

95 Theses for the Re-formation of Lutheran Church-Canada

Dr. Martin Luther wrote his 95 theses to encourage a debate of the sale of indulgences. He initiated the Lutheran Reformation. To commemorate the 500th anniversary of the Lutheran Reformation of 1517 it seems appropriate to draft 95 theses as Lutheran Church-Canada meets for its own Re-formation in 2017. It was arguably easier for Dr. Martin Luther to reach thousands of laypersons with the new printing press than it is to reach 49 lay delegates in the Internet Age. Perhaps this historic format for expressing concerns together with word of mouth will encourage debate to help with the LCC Re-formation this year as it helped 500 years ago.

1. We Christians and members of Lutheran Church-Canada live at the same time in the Kingdom of the Right and the Kingdom of the Left.
2. The living God is the ultimate authority for both Kingdoms – the Christian Church and civil government. (Matthew 28:20)
3. God exercises divine authority over us with affirmation, involvement, and servant leadership. (John 3:16)
4. God involves in in the creation of our own children that gives us such a sense of ownership that we are willing to give our own lives to save theirs.
5. God is the Lord of all, but *“took upon himself the form of a servant and made himself in the likeness of men.”* (Philippians 2:7)
6. The universal priesthood of all believers means that every Christian person has the authority to enter into the presence of the Living God, the Holy of Holies, without a priest to act as a go-between.
7. Christ, our High Priest, has won that right for us by His death and resurrection and has given us the authority to come into his presence with a living hope.
8. We realize that we do not wish to enter into God’s presence alone. We choose to walk together with fellow believers into the Holy of Holies.
9. We form congregations to enter God’s presence together. We call pastors to serve us in our effort to walk together in worship and mission and ministry.
10. Even as independent congregations we choose to be interdependent and to walk together with other congregations who share our faith journey. Thus, we have formed Lutheran Church-Canada (Synod).
11. The responsibilities that God gives each of us and every living person are to love God with our whole heart and to love our neighbours as ourselves.
12. God gives us the authority and the resources to fulfill these responsibilities with freedom, but this freedom has limitations.
13. In loving God with our whole heart, we may not violate the first table of the Law of Moses.
14. In loving God our neighbours as ourselves, we may not violate the second table of the Law of Moses.
15. By God’s grace, we are given a balance of authority and responsibility. To the one who is given five talents, five are expected, but to the ones who is given two and one talent only two and one are expected. (Matthew 25:14-30). God gently leads those that are with young, sensitive to the load the ewe is already carrying. (Isaiah 40:11)
16. Even in temptation God will never allow us to be tempted above what we are able, but with the temptation will also give us a way to escape. (1 Corinthians 10:13)
17. Each of us is accountable to God for how we use our authority and for how we fulfill our responsibilities.
18. Our accountability to God is a gift to us. (Proverbs 3:11,12) It is an act of God’s love

- that enables us to monitor our behaviour, to measure the results of our service and to make the changes necessary to continue to serve God faithfully. (Hebrews 12:5-11)
19. Countless examples of accountability in the Old Testament include removing Adam and Eve from the Garden, the Flood, Israel in Egypt, The Handwriting on the Wall, and the prophesies of the suffering and victorious Messiah (Isaiah 53).
 20. The New Testament includes even more: Christ's Atonement for our sins, Jesus' overturning of the tables of the money changers, the Parable of the Talents, and the Last Judgment.
 21. Accountability is neutral. It may result in commendation or discipline. The Parable of the Talents illustrates the neutrality of fair accountability. Two were commended, one was disciplined. (Matthew 24:14-30)
 22. Accountability is mutual. The source of authority and the recipient are accountable to one another. The labourer is accountable to the employer, but the employer is also accountable to the labourer to pay the labourer's wages. (1 Timothy 5:18)
 23. We also live in the Kingdom of the Left. In our country we are free to practice our Christian faith, but we are required by law to incorporate our church.
 24. We call this Synod "Lutheran Church – Canada (LCC) (the Corporation). Our Synod is a Corporation. Our Corporation is a Synod. They are one and the same, expressed in two forms, reflecting the two Kingdoms.
 25. LCC is incorporated by the *Act to Incorporate Lutheran Church-Canada (1959) (the Act)* and is the legal basis of any Bylaws that LCC creates from time to time.
 26. We receive authority to incorporate and structure LCC with a large measure of freedom across Canada. (*Act, Article 18*)
 27. "*The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objectives.*" (*the Act, Article 7*)
 28. As with our Christian freedom so also the civil authority imposes limits on our freedom as individual citizens.
 29. We may not violate the laws of Canada, the provinces and the municipalities in which we live and work.
 30. In its work and ministry as a legal corporation LCC may not violate the *Act* in the drafting of Bylaws, may not do anything unlawful and may not print money or "*engage in the services of banking or insurance.*" (*the Act, Articles 7 and 15*)
 31. *The Act* requires the Corporation to give a name, address, and objects of the Corporation.
 32. *The Act* also authorizes the Corporation to name its membership "*for the purposes set out in the Act and for the purposes of administering the property, business and other temporal affairs of the Corporation.*" (*the Act, Article 1*)
 33. *The Corporation may from time to time make by-laws, not contrary to law, for...determining the qualification of members.* (*the Act, Article 5f*)
 34. Current Bylaws have changed membership from the founding five individual members to two classes of membership: member congregations with voting rights, and individual memberships (pastors and deacons) without voting rights.
 35. Current Bylaws also designate the election of delegates to represent the voting member congregations by circuit at regular and special Conventions.
 36. The Commission on Constitutional Matters and Structure ("the Commission") is given authority by the delegates in Convention "*in the area of structure, the Commission shall conduct a continuing review of the organizational structure of the Synod, including its districts and its circuits and make proposals to succeeding Conventions for improvement.*" Synodical Bylaws 2.103 Functions"
 37. *All officers, boards, and commissions shall be accountable to the Convention for all their actions, and any decision of such officers, boards, and commissions may be appealed to the Convention.* (Synodical Bylaws, 2.73)
 38. In 2016 the Commission initiated a process of restructuring of LCC (Synod) with a mandate to bring a proposal to the delegates at the 2017 LCC Convention.

39. Following the biblical principles of the use of authority that is affirming, involving and reflecting servant leadership, the Commission initiated a two-year process of consultation with the member congregations and individual members of Synod (LCC).
40. 2,049 pastors and laypersons participated in a national survey and added over 800 pages of comments,
41. Circuit Convocations were held in 26 circuits with 676 pastors and laypersons participating to give shape to the *LCC Act and Bylaws (Convocation Draft)* released on April 4, 2017, six months before the Convention.
42. Twelve Regional Convocations were held to receive over one hundred proposed changes that were made to produce the final *LCC Act and Bylaws (Convention Draft)*.
43. 82% of the 138 persons who voted “yes” or “no” in a poll of all Convocations supported this draft with suggested changes.
44. The Commission formally presented its work of 20 months to the Board of Directors on July 4 and 5, 2017, wanting to bring to the Convention a document that had the support of the members of the Synod, CCMS, and the Board of Directors.
45. Without warning in the Board papers sent to the Board members a week before the meeting, an unknown number of unnamed persons (UN-UP) surprised the Board members with information critical of the work of the Commission in consultation with over 3,000 members of LCC.
46. The Board was informed that a growing number of pastors in the East District and others were supportive of restructuring, but would not support the format of the *LCC Act and Bylaws*.
47. The Board was told that the *LCC Act and Bylaws* would be “Dead on Arrival” at the Convention, if it were brought in its present format.
48. The Board was also informed that LCC’s legal counsel would not sign off on the *LCC Act and Bylaws* as being in compliance with *the Act*.
49. The Board met in a closed-door, *in camera* session, for nearly three hours to discuss its reaction to this information.
50. The architect of the *LCC Act and Bylaws* was not allowed to be a part of this secretive discussion, even though he was authorized by the Commission to be present for the specific purpose of representing the Commission in this discussion.
51. This move of secrecy allowed the UN-UP to convince the Board members to reject the *LCC Act and Bylaws* without any risk of influence by the architect that might prevent the desired outcome of the closed session.
52. On July 5, the Chair of the Commission was invited to the Board meeting by phone and informed that the Board of Directors was rejecting the *LCC Act and Bylaws*, because it was not presentable to the Convention.
53. The Board passed the following resolution: “*It was decided by the Board to have a small working group with members of the CCMS and the Board to work on the existing CCMS proposal with legal counsel to make it presentable to the Convention.*”
54. Four persons - three pastors and one lawyer, two from the Board and two from the Commission were named to the small working group to work with Synod’s legal counsel to revise the *LCC Act and Bylaws*.
55. The architect of the *LCC Act and Bylaws* was then called into the meeting, thanked for his services, and informed that a small working group would continue the work.
56. On July 10, 2017, the Commission, now also afraid that the *LCC Act and Bylaws* would be “Dead on Arrival” at the Convention, acquiesced to the decision the Board had already made and which it had announced to them through its Chair.
57. The UN-UP was successful in its surprise, secrecy, show of power, and scaremongering. The UN-UP convinced the Board. The UN-UP and the Board convinced the Commission. Now the UN-UP, the Board, and the Commission must convince the delegates.
58. The Commission agreed with the architect that with the Commission having lost the authority to appoint the architect to serve on the small working group, the Commission had lost the authority to continue the contract. The Commission terminated the contract.

59. The UN-UP and the Board had succeeded in usurping the authority that the Convention had given to the Commission to bring a plan of restructuring to the Convention.
60. Two months later, on September 12, 2017, the small working group had finished developing a document that was more likely to be acceptable to the Convention.
61. Approved by both the Board and the Commission, it was released to the Convention delegates just in time to meet the deadline.
62. There was no more time for consultation with the members in circuits or regions. Two webinars were held, but no challenges or debate on the changes were permitted.
63. When one congregation submitted a late Overture asking that both the *LCC Act and Bylaws* and the revised 2017 Handbook be submitted to the Convention with a description of the differences, the overture was declined. (See Workbook Supplement G204-282 to view a copy of the *LCC Act and Bylaws* rejected by the Board.)
64. The UN-UP, the Board, and the Commission agreed that the *LCC Act and Bylaws (Convention Draft)* would not reach the floor of the Convention. Delegates would have no opportunity to discuss or consider adopting it at the Convention. It was “Dead before Arrival.”
65. When a lay delegate asked for the contact information of the other lay delegates so they could consider Convention issues just as the pastoral delegates can, he was told that the information could not be shared because of privacy legislation unless the lay delegates consented to sharing that information.
66. When the same lay delegate asked for that request to be made of the lay delegates, he was told the staff was too busy getting ready for the Convention.
67. The lay delegates receive from LCC only Board-authorized information, not other critical information that will be vital to their reasonable consideration at the Convention.
68. On examination of the substitute document, the 2017 Handbook, it becomes apparent that not only the architecture is changed, but that the content is changed substantially.
69. The primary differences centre on the increased power assigned to the President, the move to centralize power from the member congregations, circuits, and regions to the Board of Directors, and most important, the removal of most of the accountability processes that assure the Convention of the integrity of the President and the Board.
70. The President is no longer accountable to the Board of Directors. He is now given authority directly from the Convention and accountable to the Convention once every four years for his responsibilities as Chief Ecclesiastical Officer, including the responsibility of delivering the seven ecclesiastical services.
71. The President and Vice President are now voting members of the Board. Neither can be accountable to the Board, because of the conflict of interest that would result.
72. The Board may still by a two-thirds majority of its eleven members suspend a power of a duty of the President, but both the President and Vice President may vote on the President’s own suspension. Is neither required to abstain?
73. The Board is no longer a governing Board as in the *LCC Act and Bylaws*, with the responsibility to monitor the performance of the President and Administrator.
74. The Board is now a managing Board responsible for the corporate affairs of Synod (LCC).
75. The eleven-member Board is now made up of six pastors, four laypersons, and one deacon. The balance of power now favours pastors, because the President and Vice President are now voting members of the Board.
76. In the *LCC Act and Bylaws* the Convention authorized the Commission on Structure and Governance the authority to attend meetings of the Board and to monitor the integrity and quality of governance, and to report their regular accountability to the Convention.
77. The revised 2017 Handbook removes that authority from the Commission on Structure and Governance and replaces it with self-monitoring by its own “Governance” Committee.

78. This change replaces oversight accountable to the Convention with under-sight accountable to the Board itself. Real accountability for the Board is removed.
79. The Board assigns the day-to-day management of corporate affairs to the Executive, made up of the Chair, Vice Chair, Secretary, President, and Vice President – two laypersons and three pastors. Only the President is a full-time employee of LCC.
80. The Administrator is no longer the Chief Executive Officer for corporate matters accountable to a governing Board. The Administrator is now demoted to the duties of a treasurer or accountant and takes direction from one of four different sources.
81. There are many questions that we must answer to learn why these major changes in content are taking place with no time for the delegates to consider what to do.
82. Such as: “How can the UN-UP use surprise, secrecy, scaremongering, and the show of power to make the substitution of the revised 2017 Handbook without anyone calling them to account?”
83. Again, “Why did not the UN-UP act transparently as everyone else did by bringing these concerns to the attention to the Commission during the many months of consultation?”
84. Again, “Why did Synod’s legal counsel indicate to the Board that he could not sign off on the *LCC Act and Bylaws* but not to the Commission with the reasons why, when he began receiving the first draft in February and the complete Convocation Draft in April?”
85. Again, “Why did the UN-UP delay its notice to the Board until July, when it was no longer possible to give the members, circuits, and regions opportunity to collaborate on the changes?”
86. Again, “Why did the Board make its decision to reject the *LCC Act and Bylaws* and appoint a group to work on the existing CCMS proposal with legal counsel to make it presentable to the Convention without first meeting with the whole CCMS to discuss their concerns?”
87. Again, “Why is the Board making it so difficult for the lay delegates to deal with these changes by preventing them from having each other’s contact information?”
88. Again, “Why has the Board stated that the Convention would not accept the format of the *LCC Act and Bylaws* and said nothing at all about the major changes in the revised 2017 Handbook, even declining a request to display the differences.
89. Again, “Why has the Board removed almost all of the references to “accountable” and “accountability” in the revised 2017 Handbook, moving from 78 references to 7, when the change was said to be only in the format, not the content?”
90. Instead of faithfully following the strong biblical imperative for neutral, mutual accountability that is fair and clear, the revised 2017 Handbook removes most the accountability structures and leaves the Synod as vulnerable to loss and liability as it was when loss and liability were a painful reality.
91. We cannot resolve conflict by wishing it away or by compromising principles.
92. We must use both our theological foundation and best practice in principles of governance, leadership and management to enable us to determine the best structure for LCC going forward.
93. The debate that may flow from these theses may be difficult, but Luther’s final two theses urge us to be faithful through challenging times.
- 94. Christians should be exhorted to be diligent in following Christ, their Head, through penalties, death and hell.**
- 95. And thus, be confident of entering into heaven through many tribulations rather than through the false security of peace (Acts 14:22).**