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Clericalization of Laity: A View of Canon Law and Theology

Abstract: The article critically examines the relationship between clergy and laity by examining New Testament and early patristic sources, the practice in Protestant churches, and the theological grounding in the contemporary Catholic Church. The upheaval in the Corinthian church, as described by Clement of Rome at the end of the 1st century, is compared with similar phenomena in smaller Protestant churches, where the existing legal leadership is now being absorbed by representatives of charismatic spirituality. Whereas in Protestantism the understanding of ordained ministers as chosen members of the community has taken hold, in the Catholic understanding the source of legitimacy is primarily the words of Christ: “you have not chosen me, but I have chosen you,” as well as apostolic succession, the three-tier hierarchy and the sacramental nature of ordination. The almost exclusive method of appointing ministers in Protestant church formations is by election, which carries the danger of electing ministers according to one’s own wishes. The Catholic Church, at the initiative of the Second Vatican Council, implanted the originally Protestant concept of a universal priesthood of all believers. However, this has not only produced positive results, since the ontological sacramentality of priestly ordination is often obscured in the practical operation of participatory clergy and many liturgical excesses occur when lay people take on roles that do not belong to them. All this can be characterized as a clericalization of the laity, resulting from a loss of the sense of the sacramental character of ordination.

Keywords: laity, clergy, Catholicism, Protestantism, apostolic succession, election, laying on of hands, universal priesthood, clericalization, parish council, lay ministers, liturgy, services

1. The earliest ecclesiastical mention of laymen

Already at the end of the 1st Christian century, we find in an important ecclesiastical document, the First Letter of Clement of Rome,¹ a division of the people of God into a hierarchy of sacred ministers and the rest of the people: “For unto the high priest his proper services have been assigned, and to the priests their proper office is appointed, and upon the levites their proper ministrations are laid. The layman is bound by the layman’s ordinances.”² It is immediately apparent from the text, however, that this is not the structure of the nascent church, but the Old Testament arrangement of temple services.³

The Bishop of Rome Clement writes therein about the necessary order in the Church, on which occasion he refers to the arrangement of the services in the temple of Jerusalem. His readers may have known the latter from their previous studies of the Scriptures. At the same time, the model for the order of the Church was to be the arrangement of the Roman imperial army, known by the letter’s audience from their own lived experience.⁴ Similarly, the Christian church needs a stable and functional order: “Although Clement does not explicitly develop a sacerdotal interpretation of the organization of the Christian community with its offices, and draws merely a tacit analogy to the Old Testament temple service, it cannot be overlooked that alongside the Old Testament cultic organization, the Christian community is also implicitly organized on the basis of sacred law. An attack on its order becomes an attack on the divine order itself.”⁵ This

¹ “Clement of Rome enjoyed considerable authority in Christian antiquity, although only one writing survives from his pen: the Epistle to the Corinthians, which the Syrian Church included in the sacred canon and which is also contained in the *Codex Alexandrinus*.” – B. ALTANER: *Patrologie. Leben, Schriften und Lehre der Kirchenväter*. Freiburg im Breisgau 1958, p. 79.

² 1 Clem 40: 5. *The Epistle of Clement to the Corinthians*. Trans. J. B. LIGHTFOOT, https://earlychristianwritings.com/text/1clement-lightfoot.html#google_vignette.

³ In the traditional Latin liturgy celebrated according to the Missal of St. Pius V (1570) or John XXIII (1962), a solemn form of the so-called assisted Mass is envisaged, in which the priest is assisted by a deacon and a subdeacon, also known as the Levites. The usual German name for this form of the Mass is *levitiertes Amt*, as an allusion of Old Testament temple cult.

⁴ Cf. 1 Clem 37.

⁵ S. KOCH: *Rechtliche Regelung von Konflikten im frühen Christentum*. Tübingen 2004, pp. 217–218.

order was disturbed in the Corinthian church community by the deposition (defrocking, laicization) of the legitimately appointed presbyters, “For it will be no light sin for us, if we thrust out those who have offered the gifts of the bishop’s office unblamably and holily. Blessed are those presbyters who have gone before, seeing that their departure was fruitful and ripe: for they have no fear lest any one should remove them from their appointed place. For we see that ye have displaced certain persons, though they were living honorably, from the ministration which had been respected by them blamelessly.”⁶

The context of the letter makes it clear that the interior revolution in the Church was carried out by those who did not hold the rank of presbyter; in fact, some of them had appointed themselves presbyters or, might not have even recognized the legitimacy of the procedure of presbyter appointments: “It may be considered that the instigators of the disturbances in Corinth not only claimed a prominent position in the community for themselves, but quite fundamentally questioned the very office of presbyters.”⁷ From this point of view, it was indeed the “laity” who were usurping power that did not belong to them.

2. Intra-church upheavals in the Protestant environment

This section pertains to situations such as penetrating traditional churches originating from the Reformation, especially those with a rather small number of believers in a given territory, by the followers of the charismatic-pentecostal current. Although such smaller enthusiastic ecclesial formations define themselves theologically in opposition to the Catholic Church by their proclaimed lack of hierarchy, they nonetheless have a system of ecclesial ministries which they entrust to their individual members: “The office is functionally intended only for the proclamation of the Gospel and the administration of the sacraments. To that extent it is necessary in the Church. But the Gospel and the sacraments have been entrusted to the whole Church. The Church selects and entrusts suitable and gifted

⁶ 1 Clem 44: 3–5.

⁷ W. KLAUSNITZER: *Der Primat des Bischofs von Rom. Entwicklung – Dogma – Ökumenische Zukunft*. Freiburg im Breisgau 2004, p. 152.

persons from its midst to devote themselves entirely to these tasks. Hence the Reformation did not strangle ordination, but it did deprive it of its sacramental character.”⁸ Church ministers acquire their legitimate positions almost exclusively by election.

When skillful believers with foreign spiritual experience infiltrate into traditional ecclesial communities, it usually causes a change in the general atmosphere and gradually not only an internal transformation, but also the removal of the ministers who had been commissioned duly (*rite vocati* ‘rightly called’) and in accordance with the previous norms. Such a process was undergone, for example, by the Unity of the Brethren in the Czech Republic. This church with a rich history, based on the traditions of the Czech and world Reformation,⁹ went through a process of internal turmoil towards the end of the 1990s, which resulted in the abandonment of the Lutheran pietistic direction and the adoption of the ideas of the so-called neocharismatic movement, establishing an informal office of “apostles,” adopting the theology of prosperity etc.¹⁰: “Unity has always been a small Evangelical church, with about two dozen congregations and a membership of several thousand. Ecumenically, it cooperated closely with other Evangelical churches. However, the end of the 20th century found it in a crisis of faith, which led to the splitting of the small church into two parts. Since 2000, there have been two parts in the Czech Republic, both belonging to *Unitas fratrum*: the Unity of Brethren in the Czech Republic and the Ochranov Seniorate within the Evangelical Church of Czech Brethren.”¹¹

⁸ P. FILIPÍ: *Křesťanstvo. Historie, statistika, charakteristika křesťanských církví* [Christianity. History, Statistics, Characteristics of Christian Churches]. Brno 2012, p. 121.

⁹ In America, this church is known as the Moravian Church. It follows the historical Unity of the Brethren, founded by Peter Chelčický in 1457: “After 1700, the last covert remnants of the Moravian Unity left the border and gathered mainly on the estates of the Count of Zinzendorf in Saxony. From him the Brethren of German nationality received permission to establish their own settlement near Bethelsdorf, which they called Herrnhut (Ochranov).” – J. KUBALÍK: *Křesťanské církve v naší vlasti* [Christian Churches in Our Homeland]. Praha 1987, p. 77.

¹⁰ Cf. Z. VOJTÍŠEK: *Encyklopedie náboženských směrů v České republice* [Encyclopedia of Religious Directions in the Czech Republic]. Praha 2004; Z. VOJTÍŠEK, Z. R. NEŠPOR: *Encyklopedie menších křesťanských církví v České republice* [Encyclopedia of Smaller Christian Churches in the Czech Republic]. Praha 2015.

¹¹ P. FILIPÍ et al.: *Malá encyklopedie evangelických církví* [A Concise Encyclopedia of Evangelic Churches]. Praha 2008, p. 73.

3. The origins of apostolic succession and the hierarchical structure of the Church

However, the legitimacy of ministries and offices in the Church in the 1st Christian century could not yet be based on developed canon law or on electoral rules written in the spirit of Protestant orders. Clearly, it must have been only theological reflection that more effectively established the legitimacy of the existence and purpose of church offices and ministries. Without mentioning the term, Clement of Rome is the first official in the history of the Church to rely on the apostolic succession, the origin of which he also describes very vividly: "To the apostles was preached for us the glad tidings from the Lord Jesus Christ, Jesus Christ was sent from God. [...] Having therefore received the commandments and the resurrection of the Lord Jesus Christ, and being filled with confidence and established in the faith of the word of God, they went forth in the firm unity of the Holy Spirit to preach the good news that the kingdom of God was to come. And as they preached in the villages and towns, they appointed the first-fruits of them, having tried them in the Spirit, to be stewards [*episkopoi*] and ministers [*diakonoï*] of those who were to believe."¹² The presbyters of whom Clement speaks are placed beside the two ministries of bishops and deacons here mentioned, and it is probable that they are at least partly identified with bishops.

Clement's distinction of the tripartite hierarchy is not yet as clear-cut as the one postulated by Ignatius of Antioch, albeit the latter wrote his epistles not long after Clement.¹³ Also striking in Ignatius is his emphasis on the obedience of all members of ecclesial communities, especially to their bishop: "As therefore the Lord did nothing without the Father, with whom he was in agreement, either by himself or through the apostles, so do you do nothing without the bishop and the presbyters."¹⁴

However, it is certainly not to be considered that only St. Ignatius was the first in the history of the Church to "introduce" compulsory obedience

¹² 1 Clem, 42: 1.3–4.

¹³ On Clement's position, cf.: "As to particulars, we find that bishops and deacons are distinguished from each other, and that they are also called elders and superiors (1: 3; 21: 6; 44: 4 ff.; 47: 6). The two lineages, distinguished by the designations, presbyters or episcops, are here intertwined." E. SCHWEIZER: *Gemeinde und Gemeindeordnung im Neuen Testament*. Zürich 1959, p. 158.

¹⁴ IgnMag 7: 1.

to the leaders of the Church. Even before Ignatius' letters, for example, the New Testament epistle to the Hebrews was written, which contained a very urgent call to obedience: "Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage."¹⁵ Of course, this obedience of believers is tied to the unconditional submission of all believers to Christ Himself: "It is no exaggeration to say that those who lead communities share in a special way in the priesthood of Christ, for which they are directly accountable to the Lord. The other members of the community are to facilitate their task by their obedience."¹⁶

Such a concept, reflecting the experience of the earliest Christian generations, is not far from the current idea of obedience in the canon law of the Catholic Church: "Christians, conscious of their own responsibility, are obliged to accept by Christian obedience what the pastors, representing Christ, declare as teachers of the faith or ordain as representatives of the Church."¹⁷ It needs to be reminded that the norm applies not only to lay Catholic Christians, since its addressees are all Catholic Christians, including lower-ranking pastors such as a parish priest, who holds the position of "pastor proper" (*pastor proprius*) in his parish community.¹⁸

4. Appointment of ministers of the Church

The basic reality of Church life is overwhelmingly experienced by Catholic Christians in their parishes. The co-responsibility of the laity for the day-to-day running of the parish and its spiritual life and material security is now taken for granted, and in many places it is an absolute necessity. Yet the pastors and other clergy who serve in the parish cannot be elected by these lay people. According to the current Code of Canon Law, the most they can do to remove a parish priest from his office is to "lose reputation among the ordinary and respectable parishioners

¹⁵ Heb 13: 17.

¹⁶ J. BROŽ: *List Židům* [Epistle to the Jews]. Praha 2015, p. 220.

¹⁷ CIC/1983, can. 212 § 1.

¹⁸ Cf. CIC/1983, can. 515 § 1.

or to encounter opposition to the parish priest which it is reasonable to believe will not soon pass away.”¹⁹ However, the parish priest is no longer to be the one who alone determines the spiritual shape of the parish; this role is henceforth to be shared with the laity: “The parish is not the parish priest’s work, and the parish priest is not to be the one who primarily determines the ‘shape’ of the parish. Rather, he should be a spiritual director and inspirer who is capable of discernment, who is able to contribute to the integration of individuals into the whole (this does not mean forcible inclusion) and who ensures that there is room in the parish for all those who wish to live their faith sincerely or to enter and grow in the life of faith.”²⁰

With this conception of the pastor as a mere moderating minister of the community of the laity would undoubtedly correspond the power of the same laity to appoint a pastor. In this context, we can again see the inspiration from the earliest period of the Church’s existence, as recorded in the *Didache*, probably from the turn of the 1st and 2nd centuries: “By the laying on of hands, appoint for yourselves bishops and deacons worthy of the Lord; men who are meek, disinterested, true, and experienced. They also serve you by the ministry of prophets and teachers.”²¹ It would be wrong, however, to apply to the establishment of ministers of the Church at that time contemporary ideas taken from the political sphere. The thinking of the early Church did not emphasize that “all power comes from the people,” that the initiative in determining office bearers came from the entire membership, and that the minister was the representative of the congregation.²² The consciousness of God’s sovereignty in determining the call to ministry, moreover, is codified by Jesus’ *logion* from the fourth Gospel, “You have not chosen me, but I have chosen you and appointed you, that you should go and bear fruit and that your fruit should remain.”²³

Christian antiquity, however, knew, besides the election of the ministers of the Church, also the spontaneous exclamation of the people (acclamation), by which, for example, the Church teacher St. Ambrose († 397)

¹⁹ CIC/1983, can. 1741 3°.

²⁰ A. OPATRŇÝ: *Pastorální teologie včera, dnes a zítra* [Pastoral Theology Yesterday, Today and Tomorrow]. Červený Kostelec 2023, p. 81.

²¹ Did 15: 1–2.

²² Cf. J. A. LAWSON: *Theological and Historical Introduction to the Apostolic Fathers*. New York 1961, p. 98.

²³ John 15: 16a.

was placed on the bishop's chair in Milan.²⁴ In the Christian East, the election of priests was still practiced for a long time, but no longer without the intervention of the canonically established Church hierarchy: "In Russia in the 11th–15th centuries, the candidate for priest was chosen by the people of the ecclesiastical community by election, and the chosen candidate was presented to the bishop for examination and *chirotonia* (ordination)."²⁵

The election as a virtually monopolistic way of establishing services was introduced only by churches originating in the Reformation. The Second Helvetic Confession of 1566 (*Confessio helvetica posterior*) states, "Let the ministers of the church be called and elected by ecclesiastical and proper election, that is, let them be religiously chosen by the church or by those who have been commissioned by the church, according to due order and without confusion, dissension, or contention."²⁶ Of course, even such a delegation by the congregation would not imply democratic legitimacy: "Even according to the tenets of Reformation, the presbyter is not a mandatary of the people as sovereign of the law. The principle of election implies a fundamental recognition of the mandate of Christ, the sole sovereign of the Church. The people, endowed with the wisdom of the Holy Spirit, commission some in their midst, in whom they have discerned the necessary charisms, to attend to the primacy of Christ's rights in the Church."²⁷

²⁴ "There were sharp disputes between Catholics and Arians over the choice of a bishop. Ambrose, who had undertaken the conciliatory task as *consularis*, whose task it was to establish peace between the contending parties, was proclaimed bishop by the acclamations of both Arians and Catholics." – A. DI BERNARDINO (a cura di): *Patrologia. Vol. III*. Roma 1983, p. 135.

²⁵ J. JACOŠ: *Církevné právo* [Church Law]. Prešov 2006, p. 119.

²⁶ Helvetic Confession, Art. 18,7. In: *Čtyři vyznání. Vyznání augsburské, bratrské, helvetské a české se čtyřmi vyznáními staré církve a se čtyřmi články pražskými* [The Four Confessions. Confessions of Augsburg, Brethren, Helvetican and Bohemian with Four Confessions of the Old Church and Four Articles of Prague]. Ed. R. ŘÍČAN. Praha 1951, p. 233.

²⁷ P. FILPI: *Církev a církve. Kapitoly z ekumenické eklesiologie* [Church and Churches. Chapters from Ecumenical Ecclesiology]. Brno 2000, p. 117.

5. The risk of the election of ministers of the church in Protestantism

Conception of electing all Church ministers rooted in Reformation seeks to provide a pneumatological justification for electoral procedures, but it leads to the fact that the elected cleric is perceived as the first among equals (*primus inter pares*) within the collective bodies. The principles of the Church of the Brethren (formerly the Free Reformed Church) express his position succinctly²⁸: “We resist the danger that the preaching of the Word may become the task of a few individuals. We hold to the motto ‘Every Christian [is] an evangelist’. We are the salt of the earth, and this function can be performed even better by the rank-and-file members than by the preacher, who comes into contact with the outside world to a lesser extent.”²⁹ Certainly one can agree that this role of the non-ordained members of the ecclesial community is reminiscent of the duty which even the Code of Canon Law, on the basis of the teaching of the Second Vatican Council, imposes on the Catholic laity, namely, that they should “work together so that all people everywhere may know and accept God’s message of salvation,” a duty which “is all the more urgent in circumstances where people can only hear the Gospel from them and come to know Christ.”³⁰ However, the preaching role in the Reformation churches lacks the sacramental symbolism of the person of the priest.

This is not changed by the use of the Catholic terminology of “ordination” found, for example, in Seventh-day Adventists: “When a preacher is appointed pastor of a local congregation, he is by ordination superior to the elder or elders of the congregation who cooperate with him

²⁸ “He is explicitly committed to the evangelical current and is an eminent representative of it. It is a community starting from a modest base, but vital, growing and prosperous (69 congregations report). It has committed members who contribute to the running of the church in a way that has long been independent of state funding. An unstressed historical link with the original English Puritans is manifested in a strong emphasis on the moral obligations they believe flow from their faith. In what is called congregational discipline, we see a tendency to control the individual morality of members and to punish them for transgressions.” – I. O. ŠTAMPACH: *Na nových stezkách ducha. Přehled a analýza současné religiozity* [On New Paths of the Spirit. Overview and Analysis of Contemporary Religiosity]. Praha 2010, p. 95.

²⁹ RADA CÍRKVE BRATRSKÉ [Council of the Church of Brethren]: *Zásady Církve bratrské* [Principles of the Church of the Brethren]. Praha 1997, p. 42.

³⁰ Cf. CIC/1983, can. 225 § 2.

as his assistants.”³¹ Even for the Adventist pastor, he may be limited in his decision-making authority: “If the preacher does not wish to chair a church committee, the elder of the congregation shall assume that role. [...] He is not to surround himself with a group of counselors of his own choosing, but is always to cooperate with the duly elected officers of the congregation.”³²

The Evangelic Church of Czech Brethren, established in 1918 as a union of the hitherto separate Protestant branches of the Augsburg and Helvetic confessions, establishes a collective body of elected elders, presbyters, at the head of local communities (congregations), whose permanent members are an elected minister (pastor, preacher) and an elected curator. Major issues are decided by the assembly of all eligible members of the congregation, which also elects its pastor.³³ The collective eldership (Czech *staršovstvo*) is thus a powerful counterpart to the elected and ordained pastor.

The dangers of a model where the members of the congregation decide on their own preachers is succinctly expressed in the Second Epistle to Timothy: “For there will come a time when men will not endure sound doctrine, and according to their own desires they will get teachers to suit their wants. They shall turn away their ears from the truth, and shall incline to fables.”³⁴ If the unraveling of fables and Gnostic speculation posed a threat to the church of the early centuries,³⁵ the modern utopia threatening the authenticity of Christian preaching is to accommodate fashionable secular themes: “The transformation of salvation into categories of economics and social struggles would not have occurred if there had been a biblically balanced theology of mission based on Christ’s work of salvation. [...] Christians can and should engage in political

³¹ *Církevní řád Adventistů sedmého dne* [Church Order of Seventh-day Adventists]. Praha 2002, p. 126.

³² *Ibidem*, pp. 126–127.

³³ *Ibidem*.

³⁴ 2 Tim 4: 3–4.

³⁵ “The multiplicity of these doctrines means that none of them can be correct; they are *fables* in the pejorative sense of the word, that is, human inventions. Paul describes false doctrine as man’s temptation to escape from a difficult and complex reality into a perfect but illusory world of fantasy. True doctrine, on the other hand, is only one and adheres to reality. It is the Word of God, which corresponds to the truth and which Paul delivered to Timothy.” D. OPATRŇÝ: *Pastorální listy* [Pastoral Epistles]. Praha 2019, pp. 166–167.

struggles, but what they achieve in this way cannot be called the salvation of man or society.”³⁶

According to the Pauline pastoral epistles, the appointment of ministers of the Church is the responsibility of the apostle’s disciples, his authentic successors. Not the entire Cretan Church, but Titus himself is to fulfill the task of establishing the ministries of the Church: “Therefore I have left you in Crete to set in order what remains and to appoint elders in the various cities as I have instructed you.”³⁷ The members of the church community themselves may indeed discern the gifts of the Spirit entrusted to them and to their fellow brethren, while the elders of the community may also lay on hands,³⁸ but it is only the apostle’s laying on of hands that entrusts the abiding gift of the Spirit to Timothy as a minister of the church, “Wherefore I lay it upon thy heart to kindle the fire of the gift of God, which is given thee by the laying on of my hands.”³⁹ But the very same minister is to see to it that the further impartation of this lasting gift is done judiciously: “Lay thou thine hands on no man rashly, lest thou be guilty of another’s sin.”⁴⁰

It is clear, then, that the charism recognized by the members of the ecclesial community becomes permanent by the laying on of hands. Here already appears the basis of the Catholic doctrine of the irrevocable sign (*signum indelebile*) which imprints the sacrament of ordination on the ordained person. Moreover, the Council of Trent, contrary to the emphases of the Protestant Reformation, affirmed that the interference of the laity is not constitutive of the validity of the sacrament of ordination: “The holy council further teaches that in the ordination of bishops, priests, and other ministers neither the consent nor calling nor authority of the people or of any secular power or functionary is so required that without it the ordination would be invalid.”⁴¹

³⁶ P. ČERNÝ: *Kristovo dílo spásy jako základ a imperativ misie. Aktivita Světové rady církví* [Christ’s Work of Salvation as the Foundation and Imperative of Mission. Activities of the World Council of Churches]. Brno 2006, p. 204.

³⁷ Tit 1: 5.

³⁸ 1 Tim 4: 14.

³⁹ 2 Tim 1: 6.

⁴⁰ 1 Tim 5: 22.

⁴¹ N. TANNER: *Decrees of the Ecumenical Councils. Volume Two: Trent to Vatican II* Georgetown. Washington, DC 2002, p. 743.

6. General and ministerial priesthood in the contemporary Catholic Church

The Second Vatican Council, however, in its Dogmatic Constitution on the Church, *Lumen gentium*,⁴² took the idea of the universal priesthood from its originally Protestant setting and attempted to harmonize it with the Catholic concept of the hierarchical priesthood: “The universal priesthood of the faithful and the ministerial or hierarchical priesthood [...] differ from each other essentially (*essentia*) and not merely in degree (*gradus*).”⁴³ If the hierarchical priesthood were gradable, then the priesthood of the faithful would somehow stand “lower.”⁴⁴ Nor can it be overlooked that the universal priesthood of *all* the faithful concerns not only the laity but also the clerics themselves.

It is evident, however, that in the post-conciliar period, from the second half of the 1960s onwards, a phenomenon soon began to take place which was later described as the “clericalization” of the laity, which is also warned against in the latest version of the *Directory for the Ministry and Life of Priests* from 2013⁴⁵: “It is therefore necessary to observe the order established by our Lord Jesus Christ and to avoid the so-called ‘clericalization’ of the clergy. The ‘clericalization’ of the laity, which tends to suppress the ministerial priesthood of the priest; because of the mission he has received by ordination, the title ‘pastor’ belongs to him alone, in his own and unequivocal way, after the bishop.”⁴⁶ However, the *Directory* finds the cause of the blurring between the roles of clergy and laity in the Church in contemporary democratic culture rather than in Protestant ecclesial practice: “Among the various forms of such blurring of

⁴² CONCILIUM VATICANUM II: *Lumen gentium*. *Acta Apostolicae Sedis* 57 (1965), pp. 5–71.

⁴³ *Lumen gentium* 10, 2.

⁴⁴ “The ministerial priesthood is not, therefore, an ‘exaltation’ of the baptismal priesthood – that would make these ministers some kind of ‘super-Christians’ – but by priestly ordination the baptized person is appointed to special tasks in the service of God’s people, acquiring a special ‘ministerial’ position in the *koinonia* of the ecclesial community.” – F. KUNETKA: *Slavnost našeho vykoupení* [The Solemnity of Our Redemption]. Kostelní Vydří 1997, p. 81.

⁴⁵ CONGREGATION FOR THE CLERGY: *Directory on the Ministry and the Life of Priests*. Vatican City 1994.

⁴⁶ Cf. *Directory for the Ministry and Life of Priests*, no. 28. The *Directory* refers here to the use of the term “clericalization” in John Paul II’s address to the Swiss bishops on 15 June 1984.

distinctions that we observe today is a so-called ‘democratism’ that leads to a failure to recognize Christ’s authority and life-giving grace present in the sacred ministers and to a distortion of the Church as the mystical body of Christ. In this context, it should be recalled that the Church recognizes all the merits and benefits that the democratic culture of civil society has brought. The Church, moreover, is committed to the recognition of the equal dignity of all human beings by all means available.”⁴⁷

However, the Directory does not draw attention to the fact that the great temptation of clericalization of the laity and of the aforementioned democracy lies primarily in participatory bodies with the participation of the laity, especially pastoral parish councils. The conciliar decree on the ministry and life of priests, *Presbyterorum ordinis*,⁴⁸ itself assigns many tasks to priests in relation to the laity, but it does not include the guidance of joint deliberations in an elected college: “Let them listen willingly to the laity, consider their wishes in a fraternal way, and recognize their experience and expertise in the various fields of human activity, so that together with them they may be able to discern the signs of the times. In examining the spirits to see whether they are of God, they should, with a sense of faith, discover the various gifts of the laity, both minor and major, and should joyfully acknowledge and carefully support them. [...] They should also entrust to the laity, with confidence, tasks in the service of the Church, leaving them freedom and room for action, and should prudently encourage them to give themselves to the work also of their own accord.”⁴⁹

Post-synodal Apostolic Letter of John Paul II *Christifideles laici*, on the Vocation and Mission of the Laity in the Church and in the World, 1988⁵⁰ recalls that such entrustment of tasks should not be an end in itself and should have a deeper ecclesial anchorage: “Pastors, therefore, above all, when approving and delegating various ministries, tasks and functions to the laity, must not forget to instruct them emphatically about the baptismal roots of these ministries. In addition, pastors must be vigilant against recklessly and unjustifiably resorting to supposed ‘emergencies’ or the need to ‘substitute’ where this does not correspond to the objective situation or where judicious pastoral planning can help.”⁵¹

⁴⁷ Cf. *Directory for the Ministry and Life of Priests*, no. 26,2.

⁴⁸ *Acta Apostolicae Sedis* 58 (1966), pp. 991–1024.

⁴⁹ Cf. *Presbyterorum ordinis*, no 9,2.

⁵⁰ IOANNES PAULUS II: *Christifideles laici*. *Acta Apostolicae Sedis* 81 (1989), pp. 393–591.

⁵¹ *Christifideles laici*, no. 23, 6–7.

7. Advisory Councils in the Catholic Church

However, the Decree on the Apostolate of the Laity *Apostolicam actuositatem* speaks of councils⁵²: “Councils are to be established in dioceses, according to the possibilities given, to support the apostolic work of the Church, whether in the field of evangelization and sanctification or in the charitable, social and other fields: in them priests and religious are to collaborate with the laity in an appropriate way. These councils will be able to serve the mutual coordination of the various associations and works of the laity, while preserving the proper nature and autonomy of each of them.”⁵³ It should be borne in mind that the decree was issued at a time when the 1917 Code of Canon Law was still in force, which contained a comprehensive regulation of the association of the laity.⁵⁴

The draft decree provides for this rich ramification of existing associations, but does not address what the role of the priest vis-à-vis the laity will be in the envisaged councils. The Council Fathers had not yet imagined that parish councils in particular might in the future present the possibility of the penetration of the clericalization of the laity. It seemed that the organically stratified structure in the Church and the self-evident respect for priests among the faithful would be a sufficient guarantee of respect for the priest as sacramental minister and specifically for the pastor as the only person canonically and materially responsible for the leadership of the parish.

However, already in the immediate post-conciliar period, when parish councils began to be established, especially in the German-speaking area, it was assumed that the parish priest did not even have to be the chairman of the parish council, although formally he was to have the final say: “The parish priest, as the bishop’s commissioned pastor and head of the parish, occupies a special position in the parish council, whether he is its chairman or not. He is the bearer of the ultimate responsibility for the unity of the parish community and for unity with the bishop and thus with the universal Church, for the proclamation of the message of salvation, for the celebration of the liturgy and the administration of the sacraments.

⁵² CONCILIUM VATICANUM II: *Apostolicam actuositatem*. *Acta Apostolicae Sedis* 58 (1966), pp. 837–864.

⁵³ *Apostolicam actuositatem*, no. 26, 1–2.

⁵⁴ Cf. CIC/1917, can. 684–725.

This responsibility affects the concept of quorum. If the pastor, by virtue of his pastoral responsibility arising from his office and with reasons given, must vote against a motion, it is not possible to reach a definitive resolution at this meeting.”⁵⁵

It is clear, however, that soon the *questio iuris* of the parish priest’s unvarying authority began to be circumvented in practice, and the parish council environment became the place where the sense of the sacramental character of priestly ordination and priestly ministry disappeared. Thus, in practice, the bearer of the ordination often becomes a mere collaborator of the laity, regardless of his primarily sacramental ontological anchorage.⁵⁶ The latter are also happy to turn against their parish priest to the bishop, who often accommodates the disgruntled laity without inquiring about the matter from the priest, who is in fact his “extended hand.” The parish priest’s position is thus reduced to that of *primus inter pares*, as it is in the Protestant setting with its synodal and congregational elected board. Moreover, it is the election of some members of parish councils that gives the impression of a democratic vote signaling the origin of power from the people: “Candidates can be proposed by any member of the parish who has the right to vote. Written proposals are accepted by the parish priest and the election committee. Together, they shall consider whether the proposed candidates meet the conditions for the right to be elected and request their consent to stand.”⁵⁷

The blurring of the sacramental role of the priest and the responsible position of the pastor is even more evident especially where lay pastoral assistants are active. Their theological education and permanent ecclesiastical appointment make them, in their own imagination and in the imagination of many faithful laity, the real “peers” and “fellow” priests. No one makes any secret of this: “Empirical studies show that lay theologians are

⁵⁵ J. LISTL, H. MÜLLER, H. SCHMITZ: *Grundriß des nachkonziliaren Kirchenrechts*. Regensburg 1980, p. 336.

⁵⁶ “Although the work of the priest contributes to the growth of the ecclesial community, the priestly ministry cannot be seen as the sum total of the tasks performed by the priest. The existence of the priest does not belong to the order of ‘doing’ and is not merely a response to the needs of the faithful. Rather, the existence of the priest belongs to the sacramental order, to the order of signs. The priestly ministry can be said to be a ministry of God’s ‘miracle’. It is an expression of the Invisible.” – G. GILSON: *Diecézny kňaz v pastoračnej službe* [The Diocesan Priest in Pastoral Ministry]. Spišské Podhradie 2001, p. 137.

⁵⁷ “Stanovy farních rad v plzeňské diecézi” [Statutes of parish councils in the Pilsen diocese]. *Revue církevního práva* 3/1 (1996), p. 41.

more alike than different in pastoral ministry with priests as incumbent monopoly holders.”⁵⁸

8. Clericalization of the Catholic laity in the liturgy

From the environment of elected congregations, this shift in the perception of the Church’s tasks carries over, for example, into the ministry of the Word. If the Code of Canon Law strictly reserves the homily to priests and deacons,⁵⁹ in many places a custom *contra legem* has been established according to which priests and pastoral assistants take turns in the ministry of the word. The 1997 inter-congregational instruction *Ecclesiae de mysterio*⁶⁰ signed by Pope John Paul II sought to bring clarity to the whole matter and to separate the occasional sermons of the laity admitted by the Code⁶¹ from the liturgical homily: “The homily in the Mass is reserved to the sacred minister, priest or deacon. Excluded are all the faithful who have not received sacramental ordination. The reason for this is not the better ability to explain or the better theological training of the sacred minister, but the reservation of this function to one who has received sacred ordination. If the one who wishes to celebrate the Eucharist must be a holder of sacramental rank, then also the one who wishes to give the homily, which is always an integral part of the celebration, must be sacramentally equipped to do so.”⁶² However, the explicit prohibition against saying the homily, which is only recalled by the above instruction,⁶³ continues to be circumvented in most places.

In particular, the 2005 Instruction *Redemptionis sacramentum* of the Congregation for Divine Worship and the Sacraments deals more

⁵⁸ S. DEMEL: *Handbuch Kirchenrecht. Grundbegriffe für Studium und Praxis*. Freiburg im Breisgau 2010, p. 435.

⁵⁹ Cf. CIC/1983, can. 767.

⁶⁰ CONGREGATION FOR THE CLERGY AND OTHERS: *Instruction Ecclesiae de mysterio*. *Acta Apostolicae Sedis* 89 (1997), pp. 852–877.

⁶¹ Cf. CIC/1983, can. 766.

⁶² M. PEKARČÍK: *Učiaca úloha Cirkvi. Kánonicko-teologická analýza tretej knihy Kódexu kánonického práva* [The Teaching Role of the Church. Canonical-theological analysis of the third book of the Code of Canon Law]. Levoča 2013, p. 76.

⁶³ *Ecclesiae de mysterio*, Arts. 3 § 5.

comprehensively with the transgressions of the laity in the liturgy.⁶⁴ To guide the role of the laity in the liturgy, the Instruction first takes the words of John Paul II's encyclical *Ecclesia de Eucharistia*⁶⁵: "A community that gathers to celebrate the Eucharist absolutely needs a consecrated priest presiding over it in order to be a Eucharistic assembly. On the other hand, the community is not in a position to give itself a consecrated minister."⁶⁶ To this the Instruction adds: "A common will is absolutely necessary to avoid any ambiguity on this subject and to heal the problems that have arisen in recent years. Therefore, let the terms 'celebrating community' or 'celebrating assembly' be used with care [...]."⁶⁷ The Instruction also makes direct use of the term "clericalization": "The risk of obscuring the complementary relationship between what the clergy do and what the laity do must be avoided, so that the role of the laity is subject to a kind of so-called 'clericalization', while ordained ministers carry out tasks that are proper to the life and action of the lay faithful."⁶⁸

The Instruction condemns the practice of homilies by commissioned lay persons during the Eucharistic celebration, typically pastoral assistants. This practice can never develop into a legitimate juridical custom.⁶⁹ For the distribution of the Eucharist, then, the following rule applies: "The distribution of Holy Communion is the task of the celebrating priest, possibly in collaboration with other priests and deacons, and the Mass may not proceed until after the reception of the faithful."⁷⁰ This contrasts completely with the widespread practice of the celebrant sitting during the communion of the faithful while the communion is distributed by lay ministers (*Kommunionhelfer/-innen*): "If a sufficient number of consecrated ministers are normally present, sufficient even to distribute Holy Communion, extraordinary ministers of Holy Communion cannot be entrusted with this task. Under similar circumstances, let those who have been entrusted with this ministry not perform it. It is a deplorable practice for those priests who, although present at the service, do

⁶⁴ CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS: *Instruction Redemptionis Sacramentum*. *Acta Apostolicae Sedis* 96 (2004), 549–601.

⁶⁵ IOANNES PAULUS II. *Ecclesia de Eucharistia*. *Acta Apostolicae Sedis* 95 (2003), 433–475.

⁶⁶ *Ecclesia de Eucharistia*, no. 29.

⁶⁷ *Redemptionis sacramentum*, no. 42.

⁶⁸ *Ibidem*, no. 45.

⁶⁹ *Ibidem*, no. 65; cf. CIC/1983, can. 24 § 2.

⁷⁰ *Ibidem*, no. 88.

not take part in the administration of Holy Communion and entrust the laity to do so.”⁷¹

The lay liturgical ministries envisaged by the Code of Canon Law, whether permanent, temporary or substitute, have their own terminology, traditionally used in the Church: lector, acolyte, commentator, cantor, etc.⁷² Outside of, but intertwined with, these and other ministries is the terminology that refers to permanent lay ministry bearers as “pastoral assistants.” The Instruction warns against ecclesologically unjustified interference in the liturgical life by these ministers: “In some dioceses, long since evangelized, lay faithful have recently been appointed as ‘pastoral assistants’, many of whom have undoubtedly benefited the Church by supporting the pastoral efforts of the bishop, priests and deacons. However, care should be taken that the character of this task does not become too similar to the way in which the clergy perform their pastoral ministry. This means that care must be taken to ensure that ‘pastoral assistants’ do not take on tasks that properly belong to the office of ordained ministers.”⁷³

Pastoral assistants often, by their expansion, displace priests from their own tasks⁷⁴: “Let not these purely substitute tasks become an excuse to alter the ministry of priests themselves, so that they neglect the celebration of the Mass, for the people entrusted to them, the personal care of the sick and the willingness to baptize children, to assist at wedding ceremonies and to officiate at Christian funerals, for this is what priests and deacons should do above all. Let it not happen, therefore, that priests in parishes, regardless of their differences, confuse the tasks of pastoral ministry with deacons or laity, thus obscuring the uniqueness of each.”⁷⁵

The instruction is particularly restrained with regard to the practice of special services of the word without the presence of a priest: “These Sunday services, however, are still considered quite extraordinary. Furthermore, all, both deacons and lay faithful, who are entrusted with a task by the diocesan bishop at these services, shall do their best to maintain a genuine

⁷¹ Ibidem, no. 157.

⁷² Cf. CIC/1983, can. 230 as amended by Pope Francis’ motu proprio *Spiritus Domini* of 2021.

⁷³ *Redemptionis sacramentum*, no. 149.

⁷⁴ “It won’t help much if priests are replaced by lay people who ‘do everything’ (meaning teach, baptize, marry, bury, lead the liturgy of the word) and the priests themselves ‘only consecrate and confess’.” – P. HRADILEK: *Bohoslužba jako cesta k sblížení* [Worship as a Way of Coming Together]. Praha 2018, no. 35.

⁷⁵ *Redemptionis sacramentum*, no. 153.

‘hunger’ for the Eucharist in the community. [...] Any confusion between this kind of service and the Eucharistic celebration must be avoided. Diocesan bishops should prudently consider whether Holy Communion should be distributed at these services. [...] It is by no means appropriate to say that the lay faithful ‘preside’ at the service.”⁷⁶

9. Conclusions

The Catholic Church is a hierarchical communion (*communio hierarchica*) in which “each in his own way shares in Christ’s priestly, prophetic and royal office” and “according to their own status, they (Catholic Christians) are called to the mission which God has entrusted to the Church to fulfill in the world.”⁷⁷ In the period prior to the Second Vatican Council (1962–1965), the distinction between the roles of the clergy and the laity was overemphasized, so that the Church was conceived as *societas inequalium* (a society of unequals), divided into the “teaching Church” (*Ecclesia docens*) and the “hearing Church” (*Ecclesia discens*). It is clear that such an imbalance was prompted by the need for counter-Reformation apologetics, since the ecclesial formations originating in the Reformation sought to blur the distinctions between believers and understood the ministry of the Church not sacramentally but as the commissioning of a chosen individual by the faithful. In addition to the concept of Reformation, the hierarchical structure of the Church is also at odds with the modern, Enlightenment-promoted notion of the equality of all men or all citizens, which has received its legal anchorage in the form of human rights, guaranteed today in democratic states by constitutions and, moreover, by international human rights instruments.

Both of these non-Catholic concepts, however, influence the Catholic Church today, which must adapt to them sometimes forcibly,⁷⁸ but often

⁷⁶ Cf. *Redemptionis sacramentum*, nos. 164–165.

⁷⁷ Cf. CIC/1983, can. 204 § 1.

⁷⁸ For example, this is how the state authority in Switzerland acts: “With the exception of concordats, the cantons do not recognize undemocratically organized religious societies without further conditions. The cantons therefore create other democratically organized corporations to be at the disposal of the Roman Catholic Church.” A. LORETAN: “Církev a stát ve Švýcarsku” [Church and State in Switzerland]. *Revue církevního práva* 41/3 (2008), p. 205.

also quite voluntarily, by having Catholic laity, in a kind of rivalry, apply to themselves roles and activities that belong only or primarily to the clergy. Such a competitive struggle, seeking to establish “equality,” is outside the ecclesiastical establishment as it has developed from the very beginning. The opening canon of the enumeration of the duties and rights of all Catholic Christians in the current Code of Canon Law corrects this misunderstanding very succinctly: “By virtue of their rebirth in Christ, all Christians are truly equal in dignity and action. By virtue of this equality, all collaborate in the development of the Body of Christ, each according to his or her own position and tasks.”⁷⁹

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⁷⁹ CIC/1983, can. 208.

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