Report of the Commission on Church Order

The Commission on Church Order (CCO) met in person October 12–14, 2017, in Grand Rapids, Michigan, and again January 24–26, 2018, in New York, New York. Communication also occurred through numerous emails and phone calls. The CCO consulted with other commissions of the General Synod on the work assigned to it by the General Synod.

Referrals from 2017 General Synod

Six referrals from last year’s General Synod were received: R 17-20, R 17-23, R 17-26, R 17-30, R 17-31, and R 17-47. All are addressed in this report.

Task Force regarding Commitment to the Formula of Agreement

A member of the CCO (Philip De Koster) and an alternate (Joshua Scheid) were designated to represent the commission on the task force created in response to R 17-24 “to review the RCA’s commitment to the Formula of Agreement, including its role in ecumenism and exchange of ministers” (MGS 2017, R 17-24, p. 149).

Delegates Authorized to Vote on Final Declarative Resolution regarding Constitutional Amendments

The 2017 General Synod voted:

To declare that only classes that have seated delegates at a General Synod which recommends a proposed change to the Constitution of the Reformed Church in America to the classes for approval may vote on that proposed change, and furthermore, to instruct the Commission on Church Order to propose language for the Book of Church Order to clarify this matter, for recommendation to the General Synod of 2018 (MGS 2017, R 17-30, p. 162).

The commission composed text for the appropriate section that fulfills the directive from the 2017 General Synod’s instruction on this topic. The proposed text amends the section of the BCO captioned “Rules and Amendments of The Government of the Reformed Church in America and Disciplinary Procedures” (2017 edition, p. 73).

The commission submits the following recommendation:

CO 18-1
To adopt the following changes to the Book of Church Order, “Rules and Amendments of The Government of the Reformed Church in America and Disciplinary Procedures,” for recommendation to the classes for approval (additions are underlined; deletions are struck):

Sec 2.
   a. Amendments to the Government, the Disciplinary and Judicial Procedures, the Formularies, and the Liturgy and the Directory for Worship shall be made only upon adoption by the General Synod at a stated meeting, with recommendation to the classes for approval.
b. At least two-thirds of the classes shall approve a proposed amendment in order to secure its adoption. Only classes whose delegates were eligible to be seated at the General Synod at which the amendment was adopted are eligible to vote on the recommendation for approval.

c. If an amendment is approved by the classes, the General Synod, at its discretion, may pass a final declarative resolution on the amendment. When the declarative action has taken place, the amendment shall become effective. (ADOPTED)

_The advice of the Advisory Committee on Church Order and Governance was to vote in favor of CO 18-1._

**Regional Synod Formation, Combination, and Disbanding of Classes, and Transfer of Churches from One Classis to Another**

The 2017 General Synod voted:

To send Overture 44 to the Commission on Church Order for consultation with the Regional Synod of the Far West (*MGS 2017*, R 17-31, p. 163).

Overture 44 read as follows:

The Regional Synod of the Far West overtures the 2017 General Synod of the Reformed Church in America to amend the _Book of Church Order_, Chapter 1, Part III, Article 2, Section 3 to read as follows: “The regional synod shall form, combine, and disband classes, and may transfer churches from one classis to another within its bounds. Prior to these actions, the regional synod will provide a 60-day notification of its intended action with all churches and classes being effected” (*MGS 2017*, p. 162).

Following its October 2017 meeting, the commission sent correspondence to the president and synod executive of the Regional Synod of the Far West (Glenn Spyksma and Bruce Bugbee, respectively) requesting additional background information regarding the overture it submitted to the 2017 General Synod. A response was received from the stated clerk of the Synod of the Far West.

The commission at its January meeting drafted an amendment that the commission believes addresses the concern raised by the Synod of the Far West yet also protects the parties that could be affected by the changes inherent in the _Book of Church Order_ rubric. The commission gave attention to the potential breadth of the phrase “all parties involved.” The amended rubric identifies that required consultations to be completed by the regional synod happen between the classis and consistories affected, not everyone who may want to be considered a “party” affected by the proposed change.

To provide protection for classes and consistories, the commission’s recommendation calls for consultations about proposed changes to occur at a regular session of the consistory (_BCO_ Chapter 1, Part I, Article 4, Section 2 [2017 edition, p. 20]) or a stated or special session of the classis where a quorum is present that meets the requirements of a quorum of a stated session of classis (_BCO_ Chapter 1, Part II, Article 4, Section 1 [2017 edition, p. 31]). The commission recognized that a special session of a classis only requires three
ministers and three elders. The special session quorum is a significant minority of the composition of the classis, which could result in the lack of information to all members and delegates and a lack of input from all members and delegates about this potential consequential change, hence the greater quorum requirement if the matter is discussed at a special session. The commission could not justify such a significant, consequential action as transferring a church between classes, changing the composition of a classis or classes, or disbanding a classis needing to happen in an “ad hoc” fashion. The commission recognizes that a process that happens in a slower, deliberate fashion with adequate time to discuss and reflect on the implications of a proposed change along with a process that fits into the schedule of the assembly that would be most affected by the change better protects those assemblies (consistory and/or classis). Furthermore, the commission recognizes that an “ad hoc” process achieved quickly could more readily lend itself to a type of gerrymandering or other manipulations of the assemblies within a regional synod. Lastly, the commission is proposing separating the current Section 3 into two sections (Section 3 and Section 4) since each sentence in the current section configuration addresses a different action for the regional synod and causes confusion when both actions are stated within one section.

The commission presents the following recommendation:

CO 18-2
To adopt the following changes to the Book of Church Order, Chapter 1, Part III, Article 2, Section 3 (2017 edition, p. 61) for recommendation to the classes for approval (additions are underlined; deletions are struck):

Sec. 3. The regional synod shall, after reasonable and timely consultation with all parties involved, form, combine, or disband classes. The regional synod, after reasonable and timely consultation with all parties involved, may also transfer churches from one classis to another within its bounds.

Sec. 3. The regional synod shall, after consultation with the classes and consistories involved, form, combine, or disband classes. All consultations required in this section shall occur at a regular session of each consistory (BCO Chapter 1, Part I, Article 4, Section 2) or a stated or special session of each classis where a quorum is present that meets the requirements of a quorum of a stated session of the classis (BCO Chapter 1, Part II, Article 4, Section 1).

Sec. 4. The regional synod, after consultation with the classes and the consistory involved, may transfer a church from one classis to another classis within its bounds. All consultations required in this section shall occur at a regular session of each consistory (BCO Chapter 1, Part I, Article 4, Section 2) or a stated or special session of each classis where a quorum is present that meets the requirements of a quorum of a stated session of the classis (BCO Chapter 1, Part II, Article 4, Section 1).

[Remaining section renumbered.]

(ADOPTED)

The advice of the Advisory Committee on Church Order and Governance was to vote in favor of CO 18-2.
Consistory Responsibility of Costs Borne by Minister when Source of Minister’s Insurance is Spouse’s Employer-Sponsored Benefit Plan

The 2017 General Synod voted:

To instruct the Commission on Church Order, in consultation with the Board of Benefits Services, to prepare such changes to BCO Formulary No. 5, paragraph 5 (2016 edition, pp. 132-133), that make clear a consistory’s responsibility for any additional costs borne by a minister and the minister’s family when that minister’s insurance comes through the spouse’s employer-sponsored plan, for report to the General Synod of 2018 (MGS 2017, R 17-26, p. 150).

The commission was instructed to consider the responsibilities of the consistory to the minister when the minister has elected health/medical insurance coverage through his or her spouse’s employer-sponsored group plan. Since many group plans have a portion of the premium that is to be paid by the employee, the question was raised if the consistory should compensate the minister for those out-of-pocket expenses, since the consistory is not paying insurance premiums because it is not directly providing such insurance.

Formulary No. 5 requires the consistory to provide health/medical insurance. However, in the situation cited in the previous paragraph, a consistory is not providing such insurance and so has no financial obligation. The CCO believes the spirit of the promises and obligations made to the minister by the consistory in the call document (Formulary No. 5) is rightly fulfilled when the minister is not expected to bear the financial burden of health/medical insurance premiums by whatever means health/medical insurance may be obtained.

The CCO therefore proposes language requiring a consistory to compensate the minister for the required employee contribution for a spouse’s employer-sponsored plan. This compensation is limited: up to the premium costs of the Reformed Benefits Association (RBA) plan that meets the minimum standards as determined annually by the Board of Benefits Services. Under current tax law, this compensation would be taxable income to the minister, assuming alternate arrangements are not made.

To demonstrate how this language would work, here are some examples:

- The minister’s spouse’s employer-sponsored plan for a family requires an employee contribution of $600 a month in 2018. The premium cost of the RBA plan meeting the minimum standards in 2018 is $1,727 a month. The consistory would be responsible to compensate the minister $600 a month.
- The minister’s spouse’s employer-sponsored plan for a family requires an employee contribution of $1,900 a month. The consistory would then only be required to pay $1,727, the cost of the RBA plan. If the minister chose the employer plan, the balance of $173 would fall to the minister’s spouse unless the consistory opts to provide additional compensation.
- The minister’s spouse’s plan has no required employee contribution. The consistory would not be required to make any additional compensation to the minister.

In either the first or the third example, the consistory may choose to take the funds that it would have spent on medical insurance and use them as additional compensation to the minister or a contribution to an account such as a health savings account if one is available. However, there would be no requirement to do so if the amount that is compensated to the minister is sufficient.
minister meets the required threshold. The calculations would need to be adjusted each year. If the required contribution for the employer’s plan becomes more expensive than the RBA plan, the consistory and the minister would need to discuss what option will best serve them moving forward.

In addition to this important change to the medical/health insurance, the CCO modified the call form in two places in an editorial manner. First, the current asterisk and footnote is eliminated. The definition that has been in the footnote is now incorporated within the text itself. Second, a new rubric is added stating that the signatures of the consistory and the classis leaders need to be part of the call form documents. The Formulary states that signatures are recorded, but the Formulary doesn’t have a provision for signatures. The BCO states that the call form shall be approved by the classis or classis president and clerk, but again, the Formulary doesn’t currently have a provision for the fulfilment of this requirement (BCO Chapter 1, Part I, Article 2, Section 3 [2017 edition, p. 14] and Chapter 1, Part II, Article 15, Section 7 [2017 edition, p. 54]). CCO had been asked by a clerk whether a place for the signature of the minister should also be included in the call form. CCO is sympathetic to the request and recognizes that a classis may want to have a tangible acceptance of the call. However, CCO is not including a place for a minister’s acceptance signature in the Formulary because the call form is an action of a consistory and a classis to offer employment. The acceptance of the call by the minister is a corresponding response to the offer, but sending forth the call is an action of the consistory and the classis.

The CCO submits the following recommendation:

CO 18-3
To adopt the following changes to Formulary No. 5 in the Book of Church Order (2017 edition, pp. 132–133) for recommendation to the classes for approval (additions are underlined; deletions are struck):

...As long as you continue to be the minister of this church, we also promise to pay the stipulated contributions to the Reformed Church retirement plan and provide benefits including group life insurance, long-term disability insurance, and medical insurance for you and your immediate family—which means those dependents eligible for family medical insurance according to the insurance plan documents of the Reformed Benefits Association. Such insurance coverages shall meet or exceed the minimum standards stipulated by the Board of Benefits Services.

If you and your immediate family elect medical coverage through your spouse’s employer-sponsored group plan, we promise will not be required to provide medical insurance to compensate you for any medical premium costs incurred by your immediate family, up to the premium cost of the Reformed Benefits Association plan meeting the minimum standards stipulated for the year compensated.

In addition we promise to provide a minimum of one week and a stipend equal to, not less than, the equivalent of 1/52 of the minimum cash salary established by the classis for a study program mutually agreed upon by you and us for your professional development, for each year in service with our congregation. By
mutual agreement this time and money may be accumulated to a
maximum equivalent of four years of service.

We hereby bind ourselves and our successors for the performance
of all the foregoing by the underwritten signatures of the consistory
members to this instrument. May the Lord incline your heart to a
cheerful acceptance of this call and send you to us in the fullness
of the blessing of the gospel of peace.

Done in consistory and subscribed with our names this ___ day of
__________________, 20__.

Attested by _____________________________________________

Supervisor of the call

[Signature lines for all consistory members and the required
classis officers must be inserted—see BCO Chapter 1, Part I,
Article 2, Section 3 regarding signatures of consistory members
and BCO Chapter 1, Part II, Article 15, Section 7 regarding the
requirement for classis approval of a call prior to the call being
submitted to the minister.] (ADOPTED)

(Note that in making its revisions, the CCO removed the present footnote regarding
“immediate family.”)

The advice of the Advisory Committee on Church Order and Governance was to vote in
favor of CO 18-3.

Affiliation of Local Church with More than One Denomination

The CCO recommended to the 2017 General Synod certain amendments to the Book of
Church Order that, if adopted, approved, and declared effective, would have had the effect
of providing an orderly way for local churches to affiliate with other denominations (i.e.,
maintain membership status in at least two denominations). At that time, the CCO noted
that examples of affiliated churches already in exist in the RCA and that the CCO was
aware of other churches expressing interest in such a relationship. The commission did not
offer an opinion on the merits of affiliation.

The amendments proposed by the CCO would have had no effect on the affiliating
church’s relationship with the RCA, such as the requirements of Formulary 15, oversight
of property, etc.

The 2017 General Synod voted to not adopt the proposed amendments (MGS 2017, R
17-46, p. 271). Notwithstanding this action by the 2017 General Synod, local churches in
the RCA continue to affiliate (or contemplate affiliation) with other denominations. The
greatest need for this new Article 9 is likely the formal organization of new churches that
have been formed by the cooperative efforts of the RCA and the CRC. These congregations
have only known an affiliated relationship, yet when these church starts move to formal
organization, there currently isn’t a provision in our order for such a continued affiliated
relationship. Apparently, such a new church would need to choose between denominations
rather than continued unity. For this reason, the CCO addresses the topic again in this
report.
Some delegates at the 2017 General Synod wondered about the meaning of “full communion” that was used in the version presented to them. There isn’t a clear written definition of this term, though it is used elsewhere in the BCO (Chapter 1, Part I, Article 2, Section 4 [2017 edition, p. 14]). The CCO has now employed the phrase “an agreement for the orderly exchange of ministers” to provide greater clarity. The General Synod has such written agreements.

Accordingly, the commission submits the following recommendation:

**CO 18-4**

To adopt the following changes to the *Book of Church Order* for recommendation to the classes for approval (additions are underlined; deletions are struck):

Chapter 1, Part I

**Article 9. Affiliated Churches**

*Sec. 1.* A consistory or governing body, with approval of its congregation and classis, may affiliate with another denomination with which the Reformed Church in America has an agreement for the orderly exchange of ministers. A consistory or governing body that affiliates with another denomination remains subject to the provisions of the Constitution of the Reformed Church in America.

*Sec. 2.* The governing body of a church from a denomination with which the Reformed Church in America has an agreement for the orderly exchange of ministers may affiliate with a classis of the Reformed Church in America upon approval of its congregation, the receiving classis, and the affiliating church’s current denomination/s.

a. Unless otherwise determined by the receiving classis, delegates from an affiliating church shall be corresponding delegates to the classis.

b. A minister of an affiliating church shall remain subject to the discipline of the minister’s denomination.

c. A church that affiliates with the Reformed Church in America remains subject to the governance of its current denomination, unless it is otherwise agreed.

*The advice of the Advisory Committee on Church Order and Governance was to refer CO 18-4 to the General Synod’s Commission on Church Order for refinement and clarity.*

**VOTED:** To refer CO 18-4 to the General Synod’s Commission on Church Order for further refinement and clarity.
Classis Divestiture of Interest in Property of Local Church Granted Leave to Withdraw from the Denomination for the Purpose of Affiliating with Another Denomination

The 2017 General Synod voted:

To instruct the Commission on Church Order to propose constitutionally appropriate amendments to the Book of Church Order to accomplish the intent of Overtures 16 and 17 for report to the 2018 General Synod (MGS 2017, R 17-20, p. 139).

This commission was instructed to propose “constitutionally appropriate” amendments to the Book of Church Order (BCO) to accomplish the intent of Overtures 16 and 17.

The proposed text amendments to BCO Chapter 1, Part II, Article 10, Section 4 (2016 edition, pp. 40-42) found in Overtures 16 and 17 were as follows:

f. If the classis shall then determine that it is in the best interest of Christ’s Kingdom that the church be allowed to withdraw from the denomination, and to retain all or part of its real and personal property free from any claim, fees, or penalties on the part of the denomination or any assembly, board or agency thereof; and it shall then so declare and proceed promptly to assist the consistory of the church in (1) dissolution of the relationship of the church to the denomination, and (2) transfer of its property to a church of another denomination (MGS 2017, p. 138).

The commission engaged in serious discussion regarding a constitutional way to accomplish this intent. However, it was unable to find one. Fundamentally, our Constitution teaches that we are a Church together, not a gathering of individual local churches. We understand the Church to be the body of Christ, not its individual components (see 1 Corinthians 12). Our Constitution embodies this scriptural understanding. Cleaving from the body without conditions finds no support in the Constitution, as departure is a consequential matter. It is appropriate that classes be able to impose conditions that attempt to repair the significant damage that may be caused by a church leaving.

Our Constitution is the structure that “constitutes” the church. It is not merely text on a page but is the framework and very life of the church. When looking at a “constitutional” way of acting, one must look not only to the BCO but to all of the following: “the Doctrinal Standards (which are the Belgic Confession of Faith, the Heidelberg Catechism with its Compendium, the Canons of the Synod of Dort, and the Belhar Confession), the Liturgy with the Directory for Worship, the Government of the Reformed Church in America, the Disciplinary and Judicial Procedures, this Preamble, and the Formularies” (BCO Preamble [2017 edition, p. 1]). Our order is presbyterial, meaning its foundation is based on the idea that authority is vested in assemblies. It is not a congregational form, which would provide autonomy to local congregations, with loose ties to other churches (see Allan J. Janssen, Constitutional Theology, p. 19 [Grand Rapids: Wm. B. Eerdmans, 2000]). The Preamble provides that “[t]he local churches together delegate authority to classes and synods, and having done so, they also bind themselves to be subject together to these larger bodies in all matters in which the common interests of the many churches are objects of concern” (BCO Preamble [2017 edition, p. 4]).

Although our current society places much emphasis on individualism, the Reformed Church in America cannot and should not do so. “A Reformed understanding of church moves in quite the other direction. The church is not a product of human activity or belief.
God establishes and maintains the church” (Janssen, p. 2 [emphasis original]). Church is not built from the bottom up as an individualistic culture would teach. Rather, “[t]he Church is God’s work. And that needed to be expressed in the church order” (Janssen, p. 3). Throughout our history, the RCA has looked to Scripture and found a communal focus of decision-making (Janssen, p. 5). From the very beginning, the Reformed Church in America has been about the gathering of churches into assemblies (see Daniel J. Meeter, *Meeting Each Other in Doctrine and Liturgy*, pp. 34–35 [Grand Rapids: Wm. B. Eerdmans, 1993]). The Explanatory Articles of 1792 proved that “[t]he reformed Dutch Church holds the middle station between two extremes. On the one hand, she denies all superiority of one Minister of Christ over another, and on the other, considers independent, unconnected congregations as unsafe and inconvenient” (Meeter, p. 124 [emphasis added]). Janssen furthers this understanding by writing, “At the same time [the classis] prevented the local church from assuming to itself all power. The classis reminded the local congregation that it lives in communion with other congregations” (Janssen, p. 103). Nothing in the Constitution grants local consistories the right of independence. Rather, they are “accountable to the greater church for [their] life and action” (Janssen, p. 106).

Other parts of the Constitution similarly underscore the need for a collective understanding. The Heidelberg Catechism recognizes the corporate nature of the church when discussing the Apostles’ Creed. Answer 54 reads:

I believe that the Son of God
through his Spirit and Word,
out of the entire human race,
from the beginning of the world to its end,
gathers, protects, and preserves for himself
a community chosen for eternal life
and united in true faith.
And of this community I am and always will be a living member.

Similarly, the Belhar Confession emphasizes unity. The second “We believe” says in part:

We believe that unity is, therefore, both a gift and an obligation for the church of Jesus Christ; that through the working of God’s Spirit it is a binding force, yet simultaneously a reality which must be earnestly pursued and sought: one which the people of God must continually be built up to attain (Eph. 4:1-16).

The key component, again, is a communal understanding of life as a Church. The Church is not a collection of individual churches, and is certainly not individual churches all on their own. Rather, it is a unified body—the body of Christ.

Chapter 1, Part II of the *Book of Church Order* contains numerous other examples of a communal church. For instance, a local church cannot birth itself (*BCO* Chapter 1, Part II, Article 2, Section 4 [2017 edition, p. 29]). Rather, the local church emerges from the life of the Church, as embodied in the classis (Janssen, p. 107). The classis has responsibilities for ministers and students (e.g., *BCO* Chapter 1, Part II, Article 2, Sections 7–10 [2017 edition, p. 30]). Finally, Section 11 provides the broadest authority to the classis; it “shall exercise all ecclesiastical functions … which are not specifically delegated to other assemblies” (*BCO* Chapter 1, Part II, Article 2, Section 11 [2017 edition, p. 30]). Janssen writes that this section of the *BCO*, which was added in 1968, maintains the local character of the church, but protects against a congregational polity that would grant to the local expression of the church too great an authority. The governance of the church remains close
to that place where the Word is preached and the sacraments performed, but it does not finally devolve to either the congregation or even its consistory (p. 112).

When a local church is dissolved, the order provides that remaining assets vest in the classis. This, too, is consistent with the understanding that the Church is something broader than the local congregation. Far from being independent, “… the congregation is itself a member of the larger church” (Janssen, p. 141). As such, “[a] congregation cannot dispose of its life as it sees fit” because it is part of the church (Janssen, p. 142).

Coming to the issue of a local church transferring to a different denomination, the understanding is and must remain no different. A local church is not an individual possessor of assets, free to do with them as it wishes. Rather, it is part of the broader Church, which reasonably has expectations for that local church. Independence is an anathema to our order and to our understanding of Church. We are, as Christ compels, unified as a body to conduct his work in the world (see, for example, John 17). This unity compels all we are and all we have, including the physical possessions of a congregation. Any attempt to remove consequences from a local church for its departure finds no support in our Constitution. What might be classified as “fees and penalties” by some can be seen by others as a classis ensuring it is able to do ministry. The best interest of “Christ’s Kingdom” is not always what’s best for the local church.

The overtures presuppose that a local church leaving without consequences is in best interest of Christ’s kingdom. Rather, the leaving has serious consequences for the classis, so it is appropriate to allow for the imposition of conditions so as to not unbalance the scales. The Church is the Church together, not individual congregations; they are (nearly) inextricably bound together. Our Constitution provides no way to allow a local church to leave as if it were independent. To make such a change would be to change the Constitution and thereby to fundamentally change the Reformed Church in America.

The CCO is not presenting a recommendation since it is not possible to “propose constitutionally appropriate amendments.”

**Discipline of a Classis**

The 2017 General Synod acted:

> To instruct the Commission on Church Order to investigate the feasibility of one or more constitutionally appropriate proposals for amending the Book of Church Order to provide for the discipline of a classis, including discipline initiated by another classis and/or classes, and to present recommendations to the 2018 General Synod (MGS 2017, R 17-23, p. 147).

**What Is Discipline?**

Before moving on to any determination of the feasibility of discipline, the Commission on Church Order first found it necessary to determine what is meant by discipline in the Book of Church Order.

Two perspectives were identified:

1. Some RCA members take the category “discipline” to consist of charges (leading to admonition, rebuke, suspension, deposition from office, excommunication), complaints, and appeals (i.e., all BCO Chapter 2 is “discipline”).
2. Some RCA members take the category “discipline” to consist of admonition, rebuke, suspension, deposition from office, and excommunication, and take the category “judicial procedures” to consist of charges, complaints, and appeals.

Only the second perspective is consistent with the BCO. The BCO physically separates discipline from complaints and appeals. Charges are the judicial procedure that can lead to discipline. Complaints cannot lead to discipline. The BCO says, “Discipline is the exercise of the authority which the Lord Jesus Christ has given to the church to promote its purity, to benefit the offender, and to vindicate the honor of the Lord Jesus Christ” (Chapter 2, Part I, Article 1, Section 1 [2017 edition, p. 77]). Unless an assembly decides to use admonition or rebuke pastorally, discipline requires presenting a charge against a person or consistory. A member of a local church may have a charge brought against him or her by the board of elders. A charge can be brought against an elder or deacon by the board of elders. A commissioned pastor or a minister of Word and sacrament may be disciplined by the classis in which the person has membership. A General Synod professor may be disciplined by the General Synod. If a charge is proven to the satisfaction of the judicatory, discipline is imposed. In the case of a member, the discipline could include admonition or rebuke, suspension from the privileges of membership, or excommunication. In the case of an elder, deacon, commissioned pastor, or minister of Word and sacrament, the discipline could also include suspension from office or commission, removal from commission, or deposition from office (See BCO Chapter 2, Part I, Articles 1-3 [2017 edition, pp. 77–80]).

The only assembly against which a charge can be brought is a consistory (see BCO Chapter 2, Part I, Article 3, Section 6 [2017 edition, p. 80]; Chapter 2, Part I, Article 5, Section 1 [2017 edition, pp. 81–82]; and Formulary No. 13 [2017 edition, p. 139]). A consistory is “under the care of the classis and [is] subject to its government and discipline” (see BCO Chapter 2, Part I, Article 3, Section 6 [2017 edition, p. 80]; Chapter 1, Part II, Article 7 [2017 edition, pp. 32–35]; and Chapter 1, Part II, Article 2, Section 2 [2017 edition, p. 29]). Notably, different conditions are imposed for the discipline of a consistory, underscoring the unusual nature of disciplining an assembly.

A classis has the authority, after trial, to suspend a consistory accused of unfaithfulness to duty, or of disobedience to the classis, or of violation of the Constitution of the Reformed Church in America or the laws and regulations of the church. …The classis shall fulfill the responsibilities of the consistory …so suspended until a new consistory has been legally constituted (BCO Chapter 2, Part I, Article 3, Section 6 [2017 edition, p. 80]).

This provision provides the only model for discipline of an assembly, and therefore is useful to consider the implications of discipline of a classis, the next higher assembly.

The instruction from the General Synod directs the CCO to explore the constitutionality of allowing for the discipline of a classis. The commission understands this instruction to mean exploring the possibility of amending the BCO by adding a new section called, “Discipline of a Classis” to the list in Chapter 2, Part I, Article 3, and addressing the ramifications of that addition throughout the rest of the BCO.

**Historical and Theological Understandings of Discipline**

In our Reformed polity, only at the local level is the Church most fully *the Church*, because the sacraments are administered and the Word is preached at the local church. Particularly, the uniqueness of baptism is foundational to the Church and Christian formation. But, this state of being *Church* must be expressed in fellowship and communion with other
churches. This is what the classis does. The classis, and the classis alone, fulfills the episcopal function and all that it entails (see BCO Chapter 1, Part II, Article 7 [2017 edition, p. 32]). The classis is the assembly given authority for all matters on which the BCO is silent, underscoring the tension Reformed polity provides between local autonomy and concentrated authority in a bishop (Janssen, pp. 19–20). For example, a classis administers a constitutional inquiry annually (see BCO Chapter 1, Part II, Article 7, Section 1 [2017 edition, p. 32]). The consistory must respond with an update on the congregation’s spiritual fitness. A classis can supersede a consistory (BCO Chapter 1, Part II, Article 9 [2017 edition, p. 37]). The classis also has sole responsibility for ordaining ministers of Word and sacrament (see BCO Chapter 1, Part II, Article 13 [2017 edition, p. 80] and BCO Chapter 1, Part II, Article 15 [2017 edition, p. 52]). The classis is responsible for enforcing “the requirements of the Government of the Reformed Church in America” (BCO Chapter 1, Part II, Article 2, Section 2 [2017 edition, p. 29]).

These examples demonstrate some of the ways a consistory is accountable to its classis for its ministry.

Classes are not accountable to synods (regional or general) in the same way that consistories are accountable to classes. For instance, synods do not administer a constitutional inquiry. Synods cannot supersede a classis. Synods have no oversight of ministers of Word and sacrament. Perhaps most notably, the synod is not charged with enforcing “the requirements of the Government of the Reformed Church in America” (compare BCO Chapter 1, Part II, Article 2, Section 2 [2017 edition, p. 29] with BCO Chapter 1, Part III, Article 2, Section 1 [2017 edition, p. 61]). Synods exist for the good order of the church, but are not the heart of the church, which must remain more closely tied to where “the Word is preached and the sacraments performed” (Janssen, p. 112). The Preamble states, “Reformed governance understands that the greater assemblies care for the ministry that extends beyond the purview of the lesser assemblies without infringing upon the responsibilities of the lesser” (2017 edition, p. 3).

It is instructive to understand the historical background out of which our church order emerged. The RCA has inherited the church order tradition and ethos of the Hervormde Kerk, which undergird the current Constitution. After the Synod of Dort, each province of the low countries had its own provincial synod, which was the forbearer of the RCA’s regional synod. The churches in the provincial synods had their own cultures, their own liturgies, their own practices, and their own variations on the church order.

The Hervormde Kerk was made up of classes and provincial synods containing as wide a variety of church life, practice, and order as the variety of the towns, cities, and provinces themselves. It was a church whose ethos and identity strongly centered in the ethos and identity of the classes, and the church order reflected and supported that diversity. What they shared in common was a confession of faith, like what the RCA calls its Standards of Unity. When the Dutch church came to North America, the churches in the colonies were first members of the Classis of Amsterdam. Then in the eighteenth century, through nasty conflict, the Dutch church in North America formed the provincial (“particular”) synod of New York.

Church conflict in the Dutch Reformed tradition has, from the beginning, been about the degree to which the whole church needs to practice and believe the same things and to what degree the integrity of local and regional autonomy should be retained. So it is with us today. The CCO observes that this historic division is the issue driving the current discussion on the matter of classis-versus-classis discipline.

It is important to see that the historical DNA and heritage of the RCA has had from the beginning a basic, assumed bias toward local integrity over and against universal
conformity. Nearly all the episcopal authority needed to carry on as the church resides in the classis. The synods are gatherings of the classes. It is also important to see that the Dutch Reformed form of church conflict is, so to speak, written into the fabric of the church itself, both in its ethos and in its church order. The recurring form of church conflict in the history of the RCA’s church order is one that always finds its crisis point as a conflict over the integrity of the local and regional church versus the integrity of the whole church.

Never has this tradition, however, compromised the episcopal integrity of the classis. Those churches that did change the episcopal integrity of the classis split off to form their own denominations (e.g., the Christian Reformed Church in North America over the decision to allow local consistorial discretion regarding lodge membership).

R 17-23 instructed the CCO to consider whether there are constitutionally appropriate ways to discipline a classis and, furthermore, whether another classis could file a charge. However, neither the regional synod nor the General Synod has an episcopal role over the classis in the same way a classis has an episcopal role over a consistory/local congregation. For either synod to take on this responsibility infringes on the constitutional responsibilities, authority, and autonomy of the classis. It would be awkward at best and certainly alters the concept of Reformed polity. From a historical and theological perspective, this is why CCO states that the proposal R 17-23 seeks would end this church and begin another church.

**Procedural Questions and Concerns**

Although the commission could have stopped its inquiry given the weighty historical and theological issues with R 17-23, it thought best to also address the significant procedural problems. Thus, the portion of this paper addressing the feasibility of allowing a classis to initiate discipline against another classis addresses questions that are basic to any disciplinary procedure and that must be answered before a classis could be disciplined:

1. Who could bring a charge?
2. What would be the threshold for presenting a charge?
3. Which judicatory would conduct the trial?
4. What kinds of discipline could be imposed on a classis?
5. What conditions would allow for restoration?

**Who Could Bring a Charge?**

This question refers to the concept of “standing.” Is it constitutionally appropriate to grant standing in a judicatory to one classis against another classis? R 17-23 does not ask the CCO to consider the possibility of granting such standing to members of local churches, to members of other classes, or to anyone other than a classis.

“Standing” is a mechanism that protects a person or group from being accused by one who has nothing to lose or who has not been aggrieved or violated. Standing ensures a judicial matter includes only those who have been harmed. In this way, standing addresses relationship and furthers the purpose of discipline—restoration. It is important to note that discipline occurs in the context of a relationship—e.g., a member with the board of elders; an elder or deacon with the board of elders; a minister with that minister’s classis; a commissioned pastor with that commissioned pastor’s classis as well as board of elders; a consistory with its classis. In other words, relationship is paramount in discipline, and standing confirms relationship.

The *BCO* provides this guidance regarding standing: “A charge may be brought by an
individual who is subject to the jurisdiction of the responsible judicatory” (BCO Chapter 2, Part I, Article 4, Section 2 [2017 edition, p. 80]). Also, Explanatory Note 11 furthers this understanding; it reads as follows:

A person not subject to the discipline of the judicatory may bring an accusation to the responsible judicatory. The accusation must meet the requirements set forth for a charge in Section 1 of this article. The judicatory forwards the accusation to the appropriate committee of the judicatory that will assess the accusation as outlined in Section 4 of this article. The committee will determine whether the accusation is of sufficient merit to become a charge. The committee shall, in turn, introduce the charge and move it forward. The factual foundation for the charge(s) must be the same whether the charge(s) is brought by an individual or by a committee of the judicatory (BCO, Explanatory Notes on Chapter 2, The Disciplinary and Judicial Procedures [2017 edition, pp. 96–97. Emphasis original.]).

Every resolution of a charge must include a decision about whether the accuser has standing—that is, has relationship. If the reason for initiating discipline is driven primarily by issue rather than relationship, the outcome of discipline will miss the intended purpose of discipline, which is restoration (see BCO Chapter 2, Part I, Article 4, Sections 2 and 3 [2017 edition, p. 80]; see also Chapter 2, Part II, Article 1, Section 4 [2017 edition, p. 87] and Chapter 2, Part III, Article 1, Section 1 [2017 edition, p. 91] for rules about standing).

What Would Be the Threshold for Presenting a Charge?

If a classis were permitted to file a charge against another classis, how would the originating classis act on this urge? Such action is a very serious matter and raises many questions, such as:

- Does the recommendation to file a charge require a simple majority approval or a two-thirds super-majority approval of the classis’s members and delegates? Such an action would be extraordinary. It makes sense that it takes an extraordinary action to begin the process.
- Can the action be taken at a special session of the classis or must the motion be considered only at a stated session? The quorum for a special session is three elder delegates and three ministers. That number is significantly less than the 50 percent plus 1 requirement for a stated session.
- Is a “checks and balances” system needed as an intervening process that would require that a “Matthew 18” step of intentional, restorative discussion happen before a charge can be filed?
- Should a classis be required to submit a filing fee to cover the cost of the action when a classis is seeking to have a matter processed in the church judicatories? The judicial process can be very expensive, with travel for hearings and stenography work. Requiring a filing fee demonstrates the intent of a classis rather than the convenience of using the system that others need to fund. The judicial process within the RCA occurs at great cost to the greater church because of the rightful tediousness of the process, the time it takes for the judicatory to assemble, the important discernment of the judicatory, and by the significant stress to the body of Christ.

Which Judicatory Would Conduct the Trial?

In what judicatory would a classis be given standing if classis-to-classis discipline were part of our government? A regional synod doesn’t have episcopal authority and lacks
the authority to enforce the requirements of the Government of the RCA. Nowhere in Chapter 2, Part I is a regional synod the original judicatory in which a charge is brought. The regional synod is rightfully limited to an appellate role, which reviews the procedure employed by a classis in its role as a judicatory. In the appellate role, the regional synod does not re-litigate the case. Its role is limited to review of the process that led to the decision to determine whether the judicatory followed the proper procedure and whether the decision was just (see BCO Chapter 2, Part III, Article 1, Section 4 [2017 edition, p. 91]).

Even if the RCA were to become more episcopal in its structure, and a classis would present a charge, to which regional synod would the case be addressed? For example, if a classis in the Regional Synod of the Mid-Atlantics sought to charge, for example, the Wisconsin Classis for a violation of the Constitution, would the charging classis file the charge with the Regional Synod of the Mid-Atlantics or the Regional Synod of Mid-America? If it would be filed with the Regional Synod of the Mid-Atlantics, why should the Wisconsin Classis respond to a synod that lacks any supervisory authority over it? Would the Wisconsin Classis get extradited to New Jersey to stand trial? Likewise, why would the charging classis have the right to demand the Regional Synod of Mid-America begin trial proceedings and hear the charge? Again, the issue of “standing” and relationship arises. The crossing of regional synod boundaries seems inappropriate because of a clear lack of standing. But still, even more basic is the missing element of episcopal relationship in the composition of the regional synod.

Is there standing for a classis within the same regional synod to file a charge against another classis in the same synod? Admittedly, there is a relationship, but this does not eliminate the procedural issues. For example, the Regional Synod of the Mid-Atlantics is composed of four classes. If one classis files a charge against another classis in that synod, both are recused for the judicial proceeding. This recusal would leave the other two classes to take the responsibility of the investigation and trial proceedings. The mission of the synod would be lost to this turmoil of litigation. It must be stated again: even more basic is the missing element of episcopal relationship in the structure of the regional synod.

What Kinds of Discipline Could Be Imposed on a Classis?

To answer this question, it is appropriate to look at the only assembly our current rules permit to be disciplined—a consistory. A consistory may be suspended and its members disqualified from re-election until disqualification is removed by classis. Further, Explanatory Note 8 says: “The classis has authority only to suspend a consistory and not to depose a consistory since a ‘consistory’ is not an office” (2017 edition, p. 96). This note indicates the limitations for disciplining a consistory, and the same idea would likely apply to discipline of a classis.

The CCO presumes one of the assumptions underlying this overture was a desire to change the action of the classis, which would require suspension of the classis. This is so because other forms of discipline (e.g., admonishment and rebuke) only reflect dissatisfaction with the action taken by that classis. What would it mean to suspend a classis? Is that feasible? If a classis were suspended, is the regional synod equipped to take over the vast responsibilities of the classis during suspension? What would be the status of suspended ministers? What would a suspended elder delegate be? These practical considerations alone suggested bringing a charge against a classis is unwise. Indeed, the term “suspended classis” is a contradiction of terms. A classis is an assembly composed of enrolled ministers—who are members by virtue of their ordination—and elder delegates. If it were suspended, there is no classis. This same logic applies to a local church. That body can’t be suspended. It either exists or it doesn’t exist.
There does not seem to be any other action a judicatory could take when disciplining a classis against whom a charge has been sustained. With a consistory, other church members can be elected to replace the disqualified elders and deacons. No such people exist on the classical level. One is a member of a consistory because of election wherein one is then ordained to office. One is a member of a classis because one has been ordained to office. Membership in classis isn’t an elected position where someone else can fill the void that would be created in the event of suspension.

What Conditions Would Allow for Restoration?

The stated purpose of church discipline is “to promote [the church’s] purity, to benefit the offender, and to vindicate the honor of the Lord Jesus Christ” (BCO Chapter 2, Part I, Article 1, Section 1 [2017 edition, p. 77]). The intention of discipline is repentance, not punishment (see Janssen, p. 298). Attempting to promote restoration gives rise to many questions, such as: What conditions allow for restoration? How, and to whom, would a classis report its repentance? How would a classis meet to take any action toward repentance? Special session, quorum, and majority voting rules enter in this discussion. However, one major factor overrides these questions: A suspended classis doesn’t exist, so how could it “do” anything?

If a classis were suspended, how would a classis meeting be called in order to begin the restoration process? The suspended members would not have the privilege of vote to act to communicate its repentance. A suspended classis is a nonexistent classis. Wouldn’t the suspension of a classis result in the deposition of the officers of the classis (e.g., president, vice president)? How then is a president to call a classis session into meeting? Even if a regional synod sought to call a suspended classis to order, who would come? Suspended members do not have voice or vote. As discussed earlier, discipline is an action that addresses matters of relationship. The purpose of discipline is to right a relationship and care for a person. To use discipline simply to enforce a particular view or preference regarding an issue eviscerates not only the discipline process but also the pattern and conditions for restoration.

Summary

On practical, theological, and historic grounds, CCO is convinced that inventing a way to discipline a classis is unnecessary, unwise, undesirable, and most importantly, unconstitutional.

The changes implied in R 17-23 would change the 400-year-old DNA of the RCA by changing the relationship between classes and altering the basic structure of jurisdictional bounds of classes. It is not that it cannot be done, of course, but it should not be done without conducting a rigorous, legitimizing investigation into the magnitude of the change proposed. The impact of the R 17-23 proposal is not merely a pragmatic nor procedural change. It would be a change to the Constitution of the church. Implementing the changes sought by R 17-23 would not strengthen the RCA as a church. It would make the RCA another church—an unrecognizably different church than it has been for more than 400 years. A structure that would allow the filing of charges across classes’ boundaries is indeed fundamental in the historic life of the RCA. Changing the jurisdictional integrity of classes would be the end of this Reformed Church in America.

Former RCA general secretary Wesley Granberg-Michaelson addressed the 2014 General Synod on the matter of seeking cross-classis discipline, which was an issue at that synod. He said,
COMMISSIONS

The nearly 400 years of history in the Reformed Church in America has seen us deal with the most severe conflicts: between the conferentie and the coetus, where there was physical fighting over pulpits. Around the question of slavery, where some preached in favor of slavery and others preached against. Around the question of women’s ordination, more recently. And for all this time we have learned the priority of how our witness is strengthened when we stay together. One of the features that has enabled us to do this is our polity. It is a gift that allows us to deal with diversity while maintaining the unity of the Spirit and the priority of our witness. This overture does two things. It destroys that tradition of polity, and it opens the opportunity for further division. Denomination after denomination is seeing the ill fruits of that division. We have a chance to make a different witness.

(https://vimeo.com/album/2958581/video/101295442, 1:00:52 mark; see the 2014 Minutes of General Synod, pp. 136–138, for the context in which these remarks were shared.)

If No Change Is Made, What Actions Can a Classis Take?

Our present church order permits any classis to act in the form of discipline through admonition and rebuke, including addressing another classis. “Admonition and rebuke are pastoral in nature and are exercised by an assembly in the ordinary course of its proceedings” (BCO Chapter 2, Part I, Article 1, Section 2 [2017 edition, p. 77]). In other words, a classis can send a communication to another classis that the action or inaction of the classis is not affirmed by the sender of the communication. Such an action does not require a judicatory and avoids the myriad constitutional questions of standing, governance, and procedure.

This form of communication is not new. In historic minutes of classes, a term for communication between classes in which actions like “admonition and rebuke” may be exercised is observed. The minutes called such communication “fraternal letters,” and exchanges of letters happened commonly. Different classes within the RCA exchanged different opinions and expressed their convictions of right and wrong with and to one another. The term “fraternal letter” is no longer a proper phrase in our time. However, the word “fraternal” recognized that the two classes were connected at a deeper, familial level. “Fraternal” communicated respect and equality from the sender for the recipient. The letters reminded all that “we are the church together.”

In conclusion, the Commission on Church Order finds it is not constitutionally appropriate “to provide for the discipline of a classis, including discipline initiated by another classis and/or classes,” and therefore makes no recommendation to the General Synod for amendments to the BCO in response to R 17-23.

Commissioned Pastors: Tensions around the Title; Possible New Designation

The 2017 General Synod acted:

To instruct the Commission on Church Order, in consultation with the Commission on Theology, to investigate the tensions around the title of commissioned pastor, and, if appropriate, to present a new designation in place of “commissioned pastor” for presentation to General Synod 2018 (MGS 2017, R 17-47, p. 275).
The Commission on Church Order met in a joint session with the Commission on Theology (COT) and the Commission on History (COH) to discuss the tensions of the title “commissioned pastor” in October 2017. Specifically, there is ongoing confusion due to the title disparity of using “commissioned pastor” to describe someone who is an “ordained elder.” The BCO defines a commissioned pastor as “an elder who is trained, commissioned, and supervised by a classis for a specific ministry within that classis that will include the preaching of the Word and the celebration of the sacraments” (BCO Chapter 1, Part II, Article 17, Section 1 [2017 edition, p. 58]).

Tensions Identified

First, there is a tension around the word “pastor.” Though a commissioned pastor is an ordained elder, the word “pastor” is often a synonym for “minister.” Additionally, “pastor” is used to identify a role, which may be held by a non-ordained person, such as a “youth pastor.” This tension is exacerbated because, by definition, commissioned pastors perform substantively similar functions as an ordained minister. For more on the history, role, and understanding of commissioned pastors in relation to office, the commission recommends the COT’s paper “A Theological Rationale for Commissioned Pastors at the Broader Assemblies” (MGS 2017, pp. 314–317), CCO’s paper “The Commissioned Pastor in the Reformed Church in America” (MGS 2017, pp. 249–252), and COH’s paper, “Commissioned Pastors in the Reformed Church in America: A Historical and Contextual Survey” (MGS 2015, pp. 197–203).

Another significant tension is training. While a commissioned pastor is “trained,” the BCO specifies that the classis “approve and supervise a training plan for that person” (BCO Chapter 1, Part II, Article 17, Section 3 [2017 edition, p. 58]). As a result, the training that commissioned pastors receive varies, sometimes significantly, from classis to classis and may not properly prepare them for the duties of their commission. Additional tension is created because others feel the education provided and/or the Certificate of Fitness for Ministry process, either through RCA seminaries or the MFCA, is deficient and not to be trusted.

Finally, other tensions identified include a misconception that there is a shortage of ministers in the RCA and a lack of parity in compensation of ministers and commissioned pastors (see the COH’s paper “Ministerial Supply, 1900–2010: A Historical Perspective” in MGS 2017, pp. 286–297). For example, the provisions in Formulary 5 require consistory to provide certain medical and retirement benefits for ministers of Word and sacrament but not for commissioned pastors who may be performing in a substantively similar capacity.

Possible Ways to Resolve the Tensions

The commission spent considerable time discussing alternative designations in place of either “commissioned” or “pastor.”

- “Pastor” could be changed to “elder.” While this change would align with our understanding of office, it would not clarify the confusion around function, and in some cases could be seen as a detrimental demotion in contexts where a commissioned pastor is looked to as a pastor by members of the congregation.
- “Commissioned,” “licensed,” and “ordained” are three options with existing meaning and significance in ecclesial and legal settings. “Licensed” and “ordained” already have meaning in our order; thus, using them here would cause confusion. Removing “commissioned” or using an alternate word in its
COMMISSIONS

place merely introduces a new set of problems in place of any it may solve.

- An inquiry to other denominations provided similar combinations of the aforementioned designations. The title “commissioned pastor” does share commonality with the Christian Reformed Church in North America (CRCNA); however, in the CRCNA, commissioned pastor specifically is an office.

A different possible path to resolve some of the tension would be to better define and standardize the training provided to commissioned pastor candidates or to provide a more consistent route for commissioned pastors to become ministers of Word and sacrament.

Another possible resolution, admittedly a drastic one, would be to eliminate the commissioned pastor altogether. The title, while contributing to the tension, may not be its main source. This possibility recognizes that there are underlying concerns regarding commissioned pastors, but these tensions lie outside of the commission’s scope of resolving the title. Furthermore, it seems unwise for this commission to pursue such action given that the 2017 all-synod advisory committees largely affirmed the “work, service, and impact of commissioned pastors in the life of the church” (see “Report of the All-Synod Advisory Committees Summarizing Team” in MGS 2017, pp. 273–282).

Conclusion

“Commissioned pastor” is simply a title. The commission could not identify an alternate designation that would likely solve the underlying tensions or broadly improve the understanding of the good and important work that commissioned pastors do. Substantive changes may be the only way to reduce the underlying tensions. The commission is hopeful that the amendments to the BCO adopted as R 17-41 by the 2017 General Synod, if approved by the classes and declared effective by the 2018 General Synod, will clarify the role of commissioned pastors in the life of the Church. Accordingly, the commission does not find a new designation in place of “commissioned pastor” to be helpful in reducing or eliminating the identified tensions, and therefore is not presenting a recommendation regarding the title.

Election of Moderator and Secretary; Appointment of Corresponding Delegate to 2018 General Synod

The commission elected Philip De Koster to serve as both its moderator and secretary for the annual period commencing July 1, 2018. The commission appointed Larry Schuyler to serve as its corresponding delegate to the 2018 General Synod.

Respectfully submitted,
Larry Schuyler, moderator

The following motion was made and supported:

To instruct the CCO to fulfill their previous instruction from GS 2017 regarding Classis Divestiture of Interest in Property of Local Church Granted Leave to Withdraw from the Denomination for the Purpose of Affiliating with Another Denomination.

VOTED: To not adopt the motion.