

20.11 REPORT STUDY DEPUTIES – SCOPE OF THE CONCEPT “RECOMMENDATION” (Artt 85, 192)

- A. Rev PW Kurpershoek delivers the Report.
- B. **Decision:** The Report is referred to Point of Description Commission 2.
- C. Elder AT van der Wetering reports on behalf of Point of Description Commission 2.

D. REPORT

1. Assignment (Acta, 2006:404, 4.2)

Synod appoints Study Deputies to clarify this obscurity – amongst other things on the scope of the concept “recommendation” – and to advise the next Synod on this matter.

Decision: Note taken.

2. Matters that Synod should note

2.1 *Background of the matter*

2.1.1 During Synod 1967 (Acta, 1967:585-586, 197) two Points of Description asked clarity on the whole matter of the wilful relinquishing of the office (resignation) and which route should be followed when a person who relinquishes his office applies to be eligible for calling. Study Deputies are appointed to advise the next Synod on this matter.

2.1.2 During Synod 1970 (Acta, 1970:430-431) the Report of the Study Deputies was presented, but it was decided to refer the entire matter to Study Deputies again.

2.1.3 During Synod 1973 (Acta, 1973:316-318) the Report of the Study Deputies served. The Report’s clear definition of what is meant with wilful relinquishment of the office (3.2.1) is accepted. The suggested procedure for making a person who previously relinquished the calling eligible for calling (3.2.2) is accepted as follows after amendment and supplementation:

3.2.2.3 *Wilful relinquishing of the office is an evasion of the judgement of the churches as determined in CO, artt 12 and 79. Therefore a person who makes himself guilty of this should first receive an evaluation and recommendation from the church where he is a member before he applies with the church and the classis where he left the office for a recommendation, after which he approaches the Particular Synod (in whose resort the church and classis resorts) with the request to be made eligible for calling (see Synod 1970:127, 128, art 122).*

3.2.2.4 *A person who relinquishes his office as minister wilfully, should apply in accordance with CO, art 4 to be made eligible for calling. The procedure mentioned in 3.2.2.3 is also valid for ministers who left the ministry in terms of CO, artt 12 or 79 (the decision of Synod 1958:134, art 68, pnt 8.a. is revoked).*

3.2.2.5 *Remorse alone can not be enough grounds to be made eligible for calling again. With the consideration of an application to be made eligible for calling it should be established whether the person would be able to serve to the edification of the church, whether he has the gifts of being true to his calling, and whether he can show self-sacrifice and perseverance (also see the gifts mentioned in the Theological School booklet, 1968:28, 29). There should also be thorough investigation into the motives for the application.*

2.1.4 During Synod 1997 (Acta, 1997:559-562) a Petition of Protest serves against 3.2.2.4 of the decision of Synod 1973 and specifically against the sentence: *The procedure mentioned in 3.2.2.3 is also valid for ministers who left the office in terms of CO, artt 12 or 79.* The request that the sentence be revoked is rejected. However, the request that allowance to the service of the Word after dismissal in terms of CO, art 79 should

be studies *de novo* and in itself, is granted, and then specifically in the following manner:

This very important and sensitive matter of study is in terms of CO, art 30 (in line with the concept "substantive Scripture Study" in petition of protest ground 2) a matter for the Minority meetings that can handle the matter along the ecclesiastical lines.

- 2.1.5 During Synod 2006 (Acta, 2006:402-406) a petition of protest against 3.2.2.3 of the decision of Synod 1973 succeeds. It is specifically argued that the scope of the word *recommendation* in the phrase ... *before he applies for a recommendation at the church and classis where he left the ministry* (3.2.2.3 of the decision of Synod 1973) seems to be vague and confusing. Based on the Petition of Protest that succeeds, Synod 2006 appoints Study Deputies with the assignment relayed in 1.
- 2.2 *The essence of the problem*
- 2.2.1 The essence is the question what is meant with the concept *recommendation* that should be given by the Church and Classis where the person left the office when the relevant person applies to be made eligible for calling.
- 2.2.2 When reference is made to a person who left the office, it has to be kept in mind that a minister can leave the office in one of three ways:
- (i) He can lay down his office **with the necessary consent** according to CO, art 12 to **go over to another state of life**.
 - (ii) He can in terms of CO, artt 79/80 **be dismissed from this office**.
 - (iii) He can in terms of CO, art 12 **lay down his office wilfully without the necessary consent**.
- 2.2.3 These three ways in which a person can leave the office presupposes totally different situations – precisely at the churches and classes where the person leaves the office. Consequently it should be determined to which degree one definition of the concept *recommendation* is adequate to clarify the concept.
- 2.2.4 Practically the essence comprises the following:
- 2.2.4.1 Can one definition for the concept *recommendation* be adequate for each of the three categories of situations as mentioned in 2.2.2?
- 2.2.4.2 What is the content of the recommendation that the church and classis where the person left the office should give in each of the three cases mentioned in 2.2.2?

Decision: Note taken of 2.1 to 2.2.4.2.

3. Arguments and recommendations that Synod should evaluate

3.1 Way to eligibility for calling: *Historical overview of Church Order stipulations*

- 3.1.1 The Synods of Emden (1571, 34), Dordrecht (1578, 101) and Middelburg (1581, 41) formulated specific stipulations regarding the eligibility of persons who have been dismissed in terms of CO, artt 79/80. According to this it was necessary that the Classis first had to determine whether the relevant persons who were removed from the office, is eligible for the office again.
- 3.1.2 In the Church Orders of the Synods of s'Gravenhage (1586) and Dordrecht (1618/19) these stipulations were not included.
- 3.1.3 The Church Order stipulations of the GKSA does not indicate such a way to eligibility to calling, up to Synod 1958. During Synod 1958 (Acta, 1958:134) it is decided in reaction to a Point of Description that an article on *the reinstatement of office bearers* be accepted as art 78 in the suggested Revised Church order. The relevant part of the article is as follows:

In the case of a brother who has been dismissed from the office as minister of the Word, the Classis with the Deputies of the Particular Synod, after consultation of the Church Council where the brother previously served, determines whether he can be eligible for calling to the edification of the churches after he has persuaded the church of his remorse.

- 3.1.4 Synod 1961 (Acta, 1961:347) revokes that decision regarding a Revised Church Order, resulting in the fact that Synod 1964 (Acta, 1964:67, 73) approves a revision of

the Church Order of Dordt. With this the decision of 1958 (regarding a specific article that deals with *the reinstatement of office bearers*) is revoked in practice, since no article on the *reinstatement of office bearers* was included in the Church Order as accepted in 1964.

- 3.1.5 Synod 1973 (Acta, 1973:318) revokes the decision of Synod 1958 concerning a Church Order article on *the reinstatement of office bearers* and stipulates a specific procedure for this matter.

Conclusion

- 3.1.6 Where Synod 1958 stipulated a specific procedure regarding the way to eligibility for calling for persons who left the office in terms of CO, artt 79/80, Synod 1973 stipulated one procedure for the way to eligibility for calling for all persons who have served as ministers of the Word previously, regardless of whether they left the office wilfully, or in terms of CO, art 12 or in terms of CO, artt 79/80.

3.2 *Way to eligibility for calling: Intention of Synod 1973*

- 3.2.1 During Synod 1973 (Acta, 1973:316-318) the Report of the Study Deputies regarding the matter of *wilful relinquishment of the office*. The Report on the one hand gives a clear definition of what is meant with the term (3.2.1) and on the other hand stipulates a procedure for making a person eligible for calling who previously relinquished the calling wilfully (3.2.2).

- 3.2.2 Synod 1973 (Acta, 1973:314, 316-318) approved the definition of wilful relinquishing of the office, but referred the procedure for eligibility for calling to a Commission. This Commission suggested certain ammendments and supplementations that were approved as part of the final procedural stipulations.

- 3.2.3 Part of the ammendment and supplementation by the Commission was that the procedure for eligibility for calling was extended to persons who left the office in terms of CO, artt 12 and 79/80 (compare 3.2.2.4 in Agenda, 1973:100 with 3.2.2.4 in Acta, 1973:318).

- 3.2.4 With this supplementation by the Commission a procedure that was specifically aimed at the way to eligibility for calling of **persons who wilfully layed down the office** was transferred to persons who left the office in terms of CO, artt 12 or 79/80.

Conclusion

- 3.2.5 From a Report with a specific focus on persons who wilfully relinquished the office, came procedures that became a condition for eligibility for calling for all persons who left the office, and this because of an addition made by a commission.

3.3 *Route to eligibility for calling: Problems around the decision of Synod 1973*

- 3.3.1 When the procedure as stipulated by Synod 1973 (Acta, 1973:317, 3.2.2.3-3.2.2.4) is applied to the procedure for eligibility for calling for persons who were dismissed in terms of CO, artt 79/80, it results in different and apparently contradictory actions – as argued in the Petition of Protest that succeeded during Synod 2006 (also see the M-dissertation of RM van der Merwe,1991:4-6).

- 3.3.2 However, of greater importance is the fact that **fundamental guidelines** that was specifically aimed at **wilful relinquishment of office** in the decision of Synod 1973 **is transferred** on the situation of persons who left the office in terms of CO, artt 12 or 79/80:

- 3.3.1.1 Synod 1973 (Acta, 1973:318, 3.2.2.3) refers to the evasion of judgement. However, evasion of judgement is only relevant when dealing with eligibility for calling after wilful relinquishment of the office. Persons who left the office in terms of CO, artt 12 or 79/80, did not evade the judgement of the churches at all.

- 3.3.1.2 Synod 1973 (Acta, 1973:318, 3.2.2.5) states that during the whole process of possible eligibility for calling, specific attention should be paid to the gifts of being true to ones calling (because the office had previously been renounced), self-sacrifice (because a two-sided involvement with the church was broken from one side) and perseverance (because the person did not persevere in the calling). These gifts are relevant when a person wilfully left the office, but can not be applied singularly to a person who left the office in terms of CO, artt 12 or 79/80.

With the route to eligibility for calling other gifts have to be emphasised in the case of such persons.

3.3.2 In addition to this there are also **fundamental matters** that are especially aimed at ***dismissal from the office (in terms of CO, artt 79/80)*** that are **not properly considered or do not feature in the procedures** stipulated by Synod 1973:

3.3.2.1 Because dismissal from the ministry of the Word in terms of CO, artt 79/80 is a serious matter that should be dealt with cautiously, the same caution is necessary when readmission to the ministry of the Word after dismissal is considered. The whole matter of whether a person who has been suspended can at all be made eligible for calling again, is of special importance. These important matters are not considered in the decision of Synod 1973.

3.3.2.2 The decision of Synod 1973 does not refer to the necessity to pay attention to the reason for dismissal in terms of CO, artt 79/80 and of specifically paying attention to the effect of dishonour in the church and the world.

Conclusion

3.3.3 The decision of Synod 1973 does not adequately consider the unique nature of each of the three categories of persons who have left the office.

3.4 *Wilful relinquishment of the office: Definition and ecclesiastical action*

3.4.1 Synod 1973 (Acta, 1973:316-318) stated that when a minister resigns from the office, churches are set before an accomplished fact. The official duties and privileges are wilfully ended as final act – in spite of ecclesiastical ministering and the orderly ecclesiastical manner of action.

3.4.2 With wilful relinquishment of the office the judgement of the churches is evaded. The necessary consent of the churches as stipulated in CO, art 12 is not asked, or the punishment as provided for in CO, artt 79/80 is evaded.

3.4.3 With wilful relinquishment of the office the inner calling is renounced (Acts 20:28). In addition the wilful act is a sin against the second commandment (see 1 Sam 15:23), while the fifth commandment is relevant in that the jurisdiction of the church (the authority that Christ ordained) is evaded.

3.4.4 *Wilful relinquishment of the office* should be distinguished from *perfidious relinquishment of the office*. Last-mentioned entails serving a congregation without having attained the legal leave from the previous congregation. With this the official duties in one congregation is rejected, **while attempting to keep the official privileges**. For this reason this behaviour deserves *dismissal* (in terms of CO artt 79 and 80) in order to end the official privileges.

3.4.5 When the office is wilfully relinquished, the person can not be dismissed in terms of CO, artt 79/80 because all official duties and privileges have been forfeited. Yet the churches from which the outer calling came, should determine via the ecclesiastical route of CO, artt 79/80 that the wilful act ended the right to act as minister of the Word.

3.4.6 When the office is wilfully relinquished, the relevant person can either end community with the church or stay on as member. If the community with the church is ended, there can not be any further action. If the person is still part of the church, punishment should be applied in terms of CO, artt 76/77.

Conclusion

3.4.7 Wilful relinquishment of the office culminates in the wilful forfeiting of official duties and privileges without receiving the judgement of the churches in terms of CO, artt 12 or 79-80.

3.5 *Route to eligibility for calling when the office has been previously wilfully relinquished*

3.5.1 When the judgement of the church is evaded with wilful relinquishment of the office, it is necessary that the jurisdiction of all the relevant churches are specifically acknowledged by the person who applies and that there is reconciliation according to Matthew 5:23-24.

- 3.5.2 In line with this Synod 1973 (Acta, 1973:318) set out clear procedural stipulations for when a person who previously wilfully relinquished the office applies to be made eligible for calling. This procedure entails three phases, namely:
- (i) Get the evaluation and recommendation of the church and classis where the person who applies is a member.
 - (ii) Get the recommendation of the church and classis where the person who applies left the office.
 - (iii) Request to be made eligible for calling via article 4 CO at Particular Synod.
- 3.5.3 The evaluation and recommendation of the church where the applicant is member is necessary as *testimony* based on which the church, classis and particular Synod where the applicant left the office can evaluate the matter. In responsibility to and in the interest of the churches in the denomination the previous sin of the wilfulness towards the doctrine and life of the applicant is evaluated during the application for re-admittance.
- 3.5.4 The recommendation of the church and classis where the applicant left the office is necessary because the judgement of this church and classis was evaded during the wilful relinquishment of the office. The church and classis where the applicant left the office, were furthermore intensely involved in the causes and consequences of the wilful relinquishment of the office. Therefore this church and classis should be persuaded that the effect of the wilful relinquishment of the office no longer stands in the way of the ministry of the Word (see Acta, 1976:387-390).
- 3.5.5 Because all the churches are involved with the service of the Word, the Regional Synod should evaluate the application in terms of CO, art 4. After discussing the relevant documents the Regional Synod should ensure through examination that the applicant may be made eligible for calling.

Conclusion

- 3.5.6 The procedure as stipulated by Synod 1973 (Acta, 1973:318) is a sensible procedure for eligibility tot the ministry of the Word in cases of applicants who previously wilfully relinquished their calling.
- 3.6 *Conclusion 1: One definition for the concept recommendation?*
- 3.6.1 The question was asked whether the concept *recommendation* can be adequately explained by giving one definition – especially in light of the fact that persons can leave the office either wilfully, or in terms of CO, art 12 or in terms of CO, artt 79/80 CO.
- 3.6.2 Although a unique procedure for the eligibility for calling existed for a person who was dismissed according to CO, artt 79/80, Synod 1973 determined a uniform procedure for all persons who have left the office, regardless of the manner in which they left it (3.1).
- 3.6.3 This uniform procedure came about as a result of a specifically aimed Report (which focused on the entire matter of wilful relinquishment of office) that suggested a procedural extention that included the other two categories of persons (3.2).
- 3.6.4 The procedural extention in 3.2.2.4 of the decision of Synod 1973 does not adequately acknowledge the unique nature of each category of persons who left the office and who applies for eligibility for the office (3.3).
- 3.6.5 With regard to the route to eligibility for calling for a person who left the office in terms of CO, artt 12 or 79/80, it does not suffice to merely refer to the same procedure as in the case of a person who wilfully relinquished the office.
- 3.6.6 As already indicated by Synod 1997 (see 2.1.4), a study should be conducted *de novo* on the route to eligibility for calling with regard to persons who left the office in terms of CO, artt 79/80, but also with regard to person who left the office in terms of CO, art 12.
- 3.6.7 With regard to the concept *recommendation* there can not be one definition for all three categories of situations. From the specifically aimed study as mentioned in 3.6.6, it should be determined independently (if necessary) what is meant with the term *recommendation*.

3.7 *Conclusion 2: Content of recommendation of church, classis*

- 3.7.1 The question was asked what the content should be of the recommendation by the church and classis where the person left the office.
- 3.7.2 Where the decision of Synod 1973 was specifically aimed at the situation with wilful relinquishment of the office (see 3.1–3.3) and the concept *recommendation* for each of the possible categories has to be determined independently (see 3.6), attention is only paid to the meaning of the concept *recommendation* in the case of a person who applies for eligibility for calling after the office was relinquished wilfully.
- 3.7.3 The church where the applicant is a member, gives its **judgement and recommendation as testimony** specifically with regard to the previous sin of wilfulness in terms of doctrine and life. In this testimony the following is considered (Acta, 1973:318, 3.2.2.5):
- (i) The genuineness of the remorse about wilful behaviour over a period.
 - (ii) The possibility that the person can serve to the edification of all the churches.
 - (iii) The presence of the necessary gifts for the office of ministry of the Word.
 - (iv) The reasons for the application.
- 3.7.4 The church and classis where the applicant left the office, give their recommendation as an opinion of whether the effect of the wilful behaviour still stands in the way of ministry of the Word or not.
- 3.7.5 The formulation of their recommendation plays an important role in the testimony (the judgement and recommendation) of the church where the applicant is a member. This testimony relays the current situation concerning the applicant – which is one of the important facets that is needed to evaluate the current effect of the past wilful behaviour.
- 3.7.6 The test for whether the effect that the wilful relinquishment of the office had in the church and world still stands in the way of eligibility for calling, is the question of whether the person can serve to the edification of the church and classis where he left the office. In the evaluation of this matter not only the interest of the applicant and the specific church is involved, but especially God's glory in the ministry of the Word.

3.8 *Recommendations*

- 3.8.1 The following sentences are revoked from 3.2.2.4 of the decision of Synod 1973 (Acta, 1973:318):
- The procedure mentioned in 3.2.2.3 is also valid for ministers who left the office in terms of CO, artt 12 or 79. (The decision of Synod 1958:134, art 68, 8.a. is revoked.)*
- 3.8.2 The concept *recommendation* in the phrase *before he applies with the church and classis where he left the office for a recommendation* (Acta, 1973:318, 3.2.2.3) is described as a **persuasion** of whether the effect of the wilful behaviour still stands in the way to the ministry of the Word or not.
- 3.8.3 Study deputies receive the assignment to suggest unique guidelines based on a fundamental study with regard to the eligibility for calling for persons who left the office in terms of CO, art 12 and persons who were dismissed in terms of CO, artt 79/80.

Decision: Synod names new Study Deputies to complete the original assignment.