

### **Synod as the “Only Sending Agency”—Bylaw 3.8.3 (14-2724)**

In a June 19, 2014 letter, the Director of Church Relations/Regional Operations of the Synod submitted a series of five questions to the CCM regarding the interpretation of the final paragraph of Synod Bylaw 3.8.3 and its reference to the Board for International Mission as “the only sending agency through which workers and funds are sent to the foreign areas of the Synod, including the calling, appointing, assigning, withdrawing, and releasing of missionaries (ministers of religion—ordained and ministers of religion—commissioned) and other workers for the ministries in foreign areas” (2013 *Handbook*, p. 144).

Recognizing that the questions submitted involve matters of interest to districts and to Synod leadership, the commission shared the questions with all district presidents and appropriate Synod officers (Bylaw 3.9.2.2 [b]) and invited their submission of information regarding the matters at issue. After the questions were discussed at the September 20–22 Council of Presidents meeting, the Director of Church Relations in a September 24 letter withdrew one of the questions as requested during the council’s discussion, leaving four questions for response from the commission.

In a September 25, 2014 emailed letter, the chairman of the Board for International Mission submitted an additional question for the commission’s consideration: “If a congregation or other synodical entity besides the BIM has issued [a] call, what guidance can the CCM provide in approaching the situation?” This question will be added as a fifth question below.

Because the questions beg a historical understanding of the bylaw in question and request its application to districts, congregations, auxiliaries, and recognized service organizations, the commission offers the following considerations before addressing the questions.

#### **A. History of Bylaw 3.8.3**

Bylaw 3.8.3 is a reiteration of much of the content of 2007 Bylaw 3.8.8.2.2, which was a compilation of a number of actions taken by the Synod over the years to provide and maintain good order in the area of foreign mission work. As early as 1911, a concern for efficiency and proper channeling prompted the Synod to ask the Saxon churches not to solicit funds individually or on their own authority, but to go through the channels established by the Foreign Mission Board (1911 *Proceedings*, p. 120, as reported in “Synodical Survey Commission Reports Dating from 1959–1962,” Book 1 of 3, p. 49). The Synod also experienced difficulties within its own mission departments, prompting the 1932 convention to create the office of Secretary of Missions “[t]hat our missions may be conducted in a more uniform and efficient manner” (1932 *Proceedings*, pp. 110–111, *Ibid.*, Book 2 of 3, p. 111).

After the 1979 Synod convention adopted a series of resolutions “to move forward in taking the Gospel overseas,” the 1981 convention adopted Res. 1-05A, “To Go Forward in Overseas Missions,” calling the spread of the Gospel to all the world the “primary mission of the church.” The convention directed the Board for Missions to “continue its efforts to take the Gospel to every open door overseas,” encouraged districts to “increase the percentage of their budget for the Synod,” encouraged congregations to “increase their support of the district and the Synod prayerfully and financially,” and instructed that districts “consult with the Board for Missions before directly funding a synodical overseas mission” (1981 *Proceedings*, p. 131).

The same 1981 convention greatly expanded the bylaw section governing the Board for Mission Services. Newly adopted Bylaw 2.213 required the Board for Mission Services to “formulate, recommend, review, and supervise the mission policies of the Synod, recommend and monitor budgets, review organizational effectiveness, and provide for an aggressive and united mission effort for the Synod,” as well as to “call,

appoint, assign, withdraw, and release missionaries (pastors and teachers) and other workers for the ministries and areas within its direct responsibility, always safeguarding the rights of the partner churches and workers involved” (1981 *Handbook*, p. 66).

Res. 5-37 of the 1983 convention, “To Add Bylaw Paragraph to Board for Mission Services,” inserted a new paragraph “c” into the bylaw adopted two years earlier, instructing that the mission board “[s]erve as the only sending agency through which districts and other entities send at their expense workers to the mission areas of the Synod.” According to the resolution, “[s]ome confusion has existed in the past when districts and other entities have sent missionaries (clergymen, teachers, and others) to foreign mission fields at their expense,” noting that there has been the assumption “that this is to be done through the [Synod’s] Board for Mission Services” (1983 *Proceedings*, p. 195).

When the newly adopted bylaw was incorporated into the 1983 *Handbook*, the new paragraph read: “c. Serve as the only sending agency through which workers and funds are sent to the mission areas of the Synod, even though programs are supported by districts and other entities” (p. 69). It is this version that current Bylaw 3.8.3 essentially reiterates, as proposed by the Blue Ribbon Task Force on Synod Structure and Governance and adopted by the 2010 convention. The bylaw’s historical background clarifies the intent of this specific provision of the bylaw, *i.e.*, that for the sake of good order and effectiveness, the Board for International Mission is to serve as the Synod’s only sending agency through which workers and funds are sent to the foreign mission areas of the Synod.

That this practice may be considered restrictive in the present day was addressed by the 2013 convention, noting that “[d]uring the last 50 years, people’s ideas about mission have changed owing to the ease of global transportation and communication, the affluence of North American society, and the desire of people to have direct and personal contact with a specific mission project” (2013 Res. 1-08 “To Work Together in Mission,” *Proceedings*, p. 103). The convention’s response was twofold:

*Resolved*, That the Synod, by the next convention, develop and provide a mission best-practices policy document for districts and congregations engaged in mission projects to assist them better to carry out their mission in their life together; and be it further

*Resolved*, That these best practices include encouragement to districts and congregations to communicate their international mission activities to the Synod’s Director of Church Relations and Offices of National and International Mission for the purposes of healthy coordination and good stewardship.

By not altering the wording or meaning of Bylaw 3.8.3 and instead offering these two resolve paragraphs, the Synod itself has provided input into a proper understanding and application of the bylaw. It continues to stand in principle, and Synod leadership must develop the ways and means for its application today, as God’s people, with their “greater fervor and interest in foreign mission, . . . coordinate their resources for maximum effect” and “work in unity as they carry out the Lord’s commission in making disciples of all nations” (2013 *Proceedings*, p. 103).

## B. Districts and Foreign Missions

Districts are established by the Synod “in order more effectively to achieve its objectives and carry on its activities” (Bylaw 4.1.1). They are “the Synod itself performing the functions of the Synod” (Bylaw 4.1.1.1). As such, “[t]he Constitution of the Synod is also the constitution of each district; the Bylaws of the Synod shall be primarily the bylaws of the district” (Bylaw 4.1.1.2) and resolutions of the Synod are “binding upon the districts” (Bylaw 4.1.1.1).

Over time, even with the above principles in place, the Synod recognized the need to spell out more clearly its relationship with its districts. 1967 Res. 4-07 (1967 *Proceedings*, p. 105) was adopted upon request of the Commission on Constitutional Matters to clarify further the districts' relationship to the Synod, the commission itself offering the proposed wording that is now Bylaw 4.1.5 (2013 *Handbook*, p. 188):

- 4.1.5 Jurisdiction with respect to everything that is administered by or for the entire Synod resides in the national Synod itself. Jurisdiction includes but is not limited to general supervision of doctrine and practice; foreign missions; institutions of the Synod; qualification for ordination, commissioning, and installation of ordained and commissioned ministers and requirements for individual as well as congregational membership in the Synod; publication of official religious periodicals; conduct of negotiations and affiliations with other church bodies; and the like.

Foreign missions is one administrative area that the Synod has, since early on, reserved for itself by decision of its congregations meeting in convention. This does not include non-foreign missions, which take place within and are the business of each district, so long as such administration “always serve[s] the interests of the Synod” (Constitution Art. XII 12). But a district cannot call a pastor or other rostered worker of the Synod to serve in a “foreign area” (defined as “located away from one’s native country” by the *American Collegiate Dictionary*). The commission has already spoken on this subject in its Opinion 11-2607, where it stated in response to a related question regarding the calling and placement of missionaries outside the district’s own borders: “The principles governing districts of The Lutheran Church—Missouri Synod are contained in Article XII of the Constitution as well as Bylaw 4.1. The Synod itself has retained exclusive jurisdiction with respect to the placement of foreign missionaries (Bylaws 4.4.3 [b]), 4.1.5, and 3.8.3)” (CCM November 11–13, 2011 Minutes).

### C. Congregations and Foreign Missions

“Congregations, the basic units of the Synod, have joined together to form the Synod and relate to one another through it” (Bylaw 1.3.1). “Committed to a common confession and mission,” congregations “join with one another in the Synod to support one another and to work together in carrying out their commonly adopted objectives” (Bylaw 1.1.1).

In its report to the 1981 Synod convention, Task Force II specifically identified the two basic reasons for which the Synod was called into being, these two basic functions guiding the Synod in its restructuring at that time:

1. *In support of the congregations.* The Synod was designed to help the congregations and their members to preserve the purity of God’s Word and to assist the congregations in their mission and ministry right where they are. Through the years the Synod has therefore provided many tools and helps in education, evangelism, stewardship, and other phases of congregational life and ministry.

2. *In behalf of the congregations.* In this respect the Synod has reached out to other church bodies either to establish or to maintain unity of confession and in that way to carry out the Scriptural directive to maintain the unity of the Spirit in the bond of peace. The Synod has also served in behalf of the congregations by enabling congregations to do together that which individual congregations could not do by themselves or could not do very well, such as foreign mission work and the training of pastors and teachers at colleges and seminaries.

That identification of the two basic functions of the Synod is closely reflected in paragraphs (a) and (b) of current Bylaw 1.1.1 (2013 *Handbook*, p. 23):

- (a) The Synod functions in support of its member congregations by providing assistance as congregations conduct their ministries locally, as well as their ministries at large.

(b) The Synod on behalf of its member congregations administers those ministries that can be accomplished more effectively in association with other member congregations through the Synod. In this way member congregations utilize the Synod to assist them in carrying out their functions of worship, witness, teaching and nurture, service, and support.

Constitution Art. VII makes clear, however, that the Synod also respects its member congregations' right to self-govern (2013 *Handbook*, p. 16):

1. In its relations to its members, the Synod is not an ecclesiastical government exercising legislative or coercive powers, and with respect to the individual congregation's right of self-government it is but an advisory body. Accordingly, no resolution of the Synod imposing anything upon the individual congregation is of binding force if it is not in accordance with the Word of God or if it appears to be inexpedient as far as the condition of a congregation is concerned.
2. Membership of a congregation in the Synod gives the Synod no equity in the property of the congregation.

At the same time, member congregations by their adoption of other constitutional articles and by their present-day subscription to such articles self-limit their right of self-government. By establishing the requirements of membership in the Synod (Constitution Art. VI), they "obligate themselves to fulfill such requirements and to diligently and earnestly promote the purposes of the Synod by word and deed." They also agree to uphold the Synod's confessional position (Constitution Art. II), and to carry out the objectives of the Synod (Constitution Art. III), "which are objectives of the members themselves" (Bylaw 1.3.4).

This self-limitation carries over to the Bylaws, which according to Constitution Art. XIV are "binding regulations for the Synod and its conduct and governance" (2013 *Handbook*, p. 22), including Bylaw 1.3.4.1 (p. 27):

- 1.3.4.1 Thus, while congregations of the Synod are self-governing (Constitution Art. VII), they, and also individual members, commit themselves as members of the Synod to act in accordance with the Constitution and Bylaws of the Synod under which they have agreed to live and work together and which the congregations alone have the authority to adopt or amend through conventions.

This self-limitation has been further extended by convention action to the resolutions of the Synod, as articulated in Bylaw section 1.7 "Agreements" (2013 *Handbook*, p. 36):

- 1.7.1 The Constitution, Bylaws, and all other rules and regulations of the Synod apply to all congregational and individual members of the Synod.
- 1.7.2 The Synod expects every member congregation of the Synod to respect its resolutions and to consider them of binding force if they are in accordance with the Word of God and if they appear applicable as far as the condition of the congregation is concerned. The Synod, being an advisory body, recognizes the right of a congregation to be the judge of the applicability of the resolution to its local condition. However, in exercising such judgment, a congregation must not act arbitrarily, but in accordance with the principles of Christian love and charity.
- 1.7.3 The Synod expects congregations that have not been received into membership, but are served by the Synod, and whose ministers of religion, ordained and commissioned, hold membership in the Synod, to honor its rules and regulations.

Accordingly, congregations submit to requirements for membership (Bylaw section 2.1), agree to use the Synod's dispute resolution process to resolve most disputes (Bylaw section 1.10), honor the Synod's requirements and restrictions for calling ministers of religion (Bylaw section 2.5), accept their district presidents' ecclesiastical supervision (Bylaw 2.12.1), etc. Member congregations also submit to the Synod's expectations with regard to foreign mission work as delineated in Bylaw 3.8.3.

Such interest in the coordination of mission activity was demonstrated with the adoption of 2010 Res. 1-07A “To Encourage Inter-District Dialogue in the Establishment of New Church Starts, Satellite Worship Sites, and Specialized Ministries across Geographic District Lines” (2010 *Proceedings*, p. 106). Here, addressing a matter of national mission, the Synod addressed congregations and districts regarding local mission efforts, noting that failure to coordinate mission efforts “can cause strained relations and impact work that is being planned for that area by local congregations or the geographical district.” With the adoption of the resolution by a 875 to 169 vote, the Synod

...*Resolved*, That congregations interested in expanding their Gospel outreach into an area that crosses district lines be encouraged to discuss their intent first with their own district officials, followed by the appropriate district officials and the local congregations impacted by such work; and be it further

*Resolved*, That any such expansion of Gospel outreach across district lines shall require the concurrence of both the president of the receiving geographical district and the board or committee responsible for mission in that district....

Similar issues surface if congregations take upon themselves the responsibility for calling and/or sending mission workers and/or funding to foreign mission areas. Proper supervision (Bylaw 1.2.1 [i] and [t], 2013 *Handbook*, pp. 24, 25) may not be possible. Relationships with partner and other church bodies, the responsibility of the President of the Synod (Bylaw 3.3.1.1.2, *Handbook* p. 117)), are likely to be impacted by the presence of church workers in foreign mission areas known to be associated with the Synod.

In summary, while congregational self-governance is an essential principle for the Synod, the congregations of the Synod have through their convention actions and membership in the Synod limited some of their independence and freedoms in the interest of working together, including the limitations articulated in current Bylaw 3.8.3.

#### D. Auxiliaries and Foreign Missions

Auxiliaries are not agencies of the Synod or part of its constitutional structure. The Synod’s two auxiliaries, the International Lutheran Laymen’s League and the Lutheran Women’s Missionary League, relate to the Synod according to the specific set of bylaws provided in Synod Bylaw section 6.1 (2013 *Handbook*, pp. 201–203).

While independent of the Synod and its organization and administration, auxiliaries are required to “operate with freedom and self-determination as a ministry...while complying with the responsibilities” outlined (Bylaw 6.1.2 [c]). Such responsibilities include “coordinat[ing] plans and programs with those of the Synod through regular sharing and contact” (Bylaw 6.1.2 [d]). They are to report annually to the President of the Synod, provide an annual program report to the Synod, keep the Synod advised of any new program under consideration, honor and uphold the doctrine and practice of the Synod, and, while operating with freedom and self-determination in their mission independent of control by the Synod, respect protocol documents that exist between the Synod and her partner churches (Bylaw 6.1.3).

Therefore, because of their independence from the Synod in organization and administration, Bylaw 3.8.3 is not binding on auxiliaries. At the same time, while they are operating with freedom and self-determination, their bylaw responsibilities to the Synod offer ample opportunity and expectation for coordination with the Synod’s foreign mission efforts, especially when partner churches are involved or affected.

## E. Recognized Service Organizations and Foreign Missions

A service organization is granted recognized status by the Synod when its mission and ministry are recognized by the Synod to “foster the mission and ministry of the church” (Bylaw 6.2.1). As such, a recognized service organization operates with freedom and self-determination as a ministry organization entirely independent of the Synod and its districts and its member congregations (Bylaw 6.2.1 [a]) and independent of control by the Synod (Bylaw 6.2.1 [b]). A recognized service organization continues to qualify for this status so long as it “engages in program activity that is in harmony with the programs of the boards of the Synod, and respects and does not act contrary to the doctrine and practice of the Synod” (2013 *Handbook*, pp. 203–204).

Therefore Bylaw 3.8.3 does not apply to recognized service organizations *per se*. However, continued recognized status hinges on “engag[ing] in program activity that is in harmony with the programs of the boards of the Synod” (Bylaw 6.2.1), including the programs of the Office of International Mission as determined by policy established by the Board for International Mission “for the coordination of and in support of ministries of the Synod in foreign countries” (Bylaw 3.8.3.1).

### Response to Questions

Question 1: Can/May a district, congregation, RSO, or auxiliary of the Synod call a pastor or other rostered worker of the Synod for the purpose of that worker serving in “foreign areas”?

Opinion: Foreign missions is a jurisdiction that the Synod has retained for itself (Bylaw 4.1.5). Districts and congregations may not call rostered church workers for service in foreign areas, as supported throughout the Bylaws of the Synod (e.g., Bylaws 2.11.1 [a] and [g]; 2.12.1.4; 4.4.3 [b]). If it is an area so designated by the Board for International Mission (Bylaw 3.1.4.3), interest in supporting a worker must be coordinated with the Office of International Mission. While auxiliaries and recognized service organizations are independent of the Synod’s control, requirements for their relationships to the Synod and its agencies make clear the expectation that communication and coordination will take place to make certain that foreign mission activities, including the calling of rostered workers, will “aid the Synod” (Bylaw 6.1.1) and are “in harmony with the programs of the boards of the Synod” (Bylaw 6.2.1) and respect protocol documents (Bylaws 3.3.1.1.2; 6.1.3 [g]; 6.2.1 [d]) and other agreements.

Question 2: Can/May a district, congregation, RSO, or auxiliary of the Synod call a pastor or other rostered worker of the Synod for the purposes of “lending” him to another entity, RSO, or agency of the Synod, or to a mission society not affiliated officially with the Synod (a private IRS 501 (c) (3) mission society) with the expressed purpose of having that called worker serve in “foreign areas”?

Opinion: In addition to a number of theological and practical concerns likely associated with such practice as described, calling a pastor or other rostered worker in order to “lend” him/her to another agency or entity for service in a foreign area is tantamount to extending the call for the worker to serve in a mission field and is not appropriate for reasons given in sections (B)–(E) above.

Question 3: Can/May a district, congregation, RSO, or auxiliary of the Synod send funds to a mission society or other non-synodical entity for the purpose of doing work in “foreign areas”?

Opinion: Districts may not send funds to mission societies and non-Synod entities for doing work in foreign areas except through the Board for International Mission.

In keeping with “[o]ur Lord’s will that the diversity of gifts should be for the common profit. 1 Cor. 12:4–31” (Constitution Preamble), congregations may not send funds to mission societies and non-Synod entities for work in foreign areas without taking into consideration policies developed and determined for this purpose by the Board of International Mission as the only sending agency. Such policies must honor the principle of congregational autonomy. They must also take into consideration Constitution Article III, which articulates the Synod’s obligations and objectives toward its congregations, and Constitution Article VI 2 c, which requires as a condition of membership in the Synod the renunciation of unionistic and syncretistic practices such as “[p]articipating in heterodox tract and missionary activities” (2013 *Handbook*, p. 15).

Auxiliaries, whose members are often members of the Synod, will of necessity be sensitive to this constitutional expectation as well. And recognized service organizations will take care that their program activities respect and are not contrary to the doctrine and practice of the Synod.

Question 4: Can/May a district, congregation, RSO, or auxiliary of the Synod determine on its own, without consultation with the Synod, what is or is not a “foreign area” of the Synod’s mission work?

Opinion: The Bylaws of the Synod assume that such determination belongs to the Synod’s Board for International Mission (Bylaw 3.1.4.3) and not districts and congregations. Auxiliaries and recognized service organizations will do well to honor the Synod’s “foreign mission area” designations as well, in light of their supportive and cooperative relationships with the Synod.

Question 5: If a congregation or other synodical entity besides the BIM has issued [a] call, what guidance can the CCM provide in approaching the situation?

Opinion: Situations where the Constitution, Bylaws, and resolutions of the Synod have not been properly followed require evangelical attention by those whose responsibility it is to see to it that the decisions and principles of the Synod are honored and carried out (Constitution Art. XI B; XII 7, 9; Bylaws 1.2.1 [i]; 3.3.1.1.1; 3.3.1.2; 4.4.2; *et al.*). For its part, the Board for International Mission (and the Office of International Mission) will also want to cooperate with and facilitate efforts and remedies that will honor Bylaw 3.8.3 while also honoring “the desire of people to have direct and personal contact with a specific mission project” (2013 Res. 1-08 “To Work Together in Mission,” *Proceedings*, p. 103).

(09/27/14)