

# The history of Theses of Agreement 6.11

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An historian is always curious. When it comes to the opinions and teachings of the Lutheran Church of Australia and New Zealand (LCANZ), what is it that we are placing weight on? Might understanding the history of how such opinions and teachings came to be drafted and approved, and by whom, have an impact on how we read and understand them? In short, does context matter? These last two questions are not ones that, in the course of this article, I presume to answer. What I do seek to do is to set out for the reader the history of a single thesis within the Theses of Agreement (TA) that undergird the unity of the present LCANZ which has become a focal point for the debate within the church around the ordination of women.<sup>1</sup>

## TA 6.11 in the larger context of the Theses of Agreement

TA 6.11, which was much cited during debate on the floor of the General Convention of Synod, Sydney 2018, is something of an oddity in the context of the other theses in TA 6. It concludes TA 6: Theses on the Office of the Ministry. TA 6.11 reads:

Though women prophets were used by the Spirit of God in the Old as well as in the New Testament, 1 Cor 14:34,35 and 1 Tim 2:11–14 prohibit a woman from being called into the office of the public ministry for the proclamation of the Word and the administration of the Sacraments. This apostolic rule is binding on all Christendom; hereby her rights as a member of the spiritual priesthood are in no wise impaired.

Unlike TA 6.1-10, only two passages of scripture are cited in substantiation, without any reference to the Lutheran Confessions. Further, these two passages are cited inside the thesis, rather than at the end. This might seem distinctive within the context of TA 6, but is not unusual for later sections of the TA, e.g. TA 8.1-11 (Theses on Scripture and Inspiration), or for earlier sections, e.g. TA 2.3-4 (Joint Prayer and Worship). The most comparable TA section, in terms of how the argument of the theses is expressed in relation to passages from scripture and the Confessions adduced to support it, is the immediately preceding section, TA 5 (The Church). In that section, which was originally considered by the Joint Intersynodical Committees of the United Evangelical Lutheran Church in Australia (UELCA) and Evangelical Lutheran Church of Australia (ELCA) to

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1 The Theses of Agreement are published in *toto* on the Lutheran Church of Australia web site: <https://www.lca.org.au/departments/commissions/cticr/>.

go hand-in-hand with discussion of the office of the ministry,<sup>2</sup> TA 5.1-6 (drafted in 1949) follow a similar structure to TA 6.1-10. In these theses a series of statements are made, followed by a series of validating scriptural and Confessional citations. TA 5.4 is a typical example:

Just as the Church has been called into being and is preserved through the means of grace, Word and Sacrament, so it is also the divinely appointed organ or instrument by which Christ, through the Holy Spirit, by the same means, calls, enlightens, sanctifies and thus adds men [sic] to the congregation of saints. Acts 2:41; 1 Pet 2:5; Eph 4:11ff. Apology VII-VIII, 10,11; IX, 51,52; Cat. Maior, II Pars, III, 37, 40-42, 45, 52, 53.

In reality, when we compare TA 5 and 6, there is nothing unusual in citing scripture within the body of a thesis. In the context of TA 6, it is unusual, however, for no additional scriptural and/or Confessional citation to be provided at the conclusion of the thesis as further validation. As we have already noted, however, TA 6.1-10 are in this regard an exception rather than the rule within the full Theses of Agreement.

### The formulation of TA 6.11

The structure prevalent in theses TA 5-6 may have something to do with the fact that for the background to the drafting of TA 5-6 the Intersynodical sub-committees set a great deal of reading from the Confessions as homework (CA VII, VIII, XIII, XXVIII par. 5-29; Apol. VII, VIII, IX par. 52, XIII par. 4 and 5, XIV par. 26 (3) and 27 (4), XXIV par. 50; Small Catechism, Explanation to 3rd Article; Large Catechism par. 51-55; Smalcald Articles Pars II art. IV par. 1 and 9, art. VIII par. 3 and 10; SA Pars III art. IV, XIII; SA Appendix

2 The Lutheran Archives preserve records of joint meetings of these committees from as early as 18 May 1924. The final records are dated 3 November 1965. After that point their work was taken over by the Joint Union Committee (July 1965-October 1966), for which the Archives contain extensive records, including documents from the H.F.W. Proeve collection. All records for the years 1927-1956 are collated in: Lutheran Archives, 313.705, Intersynodical Minutes, (1927-) 1942-56. All references throughout this article to minutes and other documents of those years are to that specific file box. Regarding the natural intersection of teachings on the church and on public ministry, minutes of joint meetings throughout 1949 refer consistently to 'The Doctrine of the Church and the Ministry,' e.g. 'Minutes of Joint Intersynodical meeting held on 10th March, 1949 at 196 Ward Street, North Adelaide,' p.1, item 2. The first explicit reference to these topics is to be found in 1947: 'Minutes of Joint Meeting of the Intersynodical Committees of the E.L.C.A. and U.E.L.C.A. held on 11th August 1947,' p. 1, item 3 (regarding the reading of the sub-committees' drafts of a 'Joint Leaflet: 'Dr. Zschech read his draft. The differences between the ELCA and UELCA as he sees them concern the inerrancy of Scripture; the doctrine of Scripture; the doctrine of Sunday; conversion; election and grace; church government and the public ministry; eschatological doctrines e.g. conversion of Israel, chiliasm; the attitudes towards the Lutheran confessions.'

par. 24-27, 67-69; FC Pars II art. II par. 50, X par. 10-12).<sup>3</sup> This was in addition to reading the 'Einigungssätze ... von der Kirche und vom öffentlichen Predigtamt.'<sup>4</sup>

If we turn to the thesis itself, we find a full draft of TA 6.1-11 dated 27 March 1950. From this we learn that the original wording of TA 6.11 was as follows:

Though women prophets were used by the Spirit of God both in the Old as well as in the New Testament, 1 Cor. 14,34-35 and 1 Tim. 2,11–12 prohibit a woman from being called into the office of the ministry for the public proclamation of the Word and the administration of the Sacraments. This apostolic rule is binding on all Christendom. A Christian woman will gladly be in subjection because of the Lord's command and use her special talents in serving the her Lord in other spheres of the work of the Church.<sup>5</sup>

The noteworthy differences between this initial draft and the version adopted are the final sentence; the restriction of the second scriptural citation (1 Tim) to verses 11-12; and the location of 'public' as qualifying 'proclamation,' not 'ministry,' in line 3. The draft theses are co-signed by S. Hebart and F.J.H. Blaess as secretaries for the Intersynodical Committees of the UELCA and ELCA, respectively. In a set of handwritten amendments in ink we see that, of the 11 theses, nos. 1-4, 7 and 9 received no changes, while nos. 5, 6 and 10 received minor alterations. Only nos. 8 and 11 were accorded a significant amount of ink and of these no. 8 receives the most major strikethroughs and rewording. With regard to no. 11 (fig. 1), 'both' is struck from line 1 as redundant, the citation of 1 Tim is extended to verse 14, 'public' is shifted in line 3 to qualify 'ministry,' and the final sentence is replaced with: 'Hereby her rights under the universal priesthood of the believers are in no wise impaired.' No date as to when these amendments occurred is recorded. When we consult the notices of meeting (which report the results of interim discussion by the intersynodical sub-committees) and minutes for 1950, we discover that the striking of the final sentence of the original draft ('A Christian woman will gladly be in subjection because of the Lord's command and use her special talents in serving the

3 'Minutes of Joint Intersynodical meeting held on 16th December 1948 at Ward Street, North Adelaide,' p. 2, item 4 ("Topic for next meeting"): 'Resolved to adopt the recommendation of the sub-committees that 'The doctrine of the Church and the Ministry' be discussed at the next Joint Meeting. The sub-committees were asked to list the relevant passages from the Confessional Books in preparation for the discussion of this doctrine.' The homework is listed in the Intersynodical Notice of Meeting and Agenda, 3 Feb. 1949. The list cited here is as per that Notice. The omission of CA 5 (on the *ministerium ecclesiasticum*) from the homework is noteworthy, although it is cited at the end of TA 6.1 in both the original draft and adopted thesis.

4 The reading list is repeated in a clearer fashion in the Notice of Meeting for 10 March 1949 (see Item 2.a-b, where 2.b references the 'Einigungssätze' more completely, although still without its full title). It is unclear whether the latter document refers to the at that time recently published (1947) 'Einigungssätze der Evangelisch-Lutherischen Kirche Altpreußens und der Evangelisch-Lutherischen Freikirche,' in the 'Minutes of Joint Intersynodical Meeting held on 10th March, 1949 at 169 Ward Street, North Adelaide,' p.1, item 2.b, it is noted in regard to the 'Einigungssätze:' 'Resolved to take these theses as a basis for discussion, but not necessarily as the formulation of our own theses of agreement.'

5 'Intersynodical. Theses on the Office of the Ministry (for the Joint Meeting to be held on April 13, 1950),' p. 2 (strikethrough in original).

her Lord in other spheres of the work of the Church'), together with the location of 'public' before 'ministry' occurred at the sub-committee level.<sup>6</sup>

11. Though women prophets were used by the Spirit of God both in the Old as well as in the New Testament, 1 Cor. 14,34-35 and 1 Tim. 2,11-12 prohibit a woman from being called into the office of the ministry for the public proclamation of the Word and the administration of the Sacraments. This apostolic rule is binding on all Christendom. ~~Substitution upon will gladly be in subjection to the Holy Spirit and all her special talents in serving the Lord in other spheres of work in the Church.~~

J. H. SPART, Secretary, U.E.L.C.A.

J. J. H. FLAESS, Secretary, E.L.C.A.

*Her rights under the universal proclamation of the Word and in the other spheres.*  
 INTERSYNOCDICAL COMMITTEES.  
 March 27, 1950.

Figure 1: Photograph of handwritten amendments.

This indicates that at the Joint Intersynodical Committees meeting on 4 May 1950, the meeting was charged with adopting thesis 11 in the form:

Though women prophets were used by the Spirit of God both in the Old as well as in the New Testament, 1 Cor. 14,34-35 and 1 Tim. 2,11-12 prohibit a woman from being called into the office of the public ministry for the proclamation of the Word and the administration of the Sacraments. This apostolic rule is binding on all Christendom.

The minutes from that meeting record that the submitted draft was 'slightly emended' by the Joint Meeting into its present form, with the objection of P. Muetzelfeldt to its adoption.<sup>7</sup> This suggests that the handwritten amendments date from this Joint Meeting, although it should be noted that the wording of the substitution for the deleted final sentence in the handwritten notes ('her rights under') differs slightly from the wording ('her rights as a member of') that was adopted.

The minutes go on to record that 'Theses 1-11 were adopted by the Joint Meeting [of 4 May 1950] in toto.' Before we turn to who was responsible for the formulation of the draft thesis, a brief analysis of the chronology of the presentation and adoption of TA 6.1-11 helps to place these theses in context. Although we noted above that background reading for TA 5-6 had been set early in 1949, discussion on the theses on the church that would become TA 5 consumed all of the meetings in 1949 and continued into the

6 'Notice of Meeting' for 4 May 1950, item III: "The sub-committees suggest that the remaining theses [5-11] submitted to the last meeting be adopted with the following alterations: ... Thesis 11: Line three: place 'public' before 'ministry'. Delete last sentence."

7 'Meeting of Joint Intersynodical Committees held on 4th May 1950 in Excelsior Hall, Flinders Street Lutheran Church, 1.45-4.45 p.m.', p. 3.

first months of 1950. The first reference to the drafting of theses on the ministry occurs in a Notice of Meeting dated 21 March 1950. The Notice is for a Joint Meeting scheduled originally for 30 March 1950, but delayed until 13 April.<sup>8</sup> The Notice reports that 'The Sub-Committees, which met on March 20, suggest the following Agenda:—... II. The Office of the Ministry.' This was to include: 'a Reading and/or discussion of pertinent passages from the Confessional Books,' as listed above, and 'b. Theses on the Office of the Ministry.' This is followed by a note: '(The Secretaries were instructed to draft theses on the basis of the discussion in the Sub-Committee meeting on statements submitted by Dr. Hamann and Dr. Sasse. These Theses will be mailed later).' We next encounter a draft of 11 theses, dated 27 March 1950, which clearly represent the draft that was circulated. At the Joint Meeting of 13 April, the minutes record that those present worked their way through only theses 1-4.<sup>9</sup> At item IV.c these same minutes record the date of the next Joint Meeting (4 May 1950) 'when the remaining Theses on the Ministry (5-11) are to be discussed.' As we have seen above, the sub-committees took this up (on 24 April),<sup>10</sup> made recommendations for emendation, and in the space of between just two and a half to three hours the Joint Meeting on 4 May finalised these seven theses and adopted them.<sup>11</sup> The half-hour extension to the meeting indicates an anxiety to get these theses finalised so that the Joint Meeting could move on to more contentious matters. It is also indicative that the Joint Meeting did not expect to enter into any deep discussion on theses 5-11. It should be noted here that the discussion of theses 5-11 was further compressed by re-addressing thesis 4, to which further emendation had been brought.<sup>12</sup> If we take this into consideration, then discussion on thesis 11 is likely to have taken up no more (and probably less) than 25 minutes. It is perhaps also of interest that, while no objections to adoption were noted for theses 1-4, discussed at greater length during the meeting of 13 April, at the meeting of 4 May the swift adoption of theses 5-11 occasioned the recording of two oppositions.<sup>13</sup>

8 'Notice of Meeting' for Thursday, April 13, 1950: 'N.B. The alteration of the date of the meeting—from March 30 to April 13—on account of the absence of Dr. Stolz.'

9 'Meeting of Joint Intersynodical Committees, April 13, 1950 at Immanuel Seminary, North Adelaide, 1.45-4.45 p.m.' (2 pages).

10 'Notice of Meeting' for 4 May 1950: 'The sub-committee ... met on 24th April ...'

11 Regarding the length of discussion, see 'Meeting of Joint Intersynodical Committees held on 4th May 1950 in Excelsior Hall, Flinders Street Lutheran Church, 1.45-4.45 p.m.,' p. 3: 'In order to conclude the adoption of the Theses on the Ministry an extension of the time of the Meeting had been agreed upon earlier and the meeting was closed at 5 p.m. ...'

12 'Meeting of Joint Intersynodical Committees held on 4th May 1950 in Excelsior Hall, Flinders Street Lutheran Church, 1.45-4.45 p.m.,' p. 2: 'Thesis 4. The sub-committees submitted a further emendation to Thesis 4 adopted at the last Joint Meeting.'

13 'Meeting of Joint Intersynodical Committees held on 4th May 1950 in Excelsior Hall, Flinders Street Lutheran Church, 1.45-4.45 p.m.,' p. 3. In addition to P. Muetzelfeldt's opposition to the adoption of thesis 11, opposition by P. J. Riedel to the adoption of thesis 8 is recorded. That TA 6.8 (on ordination) occasioned particular dissatisfaction on the UELCA side, is indicated by a letter of 15 May 1950 from J. Riedel to Dr J.J. Stolz in which he sets out his objections at length. Included is a reply, dated 24 May 1950, by Dr J.J. Stolz to J. Riedel in which he offers an alternative wording. The letters are included among the files of the Intersynodical Minutes. While allowance was made for further amendment of TA 6.4 subsequent to its adoption, this appears not to have been permitted with TA 6.8.

In less than one and a half months (27 March-4 May 1950) consideration of all eleven theses in TA 6 progressed from draft to adoption. If we place this in the larger context of the production of the full Theses of Agreement, we observe the following rough timeline:

| Thesis of Agreement                                  | Approximate deliberation time                |
|--|--|
| <b>TA 1 (Principles governing church fellowship)</b> | Over 1 year                                  |
| <b>TA 2 (Joint prayer and worship)</b>               | 1 year                                       |
| <b>TA 3 (Conversion)</b>                             | 4 months                                     |
| <b>TA 4 (Election)</b>                               | 2 months                                     |
| <b>TA 5 (The church)</b>                             | 1 year                                       |
| <b>TA 6 (The office of the ministry)</b>             | 1½ months                                    |
| <b>TA 7 (Eschatological matters)</b>                 | 10 years (intermittently)                    |
| <b>TA 8 (Scripture and inspiration)</b>              | 1 year (intensively), over 25 years in total |
| <b>TA 9 (The Lutheran confessions)</b>               | 6 months                                     |

*Table 1: Approximate timeline of deliberations on Theses of Agreement.*

During the final ten years before union the issues of church fellowship and joint worship (interior and exterior), topics relevant to TA 1, 2 and 8, dominated the conversation. The minutes of the Joint Union Committee, which took over this work in July 1965, show that it was altar and pulpit fellowship, the formal constitution of the new church, and a slew of practical matters that dominated the discussion. When set in chronological context, we can see that the theses on the office of the ministry took up one of the shortest periods of discussion and reflection, being comparable in brevity to the theses on election. The topic was not revisited after 4 May 1950.

### Who drafted TA 6.11?

It is always helpful when tracing the history of theological dialogue to understand who was in the room at the time of discussion. This helps us to understand who was making the decisions. It is also important to understand who formulated the individual theses that comprised the draft that was discussed. Knowledge of both these factors provide an informed basis for speculation as to how these two factors interacted.

At the Joint Meeting of 4 May 1950, when theses 5-11 were discussed, the following attendance is recorded, with Pastor W. Roehrs (UELCA) as chair:

**ELCA:** Dr Hoopmann, Dr Hamann, Dr Zschech, Dr Nichterlein, Dr Darsow, Profs. Blaess, Altus and Pahl, Pres. E. Graebner, Pastors Koehne, H. Hamann and C. Zweck and the brethren Koch and Braunack. President Noack of Queensland was present as guest.

**UELCA:** Dr Stolz, Dr Hebart, Dr Sasse, Pastors Muetzelfeldt, W. Riedel, W. Roehrs, J. Riedel, R. Held, J. Doehler, Auricht, E. Renner, and brother B. Boehm.<sup>14</sup>

This differs from attendance at the meeting of 13 April 1950 at which theses 1-4 were discussed in the following respects: for the ELCA, Pastor H. Hamann and brother Braunack were absent; for the UELCA, an additional layperson (Scheer) was present and Pastor Doehler was absent; Pres. E. Graebner of the ELCA was chair.

In regard to the drafting of the theses, as noted above the Notice of Meeting of 21 March 1950 (for the Joint Meeting on 13 April) records that the theses were to be drafted on the basis of statements submitted by Dr Hamann and Dr Sasse.<sup>15</sup> The Notice does not identify the drafters in that, although it records that the secretaries of the sub-committees were instructed to draft theses, this may simply mean that they were responsible for seeing that the theses were drafted. In the Notice of Meeting for 21 July 1949 reference is made to 'drafts of theses on the doctrine of the Church and the Ministry' by Pastor J. Riedel and Dr Hamann,<sup>16</sup> but this clearly refers to theses that inform TA 5 (The Church). It is uncertain, but possible, that they were tasked with continuing to draft the theses for TA 6. In regard to the two statements (by Hamann and Sasse) that would inform the drafting of the theses of TA 6, the document submitted by Hamann is not preserved in the Intersynodical files.<sup>17</sup> There are preserved two documents authored by Sasse. The first is titled: '*Preliminary remarks, "church" and "congregation" (ecclesia catholica sive universalis et ecclesia localis sive particularis) in the New Testament.*' The second, in German, is titled: '*Thesen über das geistliche Amt der Kirche*' (theses on the ministry of the church). This second document (2 foolscap pages) is undated; the first (6 foolscap pages) has handwritten on it in pen the date 1949. The first document was discussed in the course of drafting the theses of TA 5, but was presented (or at least considered) only late in the year, as indicated by the Notice of Meeting for 20 October 1949.<sup>18</sup> The two documents are illuminating.

In the first, Sasse argues:

The rights of the Church are instituted and bounded by the will of the Lord who endowed the church with the means of grace: the preaching of the Gospel. holy

14 'Meeting of Joint Intersynodical Committees held on 4th May 1950 in Excelsior Hall, Flinders Street Lutheran Church, 1.45-4.45 p.m.,' p. 1.

15 Dr Hamann refers to Dr H.P.A. Hamann Sr, who served at the time as Principal of the ELCA's Concordia seminary.

16 'Notice of Meeting' for 21st July, 1949, p. 1, item 3.

17 An additional search was made of documents archived under 'H.P.A. Hamman,' without success.

18 'Notice of Meeting' for 20th October, 1949, item 4 (agenda): 'Reading by Dr. Sasse of Remarks on "Church and Congregation," and discussion (in continuation of the discussion on the point at last Joint Meeting).' The Minutes of that Joint Meeting confirm that it was read with brief discussion. It appears again on the suggested agenda in the Notice of Meeting for 15th December, 1949, item 2: 'Discussion of Dr. Sasse's Essay on "Church and "Congregation" in the New Testament.' The Minutes of the Meeting of Joint Intersynodical Committees held on 15th December, 1949 at Immanuel Seminary, North Adelaide from 10 a.m. to 4.45 pm.,' p.2, record six points of discussion that the paper generated.

Baptism, the Sacrament of the Altar, the Office of the Keys. Wherever the Gospel is preached in its purity, and the sacraments are administered according to the will of Christ there is the Church, ...<sup>19</sup>

And:

The Lutheran Church has always been one in this, and this distinguishes it from all other confessions, that the New Testament describes no particular constitution of the church. If the *congregatio sanctorum* of CA 7 and the *ministerium ecclesiasticum* of CA 5 are there then it is a matter of human right to determine the details of the order of the church. It is a question of human order whether a particular office of deacon shall be instituted, and if, in what forms. For the church was there before this office came into existence, and Christ Himself did not institute that office. In this our church is distinct from other churches which see in the institution of the Seven a Divine will and regard even the number of Seven as prescribed by law. In Rome e.g. the limitation of the number of deacons to seven for the whole city proved for centuries to be a fateful hampering of the work of the church which even could not be made up by the appointment of seven sub-deacons. Over against such legalistic understanding of the passages of the New Testament concerning the order of the church as it is held by all Catholic and by all Reformed Churches the Lutheran Church simply denies the existence of a law *de constituenda ecclesia*. The New Testament is full of admonitions with regard to good order in the life of the church. But it knows nothing of an *ordo quo Dominus ecclesiam suam gubernari voluit* (Calvin). This statement is supported by the fact that the different churches which asked for and found the constitution prescribed by Divine law for the church could never agree as to what this constitution might be. Why have [there] been found in the New Testament so widely diverging systems as the Papal, the Episcopalian, the Presbyterian, the Congregational constitution? None of them is really the 'biblical' constitution. They have been read altogether into the New Testament. This was possible because there was no single form of Church government in the beginning. Modern historic research has definitely shown that there were different types of constitution in the earliest church. The church of Jerusalem had no bishops. It had presbyters and the "Seven" which then were identified with the deacons which existed along with the bishops (Phil. 1:1) in the churches of the Gentiles. The presbyters on the other hand are not to be found in the earlier stages of the Pauline mission field. Later they existed besides the bishops, in some cases identical with these (Acts 20:28), in others definitely not or only partly, e.g. 1 Tim. 5:17 where presbyters are mentioned who are worthy of double honours because they are rulers and preachers. Even after the time of the New Testament we find such variety. In Rome e.g. at the time of 1 Clem. (ca. 96 AD) there was the idea of apostolic succession, but no monarchic episcopate. In Antioch 15 years later there was the monarchic

19 H. Sasse, 'Preliminary Remarks, "Church" and "Congregation" (*ecclesia catholica sive universalis et ecclesia localis sive particularis*) in the New Testament', p. 5. 6.d.



bishop, but still without the idea of Apostolic Succession. Rome knew about (p. 6) the single bishop in Antioch, Ignatius who emphasised the monarchical office of the bishop in his letters to the churches of Asia, beside mentioning it in the letter to Rome. The idea that the whole church has to have one uniform constitution was unconceivable even to the Christians of that time. ... Of Divine institution is only the *congregatio sanctorum* and the *ministerium ecclesiasticum*. Luther's understanding of the problem of Church Order in the New Testament, born not out of historical research, but out of his deep understanding of Law and Gospel in the Bible, is supported by the facts of the history of the Primitive Church.<sup>20</sup>

He concludes the paper:

Thus far our theses on the Church Universal and the local Church. They are meant as a contribution to some discussions which are now going on, and as a challenge to new discussion in wider circles. They do not say all there is to say, but they want to point the direction in which the endeavours for a clear union in the doctrine of the Church must lead. We ought to go back beyond the *theologoumena* of the 19. century to the teaching of the New Testament. And the unbiased study of the biblical understanding of the church will lead to the recognition, surprising as it may be for many of our contemporaries, how deeply the Lutheran confession has understood the Church of the New Testament – the church in the heavenly and earthly, spiritual and corporeal, eternal and temporal being, the one church whose life is hidden with Christ in God and which nevertheless is the greatest reality of earthly history: the church of God which is a mass of sinners in the eyes of man, and also in its own eyes, and at the same time the congregation of saints in the justifying judgment of God.<sup>21</sup>

In the second paper, by contrast with the freedom that he argues that the New Testament in the Gospel permits the church in institutional and organisational terms, Sasse takes the opposite position when it comes to the church's ministry. His use of the term '*geistliche Amt*' for the *ministerium ecclesiasticum*—the equivalence is made clear in his theses 1-3<sup>22</sup>—requires that he distinguish '*geistliche Amt*' (ministry) from '*Priesteramt*'

20 Sasse, 'Preliminary Remarks,' pp. 5-6, 6.e.

21 Sasse, 'Preliminary Remarks,' p. 6.

22 H. Sasse, 'Thesen über das geistliche Amt der Kirche,' p. 1.

(priesthood, or priestly ministry),<sup>23</sup> reserving the latter for the common priesthood or priesthood of all believers. Of greatest significance for TA 6.11 is his final thesis:

In der Auseinandersetzung mit dem Auftreten weiblicher Propheten, die es im Alten wie im Neuen Testament gegeben hat, ist mit apostolischer Autorität für die ganze Kirche entschieden worden, dass die Frau das geistliche Amt nicht bekleiden kann, weil ihr das öffentliche Lehren nicht erlaubt ist. Diese Entscheidung ist für die Christenheit bindend. Dagegen steht ihr das Diakonenamt offen.<sup>24</sup>

In the structure and wording of this thesis we can see the key arguments and outline of TA 6.11, especially the opening reference to women prophets of the Old and New Testaments and the phrase 'this [apostolic] decision is binding on Christendom.'<sup>25</sup> Certain other of Sasse's theses are mirrored in TA 6.1-10,<sup>26</sup> but there is, aside from this single instance, no direct correspondence. Unlike the English of TA 6.1-10, with its gendered language, in German '*Mensch*' can be gender inclusive and so Sasse's final thesis (16) in which women are explicitly excluded from ministry—in essence, the *ministerium ecclesiasticum*—is somewhat unexpected,<sup>27</sup> although in his own mind the distinction between the church's ministry ('*kein Priesteramt*') and the priesthood of all believers in the penultimate thesis (15) may have offered a natural segue. Curiously, given the close correspondence between Sasse's thesis 16 and TA 6.11, there is no mention of a

23 See Sasse, 'Thesen über das geistliche Amt,' p. 2, thesis 15: 'Das geistliche Amt der Kirche ist als solches kein Priesteramt. Es erwächst auch nicht aus dem Allgemeinen Priestertum. Dieses ist nur die Voraussetzung für das Amt der Kirche als der priesterlichen Volkes Gottes.' It is likely, in light of his thesis 16 that this is the source of the phraseology 'spiritual priesthood' that turns up in the substitution for the deleted final sentence in TA 6.11: 'hereby her rights as a member of the spiritual priesthood are in no wise impaired.' Note that this is the terminology adopted also in TA 6.4 ('spiritual priesthood ... spiritual priesthood of all believers;' present in this same form in the original draft). For the argument that the language of 'spiritual priesthood' originates not with the Confessions or Luther but with Philipp Jakob Spener in 1675 as a product of seventeenth-century pietism, see T.J. Wengert, *Priesthood, Pastors, Bishops: Public Ministry for the Reformation and Today* (Minneapolis: Fortress Press, 2008), 1-2. The terminology is, on the contrary, found in several of Luther's writings with explicit reference to the common priesthood: 'Treatise on the New Testament' (1520), LW 35:100=WA 6:370,10-11 ('gleich geistliche priester für gott'); 'Misuse of the Mass' (1522), LW 36:138=WA 8:486,19-28 ('ein geistliche priesterthum'); 'Lectures on Deuteronomy' (1525), LW 9:124=WA 14:645,19-20 (*commune illud et spirituale sacerdotium*). I am indebted for these references to Roger Whittall, whose doctoral research is on Luther on the common Christian priesthood (in conversation with Yves Congar).

24 Sasse, 'Thesen über das geistliche Amt,' p. 2, thesis 16 (emphasis in the original).

25 The similarity in location of Sasse's thesis 16 and TA 6.11, at the end of each document, is likewise suggestive.

26 Cf. e.g., Sasse, thesis 1 and TA 6.2; thesis 4 and TA 6.3.

27 Perhaps even more unexpected in light of what Sasse had to say about the ministry in July 1949, when he argued that 'the great freedom of the Reformation is the freedom of the Gospel' and that apostles, prophets and teachers are all part of the office of the ministry and, in the New Testament, shared in the experience of an 'immediate call'. See H. Sasse, 'Ministry and Congregation, Letter to Lutheran Pastors No. 8, July 1949,' in Hermann Sasse, *We Confess the Church* (St Louis: Concordia Publishing House, 1986), 69-83, esp. 78-79.

reading and/or discussion of this second document in the minutes of the Intersynodical meetings that lead up to the adoption of TA 6.1-11 on 4 May 1950.

## Conclusions

So what can we conclude? Within discussions across the LCA NZ in the wake of the 2018 General Convention TA 6.11 has been treated variously. Some have argued that the thesis was never debated at the time of union and was authored and slipped into the Theses of Agreement covertly, perhaps by the secretaries of the Intersynodical sub-committees. Others have argued that it constitutes a 'compromise' thesis between the two synods. Yet others place great weight on the thesis as having been adopted only 'after serious and careful deliberation.' After careful consideration of the history of TA 6.11, none of these positions can be sustained. Firstly, the members of the Joint Intersynodical Committees were clearly aware of the existence of the thesis, having discussed it sufficiently to replace the final sentence and make other minor amendments. Additionally, it was drafted by a member or members of the Intersynodical sub-committees to whom that task was delegated. The role of Drs S. Hebart and F.J.H. Blaess in this, beyond their role as the committees' secretaries, is uncertain. Joint Meetings were alternately chaired by members of the ELCA and UELCA committees, so there can be no attribution of unilateral bias. Secondly, the only factor that might marginally point to the thesis as a compromise to aid union between the two synods is the opposition to adoption of the final version of the thesis by Pastor Muetzelfeld. If, however, we are correct in concluding that the content of the thesis is based on a proposition in a supporting document authored by Dr Sasse, then we must acknowledge that both parties represented the UELCA. Under these circumstances, Muetzelfeld's opposition is less likely to have concerned the general thrust of the argument. Thirdly, neither are there grounds to say that TA 6.11 is either the result of, or was adopted following, serious and careful consideration. All of the evidence speaks against this. It was discussed and adopted in a scant 25 minutes or less. Discomfort, if any, was felt only with the original final sentence. There was no debate of the assertion, atypical within the Theses of Agreement and puzzling in the light of Sasse's first paper, that an 'apostolic rule' or indeed any kind of 'rule' except Christ's commands to love God and neighbour and to spread the Gospel 'is binding on all Christendom.'

Of perhaps equal importance is recognition that TA 6.11 was drafted and adopted in 1950 and never addressed subsequently. On this basis, it is possible that it was adopted without deliberation or even awareness by delegates on both sides at the time of union, some sixteen years later. What a longitudinal study of the meetings of the Joint Intersynodical Committees shows is that TA 6, together with TA 3 (Conversion) and TA 4 (Election) were considered, in the more than 20-year-long push towards union and in the cultural and church climate of the time, to be minimally contentious. The much larger topics of church fellowship, the inspiration and authority of scripture, eschatological matters, but overwhelmingly what it meant under CA 7 to *consentire de doctrina evangelii et administratione sacramentorum* ('agree concerning the teaching of

the Gospel and administering of the sacraments'), continued to dominate discussion up until the moment of union.<sup>28</sup>

This much we can say. The status within the Joint Intersynodical Committees of Sasse's second paper (theses on the ministry of the church) and to what degree it influenced the common draft of TA 6, and in particular TA 6.11, remains unknown. Without the missing background statement on church and ministry by Hamann Snr, any conclusions in this regard can only be a matter of speculation.

28 The issue of CA 7 and unity produced an additional set of theses on church and unity that eventually became incorporated into TA 5. See TA 5.17-24. The issue of church fellowship and cooperation produced an additional set of theses that would become TA 5. 25-29. In the case of the approach to Scripture, discussion would continue for a further eighteen years following union. See *LTJ* 51.3 (2017), a themed issue which explores that history.

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