

20.7 PETITION OF PROTEST REGIONAL SYNOD PRETORIA : REGARDING AMENDING CHURCH ORDER, ARTICLE 69 (Artt 42, 200)

- A. Rev BC Smit tables the Petition of Protest.
- B. **Decision:** The Petition of Protest are referred to Commission of Protest 3 – Church Polity.
- C. Dr RM van der Merwe reports on behalf of the Commission of Protest 3 – Church Polity.

D. PETITION OF PROTEST

1. Decision to which the objection is raised

“In the Churches only the 150 Psalms and the rhymed versions of the Ten Commandments, the Lord's Prayer, the Apostolic Confession, and the Hymns of praise of Mary, Zacharias and Simeon shall be sung. The use of other rhymed versions of Bible verses and Scripturally true songs which have been approved by the Synod, is left to the jurisdiction of each Church Council.”

2. Bases of Objection

2.1 Basis of Objection 1: Decision was made contra Church Order, art 31

2.1.1 Reasoning

In 1997 a motion with regard to CO, art 69 could not serve based on CO, art 31. The decision of 1913 was fixed and binding and no necessity could be proved in accordance with CO, art 46 for the alteration or that the initial decision was contrary to God's Word.

Also in 2000 two objections against the decisions of 1913 and 1997 were denied, based on CO, art 31 and art 46.

Notwithstanding, the decision of 2012 was carried following from a Deputies Report. The background of the Report is the composition of the Reformed Churches amongst other peoples with the GKSA, which placed a new problem on the table, namely: What do we now sing together? The variety of songs in use by the different cultures, necessitated the alteration of CO, art 69, by that so-called Bible-true songs were added to the article.

In short the alteration of art 69 was necessitated by incorrect practices in liturgical song, contrary to CO, art 69. This alteration, recommended by the Deputies, would create room for the incorrect practices to become correct practices.

According to CO, art 31 the necessity for alteration lies therein that the existing decision must be in conflict with the Word, or in conflict with a fixed and binding decision. The necessity cannot be in practical considerations or to accommodate humankind. Notwithstanding the alteration was made in 2012 on the basis of practical mutual arrangements for church song. (We may not ignore the relationship between artt 31 and 46 and yet that was the case during Synod 2012. The requirement for necessity of art 46 is contained in the wording of art 31).

In the reasoning of the Deputies for Doctrinal Matters in the run-up to the alteration of art 69, reference is made to the flow of events in 1997. It is clear from the flow of events that it is not yet in any way proven that the existing art 69 was in conflict with God's Word or the Church Order, and thus the objections prior to 2012 could not be upheld. Only by 2012 the objections got a new direction after the amalgamation of the National Synods. The bases for the alteration had now changed, away from Bible and the Church Order towards practical considerations. The Deputies 2000 never fulfilled the instructed task to check why the objections against the alteration could not be upheld and in 2009 an instruction was given to formulate a principle design, with cognisance of prior decisions, to propose a possible alteration to the Synod.

The fixed and binding decisions of ecclesial meetings (1913 and 1997) were in this regard ignored and a practical problem became the norm upon which the article was altered.

The necessity for the alteration in Synod 2012 is worded in the following quotation from the Acta 2012: “This (CO, art 69) does not currently provide for the different practices in the GKSA with regard to what is sung in church services and does not account for different historical backgrounds, and thus does not serve to preserve and encourage unity despite the diversity.”)

2.1.2 Conclusion

The recommendation of the Deputies nowhere accounted for CO, art 31 to show where or whether the wording of CO, art 69 is in conflict with God’s Word or the Church Order. A practical problem can and may not be addressed thus by changing a decision taken in 1913 and reconfirmed in 1997, without accounting for art 31. That is denial of the Church Order to which we have tied ourselves.

2.2 Basis of Objection 2: The decision of 2012 was made contra CO, art 46

2.2.1 Reasoning

Article 46 was not discounted in the Deputies Report just like art 31 was not discounted. Reference is made in the reasoning of the Report to the decisions of Synods 1913 and 1997, but there is no motivation why the alteration was necessary. Previous synod decisions were listed (Acta 2012:378, 22) to show what led to the instruction of the Deputies in 2009. It is a historical overview of the events, but if article 46 was considered, the Report of these Deputies would likely have looked different. The Deputies would probably had to point out that article 46 made the instruction impossible to execute.

Once again the necessity for the alteration on Synod 2012 is worded in the following quotation from the Acta 2012: This (CO, art 69) does not currently provide for the different practices in the GKSA with regard to what is sung in church services and does not account for different historical backgrounds, and thus does not serve to preserve and encourage unity despite the diversity.”)

2.2.2 Conclusion

The necessity to alter an article of the Church Order exists only if it is in conflict with God’s Word or the Church Order itself. The preceding decisions of Synods 1913 and 1997 were not even reasoned in the Deputies’ Report. CO, art 46 was not considered nor accounted by the Deputies for Liturgical and Doctrine in the recommendations with regard to CO, art 69.

2.3 *Basis of Objection 3: The Church Order was altered without opportunity to have “the opportunity to advise” as agreed in art 86*

2.3.1 Reasoning

Article 86 is a logical synopsis of the presbyterial church rule and give specific expression thereto that the mutual agreement between churches may not be changed lightly and without permission. It states expressly that “*no particular church, Classis or Synod, may do so [alter the Church Order]*” and also demarcate the powers of the General Synod in this regard by ruling that the General Synod may take such decision for alteration only “after the churches have had the opportunity to advise”. See in this regard explanations of article 86 by Spoelstra and Venter.

This requirement brings about that it is obviously impossible for a General Synod to alter the Church Order in one session. Should the General Synod do it like this, the delegates that forms the General Synod presumptuously take it upon themselves to act as if they have full proxy even about newly raised issues, which they do not have.

The decision of the General Synod to alter CO, art 69 there and then without at least referring it for a round of advice to the churches, demonstrates that the decision was taken blatantly outside empowerment and is thus illegal and powerless.

The requirements of art 86 is logical to prevent synodecracy and is an expression of presbyterian confession; the Church Order is not a law of a worldly king which enforces his will with an iron scepter, but is an agreement between churches based on the Bible. It follows logically that the churches must be consulted about alterations to the Church Order before such alterations are made.

Even in worldly organisations the statutes of a company may not be altered without compliance with specific requirements for **prior notification** which includes compliance with several quorum and specific majority levels requirements.

2.3.2 Conclusion

The decision by which CO, art 69 was altered, was disorderly because art 86 was not complied with.

3. Conclusion and request

The fact that the Church Order can be altered simply because it does not currently provide for the different incorrect practices in the GKSA, is sorrowful. The needs of man is hereby placed in front in the decision about what is sung in the church service.

The fact that CO, artt 31, 46 and 86 were not accounted, is untenable and against church law.

The fact that the being and wellbeing of the church of Christ was not even included in any of the reasonings, is callousness against numerous members of the GKSA.

This Church Council requests the synod to recall the current decision about CO, art 69 since it is contrary to Scripture, Confession and Church Order.

E. **REPORT OF THE COMMISSION**

1. **Mandate**

Petition of Protest Regional Synod Pretoria.

Decision: Noted.

2. **Background**

Before this Petition of Protest according to Scripture, Confession, and Church Order, it is necessary to consider the historical context against which the decision being protested was taken. Acta GKSA (2012:378–385) provided a comprehensive summary of the course of the matter. The Commission *inter alia* made use of it.

2.1 *National Synods Potchefstroom 1997-2006:*

2.1.1 During the National Synod Potchefstroom 1997 the Southern Particular Synod tabled the following Point of Discussion before the Synod: *“The National Synod is requested to extend Church order, art 69 by inserting after the words ‘other Scriptural hymns’ the words: ‘and approved Scripturally sound hymns’ (Acta 1997:806-809). It is necessary to emphasise that the Point of Discussion provide six motivations (including several Scriptural grounds) why CO, art 69 must be extended. The Synod did not give effect to this Point of Discussion. The motivation was: “The hymns provided to us by the Lord in his Word (it includes rendered hymns and to be rendered hymns in the OT and NT) are the best and sufficient for use in the churches.”*

2.1.2 During the National Synod Potchefstroom 2000 Petitions of Protest against decisions of National Synod 1913, as well as against the abovementioned decision of National Synod Potchefstroom 1997 (Acta 2000:458-462). These Petitions of Protest were given effect to. The Point of Protest against the 1997 decision that succeeds reads: *“In its motivation, the National Synod does not sufficiently focus upon the exegetical and practical argumentation of the Point of Discussion.”*

- 2.1.3 At the recommendation of the Commission Report, the National Synod 2000 decided: *“The Synod requests the Deputies Liturgical Matters to study decision National Synod 1913 (art 143, p48) and decision National Synod 1997 (art 23.6, p809) in the light of the Petitions of Protest and the Point of Discussion of Southern Part Synod (Acta 1997:807-809), with Report to the Synod 2003”* (Acta 2000:462, 6.1). This decision can be considered to be the beginning of the process that ended in the amendment of CO, art 69 during the Second General Synod 2012.
- 2.1.4 During the National Synod Potchefstroom 2003 the Deputies Liturgical Matters reported that because of the sudden passing of the scribe, the Deputies could not execute the abovementioned mandate of Synod 2000 (Acta 2003:669, 5). The Synod then decided that new Deputies receive a mandate to execute the decisions of Synod 2000 taking cognisance of the Points of Discussion and Petitions of Protest of Synod 2003 relevant to this decision (Acta 2003:669, 5.2.1.2). Two Petitions of Protest against the wording of the CO, art 69 were tabled before the National Synod Potchefstroom 2003 (Acta 2003:502-527).
With regard to both these Petitions of Protest an order proposal was accepted not to give effect to the Petitions of Protest but that the Petitions of Protest are referred to the Deputies Doctrinal Matters. Both Petitions of Protest did according to the motivation of the grounds of protest (with inter alia Scriptural evidence) confirmed the necessity to consider CO, art 69 anew.
- 2.1.5 During the National Synod Potchefstroom 2006 two reports of Deputies were tabled dealing with CO, art 69, namely the Report of Deputies Doctrinal Matters re Scripturally and Confessionally sound hymns (Acta 2006:557-571) and the Supplementary Report of Deputies Liturgical Matters re Adjudication of Point of Discussion: Extension of CO, art 69 (Acta 2006:614-626). On the basis of an order proposal the Synod decided the following: *“That in the light of the time restriction the Synod does not now completely finalise the matter regarding Scripturally and Confessionally sound hymns. That all relevant material in the Deputy Reports and current Commission Reports, as well as the two Petitions of Protest of Classis Johannesburg and Particular Synod Randvaal (2003) are referred to the Deputies Doctrinal Matters to advise the next National or General Synod on decision-making.”*
- 2.1.6 From the abovementioned it is clear that the matter regarding the possible amendment of CO, art 69 in the National Synods has a long history. There were numerous grounds (including Scriptural grounds) argued why anew consideration of the wording of Church Order art is necessary.

2.2 *First General Synod 2009*

- 2.2.1 A Report of the Deputies Doctrinal Matters appointed by Synod 2006 re Scripturally and confessionally sound hymns served before the First General Synod 2009 (Acta 2009:724-743). This Report was referred to the Commission Liturgical Matters 2.
- 2.2.2 With the Report back of the Commission Liturgical Matters 2 there was a long debate. In the end the matter was referred to an ad hoc commission. At the recommendation of this Commission the Synod decided as follows (Acta 2009:743):
1. *CO, art 69’s formulation emphasises the importance of Scriptural soundness with regard to the hymns being sung in the worship service.*
 2. *CO, art 69 can be amended like any other article according to CO, art 86.*
 3. *The Synod is aware of and recognise the reality that there currently are different practices in the churches with regard to what is being sung in the worship service. The Synod is also aware of the necessity to uphold and promote unity despite the difference, and thus appoints Deputies with the following mandate:*

- 3.1. *To considering previous Synod decisions (GKSA Potchefstroom and Middellande), the Deputy Report and the Commission Report of 2009, formulate a comprehensive principle design against which current and new hymns can be tested.*
 - 3.2. *To propose a possible formulation of amendment for CO, art 69 for consideration by the Synod.*
 4. *These Deputies must be representative from all churches.*
 5. *The Synod encourages churches, where other practices are followed (see 3 above), to submit Psalms, Scriptural Hymns, and other spiritual hymns to the Deputies for adjudication by the following Synod.*
Decision: Decision approved. The Deputies' name is Deputies Liturgical Matters."
- 2.2.3 The following two Points of Discussion were given effect to during General Synod 2009 (Acta 2009:762-765):
 A Point of Discussion of Regional Synod Bosveld which reads as follows: *"That the practice to sing Zions' hymns in the reformed worship service, in regard to existing Synod decisions and the Church Orderly arrangement of CO, is clarified by the General Synod of the GKSA."*
 A Point of Discussion of Regional Synod Free State and KwaZulu-Natal which reads as follows: *"The second Regional Synod Free State and requests the first General Synod (January 2009) to, in the light of the new composition of greater meetings, orderly put to order according to CO, art 30 the matter of CO, art 69 and the singing of Zion's hymns to guide churches with respect to the orthodoxy of hymns and the practice to only allow hymns in the worship service that are typified as "Scriptural hymns. This matter has never been finalised according to CO, art 46."*
- 2.2.4 Both these Points of Discussion were given effect to and the following recommendations of the Commission Liturgical Matters 2 were approved (Acta 2009:763,765):
- 2.1.1. *That Deputies are appointed with the mandate to identify each of the represented churches' unique situation and challenges re singing in the liturgy and to apply CO, art 69.*
 - 2.1.2. *These to be named Deputies must be representative of all the different church cultures, preferably experts in church singing as well as persons fluent in the languages of the specific churches"*
- The following point were, however, added to the lastmentioned Point of Discussion (Regional Synod Free State and KwaZulu-Natal):
- 2.1.3. *That the discussions and considerations include the content, application and possible amendment of CO, art 69."*
- 2.2.5 Conclusion – The First General Synod 2009 at two separate occasions decided regarding an mandate to consider the possible amendment of CO, art 69: A Synod decision on the basis of a Deputies Report as well as a decision based on a Point of Discussion which was given effect to.
- 2.3 *Mandate to Deputies for Liturgical Matters and execution of mandate*
- 2.3.1 The Deputies Liturgical Matters received the following mandate from the First General Synod 2009.
To propose a possible formulation of amendment for CO, art 69 for consideration by the Synod (Acta 2009:743, 3.2 – complete decision in 2.2.2. of this Report).

¹ The Deputies Liturgical Matters and Mandate CO, art 69 attention was drawn to the fact that Regional Synod Bosveld meant the singing of Lutheran hymns. Because of a writing error the words "Zion's hymns" appeared in the place of "Lutheran hymns" in the Point of Discussion submitted to the General Synod.

- 2.3.2 The Second General Synod 2012 decide to amend CO, art 69 as follows:
“In the churches the 150 Psalms, the Ten Commandments, the Lord’s Prayer, the Apostolic Confession of Faith, the Songs of Praise of Maria, Zecharia, and Simeon must be sung. Other Scriptural hymns and Scripturally sound hymns approved by the Synod are left to the freedom of the Church Councils.”

Decision: Points 2.1 to 2.3.2 noted.

3. Grounds of Protest

3.1 *Ground of Protest 1*

This decision was taken contra CO, art 31.

3.1.1 Argumentation

The wording of the old CO, art. 69 rests on a decision of 1913. The decision of 1913 was tested in 1997 and left unchanged. The Protestors allege that the necessity (CO, art 46) for the amendment of CO, art 69 in 2012 was not indicated in respect of the decisions of 1913 and 1997 (which are binding according to CO, art 31). The decisions of 1913 and 1997 were, according to the Protestors without indicating that it is in contradiction with God’s Word or the Church Order (CO, art 31).

The Protestors’ argumentation in the motivation flows from the presupposition that although the two Petitions of Protest against these decisions in 2000 were **not** upheld, the Church Order was however amended on the basis of a Deputies’ Report (2012). This Report argues that the necessity for amendment of the wording of CO, art 69 became clear because of the unity of the old National Synods. The unity of the old National Synods caused the hymns sung in the churches to fall outside the scope of the meaning of the CO, art 69.

*The Commission brings to your attention that the Protestors are of the view that the decision of 1913 and 1997 still stood at the time of Deputies’ Report (2012). The Protestors are, however, not correct. The two Petitions of Protest **did** succeed in 2000. This means that the decisions of 1913 and 1997 were abrogated and did not exist any more in 2012 at the time of the report of Deputies. Thus the appeal to CO, art 31 is not relevant as to why the CO, art 69 may not be amended. The application of CO, art 31 presupposes that there must be a binding decision, not a decision that does not exist anymore. The mandate to amendment CO, art 69 was thus not in contradiction to CO, art 31.*

3.1.2 Finding

Ground of Protest does not prove that the amendment of CO, art 69 is in contravention of CO, art 31.

3.2 *Ground of Protest 2*

The decision of 2012 was taken contra CO, art 46

3.2.1 Argumentation

The Protestors argue that the necessity for the amendment of the CO, art 69 was not indicated as required by CO, art 46. Their **presupposition** that the decisions of 1913 and 1997 still stand, lead them to the conclusion that the necessity for the amendment of the two decisions were not indicated in the decision of 2012.

*The decisions of 1913 and 1997 **do not exist anymore** because two Petitions of Protest against these decisions were upheld in 2000. The Protestors are wrong when they indicate that the decisions of 1913 and 1997 first had to be argued (according to CO, art 46) before CO, art 69 was amended. Decisions abrogated cannot be argued according to CO, art 46.*

3.2.2 Finding

Since the decisions of 1913 and 1997 were abrogated, the mandate to the Deputies re amendmnt of CO, art 69 was not in contradiction to CO, art 46.

3.3 *Ground of Protest 3*

The Church Order was amended without any opportunity for “advice by the churches” as agreed in art 86.

3.3.1 Argumentation

The Petition of Protest argues that CO, art 69 may not be amended **without the advice of the churches**. This *advice of the churches* (CO, art 86) was applied when the GKSA still met in National Synods. The advice of the National Synods were to be obtained ... (CO, art 86).

*The Petition of Protest does not take into account the latest formulation of the CO, art 86 after the changed composition of the General Synod. The provision regarding the “advice of the churches” was **amended** after the unification of the National Synods in one General Synod. The phrase thus does not exist as part of CO, art 86.*

The amendment of CO, art 69 is thus not in contravention of CO, art 86.

3.3.2 Finding

This ground of protest does not prove that CO, art 69 was amended unlawfully.

Decision: Points 3.1 to 3.3.2 noted.

4. Matters that the Synod decide on

4.1 *Recommendation : Ground of Protest 1*

Ground of Protest 1 does not succeed.

4.2 *Recommendation: Ground of Protest 2*

Ground of Protest 2 does not succeed.

4.3 *Recommendation: Ground of Protest 3*

Ground of Protest 3 does not succeed.

Decision: Points 4.1 to 4.3 noted.

5. Summary recommendation

That the Petition of Protests fails in its entirety.

Decision: Approved.