

Concerning Lay-Elders or Parish Lay-Leaders

[Ueber Laienälteste oder Gemeindevorsteher]

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Introduction

This work by Walther, which is a defense of the use of lay-elders within Lutheran congregations, was not a topic randomly chosen. As a practical matter Walther viewed the use of lay elders to help govern the new Lutheran congregations emerging on the American frontier as very useful, even necessary. As such he felt the need to defend the practice theologically and historically against the critics of his day. In this article, Walther uses his standard approach and method of theological presentation presenting witnesses of scripture and the Lutheran Confessions, Luther, and then various recognized orthodox Lutheran theologians in support of his argument. As will be seen, much of the argument presented is based upon the exegesis of the text of 1 Tim 5:17 which mentions “elders who rule well, especially those who labor in word and doctrine.”

In the course of his presentation Walther makes a solid argument that lay elders were known in the ancient church before the 5th century (at least in Latin speaking North Africa). And while the lay elders Walther had in mind were local long term office holders who helped govern the local congregation, he explicitly points out this is of the same character and justified in the same way that laymen attended the ancient church councils (also called ‘synods’) and participated with the clergy in discussions and decisions regarding matters of doctrine and discipline.

The question of the exegesis of 1 Tim 5:17 and the institution of lay-elders was not new in Walther’s day nor was it only a question within the Lutheran church. This text received attention in the 16th century by Lutheran as well as Reformed theologians as part of the general effort to properly clarify the definitions of the “church” and the “ministry” in response to Rome’s theology. Although it was certainly not a primary focus of controversy, the institution of lay elder continued to receive attention from Reformed and Lutheran theologians in the 17th century.

This topic was rejuvenated again among the Reformed in America in the early 19th century most likely due in part to many of the same practical concerns that motivated Walther. The topic continued to receive attention throughout the 19th century among various Reformed theologians sometimes within the the context of larger

works dealing with church governance.¹ In the course of this discussion, the Reformed theologians gave consideration to some theological questions which were never of import among Lutheran theologians on this topic. For example some maintained the office of lay elder was a divinely instituted office which must exist in the church. Others denied it was found in the scriptures at all.

Within this Reformed theological conversation, the two typical designations for this institution were “lay elders” and “ruling elders.” These were intended to clearly distinguish such office holders from those who were ordained to teach and preach the word of God. And thus it was maintained that there were “two types” of “elders” known in the scriptures, those who taught in the church, and those who did not. Lutherans followed this same approach.

This Reformed attention given to lay elders undoubtedly fueled some Lutheran theologians to come to state the entire matter as a Reformed one which did not concern Lutherans, indeed, leading to some, perhaps many, to view the entire practice of lay elders as a Reformed institution unknown within the Lutheran Church.

It was this latter opinion among fellow Lutherans which motivated Walther to write this article in which he admits that lay elders, or ruling elders, were not common among Lutheran congregations historically. But he does show that they were used in congregations in several Lutheran territories. And he further successfully demonstrates, that in spite of the relative rarity of the usage of lay elders, there was agreement in the teaching of the leading Lutheran theologians of the 16th and 17th centuries that such a practice was in accordance with scripture and historical precedent.

And now for a few words regarding Walther’s terminology and the choices made in pursuit of this translation. First, it is well known among anyone who has spent time in the domain of the church and ministry controversies of the 19th and 20th century Synodical Conference that much of the terminology used, especially various German terms, has become so burdened by later controversies that it is very difficult to render earlier pieces like this

¹ See for example: Samuel Miller, *An Essay on the Warrant, Nature, and Duties of the Office of the Ruling Elder, in the Presbyterian Church* (Philadelphia: Presbyterian Board of Publication, 1832). Also Thomas Smyth, *The Name, Nature, and Functions, of Ruling Elders: Wherein It Is Shown from the Testimony of Scripture, the Fathers, and the Reformers, That Ruling Elders Are Not Presbyters or Bishops, and That as Representatives of the People, Their Office Ought to Be Temporary* (New York, Mark H. Newman, 1845). Also Alexander T. McGill, *Church Government. A Treatise* (Philadelphia: Presbyterian Board of Publication and Sabbath-School Work, 1888).

without importing questions and controversies of a later time. It is impossible to completely overcome this difficulty. However some basic principles were emphasized: with technical terminology I have made every effort to be consistent in translation and I have chosen to emphasize precision over artfulness of translation in those areas which are dependent upon the precision of such terminology. The following are some important specifics regarding terminology experienced in this article:

First it must be noted the important terms designating the “lay elder” or “ruling elder” or “lay leader” involve four languages: Greek of the New Testament, Latin of the ancient church and Orthodox Lutheran teachers, German for Walther and this article, and finally English for the audience of this translation. I offer this cross reference table to help clarify:

| English & Root Meaning | Greek | Latin | German | Example |
|--|-----------|--|---|-------------|
| “Elder” - referring to the age, wisdom, and distinction of the one so designated | πρεσβύτης | senior or presbyter (from the Greek) | Die Ältesten or Presbyter (from the Latin and Greek) | 1 Tim 5:17 |
| “Leader” - to stand before, to lead | προΐστημι | praesum | vorstehen | 1 Tim 5:17, |

Additional technical words of concern are:

| English | Translation Notes |
|----------------------------------|--|
| “Presbyterium” or “Presbyterats” | I have chosen to use <i>presbyterium</i> as a translation of the German in these instances as opposed to the English Presbytery. I have only done this to avoid any confusion or conflation with ideas of what a modern Presbytery is in the Presbyterian church and to avoid giving the impression Walther was directly deriving his argument directly from that model. |
| “Gemeinde” | I have chosen to translate “Gemeinde” as “parish”. This word among others has become so entrapped by the later controversies between “local congregations” and “church” that, although, “parish” is not familiar among American Lutherans and sounds somewhat “Roman” to American Lutheran ears, it still seemed the better choice for this translation in order to avoid any misunderstandings. |

solī Deo gloria - Mark D. Nispel

Translation

[54] By and by in the Lutheran Church the idea has come to prevail that the institution of so-called lay elders [Laienältesten] (*presbyteri laici, seniores plebis*) is a shibboleth of the **Reformed**² church and its doctrine concerning the ministry and church government, and further, [that this institution is] foreign and contrary to the spirit and teaching of the **evangelical Lutheran** church. Dr. Rudelbach³ has argued rightly and with determination against this delusion for many years already. For example, this great historian wrote among other things in a treatment of “The State Church and Religious Freedom” (which appeared in 1850 in the periodical published by Rudelbach and Guericke)⁴:

To Luther as well as Melanchthon, it was completely reasonable that a synodical type organization [Synodale Verfassung] **along with the free parishes**, which it presumes, would be the most preferable and appropriate permanent ruling institution [to have] along side the church (which was the essential [original] purpose of the bishops) and this would be the unique method of governance of the Evangelical (Lutheran) church. **We must sharply stress this here already because in recent times an idea has emerged that the presbyterial idea is completely un-Lutheran, and is rather uniquely and essentially Reformed.** This claim is refuted as much through the clear testimony of the Reformers themselves as well as through the nature of the thing itself. For it is impossible to create a synodical based form of governing (Synodalverfassung) without the presbyteries standing along side it. ... It is further obvious, that for both Luther and Melanchthon synods were not only desirable, but demanded, in order to give considera-

² All bold text represents emphasis in the original expressed by a different wider font spacing / kerning which adds emphasis. It is functionally a direct equivalent to bolding which also appears in a few places in the original as a second level of emphasis. In this translation, bold text will represent both. These methods of emphasis were commonly used in articles in *Lehre und Wehre*. All footnotes which occur in the original text will be translated here as footnotes and explicitly introduced by this translators remark that “Walther adds the comment ...” or something similar. Otherwise all content in the footnotes are the responsibility of this translator and editor. Within the text itself anything in standard parenthesis represent content in the original. Anything in square brackets, [], has been provided by the the translator for reference. These brackets have been used to insert page references where the original text moves to the top of a new page.

The original text of this article was published within volume 3 of *Lehre und Wehre*, and is available on Google Books here: <https://bit.ly/1HC4COT>.

And although Wikipedia does not meet the requirements of formal academic research, I have provided many references to that resource in the notes below in order to elucidate the many references to historical personages in the original which would have been impractical to do for this work in an academically rigorous way, and further, would largely have produced reference to material outside the day to day reach of many within the intended audience of this work. Likewise, I have produced reference to other on-line resources, such as the old *Patrologia Latina*, for some patristic quotations, not because they are the best academic critical texts available but because they are the most accessible to my audience. To the best of my knowledge I have not included reference to any material that may be considered academically controversial in terms of more recent textual or historical criticism of the texts specifically referenced.

³ See the Wikipedia entry on Andreas Gottlob Rudelbach at https://en.wikipedia.org/wiki/Andreas_Gottlob_Rudelbach.

⁴ This was the *Zeitschrift für die gesammte lutherische Theologie und Kirche*, 1839 and following, Leipzig.

tion to matters of interest to the church as a whole. Additionally one definitely cannot (as has been recently falsely claimed by Stahl among others) understand this to refer merely to gatherings of the clergy.⁵ [55] Rather it must be understood as meaning a **true representation of the church**⁶ through which the parish would have not merely the dubious right of confirming things already done. Rather, the parish would have a truly **decisive vote** [decisives Votum], which in later times was conferred to the lay members of the consistories. (p. 396-398).

Indeed here in America, where church and state are separated and the ecclesiastical parishes exist autonomously and independently from the civil [government]⁷, an institution like the so-called lay elders must be even more important. And since it is easy to deviate from the from the correct understanding of this institution, either far to the left or to the right, it may be desirable to many to hear the voice of our orthodox fathers regarding the biblical foundation, status, and the sphere of activity and authority of this institution. Therefore in the following pages we are sharing a series of pertinent witnesses.

Martin Chemnitz⁸ writes in his *Examination of the Council of Trent*:

Many functions belong to the office of the church, which, when the number of believers is great, cannot all be looked after by one or a few persons. So in apostolic times, so that everything would be done in an orderly, appropriate way for the upbuilding [of the church], when the meeting places of the church had become many, the practice was started to arrange those functions of the preaching office [Verrich-

⁵ “die Geistlichen” - the priests, ministers.

⁶ “eine wirkliche Kirchenrepräsentation.” An editorial footnote here by Walther in the *Lehre und Wehre* text reproduces a footnote in the Rudelbach text:

See Melancthon’s works 3, 472: ‘However in conflicts over doctrine the bishops alone should not pass judgement, rather, apt people from the entire body should be chosen.’ Overall the reformers maintain that every form of tyranny conflicts with the the essence of the church and that even the **appearance** of such is to be avoided. ‘Tyranny’, says Melancthon, ‘is the enemy of the church.’ Thus his letter on the Nürnberg preachers on Feb 17, 1540. *Opp. ed. Bretschneider, T.III. 965. seqq.*: ‘Also excommunication must be reestablished, not as before, in the affairs of worldly things, but rather over public sins. And [while reestablishing this practice] one would in addition, make use of the **elders in every church** for this judgement.’ This is moreover the intention, where the pure idea of the **presbyteries** and the practical work, which was already in mind at that time when the **consistories** were established, come together. Rudelbach.

⁷ Literally Walther contrasts the “kirchlichen Gemeinden”, the ecclesiastical parishes, with the “bürgerlichen”, that is, the civil parishes, which is a German way of expressing the American political idea of “separation of church and state.”

⁸ Martin Chemnitz was a theologian of the generation immediately following Luther living from 1522 to 1586. He was Superintendent of Brunswick-Wolfenbüttel from 1567 to 1586. He is one of the primary authors of the Formula of Concord and frequently referred to as “the second Martin” indicating the esteem he is held in within the orthodox Lutheran theological tradition. A Wikipedia entry is here: https://en.wikipedia.org/wiki/Martin_Chemnitz.

tungen des Predigtamts] into certain grades of ministers of the church⁹, which were afterwards called *τάξεις* or *τάγματα*. In this way each individual [person] would have his certain assigned post in which he served the parish **through certain functions of the preaching office**. So in the beginning the apostles took care of the office of the word and sacraments and simultaneously the distribution and administration of the alms [to the poor]. Afterwards however, as the number of the disciples grew, they handed over **this part of the preaching office**, which concerned alms, to others, whom they called the **deacons**, that is servants. And [56] the reason why they did this is given, namely, so they could keep to the office of the word and prayer without distractions (Acts 6:4).

And this first origin of the grades and orders of the preaching office in apostolic times shows what the reason, what the type and manner, and for what purpose and use such grades and orders should be. **Namely, [their purpose is] that the individual functions of the preaching office, should be looked after to the upbuilding [of the church] more fittingly, more appropriately, and in more zealous fashion and in [good] order, with a particular title [of office], according to the circumstances of the parish.**

Following this, after Chemnitz has discussed still more so-called “grades of office” such as prophets, evangelists, teachers, pastors, he continues:

⁹ An editorial footnote by Walther adds:

From the text that follows it is obvious that Chemnitz does not speak of the **grades** of the office in an episcopal sense. Rather he only recognizes One Office. The differing functions of this office are however given over to various people as helpers of those who have the office *καθ' ἐξουσίαν*. In this sense, ecclesiastical church orders (kirchlichen Ordnungsrechts) can be used for the establishment of a system of grades of office.

In 1 Tim 5:17¹⁰ Paul mentions **two types of elders**, one of which was placed over word and doctrine, and the other which was placed over **matters of church discipline**. In chapter 39 of his *Apology*¹¹ Tertullian also mentions this presbytery. These are roughly the grades into which, as we read, the functions of the preaching office were divided in the time of the apostles. ... We should remind ourselves, however, **1. there is no command of God**, regarding which or how many such grades or orders there should be, and 2. that in the time of the apostles not all assemblies had the same grades or even the same number of grades or orders, as can be inferred from the letters of Paul which were written to various congregations, and 3. in the time of the apostles there was not such a distribution of those grades such that often **one and the same [grade]** took over and carried out **all** of these functions which belong to the preaching office, as is well known from apostolic history. Therefore, in the time of the apostles such orders were **free**, in so far as they served order, decency, and edification. And at that time God gave special gifts to some people such as tongues, prophecy, the apostolic office, and the ability to perform miracles. Those grades, of which we have been speaking, however, **were not over and above the office of the word and the sacraments**, but rather precisely the functions of the preaching office were organized into those grades for the reasons already mentioned.

The early church followed that example of the apostles in the same way and with the same freedom. The grades of the functions of the preaching office were allocated but not in the entirely same way in the Corinthian and Ephesian parishes, but rather according to the circumstances of each of the parishes. So from this is to be learned how this allocation was carried out in freedom ... In this way however, to this

¹⁰ Paul states:

Let the elders who rule well be considered worthy of double honor, especially those who labor in preaching and teaching. (ESV)

Οἱ καλῶς προεστῶτες πρεσβύτεροι διπλῆς τιμῆς ἀξιούσθωσαν, μάλιστα οἱ κοπιῶντες ἐν λόγῳ καὶ διδασκαλίᾳ (SBL GNT)

Paul's text clearly makes a distinction between elders (πρεσβύτεροι) who rule well and DO labor in "preaching and teaching" and those elders who rule well but do NOT labor in "preaching and teaching." This text is the fundamental New Testament text which Chemnitz, Gerhard, etc., and Walther refer to as they explain the institution of lay elders.

¹¹ The *Apologeticus* is Tertullian's most famous work written in c.197 C.E. See a summary on Wikipedia at <https://en.wikipedia.org/wiki/Apologeticus>. Multiple translations of the work are available online. This work is an apology of the Christian religion to the surrounding pagans. In chapter 39, Tertullian gives an overview of what occurs in the public assemblies of the Christians in order to counter sensationalistic rumors promulgated about the Christian minority. And here he states: "*Praesident probati quique Seniores, honorem istum non pretio sed testimonio adepti*" (Certain approved elders preside, having obtained this honor not by money but by reputation." There is no clear mention of two distinct types of elders in this text. But the context explicitly discusses both the teaching which occurs in the Christian assembly as well as the practice of public church discipline which occurs in the assemblies. In part:

We assemble together to call to remembrance the divine writings, if the aspect of affairs requires us to be forewarned or reminded of anything. In any case we feed our faith on these holy words, we encourage our hope, we confirm our confidence, and we enforce the teaching of their precepts none the less during attacks of persecution: at the same time we pronounce exhortations, chastisements, and the divine censures of excommunication. For our judgement is delivered with great weight, as by men who are assured that they are acting in the sight of God; and it is the gravest anticipation of future judgement, if any one has so sinned as to be banished from the communion of prayer, and assembly, and all holy intercourse.

end and with observance of this freedom, most of these grades of the ancient church are also observed among us.¹²

John Gerhard¹³ wrote the following:

In the apostolic and [57] early church there were **two types of presbyters**, which in Latin are called **elders [Senioren]**, as is shown by 1 Tim. 5:17. For some administer the teaching office [Lehramt], whom are called bishops, pastors, etc. Others however were to oversee **the censure of morals and the conservation of church discipline**. This was done at a time when the authorities who were still heathen did not support the teachers in the church in this matter.¹⁴ These were called **rulers (Regierer)** and **leaders (Vorssteher)**, as is shown by 1 Cor 12:28 and Rom. 12:8.¹⁵ **St. Ambrose** writes regarding 1 Tim 5: “Also the synagogue and hereafter the church had **elders**, without whose counsel nothing was undertaken in the church. And I do not know through what carelessness this has fallen into disuse, whether through laziness or probably more likely through the pridefulness of the teachers so that they alone might be

¹² Walther gives the reference as, *Examen* Part. II. Loc. 13. Sect. 2. *de septem ordinibus*, fol. 574. ff.

¹³ Johann Gerhard was a theologian of the Lutheran orthodox period, living from 1582 - 1637. He was a professor at the University of Jena from 1516 to 1637. A Wikipedia entry is here: https://en.wikipedia.org/wiki/Johann_Gerhard.

¹⁴ An editorial footnote by Walther states:

From this remark it becomes clear why the institution of the parish lay-leader was unusual in the early Lutheran church where the government was of the Lutheran confession. At the same time, however, this is a hint for us here in America, where the government is not of our confession, that here the need presents itself all the more for lay leaders who rule together [with the clergy] [mitregierender Vorsteher].

¹⁵ 1 Cor. 12:28 reads:

And God has appointed in the church first apostles, second prophets, third teachers; then deeds of power, then gifts of healing, forms of assistance, **forms of leadership** (κυβερνήσεις), various kinds of tongues. (NRSV)

The greek noun comes directly from a verb meaning “to captain” or “to steer” a ship. Luther’s 1545 translation reads “**Regierer**” in this passage reflecting Gerhard’s language above and the predilection of the German language for emphasizing authority and order. This seems better in this case than the ESV’s “administrations” which is an unusual English construction and comes too close to a bureaucratic government word in English.

Rom. 12:6-8 reads:

We have gifts that differ according to the grace given to us: prophecy, in proportion to faith; ministry, in ministering; the teacher, in teaching; the exhorter, in exhortation; the giver, in generosity; **the leader** (ὁ προϊστάμενος), in diligence; the compassionate, in cheerfulness. (NRSV)

Luther’s 1545 translation reads: “**Regiert** jemand, so sei er sorgfältig”

considered important.”¹⁶ Both types (of presbyters) bear together the name “ruler” (Vorsteher) together in 1 Tim. 5:17¹⁷, and “leading men” in Acts 15:22, Heb. 13:7, 17, 24.¹⁸ That holy college which Paul calls the “presbytery” (1 Tim. 4:14) was gathered simultaneously from both together: “Do not fail to give heed to the gifts which were given to you through prophecy with the laying on of hands of the elders (of the presbytery).” From this passage it is shown that in the **ordination** of the ministers of the church not only the pastors, but **also the elders chosen from the people** laid hands on those being ordained in the name of the whole church.¹⁹ We see this in Deut. 8:10 where not only Aaron but rather also the elders of Israel laid their hands on the Levites at ordination. (Some however think, that here with the name “presbytery” is designated the group of those elders who were pastors and bishops in a special sense). **Today the consistory or the church council corresponds to the presbytery, in which ecclesiastical and political persons preside and primarily concern themselves with church discipline.**²⁰

¹⁶ The patristic text Gerhard refers to is from the *Commentaries in the Epistles of St. Paul* which till the 16th century had been attributed to St. Ambrose. But already Erasmus called this attribution into question and later scholars confirmed his doubts. It is now broadly agreed that the text is from an unknown 4th century author. The text is referred to by Augustine and attributed by him to someone named Hilary which has led to a variety of educated scholarly guesses as to the identity of the author, none of which can be proven. Modern scholars are accustomed to refer to the unknown author as Ambrosiaster, or Pseudo-Ambrose. See a Wikipedia article here: <https://en.wikipedia.org/wiki/Ambrosiaster>. The work is generally regarded as well written and as an important work. This passage referred to by Gerhard has been quoted by various other ecclesiastical historians for the same purpose as Walther and Gerhard quote it here and thus has become a well known proof text for the existence of lay elders in the church in the 4th century and before. For example, Alexander T. McGill, *Church Government. A Treatise* (Philadelphia: Presbyterian Board of Publication and Sabbath-School Work, 1888), 331.

The Latin text is available in J. -P Migne, *Patrologiae Cursus Completus, Series Latina* Sive. Bibliotheca Universalis, Integra, Uniformis, Commoda., vol. 17 (Paris, 1844), 502 and reads:

Nam apud omnes utique gentes honorabilis est senectus: unde et Synagoga, et postea Ecclesia seniores habuit,, quorum sine consilio nihil agebatur in Ecclesia. Quod qua negligentia obsoleverit, nescio, nisi forte doctorum desidia, aut magis superbia, dum soli volunt aliquid videri.

Ambrosiaster makes references to other Jewish traditions in this work as noted by Frances M. Young, Lewis Ayres, and Andrew Louth, *The Cambridge History of Early Christian Literature* (Cambridge, U.K.: Cambridge University Press, 2006), 308. While the historical origin of Christian lay elders cannot be determined with certainty, Ambrosiaster’s reference to the synagogue could very well point in the right direction, to the early Jewish Christian congregations which emerged from the synagogues in the first decades of Christianity, especially in Latin speaking North Africa.

¹⁷ This refers to the phrase “the elders who rule well” where both the elders who teach and those who do not, both together are included in the phrase “rule well” (Οἱ καλῶς προεστῶτες πρεσβύτεροι). I have used “elder” here for “Vorsteher”.

¹⁸ This refers to the use of the verb ἡγέομαι, “to lead”, in these passages to refer to various early Christian leaders some of whom appear to be involved with teaching, others not, although this is not as explicit as it is in 1 Tim 5:17.

¹⁹ An editorial footnote by Walther states:

Although we leave open the question of the historical correctness of Gerhard’s remark, yet we take notice hereby that obviously Gerhard had an entirely different concept of ordination in mind than that which once again appears to want to prevail today.

²⁰ Walther gives the reference as, *Loc. de ministerio*, para. 232

[82] **J. Andreas Quenstedt**²¹ (Professor at Wittenberg, died 1688) wrote:

In earlier times there were clerical and **lay elders**, that is, they were divided into teaching and **ruling** elders. The former dealt with word and sacraments while the latter gave attention to the morals of the believers. The blessed **Dr. Hülsemann**²² (Professor in Leipzig, died 1661) indeed said it well in his *Brevarium der Theologie*, chapter 19, Thesis 18: “In that particular congregation **lay elders** were established according to the institution of the apostles. To these was not given the office to preach the word of God or to administer the sacraments. Rather, they were to turn their attention to the external morals of the Christians, to order within the church, and to **the support of the public teaching**, and along with the pastors to discern and judge matters in these areas.”²³

[83] **Casper Erasmus Brochmand**²⁴ (Bishop of Zealand in Copenhagen, died 1652) defended the text of 1 Tim. 5:17 with extensive proof against those who denied that the passage referred to lay elders, or as he called them, political elders. He wrote:

Adrian Saravia²⁵ and Erastus²⁶ (both Reformed) zealously make claim that a presbytery consisting of ecclesiastical and political persons is not a divine but rather a human invention. The basis and confirmation of this claim is that the scriptures recognize no other presbyter and permits no other type than those who have the office to teach and interpret from the scriptures. We see the words of St. Paul in 1 Tim. 5:17 as being against their opinion. There the apostle explicitly teaches that there are two types of presbyters. The one was busied with the work of publicly teaching the church. But the other type was dedicated to the care of church discipline. This explanation is strengthened by Paul himself who in 1 Cor. 12:38 mentions the rulers, which means those persons who do not teach as much as rule the church, since they are distinguished from the apostles, prophets, and teachers. But Saravia and Erastus struggle to try to overturn or at least make doubtful the proof drawn from Paul’s text of 1 Tim. 5:17. The summation of their argument is: ‘The apostle does not mention two types of presbyters, but rather teaches, that

²¹ Johannes Andreas Quenstedt was a theologian of the Lutheran orthodox period, living from 1617 - 1688. He was a nephew of Johann Gerhard. He taught at the University of Wittenberg from 1644 to 1688. A Wikipedia entry is here: https://en.wikipedia.org/wiki/Johannes_Andreas_Quenstedt.

²² Johann Hülsemann was a theologian of the Lutheran orthodox period, living from 1602 - 1661. He was a professor at the University of Leipzig from 1646 to 1661. A Wikipedia entry is here: https://en.wikipedia.org/wiki/Johann_Hülsemann. A more complete German entry is here: https://de.wikipedia.org/wiki/Johann_Hülsemann.

²³ Walther gives the reference for this quote as *Antiquitat. bibl. et eccles. Witeb.*, 1688, p. 88.

²⁴ Casper Erasmus Brochmand (also known as Jesper Rasmussen Brochmand) was a theologian of the Lutheran orthodox period, living from 1585 to 1652. In 1615 he became a professor at the University of Copenhagen and was Bishop of Roskilde (30 km west of Copenhagen on the Danish island of Zealand) from 1639 to 1652. A German Wikipedia entry is here: https://de.wikipedia.org/wiki/Jesper_Rasmussen_Brochmand.

²⁵ Hadrian à Saravia (1532 - 1612) was an English theologian. See his Wikipedia entry here: https://en.wikipedia.org/wiki/Hadrian_à_Saravia.

²⁶ Thomas Erastus (1524 - 1583) was a Swiss theologian. See his Wikipedia entry here: https://en.wikipedia.org/wiki/Thomas_Erastus.

indeed all presbyters, that is ministers of the divine word, are worthy of double honor, but especially those who shepherd the sheep entrusted to them with tireless diligence and the innermost concern.' This explanation attempts to make itself acceptable through two arguments. The first argument they take from the words which follow this text regarding pay (for the elders). 'For it is not probable', says Erastus, 'that at any time the ministers of the church and the non-teaching elders received the same pay.' For if the one type had received double pay and the other a single portion, then the apostle would not have said that both are worthy of double honor. The other argument they take from the word *κοπιᾶν*, which St. Paul uses. 'For *κοπίω* or *κοπιᾶζω* not only means to work, but rather to struggle with working or to administer something with great zeal, care, and labor.' But these objections are easily dismissed. First, the explanation of the opponents is all too unnatural, as if the apostle wanted this, namely, that all elders, all ministers of the word, to be worthy of double honor, but especially those *κοπιῶντες* in word and doctrine. For the connection of the words themselves is contrary to this explanation. For if the apostle had not been speaking of another type of elder than those that proclaim the word of God, why would it have been necessary to add the phrase: "especially those that labor in word and in teaching"? In the following verses the apostle himself addresses those elders who do not rule appropriately. And tell me this, does he want those to be considered worthy of double honor who preach the word of God [84] but not with appropriate diligence and zeal? No! Certainly all **elderly people** are worthy of honor according to the scriptures. But the elders **who rule** are worthy of double honor. And that is the right explanation.

Saravia's and Erastus' explanations are too unnatural to be believed. That which they attempt to prove is invalid. The first is completely unfounded. For that double honor of which the apostle speaks which the ruling elders are worthy of is not strictly pay or salary, but rather the bestowal of honor whether it is external respect, or obedience, or support. For according to the manner of speaking in the scriptures "double" honor is the same as "much and varied" honor Jer 17:18; Pr. 31:21; Is 40:2; 2 Ki 2:9. A **part** of this double honor is pay. St Paul reminds us that one especially owes such to those who labor in word and doctrine as those who administer the more important office and since they are busy with the teaching office they cannot pursue another craft or at least do not have time to make use of it.

The other instance is equally easy to dismiss. For although the *κοπιᾶν* means to work assiduously and tire oneself, still this word is used in the New Testament to refer to every minister of the word, not however especially to designate those who are more zealous than others. The admonition of Paul in 1 Cor 16 is well known: "also that you should be subject to such as these, and to all who work and **labor** with them." It is so certain that the word **labor** [work] is used of every minister of the word that it cannot be denied by anyone with any appearance of right. Additionally consider 1 Th. 5:12: "We ask you, dear brothers, that you respect those who **labor** among you and rule over you in the Lord and admonish you." It is clear that with these apostolic words, 'those who labor', 'those who rule', 'those who admonish', every minister of the divine word is meant, as through a rephrasing. And no one can deny this. In vain the opponents seek support for their foul argument in the word **labor**. Let our conclusion be that the presbytery in the apostolic age consisted of both ecclesiastical and political persons.²⁷

²⁷ Walther gives the reference as, *System. univ. Th. Tom. II, c. 4. q. 5. f. 383.*

Calov²⁸ (professor and general superintendent in Wittenberg, died 1686), after he had introduced Grotius'²⁹ explanation of 1 Tim. 5:17, afterwards he continues:

Others say rightly that **two types of elders** are found here, namely, a ruling type and a teaching type. The first type they name **lay elders**, and the other clerical elders. The first type was also honored as an ecclesiastical office. This type was appointed to oversight of church discipline or external morals. Additionally this type was tasked with being concerned for order among the Christians and **support of public teaching** and other things in governance of the church (Kirchenregiment). This type [of elder] governed together with the pastors. [85] And so in 2 Cor 12:28, **helpers and rulers** are listed in addition to the teachers. Likewise, besides the priests the elders of the people also were concern with the externals of Jewish worship, Matt. 21:23. And so we read in Augustine in Book 3 of his work against Cresconius³⁰ about church elders (Kirchen-Senioren) of the African region.³¹

George Weinrich (Doctor and Professor of Theology at the University of Leipzig, died 1617) wrote concerning 1 Tim. 5:17:

The apostle mentions **two types of elders**, one which was primarily concerned with the investigation and judging of disputes which occurred among the brothers. These were also used for church courts. The others, however, were those who labored in word and doctrine.³²

Johann Quistorp³³ (Professor at Rostock, died 1648) wrote concerning the same passage:

He (Paul) denotes **two types of elders**. I have not found anywhere **the true names of the latter**, which do not teach but rather rule over **church discipline and morals**. But whoever they were, one can recognize them from the custom of the church. So in Acts 15:6 it says: "that the elders came together with the

²⁸ Abraham Calov was a theologian of the Lutheran orthodox period, living from 1612 - 1686. He was a professor of theology at the University of Wittenberg from 1650 until his death. His work quoted here by Walther, the *Biblia Illustrata*, was well known and used as a classic into the 19th century and was written in response to the *Biblia Annotata* of Hugo Grotius.

²⁹ Hugo Grotius was a Dutch intellectual and humanist who lived from 1583 to 1645. He participated in a Calvinist / Armenian theological and political controversy which centered around the University of Leiden and involved a call for the removal of a certain professor there who was considered by some as a heretic. Grotius wrote several works during the course of the controversy.

³⁰ Cresconius was a layman and philologist / grammarian among the Donatists. He wrote a work against Augustine. Augustine wrote a reply *Contra Cresconium Grammaticum Partis Donati, libri IV* around 406 C.E. The Latin text can be found in Augustine and Michael Petschenig, *Sancti Aureli Augustini Scripta Contra Donatistas* (Vindobonae: F. Tempsky, 1909) or PL 43:445-594.

³¹ Walther gives the reference as, *Biblia Illustrata*, ad I. c.

³² Walther gives the reference as, *Comment. in epp. Paulin.*, ad I. c.

³³ Johann Quistorp the Elder was a Lutheran theologian, professor of theology, and preacher in Rostock. He lived from 1584 to 1648.

apostles, to hear about the **contending parties**. There were these men who **ruled** the church with the apostles and without doubt were men regarded specially **from the number of believers** who ruled over the **improvement of morals**. They were more wise than learned. Likewise today the **consistories** consist of ecclesiastical and political persons.³⁴

Salomo Glassius (General Superintendent at Gotha, died 1656) wrote regarding Rom. 12:8:

Προϊστάμενοι are those who are intended for the support of **discipline and good order** in the church, like those who **rule** [in the church] along side the pastors (to whom this care is given). These [rulers] are **leaders and members** of the ecclesiastical consistories.³⁵

Daniel Arcularius (Professor in Marburg, died 1596) writes regarding Acts 14:23:

The elders (in Latin they are called *seniores*) were either those who administered the teaching office in the church and were called by the names “pastors” or “bishops”, or those who were established alongside the pastors or ministers of the word and gave attention to handle censure of morals and to preserve discipline uprightly, 1 Tim. 5. One may indeed note that here (Acts 14:23) both are appointed by the apostles and established in the individual churches.³⁶

Conrad Dannhauer (Professor in Strasbourg, died 1666) wrote in his [86] *Christeis*:

The **rulers** are like the quaestors and censors³⁷ (among the Romans), who were appointed for moral discipline, προϊστάμενοι (Rom 12:8), προεστῶτες (leaders, those who stand in front) and presbyters (elders), who are distinguished from those who labor in word and doctrine, 1 Tim. 5:17, both of which made up the **presbytery** (1 Tim. 4:13).³⁸

Hieronymus Kromayer (Professor in Leipzig, died 1670) wrote:

³⁴ Walther gives the reference as, *Comment. in omnes Paule epp.* ad I. c.

³⁵ Walther gives the reference as, *Meditation. sacr. super Epp. Dominical.* Jen. 1636. F. 365.

³⁶ An editorial footnote by Walther states:

Acta app. triumvirali commentario. illustrata II, 337. In the text which follows Arcularius proves that the apostles allowed the election of the people to occur before they appointed the elders for the churches.

³⁷ A **quaestor** was a type of public official in the Roman "*cursus honorum*" system. They supervised the financial affairs of the state and conducted audits. In the Roman Republic a **quaestor** was an elected official, but in the Roman Empire, **quaestors** came to be simply appointed. See <https://en.wikipedia.org/wiki/Quaestor>. The **ensor** was an officer in ancient **Rome** who was responsible for maintaining the census, supervising public morality, and overseeing certain aspects of the government's finances. See https://en.wikipedia.org/wiki/Roman_censor.

³⁸ Johann Conrad Dannhauer, *Christeis, Sive Drama Sacrum,...* (Witenbergae: Typ. Et Sump. J. Hakü, 1696), I, 79.

That in the times of the apostles there were **two types of elders**, of whom some taught the word and administered the sacraments, others **cares for oversight the church's physical goods**, as today are the managers of the church's property, as we are told in 1 Tim. 5:17.³⁹

Almost all the great theologians of our church express themselves in a similar manner regarding the so-called lay elders. Among others, compare **Aegidius Hunnius** in his commentary on Matthew 18:17, **Balthasar Bebel** in his *Antiquitates eccl.* I, 12, **Friedrich Balduin** in his *Institutio ministr. verbi*, c. 10, **Weller** in his *Commentary to the Book of Romans*, c. 12:8, and likewise **Hemming** (the Dane).

Accordingly it is undeniable that inside our church the right is recognized to confer certain functions of the office related to ruling the church to so called **lay elders** designated for this. These (elders) together with the preachers make up the *presbytery* of an individual congregation. At the same time, it cannot be denied that this institution has only been used within our church here and there. In most Lutheran lands church and state remained closely linked as a result of the circumstances that existed at the time of the Reformation. Accordingly the affairs related

³⁹ Walther gives the reference as, *Th. posit.-polem.* p. 1078.

to ruling the church and discipline were mostly looked after only by the government and the so-called spiritual estates, that is, only by people from these estates who were appointed to the **consistories**.⁴⁰

As [87] **Rudelbach**⁴¹ rightly remarks: “the original concept of the consistories was to appoint the lay *presbytery* to the oversight of teaching and patrolling discipline.” Nevertheless we find in not only a few Lutheran churches that the lay *presbyteria* and synods were excluded from the consistories. The first instance occurs in the Belgian

⁴⁰ An editorial footnote by Walther states:

It is however an error if one thinks that already in Luther’s time or by his arrangement the consistories had those judicial or law enforcement powers which they later obtained and retained. **Löscher** in his *Unschuldigen Nachrichten* gives a chronological history of the church order of Electoral Saxony. Herein one reads under the year 1517: “At that time the first Saxony consistory was established in Wittenberg, **although had no jurisdiction**.” Under the year 1543 it states yet further: “In Leipzig a consistory was established, **although without jurisdiction**, in which, like the one in Wittenberg, **everyone could communicate with**.” It is first in the year 1555, long after Luther’s death, that it says: “Elector August established three consistories, in Leipzig, Wittenberg, and Meissen, giving them some jurisdiction.” Under 1580 it says finally: “The consistory in Meissen was moved to Dresden and became a head consistory.” (Issue 1708, pp. 24, 25, 26). Löscher therefore derives the authority given to the consistories only from electoral authority. He writes “Indeed it is correct that the consistory depends only upon the prince as concerns its jurisdiction and formal establishment. But the **presbytery** pertains to both the office of the Holy Spirit as well as Christian duty and duty of conscience toward fellow members of the church. And thus it does not depend on the prince as the prince, rather on Christ and his church. ... There is certainly a great distinction between the *presbytery* and the consistories. For here indeed when the rulers had taken the church up upon their lap they added governmental power to church government and from that point on the *presbyteria* were widely connected with worldly jurisdiction, whereas earlier church government was exercised only through the inner power of the Holy Spirit and through the established practices of all the individual communities. (*Unsch. Nachr.* Jahrg. 1724, pp. 486-487)

Valentin Ernst Löscher was a German orthodox theologian who lived from 1673 to 1749. He was Superintendent at Delitzsch from 1701 to 1707 and Professor at the University of Wittenberg from 1707 to 1709 and then pastor in Dresden for the rest of his life. He had a strong interest in church history. He published the *Unschuldige Nachrichten von alten und neuen theologischen Sachen* starting in 1701, commonly considered to be the first theological periodical.

See https://en.wikipedia.org/wiki/Valentin_Ernst_Löscher.

In addition, Eric Lund, *Documents from the History of Lutheranism, 1517-1750* (Minneapolis, MN: Fortress Press, 2002), 149-150, contains a document titled “The Order for the Wittenberg Consistory” from 1542 which gives a flavor for duties of the consistory before the 1555 date given by Löscher. Here we read that the consistory was to deal with things like marriage issues (validity of vows, spousal violence, spousal abandonment, adultery, etc.), blasphemy, public usury, secret associating with Jews and Jewesses, the general process of excommunication, etc.

⁴¹ Andreas Gottlob Rudelbach was a Lutheran theologian who lived from 1792 to 1862. He published the *Zeitschrift für die gesammte lutherische Theologie und Kirche* in collaboration with H.E.F Guericke, Leipzig, 1839 sqq. Walther gives the reference here as A. G. Rudelbach, *Zeitschrift Für Die Gesammte Lutherische Theologie Und Kirche* (Leipzig, 1840), 114.

Lutheran churches, the next in the Hamburg churches. Pfaff⁴² mentions this among other things in his esteemed work on canon law where we read:

It happened that by the silent consent of the Christian people and of course without any objection by the new teachers of the churches [recently] cleansed [of the papacy] the community rights [Collegialrechte, *collegii iura*] were handed over to the princes and the political magistrates. And afterwards through the Augsburg Settlement⁴³ this arrangement received formal state [institutional] status. So the community rights were thus affixed [to the consistories] and could never be taken back [by the parish]. And this occurred everywhere in the churches which had separated from the Roman church, especially the German churches, except that **here and there the community rights and the directing of the churches were conferred to the lay presbytery but without the full exclusion of the teachers.** ... This is found in the Reformed and the Presbyterian churches of *Belgica*, and even **in our church, that is in the Lutheran churches of *Belgica*⁴⁴, and also the Hamburg (Lutheran) church**, where the lay elders exercise the community rights along with the clergy.

A type of lay presbytery was also established already in the year 1523 in **Leipzig** in Electoral Saxony, whose duties and powers are described in the “**Order of a Common Chest Of the Parish of Leisnig**”, which **Luther** him-

⁴² Christoph Matthäus Pfaff lived from 1686 to 1760. On Pfaff's life and work see https://de.wikipedia.org/wiki/Christoph_-_Matthäus_Pfaff. Walther gives the reference here as Christoph Matthäus Pfaff, Christophori Matthaei Praefii... *De Originibus Juris Ecclesiastici Veraque Ejusdem Indole: Liber Singularis* (Tubingae: J. Sigmundus, 1719), 183, 188. Walther provides the original Latin in a footnote along with his own German translation. The text above is my English translation using both Walther's German and the Latin. I am not reproducing the original Latin here.

⁴³ “Religionsfriedens-Schlüsse” - this refers to the Peace of Augsburg settlement between Charles V and the Lutheran Smalcaldic League in 1555 ending the war between the parties. This settlement established the principle of *cuius regio, eius religio*, whereby the personal religion of the prince was allowed to establish the religion (Catholic or Lutheran) of that prince's territory. This gave a formal legal status to Lutheranism within the Empire.

See https://en.wikipedia.org/wiki/Peace_of_Augsburg.

⁴⁴ Pfaff was born in Stuttgart, Germany, about 20 miles north of Tübingen, where later he became a professor of theology at the University of Tübingen in 1720. Both cities reside in the old Duchy of Württemberg in the southwest of modern Germany. In this text, Pfaff refers to “our Belgian churches” as “*in Belgio*” and as “*nostris Belgicis*” as opposed to the German churches (“*ecclesiis ... Germanicis*”). The Duchy of Württemberg historically was governed by the bishop located in Speyer, northwest of Tübingen, which in turn historically was part of the Archdiocese governed from Trier (until 748). Trier was the capital of the ancient Roman province of *Belgica Gallia* which included the area known as the Rhineland, which is rather farther east than modern Belgium. Later the archbishopric moved to Mainz which was on the eastern edge of area known as the Rhineland. So apparently these historical ecclesiastical connections were the root cause the churches which were even yet farther east and well away from modern Belgium, to self-identify as “Belgian” although all these areas are all part of German territory today. Hamburg, on the other hand, is in the far north of Germany and would certainly fall under the “German” designation used by Pfaff.

self published including an introduction while urgently recommending it should be imitated (elsewhere).⁴⁵ [88]

This church board consisted of 10 persons, 2 from the nobility, 2 from the city council, 3 from among the citizenry, and 3 from the farmers (at that time numerous villages belonged to the city parish). This board was concerned primarily with the administration of church property, buildings, and support of the pastors. But besides the matters mostly pertaining to the inner operation of the parish, the power itself was given to it to call and dismiss teachers in the schools “according to the council and oversight of the elected pastor and a preacher and another man learned in the divine scripture.” The meetings of this board took place every Sunday at the parsonage. There was a connection to the assemblies of the parish as the *presbytery* was answerable to the parish in everything. And these assemblies would take place three times during the year in order to “practice, use, and employ their Christian freedom according to the exposition and regulation of the divine biblical scripture” in the matters of calling and dismissing preachers.

Another noteworthy example within the Lutheran church of a *presbytery* in which laymen were fellow members is found in *Daniel Greser's History and Description of his Life*.⁴⁶ **Greser** was born in 1504 in Weilburg (Germany) in the Nassau-Saarbrücken, became a Catholic priest, came to recognize the truth, and became a pastor in Giessen and finally because of his widely known scholarship, godliness, and zeal for the pure truth, was called by Duke Maurice⁴⁷ to be Superintendent of Dresden. He administered this office not only with great zeal and benefit, but he also worked on many ecclesiastical-boards (Kirchenconventen)⁴⁸ for the church with blessed re-

⁴⁵ An English translation of this work is available in Martin Luther, "Preface to an Ordinance of a Common Chest," in *Luther's Works*, ed. Walther I. Brandt, vol. 45 (Philadelphia (Pa.): Fortress Press, 1962). Walther gives references to the editions of his days in a note as follows:

See **Luther's** works, Hall A., Tom 10, S. 1148ff. And Erlanger Ausg. Band 22, S. 105ff.

The first is a reference to the Walch edition of Luthers works (1740 - 1750), 10: 1148ff. And the second is a reference to the Erlangen edition of Luthers works (1826 - 1855), 22:105ff.

⁴⁶ Daniel Greser, *Historia Und Beschreibung Des Gantzen Lauffs Und Lebens, Herr Daniel Greser* (Dresden: Gimel Bergen, 1587).

⁴⁷ Elector of Saxony from 1547 to 1553.

⁴⁸ A "Kirchenconvent" was a board of parish representatives. It was made up of clergy, who represented the parish in various activities of managing public matters such as public morals or school administration. The members of the Kirchenconvent at times were basically "ecclesiastical delegates" to a larger board, like the consistory, which also had non-clergy members. At other times and places they appear to have operated more independently but for tasks similar to these. For a couple of examples and descriptions see Alfred Spalding Harvey, Alfred Spalding Harvey, *1840-1905: Contributions to Magazines, Speeches, Etc* (London: Publisher Not Identified, 1907), 381-382. Also here: <http://bit.ly/1UADvgt>.

sults. Regarded with high esteem, he finally died in the year 1591. He was also held in such high regard by Elector August⁴⁹ of Saxony that the Elector chose him to act as sponsor for one of his sons at his baptism in 1569 and therefore consistently called Greser orally and in writing as “Herr ‘Godfather’”. In addition, Nikolaus Selnecker was his son-in-law. Greser writes in his cited autobiography:

While I was pastor in Giessen, I helped [the city of] Ziegenheim give consideration as to how to establish a process governing excommunication and a **church council** (Kirchenrat). With this Order⁵⁰ and by the command of Landgrave Philip of Hesse I established the **church council** [*Senatum ecclesiasticum*] and I permitted the entire Christian congregation to choose the council by election. And in this way aged, honorable, godly, and courageous men were chosen, who would apply themselves to this office according to conscience with earnestness and zeal, which they then promised to do faithfully. Wherefore I was agreed with the church council such that we would come together all four weeks [of the month] in the parsonage on a particular day which was called the day of repentance. And on this day of repentance the Litany was sung by me in the church before the altar. [89] And further the choir and the congregation together with one voice would answer me [in the Litany] such that the people would keep themselves diligent and show themselves reverent. And after the office was completed in the church then the elders of the church council [*senatores senatus ecclesiastici*] went home with me to the parsonage. Each would then report whatever sin, iniquity, and evil errors of which they were aware each according to their conscience. Then an assistant⁵¹ was sent to those who had been reported such that they would have to come appear before the council. Then these would be admonished by the church council to abandon their offending ways along with the warning that if they should not improve, they would be publicly renounced before the entire Christian parish. And through this warning such a discipline and fear was engendered that those caught in error would abandon their sin and, God be praised and thanked, it was never necessary to bring about a public renunciation or excommunication.⁵²

Additionally, **Löscher** in a review of the autobiography of Greser, says, “Above all it is worth reading what is said regarding a church council (Kirchen-Senatu) made up of preachers and respectable members.”⁵³

⁴⁹ Elector of Saxony from 1553 to 1586.

⁵⁰ “Dieser Ordnung” - the Order, that is the document describing the process and council he had designed.

⁵¹ The “Kastenknecht”.

⁵² Walther adds the comment:

This text is cited in *J. Jacobi's Versäumte Buße*, p. 153.

This is a reference to Johannes Jacobi et al., *Versäumte Busse: Denen Sterblichen Zum Ewigen Besten Fleißig Zu Bedencken* (Zeit: Hetstädt, 1688), 153.

⁵³ Valentin Ernst Löscher. See the overview of Löscher in an earlier footnote. Here Walther gives the reference as “*Unsch. Nachr.* Jahrg. 1709, S. 807.” The original text can be seen on Google Books here: <http://bit.ly/Breser1>. The article begins on page 807, but Walther's quote is actually from page 809.

A similar arrangement appears to have existed in **Braunschweig** in Chemnitz's time. It was here that M. Bergius, two years after he had subscribed to the Formula of Concord, renounced that subscription and accused that confessional document of containing many errors. According to Chemnitz' report, the following procedure was followed in this instance:

because they found that the matter would be widely reported as a very negative thing, it was decided the process was to be followed which our church order permits and which has been used in a number of similar circumstances. So on Aug 2 these all came together, 1 - the honorable **church council**, 2 - **those who are appointed by the parish for such matters**, and 3 - the entire *ministerium*.

After this Chemnitz writes that he announced Master Bergius in the colloquium of those gathered that he should bring forth his "*Sententiam liberrime*" and defend it as best he could. By this process they desired

to oppose this work, being obligated by their offices and consciences but also acting freely, not only privately but at this time also publicly **before the whole church**, as the need presented itself. In this way they desired to permit at this time **the entire church to judge** both his and their arguments.

Although Bergius was persuaded, still the entire matter was shared with the entire parish from the pulpit and they were asked to forgive this teacher who had fallen into error (and who had already entered into correspondence with Beza and other Calvinists).⁵⁴

[110] From the history of the Bohemian Brethren by **Rieger**⁵⁵ we learn that the first **Johann Andreä**, who was so intensely zealous towards church discipline, wrote a work titled *Cynosura oeconomiae ecclesiasticae*.⁵⁶ He gathered the material for this work from the governmental regulations and ecclesiastical decrees regarding church order which had been issued from the time of the Reformation to his time. This was a private writing but Duke

⁵⁴ Walther provides the reference for this report as "*Unsch. Nachr.* Jahrg. 1728, S. 216ff." Theodore Beza lived from 1519 to 1605. He was a disciple of John Calvin and one of his most important successors in Geneva.

⁵⁵ This is Georg Konrad Rieger who lived from 1687 to 1743. Rieger was a pietist preacher in Württemberg. His work referenced here is: Georg Conrad Rieger, *Die Alte Und Neue Böhmische Brüder, Als Deren Merckwürdige Und Erbauliche Historie Zu Einer Verlangten Fortsetzung Des Ehemaligen Saltz-Bundes, Etc* (3 Vol. Züllichau, 1734).

⁵⁶ Johannes Valentinus Andreae lived from 1586 to 1654. His grandfather was Jakob Andreae who helped develop the Formula of Concord (1577) and served as Chancellor of the University of Tübingen. The work referenced here is, Johannes Valentinus Andreä, *Cynosura Oeconomiae Ecclesiasticae Wirtembergicae: Oder Summarischer Extract Deren in Dem Löblichen Hertzogthumb Württemberg Wolhergebrachter Evangelischer Kirchen Zucht Und Ordnungen...* (Stuttgardt: Johann Weyrich Rösslin, 1639).

Eberhard III⁵⁷ caused it to be published in 1639 in the **Württemberg** church under the name *Cynosura ecclesiastica* and also included it into the general church order. In this work there is also a type of parish *presbyterium* enjoined, except that therein not only were individual laymen represented [Hausstand] alongside the *ministerium*, but also laymen officially representing the government.⁵⁸ In this work, it says among other things:

Those church councils⁵⁹ established a few years ago, which are well regarded, should be present in **all places**. And wherever they cannot meet weekly they should meet at least monthly so that thereby the most common sins and vices may be resisted as much as possible. The pastor and ministers of that place are the directors of the church councils each according to his office. They are to take assistants from the court or (city) council according to their discretion, but at least two, in order to form a **presbyterium**. The keeper of the minutes can be the pastor, the deacon, the school master, or some other suitable person. Superintendents should not be excluded either in the cities or the villages but rather should be a member *ex officio* and make every effort that these councils should be made use of in every place. Whether this has been neglected until now or unfailingly observed, keep the purpose [of this institution] in mind and do not let any **political matters applicable only to worldly officials and courts be mixed in** [with the business of this council]. Rather give attention only that Christian discipline honor, and godliness should be planted and sustained. The council should be concerned with matters of the church, the school, the hospital, and the orphanage.

The most important things are to promote the honor of the divine majesty, **to uphold true doctrine and faith**, to administer the sacraments rightly, [111] to avoid disorder (that is, not to come to church so late, and while there not to chat, laugh, squabble, sleep the whole time, cast spells, curse, swear, or desecrate the sabbath or God's word), and to zealously send the youth to school and to instruct them in piety.

The next most important things are respect and obedience toward parents, preachers, and the government, to foster peace and unity in the parish, to eliminate the annoying horsing around of younger children, eating, drinking, etc.

The process for the council: because it is holy and a work which pertains to matters of salvation the minister should open [the meeting] with prayer. The oldest and most urgent matters and the oldest matters from the minutes should be taken up first. Matters of [public] sin should be deliberated without those involved being present. Proposals should be heard as to how these should be reproached. The answer

⁵⁷ Duke Eberhard III lived from 1614 to 1674 and ruled Württemberg from 1628 to 1674. As a general background see Wikipedia here: https://en.wikipedia.org/wiki/Eberhard_III,_Duke_of_Württemberg.

⁵⁸ "nur daß dabei nicht sowohl der Haus-, als obrigkeitliche Stand neben dem Ministerium vertreten war." The point being that all three of the traditional "Stände" or estates were represented in the council, the Hausstand or private estate of home, the government, and the spiritual estate, that is, the ministers.

⁵⁹ "Kirchenconvente" This term should not be confused with the "conventicles" of the pietist Lutherans which arose a half century later. Spener published *pia desideria* in 1675 and in that work he called for the *collegii pietatis* or Hauskirchen.

of those charged should be heard. The officer in charge should take a vote, etc., so that the minister may perform his office and remonstrate the sins from the word of God. And finally the minutes should be read.⁶⁰

Another reference to a lay elder also within the evangelical Lutheran church is found in the great work, *Allgemeines Biblisches Lexicon* by **Daniel Schneider**, Superintendent in Erbach. Frankfurt, 1730.⁶¹ There, under the entry “Eltister”, among other things we find the following:

In some Lutheran parishes, especially in the Reich⁶², in Hesse, and the neighboring regions, there was also found a type of **church-elder or Eltiste**. These often remained in this post all their lives once they had been appointed to it. And these were intended to help to care for good discipline and improvement of anything that was contrary to it.

Along with this remark Schneider gives an Order of Elders as introduced in the dominion of Prince Friedrich Crast of Solms and Tecklenburg. This order has many similarities to the *Cynosura* of the Württemberg church [discussed above]. Noteworthy are the 11th and 12th points, which read:

Since contrary to hope it has happened in this or that place, that the pastors and school teachers have not fulfilled their offices as they should, so the elders should give attention to their [own] office in the churches and schools. They should report it immediately to the consistory if the pastors are noticed to be neglectful in visiting the sick [for example]. Likewise they should tend to the orderly operation of the schools and see to it that parents do not willfully keep their children out of school. Likewise, should the elders come to know something offensive and vexing in the behavior of those who want to attend the Lord’s Supper, they should report such to the pastors.

[112] It is well known that the institution of lay elders has always agreed with the peculiar **American** situation.

H.H. Mühlenberg, M.D. of Reading, PA⁶³ has kindly honored us with a very important work for the history of the American-Lutheran church, namely, *Nachrichten von den vereinigten deutschen ev.-luth. Gemeinen in Nord-*

⁶⁰ Walther reproduces the reference given in Andreä’s text as: “*Corp. Jur. Ev. eccles. von Moser. Züllichau 1738. II, S. 517-20.*” In addition, the note is added: “**Pastor David Burk** gives further report regarding this process of church discipline in his *Sammlungen zur Pastoraltheologie*, I, 420. 486. II, 798-826.” This last text is available from Google Books, for example here: <http://bit.ly/1DSs0N6>.

⁶¹ Daniel Schneider, *Allgemeines Biblisches Lexicon* (Frankfurt A.M.: Knochische Buchhandlung, 1731).

⁶² Walther adds the explanatory note:

“Reich” in the narrow sense. This refers to the regions of the upper Rhine, Bavaria, Swabia, and Frankish Switzerland.

⁶³ Dr. H.H. Mühlenberg, was the great grandson of Melchior Mühlenberg and resided in Reading, PA.

*Amerika. Mit einer Vorrede von D. J.L. Schulze.*⁶⁴ In this work among other things is found a church order written by the blessed Dr. **Heinrich Melchior Mühlenberg** for the parish of the Church of St. Michael in Philadelphia, from the year 1762. Therein, among other things we find that already in the year 1743 “a number of loyal and helpful members were appointed as **elders**.” Now, however, “what is required is a complete Christian church order and discipline which addresses the circumstances of this land.” Concerning “**ruling elders**” it says herein:

Their duties are among other things: 1. they should seek to lead (vorzustehen) their own homes as well as the parish through the word of God with a Christian life and walk; 2. along with the teachers to give care that the evangelical **doctrine** and Christian discipline is upheld and promoted in the parish; 3. that sins ... are avoided and left behind; 4. that the laborers in the work of God in the parish are supported according to Christ’s command, 5. that the accounting of all income which occurs in this parish, as well as all expenses, is done lawfully, 6. and they should attend the school examinations and the annual **synodical assemblies** through some deputies elected from their midst by the church council, and help promote all remaining necessary things which serve the good and well-being of the parish. Alongside these “ruling elders” there were also “lay leaders” (Vorsteher) who were more like deacons.⁶⁵

These items are sufficient to demonstrate that: 1. the institution of the so-called **lay presbyterium** is in no way specifically Reformed or anti-Lutheran as some here and there have maintained; and 2. that this institution existed outside of and / or along with the consistories even in the Lutheran church in many places; and 3. what functions were assigned to it.

As an appendix to the above, we will now produce some texts from the church fathers which prove that the ancient church too up to and including the 4th century had so-called lay-elders (Senioren).

Ambrosius (d. 397), or whoever it was whose writing came down to us under Ambrosius’ name, writes:

By all means, old age is honorable among all people. And so the synagogue and hereafter the church had **elders**, without whose [113] counsel nothing was undertaken in the church. And I do not know

⁶⁴ The work referred to is J. L. Schulze, *Nachrichten Von Den Vereinigten Deutschen Evangelisch-lutherischen Gemeinen in Nord-America: Absonderlich in Pensylvanien... Mit Einer Vorrede Von Johann Ludewig Schulze ..* (Halle: In Verlegung Des Waisenhauses, 1787). This work is available on Google Books. Walther adds the editorial comment in a footnote:

For this we give our most necessary public thanks to the Doctor.

⁶⁵ Walther gives the reference as “S. a. a. O. S. 962.ff”

through what carelessness this has fallen into disuse, whether through laziness or probably more likely through the pridefulness of the teachers so that they alone might be considered important.⁶⁶

It is clear that that this passage cannot be referring to clerical presbyters since this divine institution and its existence has never nor anywhere “fallen into disuse.”

Bishop **Optatus** of Milevis⁶⁷, who lived around 368 C.E., writes that Mensurius, Bishop of Carthage, when in the time of the Diocletian persecution and the events that followed he was forced to vacate his parish, he gave care of the parish ornaments and vessels to the faithful **elders** (*fidelibus senioribus*).⁶⁸ **Optatus** mentions a letter from Bishop Fortis, in which contains the sentence, “All you bishops, presbyters, deacons, and **elders** know ...”⁶⁹.

Further in a letter of Purpurius⁷⁰ it says: Take in addition your fellow clerics **and the elders of the people**, those men who serve the church, and these may look into what the disputes are about.”⁷¹ This same Purpurius begins another letter with the words: “Bishop Purpurius, to the clerics **and elders** of Cirtensis, greetings in the Lord.”⁷²

Also Augustine (d. 430) gives witness that there were elders in his parish, who were not part of the clergy. In his Epistle 137 he writes: “To the beloved brothers, the clergy, the **elders** and all the people of the parish of Hippo,

⁶⁶ See the footnote above under Gerhard’s quotation given by Walther in regard to the author of this patristic text. Walther produces the latin here in a footnote. I have already produced it with a reference in that footnote so I will not repeat it here.

⁶⁷ Optatus was a convert to the church in North Africa and lived in the generation before Augustine who mentions him. He died around 385 C.E. Milevis was the capital of the Province of Mila which was in the Roman province of Numidia.

⁶⁸ Walther gives the reference as “Lib. I. *de schismate Donatistarum*, p. 41”. It is not clear from which edition of this text Walther is citing. The Latin text is available in J. -P Migne, *Patrologiae Cursus Completus, Series Latina*. Bibliotheca Universalis, Integra, Uniformis, Commoda., vol. 11 (Paris, 1845), 918. The “ornaments and vessels” are the valuable sacred vessels of gold and silver items used during the worship of the church. Walther adds the note: “Compare Jos. Binghami *Origines s. Antiquit. eccl.* I, 294.” This is a reference to Joseph Bingham, *Origines Ecclesiasticæ Or, the Antiquities of the Christian Church....* By Joseph Bingham .. (London: Printed for R. Knaplock, 1711).

⁶⁹ Walther provides the original as “*Omnes vos, Episcopi, Presbyteri, Diacones, Seniores, scitis etc*” and refers to page 168 of his source.

⁷⁰ This is Purpurius of Limata, also in the Province of Numidia. He was a leader of the Donatists who is mentioned by Optatus and Augustine.

⁷¹ Walther provides the original as “*Adhibete Conclericos et Seniores plebis, ecclesiasticos viros, et inquirant diligenter, quae sint istae dissensiones.*” and refers to page 169 of his source.

⁷² Walther provides the original as “*Purpurius episcopus Clericis et Senioribus Cirtensium in Domino aeternam salutem*” and refers to page 169 of his source. Cirtensis was the northern region of the Province of Numidia in North Africa.

whom I serve in the love of Christ, Augustine, greetings in the Lord.”⁷³ And further we read: “Silvanus of Cirta is a *traditor* and a thief of the money meant for the poor, as you all, bishops, presbyters and deacons **and elders** know.”⁷⁴

⁷³ Walther provides the original as “*Dilectissimis fractribus, clero, senioribus et universae plebi ecclesiae Hipponensis, cui servio in dilectione Christi, Augustinus in Domino S.*” and gives the reference as *Opp. Ed. Erasm.* Basil. Tom II. Fol. 655. This text is found as Letter 78 in J. -P Migne, *Patrologiae Cursus Completus, Series Latina*. Bibliotheca Universalis, Integra, Uniformis, Commoda., vol. 33 (Paris, 1845), 267.

⁷⁴ A “*traditor*” was one who had “handed over” the copies of the scriptures or the sacred vessels of the church to the authorities under threat of persecution, essentially a “collaborator”. Among the Donatists, whom Augustine opposed, any member of the clergy who became a *traditor* was no longer considered worthy to remain or ever return to being a member of the clergy. And any sacramental actions performed by such a *traditor* were considered invalid by the Donatists, which opinion was eventually rejected by the Council of Arles in 314 C.E. The Donatists rejected this decision and remained as sectarians in North Africa for decades, even centuries, thereafter.

Cirta was the capital of the region of Cirtensis in in the Province of Numidia.

Walther provides the original as “*Silvanus a Cirta traditor est et fur rerum pauperum, quod omnes vos Episcopi, Presbyteri et Diaconi et Seniores scitis*” and gives the reference as *Contra Cresconium* Lib. III, c. 29 Tom. VII. F. 261. This text can be found in J. -P Migne, *Patrologiae Cursus Completus, Series Latina*. Bibliotheca Universalis, Integra, Uniformis, Commoda., vol. 43 (Paris, 1841), 795.