

# The Evangelical Lutheran Church of Bavaria: History, Church Government and Ecumenical Relations

## History

During the Reformation, the church-governing powers were transferred from the bishops to the secular authorities in the Protestant territories (affirmed and made imperial law in the Peace of Augsburg in 1555). This provided the legal basis for establishing the *landesherrliche Kirchenregiment*. In addition, following the example of the electorate of Saxony with some variation in terms, the office of superintendent [*Superintendenten*], dean [*Senior*], inspector [*Inspektor*] or provost [*Probst*], devoid of secular power, was introduced to provide for pastoral oversight for the clergy and to encourage the spiritual life of the congregations. The officeholder could convene the pastors of the area for which he was responsible to a synod.<sup>1</sup> In addition, drawing on the medieval tradition of diocesan synods or convocations, the superintendents themselves came together in (general) synods, typically to decide on matters of church discipline and church life. Their powers varied significantly from region to region.<sup>2</sup>

In the Lutheran church in the duchy of Prussia, diocesan synods were first established in 1525 to decide on questions of church order.

In Hesse, the attempt to introduce a Presbyterian-synodical form of church-government was prevented by an intervention of Luther in 1526, but until 1610 there was a form of spiritual government exercised by the general synod which convened annually.<sup>3</sup>

In other regions such as Württemberg, the "synodus" comprised superintendents and members of the church council [*Kirchenrat*]. In other regions this was called the consistory [*Konsistorium*], a body consisting of lawyers and theologians directly appointed by the secular authorities. The "synodus" decided on matters of church discipline and evaluated visitation reports.<sup>4</sup>

These synods had little in common with modern synods, which were first introduced in the early 19<sup>th</sup> century to provide for congregational and lay representation. From 1815, the call for constitutional church reforms became louder. This is also true for Bavaria.

From 1806, during and in the aftermath of the Napoleonic wars, the Bavarian kingdom was completely restructured and enlarged to now also include large parts of Franconia, the Palatinate to the west ("left") of the Rhine, and a number of formerly free imperial cities.<sup>5</sup> The Protestant congregations, whether Lutheran or (especially in the Palatinate) Reformed, were forged into the new Bavarian

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<sup>1</sup> Cf. Irene Dingel, Art. "Kirchenverfassung, III. Reformation", in: RGG (4<sup>th</sup> edition), Volume 4, column 1320-1327, here: 1322.

<sup>2</sup> Cf. Wolf-Dieter Hauschild, Art. "Synode, 1. Geschichtlich", in: RGG (4<sup>th</sup> edition), Volume 7, column 1970-1974, here: 1970.

<sup>3</sup> Cf. Dingel, 1323.

<sup>4</sup> Cf. Wolf-Dieter Hauschild, *Lehrbuch der Kirchen- und Dogmengeschichte, Band 2: Reformation und Neuzeit*, Gütersloh 1999, 162.

<sup>5</sup> Most of the following is taken from: Carsten Nicolaisen, *Landessynode*, published on 22.09.2006; in: *Historisches Lexikon Bayerns*, URL: <<http://www.historisches-lexikon-bayerns.de/Lexikon/Landessynode>> (6.06.2017).

Protestant church, which, at this stage, was still called a "comprehensive congregation" [*Gesamtgemeinde*]. However, the Palatinate, historically more influenced by the Reformed tradition, kept some structural independence. There, a "union" between the Lutherans and the Reformed was proclaimed in 1818, and general synods, comprising elected members, both clergy and lay, were institutionalized in the constitution. In contrast, in the territories "to the right of the Rhine", until 1848, membership of the "general synod" and various "diocesan synods" was still restricted to the clergy. In the same year, under the increasing influence of confessional Lutherans, amongst them Wilhelm Löhe, the organizational separation of the congregations in the Palatinate from the now "Evangelical Lutheran Church in Bavaria" was completed.

The call for the inclusion of non-ordained representatives in synods was an expression of the wider demand for more participation in church government by lay members, especially in the circles of the liberal bourgeoisie [*Bürgertum*], perhaps in part as a compensation for the suppressed political demands for more participation in secular government.<sup>6</sup> In Prussia, one of the largest *Landeskirchen*, the Prussian king Friedrich Wilhelm IV vehemently opposed the call to institutionalize synods with elected members, including lay people, as a church-governing body. Nevertheless, the movement could not be halted. Lay people had gained in importance and self-confidence through the rise of the "free organizations", societies and associations such as the *Innere Mission* ["inner mission"]. This so called *staatsfreie* ["state-free"] Protestantism (meaning not under the direct control of the *Landesherrliche Kirchenregiment*) found public expression in the *Kirchentage*. The earliest of these, understood by the participants as a first national general synod, was held at Wittenberg in 1848, with the aim of establishing a new national church and doing away with the *Landeskirchen* and their church-governing bodies. The last of these *Kirchentage* was held in 1872.

In Bavaria, the general synod had been regarded as the constitutional representation of the Protestant church since 1848. However, until 1918, the head of the Bavarian *Landeskirche* was the reigning (Roman Catholic!) Bavarian monarch as "summus episcopus," The day-to-day affairs of the church were overseen by the higher consistory [*Oberkonsistorium*] in Munich, which formed part of the Ministry of the Interior. Initially, the "president" [*Präsident*] of the higher consistory was not a theologian but a lawyer. After the end of the Bavarian monarchy in 1918, this all changed significantly. A new constitution was drafted in 1920. This introduced the office of "church president" and institutionalized the synod, allocating about two-thirds of its seats to lay men (women have been eligible to be members only since 1958), vesting it with legislative powers that were formally a prerogative of the monarch. A synod Executive Committee [*Landessynodalausschuss*] was made responsible for ensuring on-going synodical church government.

In 1933, with the Enabling Act [*Ermächtigungsgesetz*], the synod in Bavaria relinquished its jurisdictional powers to the newly elected "church president", Hans Meiser, whose title was now changed to "bishop" [*Landesbischof*]. Between 1934 and 1945, the synod did not convene.<sup>7</sup> In certain circles of church members and pastors there was a clear bias towards the ideology of the national socialists and, as early as 1931, a "federation of national socialist evangelical pastors" (*Nationalsozialistischer Evangelischer Pfarrerbund* (NSEP)) was founded, which shortly, in the year

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<sup>6</sup> Cf. Hauschild, Art. "Synode", 1972.

<sup>7</sup> Instead, during this period, the "confessional synods" [*Bekennnissynoden*] gained great relevance on the level of the *Reich* as a representation of the oppositional *Bekennniskirche*. During one of these *Bekennnissynoden*, in 1934 in Barmen, the *Barmen Declaration* was drafted.

1934, comprised 25% of Bavarian evangelical pastors.<sup>8</sup> Nevertheless, the evangelical Church in Bavaria escaped the direct clutches of the national socialists. Hans Meiser succeeded in retaining the organizational independence of the Evangelical Lutheran Church in Bavaria and in avoiding it from being integrated into the "Church of the Reich" (*Reichskirche*) under the *Reichsbischof* Ludwig Müller. Therefore, Bavaria, along with the churches of Württemberg and Hanover, belonged to the so-called "intact" *Landeskirchen*.<sup>9</sup> In retrospect it is clear that the ELKB as an institution failed to distance itself decisively and unequivocally from the reigning ideology of the national socialists. Only individual courageous pastors and alert Christians spoke out for the oppressed and persecuted and sometimes paid this with their lives. After the Second World War, a new beginning was attempted. In this spirit, in 1946, the synod was re-established with all its former powers. The title "Landesbischof" was retained.

## Church Government

Since then, the Bavarian *Landeskirche* is governed by four church governing bodies: the synod; the synod Executive Committee [*Landessynodalausschuss*], elected by the members of the synod; the Church Governing Board [*Landeskirchenrat*]; and the bishop [*Landesbischof*]. According to the principle of a division of power, the four church governing bodies are to work together "in functionally specific fellowship and in mutual accountability" [*in arbeitsteiliger Gemeinschaft und gegenseitiger Verantwortung*].<sup>10</sup>

The bishop [*Landesbischof*] is elected by the synod and is *ex officio* also the head of the Church Governing Board [*Landeskirchenrat*]. His or her term of office expires after twelve years (this was introduced with the amendment of the constitution in 2000) or when he or she reaches the age of 65, whichever the sooner. In theory, the synod could remove the bishop from office in certain circumstances. The Church Governing Board comprises the bishop; the heads of the six church districts [*Oberkirchenräte*], who since 2000 have been called "regional bishops" [*Regionalbischöfe*] and who are responsible for ordinations and visitations in their episcopal areas; and the six heads of the church departments, who are also known as *Oberkirchenräte*. The Church Governing Board meets about once every month.

Since 1971, the synod convenes at least annually, usually twice per year. Currently, 89 of the 108 members of the synod are directly elected by the members of the parish councils [*Kirchenvorstände*] every six years. Thirteen members of synod are appointed jointly by the Church Governing Board and the synod Executive Committee; they are often well-known public figures from the spheres of politics, economics, culture and *diaconia*. Three (ordained) members are delegates from the three Bavarian theology faculties. An additional three members are delegates from the youth convention.

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<sup>8</sup> Cf. Carsten Nicolaisen, Nationalsozialistischer Evangelischer Pfarrerbund (NSEP), published on 12.06.2007; in: Historisches Lexikon Bayerns, [https://www.historisches-lexikon-bayerns.de/Lexikon/Nationalsozialistischer\\_Evangelischer\\_Pfarrerbund\\_\(NSEP\)](https://www.historisches-lexikon-bayerns.de/Lexikon/Nationalsozialistischer_Evangelischer_Pfarrerbund_(NSEP)) (13.07.2021).

<sup>9</sup> Cf. Hans-Peter Hübner, Evangelische Kirche (19./20. Jahrhundert), published on 05.10.2006 (revised 26.02.2019); in: Historisches Lexikon Bayerns, URL: [http://www.historisches-lexikon-bayerns.de/Lexikon/Evangelische\\_Kirche\\_\(19./20.\\_Jahrhundert\)](http://www.historisches-lexikon-bayerns.de/Lexikon/Evangelische_Kirche_(19./20._Jahrhundert)) (13.07.2021).

<sup>10</sup> Cited from Article 41 of the Constitution of the ELKB (revised in 1999).

The synod is primarily responsible for church legislation, for finances and for the election of the bishop. The synod is also a forum for theological debates and regularly issues statements on ethical questions. There is a general concern for finding consensus in controversial questions so as to avoid narrow victories in election. Theoretically, the *Landesbischof* or *Landesbischofin* possesses the power to dissolve the synod if it came to a decision which he or she deemed unconstitutional or opposing the articles of faith. So far in the history of the Bavarian synod, this loomed only once, during the early years of the 1970s, when the introduction of the ordination of women was discussed.<sup>11</sup> It became clear that the sitting synod was set to pass the necessary legislation. The incumbent *Landesbischof* Hermann Dietzfelbinger felt unable to accept this for theological reasons. In the end, however, he preferred to retire early and to clear the way for his successor, Johannes Hanselmann. During his tenure, in 1975, the ordination of women was introduced.

In recent years, the question of homosexuality became a controversial issue. In synod, a consensus was achieved which reflects the broad majority without hurtfully suppressing minority opinions. In 1993, initial controversial debates resulted in the drafting of the "Declaration of Fürth". This states that the church was wrong in sidelining and discriminating against homosexuals. Nevertheless, the public blessing of homosexual relationships in worship was ruled out. New questions sparked new controversies. In 2012, after renewed heated debates, the synod cleared the way for pastors living in same-sex relationships, sanctioned by state legislation as an "orderly partnership" (*eingetragene Partnerschaft*), to inhabit vicarages if the parish council, direct colleagues, the dean and the regional bishop consented. Recently, in 2018, the topic of blessing same-sex partnerships once more emerged. A working-group, which also encompassed members of the Church Governing Board, drafted a thorough report on the subject and submitted it to the synod. Finally, by a clear majority, the synod passed legislation to introduce the rite of publicly blessing homosexual couples (*Segnung*), to complement the already existing rite of marriage (*Trauung*), referring to heterosexual couples, and the rite of "worship occasioned by a marital union" (*Gottesdienste anlässlich einer Eheschließung*), referring to couples from different religious backgrounds. It is up to the local pastor to decide whether or not he or she will perform the rite of blessing same-sex partnerships. All discussions on the topic of homosexuality were always founded on the conviction that it is possible to differ on the interpretation of the passages of the bible in question, but that this nevertheless is no reason for church division. Indeed, this was prevented.<sup>12</sup>

As demonstrated in the examples above, the Bavarian synod as one of the four church governing bodies is able to pass legislation independently. Nevertheless, the synod is woven into an intricate net of relationships, as is the whole Evangelical Lutheran Church of Bavaria. A case in point is the fact that individual members of the Bavarian synod are simultaneously members of synodical bodies of the EKD.<sup>13</sup>

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<sup>11</sup> Cf. Bernd Oberdorfer, *Synodalität in der lutherischen Kirche am Beispiel der Evangelisch-lutherischen Kirche in Bayern*, in: *Una Sancta* 75 (2020), 128-137, here: 137.

<sup>12</sup> Cf. Oberdorfer, 133-136.

<sup>13</sup> Cf. DNK/LWB (Eds.): *Lutheran – Reformed – United. A Pocket Guide to the Denominational Landscape in Germany, Hannover 2017* [https://www.dnk-lwb.de/sites/default/files/documents/lutheran\\_reformed\\_united\\_pocket\\_guide.pdf](https://www.dnk-lwb.de/sites/default/files/documents/lutheran_reformed_united_pocket_guide.pdf)

## Ecumenical Relations

The Evangelical Lutheran Church of Bavaria (ELKB), along with the other 20 Lutheran, Reformed and United *Landeskirchen* is a member of the EKD, the Evangelical Church in Germany (*Evangelische Kirche in Deutschland*). These churches are in communion on the basis of the Concord of Leuenberg (*Leuenberger Konkordie*) of 1973. The *Leuenberg Konkordie* offers an umbrella which exceeds the regional and denominational structure of the EKD: it constitutes the Communion of Protestant Churches in Europe (CPCE). Additional churches such as the Evangelical Methodist Church (*Evangelisch-methodistische Kirche*) and the numerically small Unity of Moravian Brethren (*Herrenhuter Brüdergemeine*) in Germany, and the Moravian Brethren and the Waldensian Evangelical Church in Europe are also members.

Both within Germany and globally, the Evangelical Lutheran Church is deeply embedded in the Lutheran *Communio*. In Germany, the ELKB is a member of the United Evangelical Lutheran Church of Germany (*Vereinigte Evangelisch-lutherische Kirche Deutschlands: VELKD*) and of the German Committee of the Lutheran World Federation. Accordingly, the ELKB, just like the ELCA in the US, is also a member of the Lutheran World Federation. Today, former mission churches in Tanzania, Brazil and Papua New Guinea are partner churches in the global South with strong ties expressed in exchange programs for personnel, in parish and youth partnerships, and in cooperation for development.<sup>14</sup>

The ELKB has ties to two Anglican dioceses in England on the basis of the Meissen Declaration (1991) between the EKD and the Church of England. This agreement includes the mutual recognition as churches "which belong to the One, Holy, Catholic and Apostolic Church of Jesus Christ and which take part in the Apostolic mission of the whole people of God." The Meissen Declaration includes Eucharistic hospitality and far-reaching agreements on joint action. However, it does not achieve full exchangeability of ministers. Therefore, in Anglican understanding, full communion is not achieved.

Mutual Eucharistic hospitality is agreed between the Protestant *Landeskirchen* in Germany and the Old-catholic Church of the Utrecht Union in Germany. In 2017, these churches drafted the first true ecumenical wedding liturgies which means that all parts of the service can be performed by clergy of either church.

Caused by sheer size, ecumenical relations to the Roman-Catholic Church is of great importance in most regions of Germany and also in Bavaria. Nevertheless, local ecumenism is increasingly also shaped by relations to orthodox congregations and free churches, by living out multilateral ecumenical relations and by taking part in the *Arbeitsgemeinschaft Christlicher Kirchen* in Bavaria.

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<sup>14</sup> All partnerships and further international ecumenical relations of the ELKB are concisely outlined in „Konzeption der Außenbeziehungen der Evangelisch-Lutherischen Kirche in Bayern. Ein Beitrag zur weltweiten *Communio*“ (completely revised edition 2019) <https://evangelisch.bayern-evangelisch.de/bibliothek.php?book=55&topic=1>