

## DEPOSAL AND/OR REMOVAL: PRINCIPLES, PRACTICES, AND PROPOSALS

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### I. PROLEGOMENA

#### A. DEFINITIONS

Let us begin with a few key definitions: **Church**, **Ministry**, **Divine Call**, **Expulsion** (*vertreiben*), and **Removal** (*versetzen*).

**Church** is the Body of Christ, the communion of saints; its presence in the world is manifested in specific assemblies, local congregations, whose marks are Word and Sacraments, not necessarily the legal trappings and sociological elements of a constitution, charter, voters' assembly, etc. While "Synods" and such are this-worldly organisations, they are not only helpful but also necessary, for they testify to the reality of the "transparochial" nature of "Church". While "congregation" is "Church", a congregation is not the whole Church!

**Ministry** is what God has done for all sinners in Christ and the institution by which God sees to it that Christ's ministry continues to get to people through Word and Sacraments. "Ministry" is not an abstract concept under the category "Church", but rather it **happens** when Christ appoints His representatives to continue His work. There is no ministry apart from **ministers**, and they are appointed by Christ and placed **in** the Church **for** the Church and the world.

**Divine Call:** We believe that the Lord, working mediately through orderly procedures of the Church (and, at times in the past, government), calls and appoints a man to a responsibility of ministry. This means it is from God, divine. It is also external and mediate. The orderly procedures have generally included some form of each of the following:

1) nomination/examination/certification, from the body of the Church including especially the current ministerium (and perhaps government), to declare the candidate eligible;

2) election/acclamation from the people to be ministered to, a valid and legitimate call indicating this candidate is received with their approval;

3) ordination/installation, a public ceremony of solemn, **performative** words, the candidate pledging his service and the congregation making commitment to receive and support him.

That the call is "divine" puts God in the picture. The laity receive minister and ministry from God; the pastor is accountable to his Lord.

**Expulsion** or **Deposing** from ministry (*vertreiben*) is an action based on the recognition that there can eventuate a change in a man as regards the conditions and characteristics pertaining to his qualifications to be certified for the Holy Ministry, so that he ought not any longer be a pastor—where he currently is serving, or anywhere. It is here that the “causes” for deposing a pastor are operative. The whole Church must pay heed that pastors **abide** in the necessary states and qualifications; when one does not, then God, working mediately through the Church (congregation and/or “transparochial Church”) will **depose** him. God wrought the “divine call”; **He** can undo it.

**Removal** (*versetzen*) refers to a procedure which moves or removes a pastor from his current specific call. The discussion in Walther encompasses both whether and how and when a pastor may/should accept a call to a new place **and** the situations in which the pastor (of his own will) may/should request peaceful release from his “divine call” or may/should be removed by compulsion from his current place (and, perhaps, moved to another place).

This concept is problematic for us because it envisions that a man might somehow be “a member of the ministerium” without being currently installed in a specific call, and it envisions the possibility that churchmen might make judgements and take actions as regards pastors’ places of service on the basis of criteria and through procedures other than those specifically set forth under “calling” and “deposing”.

## B. “TENURE” AND DEPOSAL

The Lord’s Church, the Lord’s ministry, the Lord’s call. What the Lord hath joined together, let no man put asunder. Our understanding has been that the relationships created by call and ordination/installation remain in place until dissolved by God, for godly reasons. Among those godly reasons we have counted the following: through the death of the pastor; through the pastor’s request to be released (for valid reasons, e.g., failing health, retirement, to accept another valid and legitimate call, or to study full-time); or through the orderly procedures for **deposing** a pastor.<sup>1</sup>

It is important to recognise that any “deposing” that is to be done is to be seen as the work of God, working mediately through the orderly procedures of the Church. Even as local assembly and transparochial Church are both involved in the **calling** work of God, so also they should collaborate in any deposing work of God, which needs also a public and official announcement.

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<sup>1</sup> We also now have cases of “calls” for specified periods of time, such as those for seminary professors or District Presidents; would that all concerned consider the election/appointment to be **God’s** work and not undo it except for godly reasons!

## II.

Let us review what we have understood and what is currently said about the “orderly procedures” through which we believe God would be at work for this purpose among us.

### A. SYNOD, MEMBERSHIP, AND EXPULSION

The language we commonly use to talk about Synod seems to slide back and forth between “Church as Body of Christ in some transparochial sense” and “human (advisory) organisation”. The Handbook of Synod itself is, of course, very precise, stating that synod is not an “ecclesiastical government” in relation to its members.<sup>2</sup> It lists its objectives in the Constitution, including these:

8. Provide evangelical supervision, counsel, and care for pastors, teachers, and other professional church workers of the Synod in the performance of their official duties;

9. Provide protection for congregations, pastors, teachers, and other church workers in the performance of their official duties and the maintenance of their rights;

10. Aid in providing for the welfare of pastors, teachers, and other church workers, and their families in the event of illness, disability, retirement, special need, or death ( C .III.8,9,10).

It further lists the following among its conditions of membership:

Conditions for acquiring and holding membership in the Synod are:

1. Acceptance of the confessional basis of Article II.

2. Renunciation of unionism and syncretism of every description, such as:

a. Serving congregations of mixed confession, as such, by ministers of the church;

b. Taking part in the services and sacramental rites of heterodox congregations or of congregations of mixed confession;

c. Participating in heterodox tract and missionary activities.

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<sup>2</sup> This quotation is from article VII of *Constitution of Lutheran Church-Canada* as found in the *1993 Handbook* of Lutheran Church-Canada. Subsequent citations in parentheses will use C for Constitution and be from the same source.

3. Regular call of pastors and teachers and regular election of lay delegates by the congregations, as also the blamelessness of the life of such.

4. Exclusive use of doctrinally pure agenda, hymnbooks, and catechism in church and school.

5. A congregation shall be received into membership only after the Synod has convinced itself that the constitution of the congregation, which must be submitted for examination, contains nothing contrary to the Scriptures or the Confessions ( C .VI.1-5).

The Constitution does not provide for deposal or removal from office, but only for expulsion from membership in the synod, to wit:

**Article XIII Expulsion from the Synod**

1. Members who act contrary to the confession laid down in Article II and to the conditions of membership laid down in Article VI or persist in an offensive conduct, shall, after previous futile admonition, be expelled from the Synod.

2. Expulsion shall be executed only after following such procedure as shall be set forth in the Bylaws of the Synod.

3. If the member expelled is a pastor or teacher in a congregation of the Synod, such congregation, unless it already has done so, is held to depose him from office and to deal with him in accordance with the Word of God, notwithstanding an appeal. If it persistently refuses to do so, the respective District is to deal with it. If all negotiations and admonitions fail of their purpose, such congregation forfeits its membership in the Synod.

4. Because of their expulsion those so expelled forfeit their membership and all share in the property of the Synod. The latter holds good also with respect to those who for any reason themselves sever their connection with the Synod. ( C .XIII. 1.-4.)

The technical language and causes for actually deposing a pastor are left to the constitution of the individual member congregations.<sup>3</sup>

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<sup>3</sup> Article XII of the Constitution (“Districts of the Synod and Their Regulation”) deals with the supervisory responsibilities of a District President (7.) and his power to “suspend from membership pastors, professors and teachers for persistently adhering to false doctrine or for having given offense by an ungodly life, in accordance with such procedure as shall be set forth in the Bylaws of the Synod” (8.). These Bylaws include 1.21 (cf. 5.48 and section

*As members of the synod* all individuals on the clergy (and teacher) roster are subject to supervision of doctrine and practice. (So also is every congregation, which must have an acceptable constitution and abide by it.) A member of synod may be expelled from synodical membership. A pastor so expelled should also be deposed by his congregation, if it wishes to remain in the synod. (It would also follow logically that a pastor properly deposed from his office by a congregation should be expelled as a clergy member of synod.)

Procedures for supervision, visitation, admonition, suspension, adjudication and appeals are all in place in the Constitution (XII. 7.-8., concerning the responsibilities of the District President), and in the Bylaws (1.21 and Section VIII). They are all binding on members of synod; they can come into play in a congregation's action to depose a pastor, and so in fact they are very important for decisions regarding a man's official service as pastor in the Church. But the final act to actually depose or remove a pastor from his call is generally understood at present in our circles to be a matter between the congregation and the pastor.

## **B. CONGREGATION, DEPOSAL, AND REMOVAL**

1. On page 54 of the new Mueller-Kraus *Pastoral Theology* we have the latest version of "accepted practice" in our circles as regards deposal and removal. In order that the reader may appreciate the nuances of selected sentences, we quote at length:<sup>4</sup>

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### VIII.

It can be revealing to read the Bylaws which pertain to Synodical staff (2.801, 2.803) and members of faculties of synodical institutions of higher education (6.43). In both cases, the "worker" may be a member of the clergy (or teacher) roster of synod and may even have a document including the words "solemn call" in the title (2.803a). But in both cases it also appears that the worker is considered an employee of synod rather than one in a "divine call," and so there are listed further reasons for "termination" or "removal from office". These include "adherence to false doctrine, conduct unbecoming a Christian, neglect of office, or refusal to cooperate" (2.803a), and (taking into account the terms of the appointment and the procedures of the employing institution), in addition to "honourable retirement or reduction in force"; "1. incapacity; 2. incompetence; 3, neglect of duty; 4. failure to develop to meet job requirements; 5. blatant disregard of Christian practice; 6. adherence to false doctrine (Constitution, Article II) or failure to honour and uphold the doctrinal position of the Synod as defined further by Bylaw 1.03c," 6.43 ( C ).

These give some indication as to thinking current in our circles about reasons for removal from office (a *synodical* post of employment) in cases which do not go so far as to involve deposal from a "divine call" as pastor to a congregation. They also show that synodical employees, including pastors and teachers (whom the Synod is to *protect* as well as supervise), serve in their appointments (or "calls") with less "security" (as regard "tenure") and more reasons for "removal" (not always necessarily "deposal") than is generally held to be the case for parish pastors, serving congregations with a "divine calls" and "tenure".

<sup>4</sup> Norbert Mueller and George Kraus, editors, *Pastoral Theology* (St. Louis, Missouri:

**Leaving the Office**

A man who has been called to the pastoral ministry should not forsake that office merely for purely personal reasons. However, a pastor may resign from a particular call for valid reasons. For example, serious illness may prevent a pastor from performing all of the responsibilities of his call; and out of concern for the congregation he may resign from the call he has and retire from active service. Or he may conclude that he cannot do what is required of him and (having resigned from his call) await another call that is more suited for his abilities. Or advancing age may bring the pastor willingly to recognize that the Lord is nudging him to retire from active service. (Regrettably, a pastor occasionally fails to realize his inability to function as pastor and forces his congregation to urge his retirement due to declining mental or physical abilities.)

**Leaving by Forced Resignation or Defrocking**

Unfortunately, the change may be forced by tactless, legalistic, and unwise decisions. If so, the services of the circuit counselor and/or district president may be needed to bring peace. Such counsel is needed especially when the criticisms against the pastor are not personal but are directed against his faithful preaching of Biblical doctrine.

A Christian congregation, of course, has the right to depose its pastor or ask for his resignation—assuming the action is according to God's will. (The irony is that the pastor is the one who has taught the congregation what God's will is.) Biblical reasons for removal from office are (1) teaching false doctrine (Titus 1:9); (2) ungodly conduct (1 Tim. 3:1-7); and (3) willful neglect of duty (1 Cor. 4:1-2). Since the principles of admonition and church discipline (cf. Unit IV, 10) apply to the pastor as well as anyone, the aid, counsel, and support of the transparochial church and ministerium should be sought. In the Missouri Synod, the circuit counselor and/or district president should be informed and should assist so that proper procedures are followed.

As more and more stress affects the relationship between pastor and congregation, both are tempted to treat problems with non-Biblical means and to use the power and authority of the secular courts. Yet, both problems and punishment can be God's

means of bringing about confession and repentance. Following that, the Gospel can renew, heal, and restore both the pastor and the Christian congregation.

Presumably, a congregation's constitution which said this would be accepted, and a congregation which acted in accord with this would be upheld in adjudication.

There is on this page some lack of clarity. I would say that when and where any of the three listed causes for deposition is present the church (local congregation, and/or the ministerium of the "transparochial" Church through its delegated officers) has not only the right but the *duty* to become God's agent as *God* works to depose a pastor from his call to the ministry. That is one issue.

The other issue, which is only alluded to here, is that of "forced resignation" *apart* from the demonstration of any of the three causes. Is there a way in keeping with "God's will" to ask for his resignation other than on the basis of one of the three stated causes? What does it mean to "urge his retirement"? (The heading speaks of Forced Resignation—is that allowed?) What does "inability to function" mean and who will judge it? Likewise for "declining mental or physical abilities"—how far in "decline"? Are those the only conditions that might develop which will bring about his "inability to function"?

It is interesting to study this page as the latest version of something that can be traced back to J. Fritz (1932) and C. F. W. Walther (1872). For both Walther and Fritz give evidence that they are prepared to entertain a thought which Mueller-Kraus defer to address, namely whether there is a principle of the "evident benefit/well-being of the Church" which can come into play against an appeal to "the divine call".

2. Walther's *Pastoraltheologie* discusses the call in #4 (necessity, AC XIV) and #5 (valid=*ratus* and legitimate=*rectus*, in which is included the opinion that a temporary call is not legitimate); associated topics (salary, ordination, etc.) are covered in #6-8. It is not until #50, his very last section, that Walther appends *Göttliche Regeln in Betreff von Predigerversetzungen* ("Divine Rules concerning the Moving of Preachers").

In connection with the question whether a preacher should let himself be moved (or removed) or accept another position offered to him, Walther says the observance of the following five rules is involved:

1. The preacher should wait quietly for a call of that sort which comes upon him, and never himself seek to get away—above all not for the sake of a higher salary or a more pleasant or easier position.

2. He should not yield or withdraw on account of the evil (people) in his congregation, who make his life bitter (Rom.12,21), unless it would be a case that it has simply to do with his weak human character [*seine gebrechliche Person*] and therefore a case in which things could be straightened out by another orthodox pastor—which would simply not be possible for him on account of the unfriendly personal relations [*des persönlichen Miszverhältnisses*] into which he has sort of run with the greater part of his congregational members (2 Cor. 13,10).

3. It must be clear to the eyes of men that the new office offered to him is not only of itself more important, but rather that also in it (the new position) the pastor would be able to use his gifts for a greater benefit to the Church than if he were to remain (1 Cor. 12,7).

4. He should not decide lightly, by himself, but should entrust the decision [*überlasse die Entscheidung*] equally to his present congregation, the calling congregation, as also to some experienced men taught of God (Prov. 12,15).

5. He should not leave his congregation without their express consent, unless it is a case in which it is clear to everyone that that congregation is refusing its consent out of sheer stubbornness and disregard for the welfare of the Church.<sup>5</sup>

The point of departure for the ensuing discussion is the opinion of some that a pastor, once called and installed by God, should never move. A middle path is counselled, between seeking to move for human reasons and refusing to move when it is for the welfare of the Church. Walther lists conditions under which, in his view, a man may not refuse a new office:<sup>6</sup> when a valid call has come (contrary to his expectation) and he in good conscience is convinced it is in order and is leading to a situation for the bearing of more fruit, and others advise accepting, and both the authorities [*Obrigkeit*] and his present congregation give their peaceful consent.

Then he says:

I wish to add a few things as regards the deciding of special cases.

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<sup>5</sup> C.F.W. Walther *Pastoraltheologie*, 1<sup>st</sup> ed. 1872, (St. Louis, Missouri: Concordia Publishing House) 401; the (very wooden) translation is my own.

<sup>6</sup> Walther 405.

When those who are in the leadership [*diejenigen welche an der Spitze stehen*] notice that the administration of the office of a preacher is becoming entirely unbeneficial [*ganz unnützlich*], then they can move [*versetzen*] him, if it appears that his administration of the office would be more beneficial elsewhere. The administration of the office tends to become unbeneficial equally whether on account of a given offence, if he has become to his congregation a scandalous offence—but in a way which would not be the case in another place; or when he has utterly lost his personal respect [*Ansehen*] and his person is lowly regarded; or on account of the dissimilarity of [his] gifts [*Ungleichheit der Gaben*, “poor match”] in relationship to the congregation; or on account of enmity which (long experience has shown) is hardly likely to be reconciled. When one sees from that that the hearts of a great portion are alienated, so that they repel the pastor’s work and receive his admonitions with all-too little respect, or that an irreconcilable grievance would be there, it would be better to move him to another place than that he be despised by his own members, to the humiliation of the office which he is administering.<sup>7</sup>

Walther also says that when a pastor’s health and ministry are suffering due to the climate, the Church can transfer him to a more suitable place as soon as there is an opportunity.

References to illustrations in Scripture and the testimony of the ancient Church then follow, including a reference to Martin Chemnitz, to support his assertion that a pastor should yield “when it is clear that not his doctrine but his weak human character forms the offence and that therefore his staying only impedes the advance of the work of God while another apparently would further the same in his place.”<sup>8</sup>

3. J.H.C. Fritz, in his *Pastoral Theology*, has what he uses from Walther #50 under “accepting a new charge,” in #6, **The Call to the Ministry**. First he repeats what Walther said, with some interesting adaptations:

The diversity of gifts which God has given to His pastors He would have so used that the Church as such derives the greatest possible benefit therefrom; the members of the spiritual body of Christ should serve one another in the interest of the welfare of the body as such, or for the common, or general, benefit of the Church ... . Whether, therefore, a pastor should accept a new charge depends not only upon the greater importance of that charge and

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<sup>7</sup> Walther 405; my trans.

<sup>8</sup> Walther 423, referring to Chemnitz’ *Evangelienharmonie* ch. 72, on Mt. 10:23.

the greater influence it exerts or might exert in the Church, but also whether a certain pastor can use his gifts at that charge to greater advantage for the upbuilding of Christ's kingdom. His present charge should not be made to suffer to such an extent by his leaving that not only nothing will have been gained for the Church at large, but that rather serious damage will have been done.

From what has been said the following deductions can be made: 1. A pastor should wait until a call comes to him and should not of his own accord cast about for a call, especially not if he intends to do so merely to get a larger salary, I Cor. 9, 14-19; 1 Thess. 2, 9, to find more pleasant surroundings and easier work, or to please relatives and friends, Gal. 1, 15.16, or because he believes that his gifts and ability entitle him to more important, difficult, and responsible work in the Church. If a pastor is well qualified for greater work in the Church, the Lord knows his address. 2. A pastor should not leave his congregation because of an evil-minded persons in his church who are embittering his life, Rom. 12,21. If, however, a situation arises that on account of his own frailties and shortcomings a pastor has lost the confidence of a large portion of his congregation and cannot under such circumstances expect to have much success, he had better make room for another pastor, under whom such confidence can be restored and the work of the Lord can be made to prosper, 1 Cor. 13,10; Rom. 14,19; 15,2; 2 Cor. 10,8; 12; 19; Eph. 4,12. 3. Although the final decision whether or not a pastor should accept a new call must be made by him, he should seek the counsel not only of his own congregation, but also of brethren in the ministry, especially those of more mature experience, Prov. 12,5. A pastor should not leave his congregation without its consent, unless it be very apparent that mere stubbornness and utter disregard of the welfare of the Church at large cause it to withhold such consent, Acts 5,9. 4. A pastor should not decline a call because the other charge presents greater difficulties or does not offer as large a salary as he is getting now, or because the surroundings (parsonage, people, city or country) are not as pleasant or agreeable as he would like to have them. 5. A pastor should take the whole matter to the Lord in prayer, asking Him to let him know and do His will; for a pastor can have a good conscience and do his work cheerfully only when he is convinced that his call is divine. If it is clearly evident that the Lord is calling a pastor to another charge, that pastor cannot with a good conscience decline it, Matt. 25,30; 1 Cor. 9,16.17; Ex. 4,10-12; 1 Kings 13,20-26;

Jer. 1,17; Jonah 1,1f.<sup>9</sup>

Eventually he adds some words of his own, to address special concerns:

### **Deposing a Pastor from Office**

A Christian congregation may depose its pastor from office for the following reasons: teaching false doctrine, Titus 1,9; offensive conduct, 1 Tim. 3,1-7; wilful neglect of official duties, 1 Tim. 2,2; I Cor. 4,1.2. In case of inefficiency a congregation may request that its pastor accept another call or tender his resignation.

A congregation should never act hastily in deposing a pastor from office. The seriousness of such a situation demands due deliberation and careful consideration. A guilty pastor need not always (provided, of course, that he repents and amends his ways) be deposed from office; but persistent wrong-doing as also the committing of such sins as drunkenness, adultery, or theft, whereby the office of the ministry has been disgraced even in the eyes of the world and the confidence of the people in their pastor has been shattered, demand that a pastor be unfrocked, even though he repent and promise to amend his ways, 1 Tim. 3,7. Whether such a man may later again be permitted to take charge of a Christian congregation or to serve the Church as one of its officials or as a teacher at one of its educational institutions depends not only upon his subsequent manner of life, but also upon the extent to which the offense has become known ...

In case of *inefficiency* (physical infirmities, not being able to cope with changed conditions, as with those of a larger congregation, more work, etc., or no longer “apt to teach,” 1 Tim. 3,2) on the part of a pastor a congregation should not depose its pastor, but it has a right, even the duty, to see to it that he accepts another call, if he be at all still able to serve another congregation, or to ask him to resign. Due consideration must, however, be shown the pastor and his family; if necessary (old age, sickness), a congregation should give financial support to a pastor who is compelled to retire.<sup>10</sup>

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<sup>9</sup> J.H.C. Fritz, *Pastoral Theology* (St. Louis, Missouri: Concordia Publishing House, 1932) 52-53.

<sup>10</sup> Fritz 54-55. Fritz, as Walther before him, also enunciates the principle that “a pastor should not accept a call to a congregation which has without good reason (false doctrine, offense, wilful neglect of official duties) and *unjustly* deposed its pastor from office”, but Fritz then adds “or compelled him to resign or to look for another call”.

4. As we read Walther, Fritz, and Mueller-Kraus, we see much continuity. Three tendencies, however, are worth noting.

a) First, all three emphasise that the principles of the more fruitful use of his gifts and the greater benefit to the Church are paramount when a pastor is considering a call he has received. But Fritz says that “the final decision whether or not a pastor should accept a new call must be made by him”.<sup>11</sup> Walther, on the other hand, says no such thing, but that the decision should be entrusted equally to his current congregation and more mature brothers in the ministry—and, where applicable, the “authorities”.

b) Secondly, all three handle matters of illness or advancing age somewhat similarly, but it is interesting to note the different special cases which each alludes to. Walther speaks about situations in which a pastor’s human weakness leads to an offence or bad relationships with the members so that he has lost the respect of most of the people and the people refuse to receive his ministry.<sup>12</sup> Fritz mentions that kind of case as well.<sup>13</sup> Later he explicitly states the three causes for deposing a pastor, but he then also makes it a special point to say that a congregation may *not* depose a pastor because of *inefficiency* (more of which below). He makes reference to forced resignation or taking of a new call. He also leaves room open to discuss whether a pastor deposed for a scandalous offence (drunkenness, adultery or theft, e.g.) might later be allowed to serve another congregation or teach in a church school.<sup>14</sup> One can only assume that specific cases led Fritz to set down those thoughts. Perhaps there had arisen a tendency for congregations to terminate (depose or remove) pastors for “inefficiency”. Perhaps church officials were working to rehabilitate and re-assign deposed pastors. Finally, Mueller and Kraus seem to have decided to drop this whole discussion of special cases, simply saying a congregation may depose its pastor “or ask for his resignation—assuming the action is according to God’s will”, which is summarised in the three causes, with Biblical references. But a final paragraph alludes to more and more stress in relationships between pastors and congregations—and solving them in non-Biblical (secular) ways. A new situation of practice has developed (as we know)—a chaotic one.

c) There is a third trend observable in these three books: a move away from initiative by “leaders” towards congregational action with “*advice on procedures*” from the “transparochial Church”. Walther said (cryptically?) that “Those who are in the leadership” (*Diejenige, welche an der Spitze*

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<sup>11</sup> Fritz 53.

<sup>12</sup> Walther 401.

<sup>13</sup> Fritz 52.

<sup>14</sup> Fritz 55.

*stehen*) can move (*können versetzen*) a pastor whose administration of the office has become harmful. (One recalls the matter with Stefan.) But in Fritz, any initiative on the part of leaders in the “transparochial” Church has disappeared. In a situation where a pastor has lost the confidence of many members and “cannot ... expect to have much success, he had better make room for another pastor ... .”<sup>15</sup> (How likely is that to happen?) And, Fritz says, in case of *inefficiency* (physical infirmities, inability to cope with changed conditions) a congregation should *not depose* its pastor “but it has a right, even the duty, to see to it that he accepts another call, if he be at all still able to serve another congregation, or to ask him to resign.”<sup>16</sup> Also in Mueller-Kraus, the *congregation* acts, and the “transparochial Church and ministerium” are left to a role of advice and support.

In summary, as we move from Walther to Fritz to Mueller-Kraus, we find the evaluations and decisions about ministry take place more and more on the local scene, with the transparochial Church and ministerium moved to the sidelines. At the same time, the idea of removing a pastor from his call without actually defrocking him for cause seems to be spreading.

5. When we get into removing pastors without deposing them on the basis of specific Scriptural passages, we are in a poorly-defined area. Who shall act, and on what basis? But we do have in our tradition the notion of supervision by responsible churchmen.

For as we read in Fritz—and especially in Walther—there emerges a “practical theological” principle: that a person must judge whether a man’s administration of the office in a place is *beneficial* or not or would be more fruitful elsewhere—and must act accordingly. The *well-being of the Church* (at large) is also a criterion underlying the judging of matters involving the moving of pastors.

Consider how all three books reason when a pastor receives a call. All involved should participate in the decision to determine where the man’s gifts will be used most fruitfully and to the greatest benefit of the Church—and that course, then, is the one the pastor is duty-bound to follow. And if the decision is that he should accept the new call, what if his current congregation refuses to grant him a peaceful release? What if they say: “You have a divine call to serve us; God wants you to stay here!” Well, Walther and Fritz say, one should disregard such protestations (even, I would add, appeals to the divinity of the call) as coming from sheer stubbornness and an evident refusal to consider the well-being of the Church. Note that the general assessment of what is for the good of the Church overrules that congregation’s appeal to the divinity of the call in their effort to *hold on to*

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<sup>15</sup> Fritz 52.

<sup>16</sup> Fritz 55.

that pastor.

So also (I propose) in the reverse case. When the leaders (Walther) or the congregation and (one hopes) the pastor himself (Fritz) note that a pastor's administration of the office has become "unbeneficial" (*unnützlich*) and that a change would be for the good of the Church (at large), they are to "move him", "make room for another", or "see to it" that he takes another call. And this principle, it must be assumed, could also be pressed against a man who resisted the move and tried to hang on to his congregation—even on the basis of the "divinity of his call"—out of what might also be called sheer stubbornness and evident refusal to regard the well-being of the Church.

This review, to this point, probably raises more questions than it answers. As we ponder the above and muse on personal experiences and current events, practical questions arise, for example:

Are the principles we avow and procedures we follow (as regards deposal and removal) 1) clear? 2) adequate? 3) being followed? That is:

- 1) Are the reasons that are the basis for either deposal or removal (or both) clear and appropriate?
- 2) When a person is removed, but not put out of the ministry, what are the perceived rationale and procedure?
- 3) Is the current concern really about "removal" without going through the procedure for deposal (and expulsion from synod). When it happens, why is it done this way—i.e. without going to procedures for deposal from office and expulsion from synod?

### III.

Surely, it can come to a point where one called and ordained by God *needs* to be removed. Jeremiah 23 is a classic passage about self-serving shepherds and abused sheep, as is Ezekiel 34. But how shall he be removed? *God* will see to it. The sheep do not do it. God does it—mediately, to be sure.

Saul was God's choice as shepherd-king of his people. He became unworthy. David was anointed to succeed Saul. Saul sought to kill David. David did not kill Saul even when he could have. Even though he knew that he was to displace Saul, he would not raise his hand against "the Lord's anointed". He waited.

Sheep should not be expected to "raise their hand" against the man whom they have been given and to whom they have looked as God's man in their midst. If he is to forfeit his office, it should come to pass another way.

We might think of a pastor as the spiritual father of a family of the saints. His office is for the sake of *their* life and growth. But what if he uses

his office to serve and aggrandise himself and to abuse the saints?

**A.** Perhaps we can learn about the unfortunate dynamics at work and also uncover some helpful procedures by looking at the analogous issue of child abuse in families and how we in society handle it (or fail to handle it).

The miracle of God works conception and a mother is called to motherhood and a father to fatherhood. They become stewards of a mystery, a miracle which God has wrought. Blest the house where father nurtures and leads and gives room for the growth of the children. But when he uses the power of his office to feed and aggrandise himself, to meet his own needs, and abuses the children, what happens? Suffering, fear, confusion among the children.

Do the neighbours notice? ... As the children go about showing evidence that they are being abused, perhaps someone does notice. Then what? Is it bad enough to tell the police? If someone deems it so, in come the police, social workers, *et alii*, and any one of a number of things start to happen. The goal is to help all concerned. Generally the children are removed from the father's care, therapy is arranged, or perhaps incarceration.

But if there is no intervention from society-at-large, the abuse usually just goes on and on, perhaps to be ended in a violent scene with a youngster lying in wait in the garage with a shotgun. One must also note that the potential is there for false accusations by children who are disturbed or making invidious comparisons of fathers; overzealous helpers might also make mountains out of molehills.

Generally, I'd summarise that the "rights of a father in his office" are respected until things have got pretty bad, at which time therapy is probably not likely to help and a forced removal is about the only safe choice.

On what basis does "society-at-large", in the form of its proper authorities, intervene and get itself in between a man and his children? On the basis of some grand conception of God, life, and our responsibility to be stewards and protectors of what He has entrusted to us ... and on the basis of the first function of Law and the God-given office of authorities in the Kingdom of the left hand. The "father's fatherhood" is a trust, not license for him to do anything he wishes. The law represents a curb on his behaviour and the civil authorities represent a God-ordained means to stop and punish his evil behaviour.

**B.** Almost every element in the above scene can be transferred, for our enlightenment and instruction, over to situations of "pastoral care or abuse of saints".

The pastor is the divinely appointed spiritual father of the family, the congregation. If he serve himself and the people begin to show signs of spiritual malnutrition and even abuse, it causes suffering, fear, confusion

among the people. They don't know what to do. They instinctively know they should not "raise their hand against" this man of God, but honour him for his office.

But will anyone take notice? Finally someone does. The proper authorities are called (sometimes by lay members themselves). Circuit Counsellor and District President visit. What usually happens? Therapy ... maybe. But often it gets worse. The pastor gets defensive. Things don't change. The people see something they don't like, but don't know what to do. They *endure* it.

It is at this point that our current ecclesiastical situation differs from society. We say, in essence, that our proper authorities are there to facilitate healing or to "advise" the congregations as to proper procedures for removal. But, with our (currently-emphasised) picture of *synod* as "advisory" (a human organisation), can we truly intervene, in the way police do with an abusive father?

Thus it may be left in the lap of the children to endure, or to solve the problem on their own. They are left with "advice" on how to do what (it is commonly felt) only they can do: depose or force the resignation of their pastor. This generally turns out to be a traumatic experience for all concerned, especially given that they usually opt for the forced resignation route—either out of compassion or out of a desire to avoid the prolonged wrangling and expense of a deposal procedure.

That is pretty much what we are left with in Mueller-Kraus and even Fritz. But is that how Walther saw it all? How did they handle Stefan? Who are "the ones who stand in the leadership"? The above analogy could lead to some reflection about behaviour in ministerium and Church. What temptations do pastors feel to use the office to serve self? What would be the signs of mistreated sheep? What steps should be followed if "sheep-abuse" is suspected? Who is responsible to act? Do congregational members covet another's pastor—or make invidious comparisons? Do they judge and complain about their pastors unjustifiably? Can anyone make the principle of the "good of the Church at large" prevail over sheer stubborn self-interest, or is the genie of congregationalism simply out of the bottle and not to be reined in again?

#### IV.

**CONCLUDING THOUGHTS** ... of Diagnosis, Prognosis and Proposal: What's going on ... and what to do?

Has this always been a problem in the Church? I suspect so. Has it always been as bad as now? I cannot know and could only guess.

**A. WHAT IS THE CAUSE?** Sin ... . Sin that invades and corrupts hearts of ministers and laity. So it has probably always been a problem, and

probably as bad as now.

Sometimes people point to the widespread “lack of respect for authority” and general conditions in society as contributing factors to the removal of pastors. I don’t think so. Most of our congregations are strongly inclined to respect their leaders.

But I do think there are some contributing factors that have exacerbated the problem. They come from the Ministerium itself: We have contributed—greatly, I would say—to the conditions in which bad situations develop and are dealt with poorly.

1.) We have promulgated—or acquiesced while others promulgated—an *Übertragungslehre*, a distorted view of the relationship of Lord, Church, and Ministry. We have let it be taught and caught that the Lord gave “ministry” to the Church, *that is, to the local congregation*, which can order and delegate to its chosen representative such functions of ministry as it wishes. What therefore the congregation (supposedly) gives, it can (supposedly) also take back again. The transparochial Church is lost sight of, as is any personal minister representing it: any “bishop” is already deposed. Synod is “only advisory”; the “real stuff” is between pastor and congregation, and the District President better watch his step. Thus we have helped set up the situation in which a congregation acts on its own, for its own reasons, and thinks it has the full right to do so.

2.) We pastors and church leaders have also contributed to the conditions where this happens by spreading—or agreeing with— all kinds of nonsense about the human skills needed for “effective” ministry. I’ve done this much myself in the *Scriptural Standards and Ecclesiastical Expectations* document, which N. Nagel criticised aptly, as looking too much at the vehicle, not enough at the Giver of Gifts.<sup>17</sup> When we talk about how it’s so “different” in the parish today (a “new world”) and what kind of communications and counselling and cross-cultural skills today’s pastors have to have. ... And when we *rely on* Personal Information Forms and interviews and all kinds of human psych-soc. stuff to get a good “fit”, a round peg in a round hole, etc ... . And when we marvel at the “effective” ministry in growing churches ... WE RAISE CONGREGATIONAL EXPECTATIONS SO HIGH that they would be “satisfied” with only a small percentage of the current clergy—and only with them till they hit about 55. Leaving out the need for “the right attitude”, for love, forbearance, trust, thanksgiving for God’s gifts—all attitudes which arise from spiritual sources, we focus on *talents* and *training*. We scare the daylights out of the humbler

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<sup>17</sup> *Scriptural Standards and Ecclesiastical Expectations*, published by the BHES of LC-MS; Dr. Nagel’s criticism (which was not all negative) is in *Concordia Journal*, 17, 4 (October 1991): 440-7.

seminarians, and we raise the hopes of congregations that they can get a Renaissance super-hero for a pastor and have a booming, effective “ministry”. And what happens? People see: things aren’t booming here, this ministry is not effective. What (we think) *should* be happening here, isn’t. In disappointment, and with good intentions for the “mission and ministry of the Church in this place”, the congregation removes the pastor. Perhaps the District President may even let this happen—even without demonstration of godly causes—because *he* wants “effective” (successful) ministry, or perhaps because he suspects the man *should* be *deposed* but has no desire (or thinks he hasn’t the power?) to effect the deposing.

Either way, in trumping up the pastors’ needed skills, we sow the seeds of discontent and disappointment which can come to fruition in congregational removal from office.

3.) Finally, we in the ministerium contribute to all of this happening because of a certain kind of “professional courtesy among lone rangers”. We sort of say: “I’ve got my congregation, what he does with his is his business ... and we will just stay off of each others’ turf (and maintain a shared suspicion vs. the District President).” We find it easier, for the moment, to avoid doing what Paul did with Cephas in Antioch (Gal. 2) and what I wrote about in ch.7 of *Reclaiming Patterns of Pastoral Ministry*.<sup>18</sup> The Ministerium *as a body* is responsible for the *Gospel* ministry of each minister in the Ministerium. The antics of *one* of us reflects badly on us all. Undermining of the Gospel by one diminishes us all. For our own good and for the sake of Christ’s Church, we need to be (to speak in worldly terms) a “self-policing profession”. We need to serve together under the Word of Truth. When we refrain from reciprocal reproof and encouragement, and we act like the Lone Ranger with his head in the sand, we let bad situations get worse until they end with *congregational removals*.

**B.** So what might we do? I close with two proposals/ exhortations.

1.) In *Reclaiming Patterns* I suggested that we study Scripture and serve together “under the Word of Truth”. For the sake of the Truth of the Gospel, let us speak humbly ... and receive humbly, words of reproof and encouragement from our brothers and fathers in the ministry. Let us get out of our defensive postures, and talk some real talk about our practices—each others’—which undermine the Gospel and abuse the saints. Can we recognise that the Ministerium as a whole has a responsibility for the Gospel ministry of each pastor?

2.) Along those lines and to that end, let us authorise and encourage our synodical officers, especially the District Presidents and circuit

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<sup>18</sup>Jonathan F. Grothe, *Reclaiming Patterns of Pastoral Ministry: Jesus and Paul* (St. Louis, Missouri, Concordia Publishing House 1988) 84-94.

counsellors, to be the best they can be as supervisors of our Ministerium. Thus they may protect congregations from abuse. Of course we must also rely on their wisdom to sort out the false cries of “abuse” from the sheep and to protect the ministers from the congregations. But I think that phenomenon can be greatly diminished if we all work together to bring Gospel ministry to the people. Very few will complain falsely; most will receive such ministry with thanks and prosper and love their pastor.

I conclude by pointing out that all of the needed elements are in Heb. 13:17, one of the passages in the Small Catechism’s Table of Duties:

Obey them that have the rule over you, and submit yourselves: for they watch for your souls, as they that must give account, that they may do it with joy, and not with grief, for this is unprofitable for you.

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