

CTCR Response to
Expressions of Dissent
(2004-2006)



A Report of the Commission on
Theology and Church Relations of
The Lutheran Church—Missouri Synod

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Abbreviations

AC = Augsburg Confession

Ap = Apology of the Augsburg Confession

FC SD Formula of Concord, Solid Declaration

Treatise Treatise on the Power and Primacy of the Pope

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CONTENTS

Introduction	5
The Right and Responsibility of Expressing Dissent	6
Areas of Dissent	
1. Participation in Civic Events	10
2. Ecclesiastical Supervision and Dispute Resolution	15
3. Service of Women in Congregational and Synodical Offices	22
4. Laymen Performing the Functions of the Pastoral Office	28
Conclusion	33
APPENDIX A	
1971 Resolution 2-21 “To Uphold Synodical Doctrinal Resolutions”	34
APPENDIX B	
CTCR Policy for Responding to Expressions of Dissent.....	38

CTCR RESPONSE TO EXPRESSIONS OF DISSENT (2004–2006)

Introduction

During the past triennium, the CTCR has received a number of letters and statements from members of the Synod expressing dissent from doctrinal resolutions adopted by the Synod. Some of these letters and statements contain expressions of dissent from more than one doctrinal position and/or resolution of the Synod. Others contain expressions of dissent that echo concerns raised by other dissenters. The majority of these expressions of dissent deal with one or more of the following issues as they have been officially addressed by the Synod in convention:

1. Participation in Civic Events (2001 Res. 3-07A; 2004 Res. 3-06A)
2. Ecclesiastical Supervision and Dispute Resolution (2004 Res. 8-01A; 2004 Res. 7-02A)
3. The Service of Women in Congregational and Synodical Offices (2004 Res. 3-08A)
4. Laymen Performing Functions of the Pastoral Office (1989 Res. 3-05B; 2004 Res. 5-09)

Because these various expressions of dissent are directed toward one or more of these specific issues, and because many of them voice similar concerns and employ similar arguments, the CTCR has prepared the following composite response to these expressions of dissent. In this response, the CTCR seeks to identify and summarize the key concerns and arguments set forth by various dissenters regarding each of these issues. It also offers its own evaluation, based on Scripture and the Lutheran Confessions, of the arguments offered by the dissenter(s) in support of their claim(s) that the doctrinal position of the Synod on a given issue is in error and in need of revision. In preparing this response, the CTCR is also mindful of the fact that a number of district conventions (held in 2006) debated and/or adopted resolutions addressing the issues raised by the dissenters in these four areas and the synodical resolutions listed above.

Before dealing specifically with the expressions of dissent regarding these issues, it may be helpful to offer a preliminary word about the nature and purpose of the Synod's provision for expressing dissent, and the CTCR's process and policy for handling expressions of dissent.

The Right and Responsibility of Expressing Dissent

Walking Together under Scripture Alone: The Crucial Role of Expressing Dissent

The Lutheran church has always affirmed the right and responsibility of expressing dissent from teachings and practices believed to be at odds with God's Word. Luther's posting and publication of the 95 Theses was, at least in part, an expression of dissent from commonly-held theological views of his day. His "Here I Stand" and his refusal to recant at the Diet of Worms were even more firmly and clearly articulated expressions of dissent. Although the Augsburg Confession was genuinely intended as a conciliatory document, both its contents and its presentation in 1530 made it clear that those who supported this confession were dissenting in significant ways from the official teachings and practices of the established church.

The right and responsibility of expressing dissent is based on the premise that Scripture *alone* is the infallible and authoritative "rule and norm" for faith and practice in the life of the church (cf. Article II of the LCMS Constitution). Sinful human beings—both as individuals and as a group—can and do err in their understanding of what the Bible teaches. History is replete with examples and reminders of this fact. No individual, group, office, organization, or church body on earth is above and beyond the need to examine continually its doctrine and practice to ensure that it is teaching no more and no less than what God's Word alone teaches. Only by preserving and protecting the right and responsibility of its members to express dissent can a church body retain a proper sense of humility, integrity, and accountability to God and to each other under the guidance of "Scripture alone."

Pastors, congregations, and church workers of The Lutheran Church—Missouri Synod have agreed together that "all those who wish to be and remain members" of the Synod must subscribe to "the confessional position of the Synod...set forth in Article II of its Constitution" (2004 Handbook, Bylaw 1.6.1). Article II says that "the Synod, and every member of the Synod, accepts without reservation...the Scriptures of the Old and New Testament as the written Word of God and the *only* rule and norm of faith and practice" and the Lutheran Confessions "as a true and unadulterated statement and exposition of the Word of God (emphasis added)."

Members of the Synod have agreed, furthermore, that

The Synod, in seeking to clarify its witness or to settle doctrinal controversy, so that all who seek to participate in the relation-

ships that exist within and through the Synod may benefit and may act to benefit others, shall have the right to adopt doctrinal resolutions and statements which are in harmony with Scripture and the Lutheran Confessions. (Bylaw 1.6.2)

Doctrinal *resolutions*

...may be adopted for the information, counsel, and guidance of the membership. They shall conform to the confessional position of the Synod as set forth in Article II of its Constitution and shall ordinarily cite the pertinent passages of the Scriptures, the Lutheran Confessions, and any previously adopted official doctrinal statements and resolutions of the Synod. (Bylaw 1.6.2a)

Such resolutions “are to be honored and upheld until such a time as the Synod amends or repeals them” (Bylaw 1.6.2a).

Doctrinal *statements* “set forth in greater detail the position of the Synod especially in controverted matters” and require a more complex process of ratification (see Bylaw 1.6.2b). Such adopted and ratified doctrinal statements

...shall be regarded as the position of the Synod and shall be “accepted and used as helpful expositions and explanations” (FC SD Rule and Norm 10). They shall be honored and upheld (“to abide by, act, and teach in accordance with” [1971 Res. 2-21]) until such time as the Synod amends or repeals them. (Bylaw 1.6.2.7)¹

¹ As 1971 Res. 2-21 points out, “The Synod is irrevocably committed to the Sola Scriptura principle.” At the same time, says this resolution, “The Synod maintains that it is not a violation of the Sola Scriptura principle when it adopts doctrinal resolutions, for the Synod in such resolutions does not presume to *establish* doctrine, but intends only to *confess* doctrines taught by the Scriptures.” The resolution goes on to say: “Formal commitment of the Synod to a confessional base is pointless unless the Synod has the right as a *synod* to apply its confessional base definitively to current issues and thus conserve and promote unity and resist an individualism which breeds schism. The Synod holds that a member cannot justly charge the Synod with ‘binding his conscience’ when the Synod, in applying its confessional base to current issues, adopts doctrinal statements which it believes to be in harmony with the Word of God and requires that such resolutions be considered normative for every member. A doctrine of Scripture remains a doctrine of Scripture despite the fact that it is formulated in synodically adopted resolutions. If a member cannot for conscience’ sake accept a doctrinal resolution of the Synod, he has the obligation and opportunity through mutually approved procedure to challenge such a resolution with a view to effecting the changes he deems necessary. Failing in that, he is completely free by reason of his wholly voluntary association with the Synod to obey his conscience and disassociate himself from the Synod. Meanwhile every member of the Synod is held to abide by, act, and teach in accordance with the Synod’s resolutions.” The entire text of 1971 Res. 2-21 is included as an appendix to this response (“Appendix A”). All readers of this response are strongly encouraged to read and/or review this resolution, which articulates in a clear and careful way the relationship between the Sola Scriptura principle and the adoption of doctrinal resolutions and statements by the Synod.

The repeated use of the words “amend or repeal” shows that the Synod clearly recognizes that its collective understanding of what the Scriptures teach is not infallible. Only God’s Word itself is infallible. Specific processes exist in the Synod, therefore, for amending, repealing or clarifying the position of the Synod—including the process of expressing dissent. The process of dissent serves the critical and beneficial purpose for which it was intended when there is a commitment not only to God’s Word but also to our “life together within the fellowship of the Synod.” Thus, the first agreement regarding “dissent” to which the members of the Synod have pledged themselves is the following: “While retaining the right of brotherly dissent, members of the Synod are expected as part of the life together within the fellowship of the Synod to honor and uphold the resolutions of the Synod” (Bylaw 1.8.1). The Synod may be in error on some point of doctrine or practice—but the dissenter may also be in error. The process seeks to protect not only the conscience of the dissenter but also the consciences of those who believe that the position of the Synod is *not* in error (or who are still deliberating the matter). It upholds the necessary right and responsibility of expressing dissent, while also seeking to ensure that our “life together within the fellowship of the Synod” is preserved with as great a degree of peace and unity as possible.

Bylaw 1.8.2 continues as follows:

Dissent from doctrinal resolutions and statements is to be expressed first within the fellowship of peers and then brought to the attention of the Commission on Theology and Church Relations before finding expression as an overture to the convention calling for revision or rescision. While the conscience of the dissenter shall be respected, the consciences of others, as well as the collective will of the Synod, shall also be respected.

CTCR Policy and Procedures

During the past triennium, the CTCR has carefully reviewed and revised its internal process for handling expressions of dissent—primarily as a way of assisting those who make use of this process in understanding more clearly what is involved in expressing dissent from the official position of the Synod, and the role that the CTCR plays in this process. The CTCR’s policy for responding to expressions of dissent is attached as “Appendix B” to this document. The CTCR also encourages all readers of this document to read or review two previous CTCR reports that offer very helpful insight into the history, nature, and purpose of the Synod’s current process for expressing dissent: the CTCR’s 1973 report *Guiding Principles for the Use of A Statement of Scriptural and Confessional Principles with*

Special Reference to the Expression of Dissent and its 1974 *Report on Dissent from A Statement of Scriptural and Confessional Principles and Other Doctrinal Resolutions of the Synod*. Both of these reports are available on line at www.lcms.org/ctcr.

Issues Not Addressed in this Response

Finally, a word is in order about certain issues and concerns that are not specifically addressed in this composite response. First, this response does not address every expression of dissent received by the CTCR in the past triennium—only (for reasons given in the introduction) those dealing with one or more of the four issues listed in the opening paragraph. Second, this response does not deal with concerns raised by various dissenters regarding issues which the CTCR believes are most properly dealt with through the Synodical process(es) of ecclesiastical supervision. A number of dissenters, for example, express concerns about Communion practices, fellowship practices, worship practices (etc.) in some synodical congregations which they believe to be contrary to the official position of the Synod. Such concerns may be valid, but they do not constitute dissent from the official position of the Synod on these issues. In fact, it is clear in most cases that the dissenters *support* the official position of the Synod on these issues. Their concern is that the Synod's position on these issues is not being properly or consistently honored and upheld by some members of the Synod. Concerns of this nature should be directed to the appropriate ecclesiastical supervisor. Finally, this response does not address "expressions of dissent" from CTCR reports or documents as such (which do not, in and of themselves, constitute "the official position of the Synod") nor from opinions issued by the CCM. Questions or concerns about CCM opinions should be directed to the CCM and/or to the Synod in convention.

AREAS OF DISSENT

1. Participation in Civic Events (2004 Res. 3-06A; 2001 Res. 3-07A)

Background

At its 2004 convention, the Synod adopted Res. 3-06A “To Commend CTCR Report on *Guidelines for Participation in Civic Events*.”² In this resolution the Synod

Resolved, That we commend the CTCR’s report, “Guidelines for Participating in Civic Events” for study to help pastors, teachers, and church workers make decisions about participation in civic events:

- That faithfully reflect our unqualified commitment to the absolute truth of the Holy Scriptures as the Word of God;
- That seek to take full advantage of every legitimate opportunity to proclaim clearly in the public realm that “only in and through Jesus do we have the definitive revelation of the true and only God,” that God “is known as Father and Savior only through Spirit-wrought faith in Jesus Christ,” and that “only the Triune God—Father, Son, and Holy Spirit—is the object of our worship and the hope of our salvation” (*GPCE*, p. 8);
- That honor and uphold the free and willing commitments we have made with one another by virtue of our membership in the Synod;
- That demonstrate concern and sensitivity for how participation (or non-participation) in civic events may be perceived by those inside and outside of the LCMS; and
- That recognize that “clarity in doctrine and practice and charity in our dealings with one another are both essential to the church’s life and witness” (*GPCE*, p. 23).

² *Guidelines for Participation in Civic Events*, A Report of the Commission on Theology and Church Relations of The Lutheran Church—Missouri Synod (April 2004). Hereafter *GPCE*.

In its first “Whereas,” 2004 Res. 3-06A makes reference to 2001 Res. 3-07A, which commended “for continued use and guidance” the study materials prepared by President Barry and the CTCR on The Lutheran Understanding of Church Fellowship and their “Report on Synodical Discussions.” The “Report on Synodical Discussions” included paragraphs on “Cases of Discretion” that offered guidelines for participation in civic events by LCMS pastors and rostered church workers. The CTCR’s April 2004 report on *Guidelines for Participation in Civic Events* was prepared in response to a November 2001 request from the Synod’s president to clarify “what constitutes a civic event” and to address explicitly questions about the “participation of LCMS pastors, teachers, and church workers in ‘civic events’...which also involve participation from non-Christian religions.”

Concerns and Arguments of Dissenters

The CTCR has received several expressions of dissent from 2004 Res. 3-06A and/or 2001 Res. 3-07A. As can be seen from the following quotations, these expressions of dissent are rooted primarily in concerns about permitting or encouraging “unionism” and “syncretism”:

We dissent from 2004 Res. 3-06A (commending the CTCR document, “Guidelines for Participation in Civic Events”) because the document does not unambiguously forbid the participation of LCMS pastors in syncretistic and unionistic services.... Instead, the majority opinion allows for participation in joint prayer services by claiming that Christian and non-Christian clergy could “take turns” offering prayers (“serial” prayers) without it being joint worship.

[We dissent from] 2001 Res. 3-07A (commending the CTCR document, “The Lutheran Understanding of Church Fellowship”) because it is being used—contrary to its original intent—to give approval to LCMS pastors participating in syncretistic and unionistic service [sic] because they were “offering prayers, speaking and reading Scripture at events sponsored by governments.”

I call for rescission [sic] of 2004 Res. 3-06A (commending the CTCR document, “Guidelines for Participation in Civic Events”) because the commended “Guidelines” do not unambiguously forbid unionistic participation, but may lead to more of it with the concept of “serial prayer.” I call for the rescission of 2001 Res. 3-07A (commending the CTCR document, “The Lutheran Understanding of Church Fellowship”), even though

the document itself is sound, because the Resolution is being used contrary to its original intent...to give approval to unionistic activity, claiming that it was permissible involvement in government sponsored events.

I am writing to inform you of my dissent with any interpretation of 2001 Resolution 3-07A that allows for public prayer of Christians in association with pagan prayers. This would be a clear departure from "the historic position" of our Synod.

CTCR Response

The principal concern in these expressions of dissent is that the Synod, with the adoption of 2001 Res. 3-07A and 2004 Res. 3-06A, has either implicitly or explicitly condoned and/or encouraged the practice of "unionism and syncretism" in certain situations. The terms "unionism" and "syncretism" appear to be used synonymously in these expressions of dissent to refer (at least primarily) to "joint prayer and worship" with adherents of non-Christian religions.³

In response to this concern, it should be noted first of all that one of the reasons singled out by the Synod in 2004 Res. 3-06A for commending the CTCR's report on *GPCE* is that it "addresses, on the basis of Scripture and the Lutheran Confessions...the errors and dangers of unionism, syncretism, and universalism." It should be emphasized, secondly, that this resolution contains a clear and unqualified statement forbidding joint prayer and worship with non-Christians:

WHEREAS, The CTCR's report clearly states that "We understand and accept that Lutheran pastors may not under any circumstances participate in joint prayer or worship together with clergy of non-Christian religions, even in events that may be portrayed as primarily or partially 'civic' in nature and purpose. By 'joint prayer or worship' we mean worship activities that assume, and falsely so, that Christians and non-Christians may actually join together in 'worshiping the same God' apart

³ "Unionism" is usually understood as "church-fellowship with the adherents of false doctrine" (*Brief Statement of the Doctrinal Position of the LCMS*, page 13 [par. 28]), while "syncretism" typically refers to the mixing or mingling of "elements of...false religions" (i.e., non-Christian religions) with the Christian religion (see *GPCE*, 13). "Not at issue here [in *GPCE*]," says the CTCR, "is the participation of LCMS pastors as co-officiants in public worship services convened as a result of civic events or concerns...The LCMS has a clear position against 'taking part in the services and sacramental rites of heterodox congregations or of congregations of mixed confession' (LCMS Constitution, Article VI, 2, b.)" (*GPCE* 7, fn. 8).

from a common faith in and confession of Jesus Christ. According to Scripture, acceptable, efficacious, and God-pleasing prayer and worship are possible only through faith in Jesus Christ, God's only Son and the world's only Savior." (*GPCE*, pp. 14–15)

Any "interpretation," therefore, of 2004 Res. 3-06A, 2001 Res. 3-07A, or the CTCR's report *GPCE* that claims that they condone or encourage joint prayer and worship with non-Christians is contradicted by the clear language of these documents themselves. Contrary to the claim or perception of at least some of the dissenters, joint prayer and worship with non-Christians are clearly forbidden by the Synod "even in events that may be portrayed as primarily or partially 'civic' in nature and purpose."

Several expressions of dissent presume that the CTCR's report on *GPCE*, commended by the Synod in 2004 Res. 3-06A, renders a judgment on whether or not a particular historical event was or was not "a civic event." The report explicitly states, however:

The members of the CTCR are aware of certain events following September 11, 2001, and decisions made about them. The CTCR recognizes that the readers of this document are also aware of them. The CTCR in no way intends to render judgments about the decisions relating to these events and so has attempted to avoid using language and terms in this document that would suggest that it has done so. The Commission therefore asks the reader to receive this document on its own basis, and not in the light of decisions made about these past events—which would be a misuse of this document. (*GPCE*, 4)

A number of expressions of dissent voice concerns about the concept of "serial prayer" (which is not mentioned in the resolution itself, but discussed by the Commission in *GPCE*). As the Commission itself acknowledges in *GPCE*:

The members of the Commission disagree about the issue of so-called "serial" or "seriatim" prayers involving representatives of different religious (Christian and/or non-Christian) groups or churches. Some members of the Commission believe that under no circumstances is it permissible for LCMS pastors to participate in any type of event in which various Christian and/or non-Christian leaders "take turns" offering prayers, holding that such an activity by its very nature constitutes "joint prayer and worship." The majority of the Commission believes that in some instances it may be possible and permissible for LCMS pastors to participate in such an event as long as certain conditions are met (e.g., when the purpose of the event in question is clearly and predominately civic in nature, and

when it is conducted in such a way that does not correspond to the LCMS understanding of a “service”; when no restrictions are placed on the content of the Christian witness that may be given by the LCMS pastor; when a sincere effort is made by those involved to make it clear that those participating do not all share the same religious views concerning such issues as the nature of God, the way of salvation, and the nature of religious truth itself.) (19)

While this report acknowledges disagreement within the Commission about the issue of so-called ‘serial’ or ‘seriatim’ prayers,” there is no disagreement or ambiguity in this report about the permissibility of “joint prayer and worship” with non-Christians under any circumstances—which is clearly the central concern of those dissenting from 2004 Res. 3-06A. The Commission goes on to state:

It should be noted in this connection that all members of the Commission agree that, understood from a Christian perspective, prayer is always in some sense “an expression of worship.” The question is whether it is possible under any circumstances for an LCMS pastor to offer a prayer in a public setting involving a variety of religious leaders without engaging in “joint prayer and worship.” Some believe this is not possible. The majority believes that it may be possible depending on such factors as how the event is arranged and understood and how the situation is handled by the pastor in question, in order to make it clear that “joint prayer and worship” is not being conducted or condoned. (20)

Finally, several dissenters express disagreement to particular “interpretations” or “uses” of a synodical resolution or CTCR report commended by it. It is difficult to know how to respond to such “dissent,” since Bylaw 1.8.2 makes provision for “dissent from doctrinal resolutions and statements,” not from particular “interpretations” or “uses” of a doctrinal resolution or statement. Questions about the proper interpretation of a synodical resolution should be submitted to the Commission on Constitutional Matters. Concerns about the improper use or application of a synodical resolution should be directed to the appropriate doctrinal supervisor.

To summarize: the Commission agrees with the dissenters that “joint prayer and worship” with non-Christians must not in any way or under any circumstances be condoned or encouraged in the Synod. It does not believe, however, that the dissenters have provided evidence to show that this is what the Synod has done with the adoption of 2004 Res. 3-06A and/or 2001 Res. 3-07A.

2. Ecclesiastical Supervision and Dispute Resolution (2004 Res. 8-01A; 2004 Res. 7-02A)

Background

At its 2004 convention, the Synod adopted Res. 8-01A “To Amend Bylaws on Ecclesiastical Supervision and Dispute Resolution.” This resolution amended in various ways the synodical procedures for “Restricting, Suspending, and Expelling Congregations or Individuals from Membership” in the Synod, as well as the process for synodical dispute resolution. Three primary issues surface in the dissenters’ various objections to this resolution (and, in one instance, to 2004 Res. 7-02A):

1. The requirement that “the guidelines of Matt. 18:15 be followed” as part of the synodical procedure for restricting, suspending, and/or expelling individuals and/or congregations from membership in the Synod—even if “the alleged violation is considered ‘public.’”
2. The membership of “hearing panels” established in the bylaws adopted under 2004 Res. 8-01A, which are currently composed only of district presidents.
3. The status of opinions rendered by the CCM and/or the CTCR in cases of dispute resolution or removal from office.

Concerns and Arguments of Dissenters

The first issue listed above (the use of “the guidelines of Matthew 18:15”) is a matter of concern for several dissenters, and is summarized well in the following statement from one of the expressions of dissent received by the Commission:

The bylaws adopted under 2004 Res. 8-01A require that a face-to-face meeting must precede any and all public rebuke of a public sin such as teaching false doctrine (which would be a cause for expelling a member from the Synod). Citing Matthew 18:15, the new Bylaw 2.14.3(c) asserts that the face-to-face meeting is a biblical requirement that must be carried out also in “public” cases—despite biblical counterexamples such as Gal. 2:11ff. and the affirmation of the Lutheran Confessions that “where the sin is so public that the judge and the whole world are aware of it, you can without sin. . . testify publicly” concerning the offender (Large Catechism I 284). Thus, under 2004 Res. 8-01A our Synod has adopted bylaw material which flies in the face of Scripture and the Lutheran Confessions.

Another dissenter expresses the same concern in the following “whereas” of a resolution submitted as a form of dissent:

WHEREAS, by the passage of Resolution 8-01A and in its implementation as the new Bylaw 2.26 of the Synod’s constitution and bylaws, the Synod has

1. ignored the Word of God and the practice, example and admonition of our Lord Jesus Christ, Saint John the Baptizer and Saint Paul the Apostle in dealing with those who have committed public sin;
2. erroneously added a mandatory face-to-face meeting with those who have committed public sin thereby misinterpreting St. Matthew 18:15 and its application to public sin;
3. ignored the proper understanding and condemnation of public sin as confessed by the Large Catechism’s explanation of the 8th commandment;
4. deviated from its own Scriptural and Confessional subscription as stated in Article II of its constitution...

With reference to these same concerns, another dissenter argues that “the clear implication of a procedure that, in cases of public sins, *requires* private first steps in accordance with Matt. 18:15–16 before any public statement or action is that Jesus Himself is neither Lord nor Savior but only another sinner among billions.” Because Jesus Himself at times rebuked sin publicly without taking “private first steps,” 2004 Res. 8-01A “implies that Jesus has broken the law of Matt. 18 and must pay for His own sins and thus cannot pay for ours.” Thus, “the new procedure with all that is based on it must be declared void and of no effect.”

The second concern (membership of hearing panels) is summed up as follows by a pastor dissenting from 2004 Res. 8-01A:

The hearing panels established in the Bylaws adopted under 2004 Res. 8-01A are composed entirely of district presidents. These panels have no other members, clergy or lay, yet they hear all cases in which members of the Synod might be expelled. This would include all cases involving false doctrine. With the adoption of 2004 Res. 8-01A, for the first time in the history of The Lutheran Church—Missouri Synod, there can be no lay participation in deciding cases of false doctrine at the synodical level. Ironically, as recently as its 2001 convention the Synod reaffirmed its first doctrinal statement, C.F.W. Walther’s Church and Ministry, which says: “To the ministry of the Word, according to divine right, belongs also the duty to judge doctrine, but laymen also possess this right. Therefore, in the

ecclesiastical courts and councils they are accorded both a seat and vote together with the clergy” (thesis 10 on the Ministry). Thus, 2004 Res. 8-01A contradicts the Synod’s oldest and most recently affirmed doctrinal statement.

Echoing this concern, another dissenting pastor writes: “We have always believed that the sheep have the right to judge their shepherds. Pastors, and District and Synodical Officials are accountable to the laity. We cannot deprive the laity of their role in guarding the doctrine and practice of the church.”

The third concern noted above (the use and status of CTCR and CCM opinions), in the words of one dissenting congregation, is that “the effect of 2004 Res. 8-01A removes the Word of God as the only rule and norm of faith and practice in the LCMS (Article II of LCMS Constitution).” This is because “the District President must follow any opinion received from either the CCM or the CTCR, even if contradicting with the Word of God.” For the same reason, this congregation registers its dissent from 2004 Res. 7-02A “To Amend Synodical Articles of Incorporation and Bylaws Regarding Officer and Board Responsibility.” In this resolution (and the bylaws amended by it), the congregation argues, “the Word of God does not remain the only rule and norm of faith and practice in the LCMS.” “Instead, the opinions of the Commission on Constitutional Matters (CCM) are also a rule and norm of faith and life in the LCMS.”

CTCR Response

1. Public Rebuke and Matthew 18.

The first issue concerns the requirement for a face-to-face meeting also in cases of public sin. Crucial here is the distinction between the *Scripturally mandated* steps of Matthew 18 in specific situations of church discipline and *humanly established procedures* involving agreed-upon requirements that make use of the wisdom of God’s Word. The humanly established and synodically agreed-upon procedures approved in Res. 8-01A *require* a face-to-face meeting patterned after the guidelines given by Jesus in Matthew 18. They do not preclude the possibility of “public rebuke” prior to or apart from these procedures, nor do they claim that *Scripture requires* a face-to-face meeting in connection with such humanly established procedures—since Scripture contains no “divine guidelines” for “expulsion from synodical membership” or “synodical dispute resolution.” Over the years (and from the very beginning of its existence), the Synod has established many different procedures, rules, processes (etc.) as a way of structuring and maintaining its institutional life together in the service of God’s mission. Often these human rules and procedures draw upon and reflect the wisdom found in God’s Word. They remain, however,

humanly instituted rules and processes which have been (and may be) changed as the Synod sees fit and deems best.

According to the official minutes of the 2004 convention, this issue was raised and addressed on more than one occasion at the convention itself. The minutes report, for example, that a request was received from a delegate that Floor Committee 8 “address the specific issues of public sin and admonition as it applies to Resolution 8-01A” to assist some with a “Biblical dilemma that they are finding themselves in” (*Today’s Business: Issue 6*, p. 409). Floor Committee 8’s response, also recorded on page 409 of the minutes, is worth citing here:

Perhaps...it would be helpful for the delegates once again to be reminded that Resolution 8-01A deals with the provision for expulsion from membership in the Synod (Bylaws 2.26-2.29) and Dispute Resolution (Chapter 8). Former Bylaw 2.27 and Chapter 8, in existence since 1992, have included requiring Matthew 18:15 as procedure when addressing expulsion from membership in the Synod and dispute resolution. *These specific expulsion provisions and dispute resolution provisions do not in any way prohibit dealing with public sin and admonition in other situations and according to the explanation of the 8th commandment in the Large Catechism.* It was the floor committee’s intent that these bylaws simply reflect that the Synod desires face-to-face brotherly and evangelical procedures be used when expulsion from membership is the issue and when dispute resolution is involved. [emphasis added]

It is clear that Matthew 18 does not directly apply to cases of public rebuke of public sin. The Scriptures make this clear and the Large Catechism teaches accordingly. In the opinion of the CTCR the dissenters make a good point in this connection. 2004 Res. 8-01A could have made it more clear that Matthew 18 does not directly apply to instances of public sin. However, when it comes to the Synod’s humanly devised procedures for expulsion from membership in the Synod or dispute resolution, it is legitimate for the Synod to expect a face-to-face meeting. In its May 2006 report on *Public Rebuke of Public Sin: Considerations in Light of the Large Catechism Explanation of the Eighth Commandment* the CTCR says:

While there is no requirement to follow the steps outlined in Matthew 18 in cases where the text does not apply, this does not mean that steps outlined by Jesus in this text are *prohibited* in any case. Following the steps of Matthew 18 in cases beyond their direct application may in fact be beneficial to the church and its administrative structures and therefore advisable in the given case. But the church should neither assume nor insist that *Scripture requires* the procedure in every instance of public sin. (15).

In the conclusion of the CTCR's report, eight "summary statements" are offered, the fourth of which reads as follows:

Matthew 18 does not speak specifically to cases of public sin, as Luther declares in his explanation of the Eighth Commandment. The steps outlined in Matthew 18, therefore, are not to be considered absolute requirements mandated by Scripture nor the Confessions in cases of public sin. These steps may, however, be part of synodical processes that would lead to specific consequences of public sin (e.g., removal from the clergy roster of the Synod.) Public rebuke is not the same as the filing of formal charges. (27).

This same principle—the distinction between a) humanly instituted ecclesial procedures that may draw upon scriptural wisdom and b) divinely mandated instructions that are required by God in specific situations pertaining to the church's life—applies also to the second and third concerns raised by various dissenters to Res. 8-01A.

2. The Composition of Synodical Hearing Panels.

With regard to this second concern, the dissenters are certainly right to affirm Walther's Scripture-based conviction that laypersons also possess the divine right to judge doctrine. This is, in fact, the official position of the Synod (cf. 2001 Res. 7-17A "To Affirm Synod's Official Position on Church and Ministry.") It is not Walther's (or the Synod's) position, however, that every single panel, process, or procedure established by the Synod that bears some responsibility for "judging doctrine" must, according to God's Word, contain a certain number or percentage of laypersons.

In his discussion of Thesis X in *Kirche und Amt*, Walther does not elaborate on what he has in mind by "ecclesiastical courts (or consistories) and councils" (*den Kirchengewichten und Concilien*), nor does he offer information about whether (or in what specific form) such "courts and councils" existed in the formal polity of the Synod in 1852 (just five years after the Synod's founding in 1847). The central concern in Walther's discussion is the theological *principle* that, "according to God's Word, the right to judge doctrine has not been taken away from the laymen by the establishment of the ministry."⁴ Walther quotes Luther to support the thesis that Christ Himself has established "the *church* to be the supreme judge" in matters of doctrine (343; emphasis added). The account in Acts 15 is cited as evidence that (in the words of Calov), "the resolution of the council [in Acts 15] came

⁴ *Church and Ministry*, [St. Louis: CPH, 1987], 332. Quotations which follow in this paragraph are also from this edition of *Church and Ministry*.

not merely from the apostles or from the elders with the apostles, but from the apostles, the elders, the whole congregation and the rest of the multitude" (350). "Neither the elders nor the laymen were excluded from the synod" (349).

From the time of its founding in 1847, the official position of the Synod on matters of doctrine and practice has been determined not by pastors alone or professors alone or synodical officials alone or laypeople alone, but by the entire Synod meeting together through its representatives in convention. Both pastors and laypersons, in equal number, are "accorded both a seat and a vote" in determining the official doctrine and practice of the Synod. The Synod as a whole is "the supreme judge" (under Scripture and the Lutheran Confessions) in matters of doctrine and practice.

The Synod also has the right and freedom—for better or for worse—to delegate certain "doctrine-judging" tasks to particular groups within the Synod (or even to qualified individuals). Not every group entrusted by the Synod with doctrine-judging responsibilities must, as a matter of *doctrine*, include a certain number or percentage of laypeople. The Synod has long entrusted certain doctrine-judging tasks to groups that do not necessarily include laypeople. Laypersons are not "accorded a seat and a vote together with the clergy" on the Synod's Council of Presidents, or on the Praesidium of the Synod. This is a matter of synodical polity, and does not conflict with the theological principle set forth by Walther in Thesis X on the Ministry. Over the years, seminary faculties and/or departments that do not necessarily include laypeople have issued theological opinions and statements on matters of doctrine. This important and time-honored practice does not violate either the letter or the spirit of Walther's theses on the ministry.

One could argue that it would be wise, helpful, beneficial (etc.) for the Synod to adopt a provision requiring that laypersons be directly involved in every single panel, process or procedure in the Synod that involves the task or responsibility of "judging doctrine." The Synod is certainly free to do this. But it is not accurate to say that, because laypersons also have the right and responsibility to judge doctrine, *Scripture requires* that any and every "doctrine-judging" group and/or task in the Synod must directly involve a certain number of laypeople. All Christians—pastors, laypersons, other rostered church workers—retain the right and responsibility of "judging doctrine" whether or not they serve on a specific panel or committee, and they carry out this responsibility in a wide variety of ways.

2004 Res. 8-01A—which approved the composition of the hearing panels in cases of ecclesiastical supervision—was adopted at a synodical convention which was composed (as always) of 50% laypersons. By participating in the adoption of this resolution, these laypeople exercised their right and responsibility to ensure that the sheep participate in "judging their shepherds." They did so by approving a procedure that they appar-

ently believed would best contribute toward this goal.

At the same time, in the opinion of the CTCR, the dissenters make a valid point regarding the composition of the hearing panels. It may indeed be wise for the Synod to include a certain number of laypersons on synodical hearing panels. This would be an effective way to support and apply the Scriptural teaching that the shepherds are accountable to the sheep. It would also be in continuity with Walther's position that laypersons are accorded both a seat and a vote together with clergy on ecclesiastical courts and councils. But to argue that *Scripture requires* that the Synod structure itself in this way is going beyond what the Scriptures (and the Lutheran Confessions and Walther's *Theses on the Ministry*) actually teach.

3. The Role and Status of CTCR and CCM Opinions.

This same principle applies to the third concern of the dissenters regarding the role and status of CTCR and CCM opinions rendered in the context of decisions made about ecclesiastical supervision and dispute resolution. Procedures (such as those outlined in 2004 Resolutions 7-02A and 8-01A) that call for and make use of such opinions do not, in and of themselves, impinge upon the authority of Scripture as "the only rule and norm of faith and of practice in the Synod" (LCMS Constitution, Article II, 1).

In this connection, it may be helpful to keep in mind (by way of example) that when members of the Synod agree to honor and uphold the Synod's Constitution and Bylaws, they are not thereby elevating these documents to the level of Scripture as a "competing" rule and norm for Christian faith and life. Similarly, when the Synod meets in convention and adopts doctrinal resolutions, it is not thereby affirming these resolutions as a "new" doctrinal standard alongside (or in addition to) God's Word. It is simply stating publicly its collective understanding of what the Bible teaches regarding a given issue of common concern. In cases of dispute resolution and ecclesiastical supervision, questions sometimes arise about the Synod's doctrinal position on a given issue or about the official polity of the Synod. Some person or group has to answer these questions in order for the Synod to carry out its own procedures. Theoretically, the Synod could assign these responsibilities to any number of persons or groups. Presently, the Synod has assigned these tasks to the CTCR (for theological questions) and to the CCM (for questions of polity). This too could be changed. But in any conceivable structure, some person or entity would have to be entrusted with the responsibility of answering questions of this nature in processes such as this. To entrust this responsibility to a person or entity as a part of such procedures is not to create a new "rule and norm of faith and practice in the LCMS." It is rather a reflection of the need for "good order" in the church.

To summarize: the CTCR agrees with the dissenters that there is no scriptural or confessional requirement to follow the steps of Jesus in

Matthew 18 where these words of Jesus do not properly or necessarily apply. The CTCR believes that the Synod's polity should make it clear that Matthew 18 does not directly apply to cases of public sin. The CTCR also agrees with the dissenters that laypersons have the God-given right and responsibility to judge on the basis of Scripture the doctrine taught by their shepherds. As one way to support this truth, it may be wise for the Synod to include laity on synodical hearing panels in cases of expulsion from membership in the Synod and dispute resolution. Finally, the CTCR agrees with the dissenters that official opinions of the CCM and/or CTCR (or of any other person or group in the Synod) must not in any way undermine the authority of God's Word as the sole rule and norm of faith and practice in the Synod in matters of doctrine. On this point, however, the CTCR does not believe that the dissenters have provided evidence to show that the Synod, with the adoption of 2004 Res. 8-01A and/or 2004 Res. 7-02A, has contradicted or compromised this scriptural authority.

3. Service of Women in Congregational and Synodical Offices (2004 Res. 3-08A)

Background

At its 2004 convention, the Synod adopted Res. 3-08A "To Affirm the Conclusions of the 1994 CTCR Report: *The Service of Women in Congregational and Synodical Offices.*" This resolution also cites an April 2004 opinion of the CTCR given in response to a request of the Minnesota South District dealing with the issue of women serving in certain congregational offices. Drawing on the conclusions of both of these documents, the Synod in Res. 3-08A:

Resolved, That the CTCR be commended for its work in this area; and be it further

Resolved, That the Synod affirm that women on the basis of the clear teaching of Scripture may not serve in the office of pastor nor exercise any of its distinctive functions, and that women may serve in humanly established offices in the church as long as the functions of these offices do not make them eligible to carry out "official functions [that] would involve public accountability for the function of the pastoral office"; and be it further

Resolved, That the Synod urge the members of the Synod, in making decisions regarding which offices women may hold, to bear in mind the CTCR's counsel that congregations organize

“themselves in ways that complement and reinforce the family, for the church is the ‘household of God’ (1 Tim. 3:15)”; and be it further

Resolved, That the Synod encourage men not to neglect their leadership responsibilities in their congregations; and be it finally

Resolved, That the members of the Synod considering changes regarding the service of women in congregational offices consult with neighboring LCMS congregations, recognizing that in matters of Christian liberty, Christians are called, above all, to do what edifies the church, respecting the consciences of others.

Concerns and Arguments of Dissenters

Several pastors and congregations have submitted expressions of dissent from the position of the Synod as set forth above in 2004 Res. 3-08A. These expressions of dissent vary greatly in length, but in each case their central theological concern is the same. Each of them objects to the adoption and implementation of Res. 3-08A because (in the words of the briefest dissent) “it does not apply the Scriptural teaching on the Order of Creation (1 Timothy 2:11–12, 1 Corinthians 14:34–35) to both the pastoral office and all humanly established offices and thus allows women to hold positions in the church in which they would have authority over a man.” Another dissenter points to what he sees as a developing “erosion” over the years “of our understanding and application of the ‘Order of Creation’ in the area of women’s service in the church.” He writes:

Our official synodical position from before and up thru 1969 still reflected this application of the Order of Creation within the Church, that women were not to serve in positions that would either place them in the Office of the Ministry or put them in authority over men. The way women’s suffrage was accepted in 1969 was by asserting that suffrage is to be seen as an opportunity of service rather than the prerogative of power (1969 CTCR Report “Woman Suffrage in the Church”). That re-definition itself could be challenged like any re-definition of terms like “elder” today. For example, does this mean that the majority vote of the voter’s assembly is not binding and authoritative?

“The ‘order of creation,’” he argues, “needs to be applied again” to the issue of the service of women in the church. “This having not been done, I find the position of synod to be in error, freeing congregations to violate

Scripture in how they understand and apply the role of women, in violation of the Scriptural ‘Order of Creation.’”

After a lengthy and detailed historical review of the previous synodical resolutions and CTCR reports on the service of women in the church, another dissenter sums up his argument as follows:

Previously we in the Synod employed two criteria to determine whether women could serve in various lay congregational offices. But officially now we use one and only one of these: the question of whether a woman serving in a given office would be doing what only pastors should do and thus, among other things, violating the order of creation. When we do not even broach the second question—whether a woman is violating the order of creation by serving in certain capacities where she does not carry out functions of the pastoral office—we run the risk of failing to bring all the relevant biblical material to bear on the subject at hand. This is certainly not the way we should listen to our Lord.

CTCR Response

Both the CTCR and the dissenters agree that the Scriptural teaching regarding the order of creation applies to the pastoral office and its distinctive functions. Both agree that Scripture itself teaches that “the creational pattern of male headship requires that women not hold the formal position of the authoritative public teaching office in the church, that is, the office of pastor.”⁵ However, the dissenters object that 2004 Res. 3-08A does not also apply the scriptural teaching on the order of creation to humanly established congregational offices.

Scripture itself clearly identifies the existence of an order or structure of creation that reflects God’s good and gracious will for His creatures and belongs “to the very structure of created existence”⁶ (see, e.g., 1 Cor. 11:7–9; 14:34; 1 Tim. 2:13–14). The order of creation is not the result of humankind’s fall into sin, nor is it “undone” or set aside by the redemptive work of Christ and the “new creation” resulting from it (Gal. 6:15; 2 Cor. 5:17). We are therefore bound by Scripture to affirm this order of creation. As those who believe, teach, and confess that the Bible is “the

⁵ *Women in the Church*, 37.

⁶ In its 1985 report *Women in the Church* (on which the 1994 report *The Service of Women in Congregational and Synodical Offices* is based) the CTCR states: “God has given to that which has been created a certain definite order which, because it has been created by Him, is the expression of His immutable will. These relationships belong to the very structure of created existence” (p. 21; see also pages 22–38).

only rule and norm for faith and practice,” however, we are also bound by what *Scripture alone* teaches about the doctrinal *implications* and *applications* of the order of creation for the service of women in the church. We are not free to take the scriptural principle of the order of creation and apply it however we think it can or should be applied, thereby claiming scriptural authority for our personal or ecclesial applications. While affirming the order of creation, we must also ask: What does *Scripture alone* teach about the doctrinal implications and applications of the order of creation for the service of women in the church?

The LCMS holds that women may not serve as pastors or carry out the distinctive functions of the pastoral office because Scripture itself applies the order of creation to the question of service in the pastoral office. When the Bible says that women, because of the creational order, are not to “teach,” “speak,” or “exercise authority over men” (see 1 Cor. 14:33b–35 and 1 Tim. 2:11–15), this does not mean that women are bound by the very structure of God’s creation to refrain from *any and every* kind of teaching, speaking, or exercising authority over men—in society or in the church. However, these passages do require women to refrain from the teaching, speaking, and exercising of authority that have been entrusted by God specifically to one who holds the pastoral office—an office which God has made it clear should be held only by qualified men. It is Scripture alone that tells us that “the creational pattern of male headship requires that women not hold the formal position of the authoritative public teaching office in the church, that is, the office of pastor.”⁷

At the same time, the Synod has concluded in 2004 Res. 3-08A that women may hold all humanly instituted offices in the church because we have no express “thus says the Lord” about the implications of the order of creation for service in these offices. If the position descriptions for these offices call upon women to carry out distinctive pastoral functions, then (says Res. 3-08A) women may not serve in such offices—because this is what Scripture clearly teaches about the implications of the order of creation for such service. Underlying the Synod’s position is not only an affirmation of the order of creation, but a deliberate effort to say no more and no less than what Scripture alone says regarding the implications of the order of creation for the service of women in the church.

“The order of creation” and “what the Bible says,” therefore, are not two different (even “complementary”) norms or standards of authority for determining the church’s doctrinal stance regarding the service of women in the church. There is only one “rule and norm” for the doctrinal position of the Synod on this (and every other issue): Scripture alone. If the dissenters believe that *Scripture* clearly and definitively teaches that, due to the order of creation, women are forbidden to serve in certain humanly

⁷ *Women in the Church*, 37.

instituted offices in the church (even when these offices do not require them to carry out the distinctive functions of the pastoral office), then it is incumbent upon those dissenting to demonstrate where and how Scripture makes this clear. This, in the CTCR's judgment, the dissenters have not done.

At the same time—and this needs to be emphasized in view of certain mischaracterizations of the Synod's position in the expressions of dissent—it is not accurate to say that 2004 Res. 3-08A asserts or implies that the order of creation has no relevance at all for the service of women in humanly instituted offices in the church. As noted above, Res. 3-08A strongly affirms and repeatedly cites the CTCR's April 2004 opinion on the service of women in congregational offices, particularly its concluding discussions regarding "Edifying Decisions in Matters of *Adiaphora*" and the importance of "Supporting the God-Given Family Structure" in both society and the church.⁸ "Congregational polity," says the Commission, "is an *adiaphoron*, neither commanded nor forbidden in Holy Scripture" (28). Questions of polity, such as whether a woman may serve as chairperson of a given committee (or whether a congregation should even have that committee) are strictly speaking *adiaphora*—matters that are explicitly neither commanded nor forbidden by Scripture. The Scriptures expect Christians to make use of their "sanctified common sense" in applying Scriptural teaching to their different contexts in matters of *adiaphora*. Such application needs to happen, and in fact does happen, in countless ways as individual Christians and congregations seek to make godly decisions about their daily lives. But there is an important distinction between applications explicitly made by Scripture and applications that are left to our own ministerial use of reason.

The Commission also points out, however, that "to say that polity is an *adiaphoron* is only the beginning of the discussion" (28). "In matters of *adiaphora*—things neither commanded nor forbidden by Scripture—the church's arrangement should support and reinforce the Scriptural teaching" (28).

In particular, says the CTCR, "the congregation's polity should uphold the God-given family structure," which is rooted in the order of creation.

There is great significance in the creation of Adam and Eve recorded in Genesis 2 and in other scriptural texts dealing with creation (e.g., 1 Cor. 11:8–12). The Creator expressed His intent and design for all future "Adam and Eves" precisely by the way in which He created the first Adam and Eve. Unlike the ani-

⁸ This opinion can be found in APPENDIX B (pp. 27–30) of *The Service of Women in Congregational and Synodical Offices*, A Report of the Commission on Theology and Church Relations of The Lutheran Church—Missouri Synod (September 1994) with *Guidelines for Congregations* prepared by President's Task Force (January 2005).

mals, Eve was created to be a helper fit for and corresponding to Adam. Therefore the wife is not inferior to her husband but co-equal. The two become one flesh. Moreover, God created Adam first and then Eve, and He created Eve from Adam and for Adam. Therefore the Creator revealed His design for the marriage relationship. The husband serves as the head and the wife submits herself to her husband. (29)

“Large segments of our culture dismiss and even ridicule notions such as these,” says the CTCR. “Especially in our cultural context,” therefore, “a congregation should be concerned about what its polity says and in what way its polity supports the church’s teaching”(29).

The CTCR’s conclusion also serves as a helpful way of summarizing the Commission’s response to the primary concerns underlying these expressions of dissent:

There is no “Thus saith the Lord” regarding positions such as executive director/president and assistant director/vice president. These are offices established by the church in Christian freedom. Scripture does not prohibit women who possess the requisite gifts from holding these humanly-established offices, assuming that the occupants of these offices do not “perform those functions that are distinctive to the public exercise of the ministry of Word and sacraments” (*The Service of Women in Congregational and Synodical Offices*, Part B. 3), or carry out “official functions [that] would involve public accountability for the function of the pastoral office” (*Women in the Church: Scriptural Principles and Ecclesial Practice*, 46). In filling these offices the congregation should take into account, among other things, the aforementioned family structure. Further, the Commission encourages men not to neglect their leadership responsibilities in their congregations. Since the church encourages husbands to exercise their God-given headship in a God-pleasing way at home, the church should correspondingly encourage men to exercise leadership in their congregation. Congregations are encouraged to organize themselves in ways that complement and reinforce the family, for the church is “the household of God” (1 Tim. 3:15)...The Commission further recommends that congregations encourage all their members (male and female, single or married) to exercise their God-given responsibilities of service and leadership in their congregations. (30)

It should be noted, finally, that the CTCR continues to work toward completion of the assignment given to it by the 1995 synodical convention to carry out “a comprehensive study of the scriptural relationship of man and woman” (Res. 3-10). Two consultations involving both men and

women outside the Commission who are competent in theology are being held by the CTCR in connection with the completion of this assignment (Dec. 4–5, 2006 and April 16–17, 2007). Many of the theological issues raised by those dissenting from 2004 Res. 3-08A will undoubtedly be discussed in the CTCR’s continuing work on this assignment.

To summarize: The CTCR agrees with the dissenters that the order of creation is clearly taught in Scripture and has important implications for the service of women in the church—specifically with reference to the pastoral office and its distinctive functions. Contrary to the claim of some of the dissenters, the order of creation argument has not been ignored by the Synod or by the CTCR. In fact, all of the recent CTCR documents on women’s service in the church (1985, 1994, 2005) take into account what Scripture teaches about the order of creation in their argumentation. The CTCR also believes, however, that we are bound to *Scripture alone* as the norm when it comes to making *doctrinal* judgments about the specific implications and applications of the order of creation for the service of women in the church. It believes that the dissenters have failed to provide scriptural evidence to show that, in the words of one dissenter, “a woman is violating the order of creation by serving in certain capacities where she does not carry out functions of the pastoral office.”

4. Laymen Performing Functions of the Pastoral Office (1989 Res. 3-05B; 2004 Res. 5-09)

Background

At its 1989 convention, the Synod adopted Res. 3-05B “To Adopt Recommendations of Lay Worker Study Committee Report as Amended.” These “Recommendations” included “Guidelines for Congregations Regarding the Performance of Pastoral Functions [preaching, leading public worship, public administration of the sacraments and of the office of the keys] When No Ordained Pastor Is Available.” The “Guidelines” are introduced with the following paragraph:

Lutherans believe, teach, and confess that God has instituted the office of the public ministry (AC V) and that “nobody should publicly teach or preach or administer the sacraments in the church without a regular call” to serve in this office (AC XIV). Therefore, only those who hold the office of the public ministry should exercise distinctive functions of this office. However, when no pastor is available, and in the absence of specific Scriptural directives to the contrary, congregations may arrange for the performance of these distinctive functions by qualified individuals, lest God’s people be deprived of the

opportunity for corporate worship and the celebration of the sacraments. The following guidelines are presented in order to assist congregations in providing for an orderly way of carrying out distinctive functions of the pastoral office in the absence of an ordained clergyman.

The title “deacon” is offered by this resolution as a way of officially identifying “a layman...while he is temporarily serving in Word and Sacrament ministry ‘in exceptional circumstances or in emergencies’” by the approval of the district president and under the guidance of a supervising pastor.

Much discussion and action has taken place in the Synod with regard to this issue since the adoption of 1989 Res. 3-05B. In 1995, for example, the Synod adopted Res. 3-07A, which required that “any layman who is licensed to perform pastoral functions under the guidelines of Res. 3-05B (if he wishes to continue preaching and leading public worship) to apply for admission into the pastoral ministry in the Synod,” and that the District President grant a “grace period of no longer than two years” which could be extended in “extreme and unusual circumstances.” Six years later, at its 2001 convention, the Synod adopted Res. 3-08A which rescinded 1995 Res. 3-07A and authorized the Synod “to continue training lay deacons as directed by the spirit of 1989 Wichita Res. 3-05B in which trained lay ministers serve under the supervision of an ordained pastor.” It also called for the appointment of an Oversight Committee to revise DELTO (Distance Education Leading to Ordination) “in order to help address the need to recruit and train more ordained pastors.” This committee, which includes representatives from both seminaries and from the Council of Presidents (along with the executive directors of the Board for Pastoral Education and the CTCR), continues to discuss pertinent questions concerning admission into the DELTO program. It is also involved in discussions of various proposals that seek to address the needs identified by 1989 Res. 3-05B as well as the concerns that have been raised about its adoption and implementation.

Resolution 5-09 “To Affirm District Programs that Equip Laity for Ministry,” adopted at the 2004 convention, contains no mention of 1989 Res. 3-05B or of other resolutions or programs directly related to it. It recognizes, affirms, and encourages “the work of the Districts in developing ministry-equipping programs for the laity such as the Lay Leader Institute, Missionary Training Center, Training Leaders for Ministry, and the Alaskan Project.” It also directs that, “for the sake of good order,” the Council of Presidents and the Board for Pastoral Education, “with the guidance of the seminary faculties develop a standardized core curriculum for District lay-training programs and coordinate a national listing of participants.”

Concerns and Arguments of Dissenters

A congregation and its pastor jointly expressing their dissent from 1989 Res. 3-05B state simply and straightforwardly: “[This resolution] is contrary [to] the Holy Scriptures and the Lutheran Confessions, which require a pastor with a regular call for the preaching of the Word and the administration of the Sacraments (Jeremiah 23:21, Romans 10:15, Hebrews 5:4, and Article XIV of the Augsburg Confession).” The same reason is given for expressing their dissent from 2004 Res. 5-09.

Another dissenting pastor writes:

The unscriptural office of “lay minister,” which was approved by the Wichita convention (1989), Res. 3-05B...is a violation of our Scriptural (Jer. 23:21, Romans 10:15, Hebrews 5:4, Eph. 4:11, Acts 20:28, 2 Tim. 2:2, Titus 1:5, 1 Cor. 4:1, 1 Ptr. 5:1-4, Acts 6:4, etc.) and Confessional (AC XIV; AC XXIII, 8; Apol. XIII, 11-12; Treatise 60 & 67, etc.) understanding of the Office of the Gospel Ministry. It has always been our Lutheran confession that no one should preach or administer the Sacraments in the Church unless he is rightly Called to the Office...And now, with the passage of 2004 Res. 5-09 (to affirm district programs that equip laity for ministry), the Convention directs “the Synod in convention to recognize, affirm, and encourage the work of Districts in developing ministry-equipping programs for laity.” Examples are the Lay Leader Institute, Missionary Training Center, Training Leaders for Ministry, and Alaska Project programs. Seemingly forgotten are the reasons a legitimate Call is important for Gospel Ministers...I must dissent from this position of the Synod.

CTCR Response

The CTCR has responded previously to formal dissent relating to the position of the Synod as set forth in 1989 Res. 3-05B. In January 2002, for example, a pastor submitted his dissent from 2001 Res. 3-08B “To Address Needs and Opportunities for Pastoral Ministry in Specialized Situations.” He indicated that “my dissent concerns the continued endorsement by the Synod of so-called ‘lay ministers’ or ‘lay deacons’ preaching, teaching, and administering the sacraments without a ‘regular call’ (AC XIV).” “Article XIV of the Augsburg Confession,” stated the pastor, “seems quite clear and leaves no room for exceptions to this doctrine of the whole Christian Church of all ages and places...No exceptions or ‘specialized situations’ are allowed by AC XIV...what passing the Resolution did was to ignore Holy Scripture as correctly taught in the Lutheran Confessions and return

to the *heresy* of 1989 Res. 3-05B.”

The CTCR’s response to this letter of dissent reads as follows:

The LCMS has understood that the Lutheran Confessions (Treatise 67-68, Tappert 331) recognize that there may be situations where those who are not called and ordained may carry out pastoral functions. The Commission is aware that discussion will and needs to continue regarding the nature of these exceptions.

After declining a later request by this pastor to reconsider its response to his dissent, the CTCR reaffirmed its original response. But the Commission also adopted a resolution that it place on its own agenda consideration and discussion of 1989 Res. 3-05B. At its December 2005 meeting, the CTCR approved a proposed plan for the discussion of 1989 Res. 3-05B. This plan calls for the Commission to invite “competent individuals both within and outside the Commission” at “a series of CTCR meetings” to make presentations on various “topics or facets” of this issue. The purpose of these discussions is summarized in an appendix to the Commission’s minutes as follows:

It should be noted first of all that the issues underlying 1989 Res. 3-05B—issues pertaining to the relationship between the office of the public ministry and the priesthood of all believers—have been debated within the LCMS since the earliest days of its history, and even throughout the entire history of Lutheranism. It seems unlikely that discussion within the CTCR will bring full and final closure to these debates. Such discussions may be very helpful, however, in placing these issues in proper historical context, clarifying the precise points of controversy, identifying areas of past and present agreement and disagreement, providing the opportunity for the fraternal exchange of viewpoints, and making progress toward greater consensus.

In light of the above, the Commission responds to these most recent expressions of dissent from 1989 Res. 3-05B by reaffirming *both* elements of its response to previous dissent regarding this issue. It emphasizes, first of all, that “the LCMS has understood that the Lutheran Confessions (Treatise 67-68, Tappert 331) recognize that there may be situations where those who are not called and ordained may carry out pastoral functions.” The Lay Worker Study Committee that brought recommendations to the 1989 convention noted, for example, the provision of the bylaws even at that time “for the training of certain ethnic men through the colloquy program,” and the fact that the colloquy committee was “authorized to license such men for special Word and Sacrament ministry, under the supervision

of ordained pastors.” It also observed that “in a sense, the vicarage and field-worker programs may be construed as licensing of laymen to carry out Word and Sacrament ministry under specifically designated conditions and supervision.” It pointed out that the Synod throughout its history had met “critical needs in its ministries by employing extraordinary means, for example, the *Nothilfern* (emergency helpers—pastors for special circumstances) in its early years.” And it also reported the results of its consultations with the Synod’s partner churches in their use of lay ministers and “lay evangelists.”⁹

At the same time, the CTCR underscores its awareness that “discussion will and needs to continue regarding the nature of these exceptions.” These discussions are currently taking place in a variety of ways and forums in the Synod: e.g., among (and between) the members of both seminary faculties, on the DELTO committee, on the Board for Pastoral Education, at meetings of the Pastoral Formation Summit, within the CTCR, on the Council of Presidents, etc. This issue will undoubtedly be discussed also at the 2007 convention of the Synod, and it is the Commission’s hope and prayer that all of these discussions will be helpful in “placing these issues in proper historical context, clarifying the precise points of controversy, identifying areas of past and present agreement and disagreement, providing the opportunity for the fraternal exchange of viewpoints, and making progress toward greater consensus” (CTCR Minutes, December 2005) in the Synod on this issue.

The CTCR does not believe that 2004 Res. 5-09 pertains to the issue of “laymen performing functions of the pastoral office.” It seems clear that the term “ministry” in this resolution is used in a broader sense to include “every form of the preaching of the Gospel or administering the means of grace,” including “forms of ministry” carried out “by Christians in general, as originally entrusted with the means of grace and commissioned to apply them”¹⁰ The intent of this resolution is to “affirm the role of laity in expanding the mission of the church and recognize the need further to equip laypersons for mission work,” with appropriate assistance and resources from the Council of Presidents, the Board for Pastoral Education, and the seminary faculties. It does not have to do with laymen performing the distinctive functions of the pastoral office. In the CTCR’s opinion, therefore, the dissenters’ objections to Res. 5-09 are based on a misunderstanding of what this resolution actually affirms and encourages.

To summarize: The CTCR agrees with the dissenters that the teaching and practice of the Synod with regard to the performance of the distinctive functions of the pastoral office must conform to the Scriptural teaching set forth in AC XIV and other pertinent passages of the Lutheran Confessions.

⁹ See the Report of the Lay Worker Study Committee, *1989 Convention Workbook*, 69-73.

¹⁰ Francis Pieper, *Christian Dogmatics*, [St. Louis: CPH, 1950] 3:439.

The CTCR recognizes, however, that “the LCMS has understood that the Lutheran Confessions (Treatise 67-68, Tappert 331) recognize that there may be situations where those who are not called and ordained may carry out pastoral functions.” The CTCR also recognizes that “discussion will and needs to continue regarding the nature of these exceptions.”

Conclusion

The Commission strongly and sincerely commends all those to whom this response is directed for the time and care they have taken to express their sincere convictions regarding positions of the Synod that they believe to be contrary to the Scriptures and the Lutheran Confessions. As noted in the introduction to this response, the Synod has made provision for such dissent precisely because it believes that synods, councils, theologians, church leaders (etc.) can err, and that God’s Word alone is and must remain the only rule and norm for our “walking together” in the Synod in faithfulness to Scripture and the Lutheran Confessions.

As is evident from this response, the expressions of dissent to which the Commission has responded above differ not only in terms of the various issues they address but also in terms of the nature of their argumentation. Many of the expressions of dissent, in the Commission’s opinion, are correct in what they affirm about the teaching of Scripture and the Lutheran Confessions, but they misunderstand in crucial ways what the position of the Synod actually is on a given issue. In these cases, the Commission has attempted to offer assistance by clarifying the position of the Synod on the issues in question. Other expressions of dissent reflect a proper understanding of the position of the Synod on a given issue, but (in the Commission’s view) fail to make the case, based on Scripture and the Lutheran Confessions, that the Synod’s position is in error and is need of revision or rescission. In these cases, it is incumbent on the dissenters to provide clear evidence, based on Scripture and the Lutheran Confessions, that the position of the Synod is in error. Still other expressions of dissent are directed toward “interpretations” and/or “applications” of the Synod’s position and not toward the position of the Synod itself. As has been noted in the Commission’s response, questions of interpretation are most properly directed to the Synod’s Commission on Constitutional Matters, while concerns about improper application(s) of the Synod’s position are to be directed to the appropriate doctrinal supervisor. This, too, is part of our “walking together” according to the (humanly-instituted) “covenants of love” which we have agreed to honor and uphold as members of the Synod. Finally, as the CTCR’s response makes clear, many of the expressions of dissent make good and valid points that should be seriously considered by the Synod as it reviews and/or revises the policies and procedures that serve our “walking together” in the Synod.

This response is offered, finally, with the sincere prayer that God would richly bless all of our efforts to remain completely faithful to His inspired and inerrant Word and to the Lutheran Confessions as a true exposition of that Word, and that He would also empower us by His Spirit to “walk in love, as Christ loved us and gave Himself up for us” (Eph. 5:2).

APPENDIX A

1971 Resolution 2–21 To Uphold Synodical Doctrinal Resolutions

Preamble

The Synod holds that “the Word of God shall establish articles of faith and no one else, not even an angel” (Tappert, p. 295:15) and that “the prophetic and apostolic writings of the Old and New Testaments are the only rule and norm according to which all doctrines and teachers alike must be appraised and judged” (Tappert, p. 464:1). Accordingly the Constitution of the Synod prescribes (Article VIII, C) that “doctrine shall be decided only by the Word of God.” (Cf. Constitution, Article II, 1; VII; Bylaw 1.09 b.) The Synod is irrevocably committed to the Sola Scriptura principle.

The Synod maintains that it is not a violation of the Sola Scriptura principle when it adopts doctrinal resolutions, for the Synod in such resolutions does not presume to *establish* doctrine, but intends only to *confess* doctrines taught by *the Scriptures*.

The Synod affirms that a doctrine is a doctrine because it is contained in the Scriptures. The Synod, therefore, rejects the opinion that a doctrine taught by the Scriptures and confessed by the Synod becomes binding upon its members only if and when it is unanimously approved. Rather, the Synod holds that a doctrine must be unanimously accepted because it is clearly taught in Scripture.

The Synod acknowledges that a resolution which declares *every* synodically adopted doctrinal statement (past and future) binding upon its members is unconstitutional (1962, 6-01). Theoretically, at least, such a resolution might bind its members to doctrines taught neither by the Scriptures nor by the Confessions. This would in effect amend Article II of the Constitution by extending the confessional basis beyond the Bible and the Symbols. The Synod, accordingly, recognizes that doctrinal resolutions stand under the norms of the Scripture and the Symbols. This being the case, any resolution which is found to be in conflict with these norms must

be regarded as null and void, and must be rescinded by the Synod.

The Synod, nevertheless, holds that its confessional base is as broad as *Holy Scripture*, and that provided a doctrinal resolution is in fact in harmony with the Word of God, which is “the *only* rule and norm of doctrine,” the content of such a resolution is *intrinsic* to the Synod’s confessional basis. Therefore such a resolution does *not* have the effect of *amending* Article II of the Constitution, but simply *invokes* Paragraph 1 of Article II. It is fully in accord with Article II of the Constitution to insist that such a resolution has binding force for all members, and in accord with Article XIII to deal with those who refuse to honor such a resolution as “members who act contrary to the Confessions laid down in Article II and to the conditions of membership laid down in Article VI.” Mindful of the objects for which it was organized, the Synod recognizes its obligation and declares its intent “to exercise supervision over pastors and teachers as to *doctrine*” (Articles of Incorporation, II, C) by implementing evangelically but firmly the provisions and procedures contained in the *Handbook*.

With respect to the binding force of its resolutions the Synod has established the general rule that “the Constitution, Bylaws, and all other rules and regulations of the Synod apply to all members of the Synod” (Bylaw 1.09 a) and accordingly requires that the constitution of every congregation be submitted for examination so that the Synod may “ascertain whether its provisions are in harmony with Scripture and the teachings and the practices of the Synod” (Bylaw 1.11 a). The Synod, in stating the *circumstances* under which a member is *not* obligated to adhere to the general rule that “the Synod expects every member congregation to respect its resolutions and to consider them of binding force” (Bylaw 1.09 b), grants exceptions only with respect to such resolutions as may be accepted or rejected as a matter of *expediency* depending upon a congregation’s *condition* and *locality*, as well as such resolutions that affect a congregation in the area of *self-government* (Constitution, Article VII). That the Synod does not intend the exceptions to apply to doctrinal resolutions is evident from the fact that doctrine does not properly belong to the area of self-government, and from the fact that doctrine may not be accepted or rejected upon the basis of considerations of expediency.

The provision that allows a member to reject a doctrinal resolution of the Synod is that such a resolution is “not in accordance with the Word of God” (Article VII of the Constitution). The Synod, therefore, holds that every member, by virtue of his agreement when he *voluntarily* joined the Synod and *freely* placed himself under the provisions of the Synod’s Constitution and Bylaws, is bound by the Word of God expressed in the Synod’s resolutions until it can be demonstrated that a resolution is *in fact* “not in accordance with the Word of God.” Otherwise the Synod holds that its resolutions are to be considered “of binding force if they are in accordance with the Word of God” (Bylaw 1.09 b), and the Synod permits no member to teach or practice in violation of a resolution simply on the

grounds that he does not agree with it or that it is in conflict with his private persuasion.

The object of the Synod, as stated in Article III, 1, of the Constitution, is (1) to conserve and promote a unity in which all are “united in the same mind and the same judgment” (1 Cor.1:10), and (2) to avoid schism caused by contrary doctrine (Rom.16:17). This purpose of the Synod is defeated when individuals are permitted to teach in accordance with their private views, for then there can be no such thing as a *synodical* position, and a meaningful corporate confessional commitment is impossible. Formal commitment of the Synod to a confessional base is pointless unless the Synod has the right *as a synod* to apply its confessional base definitively to current issues and thus conserve and promote unity and resist an individualism which breeds schism.

The Synod holds that a member cannot justly charge the Synod with “binding his conscience” when the Synod, in applying its confessional base to current issues, adopts doctrinal statements which it believes to be in harmony with the Word of God and requires that such resolutions be considered normative for every member. A doctrine of Scripture remains a doctrine of Scripture despite the fact that it is formulated in synodically adopted resolutions. If a member cannot for conscience’ sake accept a doctrinal resolution of the Synod, he has the obligation and opportunity through mutually approved procedure to challenge such a resolution with a view to effecting the changes he deems necessary. Failing in that, he is completely free by reason of his wholly voluntary association with the Synod to obey his conscience and disassociate himself from the Synod. Meanwhile every member of the Synod is held to abide by, act, and teach in accordance with the Synod’s resolutions.

WHEREAS, Doctrinal resolutions of the Synod which are soundly Scriptural carry with them the authority of God’s Word itself and do not set up “a power in the church beside the power of the Word” (Walther’s Presidential Address); and

WHEREAS, The earnest warnings of Walther and Pieper against permitting anything but God’s Word to rule in the church were not intended to apply to resolutions of the Synod, which, when they are in harmony with the Scriptures, do in fact permit God’s Word to rule; and

WHEREAS, The Synod has indicated on the one hand that its resolutions are not to be regarded as equal to the Lutheran Symbols, and has made provisions for challenging its resolutions, but on the other hand the Synod has repeatedly declared that all members should “honor and uphold” its resolutions (cf. 1962, 3-17; 1965, 2-08; 1967, 2-04; 1969, 2-27); and

WHEREAS, To “honor and uphold” means not merely to examine and study them, but to support, act, and teach in accordance with them until they have been shown to be contrary to God’s Word; and

WHEREAS, The Synod’s Constitution (Article XI, B, 4) provides that “the

President of the Synod shall see to it that the resolutions of the Synod shall be carried out” and in no way indicates that doctrinal resolutions are excluded from this stipulation; therefore be it

Resolved, That we adopt the statement of the Council of Presidents of February 27, 1970, as our own:

We, the Council of Presidents of The Lutheran Church—Missouri Synod, committed to the preservation and extension of our confessional truths and to unity based on God’s infallible Word and the norm of the Lutheran Confessions, believe that only the Holy Spirit, through the inspired and sanctifying Word, will assure peace and harmony of our church. We are especially mindful that “the continuing concern for preservation of pure doctrine and Christian unity should be cultivated among the brethren in the spirit of Christian love, since all disunity in the church is displeasing to our Lord” and that our “synodically adopted statements reflect a synodical consensus which speaks to the church in a contemporary manner and may be regarded as attempts to clarify the faith for the current life of the church.” (Denver Res. 2-06, *Proceedings*, pp. 85–86)

Therefore we commit ourselves to the Denver resolutions which request “that by the grace and mercy of God the Synod abide by its doctrinal position as stated in its constitution (Art. II)” and “uphold and honor the doctrinal content of the synodically adopted statements under the norms of Holy Scripture and the Lutheran Confessions” (2-06); and that “the Synod in humble gratitude thank God that He has blessed the Synod with such doctrinal statements” and that the Synod continue “to urge its members to honor and uphold the Synodically adopted statements as valid interpretations of Christian doctrine and not to give them more or less status than they deserve.” (227)

We also remind the Synod “that all who believe these synodically adopted doctrinal statements to be faulty in their formulation of Scriptural doctrine, or to have other deficiencies, be asked to present their concerns to the Commission on Theology and Church Relations” (Cleveland Res. 317).

We therefore pledge that we will carry out our responsibilities as set forth in Synod’s *Handbook*, and we pray that unity may be restored and strengthened in our Synod on the basis of the Scriptures and the Lutheran Confessions. We seek the Spirit’s guidance that we may help all pastors, teachers, and congregations of Synod to attain a greater measure of joy in service and mutual confidence in fulfilling our mutual Gospel mission.

Action: *Adopted as amended above (14). See also Res. 5-24.*

APPENDIX B

CTCR Policy for Responding to Expressions of Dissent

When in accordance with Bylaw 1.8 expressions of dissent are brought to the attention of the Commission on Theology and Church Relations, the following steps shall be taken.

1. The staff of the CTCR shall respond promptly to the dissenter(s), sharing the following information:
 - a) An acknowledgment that the expression of dissent has been received by the CTCR, thus fulfilling the bylaw provision (1.8.2) that “dissent from doctrinal resolutions and statements is to be expressed first within the fellowship of peers and then brought to the attention of the Commission on Theology and Church Relations before finding expression as an overture to the convention calling for revision or recision.”
 - b) A printed copy and brief explanation of the CTCR’s internal policy for handling dissent (see point 2 below).
 - c) Any additional information or clarification deemed necessary in order to help the dissenter(s) understand what it means to “express dissent from doctrinal resolutions and statements” and how this process works in the Synod in light of current bylaw provisions and guidance given in other synodical resolutions and documents (e.g., CTCR reports on the expression of dissent). Dissenters should be informed, if necessary, that their dissent should clearly identify the specific resolution(s) or statement(s) of the Synod to which they are dissenting and identify the Scriptural and/or confessional basis for their dissent.
2. Expressions of dissent from the doctrinal position of the Synod shall be handled internally by the Commission as follows:
 - a) The expression of dissent shall be shared with all members of the Commission no later than the next meeting of the Commission.
 - b) The Executive Committee shall assign the expression of dissent to a standing committee (or committees) of the CTCR for the preparation of a recommendation to be presented to the plenary Commission.

- c) If the standing committee(s) should determine that the intended expression of dissent is not, in fact, dissent from the official, doctrinal position of the Synod, this shall be reported to the plenary Commission and communicated to the dissenter(s) (see point 3b below). An intended expression of dissent may, for example, reflect a misunderstanding about the actual position of the Synod, or express concern about the way in which the official position and/or practice of the Synod is (or is not) being implemented in the life of the Synod (e.g., issues that might be most appropriately dealt with by those entrusted with doctrinal supervision).
 - d) If the standing committee should determine that the dissent submitted is dissent from the doctrinal position of the Synod, the committee's recommendation to the plenary is to include a determination regarding whether or not there is sufficient basis in the dissent for supporting the dissenter's(') claim(s) that the doctrinal position of the Synod is in need of revision.
 - e) The recommendation shall also include an explanation or presentation of the *theological* basis for this determination. The precise nature of this presentation (e.g., length, specificity, argumentation, etc.) is to be determined on a case-by-case basis in light of such factors as the nature and content of the dissent itself, the significance of this issue in the life of the Synod as a whole, additional or related dissent(s) regarding this issue, etc.
3. Upon the CTCR's action relative to the standing committee's recommendation, the Commission's response to the submission of dissent shall be handled as follows:
- a) It shall be shared promptly with the dissenter(s), along with a letter from the CTCR staff offering any information deemed necessary to help the dissenter(s) understand the nature and purpose of the CTCR's response in the context of the synodical guidelines offered in Bylaw 1.8 and the CTCR's own internal policies.
 - b) Responses to dissent from the doctrinal position of the Synod will be reported to the Synod by placing them online and including them in the CTCR's report to the next synodical convention.

Adopted May 2, 2006



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