

Consistory of the Christian Reformed Church of St. Joseph, Michigan

We are writing regarding the following proposed amendments to the Judicial Code that will be presented to synod this year.

Amendments to Judicial Code Proposed to Synod 2024 (with new text indicated by underline)

Section 3, a, vii:

vii) a member who has been suspended by a consistory, or a person who has been excluded from membership by a consistory. Such persons may file written charges in order to obtain a review by classis of the suspension or exclusion. In the Judicial Code proceeding, the role of classis shall be as follows (cf. Supplement, Art. 78-81, d):

- 1) To judge whether proper procedure has been followed.
- 2) To assure that adequate pastoral care has been extended to the person.
- 3) To determine that the consistory has advanced adequate reasons for proceeding with discipline.

Section 3, i, ii:

- ii) A written charge against an assembly, or against a consistory as provided in Section 3, a, vii. shall be filed by the complainant with the assembly next in order (the order being council, classis, and synod).

We have significant concerns with these proposals and the way in which they are making their way to synod. We ask you to consider the following points.

1. Article 29 of the Church Order requires that “decisions of ecclesiastical assemblies shall be reached only upon due consideration.”

Though we know that this is technically a change to only the Supplement of Article 30-c, we are concerned that this recommendation will not be receiving due consideration.

- It was not in the agenda.
 - It is essentially unknown to the broader church.
 - It is likely to get lost in the shadow of HSR debates.
 - It will not require ratification by the following synod.
 - It represents a significant change to our church polity.
2. This change is effectively a “substantial alteration” (Art. 47 and its Supplement) to our church polity and yet is being processed as a simple

adjustment to a Supplement of the Church Order. This does not seem appropriate or helpful to the church.

- To our knowledge, our church polity has not included a provision for appeal of general discipline actions by a consistory since its inception. There must be a reason worth discussing in some depth. It seems substantial.
 - This alteration effectively takes the exclusive role of the consistory in matters of discipline (Art. 25-b, 80-81) and makes it the role of the broader assemblies of the church, which includes deacons. This puts individuals who have not been ordained for this work in a position to judge it.
 - The proposal makes it possible for members to use the Judicial Code to “obtain a review” of the disciplinary actions taken, which seems different from the processes with other types of appeals in the Judicial Code. Whereas other appeals through the Judicial Code (Art. 30-c, section 3, e) require specific charges to be put forward, and adjudicated narrowly on their merits (section 3, f), this addition to the Judicial Code seems rather open-ended. If it is believed that some kind of review is needed, it does not seem to fit with the items the Judicial Code was designed to adjudicate.
3. The proposed alteration seems hastily done and somewhat clumsy, risking the need to undo what would be done by this alteration.
- Though the alteration is intended to bring clarification, it runs counter to language already in the Judicial Code (section 1, b) that indicates the Judicial Code is not intended to be used in cases of general discipline. The alteration does not even address this current language, nor argue against the rationale behind it, nor ask that the language be removed so as not to be in conflict with the contents of the alteration. If there should be situations of general discipline wherein the Judicial Code is to be used, those situations should be clearly described here, which they are not.
 - Along with situations where members have been suspended, the recommendation also includes situations where members have been excluded from membership as situations open to appeal, stating, “Such persons may file written charges in order to obtain a review by classis of the suspension or exclusion.” This seems redundant, as a situation of exclusion already requires a review by classis before it can proceed to exclusion. Is this an oversight? This, again, indicates to the reader that this proposed alteration has been hastily done.
 - The proposed alteration of Section 3, I, ii does not seem to agree with that of Section 3, a, vii. For 3, I, ii calls for the appeal to be filed with the assembly next in order, which would be the council. But Section 3, a, vii says that they are to file it with the classis for review. Is this a mistake?

We are not philosophically opposed to setting up a process wherein decisions of general discipline might be appealed. But given the seriousness of the topic, church discipline being one of the three marks of the true church, and considering the significant change that this proposal would make to not only our polity but also Reformed church polity in general, we ask that rather than making this clumsy alteration to the Judicial Code, a study committee be established that can craft a more thoughtful mechanism for that work—one that respects the distinction between the offices of elder and deacon, and brings greater clarity to the Church Order without utilizing the Judicial Code for such matters when it seems clearly not designed to function in that capacity.

Given the current circumstances in the denomination regarding the debate and resistance to our formal position regarding human sexuality, it would seem to us that now is the time to take the time to make sure that any appeal process for situations of general discipline be thoroughly examined, clearly written, and open to the whole church. We are greatly concerned that simply adopting this alteration to the Judicial Code would do more harm than good.

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