's witness to the faith. Both churches know that their norm is the gospel. Both churches are faced

(77) Ibid., Decree on the Bishops' Pastoral Office in the Church, No. 12.

(78) Ibid., Dogmatic Constitution on the Church, No. 12.

(79) Ibid., Decree on the Ministry and Life of Priests, No. 4.

(80) Ibid., Dogmatic Constitution on the Church, No. 25.

(81) CA XXVIII, 21ff.» The Book of Concord, p. 84.

by the question of the nature and the binding character of doctrinal decisions. The treatment of this problem constitutes a common task, in which particular attention will have to be paid to the question of infallibility.

58. Already today Catholics and Lutherans can *join* in saying “that the Holy Spirit unceasingly leads and keeps the church in the truth”. “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”.⁸²

3.4 *The Problem of Apostolic Succession*

59. The most important question regarding the theology of the episcopal office and regarding the mutual recognition of ministries is the problem of the apostolic succession. This is normally taken to mean the unbroken ministerial succession of bishops in a church. But apostolic succession is also often understood to refer in the substantive sense to the apostolicity of the church in faith.

60. The starting point must be the apostolicity of the church in the substantive sense. “The basic intention of the doctrine of apostolic succession is to indicate that, throughout all historical changes in its proclamation and structures, the church is at all times referred back to its apostolic origin.”⁸³ 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. The Lutheran tradition speaks in this connection of a *successio verbi*. In present-day Catholic theology, more and more often the view is adopted that the substantive understanding of apostolicity is primary. Far-reaching agreement on this understanding of apostolic succession is therefore developing.

61. As regards the succession of the ministers, the joint starting point for both Catholics and Lutherans is that there is an integral relation be-

tween the witness of the gospel and witnesses to the gospel.⁸⁴ The witness to the gospel has been entrusted to the church as a whole. Therefore, the whole church as the *ecclesia apostolica* stands in the apostolic succession. Succession in the sense of the succession of ministers must be seen within the succession of the whole church in the apostolic faith.⁸⁵

62. The *Catholic* Church sees this succession of ministers as realized in the succession in the episcopal office.⁸⁶ In Catholic teaching the fullness of the ordained ministry exists only in the episcopal office.⁸⁷ Nevertheless the apostolic succession in the episcopal office does not consist primarily in an unbroken chain of those ordaining to those ordained, but in a succession in the presiding ministry of a church, which stands in the continuity of apostolic faith and which is overseen by the bishop in order to keep it in the communion of the catholic and apostolic church. Thus originates the college of those who maintain the communion of the church. The episcopal college serves on its level and on the foundation of the apostles to continue the function of the college of the apostles.

The episcopate which stands in the apostolic succession is bound to the canon of Scripture and the apostolic doctrinal tradition and must bear living witness to them. While it is possible for the individual bishop to fall away from the continuity of the apostolic faith, he loses *eo ipso*, according to Catholic tradition, the right to exercise his ministry. Catholic tradition holds that the episcopate as a whole is nevertheless kept firm in the truth of the gospel. In this sense, Catholic doctrine regards the apostolic succession in the episcopal office as a sign and ministry of the apostolicity of the church.

63. For the *Lutheran* tradition also the apostolic succession is necessary and constitutive for both the church and for its ministry. Its Confessional Writings claim to stand in the authentic catholic tradition,⁸⁸ and emphasize the historical continuity of the church which has never ceased to exist.⁸⁹

(82) Malta Nos. 22 and 23.

(83) *Ibid.*, No. 57.

(84) Cf. *ibid.*, No. 48.

(85) Cf. *ibid.*, No. 57.

(86) Vatican II, Dogmatic Constitution on the Church, No. 20.

(87) *Ibid.*, Nos. 21 and 26.

(88) CA XXI, Epilogue, The Book of Concord, pp. 47f.; CA XXII, Preface, The Book of Concord, pp. 48f.; CA XXVIII, Conclusion, The Book of Concord, p. 95; cf. USA IV, No. 23.

(89) CA VII, The Book of Concord, p. 32; Apology of the Augsburg Confession IV, 211, The Book of Concord, p. 136; *Catalogus Testimoniorum*, BSLK 1101-1135; cf. USA IV, No. 26.

64. For the Lutherans in the sixteenth century, the authenticity of apostolic succession in the form of historic succession in the episcopal office was called in question because it failed to witness to agreement in the proclamation of the gospel, and because the episcopate refused fellowship with them, especially by denying them the service of ordaining their preachers, and thus deprived them of the historic succession in office. For them, therefore, apostolic succession came to focus on the right preaching of the gospel, which always included the ministry, and on faith and the testimony of a Christian life. Yet they were convinced that the gospel had been given to the church as a whole and that, with the right preaching of the word and the celebration of the sacraments according to the gospel, apostolic succession in the substantive sense continued within the congregations. Based on this, the ordination of ministers by ministers continued to be performed in the Lutheran church. This ordination remained oriented towards the entire church and towards recognition by its ministers.

65. Thus, despite diverse historical developments, the Lutheran Reformation affirmed and intended to preserve the historical continuity of church order as an expression of the unity of the apostolic church among all peoples and throughout all centuries, presupposing, of course, that the gospel is rightly proclaimed. This intention must be maintained even in the face of contrary historical developments for the sake of the faith that the church abides.⁹⁰ This point is expressly stressed in the fundamental articles of the Augsburg Confession,⁹¹ and also by the references made in the Confessional Writings to church teachers of all times.⁹²

66. These considerations provide the basis for a Lutheran evaluation of the historic succession as a sign of such unity. The Lutheran conviction is that acceptance of communion with the episcopal office in the historic succession is meaningful not as an isolated act,⁹³ but only as it contributes to the unity of the church in faith and witnesses to the universality of the gospel of reconciliation.

3.5 *The Episcopal Ministry and Service for the Universal Unity of the Church*

67. Along with reflection on episcopacy, there naturally also arises the question of ministry to the universal unity of the church. This question can be mentioned here only as a problem. It calls for further and more detailed treatment.

68. According to *Catholic* teaching, it is primarily by preaching and teaching that the bishops minister to unity within their local churches and between the local churches. Each local church is a realization and representation of the one church of Jesus Christ⁹⁴ only in community (*communio*) with the other local churches. This is why the individual bishop with his office forms a part of the community of all the bishops (collegiality). Each individual bishop and all the bishops together are entrusted with the care of the entire church, which exists in and arises from the many local churches.⁹⁵

69. This *communio* between the local churches and their bishops has its point of reference in communion with the Church of Rome and the Bishop of Rome as the holder of the chair of Peter. In this capacity he presides over the *communio* (*Agape*)⁹⁶ Rome is the place of the martyrdom of the apostles Peter and Paul; the Church of Rome was preserved amid the storms of persecution and in the confrontation with heresies, and played a leading role in the establishment of the canon of Scripture and the apostolic creed. From the fourth century onward, the promise given "to Peter" "on this rock I will build my church" (*Mt* 16:18) and the commission assigned to him "strengthen your brethren" (*Lk* 22:32) was applied to the Church of Rome and to the Bishop of the *cathedra Petri*. According to Catholic teaching, the Lord has transmitted to the Bishop of Rome, as the successor of Peter, the supreme pastoral office in the church. The ministry of the Bishop of Rome is to serve the unity of the universal church and legitimate diversity in the church.⁹⁷ His ministry of unity is "the perpetual and visible source and foundation of the unity of the bishops and of the multitude of the

(90) CA VII, 1, The Book of Concord, p. 32.

(91) Cf. *ibid.*; CA XXI, Epilogue, The Book of Concord, pp. 47f.; CA XXII, Preface, The Book of Concord, pp. 48f.

(92) Cf. especially *Catalogus Testimoniorum*, op. cit.

(93) Cf. No. 82 below.

(94) Vatican II, Decree on the Bishops' Pastoral Office in the Church, No. 11.

(95) *Ibid.*, Dogmatic Constitution on the Church, No. 23.

(96) Cf. Ignatius of Antioch, *Epistula ad Romanos* (Inscr.).

(97) Vatican II, Dogmatic Constitution on the Church, Nos. 22f.

faithful”⁹⁸.

70. Since the unity of the church is primarily unity in the one faith, the ministry of the Bishop of Rome within the episcopal college includes a special ministry to the unity of the faith of the church. He serves the unity of the whole church in faith and mission. It is promised to him that through the power of the Holy Spirit he is preserved from error in teaching when he solemnly declares the faith of the church (infallibility).⁹⁹

In his succession to the chair of Peter he is a witness of faith in the Jesus Christ to whom Peter was the first to bear witness in an abiding and authoritative way. This is the witness to the church must always refer. (*Mt* 16:16; *Lk* 24:34; *1 Cor* 15:5).¹⁰⁰

71. There were differences in detail in the ways the ministry of unity of the Bishop of Rome was understood and exercised in the first and second millenia. With its two dogmas of the universal primacy of the papal jurisdiction and the infallibility of particular papal doctrinal decisions, the First Vatican Council highlighted the service to unity of the Bishop of Rome, though without, to be sure, making sufficiently clear the degree to which this service is embedded in the total church. The Second Vatican Council confirmed this teaching of the First Vatican Council, but at the same time firmly anchored it once again in an all-embracing ecclesial context by its statements on the significance of the local churches and the collegiality of the episcopate. The frequent talk of the “Petrine office” in the post-conciliar period reflects the effort to interpret the papacy in terms of the Peter typology of the New Testament. This shows that “the concrete shape of this office may vary greatly in accordance with changing historical conditions”¹⁰¹. Aware as the Catholic church is that the papacy remains to this day for many Christians one of the greatest obstacles on the road to unity of the churches, it nevertheless hopes that as it is structurally renewed in the light of Holy Scripture and the tradition, it may more and more in the future provide an important service to unity.

72. For the *Lutheran* churches, likewise, it is essential to be aware of the interrelationship of

the individual local and regional churches is essential. Increasingly questions arise regarding the visible forms of church fellowship which represent a world-wide bond of faith. The churches have learned to collaborate in practical and theological matters in various ecumenical organizations. They have come to know each other better and have established concrete contacts with each other and thus have come into a deeper community. In recent years, the ecumenical dialogue among other things has led to the discussion of various models for the unity of the universal church, including first and foremost the model of conciliar fellowship of the churches. According to this model, the local churches form part of a world-wide and binding fellowship without having to give up their legitimate individual characteristics.

73. Also in this connection the question arises for Lutherans of service to the unity of the church at the universal level. The Reformers never surrendered the view that the council is the locus for the expression of the consensus of all Christendom, and, therefore, of universal church unity, even when they doubted whether a genuinely universal and free council could still be assembled. It seemed to Lutherans that the papacy suppressed the gospel and was to this extent an obstacle to true Christian unity. The doctrinal decision of the First Vatican Council confirmed this conviction in the minds of many. While the traditional controversies have not yet been completely settled, it can nevertheless be said that Lutheran theologians today are among those who look not only to a future council or to the responsibility of theology, but also to a special Petrine office, when it is a question of service to the unity of the church at the universal level. — Much remains theologically open here, especially the question as to how this universal ministry in the service of truth and unity can be exercised, whether by a general council, or by a group, or by an individual bishop respected by all Christians. But in various dialogues, the *possibility* begins to emerge that the Petrine office of the Bishop of Rome also need not be excluded by Lutherans as a visible sign of the unity of the church as a whole, “insofar as [this office] is subordinated to the primacy of the gospel by theological reinterpretation and practical restructuring”¹⁰².

(98) First Vatican Council, DS 3050f.; Vatican II, Dogmatic Constitution on the Church, No. 23.

(99) First Vatican Council, DS 3074; Vatican II, Dogmatic Constitution on the Church, No. 25.

(100) Cf. Vatican II, Dogmatic Constitution on Divine Revelation, No. 10.

(101) Malta No. 66.

(102) Malta No. 66; cf. USA V.

4. Mutual Recognition of Ministries

4.1 Present Situation

74. The convergences in the understanding and the structuring of the church's ministry presented in chapters two and three give great urgency to the question of the mutual recognition of ministries. This is true especially because eucharistic fellowship between our two churches depends essentially on the answer to this question. The question arises for both sides in a different way.

75. Before the Second Vatican Council there were no official pronouncements in *Catholic* teaching on the question of the validity or invalidity of the ministries in the Lutheran church. It was traditionally assumed that they were invalid. The Second Vatican Council speaks of a *defectus* in the sacrament of orders in the churches stemming from the Reformation.¹⁰³ It did not explain in what sense this applies to the individual churches and ecclesial communities who "differ... among themselves to a considerable degree".¹⁰⁴ Its intention, in any case, was not to take a final position, but rather to highlight a number of considerations that "can and ought to serve as a basis and motivation for such [ecumenical] dialogue"¹⁰⁵.

76. The ecumenical dialogue that has been going on since that time has increasingly given rise to the question whether *defectus* refers to a partial lack rather than a complete absence. In considering this problem, the ecumenical experience of the action of the Holy Spirit in the other churches¹⁰⁶ and of the spiritual fruitfulness of their ministries plays an important role. In addition, recent insights in the fields of biblical theology and of the history of theology and of dogma are of importance, especially the recognition of the diversity both of the ecclesial ministries in the New Testament and of their relationships to the community and to changing historical situations. In this connection it may also be worthy of mention that in the history of the Catholic church there have been cases of the ordination of priests by priests.¹⁰⁷

77. In the light of post-conciliar ecumenical discussion — as also reflected in the preceding chapters — it seems possible to speak of a *defectus ordinis* in the sense of a lack of the fullness of the church's ministry. In fact it is the Catholic conviction, that standing in the historic succession belongs to the fullness of the episcopal ministry. But this fact does not, according to the Catholic view, preclude that the ministry in the Lutheran churches exercises essential functions of the ministry that Jesus Christ instituted in his church.¹⁰⁸

78. The Catholic attitude to the ministry of other churches, as its view of the ministry in the Orthodox churches shows, does not depend directly on the question of the primacy. Yet for a full recognition of ministries in a reconciliation of churches, according to Catholic understanding, the Petrine office must also be taken into consideration.

79. For *Lutherans* the question presents itself differently. According to the Lutheran Augsburg Confession the church exists wherever the gospel is preached in its purity and the sacraments are rightly administered.¹⁰⁹ Thus Lutherans do not claim that the office of the ministry is found only in their own churches' ministry, i.e., they do not deny that it exists in the Catholic church.

80. If, as Augsburg Confession VII declares, agreement in the above two marks (in which the ministry is included)¹¹⁰ is sufficient for the true unity of the church, then these marks are fundamental conditions for identifying church unity. The *satis* must not be understood, however, as if it somehow denied the legitimacy of further agreements. When such further agreements are described as "not necessary", this does not oppose the growth of unity in Christ even in the sense of structural unification, but rather promotes the right kind of freedom for such growth. Unification should take place as an expression of Spirit-worked faith in the gospel which — like the works of the justified sinner — follow this faith. Understood in this manner, the Lutheran *satis est* is, therefore, not contrary to the desire for the "fullness" of church life, but actually opens up the way to this

(103) Vatican II, Decree on Ecumenism, No. 22.

(104) Ibid., No. 19.

(105) Ibid.

(106) Cf. *ibid.*, No. 3.

(107) Papal bulls of Pope Bonifatius IV, DS 1145-46; Martin V, DS 1290; Malta Nos 58, 63; USA IV, No. 20.

(108) Dombes III, No. 40.

(109) CA VII, The Book of Concord, p. 32; Malta No. 64.

(110) CA V, The Book of Concord, p. 31; CA XXVIII, 20, The Book of Concord, p. 84. The *satis* is not intended to suggest that the church ministry is superfluous for unity, because it has been instituted by God with the task of preaching and administering the sacraments.

fullness. One must ask, in other words, what form of church structure most effectively helps the proclamation of the gospel and the life and mission of the church. The *satis est* understood in this sense frees Lutherans to face up to the call for communion with the historic episcopal office.

4.2 Future Possibilities

81. The rapprochement between the divided churches which has been reached, the advances in ecumenical discussion, increasingly close practical cooperation between the ministers and congregations of both churches and, not least, the urgent pastoral problems which can only be solved in common, particularly the hope for joint celebration of the Lord's Supper, suggest the desirability of the mutual recognition by the two churches of their ministries in the not too distant future. This would be a decisive step towards eliminating the scandal of our separation at the Lord's Supper. Christians of both churches could then bear more credible testimony before the world of their fellowship in the love of Christ. Even before the mutual recognition of the ministries has been achieved, each church should by all means take into consideration developments in the other church when further developing its own ministries.

82. On what conditions and in what way would such a mutual recognition of ministries be possible? There is as yet no generally agreed upon answer to this question. Proposals for such procedures as a supplementary ordination, a juridical declaration or a mutual laying on of hands, any of which could be interpreted as either an act of ordination or as an act of reconciliation, are not completely satisfactory if they are understood as isolated acts. Nor can the question be answered exclusively in terms of canonical criteria of validity. Mutual recognition must not be regarded as an isolated act or carried out as such. It must occur in the confession of the one faith in the context of the unity of the church and in the celebration of the Lord's Supper, the sacrament of unity. Lutherans and Catholics, therefore, share the conviction that ordination by bishops, apart from reference to specific church communities, does not represent a solution. The only theologically meaningful way of solving this question is through a process in which the churches reciprocally accept each other. From this standpoint, the

acceptance of full church communion would signify also the mutual recognition of ministries. The precondition for such acceptance of full church communion is agreement in the confession of faith — which must also include a common understanding of the church's ministry — a common understanding of the sacraments, and fraternal fellowship in Christian and church life.

83. Such a recognition can only come about gradually. The various stages lead from a mutual respect of ministries through practical cooperation, to full recognition of the ministry of the other church which is identical to the acceptance of eucharistic fellowship. We are grateful that today mutual respect of ministries and practical cooperation already take place to a large extent, and that in the meantime a considerable degree of common understanding of the faith, including a common understanding of the church's ministry, has been reached. For this reason it seems to us that further steps in the direction of a full mutual recognition of ministries are now indicated.¹¹¹

84. A primary desideratum is as broad as possible a process of reception of the findings of previous ecumenical dialogues on the ministry of the church. We therefore request church leaders to distribute the present document to their churches for study. In addition, we ask the churches to continue to seek and to promote the cooperation of congregations and of ministers. Each church must make sure that its practice in the ordination and installation of ministers corresponds to the consensus that has already been achieved. Liturgical ordination formulas that do not correspond to the present state of the ecumenical discussion need revision.

85. If all this is done, the next step could consist of a mutual recognition that the ministry in the other church exercises essential functions of the ministry that Jesus Christ instituted in his church, and which one believes, is fully realized in one's own church. This as yet incomplete mutual recognition would include the affirmation that the Holy Spirit also operates in the other church through its ministries and makes use of these as means of salvation in the proclamation of the gospel, the administration of the sacraments, and the leadership of congregations. Such a statement is possible on the basis of what has been said up to now. It would be an important step in helping us through further reciprocal reception to arrive eventually at

(111) Cf. Accra Nos. 93-100.

full mutual recognition of ministries by the acceptance of full church and eucharistic fellowship.

86. The hope of achieving full church and eucharistic fellowship is not based on our human possibilities, but is rather founded on the promise of the Lord who through his Spirit is effectively manifest in the growing unity of our churches. Such hopes will also patiently withstand difficulties and disappointments, trusting in the prayer of our Lord “that they may all be one” (*Jn 17:21*).

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LIST OF SIGNATORIES

This document was signed by all members of the joint commission:

Roman Catholic Members:

The Rt. Rev. H. L. Martensen (chairperson)
The Rt. Rev. Dr. P.W. Scheele
Prof. Dr. J. Hoffmann
The Rev. Dr. J. F. Hotchkin
The Rev. Chr. Mhagama
Prof. Dr. St. Napiorkowski
Dr. V. Pfnür

Lutheran Members:

Prof. Dr. G. A. Lindbeck (chairperson)
The Rt. Rev. D.H. Dietzfelbinger
The Rev. Dr. K. Hafenscher
Drs. P. Nasution
The Rev. I.K. Nsibu
Dr. L. Thunberg
Prof. Dr. Bertoldo Weber

Consultants:

Prof. Dr. P. Blaser MSC (Roman Catholic)
Prof. Dr. W. Kasper (Roman Catholic)
Dr. U. Kühn (Lutheran)
Prof. Dr. H. Legrand OP (Roman Catholic)
Prof. D. Dr. W. Lohff (Lutheran)
Prof. Dr. H. Meyer (Lutheran)
Prof. Dr. H. Schütte (Roman Catholic)
The Rt. Rev. Dr. J. Vikstrom (Lutheran)

Staff Members:

P. Dr. P. Duprey PA (Secretariat for Promoting Christian Unity)
Msgr. Dr. A. Klein (Secretariat for Promoting Christian Unity)
The Rev. Dr. C.H. Mau, Jr. (Lutheran World Federation)
The Rev. Dr. D.F. Martensen (Lutheran World Federation)
Prof. Dr. V. Vajta (Lutheran World Federation)