

25.2 PETITION OF PROTEST : REGIONAL SYNOD BOSVELD – DELEGATION TO MAJOR ASSEMBLIES (Artt 19, 46, 237)

- A. Rev SA Cilliers states the Petition of Protest.
- B. **Decision:** The Petition of Protest is referred to the Petition of Protest Commission 3.
- C. Rev PA Odendaal reports on behalf of the Petition of Protest Commission 3.

D. PETITION OF PROTEST

1. The decision against which the protest is directed

National Synod 1958:42, art 271, D p,oint 1-4:

(1) The Classis delegates the same amount of ministers and elders to the Particular Synod. (3) The Particular Synod determines the amount of delegates that are deputed by each Classis in his resort. The same is valid for the decision regarding delegation to the National Synod p41 point C.b.(2) (a): The Particular Synod delegates an equal amount of ministers and elders to the General Synod equal to eight delegates per each Classis in its resort.

2. Ground for the protest

The decision by the Synod is in conflict with the Presbyterian church authority and therefore also with articles of the Church Order and our reformed confession.

3. Motivation

The point of departure of the Presbyterian Church authority has always been that the local church is independently and completely church and the revelation of the body of Christ at a determined place. It is also true that major assemblies, are assemblies of the delegates of local churches and not the assemblies of office-bearers.

Major assemblies handle issues that local churches cannot handle by themselves, but that also involve other churches in the vicinity, and issues that ask for more wisdom (CO art. 30). Major assemblies serve the interests of the local church and exist only for the duration of the assembly. Thereafter it is annulled and only the local churches and church council exist through which Christ wants to reign his church (BC art. 30).

A further principle is that one church may not overrule another church, but that all churches have equal power and not its own authority (CO art. 36 and 84).

The naming "Classis", "Particular Synod" and "Synod" in the church order, describes the assembly of local churches in a specific vicinity and not an assembly existing independently. The circle of involved churches, only becomes bigger. (Van der Linde, 1983:169)ⁱ.

The decision of the Synod 1958 is in conflict with these principles and open the doors for Collegialism and for the fact that one church is overruled by another.

The Synod determines that major assemblies delegate a determined and equal amount of ministers and elders to consecutive major assemblies. Then in practice it is not an assembly of churches any more, but of office-bearers of different churches. In practice it can happen that:

(1) certain churches have less or no representation on the involved major assembly while other churches have larger representation;

(2) there are certain churches that are always represented and others seldom or never. If the local church do not choose its delegates, but determine the delegates of the churches in the resort on behalf of the local church for representation on the next major assembly, it boils down to the invasion in the service of another and also, overruling of one church over another. Together with this the names on the list of prospective candidates on the major assemblies for delegation is not known by all churches and is therefore not representative.

Visser (1999:206)ⁱⁱ calls this "indirect representation" of each church on major assemblies. The question is in what way can the local church be represented on major assemblies in another way than only via the delegates with its letter of credential? Indirect representation does not exist in the Presbyterian church authority and never

has.

You can also claim that art. 31 CO opens the way for all churches, also for those that do not have representation in the involved assembly, to have a say along the church way in all decisions. But it is about the expression of church unity in this instance that can be seen in the public declaration and mutual reflection on issues because we are one in doctrine, service and discipline.

Anybody outside of the denomination can protest or appeal against any decision of any church assembly according to art. 31 CO, without this being the expression of church unity. Church unity is expressed by delegates of each church per letter of credential with the choice of vote concerning all churches. Churches decide together and in collaboration with another.

In major assemblies there is a mutual listening to the voice of the Christs and the one church acts on another in assignment of the Lord. (Van der Linde:274, CO art. 84).

Each church has a calling on a major assembly and the responsibility to make the clear voice of Christ audible by their presence, and to look for the will of the Lord in the church authority and to maintain it (Art. 30 BC and art. 55 CO).

In the practice of the decision of synod 1958 the local church only delegates to 'form' the first major assembly. Thereafter the major assemblies take over the function and responsibility of the church council and the major assemblies function on their own and delegate independently to the next major assembly, which boils down to the fact that churches can overrule each other and are collegialistic. Then other churches decide on behalf of the churches represented, or not represented, because they have no delegation. No church council can and may shift the authority and responsibility to others.

The public is also negatively influenced by this because certain churches that together serve this dear religion, may not participate and vote on issues, because they have no delegation, even if they would want to. We do not deny that there are circumstances out of control that can prohibit representation, but if access is denied within the denomination by the current practice of delegation, the unity is disrupted and the road is open to overruling. **If there might be churches that want to delegate in the current practice with a letter of credential to assemblies outside of their resort, it remains an open question whether they (in spite of the fact that they are invited on account of the public declaration) would be accepted and allowed.**

The so-called stepped delegation...is only a practical regulation to restrict the scope of especially the national synod. (Visser:206, art. 47 CO). But how many churches are enough to form a major assembly? The question is whether the principle determines the practice or the practice the principle? It seems through the decision of the synod that practice determines principle in this instance. The current manner of delegation is delegation of office-bearers and not churches. Spoelstra reacts on this by saying: The argument on which synods are placed as structures like and next to church councils, is not Scripture founded, but an argument built on "delegation" in the right of association and on a "church polity" argument on the office of the delegate (Bouwman 1937:85-97; Spoelstra 1967). According to this collegialistic view the church councils and major assemblies are structures of which office-bearers (church council) or the delegates (in synods) become "members" (Bouwman 1937:98; Nauta 1971:177). According to this collegialistic structural view church councils occupy boundaries and churches within the determined boundaries are instituted to further major assemblies. In this way the major assembly also occupies a determined geographic area (compare Nauta 1971:188v; also compare Presbyterianism). This collegialistic view is in radical conflict to what we learn in the Scripture on the office and local church (compare arts 2,3,16,23; Calvin Inst IV.3.vii) and churches in the denomination." (Spoelstra, 1989: 173).

If major assemblies are assemblies of local churches it has to be the local churches that delegate and that are represented by their delegates by letter of credential that only the church council of that local church can provide. A major assembly can from its nature not hand out a letter of credential. A major assembly only exists as long as it is sitting. As soon as the meeting is over, it does not exist any more and cannot have delegates to 'represent' a meeting that does not exist any more. Therefore in a major assembly only the deputies can execute assignments of the churches, on behalf of the churches.

Then the assembly declare afterwards: "The Holy Spirit and we decided..." (Acts. 15). The "we" in current terms are the churches. But in the current dispensation all the churches were not present. Some churches are therefore excluded from the "we".

4. Request

We request that the General Synod recalls this decision and bring it in accordance with the Presbyterian church authority system in which the independence and completeness of each local church is nonnegotiable.

E. REPORT OF THE COMMISSION

1. Assignment

Petition of protest: Regional Synod Bushveld – delegation to major assemblies.

Decision: Noted.

2. Issues for notification

2.1 Method of commission

Inputs were received from various persons, amongst others professors CFC Coetzee (named advisor), PP Kruger and A le R du Plooy. The elucidator of the petition of protest received the opportunity to give elucidation to the commission.

2.2 Reasoning: Petition of Protest

2.2.1 The petition of protest claims that if the local church is represented differently by greater assemblies than by the delegates with their credentials it would be contradictory to the Presbyterian Church Authority and therefore also with the articles of the Church Order and Reformed Confession.

2.2.2 The petition of protest stems from the fact that the point of departure of the Presbyterian Church Authority that the local church is independent and completely church and that all greater assemblies are meetings of local churches.

2.2.3 If a local church is not represented by his delegates with credentials on greater assemblies then in practice it is not a meeting of churches anymore but a meeting of offices from various churches.

2.2.4 Church unity cannot be expressed in another way than by the fact that each church is represented by his delegates at greater assemblies. Churches decide together and in consideration of each other.

2.2.5 The public declaration is affected *"because certain churches that shares this dear faith may not participate and do not vote on issues, because they are not delegated.*

2.2.6 Staggered delegation is only a practical regulation and is connected to delegation as in collective law enhancing the collegialistic view.

2.2.7 Greater assemblies only exist as long as it is sitting. If greater assemblies would delegate, the delegates represent *'a meeting that do not exist any longer.*

2.2.8 In the expression in Acts 15 "The Holy Spirit and we decided" we refer to the churches.

2.3 Judgement: Petition of Protest

2.3.1 It is clear that the petition of protest wants to determine the principle of delegation by the greater assembly. The problem with the decision of synod 1958 for the petition of protest is the fact that it seems that no principle is presented for the decision to staggered delegation. Your commission wants to share this point of departure: First the principle and then it must be organised in practice.

2.3.2 Like the petition of protest wants to emphasise the danger of collegialism according to their reasoning (3.2.5 and 6 of the commission report above) the danger of independentism and democratising must not be missed (in which I am not part of the decision, if I were not directly involved).

2.3.3 It can be shown from Acts 15, as indicated by the petition of protest. Although all the local churches were not present, the decision as it seems from Acts 16:4 is binding. (Acts 16:4 *As they travelled from town to town, they delivered the decisions reached by the apostles and elders in Jerusalem for the people to obey.*) Why? The emphasis is on the work of the Holy Spirit and not on what we decide. The core of the authority of church decision-making is not about everyone that is pertinently present, but if Christ come in authority in Word by his Spirit through the delegates.

- 2.3.4 It is also meaningful that Synod 1958 does not change the church order with their decision, but give it practical implication. The petition of protest did not quote the introduction of the decision: “*Delegation must happen according to the principle of the Church Order*” (Acta 1958:41, artt. 41, 47, 50). The numbering of the petition of protest is not correct. Therefore the commission only keeps to the page indication. Article 41 CO organises: “*The classis is a meeting of neighbouring churches*” and art. 47 KO organises: “*The particular synod is a meeting of neighbouring classes*.”
- 2.3.5 This decision of 1958 must be understood in context: The churches previously in South Africa must be directly delegated to all the greater assemblies. After the churches were often asked for the decrease of their delegates Synod 1952 started a study for decreased delegation taking continuity into account and bond (contact) with the churches. The deputies that report in 1958 makes the statement: “*We declare regularly that the expectation in our assignment to determine a scheme in which ‘the continuity of the Synod and the necessary bond with the congregations will be preserved, is close to impossible.*” (Acta 1958:39, art. 31). Then followed the recommendation that became a Synod decision (vgl.3.3.4 report). This implies: Delegates from each church is according to the Church Order not necessary for the Particular Synod and General Synod. It has been applied in this manner in the Netherlands for ages.
- 2.3.6 Church polity experts are unanimous that the church orderly arrangements with regards to the amount of delegates from the Classis and other greater assembly do not rest in practice on pertinent principles of Scripture but rather on appointment between the churches.
Rightfully the church polity experts distinguished between the church authority via supervisors belonging to the core of the church and church authority in gatherings of churches (synods) that belongs to the well-being of the church (Bouwman 1934:65; compare French CO 1559: art 40). Without serving the authority of Christ (BC 7,31) there can be no congregation, but without the inter-congregational help to and supervision over each other, no congregation can be well.
 and
*The fact that Christ gave special services as gifts to the congregation or local church (1 Cor 12:28; Eph 4:11v; Fil 1:1; Col 4:12; 1 Ts 5:12; 1 Tm 3:1-5; 1 Pt 5:2; James 5.14; Rev 1:20) en die elders often were named together (Acts 11:30; 15:22; 20:17,28; 21:18; Fil 1:1; James 5:14), emphasising that next to what they did individually, they also acted as a council in the church. It was necessary especially when they had to serve the kingdom of God that is the church excommunication (BC 32; Heid Cat S 31) (Calvin Inst IV.11.i-vi). The church council (see artt. 37,38) must thus according to its actual place in each local church be distinguished in principal of the greater assemblies (compare e.g. Bouwman 1934:22; Ridderbos 1965:212-215). (Quotations from Spoelstra (1989) in his treatment of art 29 CO – underlining by commission)
*The Scripture do not decide the meetings of more churches. Therefore the churches confess the necessity of the church council (BC 30), but nothing about synods. But the confession foresees that the churches will organise with each other in what way they will gather to support each other in view of determined interests (BC 32). (Quotations from Spoelstra (1989) in his treatment of articles 47, 50 and 51).**
- 2.3.7 In what sense are the churches present in each greater assembly? By delegates with a credential at the Classis, and then through further delegation with the same authority of a letter of credentials. These greater assemblies to the Classis remain an assembly of churches in the sense that they are not busy with other issues than those of the local churches. The churches determine the functioning of greater assemblies by mutual appointment.
- 2.4 *Finding*
- 2.4.1 CO artt. 47, 50 and 51 do not determine that the church councils delegate to Regional and General Synod.
- 2.4.2 A principle of Scripture is not involved here on the specific number and manner of delegation. It actually only determines the issues that cannot be finalised by a Classis are dealt with by more churches with more gifts. In the same way that the whole

church council does not have to be present at the Classis – the issue of the church can be further referred so that it can be completed where more gifts from more congregations are present. The Petition of Protest does not indicate that the decision of 1958 is contradictory to the Church Order or Presbyterian Church authority.

Decision: Points 2.1 to 2.4.2 noted.

3. Issues: Synod decides

3.1. The Synod notes point 1 and 2 of the report.

3.2. The Petition of Protest fails. (To table alternative arrangements to the Synod on delegation to the decrease or the increase in order for each church to have a representative, reasoning should concentrate on practical grounds. Practical problems often led to a decrease in delegates without affecting the principle of the authority of Christ se by elders.)

Decision: Approved.

ⁱ Van der Linde, GPL. 1983. *'n Verklaring van die Gereformeerde Kerkorde*. Pretoria: TG van Wyk Drukkers (art 47).

ⁱⁱ Visser, J. 1999. *Die Kerkorde in Praktyk*. Orkney: EFJS Drukkers (art 47).