

Dordt and South Africa. The nature and challenges for Reformed Church polity in South Africa

ABSTRACT

Under the title *Dordt and South Africa – the nature and challenges for Reformed Church Polity in South Africa* this presentation starts by sketching the context in which the Church Order of Dordt was drawn up and what the role and meaning of the Church order was for the Reformed Churches in the Netherlands. Secondly attention is paid to the role of the Church Order of Dordt in the history of South Africa – given it's context and meaning in the Netherlands. Given the background of the first two parts the presentation then goes on to identify new developments and challenges for Reformed Church Polity in South Africa such as the effect of the new SA Constitution that was accepted in 1994/1996; and the effect of guaranteed freedom of religion on matters like the debate between religions; the identity of the church and church unity.

1. THE CHURCH ORDER OF DORDT (1619) IN CONTEXT AND MEANING

1.1 The context of church and state relations

The fourth national Synod in the Netherlands was held in 1586 in the Hague under difficult military and political conditions. The war against Spain wasn't going too well and in 1584 Prince William of Orange was assassinated. It became clear that the States-General could not contain the situation. They consulted first with Henry III of France and then with Queen Elizabeth I of England to take over the sovereignty in the Netherlands. Both refused but Elizabeth sent Robert Dudley, the Earl of Leicester together with 5000 troops to the Netherlands. According to Williston Walker his rule was a failure and he returned to England in 1587 (Walker 1970:386).

Leicester however, did support the Reformed Church in its quest for greater independency from the authorities (De Jong 1972:168) and he clearly realised that a well ordered church was necessary to cope with a variety of viewpoints that threatened to tear the church apart. It was on his instruction that a National Synod met in the Hague from 20 June to 1 August 1586 after putting pressure on various provincial states to support the calling of a national synod (Pont 1981:158-159).

After the departure of the Earl of Leicester from the Netherlands in 1587 the relationship between state and church in the Netherlands got worse. In Holland the rulers were viewed as wanting to rule over the church while the rulers were wary that the church wanted to much of a say in political matters. By the end of 1589 the rulers in Utrecht for instance put off all reformed ministers and decided that in future they would only call "peace loving ministers". In the rural areas of Utrecht the owner of the church had the right to take the name of a minister of his choice to the authorities for approval while in the cities it was seen as the right of the magistrate to appoint a minister. No classes were established and no provincial synod could be held (De Jong 1972:183-174) and the authorities were bent on keeping church discipline in hand (Bakhuizen van den Brink 1967:276). What in fact was happening was that the system of church-state relations dating from the times of Constantine was being re-established in the Netherlands

– the state protected the church but at the same time also controlled the church.

Between 1586 and 1619 society in the Netherlands became more and more divided between the strict Calvinists (“preciezen” also called “kerkelijken”) who stood for a strict interpretation of the Confession and who was against the interference of the state in the matters of the church; and the more tolerant “rekkelijken” also called the “politieken” who was afraid of confessional coercion from the side of the church and wished the protection of the authorities against such a possibility (Bakhuizen van den Brink 1967:276) Casper Coolhaes (1534-1615) was a supporter of these views. He was put off as minister in Leiden for choosing sides with the authorities and because of his heterodox views. In society itself various humanistic traditions dating from Erasmus of Rotterdam could be found and Anabaptism was wide spread. All of this manifested itself in an emphasis on the more practical aspects of religion, a disinclination towards sharp creedal definitions and a more tolerant attitude which can for example be found in the ideas of Dirck Coornhert (1522-1590). These ideas came to their fullest expression in the work of Jacobus Arminius (1560-1609) and his followers. Regarding predestination Arminius accentuated the responsibility and free will of man. God chooses a person out of grace for the sake of Christ but in this He takes into account the faith of the person which He foresaw (Documenta Reformatoria 1960:277-280).

A conflict between Arminius and his Calvinist colleague, at the university of Leyden, Franz Gomarus sprang up over the doctrine of predestination (Williston Walker 1970:399). Gomarus maintained that God had decided from eternity whom to elect and whom to reject according to His will. Even the faith through which a person is saved is a free gift of God's grace for the elect (Documenta Reformatoria 1960:287-288). Soon the colleagues were in a bitter conflict which affected not only the country but also the international reformed world. At this time both parties insisted on a general/national Synod to solve the matter. Gomarus and his followers wanted a decision from synod in their favour while the followers of Arminius saw a synod as a place where a conference could be held about the confession and which could lead to a revision of the confession.

After the death of Arminius in 1609 Johannes Uytenbogaert (1557-1644) and Simon Episcopius (1583-1643) became the leaders of the Arminians. The “Arminian”-views were systematized, opposing the emphasis on minutiae of doctrine and viewing Christianity primarily as a force for moral transformation.

In 1610 at the insistence of the eminent Dutch statesman from the states of Holland and a supporter of religious tolerance, Johan van Oldenbarneveldt (1547-1619), Uytenbogaert, Episcopius and 41 of their sympathizers drew up a statement of their faith called the “Remonstrance” (Declaration) for which the party gained the name “Remonstrants”. Van Oldenbarneveldt did not deem a national synod necessary and was of opinion that the matter could be settled in the province of Holland. The Remonstrance was directed to the states of Holland (Nauta 1949:52). The document was a summary of Arminius's views, a plea for a revision of the confession of faith and the catechism and also an expression of their view that the states had the highest authority over ecclesiastical matters (Documenta Reformatoria 1960:290-293). Uytenbogaert also stated his opinion in a separate publication that the government stood higher than all ecclesiastical gatherings and as such should have the final say in ecclesiastical matters (Blei 2006:30).

The Calvinistic opposition under the leadership of people like Petrus Plancius in Amsterdam, Festus Hommius in Leiden and Sybrandus Lubertus, a professor in Franeker issued a Contra-Remonstrance on 11 March 1611 in which they opposed the views of the Remonstrants, rejected talk of a review of the confession and advocated the independence the church to decide for itself on matters of dogma and doctrine. They recognized the authority of the government regarding

exterior matters but denied that it had the authority to express itself in ecclesiastical differences regarding doctrine (Documenta Reformatoria 1960:293-300; Bakhuizen van den Brink 1967:277; Nauta 1947:53).

In more than one city the authorities who favoured the Remonstrants and made it very difficult for the Contra-Remonstrants. In the States of Holland provincial synods were prohibited since 1608 (Nauta 1947:53-54). On 23 July 1617 Prince Maurits openly attended a worship service of Contra Remonstrants in the Hague thereby showing his support for them (Nauta 1947:54). The conflict soon affected the whole of the Netherlands as it took on political dimensions with sharp differences between Prince Maurits of Orange who sided with the Calvinists and Johan van Oldenbarneveldt and Hugo Grotius who sided with the Arminians. In political terms Prince Maurits sided with the so called “national party” while Oldenbarneveldt and Grotius were the leaders of the “states rights” party which also included wealthy merchants. At that point in time the “national party” still wanted a National Synod to decide the controversy while Oldenbarneveldt and the provinces of Holland (excluding Amsterdam) and Utrecht held that each province should decide its own religious affairs. In 1617 the states of Holland declared themselves against a National Synod through the so called “Scherpe Resolutie” and took steps to maintain order in the cities through the employment of city troops (Bakhuizen van den Brink 1967:278). Realising the danger of this for the Union Prince Maurits obtained the support of the States General and through a *coup d'état* in July 1618, overthrew the “states rights” party. Oldenbarneveldt was beheaded on May 13 1619, and Grotius condemned to life imprisonment in Loevestein, he escaped in 1621. The way was now open for the “States-General” to call the National Synod of Dordt of 1618-1619. The Contra Remonstrants were assured of victory at the synod, but in the end it meant that in future the holding of a national synod would also be subject to permission from the authorities and that permission would not be granted so that the development of the reformed Church in the Netherlands was also severely hampered. In July 1619 the States-General approved the Canons of Dordt. The government then also co-operated in the execution of disciplinary measures against the preachers of the Remonstrant party who refused to resign as ministers. Those to whom the measures applied were banished from the country (Blei 2006:33). After the death of Prince Maurits in 1625 they returned and established themselves in 1634 in Amsterdam in an own theological seminary with Episcopius as professor (Nauta 1947:56). They did not receive official recognition until 1795 (Williston Walker 1970:400; Bakhuizen van den Brink 1967:278).

1.2 The ecclesiastical context of the Church Order of Dordt

To bring the various dispersed Dutch churches together in the sixteenth century, the Convent of Wezel was organised in 1568. This meeting was, what one can call a discussion forum between refugee Dutch ministers and elders from various places in Europe and England. At this meeting they formulated, according to the *Ordonnances Ecclésiastiques* of Genève, certain stipulations for a Calvinistic church order (Bakhuizen van den Brink & Dankbaar 1967:273). The Convent of Wezel was followed by the first National Synod of the Netherlands in Emden (1571) with its church order – which in fact founded the Dutch Reformed Church, ready to enter the Netherlands as soon as that country was free from Spanish oppression. The character of that church is seen by some as clearly *Calvinistic*. others characterize it as *Presbyterian - anti-hierarchical* (Bakhuizen van den Brink & Dankbaar, 1967:273), while Leo Koffeman see it as *Presbyterian-Synodical* (Koffeman, 2009:71) meaning that the responsibility for leadership in the church rests with the church councils - the local churches are the presbyterium while the broader meetings are the expression of the Synodical character of this form of church government. The theology behind this form of church government is according to Koffeman the collegial exercise of authority

by the offices in the church (Koffeman 2009:72). The very first article of Emden is extremely important if we want to understand the reformed character of reformed church government and eventually the nature of the Church of Dordt. The way it is put in the church order it reads: "No church shall lord over another church; no minister of the word over another minister, no elder over another elder neither any deacon over another and everyone will be on guard for any suspicion and longing to lord." On the face of it the article forbids any lording of churches or offices over each other but behind this wording lies the most fundamental principle of the reformation namely that Jesus Christ is the only Lord and Head of the Church and none other. It is the insights of a John Calvin and the wording of the Dutch Confession article 30 – "We believe that true church ought to be governed according to the spiritual order that our Lord taught us in his Word" – that lie behind this wording (Documenta Reformatoria 1960:192; Calvin 1559:Chapter 3, 1, 1317 Simpson; Dutch Confession of Faith art 30; Jonker 1965:12; Pont 1981:110). The Church Order of Emden also required from ministers to subscribe to either the Dutch or the French confession of faith while either the Geneva or Heidelberg Catechism could be used for teaching purposes.

The National Synod of Dordrecht (1618-1619) held in the city of Dordrecht was called together on the request of the States General. It took place in the Kloveniersdoelen (De Jong 1972:189) in two phases. The first phase was from 13 November 1618 until 5/9 May 1619 (Walker 1970:400), while the second phase started on 13 May 1619 and ended on 29 May of the same year. In total the Synod comprised of 180 sessions (Pont 1981:168). For the first phase the states invited 23 theologians as representatives from England, Scotland, Nassau, Wetterau, the Palatine, Hesse, Bremen, Genève and Switzerland (Berkhof 1975:205). Representatives from the French Church were also invited to attend but were refused permission by the French authorities. The government was represented by no less than eighteen Political Commissioners. Also present in the Synod were 5 Dutch theologians, 37 ministers and 19 elders, amongst ministers and elders there were three Remonstrants. The chairperson of synod was Johannes Bogerman and the scribe Festus Hommius (Berkhof 1975:205). On 6 December a group of Remonstrant theologians were summoned to appear before Synod, in synod they were joined by the three representatives who were already in Synod. When the Remonstrants questioned the procedure and legitimacy of the synod they were sent away by Bogerman on 14 January 1619. A few days later this procedure was approved by governmental decree. The three Remonstrants in Synod also left in solidarity with their fellow party members (Blei 2006:31; Bakhuizen van den Brink 1967:278; Berkhof 1975:203). On 6 May 1619 the Canons (Doctrinal Rules) of Dordt were announced – this became the third confessional formula of the Reformed Church in the Netherlands next to the Dutch Confession of Faith (1561) (*Confessio Belgica*) and the Heidelberg Catechism (1563). In five chapters the Canons consider "divine election and rejection", "the death of Christ and salvation through Him", human depravity; conversion to God" and the perseverance of the saints." (Blei 2006:32).

In the second phase of the synod attention was given to matters like the Church Order and also the translation of the Bible. As far as the Church Order is concerned it came to a revision of the Church Order of Middelburgh (1586). In broad lines the Church Order remained unchanged and the typical reformed characteristics which were already present at the synod Emden were still there - the offices in the church, the task and authority of ecclesiastical assemblies at the various levels; confessional matters; the administration of the sacraments and Sunday worship and oversight and discipline in doctrine and way of life of church members and office bearers. The Church Order concludes with the prescription with which the Church Order of Emden had begun: "No church shall have any authority over other churches, no minister over other ministers, no elder or deacon over other elders or deacons (art 84) and article 30 on the functions of the

various levels of assemblies had already been formulated by the Synod of Dordrecht in 1578 (Blei 2006:33).

Nauta remarks that at Dordrecht the Contra-Remonstrants gained a convincing victory over the Remonstrants but on one point they could not score and that was on the authority of the state over Church matters (Nauta 1947:57). In the calling of a minister it was determined that a consultation with the local Christian government would be required. And after the choice had been made, subsequent approval had to be had not only from the members of the congregation but in the first instance from the same government (art 4). The government also obtained the right to have one or two of its representatives in the church council “to listen and to share in the deliberations of matters in the agenda” (art 37). The Governmental representatives of course had to be members of the congregation. A new article in the Church Order was article 28 which dealt with the relation of the church to the government. In the first part of article 28 it was stated that it was the office of a Christian government to advance and protect the ministry of the church. In the second part of the article a new emphasis is brought into a Reformed Church Order. The vocation of the church toward the government is described as consisting of two matters: firstly it was the duty of all ministers, elders and deacons to zealously and faithfully inculcate on the entire congregation the obedience, love and honour that they owe to magistrates (rulers). Secondly the ministers, elders and deacons by becoming respect (and correspondence) had to seek to waken and maintain the favour of the government toward the churches so that all hind-thoughts and mistrust could be avoided and concord be maintained for the wellbeing of the churches (article 28). (Blei 2006:33-36).

1.3 Preliminary Conclusion

Both with regard to the political and ecclesiastical situation in the Netherlands we find that the relationship between church and state played an exceptional role.

During the first part of the Synod of Dordt 1618-1619 when doctrinal matters were on the table it was the political situation that made it possible for the synod to be called, the Estates General invited the international representatives; they ratified the decisions of synod and they took disciplinary measures against the Remonstrants.

We have also seen to what extent the church was willing to write measures into the Church Order of Dordt that gave the state a very strong control over the church. It was in fact so strong that after Dordt 1618/1619 it was not possible for the Reformed Church to meet again in a national Synod.

2. THE CHURCH ORDER OF DORDT IN SOUTH AFRICA

2.1 Under the VOC (DEIC) 1652–1795

On 22 August 1650 the Dutch East Indian Company (DEIC) decided that for the sake of greater security and refreshments for their ships they would start a settlement at the Cape of Good Hope. (Vorster 1956:11). The Charter awarded to the DEIC on 22 December 1622 by the Estates General gave them full sovereignty with regard to navigation, trade and warfare in the areas to which they expanded but also obliged them to conserve the “public faith” (Vorster 1956:11). In practice this meant that DEIC or the Lords XVII also had full control over church matters in the places where they traded. Before describing what this meant in practice the question about a church order needs attention.

The Church order of Van Diemen was accepted in 1643 for The East Indies. It was done by Van Diemen without any consultation with the fatherland. The Church Order determined that for nearly any action by the churches the permission of the government was necessary, even for

the election of elders. The church in East India was completely controlled by the government. (Boetzelaar van Dubbeldam 1906:139) and thereby effectively lost its freedom. Vorster makes a very strong case that the Church Order of Van Diemen was never used at the Cape of Good Hope and that it was rather the Church Order of Dordt (1619) that guided the life of the church at the Cape. In 1710 a visiting minister, J Martens suggested in a meeting with the Governor and the Rev d'Ailly that the Church Order of Batavia could very well be used at the Cape since it was the nearest, at least until further clarity was obtained (Spoelstra, *Bouwstoffen II*:610). To this consideration the Rev d'Ailly responded "The Church Order can easily be found in the Acts and Post-acts of the Synod of Dordt – in exceptional cases they could however consult with the foreign brothers." (Spoelstra, *Bouwstoffen II*:612). Upon this the Political Council at the Cape decided on 10 March 1710 to ask the Lords XVII which Church Order must be used at the Cape – the one of the Fatherland or the one of Batavia (Van Diemen). On 30 March 1710 a letter was written to the Lords XVII, on 8 October 1710 they recognised receipt of the letter. They postponed their answer and eventually never gave an answer. From the questions asked and the information given it is clear that the church at the Cape was satisfied to keep to the church order of Dordt and that they did not really need anything else (Vorster 1956:83). It must however be clearly understood that the Church Order of Dordt was never officially accepted as a church order for the church at the Cape; the position was very similar to the situation in the Netherlands. Apart from the above mentioned request there are also other indications in the life of the Church at the Cape that they followed the Church Order of Dordt even if that Church Order was not accepted by Estates General and the different Provinces in the Netherlands and also was not applicable in all the synodical areas (Bakhuizen van den Brink 1967:278). It is clear that the articles of Dordt were followed at the Cape with regard to preaching from the Catechism; house visitation before Holy Communion; the subscription of teachers to the Confessions of Faith. When in 1743 there was the attempt to introduce a combined meeting of the different church councils at the Cape it was the Church Order of Dordt that guided the meetings from 1745 to 1759 (Van der Watt 1976:43-44).

However, in spite of all of these indications that the church at the Cape took the Church Order of Dordt into account, the fact remains that it was never officially accepted at the Cape and the church was subjected to the rule of the DEIC in and through the Political Council. The DEIC protected the reformed religion in the areas where they worked but they also clearly controlled the reformed church, just as the authorities in the Netherlands both protected and controlled the Reformed Church.

Jan Riebeeck, as an official of the Dutch East Company, together with about two hundred Company employees, landed at the Cape to start a refreshment post for the fleets of the Company that passed the Cape on their way to and back from the east (Hanekom 1965:290). Jan van Riebeeck was a member of the Reformed Church in the Netherlands and the Company which he served had it as a condition in their second Charter of 1622 that it was policy of the Company to advance the Reformed religion amongst the peoples of the countries where they did business.

Fact is that from 1652-1795 the responsibility for religion and the spiritual care for the people at the Cape resided with the Political Council under the leadership of the Commander (Vorster 1956:38). The DEIC appointed sick comforters and ministers in the various places. The ministers appointed by the DEIC were not in the first place ministers of the reformed church but officials of the Company who had a rank equal to that of a vice-merchant. The churches in the Netherlands also had no rights which they could claim with regard to ministers and sick comforters in the service of the DEIC (Boetzelaar van Dubbeldam 1906:119), they were subject to officials in the company who had a higher rank than they. The Commanders assumed the right to give

sick comforters the right to administer baptism; they appointed and also dismissed ministers; ministers and sick comforters could receive no other instruction from classes in the Netherlands than those approved by the Lords XVII, in any civil case they were subject to the authorities of the Company both on sea and on land; at any time the Lords XVII could recall them without giving reasons; they were allowed correspondence with a classis involved in a matter but the classis could only be consulted in an advisory capacity.

In 1689 the Political Council refused the request of the French refugees to install their own Church Council in Drakenstein (Resolutie Pol. Raad 28 Nov 1689). When the local churches installed a combined meeting between them they had in mind a structure equal to a classis. When they informed the classis of Amsterdam of their achievement they received praise and blessings from there. The classis of Amsterdam did however advise them not to call the combined meeting a classis but rather a “coetus” or a “convention” – the reason being that they could not perform all the duties of a classis such as the examination of candidates and ministers for the ministry or the appointment and instalment of ministers. In answer to this the churches at the Cape decided to call their meeting a Combined Meeting. In practice it performed the duties of a classis. In constituting the meeting they followed the prescriptions of the Church Order of Dordt and on their agenda they treated all the matters that usually came on the agenda of a classis meeting. The combined meeting also decided to draw up bylaws for church visitation. In 1759 the combined meeting was suddenly prohibited by the Political Council at the Cape. The reasons they gave was that the costs for the meeting was too high and that the meeting did not answer to its purpose (Van der Watt 1976:38). It was clearly an attempt by the Political Council to keep the church in a state of subordination. This decision had a serious impact on the development of the church in South Africa. .

About the situation in the eighteenth century McCall Theal, as quoted by Vorster, writes: “The Church was in one sense merely an engine of the State, and was always and in every sense subordinate to the Council of Polity” (Vorster 1956:39). Apart from the matters mentioned above, many more examples of the Council of Polity controlling ecclesiastical matters can be added (Vorster 1956:39-43).

All of the above attests to the fact that between the years 1652-1795 the Political Council at the Cape had a typically Constantinian approach towards the church in South Africa: one of not merely protecting the church but also controlling it, just as it was the case in the Netherlands.

2.2 After 1795

After 1795 the rule of the DEIC at the Cape came to an end it was followed by the first British occupation from 1795-1803; after that the Batavian rule under Governor de Mist and from 1806 the English colonial rule. Under all these rulers the same approach with regard to the church was followed – they protected the church but they also controlled the church – many examples can be quoted.

2.3 The Synod of 1824

The decision of the Political Council in 1759 to stop the meetings of the Combined Meeting of churches clearly hampered the normal development of church at the Cape because it was only in 1824 that the church got permission from the then English authorities to hold a synod. In 1822 the three ministers of the church in Cape Town, Abraham Faure, Berrange and Von Manger wrote a letter to the governor asking his permission to call a meeting of a Synod or a General Meeting in terms of Church Order drawn up by De Mist (1804) article 46. As reasons they mentioned that Church Councils and Synods are the ways through which Presbyterian Churches are governed; it would help to overcome differences; advance religious education

and promote unity amongst the different ministers. Since the loss and support of the classes and synods in the Netherlands the ministers are more or less left to themselves and church councils have no “higher” body which they can join. Also the numbers of the Dutch Reformed Church were growing and more and more religious bodies, previously unknown were making their appearance and that could disrupt the existing order. Permission was granted and the first synod of the Dutch Reformed Church met on 2 November 1824. In the drawing up of articles for the management of the church the meeting took as basis the *Algemene Reglement* of the Hervormde Kerk in the Netherlands but when the Praeses and Scribe wrote to the governor after the meeting they requested that the General Church Order of the National Synod of Dordrecht also be printed by the government press “being a fundamental piece of all our regulations to which each of us is held” (“als zijnde een fundamenteel stuk van alle de Regulatiën onzer Kerk, waaraan elk onzer gehouden is” (Moorrees 1937:554). So it is clear that in 1824 the Church Order of Dordt still played an important role in the mind of those gathered at the synod of 1824.

2.4 Ordinance 7 of 1843

In 1843 the Church Ordinance of De Mist was replaced by the Ordinance no 7 of 1843. This Ordinance apparently made the church more free from control by the government such as that Political Commissioners no longer took a seat in church meetings, and the church received the power to regulate it’s own internal affairs. The Ordinance was presented under the heading of “The Separation of Church and State Petition”. Yet in practice the church remained subject to government in as far as the government controlled the church through the so called power of the purse and the privilege of presenting ministers to congregations. Furthermore the Ordinance restricted the church with regard to its faith character, its organization, it’s competence and its geographical limits (Kleynhans 1973:80-84). It was generally accepted that Ordinance nr 7 of 1843 severely restricted the freedom of the church (Van der Watt 1980:44 – 46).

The Dutch Reformed Church in South Africa (The Cape Province) eventually decided on 21 October 1957 to ask the Government to revoke Ordinance nr 7 of 1843. “The Dutch Reformed Church in South Africa declares and confirms its historical view that this Church as a organized body had an independent existence in own competence even though always subjected to the articles of law applicable to the church. Since the existence of the church is not dependent on the articles of law, Synod, given the legal advice which was obtained, mandates the Moderature to approach the authorities to revoke Ordinance nr 7 of 1843” (Kleynhans 1973:95)

2.5 11 February 1859

The Reformed Churches in South Africa (Die Gereformeerde Kerke in Suid-Afrika) was established on 11 February 1859 in Rustenburg in the then Zuid-Afrikaansche Republiek. Their confessional base was and still is, the three Formulas of Unity while the Church Order of Dordt, as amended for South African conditions, was accepted as Church Order (Vorster 2008: 383; Vorster 1999:2-9). This remains the position up until today.

2.6 1948

In 1948 the Nationalist Party came into power and very soon started to enforce its policy of apartheid on the whole of the country, including the churches. It cannot be said that there was no tolerance of different faith convictions in the country or that churches did not have the freedom to for instance determine their own church orders but all along the government was controlling the churches through its policies. Sadly it must be said that in many cases Afrikaans speaking churches not only subscribed to the policies of the government but also encouraged them.

2.7 Even if there was more freedom for churches the Constantinian approach of protect and control remained the main characteristic of church-state relations.

2.8 Nov-Des 1959

On May 1959 the Council of Dutch Reformed Churches meeting in Bloemfontein accepted a concept church order for the government of the Dutch Reformed Church. Willie Jonker comments that this concept church order would not only serve as a basis for the organic unification of the Dutch Reformed Churches in the different provinces of the country but that it would also serve as a strengthening and establishment of the reformed character of the Church (Jonker 1959:795), enabling the church to be governed by the Word of God through its church order. He then continues to point out that it was the explicit intention of the drafting commission to link as close as possible to the Church Order of Dordt. He writes "The Church Order of Dordt is without doubt the best and purest historical formulation and summary of the Scriptural principles on which Reformed Church government rests in spite of a few articles which could be formulated in another way, due to the changes in time." (Jonker 1959:796). He continues by saying that the Dutch Reformed Church, in spite of not having the Church Order of Dordt as a document never lost the spirit and main principles of the Church Order of Dordt (Jonker 1959:796). The new concept church order that was approved of, tried to stay as closely as possible to Dordt in its different chapters and sometimes even in the way in which articles are formulated (Jonker 1959:796). It must of course also be kept in mind that the new Church Order of the Reformed Churches in the Netherlands (1957-1959) also had a big influence on the new Church Order of the Dutch Reformed Church. Nevertheless it can be said that the Church Order of Dordt with its reformed principles formed and still forms the foundation of the Church Order of the Dutch Reformed Church. Jonker mentions a few points where he thought that the Church Order of the Dutch Reformed Church could still be brought closer to the principles Dordt – one being that there should not be a permanent moderation after the meeting of synod (Jonker 1959:835). It is interesting that at the meeting of the General Synod in October 2011 exactly this change was approved of in the Church Order which shows that the Dutch Reformed Church is continuously looking at its Church order to bring it in line with the Reformed principles of church government.

3. NEW DEVELOPMENTS SOUTH AFRICA

In 1994/1996 a new Constitution for South Africa was approved of. With the new Constitution a new era for Church State relations in SA started – actually not only new church-state relations but new relations between the state and religions as well as between religion and religion. In the Constitution religion (churches) is dealt with in article 9(3) (Constitution 1996 art 9(3) where it is stated there can be no discrimination against a person on grounds of religion; article 31 which says that a person belonging to a religious community has the right to enjoy and practice their religion, form, join and maintain religious associations and other organs of society (Constitution 1996:art 31). Article 185 provides for a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (Constitution,1996:art 185). Very important for religions in SA is article 15 of the Constitution which states (1) "Everyone has the right to freedom of conscience, religion, thought, belief and opinion." (2) "religious observances may be conducted at state aided-institutions, provided that (a) those observances follow the rules made by the appropriate public authorities; (b) they are conducted on an equitable basis and (c) attendance is free and voluntary. The third part of article 15 allows for marriages in South Africa to be concluded under any tradition, or a system of religious, personal or family law. (Constitution 1996:art 15). Also important for religions is the fact that article 7 (2) of the

Constitution reads that “The state must respect, protect, promote and fulfil the rights in the Bill of Rights (Constitution 1996:art 7(2)). All of these are very strong securities and opportunities for religions in South Africa since 1994/1996. Added to all of this there is also art 234 of the Constitution which, for the deepening of the culture of democracy, allows for Parliament to adopt Charters of Rights consistent with the provisions of the Constitution. Religions in SA took up this challenge and in the past few years developed a *South African Charter of Religious Rights and Freedoms* which they endorsed and now are in the process of taking the Charter to Parliament. The Dutch Reformed Church has already decided to make the Charter part of their official documentation and that it be taken up in the Church Order Book of the Church (Agenda General Synod 2011:286).

Freedom of religion implies the right of religions to the free exercise of the religion; the right for a plurality of religions to exist in one country; the equality of all religions under the Constitution and before the laws of the land; the separation of religion and the state and the disestablishment of religion by the state (Witte, Religion and the American Constitutional Experiment, 37). For a religion as such, be it a church or whatever other religion, freedom of religion entails institutionally that it has a right to: (i) to a creed/creeds, which defines the accepted cadre of beliefs and values concerning the ultimate origin, meaning, and purpose of life; (ii) a cult, which defines the appropriate rituals, liturgies and patterns of worship and devotion that give expression to the beliefs; (iii) a code of conduct, one can also call it a church order in the case of churches, which defines the appropriate individual and social habits of those who profess the creed and practice the cult and lastly (iv) the right to be a confessional community which defines the group/individuals who embrace and live out the creed, the cult and the code of conduct both on their own and with fellow believers. (Witte xxv).

4. IN CONCLUSION

From 1652–1994, actually one can say from 1578, the state authorities always had a say in the affairs of reformed churches. It was a typical Constantine situation of the state protecting churches but at the same time also controlling them.

The new situation in South Africa for religions brings about most definite freedoms not only for churches but for all religions at the same time it also brings certain obligations. It is of little avail if religions have constitutional guarantees of freedom of religion and a *Charter of Religious Rights and Freedoms* which spells out what the religious rights are that religions can claim but religions themselves do nothing to appropriate those rights. If religions do not claim and use the religious space provided to them in the Constitution and the *Charter of Religious Rights and Freedoms* the consequence will be that any right that they claim will be adjudicated in terms of the laws of the land. A Religion for instance cannot limit the rights of employees in terms of labour relations if its own order does give proof that freedom of religion in terms of labour relations has not been appropriated by the religion in its rules. A Religion can also not claim special rights with regard to disciplinary hearings and limit for instance the rights of accused with regard to legal representation if it does not show proof that it has used the right to freedom of religion to make sure that its disciplinary hearings are done in accordance with its faith identity. All of this makes it very important for churches and religions to make very sure that their church order or rules of order are in conform it to their faith identity. That is what the Church Order of Dordt wanted to do with regard to the life of reformed churches – unfortunately the relationship between state and church did not always allow for that. Freedom of religion in a Constitutional state creates the opportunity for churches and other religions to create their own order as long as it can be shown that the order is based in the faith identity of the church or religion

and that the limitation of the rights of members are also in conformity with the church's faith identity. Specifically for the Dutch Reformed Church there is now the guaranteed freedom to lay down their rules for matters such as church unification, labour relations, disciplinary actions, theological training etc., as a matter of fact for the whole life of the Church.

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TREFWOORDE

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Sinode van Dordt
Kerk en Staat

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KEY WORDS

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Charter of Religious Rights and Freedoms

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