



The Power and Primacy of the Pope

*A study of the papacy, church government, and the public ministry
from the history of the Lutheran Church*

THE POWER AND JURISDICTION OF THE BISHOPS

⁶⁰The Gospel assigns those who preside over Churches the command to teach the Gospel, to forgive sins, to administer the Sacraments, and also to exercise jurisdiction (i.e., the command to excommunicate those whose crimes are known and to absolve those who repent).

⁶¹Everyone confesses, even our adversaries, that this power is common to all who preside over churches by divine right, whether they are called pastors, elders, or bishops. ⁶²So Jerome explicitly teaches in the apostolic letters that all who preside over churches are both bishops and elders. He cites from Titus 1:5–6, “This is why I left you in Crete, so that you might ... appoint elders in every town.” Then [the Letter to Titus] adds that a bishop must be “the husband of one wife.” Likewise, Peter and John call themselves elders or priests. Then Jerome adds:

But afterward, one was chosen to be placed over the rest. This was done as a remedy for schism, lest each one by attracting a congregation to himself might tear apart the Church of Christ. For at Alexandria, from Mark the evangelist to the bishops Heracles and Dionysius, the elders always elected one from among themselves and placed him in a higher station, calling him bishop, just as an army would make a commander for itself. The deacons, moreover, may elect from among themselves one whom they know to be active and name him archdeacon. For with the exception of ordination, what does the bishop have that the elder does not?

⁶³Jerome, therefore, teaches that it is by human authority that the grades of bishop and elder or pastor are distinct. The content itself says this, because the power is the same, as he has said above. ⁶⁴Later, only one thing made a

distinction between bishops and pastors, namely, ordination. For it was arranged that one bishop would ordain ministers in a number of churches.

⁶⁵Since the grades of bishop and pastor are not different by divine authority, it is clear that ordination administered by a pastor in his own church is valid by divine law.

⁶⁶Therefore, when the regular bishops become enemies of the Church or are unwilling to administer ordination, the churches retain their own right to ordain their own ministers.

⁶⁷Wherever the Church is, there is the authority to administer the Gospel. Therefore, it is necessary for the Church to retain the authority to call, elect, and ordain ministers. This authority is a gift that in reality is given to the Church. No human power can take this gift away from the Church. As Paul testifies to the Ephesians, when “He ascended ... He gave gifts to men” (Ephesians 4:8). He lists among the gifts specifically belonging to the Church “pastors and teachers” [4:11], and adds that they are given for the ministry, “for building up the body of Christ” [4:12]. So wherever there is a True Church, the right to elect and ordain ministers necessarily exists. In the same way, in a case of necessity even a layman absolves and becomes the minister and pastor of another. Augustine tells the story of two Christians in a ship, one of whom baptized the catechumen, who after Baptism then absolved the baptizer.

⁶⁸Here belong the statements of Christ that testify that the Keys have been given to the Church, and not merely to certain persons, “Where two or three are gathered in My name ...” [Matthew 18:20].

⁶⁹Finally, Peter’s statement also confirms this, “You are ... a royal priesthood” [1 Peter 2:9]. These words apply to the True Church, which certainly has the right to elect and ordain ministers, since it alone has the priesthood.

⁷⁰A most common custom of the Church also testifies to this. Formerly, the people



elected pastors and bishops. Then came a bishop, either of that church or a neighboring one, who confirmed the one elected by the laying on of hands. Ordination was nothing else than such a ratification.⁷¹ Afterward, new ceremonies were added, many of which Dionysius describes. But he is a recent and fictitious author, whoever he may be, just as the writings of Clement also are spurious. Then more modern writers added, "I give you the power to sacrifice for the living and the dead." This is not even in Dionysius.

⁷² From all of this, it is clear that the Church retains the right to elect and ordain ministers. The impiety and tyranny of bishops cause schism and discord. Therefore, if the bishops are heretics, or will not ordain suitable persons, the churches are in duty bound before God, according to divine law, to ordain for themselves pastors and ministers. Even though this is now called an irregularity or schism, it should be known that the godless doctrine and tyranny of bishops is chargeable with it. Paul commands that bishops who teach and defend a godless doctrine and godless services should be considered accursed.

⁷³ We have spoken of ordination, which alone, as Jerome says, distinguished bishops from other elders. There is no need to discuss the other duties of bishops. It is not necessary to speak about confirmation or the consecration of bells <nor other such delusions>, which are almost the only things they have kept. Something, though, must be said about jurisdiction.

⁷⁴ Certainly, the common jurisdiction of excommunicating those guilty of clear crimes belongs to all pastors. The bishops have tyrannically transferred this to themselves alone and have used it for their own gain. It is certain that the officials, as they are called, used an intolerable license. Either because of greed or because of other immoral desires, they tormented people and excommunicated them without any due process of law.⁷⁵ What tyranny it is for the officials in the states to have arbitrary power to do this! In what kinds of issues did they abuse this power? Not in punishing true offenses, but in punishing

violations of fasts or festivals, or such silly things! They sometimes did punish adulteries, but in this they often harass <abuse and defame> innocent and honorable people. Besides, since adultery is a most grievous offense, certainly no one should be condemned without due process of law.

⁷⁶ Since bishops have tyrannically transferred this jurisdiction to themselves alone and have basely abused it, there is no need to obey bishops. Since there are just reasons why we do not obey, it is also right to restore this jurisdiction to godly pastors and to make sure that it is legitimately exercised for the reformation of morals and the glory of God.

⁷⁷ There remains the jurisdiction, according to Church law, in cases that relate to the Church court, as they call it, and especially in cases of marriage. This, too, the bishops have only by human right, which is not a very old one. According to the *Codex* and *Novellae* of Justinian, decisions about marriage at that time belonged to the rulers. By divine right, earthly rulers must make these decisions if the bishops are negligent. Church law also concedes this. So for this jurisdiction also, it is not necessary to obey bishops.⁷⁸ Since the bishops have framed unjust laws about marriages and observe them in their courts, there is a need to establish other courts. The traditions (banning the marriage) of those who have a spiritual relationship are unjust. Also unjust is the tradition forbidding an innocent person to marry after divorce. Also unjust is the law that in general approves all secret and deceitful engagements in violation of parental rights. Also unjust is the law requiring the celibacy of priests. There are also other snares of conscience in their laws. There is no need to recite them all. It is enough to say that there are many unjust laws of the pope regarding marriage. Because of these, the rulers should establish other courts.

⁷⁹ So the bishops who are devoted to the pope defend godless doctrine and godless services. They do not ordain godly teachers, and they aid the cruelty of the pope. Besides, they have wrestled away the jurisdiction from pastors and exercise it tyrannically for their own profit. Finally, in marriage cases they observe



many unjust laws. So there are enough and necessary reasons why the churches should not recognize these men as bishops.

⁸⁰They themselves should remember that riches have been given to bishops as alms for the administration and advantage of the churches. As the rule says, "The benefit is given because of the office." Therefore, they cannot with a good conscience possess these alms and defraud the Church. The Church has need of this money to support ministers, aid education, care for the

poor, and establish courts, especially for marriage. ⁸¹So great is the variety and extent of marriage controversies that there is need for a special court, for which the endowments of the Church are needed. ⁸²Peter predicted that there would be godless bishops who would abuse the alms of the Church for luxury and neglect the ministry (2 Peter 2:13). Therefore, let those who defraud the Church know that they will pay God the penalty for this crime.

1. What tasks or responsibilities does the Gospel assign to pastors ("those who preside over Churches")? See Matthew 28:19 and John 20:23.
2. What is the significance of the title pastor, elder, bishop (or district president or circuit pastor)? See Titus 1:5-6; 1 Peter 5:1; and 2 John 1.
3. What point does the quotation from Jerome make?
4. Why is it necessary for the Church to retain the authority to call, elect, and ordain ministers? How do Ephesians 4:8, 11, 12 support the teaching that the Church has this authority?
5. How do Matthew 18:20 and 1 Peter 2:9 support the teaching that the Keys have been given to the Church?
6. What is ordination?



7. What is commanded in Galatians 1:7-9 that applies to how members must view the ministers of the Church?

8. "Jurisdiction" was the right to excommunicate. What abuse had arisen in Melanchthon's day?

9. What solution did Melanchthon recommend to solve the abuses by the Church's courts?

10. What is meant by "The benefit is given because of the office"?

11. For what purposes does the church collect offerings (alms)? What is not the purpose?

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