

**The Lesser Ban
BT Ball
Tuesday of Gaudete
December 14, 2010**

1. The Scriptures

Matthew 16:13-19

Matthew 18:1-20

Luke 17:1-5

John 20:19-23

1 Corinthians 4:1-5

1 Corinthians 5:1-13

2. The Confessions of the Evangelical Lutheran Church

Augsburg Confession - Article XX

20] When, therefore, the question is concerning the jurisdiction of bishops, civil authority must be distinguished from 21] ecclesiastical jurisdiction. Again, according to the Gospel or, as they say, by divine right, there belongs to the bishops as bishops, that is, to those to whom has been committed the ministry of the Word and the Sacraments, no jurisdiction except to forgive sins, to judge doctrine, to reject doctrines contrary to the Gospel, and to exclude from the communion of the Church wicked men, whose wickedness is known, and this without human force, 22] simply by the Word. Herein the congregations of necessity and by divine right must obey them, according to **Luke 10:16**: He that heareth you heareth Me. 23] But when they teach or ordain anything against the Gospel, then the congregations have a commandment of God prohibiting obedience, **Matt. 7:15**: Beware of false prophets; 24] **Gal. 1:8**: Though an angel from heaven preach any other gospel, let him be accursed; 25] **2 Cor. 13:8**: We can do nothing against the truth, but for the truth. 26] Also: The power which the Lord hath given me to edification, and not to destruction. 27]

The Apology of the Augsburg Confession - Article XX

12] Besides, we have declared in the Confession what power the Gospel ascribes to bishops. Those who are now bishops do not perform the duties of bishops according to the Gospel; although, indeed, they may be bishops according to canonical polity, which we do not censure. But we are speaking of a bishop according to the Gospel. 13] And we are pleased with the ancient division of power into power of the *order* and power of *jurisdiction* [that is, the administration of the Sacraments and the exercise of spiritual jurisdiction]. Therefore the bishop has the power of the order, i.e., the ministry of the Word and Sacraments; he has also the power of jurisdiction, i.e., the authority to excommunicate those guilty of open crimes, and again to absolve them if they are

converted and 14] seek absolution. But their power is not to be tyrannical, i.e., without a fixed law; nor regal, i.e., above law; but they have a fixed command and a fixed Word of God, according to which they ought to teach, and according to which they ought to exercise their jurisdiction. Therefore, even though they should have some jurisdiction, it does not follow that they are able to institute new services. For services pertain in no way to jurisdiction. And they have the Word, they have the command, how far they ought to exercise jurisdiction, namely, if any one would do anything contrary to that Word which they have received from Christ. [For the Gospel does not set up a rule independently of the Gospel; that is quite clear and certain.]

Smalcald Articles III:9

“The greater excommunication, as the Pope calls it, we regard only as a civil penalty, and it does not concern us ministers of the Church. But the lesser, that is, the true Christian excommunication, consists in this, that manifest and obstinate sinners are not admitted to the Sacrament and other communion of the Church until they amend their lives and avoid sin. And ministers ought not to mingle secular punishments with this ecclesiastical punishment, or excommunication.”

Treatise on the Power and Primacy of the Pope – Of the Power and Jurisdiction of Bishops:74-76

“It is certain that the common jurisdiction of excommunicating those guilty of manifest crimes belongs to all pastors. This they have tyrannically transferred to themselves alone, and have applied it to the acquisition of gain. For it is certain that the officials, as they are called employed a license not to be tolerated and either on account of avarice or because of other wanton desires tormented men and excommunicated them without any due process of law. But what tyranny is it for the officials in the states to have arbitrary power to condemn and excommunicate men without due process of law! And in what kind of affairs did they abuse this power? Indeed, not in punishing true offenses, but in regard to the violation of fasts or festivals, or like trifles! Only, they sometimes punished adulteries; and in this matter they often vexed [abused and defamed] innocent and honorable men. Besides, since this is a most grievous offense, nobody certainly is to be condemned without due process of law. Since, therefore, bishops have tyrannically transferred this jurisdiction to themselves alone, and have basely abused it, there is no need, because of this jurisdiction, to obey bishops. But since there are just reasons why we do not obey, it is right also to restore this jurisdiction to godly pastors [to whom, by Christ's command, it belongs], and to see to it that it is legitimately exercised for the reformation of morals and the glory of God.

The Small Catechism – The Office of the Keys and Confession

“What do you believe according to these words?”

I believe that, when the called ministers of Christ deal with us by His divine command, especially when they exclude manifest and impenitent sinners from the Christian congregation, and, again, when they absolve those who repent of their sins and are

willing to amend, this is as valid and certain, in heaven also, as if Christ, our dear Lord, dealt with us Himself.”

3. Pastoral Witnesses

- a. Walther – “Those who are living in an ungodly status are to be suspended from the Holy Supper until they abandon this status and devote themselves to a God-pleasing profession. *Pastoral Theology*, p. 150
- b. Fritz – “A pastor is not empowered to excommunicate anyone, (*excommunicatio major*), Matt., 18, 17; 1 Cor. 5, 4.5; 2 Cor. 2,6. may be compelled to *suspend* a member from Communion (*excommunicatio minor*), as when a church-member has evidently committed a mortal sin, continues therein, and will not repent; is guilty, for instance, of theft, and will not return the stolen goods; has offended an individual, a number of individuals, or an entire congregation has been offended by some one and in either case will not be reconciled. If under such circumstances a pastor would admit such a one to Communion, the pastor would profane the Sacrament, become a partaker of other men’s sin, give gross offense, and thus himself grievously sin. The suspension is, of course, in force only until the sinner confesses his guilt and is penitent. If a suspended person protests the case and insists that the pastor give him Communion, the pastor should not consider his verdict final, but at once present the case to the church council (or at first to one or two of its members) and finally, if necessary, take the case to the congregation itself.” *Pastoral Theology*, pp. 134-135
- c. Mueller-Kraus - “As the first official act of applying the Law to the unrepentant, a pastor may exercise his responsibility for the spiritual welfare of a person by withholding the Lord’s Supper. This is called the ‘lesser ban.’ The pastor may invoke this when a person manifests an impenitent spirit by bearing a grudge, refusing to forgive, or living in unrepentant sin – i.e., binding one’s self by sin, refusing the grace of God. The pastor deals with the person on a personal basis while the problem has not been resolved, praying that, thereby, subsequent steps toward excommunication will not be necessary.” *Pastoral Theology*, p. 182