

ARTICLE 31 OF OUR CHURCH ORDER

(Rev. Dr. R. D. Anderson, last revised 20 May 2020)

What is a church order actually? It is a series of mutual agreements so that the various local churches are enabled to support each other in an orderly and upright manner. The apostle Paul admonishes us in his first letter to the Corinthians: *Let all things be done decently and in order* (1 Cor. 14:40). We should therefore not be arbitrary. In the church order we attempt to put together a number of agreements to ensure that this is the case. The church order is witness to our desire to obey the admonition of the apostle Paul.

In these agreements or 'articles' we attempt to find a means by which we can help and support each other as churches in a way which upholds the principles with which the Bible provides us. Such a striving is beautifully illustrated in the example of article 31. This article naturally has a history in our churches. After the "liberation" of 1944, the liberated churches were even called by the name: *The Reformed Churches in the Netherlands maintaining article 31*. For this reason the members of the church were often known as "article 31ers". This gives us all the more reason to investigate what this article is all about.

Art. 31

If anyone complains that he has been wronged by the decision of a minor assembly he shall have the right of appeal to the major assembly; and whatever may be agreed upon by a majority vote shall be considered settled and binding, unless it is proved to be in conflict with the Word of God or with the Church Order.

The purpose: A multitude of counsellors

Let's be honest. If you read article 31, it's not something you'd immediately associate with what it really means to be a Reformed church! It concerns the right of appeal which is given to members of the church. If you are convinced that you have been wronged by a decision of your consistory, you may appeal it.

Of course, you would first speak with your consistory about such a decision with an open Bible. As we shall see, this article is especially concerned that God's Word remains the foundation for our doctrine and life. Imagine for a moment that you have done your best to speak to your consistory, however you have not been able to convince the elders. In your estimation they have become blind to the injustice that they are doing with their decision. In such a case you may, according to this agreement, appeal the decision.

But is that biblical? Nowhere in the Bible will you find a text supporting the idea that members of the church have the right to appeal against their consistory. We read in Hebrews 13:17 that we are to obey those in the church who rule over us (that is, our elders). God will hold *them* to account on judgment day. Shouldn't we then reason that if they do an injustice, God will reckon with them! We can leave it to Him to sort out.

In principle that is true. The authority and final responsibility lie with the local consistory of elders (and minister). Let me say this quite clearly: There is no inherent *right* to appeal.

Nevertheless, as local churches bound to each other in this federation we have agreed with each other that we will *grant* this possibility of appeal to members. Scripture does not compel us to do this, and yet as consistories we consider that, given scriptural principles, it is certainly wise to create this possibility.

Why? It is extremely serious if a *consistory* discovers that a member of the church considers it to be guilty of injustice against them. Especially if the consistory is not able to convince this brother or sister that their decision is correct. If you've ever been confronted with such a situation in your life – you are just unable to convince someone else that your decision is quite correct – then you will know how this can create doubts within you. You will ask yourself: Is my decision really wise? Most of the time, you think it certainly is and nevertheless ... why can't the other person see that too? If you are honest, you will be glad of the opportunity to allow your decision to be tested and to receive the advice of others.

And this is the purpose of the appeal process: A multitude of counsellors. This expression comes from Proverbs 24:5-6 where we read:

*A wise man is strong,
Yes, a man of knowledge increases strength;
For by wise counsel you will wage your own war,
And in a multitude of counselors there is safety. (NKJV)*

A multitude of counsellors, that is what the consistory is concerned about. And therefore a consistory binds itself to give congregational members the opportunity to consult the wisdom of more elders and ministers from other churches if they feel themselves to be wronged.

You may appeal to the “classis” – as it is called. What is a classis? Is it a sort of super-church of the whole region? Absolutely not. It is a gathering of the churches from the region who come together for mutual support. Due to the fact that it would be a bit unwieldy if every local church sent its whole consistory to the meeting, two brothers from each consistory are sent who speak on behalf of their church. In this “major” or broader assembly – an assembly where more churches are present – the objection from a brother or sister against their consistory can be heard. The consistory promises that it will abide by the majority of votes, unless that majority is deemed to decide something which is against God’s Word, or against the agreements which the churches make in common in the church order.

If one does not receive a satisfactory outcome at the classis, and the matter is deemed to be of sufficient importance and weight, even more wisdom can be consulted at the general synod. In comparison to the synod, the classis is a “minor assembly”. The synod represents *all* the churches in the federation. In this way the churches attempt to apply the “multitude of counsellors” of Proverbs 24.

Your consistory certainly does not wish to rule over you in a wrong way! It desires to receive as much wisdom as possible so as to shepherd you according to Christ’s will. The consistory will indeed have to render account to Christ as judge on the last day. It shepherds the flock in his name and not for its own gain. That is also underlined by the apostle Peter in 1 Peter 5:1-4.

To briefly summarise: In article 31 the consistory promises to engage the extra wisdom of elders and ministers from other churches if you desire this. The consistory also promises to listen and abide by this broad wisdom. Is that not comforting? Does this not testify to the careful and humble spirit which our Lord expects from us?

We all tend to think that if we have taken a decision, we are quite correct. Jesus teaches us to be careful and wise, to listen to each other and take each other seriously. Therefore let the study of article 31 spur us on not to be opinionated and stubborn such as we are by nature. Let us, where necessary, then utilise the wise counsel of others. After all, this is also what Christ requires of us in inter-personal relationships (Matt. 5:23-26). If you experience disagreement with a brother or sister, allow others who are respected by both parties to mediate. This is exactly the advice of the apostle Paul in 1 Corinthians 6.

In all this, as we have seen, God’s Word takes the place of honour. And that is as it should be. Christ rules us by his Word and Spirit. And if Christ places elders over us, those elders must also rule by God’s Word and Spirit and not in any other way. It is not for nothing that God’s Word is given the place of honour in article 31. When used rightly, God’s Word is indeed living and powerful in our lives, that is when used in reverent faith. Decisions of broader assemblies may be all very well, but they are worthless if they are in conflict with God’s Word.

We might well ask ourselves if we live according to the spirit of this article. Do we dare to oppose decisions in this life which are in conflict with God’s Word, or do we tend to just shrug our shoulders and put up with them? It could be the boss at work, colleagues, or friends who invite us to some place which cannot stand the test of God’s Word. Do we dare to stand up for that Word? If God’s Word is not given the respect and reverence it deserves, we better stop pretending to be Christ’s churches. For He will be spitting us out of his mouth anyway (Rev. 3:16).

The protection: No hierarchy

In 1944 the second sentence of article 31 was under debate, the sentence where pride of place is given to God's Word. It is in this sentence that you can see the huge difference between Reformed church polity and that of other churches. The synod is not a *higher* gathering in our federation. We deliberately speak of a "major" or "broader" gathering, that is "major" in the sense of the Latin word for "greater" – that is a greater number of churches together providing a broader base of wisdom. Not higher, but broader.

The highest gathering according to God's Word is the gathering which will be held to account on the last day. In other words, to determine the highest gathering, you need to ask the question which body Christ himself will hold accountable if things go awry in his churches? Who bears responsibility?

Not the synod. Even if a synod would make the most irresponsible and unjust decisions imaginable. The *guilt* and responsibility lies with the local elders and ministers. It lies with the local consistories where it belongs. Those who rule over us directly, our leaders, as Hebrews states, will be held to account.

For this reason an unbiblical decision by a synod can never simply be accepted by a consistory. Every time again when a synod has taken place, each local consistory must test the decisions against God's Word. If a decision is found to be contrary to God's Word, article 31 gives it the right – or better put – the responsibility *not* to enact that decision. The synod cannot and may not impose an unbiblical decision on the churches. Of course, if a consistory decides that it must invoke article 31, it has a moral responsibility to the rest of the churches to request the next synod for revision of that decision.¹ If it is wrong for one church, surely it is wrong for the rest!

In this respect things went very wrong in 1944. The General synod had taken several decisions. It is immaterial to the point here what the decisions were. The point is that the synod *demand*ed obedience from all the churches. Article 31 was in effect set aside. Consistories were not to test these decisions, but to put their trust in the synod. And the synod itself would test its own decision at the next synod. Nevertheless until that next synod – years away – the churches had to swallow the decisions and obey them.

In this way the synod made itself to be the judge of what was the correct reading of God's Word. Everyone had to bow to its wisdom. It had declared that it was the only body which could test its own decisions.

As you can imagine, there was great protest against this situation. Our former sister churches in the Netherlands, where this was taking place, desired (in those days) fervently to maintain article 31. There was a resounding 'NO!' to a super-church ruled by a synod. The church order prescribes a federation of *local* churches which help and support each other. Finally, however, only about 10 percent of the local churches took this stand and liberated themselves.

So how did it happen that 90% of the local churches went with the flow? There is always a great danger – and that danger is no less present today – that elders and ministers have no time or motivation to study synod decisions and test them against God's Holy Word. It is so easy to reason that all those brothers at synod are surely wise men and wouldn't take any wrong decisions. It is all too easy to place a blind trust in their wisdom and get on with the business of being a church in one's own locality.

That sort of thinking spells the *death* of a church federation. It sounds so nice and Christian to trust each other, but it is in principle nothing other than a testimony to a serious lack of care for the federation and love for God's Word. A church federation exists to care for each other and to help and support each other. A church federation must never develop a large administration. The real work of the church is done, not at a synod, but in the local churches themselves. The federation offers mutual help and support to this work and

¹ People often talk about "appeals" made to synod. Strictly speaking an "appeal" is made to a body which is *broader* than the body which made the decision in the first place. For this reason, art. 31 only speaks about "appeals" to decisions of *minor* assemblies. There is no "appeal" to a synod. But one can always ask the *same* body that made a decision to review it. We general call this a "request for revision". If consistories refuse to abide by a decision of classis or synod on the basis that it is against Scripture or church order – as is their right under art. 31 – then they are morally obliged to *appeal* against a classis and to *request revision* if the decision was made by a synod. If a synod refuses to grant a revision of its decision and the consistory concerned still maintains that the decision is unbiblical and cannot be implemented, an impasse has been reached. Either the consistory must part ways with the federation, or – if the matter is 'minor' – an accommodation must be made.

ought not to become a top-heavy group of experts who lead matters according to their beloved opinions. The longer a synod deliberates, the more deputyships it sets up, the more reports and administration is required and the greater the risk of hierarchy becomes. If the work of a synod becomes so much that one can no longer easily get a handle on it, the end of the federation is in sight.

Let our churches not become the little pet doggies of the great synod master, but always busy themselves holding the work of the churches in common up to the light of Scripture. In this way we can look forward to meeting our Lord with a good conscience on the last day and also learn to appreciate the good work that a synod can do. Christ's blood was shed for his church, blood that means life for us all. For this reason we live for Him and fight with his Word. His Word is living and powerful. Let us believe that. Let us take up the responsibility to use that Word, and not give that responsibility over to someone else. If we would do that, God's Word will become weak and lifeless in our hands. Let's learn how to use it ourselves and take up the challenge of truly living for Christ. Then that Word comes to life. Then it becomes a sharp two-edged sword with which we truly can engage the evil one.

The New Church Order in the Netherlands

This brings us to a very sad development in our ex-sister churches. Synod Ede 2014 gave definitive ratification to an entirely new church order for the churches there which came into effect in 2015. To put it bluntly, article 31 has been removed and the responsibility of consistories to test the decisions of broader assemblies has been made null and void. While there is still the possibility for an *individual* not to follow the decision of a major assembly if he or she deems it to be unscriptural and it becomes a matter of conscience.² This possibility for consistories has been *removed*. The most a consistory can do is request from its classis that it kindly be given dispensation not to obey a decision of synod which it deems to be contrary to Scripture. The classis ruling must be obeyed, no matter the outcome.

Our Australian churches remonstrated the Dutch synod also on this point. Synod Ede, however, to my great surprise, turned around and actually rewrote history! Perhaps there should have been no surprise. When men are bent on taking a certain path by hook or by crook, they will stop at nothing to justify their actions. For interested readers let me explain. Synod Ede said the following in response to our criticism (Decision 2, g. re: admonition foreign churches):

that the objection concerning the removal of Article 31 CO originates from a reading of that article which already was no longer valid in the Church Order edition of 1978; for the exceptional case where consistories feel that they are unable to carry out synodical decisions the normal way is that of accountability to classis.

Ground: the reading of Article 31 CO within the framework of the so-called right of ratification, such as e.g. defended by P. Deddens in his *De ratificering der besluiten van meerdere vergaderingen* (1946) was opposed by J. Kamphuis in his *Kerkelijke besluitvaardigheid* (1970) and is no longer followed in the Reformed Churches. The adoption of the Church Order 2014 has not changed anything.³

The statements of this decision are however patently false. The earlier discussion between Dr. Deddens and Prof. Kamphuis concerned the question as to when a synodical decision is to be considered in effect, before or after the ratification by local churches. Deddens had argued that a decision of synod is not legally binding *until* it has been ratified by the local consistory. Kamphuis, however, argued that a decision of synod is legally binding the moment the synod takes it. But Kamphuis never argued that there is therefore no responsibility for the local consistory to test the decisions and not to implement them according to article 31 if they are deemed to be unscriptural! Until 2015 the classis never had any role in determining the validity of

2 E72.4 Note that the word "persoonlijk" here means that one cannot object to a decision being against God's Word, but only to a decision which personally affects him as an individual.

3 Translation of: dat het bezwaar over het wegvallen van artikel 31 KO uitgaat van een lezing van dat artikel die al onder de Kerkorde editie 1978 niet meer van kracht was; voor de uitzonderingssituatie waarin kerkenraden synodale besluiten niet menen te kunnen uitvoeren is daarvoor de normale weg die van verantwoording aan de classis. Grond: De lezing van artikel 31 KO in het kader van het z.g. ratificatie-recht, zoals bijv. verdedigd door P. Deddens in zijn *De ratificering der besluiten van meerdere vergaderingen* (1946) is bestreden door J. Kamphuis in zijn *Kerkelijke besluitvaardigheid* (1970) en wordt niet meer gevolgd in de Gereformeerde Kerken. De vaststelling van de Kerkorde editie 2015 heeft daarin geen verandering gebracht.

such a local decision to invoke article 31. Kamphuis himself argued that when Article 31 is invoked in this way, appeal must be made to the broader assembly responsible for the decision deemed to be contrary to Scripture or Church Order. If that body is the synod, classis has no role to play. The new church order which became valid in 2015 removed this responsibility from the local church and effectively imposed a hierarchical (synodical) form of church polity.

That Synod Ede indeed rewrote history is also quite clear from a synodical decision as recent as 2002 (Synod Zuidhorn). The decision of Zuidhorn itself was not directly concerned with article 31, but addressed the question whether churches could formally use Acts which were published online, or whether they had to wait for the printed version. Nevertheless, this decision did indirectly speak to the use of article 31 by consistories. In a statement on “the legal effect of decision making by the general synod” Zuidhorn stated (art. 18):

The consistories are authorised to proceed to ratification and implementation of a decision on the basis of the text published on the website (of the synod).⁴

This synod here presumed that consistories have the duty to scrutinise its decisions and so to “ratify” them. The question which is answered by its decision is whether consistories have to wait for the printed version of the Acts to do this. The answer is “no”. Consistories may “proceed to ratification” on the basis of the synodical online publication of the Acts.

This decision of 2002 is nothing other than the full implementation of article 31 of the church order. But now in 2014 Synod Ede quietly ‘forgot’ what Synod Zuidhoorn 2002 had said. They also ‘forgot’ that there were still some churches which had not wearied of the enormous tomes which synods had been producing the last number of years and still did make the effort to ratify decisions.

Even more surprising was the fact that this ‘forgetfulness’ in 2014 extended to the discussions at Synod Harderwijk 2011 (recorded in the Acts) only three years earlier. It was at this synod that the question of whether or not to include article 31 in the new proposed church order came up. Before 2011 there had already been a first draft of this church order which included article 31.⁵ However, Harderwijk needed to make a judgment on the second draft – and this version had excluded article 31!⁶ The deputies responsible explained in their report that they had made a conscious choice to apply the principles embodied in article 31 *in a new and different way to the past*.⁷ Synod Harderwijk 2011 accepted this deletion of article 31 and it was therefore also left out of the third draft, which this same synod published some months later.⁸ In the explanation appended to this third edition, the synod justified the omission of article 31 by arguing that churches ought not to be testing synodical decisions to see if they are in accord with Scripture, confessions and church order, as had been the practice under article 31.⁹ It is stated that the intention of the new church order is that only the synod itself has the authority to grant an appealing body or person a suspension for carrying out the decision being appealed. Yes, one could still appeal a decision, but that decision must still be implemented unless a synod *grants you special dispensation* to set it aside. Under article 31 the appealing consistory would have had the responsibility *not* to implement a decision it regarded as unscriptural. The tables had now been turned. This synod was at least honest enough to admit that the church polity which had been so important for the liberation of 1944 *had been altered*.

Synod Ede 2014, however, argued that this situation, which was still acknowledged as ‘new’ in 2011, has been the way the Dutch churches have done things all the way back to the early 1970s. This very convenient ‘forgetfulness’ also enabled them, with the slip of a pen, to revise history and ‘rewrite’ the point which Prof. Kamphuis was making back in 1970. Indeed, there was a revised version of the church order in 1978.

4 Translation of: Rechtseffect van besluitvorming door de generale synode" Besluit 3.4 "De kerkenraden zijn bevoegd om op basis van de via de website gepubliceerde tekst tot ratificatie over te gaan en aan een besluit uitvoering te geven.

5 Ontwerp Kerkorde 20-12-2010, F2.1.

6 See F2 – 4.

7 Discussed under the ‘toelichting’ for F2.

8 The third edition was only published after the churches had been given several months to respond. A typical Dutch synod remains in sitting for a very long time.

9 See under F2.

However, contrary to the suggestion of Synod Ede 2014, Article 31 had remained completely unchanged and continued to function as it always had, leaving the final responsibility with the local consistory.

It is very sad to see a church federation go down the path of church hierarchy, especially when it was the imposition of such hierarchy that led to the Liberation of 1944 in the first place. It is even sadder to see such a feeble attempt to defend this path.

What does it mean to be “wronged by the decision of a minor assembly”

Having looked at some of the important principles involved in art. 31, it is now time to return to the actual purpose and wording of the article itself. Specifically, the article is talking about individual church members who feel that they have been “wronged by the decision of a minor assembly”.

Right at the outset it is clear that there is a limitation here. Article 31 does not speak about the possibility of someone being wronged by a major assembly. He may be wronged by a decision of his consistory, or even perhaps (usually because of an appeal) be wronged by a decision of the classis he is in. But art. 31 does not give him “a right to appeal” the decision of a synod.

It is not that he could not be wronged by a synod, but it is the fact that there is no assembly even broader than a synod that he could appeal to. The appeal process ends with a synod decision. Although not discussed in the church order, a person may request a revision of a synod decision that personally concerns him.

Reformed churches are churches which believe that the Bible teaches us that Christ rules his churches via his undershepherds, the elders. These elders form the ruling bodies (consistories) in his local churches. Christ’s churches are not ruled by individuals. As explained at the beginning of this article, there is no inherent right of appeal in Scripture given to individuals. However, they are granted this possibility when they feel wronged by a decision. Such a wrong, can frequently be felt in local church life. It does not have to be limited to a decision of discipline affecting the person. Even a decision relating to worship or other practical aspects of church communion could bind the conscience of a member in such a way that he feels wronged. He may appeal such decisions to his classis. Article 31, however, does not give him the right to feel that he is personally responsible for any decision made in the churches anywhere they he might believe is incorrect. He may only appeal a decision whereby *he himself* has been wronged.

A local church member ought not, therefore, to appeal decisions of a classis that do not affect him. He may of course talk to his consistory about any classis decisions which he believes that his consistory ought to be concerned about. But is the *consistory* which is the *ruling* body and as such responsible for policy and polity within the churches. We ought never to forget the admonition of Hebrews 13:17 ...

Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage to you. (ESV)