

THE DUSTY BINDING KEY:
APPLYING EXCOMMUNICATION TO WANDERING SHEEP

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ABSTRACT

Excommunication, once understood as a pastoral act of love grounded in Christ's command, has become a rarely used and often misunderstood practice within modern Lutheran congregations. This thesis argues that the decreased use of excommunication does not arise from doctrinal disagreement but from fear of misuse, legalism, and a lack of clear teaching on its biblical purpose and proper application. Building on Matthew 18 as the scriptural foundation, and supported by texts such as 1 Corinthians 5, this study reviews the historical understanding of excommunication from Luther, Gerhard, and Walther, emphasizing its intended role as part of the ministry of the keys. Contemporary attitudes and practices were examined through surveys and interviews with over forty WELS pastors, revealing hesitations rooted in past abuses, unclear terminology, and insufficient congregational catechesis. The findings suggest that when excommunication is carefully taught and patiently implemented with pastoral and congregational involvement, it functions not as punitive removal but as a compassionate call to repentance. Several case studies demonstrate that, practiced rightly, excommunication can be an effective means through which Christ restores wandering sheep to his flock.

INTRODUCTION

It's been a while since you've seen them in church, hasn't it? Was it Christmas? Was it Christmas, three years ago? How long has that sheep been out of the pen? You sit in your office, looking at that painting on your wall. The rejoicing shepherd carrying the sheep he had worked tirelessly to find. You think of just how many times you hear about Jesus calling himself "The Good Shepherd." And just like he did with Peter, he's made you an undershepherd, calling you to feed his sheep and to look after them, even going after the ones who have strayed. Perhaps a feeling of guilt arrives in the back of your mind. Have you been pursuing the wandering sheep with the same tenacity as Jesus pursued you? Or are you looking at the person on the delinquent list, who has time and time again brushed off your attempts to gently invite them back for Easter breakfast or to bring their kids to VBS? Have the letters and visits from the elders fallen on deaf ears? Now that wandering sheep fades into the forest. Eventually, their name will come up at a church council meeting, as they are recommended for removal. The quarterly voters' meeting will hear their name read as the church "removes 'The Wandering Sheep' from membership." Was this all we could do for that redeemed child of God?

Excommunication is a dirty word. There is a great deal of baggage associated with the term. Many people's thoughts go to the medieval use of "Greater Excommunication"¹. Or it's

1. The secular and social penalties pronounced by the Pope against Luther and others. See Article IX in *Smalcald Articles*. Robert Kolb, Timothy J. Wengert, and Charles P. Arand, *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis, MN: Fortress Press, 2000), 323. All quotations from the Lutheran Confessions will be from this edition unless otherwise noted.

seen as a nuclear option that will often sour the wandering soul's taste for the church. When the church hands a notice of excommunication to a wavering member, will it result in the bridge being permanently burned?

And yet, Christ has given the binding key to his church. Not only was it given, but it was also commanded that we use it. Matthew 18:15–18 cannot be forgotten by the Church. And it's no coincidence that preceding these verses is the parable of the lost sheep (18:10–14)

So, as the sheep wander, why are we the Church stopping short of using the binding key? Is it because of a lack of education at the congregational level? Are we tempted by that easy white lie we tell ourselves, "They will come back if I leave the door open. They just need more time"?

This thesis will look to explore the discussion of the binding key and straying members in the 21st-century Church. What are some of the reservations pastors have about using the term excommunication? Have we purposefully or accidentally softened the words of Jesus by changing and conflating the terminology associated with membership changes? Is saying "This person has been removed from membership due to inactivity" the same as saying "You, *Wandering Sheep*, by your continued refusal to hear God's salvific word, have demonstrated to this church a serious sin. Therefore, this church excommunicates you by the command of our Lord Jesus Christ out of concern for your eternal well-being." Are we educating our members, councils, and elders about definitions and the proper practice of church discipline? Where does the WELS stand in the scope of the history of the Lutheran church when it comes to church discipline? These are just a few of the many questions this thesis seeks to address in the ongoing conversation of shepherding the sheep of Christ.

LITERATURE REVIEW

Over the centuries of Christendom, much ink has been spilled concerning excommunication. This leads to problems when trying to define exactly what excommunication is.² If a pastor could have one book on his shelf that gives a good Lutheran perspective on the topic of the keys and their application, it would have to be C.F.W. Walther's *Pastoral Theology*. This provides the most comprehensive look at what the early Lutheran Church taught, the scriptural basis for the doctrine of excommunication, the limits of the pastor in the process, and the process for welcoming back a straying member. *Pastoral Theology* would provide the pastor with all the tools he needs to understand the doctrine of the keys and establish a solid foundation from which to instruct his people. As with his *Proper Distinction Between Law and Gospel*, Walther is careful not to fall into either of the pitfalls of antinomianism or legalism, which can both be dangers when applying church discipline.

Many of the truths expressed here are echoed in Jay Adams' *Handbook of Church Discipline*. This book is more of a practical guide than Walther's thesis-based explanation of doctrine. It provides helpful examples of what the entire process of church discipline from start to finish should look like. The only downside is that this book is that it presents Matthew 18:15–20 as a checklist. This can give the wrong impression that we are to take this passage as a

2. As Rev. Matthew Harrison notes in his translation of C.F.W. Walther's *The Church & The Office of The Ministry*, there were different definitions of the word "excommunication." The ban (or *Bann*) would be what we refer to today simply as excommunication. The excommunicated person is not offered the Lord's Supper and is viewed as an unbeliever. The modern definition carries no civil penalties (at least within most Lutheran circles) that would sometimes be associated with "greater *Bann*" or "greater excommunication", which the Reformers would speak against.

completely linear process, limiting the effectiveness of a Christian brother or sister disciplining another out of love.

Luther's thoughts on the keys, found in his 1530 treatise of the same title, can be of some value for seeing the historical problems of a misunderstanding of who holds the keys and what excommunication means, but what was written on excommunication was primarily against papal abuses of the keys so it does not provide much contemporary application of how we are properly supposed to use the keys Jesus has given us. However, it may help us when dealing with someone who has been excommunicated from a church that practices total shunning or other penalties that exceed what Jesus prescribes.

This doctrine heavily relies on Matthew 18:15–20, and to understand the context and theological implications of chapter 18, there is no better resource than Rev. Jeffrey Gibbs' *Matthew 11:2–20:34* in the *Concordia Commentary Series*. Gibbs provides the solid exegetical and theological framework necessary to understand the doctrine of the keys as Jesus presents it in the broader context of chapter 18. His pastoral heart is evident throughout this section of the commentary, yet he does not deviate from the main point Jesus is trying to convey. He expertly shows that Jesus has given us the doctrine of the keys to help bring back wandering sheep. At the epicenter of this is the supreme value God places on the sinner, that he would go to such great lengths to save them.

Such a heavy doctrine must be taught well, not only to the pastor, but also to the people of the congregation. The congregation will ultimately be the ones to decide to take this step of love and excommunicate someone. For careful instruction, the *Church Discipline Bible Studies* published by NPH are a valuable resource for pastors to use when instructing their people.³

3. More information on this resource can be found in Appendix A.

MATTHEW 18: THE SEDES DOCTRINAE OF THE KEYS

Before looking at any historical or contemporary views on excommunication, one must first turn to the source of all doctrine found in Scripture. Matthew 18:15–20 is often thought of as the *sedes doctrinae* for church discipline. Before applying these selected verses as the basis for church discipline, we must first realize their place in context. A pair of incredibly helpful resources for interpreting Matthew 18 are what Rev. Jeffery Gibbs has written.⁴ He shows that Jesus begins Matthew 18 by saying that the greatest in the kingdom are the *παιδίον*. Gibbs notes, “It is only to those who realize they have nothing that God offers everything.”⁵ If we agree with Gibbs’s assertions, it ties 18:1–5 in nicely with the rest of the chapter. It means we are referring to the same people at 18:15–20 as we are at 18:1–5. And it is neither too broad nor too narrow. It includes all Christians by definition and yet specifically highlights a brother or sister currently in need of spiritual care. As Gibbs says, “Rather, in this pericope (18:1–5) and in this entire discourse (18:1–35), Jesus is redefining the greatest in the reign of heaven as the one who is like a child, the weakest, the most dependent, the most vulnerable.”⁶ That certainly fits the scenario

4. Both his Concordia Commentary series volume on Matthew, and his Concordia Journal article on the topic of Matthew 18.

5. Jeffrey A. Gibbs, *Matthew 11:2–20:34 - Concordia Commentary* (Concordia Publishing House, 2010), 894.

6. Gibbs, *Matthew 11:2–20:34*, 895.

of the delinquent member. The pastor should absolutely view that person as the greatest in the kingdom of heaven, after all, the Savior does.

That person who is neglecting the means of grace is still a dearly loved *παιδίον* of Jesus. Keeping this definition of the struggling Christian in mind, it helps us have a framework for the continued discourse of Christ in the latter verses of chapter 18. If we follow this theme, the next set of verses (18:6–9) makes a lot of sense. These would not just be little ones that Jesus is concerned about (though certainly God has the utmost concern for little children, as noted in 18:10 and other sections of the Gospels); they would also refer to any struggling Christian in this context. We see the lengths Jesus lays out for the disciples to follow, encouraging them to seek out the lost sheep with great effort, because “in the same way your Father in heaven is not willing that any of these little ones should perish.” (Matt 18:14 NIV) It is in this section of his commentary where Gibbs points out,

Long before a congregation reaches what might be thought of in North American terms as large, it becomes distressingly easy for little ones to begin to stray without anyone noticing when they begin to falter. When that difficulty caused by the size of a congregation is coupled with the radically individualized thinking that comes so effortlessly to many in the societal context in which I and most of my readers have lived and worked, the very idea that Christians today would care for each other, look out for each other and seek after even the littlest sheep who seems to be wandering seems like a foreign reality that will never be attained. This is, however, the will of the Father in heaven.⁷

The only one who can refocus the church’s attention to the straying sheep is the Good Shepherd, who laid down his life to redeem every one of those sheep who have wandered. Moving into the verses often considered the basis of excommunication or church discipline, Gibbs warns against

7. Gibbs, *Matthew 11:2–20:34*, 913. Gibbs shows, even without diving into the specifics, that church discipline is not something that should be done, nor *could* it be done by the pastor alone. All the disciples in a church are involved with helping the “greatest disciple.” This aligns with what the Church Fathers have taught for centuries.

overstressing the title of “discipline” to the point where we forget that this section is laying out “an extreme form of caring, of compassion, of concern for a fellow disciple in a situation of terrible need.”⁸ As Gibbs lays out the framework for Matthew 18:15–20, he begins by noting how small and personal the concern for an erring brother or sister begins. If a brother or sister hears the gentle encouragement or rebuke, and they listen, God be praised! This is something that needs to be taught repeatedly in our churches. Long before that sheep has strayed, a member of the church can recognize, often much faster than the records or elders will notice, that a person hasn’t been in worship. They can reach out, Christian to Christian and encourage the one who is neglecting the means of grace to return to them. Some may say that a layperson has no obligation to reach out to the straying sheep, because they aren’t sinning against that person directly, and Matthew 18:15 says “against you” if the variant reading is taken. Even if this is the case, Gibbs notes that this εἰς σέ would mean,

The context of the larger discourse and its ascending sense of urgent care for a fellow Christian in need would suggest that this situation of a brother sinning is a serious matter. The powerful sequence of the conditional sentences (18:15–17) also strongly supports the view that Jesus words must mean something like ‘if your bother sins in a way that makes you fear that he will fall from the faith...’ Perhaps most importantly, the fact that the brother needs to be *gained* (κερδαίνω, 18:15) virtually demands that Jesus has in mind a situation where one who has been a fellow disciple now seems to be in peril of no longer being a brother. He is in danger of losing all faith and salvation.⁹

Another passage that would apply here is “Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted.” (Gal 6:1). Next, Gibbs notes how if the single-person correction does not have success, as the devil and sinful flesh do work hard to resist the Word of God, then more members

8. Gibbs, *Matthew 11:2–20:34*, 916.

9. Gibbs, *Matthew 11:2–20:34*, 918.

of the church get involved. Throughout this process, we recognize that this must be an outward sin that the person confesses through their actions and disdain for rebuke. Despising the means of grace through lack of church attendance would be a visible thing known to many in the congregation. Once again, we don't jump to the level of getting the entire church involved until personal evangelism calls have been made and have been met with refusal. But Jesus recognizes the benefits of having more than one person approach the situation with God's word. If the person is feeling defensive, perhaps from a guilty conscience, they may be quick to accuse a singular person of hypocrisy or quick judgment. Certainly, there is the danger of a single person making harsh and unfair judgments in the name of Matthew 18, but this would betray the purpose and reason why Jesus said these words. They are not meant to be a tool for revenge and attack, but to heal and restore. Multiple witnesses are not the first step, but as Gibbs notes Jesus' intentions, he says, "Together, several who care enough to go may have a more successful outcome in seeking to regain the brother or sister."¹⁰

The question arises as to how many times should one intercede with an erring brother or sister? The answer is not found in Scripture, and we dare not make our own laws where Jesus has made none. It is an abuse of the doctrine of church discipline if one looks to this list as a checklist to be completed as quickly as possible to remove the member from the church. Only after the original member, the ones who went to the straying sheep when the sheep refused to listen to the one brother or sister, and the church has repeatedly spoken on the basis of the Word of God, and have repeatedly been dismissed by the erring soul, can they be certain that this

10. Gibbs, *Matthew 11:2–20:34*, 919.

person is in unrepentant sin.¹¹ If the confession of unrepentant sin and refusal of God's word is persistent and clear, the church has not only the authority, but the command to make the ultimate declaration of love by excommunicating the person. How they are to regard them afterwards is what follows.

In Matthew 18:17, two pitfalls potentially creep up when interpreting how one should treat the now excommunicated person as a pagan or a tax collector. One pitfall is that we could see treating them as a pagan or a tax collector as meaning to still treat them with love, as Jesus did. Excommunication is loving. While we demonstrate love by preaching God's law, we don't want to give the impression that we approve or are tolerant of the situation the person is in.¹² The other pitfall is to shun them. Gibbs notes the dangers and failures of both as not being true to the text, as Jesus is just saying to treat them spiritually as an unbeliever or someone outside of salvation. However, he notes that out of the two misreadings of the prescribed treatment, the shunning is worse because, "Such an attitude would make loving outreach to the person being shunned virtually impossible."¹³ While public shunning is not prescribed, it must be communicated to the excommunicated individual what their status is to the congregation. This message must include that the excommunicated "gives no evidence (to the congregation) of being a believer since he refuses to heed the authority of Christ vested in His officers in the

11. As will be discussed later, the decisions to excommunicate must be unanimous among the voting members. If one objects, it is either because they are in a struggle or conflict that needs biblical correction, or they do not believe that the person has certainly shown themselves to be in unrepentant sin. In either case, the group must return to what the Bible says and unite as one through teaching and agreement.

12. Jesus could show kindness perfectly without compromising his position. We are to treat the person with the same love we'd show an unbeliever but must be careful that our kindness is not misconstrued as approval.

13. Gibbs, *Matthew 11:2-20:34*, 921. Another important point to remember when teaching this doctrine to our congregations is how many religions like Amish Anabaptists and Jehovah's Witnesses do practice some form of public shunning, and this must be in our minds as some of these ideas will certainly be on the minds of our people, and perhaps we will even have members who were "excommunicated" in the wrong sense of the term by another faith.

church. The Church does not judge his heart (God alone is the Heart Knower), but it must judge his words and actions.”¹⁴ While they are still considered as an unbeliever, a mission prospect, they are “to be treated by the congregation as an outsider and, therefore, excluded from all the rights and privileges of membership.”¹⁵ By informing the excommunicated individual that they will not receive a Christian funeral from the church or any of the other benefits the church offers its members, it serves as another tangible reminder of the severity of their sins. This can also cause the person to realize that if they were called out of their time of grace under excommunication, there would be very little comfort that could be given to their family.

This is a monumental task for the church to carry out. By Christ’s words, he gives us the power to bind sins to a person, and to loose them in the words of forgiveness. This perfect balancing of law and gospel cannot be done by the church alone but only through Christ who dwells in her. That is exactly what Jesus promises. As Gibbs notes, “In a remarkable turn of phrase, Jesus, who earlier had place a child *in their midst* and named it as the paradigm for finally entering the reign of God, now promises *he himself will be in their midst* as they seek to carer for and reach out to the little ones, even to the extent of lovingly excluding the impenitent from the fellowship of believers.”¹⁶ Excommunication is not the work of the church alone; it is Christ working through his church to return his sheep to the fold. Christ has not left his church

14. Jay E. Adams, *Handbook of Church Discipline: A Right and Privilege of Every Church Member* (Zondervan, 2003), 81.

15. Robert Bruce Compton, “Church Discipline: The Correction of a Believer or the Excommunication of an Unbeliever? Harmonizing Matthew 18:15–17, 1 Corinthians 5:1–13, and 2 Thessalonians 3:6–15,” *Detroit Baptist Seminary Journal* 20 (2015): 28.

16. Gibbs, *Matthew 11:2–20:34*, 924.

without guidelines either. In fact, Matthew 7:1–6 presents a foil as Jesus “sternly warns his disciples against hypocritically judging a fellow disciple.”¹⁷

Also, the section of Matthew 13:24–30 must be taken into account, showing that the weeds must be allowed to grow among the wheat of the church. Gibbs summarizes this tension by showing the resolution that Christ provides when he says,

In 7:1–6, the message is this: Your brother or sister is precious to you, Care for him! Do not cast him out! In 13:24–30, 36–43, the message is this: The wheat is too valuable, and Jesus does not want his disciples to attempt to purge the field now. Here in 18:15–20, the discourse on caring for the greatest, the message and motivation are precisely the same.¹⁸

Keeping all these passages in mind, a clear path of action is given. The church is to use excommunication. Even if some have reservations about the word itself, the core teaching is vitally important, especially in today’s church. Excommunication cannot be a means to clean up the books (that would go against the parable of the wheat and the weeds), nor is it ever the first step (rushing to judgments)¹⁹, but it’s the last step after a long battle of love, only when the church is *certain* that this person is in unrepentant sin. They have been sought after time and time again, and they refuse to hear God’s message. No matter the situation, the end goal remains the same: the sinner sees the error of their ways and the severity of their sin, and returns in repentance to have their sins loosed in absolution and a pronouncement of grace by Christ through his church. But long before excommunication is to happen, the believers would have loved the person who is straying in every way. They would reach out and encourage through every possible means.

17. Gibbs, *Matthew 11:2–20:34*, 926.

18. Gibbs, *Matthew 11:2–20:34*, 927.

19. “The entire motive of the *wronged* brother is the spiritual well-being of the one who has committed the wrong!” Jeffrey A Gibbs and Jeffrey J Kloha, “‘Following’ Matthew 18: Interpreting Matthew 18:15–20 in Its Context,” *Concordia Journal* 29.1 (2003): 17.

If the Gospel of Matthew was the only source of Scripture we had on this topic, by the Good Shepherd's heart on display, it would certainly be enough, but we have several other pertinent sections besides the *sedes doctrinae* of Matthew 18. Arguably, the second most important section of Scripture concerning excommunication is 1 Corinthians 5:1–5. Paul is chastising and rebuking the Corinthian church for openly accepting and tolerating open sexual sin from a member. This tolerance is a stark contrast to Jesus' warning to look after erring souls, and rightly draws Paul's rebuke. Paul brings shame to the church for not functioning as Christ has commanded it to function. To avoid conflict, the church was causing intense spiritual harm not only to the soul of this man but also to the souls of everyone in the Corinthian church who witnessed this unbiblical behavior. This is not Paul, on his own authority making this claim, but as Gregory Lockwood notes, "Now he (Paul) calls on them to let 'the *power* of our Lord Jesus' be demonstrated in their midst (5:4) through the proper exercise of church discipline."²⁰ Church discipline is not claimed by any one person or group, but it is the church acting on behalf of Christ.

After his rebuke of the Corinthian church in the name of the Good Shepherd, Paul prescribes the action they need to take, which is in harmony with Matthew 18's description of the process of church discipline. Because this was such a public sin, known and celebrated by the church, the church could not just have one person go to win the brother back. The church had failed to establish discipline but was not without the tools Jesus had put into place. Paul prescribes excommunication from the church because of the persistence of the sin.

20. Gregory J. Lockwood, *1 Corinthians*, Concordia Commentary (Concordia Publishing House, 2000), 164.

Even though the church had failed, that had not changed the word of God, and the man's sin was deliberate, repeated, and was a severe attack on his faith. Luther notes, "Paul was an apostle, yet he was not willing to excommunicate a person who was living in adultery with his stepmother [1 Cor. 5:1]. But he called on the congregation to act."²¹ Once again, we see the motivation of this call to action, as Compton notes, "Without question, Paul's statement about the purpose of the church's action indicates that the action is intended to be remedial or redemptive. Paul intends the action to have as its goal the future salvation of this person. But this fact alone does not require that the incestuous man be viewed as a true believer."²² The Corinthian church is encouraged to carry out excommunication for the good of this soul, the weakest brother, the greatest in the kingdom of God. It all hangs on the words "so that his spirit may be saved on the day of the Lord" (1 Cor 5:5). The man was to be handed over to Satan. While there is some debate over what "the destruction of his flesh" (5:5) specifically refers to, it is clear that the sinful element needs to be destroyed before the man is spiritually destroyed in unbelief forever. This becomes increasingly clear when considering Paul's use of the word *σάρξ*, but the desired result clause makes it undeniable the lengths the Corinthians must go to, that they might show love to this man. The beautiful part of this story is that, by God's grace, excommunication was effective, and the sinner was restored.²³

21. Martin Luther, *Luther's Works*, Vol. 40: Church and Ministry II, ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Fortress Press, 1999), 372.

22. Compton, "Church Discipline", 35.

23. 2 Corinthians 2 will be prevalent in the section *The Sheep Returns... Now What?* It is effectively the *sedes* foil to the end of Matthew 18:15–20.

There is a dual purpose in church discipline. First and foremost, it is for the good of the sinner, but secondly it is also for the good of the other members of the church.²⁴ Both are on display in the case of the Corinthian church. When it comes to lack of church attendance, we must remember it's not only the straying sheep, but also the sheep in the sheep pen who can benefit from seeing instruction and correction. This is where a proper distinction of law and gospel must be upheld. Excommunication is the law, but there are also many passages that show the benefits the entire church receives from each other.²⁵ The gospel of the benefits of being in the body of Christ must be preached, but a pastor also can teach using the law.

There is an extensive list of excommunication passages in Scripture. However, many deal with differences in doctrine. While this is a serious separate matter, it is not as applicable for the wandering sheep who is showing apathy or disdain for the means of grace but rather those publicly preaching or teaching against what Scripture teaches.²⁶

24. "But those elders who are sinning you are to reprove before everyone, so that the others may take warning." (1 Tim 5:20)

25. Ps 122, Rom 12:3–8, Eph 4:3, Heb 10:24–25, and many other passages speak to the positive effects of building on another up around God's word.

26. An example would be Romans 16:17–18. There are numerous papers written on the topic of doctrinal excommunication.

HISTORICAL THEOLOGY OF EXCOMMUNICATION

How has the Lutheran Church practiced the doctrine of excommunication? Historically speaking, church discipline did not seem to be a primary focus for the Reformation writers. They corrected the mishandlings of excommunication by the Catholic Church by stating,

We maintain that the “great” excommunication, as the pope calls it, is a purely secular penalty and does not concern us who serve the church. However, the “small” (that is, the truly Christian) excommunication is that public, obstinate sinners should not be admitted to the sacrament or other fellowship in the church until they improve their behavior and avoid sin. The preachers should not mix civil punishments together with this spiritual penalty or excommunication.²⁷

Beyond this, the Lutheran Confessions do not speak extensively in the confessions about “lesser” excommunication within the Lutheran Church.²⁸ Walther not only notes that, “It would therefore be a serious error to imagine that, because church discipline was not fully implemented during the Reformation, one should also not be concerned about implementing it now,”²⁹ but also goes on to show that Luther and the Reformers did write about the importance of proper church discipline, and even excommunication if the situation called for this extreme act of love.

Luther lays out the same theology in his 1530 treatise on the keys as Paul does in 1 Corinthians. He notes, “The key which binds is the power or office to punish the sinner who refuses to repent by means of a public condemnation to eternal death and separation from the rest

27. SA III 9. Kolb, *The Book of Concord*, 323.

28. It is mentioned, “Also, excommunication is pronounced on the openly wicked and on those who despise the sacraments.” (Ap. XI [4]) *The Book of Concord*, 186.

29. C. F. W. Walther, *Walther’s Works: Pastoral Theology* (Concordia Publishing House, 2017), 378.

of Christendom. And when such a judgment is pronounced, it is as a judgment of Christ himself. And if the sinner perseveres in his sin, he is certainly eternally damned.”³⁰ But, just as Christ and just as Paul said, the eternal damnation is not the final intent of the binding key. The binding key is a good thing, as Luther notes, “It is profitable to the sinner inasmuch as it reveals to him his sins, admonishes him to fear God, causes him to tremble, and moves him to repentance, and not to destruction.”³¹

Luther encourages the use of the keys, recognizing that losing the emphasis on the doctrine of the keys is equivalent to losing the proper distinction between law and gospel. In one of the closing paragraphs of his treatise, he notes, “I maintain one should restore and exalt the teaching about the two keys. Many believe they are experts on this matter, yet they do not understand it.”³²

This view of church discipline was shared by Johann Gerhard. He plainly states, “The *object* of church discipline is the people received into the household of God and the family of Christ, namely sinners and are to be rebuked, reprovved, and corrected so that they return into the way and do their duty according to the precept of the Word.”³³ Gerhard proceeds to give the same encouragement and limits to the doctrine as previously discussed; this discipline is done only in love, in proportion to the sin, with patience, and in agreement with the body of believers. He, too, warns both of legalism and unloving tolerance as he says, quoting Gregory, “Therefore,

30. Martin Luther, *Luther's Works, Vol. 40: Church and Ministry II*, ed. Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann (Philadelphia: Fortress Press, 1999), 372.

31. *LW* 40:373.

32. *LW* 40:377.

33. Johann Gerhard, *On the Ministry II - Theological Commonplaces* (Concordia Publishing House, 2012).
131.

let there be love, but not a softening love; let there be strength, but not the strength that exasperates.”³⁴ Once again, we are reminded that the power to excommunicate is not within the pastor’s call. “Neither greater nor lesser excommunication should be employed by the minister of the church apart from a judgment of an ecclesiastical senate or consistory, because the power to excommunicate is not the possession of any one bishop, but rather is the possession of the presbytery, which represents the entire church.”³⁵

In the nineteenth century, numerous Lutheran theologians wrote on church discipline, including Scheibel and Löhe. However, one theologian who wrote extensively on the topic was C.F.W. Walther. In his *Kirche und Amt*, Walther discusses excommunication solely from the perspective of the office of the ministry.³⁶ He warns against the pastor being the one to carry out excommunication alone because that not only goes against what Jesus teaches in Matthew 18 but also makes the pastor a dictator³⁷. He also cites 3 John 9–10 as a biblical example of what happens when a pastor acts unilaterally to excommunicate.

Walther gives a more in-depth handling of church discipline in his *Pastoral Theology*. His first major point in Article 39 is showing what the reformers practiced as the limits to church discipline from the pastoral office. “As late as 1533, *Luther, Jonas, Bugenhagen* and

34. Gerhard, *Commonplaces*, 133.

35. Gerhard, *Commonplaces*, 134. Note that here Gerhard also includes the greater excommunication (societal) that was still being practiced at that time. However, notice that in either situation, the Pastor is not the one to execute judgment, but according to Matthew 18, it belongs to the congregation.

36. C. F. W. Walther, *The Church & the Office of the Ministry* (Concordia Publishing House, 2012). Thesis IX provides an overview of how the preacher has “no right to inflict and carry out excommunication alone, without the preceding knowledge of the whole congregation” (299). The entire thesis is beneficial, as it provides both scriptural bases and cites Lutheran fathers from Calov to Augustine. Pages 318–329 are most beneficial for the doctrine of church discipline.

37. Walther wrote this thesis in response to J.A.A. Grabau’s *Hirtenbrief*, in which Grabau claimed the authority for the pastor to excommunicate unilaterally as the shepherd of the people. A copy of the *Hirtenbrief* can be found on page 363 in *The Church and The Office of The Ministry*.

Melanchthon declared that they could exercise church discipline only by practicing announcement for Communion and suspension from the Holy Supper on account of the circumstances at the time.”³⁸ This would not be an overstepping of the pastoral office, as it would not be a long-term excommunication, but perhaps a temporary withholding of the Sacrament, so as to keep the person from eating and drinking judgment upon themselves. Because delinquency and disdain for the means of grace would be a lengthy and public process, temporary withholding of communion by the pastor would not be applicable in that situation. Next, Walther describes, based on Luther’s response to Hessian theologians concerning excommunication, how excommunication must be taught and re-taught before it can be put into practice.

Wanting to introduce the solemn process of excommunication immediately into a new, still rough congregation would therefore doubtlessly be inconsistent with the thinking of our church. Here, too, the preacher must let himself be led by the principle: *Salus populi suprema lex esto*, that is, “The salvation of the people must be the highest law.” Wanting to compel a congregation to exercise proper church discipline *before* thoroughly instructing them about its essence is like wanting to harvest before sowing.³⁹

Walther goes on to demonstrate, using the *Book of Concord*, that excommunication was important to the early Lutheran fathers to maintain. He quotes many letters of Luther, including a 1528 declaration of Philip Melanchthon and Luther, which says, “It would also be good not to let the punishment of proper and Christian excommunication, about which Matt. 18:17–18 is written, decline.”⁴⁰ Walther, throughout quotes Johann Conrad Dannhauer to show that just

38. C. F. W. Walther, *Walther’s Works: Pastoral Theology* (Concordia Publishing House, 2017), 374. Though declaring for communion has faded from practice in Twenty-First-century WELS churches, pastors certainly can still observe certainties of unrepentant sin in their members.

39. Walther, *Pastoral Theology*, 375. In the section *Hesitations against the binding key*, many of the concerns expressed in the surveys submitted by WELS pastors against the use of excommunication are from the perspective of the congregation, and their misunderstandings about the theology of excommunication. The antidote to this is instruction, as Walther notes above.

40. Walther, *Pastoral Theology*, 377.

because church discipline wasn't always at the forefront of Reformation theology, it was still a doctrine taught and held to as beneficial. There may have been exceptions at a time of extremely troubled consciences, given the rapid changes during the return to proper law and gospel distinctions. However, now that the Lutheran Church had established its footing and ability to teach, it must teach and administer the keys.

Then Walther expands the structures in which excommunication must take place (it cannot be done unilaterally by the pastor; the recipient must be made aware and receive brotherly admonition; manifest sins may need to be addressed publicly, etc.).⁴¹ His basis for these requirements once again rest on the Lutheran Confessions and Scripture. Article 42 provides a concise list of who can and cannot be excommunicated. It follows all the same principles (must be alive, hardened in sin, unanimously excommunicated by the congregation, etc.). It is here where Walther departs from other Lutheran theologians. Given the consistency of previous dogmaticians with the biblical teaching, I believe Walther to be in error here. In the negative theses, he notes, "Excommunication is therefore *not to be imposed on those* 3. Who, themselves no longer wishing to be brothers, *have left the congregation on their own* and thus, depending on the circumstances, have excommunicated themselves."⁴² As will be discussed in an essay in the next section, there are no grounds for "self-excommunication." It is not a term, as one cannot pronounce church discipline on oneself. If someone has made it clear that they want nothing to do with the church, they are still a wandering sheep whom Jesus has shed his blood for. Just

41. Article 41 *Why Public Church Repentance Is Necessary* can be extremely helpful with excommunications over public sins, but wouldn't be required of a delinquent excommunication. The congregation would have heard the pronouncement of excommunication and then heard that the Lord worked through the law. The attacks of Satan have returned the person to the fold. They are then publicly restored to the delight of the congregation and the rejoicing of angels in heaven. More on this in *The Sheep Returns... Now What?*

42. Walther, *Pastoral Theology*, 399.

because they don't want to be considered a brother or sister does not mean that they should not receive rebuke for their sins. To allow them to be let go peacefully to continue in their sin is to dismiss the command of Jesus.

Walther, quoting Dannhauer, outlines the sins subject to church discipline, addressing the question of whether delinquency is a sin worthy of excommunication. Dannhauer says, "In particular, sin which either are explicitly mentioned in God's Word as being subject to discipline are... (1) *Godlessness*, dog-like and pig-like contempt for the Word and neglect of the Sacraments by those people who either bark at the pearl like dogs and want to bite the one who gives it to them, or who trample it like pigs (Matt. 7:6; cf. 2 Pet 2:21)"⁴³

The Book of Concord provides support for how dangerous the sin of despising God's word is. Martin Luther, in his explanation of the Third Commandment, notes,

Even though you know the Word perfectly and have already mastered everything, you are daily under the dominion of the devil, and he does not rest day or night in seeking to take you unawares and to kindle in your heart unbelief and wicked thoughts against these three and all the other commandments. Therefore, you must constantly keep God's Word in your heart, on your lips, and in your ears. For where the heart stands idle and the Word is not heard, the devil breaks in and does his damage before we realize it.⁴⁴

Likewise, concerning the Sacrament of Communion, Luther writes, "Nevertheless, it must be understood that such people who abstain and absent themselves from the sacrament over a long period of time are not to be considered Christians"⁴⁵ And again he notes,

For I call it despising when people, with nothing to hinder them, let a long-time elapse without ever desiring the sacrament. If you want such liberty, you may just as well take the further liberty not to be a Christian; then you need not believe or pray, for the one is

43. Walther, *Pastoral Theology*, 403.

44. LC I 100 Kolb, *Book of Concord*, 399.

45. LC V 42 Kolb, *Book of Concord*, 471.

just as much Christ's commandment as the other. But if you want to be a Christian, you must from time to time satisfy and obey this commandment.⁴⁶

The Apology to the Augsburg Confession notes, "Also, excommunication is pronounced on the openly wicked and *on those who despise the sacraments*."⁴⁷ A person who is delinquent in membership is living in unrepentant sins against God's command to worship him, God's command to take, eat, and drink in remembrance of him, and sinning against their brothers and sisters in the faith, who are lacking a part of the body of Christ in their absence (1 Cor 12). Out of concern for this soul, even if they believe themselves to be outside of the church by their own proclamation, we recognize that they are a sinning brother, and if they continue to sin willfully, they are left with the terror of coming judgment (Heb 10:26–27). As Harre puts it, "Inactivity can be just as destructive of the Christian life as any deliberate public sin of the flesh. Therefore, fellow members abdicate their responsibility to love their brothers and sisters when they are unwilling to confront those who are forsaking the means of grace."⁴⁸

46. LC V 49 Kolb, *Book of Concord*, 472.

47. AAC XI 4 Kolb, *Book of Concord*, 186. Emphasis added

48. Alan F. Harre, *Close the Back Door: Ways to Create a Caring Congregational Fellowship* (Concordia Publishing House, 1984), 75.

CONTEMPORARY THEOLOGY OF EXCOMMUNICATION

Having discussed the early Lutheran Fathers, we now turn our attention to what contemporary Lutherans have written about the theology of excommunication. Professor John Brug, in a 1976 paper, answers the question of whether or not Scripture “recognizes different categories of removal from the fellowship of God’s people.”⁴⁹ In going through Old Testament, New Testament, and discipline language used among the Jews, Brug notes, “I believe these examples are sufficient to show that the New Testament is not interested in setting up various categories of discipline or precisely defined terminology, but rather sets forth the same basic procedure and uses similar terminology for dealing with and hopefully winning to repentance every type of impenitent sinner, whatever his offense.”⁵⁰

Brug shows how if we are to make too many distinctions about which sin necessitates excommunication or which demands a different terminology or a *softened* discipline, we need to have the ability “to be able to judge each case as venial or mortal, destroying faith or not destroying faith.” This is impossible to do properly, yet it has become the operating standard for many WELS churches. They will use terms like “released” for someone who has repeatedly been admonished for neglecting the means of grace. Changing the terminology only confuses law and gospel. “We cannot therefore make a distinction between sins which lead to excommunication or

49. John F Brug, “The Terminology of Church Discipline: Excommunication, Suspension, Removal, Etc.” (1976), 1.

50. Brug, “Terminology,” 4.

those which will not. Impenitence 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.”⁵¹

Brug makes the case that rather than muddying the terminology by having a variety of case-by-case disciplinary terms for fellowship changes, there are two we need: “removed from fellowship” and “removed at their own request.”⁵² The “removed at their own request” differs from the way Walther explains it, in that the church and elders would communicate to the person the severity of their request. In essence, an excommunication still takes place, even if someone tries to remove themselves from membership to avoid it. They are still reminded of their sin, and that by their request, they are being handed over to Satan, with the hopes that the law will work on their heart and they will be restored. Although the person has walked away from Jesus, they are reminded that Jesus didn’t walk away from them. Brug shows that the term “self-excommunication” is a theological oxymoron, as he says, “Every validly excommunicated person has excluded or excommunicated himself by his impenitence.”⁵³ But the person cannot excommunicate themselves prior, as they are not the church enacting the keys. This is in agreement with Pastor Alan Siggelkow’s paper, which says, “As we have defined excommunication, we note that it is the act of the congregation which publicly states how the impenitent has judged himself, as one excluded from the Christian Church. He has judged

51. Armin W. Schuetze, *The Shepherd under Christ: A Textbook for Pastoral Theology* (Milwaukee: Northwestern Pub. House, 1981). 174.

52. Brug, “Terminology,” 4.

53. Brug, “Terminology,” 5.

himself. Excommunication is the church's public pronouncement of the impenitent self-exclusion. Therefore, there can be no self-excommunication."⁵⁴

The term "suspension" should only be used in the case of the pastor, as we previously noted, only in a temporary situation at the lowest ladder of church discipline. Next, Brug addresses the most common abuse of the binding key, which is using it to clean up the church records. A congregation cannot excommunicate a person with whom they are not in contact and with whom they cannot communicate. This is the only place to use the term "removal" properly, as we are simply acknowledging that "we are no longer able to serve them spiritually. Such a person could naturally be restored if they should reappear."⁵⁵ He argues against using the term "release", as it can convey a message of approval. WELS pastors need to be ready to educate, patiently teach, and put into practice these defined terms in keeping with Matthew 18. It should be noted that *Christian Worship* (2021) provides an address and prayers for the excommunicated, which follow the structure of Matthew 18 and assume proper church discipline. These inform the whole congregation as they say,

Our Lord Jesus said, "For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life. For God did not send his Son into the world to condemn the world, but to save the world through him." The Scriptures clearly say that the almighty God takes "no pleasure in the death of the wicked, but rather that they turn from their ways and live." A member of our congregation has fallen into a persistent and public sin. Despite our repeated instruction and admonition from the Word of God, he has refused to confess this sin or repent of it. Such continual refusal defies God's holy will and rejects his patient love. Following the command and counsel of Christ, the believers at this place are bound to conclude that this brother has lost the saving faith and is outside the family of believers. It is my sad duty to announce, therefore, that [name] has been excommunicated from this Christian

54. Alan H Siggelkow, "Excommunication Versus Self-Exclusion: An Exegesis of Matthew Chapter 18," 1981, 13.

55. Brug, "Terminology," 5.

congregation and the church of Christ. We do this with heavy hearts and pray that the seriousness of our action will call [name] to repentance.⁵⁶

56. *Christian Worship: Service Builder* “Announcement of excommunication”. Note there is also an accompanying prayer, “Gracious heavenly Father, you want all people to be saved and to come to the knowledge of the truth. We fervently pray that [name] may be led to repentance and faith and be restored to the fellowship of your church. As we have opportunity, move us to witness to your will and speak your truth in love; through Jesus Christ our Lord. Amen.” These were found also in the Occasional Services book related to the previous hymnal.

TWENTY-FIRST CENTURY WELS PASTORS

With passages, historical practices, and terminology noted, several key questions still need to be discussed: How are these concepts and this doctrine applied in parish ministry? What practices, or lack thereof, exist in the average WELS church? What hesitancy might a parish pastor have? Have some had success, and if so, what was their practice and teaching methodology? To facilitate discussion, the author sent out a series of surveys⁵⁷, including anonymous ones, to more than 40 WELS churches of varying sizes across every district. Several interviews were conducted with pastors who agreed to speak more in depth about the hesitations they've had about applying excommunication, as well as those who have successfully employed it in their churches.⁵⁸

Hesitations about using the binding key

If there was one word that dominated the responses by pastors either against using excommunication, or those hesitant to use the binding key, it was the word "legalist." Pastors who had hesitations had almost always seen cases where the improper use of excommunication burned a soul. In these cases, there was always evidence that proper biblically established church

57. A copy can be found in Appendix B

58. Due to the sensitive nature of this topic, all names and identifying factors of those interviewed and those who responded to the surveys are kept anonymous.

discipline was not followed, and shortcuts were taken at the expense of the soul of the wandering sheep. Pastor A noted,

I have cleaned up after legalists who have excommunicated people for lack of attendance when they were stationed in the Middle East in the military. I have cleaned up after legalists who have excommunicated people for lack of attendance when they were attending college where there were no WELS churches nearby. I have cleaned up after legalists who have excommunicated people for lack of attendance when they were coming once a month or even every other week. In one case the voting members refused to excommunicate the man and even told their pastor this had to stop.⁵⁹

What is even sadder is what the pastor went on to say. “The saddest of all is how many excommunicated delinquents never had personal contact over the issue, just an impersonal letter was sent.” There, the preceding pastor failed on many fronts. Firstly, he failed to shepherd the lost sinner. Secondly, he had failed to instruct and employ the congregation in reaching out to that sinner, and finally, to excommunicate someone who cannot be contacted. In any of the instances listed above by Pastor A, there was not a valid use of the keys, but rather a gross abuse. This most certainly will burn the bridge.

To carry out excommunication in the way described above is to act contrary to everything the church fathers wrote, and to disregard Jesus’s command to the pastor and the congregation to shepherd the lost sheep. This fear is also held by many of our laypeople, and is expressed in Alan Harre’s book, “In some people’s minds church discipline is linked to excommunicating church courts and intolerance. Some people reject it because they believe it to be ‘legalism, preoccupation with externals, concern for the letter rather than the spirit of biblical commands, authoritarian disregard for individual freedom.’”⁶⁰

59. The pastor acting against the voting members is a violation of his office. He does not possess the ability to excommunicate unilaterally. It must be unanimously done by the congregation.

60. Harre, *Closing the Back Door*. 69.

Two pastors expressed concerns that if they were to excommunicate someone in their small church, they would likely see many families connected to that person leave as well.⁶¹ The fear of backlash from other members, especially relatives, is prominent and can only be addressed through education, prayer, and the power of the Word to help sinners see this act as an expression of love. Utmost pastoral tact must be applied in those delicate situations.

Many pastors raised concerns about why the person was absent from worship. Pastor B wrote, “There are numerous reasons why someone may stay away from public worship (social anxiety, a disagreement with a pastor or another church member, preference for other forms of worship, etc.)” Pastor C likewise wrote, “How can we excommunicate without first knowing their situation for lacking attendance?” To this objection, Scripture and the Lutheran Confessions answer, “We cannot excommunicate.” These concerns are all valid, and they all come from using the binding key as a cheap means to avoid the work of the shepherding crook.

Almost every pastor who had reservations about excommunicating was worried about using it to “clean up the books.” According to the definitions of Walther and Brug, everyone is on the same page. There can be no excommunication of “dead wood,” as Pastor C called the unreachable delinquents. Those must simply be released after every effort is made to contact them, as we can make no judgment of their spiritual status. One pastor wrote that his reservations against excommunicating for lack of attendance stem from “My own sinful fears or laziness in equipping the rest of the flock to understand why some action must ultimately be taken if someone is completely absent and despising the gospel offered to them.” This is the most crucial

61. One pastor who successfully implemented excommunication described the pain of watching the church president stand in front of the congregation and recommend his son for excommunication. But the president did it. “This is the hardest thing I’ve ever had to do, but my son needs this love.” By God’s grace, the son took that to heart, and repented. He is now a church council member at another WELS church.

aspect of properly implementing biblical church discipline. The author asked several WELS lay members about their thoughts on excommunication. It's amazing to see how many of our people are unaware of the true biblical definition. Generally, it was defined by the lay members as "Excommunication is when you are kicked out of the church because of something you did." Many added that this contained the idea that you are no longer welcome in the church, which, by the doctrine of excommunication, is the exact opposite of its purpose. This highlights the need for education among our people. Excommunication is a dirty word among most laypeople because of how it's been abused historically, and especially in legalistic ways by pastors today. Pastors must instruct that biblical excommunication is the ultimate act of love. It is never the first step, but rather the last. It is not done unilaterally by the pastor, but by the congregation as a whole, as they reach out with God's law by his command to bring this sinner back to the means of grace.

The objections raised by WELS pastors against excommunication all stem from sinful problems at the pastoral level.⁶² These were all shortcuts taken by pastors that resulted in Christ's people suffering. The cure to this is careful instruction, first of the pastor, and then of the congregation.

Success stories

There is no shortage of hesitations by pastors to introduce and put into practice the binding key when it comes to sins against the third commandment. All these concerns are

62. This is not saying they are from pastors. It could also be the outside and popular perception of excommunication. However even these outside perceptions are from sinful abuses of this loving doctrine.

warranted. However, when properly done through careful instruction and education, many, if not all, of these dangers can be avoided. This can only happen through the grace of God and by grounding this doctrine of church discipline in its true source, Scripture. There have been and currently are churches and pastors in the WELS who have put into practice the binding key to bring sheep back to their shepherd. In this section, some of the undershepherds who have had success with their churches with the binding key will give testimony to its success when used properly.

All the pastors interviewed noted that, while they were the ones who introduced this practice into their church, it took a long time and a lot of education of the congregation and elders to reach the point where excommunication over attendance was carried out. “It took a while to implement with my congregation, especially to get my elders on board.” Said Pastor D, “Everyone is excited to do evangelism on the front end and go reach out in the community. But people forget that there’s almost a greater need for evangelism on the back end. That’s what we were looking to accomplish with this model of church discipline.” Pastor E, “It took five months before the elders on my committee would even entertain adopting this.” Likewise, Pastor F commented “It’s not a popular thing (a delinquency model) to bring in initially, but it is a wonderful blessing for the caring of souls and it’s a lot easier than saying you can’t do their funeral.” Training of the elders and the congregation was at the epicenter of every pastor’s plan. “We would tell the voters, ‘We have tried x number of times with this person, and in conjunction with God’s word, we recommend...’ It was a process.” Pastor D noted, “We were absolutely afraid to excommunicate, but when we realized this is us saying ‘your faith house is on fire!’ it undid all those fears, and that only came by Scripture.”

Not only was it unanimous that implementing excommunication as the end of the membership retention program is a slow process, but every pastor who uses it notes that it is a slow process to excommunicate someone, as it should be. “My elders would ask for at least 12 visits. 12 visits minimum before we would excommunicate people. If someone wouldn’t come, we would visit on a monthly basis. At 12 visits they would be reluctantly permissive to bring it to the voters to excommunicate the person.” Visits were key in every successful use of excommunication. “Sometimes you found out that they were just mad at someone. And it may seem petty or small, but they’re still in some spiritual struggle. And how are you going to find that out as a pastor if you and your elders don’t visit them?” Said Pastor F, “The whole legalism thing gets undone when the nature of the visit is shown to the person. It’s overwhelmingly positive because people see it’s coming from a perspective of caring.” The bridge can only be burned by the straying sheep, but that line of communication from the church remains open when excommunication is properly put into place. It will not blindside the person, because they will have been receiving encouragement and admonitions throughout the whole process.

When I brought up the concerns from pastors who hesitated to use excommunication, the ones who employed it addressed their concerns as valid, “I can’t imagine anybody sending a letter or an email. You can’t sit in the safety of the 99 and yell at the one lost sheep impersonally like that.” Said Pastor E. “We need to hear the rejection of the Gospel before we excommunicate. We will not do it unless we hear that.”⁶³

These pastors who implemented excommunication told many success stories. “When we followed up with this woman who’d stayed away, she confessed that she had been in adultery. In

63. This pastor noted that he had to guard against the opposite problem now. “Now the people are sometimes a little quick on the draw to want to excommunicate. They’ve seen some good results. But we have to keep the same loving process throughout. You cut corners and it becomes legalism.”

a moment she calmed down. It was like we saw the manifestation of David saying how his bones were crushed, yet in forgiveness comes relief.”⁶⁴ That same pastor shared the story “After we delivered the letter of excommunication, you saw a visible redness creep up on both their faces. They repented, were forgiven, and never missed another Sunday without calling and telling me they weren’t going to be in church that Sunday.”

Of course, not every proper excommunication ends with the sinner being brought to repentance. There were stories shared of those who refused to heed the letter of excommunication and died in their lives of unrepentant sin. Though these cases are tragic, the pastor recognizes that he used every tool prescribed to him by Christ. To leave the person on the books puts the pastor in a terrible position if they die, because the pastor has to tell the family why they cannot preach any comfort pertaining to the person’s soul at the funeral, even though they may still technically be a member of the church.⁶⁵

64. Two pastors both stated how those visits are hard, and a temptation that Satan would like the pastor to fall into. “They’ll come back, but not if you visit and make things awkward by confronting them.”

65. This is a spiritual burning that can tear apart families and is preventable by regular contact with straying members. If they cut off all communications with the church and cannot be contacted, they may be released, but the church made every effort to return them to the fold.

CONCLUSION: DIFFERENCE IN THEOLOGY OR LACK OF COMMUNICATION?

There are two pitfalls we can fall into with the binding key; we take it too lightly and don't practice church discipline for those who are straying, or we are too quick to pronounce excommunication without proper pastoral and congregational care. However, the concerns expressed by many WELS pastors who do not use excommunication are addressed by those who do practice it in its proper setting. The key to staying on that narrow middle road of shepherding using the binding key comes from education. There is no problem that the concerned WELS pastors who don't use excommunication expressed that cannot be safeguarded by Scripture. By God's grace, all the WELS pastors interviewed showed they were on the same page when it came to caring for God's people according to these truths. However, these scriptural truths must be taught to the congregation's people.

One of the most important points that must be taught is that member retention and encouragement for regular reception of the means of grace requires the whole church and all its members to be involved. This is an uphill battle in many of today's WELS churches, and it's a problem that pastors must address. The best church discipline for straying members is front-end Gospel encouragement from every member of the body of Christ. On the other hand, when a church has encouragement in place, and yet a straying sheep refuses to listen to brotherly admonition, or even the discipline of the church, Jesus commands us to bind that unrepentant sin of the one who shows contempt for the Word and Sacraments. To refuse to do so harms the unrepentant sinner, the members of the church who do not see the consequences pronounced and is a rejection of the command of our Lord Jesus Christ.

One problem that I identified in my research and questions is that we have invented far too many terms when it comes to membership changes. We don't want to soften the blow of the binding key by using watered-down terminology. It robs the key of the power Christ instilled in it. We should not downplay the severity of a wandering sheep but should communicate to them and the congregation the weight of their decision to constantly neglect the feeding of their faith.

The problems Luther dealt with, concerning the abuse of the keys or a fear of using the binding key, are the same problems WELS pastors face today. To a lay person, if they do not see anything but legalistic expulsion in the binding key, it is because they have not been properly educated. In instances where congregations refuse to practice church discipline and excommunication, it can certainly stem from misunderstanding and a failure to educate from the shepherds.

WELS pastors should encourage one another to return to the Word, that we might see this loving command of Jesus and implement it in our churches. Not only is this what Christ commanded, but along the way, we will educate our elders and congregation members more effectively and show them the loving heart of the Savior as we work to establish stronger connections among the flock. The work of keeping straying sheep in the pen comes from the Good Shepherd, but it's an all-hands-on-deck command that involves the whole church.

Now a pastor may wonder if they should focus on the sheep in their pen first before looking for the straying. The answer is to do both, as they are mutually beneficial, as Harre notes, "Simply said, an effective program of ministry to inactive members will in all likelihood cause a ripple effect which will finally touch and perhaps modify in some way much of what a congregation is and does."⁶⁶ A good evangelism program for members who may be at risk of

66. Harre, *Close the Back Door*, 90.

straying helps reinforce doctrines with the other members, such as the universal priesthood of all believers. This is an area where twenty-first-century American Lutheranism falls short. As our church numbers grow, it becomes harder to see sheep wandering from the pen and off into the forest. But teaching an evangelism program for retention helps members take pride in their church, as they use their talents to encourage and help build one another up in the Word. It's no secret that one of the problems facing WELS churches today is member involvement. What better way to get people to buy in than to get them involved as partners in ministry? After all, the doctrine of excommunication belongs to the church as a whole. Christ does not say in Matthew 18 that only pastors are to go to the brothers and show them their sin in the hopes of winning them over.

There are many brotherly concerns between pastors that need to be addressed. Those who have witnessed excommunication used in a legalistic manner have seen the damage it has done. If this is observed, the brother who is practicing legalism has become one who is guilty of sin. They have failed to shepherd as their Savior has commanded them and now must be rebuked and corrected for their sins of laziness or selfishness. On the other hand, there is often the problem that the pastor doesn't want to do any sort of outreach to the members who have wandered. These pastors are perfectly content to have 400 members on the books and yet have 120 worshipping every week⁶⁷. This is an equally dangerous disservice. By failing to intervene, they are silently giving approval to those who wish to remain only a member of Christ's church in name. The pastor has a duty to tell them that they are in danger of being ones to whom Jesus will say, "Depart from me, I never knew you!" No amount of conflict or unpleasantness could

67. This is assuming there are no excusing circumstances (college, health and mobility limitations, etc.) but rather people who *should* be in church regularly.

outweigh someone fading off into eternal damnation because a pastor failed to instruct his congregation and carry out his pastoral duty in the name of comfort. God has shown how he feels about the wandering sheep. “If a man owns a hundred sheep, and one of them wanders away, will he not leave the ninety-nine on the hills and go to look for the one that wandered off? And if he finds it, truly I tell you, he is happier about that one sheep than about the ninety-nine that did not wander off. In the same way, your Father in heaven is not willing that any of these little ones should perish.” (Matt 18:12–14) The pastor is to keep that same ferocity as he and his congregation search out the lost sheep.

Those who are currently opposed to excommunication in the 21st-century Lutheran church are not opposed because they don’t agree with the fundamental doctrines. They are opposed because they’ve seen the damage done by pastors who failed to implement the keys in accordance with God’s design for them.

WELS pastors need to be willing to have conversations with each other about this key doctrine. We have fallen into both pitfalls that the binding key can have, but must work together to put this important doctrine back into use in our churches. It’s contrary to our culture today to do something that seems so hateful, but as seen by the success stories, it does not have to nor should it carry a hint of judgment or hate, regardless if some think it does.

Whether or not WELS pastors choose to fully embrace terms like “excommunication,” at the very least, the conversation prompts pastors to examine and improve their models for member retention. If a WELS pastor is going to say they will not practice excommunication, then they at least need to evaluate how they can build up their congregation so that the members themselves will look after their brothers and sisters in the faith. There is no pastor out there who can say they perfectly practice evangelism to straying members. No one can claim they have a

perfect plan for member retention. That is where the beauty of the doctrine of excommunication lies. Not that we eagerly look to lock people out of heaven, but that Christ has laid out for us so clearly how much he loves his sheep, and what lengths he is willing to go to (and demands his shepherds and congregational members to go to) in order to bring back one dearly loved but wandering child of God. A WELS pastor can argue against the wording and the abuses of excommunication, but not the doctrine. The shepherds of God's people must keep in mind, "My brothers and sisters, if one of you should wander from the truth and someone should bring that person back, remember this: Whoever turns a sinner from the error of their way will save them from death and cover over a multitude of sins." (James 5:19–20) At the end of the day, pastors can always, by the grace of God alone, do more and should do more for those wandering sheep. "Even if the list of inactive or straying members is long, each one is important to the Savior. He suffered in Gethsemane and surrendered to crucifixion for each one."⁶⁸ Let us, brothers and sisters in Christ, search for the sheep as the Good Shepherd so earnestly search for us, laying down his life that we may have life, and have it to the full.

68. John D. Schuetze, *Doctor of Souls: The Art of Pastoral Theology* (Milwaukee, Wisconsin: Northwestern Publishing House, 2017). 193.

THE SHEEP RETURNS... NOW WHAT?

The straying sheep refused brotherly admonition, brushed off meetings, and was finally excommunicated. However, the binding key cuts them to the heart as they realize the weight of their sin. They repent. How does a pastor proceed? Of course, first the pastor pronounces forgiveness in the name of Jesus. The binding key's ultimate purpose is for the loosing key to be used. When David repented of his sin and contempt for the Word of the Lord, the Prophet Nathan did not for a second withhold forgiveness. (2 Sam 12) When the prodigal son returned home in Luke 15, his father threw his arms around him and joyfully welcomed him back. The lost coin has been found. The lost sheep has been returned to the fold. There is rejoicing of the angels in the presence of God over the sinner who repents. (Lk 15:10) The wandering sheep has been cut deep by the law, and needs that salve of the Gospel applied liberally.

The pastor should have a plan for welcoming the sheep back into the fold. This is where Jay Adams *Handbook of Church Discipline* comes in very handy. He lays out a three-step process based on 2 Corinthians 2, "Among other things, three factors stand out: 1. The repentant offender must be forgiven 2. He must be assisted 3. He must be reinstated with love."⁶⁹ As excommunication is done publicly and through the entire church, so should the reconciliation of this lost member be public to the congregation. God's people get to share in the rejoicing and welcome their brother or sister back, delighting and praising God that he has worked this change of heart by his Word.

69. Adams, *Discipline*, 91.

With all three points Adams describes in his list above, the pastor must guard against legalism once again. The pastor and congregation cannot withhold forgiveness from the person who confesses their sin. Just as we cannot judge hearts during an excommunication, we also cannot judge them when the confession is made. Pastors must also be cautious in setting up ways to assist the person in regular worship attendance now that their back in the flock. There can be no hint of “Well, you have been restored from excommunication, but you’re on thin ice with God, and if you miss any more opportunities to be in his word, we’ll assume that you were insincere in your repentance.” The help given to a member who had strayed and now is restored should only come from a place of brotherly and caring building up and encouragement to continue feeding our faith together.

Like the Corinthian church was encouraged by Paul, the congregation must be encouraged to welcome their brother or sister back, and not hold their sin against them. *Christian Worship* provides a resolution that frames this well for the congregation, as it says,

Reinstatement

Dear friends in Christ, it is my joyful privilege to announce that by the grace of God, [name], who was excommunicated, has repented of his sin and been absolved. I encourage you all to take to heart St. Paul’s words, “The punishment inflicted on him by the majority is sufficient. Now instead, you ought to forgive and comfort him, so that he will not be overwhelmed by excessive sorrow. I urge you, therefore, to reaffirm your love for him.” In Christian love and joy we receive him back into the communion of Christ’s church and welcome him back into our fellowship as a forgiven brother in Christ. May the almighty and merciful Lord bless and preserve him in faith to life everlasting⁷⁰.

“We always made it known in the voter’s minutes and after church that God has prevailed. We’d emphasize that they are to be welcomed and encourage our people not to shame them. Christ won! Rejoice!” said one pastor. There is a temptation the pastor must watch out for, as with any

70. *Christian Worship Service Builder* “Thanksgiving for the Repentance and return of an Excommunicated Member.”

member whose sin is known to other members of the church; the temptation of becoming a pharisee. The person should not be shunned or thought of as less of a saint among the members of the church. This not only hurts the judgmental members, who put themselves in danger by considering themselves to be stronger or better Christians by their own merit, but could destroy the faith of the person who the binding key brought back to God's church. The law has done its work, and now both pastor and congregation need to let the Gospel predominate.

The pastors who have implemented excommunication properly shared stories of restored members who then never appeared on the "elder's list" again. A pastor must ask himself what he and the congregation can do to help keep that sheep from wandering again. Once again this is where personal Christian relationships on the front end are so important. It cannot be overstated how important it is to have good Christian friends who model and encourage time in the word. As David writes, "I rejoiced with those who said to me, 'Let us go to the house of the LORD.'" (Ps. 122:1) Member retention is not a burden, but a blessing. It's a blessing to have our people be intertwined and connected, so that they may face the attacks of Satan and the world strengthened in each other and being rooted in the life-giving Word of God.

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THE DUSTY BINDING KEY: APPLYING EXCOMMUNICATION TO WANDERING

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Appendix A: Helpful resources

If a congregation sees the need to implement or refresh its church discipline policies and plans for regaining straying sheep, this is not an overnight process. The longest and most important part of the process is the education of the congregation. *Northwestern Publishing House* has updated its manual on Church Discipline with straying members⁷¹ into a free downloadable resource, which includes both a leader's guide and a student guide.⁷² The resources first outline why we seek the straying sheep, including some warning signs to look for in those who are beginning to stray, and then explain how we go about reaching out to the straying sheep. It teaches that the doctrine of church discipline and the ministry of the keys are the responsibility of everyone in the church. It provides a good general outline for having conversations with members who are missing time in God's house and robbing themselves of the comfort found in Word and Sacrament. It provides two models for witnessing: TAS (Talk about the Savior) and GGE (God's Great Exchange). While it's written at a level that almost any member can comprehend, at the very least, it is an invaluable resource for equipping the church's elders to assist the pastor in seeking those who have strayed. There is also an even newer version that includes videos that elders or other congregation members can watch on their own time.⁷³

71. *Regaining the Straying* by the Commission on Evangelism of the Wisconsin Evangelical Lutheran Synod. Printed 1981, second printing 1984, revised 1996.

72. <https://online.nph.net/church-discipline-teacher-s-guide-english-download.html> (Leader Guide) <https://online.nph.net/church-discipline-student-manual-english-download.html> (Student Guide). There is also a more expanded Bible study version available for purchase. <https://online.nph.net/my-brother-s-keeper.html>.

73. <https://welscongregationalservices.net/welcome-home-elder-training/>.

For a more concise booklet, *Church Discipline in the Christian Congregation*⁷⁴, can be another good resource⁷⁵. Another worthy resource is Allen Harre's *Close The Back Door*, which includes materials for pastoral education, elder education, and feedback surveys to get a view of the congregation's understanding of church discipline.

Another helpful resource is a model that is often referred to as "mailbox ministry." The concept is this: every member has a mailbox. If a certain amount of time goes by (for example, 6 weeks) and the mail has not been collected, the elders and pastor know the member hasn't been there and has not contacted them otherwise. They then deliver the mail to the member, accompanied by a letter of encouragement and a friendly check-in. If this persists for multiple months and the member still does not return to church, the elders schedule a meeting with them to ascertain the reason(s) the person is neglecting to attend worship. If the person refuses to heed their warnings and concerns, they will start to send letters warning of the potential of excommunication. Only after all these steps have been taken over months and potentially years, and the member still adamantly refuses any sort of loving rebuke, do the elders and pastors recommend to the church body that the member be excommunicated. If voted unanimously, the pastor and elders hand-deliver the notice of excommunication. The key here is that the member (now outside of fellowship and bound by the key) has been instructed and warned the whole way, and that they know that this is one final pronouncement of God through his church upon

74. "Church Discipline in the Christian Congregation" (1985). Available through <https://ctsfw.net/media/pdfs/CTCRChurchDisciplineintheChristianCongregation.pdf>

75. It answers some questions the NPH resource does not, such as the legality of excommunication, whether another churches excommunication applies, and if a pastor may suspend someone from fellowship even if they haven't been excommunicated. It does, however, make the claim that an excommunication does not have to be unanimous in the congregation. Though the scenario could exist where a voting member of the congregation objects to an excommunication, if this was due to an unbiblical reason, then that person would, by definition, come under church discipline themselves.

their soul out of love and concern, and they know that should they repent, the church is ready to welcome them back with open arms, just as Christ would and does through his church, rejoicing with the 99 sheep that the lost one has been returned to the flock. Below are some examples to be used with this model⁷⁶:

Example 1: Encouragement letter to be delivered with the missed church mail.

Dear _____,

We've missed you at church services for the past several weeks. These items are being delivered to express the love and concern we share for our church family and to see if there is anything we as a congregation can do to assist you. Please contact me or one of the pastors at the phone numbers listed below if you have any questions or concerns. We look forward to having you back in the Lord's house!

In His service,

Pastor X 555-867-5309

James Jones, Elder 555-555-5555

76. For further examples of Elder's letters that could be used, consult Arthur J Clement, "A Potpourri for Church Elders" (Alpine Evangelical Lutheran Church, 1974). Available in the WLS essay file.

Example 2: After several months of missed services, with the intent to establish a meeting.

Dear _____,

We've missed you at church services for the past several months. We are concerned about your spiritual welfare and want to know if there is anything that we as a congregation can do to help you. Please contact Pastor X or the elder listed below at your earliest convenience.

We look forward to having you back in the Lord's house!

In His service,

Pastor X

Phone: 555-867-5309

Elder: John Smith

Phone: 555-555-5555

Example 3: Excommunication warning letter

March 2, 2010

Dear John,

It is our desire at Good Shepherd to remain faithful to Christ and encourage you to keep connected to Jesus Christ, your Savior. God provides this connection through his Word and his sacraments. ***“Faith comes from hearing the message, and the message is heard through the Word of Christ” (Romans 10:17).***

You have not been staying connected regularly to the means of grace here at Good Shepherd. We have tried encouraging you to stay connected XXXX times by delivering a letter and your Notes and News. We have tried contacting you XXX times by phone. We have

attempted XXX visits to your door. Due to this continued despising of the means of grace, the elders will be recommending to the Church Council at its next meeting that they continue the process of Excommunication, which will be carried out at our next quarterly Voters' Meeting.

If you wish to not be excommunicated from *Lutheran Church*, it is imperative that you set up a visit with Pastor X and one of our elders. It is our hope that you will reconsider the importance of Christ and become active in his Church once again. Our doors and, especially, our hearts are always open to you. We sincerely keep you in our prayers in hopes that you will return.

Sincerely yours,

The Elders of *Lutheran Church*

*List of names of Elders here**

There is no template for a letter of excommunication included in this appendix. This is because every situation is different. A pastor and his elders should craft every letter with that particular soul in mind that they are trying to reach. It should be addressed not only in name, but in content to the person who is straying. It should have Scripture passages tailored to the situation, and be written in a tone that is appropriate for the person being excommunicated.

Appendix B: Survey example:

The following questions were asked of 40+ WELS churches from all 12 American districts, via emailed Word document and anonymous Google Form:

1. How many members did you have who haven't attended worship in over a year? (estimate, barring any "excused absences-illness, college, etc.")
2. How many members did you have who haven't attended in over 3 years (ballpark estimate is fine)
3. Have you ever excommunicated someone over a lack of attendance?
4. When a member, who has been delinquent in membership and has not responded to the efforts of the elders and others, is recommended to be removed from membership, what terminology is used by the elders/pastor/congregational voters when discussing removal? ("released from membership", "released due to inactivity", "removed from membership", "excommunicated", etc.)
5. What are some reservations you may have against excommunicating someone for lack of attendance?
6. If you have excommunicated someone for lack of attendance, have you had any success stories or negative responses?
7. Do you have any comments, questions, concerns, or insights about the use of the binding key when it comes to the persistent sin against the Third Commandment?
8. What was the process for excommunicating someone?
9. What was the process for instructing the congregation?
10. Did you have plans set in place to welcome them back?