Commentary on “Sharing the Gifts of Communion” (the “Augsburg Agreement”)

An Explanatory Memorandum on the historical development of the ministry of episkopé in the Evangelical Lutheran Church in Bavaria

1. Introduction

1.1. Since 2013, following the initiative of the then-Presiding Bishop of the Episcopal Church, The Most Reverend Katharine Jefferts Schori, The Episcopal Church has been engaged in a dialogue with the Evangelisch-Lutherische Kirche in Bayern (the Evangelical Lutheran Church in Bavaria, or ELKB), with a view to exploring the possibility of a relationship of full communion between our churches.

1.2. This dialogue has explored theological, practical, and ministry aspects of our relationship as churches called to respond to God’s initiative in mission. It takes as its foundation the gift of our shared presence in the ancient land of Bavaria for more than a hundred years. The Episcopal Church is the only Anglican presence in Bavaria; all of our communities worship in spaces of the ELKB.

1.3. In our conversations together, the Episcopal delegation has given careful attention to a study of the history of Bavarian Lutheran Church, and its development into its present-day form. This post-Reformation history is more than twice as long as our own, and has witnessed the response of the church through a number of passages without parallel in our own story: the shattering of church unity during the Reformation; the confrontation with the Reformed tradition; the long trauma of the Thirty Years’ War, which claimed the lives of nearly a third of all people living in Western Europe, and nearly half in some parts of Germany; the dominance of state power over questions of church organization and practice; the catastrophe of National Socialism, and the painful division of Germany for forty-five years.

1.4. As Episcopalians and Anglicans, we begin in ecumenical dialogue understanding that “[h]istorically, Anglican ecclesiology has said interchangeability of ministries requires reconciliation of episcopal ministries.”[1] This means that the line dividing churches with whom we are in *relationship* from churches with which we are in *communion* ultimately devolves to the question of whether we recognize in another church the sign of the historic episcopate that we feel we have received as the gift of our own inheritance in faith. Our view on precisely what that sign signifies has changed over time, the fruit of both our deepening encounters with other churches and our own growing awareness of the contingent nature of our origins as a church

[1] Inter-Anglican Standing Commission on Faith, Unity, and Order, “Receiving One Another’s Ordained Ministries,” study document received by ACC-16, April 2016.

that shaped its own “local adaptation” of the ministry of *episkopé* under conditions of exigency.

1.5. Having prayerfully reflected on the study of this history, the Episcopal delegation has come to the settled view that the Evangelical Lutheran Church in Bavaria is indeed characterized by the continuous presence of the historic episcopate throughout its history, locally adapted—as the fourth provision of the Lambeth Quadrilateral describes—“to the varying needs of the nations and peoples” who are the today the faithful people of the ELKB. Accordingly, affirming the conclusion of “Sharing the Gifts of Communion” that the Episcopal Church and the ELKB are churches in communion does not necessitate a suspension of the ordinal of this church.

1.6. To say this, however, is additionally to put forward an answer to a question of definition: What is the “historic episcopate”? What are the episcopal ministries that must be reconciled for the interchangeability of ministries to be not only possible, but in some sense required? If, in the words of the “Appeal to All Christian People” issued at the close of the 1920 Lambeth Conference, the episcopate is “one means” of providing “a ministry acknowledged by every part of the Church as possessing not only the inward call of the Spirit, but also the commission of Christ and the authority of the whole body,” then is the sign we seek that of the presence of the historic episcopate a sign of those qualities, or instead that of a particular form of their expression?

1.7. As we have studied together as Anglicans and Lutherans recent ecumenical agreements leading to the interchangeability of ministers, we note a shift away from a test grounded on specific forms of episcopal ministry and toward a focus on exactly these qualities in the expression of the ministry of *episkopé*—*apostolicity*, in the sense of proclamation and witness; *continuity*, as a lived awareness of the church’s obligation to obediently receive and faithfully transmit the teaching and witness of the church, and discern and form the vocation of a new generation of ordained ministers; *oversight*, or the assurance of order and ecclesial discipline in the church; and *ecumenicism*, the personification of the church’s catholicity and the expression of its longing for, and labors toward, the unity of all Christians in response to Christ’s own call.

1.8. Accordingly, we offer for the consideration of the wider Episcopal Church the view that the question of whether a reconciliation in episcopal ministries is possible—that is, whether the “sign of the historic episcopate,” the necessary condition of the interchangeability of ministries, is present—should be based on *an examination of the qualities intrinsic to that ministry*. Said differently, we feel we stand squarely on present Anglican ecumenical practice by saying that our work has sought to discern whether the sign of historic *episkopé*—as contrasted to the narrower construction of the “historic episcopate” as the succession of bishops—has been continuously present in another church. We are deeply persuaded that in the case of the ELKB, this is certainly true.

2. The historic expression of *episkopé* in the ELKB

2.1. While this brief memorandum cannot possibly encompass the long and complex history of the emergence of the ELKB from the crucible of both Reformation and religious war, it is vitally important for those considering this proposal of communion from an American perspective to bear in mind that while our story begins in separation from both the Church and crown of England, the Lutheran Church in Bavaria has contended throughout its history—a history longer than that of Anglicanism itself—with the complexities of entanglement with state power.

2.2. Even in late medieval and early modern Germany, long before the rupture of unity at the Reformation, the German aristocracy—a rising class of local and regional nobility beneath, but not entirely subservient to, the Holy Roman Emperor—held sway in the church. The emergence of this class was in a sense a consequence of the Investiture Controversy, the eleventh- and twelfth-century contest between the pope and the Holy Roman Emperor over who had power to appoint bishops and abbots. In feudal Germany, this newly emergent class of local nobility, whose status did not merely rest on being representatives and agents of the emperor, “entered wholeheartedly into an alliance with the Gregorian church….”[2] By 1500, the majority of German bishops were required to be members of this class, and German bishops were territorial princes as well as—and often effectively prior to—their spiritual responsibilities.

2.3. The parallel emergence of Luther’s Reformation and the first stirrings of the nation-state in Early Modern Europe are well known. The protection of Martin Luther by Frederick III, Elector of Saxony,[3] personalizes what was in fact an important historical reality—the alignment of state power and church development. Luther felt—as did the earliest Anglicans—that he was correcting and continuing the Christian faith; “Luther never intended to found a new Church, rather he wished to restore the original Church, which had been perverted by the Roman papacy.”[4]

2.4. Yet Luther distinguished between the spiritual and secular aspects of that task, believing that the former could be entrusted to the unyielding power of the Gospel when correctly proclaimed, and the latter to those with the capacity to assure order in a time of instability and crisis. “In ecclesiastical affairs the princes or magistrates were not to act as secular rulers, but as the most eminent members of the congregation. In this [Luther] followed a conception that had been developed in the Middle Ages,

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[2] Geoffrey Barraclough, The Origins of Modern Germany (Oxford: Basil Blackwell, 1979), 142.

[3] An “elector” was one of the handful of princes given the right to vote in the election of the Holy Roman Emperor. Three of them were bishops—the Archbishops of Mainz, Trier, and Cologne; and four were lay princes (the King of Bohemia, the Count Palatine of the Rhine, the Duke of Saxony, and the Margrave of Brandenburg)

[4] Hajo Holborn, A History of Modern Germany: The Reformation (New York: Alfred A. Knopf, 1967), 185.

namely that in the case of a breakdown of order in the Church the secular authorities had the right to act as temporary bishops for the restoration of normal conditions.”[5]

2.5. As a general observation, this points to a development in the history of the Lutheran Church in Bavaria and elsewhere in Germany that runs somewhat opposite of that in the history of Anglicanism. In the Anglican branch of the Reformation, the medieval bishops who had been in the pejorative phrase, “prince bishops” lost much of that political power, although they remained members of the English House of Lords. In Germany, by contrast, owing to the different circumstances in which Luther’s reform emerged, the reverse was true—the bishops who had been princes were replaced by princes who became bishops, at least to the extent of determining the way in which the Christian faith would be expressed in the lands they controlled, and (under the terms of the Peace of Westphalia) also guaranteeing that those of minority Christian beliefs had the right to worship as their conscience dictated.

2.6. In Bavaria’s case, this ultimately meant that all through the tumultuous process of Germany’s consolidation as a nation from dozens of separate principalities—through the 1806 dissolution of the Holy Roman Empire and the Revolutions of 1848, the unification of the German Empire in 1871, and the final collapse of the Bavarian monarchy as a consequence of Germany’s defeat in World War I—the sovereign of Bavaria held principal responsibility for assuring the tranquility of the church. Indeed, with the creation of the Bavarian Monarchy in 1805, the king of Bavaria—generally himself a Roman Catholic—also held the role of *summus episcopus* for the Lutheran churches there. This title was, over its long history, less a means of control than a responsibility of protection and facilitation; it had an organizational function (the Church Office of the Bavarian Lutheran Church was part of the Bavarian government), but it also expressed in a different way the constitutive quality of oversight by the episcopate, assuring that contending expressions of the Christian faith could coexist peacefully and worship without fear of reprisal or recrimination.

2.7. Throughout this long history, the doctrinal guidance and prophetic witness of the ELKB belonged not to the king but to its own leaders. If administrative oversight of the church was provided by a hybrid apparatus combining elements of church and state—the pastors were, after all, paid by the state, and the Peace of Westphalia established the principle that to the sovereign fell the duty of defending the free exercise of religion—the ecclesial oversight of the teaching of the faith, the conduct of ministries of service and witness, the raising up of new ministers, and the apostolic proclamation of the Gospel, were all the responsibility of the church itself, and of those who were, in ways appropriate to Bavaria’s culture and context, identified and lifted up as leaders in that church under a variety of titles.

2.8. That the Lutheran tradition resisted the specific title “bishop” (*bischof*) for this ministry has less to do with a rejection of the need for apostolicity, continuity, oversight, and

[5] Holborn, A History of Modern Germany: The Reformation, 186-7.

ecumenism in the leadership of the church, and far more to do with a deep historic and cultural need to differentiate their church from the tradition Luther intended to both continue and reform. The conscious choice to render the scriptural witness επίσκοπος in different ways—*Oberkonsistorialpräsident* (Senior President of the Consistory), *Kirchenpräsident* (Church President), or (since 1933) *Landesbischof* (Bishop of the Region [of Bavaria])—translated by our Bavarian colleagues in our joint work by the simple term “superintendent”—should not be read as in some way expressing a rejection of either the ministry or the sign of episkopé. Rather, in the local circumstances, language, and culture of the church it serves, these have been the ways in which the ELKB has named the continuing presence of the apostolic witness in their church.

2.9. It is also important for Episcopalians—who have never been, since our emergence as an autonomous province of the Anglican Communion, an established church with state entanglements—to note the history of movements within the Bavarian Lutheran Church, roughly paralleling the Oxford Movement in England, to sever all ties with state authority. The nineteenth-century “neo-Lutherans,” who emerged in the years following the revolutions of 1848, wrote to defend the deposit of Lutheran doctrine and standards against state-driven demands for church union (between Lutheran and Reformed traditions); to emphasize the normative authority of the witness of scripture; and to reassert the understanding of the church as a divine, not a civil, institution. As Walter Conser has observed, there were broad similarities between the neo-Lutherans and the Tractarians in their resistance to the incursion of state power on the church’s responsibilities and privileges. A leading thinker in this movement, Wilhelm Löhe, was a pastor and theologian of the Bavarian church. Importantly, this moment also revealed important differences between Anglicans and Lutherans on the source of the authority of episkopé in the church: “Where the Oxford movement had located authority in apostolic succession and then gone on to ground the church’s commission on that basis, the neo-Lutherans located this authority in the biblical word and founded the church on that base.”[6]

2.10. Can we see in this choice of a locus for the authority of the church’s teaching and witness a recognizable sign of historic episkopé in the ELKB? **The Episcopal delegation believes that the fruits of the continuous presence of this ministry in the ELKB could not be more plainly shown than through a consideration of its survival as an *intakte Kirche* (“intact church”) through the trauma of National Socialism and the years of World War II**. The *intakten Kirchen* were the few regional churches in Germany who did not capitulate, in the plebiscites forced on the German churches by the Nazi government on July 23, 1933, by electing into their leadership a majority of so-called *Deutschen Christen*, representatives of the Nazi-controlled “German Christian” faction. The ELKB did not. That did not mean, of course, that there were not Nazi supporters within the ELKB; yet even in the midst of the convulsions of

[6] Walter H. Conser, Jr., “A Conservative Critique of Church and State: The Case of the Tractarians and Neo-Lutherans,” Journal of Church and State 25:2 (Spring 1983), 332.

the National Socialist years, the church was able to carry forth, under considerable duress, its continuing witness and ministry, and to do so without dividing, something the Episcopal Church, reflecting on the experience of Civil War, did not accomplish.

3. Consonance with other Anglican ecumenical initiatives

3.1. *Called to Common Mission*, our agreement of communion with the Evangelical Lutheran Church in America, is a singular ecumenical accomplishment of our part of the Anglican Communion. Since that time, of course, we have engaged in dialogue with other churches, notably the Moravian Church, leading toward agreements of full communion.

3.2. We have been aware, in our conversation, of the distinction made by canon in the Episcopal Church between *recognizing* and *reconciling* ordained ministries. We have been clear, as noted in 1.4 above, that the *sine qua non* of the higher standard of reconciled ministries is a reconciliation of the ministry of *episkopé*.

3.3. “Sharing the Gifts of Communion” makes clear that our two churches “share congruent understandings of *episkopé*,” and notes further that “this does not commit our two churches to a unified concept of the office of bishop” (¶34).

3.4. In taking this view we are building on the work of other Anglican-Lutheran agreements beyond the Episcopal Church, especially the Porvoo Agreement which established relationships of full communion (and thereby interchangeability of presbyteral and episcopal ministers) between three of the four Anglican jurisdictions in Continental Europe (the Church of England, the Lusitanian Catholic Apostolic Evangelical Church, and the Reformed Episcopal Church of Spain), the other Anglican churches of the British Isles (the Church of Ireland, The Church in Wales, and the Scottish Episcopal Church), and the majority of number of national Lutheran churches in Northern Europe (Denmark, Estonia, Finland, Iceland, Lithuania, Norway, Sweden, and the Lutheran Church in Great Britain).

3.5. These churches approached their work acknowledging from the outset that “[t]he interruption of episcopal succession [in the Lutheran churches] has, nevertheless, always been accompanied by the intention and by measures to secure the apostolic continuity of the Church as a Church of the gospel served by an episcopal ministry” (Porvoo Agreement, ¶34). We believe this accurately and fully characterizes the witness and expression of *episkopé* in the ELKB as well.

3.6. The Porvoo Agreement further identifies the four entwined meanings of the sign of the laying on of hands in language equally pertinent to the Episcopal Church and the ELKB: “[F]irst it bears witness to the Church’s trust in God’s faithfulness to his people and in the promised presence of Christ with his Church, through the power of the Holy Spirit, to the end of time; secondly, it expresses the Church’s intention to be faithful to God’s initiative and gift, by living in the continuity of the apostolic faith and tradition;

thirdly, the participation of a group of bishops in the laying on of hands signifies their and their churches’ acceptance of the new bishop and so of the catholicity of the churches: fourthly, it transmits ministerial office and its authority in accordance with God’s will and institution. Thus in the act of consecration a bishop receives the sign of divine approval and a permanent commission to lead [their] particular church in the common faith and apostolic life of all the churches” (Porvoo Agreement, ¶48).

3.7. Accordingly, the Episcopal delegation to these conversations holds the view that the Evangelical Lutheran Church in Bavaria is no less characterized by the presence of the sign of the historic episcopate than its sister Lutheran churches in Northern Europe, many of whom, it should be noted, have a lower understanding than the ELKB of the distinct ministry of *episkopé* in the church. On this basis, we see our agreement as fully constant with established patterns of Anglican-Lutheran agreements of communion and ministerial interchangeability present in the context of Europe. We further believe that, on this basis, our agreement requires no departure from either the Constitution or the Canons of the Episcopal Church in order to provide a means of reconciling the ministries of bishop/*Bischof* and priest/*Pfarrer*, for those ordained to these ministries in the ELKB have received this ordination under the sign of the historic *episkopé*.

4. Practical Considerations

4.1. “Sharing the Gifts of Communion” provides for the establishment of a “Continuation Committee” (at ¶46) to contend with matters arising from the further implementation of this agreement. We believe that this is the correct place in which to locate responsibility for the design of a liturgical celebration of our agreement, guided by the simplicity of the provisions for the celebrations described in the Porvoo Agreement (at ¶59).

4.2. Because it is our view that the ELKB does indeed possess the sign of the historic episcopate, we do not feel the agreement itself to be the appropriate or necessary place to spell out liturgical provisions for how our agreement of communion will be inaugurated. Neither do we feel it appropriate to propose a liturgical action of Lutheran and Episcopal bishops engaging in a mutual laying on of hands, which would suggest that one is in need of receiving the historic episcopate from the other. Instead, following the model of Porvoo, we feel two services, one in Munich and one in Paris, at which the agreements were read and signed, prayers of thanksgiving for the past and the future offered by Lutherans for Anglicans and Anglicans for Lutherans, the exchange of peace, and a jointly celebrated Eucharist, together with other signs of our common life, will be appropriate.

5. The Question of Urgency

5.1. The conversations leading up to the final version of “Sharing the Gifts of Communion” have been ongoing for nearly ten years. The Episcopal delegation has reported, through the Committee on Interreligious and Ecumenical Work, to the 79th General Convention, and was commended in Resolution 2018-C059 to press forward in its work.

5.2. We realize that previous agreements of this nature have been received in full by one General Convention to be considered for a Triennium, and then considered for final approval at the subsequent General Convention. We feel, however, that such a practice places an undue burden on the proposed agreement, and that both Houses should take in view four considerations in weighing our resolution to affirm the Report’s finding that the Episcopal Church and the ELKB are churches in communion.

5.3. First, this agreement breaks no new ground in the domain of Anglican-Lutheran relationships. It relies on an understanding of “the historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the Unity of His Church” fully developed in the 1993 Porvoo Agreement.

5.4. Second, in “Sharing the Gifts of Communion” we are building incrementally on agreements already achieved and well-considered by the deliberative and legislative processes of our church. Indeed, in our ELKB partners we have found an expression of the Lutheran tradition with an understanding of the historic episcopate easily recognizable within the context of our previous agreements of full communion—in particular, that with the Church of Sweden, which will also be considered at this General Convention.

5.5. Third, seen from the perspective of the Episcopal Church in Europe, we are living at a moment of utmost danger to the interests of peace and security and the cause of human dignity. With war again unleashed in Europe, not in ninety years has there been a moment of greater urgency for Christian communities drawing nearer and working together to both proclaim and model God’s loving purposes. Our common witness and shared communion with the ELKB could not possibly come at a more pivotal time for the work Christians are called to do in this broken world.

5.6. Finally, in March of 2023 the ELKB will elect its new *Landesbischof*, the successor to Heinrich Bedford-Strohm, who with Presiding Bishop Jefferts-Schori inaugurated these conversations. The new *Landesbischof* will be installed the following November. A Landesbischof may serve in the ELKB for as many as twelve years; hence, the next bishop is not likely to be elected until 2035. The opportunity to participate in the new bishop’s installation next year would constitute both a crucial sign of our communion and a right beginning of our relationship, and one in which we hope General Convention will enable our church to participate.