

and interjected, which it is.²⁵ It is a conciliar teaching with its own history of development within the council process, and its full significance for the future cannot be completely foretold as yet. However, it is safe to say that the isolated community mentioned above would from a Roman Catholic perspective be frustrated in its ability to be an indication of the community of the church and a true witness of love if there were no way in which it could be a community of the altar.

Perhaps it would be faithful to Vatican II to say that there is no unbridgeable gap between the ordained priesthood and the priesthood of all the faithful. And wherever the faithful are gathered, however difficult their situation may be, the Holy Spirit will not neglect to bestow efficaciously upon individuals in their midst the charisms and gifts of ministry necessary for the life of the Christian community.

Of course from a Catholic viewpoint, a Christian community unable to make contact with the episcopal presbyterate is a community living in a serious emergency. Some might say that this is a peculiarity of the Roman Catholic outlook since many Christian churches have lived under the grace of God for many generations without any clear relationship to that special form of ministry. Others might say that since the crises which brought about division among Christians, the church has not ceased to live "in exceedingly trying circumstances."

Vatican II did not endeavor to answer directly these questions urged by ecumenical considerations. But neither did it foreclose the possibilities to be explored in ecumenical dialogue which alone in the end may be able to provide the answer.

²⁵ Cf. Karl Rahner, *op. cit.*, pp. 216 f., and *The Church after the Council* (New York: Herder and Herder, 1966), pp. 44-51.

A LUTHERAN VIEW OF THE VALIDITY OF LUTHERAN ORDERS

BY ARTHUR CARL PIEPKORN

1. *Introduction.* A Lutheran clergyman is in general not likely to be disturbed by questions about the validity of his ordination or of the eucharist that he confects by virtue of the power conferred in his ordination. He may have an intellectual awareness that not all Christian communities are prepared to regard Lutheran clergymen as authentic incumbents of the sacred ministry. He knows — intellectually — that his Pentecostal fellow-Christians look upon Lutheran clergymen as false ministers of the gospel because of a defect of the Holy Spirit, in that they have not received the baptism of the Holy Spirit and do not have as proof of that baptism the ability to speak in other tongues as the Spirit gives utterance. He knows — intellectually — that most of his Eastern Orthodox and Roman Catholic fellow-Christians look upon Lutheran clergymen as false priests, as do some of his Protestant Episcopal fellow-Christians, because of a defect of the Holy Spirit in that prelates in the historic succession of bishops have not laid hands on them. When your average Lutheran clergyman is made existentially aware of these convictions of his Pentecostal, Roman Catholic, Eastern Orthodox, and Protestant Episcopal fellow-Christians, he is likely to react, according to his temperament, with resentment or with amusement. But he does not lose sleep through nocturnal doubts that he may really not be an ordained minister of Christ's one holy catholic and apostolic church after all. The very small number of Lutheran seminarians and clergymen who transfer their membership to the Pentecostal, Roman Catholic, Eastern Orthodox, or Protestant Episcopal churches for any reason — including doubts about their possession of the Holy Spirit in a manner and degree necessary to carry on a valid ministry — illustrates how little the depreciation of their ministry touches them.

This paper is accordingly not a *pièce justificative* for the reassurance of uncertain Lutheran clergymen, but an effort at specifying the

problem areas in a Roman Catholic/Lutheran consideration of the issue.

The validity of Lutheran orders and of Lutheran eucharists could be defended in a variety of ways.

2. *Possible arguments from the sacred scriptures.* For instance, one could argue that the sacred scriptures nowhere specify who the president of the eucharistic assembly and the person who pronounces the eucharistic consecration is to be. There is nothing in the sacred scriptures that explicitly forbids setting up a roster of members of the local eucharistic assembly and designating one after the other of them as the president of the assembly for each Lord's day and designating others for other functions in connection with the celebration for a week at a time.

One might also argue — as far as explicit evidence in the sacred scriptures is concerned — that it would be wholly proper for one person to be chosen by the rest at their pleasure to serve as president of the eucharistic assembly for life strictly as a matter of good order and convenience. In a Christian community, of course, this would probably take place soberly, advisedly, in the fear of God, with prayer, and within some kind of ceremonial framework, but it would be a prudential solution based upon a purely ecclesiastical-human decision.

One might conceivably argue, to suggest a third option, that there are hints in the sacred scriptures that certain persons have received a special pneumatic gift for this kind of service. In this case the assembly's task is merely to discover and to recognize formally the inherent gift and the intention of the Holy Spirit and of the Lord of the church in imparting it to the individual(s) concerned.

One might also argue that it is in the nature of the divine economy of grace that every assembly (or intercommunicating complex of assemblies) of believers develops a form of ministry adequate to the group's sacramental awareness and conviction. If it believes that God wills the celebration of the sacrament of the altar in such a way that the communicants veritably receive the body and blood of Christ under the distribution of the sacramental species, its eucharistic presidents will then have the requisite power to confect a eucharist that realizes this conviction of the assembly.

None of these proposals are particularly congenial to Lutherans who stand committed to the Lutheran symbolical books.

3. *The thesis of this paper.* It is the thesis of this paper that, given the understanding of the nature of the eucharistic sacrifice

which this joint panel has reached and given the understanding of the nature of the sacred ministry (and specifically of the presbyterate) that *Lumen Gentium* 28 affirms, namely, "to preach the gospel, shepherd the faithful, and celebrate divine worship as true priests of the New Testament," the substantive matter at issue is the question of the minister of the sacrament of ordination.

This paper is in a sense a sequel to the present writer's paper of September 1968, "The Sacred Ministry and Holy Ordination in the Symbolical Books of the Lutheran Church" (see pp. 101—119, above), the contents and bibliography of which it largely presupposes.

I

4. *The form and matter of the sacramental sign.* A Lutheran notes that for Roman Catholics the valid dispensing of a sacrament requires that the minister of the sacrament accomplish the sacramental sign in the proper manner. Historically Lutheran orders for the administration of ordination have from the sixteenth century on called for the laying of the hands of the ordinator (and of his ordained assistant ordinators) upon the candidate for ordination. They have also called for either a declarative or precativ formula of words to indicate the impartation to the candidate of the Holy Spirit and of the authority to proclaim the word of God responsibly and to administer the sacraments according to our Lord's institution, together with all the grace and spiritual equipment that the discharge of these tasks might require. In the light of the history of the whole church this formula must in its context be regarded as adequate. Finally, the Lutheran practice has been to combine into a single simultaneous and unitary sign the laying on of hands with the pronouncement of the formula of ordination.

On the matter of the sacrament of order, the Lutheran also observes that there have been differences in theological opinion in the Western church at even the highest levels. The custom of symbolizing the office to which a person was being ordained by giving him appropriate "instruments" in the course of the rite is not documentable before about the tenth century. By the time of the Council of Ferrara-Florence in 1439, the bishop of Rome felt safe in the *Decretum pro Armenis* in affirming that the *porrectio* or *traditio instrumentorum* was the sole matter of order, a position that was commonly affirmed by theologians subsequently. In 1947, however, Pius XII in *Sacramentum ordinis* defined — but only for the future — the matter of order as the laying on of hands.

The Lutheran also observes with interest that according to *Sacramentum ordinis* it is the gloved hand of the bishop that is involved in the matter of order by being laid upon the head of the ordinand and that there is therefore no direct skin contact of episcopal palm with diaconic pate. The Lutheran is likewise reassured when he reads a Roman Catholic treatise that affirms "that the laying-on of hands simply serves to designate the precise persons upon whom the blessing of ordination is being called down, and to express the will of the [ordaining] bishop that they should receive it."¹

A Lutheran would observe that the formula of words that in scholastic language constitute the form of the sacrament is not a matter of divine revelation and that the practice of the church has not been wholly consistent. This is true both of the total church and of individual parts of the church, including the patriarchate of the West, where the form of the sacrament of ordination has undergone a great many changes.

A Lutheran feels that the formulas in use in the Lutheran community are at least as specific with reference to the nature and purpose of the action of ordination as the prayer of the Church Order ascribed to St. Hippolytus at the beginning of the third century or the thirty-one words that Pius XII specified as the form of ordination to the priesthood in *Sacramentum ordinis*: "*Da quaesumus omnipotens Pater in hunc famulum tuum presbyterii dignitatem; innova in visceribus ejus spiritum sanctitatis, ut acceptum a te, Deus, secundi meriti munus obtineat, censuramque morum exemplo suae conversationis insinuet*" (Almighty Father, we ask you to give to this your servant the dignity of a presbyter. Renew within him the spirit of holiness that he may retain the second-rank office received from you, O God, and by the example of his own behavior may persuasively impart a moral standard).²

5. *The minister of the sacrament of order.* Turning to the question of the minister of the sacrament of order, a Lutheran cannot find in the sacred scriptures evidence that bishops (in any sense that this term came to acquire in the patristic church) were the only ordainers in the apostolic period. Certainly, he feels, this cannot be

Re: Bishop only
¹ John Bligh, *Ordination to the Priesthood* (New York: Sheed and Ward, 1956), p. 91, citing Claude de Vert, *Explication simple, littérale et historique des cérémonies de l'église* (Paris, 1710), 2, 149, as authority.

² Denzinger-Schönmetzer, *Enchiridion Symbolorum*, 33rd ed. (Hereafter cited as DS) (Freiburg: Herder, 1965), 3860.

proved by the passages conventionally alleged — Acts 6:6; 14:22; I Timothy 5:22; II Timothy 1:6; Titus 1:5. He observes further that the liturgical evidence of a later period is not decisive for establishing the principle that only bishops can ordain. We do not have any descriptions of or extensive allusions to the rite of ordination prior to the period in which the monarchical episcopate had triumphed. The tendency of liturgical theology is to derive its principles *a posteriori* from the liturgical data.³ From the fact that the bishop was in fact the ordinary ordinator it was almost inevitable that he should be regarded as the sole proper minister of ordination. The matter of exceptions to this rule will be treated below.

While Lutherans would find it impossible in the premises to describe the superiority of bishops over priests as *de fide* and *jure divino*, they have always been ready to concede the canonical and functional superiority of those who have the responsibility of oversight over many churches in relation to those who are canonically and functionally subordinated to them as pastors of parishes. The Lutherans stand committed to the desirability of the traditional episcopal polity by their symbolical books (Apology, 14, 1.5). Even where the title of bishop was not or has not been preserved, the function of oversight was and is acknowledged as necessary and in accord with the divine will, although the mode and the extent of such oversight varies according to the constitution of the given ecclesiastical unit.

In those Lutheran communities that have preserved or recovered the historic episcopate, the competence to ordain belongs to the bishop alone. This is generally true of those Lutheran communities likewise that have retained or recovered an episcopal structure, although they may not have an "apostolic succession" of bishops. It is likewise generally true of those Lutheran church bodies who do not have a formal episcopal structure but whose size requires an office of oversight and administration under some name other than "bishop," at least to the extent that a licit ordination requires the authorization of the appropriate administrative officer (synod president, district president, and so on).

6. *The orthodoxy of belief and state of grace of the minister of order.* A Lutheran notes that in Roman Catholic theology the validity and efficacy of the sacrament of order is independent of the orthodoxy

³ A classic example is the theory of the double power of the priesthood that Duns Scotus developed from the rite of ordination in his day.

and state of grace of the ordinator. With this principle he would concur.

7. *The intention of the minister of order.* In the light of standard Lutheran theological discussions of ordination it may be presumed that ministers of ordination in the Lutheran community have had the intention at least of doing what the church does, even though this begins to become an explicit requirement in Western theological reflection only about the beginning of the thirteenth century. The Lutheran concedes, of course, that this opinion has a long implicit history behind it, and that we may see it as far back as the mid-third century, when, according to Eusebius, St. Cornelius, bishop of Rome, asserted that the consecration of his rigorist rival, Novatian, was a mere "seeming and ineffective laying on of hands."⁴

8. *The intention of the ordinand.* It can be presumed from the understanding that Lutherans have of the nature of the sacred ministry that the candidates for ordination in the Lutheran church have had the intention of receiving what the church gives, and have thus met the minimum requirement in the way of intention that the certain opinion of Roman Catholic theologians has regarded as necessary.

9. *The orthodoxy of belief and state of grace of the ordinand.* A Lutheran would note that it is a common opinion in the Roman Catholic church that neither orthodox belief nor moral worthiness in the recipient is necessary for the valid reception of ordination.

If a Lutheran candidate for ordination received it in a state of moral unworthiness it can also be presumed that, according to the common Roman Catholic opinion, the requisite measure of sacramental grace was conferred through the revival of ordination when the moral indisposition was removed.

10. *The effect of ordination.* In describing the effect of ordination, a Lutheran does not habitually talk about "sanctifying grace" and "actual graces," although he affirms what he understands these terms as implying when a Roman Catholic theologian uses them. Specifically, in the light of I Timothy 4:14 and II Timothy 2:6, a Lutheran would agree that ordination has as one of its purposes to enable the person ordained to proclaim the word of God responsibly, to administer the sacraments according to our Lord's institution, to lead a worthy life, and to possess those competences that his service as a clergyman requires in his case.

⁴ Eusebius, *Church History*, 6, 43, 9 (Migne, *Patrologia graeca*, 20, 620).

11. *Ordination not to be repeated.* Like the Roman Catholic, the Lutheran too sees ordination as conferring a spiritual authority on the recipient in a once-for-all fashion — namely the power to sanctify through the proclamation and application of the word of God and the administration of the sacraments according to our Lord's institution, the power to teach, the power to absolve, the power to excommunicate public offenders and the power to reconcile them to the church when they repent, and, as authorized, the power to ordain. At the same time the Lutheran is not unaware of the historical problems presented in the middle ages by *de facto* reordinations in cases of deposition or in cases of ordinations administered by heretical, schismatic, or simoniacal prelates.

A Lutheran does not normally talk about impartation of an ineradicable mark (*character indelebilis*). He regards this term as at best a metaphor based upon a nonbiblical, scholastic anthropology and psychology with which he is uncomfortable. If the purpose of the metaphor is to declare that a validly ordained person ought not to be reordained, the thrust of Lutheran conviction and practice is to affirm this. An ordained person who temporarily (or even with the intention of doing so permanently) renounces his tasks as an ordained clergyman is not again ordained when he resumes them. Admittedly there is some uncertainty and inconsistency among Lutherans when a person ordained in another communion becomes a Lutheran clergyman. Since a commitment to the teaching of the Lutheran symbolical books has historically been and continues widely to be an important preliminary to ordination in the Lutheran church, a clear distinction between this formal commitment to the Lutheran symbolical books and actual ordination has not always been made. If the candidate for the ministerium of the Lutheran church has already been ordained "as a minister of the Church of Christ," the tendency seems to be to require him merely to affirm his acceptance of the Lutheran symbolical books and then to install (or institute) him in his new ministry but not formally to attempt to "reordain" him.

The terminology *signum configurativum* (as conforming the ordained person to Christ as the preeminent Worshiper of the Father), *signum distinctivum* (as distinguishing the ordained from the unordained person) and *signum dispositivum* (as enabling him to exercise the authority of the sacred ministry) in speaking of the ineradicable imprint is not natively Lutheran, but the Lutheran has no problem in integrating it into the reality that he sees the basic metaphor as designed to convey.

12. *The sacramentality of the sacred ministry and of ordination.* Lutherans are not unwilling to describe as a sacrament both the sacred ministry itself and ordination through the laying on of hands (Apology 13, 9-13). Any difficulty that may exist lies in the conventional definition of the term "sacrament." As a "church-word" rather than a "bible-word" it admits of varying definitions. In the heightening polemical atmosphere of the later sixteenth and seventeenth centuries, both the Roman Catholic and the Lutheran theological traditions almost deliberately committed themselves to mutually exclusive definitions of the term "sacrament." In spite of this, the continuing willingness of the Lutheran community to attribute sacramentality to the sacred ministry and to ordination is a datum of its continuing commitment to the Lutheran symbolical books.

II

13. *Statement of the historical issues involved.* The historical issues revolve around two considerations: (1) Is the episcopate a divinely instituted order different from and intrinsically superior to the presbyterate, or was the episcopate originally identical with the presbyterate and was the former differentiated from the latter only by ecclesiastical, that is — for a Lutheran — human, right? (2) Are there instances of presbyteral ordinations to the presbyterate that the Roman Catholic church regards as presumptively valid?

14. *The synonymy of presbyter and bishop in the first five centuries.* The biblical evidence alleged in favor of the original identity of the episcopate and the presbyterate has been often rehearsed: The reference to bishops and deacons, with no mention of presbyters, in Philippians 1:1; the reference to the same officials of the Ephesian church as presbyters and bishops within the space of twelve verses in Acts 20:17-28; the reference to the presbyters that Titus had instituted in Crete as bishops (Titus 1:5-7); the listing of canonical qualifications for bishops and deacons but not for presbyters in the Pastorals; the designation of the authors of II and III John and of I Peter as presbyter and copresbyter (II John 1; III John 1; I Peter 5:1);⁵ and the reference to presbyters but not to bishops in James.

The situation is not much different in the period of the apostolic fathers. In I Clement (about 96) the leaders of the Christian communities are bishops and deacons (42, 4.5); presbyter seems to be

⁵ The textually dubious *episkopountes* ("exercising oversight") in I Peter 5:2 would, if it were original, not be without significance in this connection.

the synonym of bishop at least in 44, 5 (see verses 1 and 4); 47, 6; 54, 2; and 57, 1. The community of the Didache (first half of the second century) also operates with bishops and deacons (15, 1). The presbyters are named as the ruling officers in the Shepherd of Hermas (about 150) (Vision 2,4,2.3 [see 2,2,6; 3,7,8; 3,9,7]; apostles, bishops, teachers, and deacons appear in 3,5,1; bishops and *philoxenoi* [literally, "stranger-lovers"] appear in Similitude 9,27,2). There are presbyters and deacons at Smyrna and at Philippi according to the Letter of St. Polycarp (69?—155?) 5,3; the address and 6,1 speak only of presbyters; the reference to Valens the presbyter in 11,1 does not help us; St. Polycarp himself is called bishop only in the subsequently added titles of the Letter and of the Martyrdom. Presbyters are the ruling officers in II Clement 17,3 (about A. D. 150). Presbyter is a synonym of bishop in St. Irenaeus of Lyons (130?—200?), Against the Heresies 3,2,2 (see 3,3,2) and 4,26,5;⁶ in Eusebius, Church History, 5,24,⁷ quoting St. Victor of Rome (died 198); and in St. Clement of Alexandria (150?—215?), Quis dives salvetur?, 42.⁸ The Letter of St. Firmilian of Carthage (died 268), reproduced in St. Cyprian's correspondence as Letter 75, 4,7,⁹ can also be cited.

St. John Chrysostom recognizes the synonymy of presbyter and bishop in the New Testament in his Homilies on Philippians (on 1:1).¹⁰ So does Theodoret (393?—458?) in his comments on Philippians 1:1 and I Timothy 3:1,¹¹ as well as Oecumenius (sixth century) in his Commentary on the Acts of the Apostles (on 20:17)¹² and St. Maximus the Confessor (580?—662) in his Scholia on "Concerning the Divine Names" of Dionysius the Areopagite, 1,1.¹³

St. Jerome (342?—420) sets forth his position unambiguously in his Letter 146 (85) to Evangelus:

"The apostle clearly [teaches] that presbyters are the same as bishops. . . . Listen to another bit of evidence in which it is most clearly proved that the bishop and the presbyter are the

⁶ Migne, *Patrologia graeca*, 7, 847-848. 1055.

⁷ *Ibid.*, 20, 505.

⁸ *Ibid.*, 9, 648.

⁹ Migne, *Patrologia latina*, 3, 1206. 1209.

¹⁰ St. John Chrysostom, *Interpretatio omnium epistolarum Paulinarum per homilias facta*, ed. Frederick Field, 5 (Oxford: J. Wright, 1855), 8.

¹¹ Migne, *Patrologia graeca*, 82, 560, 804.

¹² *Ibid.*, 118, 255.

¹³ *Ibid.*, 4, 185.

All the evidence favors the view

same. . . . But at a later date the choice of one who was placed ahead of the others was undertaken as a remedy against schism, lest some one person by attracting a following would rend the church of Christ. Thus at Alexandria from St. Mark the Evangelist down to the bishops SS. Heraclas [died 247] and Dionysius [died 265], the presbyters always chose one of their own number whom they would place on a higher level and call bishop, just as if an army were to make an emperor, or deacons would choose out of their midst one whose diligence they knew and call him archdeacon. For, apart from ordination, what does a bishop do that a presbyter does not do?"¹⁴

In his *Commentary on Titus* (on 1:5) he states:

"The presbyter accordingly is the same as a bishop, and before rivalries came about in our religion through diabolical impulse and they would say among the people, 'I am of Paul,' 'I am of Apollo,' 'I am of Cephas,' the churches were governed by a common council of presbyters. Later on some individual believed that those whom he baptized were his, not Christ's, and it was decreed in the whole world that one of the presbyters should be chosen and placed over the rest and have the care of a single church and the seeds of divisions be removed. If anyone should think that this opinion, that the bishop and the presbyter are one and that the one designation refers to his age and the other to his office, is our own and not that of the Scriptures, let him read again the words of the apostle when he speaks to the Philip-pians. . . . Philippi is one city of Macedonia, and certainly in a single city there could not have been a number of bishops, as they are called. But because at that time the same persons were called bishops and presbyters, he speaks on that account without distinction about bishops as he does about priests. . . . On that account these things [are so] as we demonstrated that among the ancients presbyters and bishops were the same but gradually, in order that the emerging shoots of dissension might be plucked out, the whole responsibility was transferred to a single person. Therefore as the presbyters know that they are subject to the one

¹⁴ "Apostolus perspicue [docet] eosdem esse presbyteros quos episcopos. . . . Quod autem postea unus electus est, qui caeteris praeponeretur, in schismatis remedium factum est, ne unusquisque ad se trahens Christi ecclesiam rumperet. Nam et Alexandriae a Marco evangelista usque ad Heraclum et Dionysium episcopos, presbyteri semper unum ex se electum, in excelsiori gradu collocatum, episcopum nominabant, quomodo si exercitus imperatorem faciat; aut diaconi eligant de se, quem industriam noverint, et archidiaconum vocent. Quid enim facit excepta ordinatione episcopus, quod presbyter non faciat?" (Migne, *Patrologia latina*, 22, 1193—94)

who has been placed over them by an ecclesiastical custom, so the bishops should know that they are greater than presbyters more through custom than through the verity of an ordinance of the Lord and that they [all] ought to rule the church in common."¹⁵

"Among the ancients bishops and priests [were] the same," St. Jerome says in his *Letter 69 to Oceanus*, 3.¹⁶

15. *The survival of the tradition of the synonymity of presbyter and bishop.* A relic of the old tradition emerges as late as the turn of the fifth/sixth century when the fourth of the Egyptian canons pseudonymously attributed to St. Hippolytus directs: "When a presbyter is ordained, all things concerning him shall be done as concerning a bishop, except taking his seat on the throne. And the bishop's prayer shall be said over him entire, except the name of 'bishop.' The bishop is in all respects the equivalent of the presbyter except in regard to the throne and ordination, because he was not given authority to ordain."¹⁷

St. Isidore of Seville (560?—636) in chapter 7 ("*De presbyteris*") of his *De ecclesiasticis officiis* sees the authority to ordain and consecrate reserved to the bishops to prevent "a challenge to the discipline

¹⁵ "Idem est ergo presbyter qui et episcopus, et antequam diaboli instinctu studia in religione fierent, et diceretur in populis, 'Ego sum Pauli, ego Apollo, ego autem Cephae,' communi presbyterorum concilio ecclesiae gubernabantur. Postquam vero unusquisque eos quos baptizaverat suos putabat esse, non Christi, in toto orbe decretum est, ut unus de presbyteris electus superponeretur caeteris ad quem omnis ecclesiae cura pertineret, et schismatum semina tollerentur. Putet aliquis non Scripturarum sed nostram esse sententiam, episcopum et presbyterum unum esse, et aliud aetatis, aliud esse nomen officii, relegat apostoli ad Philippenses verba dicentis. . . . Philippa una est urbs Macedoniae et certe in una civitate plures, ut nuncupantur, episcopi esse non poterant. Sed quia eosdem episcopos illo tempore quos et presbyteros appellabant, propterea indifferenter de episcopis quasi de presbyteris est locutus. . . . Haec propterea, ut ostenderemus apud veteres eosdem fuisse presbyteros quos et episcopos; paulatim vero ut dissensionum plantaria evellerentur ad unum omnem sollicitudinem esse delatam. Sicut ergo presbyteri sciunt se ex ecclesiae consuetudine ei qui sibi praepositos fuerit esse subjectos, ita episcopi noverint se magis consuetudine quam dispositionis dominicae veritate presbyteris esse majores, et in commune debere ecclesiam regere." (Migne, *Patrologia latina*, 26, 597—98)

¹⁶ "Apud veteres iidem episcopi et presbyteri [fuerunt]." (Migne, *Patrologia latina*, 22, 656)

¹⁷ Quoted in the translation of Francis Crawford Burkitt in Walter Howard Frere, "Early Ordination Services," *Journal of Theological Studies* 16 (1914—1915), 345—47.

of the church by many to destroy its harmony and generate scandals," and he sees the New Testament addressing bishops under the designation presbyters and comprehending presbyters under the name of bishop.¹⁸

Amalarius of Metz (780—851?) in chapter 13 ("De presbyteris") of the second book of his *De ecclesiasticis officiis* commits himself to the view of St. Ambrose in his treatise on the letters to St. Timothy, that in ancient times presbyters were called both bishops and presbyters and to the now familiar view of St. Jerome as expressed in his *Commentary on Titus* and in his *Letter 146 (85) to Evangelus*.¹⁹

The fourth part of the eleventh/twelfth century florilegium on the ecclesiastical grades in manuscript Clm 19414 of the Bayerische Staatsbibliothek in Munich recently edited by Roger E. Reynolds goes back to a ninth century model, the *Collectio duorum librorum*. This document combines and adapts *De septem ordinibus* of Pseudo-Jerome (fifth century) and *De ecclesiasticis officiis* of St. Isidore. The section on the presbyter rehearses the tradition of its sources on the synonymity of presbyter and bishop in the New Testament. It cites the evidence of the Pastorals and goes on: "Thus you understand that the sum total of the priesthood is settled in the presbyters. Thus moreover presbyters are called priests, [a word] put together out of a Greek and Latin noun, because they give the holy thing just as the bishop [does]." ²⁰

According to Ludwig Ott ²¹ even John Duns Scotus (1264? to 1308) allowed a certain probability to St. Jerome's view.

The question of the divine origin of the episcopate was extensively argued at Trent, and that council did not undertake to define the preeminence of bishops of presbyters with reference to the power of jurisdiction and the power of consecration in terms of either divine or human-ecclesiastical law.

16. Pre-Reformation ordinations by presbyters. The earliest de-

¹⁸ "Ne a multis ecclesiae disciplina vindicata concordiam solveret, scandala generaret." For the whole passage see Migne, *Patrologia latina*, 83, 787—88. ¹⁹ Migne, *Patrologia latina*, 105, 1088-1091.

²⁰ "Intelligis ergo in presbyteris summam sacerdotii collocari. Ideo autem presbyteri sacerdotes vocantur ex greco nomine et latino compositum quia sacrum dant sicut episcopus" (Roger E. Reynolds, "A Florilegium on the Ecclesiastical Grades in CLM 19414: Testimony to Ninth-Century Clerical Instruction," *Harvard Theological Review* 63 [1970], 255).

²¹ Ludwig Ott, *Fundamentals of Catholic Dogma*, trans. Patrick Lynch, ed. James Bastible, 6th ed. (St. Louis: B. Herder Book Company, 1964), p. 453.

scription of an ordination that has survived from the early church is in the *Apostolic Tradition* ascribed to St. Hippolytus of Rome (died 235). By this time the monarchical episcopate had been introduced in the church of the city of Rome.

In the era prior to the introduction of the monarchical episcopate, ordination would have been imparted by members of the local college of presbyter-bishops. Rome prior to the middle of the second century would have been a case in point.

In the second century it appears that the local college of presbyters instituted the bishop at Alexandria and Lyons.

Canon 13 of the Council of Ancyra (314), approved by St. Leo IV, bishop of Rome from 847 to 855, provided that neither chorepiscopi nor city presbyters may ordain presbyters or deacons outside their own *parochia*, unless the bishop has granted permission in the form of a letter for them to do so.²²

According to Blessed John Cassian (360 to 435), the Egyptian presbyter-abbot Paphnutius apparently ordained his successor, Daniel, to both the diaconate and the presbyterate.²³

Even prior to their respective consecrations as bishops, SS. Willehad (730—789) and Liudger (774?—809) were administering ordination to the presbyterate in their missionary districts.

In his *Vita Sancti Willehadi*, 5, St. Ansgar writes: "In the year of the Lord's incarnation 781, and in the fourteenth year of the reign of the noted prince Charles . . . the servant of God Willehad began to build churches throughout Wigmodia [a district of Lower Saxony]

²² John Dominic Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 2 (Florence: Antonius Zatta, 1759), 517. The occasion of this eighteen-bishop council is uncertain and the canons (including this one) appear in various forms (see *ibid.*, cols. 525 and 531). Whatever the text of the canon may originally have been, it is noteworthy that a later generation saw nothing inappropriate about the version here cited.

²³ "Merito puritatis ac mansuetudinis [Danielis] a beato Paphnutio solitudinis eiusdem presbytero . . . ad diaconii est praelectus officium. In tantum enim idem beatus Paphnutius virtutibus ipsius adgaudebat, ut . . . coaequare sibi etiam sacerdotii ordine festinaret, siquidem . . . eum presbyterii honore provexit. (In view of [Daniel's] purity and gentleness the blessed Paphnutius, the presbyter of the same desert monastery . . . preferred [Daniel] to the office of deacon. Indeed, the same blessed Paphnutius rejoiced in [Daniel's] virtues to such a degree, that . . . he hastened to put [Daniel] on a par with himself even in the order of the priesthood, inasmuch as . . . he advanced him to the honor of the presbyteral office.)" John Cassian, *Conferences*, IV, 1, ed. E. Pichery (Paris: Les Éditions du Cerf, 1955), p. 167.

and to ordain presbyters over them who would freely confer on the peoples [of the area] the counsels of salvation and the grace of Baptism."²⁴ Section 8 of the same biography recounts that in 785 St. Willehad "restored the churches that had been destroyed, and appointed approved individuals to exercise authority over the individual localities who would give to the peoples [of the area] the counsels of salvation."²⁵ St. Willehad was not consecrated a bishop until 787.

Altfred (died 849), second bishop of Mimigernaford (Münster-in-Westfalen) and the successor of its founder, St. Liudger, writes in his *Vita Sancti Liudgeri*, 19: "He baptized one Landric, the son of a certain prince [of Helgoland], and ordained him a presbyter after he had instructed him in the Scriptures."²⁶ Section 20 of the same biography states that St. Liudger, "in his accustomed fashion, with all longing and concern strove to do good to the rude peoples among the Saxons by teaching them and, after the thornbushes of idolatry had been rooted out, to sow the Word of God diligently in place after place, to build churches, and to ordain presbyters whom he had educated to be co-workers with him [in proclaiming] the Word of God in each of these places." During this period St. Liudger declined episcopal rank humbly (*pontificalem gradum humiliter*) and tried to persuade disciples of his to receive episcopal orders in his stead; he yielded only later to the arguments of Bishop Hildebald of Cologne and allowed himself to be consecrated.²⁷

Following the lead of Hugo of Pisa (Huguccio; died 1210), many medieval canonists took the position that a simple presbyter was com-

²⁴ "Anno incarnationis Domini 781 regni vero memorati principis Karoli 14mo . . . servus Dei Willehadus per Wigmodiam ecclesias coepit construere ac presbyteros super eas ordinare, qui libere populis monita salutis ac baptismi conferrent gratiam" (George Henry Pertz, ed., *Monumenta Germaniae historica: Scriptores*, 2 [Stuttgart: Anton Hiersemann, 1963], 381, 48-50).

²⁵ "Ecclesias quoque destructas restauravit, probatasque personas qui populis monita salutis darent singulis quibus locis praeesse disposuit" (*ibid.*, p. 383, 1-3).

²⁶ "Cuiusdam etiam eorum principis filium, Landricum nomine, accepit a fonte; quem sacris literis imbutum ordinavit presbiterum" (*ibid.*, p. 410, 35-36).

²⁷ *Ibid.*, p. 411, 11-22. The quoted passage reads in the original: "More solito cum omni aviditate et sollicitudine rudibus Saxonum populis studebat in doctrina prodesse, erutisque ydolatrie spinis, verbum Dei diligenter per loca singula serere, ecclesias construere, et per eas singulos ordinare presbiteros, quos verbi Dei cooperatores sibi ipsi nutriverat."

petent to ordain to the presbyterate if the pope empowered him to do so.

Concretely, the bull *Sacrae religionis* of Boniface IX, dated February 1, 1400, provides: "We . . . grant . . . [to] the same abbot [of the Monastery of SS. Peter and Paul the Apostles and of St. Osith the Virgin and Martyr, of the Order of Canons Regular of St. Augustine, in Essex in the diocese of London], and [to] the abbots of the same monastery who are his successors for the time being in perpetuity, to have the power freely and licitly to confer on all professed canons, present and future, all minor orders, as well as the subdiaconate, the diaconate, and the presbyterate, at the times established by the law, and that the said canons promoted in this way by the said abbots are able to serve freely and licitly in the orders so received, notwithstanding any conflicting constitutions, apostolic and others, whatsoever, put forth to the contrary and reinforced with any degree whatever of firmness."²⁸ Because of the objection of Bishop Robert of London, who had the right of patronage in the monastery named, the same pope on February 6, 1403, in the bull *Apostolicae sedis* withdrew the permission granted in *Sacrae religionis*, again specifying that the privilege had authorized the abbots of the monastery to confer orders through the presbyterate.²⁹

In the bull *Gerentes ad vos*, Martin V on November 16, 1427, conferred on the abbot of the Cistercian monastery at Alzelle in Upper Saxony the license and faculty "of conferring on each of the monks of the same monastery and on persons subject to you, the abbot, all holy orders, without in the least requiring a license to do this from the diocesan of the place, notwithstanding any constitutions and ordinances, apostolic and otherwise, to the contrary."³⁰

²⁸ "Nos . . . ut idem abbas et successores sui in perpetuum abbates eiusdem monasterii pro tempore existentes omnibus et singulis canonicis praesentibus et futuris professis eiusdem monasterii omnes minores necnon subdiaconatus, diaconatus et presbyteratus ordines statutis a iure temporibus conferre libere et licite valeant et quod dicti canonici sic per dictos abbates promoti in sic susceptis ordinibus libere et licite ministrare possint, quibuscumque constitutionibus apostolicis et aliis contrariis in contrarium editis quibuscumque quacumque firmitate roboratis nequaquam obstantibus . . . indulgemus" (DS 1145).

²⁹ DS 1146.

³⁰ "Singulis monachis eiusdem monasterii ac personis tibi abbati subiectis omnes etiam sacros ordines conferendi, dioecesani loci licentia super hoc minime requisita, constitutionibus et ordinationibus apostolicis ceterisque contrariis nequaquam obstantibus" (DS 1290).

On Aug. 29, 1489, Innocent VIII, in the bull *Exposcit tuae devotionis*, conferred on Abbot John of Cîteaux and on "the four other aforesaid abbots of [La Ferté, Pontigny, Clairvaux, and Morimond], and to their successors [authority] freely and licitly . . . to confer lawfully upon any monks so ever of the said order, as religious of the aforesaid monasteries whom you shall find qualified therefor, the orders of the subdiaconate and the diaconate."³¹

As conservative a Roman Catholic dogmatician as Ludwig Ott sees this authorization of presbyters to impart orders as posing a question that demands one of two answers: (1) Either the popes of the fifteenth century "were victims of the erroneous theological opinions of their times"; or (2) "a simple priest is an extraordinary dispenser of the orders of diaconate and presbyterate, just as he is an extraordinary dispenser of confirmation. In this latter view, the requisite power of consecration is contained in the priestly power of consecration as *potestas ligata*. For the valid exercise of it a special exercise of the papal power is, by divine or church ordinance, necessary."³²

With reference to the first answer, at least one Roman Catholic scholar holds that if the popes in question had erred in giving these faculties, the erring pope "in his official capacity as pope [would have] imposed material idolatry on those of the faithful who sought the ministry of men ordained in virtue of these bulls."³³ The final clause of the second answer is for a Lutheran, of course, not a necessary conclusion.

While a Lutheran will not insist that "ordinary minister" necessarily implies an "extraordinary minister" in certain circumstances — although this might very well be a legitimate inference — he observes

³¹ "Quibuscumque dicti ordinis monachis, aliis vero quatuor abbatibus praefatis ac eorum successoribus, ut suorum monasteriorum praedictorum religiosi quos ad id idoneos repereritis, subdiaconatus et diaconatus ordines . . . rite conferre . . . libere et licite" (DS 1435). The diaconate was conferred in Rome at least as late as 1662 with the apparent knowledge and approval of the pope (Corrado Baisi, *Il ministro straordinario degli ordini sacramentali* [Rome: Anonima Libreria Cattolica Italiana, 1935], pp. 16–24). Elsewhere Cistercians made use of the permission until it began to fall into desuetude in the eighteenth century, and an order for the ordination of a subdeacon and deacon is still a part of the most recent edition (1949) of the *Rituale Cisterciense* (DS, p. 352).

³² Ott, p. 459.

³³ Alban Baer, art. "Abbot, Ordination by," in H. Francis Davis, Aidan Williams, Ivo Thomas, and Joseph Crehan, eds., *A Catholic Dictionary of Theology*, 1 (London: Thomas Nelson and Sons, 1962), 4.

that the bull of union of the Armenians (*Exsultate Deo* of November 22, 1439; Eugene IV and the Council of Florence) declares with reference to the sacrament of order: "The ordinary minister of this sacrament is a bishop (*ordinarius minister huius sacramenti est episcopus*)."³⁴

Gabriel Vásquez (1549–1604) asserts that Benedictine presbyter-abbots and Franciscan presbyter-missionaries in India had received authority to administer the sacrament of orders, but this statement still lacks documentation.³⁵

While the historical evidence inclines most Lutherans to deny that the diaconate was originally an integral part of the clerical office, the Roman Catholic inclusion of the diaconate among the authentically sacramental grades of the clerical estate is not wholly without significance for the present discussion. If the making of a deacon is part of the single sacrament of order, it would seem to be important that in the case of the diaconate the minister of the sacrament has had to be a person in episcopal orders.

Granted the unity of the sacrament of order that Roman Catholic theology asserts, a Lutheran sees a number of questions arising. For instance, if there is only one sacrament, why should a minister who is competent to administer part of the sacrament not be competent to administer the whole sacrament? Concretely, if a priest is competent to ordain to the diaconate, why is he not intrinsically competent to ordain to the presbyterate? If the episcopal order is competent to coopt additional members of the order and if in emergencies laymen can by baptism coopt, as it were, additional members of the one holy catholic and apostolic church, why cannot the presbyterate function similarly, at least in a case of necessity? Again if a presbyter is competent to administer one properly episcopal function, namely confirmation, why is he not competent to administer another properly episcopal function, namely ordination?

³⁴ DS 1326. Canon 951 of the 1917 Code of Canon Law makes the point that a consecrated bishop is the ordinary minister of holy ordination, but it contemplates an extraordinary minister who may lack the "mark" of a bishop (*character episcopali careat*) but who "may receive either from the law (*a jure*) or from the Apostolic See by a special indult the authority (*potestatem*) to impart certain orders" (*Codex juris canonici Pii x Pontificis Maximi* [Rome: Typi Polyglotti Vaticani, 1923], p. 264).

³⁵ *Disputationes in partem tertiam Summae theologiae S. Thomae*, disp. 243, c. 4, cited by Piet Fransen, art. "Ordo," in *Lexikon für Theologie und Kirche* (Freiburg: Herder), vol. 7 (1962), 1216.

Questions for R. Vasquez

If it be argued that to concede the validity of presbyteral ordinations to the presbyterate is depriving the bishop of a privilege that is exclusively his, a possible answer is that the alienation of an exclusive privilege is not something unique in the experience of the episcopal order. Once the monarchical bishop had established his pre-eminent authority, he was for a long time normally the only person that administered baptism, a privilege that he ultimately came to share with the presbyters. Until the fifth century it was his exclusive prerogative to preach during the Sunday eucharist; this prerogative too he had to share with the presbyters. Until the tenth century he alone administered absolution to the penitents who were undergoing public discipline; thereafter this became a competence of the presbyters as well. The once exclusively episcopal privilege of administering chrismation was widely delegated to presbyters in the Eastern church at an early date. In more recent times the administration of the parallel Western ceremony of confirmation has ceased to be the exclusive province of the bishop in the Roman Catholic church.

The Lutheran church does not equate any ecclesial community — its own, the Roman Catholic (SA III, 12, 1) or any other large or small — with the one holy catholic and apostolic church. It respects the right of the Roman Catholic church to determine the canonical licitness of the ordinations performed within that communion and does not seek to impose Lutheran standards of canonical licitness upon the Roman Catholic community. By the same token it reserves to itself the right to establish its own standards of canonical licitness in the case of ordinations on those points where the divine law (*jus divinum*) makes no prescriptions and to reject those of other denominations as binding in matters that cannot be established as being of divine right.

ORDAINED MINISTER AND LAYMAN IN LUTHERANISM

BY JOHN REUMANN -

An answer to the question posed by the Catholics, "What differences does Lutheranism see between the ordained Lutheran minister and the Lutheran layman?" could be ventured simply by jotting down impressions one has. But such an answer might vary with the Lutheran making it.

Accordingly, in order to do justice to the complex evidence, noting the tendencies and tensions which have appeared in the Lutheran understanding of "ministry," it is necessary (1) to examine the topic in the Reformation, especially in the confessions; (2) to see something of the historical development since the sixteenth century, in Europe and more particularly in America, particularly the discussion in the nineteenth century; (3) to summarize what constitutions, commission reports, and other documents of Lutheran bodies in America say on ordained ministry and laity, and then to draw on what further evidence is available from sociological surveys, current periodical literature, and other sources on how Lutherans are thinking about what is a question in all Christendom, the relation of the ordained and the unordained in ministry.

This survey of theological, historical, constitutional, sociological, and other material will be presented generally along chronological lines, from past to present, and in a way which concentrates geographically more and more on the United States. No attempt is made to encompass many developments in other parts of the world, and backgrounds prior to the Reformation period, especially in discussion of the biblical sources, are only alluded to, not evaluated.

I. "MINISTRY" IN THE REFORMATION ERA

1. What the Reformers have to say about "ministry" must be seen *in light of* the theology and practices of the church of the *Middle Ages*. This means both that they were influenced by earlier and cur-