

# **Lay Presidency**

## **Does a lay man have the authority to administer Holy Communion?**

Dr John W Kleinig  
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We cannot reach agreement on whether a lay man may be appointed to preside at Holy Communion unless we agree on three other doctrines: the Lord's Supper as communion through the body and blood of Jesus, the church as a sacramental community, and the ministry of word and sacrament as the public liturgical exercise of the Office of the Keys in the congregation.

While Lutherans who adhere to the Formula of Concord as their confession of faith, have, by and large, agreed on the first two areas of doctrine, there has been some dispute on the nature of ordination and on the relationship between the public ministry and the priesthood of the faithful. Yet despite these differences there has, until modern times, been a consensus on four things.

1. Our Lord Jesus gave his word and sacrament to the church through the apostles and continues to give it to the church through them and their successors. So the office of a pastor is derived from Christ's call of the apostles in John 20:21-23.<sup>1</sup>
2. As representatives of Christ and his church the apostles gave the responsibility of preaching the word and administering the sacraments to suitable candidates, who, in turn, committed it to others (2 Tim 2:2).
3. While the ministry belongs to the whole church and each congregation, just as the office of prime minister belongs to the all the citizens of Australia, a pastor is authorised by Christ through the church to exercise it together with Christ in the congregations that he is called to serve, just as the Prime Minister exercises his office on behalf of all the citizens of Australia.
4. Christ authorises and empowers pastors to exercise the keys in the congregations that they serve by baptising and withholding baptism, by forgiving and retaining sins, by preaching God's word as law and gospel, administering and distributing the Lord's Supper, by discerning true doctrine and condemning false doctrine, by admitting and excluding from the Lord's table (Matthew 16:18-19; John 20:21-23; Apology 28:5-6, 21). This means that the administration of Holy Communion cannot and must not be done apart from the full, public exercise of the keys.

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<sup>1</sup> This is explicitly affirmed in the German text of *Treatise 3*: 'we have the certain teaching that the office of preaching comes from the general call of the apostles.'

Since most confessional Lutherans agree on these four aspects of the doctrine of ministry, they have also, until the last century or so, agreed with each other and the church catholic that while a lay people may assist a pastor in distributing Christ's body and blood, they have no authority to administer the sacrament of the altar by consecrating the elements in it. This consensus is summed up succinctly in the *Augsburg Confession* by article 14 on *Order in the Church* which reads:

*Concerning church order they teach that on one should teach publicly in the church or administer the sacraments unless properly called.*

We need to establish the sense of four key words if we are to understand this article as it was meant to be understood. First, the term 'church order' does not just refer to church polity which is the human ordering of the church;<sup>2</sup> it refers to the divinely instituted order for ministry in the church,<sup>3</sup> an order that Christ has established, something that is not an adiaphoron.<sup>4</sup>

Second, in this article 'the church' does not refer exclusively to the local congregation, but, as in articles 7 and 8, to the congregation as part of the church universal, the assembly of all the saints in heaven and earth.

Third, in Latin the term *rite*,<sup>5</sup> 'properly,' means both legally according to ritual canonical law and ritually by an established ritual enactment.<sup>6</sup> Despite the footnote in Kolb-Wengert, it does not just refer to a call 'in a regular manner by a proper public authority'; it includes the call of Christ through the church and its ministers in the rite of ordination.

Fourth, the term 'called' is not used in the modern Lutheran way as the call by a congregation to someone to be its pastor, but to Christ's call of a person into the public ministry through the church in the rite of ordination. Thus in

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<sup>2</sup> The following article, 15:1, refers to this kind of order as the 'good order' that is established by humanly established ceremonies for tranquillity in the church. Thus 'church order' (Latin: *ordo ecclesiasticus*; German: *Kirchenregiment*) is distinguished from 'good order' (Latin: *ordo bonus*; German: *gute Ordnung*).

<sup>3</sup> Luther and the confessions taught that there were three divinely instituted 'holy orders': the domestic order (*ordo oeconomicus*), the political order (*ordo politicus*), and the ecclesiastical order (*ordo ecclesiasticus*). In the Latin and German text of article 13:7-10 Melancthon uses the term 'order' (Latin: *ordo*) both for the office of ministry and for ordination into that office. Since it is founded by God's command and promises he concedes that ordination may be called 'the sacrament of order.' See also the use of 'order' in *Apol* 22:13; 28:13; SA III.10.1; III.11.1; and the *Small Catechism* 9:1.

<sup>4</sup> Thus while the manner of ordination, such as by a bishop or a pastor, with anointing or without anointing, is an adiaphoron, ordination as admission to the divinely instituted office is something that must be done, for 'the church has the command to appoint ministers' (*Apol* 13:12).

<sup>5</sup> Grammatically, this can be construed in two ways, either as an ablative of the fourth declension noun *ritus*, meaning 'by religious observance or ceremony,' or as adverb formed from that noun, meaning 'with due religious observances or rites' or 'in the right religious manner.' Since this noun is used in its literal ritual sense in the following article 15 which has as its heading 'Concerning Church Rites' (*De ritibus ecclesiasticis*), it is most likely meant to be understood literally here too.

<sup>6</sup> The Roman Confutation of the Augsburg Confession accepted this article with the proviso that 'properly called' was understood as ordination according to canonical law. In article 14 of the Apology Melancthon affirmed that the Lutherans were quite willing to accept that proviso.

paragraph 67 of the *Treatise* Melanchthon teaches: 'wherever the church exists, there also is the right to administer the gospel. Therefore, it is necessary for the church to retain the right to call, choose, and ordain ministers.' Here the calling of ministers is closely connected with ordaining them.<sup>7</sup> It is a part of the process of ordination.<sup>8</sup>

This interpretation of article 14 is backed by its interpretation and application in our Lutheran tradition.<sup>9</sup> Let me mention just four pieces of evidence.

First, in Luther's 1523 letter *Concerning the ministry* to some of his followers in Bohemia who had asked him what they should do since they had no pastors to care for them, he advised that they should either go without pastors and Holy Communion or else appoint and ordain their own pastors to minister to them (LW 40: 9, 37, 40). It is instructive that while Luther encouraged the fathers of the families to teach the gospel to their households and to baptise infants, he did not, in that emergency situation, allow them to administer Holy Communion, even if it meant that they would not be able to receive it for the rest of their lives.

Second, we have the statement of Melanchthon in his disputation:

*Concerning the polity of the church: ministry and ordinations.* There he says:

The right of calling and choosing ministers (of the church) belongs not only to the people, but St. Paul directs St. Titus to appoint presbyters, and he writes to St. Timothy, 'Do not lay hands on anybody rashly.' It is accordingly necessary that pastors are ordained by pastors...the kind of democracy in which the people snatch the election (of clergymen) to themselves without the judgment and approbation of the pastors is in conflict both with divine law and with the ancient church.<sup>10</sup>

The third piece of evidence is the controversy over the appointment in 1547 of John Freder (1520-1562), the rector of the cathedral school in Hamburg, as the chief pastor of Stralsund in Pomerania, even though he had not been ordained. He was, it seems, well qualified for the task. But he and the town council held that a letter of call was all that was needed for him to function as a pastor. So he worked as a pastor, preaching and administering Holy Communion, even though he had not been ordained. A general synod of the clergy in Pomerania decided that the calling or election of a person, no matter how important that was, must be distinguished from his ordination into the ministry of the gospel. It affirmed the general rule of Luther that those who administered the sacrament in the church had to be both called and ordained. The matter was referred to the theological faculty of Wittenberg which, with

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<sup>7</sup> See also Luther's remarks in his *Retraction* of 1521: 'in all my writings I have never wanted more than that all Christians should be priests; yet not all should be consecrated by bishops, not all should preach, celebrate Mass, and exercise the priestly office unless they have been ordained and called to do so (LW 29:233)'

<sup>8</sup> This too is how 'calling' is used in the heading of article 10 in Part III of the *Smalcald Articles* where ordination is equated with vocation and in German text of *Apology* in article 13:4-5.

<sup>9</sup> See the careful discussion by Arthur Carl Piepkorn, 'The Sacred Ministry and Holy Ordination in the Symbolical Books of the Lutheran Church,' *Concordia Theological Monthly* 40/8 (1969): 552-573.

<sup>10</sup> See Piepkorn, 562-563.

Melanchthon's concurrence, rejected the position that ordination was an adiaphoron. It also held that by itself Freder's call did not constitute an ordination.<sup>11</sup> That settled the matter for Lutheran churches in Germany until modern times.

The fourth piece of evidence comes from C. F. W. Walther, the father of the LCMS. In the fifth edition of his *Americanisch-Lutherische Pastoraltheologie* (Concordia: St Louis, 1906, 175) he writes:

*The great majority of our theologians, with Luther at their head, are of the opinion that the Holy Supper should never be administered by someone who does not stand in the public preaching office or by a so-called layman. This is so partly from the fact that with the Lord's Supper - unlike Baptism and Absolution - no emergency situation can arise which would justify departure from God's order (1 Cor 4:1; Rom 10:15; Heb 5:4), partly from the fact that the Holy Supper is a public confession which ought to have public ministers, and partly from the fact that such clandestine Communion can easily beget schisms.<sup>12</sup>*

As I see it the church has rejected lay presidency at the sacrament for the following reasons.

1. The administration of the Lord's Supper belongs to the Office of the Keys. It should therefore not be separated from the full exercise of the keys. With the administration of Holy Communion goes the responsibility to baptise and withhold baptism, to preach God's word as law and gospel, to absolve and withhold an absolution, to excommunicate and readmit those who have been excommunicated, to judge right doctrine and condemn false doctrine. Lay presidency therefore disconnects Holy Communion from these other responsibilities. The close connection between the Office of the Keys and the administration of Holy Communion explains why in emergency situations the Lutheran Church has not as a rule appointed suitable local lay men to administer the sacrament but ordained them instead.
2. In keeping with article 14 of **the Augsburg Confession** the Lutheran church has always rejected the teaching and practice of lay presidency at the Lord's table. A congregation or denomination that authorises lay presidency forfeits its claim to belong to the church of the Augsburg Confession. It, consciously or unconsciously, aligns itself with those denominations that reject the word and sacraments as the holy means of the Holy Spirit.
3. The church catholic in the East and in the West has always rejected the teaching and practice of lay presidency. This is attested from the time of Ignatius to the present day. In his letter to the church at Smyrna

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<sup>11</sup> See Theodor Kliefoth, *Liturgische Abhandlungen* 1/3 (Verlag der Stillerschen Buchhandlung: Schwerin/Rostock, 1854), 344-347; Hellmut Lieberg, *Amt und Ordination bei Luther und Melanchthon* (Vandenhoeck & Ruprecht: Göttingen, 1962), 360-371.

<sup>12</sup> This translation comes from John Stephenson, *The Lord's Supper* (The Luther Academy: St. Louis 2003), 86.

8:1-2 Ignatius gives the rule that any sacrament which is celebrated apart from the head pastor of a congregation, its bishop, is invalid (see also Ign. Magn. 7).

4. When Jesus instituted his holy supper he celebrated it with the twelve apostles. The synoptic gospels all explicitly affirm this (Matt 26:20; Mark 14:17; Luke 22:14). We do not know whether any other disciples were his guests at that meal or not. But we do know that the twelve apostles were there as his guests. So we can be sure that Christ gave the sacrament to them, and the responsibility for its administration, when he said, 'Do this in remembrance of me.' They, in turn, handed that responsibility to those whom they appointed as their successors in the ministry of word and sacrament (1 Cor 11:23-26). So when a pastor administers the sacrament, we can be certain that it is validly done as Christ has ordained. It has Christ's blessing. But we do not have that certainty if it is administered by a lay person.
5. In Luke 12:42 Jesus distinguishes the duty of a 'steward' in God's household from the duties of its other 'servants' (see also Matt 24:45; Mark 13:34). The householder puts the steward in charge of the other servants in his house with the authority to give them their 'set ration of food' at the set times. The master of the house is Jesus. The house is the church, the temple of God, his royal household. The other servants are fellow Christians, the members of the royal priesthood. The stewards, the keepers of God's house, are apostles and pastors (1 Cor 4:1; Tit 1:7). The ration of food alludes to the Lord's Supper.<sup>13</sup> This parable therefore seems to argue against lay presidency.
6. In Luke's account of the Last Supper Jesus speaks to his apostles about them presiding with him at his table (Luke 22:13-30).<sup>14</sup> Luke emphasises that Jesus sat at the table with his apostles (Luke 22:14). When Jesus instituted Holy Communion, he not only authorised them to perform it in remembrance of him, but also conferred his kingdom, his royal authority on them. He appointed them to rule with him at his table. But they did so as his royal guests. They were authorised to sit on thrones judging the twelve tribes of the new Israel, the church, the people of God, by waiting on them with his body and blood. So when they presided at his table after his resurrection and ascension, they exercised the keys with the risen Lord who was in their midst as their waiter, their servant (Luke 22:27). In the **Treatise 60** Melancthon teaches that this does not just apply to the apostles; it also applies to the ministers of the gospel who come after them: 'The gospel bestows upon those who preside over the churches the commission to proclaim the gospel, forgive sins, and administer the sacraments.'
7. Nowhere in the New Testament do Jesus and the apostles give the authority to administer the Lord's Supper to lay men who have been

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<sup>13</sup> See Arthur A. Just, *Luke 9:51-24:53*, Concordia: St Louis, 1997, 517-518.

<sup>14</sup> See Arthur A. Just, *Luke 9:51-24:53*, Concordia: St Louis, 1997, 844-850.

authorised to take on this task by a congregation. The New Testament teaches that the ministers of the gospel are 'shepherds' (Eph 5:11) who are directly accountable to Christ the Chief Shepherd (1 Pet 5:4). They have been appointed by the Holy Spirit to 'shepherd' God's blood-bought flock/congregation, as Christ shows by his commission of Peter in John 21:15-17, by 'feeding' them with God's word and, quite literally, with the body and blood of Jesus (Acts 20:28; 1 Pet 5:1-3). In the New Testament no lay person ever shepherded God's flock by feeding it with holy food.

8. The ministry of word and sacrament does not just create a congregation and build it up as a holy community; it also includes that congregation in the heavenly assembly and its service together with the angels and the whole communion of saints in God's presence (Heb 2:22-24). The administration of the Lord's Supper involves the congregation in the one holy catholic and apostolic church through *communio in sacris*, holy communion by right participation in the holy things of God. So those who administer Holy Communion thereby hold a public position of leadership with ecumenical responsibilities. To fulfil their task they need to have the authority to admit or exclude people from other congregations and denominations to the Lord's table. This cannot be done without proper authorisation and due accountability. No lay person has that ecumenical authority.
9. As history has shown, lay presidency contributes to the privatisation of the Christian faith and leads to sectarian divisions. If every lay person has the authority to administer the sacrament, what stops any person from celebrating it anywhere with any group of like-minded people, such as a father with a family or a dissident Christian with fellow dissenters? If any group of Christians can constitute themselves as a congregation and appoint one of their own to lead them in their celebration of Holy Communion, this inevitably results in endless schisms and unwarranted divisions within the body of Christ, for the conduct of Holy Communion by ordained pastors helps to maintain the confessional unity of the church through its right administration according to the Scriptures and the confessions of the church. The Lord's Supper is the sacrament of unity, the deepest and fullest unity by common confession of faith and common participation in the body and blood of Jesus.

Lutherans who advocate lay presidency give two main theological reasons for their position.

They hold that since the believers in Jerusalem met in houses, such as the home of Mary, the mother of Mark (Acts 12:12), to celebrate the breaking of bread in the Holy Supper (Acts 2:42, 46), the lay heads of these households consecrated the sacrament. But that is pure surmise! All the evidence shows that the apostles took the lead in conducting the service. Acts 2:42 implies that the apostles did not just teach the church in Jerusalem (cf. Acts 5:42); they also received the common offering (cf. Acts 4:32-37), broke bread the

Holy Communion (cf. Acts 20:7-11), and led the congregation in its prayers (cf. Acts 4:23-30). They went from house to house preaching and teaching (Acts 5:42). They appointed the seven deacons as their assistants, so that they could concentrate on the ministry of the word (Acts 6:1-4). The account of the evening service in Acts 20:7-11 in a house at Troas shows us the usual practice. There the apostle Paul did not just preach, but also broke the bread after the sermon to celebrate the Lord's Supper with the assembled congregation.

It is also argued that since Scripture does not forbid it, lay presidency is permitted as an *adiaphoron*, or perhaps even mandated. This argument is both fallacious and mischievous. If we accept that way of teaching in the church, we could, to take an extreme example, argue that we should use of Coke and chips instead of bread and wine in Holy Communion because Christ did not forbid it. That is plain nonsense!

There is much more that could be said on this topic. But this should suffice to show that lay administration of the Holy Supper is an unwarranted modern innovation in Lutheran circles. It originates from those churches that reject the divinely instituted ministry of word and sacrament. It is now commonly promoted by those who replace the ministry of word and sacrament with ministry as leadership that is based either on spiritual giftedness or on managerial skills. It has the potential to great damage to the church of God as a holy fellowship based on communion in holy things, a holy community that is created and upheld by the faithful preaching of the gospel and the right administration of Holy Communion.