

# Association of Confessing Evangelical Lutheran Congregations

Free Conference Presentation – April 27, 2016

## THE CROSS IN RECONCILIATION

Rev. William R. Kilps

Pastor, Good Shepherd Lutheran Church, Two Rivers, Wisconsin

Synodical Reconciler

I approach this topic, not from the perspective of critiquing the process, either in regard to its conception or its perfection, but simply through the eyes of one who has served as a Synodical reconciler from its beginnings, immediately after it was adopted by the convention in 1992. I am, by no means, an expert in the bylaws of Dispute Resolution Process. If you asked me to quote for you chapter and verse, I admit that I probably would stare at you like a pastor who has just been told to prepare for his fourth funeral during Holy Week, and then hand to you a copy of the Standard Operating Procedures Manual to read for yourself. Nevertheless, I'll offer what I'm able to and speak as openly as I can about the subject.

First, allow me to share a little background information. As I indicated I have been reconciler for the past twenty-some years. In that capacity, I have served on adjudication panels; I have engaged in what is known as formal reconciliation on behalf of the Districts in which I have served; but most of what I have been called upon to do has been in the area of informal reconciliation, both in my own District and in other Districts to which I have been asked to help. And it is to this latter point, concerning informal reconciliation, that I wish to devote the bulk of my presentation.

When the process began, the whole concept of 'mediation' was something quite 'en vogue.' Starting in the late 80's and continuing on into the early 90's, mediation was considered to be the cutting edge means of resolving conflicts in the civil realm. Not surprisingly, the church also took notice and decided that 'mediation' would serve as an ideal alternative to lawsuits and litigation, fitting comfortably into the Scriptural injunction to, "*maintain the unity of the Spirit in the bond of peace,*" (Ephesians 4:3). The President's report from the 1992 convention stated, "Although it is often observed that we are living in a very litigious society, the increased instances of litigation within the Synod have not only been costly in terms of finances, but also in terms of our corporate witness and our example to our sister churches

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around the world. I believe that the time has come for the Synod not only to adopt better means of conflict resolution among us, but to state very clearly that any member of the Synod who engages in litigation against the Synod thereby forfeits his membership in the Synod, except perhaps in very unusual circumstances.”<sup>i</sup> (It should be noted that the cost for adjudication in 1992 was \$57,500.<sup>ii</sup> This past year, the costs fell below the \$12,200 budgeted amount set for the Synod dispute resolution and expulsion cases. In 2015, there were a total of two Dispute Resolution Panels convened, two Appeal Panels, and three Expulsion Panels. The majority of the dispute resolution activity has occurred on a District level.)

As the Synod ventured forth into this, “better means of conflict resolution,” four reconcilers from each District were chosen by the Districts’ Board of Directors to serve in these newly-established positions. I was one of them. In addition, the President of each District was asked to attend the reconciler training sessions as well, which were held in St. Louis in 1993. The group that was enlisted to do the training of the first group of reconcilers was known simply as “Dispute Resolution Educators.” It was a secular organization, to which the Synod had added fourteen theological theses in order to give a Lutheran imprimatur to the program (*see attachment*). These were included in the 1992 Resolution 5-17, and would later be incorporated into Preamble section of Bylaw 1.10 on Dispute Resolution of the Synod. But, in those early sessions of training, there definitely was more emphasis on style than on Biblical substance.

In addition, since this new process was still in its fledgling stages, without a great deal of parental supervision, there was little that was out of reach for the newly-trained reconcilers, who would serve, not only in the capacity of mediators but as adjudicators as well. Some of those panels exceeded their bounds and, doubtless, clearer heads, like Secretary Raymond Hartwig, would have had to intervene, counsel, and, perhaps, overrule some of the more exuberant decisions in those early days.

In May of 2003, then-President Kieschnick appointed a Blue Ribbon Task Force on Ecclesiastical Supervision and Dispute Resolution in The Lutheran

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Church - Missouri Synod to address these irregularities and propose solutions for problems which existed. The introduction to their report stated:

“In 1992 The Lutheran Church - Missouri Synod adopted a process for Synodical Dispute Resolution to replace the existing process which involved Commissions on Adjudication and a Commission on Appeals. To a large extent this process has proved to be beneficial and has received general acceptance in spite of efforts to return to the former process. Nevertheless, over the years the need for refinement of the Bylaws governing this process has been recognized and a number of changes have been adopted to deal with issues which required change or clarification. Included among these were such things as the addition of Appeals Panels and Review Panels for the purpose of assuring that those involved in disputes or charges brought against them received just and fair treatment. This was especially true with regard to those whose membership in the Synod was involved, whether individual or congregational. A set of Rules of Procedure was also developed in order to bring about greater uniformity on the part of various panels.”

While these procedural by-laws were pressing ahead, the theological component of the process was lagging behind. Though Matthew 18 was noted in passing in what was referred to as the “Core Values” of the Dispute Resolution system, the emphasis seemed to be on ‘dispute’ rather than ‘resolution’ of the Scriptural kind.

Thankfully, that all started to change for the better when one of the other charter members of the training program, Mr. Ted Kober, was invited in with his “Peacemaker Ministries” in 1997, and then, eventually, introduced the current “Ambassadors of Reconciliation’ program, which set a much stronger spiritual tone to the whole endeavor. Kober’s group not only provided a wealth of Biblically-based material and training but also put the Christian practice of confession and absolution in the forefront.

Just as it should be. For, even though we are speaking of Dispute Resolution, it is still within the the realm of the Holy Christian Church—not the civil

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realm—in which this resolution is being sought. And the sacred means by which the Spirit has always brought about repentance and restoration—namely, the Holy Word of God, can never be relegated to an afterthought, as if it were something to resort to after all other means of human endeavor are exhausted. Dispute resolution can never simply be a matter of finding middle ground. On the contrary, it necessarily means locating that ground nowhere else than at the foot of the cross of Christ; where all Christians are called to stand. More about that later.

But, first, the mundane mechanics of Dispute Resolution. The process is broken down into five parts. To begin, there are informal efforts toward reconciliation, encouraging the parties in dispute (who, for future steps are to be referred to as the ‘complainant’ and the ‘respondent’) are to sit down, face-to-face, in order to work out a resolution to the problem. A reconciler *can* be enlisted at this crucial step to aid the parties in dispute as a mediator.

Should that resolution fail to materialize, the second step involves formal efforts toward reconciliation. As its name implies, this step escalates things to more sobering level, given the fact that, if the matter still remains unresolved, this *could* lead to the formal request for a Dispute Resolution Panel. At this secondary level, written statements from the parties are submitted. Either party in the dispute may request a reconciler to be appointed by the secretary of the Synod or District, as is appropriate to the particular situation. The reconciler then takes charge, so to speak, to arrange the formal meeting and to submit a written report of the outcome.

Again, if no agreement is reached, the complainant has thirty days to request a Dispute Resolution Panel. At this step, a specially trained reconciler, known as a ‘hearing facilitator,’ is also employed, who is there—not to vote—but to ensure that the proper procedures are adhered to. Following the hearing, which can include additional witnesses from either side, the panel issues its written, binding decision. That decision is sent to the parties in dispute, to the secretary of the Synod, to the Synod President, as well as to the President of the respective District.

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That decision can be appealed by either of the parties in dispute or even by the President of the Synod, if the question involves a matter of doctrine or practice. The President, in turn, also can request an opinion from the CCM or the CTCR. If an appeal is made, a panel of three District Presidents will be chosen.

In this fourth stage, one District President is chosen by the complainant, one District President is chosen by the respondent, and the third member chosen by the previous two DP's. If they cannot agree on the third, the Secretary of Synod will choose the third by blind draw. And here are just a few of the significant limitations of this Appeal Panel:

- The panel shall decide only whether to approve reconsideration of the decision of the Dispute Resolution Panel.
- The panel shall make its decision on the basis of the minutes and written decision of the Dispute Resolution Panel and any documentary evidence that was received and reviewed.
- The standards of review, which define the parameters for the panel's consideration of an appeal, limit the panel's review to three (3) basic areas:
  - *Factual findings:* The Appeal Panel shall review factual findings of the Dispute Resolution Panel only to determine if they are supported by evidence.
  - *Conclusions on authority:* The Appeal Panel may approve an appeal if the Dispute Resolution Panel was clearly outside its authority.
  - *Discretionary acts:* The Appeal Panel may approve an appeal if there was a clear abuse of discretion by the Dispute Resolution Panel, one that is obvious and grossly violates fact and logic resulting in a gross miscarriage of justice or that involves an obvious and inappropriate bias or prejudice.

The Appeal Panel has thirty days to render its written decision. If it concludes that all of the rules were, indeed, followed, then case closed. If, on the other hand, irregularities were discovered, then, step five, a Review

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Panel is formed, as is outlined in the bylaws—members chosen, evidence reviewed, additional hearing if necessary, final, final, final decision rendered, without opportunity for appeal. *(Refer to the attached flowcharts.)*

There is one other area in which reconcilers can serve; it is the process of the expulsion of a member of Synod. In this event, the reconciler who is chosen to join two District Presidents must be a layperson. This reconciler serves in steps four and five of the process, on a Hearing Panel and on a Final Hearing Panel; however, the same individuals cannot serve on both panels. *(Refer to the attached flowcharts.)*

So much for the bylaws. But now, as I indicated before, I would like to focus on the real ‘crux’ of the matter, specifically as that word relates to its Latin origin; meaning, what does all of this have to do with the cross of Christ?

As you can imagine, walking into a room where the tension is so thick you can cut it with a knife—and hoping that no one there is concealing one either—is not a pleasant experience, to say the least. While a reconciler is to remain neutral and objective in the process, it’s difficult not to have a vested interest in what takes place. After all, I’m a Christian who desires to see the unity in the Spirit in the bond of peace maintained. What’s more, there’s usually at least one other person in that room who is hoping the same and is looking to the reconciler to work miracles. And, given the fact that the Resolution Process is set up to address disputes involving ‘members of the Synod’ in the formal sense, that other person usually is a pastor.

This lone figure typically sits on one end of the table while any number—from a small handful, up to as many as dozen opponents, as I have witnessed—sit on the opposite side. He is fearful... and so am I. The odds are rarely even. And the friend of the enemy—even if he asserts his neutrality as a mediator—can quickly be cast as one who is guilty of aiding and abetting the enemy.

When I am asked by my District President if I would be willing to engage in some informal mediation in these situations, what happens is that I’m

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generally presented with a brief sketch of the issue. And that's a good thing. Because, as a reconciler, I don't want to have any preconceived notions before entering into the room. But it's hard not to. I'm human. And I've already drawn some reasonable conclusions based upon the scant information I have received. But, I have come to realize that, as the stories unfold, those assumptions prove—not so much 'false' per se—but limited.

Going back to the practice of confession and absolution, the Rite for Individual Confession as it is printed in the ***Lutheran Service Book*** says, "The pastor may gently question or instruct [the one confessing]—not to pry or judge—but to assist in self-examination." That's a pretty good description of what takes place in informal reconciliation of the Christian kind.

New information and new insights inevitably bring new perspectives. It's a slow process, because none of us are all that eager and willing to be completely forthcoming with all of faults. We are hesitant to do it with God, let alone with those who are lying in wait; those whose main purpose is to play a game of, "gotcha."

"Gotcha," as in—"I'm just going to sit back and wait for that vulnerable moment when I can nail you for being the great sinner that I always knew that you were." It is Satanic. That might sound like strong words, but the *Diabolos*, the 'great accuser,' is the one who invented that tactic and loves to catch us in our sins and then taunt us with our guilt. The book of Revelation says, "*Now the salvation and the power and the kingdom of our God and the authority of his Christ have come, for the accuser of our brothers has been thrown down, who accuses them day and night before our God,*" (Rev. 12:10). Notice the contrast between those who would accuse us and Him Who would absolve us.

In putting together this presentation, I originally intended to compare and contrast the way in which the Church operates as opposed to the secular realm in this arena. But the more I considered it, the more I realized that the underlying issue is not one of the religious realm verses the civil realm but, rather, a matter of the Two Kingdoms as Luther first articulated that

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division—as a struggle between the Kingdom of Christ and the Kingdom of Satan.<sup>iii</sup>

Meaning, the greatest conflicts within the church stem from those who have lost their perspective on *which* kingdom they truly belong to. Vendettas against pastors and friction between members become so all-consuming, that people forget how and why they became members of the Holy Christian Church in the first place.

And let's be reminded that it was not by our own reason or strength that we entered into the Communion of Saints. For, we were dead in our trespasses and sins. No, we weren't looking for God; God had to come looking for the corpses. And then it required nothing less than the power of the Holy Spirit Himself to breathe His life-giving breath into us through the Gospel. **He** chose to place us into His kingdom of grace. And all this took place purely out of Fatherly divine goodness and mercy, without any merit or worthiness in us.

But when that fact is tossed aside, when it is forgotten that the Church exists as the place where sinful people who are hungering and thirsting for righteousness can come and be filled—when that is ignored—then the church becomes nothing more than a place to push through one's own self-righteous agenda, no matter how pious it might appear. And, in truth, it is the devil's agenda, not Christ's—even as the Lord rebuked that other well-known churchman, Peter, who tried to persuade Jesus to keep the cross out of the picture. So also, when we stubbornly dig in our heels, astounded by how people can be so ignorant as to not see things with the clarity that we possess, then, *“professing to be wise, we become fools,” (Romans 1:22).*

The foolish are under the mistaken notion that they are people of power who are able to throw their weight around in the congregation. They profess to be wise in clearly seeing that problem is with that publican over there. “Me? I don't have any problems!” And so confident are they of that fact that if the matter is brought up of reconciling with their brother before attending the Lord's Supper, their solution simply is to refrain from

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Communion, imagining that they are on such firm footing that it just isn't possible that they could do any harm to their spiritual lives by their abstinence.

And should they fail to get their own way in the end, they can sanctimoniously shake the dust off their feet and go looking for another church—like a disgruntled husband going off to find another wife better to suit him. And that analogy is not so far-fetched as it... as we think about the Bridegroom Who, *“loved the church and gave himself up for her, that he might sanctify her, having cleansed her by the washing of water with the word, so that he might present the church to himself in splendor, without spot or wrinkle or any such thing, that she might be holy and without blemish,”* (Ephesians 5:25-27). But without that Baptism unto repentance, it is an ugly scene, indeed.

It's sad that the church must outline such extensive steps in dealing with the matter of sin and forgiveness as has been compiled in a *'Standard Operating Procedures Manual on Dispute Resolution'*. Even Christ's own words from Matthew 18 were not spoken as a formula for deciding **if** a transgression had been committed or determining **who** was at fault. Rather, it's a matter of recognizing, “there but for the grace of God go I.” It's the desire to restore one who has fallen, just as we have been restored countless times. It's about the humility and fear at the thought of having our own guilt paraded before others, in loving your neighbor as yourself. It is the Spirit of the Lord's words which implore, *“Come now, let us reason together, says the LORD: though your sins are like scarlet, they shall be as white as snow,”* (Isaiah 1:18).

And, perhaps, this is the most difficult step in the process... the willingness to swallow our pride, to step back from our own consuming, insistent agenda and say, “please forgive **me**,” when someone else feels that you have offended them—even if you believe, even if you are fully convinced in your own mind that that other person is guilty of an even greater offense.

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*“Love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven, ” (Matthew 5:44-45), our Lord says. The apostle Paul adds, “Do nothing from selfish ambition or conceit, but in humility count others more significant than yourselves. Let each of you look not only to his own interests, but also to the interests of others. Have this mind among yourselves, which is yours in Christ Jesus, who, though he was in the form of God, did not count equality with God a thing to be grasped, but emptied himself,” (Philippians 2:3-7).*

I fully realize that many have their apprehensions in regard to the Synod’s Dispute Resolution system, especially as it pertains to the adjudicatory elements of the process. And as long as sinful men are employed to do this work, there inevitably will be failures. Some of those failures will result in an act of gross injustice for those who are seeking only a fair hearing and confirmation of their faithfulness. You may find *yourself* on the receiving end of unfathomable attacks, even as you are inclined to echo the Lord’s words, *“If what I said is wrong, bear witness about the wrong; but if what I said is right, why do you strike me?” (John 18:23).*

You can cry “foul,” and may certainly be justified in doing so. But, dear brothers in Christ, you also can assert with confidence, *“The LORD is on my side; I will not fear. What can man do to me? It is better to take refuge in the LORD than to trust in man. It is better to take refuge in the LORD than to trust in princes,” (Psalm 118:6,8-9).*

Yes, *“We have this treasure in jars of clay, to show that the surpassing power belongs to God and not to us. We are afflicted in every way, but not crushed; perplexed, but not driven to despair; persecuted, but not forsaken; struck down, but not destroyed; always carrying in the body the death of Jesus, so that the life of Jesus may also be manifested in our bodies,” (2 Corinthians 4:7-10).*

The only question that remains, then, will be, “Can I be reconciled with those to whom I have fallen victim, who may have abused their power to my detriment?” The answer is not *can* you, but *will* you? For, the way of the

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cross is that which says, *“Love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you. To one who strikes you on the cheek, offer the other also, and from one who takes away your cloak do not withhold your tunic either,”* (Luke 6:27-29). Yes, let these all be gone, they yet have nothing won; the kingdom ours remaineth.

If you ask me if there is something salvageable in the Dispute Resolution system, my answer would be an emphatic, “yes!” As was said at the outset, we have been charged with the task of, *“maintain[ing] the unity of the Spirit in the bond of peace,”* (Ephesians 4:3). Informal reconciliation offers the opportunity to bring in someone from the outside, with a fresh pair of eyes and ears, and with no ‘party spirit,’ to be a *witness*, as the Lord instructs us in Matthew 18 at **the** most crucial stage of the process. It is a privilege and a blessing to do whatever I can to be a ‘peacemaker’ in these situations.

If, however, you ask me whether my efforts as a Reconciler have been successful, I would have to reply honestly, “I don’t know.” Rarely is there a second go-around on my part with the same disputants, and I am not privy to know whether or not the matter has escalated to a formal step. If I were to rely on reasonable conjecture, it would seem as though most of the minds already were made up before I arrived on the scene and that it’s a matter of “too late.”

But, as I said, that’s how the rational mind works. We can never underestimate the power of the Spirit. And notice I did not include the precursor, “too little,” a moment ago. The Word of God is never little. It always will have the power to break down and to build up (Jer. 1:10).

To those who have forgotten to which kingdom they belong, God’s Word to Ezekiel is brought to bear. *“The descendants also are impudent and stubborn: I send you to them, and you shall say to them, ‘Thus says the Lord GOD.’ And whether they hear or refuse to hear (for they are a rebellious house) they will know that a prophet has been among them. (Ezekiel 2:4-5)—*a prophet, as in, one who proclaims God’s Word on the matter, in season and out of season.

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To those, on the other hand, who know that they are part of a kingdom which began with God putting them to death in the waters of Baptism, we can expect more of the same. *“For we who live are always being given over to death for Jesus' sake, so that the life of Jesus also may be manifested in our mortal flesh... Therefore, we do not lose heart. Though our outer self is wasting away, our inner self is being renewed day by day. For this light momentary affliction is preparing for us an eternal weight of glory beyond all comparison, as we look not to the things that are seen but to the things that are unseen. For the things that are seen are transient, but the things that are unseen are eternal,”* (2 Corinthians 4:11, 16-18).

Reconciliation—it is a matter of bearing the cross; one which must never be approached as though two contestants were going head to head with each other, placated with that dubious expression, “win-win.” If anything, Christian reconciliation should be seen as a “lose-lose” proposition; as in, *“Indeed, I count everything as loss because of the surpassing worth of knowing Christ Jesus my Lord, “(Phil. 3:8).*

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## Preliminary Thesis on Conflict Resolution

- Thesis I In a fallen world conflict is to be expected and is in fact inevitable (Ps. 51:5; Is. 59:2; Ps. 5:5; Eph. 2:3; Rom. 5:12; Rom. 3:19; Eph. 2:1; Eph. 4:18).
- Thesis II The institutional church on earth is also subject to conflict in the world as well as among its members. (Gen. 37:4; Deut. 1:16ff; 21-25; 1 Sam. 18-19; 2 Sam. 14; John 8:1ff; Acts 15:36ff; 1 Cor. 5-6)
- Thesis III The Scriptures anticipate conflict among Christian and prescribe guidelines and methods to be employed when there is manifest sin or disagreement among them (Matt. 5:23-26, 38-48; Matt. 6:12ff; 18; 2 Cor. 5:14-20; Gal. 6:1).
- Thesis IV When Christians employ scriptural procedures in matters of dispute or manifest sin, they must endeavor faithfully to make proper distinction between Law and Gospel (Matt. 18:19-20; Luther's Small Catechism, "The Office of the Keys"; C.F.W. Walther, *The Proper Distinction between Law and Gospel*).
- Thesis V Matthew 18 is not limited to matters that are brought before the congregation for "discipline," but it should also be employed by Christians privately and informally (Matt. 18:15-17; CTCR: *Church Discipline in the Christian Congregation*; various other exegetes also come to the same conclusions, Qualben, Lenski, et al.).
- Thesis VI The heart and center of all Christian conflict resolution and reconciliation is justification of the sinner through grace in Christ Jesus received through faith alone (Eph. 2:8-9; Rom. 5:10ff; John 3:16; 5:18ff; Col. 1:20; 1 Tim. 1:15; Rom. 3:23ff; 1 Tim. 2:6; Heb. 9:15, 23, 26, 28; Rom. 3:25).
- Thesis VII Biblical conflict resolution begins with God's truth that Christ died for the sins of all people while they were yet sinners (1 Tim. 2:5; Rom. 8:32; Ps. 49:7ff; 1 Tim. 1:15; 1 John 2:1; Romans 7).
- Thesis VIII Matthew 18 is ultimately to be interpreted in light of the theology of the Cross and the ministry of reconciliation (2 Cor. 5:14-20; 1 Cor. 1:30; Eph. 1:7, 14; Col. 1:14; Heb. 2:16ff).
- Thesis IX Christians involved in conflict, dispute, or manifest sin must always stand ready to ask for or extend forgiveness in both formal and informal Matthew 18 proceedings (John 13:34; Matt. 18:21ff; Phil. 2:1-11; John 8:1-11; John 19:30; Matt. 12:7ff; Matt. 7; 1 John 2).

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- Thesis X      When Christians engage in the ministry of reconciliation or church discipline. They always seek as their objective the restoration of the unity of the body of Christ (Rom. 12; 1 Cor. 12; Eph. 4; 2 Cor. 5:16-20; Matt. 18:15; CTCR: *Church Discipline in the Christian Congregation*, page 5).
- Thesis XI     When the congregation becomes involved in church discipline or in the ministry of reconciliation, it must seek the truth, provide for justice, and insist on fairness (Ex. 23:1ff; Deut. 16:18ff; Prov. 17:15; 18:5; 1 Cor. 13:6; Matt. 5:6).
- Thesis XII    Christians must always make a special effort to distinguish between adversarial methods common in the secular world and procedures appropriately exercised within the body of Christ (Matt. 5:23-24; 12:7; John 7:24; Rom. 13:1-7; AC XVI; AC XXVIII).
- Thesis XIII   When conflict or dispute arises in the institutional church, Christians must always stand ready to seek the Lord's gracious assistance through prayer (Matt. 6:9-13; Matt. 5:43-48; James 1:5-6; Eph. 6:18).
- Thesis XIV    As the institutional church endeavors to assist those who are involved in conflict, it always does so through the faithful preaching of the Word of God and the administration of the Sacraments (AC XII; SC 276; AC XIII; AC XXV; 1 Cor. 4:1; 2 Cor. 2:10; 1 John 1:8,9,12-13; Acts 2:42; John 20:22-23; Matt. 18:18; Gal. 3:26-27; Rom. 6:3).

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## Dispute Resolution Process Flow Chart (Bylaw section 1.10)

### 1. Informal Efforts/Consultation (1.10.5)

- 1.1 Parties meet face-to-face in the manner described in Matthew 18:15
- 1.2 Complainant consults with district president
- 1.3 District president helps determine correct process to follow
- 1.4 District president of the respondent is informed
- 1.5 District president may seek additional advice or ask for opinion
- 1.6 District president provides direction/supervision/counsel
- 1.7 Eighth Commandment/repentance/reconciliation remain primary goals



### 2. Formal Efforts toward Reconciliation (1.10.6–1.10.6.5)

- 2.1 Either party submits request for a reconciler
- 2.2 Administrator selects reconciler and forwards materials
- 2.3 Reconciler determines adequacy of informal efforts (up to 60 days)
- 2.4 Reconciler obtains reply from respondent
- 2.5 Reconciler arranges formal meeting
- 2.6 Reconciler provides written report
- 2.7 Complainant may request Dispute Resolution Panel (30 days)



### 3. Dispute Resolution Panel (1.10.7–1.10.8.1)

- 3.1 Dispute Resolution Panel is formed (21 days)
- 3.2 Location and date of hearing are chosen (30 days)
- 3.3 Formal hearing takes place (60 days)
- 3.4 Panel issues written decision (60 days)
- 3.5 Decision is subject to appeal (30 days)



### 4. Appeal Panel (1.10.8.2–1.10.8.3)

- 4.1 Appeal Panel is formed (30 days)
- 4.2 Appeal Panel is informed
- 4.3 Appeal Panel issues written decision (30 days)



### 5. Review Panel (1.10.8.4–1.10.8.5)

- 5.1 Review Panel is formed (21 days)
- 5.2 Procedure of Dispute Resolution Panel may be followed (60 days)
- 5.3 Review Panel issues final decision (60 days)

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## Flow Chart for Bylaw Section 2.15

### 1. Consultation with District or Synod President (2.15.3)

- 1.1 Member consults with district president or Synod President; receives manual
- 1.2 District/Synod president determines correct process to follow
- 1.3 District/Synod president may seek advice or ask for opinion
- 1.4 Accuser must meet face-to-face with the accused
- 1.5 Committee may assist in reconciliation efforts
- 1.6 Accuser brings matter to Synod President



### 2. Commencing Action (2.15.4 – 2.15.5)

- 2.1 President of Synod becomes/is made aware of allegations
- 2.2 President of Synod investigates (60 days)
- 2.3 President of Synod may appoint a small investigation committee
- 2.4 President of Synod may appoint committee for reconciliation
- 2.5 President of Synod may form Referral Panel
- 2.6 Decision not to proceed terminates the matter
- 2.7 Decision to proceed commences suspension



### 3. Commencing Formal Proceedings (2.15.6)

- 3.1 President of Synod provides notification of suspended status
- 3.2 President of Synod provides statement with facts to the accused
- 3.3 President of Synod provides notification of right to request hearing
- 3.4 Failure of accused to request hearing results in expulsion (15 days)
- 3.5 Request for hearing commences panel process



### 4. Hearing and Appeal Panels (2.15.7–2.15.8)

- 4.1 President of Synod provides statement and memorandum
- 4.2 Secretary of Synod forms panel and selects hearing facilitator (30 days)
- 4.3 Notification, statement, and memorandum provided to the panel
- 4.4 Hearing facilitator selects date and location for hearing (45 days)
- 4.5 Panel conducts hearing according to guidelines
- 4.6 Panel issues written decision (30 days)
- 4.7 CCM/CTCR opinions may be requested by Synod president (30 days)
- 4.8 If not appealed, the decision of the panel is final
- 4.9 Appeal Panel may be requested (15 days).



### 5. Final Hearing Panel (2.15.9)

- 5.1 Secretary of Synod forms Final Hearing Panel and selects hearing facilitator (30 days)
- 5.2 Hearing Panel chairman provides materials to Final Hearing Panel
- 5.3 Final Hearing Panel follows same procedure as Hearing Panel (45 days)
- 5.4 Panel issues written decision (30 days)
- 5.5 Final decision is binding on all parties

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## Flow Chart for Bylaw Section 2.17

### 1. Consultation with District (or Synod) President (2.17.3)

- 1.1 Accuser consults with district president (or President of Synod); receives manual
- 1.2 Ecclesiastical supervisor may consult with others as appropriate



### 2. Commencing Action (2.17.4 – 2.17.5)

- 2.1 Ecclesiastical supervisor of accused becomes/is made aware of allegations
- 2.2 Ecclesiastical supervisor informs accused at earliest opportunity; provides manual
- 2.3 Ecclesiastical supervisor thoroughly investigates
- 2.4 Ecclesiastical supervisor may appoint an investigative committee
- 2.5 Referral Panel may be formed to make a determination
- 2.6 Decision not to initiate formal proceedings terminates the matter
- 2.7 Decision to proceed commences suspension



### 3. Commencing Formal Proceedings (2.17.6)

- 3.1 Ecclesiastical supervisor provides notification of suspended status to the accused
- 3.2 Ecclesiastical supervisor provides statement with facts to the accused
- 3.3 Ecclesiastical supervisor provides notification of right to request hearing (15 days)
- 3.4 Failure of accused to request hearing results in expulsion
- 3.5 Request for hearing is forwarded by ecclesiastical supervisor to Secretary of Synod



### 4. Hearing Panel (2.17.7–2.17.9)

- 4.1 Ecclesiastical supervisor provides statement and memorandum
- 4.2 Secretary of Synod forms Hearing Panel and selects hearing facilitator (15 days)
- 4.3 Secretary of Synod forwards statement and memorandum to the panel
- 4.4 Hearing facilitator selects date and location for hearing (45 days)
- 4.5 Hearing conducted according to guidelines
- 4.6 Hearing Panel issues written decision (30 days)
- 4.7 CCM/CTCR opinions may be requested by Synod President
- 4.8 If not appealed, decision of panel is final
- 4.9 An Appeal Panel may be requested (15 days)



### 5. Final Hearing Panel (2.17.9)

- 5.1 If appeal is granted, Final Hearing Panel is selected
- 5.2 Secretary of Synod forms Final Hearing Panel and selects hearing facilitator (30 days)
- 5.3 Hearing Panel chairman provides materials to Final Hearing Panel
- 5.4 Final Hearing Panel conducts hearing according to guidelines (45 days)
- 5.5 Final Hearing Panel issues written decision (30 days)
- 5.6 Final Hearing Panel decision is binding on all parties

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<sup>i</sup> 1992 President's Report, page 8.

<sup>ii</sup> <http://blogs.lcms.org/2009/message-of-cross-forms-basis-for-resolving-disputes>

<sup>iii</sup> The perplexity which bedevils scholarly discussion of the doctrine of the two kingdoms is reflected in the fact that the most eminent Luther scholars are unable to agree among themselves about its very name. There is good reason for this discord among the learned, for under the rubric 'two kingdoms' there lurks not one doctrine but two. On the one hand, Luther was concerned with the antithesis, expressed most sharply by the New Testament and St. Augustine, between the kingdom of God and the kingdom of the devil. His first forays into theology as an Erfurt friar had caused him to become acquainted with the ceaseless combat between those who follow Cain in adhering to the *civitas terrena* and living in bondage to the finite goods of this transient life and those who follow Abel in cleaving to the imperishable Good which will be enjoyed in the everlasting Sabbath prepared for the members of the *civitas Dei*. On the other hand, however, Luther was also concerned with correctly apprehending God's present sovereignty over Christendom, the *Corpus Christianum*. In this case the model of the journey of the pilgrim people of God through a hostile world which is at root a *civitas diaboli* was no longer adequate. Hence, in addition to thinking in terms of the implacable enmity which obtains between the kingdom of God and the kingdom of the devil, Luther could also explain how God exercises his sovereignty over all men through two 'governments' represented by spiritual and secular authority respectively. His so-called doctrine of the two kingdoms is in fact a pragmatic combination of these two conceptual pairs, the first of contrasts and the second of correlates." Dr. John R. Stephenson, "The Two Governments and the Two Kingdoms in Luther's Thought," *The Scottish Journal of Theology*, Vol. 34, 1981.