

20.5 PETITION OF PROTEST: GEREFORMEERDE KERK POTCHEFSTROOM AGAINST A DECISION OF SYNOD 1964 REGARDING AMENDMENT CO, ART 31 (Artt 19, 35, 289, 300)

- A. Rev PA Coetzee states the Petition of Protest.
- B. **Decision:** The Petition of Protest is referred to Petition of Protest Commission 3.
- C. Rev FM Dreyer reports on behalf of Petition of Protest Commission 3.
- D. **Decision:** Approved as ammended. The Commission is revs PA Coetzee (s), FM Dreyer, drr JH Howell, J Smit, CJ Smit and GJ Meijer with advisors proff A le R du Plooy and CFC Coetzee.
- E. Rev FM Dreyer reports on behalf of the ad hoc commission.

F. PETITION OF PROTEST

G. Decision that is protested

“Decision: Approved.” Acta 1964:73, 35.

H. Formulation CO, art 31 before amendment in 1964 and after 1964

2.1 Before 1964

“If someone complains that he has been wronged by the decision of a minor assembly, he shall have the right to appeal to a major assembly; and a decision reached at a church assembly by a majority of votes shall be considered fixed and binding, unless it is subsequently proven that it conflicts with the Word of God or the articles of the Church Order, as long as they have not been amended by another General Synod.”

2.2 CO, article 31 as approved during Synod 1964 (Acta 1964:59)

“A decision reached at a church assembly by a majority of votes shall be considered fixed and binding, unless it is subsequently proven that it conflicts with the Word of God or the articles of the church order. If someone complains that he has been wronged by the decision of a minor assembly, he shall have the right to appeal to a major assembly, up to the National Synod. An appeal from a National Synod to a General Synod is possible only when the appeal is made to the Bible, Confession, Church Order or a verdict of the General Synod.”

I. Background and mandate of Deputy group 1961

In 1961 the Deputies received the mandate to review the Church Order (Acta 1961:347). Their assignment was as follows:

“a. Concerning the extent:

- (1) Editorial amendment of archaic expressions that may lead to misunderstanding;
- (2) additions, deletions or modifications at articles where it is necessary (see CO, art 86).

b. How the amendments should take place:

- (1) There should not be a deviation of the exiting numbering of the Church Order.
- (2) As far as possible there must be adherence to the existing formulation of the Church Order.

The Deputies presented their Report during Synod 1964 and it was approved.

J. Grounds for appeal

4.1 The Deputies acted outside of their mandate

Motivation

The difference between the formulation of CO, art 31 before 1964 and after 1964 is fundamental and does not meet the requirements of the mandate to the Deputies to “as

far as possible ... adhere to the existing formulation of the Church Order". In this regard the Deputies acted outside of their mandate.

In an article in *Die Kerkblad* (Journal of the GKSA) prof B Spoelstra (November 2007:28) writes: "Deputies had to merely advise the Synod of the GKSA on editorial improvement of the 86 articles of the Church Order. Prof Peet Coetzee and I are the only ones of the Deputy group still alive. I remember how one proposed to improve CO art 31 by first stating the principle that church assemblies take decisions through a majority vote and then adds the right to appeal as exemption. We proposed it without study or motivation and Synod 1964 accepted it without a counter vote (Acta:59, 70)."

4.2 CO, art 31 was amended without sufficient motivation (CO, art 46)

Motivation

The motivation as provided by the Deputies in Acta 1964:70 is insufficient as a foundation for the extent of the modification. With such a modification the necessity should be clearly indication, according to CO, art 46.

The implications of the decision is clearly considered in "Gereformeerde Kerkreg en Kerkregering" (Reformed Church Polity and Church Governance) of prof B Spoelstra, p191 and 192. Also compare quoted article in 4.1.

"The Synod of 1964 now determines with CO, art 31 that the majority vote of any church assembly decides on any matter, and it is 'fixed' and 'binding', and adds the right to Appeal, which is actually what CO art 31 deals with, as an afterthought in the new CO art 31" in : *Die Kerkblad* (Journal of the GKSA), November 2007:29.

4.3 The amendment of CO, art 31 in 1964 brought a fundamental change in the meaning of the original art 31, while the necessity of the modification (CO, art 46) was not indicated

Motivation

"Where the old formulation only dealt with the right to appeal, the current formulation emphasizes the authoritative completion of the Agenda, to only add that Appeal is possible when decisions are contrary to God's Word or when someone has been wronged." GPL van der Linde : 'n Verklaring van die Kerkorde (An explanation of the Church Order) : p127". For further motivation also see "Korte Verklaring van die Kerkorde" (Short Explanation of the Church Order)" by rev Joh Jansen, 1952:146 and further. The necessity to amend the article according to CO 46, is lacking.

In the book "Reformatie en Rebelle" (Reformation and Rebellion) by dr RH Bremmer, p187 and 188, the author points out that the Church Order of Dordrecht (1578) regulates the right to appeal and the handling thereof in artt 19 and 23. The Synod of Middelburg modified it somewhat, so that it resembles the Church Order of Dordrecht, art 31 (1618/1619). This formulation agrees with the formulation of the Church Order of the GKSA before 1964. However, it primary deals with the adjudication of appeal cases where the majority vote provides the outcome. There is one exemption in the Church Order of Dordrecht, art 31: "*ten zij dat het bewesen werde te strijden teghen het Woordt Gods, ofte teghen de artijckelen in onsen generalen Sijnodo besloten, soo langhe als deselve door gheen andere generale Sijnode verandert zijn.*" Bremmer's conclusion is: "*De evidentie van het Woord Gods kreeg zo haar spits tegen het besluit van de meerderheid.*"

The conclusion is therefore: It was not the intention of the DCO, art 31 to determine that **all matters** be decided by majority vote, as the article currently states.

4.4 The majority vote now determines that which is 'fixed and binding' at a church assembly and this is estranged from the spiritual management of the church who should only let her be guided and directed by the principle of Sola Scriptura

Motivation

We can not formulate the motivation better than in the article of prof B Spoelstra in *Die Kerkblad* (Journal of GKSA) of November 2007:28:

"We did not notice in 1964 that CO, art 31 of 1619 only wanted to provide an individual (or group) with the right to appeal to a major assembly against a decision by a minor assembly and that it would be determined by a 'majority vote'. It did not aim to

reglement the authority of church assemblies, because *sola Scriptura* is confessed in the Confession. CO, art 31 (right to Appeal) does not unnecessarily follow on CO art 30, which again follows, art 29. The Church Order provides one organic 'order' and does not consist of separate legal stipulations in articles. Article 29 organises ad hoc gatherings of congregations and does not create structures. Each gathering disappears when it has served its purpose. Article 30 limits each assembly to *ecclesiastical matters* and only *that which belongs at that assembly and which can be dealt with there in an ecclesiastical manner.*"

"The rationalistic-abstract idea of "state and church" as two dominating structures only comes to the fore in 1633 with Hobbs' "*Leviathan*". The formulation that Synod 1964 gives to CO art 31 was therefore not attainable before 1816, because in both the political and ecclesiastical areas the principle of "local freedom and responsibility" was enforced. The point of departure in the Reformation was therefore that the local church makes the universal church of God visible (HC, Su 21, 38; BC, 27-32). Therefore it was important that CO, art 31 lifts the limitation of CO, art 30 so that believers could have a decision by a minority assembly tested against Scripture, Confession and Church Order. In this test the 'majority vote' will decide the outcome between grounds on which the decision was made and the grounds that are offered by the Appeal. This 'ecclesiastical manner' of decision making based on certain grounds differs of the 'ecclesiastical manner' of decision making about matters that belong to the majority meeting."

"The Synod of 1964 now determines with CO art 31 that the majority votes in any church assembly decides any matter and that this is 'fixed' and 'binding', and it adds the right to Appeal, which is what CO art 31 actually deals with, only as an afterthought to the new art 31. It remains silent on who, how and where it must be 'proven' that a decision is not valid because it clashes with Scripture or Church Order. Consequently 'unless it is proven' provides a 'ratification right' to persons and church assemblies with regard to decisions and this opens the way for anarchy."

"The authority of the majority vote is contrary to a spiritual managing system that belongs with the essence of the church as body of Christ (John 4:23, 24). Scripture does not consult the authority of the majority in religious or ecclesiastical matters. In fact, the majority of 12 spies of Canaan was wrong. All that matters, is what authority the votes present. Matters regarding confession (for example on Synod Dordrecht 1618), liturgy or Church Order (CO, art 86), should be decided by 'general vote'. This means that after the vote the minority has to conform, and if they can not for the sake of their conscience, the status quo has to remain until the 'general vote' has been won with either amendments or persuasion. Earlier Synods of the GKSA knows this procedure."

A Practical example in the history of the GKSA where a decision was not merely taken through majority vote, was with the calling of prof Jan Lion Cachet. On 20 May 1869, during the Synod at Potchefstroom, he was called as professor to the Theological School Burgersdorp. Synod 1869 determines that the calling has to take place with a two-thirds majority. Ultimately the decision was made with a cast after a two-thirds majority could not be attained.

K. The Church Council of Gereformeerde Kerk Potchefstroom hereby requests that CO, art 31 be reviewed urgently to return to the original meaning of the article.

A. REPORT OF THE COMMISSION

1. Assignment

Petition of Protest: GK Potchefstroom against decision of Synod 1964 regarding the amendment of CO art 31.

Decision: Noted.

2. The Synod takes note

2.1 *Content: Petition of Protest*

- 2.1.1 The decision of Synod 1964 that is protested is indicated in point 1. The decision is not found in art 35 as the petition of protest indicates, but in art 38 (Acta 1964:52, 38);
- 2.1.2 The formulation of art 31 CO before and after the change by Synod 1964 is given in point 2.
- 2.1.3 In point 3 the mandate given by Synod 1961 to the deputies is quoted.
- 2.1.4 The petition of protest argues based on for grounds for the request that article 31 CO should be revised.

2.2 *Method*

- 2.2.1 The commission met and discussed the matter several times. All who wanted to address the commission were heard, including the elucidator, rev PA Coetzee.
- 2.2.2 Advice was received from Prof CFC Coetzee and A le Roux du Plooy, and taken into account.
- 2.2.3 The decision of Synods 1952 (Acta 1952:152.4; 162, 233), 1955 (Acta 1955:172-179), 1958 (Acta 1958:95-106), 1961 (Acta 1961:314-347) and 1964 (Acta 1964:52-73) were checked.
- 2.2.4 The grounds of protest and motivations were weighed. In the light of that, findings were made and recommendations offered to the Synod for decision making.

2.3 *Remarks: Argumentation of the petition of protest*

- 2.3.1 The heart of the protest is that Synod 1964 brought fundamental changes to the original meaning of art 31 CO (ground of protest 3, 4.3) by changing the word order.
 - 2.3.1.1 In doing so the deputies allegedly acted outside of their mandate Ground of protest 1, 4.1). The motivation for such an encompassing change is lacking (Ground of protest 2, 4.2).
 - 2.3.1.2 The fundamental change is indicated as that the majority vote (Ground of protest 4) 'now' determines what is fixed and binding at church meetings. According to the protest the original meaning was to just determine the church appeal.

2.4 *Adjudication : Argumentation of Petition of Protest*

- 2.4.1 Binding decisions at church meetings have been taken by way of majority votes since Dordrecht 1578. It is currently the arrangement in the GKSA.
- 2.4.2 Article 31 Church Order arranged to stipulations – the church appeal and binding decisions. The distinction is acknowledged by most church polity experts (Jansen, 1952:146; Kruger *et al*, 1966:191; Van der Linde, 1983:127; Van Dellen, 1941:140-41) while Spoelstra (1989:191) indicates three stipulations.
- 2.4.3 If article 31 CO only deals with the church appeal, the protest is valid. The commission adjudicates that article CO determine the church appeal and the binding decision. The change in the order of the two sentences could possible have brought a shift in emphasis in the article.
- 2.4.4 The change could be motivated within the mandate to the deputies. Further motivation appears from the historic run-up to the mandate.
- 2.4.5 The ammendment can be motivated within the assignment to the Deputies. Further motivation comes from the historical background to the assignment.

2.5 *Finding*

- 2.5.1 There is not adequate motivation to give consequence to any of the grounds of protest. (See detailed argumentation of the grounds of appeal in Appendix A).
- 2.5.2 It is not the current formulation of article 31 CO that can lead to protests such as indicated by the petition, but rather the wrong application of the changed word order.
- 2.5.3 Since the current formulation can lead to possible misunderstanding and to abuse in the application of the article, it is preferable that an amendment is considered after thorough study. Formulations that can lead to misunderstanding serve as adequate motivation for the revision and possible amendment of church order articles (Acta 1961:347, 2).

Decision: Points 2.1.1 to 2.5.3 noted.

3. Recommendations : the Synod decides

3.1 Note points 1 and 2 of the report.

Decision: Completed.

3.2 Note the argumentation in Appendix A.

Decision: Completed.

3.3 In the light of the finding (2.5) an amendment in the formulation of art 31 CO can be considered. However, there should be adequate motivation for it.

Decision: Approved.

3.1 Synod appoints a Commission to

3.1.1 Research the possible revision/amendment of the formulation of CO, art 31;

3.1.2 To make recommendations with the necessary motivation to the next session of the Synod for decision making

3.1.3 Pay special attention to how Scripture and Scriptural motivations can be more clearly emphasised within church decision making.

Decision: Approved as amended. The Commission is revs PA Coetzee (s), FM Dreyer, dr JH Howell, J Smit, CJ Smit and GJ Meijer with advisors proff A le R du Plooy and CFC Coetzee.

B. REPORT OF THE COMMISSION – APPENDIX A : ARGUMENTATION OF PROTESTS

1. Ground of protest 1

1.1 The ground of protest claims that the deputies transgressed their mandate (Agenda 2009:203, 4.1). What was the mandate to the deputies? The mandate (Acta 1961:347, 2) gives guidelines with regard to the extent and method of amending the church order:

1.1.1 With regard to the extent, the mandate is given to:

1.1.1.1 Amend aged expressions and expressions that can lead to misunderstandings;

1.1.1.2 Make additions, omissions or changes where it is deemed necessary;

1.1.2 With regard to the method the mandate is given to:

1.1.2.1 not deviate from the existing numbering;

1.1.2.2 2. as far as possible keeping to the existing formulation of the church order.

1.2 The ground of protest is motivated with two claim

1.2.1 The **first** is that the formulation of article 31 CO 1964 has been fundamentally changed. No motivation is offered for ground of protest 1. The reference to and quote from the article of prof B Spoelstra (*Kerkblad*, Nov 2007:28) does not motivate the claim either.

1.2.2 The **second** claim is that the existing formulation was not adhered to.

1.3 In the adjudication of the ground of protest the following question should be answered: Did the deputies transgress their mandate with the amendment of the word order? According to the opinion of the commission, the ground of protest claims it but does not prove it. The fact that the existing formulations had to be adhered to as far as possible does not exclude amendment. The phrase *‘as far as possible...’* makes amendment of the formulation possible. This goes for the mandate with regard to editorial changes as well. Editorial changes mean that the words and the order of words can be changed.

1.4 The ground of protest does not indicate in its motivation which changes were brought to the formulation. According to the commission the following changes were brought to the formulation:

1.4.1 Words/phrases are omitted. The phrase *‘that is approved by the majority of votes’*, as well as *‘as long as they have not been amended by another General Synod’* are omitted.

1.4.2 Words/phrases are changed. The words *‘majority of votes’* is changed to *‘majority votes’*.

1.4.3 The order or words are changed. The article is divided into two sentences again, as at the Synod of Dordt 1618/19 (Hooijer, 1865:453; Kerkenordening, 1886:8). However, the sentences are changed around. By doing this the historically second part of the article is stated first.

1.5 The ground of protest and its motivation does not indicate why the changes transgress the mandate of the deputies.

1.6 **Finding : Ground of protest 1**

The mandate to the deputies by Synod 1961 allows – as shown in the argumentation – the amendment of the formulation of 31 CO. If the amended formulation of CO art 31 is compared to the formulation of the revised church order (Acta 1961:332, 29, 30 and 31; see 2.4.7), it seems that the mandate to remain as close as possible to the original formulation, was fulfilled. Therefore the deputies did not, as is claimed, transgress their mandate.

2. Ground of protest 2

2.1 The ground of protest firstly claims that art 31 CO was changed by the decision of 1964 and secondly that it was done without adequate motivation (art 46 CO) (4.2).

2.2 The ground of protest is motivated by a reference to the motivation of the deputies (Acta 1964, 70, art 31). According to the ground of protest the motivation is inadequate for the nature of the change to the article. The motivation mentions that the change is of such a nature that the necessity had to be indicated. However, what the ‘extent of the change’ was is not indicated in the ground of protest.

2.3 In the motivation it is mentioned that the implications of the decisions is clearly discussed by Spoelstra (1989:191-192). The motivation itself does not indicate what the implications are and how it supports the protest. A reference to a source can not be accepted as proof. The petition of protest has to deliver proof itself.

2.4 The motivation furthermore refers to an article of prof B Spoelstra (*Kerkblad*, Nov 2007:29). A part of the article is quoted. The quotation makes no mention of the motivation or lack of motivation for the alleged amendment to art 31 CO. How the article and the quote support ground of protest 3 is not indicated.

2.5 Which motivation served for the change to art 31 CO by Synod 1964? The ground of protest refers to the deputies’ motivation (Acta 1964:70, § 31). Here the omission of the phrase ‘*as long as they have not been amended by another General Synod*’ is motivated as an unnecessary duplication of CO art 86. Art 86 CO arranges the amendment of articles of the church order. The omission had valid motivation. However, this motivation (Acta 1964:70, § 31) is not all the motivation for the amendment of art 31 CO by the Synod 1964.

2.6 In the protest the motivation in the mandate of Synod 1961 (Acta 1961:347, § 186) is not considered. The mandate is relevant because the decision of Synod 1964 to amend the CO flows from it. The mandate of Synod 1961 gives two motivations for the amendment of church order articles – therefore also for art 31 CO. Aged expressions and expressions that can lead to misunderstanding can be changed. The omission of the phrase ‘*approved by most of the votes*’ and the replacement of the words ‘*most votes*’ with ‘*majority vote*’ can be motivated in the light of the mandate that aged expressions should be changed.

2.7 The protest also does not consider the motivation for a revision of the CO on the table of Synod 1961 (Acta 1961:314-317). The mandate for revision is done from this revised concept. The CO was taken into revision (Acta 1961:347, §103). In the revised CO art 31 is divided into three articles because “*each part is in itself of great importance*” (Acta 1961:332, art 29).

2.7.1 In the first article the method and authority of decisions at greater meetings is formulated. As motivation it is stated that an article is necessary to indicate how a meeting comes to a decision and how the decision should be regarded. (Acta 1961:332, art 29).

2.7.2 In the second article it is arranged that someone can protest a decision of a meeting based on Scripture and Church Order. The procedure for the protest is also arranged in this article (Acta 1961:332, art 30).

2.7.3 In the third article the right to appeal is arranged. Here the formulation of art 31 CO is given as it was before the decision of Synod 1964 amended it:

“When someone has a complaint that he has been wronged by a decision of a lesser meeting, he can call on a greater meeting; whatever is decided on that meeting with a majority of votes, should be seen as fixed and binding, unless it can be proven that it is contrary to the Word of God or with the Church Order.”

2.7.4 The argumentation shows that there was more motivation for decision of Synod 1964 to change art 31 than what ground of protest 2 relates.

2.8 **Finding: Ground of protest 2**

The motivation of ground of protest 2 does not consider all the motivations – as indicated in 2.4 – for amendment of art 31 CO. Therefore the ground of protest unjustly claims that the decision of Synod 1964 was taken without the necessary motivation.

3. **Ground of protest 3**

3.1 The ground of protest claims that the decision of Synod 1964 fundamentally changed art 31 and that the necessity was not indicated in the light of art 46 CO (4.3).

3.2 Remarks by Van der Linde (1983:127) are quoted as first motivation for the claim that art 31 was fundamentally changed. It indicates that the historically second sentence is now stated first. The quote gives not indication that the change essentially affects art 31. Van der Linde’s opinion that art 31 only deals with the right to appeal, can not be accepted. Art 31 CO came into being with the combination of two articles of the Synod of Dordrecht 1578 – the right to appeal (art 19) and the binding power of decisions (art 23; Hooijer, 1865:148-9). In the revised CO on the table of 1961 the two parts of art 31 CO are clearly distinguished (Acta 1961:332, art 29). The one leg is the method and authority of decisions, and the other the right to appeal.

3.3 In the motivation of ground of protest 3 there is a reference to the declaration of the CO (Jansen, 1952:146). No further indication is provided for how the reference supports the ground of protest. A reference to a source can not serve as motivation. The formulators for the petition of protest should deliver the necessary proof themselves.

3.4 A third motivation is provided in support of this ground of protest. Here the claim is that the necessity for the change (art 46 CO) is not indicated. No further motivation for the claim is offered. In the claim the historic run-on to the decision is not considered.

3.4.1 The decisions of the Synods of 1952 (Acta 1952:152.4; 162, §233), 1955 (Acta 1955:172-179), 1958 (Acta 1958:95-106) and 1961 (Acta 1961:314-347) indicate how the matter came on the table of Synod 1964 (Acta 1964:52-73) for decision making.

3.4.2 The matter comes on the table due to correspondence with the *“Geref. Kerken in Nederland”* (Acta 1952:152, 4). Although the GKSA does not feel a need for revision, the decision is made to study if and how the CO should be revised (Acta 1952:162, §233). Deputies are appointed for this purpose.

3.4.3 The necessity for a revision of the CO is indicated by the deputies (Acta 1955:176-77). In the light of this it is decided to appoint deputies to revise the CO (Acta 1955:179, c). The mandate for revision and amendment given here is rooted in the mandate of Synod 1961 (Acta 1961:347, § 186). Synod 1955 sets the guideline that *“...matters that come directly from Scripture”* should not be changed, and that stipulations that are not directly derived from Scripture, may be amended (Acta 1955:174-5, 3a).

3.4.4 From the history it is clear that the necessity for the amendment of the CO was not proven along the lines of a petition of protest or point of description in the light of art 46. The necessity came from the churches – in wider denominational relation, the Gereformeerde Kerke in Nederland. The necessity was confirmed by the study of deputies. In this light the CO – also art 31 – was amended in the decision of Synod 1964. If art 46 CO is applied legalistically, the necessity of the amendment was not proven in terms of the article. However, since the necessity has been indicated, Synod 1964 did not act contrary to art 46 CO with its decision.

- 3.5 In the light of the argumentation in 2.5.2 the claim that art 31 CO primarily deals with appeals, can not be accepted. The decision regarding an appeal is made in a similar way to binding decisions by a church meeting – namely a majority of votes.
- 3.6 The motivation of ground of protest 3 concludes that it was never the intention of art 31 CO that all matters should be arranged with a majority vote. The conclusion can rightly be questioned. A church meeting can not make a binding decision without a majority vote. That is the way in which decisions are made. All decisions are made with a majority vote – some with total agreement. The original intention of art 31 CO was that the majority’s judgement in the light of Scripture served as advice for the decision of the meeting that was taken with a majority vote (Dordrecht 1578, §23; Hooijer, 1865:149).
- 3.7 **Finding : Ground of protest 3**
The argumentation shows that the ground of protest does not consider the historical context of Synod 1964’ decision. In the synod decisions that led to the amendment the necessity for it was clearly indicated. Therefore the principles of art 46 CO were honoured and the protest that the necessity was not indicated is unfounded.

4. Ground of protest 4

- 4.1 In the ground of protest (Agenda 2009:204) it is claimed that the majority vote now decides at church meetings what is “fixed and binding”. The ground of protest rejects the decision making with the following motivation:
- 4.1.1 it is strange to the spiritual management of the church;
- 4.1.2 the church should only let herself be directed by the principle of Sola Scriptura.
- 4.2 The historical development of art 31 CO (see 2.5.2) shows that binding decisions at church meetings have been taken with ‘majority vote’ from the start. It was and is the way in which binding decisions are taken at church meetings.
- 4.3 The ground of protest links the authority of church decisions of the majority vote. The majority vote now determines, according to the protest, which decisions are fixed and binding. The question is whether this is due to the current formulation of art 31 CO. The meaning that is ascribed to the concept ‘majority vote’ is determining for the answer of the question. If ‘majority vote’ is understood within the context of the secular life, democratic decision making attributes authority to the vote of the majority. If the concept is understood within the context of the church order, majority vote is the method of decision making. Not the majority vote but Scripture alone attributes authority to church decisions. The ground of protest does not treat and understand the concept majority vote in art 31 CO within the context of the CO. Therefore the authority that the ground of protest 4 attributes to the majority vote is set against the authority of Scripture and from that the unjust claim that the majority vote determines what is fixed and binding.
- 4.4 If the majority vote gives authority to decisions it is contrary to the spiritual management of the church (art 1 and 30 CO). If the majority vote arranges the method of decision making in the church, it is not contrary to the spiritual management. Not the current formulation of art 31 CO, but the authority that the ground of protest grants the majority vote, leads to the claim that the method of decision making is contrary to the spiritual management of the church. Therefore the claim can not be changed as valid proof for the ground for appeal.
- 4.5 The ground for appeal is motivated with a reference to and quote from an article of prof B Spoelsta (*Kerkblad*, Nov 2007:28). In the article it is claimed that the change of art 31 CO puts the emphasis on the majority vote and that the right to appeal is added like an afterthought. Spoelstra (1989:191) contradicts himself when he indicates that three stipulations can be distinguished in art 31 – the right to appeal, decision by the majority and a condition for the validity of decisions. He also indicates that art 31 CO had two clear parts from its inception, the right to appeal and binding church decisions (Spoelstra, 1989:191). The right to appeal has never only been ‘an afterthought’ in art 31 CO.

- 4.6 The claim that the change in the formulation of art 31 CO narrows down the right to appeal and brings about that the authority of the majority vote dominates decision making, is not proven. The stipulation of art 31 CO on decision making can be abused to dominate through the authority of the majority vote though. The possibility of abuse can not be attributed to the formulation of the article, but to the wrong application of the article. The abuse is not proven with an example in the ground of protest.
- 4.7 In the formulation of art 31 CO as amended by the decision of Synod 1964, the first stipulation arranges how binding church decisions can be taken – by way of majority vote at a church meeting. The second stipulation arranges what the authority rests on – on Scripture and Church Order. The binding power of a decision comes from Scripture and Church Order. The third stipulation arranges a way in which the authority of a decision can be destroyed – appeal. There is logic in the order of the stipulations, and from that the switch in the two sentences of art 31 CO. Only after a binding decision is taken the authority of the decision can be destroyed with the necessary proof from Scripture and Church Order.
- 4.8 The statement in the motivation that the majority vote is not always right is true. Art 31 CO precisely for this reason arranges a way to destroy such a decision. The statement does not succeed in motivating ground of protest 4 against the decision of Synod 1964.
- 4.9 The reference to decision making with general agreement, where the minority conforms, confirms that decisions are taken with a majority of votes.
- 4.10 Church decisions can, as the motivation shows, also be decided with lot. The method of decision making does not serve as proof that decisions may not be taken by way of a majority vote.
- 4.11 **Finding : Ground of protest 4**
The motivation of the ground of protest does not indicate that the formulation of art 31 CO as amended by Synod 1964 grants the majority vote the authority to rule the church. Not the current formulation of article 31 CO, but the application of it can lead to abuse of power.

C. REPORT: Ad hoc commission – Article 31 Church Order

1. Assignment

The assignment as presented in the Commission report is amended by Synod to read as follows:

3.4 Synod appoints a *Commission* to:

3.4.1 investigate the possible revision/amendment of the formulation of CO, art 31

3.4.2 to present recommendations in this regard with the proper motivation to the *next session of this Synod* for decision making

3.4.3 pay special attention to how Scripture and Scriptural motivations can be more clearly emphasised in church decision making.

(Amendments indicated in *italics*)

Decision: Note taken.

2. Matters for notice

2.1 *Method*

2.1.1 The following Commission is appointed: Drr CJ Smit, J Smit, JH Howell, GJ Meijer, revs PA Coetzee (s), FM Dreyer, RM van der Merwe and proff CFC Coetzee and A le R du Plooy.

2.1.2 The Commission met on 9 March 2009 and constituted with rev PA Coetzee as chairperson and rev FM Dreyer as scribe. The Commission met again on 22 April 2009 to discuss work documents.

Decision: Note taken.

2.2 *Formulation of KO, art 31*

(3.4.1 and 3.4.2 of the assignment)

The study revealed that there are many churches locally as well as internationally with whom the GKSA has correspondence that have done much research on the

formulation of CO, art 31 (see in this regard articles on this in *Die Kerkblad* as well as on www.kerkrecht.nl). Two matters can be distinguished with regard to possible editorial amendments:

- (i) The order of the two principles included in article 31 (right to appeal and the binding decision of majority assemblies)
- (ii) A closer and clearer formulation of the way in which a majority assembly reaches its decision.

It seems necessary that these aspects should be further investigated.

Decision: Note taken.

2.3 *Scripture and Scripture motivation and church decision making and decisions*
(3.4.3 of the assignment)

After discussion of the matter based on the currently available information the following conclusions are reached:

2.3.1 Currently Synod remains with the existing prescription in the Church Order to highlight Scripture in Church decisions.

Motivation

2.3.1.1 The role of the Scripture and Scriptural motivation in church decision making and decisions is highlighted by for instance BC, art 32 and CO, art 30, 31, 32 and 33. Delegates have the responsibility to, in exercising their vote, make decisions within the framework of Scripture, Confession and Church Order.

2.3.1.2 The consistent application of art 49 of the Church Order (well-defined assignment, Deputies not “structures” with authority etc) deserves the attention of majority assemblies. This can contribute to highlighting the Scriptural motivations in the recommendations of the Deputies.

2.3.2 The Deputies who are already appointed to study CO, art 31, receives the assignment investigate setting guidelines according to which Scripture and Scriptural motivation can come to the fore more clearly during decision making.

Motivation

2.3.2.1 The guidelines can highlight the stipulations in the church order articles that promote Scriptural motivation. They can consequently be better integrated and applied during decision making.

2.3.2.2 From input that the Commission received it seems that the nature of matters – crucial or mediocre matters – as well as the relevant principles should be taken into account during authoritative decision making. This matter should be further investigated.

Decision: Note taken of 2.3 to 2.3.2.2.

3. The Synod decision

3.1 Synod takes note of 1 and 2 of the Report.

3.2 That the *status quo* with regard to the editing of stipulations in CO, art 31 is maintained and the possible revision/amendment of the formulation of CO, art 31 is referred to the already appointed Study Deputies for reporting in 2012, in the light of which decisions can be made.

3.3 In completing this assignment the Study Deputies should take the following into consideration:

3.3.1 Any possible guideline for decision taking should serve to emphasise Scripture and Scripture motivation in decisions and decision making.

3.3.2 The stipulations of the Church Order concerning Scripturally founded decisions should be taken into consideration during the study, as well as all input received (see 2.3.2.2).

3.3.3 Guidelines for decision making in other churches – especially international churches with whom the GKSA corresponds – should also be taken into account.

3.4 The assignments as formulated in 3.3.1, 3.3.2 and 3.3.3 are assigned to the Study Deputies who have already been appointed to do research in this regard.

Decision: Pts 3.1 to 3.4 are approved.

