217. Call to Order and Opening Devotion

Commission Chairman Dr. George Gude called the commission’s meeting to order with all members present except for Gerhard Bode, who arrived on Friday. Dr. Gude offered opening devotions on the basis of Luke 11:1–13 and with prayer for the Synod in its upcoming convention.

218. Meaning of *Face-to-Face* (19-2914)

The commission received the following request for an opinion from a member of the Synod:

**Question:** “May the requirement of a “face-to-face meeting” in Bylaw 1.10.5 also be fulfilled by modern digital technology via face-to-face telephone conversation via computers, smartphone and the like using FaceTime or via Skype, where both parties are very much face-to-face, merely separated by a monitor, but in real-time communicating face-to-face?”

**Opinion:** No.

After receiving the request for the opinion, the commission requested input in accordance with Bylaw 3.9.2.2 (b), in this instance, from the Council of Presidents (district presidents being primarily responsible to determine when the requirement of a face-to-face meeting has been satisfied) and staff of the Commission on Theology and Church Relations. A very large number of virtually unanimous responses were received, supporting the conclusion that *face-to-face* means what it says, that is *in person*. For example:

“[P]arties need to make every effort to meet together physically—even if it requires personal financial expense and the use of a great amount of time. Matthew 18 calls us to meet together. A personal meeting has qualities that cannot be duplicated electronically. Meeting personally also shows care for one another demonstrated by the time and effort expended.”

Some responses suggested that perhaps in extreme cases a technological alternative to direct physical interaction could be substituted for the in-person meeting. For example:

“If for some reason, meeting “face-to-face” would cause an inordinately long delay in the process and hurt the possibility of reconciliation, or if an extreme circumstance exists that does not allow for a personal meeting, an electronic meeting or meetings may be substituted after proper consultation with the parties involved and with appropriate ecclesiastical supervisors.”

On the other hand, there was this response:

“The only argument that I can muster for conducting such meetings by electronic media is convenience. There is certainly no Biblical argument for doing so. Human convenience does not seem to be a Biblical priority. Since human convenience often detracts from God’s purposes, I would not admit it as a valid argument in favor of the proposal.”

One response, in particular, crystalized what this commission finds to be the requirement of the *face-to-face* language of the Bylaws of the Synod:

“Presuming that Matthew 5:24 and 18:15 are the Biblical foundation for the face-to-face meeting requirement found in the bylaws…

Jesus’ command to go to the brother, (ὑπάγε) could not have been understood in any other way, at the time, than having the parties physically meet…[T]o adopt the use of electronic media for the purpose of meeting would require interpreting the word “go” (ὑπάγε), to mean “stay.” …[W]e should be interested very much in following the example given in the Scripture as closely as possible.”
The verb in Jesus’ command to go to the brother, (ὕπαγε), is an imperative. At the very least, such an imperative requires some commitment to making the reconciliation happen. The arguments against physical meetings suggest a lack of commitment due to the cost of time and money. While some may consider such expense a “barrier” to reconciliation…it is a fruit of reconciliation.

Both texts suggest a high priority on maintaining relationships: [6:24: ὕπαγε πρῶτον διαλλάγηθι τῷ ἀδελφῷ σου, 18:15: ἐκέρδησας τὸν ἀδελφόν σου]…[C]ommon sense…suggests that physical presence is the most effective means of creating potential for good communication, (e.g., tone, facial expression, body language, the elimination of distractions unique to the individual’s location, and presence) … personal relationships would be served best by face-to-face meetings in person.”

This response well reflects the goal and intent of the Bylaws’ “face-to-face” language, as expressed in Bylaw 1.10.1.2:

The words of Jesus in Matthew 18:15–20 provide the basis for church discipline for the local congregation. The same passage also grants Christ’s guidance to all Christians in seeking to settle other disputes, many of which fall outside the purview of church discipline involving the congregation. In either case, the steps of Matthew 18 should be applied lovingly in both formal and informal settings. Matthew 18 does not apply directly in cases of public sin, but face-to-face meetings are required nonetheless, even in the case of public sin, toward the goal of reconciliation and winning the brother or sister. The parties and others attempting to effect resolution of a dispute must always remain mindful that the church has been given the “ministry of reconciliation” (2 Cor. 5:18). Hence, conflict resolution in the church is to lead to reconciliation, restoring the erring member in a spirit of gentleness (Gal. 6:1). Its aim is to avoid the adversarial system practiced in society.

The noted response also well interprets the Bylaws’ own definition of “face-to-face” (Bylaw 1.10.4 [f]; 2.14.2 [f]) and the Bylaws’ repeated connection of such language to its root in Matthew 18:15 (e.g., Bylaw 1.10.5, 1.10.5 [d]; 2.14.3 [f]; 2.16.3 [c]; 3.10.5.7.9 [a]).

The requirement of a face-to-face meeting was inserted when the current Bylaw section 1.10 process was first adopted in 1992. The meaning of “face-to-face” was clarified by the 2004 convention:

Face-to-face: A meeting face-to-face, in person, between the parties in dispute following the guidelines of Matthew 18:15. E-mail, regular mail, fax, or telephone call (or any combination thereof) does not satisfy this requirement. (Note: Failure to conduct a face-to-face meeting within 30 days or within such extension as may be established by the involved ecclesiastical supervisors shall result in dismissal if the fault lies with the accuser or movement to the next stage if the fault lies with the accused.) 2004 Bylaw 1.10.4 (f)

The reference to “email, regular mail, fax, or telephone call (or any combination thereof)” was not intended to be exhaustive of insufficient means, but was simply a listing of the technological alternatives of the day. It was clearly intended that the parties need to meet together physically.

At the same time, it also should be noted that the requirement for a face-to-face meeting is not absolute. If one party attempts to obstruct the process by refusing to meet, or creates so many conditions for the meeting that it creates a hardship on the other party, the ecclesiastical supervisor may make the decision to move the process to the next stage.

In conclusion, for the reasons stated above, it is this commission’s opinion that “face-to-face” means what it says, namely, the physical presence of the parties in the same place. While bylaws do acknowledge that there can be specific exceptions to the requirement of a face-to-face meeting (e.g., Bylaw 2.17.3 [d], or should the accused party utterly and demonstrably frustrate reasonable attempts by the accuser to arrange a face-to-face meeting) and admit that Matt. 18:15 does not provide a dominical sine qua non in all cases (for example, in the case of public sin, Bylaw 1.10.1.2), they do require face-to-face meetings “nonetheless” in the general case, in pursuit of “reconciliation and winning the brother or sister” (Bylaw 1.10.1.2). There
is no allowance in these words *face-to-face* for a present-day electronic meeting, which is not all that different from the electronic means prohibited in existing bylaws (e.g., Bylaw 1.10.4 [f], etc.). Bylaws as adopted, and as they presently stand and must be interpreted, require—except in narrowly specified exceptional cases—an actual *going* to reconcile with the allegedly errant brother, an effort demonstrative of complainant’s pursuit not only of the respondent’s rebuke but of repentance and reconciliation.

If, however, the Synod would like to alter the Bylaws in order to allow for electronic meetings at all times or only in extreme cases (with, hopefully, the facts and circumstances well defined and the parameters clear as to what is an extreme case to be sure that the exception does not become the rule) the Synod is certainly free so to do.

**219. District Chief Financial Officer (19-2915)**

The Secretary of the English District, noting that the district is considering changes to its governing documents concerning the office of District Treasurer and that CCM Opinion 15-2778 had indicated that the Treasurer is not a staff position, but instead is an officer of the District, posed the following questions:

**Questions:** Can a district have a Chief Financial Officer who serves as Treasurer of the District, analogous to the present-day arrangement for the Synod? In other words, could Synod Bylaw 3.4.1f be revised to meet the requirements and setting of a District? Or is there a different definition of the office of District Treasurer required by the Synod Bylaws?

**Opinion:** The Constitution of the Synod, which is also the Constitution of each district, today (since ratification of changes made by 2010 Res. 8-10) treats of the Synod’s *Chief Financial Officer* (CFO) under Article X A 5 and Bylaws 3.4.1–3.4.1.4. The Synod CFO also serves as the Synod’s *Treasurer* (Bylaw 3.4.1.3). The Constitution continues to treat of district *treasurers* under Article XII 3 e, which (since ratification of 1959 Res. 6-05B) allows the districts to have either an elected or appointed treasurer, as the bylaws of the district prescribe. Each district must have a *treasurer* who is an *officer* of the district. Such an officer has the “same rights and duties” as the corresponding Synod officer, “but only insofar as these apply to the district and only within the boundaries of the districts” (Const. Art. XII 6). These would be the rights and duties as described in Bylaws 3.4.1–3.4.1.4, as such apply within a district. Such an understanding of the application of these bylaws to the district may be a reasonable outline for district bylaws specifying the treasurer’s duties. In a significant difference from the present Synod arrangement, the district treasurer is by default (unless the bylaws of the district provide otherwise—which they presumably but not necessarily would, were the treasurer to be appointed) a member of the district board of directors (Const. Art. XII 11).

The treasurer of the district could be styled, in addition, the Chief Financial Officer of the district but is natively and constitutionally the *treasurer* and is by whatever title an officer of the district (elected or appointed) in his own right, with duties corresponding—as applicable to the particular district—to those of the office on the Synod level.

**220. 2019 Today’s Business First Edition Resolutions**

The commission reviewed the material before the convention and prepared to support floor committees and the convention during floor committee hearings and convention sessions.

**221. Future Meetings and Adjournment**

After a joint working lunch with the Commission on Handbook, this commission provided its support to the several floor committees. The commission has no remaining meeting scheduled, as it awaits the triennial reappointment process to be conducted by the Council of Presidents and President of the Synod in September; until then, it will meet only if an urgent opinion would be required.

John W. Sias, *Secretary*
222. Lutheran Church Extension Fund Bylaw Change (19-2916)

The committee reconvened, with all members but the Secretary, during the convention to review a change
to the Lutheran Church Extension Fund (LCEF) bylaws, as proposed by the LCEF President, pursuant to
the convention’s adoption of Res. 9-09. Article II Section 1 of the LCEF Bylaws reads (in part) as follows:

… The Chief Financial Officer of The Lutheran Church—Missouri Synod shall be the
Twelfth Director, with voice but no vote. …

Adoption of 2019 Res. 9-09 adds to LCMS Bylaw 3.3.4.6 a new subparagraph reading:

(d) The board shall have the right to designate a representative (by default, the Chief
Financial Officer) to attend, as a non-voting member, all meetings of the boards of
The Lutheran Church—Missouri Synod Foundation, The Lutheran Church Extension
Fund, Concordia Publishing House, and the Board of Trustees—Concordia Plans (Board
of Directors—Concordia Plan Services), including executive sessions.

and modifies Bylaw 3.4.1.3 to read, in part:

The Chief Financial Officer also serves as the Treasurer of the corporation and shall …

(e) serve, if the board’s representation is not otherwise designated …

LCEF President Bart Day offered several possible wordings to bring the above-noted sentence of the LCEF
Bylaws into conformity with 2019 Res. 9-09. The commission gave approval to the following change, to
be presented to the LCEF Board of Directors at its next meeting, and then for approval by the LCEF
members in November:

The representative designated by the Board of Directors of The Lutheran Church—
Missouri Synod shall serve as the Twelfth Director, with voice but no vote.

Larry A. Peters, Assistant Secretary