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Should a Layman Discharge the Duties of the Holy Ministry?

William C. Weinrich

The following essay was first delivered to the LCMS Council of Presidents on April 12, 1998, and subsequently published in *Mysteria Dei: Essays in Honor of Kurt Marquart*.¹ However, the exploding use of laymen in the LCMS for the exercise of pastoral functions, including that of the administration of the Lord's Supper, and the influence this practice is having also in discussions concerning the nature and extent of theological, pastoral education provide cause for issuing this article again.

I do not think it unfair to say that much explanation and discussion in the LCMS today concerning the church and the ministry is misinformed, misguided and misleading, and at times simply disingenuous. An example of this was the answer given in the Q & A section of the February 2006 *The Lutheran Witness* (vol. 125, no. 2; pg. 28. The section was entitled "Who May Consecrate the Elements?" and a certain A.A. Missouri asks a question about "who is allowed to bless the wafers and wine for distribution at Communion." A.A. suggests that in foreign lands "a lay minister can bless the elements," but that in America "only an ordained minister has this privilege." We will not quibble with the deep incognizance of A.A. on the matter; after all, he is asking a question, seeking clarification. The problem is with the *author incognito* who provides the response. After giving a correct, if somewhat *pro forma*, reminder that the effective

¹Paul T. McCain and John R. Stephenson, eds., *Mysteria Dei: Essays in Honor of Kurt Marquart* (Fort Wayne: Concordia Theological Seminary Press, 2000), 345-59.

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power of the sacrament is the Word of God, the author continues:

It should be noted that while under normal circumstances it would be the ordained pastor who administers the sacrament, it may not be possible for some congregation because of remote location, the lack of available pastors, or some other valid reason to have such a person available to administer it. In view of this, The Lutheran Church—Missouri Synod has established a program for the preparation of lay ministers, who serve under the supervision of ordained pastors and who, by the agreement and calling of the congregation, provide many pastoral services among them, administration of the sacraments and the necessary pastoral care that accompanies it.

To be sure, space in *The Lutheran Witness* does not provide for any kind of extended explanation. However, this response could hardly be more tendentiously misleading. Might it have been interesting to A.A. Missouri to learn of Augsburg Confession, article XIV, and be introduced to the notion of the dominical institution of the pastoral office? Might it be interesting to A.A. Missouri that the Lutheran tradition, including that of the LCMS under Walther, did not know, nor did it allow the administration of the Lord's Supper by an unordained pastor? Despite all the discussion within our synod of the rights and powers of the congregation, Walther did not allow this practice, nor did he provide justification for it in circumstances where such a practice might have been in existence (such as among the followers of Vehse). In fact, A.A. Missouri is kept in the dark about the principal theological and pastoral concerns that motivated the Lutheran church since its inception in the Reformation. What is recommended to him is a recent innovation which despite all talk to the contrary has no significant roots in the theology and practice of the Lutheran Church, including the LCMS.

Yet, in a recent article Samuel H. Nafzger provides an *apologia* for "the lay performance of pastoral functions" and the entire Tendenz of the article is to suggest that "the lay performance of pastoral functions" arises naturally out of Lutheran thinking, specifically that of Walther.² Nothing could be further from the truth, unless one suggests that the "talk" and the "walk" of Walther were at considerable variance. Typical of LCMS discussion, Dr. Nafzger begins with a review of the Stephanite controversy in 1839. From within that controversy the view did arise that laypersons could celebrate the Lord's Supper. Those who held to this view were followers of Vehse, and these Nafzger calls the "lay faction." Nafzger rightly notes that this idea was held by the Vehse faction, but this idea and practice was precisely what Walther himself never advocated let alone allowed. Present practice in some districts of the LCMS is much closer to that advocated by Vehse and the "lay faction" than it is to Walther. However, one can review the sources for himself/herself, and it is much to be hoped for that they are reviewed, along with the question of what actually took place in practice within our history and what was in fact allowed and promoted in practice. That is, methodologically, what is the relation between theological argument and claim and the practice which arises from and is reflective of that theology? I think that were one honestly to review the evidence, one would conclude that to speak of "the lay performance of pastoral functions" on the basis of the guiding and determinant LCMS documentation is wholly inaccurate and misleading.

The ensuing article attempts to outline the underlying theological and pastoral rationale for the thoroughgoing refusal of the Lutheran heritage to allow a layperson to administer the Lord's Supper, and briefly to describe the corresponding practice. At the moment, however, I would like to make a few preliminary comments:

²Samuel H. Nafzger, "The LCMS on the Lay Performance of Pastoral Functions," *Issues in Christian Education* (Spring 2004): 23-29.

1) The discussion of church and ministry within the LCMS has for a very long time, and certainly at present, been bedeviled by a political question of power rather than a theological question arising from the Gospel itself. Nothing could be more illustrative of this than a recent "model convocation" held under the title "Who's in Charge Here?" Frankly, such a question has nothing to do with the Bible or the Lutheran Confessions. Although his summary of the history is a little skewed, Dr. Nafzger notes correctly enough that the episode concerning Martin Stephan raised issues concerning the authority of laity over pastors.³ This indicates that sometimes history clarifies, at other times history obfuscates. It might be suggested that the LCMS is obsessed over the Stephan affair and has allowed this singular event to becloud its capacity to consider the issue of church and ministry with more equilibrium. For this it is recommended that the LCMS come into greater awareness of the nineteenth-century confessional Lutherans, including those whom LCMS apologists are inclined to dismiss (Vilmar, Löhe, Stahl) and including those not usually mentioned in the "blacklist" of Missouri's early history (Theodosius von Harnack, Theodor Kliefoth, Claus Harms, G. C. A. von Harless, to name a few). This would have the salutary effect of lifting the LCMS out of the four walls of its own specific and limited history.

2) In considering the question of the pastor and the laity it is absolutely crucial to attend well to how Luther argues (and with him AC V). Luther imbeds the ministry of preaching and the sacraments **within** the "order of salvation." Within this order the pastor is given the tasks to preach and to administer; the people are given the tasks to

³I think the evidence suggests, however, that the Vehse group promoted this aspect of the discussion. Most of the Saxons had other kinds of questions, such as whether they as a group were still "church" (since they had followed a false prophet), whether their pastors were still pastors, and whether they could call pastors apart from the legitimating agencies they were familiar with in Germany.

hear and to receive (Paul: "faith comes through hearing; Augsburg Confession V: "in order that we might receive such justifying faith..."). To put this in theological terms: justification of the sinner is by grace through faith, that is, justification of the sinner is by preaching/sacraments through hearing/receiving. The church arises from such preaching and sacraments because preaching and the sacraments are themselves constituted in the salvific work of Christ. From the perspective of this evangelical order it must be said that the office of preaching and the sacraments is prior to the church, just as preaching is prior to hearing, administering is prior to receiving, grace is prior to faith.

3) We should attend to the words of John Gerhard that the work of the Word and the work of the minister ought not nor can not be separated. The orthodox Lutheran fathers spoke of the *potestas ordinata*, that is, the ordered power which is at work in the church. God does not work abstractly. He works concretely, that is, through persons. It is simply remarkable and telling that often, as in Dr. Nafzger's article, the institution of the pastoral office by Christ is mentioned, only to demote its significance. Much is made of the fact that while some (Vehse, Höfling) claimed that the pastoral office was of human churchly institution in order to maintain good order in the church, Walther maintained that the office was of divine institution. But, as Nafzger reminds us, Walther maintained that God has instituted the pastoral office *merely* for the sake of good order; it is "merely an arrangement."⁴ This is a very different understanding than that of Luther for whom the order for which the pastoral office was instituted was the order of redemption, not the order of a sergeant-at-arms. Are we really to believe that Christ said "He who hears you

⁴Walther distinguishes this "mere arrangement by which the common rights are to be administered" from a "special power of a preferred estate." The language indicates to what extent the categories of rights and the specific issues of the Stephanite controversy had infested the discussion.

hears me" (Lk. 10:16) and "As the Father has sent me, so do I send you" (Jn. 20:21) in order to ensure that there is no raucus in the assembly? In our discussions of the pastoral office and its relation to the people, it would be well were the LCMS seriously to consider the meaning of the fact that the pastoral office was a dominical institution through which Christ places his own ministry within the church. This reality, testified throughout the New Testament, is the true place to begin deliberation about church and ministry, not the historically contingent demands of the Stephanite controversy.

With an increasing consistency the LCMS refers to itself, the CTCR, its synodical resolutions to argue issues that are the common possession of the church universal. The claim that synodical resolutions testify to what the LCMS holds the Bible (and the Confessions) to say is at once the stuff of all organizations and the stuff of sects. We have a broad and rich theological heritage within the Lutheran church. At basis, the following article is a plea that we become more conversant with it.

The Historic Lutheran Approach to the Question

Historically, Lutheranism has answered the question of whether or not a layman should exercise the duties of the Office of the Public Ministry with a definite "No." The biblical basis for this answer included 1 Cor. 4:1 ("This is how one should regard us, as servants of Christ and stewards of the mysteries of God") and Eph. 4:11 ("And the gifts [of the Ascended Lord] were that some should be apostles, some prophets, some evangelists, some pastors and teachers"). The basis in the Lutheran Confessions is Augsburg Confession XIV: "Nobody should publicly teach or preach or administer the sacraments in the church without a regular call." When C. F. W. Walther observed that "in the case of the Lord's Supper no genuine case of emergency can arise" and so "almost all orthodox Lutheran theologians declare that no layman should administer holy

communion," he was simply reflecting the common opinion of Lutheran exegetical and dogmatic tradition.⁵

To be sure, in cases of "necessity" a layman was allowed to preach and to baptize, although necessity in the case of the celebration of the Lord's Supper was virtually denied. But the notion of "necessity" simply upholds, rather than from time to time negating, the fundamental interest and concern of the Lutheran position. We turn, therefore, to the rationale for Lutheranism's response to the question.

Rationale

What is the basic rationale, what is the line of argument that leads Lutheran discussion of this issue to the reference of Eph. 4:11; 1 Cor. 4:1; and AC XIV? Let us begin with a quote from the Large Catechism of Martin Luther (Explanation to the Third Article):

Where God does not cause the word to be preached and does not awaken understanding in the heart, all is lost. This was the case under the Papacy, where faith was entirely forgotten ... and no one recognized Christ as the Lord or the Holy Spirit as the Sanctifier.... What was lacking here? There was no Holy Spirit present to reveal this truth and have it preached.... Therefore, there was no Christian Church, for where Christ is not preached, there is no Holy Spirit to create, call and gather the Christian Church.⁶

We can perceive in this quotation the underlying argument of AC V: God has instituted the office of preaching and the sacraments *for the purpose of* faith, that

⁵C. F. W. Walther, *The Congregation's Right to Choose Its Pastor*, trans. Fred Kramer (Fort Wayne: Concordia Theological Seminary, n.d.), 107.

⁶*The Book of Concord : The Confessions of the Evangelical Lutheran Church*. Translated and edited by Theodore G. Tappert, in collaboration with Jaroslav Pelikan, Robert H. Fischer, and Arthur C. Piepkorn. (Philadelphia: Fortress Press, 1959), 416.

there might be a Christian Church, *in order that* (ut) there might be a royal priesthood and that that priesthood might be served with the gospel through ongoing preaching and administration of the sacraments. Not surprisingly, Luther can claim that the office of the pastor was established and instituted in the atoning death of Christ:

I hope, indeed, that believers, those who want to be called Christians, know very well that the spiritual estate has been established and instituted by God, not with gold or silver but with the precious blood and bitter death of his only Son, our Lord Jesus Christ (1 Pet. 1:18f.). From his wounds indeed flow the sacraments. He paid dearly that men might everywhere have this office of preaching, baptizing, loosing, binding, giving the sacrament, comforting, warning, and exhorting with God's word, and whatever else belongs to the pastoral office. For this office not only helps to further and sustain this temporal life and all the worldly estates, but it also gives eternal life and delivers from sin and death, which is its proper and chief work.⁷

From such a statement we can see that the *necessity* of the office is not only a question of public, outward order in the church. The ministry is not to be viewed as a result or function of the collective will of individual Christians in a particular congregation. Rather, the necessity of the office arises from the necessity of faith for the justification of the

⁷Martin Luther, "A Sermon on Keeping Children in School" (1530), trans. Charles M. Jacobs, vol. 46 of *Luther's Works*, ed. Robert C. Schultz (Philadelphia: Fortress Press, 1967), 219-20. When Luther writes "that men everywhere might have this office ...," he is not referring to the common priesthood and asserting that each Christian possesses the office and therefore may exercise it. Rather, he is saying, in perfect agreement with AC V, that Christ instituted "the spiritual estate" in order that men everywhere might hear this preaching, be baptized, have their sins forgiven, receive the Body and Blood of Christ, etc. As always for Luther, the common Christian *receives* the gifts of God; he is not the administrator of them.

sinner. That is, the necessity of the office arises from the will of God that there be a royal priesthood constituted in faith, as a result of the means of grace that the Office of the Holy Ministry was instituted by God to administer. There can be no hearing of faith if there is no preaching of Christ. There can be no reception of the sacraments if there is no administration of the sacraments. Augustana V puts it in classical terms: "In order that we might obtain this justifying faith, the ministry of teaching the gospel and of administering the sacraments was instituted."⁸ *That* there be justifying faith, and with that faith a royal priesthood, is the necessary rationale for the existence of the office of the ministry that is entrusted with the duty to preach the gospel and administer the sacraments. Thus, the Office of the Ministry is Christ's ministry in the church, and consequently, the Ministry is the stewardship of the mysteries of God. Consequently, the Office of the Ministry is an office of grace.⁹

To understand and to appreciate Lutheran discussion on the ministry, it is crucial to keep in mind the fundamental truth that justifying faith is necessary for salvation. This truth explains why Luther, and all Lutherans, have insisted that the church has the right to choose, to call, and to ordain pastors. The church may not be robbed of the office that is instituted by God to give out the very word and sacraments through which the Spirit calls, gathers, and enlightens the church. Precisely because the royal priesthood is constituted in faith, and lives from the preached word and the administered sacraments, it has not only the right, but also

⁸AC V condemns the Anabaptists who believe "the Holy Spirit comes to men without the external word, through their own preparations and works."

⁹This rationale, confessionally articulated in AC V and foundational to the entire Reformation agenda, makes utterly problematic the claim that the pastor exercises his office "in the name" of the congregation. If the ministry is essentially Christ's ministry, it is evidently "in his Name" and for the benefit of those who hear in faith.

the obligation, to call and to ordain pastors. The mandate of the Lord that there be pastors in the church is then not only a divine law to be obeyed by the church, but even more, a divine gift and promise by which the Lord places into his church the means by which he wishes to redeem and to bless by continuing to speak the forgiveness of sins and to give himself over in bread and wine. Not to allow God's institution to exist, in the midst of the church is not merely an act of disobedience, but a refusal to allow God's own evangelical order, through which he works his way through the gospel. Typically, in Lutheran sources, such as already in the *Treatise on the Power and Primacy of the Pope*, Eph. 4:8-12 is referenced, where Paul writes that the ascended Christ gave gifts to men, namely, apostles, pastors, teachers, etc.

Christ places men into the Office, through a rightly ordered call (which, of course, means both ordination and call). These men are to preach and to administer the sacraments. Those called and ordained are the instruments of Christ, the ministers of Christ, through whom he continues to speak, to baptize, and to give his body and blood. Commonplace and pervasive in traditional Lutheran discussion is the claim that the pastor's ministry is the *ordinary* means through which God speaks and works in the church.¹⁰ Almost invariably, the classical writers speak of the word and sacraments *together with* the minister. Typical of such discussion is that of John Gerhard:

Indeed, the distribution of his body and blood in the sacred supper is to be attributed to Christ himself, although no longer immediately as at the first supper, but it is executed mediately through the ministers of the

¹⁰When Lutheran sources say that "ordinarily" the pastor preaches and administers the sacraments, they refer to the "order," also called "economy," of God by which and through which he works his work of salvation. "Ordinarily" does not have the temporal meaning "usually" or the circumstantial meaning "under normal circumstances."

church, through whose ministry the power of his promise is efficacious. When they distribute the consecrated bread and the consecrated wine, then he himself at the same time distributes to those partaking of his own body and blood in, with, and under the consecrated bread and wine. Indeed, the action of Christ and of the minister neither can nor ought to be separated.¹¹

Hollaz writes that "the present-day dispensers of the sacrament of the supper are the ordained ministers of the church who consecrate the external elements by their prayers to God and by the words of institution pronounced *in persona Christi*, and they distribute these to those communing."¹²

Or again, "The ministers of the church distribute the bread and the wine to those partaking, through whose ministry Christ, as the author of the supper, proffers his body to be eaten and his blood to be drunk."¹³

Of course, in these discussions there are also the usual anti-Donatist disclaimers, such as that of Gerhard: the minister does not have "some subjectively inherent natural power" as the instrumental cause, but rather because it pleased God "to bring the external word as a cause acting instrumentally." In other words, it is according to God's will that the word be preached through ministers as through instruments. Nonetheless, as Gerhard's argument continues, what the Scriptures attribute to the ministry of word and sacraments, "we also attribute to ministers, preachers of the word and ministrants of the sacraments, not by reason of

¹¹Johann Gerhard, *Loci Theologici*, ed. Eduard Preuss (Berolini: Gust. Schlawitz, 1867), 4:10. Locus 21, "Concerning the Holy Supper," Chapter 4, "Concerning the Minister or Dispenser of this Sacrament," Paragraph 16.

¹²David Hollaz, *Examen Theologicum*, "De Eucharistia," Q.3.

¹³Hollaz, Prob. c.

their person, but by reason of their ministry, insofar as they preach the word and administer the sacraments."¹⁴

Martin Chemnitz provides an evangelical rationale for the fact that the minister who preaches and who administers the sacrament should be called and ordained. It was so that the faithful might know that Christ has chosen and placed into office a particular person to be minister. So crucial was this point that Martin Chemnitz, both in his *Loci Theologici* and in his *Enchiridion on the Ministry*, begins his discussion with two claims: 1) that no one "without a special and legitimate call" should on their own initiative and personal judgment undertake the office of teaching in the church; and 2) that "the churches must not and cannot with profit hear those who do not have the testimonies of a lawful call." This is said to be "certain from the word of God," and Chemnitz references Jer. 23:21; 27:14-15; Rom. 10:14-15; and Heb. 5:4.¹⁵ This does not contradict the fact that all Christians are priests as is indicated by 1 Pet. 2:9 and Rev. 1:6; 5:10. For, argues Chemnitz, while all are priests by virtue of faith, not all are teachers.¹⁶ The ministry of priests is "among themselves" and is referenced in Rom. 12:1 and Heb. 13:15-16.¹⁷ The ministry of teachers is "in the church" and is

¹⁴John Gerhard, *The Theological Commonplaces of John Gerhard: Commonplace XXIII, On the Ministry of the Church*, trans. Richard J. Dinda. Imprint (St. Louis: Concordia Publishing House, n.d.), 749.

¹⁵Martin Chemnitz, *Loci Theologici*, trans. J.A.O. Preus (St. Louis: Concordia Publishing House, 1989), 3:698; Martin Chemnitz, *Ministry, Word, and Sacraments: An Enchiridion*, trans. Luther Poellet (St. Louis: Concordia Publishing House, 1981), 28.

¹⁶Luther often says that priests are born, that is, through baptism, while ministers are made, that is, through call and ordination. See Martin Luther, "Concerning the Ministry" (1523), trans. Conrad Bergendoff, vol. 40 of *Luther's Works*, ed. Conrad Bergendoff (Philadelphia: Fortress Press, 1967), 18.

¹⁷Rom. 12:1: "I appeal to you therefore, brethren, by the mercies of God, to present your bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship"; Heb. 13:15-16: "Through him then let us continually offer up a sacrifice of praise to

referenced in 1 Cor 12:7-8, 28; Eph 4:12.¹⁸ Rather, legitimate call and ordination locates where God has willed to place his voice and his hands. It is a typical Lutheran interest to locate God's evangelical activity at a particular place and time, so that faith knows that it is in fact hearing God's voice, and not some other voice, and is receiving from God's hand, and not some other hand.¹⁹

In discussions such as that of Chemnitz there is no abstract reference to God's "absolute power," that is, to the divine power inherent in the word. Reference is always made to the "ordered power" of God, that is, to the means and instruments that God in fact has placed in the church, and to which he has attached his promises. As Chemnitz puts it, "God himself deals with us in the church through

God, that is, the fruit of lips that acknowledge his name. Do not neglect to do good and to share what you have, for such sacrifices are pleasing to God." The ministry of the common priesthood is "among themselves," that is, through their various vocations in the world.

¹⁸Chemnitz, *Loci*, 3:698; *Enchiridion*, 29. 1 Cor. 12:7-8: "To each is given the manifestation of the Spirit for the common good. To one is given through the Spirit the utterance of wisdom, and to another the utterance of knowledge according to the same Spirit ..."; 1 Cor. 12:28: "And God has appointed in the church first apostles, second prophets, third teachers, then workers of miracles, then healers, helpers, administrators, speakers in various kinds of tongues"; Eph. 4:11-12: "And his gifts were that some should be apostles, some prophets, some evangelists, some pastors and teachers, to equip the saints, for the work of ministry, for building up the body of Christ."

¹⁹This classic, orthodox Lutheran argument that "the action of Christ and of the minister neither can nor ought to be separated" (Gerhard) must be kept in mind when one meets the Platonizing separation of the function of preaching and the called preacher himself. The dogmatic distinction between the work of the Word of God (*in abstracto*) and the work of the minister (*in concreto*) was intended to exclude Donatist ideas. Only those who engage in functional enthusiasms interpreted this distinction to entitle them to the separation. For such an enthusiasm, see John F. Brug, "The Meaning of *Predigtamt* in Augsburg Confession V," *Wisconsin Lutheran Quarterly* 103 (2006): 29-45.

the ministry, as through the ordinary means and instruments."²⁰

"Necessity"

When, therefore, we wish to discuss traditional Lutheran understanding of the idea of "necessity," we must keep in mind the two basic postures that have just been briefly delineated: 1) God wills the preaching of the gospel and the administration of the sacraments so that there may be justifying faith; 2) God has instituted the office of preaching and the sacraments, which is ordinarily, that is, by way of a divine ordering (institution narratives!), exercised by called and ordained servants of the mysteries of God.

A "necessity" is therefore not determined essentially by any particular set of circumstances, no matter how unique, strange, or difficult. Necessity only arises when the office of preaching and administration of the sacraments cannot function through the ordinary instrumental means, because no called and ordained minister is present or can be acquired. This is why in many discussions, Lutheran authors list almost ridiculously extreme cases of necessity, not because such circumstances in themselves constitute a necessity, but because it would be in such types of circumstances that a called and ordained minister most likely would not be available.

Typical of such a discussion is that of Tilemann Heshusius, who is quoted by Walther. An emergency exists when no regularly called minister is available (*nicht haben*

²⁰Chemnitz, *Encliridion*, 29. Both "the minister as well as the church have sure proofs that God wants to use this very person (*italics added*) for this his ordinary means and instrument, namely the ministry." In this way, every minister of the word "can apply to himself (*italics added*) the statements of Scripture" and the "divine promises" in them that pertain to the apostolic ministry of gospel and sacrament. Chemnitz refers to a considerable number of passages: 2 Cor. 5:19; 13:3; Isa. 59:21; Matt. 10:20; Luke 10:16; John 1:23; 1 Thess. 4:8; (*Loci*, 3:699; *Encliridion*, 30).

kann), such as in the following circumstances: in prison for the truth; danger of ship wreck; living among the Turks; living among the Papists where there are no true pastors; living among the Calvinists, Schwenkfelders, Majorists from whom one must be separated; or under a tyrannical pastor who refuses to preach and to proffer the sacrament.

In such extreme circumstances, God's divine order that the office of Christ be exercised by publicly called and ordained ministers is rendered inoperable by unforeseen or unwanted ad hoc circumstances. Nonetheless, historical contingency may not hinder nor forestall God's will to redeem through the forgiveness of sins and the bestowal of eternal life in the sacrament.

Therefore, the office of preaching and of the sacraments is to continue, through the exercise of the office by one not called and ordained, for it remains God's will to save. When, therefore, no ordained minister is available for the foreseeable future, Christians may assign the functions of the public office to one not called and ordained. It is important, however, to note that even in these cases, the Lutheran divines made it clear that the one who is functioning as the de facto pastor needs to be called and ordained as the pastor.

However, at this point there is a difference of opinion among Lutheran writers, indicated by Walther's statement of the matter: "in the case of the Lord's Supper no genuine case of emergency can arise" and that "almost all orthodox Lutheran theologians declare that no layman should administer Holy Communion."²¹ There is, of course, universal consensus that in cases of necessity a layman may preach and may baptize. The reason why preaching and baptism may be done by a layman is said to lie in the necessity of preaching and baptism for faith and salvation. Preaching and baptism are required to obtain justifying faith, and therefore, in their case, necessity knows no law.

²¹Walther, *Congregation's Right*, 107.

The word must be preached and baptism must be administered for God's will to save to be accomplished.

However, and this is the opinion of the vast majority of Lutheran writers, the Lord's Supper is not necessary for faith and for salvation and therefore, there is not, nor can there ever be, any necessity that allows for the suspending of the divine order by which only called and ordained ministers administer the supper. Here too we may use the discussion of John Gerhard, since his reasons are repeated by most other writers:

That the administration of the sacred supper properly is given to the ministers of the church is clear from the following reasons: 1) because the preaching of the gospel and the administration of the sacraments are conjoined, which are the external signs and testimonies of the evangelical promise; 2) because the ministers of church are the "servants of the mysteries of God" (1 Cor. 4:1; Titus 1:7), among which the sacrament of the dominical supper is eminent; 3) because the administration of baptism is ordinarily given to the ministers of the church to whom it was said: "teach all nations, baptizing (Mt. 28: 19); therefore also the administration of the eucharist. [However] never in case of necessity is the administration of the holy supper to be committed to a layman (*privato*), since in this matter there is a difference from baptism. For baptism is a sacrament of initiation but the holy supper is a sacrament of confirmation. Concerning the necessity of baptism, Christ testifies in John 3:5: "unless one shall be born from above in water and Spirit he shall not enter the Kingdom of God." Whenever therefore water is available, baptism can and ought be administered by a layman, but there is no use of the holy supper which exists in an equal measure of necessity. Therefore, when there is no supply of

ordained ministers of the church, this statement of Augustine holds, "believe and you have eaten."²²

The majority of Lutheran theologians to some extent repeat Gerhard's content in denying that a layman ought ever administer the Lord's Supper. C. F. W. Walther was certainly no exception, nor for that matter did the Missouri Synod historically as a whole concede that the Lord's Supper may be administered in the church by a layman, at least not until recently. Note Walther's reasons why this is so:

The reason is that in the Lord's Supper no genuine case of necessity can arise. For the Lord's Supper is the sacrament of confirmation or strengthening. Baptism, however, is the sacrament of initiation or consecration, and the proclamation of the gospel, together with absolution, the means by which faith is engendered. This alone is the reason why the orthodox teachers of our church were opposed to a layman ever administering holy communion. In this they follow the principle: where the salvation of people is in danger unless one breaks the order, then it should also be broken, for our souls are not there for the sake of the order, but the order there for the sake of our souls, namely, for the sake of our salvation; but wherever the welfare of souls is not endangered by strict observance of the order, there also the order is not to be broken. But whoever maintains that a layman has indeed the ability to impart baptism and absolution, but not the Lord's Supper, does not know what he is saying.²³

²²Johann Gerhard, *Loci Theologici*. Ed. Eduard Preuss (Berolini: Gust. Schlawitz, 1867), 4:11. Locus 21, "Concerning the Holy Supper," Chapter 4, "Concerning the Minister or Dispenser of this Sacrament," Paragraph 17.

²³Walther, *Congregation's Right*, 107; see also C. F. W. Walther, *Americanish-Lutherische Pastoraltheologie*, 5th ed. (St. Louis: Concordia Publishing House, 1906), 175. Others who argue similarly include Joh.

Other reasons are adduced why a layman ought not administer the sacrament of the Lord's Supper. Among these are the following: 1) that, although a necessity for the supper does not exist, a faithful desire for the supper suffices before God in place of the actual partaking of the supper (W. Rohnert); 2) that the requirement of ongoing pastoral care is a beneficial concomitant of partaking of the Lord's Supper (Chr. Löber; many others)²⁴; 3) that divisions are easily introduced into the church when someone other than the ordained minister celebrates the supper (Walther); 4) that since the partaking of the supper is a public confession of faith, only that one who is the recognized public minister should administer the supper (Walther, others).

However, as the last statement of the Walther quote above makes clear, the fact that the Lord's Supper *should not* be administered by a layman in any circumstance, is not to be understood to suggest that a layman *can not* administer the Lord's Supper because of the lack of some intrinsic power necessary for the consecration and administration of the sacrament of the altar. Therefore, one can find some orthodox Lutheran theologians who do admit of necessity also for the Lord's Supper. A convenient listing of Lutheran writers who hold to this opinion is given by Walther in his

Andrew Quenstedt, David Hollaz, Joh. Benedict Carpzov, W. Rohnert, Christian Löber, Theo. Lätsch.

²⁴Christian Löber, *Evangelisch=Lutherische Dogmatik*, 2nd ed. (St. Louis: Verlag von Fr. Dette, 1983), 565: "No one should partake of the Holy Supper unless he should beforehand examine himself, 1 Cor. 11:28. Therefore, for the sake of order it is also not desirable that anyone administer the sacrament other than that teacher who watches over the souls and who will give an account of his ministry, Heb. 13: 17." See *Verhandlungen der elften Jahresversammlungen des Westlichen Districts der deutschen ev.=luth. Synode von Missouri, Ohio u. a. Staaten im Jahre 1865* (St. Louis: Aug. Wiebusch u. Sohn, 1865), 67, thesis 23: "The administration of the Holy Supper presupposes the existence of a Christian congregation and the private care of souls" (author's translation).

Pastoral Theology and in the *Proceedings of the Northern District* (1880, pp. 28ff): M. Chemnitz, Johannes Corvinus, Johann Gallus, Tilemann Heshusius, Johannes Fecht, Deyling, Caspar Brochmand, Zach. Grapius.²⁵ However, again it is important to recognize that when these Lutheran thinkers maintain that necessity also exists for the Lord's Supper, they are really arguing another point, namely, that the inherent power of the supper lies in the divine word, and not in any power bestowed by ordination to the pastor. This is an important point to keep in mind as these issues are discussed. This point is made clear from the *Proceedings of the Northern District*:

From this listing of witnesses one should see clearly how the Lutheran Church has unanimously on the basis of the divine word made the essence, the efficacy and power of the holy sacrament dependent only upon the order and institution of God, not however in the least upon that which human persons as instruments do.²⁶

Other Possibilities?

Given contemporary practices and attitudes in some places, it is interesting to note what the early history of the Missouri Synod allowed and in fact practiced, especially since the missiological and evangelistic context of the early LCMS is similar to the situation today, where the existence of many unchurched persons challenges the paucity of Lutheran congregations and clergy. This situation is especially evident in the *Proceedings of the Western District* (1865), which give an extensive defense for the

²⁵Walther, *Pastoraltheologie*, 177ff.

²⁶*Verhandlungen der fünfundzwanzigsten Jahresversammlungen des Nördlichen Districts der deutschen ev.=luth. Synode von Missouri, Ohio u. a. Staaten versammelt zu Adrian, Michigan vom 9. bis 15. Juni A. D. 1880* (St. Louis: Druckerei des „Lutherischen Concordia=Verlags“, 1880), 32 (author's translation).

establishment of the "traveling preacher" (*Reiseprediger*).²⁷ Corresponding to the rationale discussed above, the *Proceedings* develop the argument that in the Western regions, and especially in view of the vigorous effectiveness of Methodist preaching, there exists an emergency situation that justifies the temporary abrogation of the divine order that preaching and the sacraments be done only by an ordained minister. Note the sequence of thought in the following theses:

Thesis 8: Just as all orders of God in the New Testament are not laws but gracious institutions of God for the salvation of souls, so also the order of the public preaching office.

Thesis 9: Love is the queen of all laws, much more of all orders, that is, in cases of necessity love has no law, much less an order (Matt. 12:7; Rom. 13: 10).

Thesis 10: Emergency situations exist in which also the order of the public preaching office neither can nor should be maintained (2 Moses 4:24-26).

Thesis 11: A situation of necessity exists when through a legalistic obedience to an order, souls would be lost rather than saved, that is, that love would be injured through such obedience.

Thesis 12: In a case of emergency the abrogation of the divine order should exist only so long as the situation of necessity exists.

Thesis 13: Without preaching of the word of God there is no grace possible and without baptism is faith among the grown-ups in constant danger of suffering

²⁷*Verhandlungen des Westlichen Districts*, 60-63. The Western District at the time included the entire synod west of the Mississippi River. One should also note that the *Proceedings* of the Western District are closely related to the views of Walther himself who was regularly present at its meetings, and frequently was the essayist at them. See C. F. W. Walther, *Essays for the Church*.

shipwreck in times of temptation. And as regards the children, baptism is for them the only means of grace (Rom. 10:14; Mk. 10:15, 16).

The conclusion of this argument is that there should be Lutheran "traveling preachers" and that if "he is to save the lost souls and lead them to Christ, he must also baptize"; and again, "that a traveling preacher must in addition to preaching the word also administer baptism."²⁸ However, such an arrangement did not suggest that a traveling preacher should administer the sacrament of the altar, since "the administration of the supper presupposes the existence of a Christian congregation and the private care of souls" (Thesis 23). It would also be well to note that these "traveling preachers" were men who today would be known as "missionaries at large," not merely lay ministers. The full explanation of Thesis 23 is instructive for the respect these early Missourians had for the divine order, and for the proper exercise of pastoral care in relation to the Lord's Supper:

Since the traveling preacher does not possess the required knowledge of those who come to the Lord's Supper (*Abendmahlsgäste*), and since on account of the press of time he can not prepare them for the Holy Supper, therefore he should also not distribute the Holy Supper, since he could under these circumstances easily administer the Supper to one unworthy. This order should therefore be maintained, so that there might be the intention to establish the divine order, so that the traveling preacher may not become a vagrant, but may be called by the people as soon as possible and be made a true preacher and pastor of souls (*zu einem wirklichen Prediger und Seelsorger*). Therefore, as soon as he has acquired their trust, he should allow himself to be called by the small gathered congregations (*von den einzelnen*

²⁸*Verhandlungen des Westlichen Districts*, 60-63 (author's translation).

gesammelten Gemeindlein), nonetheless with the understanding that they not hinder him from receiving and serving as many such small congregations as he can, in order to form from them a parish.²⁹

Such an understanding made little, if any, room for contingent arrangements for ongoing pastoral oversight and care by persons not ordained. Indeed, Thesis 24 of the *Proceedings of the Western District* asserts that "there may be no arrangement made that becomes an ongoing order and through which the abrogation of the divine order of the public preaching office is effected." The explanation to the thesis makes clear that with the establishment of the traveling preacher there is no introduction of the notion of licensure (*kein sogenanntes Licensirungsweseneinführen*).³⁰

The same argument against the *Licenzwesen* is made fifteen years later in the *Proceedings of the Canada District* (1880). In these *Proceedings* the question is asked about the practice of a student working in a vacant congregation. The *Proceedings* decisively distinguish this practice from that of licensure, since not the student, but the nearest ordained clergyman, is "the actual vacancy preacher." The student is only a "helper" (*Aushilf*) in the congregation, since "the actual vacancy preacher" cannot do everything. It is allowed the pastor to allow the student to preach, but this occurs over a period of time only because the student is "representative of the actual vacancy preacher." It is further inquired whether such a student may in cases of extreme necessity administer the Lord's Supper to one who is ill. The answer falls within the thought and practice we have met throughout: There is no necessity for the holy supper as there is for baptism. However, the following is added:

A student may distribute the holy supper only in such a circumstance in which any Christian could administer it,

²⁹*Verhandlungen des Westlichen Districts*, 67-68 (author's translation).

³⁰*Verhandlungen des Westlichen Districts*, 68 (author's translation).

namely, when a sick person is so terribly attacked by temptation and anxiety that he believes that he must have the sacrament and can not be comforted otherwise, since there was no possibility of acquiring a regularly called and ordained preacher.³¹

Conclusion

The exegetical, dogmatic, and pastoral tradition of the Lutheran heritage admits of no circumstance that justifies the use of unordained laymen for purposes of preaching, baptizing, and administration of the holy supper. This tradition does recognize the requirement of preaching and baptizing in cases of necessity, that is, when no ordained minister is available, nor can be acquired. Although, in the abstract, non-ordained men possess the ability to administer the sacrament of the altar, only in the most extreme cases, and then only by a minority of Lutheran teachers, is allowance made for the actual administration of the sacrament by a layman, since there exists no case of necessity for the supper.

³¹*Verhandlungen der fünfundzwanzigsten Jahresversammlungen des Canada-Districts der deutschen ev.=luth. Synode von Missouri, Ohio u. a. Staaten im Jahre 1880* (St. Louis: Druckerei des „Lutherischen Concordia=Verlags“, 1880), 16-17.