

THE WELS VIEW OF CHURCH DISCIPLINE  
SHOULD HELP TO KEEP  
HER DOCTRINAL FELLOWSHIP PURE

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How is the Wisconsin Synod able to keep her doctrine and fellowship practices pure? This is a practical question well worth the asking especially when she finds herself surrounded by other Lutheran church bodies who at one time were staunch defenders of the pure doctrine of Scripture but who are now finding themselves slipping into spiritual unfaithfulness toward their Savior/husband, Jesus Christ. She is slowly finding herself being alienated by those who once joined her in praising her husband. Besides her sister, the Evangelical Lutheran Synod (ELS), there are no other Lutheran church bodies with whom she can fellowship without breaking her marriage vows to her Savior and his Word. This is a sad state when one considers the millions of Lutheran people who will probably die not knowing whether Jesus was their Savior from sin or not. So in order to prevent this from happening to the Wisconsin Synod what must she do? She must continue to hold fast to the Bible as the inspired, inerrant Word of God by faithfully practicing church discipline. This author believes that the proper application of the biblical principles of church discipline will be the major factor in maintaining a pure doctrinal fellowship in the Wisconsin Synod in the years to come.

This paper will deal directly with how the Wisconsin Synod officially views church discipline. It will also show that if her church discipline is carried out as well as it is officially written in her Constitution and Bylaws that she will certainly continue to be a faithful wife and fortress for those who wish to remain inerrantly faithful to their Lord and Savior.

The Wisconsin Synod's view of church discipline is based entirely on biblical principles and their applications. It is true that the disciplinary procedures at the conference, district and synodical levels are somewhat subjective due to the lack of a specified structure of a synod in God's

Word. Yet, the answers to the questions, "Who is to be disciplined?," "What is the procedure?," and "What is the goal of church discipline?," remain the same among these groups of believers also because the basic biblical principles remain the same.

There are a number of Bible passages dealing with the question "Who is to be disciplined?." Matthew 18:15 states: "If your brother sins against you, go and show him his fault,..." This verse speaks about "our brother." From the context the brother is obviously a spiritual brother --a brother in Christ. What this brother does is "sin against you." There is no designation given to the sin involved. It is simply a sin, any sin. Who the "against you" represents is also deliberately left ambiguous. The sin could be against you personally or against you as it is committed against the congregation or church as a whole. Whoever the brother is who commits a sin against you, if what he did is recognized as a sin, he is to be disciplined (the procedure will be spoken about shortly).

Another passage dealing with this same question is I Corinthians 5: 1-2: "It is actually reported that there is sexual immorality among you, and of a kind that does not occur even among pagans: A man has his father's wife. And you are proud! Shouldn't you have rather been filled with grief and put out of your fellowship the man who did this?" The person to be disciplined here is the immoral brother. This case involves the sin of sexual immorality. However, the kind of person that the Apostle Paul is referring to here is the Christian who has made this deliberate sin against God's law a continual characteristic in his life. Paul goes on in verse 11 to show that it is not only the impenitent immoral brother who is to be disciplined: "...you must not associate with anyone who calls himself a brother (in faith) but is sexually immoral or greedy, an idolater or a slanderer, a drunkard or a swindler..." The point is stated quite clearly

that no matter what the sin is, if the brother remains impenitent, he is to be disciplined by his fellow brethren.

A third passage labeling who is to be disciplined is Titus 3:10. Here the Apostle Paul commands: "Warn a divisive person once, and then warn him a second time. After that, have nothing to do with him." This passage points to the "divisive person" as the person to be disciplined. The divisive person is the man or woman who not only knowingly disagrees with a scriptural truth but someone who also attempts to teach others that false doctrine. The divisive person is a sinner of the impenitent variety.

So who is the person to be disciplined? According to the passages the disciplinee is the person who is a fellow brother or sister in Christ who persistently remains impenitent regarding any doctrine of the Bible he has sinned against or to which he knowingly holds a false belief. This is the biblical principle of the person who is to be disciplined. As Professor Brug commented: "It is impenitence which is the ground of excommunication...Impenitance is a refusal to obey God and calls for action by the church no matter what the sin may be of which the person refuses to repent."<sup>1</sup>

There is a second closely-related question whose answer will yield a second biblical principle regarding church discipline. That question is, "What is the proper procedure for carrying out church discipline?" It is easy to see that if a person is allowed to continue to sin without any discipline from the church, the church would not be acting in love. It would be showing about as much love and concern for that man or woman as a parent would be if he allowed his child to continually inhale exhaust fumes from a running automobile. What the person in either case is doing is dangerous. So the impenitent sinner must be disciplined by those who are concerned about his eternal well-being. As Alan Siggelkow

stated, "If the brother sins, brotherly love calls for concern expressed in action."<sup>2</sup> And that action is carrying out church discipline in its biblically structured way.

Matthew chapter 18 has perhaps the clearest reference passage as to how church discipline should be implemented: "If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over" (v.15). Step one in the procedure is to personally go and show the brother who sins his fault. This is to be done when it is seen that this is a sin that is becoming a way of life for that brother. When this is the case, that brother is not allowing the forgiveness Christ has won for him to make him clean in God's eyes. This is a faith-destroying (suicide) attempt by the brother. And out of love for him he must be shown his sin, the serious results of his sin and then instructed as to what to do about it.

If after it becomes clear that the brother will not listen to exhortation and instruction from the individual (and the time element is subjective), it then becomes necessary in love to "take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses'" (v.16). According to this verse the next step for the person is to take a couple of other people along. It is hoped that when two or more of his brothers come to show him his sin that he will be impressed at the seriousness of it. If he is not, however, the witnesses are there to witness his refusal and the guilty brother will be his own judge.

Following this, and again the time element for each case is subjective, "If he refuses to listen to them, tell it to the church;" (v.17). The church refers to the assembly of believers in a local congregation. The impenitent brother needs to hear that all of his brothers and sisters

in Christ believe that his sin is detestable in God's sight and will not be condoned by them. He needs to hear that if he persists in his present course that they will never meet in heaven. All of these steps are tremendously powerful preachings of God's law out of love for the individual. They must not be neglected.

When it is certain that the brother has refused to listen, even to all of his brothers and sisters, then the church is to "treat him as (they) would a pagan or a tax collector" (v.17). It is here that the term and practice of excommunication comes into focus. To be a pagan or a tax collector in the Israelite culture meant that a person did not belong to the Israelite community; he either was never a part of the community or he was a person who had separated himself from the community. So also the person that is to be excommunicated is someone who has separated himself from the Christian community of believers through his impenitence. Excommunication is again a stern preaching of the law, done by the congregation, to make clear to that impenitent person that his impenitence is soul-damning. He is then not to be fellowshiped with in any form by the church nor should he be treated by the people of the congregation as if everything were the same between them except for his no longer being a member.

There can also be a break in fellowship without a need for excommunication, however. The Apostle Paul gives us a case where suspension of fellowship is called for because it involves a person who persistently clings to a doctrinal error which does not necessarily destroy the foundation in Christ. "If anyone does not obey our instruction in this letter, take special note of him. Do not associate with him, in order that he may feel ashamed. Yet do not regard him as an enemy, but warn him as a brother" (II Thess. 3: 15,16). If a person is convinced that the Bible does not command

infant baptism, for instance, yes, he is sinning. Yet, he may out of ignorance truly believe that he is not in error even when shown the passages in Scripture which include infants in Baptism. If this brother still believes in Jesus as his Savior and desires that all his sins be forgiven, he is not to be declared a "pagan and a tax collector," but rather a persistent errorist. And if he should teach his false doctrine to others, he is to be suspended from fellowship because as someone who promotes false doctrine he is a danger to "the unity of the Spirit through the bond of peace" (Eph.4: 3). That person is to be warned. When it becomes clear that he refuses to stop promoting his teaching he is to be suspended from fellowship.

But what is the intended goal of this structured discipline toward the impenitent sinner and persistent errorist? That goal is succinctly and sweetly stated in a statement by the WELS Commission of Review: "In both excommunication and suspension of fellowship the ultimate purpose is to win back an erring brother."<sup>3</sup> If discipline is dominated by love, as it should be, a confession of sin by the person and absolution by a believer is the greatest desire. Church discipline takes sin seriously, without condoning it in any way; it aims at the salvation of the brother.

The context of Matthew 18 points to restored unity as being the main goal of church discipline. The second half of verse 15 states, "If he listens to you, you have won your brother over." The Christian brother or sister will desire to win their brother back to Christ and then to forgive him. The Parable of the Lost Sheep and the Parable of the Unmerciful Servant on either side of Jesus' prescribed procedure for church discipline in God's Word makes the very same point. The Parable of the Lost Sheep shows the tremendous desire for God and us as his children to bring the

lost, wayward sheep back into the fold. The Parable of the Unmerciful Servant points to the fact that God wants unconditional forgiveness towards the person who has confessed his sin and desires forgiveness. These passages alone are enough to show that the main goal of the church in church discipline is to win back the erring person and to restore him into doctrinal fellowship through repentance and forgiveness.

So far it has been clearly shown that church discipline is a scriptural principle. Church discipline must be exercised in love, towards those who are either impenitent or persisting in error in a biblically structured, orderly manner with the main objective being the full reuniting of the sinner with his fellow brothers and sisters in the faith. This principle is clear and straightforward.

There is another question that arises out of this, though, that needs to be answered. That question is, "Who is the discipliner?" Mention has already been made to fellow brothers and sisters in the faith within the local congregation. But the main question raised by a number of Lutheran church bodies is, "What is a congregation?" How far into a synodical structure do the Ministry of the Keys go?

Matthew 18: 17 claims that the right to excommunicate belongs to the local congregation. Toepel writes: "The third step of Church discipline, the excommunication, belongs in the hands of the Church, and the local congregation is meant, for it would be impossible to practice effectual Church discipline if the universal Church were not meant."<sup>4</sup> Therefore, a synod, or other such combination of congregations, should not normally excommunicate anyone without the consent of the congregation.

Yet, the WELS has always taught that Christ did not restrict the command to preach the Law and the Gospel, and thus also the right to practice church discipline, which is a part of preaching the Gospel,



to any group of Christians organized in one special way or place. In verses 18-20 of Matthew 18, immediately following the passage on church discipline, Christ says, "I tell you the truth, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven." Even though this verse could be restricted to the local group of believers with whom he was speaking, hence a local congregation, the following verses give it a different meaning. Christ goes on, "Again, I tell you that if two of you on earth agree about anything you ask for, it will be done for you by my Father in heaven. For where two or three come together in my name, there am I with them." Thus the WELS holds as fact over and against the claims of other church bodies who disagree with Scripture's truth, "Any group of Christians organized to do Christ's work on earth, and are clearly recognizable as such, has the right and command to preach the Gospel, administer the sacraments, and practice Church discipline, including a conference, (district), or a synod."<sup>5</sup>

It is important for a conference, district or synod to be able to practice church discipline. There needs to be a system of checks and balances for all people throughout a synod. If one group of people cannot be called to task by another group for false teaching or practices both anarchy and officialdom become a real threat.

Another point that must be made is that even though every church body can practice church discipline, none has the right or power to make its decisions binding upon any other church body. For example, if there was a disciplinary action taken in a local congregation and the person who was disciplined joined another local congregation of the same fellowship that second congregation would not necessarily have to regard that discipline as a pagan and a tax collector. Nor would a conference, district or synod necessarily be bound to that congregation's decision if they wanted to lift the excommunication.

However, for an effective, harmonious working relationship the local congregations, conferences, districts and synod should stand behind each other's decisions, backing each other up and giving needed support. To do this, not only should church discipline cases be honored by all church bodies but none of the church bodies should even question a disciplinary action unless the disciplinee calls for an appeal against the decision of the church body that disciplined him.

So, what then is the biblical principle of church discipline? It is the God-given command for church bodies to exercise discipline in the biblically prescribed way towards those who are either impenitent or persistent errorists with the hope of restoring the person back into the bond of fellowship. This is the same biblical principle of church discipline that is found in the Wisconsin Synod's Constitution and Bylaws.

There are no biblically prescribed methods of setting up church discipline within a synod or associated groups of congregations. And yet a system of orderly discipline is necessary and vital for the continued doctrinal well-being of a synod. Without discipline, as was mentioned earlier, anarchy or officialdom results. A standardized system of discipline and appeals allows for the necessary discipline as well as the safeguards of an advisory review in the event of a mistake by a disciplining body.

The WELS has developed such a system of orderly discipline and it is found within its Constitution and Bylaws. While the set-up may not be biblically prescribed its church discipline is based on a good, honest attempt at properly applying the prescribed biblical principles. It is on the 1971 and 1987 editions of the WELS Constitution and Bylaws this paper will now focus. A comparison of the two documents will first be employed, followed by the subjective analysis of this writer. Following this, a comparison of the LC-MS Constitution and Bylaws will be endeavored

along with an analysis of how well this document applies the biblical principle of church discipline.

In the Wisconsin Synod, original jurisdiction of all cases involving laypeople and a called pastor or teacher rests on the congregation. It is the congregation's responsibility to see to it that those within their member fellowship are adhering to Scripture both in doctrine and practice. It is also at the congregational level where a willful neglect of duty and an established inability to perform the duties of the office of a pastor or teacher are to be recognized and dealt with as necessary. The congregation has been given the privilege and the responsibility to exercise church discipline by God and it must lovingly exert that command for the eternal spiritual welfare of its and the entire Synod's membership.

In the same light, it is the congregation's privilege and responsibility before God to reinstate into the congregation the excommunicated or suspended member who repents of his sin. Before God and man the congregation is to assure the repentant believer that his sins are forgiven and that all former rights and privileges are once again his. The scriptural principle of church discipline comes full circle within the congregation in this set-up.

It is at the congregational level that the majority of the church discipline cases are handled. This is the wisest practice because it is at this level that people personally know each other the best. At least someone, most of the time, knows where someone else or other works, lives, plays, etc. It is here where the closest personal relationships develop so that exhortation and encouragement can be given regularly by many others. This is the key level where it ~~will be~~ necessary to exercise church discipline effectively if the Wisconsin Synod's doctrinal fellowship will be kept pure.

The general make-up of the 1971 document regarding the districts' jurisdiction in church discipline was advisory and appellate to the congregation. It was also appellate to the respective board or commission involved with the discipline of the faculty members of Synod's educational institutions, of the area high schools and of the executive officers of synodical boards and commissions.

Another function of the district was to exercise discipline towards the pastors, teachers, self-supporting congregations and mission congregations. It must be remembered that the congregation is responsible for the doctrine and practices of all its members. However, if the congregation failed to carry out its responsibility the 1971 Synod document had provisions for the district to deal with the matter as lovingly and efficiently as possible.

A third action of the district was to discipline and suspend a district president and vice presidents if necessary. It was necessary that the visiting elders (circuit pastors-1987) and top district officials, other than the party considered for suspension and discipline, concur before any suspension be carried out. Following the suspension the district would then meet in special convention within 60 days to determine the course of discipline.

According to the 1971 Constitution and Bylaws all materials relative to a disciplinary action along with a detailed report of the proceedings were to be sent to the president of the synod within 60 days of the conclusion of the disciplinary action.

Before proceeding any further mention ought to be made of the importance of a structured time frame when working with the discipline cases. It is necessary to promptly deal with church discipline. And the Wisconsin Synod's Bylaws show that their writers and subscribers agree with this. No more than 60 days are to pass before the district

is to meet in convention to deal with the suspension of its president or vice presidents. No more than 60 days are to pass between the time the district decides a discipline case and the report of that case is in the synod president's hands. After decisions have been made proper action needs to be taken immediately to insure and relieve consciences that the doctrinal fellowship is being kept pure. Confidence in and respect for church bodies is developed when their fellow brothers and sisters recognize that there is no delay when it comes to dealing with those who have been shown to be impenitent or persistent errorists.

However, no matter how true these statements may be when it comes to quickly dealing with those who have been shown to be in error in either doctrine or practice, quickness should never be the main factor when it comes to admonishing a fellow brother or sister (or even a whole synodical body of believers with whom a group of believers is in fellowship) who may be living in error. Time and patience is what is necessary to give a person or church body a chance to be convicted by the Holy Spirit and to repent. The Scripture does not give a one-two-three and out theology. It gives example upon example of patient persistence when dealing with an errorist. The time element when exhorting and admonishing a sinner is very subjective. It is a judgment call that is made after an individual or church body (and each one is different) is definitely in an error of which he or it is not willing to repent. This point is made here because the Wisconsin Synod has been accused of being too slow when it comes to church discipline especially at the break-up of the Synodical Conference. But the Constitution and Bylaws of the Wisconsin Synod have correctly given exact lengths of time to those time periods before or after a decision has been made. And it has left those time periods of review open so that a person's true state of repentance or persistence in error may be established so that the true doctrinal fellowship may be kept pure.

The 1987 WELS Constitution and Bylaws concurred that all of these previously mentioned aspects of the 1971 document were good. So they left them as such. The only difference noted was that the world missionaries, except for the Apache Indian Mission and the Spanish Missions within the confines of the districts, were no longer under the jurisdiction of any district. Rather, the respective executive committee would exercise original jurisdiction. Then the Board for World Missions and the Synod would exercise appellate jurisdiction successively.

It would have been difficult for any district to have dealt with the case as effectively and efficiently as the executive committee who knew the men and the foreign mission field the best. This author wholeheartedly agrees with no longer having the world missionaries under the jurisdiction of any district. The districts are too far removed from the whole picture to be the best choice.

The 1971 document also contained a paragraph on the Rights of the Disciplined Party. The district president was to write the disciplined party and advise him of his right to appeal. The letter was to be sent within 30 days of the completion of the disciplinary action and was to contain a copy of Article XXIV entitled Appeals to the Synod. The only difference in the 1987 document was that the article Appeals to the District was to be added to the letter.

The addition of the extra article was good because it gave the person the appeal procedures not only to Synod, ultimately, but also to the district which would logically be the next step. It was also an orderly way to show the appellant that the procedures just used in hearing his case were proper.

The Appeals to the District was a rather lengthy article. In both the 1971 and 1987 documents the material was the same. In short it stated

that any person who had been disciplined by a circuit pastor, district president or praesidium, or a synodical board or commission could appeal the decision either to the district president who would appoint a 5-man commission of review or to the convention of the district who would vote by ballot and choose 5 men from a list of ten for a commission of review. The case would be reviewed by the commission, brought before the convention in a matter satisfactory to all, and then either adopted or not by the convention.

In addition to this the 1987 document added a totally new article: Appeals by Laypersons. Because of the intracongregational nature of the cases, the district would simply be acting in an advisory capacity. The district would appoint a 3-member panel, one of whom was a layman, after the appellant's request was received in writing by the district president and by the congregation. The review would be conducted by the panel in any way they thought best. Their decision would be the final disposition of the case with a copy of the decision sent to the appellant, circuit pastor, and district president within 30 days of the decision.

The addition of Appeals by Laypersons is noteworthy. Not only does it clarify questions that a layperson would have if considering an appeal, but it also helps the layman see himself as an individual person that the district and the Synod is concerned about and want to serve as well as possible.

The district is the first step in the appellate procedure. As a church body it too can practice church discipline with the goal of restoring unity of fellowship with the person. It also serves as an advisory committee to help congregations make biblical decisions concerning discipline and to help congregations rectify a harsh, hasty, or overdue decision to act or wait.

It is very comforting to know that the district is there to give assistance to its congregations and members. Appealing to the Synod or asking for help could be frightening because Synod appears so far removed from the one congregation. The district is like a middleman for the disciplined party. There could be no accusations given of unfairness due to a lack of understanding the area or people because the district people are close enough to the situation to deal with the problem well.

At the synodical level in both the 1971 and 1987 editions of the document the Synod holds the final appellate jurisdiction. Synod is not to become involved in intracongregational, board, commission or district disciplinary affairs until after Synod has received a proper appeal. The only cases in which the Synod exercises sole jurisdiction are in the cases not specified in Section 7.25 (1987) and Section 12.01 (1971)

Jurisdiction in Disciplinary Actions:

Any person or congregation could appeal to Synod if Synod had appellate jurisdiction according to the 1971 document. They could either appeal to the president of the Synod, in which event the praesidium of the Synod would appoint a 5-member Commission of Review, or they could appeal to the Convention of the Synod. If this route was employed the Commission of Review would be selected by ballot from 10 men nominated by the praesidium of the Synod. The review and final disposition of the appeal would rest with the Commission of Review when it was adopted by the convention.

The document of 1987 kept this order of procedure with one minor alteration. Instead of the praesidium selecting a 5-man Commission of Review after the appeal was made to the president the president would choose the commission. This would be helpful because the president himself would be directly involved in the selection process without having to call the whole praesidium together.



Another difference in the Bylaws of the 1987 document was the addition of Appeals from Removal of Office. In this section (7.50) the appeal was made by either a pastor or teacher whose inability to perform his duties was supposedly established. He would appeal to the president of the Synod. If it was the removal of a pastor, a panel consisting of a peer from another district, a synodical vice-president, and a member of the faculty of WLS would preside over the review. If it was the removal of a teacher, a panel consisting of a peer from another district, a district president from another district, and a member of the faculty of DMLC would preside over the review. The decision of the panel would be the final disposition of the case. If the panel would rule in favor of the pastor or the teacher he would be restored on the official list of pastors and teachers as well as declared eligible for a call into the ministry.

This is an important and well thought out addition to the 1987 Bylaws. At times there is not a clear distinction between suspension and removal from office. This appeal process is not open to those who have been suspended, only those removed because of inability to fulfill the role. The panel of 3 with the peer from another district and a synodical vice-president and faculty member of WLS (for a pastor) or district president of another district and faculty member of DMLC (for a teacher) are opportune. The peer can relate to the man's situation because he especially is able to understand whether what was expected of the called worker is common to all or not, the faculty member is able to reiterate what was taught at the school and what is expected of a pastor or teacher, and the vice-president and district president are the official synodical representatives and liasons. The only question by this author would be, "Why doesn't the teacher get a vice-president?" Is it because there are more teachers than pastors and more district presidents than vice presidents? Therefore, the best working ratio? Nonetheless, this

additional process is a fine addition.

The Synod is the final step in the orderly appellate procedure. Like the district, Synod too is a church body. It has the God-given and commanded right to exercise church discipline. Synod has the final authority to determine whether or not a person or congregation remains a member of the Synod or not.

Synod's involvement in church discipline is also encouraging. To know that every member of the Synod is concerned about everyone else's eternal spiritual welfare and the purity of their doctrinal fellowship is heartening. The Wisconsin Synod has been blessed with men who are willing to make church discipline judgments even at the synodical level.

However, getting back to the system of checks and balances, if the Synod is biblically wrong about a discipline case, a person or congregation is not bound by the Synod to either remain a member of it or to disband as a congregation. The person or congregation may no longer be recognized by the Synod as a fellow member but the Synod cannot bind the conscience of the person or congregation to accept Synod's judgment of sin and remain within the Synod's fellowship. The cycle of church discipline is complete.

It is felt by the author that only a general analysis of the 1971 and 1987 WELS documents is necessary at this point. The reason for this is because all of the disciplinary procedures are proper applications of biblically sound principles. Generally speaking, the congregation has original jurisdiction in the cases of members whose relationship to the congregation is either that of a called worker or a lay member. The district has appellate jurisdiction to any member of any congregation within its district, any Synod school faculty, area high-school faculty, and any executive officer of a synodical board or commission. The district has original jurisdiction over any of the congregations and the

elected officials of the district. The Synod has the final appellate jurisdiction to all of the above plus world missionaries. It has sole jurisdiction over any case not specified in Sections 7.25 (1987) and 12.01 (1971).

These constitutions show well that the Ministry of the Keys can and must be used by the circuit, conference, synodical boards and commissions, districts and the Synod as well as the congregation. The plan for using the Keys is well laid out and structured. Yet even though there is much positive to say about the Constitution and Bylaws, there is definite room for improvement. One could ask for the procedure in an infinite number of cases. This would be unnecessary. But there are charges by the Protestants that the Wisconsin Synod is based on an officialdom -- where the Synod is run by pope-like officials at the upper end of the synodical structure, and nowhere is it stated directly how the president of the Synod is disciplined. This would be appropriate in the Bylaws of the Synod. Another case, what would be the proper procedure for disciplining a vice-president of Synod who is also a district president and a parish pastor? Who should deal with him first, the congregation, district or synod? Should it be the first group who notices the problem or will Synod take control because it involves a Synod official? What is an orderly application of the church discipline here concerning the relationship between a congregation and Synod? These are important applications to be made and presented in the Constitution and Bylaws.

The official position of the Wisconsin Synod on church discipline is very well presented and in great detail. There is relatively little change between the 1971 and 1987 Constitution and Bylaws documents regarding church discipline. The major difference was the addition of 1) Appeals by Laypersons and 2) Appeals from Removal of Office. These were positive additions because they more clearly spelled out the appeal process so that

no one could come back to the Synod and say, "I didn't know what to do!" This author hopes that more expansions and clarifications as were mentioned in these last two paragraphs will be put into the next edition.

Church discipline is an important issue in the 1987 WELS Constitution and Bylaws. But church discipline does not only hold an important spot in the Wisconsin Synod document. That same topic also fills up many pages in the 1986 Missouri Synod Handbook of that year's Synod Convention Resolutions. There are many differences between the two documents, however. What this portion of the paper will now do is compare the major differences between these two documents and analyze why this author feels that those differences are so important in maintaining a pure doctrinal fellowship.

At the congregational level, church discipline, according to a publication entitled, "Church Discipline in the Christian Congregation -- A Report of the Commission of Theology and Church Relations of the Lutheran Church-Missouri Synod November 1985," in the areas of excommunication, removal of a pastor or teacher, and reinstatement into the congregation, the why's and how's of church discipline, were almost identical to that of the Wisconsin Synod. The major difference between the two documents was under the section "Termination of Fellowship." The LC-MS did not have one. According to the Bible a persistent errorist who propounds his error is to be put out of the church whether his error is an error regarding a fundamental (faith destroying) doctrine or any other doctrine. The degree of discipline will vary according to the level of doctrine of which a person is a persistent errorist. But the person must be put out of the church for the continued purity of doctrinal fellowship. The official view of the Missouri Synod document is that only those involved in a faith destroying error are to be put out of the Church. Those who are in

error of a non-fundamental doctrine variety are not to be put out of the church even though the publication admitted that any error persistently held to could very well lead to a self-exclusion from the fellowship of God's family, ultimately. According to Scripture the person is to be warned once, then a second time and then you are to have nothing to do with him. This is what Scripture says. If a church body chooses to keep the non-fundamental errorist a part of the church it is leaving itself wide open for a tremendous diversity of false doctrinal beliefs to find refuge behind its doors. Excluding the errorist is what must be done by the congregation of believers if the persistent errorist is going to repent of his sinful error and be united back into God's fold. The subscribers to the Wisconsin Synod document hold this to be true.

Within the district and synodical levels there is one huge prevailing difference: the Wisconsin Synod believes the biblical principle that both the district and Synod are bodies recognized as doing the work of Christ and are therefore considered congregational church bodies who have the God-given right and command to practice church discipline; whereas the Missouri Synod believes that only the local congregation has the right and command to practice church discipline. So the district and Synod are not able to use the Ministry of the Keys.

This point is clearly seen when one takes a look at the terminology employed in the two documents. The Wisconsin Synod uses terms like circuit pastor, and the disciplined party towards all whom an action is taken. The Missouri Synod uses terms like circuit counselor, ecclesiastical supervisor, adjudication, venue, and termination. It is clear that the LC-MS considers its district and Synod to be more of a religious corporate ladder that legally handles adjudication and appeals than a fellow church body whose sole purpose is to advise and assist the local congregation in carrying out the work of the church which Christ has given it to do.

Another interesting difference between the two synod's methods of handling church discipline was the freedom that the district presidents and the synodical presidents had. In both synods each of these men had to give their cases over to review commissions for investigation. But as was pointed out in the Missouri Synod document, the presidents had the authority to refuse to institute termination proceedings. In their subjective opinion alone, if they feel that a case is not strong enough against someone to terminate him or her both district and synod presidents could pass the case by. The power of the presidents in the Missouri Synod on religious issues is perhaps too great.

There is no choice like that in the Wisconsin Synod document. If a case has been brought to the proper appellate and jurisdictional attention of a district president or the synod president the president has no choice in the matter whether to investigate or drop the case. He must appoint a panel of review and let them decide the case. The Wisconsin Synod as a church body is officially bound to help and support every individual and church group possible. The Wisconsin Synod is officially bound to make every attempt at keeping her doctrinal fellowship pure.

Perhaps the biggest problem this author sees with the Missouri Synod's Constitution and Bylaws are the many places where ambiguous, indefinite words are used when more specific words and phrases would clarify things a great deal. A few cases in point: "After an ecclesiastical supervisor receives 'information' about an individual member..." What the information needed is never made clear. "The appellant is to present his case in writing to the appropriate officer so that he 'may' appoint a 'small' committee to assist..." The terms are ambiguous and confusing.

The Missouri Synod document did give many specifics as well. The problem was that they were somewhat inconsistent. And when there are so many ambiguous words in a constitution and bylaws it is easy for suspension

and termination cases to either get lost in the shuffle or take so much time to resolve that a great deal more doctrinal fellowship damage is done. A prime example of this very point is in the Missouri Synod document itself. Unlike the Wisconsin Synod, where a person is suspended from the preaching or teaching ministry if enough evidence has been brought forward to substantiate the disciplinary action, the Missouri Synod document restricts a called worker's membership status first. The person is simply restricted in his duties and is ineligible for a call to another position of service. Then after a time of review, if found guilty, the person is then suspended from his position. Later on his membership may be terminated depending upon what the Commission on Adjudication decides plus whatever appeals are made to the Commission on Appeals. False doctrine and evil practices can spread so rapidly. Time and distance from false doctrine are of the essence.

Another point worth mentioning in showing that the district and Synod of the Missouri Synod are closer to being considered parts of a corporation than church bodies is the fact that in the Bylaws lawyers are a constituent part of every Commission on Adjudication and Appeals. On each commission there are four and five ordained clergy respectively with three and four laymen respectively of whom at least two must be lawyers. This is interesting when one compares the make-up of commissions and panels of review of the Wisconsin Synod. Any God-fearing layman will do on an appellate panel or commission in the district or Synod where such a person is called for in the Bylaws of the Wisconsin Synod. This practice points to the fact that the district and Synod are simply church bodies of believers appointed to do Christ's work.

It is beneficial for the Wisconsin Synod to take a look at the Constitution and Bylaws of the LC-MS. They certainly are an intricate

system of checks and balances. The Missouri Synod's Constitution and Bylaws are the checks and balances of a corporation attempting to run things as smoothly as possible. The main emphasis of their discipline must be one of "reform or get out." What the Missouri Synod's document will accomplish, as far as terminating memberships in the Synod, should be similar to what the Wisconsin Synod will accomplish if the Missouri Synod truly would apply in the real world what they officially have down on paper. This author's analysis of the Missouri Synod's official scope of disciplining at the district and synodical levels is that their scope is adequate to expel the impenitent and persistent errorist from doctrinal fellowship with the Synod. However, the reason for exercising discipline at those levels is not so much to keep a pure doctrinal fellowship alive as it is to keep a well-oiled machine from becoming too bogged down with problems.

The main difference in the Wisconsin Synod is that church discipline is an expression of love both for the eternal welfare of souls and for the eternal life-giving Word of God. Church discipline seeks to protect both of these precious commodities in a way that is misunderstood by many people today. So many people view discipline as a loveless attempt to make a member of a group either reform or get out. It is easy for Christians to take this worldly view when applying church discipline. But this is not the view that the Constitution and Bylaws of the Wisconsin Evangelical Lutheran Synod presents. Her view of church discipline is to show the erring brother or sister the glories of God's grace -- not to reform for reform's sake. Then if the person is still unwilling to see God's grace through Christ for what it is then the Wisconsin Synod's desire is to urge them in the strongest way possible to repent and believe in Jesus as their Savior and Lord. The world's reason for discipline is



fear that someone will differ from it. The Wisconsin Synod's reason for discipline is love for the person's soul and a desire to keep her doctrinal fellowship pure. God commands church discipline. If it is not used, anarchy and officialdom will result. But if it is used properly, as God intends, the Wisconsin Synod's doctrinal fellowship will remain pure and bear fruit.

#### Endnotes

1. John F. Brug, "The Terminology of Church Discipline: Excommunication, Suspension, Removal, etc.," (Ohio Conference, Grove City, Ohio, 1976, Wisconsin Lutheran Seminary: Essay File), p. 6.
2. Alan H. Siggelkow, "Excommunication versus Self-Exclusion; an exegesis of Matthew, chapter 18," (Metro South-North Joint Pastors Conference, November 16, 1981, Wisconsin Lutheran Seminary: Essay File), p. 9.
3. WELS Commission of Review, "A Statement on Excommunication and Suspension from Membership in a Congregation," (March 11, 1975, Wisconsin Lutheran Seminary: Essay File), p. 1.
4. Martin R. Toepel, "What Right of Appeal is open to an Excommunicate? (A Study of Excommunication," (June 1964, Wisconsin Lutheran Seminary: Essay File), p. 7.
5. Ibid, p. 8.

THE WISCONSIN SYNOD'S SYNODICAL, DISTRICT, AND CONGREGATIONAL LEVEL CONSTITUTION AND BYLAWS

<u>Congregational Level</u>	1971	1987
Excommunication	Art.5 Sec.3—Inpenitent sinners & Evaders of Matt. 18: 15-18; Lose all rights in cong. & property; Unanimous vote of voter's asserbly required	Same
Termination of Fellowship	Art.5 Sec.5—Persistent errorist of non-fundamental doctrine or practice; Lose all rights in cong. & propty	Same
Reinstatement	Art.5 Sec.4—Excommunicated or terminated member repents; Reinstated with all former rights and priviledges of cong.	Same
Removal of pastor or teacher	Art.9 Sec.2—Persistent adherence to false doctrine, Scandalous life, Willful neglect of duty, or Established inability to perform duties of office; Advice and counsel of appropriate district officer sought	Same
<u>District Level</u>		
Discipline of Pastors, Teachers, Self-supporting congs. & mission congs	Art. XXII Sec.1—District where membership held shall exercise original jurisdiction	Same Note: World missionaries (except Apache Indian & Spanish missions within districts) not under jurisdiction of districts
Discipline of faculty members of Synod's educ institutions, of area high schools & exec. officers of Synodical board & commissions	Art.XXII Sec.2—District where appellant holds membership exercises appellate jurisdiction after respective board or commission exercises original jurisdiction	Same
Suspension of District Pres.	Art.XXII Sec.3—For cause with approval of the two VP's & District visiting elders; Within 60 days special conv of District called to consider disciplinary action	Same Note: Circuit Pastors instead of visiting elders
Suspension of District V.P.	Art.XXII Sec.3—By D.P. for cause with approval of remaining V.P. & District visiting elders; Within 60 days special conv. of District called to consider disciplinary action	Same Note: Circuit Pastors instead of visiting elders
All materials relative to a disciplinary action along with report of proceedings	Art.XXII Sec.5—Filed by acting district with Pres. of Synod within 60 days that disciplinary action concluded	Same
<u>Rights of the Disciplined Party</u>	Art.XXV—Any person or cong disciplined advised by D.P. of right of appeal within 30 days of completion of disciplinary action; Copy of Art.XXIV (Appeals to the Synod) included in letter	Same Note: Also a copy of Art.XXIII (Appeals to the District) sent in letter to disciplined party
<u>Appeals to the District</u>	Art.XXIII—Any person subject to disciplinary action by Circuit pastor, D.P., or a Synodical board or commission; Addressed either to D.P. or to conv. of District of which a member; Appeal in writing to D.P. and to party who disciplined; Case reviewed by special District Commission of Review composed of 5 uninterested members; If appealed to D.P., praesidium of District appoint the District Commission of Review; If appealed to conv. of District, District Commission of Review elected by ballot from list of 10 candidates selected by praesidium of District; Review of case rests solely with Commission of Review who can examine	Same Note: Appeals by Laypersons (Art.XXV) added; D.P. sends 3-member panel of review, one being a layman; Review in advisory capacity, documenting evidence & testimony; Decision of panel is final disposition of appeal; Within 30 days, results of decision sent to all involved parties

all evidence in case; Final disposition of appeal when adopted by conv.; If propriety of D.P. questioned, chairman of commission becomes presiding officer; Until District Conv. takes action, decision of party who disciplined will stand & be respected by all; No Synod action until conv. officially acts

Synodical Level

Discipline of missionary

Sec.12.01d—Synod holds final appellate jurisdiction

Same (7.25d)

Discipline of Teachers, Pastors, Missionaries, Congs., Faculties of Synod's educ. institutions, & Exec. officers of Syn. boards and commissions

Sec.12.01a&b—Synod holds appellate jurisdiction (after District—b)

Same (7.25a&b)

Appeals to Synod

Sec.12.03—Any person or cong. may appeal to Synod if Synod has appellate jurisdiction; Appeal to Pres., Praesidium of Synod appoints 5-member Commission of Review; Appeal to conv. of Synod, Commission of Review elected by ballot from 10 nominated by Praesidium of Synod; Review and final disposition of appeal rests with Com. of Review when adopted by conv.; Until conv., action taken previously respected by all

Same (7.35)

Note: c—Appeal to Pres., Pres. of Synod appoint 5-man Commission of Review  
 Note: Appeals from Removal of Office (Sec.7.50) add: Removl for established inability to perform duties; Request for review addressed to Pres. of Synod; Removal of Pastor—panel of peer from another district, synodical V.P., and Member of faculty of WELS; Removal of Teacher—panel of peer from another district, D.P. from another district, Member of faculty of DMIC; Review rests solely on panel; If panel rules in favor of pastor or teacher, restored on official list & declared eligible for call into ministry; Decision of panel is final disposition of case

<u>Congregational Level</u>	1985-86
Excommunication	Unanimous vote preferable; <u>Impenitent sinner</u> involved in faith-destroying sin or faith-destroying error; Excluded from cong.
Termination of fellowship	*None—only persistent errorists involved in fundamental doctrine can be excluded from cong.
Reinstatement	Excommunicated person repents, is absolved and has all former rights and privileges of membership again
Removal of Pastor or Teacher	Unbecoming conduct or adherence to false doctrine
<u>District and Synodical Levels</u>	
Termination of Pastors, Teachers, Missionaries, Congregations, & Exec. officers of Synodical boards and commissions	After <u>Ecclesiastical Supervisor</u> (D.P.) receives "information" about individual member of Synod, he investigates and determines good standing as questionable, he may <u>restrict membership status</u> : 1) Subjective restrictions on allowing to serve in cong. & 2) Ineligible to accept call to another position of service in Synod; If information substantiated then he may <u>suspend</u> the member or cong. of Synod; He then presents case to <u>Commission on Adjudication</u> of his district who decides "promptly" whether membership in Synod should be terminated or not; If D.P. declines to commence action, the Pres. of Synod may be petitioned to institute proceedings; Both D.P. and Synod Pres. open to refuse to institute termination proceedings
Discipline of faculty members of Synod's educ. institutions	Faculty member removed from office for 1) Professional incompetency, 2) Incapacity for the performance of duty, 3) Refusal to cooperate, 4) Neglect or refuse to perform the duties of office, 5) Conduct unbecoming a Christian, 6) Advocacy of false doctrine or failure to uphold the doctrinal position of the Synod; Original jurisdiction goes to Board of Regents; Subsequent jurisdiction to the District and Synod
<u>Appeals to District and Synod</u>	Desire informal efforts at reconciliation first—present case in writing to appropriate officer so that he "may" appoint a "small" committee to assist in reconciliation efforts; Congregation's right of self-government recognized; When decision on an issue, Commission on Adjudication is advisory; If cong. does not agree with decision the district will need to deal with them in way appropriate; District and Synodical Commissions on Adjudication consist of four ordained clergy and three laymen—at least two of whom are lawyers; District and Synodical Commissions on appeals consist of five ordained clergy and four laymen—at least two of whom are lawyers; Individuals may be disqualified from any case if conflict of interest is deemed by any party concerned; Jurisdiction of District Commissions is questions involving congregations (differences between and disciplinary), pastors and teachers of synodical congs., and those holding positions in a District of the Synod; Jurisdiction of the Synodical Commissions is those areas of which Synod itself is a party where District itself is acting questionably, in matters in which an organization owned and controlled by Synod is a party, in which a person holds a position in Synod or an organization owned and controlled by Synod; Jurisdiction of Commission on Appeal is the appeals received after decision of Commission on adjudication; All final decisions of the Commission on Appeals of the Synod and all unappealed decisions of a Commission on Adjudication shall be binding on all parties to the case and not subject to review, reversal, amendment, or modification;

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