# LAY PREACHING
## BY WHOSE AUTHORITY?

*by Elissa Rinere, CP*

Except for a period of time at the beginning of the church, and a few exceptions in the course of two thousand years, preaching has been consistently off-limits to the non-ordained. However, this consistent exclusion has never been quietly accepted or even readily observed. So it is understandable, in these days of so much change in the Church, that the question of authorization for lay preaching is still being discussed.

In this article, "preaching" means speaking on religious themes publicly in churches or oratories, at liturgical or non-liturgical events. We are not concerned with street preaching or other forms of evangelization that might be carried out by individuals in the public forum.

The format will be to review, in broad strokes, practices surrounding preaching through the history of the Church, but to focus more closely on legislation and other documents issued since Vatican II that refer to lay preaching specifically. Finally, we will draw some conclusions about the current state of authorization for lay preaching, both liturgical and non-liturgical, based on the history presented.

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### The early church

In the early centuries of the church, the community was unified and charismatic. Preachers preached because they received a gift from the Spirit, which was then recognized by the community, accepted, and exercised for the benefit of all. The authorization to preach came from the Spirit of God and from the community.

As we know, charismatic preaching disappeared as the church became more complex, widespread, doctrinal, and sharply divided into clergy and laity. Authorization from charism and the community was too unpredictable to fit into the developing system. This lack of acceptance of the charismatic reached its zenith in 1215, when the Fourth Lateran Council condemned as heretics any and all who dared preach without proper authorization. In other words, the very act of unauthorized preaching itself was declared heretical. From that point on, until the twentieth century, preaching in all its forms was the domain of bishops, priests, and some others in minor or major orders. Motivation for this severe limitation was two-fold. First, the hierarchy was concerned that correct doctrine be preached to the people. Second, preaching was too powerful a tool, especially for adult catechesis, to be haphazardly regulated.

### Later history

Through the next several centuries after 1215, concern for the content and effectiveness of preaching seldom waned. For instance, the Council of Trent established the seminary system to ensure an educated clergy, and also mandated the first universal catechism to serve as a doctrinal guide in the preparation of sermons. The council also established "canonical mission," a deputation from a diocesan bishop to teach doctrine publicly, as the only recognized authorization for preaching. The canonical mission linked preaching to the teaching office of the hierarchy.

Many of these requirements from Trent found their way into the 1917 Code of Canon Law, the Church's first codified law. The canons described two forms of preaching: sermons at Mass and instructional conferences delivered outside Mass, often on Sunday afternoons. Sermons could take two forms: a moral exhortation based on scripture or an instruction on some point of doctrine. In addition to using catechisms as guides for doctrine, priests were to follow diocesan courses of study, usually four or five years in duration, which systematically covered topics such as Mass, the sacraments, the Creed, precepts of the Church, Mary, and the saints. Authorization for preaching remained the canonical mission.

It must be kept in mind that at this point in the life of the Church, the beginning of the twentieth century, there was no real connection between liturgical preaching and the scriptures read at Mass. Familiar as it is to us today, there was no mention of "The Liturgy of the Word" as a distinct part of the eucharistic celebration, nor was there talk of the power of the word in the community. With few exceptions, the readings were read quietly in Latin, not proclaimed. Mass was the private prayer of the priest, and the people present were not taken into account in the course of the celebration. Pastors of parishes were obliged to preach at the principal Sunday Mass, usually the high Mass. However, the length of the service or some other circumstance—excessive summer heat was commonly cited—was sufficient reason to omit the sermon.

### The liturgical renewal

It is difficult to overstate the influence of Vatican II on developments surrounding lay preaching. The council's most pervasive teaching in this area was that all the baptized share in the priesthood of Christ, including his prophetic or teaching function. Once the continuation of Christ's mission was linked to baptism, not solely to orders, the barriers to lay preaching no longer stood on a strong foundation.

A second influence from Vatican II was the new emphasis placed on the importance of scripture in the life of the Church. In several articles the *Constitution on the Sacred Liturgy* made

proclamation of the word integral to all liturgical celebrations (*CSL, 7*), and the homily a lesson drawn from the word proclaimed (*CSL, 24*). The homily, obligatory on Sundays and holy days, was defined by its content: the mysteries of the faith and the guiding principles of Christian life as explained from the text of scripture over the course of the liturgical year (*CSL, 52*).

Following Vatican II there were two interesting developments in the area of lay preaching. In the first, the Congregation for Divine Worship published the *Directory with Masses for Children* (DMC) (November 1, 1973) which permitted laity, with the consent of the local pastor, to speak to children following the Gospel if the priest found it difficult to speak to them (DMC, 24). This document is still in force.

In the second development, the bishops of West Germany requested authorization to give a canonical mission to qualified laity, thereby allowing them to preach and, when necessary, to give homilies. This was approved by the Congregation for the Clergy on November 20, 1973, for a period of four years (see International Committee on English in the Liturgy, *Documents on the Liturgy, 1963–1969: Conciliar, Curial, and Papal texts [DOL]*, 344).

The framers of the 1983 Code of Canon Law had at their disposal not only the Council documents, but these subsequent documents as well.

### The 1983 Code of Canon Law

Amazement is an appropriate response to the canons on preaching in the 1983 Code of Canon Law. For the most part, they are located in the newly formulated third book of the Code, *The Church's Teaching Function*. Preaching is presented as one aspect of the ministry of the word, the other aspect being catechetical instruction. Both preaching and catechetical instruction have the same purpose and foundation: to set forth the mystery of Christ faithfully and completely, based on scripture, tradition, liturgy, magisterium, and the life of the Church (canon 760). Most important for this study, the prohibition against lay preaching in churches, so strongly stated in the 1917 Code, is mitigated.

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Canon 766 states clearly that laity can be permitted to preach in churches or oratories, according to the norms determined by episcopal conferences. Unfortunately, this leap forward possesses a certain illusory quality. The sources, earlier documents from which the canons are drawn, are all indicated in annotated versions of the Code. A primary source for canon 766 is the instruction *Inter Oecumenici*, article 37, which states that qualified lay persons may conduct Bible services when sufficient clergy are not available (see *DOL*, 329). Strangely, the sources for canon 766 do not refer to any documents of Vatican II on baptism or the sharing of the prophetic office of Christ by all the baptized. Thus, one may conclude that for all its appearance of progress, canon 766 is not so much theological as it is utilitarian.

Sources indicated for canon 767, on the homily, contain several conciliar and post-conciliar documents on the content of the homily, its importance, frequency, relationship to the liturgy, and its reservation to the priest or deacon. Here we can conclude that the canon has significant theological foundation based both in orders and liturgy, but it has no connection to baptism.

### The years following the 1983 Code

The 1983 Code was not the end of developments in lay preaching. Since its publication several documents have been issued to supplement the canons in one way or another. The first of these supplements was an authentic interpretation issued in response to a fairly technical question about canon 767 on the homily. Ordinarily, bishops are free to dispense, or excuse, from observance of disciplinary laws (canon 87). Some bishops took canon 767, which defined the homily by speaker, as a point of discipline, dispensed from it, and allowed laity to preach homilies. The question, directed in May 1987 to the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, asked if such dispensations were legitimate. The one-word response was "Negative." Even without providing an explanation of how the dispensing authority of bishops could be limited in this way, the interpretation slowed the use of lay preachers in many places.

In 1988 the Congregation for Divine Worship issued the well-known *Directory for Sunday Celebrations in the Absence of a Priest*. As part of the Liturgy of the Word, according to article 43, there is to be an explanation of the readings or a time of silent reflection. Deacons may give homilies, but lay leaders are to read something prepared by the absent pastor, unless the episcopal conference makes other arrangements.

In response to the *Directory*, the U.S. Conference of Bishops (*Gathered in Steadfast Faith*, 1991) determined that individual bishops are free to allow prop-

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erly trained laity to explain the word of God at these Sunday celebrations "and at other specified occasions" (55ff). This means that in the United States each bishop in his own diocese decides if a lay person may preach in his or her own words when the Sunday Celebration in the Absence of a Priest is used.

A few years later, more universal legislation arrived on the scene in the form of an instruction on collaboration between clergy and laity (Congregation for the Clergy, et al., *Ecclesia de mysterio*, August 15, 1997). The document sounded a note of caution, if not alarm, at perceived confusion concerning the proper role of the priest arising from ever-increasing ministerial activities undertaken by laity.

The instruction is significant for two reasons. First, in a very rare show of cooperation, it was issued by eight Roman congregations. Second, its form of approval (*in forma specifica*) by Pope John Paul II raised it to the status of legislation. Ordinarily, an instruction is an explanation of existing law and does not have the force of law itself.

The instruction repeated canon 766 of the 1983 Code that laity are able to be admitted to preach, but then went on to clarify that for lay people there is no right to preach, nor is there a faculty to preach, as is enjoyed by the ordained (article 2,3). Rather, lay preaching is always to be regarded as an exception permitted only under certain circumstances, and by way of supplying for a lack of clergy. Lay preaching, the article concludes, cannot be regarded as "an ordinary occurrence nor as an authentic promotion of the laity." That is, lay preaching, lacking a theological foundation, is merely utilitarian. Further, bishops are not free to dispense from this because the regulation "touches upon the closely connected functions of teaching and sanctifying" (article 3,1).

On a positive note, the instruction

does acknowledge that laity can provide "instruction or testimony" at eucharistic liturgies if this is opportune, as long as these forms of preaching cannot be confused with a homily. Then, in a curious bit of wording, the instruction clearly states that laity can be authorized to preach homilies at non-eucharistic celebrations (article 3,4).

At this point, one can safely conclude that lay preaching is permissible under certain circumstances, but not really encouraged. The connection between preaching homilies and the teaching office appears to be one rationale for excluding laity from homilies at the Eucharist. Another is a fear that people will become confused about the proper role of the priest. In light of this, serious discussion is called for about why preaching is so firmly rooted in orders but only tenuously rooted in baptism, especially in light of conciliar teaching on baptism.

In 2001, after several years of discussion and debate, the USCCB finally promulgated a complementary norm for canon 766, as had been mandated in 1983 when the Code was published. This national legislation is, in general, a broad application of the canon. It permits laity to give conferences and instructions in churches and oratories when this is for the spiritual advantage of the people. It also respects the right of each bishop to determine practice in his own diocese. The decree includes suggestions to guide a bishop in his decision to authorize lay preachers or not: a lack of clergy, language requirements, or "a demonstrated expertise or experience of the lay faithful concerned."

This last phrase of the decree departs from an approach of utility, and recaptures the legitimacy of charism in the "merely" baptized. However, then the decree addresses the question of preaching at eucharistic celebrations. Acknowledging that homilies are given only by clergy, the decree stipulates that

any lay person who preaches at a eucharistic celebration must not do so "at the moment reserved to the homily." By inference, of course, any properly authorized layperson may certainly preach after the readings at a non-eucharistic liturgy.

As already mentioned, the 1983 Code left the question of who authorizes lay preachers to episcopal conferences. This complementary legislation assigns the task of authorizing lay preachers to the diocesan bishop. In keeping with canonical principles, a bishop may determine this himself for each individual, or he may delegate the task to one or several other persons. Bishops may apply the national legislation broadly if they wish, using gifted lay preachers freely in their dioceses, while always acknowledging the unique relationship of the homily at the Eucharist to the ordained; or they may choose to apply the legislation narrowly, or not at all.

At this juncture, with so many options available, the history of authorization for lay preaching could conclude, but there is one more document to consider.

In 2004 the Church received yet another instruction that had something to say on lay preaching (Congregation for Divine Worship and the Discipline of the Sacraments, *Redemptionis sacramentum*, March 25, 2004). Unlike the instruction mentioned earlier that was given legislative status by Pope John Paul II, this one remains a non-legislative document that implements but does not supersede already existing law. Except for the brouhaha over the use of flagons at Mass, the document has not generally been given more authority than is its due.

This is a very good thing, since the instruction's directives on lay preaching are, in a word, chilling. In a tone far more restrictive than the Code or our national norms, *Redemptionis sacramentum* directs all "instruction or witness" provided by laity be placed outside Mass entirely. If, for a serious reason, the preaching is within the Mass, it is placed after the post-Communion prayer (74). Canon 766 is cited in the instruction, but incorrectly. Where the canon states "Lay people may preach in church or oratories . . .", the instruction cites the canon as saying "Lay people may preach outside Mass in churches or oratories . . . (161)." Canon 766 does not contain the words "outside Mass." Lastly, where the 1997 instruction deferred to episcopal conferences for the determination of circumstances within which lay preaching is permitted, this document narrows the field to a scarcity of priests or the needs of a specific community (161). Because an instruction cannot—or at least should not—overrule existing legislation, the USCCB norm on lay preaching remains in place.

### Conclusion

Finally, we arrive at the end of the history—but not the end of the story. Lay preaching has traveled a marvelous path through the second millennium from being a form of heresy to being accepted lay activity, albeit only in certain circumstances. Several conclusions can be drawn just from the history. First, preaching is very powerful, especially in adult catechesis. If this were not so, the Church would not have such a convoluted history of trying to regulate preachers and the content of preaching. Second, liturgical preaching has undergone a significant transformation since Vatican II, even though its basic purpose, adult catechesis, has remained unchanged. Previously, liturgical preaching was sermons on various points of doctrine, often in keeping with a diocesan course of study. Now liturgical preaching, the homily, is a living commentary on the sacred texts and an integral part of the liturgical action (*General Instruction of the Romal Missal 2002*, 29). Finally, authorization for laity to preach in any setting has evolved from charism, to nothing for several centuries, to canonical mission in order to supply for missing clergy, to authorization in order to supply for clergy, and also authorization in recognition of expertise.

With all this as our history, we go forward, but with several questions still in development.

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One reason often cited for the inappropriateness of lay preaching, especially in liturgical settings, is that the preaching of the gospel is the first duty of the ordained. In fact, preaching the gospel is the first duty of the baptized. How can it be that a properly prepared and authorized lay person is a preacher primarily by way of exception, unless one accepts the notion that orders in some way supersedes not only baptism, but also the legitimacy of charism in the "merely" baptized? Perhaps we still have some distance to travel before arriving in that happy territory where baptism and orders complement and collaborate, rather than compete.

The argument is also put forward that the unity of the liturgical action requires that the presider give the homily. However, this argument cannot stand when deacons and other clergy routinely preach at eucharistic celebrations when they do not preside.

It is sometimes advocated that current legislation is sufficiently inclusive and further development is unnecessary. After all, the bishops of the United States are free to allow laity to preach in any liturgical setting as long as the restriction of "not at the moment reserved to the homily" is observed at Eucharist. This is true, but it leads us to the "placement puzzle." If lay preaching at the Eucharist cannot follow the Gospel, where does it belong? If relegated to after the post-Communion prayer, as suggested in *Redemptionis sacramentum*, we are left to wonder why properly authorized lay preaching cannot be part of the Liturgy of the Word. This question brings us back, I think, to the need for a more complementary relationship between baptism and orders. Some have addressed the "placement puzzle" by having laity preach before or after the general intercessions, which are not at the moment reserved to the homily, but still part of the Liturgy of the Word (see *GIRM 2002*, 69).

An ancient canonical principle states that custom is the best interpreter of the law (canon 27); that is, actions indicate acceptance, or not, of law. Even if legislation limits or discourages a particular practice, it will flourish if its inherent value for the Church overshadows the limitations imposed. Authorized lay preachers will be increasingly accepted if they are effective, bringing the gospel to life in the hearts of those who hear them. In general, there should be a healthy reluctance in all of us to oppose that which brings the gospel to life in our hearts.

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