

A short outline of the history of the church-governing structures in the German Lutheran churches, focusing on the ELKB

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As is well known, during the Reformation, the church-governing powers were transferred from the bishops to the territorial secular authorities (affirmed and becoming imperial law in the Peace of Augsburg in 1555). In addition, following the example of the Electorate of Saxony, the office of superintendent, dean, inspector or provost (different terms were used in different regions), 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.¹ In addition, drawing on the medieval tradition of diocesan synods or convocations, the superintendents themselves came together to (general) synods, typically to decide on matters of church discipline and church life. Their powers varied significantly from region to region.²

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 (*“Homberger Synode”*),³ but by 1581 there was a form of spiritual government exercised by the general synod which convened annually.

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.⁴

These synods had little in common with modern synods, which were first introduced in the early 19th 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 include large parts of Franconia, Westphalia, the Rhineland, the Palatinate to the west (“left”) of the Rhine, and a number of formally free imperial cities.⁵ The Protestant congregations, whether Lutheran or (especially in the Palatinate) Reformed, were forged into the new Bavarian Protestant church, which, at this stage, was still called a “comprehensive congregation” [*Gesamtgemeinde*]. However, the Palatinate kept some structural independence. In the territories “to the right of the Rhine”, until 1848, membership of the “general synod” and the various “diocesan synods” was still restricted to members of the clergy. In the Palatinate, historically more influenced by the

¹ Cf. Irene Dingel, Art. “Kirchenverfassung, III. Reformation”, in: RGG (4th edition), Volume 4, column 1320-1327, here: 1322.

² Cf. Wolf-Dieter Hauschild, Art. „Synode, 1. Geschichtlich“, in: RGG (4th edition), Volume 7, column 1970-1974, here: 1970.

³ Cf. Dingel, 1323.

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

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

Reformed tradition, 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.

The inclusion of lay 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.⁶ In Prussia, one of the largest *Landeskirchen*, the call to institutionalize synods with elected members, including lay people, as a church-governing body was vehemently opposed by the Prussian king Friedrich Wilhelm IV. 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 its public expression in the *Kirchentage*. The first of these was held at Wittenberg in 1848, quasi a first national “general synod”, 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 since 1848 regarded as the constitutional representation of the Protestant church. 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 Upper Consistory [*Oberkonsistorium*] in Munich, which formed part of the Ministry of the Interior. Initially, the “president” [*Präsident*] of the upper 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 1954) and vesting it with legislative powers, formally a prerogative of the monarch. A Synod Executive Committee [*Landessynodalausschuss*] was now 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” whose title was now changed to “bishop” [*Landesbischof*]. Between 1934 to 1945, the synod did not convene.⁷ In 1946, the synod was re-established with all its former powers.

Since then, the fourfold structure of Bavarian church leadership has worked well. According to the principle of a division of power, the four bodies are to work together “with functionally specific fellowship and mutual accountability” [*in arbeitsteiliger Gemeinschaft und gegenseitiger Verantwortung*].⁸ The four church-governing bodies are the synod, the synod executive committee [*Landessynodalausschuss*] (elected by the members of the synod), the Church Board [*Landeskirchenrat*] and the bishop [*Landesbischof*].

⁶ Cf. Hauschild, Art. “Synode”, 1972.

⁷ 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.

⁸ Cited from Article 40 of the Constitution of the ELKB from 1971.

The bishop [*Landesbischof*] is *ex officio* also the head of the church 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 is the sooner. In theory, the synod could remove the bishop from office in certain circumstances. The Church Board comprises the bishop, the senior clergy of the six church districts [*Oberkirchenräte*], who since 2000 have been called “regional bishops” [*Regionalbischöfe*], and six heads of church departments, senior clergy in the church office [are also known as *Oberkirchenräte*]. The Church Board meets roughly once every month.

Since 1971, the synod convenes at least annually and is primarily responsible for church legislation, for finances and for the election of the bishop. Currently, 100 of the 108 members of the synod are directly elected by the members of the parish councils [*Kirchenvorstände*] every six years; the remainder of the synod’s members are appointed.