

Can There Ever Be Exceptions To Our Regular Fellowship Practices That Do Not Violate Scripture's Fellowship Principles?

By John F. Brug

Statement of the Question

One of the most difficult questions which emerges when pastors and congregations discuss the application of our fellowship principles is whether exceptions to our regular fellowship practices can ever be justified. On the one hand, there is a valid concern that allowing any exceptions will undermine observance of the principle. On the other hand, there is the fear that a rigid practice that allows for no exceptions is legalistic and may, in fact, be a violation of the principle of patient dealing with a weak brother. Some are very hesitant to even discuss the issue, fearing that discussion of concrete examples will tend to be used as a sort of canon law. The issue, however, needs to be discussed because it is an ongoing practical issue that must be faced by pastors and congregations.

The critical question, of course, is whether the scriptural principles of fellowship permit any exceptions to our regular practices.¹ It will also be useful, however, to look at statements from the past because it seems many are unsure what our past practice actually has been.

Preliminary Considerations

Before we can wrestle with this question, we must briefly review the principles of fellowship derived from Holy Scripture, as well as some general guidelines for applying them evangelically.

The Principles of Fellowship: The Unit Concept

According to Scripture, church fellowship must be dealt with as an undivided whole in two different respects.

First, when the doctrines of Scripture are being discussed to determine if groups or individuals may practice fellowship together, all doctrine must be dealt with as a unit. Since all the teachings of Scripture have the same divine authority, we have no right to add anything to them nor to subtract anything from them. The practice of church fellowship, therefore, must be based on agreement in *all* of the doctrines of Scripture.

Second, the various activities which express church fellowship must be dealt with as a unit. Since various ways of expressing church fellowship (such as joint mission work, celebration of the Lord's Supper, exchange of pulpits, transfers of membership, and joint prayer) are merely different ways of expressing the same fellowship of faith, *all* expressions of church fellowship require the same degree of doctrinal agreement, namely, agreement in *all* of the doctrines of Scripture.

In short, the basic principles are that we "work together for the truth," but that we avoid all joint expressions of Christian fellowship with those who persist in error, that is, in any departure from revealed truth.

Some Guidelines for Applying the Principles of Fellowship

¹ This paper is an elaboration of material presented in *Church Fellowship: Working Together for the Truth*, p 117-124. For that reason it begins with a review of the basic argument presented there. This is followed by a more detailed presentation of the scriptural and historical data which address our specific question. This paper was delivered to pastoral conferences in Wisconsin and Colorado in 1997.

1. Before we consider exceptional cases, we should be sure that all parties involved understand and agree with the scriptural principles summarized above. We cannot make sound applications without a clear understanding of the principles.
2. We must be careful that we do not allow difficult cases to establish or modify the principles. We may not let feelings, emotions, or human reason pressure us into a particular application and then reshape our principles to condone our action.
3. We must guard against allowing specific applications or historical precedents to become rigid rules which govern all similar cases. We must evaluate each case in the light of the scriptural principles.
4. We must remember that there are hard cases² in which it is difficult to determine which scriptural principle should be applied. In such cases like-minded Christians may not reach the same conclusion at the same time. We should be careful not to pass hasty judgment on decisions which fellow Christians have made in such difficult cases. We may not know all the circumstances that led them to their decision. We should patiently listen to their explanations.
5. When we are faced with such a hard case, we should seek the advice of fellow Christians and explain the reasons for our actions to those who are concerned about them.
6. We should recognize that exceptional cases may lead us to depart from our normal practice, but we should be on guard that exceptions are not used to undermine the principles. Such exceptions are exceptions to our regular practices, not to the scriptural principles.
7. We must constantly balance two responsibilities: to deal with the weak patiently and to deny fellowship to those who cling to error.
8. We must be careful that our patience in dealing with the weak does not become a source of offense and confusion to other Christians who may get the impression that we are condoning the error. We can guard against this by regularly reporting the status of our dealings with the errorist to our brothers and sisters in the faith.
9. We must pray for courage and decisiveness in dealing with adherents of error. We ask God to take away any timidity or desire for the approval of men, which may make us hesitant to testify clearly against error or that may make us willing to yield to false teachers and their followers (Ezekiel 2:3-7; 3:3-8).
10. We must not regard our responsibility to practice the principles of church fellowship as a burden or a handicap, but as a privilege and an opportunity. Here is an opportunity to show love for God and for our neighbor. Here is an opportunity to suffer for the truth if it is God's will that we do so (1 Peter 4:12-16).
11. Above all, we must remember that these are not our principles of church fellowship; they are God's principles revealed in Holy Scripture. Human judgment cannot determine the principles. They are established by God's Word. But human judgment must evaluate each situation to see which principles apply at this moment. As with any application of law and gospel, the proper application of the principles of church fellowship requires life-long study and practice. We pray that God will give us the willingness and the wisdom to apply these principles faithfully.³

When we find ourselves struggling with a particularly difficult decision concerning the application of the principles of church fellowship, it is often helpful to remember the purpose of the principles of church fellowship. The principles are not ends in themselves. God gave them for the good of people's souls. When we

² A "hard case" is not a case which is hard on us, that is, a case which may arouse hostility against us or which may conflict with our emotions and desires. A "hard case" is a situation which is covered by two or more principles of God's Word which cannot be applied simultaneously, and we are struggling to determine which should be applied at this moment.

³ These guidelines are adapted from Brug, *Church Fellowship*, p.107-109.

are wrestling with a hard case, we must weigh each course of action available to us by honestly evaluating whether it will promote or work against one of the basic goals of the scriptural principles of fellowship:

- 1) We must warn the promoter of false teaching against his errors in the hope that he can be won to repentance (Titus 3:10; Matthew 18:15; 2 Timothy 2:25-26; 1 Timothy 1:3-5).
- 2) We must warn others against the errorist, so that they do not fall victim to his false teaching (1 Timothy 4:1-6; 2 Timothy 4:2-5; Titus 1:10-14).
- 3) We must separate from false teachers to protect ourselves from the dangerous poison of error, which is a threat to our souls (2 Timothy 2:17; Galatians 5:9).
- 4) We must avoid even the appearance of going along with error, even in matters which are adiaphora (Galatians 2:3).
- 5) We must show special consideration for the weak (Jude 1:22-23)..

In hard cases we should ask ourselves, “How can I best give a clear testimony against error to the false teacher, to his adherents, and to everyone else who observes my action? How can I best win them for the truth?”

Examples of Possible Exceptions

These examples are not intended to be an exhaustive list, but are simply illustrative. There may be other areas and other situations in which exceptional cases might arise.

Closed Communion

WELS pastors normally commune only members of their own congregation and visitors from other congregations of the WELS or from synods in fellowship with it. Rare situations may arise that permit an exception to this rule. For example, a WELS member’s mother who belongs to the Missouri Synod is visiting her daughter and becomes critically ill. She is hospitalized and no LCMS pastor is available to commune her. As she faces death, the WELS pastor who visits her in the hospital at her daughter’s request might commune her since her immediate spiritual needs would be the paramount concern. The private setting in which the action occurs minimizes the likelihood of the offense that would be caused by such an action in a public worship service. Naturally, the normal requirements for being properly prepared to receive the Lord’s Supper would apply. We could never, for example, commune people who do not recognize the presence of Christ’s body and blood, for they would be eating and drinking to their own judgment.

Funerals

Our regular practice is that WELS pastors conduct a Christian funeral only for people who are members of our fellowship, since the funeral includes a recognition of the deceased’s Christian confession and life. This means we normally bury only members of our own congregations or sister congregations. However, exceptional circumstances may arise.

When wrestling with such cases, we start with the premise that there are no exceptions to moral laws and that the principles of fellowship are moral law, not ceremonial law. The command to avoid expressions of Christian fellowship with those who persist in error is a principle that applies to God’s people at all times. Love, which is the fulfilling of the law, requires that we always give a clear testimony against error. We must, however, distinguish clearly between the fellowship principles of Scripture and the generally valid policies or applications of those principles which we make as we try to observe the principles. “Don’t bury Masons” is a generally valid policy and application of the principles of fellowship, since giving a Christian burial to a Mason

would ordinarily be an expression of fellowship with someone who was persisting in error. But it may happen that a pastor has opportunity to preach law and gospel to an unchurched, dying man in his last days. The man makes a clear confession of faith. After the man's death the pastor learns that he was on the membership rolls of the Masonic lodge. Since there had been no opportunity to confront this issue, the pastor could not regard the man as a persistent errorist. To regard him as a Christian whom the pastor could bury would not be a violation of the scriptural principle which is "do not have fellowship with persistent errorists," although it would be a departure from our regular rule "don't bury Masons." Because of this the pastor would have to explain the situation to the council and congregation and would, of course, refuse the Masons any role or recognition in the funeral.

Such exceptions to normal practice are possible only when a departure from the normal practice is not a departure from the principle "no fellowship with persistent errorists."

Cautions Concerning Exceptions

We should be careful that exceptions do not undermine the principle or the general rule, which still stands. Concerning the Lord's Supper exceptions can occur only in cases in which we can establish that the person is properly prepared to receive the Lord's Supper, but there is no time to fully explore the issues raised by the person's affiliation with a heterodox church, or the person does not have the mental capacity to understand those issues. Cases in which a person, for convenience sake, wants to attend Communion both in a WELS congregation and in an ELCA or LCMS congregation, such as when Midwesterners spend the winter in the Sun Belt or when students are away at school, are not emergency situations. Occasional visits from family members also do not justify exceptions to the rule. In such circumstances we owe people a clear testimony that they cannot keep one foot in each camp. Since attendance at the Lord's Supper is seldom an emergency need, exceptional cases will be very rare. There are such strict criteria for allowing such an exception to attendance at the Lord's Supper that it is possible that many pastors may never encounter such a situation in their whole ministry.

When members of another Lutheran synod which is not in fellowship with us are visiting services in a WELS church because they are disturbed by the liberalism in their church and they are considering becoming members of the WELS for confessional reasons, we will encourage them to regard themselves as communicant members of their present church until they have given their testimony against the false teaching of that church, their testimony has been rejected, and they are, therefore, compelled to leave that church. If they are leaving their previous church for confessional reasons, they will understand and appreciate our careful stewardship of the Lord's Supper, and they will realize that they cannot be on both sides of the fence at the same time.

The fact that people who don't honor the principles will try to use all kinds of excuses and "exceptions" to evade the principle cannot be allowed to stop us from dealing with such genuine exceptions as may arise.

The Basis for Exceptions: Scriptural Considerations

The Example of Christ

In asking whether we can ever justify "exceptions to the rule," we may consider Jesus' comments concerning a similar "hard case," in which he approved of an exception to a ceremonial law which God had given to Israel (Mark 2:23-27, Matthew 12:1-13, Luke 6:1-5). While David was on the run from Saul, he persuaded the high priest to allow him and his men to eat the showbread from the Tabernacle (1 Samuel 21). The rule governing the situation was clear: lay-people were not allowed to eat the showbread from the tabernacle (Leviticus 24:9). Yet Jesus did not condemn the priests or David for allowing David's men to eat the showbread in an emergency situation even though their act was against the letter of God's law (Matthew 12:4). In rebutting the Pharisees' condemnation of his disciples for "harvesting" grain on the Sabbath, Jesus made

several points. The “rule” which Jesus’ disciples had broken by picking grain was simply a human interpretation which went beyond the intent of the 3rd Commandment. Furthermore, even God’s law against work on the Sabbath permitted exceptions for the priests offering sacrifices. Especially striking is the way Jesus describes this exception, “On the Sabbath the priests in the temple *desecrate* the day and yet are innocent” (Matthew 12:5). If the priests in the temple were justified in “breaking God’s law” so that the rites of the Sabbath could be carried out, how much more were Jesus’ disciples justified in doing whatever was necessary for them to assist Jesus as he carried out his God-given mission. They were, after all, serving the one who was “Lord of the Sabbath” (Matthew 12:8). If David and the priests were not faulted for allowing an exception to a ceremonial law of God, how could the Pharisees fault Jesus’ disciples for making an exception to a human rule?

The Pharisees’ mistake was that they had forgotten the purpose of the law. The law was given to serve people’s good. “Therefore, it is lawful to do good on the Sabbath” (Matthew 12:12). An exception to the Sabbath law against work was, therefore, justified also for those who worked to help individuals, or even animals, in distress on the Sabbath. The Pharisees failed to understand that God desired “mercy not sacrifice” (Matthew 12:7).

In short, “the Sabbath was made for man, and not man for the Sabbath” (Mark 2:27). We shouldn’t forget that “fellowship principles were made for man; man wasn’t made for fellowship principles.” If we remember that God wants mercy and not sacrifice, we won’t condemn the innocent (Matthew 12:7).

The fact that eating the showbread and working on the Sabbath involve violations of ceremonial laws in no way minimizes the seriousness of the exceptions Jesus allowed, since for Israel departing from a ceremonial law was as much a sin as departing from a moral law (Luke 6:4).

Some Lutheran writers of unquestioned orthodoxy maintain that the Lord’s Supper is never such an emergency as to demand an exception to our normal rule since the Lord’s Supper is never an absolute need for salvation. We can always offer the Word to a dying person, so they don’t need the Lord’s Supper. But David’s men would not have starved in one day, and as Jesus’ enemies pointed out, the people who came to be healed on the Sabbath could have waited till some other day of the week (Luke 13:14). The crippled woman had been bound for eighteen years; one more day would not have made that much difference. But Jesus refused to tell her to come back some other day. He immediately helped her in her need. Scripture does not require “absolute need” as the criterion for exceptions.

Old Testament Precedent

The Old Testament law allowed an exception to the regulations for celebrating the Passover (Numbers 9:2-13):

The Rule

² “Have the Israelites celebrate the Passover at the appointed time. ³ Celebrate it at the appointed time, at twilight on the fourteenth day of this month, in accordance with all its rules and regulations.”

The Exception

⁶ But some of them could not celebrate the Passover on that day because they were ceremonially unclean on account of a dead body. So they came to Moses and Aaron that same day ⁷ and said to Moses, “We have become unclean because of a dead body, but why should we be kept from presenting the LORD’s offering with the other Israelites at the appointed time?” ⁸ Moses answered them, “Wait until I find out what the LORD commands concerning you.”

⁹ Then the LORD said to Moses, ¹⁰ “Tell the Israelites: ‘When any of you or your descendants are unclean because of a dead body or are away on a journey, they may still celebrate the LORD’s Passover. ¹¹ They are to celebrate it on the fourteenth day of the second month at twilight. They are to eat the lamb, together with unleavened bread and bitter herbs. ¹² They must not leave any of it till morning or break any of its bones. When they celebrate the Passover, they must follow all the regulations. ¹³ But if a man who is

ceremonially clean and not on a journey fails to celebrate the Passover, that person must be cut off from his people because he did not present the LORD's offering at the appointed time. That man will bear the consequences of his sin.”

The exception did not tolerate malicious neglect or indifference, but made allowance for those who would otherwise have been unable to celebrate the Passover through no fault of their own.

Even more striking is the exception to the Passover regulations which was permitted at the time of Hezekiah's great Passover (2 Chronicles 30:6-22). It reads, in part:

¹⁷ Since many in the crowd had not consecrated themselves, the Levites had to kill the Passover lambs for all those who were not ceremonially clean and could not consecrate their lambs to the LORD. ¹⁸ Although most of the many people who came from Ephraim, Manasseh, Issachar and Zebulun had not purified themselves, yet they ate the Passover, contrary to what was written. But Hezekiah prayed for them, saying, “May the LORD, who is good, pardon everyone ¹⁹ who sets his heart on seeking God—the LORD, the God of his fathers—even if he is not clean according to the rules of the sanctuary.” ²⁰ And the LORD heard Hezekiah and healed the people.

Here the persons who were granted the exception were blameworthy. Some had been negligent in their preparations. Some had been adherents or at least naïve victims of the heterodox form of Israel's religion which had been practiced by the priests of Jeroboam in the northern kingdom. There was perhaps some excuse for their ignorance and inadequate preparation, but they were not without fault for this. Now, because they were not clean, they could not follow the rule about dedicating and killing the lambs themselves. Levites who were properly prepared had to kill the lambs for them. They, nevertheless, were permitted to eat of the Passover meal because they were penitents who were returning to the Lord in response to Hezekiah's invitation. Hezekiah prays that the offenders be pardoned for their ignorance and negligence, but there is no condemnation of Hezekiah or the priests for permitting this exception to the rule.

During the time between the destruction of the Tabernacle and the construction of the Temple, Samuel and presumably other godly leaders had to offer sacrifices that were in violation of the law that permitted only one central sanctuary for Israel (Deuteronomy 12; 1 Samuel 7:9). There is no indication that they were blameworthy in doing this. On the other hand, Saul was not allowed to plead for an emergency exception, when he disobeyed Samuel's direct command to wait for him to offer the sacrifice (1 Samuel 13). In this case the principle cited was: “to obey is better than sacrifice.” Technically, both the sacrifices of Samuel and the sacrifice of Saul were irregular, but there was a great difference between the motivation and attitudes of the two men.

Concern for the Weak

Scripture differentiates between false teachers and their victims. Especially interesting is the wording found in Jude 17-23.

¹⁷ But you, beloved, remember the words which were spoken before by the apostles of our Lord Jesus Christ: ¹⁸ how they told you that there would be mockers in the last time who would walk according to their own ungodly lusts. ¹⁹ These are sensual persons, who cause divisions, not having the Spirit.

²⁰ But you, beloved, building yourselves up on your most holy faith, praying in the Holy Spirit, ²¹ keep yourselves in the love of God, looking for the mercy of our Lord Jesus Christ unto eternal life. ²² And on some have compassion, *making a distinction*; ²³ but others save with fear, pulling them out of the fire, hating even the garment defiled by the flesh. (NKJV)

Jude very sharply condemns the perpetrators of false teaching, the mockers who are causing divisions, but he shows compassion for their victims and urges his readers to make every effort to “snatch them from the fire.” In verse 22 the King James and those translations which follow it read the nominative διακρινομένοι, “making a distinction.” The NIV reads the accusative διακρινομένους, “those who doubt.”

²² Be merciful to *those who doubt*; ²³ snatch others from the fire and save them; to others show mercy, mixed with fear—hating even the clothing stained by corrupted flesh.

The accusative does not make as sharp a differentiation between the false teachers and their victims as the nominative, but in either case the text makes a distinction between the persistent errorists who are hardened in their ways and the weak and wavering, whom we work to rescue from the errorists' grasp.

Analogies from Earthly Law

In the church we cannot base our decisions on human law. Nevertheless, since there is a natural revelation of God's law, human law often preserves elements of that inscribed law, and a valid comparison can be made between human law and divine law. Civil law does not make exceptions for negligence or ignorance of the law, but it does recognize emergencies.

The laws against speeding and going through red lights do not allow exceptions for sleeping in too late and being late for work. However, a need to get a critically injured person to the hospital or to escape from a pursuing murderer would be an emergency. There are also occupational exceptions for police and ambulance drivers as there were for priests working on the Sabbath. The law does not let me shoot a gun in the city, but I might have to shoot to stop a gunman on a murderous rampage, even if this might lead to the tragic accidental death of a hostage or bystander.

Survey of the Historical Data

In this section we will consider statements from church history which demonstrate that orthodox teachers from every era recognized that exceptional cases justified a departure from their normal practices. These statements are cited not to justify the practice of allowing exceptions, but simply to provide evidence of the practice of the church throughout history. They do, however, indicate that the allowance for exceptions defended in the preceding sections of this paper is a continuation of the practice followed by advocates of strict fellowship practices throughout the history of the church.

We will begin with statements from WELS writers on this issue. We will then compare the WELS practice with historical precedent.

I. The WELS

Basic Principles

Our basic principle is that we cannot practice any form of fellowship with a persistent errorist. We can practice fellowship only with those who confess the whole truth. But how do we determine a person's confession?

The key evidence for determining a Christian's confession is that person's church membership. Normally our fellowship relations with a person are determined by whether or not we are in fellowship with his or her church. But is church membership the only evidence which we consider in all such decisions?

To my knowledge the only semi-official response which the WELS has made to this question is the statement adopted by our CICR and the Doctrinal Committee of the ELS in response to questions from the Conference of Authentic Lutherans:

Do we hold that the exercise of church fellowship, especially prayer and altar fellowship, can be decided in every instance solely on the basis of formal church membership, that is, on whether or not the person belongs to a congregation or synod in affiliation with us?

No. Ordinarily this is the basis on which such a question is decided since church fellowship is exercised on the basis of one's confession to the pure Marks of the Church, and ordinarily we express our

confession by our church membership. There may be cases in the exercise of church fellowship where a person's informal confession of faith must also be considered. This is especially true regarding the weak. But whether one is guided by a person's formal or informal confession of faith, in either instance it must in principle be a confession to the full truth of God's Word. In addition, special care must be exercised so as not to cause offense to others or to interfere with another man's ministry. Further, we are not to judge harshly concerning the manner in which a brother pastor after much agonizing handles such difficult cases.⁴

Over the years there has been considerable discussion of this issue. I will illustrate this with a number of quotations, beginning with quotations which emphasize the need for permitting exceptions and concluding with quotations which emphasize the danger of exceptions and caution against them.⁵

The Basis for Exceptions

Professor John Meyer, who played a leading role in our long debate with Missouri, states the basic rule that fellowship with individuals is normally determined by their church membership.

As long as a person is affiliated with a synod with an impure confession, he shares the responsibility for the error. He can meet that responsibility only by testifying in word and, if need be, in deed by withdrawing from his synod. But maintaining his membership and at the same time fellowshiping with members of a church that has a different confession is an inconsistency, an inner lack of truthfulness, which, as such, cannot but lead to a compromising of the gospel in one way or another. It would seem that persons who are in earnest about a synod's confession, be it their own or another, would for that reason shrink back from a selective fellowship, while on the other hand, a readiness for it would indicate an indifference toward synodical confessions.⁶

He states clearly that ordinarily a person's public confession made by his church membership is decisive. Because we most often have no opportunity to examine any other evidence, we must accept the confession which a person makes by his membership as sincere, and we must act accordingly.

We accept every confession of faith as a sincere expression of the real attitude of the heart. In case a clash appears between the confession by mouth and the confession by deed, we accept the confession by deed in preference to the confession by mouth, since deeds speak louder than words. Since we cannot probe the hearts, and since it is impossible for us to look into them except by means of the confession, we take every confession, whether agreeing with our own or not, as genuine, as correctly reflecting the faith of the heart. When understood thus, faith, confession, and doctrine become interchangeable terms.⁷

Prof. Meyer, nevertheless, allows for exceptional cases. In a lengthy essay on prayer fellowship, in which his main concern is to demonstrate that doctrinal agreement is necessary for joint prayer, he offers the following qualification:

We are now assuming ordinary circumstances; we are speaking of the regular order of things, not of exceptional cases where circumstances enter in that clearly change the picture. In our day of accidents, we may at any time become involved in a case which is characterized by the old Latin phrase *in extremis, in extremo mortis*. There may be time left and opportunity for the most essentials only. The separation of a different confession has fallen through the accident; there are just you and the dying person before the face of God. Direct his heart to Christ the Savior. Send a prayer up to God for him. You may also ask him to join you in a prayer committing his spirit into the hand of God. There is no unionism in the case, no violation of the confession. God himself removed all thought of confessional differences by the accident which brought you and the dying man face to face with him.

⁴ *Report to the Ten Districts*, 1976, p 78-79.

⁵ Further discussion of this topic occurs in Bivens, *Wisconsin Lutheran Quarterly*, Winter, 1998, p 25-30.

⁶ John P. Meyer, "Unionism," 1945, in Jahn, p 85.

⁷ John P. Meyer, "Prayer Fellowship," 1949, in Jahn, p 147.

There are some who try to use such exceptional cases for modifying the rules that govern our regular relations. That is confusing. The case cited is marked by the circumstance as clearly exceptional—accidents, though alarmingly increasing in frequency, are still not the order of the day—and therefore as outside the regular line. Exceptions, therefore, far from annulling a rule, rather serve to confirm it.⁸

A tract on prayer fellowship published by the WELS Conference of Presidents when our controversy with Missouri was reaching its height made these observations about the application of the principles of prayer fellowship in special circumstances:

Circumstances Vary, Principles Don't

Those who advocate joint prayer between representatives of Lutheran synods that are not doctrinally one will not be able to obtain clear credentials for their practice. But does this rule out every joint prayer with members of a heterodox synod? Before answering that question, we must remind ourselves that on all occasions where Christians associate with one another, whether in public or in private, whether as synodical representatives or as individuals, the same scriptural principles apply.

What these principles are, this tract has set forth, namely, that it is always the will of God for his believers (a) to manifest in worship and in prayer the fellowship of faith that unites them (Ac 2:42; Eph 5:18-20) until and unless (b) confession of the truth and rejection of error require them to separate (2 Jn 10). These are not legalistic rules but evangelical principles. They are to be applied in the spirit of our Savior, who would not break a bruised reed nor quench a smoking flax. In both these principles, that of fellowship and that of separation, there is inherent the spirit of love and true concern for the spiritual welfare of others. In any given instance, we must do whatever the glory of our Savior and the true edification of the other person may require. This may direct us to join in prayer with others or to refuse to pray with them.

Now we know that there are devout children of God in all synods who unfortunately are not yet informed regarding the matters in controversy and are not aware of their involvement in error through membership in a heterodox synod. I may have an ALC grandmother who has always manifested a simple, childlike faith in her Lord and Savior but who nevertheless is unaware of the intersynodical differences and their implications. When I visit her in the privacy of her home, it might be a grave mistake were I to assert the principle of separation by refusing to pray with her under such circumstances.

What would the Lord have me do? Should I trouble her simple faith with these matters, which are apparently beyond her grasp? Or is it not my plain duty to support and build up her faith by praying with her or otherwise expressing my own faith?

If, however, my cousin is not only aware of the synodical differences but defends his church's errors, I cannot pray with him—not even in the privacy of his home. In order to make clear to him that the error he defends destroys the unity of our faith, I must refuse to join with him in prayer. In cases of this kind, it matters not how close the other person may be to me as a relative or friend; here the word of Jesus applies: "He that loveth father or mother more than me is not worthy of me" (Mt 10:37).

There may be more occasions where prayer together with other Lutheran Christians or even with Christians of other denominations is indicated—in the hospital, for example, at the scene of an accident, or on the battlefield. When peril and imminent death reduce a Christian's confession to no more than a gasping, "Lord Jesus, help me," we pray with that soul in his desperate need, even if he is not a member of our church body. When we stand in the presence of God, one in the awareness of our guilt and one in our complete trust in his saving love, we can unite in prayer as we could have united with the thief on the cross in his simple plea, "Lord, remember me." Let us only be careful that we do not even then compromise the truth nor sanction error.

Finally, we dare not forget that there are those Christians who may be caught in an error, not willfully, but because their understanding of Scripture is insufficient. They are willing to bow to Scripture, but as yet,

⁸ John P. Meyer, "Prayer Fellowship," 1949, in Jahn, p 152.

through human weakness, do not see clearly how the truth of Scripture necessarily rules out their error. What does God say to us concerning such weak Christians? He tells us, “Him that is weak in the faith receive ye, but not to doubtful disputations” (Ro 14:1). *Receive*, he says; *receive* such a weak brother and tenderly help him to overcome his weakness. “Receiving” such a weak Christian means that praying with him may well be in place and God-pleasing, and we trust that God will help him to grow in knowledge and strength. Certainly, this could not be done publicly without offense. And if such a person were to defend the error, even privately, then prayer with him would again be a denial of the Lord.

If we let these two principles guide us, that we manifest our Christian fellowship until confession of the truth and rejection of error require us to separate, then these concrete examples will not represent a policy of exceptions, but will constitute a truly biblical and evangelical practice.⁹

We observe that even in the midst of the controversy with Missouri when there was valid reason for the fear that Missouri would try to justify lax practice as “exceptions to the rule,” our theological leaders clearly maintained the necessity of allowing for exceptional cases, which call for a departure from normal practice.

In a series of popular articles written for laypeople at the time when WELS broke fellowship with Missouri, Armin Schuetze warned against fellowship with members of a heterodox church:

Membership in a church body is an act of confession. Through his membership a person confesses himself to the teachings of that church. In joint expressions of faith that are public, such as, for example, public worship, prayer together in public, and going to the Lord’s Supper together, you would have to judge the other person on the basis of this confession of church membership, which is a public confession. To disregard this public confession would only create offense and confusion. Whoever is a member of a persistently erring church body needs to be avoided in all joint public expressions of faith.¹⁰

In the next paragraph, however, he adds:

But now such a person from an erring church body is with you in your home, or you are in his home. From your private contact with him you know that he confesses trust in Christ as his Savior from sin, that he confesses himself to the Scriptures. It is apparent that his membership in the false church is the result of a still weak faith, which does not fully understand the seriousness of the errors, or it is clear that he actually does not share the errors at all. In this case you have more to go by than the confession of this church membership; there is also his own personal confession before you. And since now in your private personal relationship to him, public offense and confusion is not involved, you may well ask yourself, Is this person one of those of whom the Word of God tells you: “Him that is weak in the faith receive ye, but not to doubtful disputations” (Ro 14:1)? Is this a smoking flax that you are not to quench? Thus, in your private relations where public offense is not involved, you may on the basis of this man’s confession recognize him as a brother in Christ with whom you may also then join in prayer, and that includes table prayer.¹¹

In the three examples cited above WELS spokesmen clearly state the need to allow for exceptional cases.

WELS teachers have also sounded clear warnings against the danger of applying the possibility of exceptions too broadly.

Beware of Exceptions

In this section we will examine quotations from WELS sources which at first glance seem to argue against allowing for any exceptional cases in which factors other than the person’s church membership may be weighed when considering an expression of fellowship. I do not perceive any contradiction or tension between

⁹ WELS COP, “Prayer Fellowship,” 1953, in Jahn, p 392-393.

¹⁰ Armin W. Schuetze, “Timely Topics,” 1961, in Jahn, p 337.

¹¹ Armin W. Schuetze, “Timely Topics,” 1961, in Jahn, p 337-338.

these statements and those cited in the preceding section, but I am treating them separately because some have perceived such a contradiction.

In an essay on Christian brotherhood E. Schaller warns against selective fellowship:

Membership in a church body is confessionally decisive for conclusive action regarding fellowship. Whether we know people personally or not, we shall never come closer to their hearts than when they announce their doctrinal stand by their affiliation. If it develops by personal contact that their affiliation is in conflict with the testimony of their lips and due to ignorance, as symbolized by Absalom's 200 men who went with him in their simplicity and knew not anything (2 Sa 15:11), the problem we face is not one of fellowship but of instruction. Lacking opportunity for the latter, we also lack opportunity for the former, as well as the obligation thereto. Selective fellowship is not a necessity compelled by circumstances; it is a presumption. It means that we arbitrarily go beyond confession in establishing fellowship.¹²

In the next paragraph he adds this statement:

A situation may arise where an individual will, by personal testimony, unmistakably reveal himself to us as a confessing brother despite a confessional affiliation with a heterodox communion, which has not yet been publicly terminated. Pastor A, for example, of the ALC may, in private consultation with Pastor B of the Wisconsin Synod, unequivocally declare himself in accord with the pure doctrine *and disavow the position of his church body*. It has long been recognized that such a one occupies a temporary, anomalous place known as *status confessionis*. What has happened is that Pastor A has privately expressed severance of his ties with the heterodox church, but this is not known except to Pastor B or, let us say, to Pastor B and his conference. Where the testimony vindicates such an estimate of Pastor A, he is undeniably recognizable as a brother. But it is hardly a legitimate contention that he may then be so declared and received into fellowship. For while his private confession may be clear to us, the act of recognizing a brother is essentially a public act and Pastor A's public confession is still heterodox. Therefore, even in such a case, the exercise of selective fellowship would still be improper, since it tends to confuse other brethren and may give offense. Fellowshiping in such a case must wait upon public disavowal of previous affiliations with the heterodox.¹³

The position of Schaller may appear contradictory to that of Meyer cited in the previous section, but since these opinions were published in successive volumes of the *Quarterly*, it seems unlikely that they were perceived as being contradictory. Schaller is rejecting public practice of selective church fellowship. He is also referring to a case in which there is no emergency. He does not specifically deal with the issue of whether any private expression of fellowship is possible beyond recognizing Pastor A as a brother. An interesting comparison with Schaller's position is provided by an unsigned set of theses on prayer fellowship, dated to about 1948, from the fellowship files of John Meyer.

18e. We have, therefore, no Scriptural authority for the legitimacy of prayer fellowship with such as are not in doctrinal and confessional agreement with us. According to Scripture, as shown above, prayer fellowship invariably implies fellowship in faith and in doctrine; and prayer fellowship with members of other church bodies is clearly prohibited in the Word of God, as long as the issues have been raised and are being upheld by those in error.

19. Prayer fellowship with representative groups of the A.L.C. and the A.L.Cf. is permissible at present only
- a. when the individual or the group is clearly *in statu confessionis* over against the wrong teaching and practice within the group of which he or it is a corporate member.
 - b. When the individual or the group comes as a searcher for the truth, not as a contender for any false doctrine or anti-Scriptural position.¹⁴

¹² E. Schaller, "Concerning Christian Brotherhood and Christian Fellowship," 1948, in Jahn, p 163.

¹³ E. Schaller, "Concerning Christian Brotherhood and Christian Fellowship," 1948, in Jahn, p 163-164.

¹⁴ This interesting document is unsigned. If it is not by John Meyer, it may be by P.E. Kretzmann since other documents which Prof. Meyer had received from him were found in this folder.

This statement seems to allow joint public or at least semi-public prayer with members of a heterodox church who have taken a clear public stance against the teachings of their church. It should be noted that it is an unsigned private document.

The following statement, like Schaller's, may appear to disallow a distinction between public and private prayer:

Some one else may object that while church bodies in their Confessions officially proclaim false doctrine, yet there may be members in those very bodies who do not share these erroneous views, yes, who are not even aware of the fact that their church officially teaches an error. Granted. But by their holding membership in the church they stand before the public eye as supporting the error; and if anyone fellowships with them he cannot but appear as condoning it. When Absalom rebelled against his father, we are told, there went with him 200 men out of Jerusalem, that were called. Yet, although they "went in their simplicity and knew not anything," they were rebels in fact nevertheless. (cf. 2 Sam. 15, 11).¹⁵

This statement, however, is by John Meyer, who as we have seen above very clearly believed that there are exceptional cases which permit private prayer with members of a heterodox church. In this statement, which might at first glance appear to contradict Meyer's previous statements, note the words "before the public eye." Meyer is here rejecting selective public fellowship with members of a heterodox church, not to emergency situations or exceptional private situations.

One could quote many WELS statements that simply set forth the principles of fellowship without mentioning possible exceptions. The official WELS theses on fellowship, for example, deal largely with principles. They contain little discussion of applications or difficult cases. Such statements, however, cannot be interpreted as excluding exceptional cases, unless they distinctly say so. Many authors make general statements of the rule, which do not mention exceptions, as well as other more detailed statements which explicitly allow for exceptions. There is no contradiction between such statements. (Jesus' statements on divorce in the Gospels are examples of the same phenomenon. Only in Matthew does he mention the exceptions. Elsewhere he simply states the principle.)

Throughout the long dispute with Missouri and during the years thereafter, the theological leaders of the WELS consistently maintained the public position that there can be no fellowship with false teachers or their adherents. They also maintained that there are cases in which a private recognition of fellowship with members of a heterodox church may be possible if they are clearly "weak brothers" or if they are strong confessors who have taken a public stand against the false teachings of their church. Even in such cases, there should be no practice of public church fellowship. The WELS also recognized exceptional cases due to emergency, such as impending death.

II. Other Sources

This position of the WELS is in harmony with the common fellowship practice of the orthodox church throughout history, although, of course, there were always dissenters at both ends of the spectrum.

The Early Church

The church fathers practiced strict separation from false teachers and also from those who associated with false teachers. Termination of fellowship applied to all expressions of fellowship. Some in the early church went to unscriptural extremes in the practice of discipline by refusing to restore the penitent without a lengthy period of probation and by rejecting the validity of the sacraments of errorists or schismatics. Even those who practiced a very harsh discipline, however, recognized exceptions *in extremo mortis*.

¹⁵ John P. Meyer, *Wisconsin Lutheran Quarterly*, Vol. 38, p 113.

Those sainted martyrs, who were once with us, but who now are seated with Christ and are sharers in His kingdom and partakers with Him in His judgment and who act as His judicial assessors, received certain of the brethren who had fallen away, and who had become chargeable with sacrificing to the idols. And as they saw that the conversion and repentance of such might be acceptable to Him who desires not at all the death of the sinner, but rather his repentance, they proved their sincerity, received them, brought them together again, assembled with them, and had fellowship with them in their prayers and at their festivals. What advice then, brethren, do you give us as regards these? What should we do? Are we to stand forth and act with the decision and judgment which those martyrs formed, to observe the same graciousness with them, and to deal so kindly with those toward whom they showed such compassion? Or are we to treat their decision as an unrighteous one, to constitute ourselves judges of their opinion on such subjects, to throw clemency into tears, and to overturn the established order?

I shall give a more particular account of one case which occurred among us: There was with us a certain Serapion, an aged believer. He had spent his long life blamelessly, but had fallen in the time of trial [the persecution]. Often did this man pray for absolution, but no one gave heed to him; for he had sacrificed to the idols. Falling sick, he continued three successive days dumb and senseless. Recovering a little on the fourth day, he called to him his grandchild and said, "My son, how long do you detain me? Hasten, I entreat you, and absolve me quickly. Summon one of the presbyters to me." And when he had said this, he became speechless again. The boy ran for the presbyter; but it was night, and the man was sick and was consequently unable to come. But as an injunction had been issued by me, that persons at the point of death, if they requested it then, and especially if they had earnestly sought it before, should be absolved, in order that they might depart this life in cheerful hope, he gave the boy a small portion of the Eucharist, telling him to steep it in water and drop it into the old man's mouth. The boy returned bearing the portion; and as he came near, and before he had yet entered, Serapion again recovered, and said, "You have come, my child, and the presbyter was unable to come; but do quickly what you were instructed to do, and so let me depart." The boy steeped the morsel in water, and at once dropped it into the old man's mouth; and after he had swallowed a little of it, he forthwith gave up the ghost. Was he not then manifestly preserved? and did he not continue in life just until he could be absolved, and until through the wiping away of his sins he could be acknowledged for the many good acts he had done? ¹⁶

In his discussion of Communion fellowship quoted below John Gerhard also cites this case of Serapion as support for the Lutheran practice of allowing exceptions to the normal regulations for restoration of fellowship *in extremo mortis*. He also cites the 13th Canon of Nicea as a precedent for exceptions. ¹⁷

The most thorough treatment of the fellowship practices of the early church is Werner Elert's *Eucharist and Church Fellowship in the First Four Centuries*. Elert discusses at length the ancient church's strict practice of what we would call a "unit concept" of fellowship. In several places he also remarks on the exceptions which they permitted to their stringent rules governing the restoration of fellowship.

The early church made an exception of the deathbed.... The Council of Nicea (325) declared that "always and in every case" the bishop should grant the Eucharist to a dying man who desired it after he had examined him... The ruling of Nicea was based on "the old and canonical law" that "is also now to be observed." This does not sound like reference to a synodical resolution passed only a few years earlier. In fact we find the same principle already in Cyprian and in a letter of Bishop Dionysius of Alexandria (247-65). The only difference here from the Nicean decision is that there is no mention of the bishop and that, should the sinner recover and not return to his sin, the reconciliation should remain in force. ¹⁸

This ancient rule allowing exceptional practices *in extremo mortis* had a significant effect on Lutheran ideas about dealing with emergency cases.

¹⁶ Dionysius, *Epistle III, Ch. 10. Ante-Nicene Fathers*, Vol. 6, CD p 218.) (Bk. p 100). (Book and CD pages are different).

¹⁷ John Gerhard, "De Coena Sacra," *Loci Theologici*, Vol. V, p. 219.

¹⁸ W. Elert, *Eucharist and Church Fellowship*, p. 101.

The 15th and 16th Centuries

The Lutheran Reformation was a significant turning point in the discussion of this issue because it joined strict fellowship practices with an evangelical concern for the errorist, which had been largely missing from the Roman Catholic practice of discipline. It also created a new complication as different denominations now shared legal recognition and rights in some territories. Lutherans now saw the need to stand apart from both the Romanists and the Reformed.

After the confessional lines had been clearly drawn, the Lutherans practiced the principle, “no fellowship without doctrinal unity.” They recognized, however, that there were difficult cases and exceptions to normal practice.

In his *Loci* the great dogmatician John Gerhard says:

If excommunicated persons are struck down by a fatal sickness and seek the Holy Supper from the clergy, they are indeed admitted as soon as they have shown that they have repented from the heart of their previous sin and have promised to be reconciled to the church after the restoration of their health. For it is established from the history of the early church that in peril of death people were granted absolution and the Holy Supper before the completion of the penitential period.¹⁹

In his harmony of the four Gospels John Gerhard commented on Jesus’ axiom, “the Sabbath was made for man.”

“The Sabbath was made for man; man was not made for the Sabbath”. This argument of Jesus is based on the account of the institution of the Sabbath. Since man was created before the institution of the Sabbath, therefore man was not made for the Sabbath, but the Sabbath was made for man. That is, the Sabbath was instituted for the use, benefit, and advantage of man....

“God sanctified the Sabbath,” that is, he gave it to man so that he could worship God. Christ beautifully sets this principle against the accusations of the Pharisees: “For the sake of sanctifying the Sabbath you would prefer to have my famished disciples be afflicted by hunger, rather than to have them pick some ears of grain for themselves. In the same way, you would prefer to see people die, rather than to have them healed on the Sabbath. But this attitude is directly contrary to the purpose for which the Sabbath was instituted (Deuteronomy 5:14). The Sabbath was made for man.” The meaning of Jesus’ statement, therefore, is that the external observation of the Sabbath does not require that people be hurt or killed. As the previously cited example of David shows, the law of the Sabbath ought to be set aside for the sake of human need. For it indicates that the Sabbath ought to be observed for the advantage and benefit of man. The disciples would not have died of hunger if they would have had to fast until evening. But because hunger pressed them, they ate the ears of grain they had rubbed out when the opportunity arose for them to obtain food with a little labor by which the sanctifying of the Sabbath was not impeded nor was the ministry disturbed. For in the morning they had been in the synagogue and now they were accompanying Christ on his mission, which was most appropriate. Christ defended this action and at the same time showed that as long as there is no contempt for the public ministry and no disturbance of the Sabbath worship, it is not necessary that a man be affected with even a small inconvenience for the sake of a strict adherence to the external rest of the Sabbath.²⁰ But the same work, if it was done out of contempt for the divine precept or if it interfered with the ministry and the Sabbath worship, would have been ungodly (Numbers 15:35). Thus also the basic principle of the institution of the Sabbath applies to the case we are discussing. But it is also applicable to other cases in other history, such as preferring to have those works which pertain to the spiritual edification of the soul neglected on the Sabbath, rather than to have the external rest of the Sabbath violated. But God shows a quite different purpose for the institution of the Sabbath, namely, the spiritual edification of man (Ezekiel 20:12). And this is the general rule: all ceremonies ought to serve either the outward good of man or ought to be useful for spiritual edification.

¹⁹ John Gerhard, “De Coena Sacra,” *Loci Theologici*, Vol. V, p. 220.

²⁰ The text reads: *propter ocium externum sabbati, hominem ne leui quidem incommodo afficiendum*. *Ocium* is here taken as an alternate spelling of *otium*.

Whenever people are subjected to ceremonies in a way which does not consider these purposes or which is contrary to them, that is clearly a perversion of the ceremony, contrary to the mind and will of the lawgiver.²¹

Throughout this section Gerhard emphasizes that we must never forget the purpose of God's law as we seek to apply it wisely and in accordance with his will.

A huge volume containing cases of casuistry discussed by the Wittenberg faculty during the 1500s and 1600s also gives evidence of their constant wrestling with difficult and exceptional cases. There are many interesting discussions in this volume that should be translated into English. We will refer to a part of a single opinion as an illustration of their approach to our question.

In response to the question whether a Calvinist could be buried with the usual ceremonies in a Lutheran city, the faculty observed that a very necessary distinction must be made between 1) those Calvinists who privately or publicly have received instruction and yet have rejected those admonitions, persisted in their abominations, blasphemed Christ, His Word, and Sacrament, and created public offense in the church, and 2) those Calvinists who in their simplicity and lack of understanding have been misled by others, but who have not been guilty of blasphemy and offense against the Lutheran church. Regarding the simple, seduced Calvinists who did not understand much of Scripture or the controversies, the faculty ruled that their bodies could be laid to rest, accompanied by some assembly of the clergy, the school, and the neighbors and with most of the usual ceremonies, as long as no Calvinist ceremonies were allowed. Concerning the stubborn errorists, the faculty ruled that although they could not be denied burial in the city, it should be with minimal ceremony.²²

We would not concur with all of the specific advice offered by the Wittenberg faculty since we do not face the same dilemmas which arose when there were territorial churches and all the cemeteries were affiliated with the local church. An opinion concerning the burial of Calvinists rendered some years later by Nicholas Hunnius emphasized the reasons for denying such requests for burial. It is, nevertheless, interesting to notice how the faculty tried to find a balance between the responsibilities to give a clear testimony against error and to show concern for weak brothers.

The 19th Century

The 19th century introduced a new phase of the discussion. Now confessional Lutherans were confronted with a new problem: heterodox and unionistic Lutheran churches. Previously, they had taken their fellowship stance largely against the Catholics, the Reformed, and various sects. Now they also had to recognize that they were not one with all Lutherans.

We will begin our survey of this period with the most important confessional leader of this period, C. F. W. Walther of the Missouri Synod.

C. F. W. Walther and the Missouri Synod

Walther was the key figure in the development of the sound fellowship principles and practices which characterized the Synodical Conference. He and his associates and their counterparts in the Wisconsin Synod had to wrestle with a new situation which had not previously existed in Lutheranism—a confusing mix of orthodox and heterodox Lutheran churches in the same territory. After the free conferences of the 1850s and the Election Controversy of the 1880s had drawn a clear confessional line in American Lutheranism, the churches of the Synodical Conference practiced the “unit concept” of fellowship—agreement in all doctrine is necessary for any practice of fellowship, including joint prayer.

²¹ Gerhard, *Harmonia Evangelicae*, Caput XLVII, p 48.8 Translation by J. Brug.

²² *Consilia Theologica Witebergensia*, p 485-486. Rendered in 1614.

Even as the Missouri Synod was developing its clear, firm principles of fellowship Walther always stressed the importance of evangelical practice and of careful dealing with exceptional cases. In his *Pastoral Theology* Walther presents both his insistence on closed communion and his awareness of exceptional cases:

Anyone who does not confess the faith that the true body and blood of Jesus Christ is truly and really present in the holy Supper and so is received by all the communicants, worthy and unworthy, cannot discern the body of the Lord (1 Cor. 11:29) and so is not to be admitted to the holy Supper under any circumstances (See Gerhard, op. cit. sec. 222). But even one who confesses that cannot ordinarily* be admitted if he is and wants to remain, not a member of our orthodox church, but rather a Separatist, Romanist, Reformed, so-called Evangelical or Unionist, Methodist or Baptist, in short, a member of an erring fellowship. For the Sacrament, as it is a seal of faith, is also the banner of the fellowship in which it is administered.

*Namely, except for the case of the fatal emergency, with which we will deal later. ²³

The category of those who are to be turned away from the Supper includes all who have been excommunicated until they reconcile themselves to the church, unless they suddenly come into fatal emergency. The Lower Saxon Church Order says of this case: “If it happens that the excommunicated person, before he lets an improvement be sensed in him, is overcome with harsh, severe, fatal illness, that person’s friends as well as the pastor should absolve him in the presence of witnesses and administer the holy Supper, with the understanding that if the Lord raises him up again from his bed, he does not want to omit public repentance and absolution in the presence of God’s congregation.”²⁴

Walther applies the ancient standard of exceptions *in extremo mortis* both to the restoration of excommunicants and to members of a heterodox church. Walther was dealing with a situation in which scriptural principles of church fellowship were almost totally unknown among the German immigrants who were being gathered into the congregations of the Missouri Synod. In some cases he had to counsel indulgence of the weak for longer than we might advise today when confessional lines have been clearly drawn and ignorance is less excusable. We might not agree with his specific advice in every case, but we agree with both his strict principles and with his patient evangelical practice. Walther expressed his basic guideline in a letter to a pastor who was having difficulty implementing sound church discipline in a congregation which was still weak in its understanding.

In any case, the church order always ought to leave the pastor some leeway to prolong the time according to certain circumstances and certain spiritual conditions. For love must always be the empress of all church order and law, but conversely freedom may not be used as a cover for wickedness.²⁵

Today we might sometimes be uncomfortable with the length to which Walther was sometimes willing to carry this practice. To a mission pastor in California he wrote:

As to your question about the Freemasons, I am of the strong opinion that you should not begin with polemics against Freemasonry. If among them one individual should become evident who learns to love God’s Word, do not burden that one immediately with the condition that he dissolve his connections. That you have to reserve for a later time and you have to bear with the false fellowship for a time as weakness. But don’t say or preach anything as condoning it.²⁶

Walther was addressing the circumstances of a “wild and woolly” mission field in which there was as yet no formally organized congregation with the Lord’s Supper. He advised that in such circumstances the pastor not begin celebration of the Lord’s Supper until a real communion of Christians had been developed.

In 1904, after there had been years of sound instruction available concerning the evils of the lodge, the Synodical Conference heard a sharp response to the question “May an orthodox Lutheran pastor serve a lodge

²³ C.F. W. Walther, *Pastoral Theology*, p 148; German, p 193.

²⁴ C.F. W. Walther, *Pastoral Theology*, p 150; German, p 196-197.

²⁵ C.F. W. Walther, *Letters*, p 125.

²⁶ C.F. W. Walther, *Letters*, p 71.

member with the Lord's Supper?" The answer was a resounding "NO!" But even then this qualification was added:

We repeat what we said in the beginning, that we are speaking of circumstances in which a member of a well-organized congregation is revealed as a lodge member, or in which a pastor comes to a congregation and discovers lodge members have long been tolerated. In this we do not wish to say that there will never be very unusual conditions in which a decision cannot be made simply by the application of an established general rule.²⁷ How to handle these cases must be left to the conscience and wisdom of the individual pastor.²⁸

Here, although the stance against the lodge is stated more emphatically, room is still left for exceptional cases. The 1929 convention of the LCMS wrestled with a report drawing an even sharper line.

Although there has always been a difference of opinion about the question whether a lodge member can be admitted to the Holy Supper under certain conditions, nevertheless, a growing rejection of such a possibility is becoming apparent in confronting the evil of lodges, and there is greater concern that an apparent laxness will gradually undermine discipline. In general our congregations hold that no lodge member can become or remain a communicant or voting member.²⁹

The floor committee report, which took a very strong position against the lodge, nevertheless included this resolve:

Resolved: that we nevertheless do not deny that a conscientious pastor under certain circumstances, in situations which are hard to classify, might admit a person who is still an outward member of the lodge to the Holy Supper. In such a situation, however, the pastor should be careful that the situation does not become drawn out and give offense. For that reason he should openly and conscientiously report concerning the matter to his council, his congregation, his brother pastors, and synodical officials, as the individual case may call for.³⁰

Throughout the years *Lehre und Wehre* and *Der Lutheraner* also continued to warn against the danger of letting so-called "exceptions" undermine the rule.³¹

Just as definitely and clearly as Scripture commands all Christians, "Do not steal," just so clearly and definitely it also commands them to avoid teachers and fellowships which have written doctrines which depart from God's Word on their banner and thus have divided Christendom. Just as God has given no exceptions to the command "Do not steal," so there are no passages in Scripture that allow Christians to practice church fellowship with heterodox teachers and heterodox fellowships in certain circumstances.³²

Other American Lutherans

The possibility of exceptional cases was acknowledged also by those Lutherans outside the Synodical Conference who were trying to implement sound fellowship policies. The Akron/Galesburg rule, "Lutheran altars for Lutheran communicants only," carried with it these limitations:

The exceptions to the rule belong to the sphere of privilege, not of right. The determination of the exceptions is to be made in consonance with these principles, by the conscientious judgment of pastors, as cases arise.³³

²⁷German: über die zu urteilen nicht die Sache einer eine Generalregel abgebende Arbeit ist.

²⁸*Proceedings of the 20th Assembly of the Synodical Conference*. 1904, p 40. Translation: J. Brug.

²⁹*Proceedings*, p 117. Translation: J. Brug.

³⁰*Proceedings*, p 120.

³¹*Lehre und Wehre*, 1873, p 61, p 218-219; *Der Lutheraner*, 1881, p 163; 1889, p. 161.

³²*Der Lutheraner*, 1889, p. 161

³³Document 77 in Wolf, p. 170.

In his theses on the rule Charles Porterfield Krauth comments concerning the strict limitations that must be placed on exceptions to the rule.

Thesis 16: Exceptions as regards the altar...are not cases reached by “general invitation” to the Altar, as of “all who love Jesus in sincerity”...

Thesis 17. Such exceptions may be defined...as cases of peculiar and exceptional necessity...such as are produced by times of pestilence, by imminent death, by close imprisonment, by extreme peril from persecution, for sanguinary and oppressive laws, or tyrannical governments, from real inability to make public confession, or from mental feebleness, or of invincible ignorance which precludes a comprehension of more than the elements of doctrine.³⁴

Unfortunately, the General Council did not practice the rule in the strict manner which was set forth by Krauth in his theses and thereby caused the confusion and offense that made it necessary for the antecedent synods of the WELS to distance themselves from the General Council. Be that as it may, it is nevertheless true that virtually all advocates of the strict practice of closed communion during the 19th century recognized the existence of special cases which required special treatment.

Controversy in Germany

One of the most interesting studies of this issue is “Church Fellowship and Altar Fellowship in the Light of Church History” by Martin Wittenberg.³⁵ Although Wittenberg is inclined to allow for very few or no exceptions in the case of the Lord’s Supper, most of his sources do not agree with him in this view. Other than Tom Hardt, the teachers whom Wittenberg cites, all of them staunch advocates of closed communion, speak of exceptional cases.

Wittenberg cites the Schwabacher *Erklärung* prepared in 1851 under the leadership of Wilhelm Löhe:

There is no emergency situation which demands mixed communion. And so we maintain that there cannot be any such situation. Emergency knows no commandment; but it knows the Commandment of God. God’s Word is above emergency.³⁶

Löhe was one of the staunchest defenders of closed communion in the controversy about communion fellowship in Bavaria in the 19th century. But even he was ready to allow that the extremely difficult situation which isolated confessional Lutherans faced in Bavaria might force them to consider practices that could not ordinarily be tolerated.

If all hope has disappeared to be able to dissuade the pastor with a selfless testimony from holding mixed Communion, then it is of the utmost importance not to become an accessory to the sin of mixed Communion. However, if somehow he should be able to achieve that, at least I do not believe that it would be incorrect if someone in great anguish and desire of the soul were to permit himself to be driven to take the Body and Blood of the Lord from the hands of a Lutheran—I did not say Union or Reformed—but nevertheless a Lutheran pastor who practices mixed Communion. I advise this only under the assumption that such a one is unable to go on a pilgrimage and that he does not thereby become accessory to the guilt of mixed Communion.³⁷

Another of the chief participants in the controversy was Franz Delitzsch. His view was:

Mixed Altar Fellowship is justified under no emergency circumstance. For whatever is against the duty of faith cannot become a duty of love. In mixed congregations which are Lutheran in name and confession it must be openly explained that those who wish to participate in the Holy Supper are expected

³⁴ Document 80 in Wolf, p. 173-174.

³⁵ Martin Wittenberg, “Church Fellowship and Altar Fellowship, *Logia*, Reformation 1992, p 23-57.

³⁶ Wittenberg, p 23.

³⁷ Cited in Wittenberg, p 46.

and demanded to give an oral profession of their heartfelt willingness to belong to the Lutheran Church in word and in deed.³⁸

To this Wittenberg adds the postscript, “It was solely on communing a dying person that Delitzsch wished to leave off the confessional issue.”³⁹

Even those vehement opponents of open or mixed communion of any sort, who present the strongest case for Wittenberg’s position of “no exceptions,” in fact, do not support Wittenberg’s and Hardt’s position, but allow for an exception in the case of peril of death and perhaps under other trying circumstances. Walther, Delitzsch, and Löhe recognize exceptional cases. Whether or not we agree with their specific advice in every individual case, we agree with their determination to fight both for strict principles of fellowship and for evangelical application of those principles.

In the 20th century Herman Sasse echoed many of the argument of Delitzsch and Löhe in an essay against selective fellowship:

Thus we must say that “Selective Fellowship” is no solution to the problem of possible “exceptions” to the rule: “altar fellowship is church fellowship.” Are there exceptions from this rule? We do not ask whether such exceptions have been made. This, of course, has been the case very often.... If altar fellowship is church fellowship according to the New Testament, than nobody can be admitted to the Lord’s Supper who has separated himself from the Church either by schism or by heresy....

There can be no doubt that the New Testament demands from us that we distinguish between true doctrine and false doctrine, between church and heresy. It is quite clear that there is no exception from the rule that altar fellowship is church fellowship....

There is only one border-line case. This is the immediate danger of death.... The border line in these cases is the border-line between time and eternity. On the battle field, or in similar cases of emergency when death is imminent, a minister of Christ may decide that he ought not to refuse the sacrament to a person who believes in Christ as his Savior and wants to receive in faith and penitence that which Christ sacrificed for him at Calvary, his true body and his true blood, before he passes from this world to the judgment seat of God. The pastor will do that on his own responsibility and the Church will approve of that, though in this case she has no right of dispensation. She has to ask for Christ’s own dispensation, knowing that He will not refuse it. This is no “exception,” no “selective fellowship,” and cannot be used to abolish the rule.⁴⁰

One of the most interesting discussions of the topic from 19th century German sources is in an 1869 tract by Karl Ernst.⁴¹

People appeal especially to “necessity” to justify an exception to the rule that the Holy Supper is properly given only to members of our church. In doing this, they appeal to the customary practice of the church of all time, according to which the excommunicated and even the unbaptized were admitted to the sacrament when in peril of death without demanding more of them than the most essential signs of repentance. How strict the limitations on the application of this practice were in our old Lutheran church, however, is revealed to us by one of the church’s most respected dogmaticians, John Gerhard:

If excommunicated persons are struck down by a fatal sickness and seek the Holy Supper from the clergy, they are indeed admitted as soon as they have shown that they have repented from the heart of their previous sin and have promised to be reconciled to the church after the restoration of their health. For it is established from the history of the early church that in peril of death people were granted absolution and the Holy Supper before the completion of the penitential period. (*Loci*, Vol. V, Ch. 21, 222).

³⁸ Cited in Wittenberg, p 43.

³⁹ Wittenberg, p 43.

⁴⁰ Herman Sasse, “Selective Fellowship,” *Logia*, Trinity 1996, p 35.

⁴¹ Karl Ernst was a pastor of the Ev. Luth. Landeskirche of Hannover, who had close contacts with Theodor Harms of the Hannover Ev. Luth. Free Church.

This practice, however, cannot be cited as support for a general “acceptance of guests” at the Lord’s Supper, and I presume also that the other explanations of our fathers in favor of “cases of necessity” cannot be so used.⁴² The essential distinction will always be that which Gerhard clearly expresses. While our fathers speak of an eased reception to our church in case of emergency, the “reception of guests,” on the contrary, refers to the distribution of the Sacrament to those of a different faith who wish to remain in a different church.

From the standpoint of strict ecclesiastical practice one can also raise the question whether “necessity” ever justifies granting absolution to those of a different faith or accepting them to the Holy Supper and to church fellowship without demanding from them the express promise that they will publicly join our church. I would not insist on making such a demand. But “necessity” which would justify admission to the Sacrament must be created by God, not imagined by men. That a Lutheran preacher would say, “A Unionist or Reformed person can’t find a pastor of his faith for miles, therefore I can’t let his soul languish”—that is an imaginary “necessity.” Like Luther we must advise those of our own confessional fellowship that it is better to go without the Sacrament than to enjoy it in a heterodox fellowship. And should we recognize the difficulty for a heterodox person to find a preacher of his own fellowship as a necessity compelling our church to act in contradiction to its own confession? “A necessity made by God” is the kind of imminent peril of death referred to by Gerhard. It is possible to recognize other such emergency circumstances, such as severe attacks on the soul (agony of hell), insanity with intervals of relief, and so on. Such emergency situations, however, never justify admitting people as “guests,” but rather only justify limiting the test for admission to the most essential points. Accordingly, the demand for a promise to join our church after the emergency is over may be omitted, since such a promise belongs to the fruit of repentance, not to its essence. If the strength of the sufferer is not strong enough for him to show visible fruits of repentance, then the Savior’s example must give us the wisdom not to “break a bruised reed or snuff out a smoldering wick,” but only to try to bring it about that “his justice will lead to victory” [Mt 12:20]. This may be illustrated by an example that occurred in our land twenty years ago. One of our beloved brothers in the ministry, who still lives among us, was asked for the Sacrament by a dying Catholic. As he beheld the dying man in the most extreme need, he simply asked, “Do you believe that Jesus Christ is the Lamb of God, who takes away your sin?” Answer: “Yes.” “Do you also believe that he has given me the power to forgive your sins and to distribute to you his true body and blood as a seal of your salvation?” Answer: “Yes.” “So I forgive you all your sins...” That action was correct. If the sick man would have recovered, our fellow pastor would have had to say to him, “See, you are well again. Do not keep sinning or something worse may happen to you [John 5:14]. You will, however, ‘keep sinning’ if you do not now publicly confess the truth of our church, to which you turned when in peril of death.” Had the man been unwilling to follow him, the sin would have rested on the man. The Lutheran pastor would have performed the work of a Good Samaritan for the suffering man.

Such cases, as has been said, have nothing to do with “acceptance of guests,” a concept which was unknown to our fathers.⁴³

There are numerous statements in orthodox writers that the Lord’s Supper can never be an emergency need in the same sense that baptism may be.⁴⁴ The argument that the Lord’s Supper is never an emergency is usually presented in consideration of the question whether a layman should administer the Lord’s Supper when no orthodox pastor is available. Some argued that in this circumstance there can never be an emergency need for Communion since an orthodox pastor can be obtained with time and effort. This argument, however, has no force in the circumstance which we have been concerned with, namely, imminent peril of death. Furthermore, there was always strong dissent against the validity of the argument that communion is never an emergency which justifies a departure from the normal practice of administration of the Sacrament by one’s own pastor. A set of theses concerning the ministry of the *Reiseprediger*, presented to the Western District of the Missouri Synod in 1865, included these arguments:

⁴²German: ich vermuthe, auch die anderen Erklärungen unserer Alten zu Gunsten der Noth nicht.”

⁴³Karl Ernst, “Über Abendmahlsgemeinschaft,” p 25-27. Translation: J. Brug.

⁴⁴This includes the WELS pastoral theology text, *Shepherd Under Christ*, p 94 (p 92 in older editions).

Thesis 2. As a spiritual priest, every Christian has: (1) the office of the Word (2) to baptize (3) to bless or consecrate the holy bread and wine...

Thesis 25. A case of necessity in the administration of Holy Communion without the divine order of the holy office of the ministry is indeed conceivable, but only in case of unusual spiritual trials.⁴⁵

This very interesting document, which has some very “un-Missouri” statements on church and ministry, includes these theses concerning exceptions:

Thesis 9. Love is the queen of all law, much more so of all orders. That is, if in cases of necessity there is no command, how much less is there an order (Matt. 12:7, Rom. 13:10.)

Thesis 12. In cases of necessity one departs from God’s order only in so far as and only so long as the emergency demands.⁴⁶

Striving to combine firm scriptural principles, sound applications, and an evangelical manner when dealing with hard cases was the hallmark of the fathers of the old Synodical Conference’s approach to fellowship questions, including the question of exceptional cases.⁴⁷ They agonized as they struggled to keep the church from going into the ditch on either side of the road, whether by using “exceptions” as an excuse to undermine the rule or by legalistically ignoring genuine exceptions.

Summary

In teaching about church fellowship we should emphasize the scriptural principles. Our official statement on fellowship says very little about practices and applications. It focuses on principles. Nevertheless, we also have to discuss how we are going to apply these principles to situations which pastors face regularly. We should seek agreement on common applications of the principles in similar situations. We also have to recognize, however, that there are difficult cases in which men who are equally committed to practicing the principles may have a different judgment about the best course of action.

The WELS has always been careful to distinguish the scriptural principles themselves from our general practices, which are applications of those principles. (In our statement about male and female roles, for example, the Conference of Presidents was very careful to avoid entangling principles and applications. Only two applications are dealt with to any degree—ordination of women as pastors and voting. Even these are stated in rather general terms.) Although there are never any exceptions to the scriptural principles, there are times when our generally valid practices would not be a true practice of the scriptural principles. Recognizing such cases requires a clear understanding of all of the relevant principles, a firm commitment to honoring them, and an evangelical understanding of special circumstances which may call for a departure, not from the principles, but from our normal practices. This has always been the goal of the teachers of the WELS, and it is in harmony with Scripture and with the approach of the orthodox church throughout history.

Conclusion

Augustine, the wisest of the early church fathers, often was asked to give advice in “hard cases.” He was sometimes very reluctant to accept the responsibility for making the decision. In response to such a letter he advised:

⁴⁵ *Proceedings*, 1865, p 57-72 (p 57, 70). Partially translated in *Moving Frontiers*, p 207-208.

⁴⁶ *Proceedings*, 1865, p 60-61. Translation by J. Brug.

⁴⁷ H.C. Schwan’s “Propositions on Unevangelical Practice” discussed in the *Wisconsin Lutheran Quarterly*, Vol. 50-3 and 50-4 are a good expression of such concerns.

As to ordaining a man who was baptized in the Donatist sect, I cannot take the responsibility of recommending that you do this. It is one thing for you to do it if you are left without alternative; it is another thing for me to advise that you should do it.⁴⁸

This statement concisely summarizes the predicament that confronts every conscientious practitioner of the scriptural principles of church fellowship: we are very reluctant to recommend “exceptions to the rule,” but we recognize that there is sometimes a compelling case for recognizing a genuine exception to our regular practice.

⁴⁸ Augustine, *Letter 245, 4th Group, Post-Nicene Fathers I, Vol. 1, CD p 1197. (Bk. p 588)*

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