

**A CRITICAL EXAMINATION OF THE POLICY AND
PRACTICE OF THE METHODIST CHURCH OF SOUTHERN
AFRICA REGARDING THE READMISSION OF MINISTERS
WHO HAVE RESIGNED OR WHO HAVE BEEN
DISCONTINUED AS A RESULT OF DIVORCE**

THESIS

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ABSTRACT

The scope and purpose of this research is the examination of the theology and practice of the Methodist Church of Southern Africa in matters relating to marriage, divorce and remarriage in ministry.

The theology of the Methodist Church of Southern Africa is based on its understanding of the scriptural injunctions on these matters and the Wesleyan tradition. These are examined in some detail as is the one paper in existence produced by the church on the subject. This is the report by a committee appointed by the Conference of the Methodist Church of Southern Africa, convened by Dr Donald Cragg; M.A. (OXON) D.Phil. (OXON). This document is referred to in this thesis as *The Cragg Document*. **Section One** of this thesis deals with research into the theology of the church.

The practice of the church is examined using the recently completed study by the writer of the decided cases of the church in all disciplinary matters dealt with by Conference from 1957 to 1997. These were compiled from the existing record of Conference proceedings kept in the Methodist Connexional Office in Durban. This case precedent is included in a larger work also recently completed by the writer, namely *A Handbook for Disciplinary Committees*. This book is in the process of being published by the church. **Section two** of this work deals with research into the practice of the church.

The conclusions drawn at the end of this paper include a possible model for ministry to ministers and their families in the area of marriage and family enrichment and pastoral assistance to families in crisis.

This thesis includes qualitative research into the aforesaid practice and procedure of the church in these matters and it is submitted that the conclusions drawn and the model posed in the concluding chapters can be of value to the church as it seeks to deal of the problem of an increasing number of ministers suffering the breakup of their homes and going through the trauma of divorce.

THIS THESIS IS DEDICATED TO MY WIFE

HELEN

**WHOSE INSIGHT INTO SPIRITUAL MATTERS AND UNDERSTANDING OF
HUMAN NATURE HAS BEEN A SOURCE OF INSPIRATION TO ME.**

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There are many I wish to thank for their assistance to me in the research and writing of this thesis. I want to thank my colleagues who were willing to give of their time to discuss with me the intricacies of the problem facing the church in the area of ministerial divorce. Here I want to thank especially the three ministers who were willing to have their cases used for case histories, and for reasons of privacy they shall not be named in this thesis. I want to thank senior colleagues who gave me valuable insight into background of the church's decisions on matters of marriage and divorce, and here I want to single out Rev Vivian Harris, Rev Ray Light, Rev Cyril Wilkins, Rev Paul Shone and Rev Ross Olivier.

I also want to express my deep appreciation to the authors of the books I read during my research. My interest in the topic of this thesis was greatly increased by the insight, knowledge and understanding of these men and women. I echo the sentiments of Dr David W. Bandey, when he states in the preface to his book on baptism, *If a good book is the life-blood of a master, I am living on blood transfusions* (Bandey 1976:1).

Last and certainly not least I wish to thank Mrs Anne Ward for the hours she spent typing and retyping the manuscript, Mr Duncan MacBean for his tireless efforts in the typesetting, and Mrs Laura MacBean, who in the midst of bringing a bonny baby boy into the world, found time to assist me in the setting out and style of this thesis. I wish to thank the Board of the Metropolitan Buildings Trust for making it possible for me to do this research and finally my home family and church family for allowing me the time to complete this research.

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PREFACE

In 1974 I started my legal career as an articled clerk to a litigation attorney in Pietermaritzburg. It was during my twelve years in the legal profession that I came face to face with the reality of marital breakdown and divorce and the pain and disruption it causes to families. The first divorce case I dealt with was that of the daughter of a prominent Presbyterian minister and I clearly remember the pain on the face of this old man as we sat in the divorce court, and listened to his daughter giving evidence of the breakdown of her marriage. Since that time I have, as an attorney and a minister, been closely involved with more than 200 divorce cases.

During my legal years I was often conscious of the fact that couples need not have divorced had they received proper pre-marital counselling and had there been a support system for them during times of family crisis and the beginning of the breakdown of their marital relationship. I used to blame ministers for marrying people without proper preparation. As happens in life I was forced to rethink on this and after coming into the ministry I have officiated at close to 150 weddings and have done marriage preparation classes with these couples. In this time I became conscious of some of the difficulties and intricacies of this field of study and the challenge facing the church and community regarding the preservation of family life.

In November 1994 I was approached by The New Land Transformation Committee of the Methodist Church of Southern Africa which was involved in wide ranging changes in the laws and structure of the church. My brief was to convene a committee which would look into the restructuring of the Laws & Discipline of the M.C.S.A. In the following three years I, with the help of this committee, produced three unpublished papers in the area of church discipline. One of these was a paper delivered at the 1995 Conference of the church in Linden, Johannesburg. It was in the preparation of the case precedent dealing with the disciplinary decisions of the Conference of the M.C.S.A. over the last forty years that my interest in the area of ministerial divorce, remarriage and acceptance into ministry was awakened.

During this time a very close friend and colleague, who ministered in a country circuit not far

from mine, was divorced and left the ministry. I spent many hours with this colleague, his wife and family in counselling and in an attempt to help them save their marriage. This proved to be of no avail and this minister, who had an exceedingly anointed ministry, left the church, was divorced, remarried and is now trying to re-enter the ministry.

The above factors prompted my interest in this field of study and brought about the research leading up to the writing of this thesis.

ABBREVIATIONS

AMP	The Amplified Bible
G.N.B.	The Good News Bible Today's English Version
J.B.	The Jerusalem Bible
K.J.	King James Version
L & D	The Laws & Discipline of the Methodist Church of Southern Africa
M.C.S.A.	The Methodist Church of Southern Africa
Minutes	The Minutes of the Annual Conference of the Methodist Church of Southern Africa
N.I.V.	The Holy Bible New International Version
N.T.	The New Testament
O.T.	The Old Testament
R.S.V.	The Revised Standard Version

INTRODUCTION

In the November 1997 edition of the official newspaper of the Methodist Church of Southern Africa (M.C.S.A.) a front page article appeared under the heading *Our Clergy Marriages Under Attack*. The article quotes the Presiding Bishop of the M.C.S.A., the Rev Mvume Dandala as saying that in the first eight months of 1997, seventeen ministers had left the ministry and of those fifteen had left for *marital reasons*. The final figures for 1997 are not yet available but all indications are that it will be more than twenty five ministers who might leave the ministry or who will be suspended as a result of divorce or marital difficulties. The aforesaid article written by the Rev Gavin Hancocks suggests that the reason for the breakdown of clergy marriages can be attributed to, amongst other things; itinerancy, economic difficulties, lack of privacy and unrealistic expectations of the congregation (Hancocks 1997:2).

As can be seen from the title of this thesis the research has centred on the theology and policy of the M.C.S.A. in regard to the matter of the suspension and discontinuation of ministers who are divorced as well as the re-acceptance of such ministers into the pastoral ministry of the church. The area of research goes beyond what the church has said its policy is and the statement of its theology, to an examination of the way in which the church put into practice its aforesaid policy and theology.

It is submitted that the reasons mentioned by the Rev Hancocks in the newspaper article, as valid as they may be, do not disclose the essential and fundamental nature of the problem. The questions posed by this thesis are:

- (a) Does the M.C.S.A. have a clear biblically based theology of marriage, divorce and remarriage in so far as it affects all our members and especially those set apart in the full-time ordained ministry of the church?

- (b) Is the M.C.S.A. consistent in its practice when dealing with marital breakdown in clergy homes and the suspension and reinstatement of such ministers?
- (c) Is the M.C.S.A. pro-active or re-active in applying its theology and procedural norms when dealing with marital breakdown amongst its clergy? In this the thesis will look at marriage guidance, generally and particularly amongst ministers and will seek to ascertain whether there are support systems in place to help clergy families cope with the stresses of ministerial life.

The research will be based on works published, papers delivered and other documentary evidence relating to the particular issue of ministerial divorce and will concentrate on the writings on this topic within Methodism and other denominations in South Africa, Britain and America. Information gained from personal interviews with key leaders in the M.C.S.A., as well as particular case studies dealing with ministers who have been divorced, will be used.

The method used in the research is critical analysis of all available publications by the M.C.S.A. and publications of other writers on this topic. I have completed an unpublished document which is the first precedent ever compiled of decided cases relating to disciplinary steps against ministers in the M.C.S.A. A part of the research for this thesis entails in depth case studies of ministers who have been divorced and have applied for readmission to full connexional status.

The research has an empirical component which provides concrete evidence of consistency or lack thereof in the practice of the church in this field of study. The research has been qualitative rather than quantitative and in the choosing of case studies for instance, only three of the thirty seven possible cases were studied in detail as these represented cases of particular interest by virtue of the gender, age and length of ministerial experience of the ministers involved.

SECTION ONE

CHAPTER ONE

A BIBLICAL UNDERSTANDING OF MARRIAGE AND DIVORCE

1.1 INTRODUCTION

The Methodist Church of Southern Africa accepts the Bible as the inspired canon of scripture against which all things need to be measured. This is stated in the *Laws & Discipline of the Methodist Church of Southern Africa*:

The Methodist Church throughout the world confesses the headship of our Lord Jesus Christ, acknowledging the divine revelation recorded in Holy Scripture as the supreme rule of faith and practice, rejoices in the inheritance of the apostolic faith and loyally accepts the fundamental principles of the historic Creeds of the Protestant reformation (L&D 1997:2).

John Wesley stated that all who desire the grace of God are to *search in the scriptures and wait for God's revelation* in all questions of life (Wesley 1944:141). Subjecting all things including tradition and experience to the written Word of God has been a hallmark of Methodism since its inception (Williams 1960:23). It stands to reason therefore that this church when making policy decisions on any issue should refer to scripture first.

In the only available document produced by the M.C.S.A. relating to the matter of ministers who have been divorced and remarried, the compiler of the report states: *In order to answer this question (remarriage) we must first examine the relevant biblical and theological evidence* (Cragg 1976: para 2.2).

In this chapter the scriptures used in the Cragg Document quoted above will be examined. The exegesis and theological conclusions will also be analysed. Scripture passages not mentioned in

the above document, but which have direct bearing on the matter of marriage, divorce and the acceptability of ministers who have been divorced will also be examined.

The pertinent issue in this debate is whether marriage is indissoluble or not. The one flesh union instituted by God in the Garden of Eden for the lifetime of the partners on the one hand points to the indissolubility of marriage. On the other hand scriptures starting with the Mosaic exceptions to this *marriage for life* view, point to the fact that in certain circumstances marriage may be dissolved. These are the issues that will be looked at in depth in this thesis.

1.2 INTERPRETATION OF THE OLD TESTAMENT TEXTS

In the Cragg Document only four Old Testament texts are mentioned namely Genesis 1:27, 2:24, Deut 24:1, 22:13f, 28ff (Cragg 1976: para 2.3.1). In the light of the fact that there are more than 200 Old Testament references referring to: **marriage, marry, divorce, divorcement, putting away, wife, man and husband**, Cragg's mention of only four is surprising. Cragg deals in some 280 words in a rather summary fashion with the Old Testament texts. Vital texts such as Lev 21:17 and Ezra 10:3 are ignored. This will be discussed in greater detail in chapters 2 & 3 hereunder.

Cragg, in dealing with Genesis 1:27 and 2:24, refers to the creation of humanity and the sexual differentiation between male and female as part of God's plan and the basis for the marriage union. The founding scriptures relating to the very issue under discussion are not looked at in great depth and other relevant scripture verses are not mentioned at all. Genesis 2:21 for instance refers to the Yahwist tradition which holds that the male was created first and that he became incomplete when God removed a portion (rib) to create woman. The implications of this view of the union between husband and wife are enormous as it shows that together they share the godly attributes breathed into man initially (Black & Rowley 1962:179). This has far reaching implications as regards the role of husband and wife and their rights and duties within the marriage relationship. This view mitigates against much of the Old Testament concept of the woman as being inferior. Cragg readily accepts this traditionalist O.T. view.

The ideal of marriage stating that the husband and wife alone are incomplete is echoed by such writers as Plato quoting a Grecian legend which tells of human beings originally being made double the size they are at present. Because of their size and strength they became arrogant and the gods cut them in half. Real happiness is found only when the two halves find each other and marry and so complete each other. Marriage according to Plato should not restrict life but should complete it (Barclay 1957:154). There is a striking similarity between this view and that of the Yahwist tradition.

The Cragg Document's rather perfunctory dealing with these foundation passages affects the polity and practice of the church in this field and this will be discussed in detail later in this thesis. It is submitted that a more thorough exegesis of these passages would have brought about a more effective and lasting change of attitude within the church in these matters, especially in the recognition of marriage as being a bonding of body, mind and spirit and being a relational union. It is in seeing marriage as an institution divorced from the relationship between the parties that hard line indissolubility theories originate.

The discussion of the Deuteronomy passage in the Cragg Document is equally superficial. For instance the document avoids the crucial issue regarding the meaning of the Hebrew word, *'ervah*. This is translated in various versions of the Bible as; *impropriety* (J.B.) *indecent* (R.S.V.) *uncleanness* (K.J.V.) *indecent* (N.I.V.) and *something he doesn't like* (G.N.B.). The different interpretations of this word from Old Testament times to the present have lead to much confusion and controversy regarding the solubility or indissolubility of marriage.

In all fairness to the compilers of the Cragg Document the Hebrew word *'ervah* is discussed in dealing with New Testament texts and the controversy between the schools of Rabbis Hillel and Shammai at the time of Christ. The Cragg Document when dealing with the aforementioned two of the many Old Testament texts relating to the rights of divorce, quite correctly mentions the patriarchal nature of Hebraic society and the fact that a wife had few rights. It is not completely true to state, as the Cragg Document does, that the wife becomes the property of the husband with

the connotation that she has the same rights or lack of rights as a pack animal or slave. A deeper study of the context of this particular passage would have shown that a wife must definitely have more rights than a pack animal. It is clear from the proper understanding of Deut 24:1 that special formal and legal steps had to be taken before disposing of a wife. These may seem cruel and arbitrary but on deeper examination they do provide some recourse and protection for the wife.

In Deut 22 the protection of a wife falsely accused of infidelity is clearly set out. A more in depth study of the context of these particular scripture verses would have given the Cragg Document a stronger biblical background and more authority to the church's stand on this issue. The custom of *kethubah* is specifically referred to in this context (Barclay 1956:89). In terms of this custom a Jewish wife would bring into her marriage a dowry called *kethubah*. As long as the marriage remained intact the husband would have unrestricted use of this *kethubah* but on divorce, for whatever reason, he was under a strict and absolute liability to repay the dowry, even if it meant *selling his hair* (Barclay 1956:91). This correlates with the custom of the Nguni tribes of Southern Africa in which the practice of *lobola* as bridal dowry is prevalent (Seymour 1982:149 and Khumalo 1968:19). The prospective bridegroom pays to the bride's parents a dowry usually consisting of cattle. If the marriage continues and the husband treats the wife well, the dowry would remain with her parents. If the husband mistreated and sent her home she would not be left destitute. Her father would be under an obligation to look after her using the dowry for her maintenance and upkeep. If the husband's in-laws on the other hand interfered with the marriage and caused it to break up they would be obliged to repay the *lobola* to the husband. All this serves to grant some protection to the wife. This should cause one to look carefully at the too easily made statements that women were totally without recourse, rights and protection during Old Testament times.

In conclusion we can say that the M.C.S.A. has the following understanding of the marriage relationship according to Old Testament text as mentioned in the Cragg Document.

- (1) Marriage is based on sexual differentiation

- (2) Families are created by marriage through the joining together of husband and wife in one flesh
- (3) The wife was the property of the husband
- (4) Divorce was relatively easy

The Cragg Document does not look at any of the other 200+ references to marriage, divorce and remarriage in the Old Testament and does not deal in depth with the whole question of indissolubility.

1.3 INTERPRETATION OF THE GOSPEL TEXTS

Cragg deals with the Old Testament texts in some 280 words but with the gospel texts he uses more than 2 000 words and looks in greater detail at these portions of scripture (Cragg 1976:para 2.3.2). Cragg calls these texts *crucial*. An in-depth treatment of the actual sayings of Jesus raises a question regarding balanced and reasoned exegesis and biblical references to the topic under discussion. It is clear that in the M.C.S.A.'s treatment of the question of marriage and divorce, the words of Jesus are granted pre-eminence over Old Testament texts. The founder of Methodism warns against this:

Behold this, lest he one day wander and perish, he who makes so small account of one half of the oracles of God! Yea, and that half of which the Holy Ghost expressly declares that it is profitable as a means ordained of God (Wesley 1944:143).

It is submitted that a thorough exegesis of all passages, Old and New Testament, relating to the issue at hand would have provided the church with a more reasoned statement than that presented by the Cragg Document, and would have brought about a greater acceptability of the church's stand amongst its ministers and members. Cragg states:

In the treatment of the gospel texts the crucial question of the indissolubility or otherwise of marriage is approached and an answer is sought in an interpretation of the scriptures (Cragg 1976 : para1.4.2).

In this it seems as if he is suggesting that the Old Testament texts do not deal with the issues, whereas they do at great length.

The various references to divorce in the synoptic gospels are dealt with by Cragg in the following manner.

Some Pharisees came and tested him by asking, "Is it lawful for a man to divorce his wife?" "What did Moses command you?" he replied. They said "Moses permitted a man to write out a certificate of divorce and send her away." "It was because your hearts were hard that Moses wrote this law" Jesus replied, "but at the beginning of creation God made them male and female. For this reason a man will leave his father and mother and be united to his wife and the two will become one flesh. So they are no longer two but one. Therefore what God has joined together let not man separate." When they were in the house again the disciples asked Jesus about this. He replied, "Anyone who divorces his wife and marries another woman commits adultery against her and if she divorces her husband and marries another man she commits adultery." Mark 10:2-12 (N.I.V.)

In the comment under discussion Cragg correctly notes that the Pharisees in the Markan account do not draw Jesus into the then current rabbinic controversy about the interpretation of the word 'ervah (Strong [a]: 91 No. 6172). The controversy between these two rabbinic schools mentioned above dealt with the interpretation of this word in that the school of Rabbi Shammai believed that 'ervah needs to be translated as immodest behaviour or moral delinquency whereas the school of Rabbi Hillel believed that 'ervah meant anything displeasing to the husband even to the offence of spoiling his food. The school of Rabbi Shammai were limited in their interpretation and understanding of the word 'ervah and held that it related to the act of adultery and adultery only. They did not consider moral and religious deviancy as adultery but held that it related to a sexual act outside the bond of marriage only (Barclay 1954:247). The school of Rabbi Hillel interpreted the crucial phrase as widely as possible and in the rabbinical writings of this school it stated that if a wife spoilt a dish of food, if she spun flax in the street, talked to a strange man, or spoke disrespectfully of her husband's relations in his hearing, or if a woman's voice could be heard in the next house, this would be *shameful and improper* behaviour and would be adequate grounds for divorce. It is interesting to note that in the Cragg Document the third rabbinical school, namely that of Rabbi Akiba, is not mentioned. In this rabbinical teaching

it was held that if a man found a younger and prettier woman than his present wife, that in itself was sufficient reason for him to *put away* his first wife and write a bill of divorcement in terms of Deut 24:1 (Barclay 1954:248).

The actual meaning of *'ervah* is at present accepted as *pudenda*. This relates to nakedness, shameful nudity or exposure. It implies indecency, improper behaviour and improper and shameful exposure of something which should be hidden (Strong [b]:129). Cragg correctly points out that Jesus does not enter into the rabbinical controversy but goes to the very heart of the matter in referring back to God's original intention for the union of man and woman. He refers to Gen 1:27 and 2:24 and implies that anything and everything that God has made is perfect and should not be despoiled by the willfulness of humanity. This includes the marital union. Cragg refers to the closing part of Jesus' discourse and it is respectfully submitted that he skirts the main issue which is the indissolubility of marriage by reference to the teachings of the gentile church in Rome. It is interesting to note that Mark states that the wife may divorce her husband. This is totally against Jewish law but in line with the accepted practice of Roman law. One can understand this, given the common perception that the Gospel of Mark was written for the Christians in Rome (Parmelee 1952: 98, Black & Rowley 1962: 799, Grant 1941:88).

Cragg's uncertainty on the issue can be seen in his use of the words *it seems that the form of this conversation represents* (Cragg 1976:para 2.3..2). Other writers and commentators on this particular passage deal with the issue of indissolubility in detail and take greater care with the biblical exegesis of the passage and its context. Cragg representing the official stand of the M.C.S.A. on this particular passage states that it rules out divorce with remarriage. The passage according to him clearly and unequivocally states that marriage is indissoluble, but other commentators on this passage would not agree as will be shown in the following chapters.

The Cragg Document next deals with the relevant portion in the Gospel according to Matthew:

It has been said, anyone who divorces his wife must give her a certificate of divorce, but I tell you that anyone divorces his wife, except for marital unfaithfulness, causes her to become an adulteress and anyone who marries a divorced woman commits adultery. Matt 5:31-32 (N.I.V.)

and also

Some Pharisees came to test him. They asked, "Is it lawful for a man to divorce his wife for any and every reason?" "Haven't you read", he replied, "that at the beginning the Creator made them male and female and said for this reason a man will leave his father and mother and be united to his wife and the two will become one flesh? So they are no longer two but one. Therefore what God has joined together let man not separate." "Why then" they asked, "did Moses command that a man give his wife a certificate of divorce and send her away?" Jesus replied "Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. I tell you that anyone who divorces his wife for marital unfaithfulness and marries another woman commits adultery." The disciples said to him "If this is the situation between husband and wife, it is better not to marry." Jesus replied "Not everyone can accept this rule but only those to whom it has been given. For some are eunuchs because they were born that way, others were made that way by men; and others have renounced marriage because of the Kingdom of Heaven. The one who can accept this should accept it." Matt 19:3-9 (N.I.V.)

In the latter passage the Pharisees again seek to trap Jesus but the question is phrased differently and in the former passage it deals directly with the current controversy between the different rabbinical schools mentioned in the paragraphs above. For that reason it is asked whether it is lawful for a man to divorce his wife on any ground. This clearly refers directly to the Hillel school of thought and Jesus is asked to comment on this, no doubt with the intention of immediately antagonising the crowd. Cragg refers to Jesus' answer as giving rise to an exceptive clause which will be dealt with in detail in the following chapters.

It is accepted by virtually all writers on this subject that God's original intention is that marriage should not be dissolved. The original mosaic laws supported the concept of indissolubility by stating that in the case of adultery the parties should be stoned to death. With the years this very stark punishment was softened by the so called exceptive clauses (Cragg 1976: para 2.3.2). This clearly stated that divorce on the grounds of adultery was allowed (Deut 24:1). Jesus states that the only ground for divorce is marital unfaithfulness, the original Greek word - *porneia* (Strong [a]:59 No. 4202). The exact meaning of the word *porneia* as in the Old Testament word '*ervah*' becomes the centre of the discourse and debate in this particular passage. Jesus' sayings in the Sermon on the Mount (Matt 5:32) becomes the context of this debate. The scope and import of *shameful and improper behaviour* mentioned in Deut 24:1 and *marital unfaithfulness* mentioned

in Matt 19:3 is put before Jesus for comment. Cragg does not refer to the argument raised here as being of the type recognised in Jewish exegesis (Black & Rowley 1962:789). In this type of exegesis the reference to the more original and therefore older writing is always the weightier. A reference to Genesis 1 for instance which relates to recorded history before the fall would have more authority in an argument than a reference to Isaiah. In the Markan passage Jesus, when asked about mosaic law, refers to the original command in Genesis 1 and here in the Matthew passage when asked by inference about the controversy between Hillel and Shammai Jesus refers to the Mosaic law. *Porneia* has the commonly accepted meaning of illicit sexual intercourse and also has metaphoric references in meaning to the worship of idols and defilement through idolatry as incurred by eating sacrifices offered to idols (Strong [a]:59 No 4202 & 4203). It is important to look at the totality of Jesus' teaching on inter-personal relationships in the light of God's love for mankind. *In his view, people living in the Kingdom had to exemplify God's love through their love for others* (De Klerk 1987:185). It is in the light of this that Jesus in the Matthian account of this passage rejects the solubility of marriage as accepted by the Pharisees and adds a stricter prohibition. He speaks directly against the accepted law of that time and the evangelist Matthew, being a Jew writing for Jews, could have been tempted to soften the blow so to speak, by adding *except for marital unfaithfulness* (De Klerk 1987:186).

Cragg makes the distinction between the different words *porneia* and *moicheia* (Strong [a]:49 No. 3429/30/31). He makes much of the difference between the more specific sin of *moicheia* and the wider misdemeanour of *porneia*. This does not help in the understanding of the heart of the question, which relates to the indissolubility or not of marriage and on the grounds upon which the marriage union may be legally dissolved. The meaning of *porneia* as stated above is illicit sexual intercourse and the accepted meaning of *moicheia* is the commission of adultery or unlawful intercourse with another's wife. Cragg then poses the question whether the exceptive clauses, as he calls them, actually represent the words of Jesus or whether they are an interpretation of the mind of the Lord given by the early church. This is not too fanciful an argument as it is accepted that the earliest manuscripts vary on this point, presumably due to an attempt to harmonise this passage with the injunction of Jesus regarding divorce contained in the Sermon on the Mount (Matt 5:32, Black & Rowley 1962:789).

Cragg does not take into account the full extent of the context in which this particular comment of Jesus is made and that is the commonly accepted and widespread practice amongst the Jewish people of that time, fostered by teaching from the rabbinical school of Hillel to divorce for the most trivial of reasons. A possible interpretation of Jesus' strong injunction in the Matthew passage could be that of a strong criticism against the Hillel school using the strict interpretation of Deut 24:1 (Retief 1990:71) but this will be discussed in the next chapter.

The last synoptic gospel reference is found in Luke 16:18 *Anyone who divorces his wife and marries another commits adultery, and the man who marries a divorced woman commits adultery,*

Cragg allows this scripture to pass virtually without comment but the final comment on the Matthian text above is all the more valid for this particular quotation of Jesus especially in view of the fact that there is no reference to adultery or fornication, *moicheia* or *porneia*. It strengthens the understanding of Jesus speaking into an existing situation within the Jewish life and times where divorce was imposed by husbands for the most frivolous of reasons and it clearly was against God's original intention for marriage found in Genesis and the exceptive clause situation as found in Deuteronomy.

It is telling that Cragg does not refer to another very important gospel text relating to marriage and divorce which is found in the gospel according to John. This deals with the account of Jesus and the Samaritan woman. This is especially important when looking at the question of indissolubility. In John 4:16-18 Jesus says the following:

"Go and call your husband and come back." "I have no husband" she replied. Jesus said to her "You are right when you say you have no husband. The fact is you have had five husbands and the man you have now is not your husband. What you have just said is quite true."

The import of this particular recorded saying of Jesus cannot be over emphasised in view of not only the indissolubility argument, but also the seeming contradiction between Jesus' failure to condemn the obvious sin of fornication and the implied sin of adultery in view of especially the

Lucan and Markan passages quoted above. Jesus speaks in the past tense (Retief 1990:73) clearly denoting that the previous marriages have been dissolved and that neither he nor the followers of the pharisaical law had any doubt as to the dissolution of previous marriages and the legality of subsequent ones.

Cragg now goes into what he calls *interpreting the teaching of Jesus* (Cragg 1976: para 2.3.2) and poses two views namely the *legalist* view and the *evangelical* interpretation, the latter of which has become the generally accepted view of the Methodist Church of Southern Africa¹ In posing the argument of the legalist view, and taking a strict interpretation of the Mark and Luke text, Cragg raises an interesting hypothesis regarding the ontological view of marriage that has arisen in Christian theology.

The ontological view states that once a marriage is contracted it has a status of being independent of the quality of the relationship between spouses. This, Cragg states, is in opposition to the Hebraic outlook which is *functional* or *relational*, meaning that when the relationship fails the marriage should be dissolved. It is not clear how he relates this argument to his interpretation of the synoptic texts. The ontological view, as attractive as it may seem, does not tie up with the strict scriptural injunction against divorce. His statement, *If we adopt this view we will probably opt for the Matthean teaching although we are not precluded from adopting the more rigid stance of Mark and Luke*, is a classic statement of theological indecision and is also important in the sense that it reflects the M.C.S.A.'s ambivalent stand on this crucial issue within our ministry today. This will be discussed in greater detail in the concluding chapters of this work. For a church, seeking a definite theological direction, it is not good enough to state that we seriously question a certain approach, but will take it into account because it is adopted by many Christians. In reference to the opening comments in this chapter the M.C.S.A. should look to scripture as its guide and not to views commonly adopted by other Christians where such cannot be fully

¹ This was confirmed in conversation with Rev Cyril Wilkins on 16 June 1997 at his retirement home in Scottburgh. Rev Cyril Wilkins was the Secretary of Conference meeting in Pietermaritzburg in 1976 when the Cragg document was officially accepted as the official word of the Methodist Church of Southern Africa on this particular issue.

supported from scripture.

In his explanation of the *evangelical* interpretation Cragg, as the compiler of the commission's report deputised by this church to look at the issue, comes to a conclusion which is in line with the biblical understanding of the wider church. Cragg bases his findings on three premises:

- (1) Jesus was not a legislator but stated the divine intention for human life
- (2) In the circumstances of the present age, the divine intention is often thwarted by human sin
- (3) God's response to sin is redemptive

and although these principles are valid and praiseworthy in themselves, it is submitted that a more thorough exegesis of all the relevant scriptures would have given a biblically sound basis for the eventual conclusion arrived at by the Cragg commission. The initial premise that Jesus was not a legislator but stated the divine intention for human life is echoed by other commentators (Barclay 1954:221) who state that Jesus in his dealing on the subject of divorce gives the principle and not the law. This leads to Cragg's second point which says in effect that were this a law, the fallen nature of humanity precludes it from upholding such law and were it not for the third leg of the argument, namely redemption, humanity would stand condemned before God not only for sins relating to divorce but for every sin. Cragg states that Jesus in dealing with the question posed in Mark 10:2 lifts the argument to higher plane (Black & Rowley 1962:810) and as in the Sermon on the Mount, Jesus speaks of a principle which goes beyond the strict confines of the pharisaical law. According to Cragg, he emphasises the provisions of the law to their ultimate meaning and intensifies their demand by interpreting it in a higher key (Cragg 1976: para 2.3.2, De Klerk 1987:187). In this Jesus lays a greater importance on the preservation of the unity of marriage and in this he neither annuls the law nor expresses a totally new law. He states in Matt 5:13 *Do not think that I have come to abolish the law or the prophets; I have not come to abolish them but to fulfill them.*

Jesus goes beyond the present argument which deals with the legality of divorce and the

interpretation of the legal terms for *uncleanness, unchastity or shameful conduct* and he speaks of the sin of divorce. The rabbinical schools all attempted to prove that in certain circumstances divorce is not sinful and therefore acceptable to God. Jesus' very definite words on the subject very clearly say that divorce is against God's original plan for humanity. This seemingly inflexible statement must be seen in the light of Jesus' dealing with sinners, such as the woman at the well (John 4) and the woman caught in adultery (John 8). The authenticity of the latter account is questioned by biblical scholars. Contemporary commentators question the placing of John 7:35 - 8:11 within the gospel text more than they question its authenticity or insertion (Smalley 1978:101, Marsh 1988:351). In these passages the nature of mercy, redemption and forgiveness are very clearly shown and Cragg refers clearly to this in dealing with the change of attitude when a conviction of sin comes upon the sinner and the attitude of repentance which leads to forgiveness and renewal. *Remarriage without repentance and renewal ignores God's intention and neglects his grace. Although permissible in the eyes of secular law it is spiritually disastrous* (Cragg 1976: para 2.3.2). The so-called *evangelical perspective* mentioned in the Cragg Document clearly supports the generally accepted interpretation of Jesus' word on this topic. Divorce is not legal in the sense that it is an innocent and sinless act but like all sin it can come under the redemptive and forgiving touch of God.

1.4 INTERPRETATION OF THE PAULINE TEXT

The last of the New Testament scripture passages relating to divorce are the Pauline texts found in his first letter to the Corinthians:

To the married I have this ruling, which is not mine but the Lord's; a wife must not separate herself from her husband; if she does, she must either remain unmarried or be reconciled to her husband; a husband must not divorce his wife. To the rest I say this as my own word, not as the Lord's; if a Christian has a Hebrew wife and she is willing to live with him, he must not divorce her and a woman who has a heathen husband willing to live with her must not divorce her husband. For the heathen husband now belongs to God through his Christian wife and the heathen wife through her Christian husband. If on the

other hand a heathen partner wishes for separation, let him have it. In such cases the Christian husband or wife is under no compulsion. 1 Cor 7:10-15

Cragg correctly notes that this is the earliest N.T. writing on the subject of marriage and other commentators (Black & Rowley 1962:957) observe that Paul must have had in his possession either some of the written sayings of Jesus or a reliable oral tradition of Jesus' saying. As Cragg observes Paul is here faced with a new problem not mentioned in the gospel texts and that is the issue of *spiritual incompatibility*. This was one of the earliest charges brought against Christians (Barclay 1954:70). The accusation was that Christianity broke down domestic relationships. Tertullian writes of a heathen husband angry with his Christian wife:

For the sake of visiting the brethren she goes around from street to street to other men's cottages, especially those of the poor ... She is absent all night long at nocturnal convocations and prayer meetings and the husband objects to her creeping into prison to kiss the martyr's bonds, and even to exchanging a kiss with one of the brethren as chaste as this may be (Barclay 1954:71).

Cragg states that Paul's sayings must be seen in this context and that it is telling that he prefaces some of his advice by saying that these are his own words and not the Lord's words. As Cragg states, this passage basically confirms the teaching on marriage by Jesus but adds that a Christian married to a heathen spouse who is seeking divorce should not oppose such divorce. It is clear that under no circumstances should a Christian initiate divorce proceedings. Paul does not touch on the issue of remarriage as he states clearly that marriage in the context of that time would be unwise in the face of the impending persecution of the church.

Paul's reference to marriage in the pastoral epistles when he speaks of the requirements of Christian leadership raises some pertinent issues in today's debate regarding remarriage. The requirements in 1 Timothy 3 relating to the qualifications of a bishop have given rise to conflicting views by commentators. Some hold that remarriage is allowed as long as the Christian leader is *under no reproach from a former life* (Matthew 1987:938). Presumably this

means that if the divorcee was the innocent party in a divorce action, remarriage by him or her would be allowed. Some commentators say that this passage speaks against polygamy only (Barclay 1956:88). Other commentators say that the prohibition is against digamy - more than one successive marriage (Black & Rowley 1962:579). Cragg does not address this issue and states that the list of requirements are ideals to be reached rather than laws to be rigidly applied. He relies upon Paul's general teachings of grace and law as found in the letter to the Romans to support this view (Cragg 1976: para 2.3.2).

1.5 CONCLUSION

Whilst the Cragg Document deals in scholarly fashion with some scripture passages relating to marriage and divorce, the Pauline passages are not always placed in proper context taking into account the setting into which they were spoken. There are deeper meanings and nuances brought out by commentators that are glossed over or even ignored in the Cragg Document. The method of biblical interpretation, is submitted, does not comply fully with that commonly accepted in Methodism. These can be summarised as follows:

- (1) The literal sense is emphasised unless it implies an absurdity and if it is not contrary to some other texts; but in that case the obscure text is to be interpreted by those that speak more plainly.
- (2) It is important to interpret a text in its total context
- (3) Scripture must be compared with scripture, and therefore a thorough knowledge of the whole is necessary for an interpretation of a part, seeing that scripture interprets scripture one part fixing the sense of another.
- (4) Wesley was always anxious, that where possible, scripture should be confirmed by

experience.

- (5) Reason is to be employed to understand what the scripture declares and how this truth is to be declared to men.
- (6) The resultant exposition should be plain truth for plain people, free from all nice and philosophical speculations; from all perplexed and intricate reasonings
(Williams 1960:28)

In its interpretation of the texts under discussion the Cragg Document fails under points (2) & (3) mentioned above, in particular in the fact that it does not take into account all the other scripture verses dealing with the topic. In all fairness to Dr Cragg and his committee we can accept that it never was intended to be an exhaustive commentary or exegesis but that it was merely a report from a committee of Conference regarding the church's stand on these issues.

The fact that pertinent texts in both New and Old Testament are not dealt with is a failing and it is submitted with respect that the document would have had more authority and acceptability by the church had it been more scripturally based. This document was never circulated to ministers or churches for comment and the only evidence of its existence is the change in regulations relating to divorced ministers. There are ministers not even aware of these regulations as they stand at present and this can be seen in the chapter dealing with case histories.

This has brought about the view amongst many members and some ministers that the church is too liberal and lenient in matters of divorce and that the church should lean more to the orthodox Roman Catholic view and the stand of the Church of England prior to 1971. This statement is also supported in the chapter 6 dealing with case histories hereunder.

It is important to note that neither the Cragg Document nor this work purports to give sanction to the practice of divorce. The Old Testament injunction *I hate divorce says the Lord God of Israel* Mal 2:16 cannot be compromised or argued away. The N.T. references to divorce are also quite

clear in their condemnation of the breaking of the marriage bond. The question to be answered revolves around what happens when man puts asunder what God has put together. Can this sin be forgiven and is there hope and the possibility of redemption for those who commit this sin (Retief 1990:2).

CHAPTER TWO

AN UNDERSTANDING OF MARRIAGE AND DIVORCE IN DENOMINATIONS OTHER THAN METHODIST

2.1 INTRODUCTION

The Majority of writers dealing with the subject of marriage, divorce and remarriage are from denominations outside Methodism i.e. both in South Africa and abroad, and there is a diversity of opinion and depth of theological literature dealing with this subject.

It is stated that a civilisation in the process of change usually starts to grapple with issues such as sexuality, the institution of marriage and the acceptability or otherwise of divorce. *It is noticeable that in the past, the problem of divorce has always arisen when the church is at a transitional stage to a new period of history or a new form of society* (Walter 1980:27). The Jewish society at one of the most dramatic stages of its development 2 000 years ago, was grappling with the question of divorce. At other times in history such as the fall of the Roman Empire, the split of the Eastern and Western churches and the present crisis of Western civilisation this question again raises its head. It is telling that family values, the breakdown of family life and issues of marriage and divorce should again gain prominence in theological discussions and writing (Kysar 1978:44). In this chapter the issue of indissolubility or otherwise of marriage will be examined. The development of the doctrine as well as the view of some present day commentators will also be looked at.

2.2 THE QUESTION OF INDISSOLUBILITY

Indissolubility in essence is the heart of the matter. It is the question of whether a marriage can be legally dissolved or not, and furthermore what the grounds for such dissolution should be, that

caused differences of opinion between the rabbinical schools at the time of Christ. It is the question of indissolubility that the Pharisees raised with Jesus as can be seen in the Markan account. Some of the questions that have been asked over the ages are: Is it legal to divorce? May couples who have been divorced remarry? May ministers who have been divorced continue to minister in the ordained office of their church? May divorced people partake of the Eucharist? Does God excuse or forgive the sin of divorce? Is it really a sin to divorce?

2.2.1 THE DOCTRINE OF INDISSOLUBILITY AND ITS DEVELOPMENT

The doctrine of total indissolubility to my mind most eloquently expressed in the following quotation: *Marriage is a vocation of allegiance. The cornerstone of our faith is that the Lord took upon himself the vocation of allegiance to mankind. This is no place to consider the theology of atonement (my underlining) (Kirk 1948:41).*

O.T. scriptures such as Mal 2:16, quoted above is used to promote the doctrine of indissolubility. Casper Walter speaking of indissolubility states that there is a sacramental dignity to marriage. *Marriage is the grammar that God uses to express his love and faithfulness. It is an eschatological sign* (Walter 1980:27). In this sense marriage is something that cannot and should not be changed, denigrated or polluted by humanity as it speaks of the very heart of God's love for humanity. Kirk, an Anglican high church-man, in the aforesaid quotation eloquently describes what is still to many within the Christian church the last word on marriage and divorce.

The Reformers such as Calvin reasserted the doctrine of indissolubility (Winnett 1969:44) and until 1971 this was the view of the Church of England. To this day the Roman Catholic church still subscribes to the doctrine of indissolubility. On the other hand they also hold to various exceptions to this rule such as the Pauline and Petrine privileges which will be discussed below. It is interesting to note the history of the indissolubility doctrine which can be traced to the Genesis creation account as discussed in the previous chapter. In the joining of man and woman in the one flesh ministry, God gives his purpose for marriage (Gen 2:24). In Lev 20:10 the punishment for those breaking the marriage bond in adultery is clear *If a man commits adultery*

with the wife of his neighbour both the adulterer and the adulteress shall be put to death
(R.S.V.).

In the very strict rules regarding the marriage of a priest as found in Lev 21, it is clear by implication that the priest may not divorce², he may not marry a divorcee and may not have a divorced person within his home. This has interesting repercussions in later church history resulting in the call to celibacy amongst priests and the differentiation in dealing with matters of divorce and remarriage in laity and among those within the ordained ministry. This will be discussed in subsequent chapters.

It is clear that at the time of Christ the doctrine of indissolubility was widely accepted in spite of the exceptions and references to the contrary within scripture. *Scripture* at the time of Christ refers to the O.T. and in the context of this thesis to the Pentateuch especially. The matter of divorce was still very much under discussion and the very question asked Jesus in Mark 10:2 *Is it lawful for a man to divorce his wife?* shows that despite the controversies regarding the legal grounds for divorce in the different rabbinical schools at the time, the question about the absolute intention of God in marriage was also being asked. Does God intend the *one flesh* ministry to remain for the life of the partners or does God recognise the finality of divorce, as sinful as it may be, and the solubility of the marriage bond.?

At this point it would be prudent to look in further detail at an understanding of the *one flesh* ministry. In the creation account found in Gen 2:24 it is stated that *they shall be one flesh*. A unique unity is presupposed in this and it is submitted that this unity must be one of body, mind and spirit; *body* the physical unit, perhaps easiest to understand in the physical joining of the two bodies and in the command to be fruitful and to multiply (Gen 1:25). The *mind*, or emotional aspect is perhaps a little more difficult. In Gen 2:25 we read *and they were both naked, the man*

² *He must not make himself unclean for people related to him by marriage* (Lev 21:4) (N.I.V.) - some translations *unclean as a leader among his people*

They must not marry women defiled by prostitution or divorced from their husbands (Lev 21:7) (N.I.V.)

and his wife, and were not ashamed. The Hebrew work for ashamed is *buwsh* which means disconcerted or disappointed (Strong [a]:67 No. 0954). This means that they were truthful and open with one another. There was no area in their lives in which there was deceit or misunderstanding. The unity in *spirit* is spelt out in some detail in Mal 2:5 which speaks of an ideal in marriage *Has not the Lord made them one? In flesh and spirit they are his.* In 1 Cor 7 it speaks of being evenly yoked and being in total agreement in spiritual matters. This is the one flesh unit in body, mind and spirit and is central to the biblical understanding of marriage (Phillips 1986:14).

The doctrine of indissolubility remained, although not in ascendance, during the first six centuries of the church's history. The Eastern church fathers with a deeper knowledge of the original languages of the Bible tended to take a more lenient view regarding the absolute prohibition against divorce. Church historians note that it was with the passing of the canon St Basil that a definite acceptance of the solubility of marriage came into being (Winnett 1969:216). St Augustine in the earlier part of his writings held to the doctrine of indissolubility although later in his life he published a document called *A Writ of Doubt*, changing his earlier point of view on this topic (Duty 1972:116).

One of the main causes for the split between the Eastern and Western churches at the Council of Trent was the division over this very issue. The Eastern church according to Winnett, accepted that indissolubility was not the only conclusion that could be drawn from an in depth study of the scriptures relating to marriage and divorce. The Western church held very firmly to the doctrine of indissolubility and does so to this day. With the reform of Hildebrand a few centuries later the Western church became even more uncompromising on matters of divorce and remarriage and the doctrine of indissolubility gained ground (Winnett 1969:121, Duty 1972:113).

Commentators also note that at this stage of the development of the Western church and overrated emphasis on celibacy arose. Some go as far as to call it a *craze*. The monks of the Western church had a very strong aversion to marriage and this spirit of celibacy seems to have influenced their interpretation of the scriptures and this legacy remains in the Roman Catholic church to this day (Duty 1972:93).

In later years the Protestant Reformers agreed with the Roman Catholic church on the indissolubility of marriage but took issue with Rome over the *unrestrained rhapsodic praise of virginity and the preposterous admiration of the celibate life* (Roderick 1988:41). The Eastern Orthodox churches allow and almost enjoins marriage on all its clergy, that is before ordination, after ordination marriage is not permitted (Tozer 1904:43).

The history of the Anglican church's acceptance of the doctrine is a strange one especially in view of the fact that Henry VIII caused the split of this church from Rome over the very issue of indissolubility. The Anglican church clung very strongly to the doctrine of indissolubility until 1971 with the publication of the *Roote Report*, being the report of a commission set up by the Archbishop of Canterbury in 1966 to look at the issue of marriage and divorce (Roote & Howard 1971:74).

In all this it is clear that a large section of the Christian church has since its inception 2 000 years ago, and to this day, held strongly to the doctrine of indissolubility and in terms of this doctrine rejected divorce absolutely as an option for the Christian.

2.2.2. THE ACCEPTANCE OF DIVORCE AS THE FINAL DISSOLUTION OF THE MARRIAGE BOND

The opposite view to indissolubility has a history which can be traced to the Mosaic laws regarding limited grounds for divorce (Deut 24:1). Theologians holding to this view say that divorce was recognised from the time of Deut and that remarriage by inference was accepted. Guy Duty in perhaps in one of the most comprehensive works on this topic published in the last 25 years says:

The Bill of Divorcement in Jewish times was a total dissolution of the marriage. Remarriage is explicitly allowed. Divorce took the place of the death penalty for adultery. This was a humane and merciful alternative. This is seen in the writings appearing at the time of Christ and dating to within 30 years after the destruction of the Temple of Jerusalem in A.D. 70. (Duty 1972:37)

Writers on the subject stress the tacit acceptance of divorce in the Old and New Testament and the absolute dissolution of the marriage bond in such cases of divorce. They deal at length with all the scriptures relating to marriage and divorce and replace them, it is submitted with respect, properly within their context and in doing so bring a different to these scriptures than the meaning attached to them by those who hold to the doctrine of indissolubility.

A scripture that is often mentioned in these discussions is Lev 22:13 *But if the priest's daughter be a widow, or divorced, and have no child and is returned unto her father's house as in her youth, she shall eat of her father's meat: but there no stranger shall eat thereof* (K.J.V.). This scripture deals with the very strict rules for holiness which had to be maintained within the priest's home. No stranger, hunchback, no person of deformity, no harlot, nor anyone else who has profaned him or herself was allowed into the priest's home or was allowed to eat of the meat set aside from each sacrifice for the priest. It is notable that the divorced daughter of the priest is not classed as someone who is unclean but is accepted on the same level of holiness as would be a widow.

The concept of God's tolerance of divorce is further strengthened by the fact that a divorced woman who remarries is expressly forbidden to return to her first husband (Duty 1972:125). Writers such as Retief add a further interpretation to the concession to divorce made in Deut 24:1 and he states that God in his mercy brought about these divorce provisions to protect women who were in many ways defenceless against abuse and rejection by their husbands (Retief 1990:60). He holds that the provisions in Deuteronomy grant to the wife practical and moral protection in a society where a wife who is cast out by her husband would be totally destitute and stigmatised. This writer brings in an interesting argument in that the commonly held belief that divorce was a simple matter for the husband under Mosaic law is not correct. He gives the following reasons:

1. The divorce letter had to be in writing. Today it would mean that a piece of paper could quickly be found, the note could be scribbled and the matter would be finalised. This was definitely not the case with the people of Israel trekking

through the desert or even living in primitive conditions on the land of Canaan.

2. A scribe would have to be found, no doubt paid, and witnesses would have to be brought in to sign the document. This would all take time and preclude such decisions from being made in the heat of the moment.
3. It would no doubt be the priest or other learned men who would have to write the letter of divorce. There could not have been too many of them around and human nature being what it is there would have to be some financial reward before these formalities could be legalised in terms of the law (Retief 1990:37).

Other commentators refer to passages of scripture such as Lev 21:7 which states that a priest may not take for himself a wife who has been divorced by another man (Barclay 1954:47). The implication of this is very clear and that is that divorce is accepted and someone other than the priest may marry such a woman and the implication is that this was customary at the time.

As stated in the preceding chapter these particular passages and others pointing to explicit and implied authority to remarry in the Old Testament, is not dealt with by the M.C.S.A. theologians who have written on the subject. Those from other denominations have come to the same conclusions as the M.C.S.A. but without some of the convoluted reasoning employed by them. The New Testament scriptures dealing divorce and especially Jesus' sayings are carefully scrutinised by theologians who do not agree with the doctrine of indissolubility. They place these scriptures in the correct context of their time and from that a different picture emerges than those promoted by the theologians who hold to indissolubility.

Retief brings an interesting argument relating to the context in which Jesus spoke to the Pharisees in the Matthian account. He holds that Jesus was speaking directly into the argument between the schools of Rabbis Shammai, Hillel and Akiba (Retief 1990:68). This sheds a different light on the words of Jesus in that he is not dealing so much with the fact of God's acceptance of divorce, but more so with the fact that Hillel and Akiba advocated divorce on the

most frivolous of grounds. This above all things was the practice that Jesus speaks against. Retief mentions that the Pharisees misquoted Moses to Jesus when they said *Why then did Moses command to give a certificate of divorce and to put her away?* (Matt 19:7). They left out the Hebrew words '*ervath dabhar*' that is *adequate grounds* (Retief 1990:69). Jesus replied that Moses allowed divorce because of the hardness of men's hearts but most certainly did not institute it. These writers also make very careful note, and quite rightly so, of the fact that Jesus used the Greek word *porneia* and not *moicheia*. *Porneia* denotes a wider kind of unfaithfulness and includes all forms of unchastity. *Moicheia* is the specific word used for adultery.

Retief poses an interesting paraphrase of Jesus' words and the deeper meaning to them in the following:

You appealed to Moses! You are right, Moses did permit divorce. He did so not because it was part of God's plan, but because the hearts of the people were so wicked that marital anarchy reigned. Moses laid down the rule that there must be adequate grounds for divorce. The law insisted that the woman had to be protected. But you! You are divorcing your wives, not because you have any just reason to do so, nor because of unchastity on their part, but merely because in your perversity you want someone else and wish to get rid of your responsibility. This is nothing but adultery. You may try to hide it under the cloak of Moses' law but it is sheer wickedness and adultery (Retief 1990:70).

Very important portions of scripture such as the Johannine account of the Samaritan woman and the woman caught in adultery are ignored by those who hold to the indissolubility doctrine. The very fact that Jesus speaks to the woman of Samaria and accepts that she has been married and divorced five times, and that she is living in sin with someone, shows that Jesus by implication accepts the fact of her previous marriages and the finality of all her divorces (John 4:17-18). It does not mean that he necessarily approves but he does by implication accept the finality of divorce in her life. To the woman caught in adultery Jesus states that there is forgiveness for those who break the laws of marriage. This is not an unpardonable sin (John 8:11). Jesus reaffirms God's original plan for humanity as stated in Genesis, that man and woman should become one flesh in the marriage bond and that this should be a life long union. Jesus also accepts in these accounts the fallibility of humanity and speaks God's redemptive grace into each situation.

The nature of fallen humanity is to break the original and perfect intention of God through sinfulness and neglect and for this reason qualified exceptions came into being:

There is an absolute prohibition against divorce qualified by exceptions and this seems to be the pattern from the earliest time of the Bible and the church as originally adultery was punishable by death but from the time of Deuteronomy a bill of divorce may be given for adultery and this placed an exception to the indissoluble marriage originally intended. (Kysar 1978:69)

The writer goes on to say that the divine intent for marriage is that it will be indissoluble and should last for the lifetime of those in union. There is always the acknowledgement of its possible failure (Kysar 1978:35). We can see this in scripture beginning with the exceptions to the indissolubility rule in Deuteronomy right through to the writings of Paul. There is an absolute prohibition quickly qualified by an exception. Paul the apostle being the first New Testament writer to speak of divorce deals with the matter as a practical theologian and pastor. He addresses the difficult issue of spiritual incompatibility and clearly does not compromise the fact that God wishes marriage to last for a lifetime. There is however an acknowledgement that humanity in its weakness has an inclination to distort the perfection of God's creation (Kysar 1978:72).

Guy Duty states that the question of remarriage was not an issue at the time of Jesus and in the first few centuries of church history. The question then was the grounds for divorce and this puts into serious question the stand of those who will not accept the finality of divorce, as it seems that the finality of divorce was readily accepted during those early times. It has been mentioned above that the stand of the Eastern church regarding divorce and remarriage was a much more lenient one than that of the Western church and the reason for this was that they had a greater insight into the original languages of the Bible and from this gained a better picture of God's intention of redemption (Walter 1987:7).

As church history continues to unfold in the second millennium it became evident that the Reformers were a little ambivalent in their attitude to marriage and divorce. On the one hand Calvin holds to total indissolubility and on the other hand there are other Reformers who took a different view (Nelson 1965:241). Luther had some radical ideas relating to marriage, and in an

apparent reaction to the extended sacramentalism within the Roman church he held that marriage is most definitely not a sacrament. Luther states that marriage is an *external act* and is in no way different from any other temporal activity. In view of this he stated that divorce and remarriage were in many ways actions which fell without the ambit of church life.

Commentators make mention of the fact that the Reformers were rather inexperienced in their handling of matrimonial questions and that there was a time in his life that Luther stated that he would prefer marital infidelity above divorce (Nelson 1965:237). Calvin on two occasions imposed the death penalty for incorrigible adulterers but was later faced with the case of a member of his family caught in adultery. He did not impose the death penalty for this breach of the law. The strict laws of the Council of Geneva was later relaxed and desertion was added to adultery as a ground for divorce (McNeil 1954:189).

An important development in the present understanding of marriage and divorce was the construction placed by Puritan theologians on the Christian basis for divorce and marriage. It should be noted that the Puritans in spite of the prudish and narrow impression they gave to their contemporaries, which impression has lasted to this day, were actually the liberals of their day. They rejected the medieval church's refusal to countenance divorce on both biblical and practical grounds. They, together with later Reformers, broadened the basis for divorce and included infidelity, desertion, disease and insanity. This came to South African law through our Roman Dutch Law heritage. The Puritans placed companionship, love and respect for each other as the primary purpose of marriage (Foster 1985:9).

It is submitted that the most important publication relating to the whole issue of marriage, divorce and remarriage in the church is certainly the report commissioned by the Archbishop of Canterbury in 1966. He called on a group of theologians to prepare a comprehensive theological statement on this vexed question (Roote & Howard 1971:7). This document, written from an Anglican perspective, deals in depth with the whole matter. It is a landmark in the wider church's discussion and anguish over this issue. The report deals in great detail with the historical background, the interpretation of various scriptures and the stand of the church on this issue over the ages. The Roote Report concluded that within Orthodox churches that have held

to indissolubility, there may be a developed theory of indissolubility but there is an equally developed series of *escape clauses, privileges and nullity decrees* (Roote & Howard 1971:72). The Roote Commission after careful consideration of all the issues, both theological and practical came to virtually the same decision that the Puritan fathers had come to a few hundred years before.

The commission when considering all the cogent arguments for the recognition of the reality of divorce states as follows:

These considerations however neutral, may permit theological validation; they do not construct it. It is necessary, as so often in difficult matters of theology to go behind the doctrine of the church and even the doctrine of man, to the doctrine of God and the doctrine of grace. This is the point to which every modern thinker and theologian has come. (Roote & Howard 1971:73).

This is in sharp contrast with the quotation by Kirk at the beginning of this chapter. One must accept that God's original intention for marriage is that it should be indissoluble but given the fallen state of humanity God extends his hand of grace, forgiveness and renewal and this really is the heart of the matter. The Roote Report mentions that the *white robes* of those called to the marriage supper of the Lamb (Rev 19:9) are not the robes of the innocent, of those who have never fallen, or of those who have abided by every rule great and small of God's law. They are the robes of the forgiven (Roote & Howard 1971:74). It is the consensus of many theologians that the observance of the divorce law is not a matter of salvation. Sin is pardoned by God's grace alone. Divorce is simply another expression of the human inclination to distort the perfection of God's creation (Kysar 1978:72). The pardon expressed in Christ means for humanity the reality and hope of new beginnings. *What counts is a new creation* (Gal 6:15 N.I.V.). *Therefore if anyone is in Christ he is a new creation; the old has gone, the new has come!* (2 Cor 5:17 N.I.V.).

Casper Walter sums it up as follows:

God does not let us perish after the shipwreck of sin (divorce) but also does not simply allow us to board a comfortable new ship. He offers the plank of penance so that we can save our lives (Walter 1980:68).

2.3 DISSOLVING THE INDISSOLUBLE

Having seen that modern theology has brought back the doctrine of grace and forgiveness into the discussion on the indissolubility of marriage, one needs to ask, "What now?" How is this to work in practice. How can the church implement this in a way that will not promote the kind of argument that the Rabbinical school of Hillel and Akiba held to at time the of Christ. They advocated divorce for any and every reason. Different denominations have approached this problem in different ways over the years.

The Roman Catholic Church for all its avowed abhorrence of divorce has developed an extensive theology of annulment in terms of this there are certain *privileges*; the Petrine privilege relates to the situation where an innocent party may request the annulment of the marriage from a spouse guilty of adultery (Van Doornik 1956:336). The Pauline privilege is based on 1 Cor 7:15 and by its very nature is much more complicated. It relates to what Catholics would speak of as an *unbeliever* or the *unbaptised partner*. If this unbaptised partner in the marriage with a Catholic is willing to divorce both are free and annulment may be sought on this basis. For this privilege to be applicable two unbaptised partners must marry. One must thereafter be baptised into the Catholic Church and the other must no longer wish to live with him or her. An interesting point is that only when the baptised partner marries again after annulment is the former marriage dissolved (Van Doornik 1956:345). The present practice in the Roman Catholic Church is that annulments are granted, but this is a lengthy and very expensive procedure.

A further development in the annulment practice is that a party who lacks *due discretion* because of schizophrenia, homosexuality, psychopathy, sociopathy, anxiety, neurosis or other clinical diagnoses may petition for annulment and often these annulments are successful (Keheler 1973:116). The writer states that in Brooklyn (New York) alone in the year 1972 more than 100 annulments were granted in this way. For a while the *good conscience* solution was tried in America in terms of which parties seeking annulment could approach the courts of the church and state that they truly believed in their heart of hearts that their first marriage was not truly a

marriage in the eyes of the church and of God and for this reason seek an annulment. A few annulments were granted in this way, but before the matter could be tested in Rome the Catholic bishops in America wisely decided to put a stop to that practice (Keheler 1973:117). It is interesting to note that the main question for Catholics in the area of annulment is in the partaking of the Eucharist (Mass). A communicant may not partake of the Eucharist unless their failed marriage is properly annulled. What happened in practice was that many Catholics would be divorced by the civil courts of the land and would then be precluded from partaking of the Eucharist. This gave rise to many applications for annulment. Some commentators state that the Roman Catholic Church and others who hold to indissolubility circumvent their own doctrine by using annulment as a means of divorce (Roderick 1998:15). The Roote Report states as follows: *There is at present a developed theory of indissolubility and the divergent practices based on the use of nullity decrees* (Roote & Howard 1971:71).

What is the stand taken within other denominations such as those within the Protestant camp, and the more Evangelical, Charismatic and Pentecostal denominations? How is the indissoluble dissolved in these churches and what are the standards applied to ensure that the church's recognition of divorce is scripturally sound.

The abiding principle that comes to the surface in all these denomination's dealings with this question is the fact that divorce is an unfortunate but very real part of life within modern society. It is more so today than it every has been before, but it has been around since the time of Moses. It is the acceptance of the reality of the situation that gives denominations who accept the solubility of marriage a basis for dealing with the matter from a practical view point and not only from theoretical and theological bases. As we have seen in the proceeding paragraph even the Roman Catholic Church and those who hold to indissolubility have to deal with the practical issues of the breakdown of family life.

The whole matter can only be laid to rest and placed within its proper theological context once the reality of the breakdown of the marital bond in many, many marriage unions, Christian and otherwise is accepted. Modern writers accept that social structures, support systems, and the

very fabric of past societies held together the institution of marriage. These no longer exist and the pressures on couples are different today than they were before. In fact this is not entirely without historical precedent and if one studies the history of the fall of the Roman Empire one can see the same kinds of pressures present there. Old practices were being challenged as much as these are challenged today and the question of divorce was very much in the forefront of public debate (Kysar 1978:44). The reality of irreconcilable marriage breakdown is something that the church and society must come to terms with. We cannot continue to ignore or continue to look down upon or continue to condemn those suffering the trauma of broken family relationships (Kelly 1967:47). The divorce rate in Western society is higher today than it every has been. The higher rate of divorce does not mean that society has given up on marriage, it simply means that they find their unhappy marriages intolerable and hope to replace them with better ones (La Mana 1988:508). Guy Duty states that:

In the earlier ages the fact that marriages were able to last for life was partly due to the many external supports and constraints there were on marriage. These helped hold couples together. The permanence of marriage did not flow from the nature of the couple's love for each other, it flowed from the fact that the main focus was much more institutional in character (Duty 1972:27).

Roderick states that the church is being unrealistic in its expectation of marriage and in its insistence that the marriage relationship remain constant. How can it have a consistent social meaning while social structures, economical relationships and demographic patterns as well as cultural configurations have undergone and are undergoing massive changes? (Roderick 1988:641). It must be noted that these writers are not advocating widespread divorce but a more realistic approach to the problem. It is in the midst of these realisations that a profound statement comes from an unexpected source. Engels, the socialist and family theorist, states:

If only the marriage based on love is moral, then also the marriage in which love continues must continue to be moral. If affection comes to an end or is supplanted by a new passionate love, separation is a benefit for both parties as well as for society (La Mana 1988:514).

It is not proposed that the church must follow the world and especially political theorists such as Engels who together with Marx had very definite views as to the demise of the Christian church.

In the statement of Engels, I believe lies the heart of what the church is today having to deal with. The Divorce Reform Act of 1969 passed in Britain and the Divorce Act No 70 of 1979 passed in South Africa introduced the *irretrievable breakdown* aspect to divorce proceedings. The South African Jurist, I.D. Schaffer states:

The Divorce Act came into operation in July 1979 and has effected a total reform of the South African Law of Divorce, especially in cases where irretrievable breakdown of the marriage relationship is quoted as the cause of action. In such cases it seems that no defence might be available to the defendant (Schaffer 1998:D9).

Prior to 1979 there were definite and limited grounds on which divorce could be granted in South Africa. The grounds were adultery, desertion - this could be actual desertion where one party leaves the marital home or constructive desertion where one party makes cohabitation unbearable. Further grounds for divorce were insanity and long term imprisonment of one party (Hahlo 1973:71). Up to the passing of the new law most divorce cases were granted on the grounds of desertion and this led to collusion and dishonesty by parties seeking divorce. The fact of the matter was that married couples were often totally incompatible, they had lost love for one another and wanted the divorce. To obtain the divorce they had to cloak their application in legal language and make it fit into one of the categories allowed as a reason for divorce. For this reason the Legislator, both in Britain, South Africa and in most Western countries brought in the *irretrievable breakdown* clause in terms of which the party seeking divorce merely has to state that he or she has lost their love for the other party, and that their marriage had irretrievably broken down. The problem with this is that there is unfortunately no defence to such a claim and marriages can be dissolved at the insistence of one party against the wishes of the other. It is this reality that the church has to face and deal with. Keheler states:

Some married couples simply enjoy their enjoyable marriages. Other married couples are able to tolerate their tolerable marriages. Still other couples are unable to tolerate their intolerable marriages and they cannot and will not make their marriages work (Keheler 1973:116).

Roderick holds that divorce has over the decades of this century changed from the last resort of the desperate few who could afford the expense, to being the most attractive response for couples facing the stark reality of marital breakdown (Roderick 1988:636). It was in countries

where marriage was held up as an inviolable institution by the church, where public opinion and support from within a community worked for the upkeep of healthy family life that the doctrine of indissolubility flourished and grew. Where marriage is seen less as an institution but more as the existence of a relationship of love, care, mutual respect and commitment the emphasis on indissolubility is altered and the reality of marital breakdown is accepted.

Western thinking holds that indissolubility depends upon the continued growth and development of the couple's love for each other. It is the fruit of a pledged lifelong love. The process of building their love together depends upon commitment, trust and understanding from within and appropriate and timely support from without. It is in the process of building this love that couples create the indissolubility of their marriage (Duty 1972:35).

La Mana states that there are three main factors binding marriages and families together namely economic interdependence, legal, social and moral restraints and the spouse's relationship. The latter is beginning to gain the pre-eminence it deserves within the bonds of marriage and it is submitted, the eminence it was given by God in the Garden of Eden when he declared the one flesh ideal for married couples. It is in the one flesh ministry where the closest ties, physical, mental and spiritual can be created between two human beings and it is this, more than external pressures that should keep couples together. This is the way to build on the lifelong union that God originally intended. This most definitely was not the case in the past (Duty 1972:27).

To sum up then the present abiding view within the church is that a marriage in which the love bond, respect and care for one another has broken down can be dissolved, on certain conditions and such dissolved marriage can be recognised as an absolute break between the parties.

Remarriage is clearly allowed. This does not detract from the fact that such a marriage break-up goes against God's original plan for humanity and is sinful and needs to be brought before God in true repentance.

2.4 ACCEPTING THE FALLEN STATE OF HUMANITY AND THE WAY OF GRACE

It is in accepting the fact of sin and the nature of sin that the fallen state of humanity becomes

clear (Rom 3:23). It is also in accepting the fallen state of humanity that the doctrine of grace and forgiveness can be understood and in this particular field of study the question has always been whether divorce falls within the general category of sin and needs to be dealt with in terms of God's redemptive purpose for humanity fallen into sin. It is this issue that the Pharisees brought to Jesus for they desperately wished to prove in their own legally bound way that divorce is legal (Mk 10:2). It is therefore not sinful according to them. It is in the context of this argument that Jesus answered and strongly pointed to the fact that divorce is sin. It is the breaking of a covenant vow made to one another. It is the breaking of the perfect unity God intends to exist between man and woman in the marital bond. It is the breaking of trust and the hurting of one another.

But what is the nature of this sin? Is it in most cases a matter of wilful maliciousness? Do people in a premeditated way go about planning their divorces and the break-up of their homes and families? The answer to this is clearly "no". Divorce can be classified as falling within the sins of passion. They do not, as a rule flow from an evil heart but come from the basic inability of men and women to cope with stressful situations and within the bond of marriage stressful situations abound. *What is happening to us? is the question that many people going through the trauma of the breakdown of a marriage relationship ask? (Guy Duty 1972:28).* It is the sin of neglect, of allowing other pressures to fill our lives and of not loving and caring for the spouse in the relationship as should happen. Divorce is never commanded by God but is permitted in situations of breakdown and abuse (Retief 1990:8). It is an acknowledgement of the weakness of humanity and God permits them to withdraw from intolerable situations.

This brings us to the question of God's redemptive reaction to sin. There is an unforgivable sin and that is blasphemy against the Holy Spirit. It is rejecting the purpose and message of the Spirit in bringing God's truth to men (Barclay 1957:48). Divorce never was intended to be the one unforgivable sin and it is a great sadness that the church throughout its struggle with this topic has at times shown this attitude in practice if not in the official theology it espouses. The practice of withholding the Eucharist from divorced couples and thereby denying them the means of grace is, it is submitted with great respect, a questionable one. It can be accepted that

the church must take a stand against that which would break down family life and goes directly against the Word of God. However the question needs to be asked whether the refusal of the Eucharist is the most effective way of bearing witness to the belief of indissolubility (Kelly 1967:76). The key phrase from the report to the Archbishop of Canterbury refers, in which is stated that those who wear white robes at the wedding feast of the Lamb will be forgiven and not the perfect (Roote & Howard 1971:76).

It is essential that the doctrine of sin, redemption and renewal be brought into the whole question of indissolubility, as it is by theologians in different denominations. Remarriage is at the root of the whole argument of indissolubility. If one accepts that divorce is sinful, we must also accept that God can deal, and has dealt with sin through true repentance. If redemption and new life is accepted, then the new marriage as a new beginning must also be accepted. Without this the new marriage starts at a disadvantage. *It would be theologically as well as psychologically wrong to cloud the life beginning with a shadow of that which is past* (Roote & Howard 1971:75).

It is in the acceptance in the way of Grace that this shadow can be dispelled and God's light can be brought into the new marriage bond. It would be untrue to the central message of scripture to deny God's grace in divorce and remarriage (Kysar 1978:81).

2.5 THE INFLUENCE OF OTHER CHURCHES ON THE DEVELOPMENT OF THE METHODIST CHURCH'S STAND ON MARRIAGE AND DIVORCE IN THE CLERGY

The Methodist Church of Southern Africa claims its position as a member of the wider church of God and para 1.5 of its **Laws & Discipline** states:

Within the Christian church, one holy, catholic and apostolic church, which is the Body of Christ, the Methodist Church holds a true place, and cherishes this not alone for itself as an organised community but for its members wherever two or three are gathered together in the name of Christ and in obedience to His Spirit.

As part of the wider body, catholic and apostolic, the M.C.S.A. cannot exist in a vacuum and it cannot be unaffected by the changing attitudes, changing theologies and different approaches to matters of common concern to all churches.

As stated in previous chapters societies in a state of change tend to ask questions of an existential nature and to look at fundamental beliefs and the building blocks of society. The family, being the cornerstone of the church and society, comes under scrutiny and matters such as marriage and divorce come under review. It is clear from the preceding chapters that since the middle 1950's in Western society, the institution of marriage has come under much scrutiny, and one can even say attack. Divorce and the acceptance of divorce has become widespread. The church, as it often does, reacted to what happened in society by at first discussing the issue in its various meetings and then by appointing a commission to look into the issue. This commission was to study the theology and understanding of the church and to assist the legislative authority of the church to make a theological statement of that denomination's stand on the issue. In Vatican II the Catholic Church reaffirmed its stand on family life and the indissolubility of marriage. This took place in 1962. In 1966 the Church of England appointed a commission to investigate the issue of marriage and divorce and from 1958 the Methodist Church of Southern Africa began passing resolutions regarding this matter.

The writer submits that it was only when the South African law of divorce was drastically altered, bringing in the *no fault* divorce and the concept of irretrievable breakdown that the South African Methodist Church started looking at the matter in earnest. The Anglican Church had already accepted the Roote Report in 1971 and it is submitted that this must have nudged the Methodist Church along to reaching its own conclusion. It was in 1975 that the long string of resolutions dating back to 1958 eventually came to a head. A high powered committee was appointed to investigate the whole matter and to bring out a reasoned and theological stand on the issue.

Vatican II was an extremely intense and far-reaching Conference held in the Roman Catholic Church which spanned several years. The build up to it took decades and the standard of their reasoning and biblical scholarship in the documents produced was very high.

Similarly the commission appointed by the Archbishop of Canterbury consisted of the best in the land and they took five years from 1966 to arrive at its very scholarly and thorough conclusion. The M.C.S.A. commissioned Dr Cragg and a small committee and gave them one year to do what other churches took many years to do. In all fairness to the Cragg Commission one must state that in the circumstances they performed credibly. One cannot ignore the fact, however, that the M.C.S.A.'s stand comes at the end of drastic changes in the secular law of divorce in most Western countries and follows on some very deep and thorough theological statements made on the issue by other mainline churches.

There is no direct evidence of the Cragg Commission drawing on any other work, although in their preamble they state that they called for submission from Methodist Churches in Australia, New Zealand and England. One cannot help feeling that due to the timing of this report they must have been influenced by the changing opinion regarding these matters in the world and in other churches. It is not the writer's intention to criticise the biblical scholarship of the document, which I submit is sound. It is submitted however that the work is somewhat superficial in some areas although the end result falls in line with many other churches within the wider family of God. The fact that the Cragg Document was not published in full in the Minutes of Conference or even filed within the official Journal of Conference may explain why its contents were not widely known, accepted or discussed within the church. This could explain why there are still sections of the church who hold strongly to the indissolubility view as can be seen in the case study of Jenny in chapter 6 below.

CHAPTER THREE

THE METHODIST CHURCH OF SOUTHERN AFRICA'S THEOLOGY OF MARRIAGE

3.1 INTRODUCTION

There is no developed theory of marriage and divorce in South African Methodism and as will be stated in the concluding paragraphs of this work, the church has relied on theological writings in other denominations when arriving at its own conclusions. In this chapter the indirect references in Wesley's writings are referred to as well as the comments in the writings of others regarding Wesley. Two documents have been tabled at the Conference of this church since 1958, only one of which has been preserved:

The first was a report by Dr Bandey, presumably tabled at the Conference held in Pietermaritzburg in 1967. Careful search has been made for the original or copy of this document in the Journal of Conference kept at the Church's Head Office in Durban. The Church Archivist in Grahamstown has no copy and it seems as if this document has been lost to posterity. The possibility still exists that only a verbal report was made and that no document was filed. In either event the verbal or written report assumes the role of the "Q" document in the New Testament theology.

The second is the report tabled by Dr Cragg, at the 1976 Conference, again held in Pietermaritzburg. This report has likewise not been preserved in the records of the church. Dr Cragg furnished the writer with a copy from his own files. The Church Archivist now has a copy which will be catalogued and filed in the Corey Library in Grahamstown. The research for this paper is based to a large extent on this latter document

3.2 THE THEOLOGY OF MARRIAGE AND DIVORCE IN EARLY METHODISM

In studying any aspect of early Methodism one has to rely heavily on the writings of John Wesley and commentators thereon. Wesley himself is silent on the actual topic of divorce and a careful search of his journals and letters, as many as are preserved today, show that he does not deal with the matter extensively or at all.

On marriage he makes various comments in his *Sermon 68* (Wesley 1984 Vol 8:85) he warns against the social practice of the day of marrying for money and position and not for love or a deep and heartfelt commitment to a partner.

In further writings (Wesley 1984 Vol 3:308) he warns against marrying unbelievers and spends some time in exposition of 2 Cor 6:14 in which Paul enjoins the believers not to be unevenly yoked. In yet further comment on marriage he condemns the practice of secret marriage and enjoins his followers to obtain at all costs parental consent before entering into marriage. It is interesting that he does not state that this as injunction, only for those who are under age but for all seeking marriage (Wesley 1984: Vol 8:118).

Some of Wesley's orthodox beliefs are evident in his writings and the suggestion that celibacy is a preferable state is made (Wesley 1984 Vol 13:62). He states that it is *also good to remain single*. He speaks of the *glorious freedom* that this particular state entails but this could be seen in the view of Wesley's rather disastrous marital relationship and his inability to form close and romantic relationships with members of the opposite sex. The disastrous love affair that he had during his missionary journey to America is well documented as well as his unhappy marriage to a widow, Mrs Vazeille, in 1751. This marriage caused a rift between him and his brother Charles which took many years to heal and in which George Whitfield had to intervene several times (Lean 1964:90). He shows an almost Roman Catholic attitude in his suggestion that it is better for the preacher to remain single and to be totally and wholeheartedly devoted to God than to be married. He makes a concession however in saying that, *one can be devoted to God in the marital state*" (Wesley 1984 Vol 8:286).

In all this he accepts the sanctity of marriage and its special place within God's plan for humanity and family life. He speaks very strongly against all abuse of women and especially the abuse of wives (Williams 1992:204).

Wesley goes on to state that marriage is not a sacrament as accepted within Catholicism and he states that marriage does not by its very nature confer grace upon the parties entering into it. He refers rather disparagingly to the writings of St Austin which state that the washing of feet and making the sign of a cross can be construed as a sacrament in the sense that a sacrament is an outward sign of an inward grace (Wesley 1984 Vol 10:127).

In the same vein, and in spite of the aforesaid praise of the single state, Wesley states that the absolute insistence upon celibacy for priests is not a biblical injunction (Wesley 1984 Vol 11:128). In this he joins hands with the Protestant view on these matters.

Wesley states in a detailed analysis of prohibitive marriages, *that no marriage is prohibited either by the law of God or by the law of England other than that of a brother and a sister and those in ascending or descending line* (Wesley 1984 Vol 5:323). It would not be wise to construe into this particular quotation of Wesley the explicit acceptance of divorce and the solubility of marriage. It is submitted that this is not a blanket acceptance of remarriage but taken within the context of what Wesley was speaking of, was a comment on the rules of consanguinity. These rules regulated the permissibility of marriage between cousins and other relatives related by blood and were very strictly adhered to in the Anglican Church.

Wesley warmly commends two of his preachers, namely Fry and Whately, for a paper they published concerning married life (Monk 1966:186). Monk in commenting on the times of Wesley states that divorce was legally extremely difficult to obtain and very expensive. It was, in eighteenth century England, confined to the aristocracy only (Monk 1966:94). It is unlikely that Wesley, with his very strong Anglican upbringing and the fact that he died as an Anglican priest, would have advocated divorce outside the strict confines of the understanding of the Anglican Church at that time. It must be noted that it was in only 1971 that the Anglican Church

took a stand on the solubility of marriage (Roote & Howard 1191171:72).

Wesley very reluctantly and under much pressure bent the rules of Anglicanism. He did this in appointing the local preachers for instance and it remained his heartfelt hope to his very death that Methodism and the Church of England may reunite (Lean 1964:125).

In spite of sayings like the following:

I cannot understand how a Methodist preacher can answer to God to preach one sermon less or travel one mile less in a married than a single state. In this respect it remaineth that they who have wives be as though they had none (Wesley 1984 Vol3:517).

Wesley still held to the institution of marriage and warmly commended Whatley's statement, ... *love is the life and soul of marriage without which it differs as much from itself as a carcase from a living body* (Monk 1966:187). In this perhaps lies the beginning of the modern acceptance that it is the love relationship that brings about the indissolubility within marriage but stated in that day and age and within that context the institution of marriage itself is clearly still an inviolate one in which divorce and remarriage was not easily countenanced, if at all. The statement that Wesley was in line with Protestant reformers such as Calvin and Luther in the acceptance of remarriage must be questioned (Duty 1972:77). It is not for nothing that commentators have stated that any study of Wesley must be seen against a complex background of *differently weighted perspectives* (Eli 1993:21).

3.3 THE THEOLOGY OF MARRIAGE AND DIVORCE IN SOUTH AFRICAN METHODISM TODAY

As stated in preceding chapters only two documents have been produced in South African Methodism regarding the matter of marriage and divorce. Only one of these has been recorded within the journals of the church and is still in existence and that is the Cragg Document. In para 2.3.3 Cragg speaks of the *theological approaches to marriage* and refers to what he considers to be the poles in this debate; the legalist pole and the evangelical pole. Under legalist he refers to those who hold to the indissolubility of marriage based on scriptures such as those found in Mark

and in this camp the Roman Catholic Church would most certainly fall. Under the evangelical approach he would classify the view taken by the Reformers on this issue. The evangelical view stresses the aspects of repentance for the sin of divorce and forgiveness and renewal.

Cragg's exposition cannot go without comment. It is submitted that an in-depth contextual exegesis of all the relevant scriptures would have provided a Bible based theology which would have gained wider acceptance within the church and beyond. Cragg states that *Jesus was not a legislator* and although one can agree with this to some extent, Methodism has always held that in matters of holiness the law must be upheld. Wesley states: *What is law but divine virtue and wisdom assuming visible form* (Wesley 1944 Sermon 29:386). Wesley states furthermore in that same sermon:

Therefore I cannot spare the law one moment, no more than I can spare Christ; seeing I now wanted as much to keep me to Christ as I ever wanted it to bring me to Him. Indeed each is continually sending me to the other - the law to Christ and Christ to the law. On the one hand the height and depth of the law constrains me to fly to the love of God in Christ; on the other hand the love of God in Christ endears the law to me above gold or precious stones; seeing I know every part of it is a gracious promise which my Lord will fulfil in its season (Wesley 1944 Sermon 29:389).

The reality that Jesus came not to abolish the law but to fulfil it (Matt 5:17) must not be lost in this argument.

Cragg brings in the very valid reasoning that marriage should be seen in terms of a covenant and he relates this in biblical terms to the most important covenants stated in scripture.

Commentators say these are the covenants to love and to remain in companionship and faithfulness to one another (Douglas 1982:240). The analogy of marriage with the covenant relationship is a good one and many of the words used within our marriage services refer to covenant:- the signs as the marriage ring, the recital of the vows are part of the Blood Covenant rituals which we find in Genesis 15 and right through the scripture. Israel's infidelity and rejection of godly values and laws are often referred to by the prophets in terms of adultery and the break of faith within the marital relationships. It is submitted that Cragg's assertion that the Covenant analogy implies a functional view of marriage is incorrect and it submitted that the

covenant view supports more of an ontological approach to marriage. It is the reality of the covenant spoken and witnessed which should keep the parties to its terms. If we do not accept this view we will revert to the pharisaical arguments of trying to find loopholes in God's marriage law in terms of which divorce can be legalised and therefore not attract God's displeasure.

The proper view of the covenant is a godly agreement which should not be broken. However, commentators correctly state that *[t]he covenant with its stipulations opens up the possibility of transgression and sin with the consequences of judgement and punishment* (Douglas 1988:243). Cragg, however, in spite of the aforesaid comes to the conclusion that it is the breakdown of this fidelity, love and trust which leads to the break of the covenant relationship and which is sin which must be repented of. Cragg correctly states that the God of redemption brings renewal when there is a *metanoia* (that is true repentance and acceptance of failure before God) and that remarriage must be seen in this light. In this sense the Methodist Church comes into line with other Protestant denominations.

One further comment needs to be made on the Cragg Document in that it deals rather ineptly with the issue of divorce and remarriage for ministers as such. It has taken the biblical and theological background of divorce and remarriage in general terms. It has dealt with these in a correct biblical and theological way and, it is submitted, come to the correct conclusion. In applying this to ministers the document states that a different criteria needs to be applied by virtue of the so-called *functional difference* between ministers and laymen. It is submitted that in this there is a reverting to Levitical practice, in which the priests were very clearly set apart by God and dealt with in terms of different rules of holiness. This is patently not the case in the New Testament Church (1 Pet 2:9, Rev 1:6, Rev 20:6) which refers to the doctrine of the priesthood of all believers. This doctrine is very firmly ensconced in Methodism, Paragraph 1.9.5 of the *Laws & Discipline* refers (L&D:3).

The Methodist Church holds that while certain of its members are called of God and separated for the holy office of the ministry within the church, these hold no priesthood differing in kind from that which is common to the Lord's people ... (L&D:4).

In *Minutes of Conference 1995* (para 36.1.1.2) the statement is made that *the local ministry of the church is paramount and that the church will give greater recognition to laity* (Minutes 1995:309). In 1995 the Methodist Church of Southern Africa called a Convocation in Benoni to which more than a thousand Methodist leaders and ministers were called. These men and women sought a new direction for the church. From this Convocation and many submissions to it, six areas of renewal were identified and have been accepted wholeheartedly by the church. These areas of renewal are:

1. A deeper spirituality
 2. An assurance that our life is guided by God's mission
 3. A rediscovery of *every member ministry*, or the priesthood of all believers
 4. An engagement with what it means to be one so that the world may believe
 5. A re-emphasis on servant-leadership and discernment as our model for ministry
 6. A redefinition and re-authentication of the role of the clergy in or church
- (Leverton 1995:1)

The third point is the one that is relevant to the present discussion. It is submitted that it is the *functional disparity* mentioned in the Cragg Document, is the perception amongst clergy and not laity. It is this disparity that brought about the cry of the Methodist people for the rediscovery of the priesthood of all believers. The ambivalent attitude towards the ministry can be seen as a weakness in the practice and theology of the Methodist Church of Southern Africa at present. If it is serious about the priesthood of all believers it should reflect such intent in all its decisions and rulings. The church should make a clear and firm decision and stand on issues such as divorce which are applicable to all its members, ministers included. This was the eventual finding of the church but the convoluted reasoning that led to this decision, it is submitted, is one of the reasons why there has not been widespread acceptance of the church's stand on divorce. It is telling that some ministers are not aware of the official stand of the church on ministerial divorce and remarriage, as can be seen in the case studies mentioned hereafter. Another reason for this could be that the two documents tabled at Conference were not published or distributed to clergy or laity, and that only one has been preserved for posterity.

SECTION TWO

CHAPTER FOUR

A REVIEW OF CASES DEALT WITH BY THE M.C.S.A. FROM 1957 TO 1997

4.1 INTRODUCTION

In reviewing matters relating to the divorce of ministers and their suspension and reinstatement as ministers in full Connexion, this work will rely heavily on *A Handbook for Disciplinary Committees*, compiled by the writer. This handbook will be distributed by the Connexional church to District Disciplinary Committees in the thirteen districts of the Methodist Church of Southern Africa. This book consists of three sections; the first being the actual disciplinary code which was the report handed in at the 1995 Conference Convocation. This was a review of all disciplinary procedures within the church. The handbook contains furthermore A Manual for Procedures in Disciplinary Matters also compiled by the writer and the third part of the book is the "Disciplinary Precedent of Decided Cases from 1957-1997. It is the latter section of the book that will be used in this chapter. This chapter refers to cases that were dealt with by the Conference relating to ministers who have resigned or who have been suspended due to divorce proceedings.

The Disciplinary Precedent was compiled using the existing documents filed in the head office of the Methodist Church of Southern Africa called the Methodist Connexional Office, presently in Durban. It consists of bundles of correspondence dealt with by the sessional committee of Conference before it made its recommendation to the full Conference. The Ministerial session of Conference prior to 1995, made decisions relating to all disciplinary matters regarding ministers. The whole procedure has been changed but the details of the new procedure falls outside the ambit of this work.

4.2 A SHORT REVIEW OF CASES RELATING TO RESIGNATION DUE TO DIVORCE ORSUSPENSION DUE TO DIVORCE OR THE READMISSION OF MINISTERS WHO HAVE SO RESIGNED OR BEEN SUSPENDED IN THE PERIOD 1957-1997

IN RE : Z.S.M.

This minister candidate in 1957 with a B.Sc degree and showed definite gifting and calling for the work of ministry. In 1960 his wife admitted an adulterous relationship and she divorced him. The minister was temporarily suspended from ministerial duties and the matter was brought before Conference of 1960 who reviewed the details of the case and reinstated Rev Z.S.M. It was felt that he was the innocent party in the divorce proceedings and in terms of the understanding of the church regarding these matters at that time it was accepted that this was the one exception to the divorce rule specifically allowed by Jesus. Rev Z.S.M. was reinstated into ministry 1961 and served for many years as a minister in the Methodist Church of Southern Africa, retiring in 1995. He is still alive and living in Lichtenburg and his son has recently candidate for the ministry. The case is reported under the reference 1960(2) (Van Niekerk: 1996: 57).

IN RE : C.V.

This minister resigned from ministry in 1964 and his resignation was raised for noting to the Conference of 1964. His marriage had ended in divorce. He resigned and Conference duly accepted his resignation. There was no debate on his possible readmission and all indications are that it was not even raised or considered. His case is noted under reference 64(4) (Van Niekerk 1996: 57).

IN RE : R.I.

This minister candidate in 1964 and while stationed at Bethlehem in the Orange Free State he contacted the Chairperson of the District and requested help as his marriage relationship was deteriorating. She had indicated that she wished to institute divorce proceedings. A pastoral commission was appointed and met and spoke to both parties independently but there was no success in attempts to restore the marriage relationship. The couple were eventually divorced and Rev R.I. resigned from the ministry as he saw this as the only alternative open to him at that stage. He later reapplied for readmission to the ministry. This took place after 1976 with the change in attitude of the church towards readmitting ministers who had been divorced. He is still serving faithfully as a vice chairperson of one of the districts within the Methodist Church Connexion in Southern Africa. His case is reported under reference 72(2) (Van Niekerk 1996: 58).

IN RE : D.J.

This minister was married to the daughter of an ex President of the Conference of our church and a very well known and respected minister within the Connexion. When their marriage relationship broke down it sent shock waves throughout the church and it is believed that it was this particular case that brought the urgent need for the review of the church's stand on the matter of divorce and the readmission of ministers who have been divorced. This minister was counselled by senior ministers in the Connexion, not to resign immediately after the divorce but to wait for a year or two as the Laws & Discipline of the church was being revised and the matter was being discussed at Conference level.¹ He did not accept the advice and left the church, joining the Presbyterian Church and being accepted into ministry in that denomination. He served as a Presbyterian minister until 1996 when he resigned from that church over theological differences². His case is reported under 1975(7) (Van Niekerk 1996: 59)

IN RE : D.D.

This minister filed for divorce during his time of ministry and immediately resigned from ministry. His case was brought before the Conference of 1975, together with the case of D.J. above. Conference accepted his resignation. This minister never applied for readmission and did not continue in ministry. His case is reported under 1975(8) (Van Niekerk 1996: 58)

IN RE : B.M.

This minister was divorced and in terms of the revised practice in the church he was suspended pending the findings of the pastoral commission who recommended that he should be reinstated. Conference of 1980 sitting at Welkom in the Orange Free State reinstated him. This minister is still serving within the Connexion as a Circuit Superintendent.

IN RE : A.M.

This minister candidated for the ministry in 1983 and gave notice in his candidate's application documents that he had previously been divorced. A pastoral commission was appointed to investigate

¹ This information was obtained from Rev Cyril Wilkins who was at that stage the Secretary of Conference and who personally spoke to this minister at the time of his divorce and resignation.

² This was confirmed in discussion with an ex-Moderator of the Presbyterian Church, Rev Duncan Murray, of Pietermaritzburg.

the circumstances and reported to Conference through Synod regarding the acceptability of this minister as a candidate. Conference received the pastoral commission report and accepted the minister as a candidate in terms of the revised policy of the church. This minister is still serving in the church at present. His case is noted under 1983(1) (Van Niekerk 1996: 58).

IN RE : M.A.

This minister candidate for the ministry in 1985 and stated that she was a divorcee. As in the previous case the matter was brought to Conference after the receipt of a pastoral commission report and she was accepted as a candidate. She resigned from the ministry in 1996. The case is reported under 1985(8) (Van Niekerk 1996: 57).

IN RE: A.R.H.

This minister who was subsequently divorced on two further occasions, went through the break-up of his marriage during 1985 and was temporarily suspended pending the appointment of a pastoral commission. The commission was divided in its findings feeling that the minister needed to undergo further counselling but he was eventually accepted and reinstated by the Conference of 1985. His case reference 1985(7) See also cases 1989(7) and 1991(4) mentioned below. (Van Niekerk 1996: 58).

IN RE : M.B.

This minister's wife instituted divorce proceedings during 1985 and he was duly suspended. A pastoral commission was duly appointed which brought its report to Conference. The matter was brought to Conference in 1985 who accepted the pastoral commission's report and reinstated him. His case is reported under 1985(6) (Van Niekerk 1996: 58).

IN RE : D.M.

This minister candidate in 1986 and reported that he was a divorcee. A pastoral committee was appointed. The pastoral committee report was brought to Conference, and in this report there was evidence of serious assault by the minister on his ex-wife. He was not accepted as a candidate. His case was reported under 1986: (3) (Van Niekerk 1996: 58).

IN RE : A.A.

This minister candidate through the Natal West Synod and stated in his application forms that he had previously been divorced. A pastoral commission was appointed and investigated his particular

circumstances and found that he suffered from endogenous depression. This had contributed to the breakdown of his previous marriage. In terms of the then policy of the church he was accepted as a candidate. On being stationed by the 1986 Conference he stated that he was not prepared to go to that station and duly resigned. He set up a Pentecostally orientated church in opposition to the Methodist society in a Natal Midlands town but eventually left that ministry some months later under suspicions of adultery³. His case was reported under 1986(2) (Van Niekerk 1996: 58).

IN RE : W.W.P.

This minister candidated in 1986 stating in his application forms that he had previously been divorced. A pastoral commission was appointed which brought its report through Synod to Conference. The matter was considered and he was accepted as a candidate in terms of the revised provisions of the Laws and Discipline. His case is reported under 1986(1) (Van Niekerk: 1996: 58).

IN RE : C.V.M.

This minister was divorced at the time of his acceptance into ministry and remained single for some time. In 1988 he requested permission to remarry seeking clarity on his position as far as the church is concerned. A pastoral commission was appointed who reported to Conference. He was given permission to remarry. His case is reported under reference 1988(8) (Van Niekerk 1996: 58).

IN RE : I.W.

This minister resigned in 1989 and his resignation was brought forward to Conference for noting. It transpired that he had resigned as a result of an impending divorce and investigation showed that there was evidence of assault by this minister on his wife. Conference did not accept the resignation without comment and classified it under *resigned, charges pending*. This meant in effect that should this minister wish to be reinstated as a minister within the Methodist Church of Southern Africa he would have to face a disciplinary enquiry into reasons for his marriage breakdown. This was the first of such cases and there were many to follow as will be noted hereunder. This minister was eventually accepted back as a local preacher and is at present serving as such. He had not applied for readmission to the ministry at the time of writing. His case is reported under reference 1989(7) (Van Niekerk 1996: 58).

³ This was confirmed in consultation with the then Superintendent Minister of the Umvoti Circuit, Rev Bryan Verwey

IN RE : H.J.T.

This matter came before Conference 1989 sitting at Cape Town. There was evidence before Conference of marital breakdown but no divorce proceedings as such had been instituted. There was evidence of violence and assault within the family and Conference ordered the minister to receive counselling and moved him to another circuit where situations would be less stressful. The case is reported under 1989(10) (Van Niekerk 1996: 58).

IN RE : D.S.

This case served before Conference in 1989. This minister was divorced during that year and suspended during divorce proceedings. He was reinstated to membership and as a local preacher following his divorce and subsequent resignation. His case is reported under 1989(9). (Van Niekerk 1996: 58).

IN RE : D.P.K.

This minister was divorced prior to entering ministry and remained single for some time. In 1989 he applied through his Synod for permission to remarry. Conference received the report of the pastoral commission and gave permission for the minister to remarry. His case is reported under 1989(8) (Van Niekerk 1996: 58).

IN RE : A.R.H.

This minister had suffered another breakdown of marriage relationship and was divorced and remarried. He was suspended during divorce proceedings. A very favourable report from his local church was received regarding his effectiveness as a pastor and Conference accepted the minister back into ministry. Reservations were expressed as this was his second divorce.

The case reported under 1989(7) (Van Niekerk 1996: 58).

IN RE : M.G.

This minister was divorced during 1988 and suspended during divorce proceedings. A pastoral commission was appointed and his case was reviewed before Conference of 1989. He was reinstated at the recommendation of the pastoral commission. His case is reported under 1989(6) (Van Niekerk 1996: 58).

IN RE : D.S.

This minister who had been reinstated as a member and a local preacher the previous year now applied

to candidate and on receipt of a favourable report through Synod, Conference accepted his candidature. Case reported under 1990(9) (Van Niekerk 1996: 58).

IN RE :I.H

This minister was divorced and suspended during divorce proceedings and received a favourable report from the pastoral commission and local Synod. Conference reinstated him to ministry. Case reported under 1990(8) (Van Niekerk 1996: 58).

IN RE : A.B.

This minister was divorced and suspended during divorce proceedings. On receipt of a favourable report from the pastoral commission duly appointed and the local Synod, Conference reinstated him. Case Reported under case 1990(7) (Van Niekerk 1996: 57).

IN RE : H.T.

This minister's case was before Conference the previous year and he was ordered to receive counselling and moved to another circuit. This proved ineffectual and his marriage eventually ended in divorce. The pastoral commission investigating the matter and the local Synod recommended that he be reinstated into ministry following his suspension during the divorce proceedings. Conference duly agreed. His case was reported under reference 1990(6) (Van Niekerk 1996: 58)

IN RE : A. R. H.

This was the third time that this minister's marital breakdowns were discussed at Conference level. Conference surprisingly accepted the report from the pastoral commission and the local Synod that he be reinstated in spite of some reservations expressed by some members. Case reported under reference 1991(4) (Van Niekerk 1996: 58).

IN RE : O.C.

This minister was divorced and suspended. Following a positive report from the pastoral commission and from Synod he was duly reinstated by Conference to ministry. Case reported under 91(3) not to be confused with case 89(6) which referred to another Gaanakgomo.

IN RE : Y.J.

This minister faced divorce proceedings during 1992 and her case was brought to Conference 1992. She

was suspended from ministry pending the outcome of divorce proceedings and the production of report from the pastoral commission. Case reported under 1992(1) (Van Niekerk 1996: 58).

IN RE : M.M.

This minister was divorced during the Conference year of 1992. An unfavourable report was received from the pastoral commission relating to his culpability in the breakup of the marriage. Conference resolved to discontinue this minister from ministry. This is a notable case as it is one of the few cases where Conference made a decision to discontinue a minister due to divorce proceedings. Case reported under 1992(3) Van Niekerk 1996: 58)

IN RE : P.S.

This minister became supernumerary, that is he retired at the end of 1991. Within a month of this his wife instituted divorce proceedings. He was suspended from ministry and later reinstated following the receipt of a pastoral report. His case is one discussed in greater detail in the case study hereunder. His case is reported under 1993(4) (Van Niekerk 1996: 58).

IN RE : J.P.

This minister was in her ordination year when her husband instituted divorce proceedings against her. She was temporarily suspended and following the receipt of a positive pastoral report was reinstated to the ministry. Her case is also discussed in greater detail under the case study hereunder. Her case is reported under 1993(3) (Van Niekerk 1996: 58).

IN RE : E.B.

This minister one of the senior ministers within the Connexion and was a Bishop at one stage in his ministry. He attempted for many years to resolve marital conflict in his relationship with his wife. This was to no avail and she eventually instituted divorce proceedings against him. On receipt of a favourable pastoral report, Conference reinstated him following his suspension during divorce proceedings. As reported under reference 1994(14) (Van Niekerk 1996: 57).

IN RE : C.L.

This minister in his ordination year resigned from ministry as the result of the breakup of his marital relationship. He eventually divorced his wife and remarried. Conference received the report from his district noting him as *resigned, charges pending*. This minister's case is discussed in greater detail in the

chapter dealing with case histories hereunder. This case is reported under 1994(5) (Van Niekerk 1996: 57).

IN RE : A.J.T.

This minister was divorced during 1995. He was suspended during divorce proceedings and on receipt of favourable report from the pastoral commission and his local district, he was reinstated by Conference. His case is reported under 1995(15) (Van Niekerk 1996: 57).

IN RE : A.S.T.

This minister was divorced in 1995 and after receiving a favourable report from his local district and pastoral commission appointed to investigate his particular circumstances, he was reinstated by Conference. Case reported under 1995(14) (Van Niekerk 1996: 57).

IN RE : M.H.

This minister was divorced at the beginning of 1997. He was duly suspended during divorce proceedings and on receipt of a favourable report was reinstated by the Connexional executive. Case reported under 1997(8) (Van Niekerk 1996: 57)

IN RE : G.C.M.

This minister was divorced during 1997 and on receipt of a favourable report from his local district and the pastoral commission duly appointed to investigate the circumstances of his divorce he was reinstated. Case reported under 1997(6). (Van Niekerk 1996: 58).

IN RE : P. G.

This minister was divorced during 1997 and suspended during divorce proceedings. His case was duly reviewed by a pastoral commission and he was reinstated by Connexional executive. Case reported under 1997(5) (Van Niekerk 1996: 58).

IN RE : T.D.

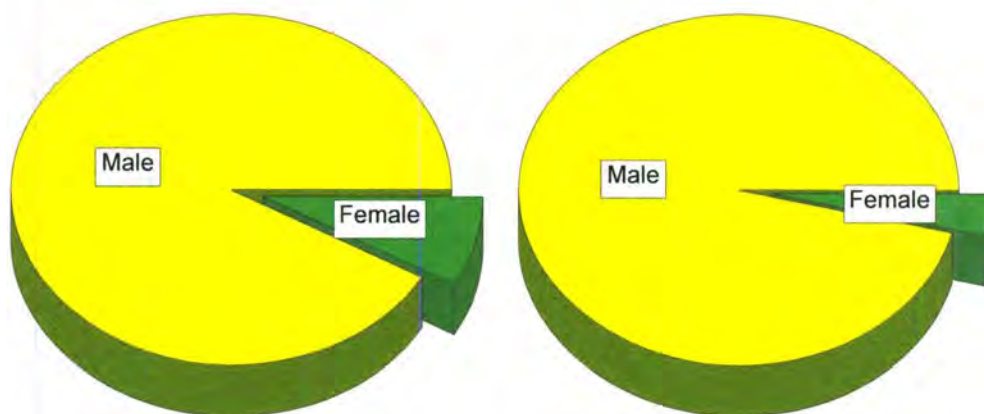
This minister, a senior minister within the Connexion, was divorced during 1997. His case was duly reviewed by the pastoral commission and the local district who recommended his reinstatement and the Connexional executive duly reinstated him. Case reported under 1997(4) (Van Niekerk 1996: 57).

IN RE : K.R.

He was divorced during 1997. The Connexional Executive duly reinstated him on receipt of a positive report from the pastoral commission and his local district. Case reported under 1997(3) (Van Niekerk 1996: 57).

4.3 CONCLUSION

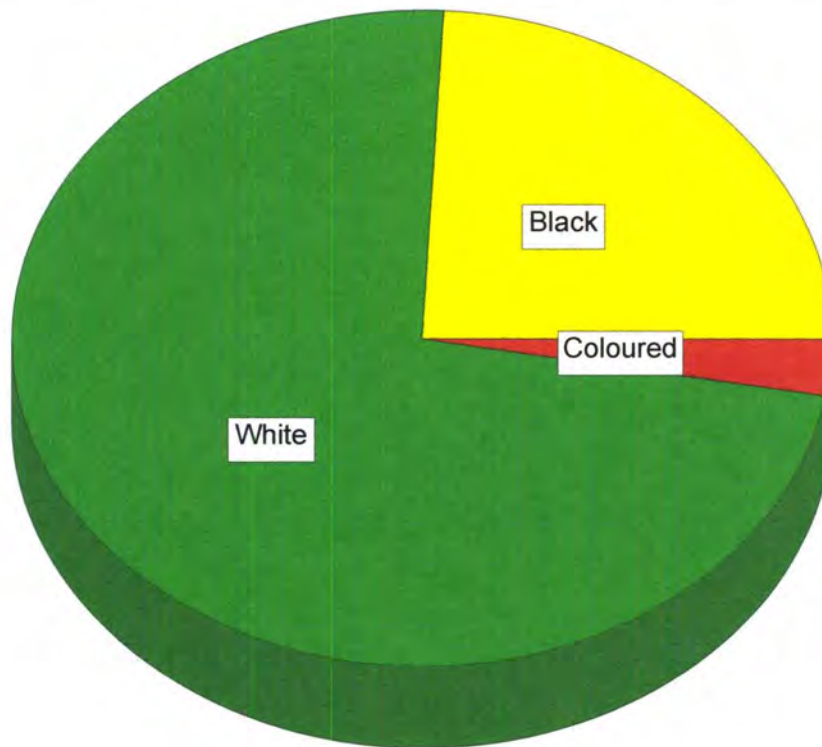
Ratio's within the Methodist Church



Of the thirty seven reported cases only three relate to women ministers. This is 8.1% i.e. a ration of 2:25 of all the cases dealt with. This must be seen in the light of the 1:25 ration male to female ministers ordained and serving in the church.

Of the cases before Conference 10 relate to ministers who are black, Coloured or Indian. This represents 27% of cases dealt with. This can be seen against the ratio of 6:4 black, coloured or Indian ministers as to white ministers ordained and serving within the church.

Divorce - Racial differentiation



This work does not presume to make anything of these statistics, but it would seem that divorce is more prevalent amongst white ministers, and that there is no significant difference in occurrence between men and women ministers.

The following chart gives a clearer indication of some of the statistics relating to the incidence of divorce among ministers of the Methodist Church of Southern Africa.

BREAKDOWN OF STATISTICS RELATING TO MINISTERIAL DIVORCE IN THE M.C.S.A.

Reported Case	Ref. No.	Race				Sex		Cause of Divorce			Re-admitted	
		B	W	I	C	M	F	Adultery	Assault	Incompatibility	Y	N
Z.S.M.	1960(2)	*				*		*			*	
C.V.	1964(4)		*			*				*		*
R.I.	1972(2)		*			*				*	*	
D.J.	1975(7)		*			*				*		*
D.D.	1975(8)		*			*				*		*
B.M.	1980(2)	*				*				*	*	
A.M.	1983(1)		*			*				*	*	
M.A.	1985(8)		*				*			*		*
A.R.H.	1987(5) 1989(7) 1991(4)		*			*				*	*	
M.B.	1985(6)	*				*				*	*	
D.M.	1986(3)	*				*			*			*
A.A.	1986(2)		*			*		*			*	
W.P.	1986(1)		*			*				*	*	
C.M.	1988(8)	*				*				*	*	
I.W.	1989 (12)		*			*			*			*
H.T.	1989 (10)		*			*			*		*	
D.S.	1989(9)		*			*				*		*
D.K.	1989(8)	*				*				*	*	
M.G.	1989(6)	*				*				*	*	
D.S.	1990(9)		*			*				*	*	
I.H.	1990(8)		*			*				*	*	
A.B.	1990(7)		*			*				*	*	
H.T.	1990(6)		*			*			*		*	
O.C.G.	1991(3)	*				*				*	*	

Y.J.	1992(1)		*				*			*	*	
M.M.	1992(3)	*				*		*	*			*
D.S.	1993(4)		*			*				*	*	
J.P.	1993(3)		*			*				*	*	
E.B.	1994 (14)				*	*				*	*	
C.L.	1994(5)		*			*				*		*
A.T.	1995 (15)		*			*				*	*	
A.S.T.	1995 (14)	*				*				*	*	
M.H.	1997(8)		*			*				*	*	
G.M.	1997(6)		*			*				*	*	
P.G.	1997(5)		*			*				*	*	
T.D.	1997(4)		*			*				*	*	
K.B.	1997(3)		*			*				*	*	
TOTALS		9	27	0	1	34	3	3	5	29	29	8

CHAPTER FIVE

A REVIEW OF RESOLUTIONS OF CONFERENCE DEALING WITH MARRIAGE AND DIVORCE

5.1 INTRODUCTION

It was at the 1958 Conference sitting at Pietermaritzburg that the issue of divorce and remarriage with reference to the ministry was raised and a committee was appointed to investigate the matter. Various Conference decisions followed this and in this chapter these are examined.

5.2 CHRONOLOGICAL SEQUENCE OF CONFERENCE DECISIONS RELATING TO THE MATTER OF MARRIAGE AND DIVORCE WITH SPECIAL REFERENCE TO THE MINISTRY

Minutes of Conference 1958 p.58 Para 19

The following resolution is contained under the aforesaid paragraph,

MARRIAGE AND DIVORCE WITH SPECIAL REFERENCE TO MINISTRY

Conference refers this question to the following committee re consultation with the Family and Guidance Committee of the Christian Citizenship Department shall report to the next Conference; the secretary of the Christian Citizenship Department, the secretary of the Youth Department, the secretary of the Board of the Examiners. The committee shall be convened by Dr Bandey.

Minutes of Conference 1959 p.63 Para 20

These minutes repeat word for word the resolution made in 1958. It is interesting to note in this regard that the 1958 Minutes mentioned above also appointed Dr Bandey as a convenor of a committee to look into the matter of ritual circumcision and the church's stand on this. On this committee were also appointed Reverends L.D. Jafta, S. Mokitimi and G.M. Setiloane. The committee on circumcision brought out its report in 1959 whereas it took close to 10 years for the committee on marriage and divorce in relation to the ministry to bring out its report. One reason for this could be the calibre of the men appointed with Dr Bandey. These three ministers, one of whom became the first black President of the Conference of the Methodist Church of Southern Africa have all left their mark on the church. Jafta and Setiloane, both obtained doctorate degrees in theology. They are at present still serving as ministers of this church, and are seconded to Departments of Religious Studies at Universities in South Africa. The Commission set apart to look at the marriage question was staffed by members of the Departments of the church. The effectiveness of the departments of the church has been sharply questioned in the last three decades. Following on the decision of the 1995 Conference Convocation they have ceased to be.

Minutes of Conference 1960 p. 64 Para 21

The 1958 resolution of Conference is again carried word for word in these Minutes and to be fair to the church of that time, it should be noted that the political issues of the day and the church's reaction to them, must have caused the issue of marriage and divorce with reference to the ministry to be granted less than urgent priority. One notes on page 76 of the 1960 Minutes, two resolutions relating to building of *trans-racial bridges* to bring about peace and harmony within the land and on page 164 of 1960 Minutes mention is made of a *Church crusade against apartheid*.

Minutes of Conference 1961 p.60 Para 19

The 1958 resolution is again repeated word for word as it is in 1962, 1963 & 1964. In 1965 the wording of the resolution changes.

Minutes of Conference 1965 p.56 Para 17

Marriage and Divorce with special reference to the Ministry:

- (a) The Conference appoints the following committee in consultation with the Christian Citizenship Department, to examine the question of marriage and divorce with special reference to the ministry; the secretaries of the Christian Citizenship Department; the secretaries of the Youth Department; and the secretaries of the Board of Examiners; with the Rev Bandey as convenor.
- (b) The Conference resolves that the report submitted by the committee be sent to all ministers in the Connexion for studies so that full consideration of its contents may be given to the Synods, the Conference refers to this committee for consideration this statement, *A minister who has remarried after divorce is not completely suitable for our ministry.* Conference further directs that a booklet must be written by the Christian Citizenship Department called "Christian Convictions about Marriage and Family.

It is clear that in 1965 the matter was discussed on the floor of Conference, possibly at length judging by the resolution made, and it is a great pity that none of the discussions on the floor of Conference were recorded. It is clear that the pressure to take a formal stand on the issue was mounting at this stage.

Minutes of Conference 1966 p.43 Para 78

The 1965 resolutions relating to the appointment of the Bandey Commission and the injunction to the Christian Citizenship Department to write the booklet on Christian Convictions about Marriage and Family are repeated, yet it is telling that the reference to the statement that *a minister who has remarried after divorce is not completely suitable for ministry* is not included.

Minutes of Conference 1967 p.60 Para 17

The 1965 resolution, with the exclusion of the reference to the aforesaid statement is again repeated word for word. Conference calls on the Christian Citizenship Department to write the booklet on "Christian Convictions about Marriage and Family and encouragement to ministers to make use of Marriage Guidance Councils are again repeated.

Minutes of Conference 1968 p 65 Para 17

The following resolution appears:

- (a) that all matters concerning ministers involved in divorce proceedings and candidates for the ministry who have been divorced shall be referred to a pastoral committee which shall be appointed by the President of the Conference as and when the need arises, and which shall report to the ministerial session of the ensuing Conference.
- (b) that as soon as divorce proceedings are legally instituted by or against any ordained minister or probationer he shall be immediately suspended, pending the decision of Conference.

It is very clear that the Bandey Committee's report must have been tabled at this Conference ten years after it was originally called for. The writer personally discussed this issue with Rev Cyril Wilkins who was the President of Conference in that year. Despite search having been made for the Bandey document or a copy of it in the official journal of Conference and in other files within the archives within the Methodist Connexional Office, no trace can be found of this document. Suffice to say that the church made a momentous decision regarding ministers who have been divorced and remarried which resolution has been retained and appears at present in the latest (1997) edition of the Laws & Discipline of the Methodist Church of Southern Africa. No further mention is made of the booklet relating to Christian convictions about marriage and the family and Conference seems to have given up on the Christian Citizenship Department in this regard.

From 1969 - 1974 the 1968 resolution which was contained on page 51 of the official journal of Conference for 1968 is repeated without any alteration. It is significant that although a practice is established in 1968 relating to the steps to be taken when ministers are involved in divorce, no statement of the church's stand or theology on the issue of marriage and divorce is made.

Minutes of Conference 1975 p.64 Para 15

Presumably as a result of the aforesaid lack of clear direction by the church in matters of marriage and

divorce, Conference appointed a new committee under Dr Donald Cragg to examine the relation of ministers who have been divorced and remarried.

Para 16 of the 1975 Minutes reads as follows:

Conference appoints a commission to investigate the scriptural, theological, ethical, social, legal and any other relevant aspect of the acceptance, continuance or readmission of ministers who have been divorced and remarried with special reference to:

- (a) whether there are any scriptural, ethical or theological reasons why they should not, solely on the grounds of divorce and remarriage be ministers in the connection with the Methodist Church of Southern Africa.
- (b) whether there are any social or legal considerations which would make it inadvisable for them to be ministers in connection with the Methodist Church of South Africa, e.g.:
 - (i) to what extent the attitude of our Methodist people to this matter should be regarded as relevant in this regard
 - (ii) whether there are any possible legal considerations that ought be taken into account.
- (c) what procedure should be followed in the case of such ministers applying for acceptance, continuance or readmission.
- (d) any other matter bearing on the subject.

The commission should invite the memoranda on its terms of reference from anyone interested. The commission shall report to the ministerial session of next Conference with a view to the policy, any procedure to be adopted being clearly defined. Members of the commission shall be; Revs D.G.L. Cragg (convenor), J. Fourie, J.V. Leatt, R.H. Light, A.N. Losaba, C.E. Wilkinson. Messrs R. Cingo and C.D. Prest.

Para 17 of Minutes 1975 states,

Divorced ministers; that in view of previous precedents whereby there are ministers in our church who are divorced and remarried, this Conference resolves to deal with any relevant application on their merits, without prejudice to the appointment of a commission to review the whole matter.

It is clear especially from the last paragraph above that each case was to be dealt with on its own merits and that Conference seems to have been a little wary of binding itself to any strict guidelines or stand on this particular issue. This is reflected in later decisions and in the general attitude towards the matter of divorce and remarriage insofar as it relates to ministers.

Minutes of Conference 1976 p.67 Para 25

The first two sub-sections of the Conference resolution para 25 reads as follows:

Relation of ministers who have been divorced and remarried:

- (a) Conference resolves that in regard to the diverse backgrounds of those who apply for readmission to the ministry, with divorced and remarried applicants is a particular instance occasioning division, to require at least two-thirds majority in any vote involving readmission.
- (b) Conference received the report of the commission and resolved that it is permissible in principle to sanction the admission of persons who are divorced or divorced and remarried as ministers in connection of the Methodist Church of South Africa.

The resolution continues with a further nine sub-headings and accepts word for word the proposed resolution as compiled by Dr Cragg in the report of his commission (Cragg 1976: para 5). From the wording of sub-paragraph (a) and the provision that there must be two-thirds majority acceptance at Conference it is very clear that there must have been very strong feeling on the floor of Conference regarding this issue and that several ministers and lay people must have stated that they cannot accept ministers who are divorced who have been divorced and who are remarried as ministers in full Connexion

of the church. The statement for consideration mentioned in the 1965 Minutes, *A minister who has remarried after divorce is not completely suitable for our ministry* was clearly a very strong feeling within the church, or a section of the church, at that time. It is again a lamentable fact that no document or recorded discussion relating to this was retained and in discussion with Rev Cyril Wilkins the Secretary of Conference at the 1976 Conference it was clear that the distinction between clergy and lay was emphasised. The minister by virtue of his so called priestly function was considered to be judged differently than that of the ordinary lay person within the church.

Another point to note here is the creation of the standing committee on divorce under Rev R.H. Light. This committee never met per se but used to speak telephonically with one another prior to the Conference. They would look at the recommendations from pastoral commissions appointed in terms of the 1976 Resolution and ratify these with the recommendation to the ensuing Conference that the pastoral committee's report be accepted. The usefulness of this particular standing committee is seriously questioned and this is confirmed in discussion with Rev Ray Light (now retired) who headed up this standing committee for many years.

Minutes of Conference 1977 p.76 Para 24

The 1976 resolution is repeated plus a resolution stating that ministers dealing with the re-marriage of couples who have been refused such marriage in the Church of the Province of South Africa must consult with the Anglican minister refusing such marriage. It is interesting to note that after the 1977 Conference, the Rev Cyril Wilkins who was then the Secretary of Conference, sent out a circular letter in which he writes: *The standing committee dealing with the relation of divorced ministers was feeling its way in dealing with certain applications before it* (Wilkins 1977: para 3).

The writer was told by Rev Wilkins that discussion arose on the floor of the 1976 Conference sitting at Pietermaritzburg, regarding the issue of Anglican couples asking Methodist ministers to marry them. Many Anglican ministers were refusing to marry couples who had been divorced in spite of the Church of England's change of stance in 1971 (Roote & Howard 1971: 27). The Methodist minister would often agree to marry such people previously turned away from the Anglican rectory. This apparent difference in standards was creating comment and confusion amongst people and Conference requested ministers to consult with their Anglican colleagues in these matters.

Minutes of Conference 1979 p.62 Para 15

This paragraph reaffirmed the 1976 stand with the inclusion of a very important proviso which disappeared from Minutes after this particular year and was never repeated. This stated that there should be *a reading of a clear statement of witness to the Christian standard of marriage during marriage services of persons previously divorced.*

This falls into line with the present Anglican practise within the Church of the Province of South Africa and it is a matter of regret that the Methodist Church did not follow it's decision made in 1979. I have within the last year, had to deal with a couple from the Anglican Church who refused to be married in that church. They objected to the reading of a statement regarding the holiness of marriage during the marriage service of persons previously divorced. Such a statement, which is not condemnatory or negative, is a clear statement of the stand of the Church on the sanctity of marriage, and it makes it clear to all that the church does not advocate or condone divorce.

Between 1980 and 1983 there was no change to the 1979 resolution.

Minutes of Conference 1984 p.57 Para 16

These minutes repeat the 1976 resolution but add a resolution in terms of which Conference requests the Christian Citizenship Department to formulate guidelines to help of ministers in dealing with the remarriage of divorced people. This particular resolution was similar to many relating to marriage and divorce. These are repeated in Minutes of Conference year after year. This particular one appeared between 1984 to 1990. Apparently these guidelines were never produced.

An interesting suggestion is made in para 18.34.5 of the 1984 Minutes stating that divorced ministers should spend at least two years as lay agents before being readmitted. This matter was not repeated in subsequent Minutes, and like many other suggestions and resolutions made regarding marriage and divorce was apparently ignored.

Minutes of Conference 1990 p 41 Para 12

This paragraph repeated the 1984 resolution together with a statement of concern about the increase in breakdown of marriages within society (para 13.2 p. 70) and these resolutions are carried through to the 1995 Minutes para 12.2.5 p 65.

It is interesting that in the 1996 Yearbook which takes the place of the Minutes of Conference no mention is made of ministry and divorce as the issue presumably is one that has now been finalised as far as the church is concerned. The necessary changes are now shown in the Laws & Discipline.

A study of the changes to the sections within the Laws & Discipline of the Methodist Church of Southern Africa relating to marriage and divorce also brings to light various interesting aspects relating to the church's theology, or lack thereof, and general attitude towards the issue of marriage and divorce especially in relation to ministers.

The 1st edition of the *Manual of the Laws & Discipline of the Wesleyan Church of South Africa of 1898* enjoined ministers to marry "as unto the Lord" whatever this may mean. It was a saying easily attributed to John Wesley, and spoken in a Wesleyan context, presumably referred to Ephesians 5:25, *Husbands, love your wives, just as Christ loved the church and gave himself up for her, to make her holy, cleansing her by the washing of water through the Word.*

However when one takes all Wesley's written comments on marriage mentioned in chapter 3 above, it is not totally clear what exactly is meant by *marriage unto the Lord*. In the first edition of the *South African Laws & Discipline of 1898* it further stated that ministers are not to take *steps towards marriage* without consulting the brethren. This injunction is still included in the *rules of a helper* as contained in the latest edition of the *Laws & Discipline (9th Edition)* which states in para.4, *take no steps towards marriage without solemn prayer to God and consulting your colleagues.*

The 2nd edition of the *Manual of Laws & Discipline of the Wesleyan Methodist Church of South Africa of 1929* under *duties of a minister* states

No minister shall solemnise the marriage of a guilty person in a divorce obtained on the grounds of adultery. The banns of marriage of a divorced person shall not be published in our churches but

these directions shall not refer to persons married according to native custom and afterwards divorced.

This presumably meant that the innocent party in a divorce based on adultery could be married in church and that the church would not impose any censure in this regard (see the case of Rev Mosai in the preceding chapter). The issue of the banns of marriage not being published meant that in any remarriage whether there were guilty or innocent parties involved, the banns could not be made public.⁴ The 3rd Edition of the "Laws & Discipline of Southern Africa" appeared in 1946 and para 191 of that edition reiterates the provisions as contained in para 116 and 130 of the 1929 edition.

The 4th edition of the *Laws & Discipline* appeared in 1962 and contained provisions relating to Methodist ministers while they were students at college. They were at page 145 prohibited from marrying but at page 171 this prohibition was softened by stating that students who have completed four years of study and who can support wives may marry. Obviously this was on provision that they had consulted the colleagues as previously stated. The other provisions of the 1929 and 1946 edition of "Laws & Discipline" were repeated.

The 5th edition of the *Manual of the Laws & Discipline of the Methodist Church of Southern Africa* appeared in 1973 and para 4.103 repeated the previous provisions but in this edition states that: "No minister shall solemnise the marriage of a guilty person in a divorce obtained on the ground of adultery." This sentence was deleted by the resolution of the 1976 Conference at which the Cragg Commission Report was tabled. The provision relating to the banns of marriage not being read was also deleted in the 1976 Minutes. This at first glance seems rather insignificant but it denotes a fundamental change of attitude within the church in that it began to remove the stigma of divorce from those seeking remarriage within the church.

⁴ In discussing this issue with Rev Cyril Wilkins, an ex-President of Conference, he stated that the practise in such cases was that the banns would be published by notice on the noticeboard at the Magistrate's Court but that a Methodist minister could still in such cases marry the innocent party in a divorce based on adultery. The direction relating to persons married according to Native custom obviously referred to the church's stand on polygamy in which it recognised the divorce of a person married to more than one wife in terms of native custom. The divorce of "extra wives" was not encouraged, but recognised.

The 6th edition of the *Laws & Discipline* appeared in 1981 and contained the provisions of the 5th edition with the 1976 deletions. The 7th edition appeared in 1991 and repeated with the 8th edition the provisions of para 4.95 as contained in the 6th edition of 1981. There was no real change in this field in the *Laws & Discipline* of the church from 1976 to 1991.

The 9th edition of the *Laws & Discipline* appeared in 1997 and in para. 4.63 of this edition makes interesting reading as it incorporates all previous provisions and the resolutions of Conference in this matter dating back to 1958. It reads as follows:

DIVORCE AND MINISTRY

- 4.63 It is permissible in principle subject to careful scrutiny and safeguards to admit persons who are divorced or divorced and remarried as ministers in Connexion with the Methodist Church of Southern Africa.
- 4.64 The Presiding Bishop shall immediately suspend any minister who institutes divorce proceedings, or against whom such proceedings are instituted. Such suspension shall not necessarily involve the forfeiture of emoluments.
- 4.65 A district pastoral committee, constituted by and presiding over by the Bishop or a minister deputed by the Bishop, shall interview every minister involved in divorce proceedings and every candidate for the ministry who has been divorced. The committee is to consider:
- 4.65.1 the lifting of the suspension imposed on a minister because of divorce;
- 4.65.2 an application for reinstatement of a former of minister who has been divorced;
- 4.65.3 the fairness of the divorce settlement negotiated by the minister;
- 4.65.4 an application to marry by any minister who has been divorced;
- 4.65.5 an application by any minister to marry a minister who has been divorced;

- 4.65.6 the candidature of any person who has been divorced or who is married to a divorced person.
- 4.66 The District Pastoral Committee shall report and make recommendations to Synods which shall recommend to the Connexional Executive.
- 4.67 In the case of a minister who has been suspended the district pastoral committee shall make recommendation to the Presiding Bishop. If the committee recommends that the suspension be lifted, the Presiding Bishop shall lift suspension. Otherwise the Presiding Bishop shall refer the matter to the district disciplinary committee which shall decide on remedial measures and/or disciplinary procedures.
- 4.68 A two-third majority by the Connexional Executive is required before it approves any application in regard to remarriage, reinstatement, candidature of a divorcee, or marriage to a divorced person.

5.3 CONCLUSION

In the foregoing review, various aspects need comment:

1. The tardiness by Conference in coming to a definite decision as regards; (a) the practice of dealing with ministers who have been divorced and apply for readmission and (b) of bringing out a clear and unequivocal theological stand on this particular issue. The matter was first raised in 1958 and it was only in 1976 that a clear stand was taken. One needs to mention here that some theologians hold to the idea that theology should follow practice. It is submitted however that an 18 year delay in creating a reasoned theological document on this important issue is not acceptable. More so in view of the fact that there was a clear need for the theological principle to be stated many years before the Cragg Document appeared. Vide *In Re : D.J.* quoted in para. 4.2 above (Van Niekerk 1996:58).
2. It is clear that during the discussions and debate on this issue there was not unanimity and agreement on the issue at hand. The two-thirds majority required by Conference or the Connexional Executive at this stage is a unique requirement. There is no other provision within the Laws & Discipline requiring a two-thirds majority vote by Conference. This points to a large section of the church still holding to the indissolubility argument for marriage and the statement brought out in the 1965 Minutes of Conference for consideration by the Cragg Commission: "A minister who as remarried after divorce is not completely suitable for our ministry" was not a statement drawn out of the air for purposes of generating discussion but was a definitely felt view of significant section of the church.
3. The ambivalence of many within the church towards this issue is reflected in the Cragg Report, Statements such as;
cautious acceptance of ministers who have been divorced
The sanctioning of such cases must, however, be approached with great care
these passages imply that the marriage relationship may be dissolved in certain circumstances and the baffling statements in para 3.1.1 (b) of the Cragg Commission report:

Needless to say a divorced minister's spiritual state, in the sense of his own repentance, experience of personal forgiveness and assurance of calling may well be factors which

prevent his readmission to his ministry. Consequently whatever other factors may permit his readmission to the ministry or otherwise, his spiritual experience in the wider sense, of course, but also in respect of the above mentioned aspects should be carefully weighed.

Whatever this may mean, it shows an ambiguous and ambivalent attitude which must have been very prevalent in the church at that time.

4. The acceptance of the general principle that a divorced minister may function as a minister is unnecessarily qualified and confused by statements such as: *In particular cases the pastoral and legal factors may be such that Conference may find it to be in the best interests of the person concerned, or of the witness of the church to refuse admission* (Cragg 1976 : para 3.1.1(c)).

The matter, it is submitted, would have been cleared up much sooner, the church would have found direction and its people would have found peace about the church's stand on this issue had a clear and unequivocal biblical stand been taken right at the outset. Other issues such as the minister's function and ability to minister can and must be dealt with in terms of another area of the discipline of the church and in this sense reference is made to the questions asked of each minister at the annual Synod of his district. These are contained in the Synod order of business in *Laws & Discipline* :

5.6 THE ORDAINED MINISTRY

Is there any objection to any minister or probationer?

5.6.1 Is there any objection to their moral and religious character?

5.6.2 Do they believe and preach our doctrines?

5.6.3 Have they duly and observed our discipline?

5.6.4 Have they competent abilities for our work?

(L&D p. 253)

These questions are asked of every Methodist minister within the Southern African Connexion every year and it is submitted that this is one of the areas of our discipline which is abused most frequently. If Synods and ministers would take these questions seriously and would have the courage and love to raise issues about brother and sister ministers in answer to these questions, much heartache and difficulty within the ministry would be spared. This is the place to bring objections relating to pastoral and legal factors and it is submitted that it was a mistake of the church to water down the clarity and force of a clear statement on divorce and remarriage with the introduction a "backdoor solution" in terms of which it could skirt the clear issue of the admissibility of divorce and remarriage by refusing to accept ministers on other grounds.

5. Interesting suggestions such as the provision that ministers should become Lay agents for two years before being readmitted after divorce and the reading of the statement on Christian marriage at marriage services of people who have been divorced are mentioned and then seemingly forgotten in the general debate.
6. The careful guidelines set out for the standing committee for divorce as created in terms of the Cragg Report seems to have been ignored. Many sound suggestions within that document relating role of the Chairperson of the District (Bishop) as pastor to the pastors also goes unheeded.

CHAPTER SIX

CASE HISTORIES OF MINISTERS WHO HAVE BEEN DIVORCED

6.1 INTRODUCTION

In relating these case histories a basic pattern has been adopted namely:

- (a) Background
- (b) A description of the actual events relating to the final breakdown of the marriage, the divorce and resultant reaction by the, family, the church and others is described
- (c) The analysis of dynamics
- (d) A theological reflection
- (e) The evaluation, i.e. critically evaluating the reaction the minister, his or her family, the local church, the wider church and the Bishop and other leaders.

The three ministers whose case histories have been selected represent three specific categories of ministers, namely;

- (a) A trainee or candidate minister, in Methodism called a probationer. Many of these ministers received in service training while studying part-time for Degrees or diplomas in Theology. This kind of training, which was stopped three years ago, placed tremendous strain on the minister and his/her family as can be seen from the first two case studies particularly. The difficulty of coping in a new vocation, the extra stresses of being under the constant scrutiny of the congregation and community, and the academic responsibilities, placed on such ministers are special factors which will assist in this research.

- (b) A female minister. Women were first ordained in the Methodist church of Southern Africa in 1976. The first such minister was Rev Constance Oosthuizen who is a spinster and retired from full-time ministry in December 1996. Since 1976 many women have been ordained and several have been married women. It has been particularly interesting to note the reaction of the male spouse to the, "Normal" if one can call it such, stresses of living in a manse belonging to the church, and of competing with a congregation for the spouse's attention. These are special factors which assist in the research.
- (c) A retired minister whose wife divorced him two months after his retirement. This couple had been in the pastoral ministry for almost thirty years, and the factors which led to their divorce are of particular importance to this study. The church's inability to deal effectively with the steadily worsening marriage relationship of one of its ministers is particularly pertinent to this thesis.

For purposes of protecting the privacy of the ministers in question as well as that of their families, pseudonyms are used.

6.2 CHRIS

A. BACKGROUND

Chris is a 43 year old ex-Rhodesian white male. He was born in Zambia and grew up in the former Rhodesia. He was the middle son in a family of three boys. He felt that he always lived in the shadow of an over-achieving elder brother who was the fathers's favourite. He entered the army at a young age and served in the Selous Scouts, a select unit of the Rhodesian armed forces during the bush war. He was married in Rhodesia in 1976 and due to the pressures of the bush war and the fact that he was seldom at home, his wife divorced him in 1977. In 1978 he married Claudia and three children were born during this union, Cindy (19), Donovan (17) and Colin (16). He moved to South Africa in 1983. He candidated for the ministry in 1990 and in his ordination year in 1994 resigned due to his pending divorce. He subsequently married Nola, the divorced wife of a discontinued Methodist Minister. He is at present the manager of a welfare society. On 24 June 1997 wrote to the Secretary of Conference requesting his readmission as a local preacher and is still awaiting an official reply.

B. DESCRIPTION OF EVENTS LEADING TO THE BREAK-UP OF THE MARRIAGE

When I met Claudia, my second wife, I was recovering from the disappointment and trauma of the break-up of my first marriage and was a soldier involved in a very protracted and bloody war. I used to spend six weeks in the bush and ten days at base. I had been involved with many active contacts with the enemy, as it then was, and had seen many men on both sides die. I was caught up in a war psychosis and believed that I could at any minute be killed as I had seen many of my friends dying. I met Claudia whilst on leave on Salisbury and our relationship developed although I never considered marriage to her. Some weeks after we first met I learnt that she was pregnant. I felt that I had to marry her and living in the stress and trauma at the time and under the impression that I probably would not survive the war I duly married her. After the birth of this child, which I have always accepted as a special child, the war ended. I tried unsuccessfully to farm with her family during which time our two sons were born. Claudia and I both became Christians in the early '80's while working on a sugar estate in the eastern part of Zimbabwe and we later moved to Kwa-Zulu Natal where we became involved in the Methodist Church. I eventually candidated with Claudia's full acceptance and support. She enjoyed ministering with me and was a very good Bible teacher and support to me in the ministry. She was an excellent mother, although at times obsessive about the children, their needs and priorities. I often felt that I came a poor second in our family in the attention that Claudia shared between the children and me. I worked very hard at my church exams enrolling for more T.E.E. subjects that were required by the Department for Education in Ministry. My Superintendent's reports to Synod were always very commendatory with the pro viso that I should slow down at times and spend more time with the family. I was desperate to succeed and do well and sought approval from my Superintendent, from Synod, from senior colleagues and from the lay people I ministered to. Claudia supported me, but she started talking about "her" ministry more and more. As in her relationship with the children, I began to feel excluded and alienated. I buried myself in my work and accepted preaching appointments at youth camps and in neighbouring circuits and worked longer and longer hours at my studies. During 1992 Claudia and I were at a youth camp which was run by a young teacher from a neighbouring circuit. I ministered with this young woman and found that I started to develop intimate feelings towards her. I shared my feelings towards this woman with Claudia my wife who laughed at me and said that I am a silly 40 year old man struggling with mid-life adjustments and that I must get rid of such nonsense. She treated it lightly and warned about the effect it could have on our ministry and family life. The young girl went overseas and the matter never developed beyond my discussion with Claudia over it.

Shortly after this Claudia and I started counselling with a woman going through the trauma of divorce. She was the daughter-in-law of a senior and respected minister in Methodism in Southern Africa. I developed an empathy for this woman and I remember her saying during one of the counselling sessions that she went to sit on the beach down at Port Shepstone and that she said to herself, *I have one life to live. I have accommodated others for far too long. I am going to do what is right for me for a change!*

This spoke right into my heart and in the emotional state I was in at that stage this was exactly what I needed. Although I never engineered this, times would occur when Claudia would be busy or would not be at home and I would counsel with Nola alone and I started sharing my heart and unhappiness with her. I soon realised that I had fallen love with Nola, who by now was divorced. I discussed the matter with Claudia who at first told me not be stupid and to get over it and later became extremely abusive and angry - which I can understand. My relationship with Nola got out of hand and someone complained to the Bishop. Claudia and I called on the Bishop who told me to pull myself together, take a holiday with my wife and to get on with my ministry. On hindsight I can see that I was possibly in advanced stages of burn-out as I could not make a clear decision either way at this stage. I had not committed adultery or done anything physically improper at this stage and I found Claudia, the Bishop and the local church beginning to place tremendous pressure on me to make a decision in a short period of time.

Things came to a head after a leaders' meeting called by Claudia in which I was given an ultimatum. I walked out of the meeting, packed my bags and left for a neutral venue far from Claudia, Nola and anyone else. I received from the Bishop an ultimatum to resign or return to my station and I duly resigned. Subsequent to this I was divorced from Claudia and married Nola and I am now seeking readmission to ministry.

C. ANALYSIS OF DYNAMICS

This minister was a middle-aged man coming out of a traumatic youth in which he desperately sought the approval of his father and constantly competed with an over-achieving elder brother. He found the armed forces a haven where approval was given for effort and rose within the ranks and became a celebrated soldier in the Rhodesian army. He believed emphatically in the cause and was caught up in the war psychosis. He suffered the trauma of one broken marriage which came adrift as a result of the pressures of the war and drifted into a second marriage without a proper commitment or preparation. He grew to love his second wife and family but their relationship was not a perfect one. He sought approval wherever he worked and, as in the army years previously, he found in the church a haven where hard work

and concern for others was rewarded with affirmation. He came into the church expecting to find in his colleagues affirmation and encouragement and instead he found that ministerial colleagues were too busy with their own congregations and difficulties and that the hierarchy of the church expected him to get on with his job and not to create difficulties and problems of a personal nature. He immersed himself in his work and ministry and slowly started going down the spiral of burn-out and depression. The warning signs were ignored by himself, by his colleagues, the hierarchy of the church and by his wife especially in view of the fact that he in honesty went to her regarding his romantic feelings for other women and the need of affirmation became too great and when the matter had progressed too far those who should have been encouraging and mentoring him pushed him into making a decision which brought about his resignation from the ministry.

D. THEOLOGICAL REFLECTION

On the one hand the clear command of Scripture regarding the prohibition against coveting thy neighbour's wife, against divorce and the duty to love and care for your wife and family are pertinent. Chris' failure in these matters cannot be overlooked and excuses cannot be made for them on the basis of his background and the circumstances of his marriage to Claudia. On the other hand had the church applied its functional view of marriage and its evangelical approach as mentioned in the Cragg document the matter could have been dealt with in a different way and could have had another outcome. There was clearly no genuine attempt at counselling a minister in the grips of burn-out and depression. The minister himself did not see fit to seek counsel from any of his senior colleagues or from the Bishop himself. Had this happened at the time when the first symptoms of breakdown had occurred the matter could also have had a different resolution.

Theological reflection in this case relates to scriptures such as Heb 13:3 which states that we should *encourage one another daily* and James 5:6 which states that *we should confess our sins one to another so that we may be healed*. Had either the minister in question or the church as such taken more heed to these commands much pain and heartache could have been avoided.

E. EVALUATION

The science of hindsight is an exact one and it is easy to see what could have or should have been done to rectify the situation. Steps could have been taken to avert the disaster which took place with a

promising pastoral ministry being terminated and yet more families going through the trauma and pain of break-up and divorce. It is clear that little or no provision for pro-active counselling exists within the ministry, especially for ministers in small country churches with little or no contact with colleagues. It is also clear that the Bishop's role as counsellor-confessor and the pastor is not operating in many instances and did not operate in this particular case. The Bishops as much as they would like to, and as much as the church would like to place them into the role of pastors, are still primarily performing an administrative function. The fact that they have a very influential voice in the stationing committee which stations ministers sometimes without their consent is a factor that precludes ministers from sharing issues with the Bishop which they feel could be harmful to their reputation and the Bishop's picture of them as a minister coping within that particular station. This particular case, as many others, could have benefitted immensely from the offices of a "district chaplain" for want of a better word, who would not be the Bishop and who would not have district office which could effect the promotion or stationing of a minister. Ministers could feel totally free to share with this father-confessor their difficulties and pain and this person would ideally be properly trained in counselling could deal with these potentially destructive issues at the outset. There would be a greater chance of resolving such issues, keeping families together and keeping good ministers in ministry. This particular cry is echoed in all three case studies mentioned in this chapter.

6.3 JENNY

A. BACKGROUND

Jenny is a 57 year-old female Methodist minister born in South Africa from parents of Dutch descent. She was married in 1963 to a young bank clerk. She found at the outset that although they were happy in the first five years of their married life, this happiness was based on the fact that her husband could do the things he enjoyed. She soon found that their different backgrounds were putting stress on their relationship. He came from a Afrikaans speaking, easy going family whereas she came from a rather rigid English speaking family. In this time she had two miscarriages. She suffered the pain of bereavement but he was seemingly unconcerned. Neither of them had made any Christian commitment at this stage. They spoke about adopting children. Her husband's attitude to her plans for adoption were, *if it makes you happy do it, as long as it doesn't inconvenience me*. They adopted their first son and through sending him to Sunday School she became involved with the church and she made a commitment

to Christ. They adopted another child and during the adoption proceedings for their daughter Cindy were challenged by the Christian adoption agency to undergo formal confirmation classes which she and her husband duly did.

Jenny became progressively more involved in the church and in 1988 candidated for the ministry. During this time their second son Craig was killed in a motor accident and her husband's drinking and separated lifestyle became more pronounced and difficult to deal with. Jenny was deeply involved with her part-time studies for a theology degree and her probationer's exams and was adamant that she would make a success of her calling as a minister. Arguments became more frequent and her husband left the manse in 1993 and instituted divorce proceedings. Jenny was suspended for a short while during proceedings and later reinstated and is at present still in the ministry.

B. DESCRIPTION OF THE EVENTS IMMEDIATELY LEADING UP TO THE FINAL BREAKDOWN OF THE MARRIAGE RELATIONSHIP.

By the beginning of 1992 our marriage relationship had deteriorated to chronic proportions. My husband would sulk and demand attention, the stresses of having lost our son Craig and of my husband's failed business dealings and bad money management were becoming unbearable. We had moved into a manse and my husband was happy with this to begin with but he soon became petulant at the fact that I was the person people referred to in the church and in the manse. His male ego was bruised for the church provided a home for his family. I was the person people referred to in the church and to all intents and purposes was the head of the house. He did not support me in the ministry. He went out of his way to put stumbling blocks before me and would embarrass me by bursting in on church meetings and demanding his supper. I sought help and discussed the matter with my Bishop who referred me to a Dr Allwood, a Christian counsellor. He spoke with my husband and me in an attempt to bring a reconciliation and an improvement in our marriage relationship. The Bishop was very supportive and informed me that I need not necessarily resign and he explained the procedure relating to divorce in the ministry. He strongly suggested that we continue with counselling and make every effort to heal our marriage. He explained that if the relationship was beyond saving we would have to appear before a pastoral commission who would send a report to Synod after interviewing us. Synod, Conference and the Presiding Bishop would make their decision after reading the report.

During the counselling sessions with Dr Allwood my husband complained about the fact that I was giving

more time to the church than to him. I tried to ensure that I did not neglect him but my efforts were not enough for him. One night after he had too much to drink he became involved in a fist fight with my son. I moved into another bedroom and shortly after this my husband left the home. I went back to the Bishop to report. My husband then started divorce proceedings. I again attempted counselling in an effort to save the marriage but it came to nothing and the divorce was eventually granted.

I regularly spoke to my Bishop, Rev Peter Storey, who was tremendously supportive. The same could not be said for my senior minister who was unsupportive and totally without compassion and understanding to my situation. He either did not know, or did not accept, the church's stand on divorce and remarriage and in an open leaders' meetings was extremely hostile towards me. Had it not been for the support from the Bishop I would have felt a failure because of the breakdown of my marriage relationship. I would have considered that I had failed the church and even Christ in the broken witness I was portraying of his victory over sin. My District Bishop helped me find peace in bringing my failures and my fault in the breakdown of my marriage before God and in receiving forgiveness and renewal in Him. The Bishop explained that a pastoral commission would be appointed and this committee duly met with me. They were very caring and gentle and I felt they were a little embarrassed about the whole matter. It was clear that they had never dealt with this kind of thing before and seemed almost apologetic in their questions to me. I appreciated their concern and love and the honesty and openness with which they dealt with the whole matter. They spoke with my husband as well and duly brought out a report through the Synod to Conference.

I was suspended for three weeks and reinstated by the Presiding Bishop. My husband in the meantime remarried but this was a disastrous marriage and barely a year after our divorce he committed suicide. I cannot say that our divorce only has brought the trauma, alienation and sense of failure we feel or have felt as a family and I believe that it was the breakdown of our marital relationship over the years that has caused most of the hurt in my life. With the love and concern of some people in the church, my son, daughter and I have managed to cope with all this trauma.

I have continued in ministry and I have fulfilment and joy in ministry. Being a divorced person had caused some problems in the initial stages after divorce. I believe there are many more positive sides to this and I have gained a new confidence, freedom and compassion in dealing with understanding people who are going through the trauma of the break-up of their marriages.

C. THE ANALYSIS OF THE DYNAMICS

The difference between this case history and the previous one of Chris's is very telling. The trauma and difficulty from the break-up of the marriage relationship is as real in this case history as in the previous one. The support and understanding of significant members in the church has made a vast difference in the eventual outcome of this case. The final straw so to speak in the long history of unhappiness and difficulty with the marriage relationship of this minister was the stress placed on the relationship by the very fact that she was a minister. For the minister's family this means that their mother or father, husband or wife is at the call of others night and day. She receives affirmation and support from people outside the immediate family circle. He or she is often unfairly criticised and attacked by people outside the immediate family circle and this particular dynamic of the ministry life places great stress on the manse family. It is a common cry from the manse family that their father/mother neglects them and puts others first before the family. In Jenny's particular case the relationship was strained prior to the ministerial stresses being added to them. Her husband was going through what is more and more being recognised as male mid life crisis and questioning his purpose in life and the things he had or hadn't achieved. They were unevenly yoked spiritually and he did not share her commitment to Christ or the church or to the ministry, feeling that she should just get on with it and not interfere in his life. Although he was happy at first for her to go into ministry and happy with the fact that it brought financial benefits, he became jealous in some sense of these things later. Jenny offered at times to retire from ministry for the sake of their marriage but he declined this presumably feeling that it would then require some equal commitment from himself to change his ways. Rev Allwood giving up the counselling sessions with her husband due to his lack of commitment to change backs up this observation.

The differing reactions by the Superintendent Minister and the Bishop of the district is a dynamic which must be commented on. As stated in the previous chapter the doctrine of the indissolubility of marriage and the fact that some view divorce as the unforgivable sin is very much alive within the Methodist Church of Southern Africa today. This persists in spite of the official stand of the church which has been published in the Minutes of Conference and in alterations to the Laws & Discipline since 1976. It is telling that Jenny herself did not know the exact procedures relating to ministers going through divorce and thought that she would have to leave the ministry. The support of a caring Bishop made a vast difference. The other fact that helped was that she did not believe in divorce and felt strongly opposed to continuing in ministry as a divorced person. It was through prayer and a careful study of the scriptures and reading books such as that by Frank Retief - *Divorce - Help for the Hurting* that she found peace and

came to the realisation that divorce is not the unforgivable sin. It must be noted that Jenny was ministering at that stage in a highly developed urban environment where such people are available, whereas Chris in the previous case history was ministering in the Natal Midlands in a small and poor district where such resources were not immediately available.

D. THEOLOGICAL REFLECTIONS

In Jenny's particular case the first scripture that comes to mind would be the Pauline references in 1 Cor 7 to the marriage of believers and unbelievers. In terms of the Catholic understanding of the Pauline privilege she and her husband could both have been described as "unbaptised" as at the time of their marriage and she would fall under the ambit of the Catholic understanding of the Pauline privilege in allowing her husband to divorce her without incurring any injunction or censure from the church. 1 Cor 7:15 states: *"But if the unbeliever leaves let him do so. A believing man or woman is not bound in such circumstances; God has called us to live in peace."*

It was not this consideration that led the church to its decision in readmitting Jenny to ministry. The church looked at Jenny's acceptance of the sin of divorce irrespective of who is the more blameworthy partner. The church looked at Jenny's acceptance of any fault on her own part leading to the divorce and her true repentance of such sin. On satisfying itself that she did everything within her power to save the marriage the church applied its understanding of forgiveness and renewal in terms of the Cragg document and reinstated her to ministry.

E. EVALUATION

In this case history there are glimpses of what could be and what should be. Help was sought before the final break-up of the marriage relationship and was forthcoming. There was understanding and support for both parties in the marriage and for the minister not only within her marriage relationship but within her ministry and her fulfilling her godly vocation as a pastor to God's people. One comment needs be made and that is that if Jenny and her husband had been interviewed in depth at the time of her candidature for the ministry these issues might have been discovered earlier and possibly been more effectively addressed and dealt with.

The reaction of her Superintendent Minister cannot go without comment. It supports the submission made

in this work that the doctrine of indissolubility is still very much alive in the minds of many Methodist people.

6.4 PETER

A. BACKGROUND

Peter is a 65-year old retired minister. He grew up in an unhappy home with an alcoholic father. He excelled in junior school, academically and otherwise. In his teenage years his father's dysfunctional behaviour became worse and it showed in Peter's inability to concentrate at high school. On leaving school he had several positions of employment, selling farm equipment.

He met his wife Helen during this time and they were married in the middle fifties. They both came to salvation during a mission run at the Benoni town hall under Cyril Wilkins and taught in the Sunday school at the Methodist Church in Benoni. In 1959 Peter realised a long held dream of going farming and he became the assistant farm manager in the Tzaneen district in Northern Transvaal. He soon found that this was a mistake and during times of prayer and reflection received a call into the full time pastoral ministry. He candidated under Rev James Gribble in late 1959, and stayed on as a lay pastor in the Tzaneen Methodist church. He entered the ministry as a probationer in 1960. While still at Tzaneen their first child was born.

Peter felt that his lack of formal education was a drawback in ministry, and made representations for the church to send him to Rhodes to read for the Bachelor of Theology degree. This they duly did at the end of 1960 and he, Helen and their first son stayed with Helen's mother for two of three months awaiting the beginning of the university term in Grahamstown. In this time their second child was born, a girl who lived for ten days, and then died of a congenital heart lung dysfunction. This dysfunction was only discovered after her death. This was an extremely traumatic time for the family, especially for Helen, and they duly moved to Grahamstown to a small flat.

The church did not make provision for married couples at university at that stage and it was a very difficult three years. Dr Bandey was the tutor/pastor to the students and although Peter related to him and received counsel, Helen felt more and more alienated and felt that the church did not understand or

support her and began to accuse Peter of not loving her. During this time they received counsel but it was done on the quiet without the knowledge of other ministers or Dr Bandey as Peter felt that there would be a stigma attached to this. Their ability to minister effectively as a pastoral couple would be drawn into question. Peter felt at a tremendous disadvantage academically and worked extremely hard to pass his exams and admits that he could have at this stage started a pattern of neglect of his family. Helen started having bouts of severe depression and the doctor advised that it would be advisable for them to have another child. Medically there was nothing wrong but she did not conceive and pushed Peter into accepting adoption. In their last year at Grahamstown they initiated adoption proceedings and duly adopted a daughter.

The family moved to Ficksburg and took up various other stations eventually landing in Umtata. During this time Peter realised that he and Helen were incompatible in many respects and although she supported him in ministry and partook in the life of the church, at one stage becoming district W.A. President, she constantly accused him of lovelessness and putting the church first. Peter admits that he is a perfectionist and had a driving ambition to be a good pastor and minister to the people in his care. This is reflected in the acceptance and support he received from all the churches he ministered in. At this stage a third child was born to them unexpectedly and Helen went into depressions again. They attended an 18-month counselling course with a psychologist in Johannesburg and although things would improve temporarily they were never completely reconciled.

Peter was serving in the Umtata station at the time of the banning of the Methodist Church in the then Transkei and the family was served with deportation orders in terms of which they were to leave the Transkei immediately. Peter knew the captain of police personally and he was given a two day extension in which he could arrange for all their furniture to be moved. This was an extremely traumatic event for the whole family. Helen again reacted very badly to this going into a time of depression. Peter himself was questioning the church's efficacy and role and also would find himself in times of depression. They served in Sasolburg as an interim ministry for six months and then moved to Pietermaritzburg at the end of 1979, where Peter still lives. The children were now growing up and leaving home and both Peter and Helen suffered from the so-called "empty nest syndrome" leading to further depression. Peter became an outpatient at Midlands Hospital dealing with psychotherapy and received help. Helen started working at an orphanage and their marriage relationship did not improve. Peter retired and within a month Helen instituted divorce proceedings. He was temporarily suspended and after receipt of the Pastoral committee's report reinstated. Peter made a very generous financial settlement with Helen, and at present

still lives in Pietermaritzburg.

B. EVENTS IMMEDIATELY LEADING UP TO THE FINAL BREAKDOWN OF THE MARRIAGE.

The years of unhappiness culminated in Helen's declaration two years before Peter's retirement date that she wanted a divorce. Peter immediately took the matter to the Bishop of the district who was an old college friend of his and the Bishop spent time counselling with Helen who was not interested in reconciliation. She carried bitterness against Peter and the church. She however agreed to hold over all divorce proceedings until such time as Peter had retired as this would cause less trauma and upheaval in the church where Peter had been serving for 15 years and where she was worshipping. Peter duly retired at the end of 1994 and within a month Helen instituted divorce proceedings and Peter received a very understanding and loving letter from the Secretary of Conference informing him of his suspension and some months later informing him of his reinstatement as a minister in full Connexion.

C. ANALYSIS OF DYNAMICS

Apart from the normal stresses of ministerial life and the specific stresses that spouses of ministers are placed under, this family went through two very traumatic events namely the death of a child and the sudden and traumatic loss of their home during their deportation from Umtata. It is very clear that the necessary support and counsel was absent especially towards Helen at these very difficult times in her life. Peter was tied up in his ministry and his deep desire to be an effective pastor to God's people. Immediately after receiving news of their pending deportation he left home and went and assisted other Methodist colleagues who were being harassed and threatened leaving Helen to answer threatening phone calls at the manse. This is an example of the dynamic of their relationship. Helen's feeling of alienation and her accusation that Peter did not love her continued through their marriage and was not adequately addressed in counselling or by Peter himself. If the wider church had recognised the stresses on this family, and had been advocating the use of marriage guidance councils, things could have turned out differently for them. The church had been advocating the importance of ministers being trained in marriage guidance counselling; 1976 Minutes para 18 p. 66 and subsequent Minutes, yet it was patently inadequate in its response to the situation that Peter and Helen found themselves in. This continued throughout their ministerial life spanning from 1960 to Peter's retirement in 1994. These pressures and neglect became too much for Helen to bear causing her to seek divorce.

Peters' initial reluctance to seek help from within the church also bears mention. It is as if ministers feel that they must be the model family in the community and may not admit to failure.

D. THEOLOGICAL REFLECTION

The biblical injunction found in Deut 25:4, 1 Cor 9:9 and 1 Tim 5:18 states: *do not muzzle the ox that treads the corn*. The Timothy reading specifically refers in this context to the minister who ministers to God's people. Too often we take this scripture in its ministerial context only to mean the material benefits and needs of the minister and his family. From this case history muzzling the ox that treads the corn must be seen in a broader light and issues other than material benefits must be looked at. The emotional and spiritual needs of the minister and his family must be seen to if ministers are going to survive increasing pressures on the pastoral ministry. No sustained support systems exist and although the church has spoken often it has done very little in effect to bring about effective emotional and spiritual support systems for pastors and their families.

Insofar as Peter and Helen are concerned the injunctions contained for husbands and wives in Eph 5:21 onwards calling on husbands to love their wives unconditionally and sacrificially as Christ loved the church and on wives to submit to their husband's position, role and godly responsibilities within the family needs to be mentioned. There were clearly attempts by both sides to rectify the difficulty in keeping these commands and the various counselling sessions they underwent during their married life attest to this. Peter accepts his fault in the break-up of the marriage and would never institute and was very much against the divorce proceedings as he believed this to be theologically wrong. He accepts the sin of divorce and the wonder of God's forgiving grace and renewal thereafter and states quite clearly that God has blessed him in the evening of his life. He has a sense of peace and tranquillity in his home. His younger son still lives with him and Peter has stated that he has not ruled out the possibility of remarriage if circumstances should permit.

E. EVALUATION

As in the case of Chris discussed above, it is obvious that earlier and more effective intervention in this ailing marriage relationship might have brought about a different outcome. In this case both Peter and Helen recognised their depressions and the dysfunctional nature of their relationship and sought help over a period of more than 30 years. It was Peter that mentioned that the office of a so-called district

chaplain is something much needed in our church. The Bishop's role as administrator, disciplinarian and leader within the district is firmly entrenched and in many ways necessary for the effective and smooth running of the many circuits within one district. He is responsible for the implementation of Conference directives on important issues such as the mission directive of our church and the role the church must play within society. There are 1 003 Methodist ministers in Southern Africa, both retired and active. This is as quoted in the 1996 Yearbook of the Methodist Church of Southern Africa pp 209 to 416. This church spans a vast geographic area from the north of Namibia through Southern Africa, Botswana, Swaziland to the north of Mocambique. To administrate and control such a vast church needs strong leadership from Connexional Conference level through the Bishops right down to the ministers serving in tiny rural and in big urban churches. The nature of this leadership often precludes a close and intimate pastoral relationship between the Bishop, the local minister and his family.

The office of a father-confessor-counsellor is one that is much needed, even if just as a place where someone who understands the very specific stresses of the ministry on the minister and his family can listen. The value of someone who could have listened with a sympathetic ear to Helen as she poured out her grief at the loss of a child, the busyness of her husband, the feelings of alienation, the trauma of the unannounced upheaval of their home life cannot be over estimated. In the same vein, someone who could have listened to Peter's pain regarding his basic incompatibility with his wife, who could have gently guided, supported and encouraged him into ways of showing his care for his family in more real terms could have made a drastic difference in this particular family.

6.5 CONCLUSION

It is very clear from these three selected case histories that:

- (a) The support or non-support of the Bishop, the church hierarchy in the person of the Presiding Bishop or Secretary of Conference, the minister's colleagues immediately around him and his/her church leadership made a drastic difference in not only the way in which the break-up of the marriage was handled but the way in which the minister continued or was discontinued from ministry.
- (b) There is still within the church a strong section of ministers and lay people who hold to the

indissolubility of marriage in spite of the church's official stand on this matter. The weakness, if one can call it such, of the Cragg Document and the failure of the church to distribute this document or publicise it widely can be a contributing factor to this attitude amongst many within the M.C.S.A. The doctrine of forgiveness is not understood and an acceptance of divorced persons as ministers is seen as a compromise of biblical standards.

- (c) These three ministers all accepted the sin of divorce and the fact that this was not in God's will for their lives, their wives or husbands or their families. These ministers accepted their fault in the break-up of their marriages, repented of that sin and sought God's forgiveness.
- (d) In cases where ministers remained in their pastoral charge, faced the pastoral or disciplinary commission and made a clean breast of the whole matter, the matter was resolved and they were, as rule, restored to ministry but in the case where ministers resigned as a result of the pending divorce before facing the enquiry of the church, it has caused a situation which is taking longer to heal and to rectify. It is almost as if the longer a minister waits to face the music so to say, the more he/she struggles with their guilt and the church's possible adverse reaction to them.
- (e) Where expert counselling and loving encouragement was at hand it helped the whole family going through divorce, as well as the local church, to cope much better with the situation. Those involved, directly and indirectly come through with less traumatic scars than in cases where such help was not at hand.
- (f) As stated in the preceding paragraph the need for a father-confessor, a pastor-counsellor for ministers and their families, is self evident. This is not only for ministers who are going through the trauma of the break-up of their marriage but for all ministers. If the church could act pro-actively in providing proper counsel, a proper outlet, and proper encouragement for all ministerial couples there is no doubt in the writer's mind that there would be less divorce and family trauma within the manses of this church.

CHAPTER SEVEN

CONSISTENCY OF THE METHODIST CHURCH OF SOUTHERN AFRICA IN REGARD TO REMARRIAGE AND READMISSION OF THE CLERGY

One of the questions posed by this thesis as stated in the general introduction was whether the M.C.S.A. has been consistent in its practise when dealing with marital breakdown in clergy homes and the suspension and reinstatement of divorced ministers. The very fact that no categorised precedent of disciplinary decisions existed prior to April 1997 tends to suggest that there is little consistency and that each case is treated on its own merit with little regard to previous decisions. During the preliminary stages of my research this was the view that I also held but in discussion with senior ministers who had spent many years as members of the Conference of the M.C.S.A. I came to the realisation that the oral tradition and the good memory of many of these long serving ministers did bring about a consistency and continuation in the disciplinary decisions of the church. The fact that no written precedent existed was not as big a drawback as one would at first suppose and this is especially true of the years before 1973 (Van Niekerk 1996:49) when there were two to three disciplinary matters per year and many years without any disciplinary matter before Conference. Since 1974 the number of ministers in full Connexion increased and also the disciplinary matters before Conference. In 1994 there were no less than twenty eight reported cases (Van Niekerk 1996 : 32).

In this chapter consistency in the decisions relating to divorce particularly are investigated and the question of whether the M.C.S.A. has applied its avowed stand on divorce and remarriage in the clergy, even handedly, is looked at.

From an examination of the Cragg Document the one thing that strikes one is that the report seems to shy away from making a definite stand by which the church must abide and which clearly sets out the church's attitude to divorce, remarriage and ministry. It seems as if, throughout the report, loopholes are left in terms of which the church could make a decision regarding the readmission to the ministry of someone who has been divorced and remarried. This decision could be made on the theological reasons given in

the document but such a person could in spite of the theological correctness of acceptance be refused on other grounds (Cragg 1976 para 2.2.1). As stated previously this does not assist in giving to the church in general, and to ministers specifically, a definite guideline by which they may know what would happen in specific circumstances such as divorce, remarriage and applications for readmission to ministry.

This seems to have been the hallmark of decisions made by the church, especially during the period 1968-1976 where each case was judged on its own merits. Judging from the case histories and the pastoral commission appointed to investigate the matters, it seems that although they were caring and encouraging, they admitted their own inexperience and even discomfort at having to deal with these issues. This ad hoc approach to disciplinary and pastoral matters has been prevalent within the church over the years and has not always been conducive to good government, or consistency in disciplinary matters. The whole purpose of creating a new disciplinary code, is summed up in *The Precedent of Decided Cases*:

Disciplinary committees should consist of men and women who have expertise, gifting and skills in this kind of work. They will be both clergy and lay and will be in the nature of standing committees serving for a period of three years. Synod and Conference will give to these men and women the power to deal effectively with all disciplinary matters. (Van Niekerk 1997: ii)

Of the 37 cases reported, two ministers have been discontinued from ministry due to the unsatisfactory factors relating to their divorces. One has been counselled and moved to another circuit and this particular person later divorced in any event. Of the remainder, 13 have resigned with charges pending and thereby avoided pastoral commissions and disciplinary steps. The remainder were suspended during divorce proceedings and later reinstated.

On the face of it therefore it seems as if the church has been consistent in its decisions. It is submitted however that the question should go deeper than this. In the Cragg Document. (Cragg 1976: para 4.2). Definite procedures are laid down with regard to questions which should be asked of ministers:

If a minister who resigned or was suspended from the ministry on the grounds of divorce and has subsequently remarried, seeks re-instatement, the application shall be considered by the Standing Committee which shall:

- (a) review the report of the Pastoral and Standing Committee at the time of their divorce and

- satisfy itself that the circumstances were such that are-instatement may be considered;
- (b) satisfy itself that the applicant:
- (i) has repented of his share in the failure of the previous marriage and has made restitution where possible;
 - (ii) has adjusted satisfactorily to the dissolution of the previous marriage;
 - (iii) enjoys a happy and stable relationship with his new partner
 - (iv) has made adequate provision for the children of his previous marriage, especially in regard to custody and maintenance;
 - (v) has maintained a vital relationship with the church.

(Cragg 1976 para 4.5)

Issues that in terms of the above should be looked at, such as general moral behaviour, efforts at reconciliation, unworthy conduct, repentance, sufficient time to adjust and other very worthwhile pointers are given in the Cragg Document. The inconsistency in the practise of the church in these matters lies in the fact that this document is not in the hands of pastoral commissions dealing with these matters and their decisions are taken on an ad hoc and subjective basis.

The Methodist Church of Southern Africa has moved towards the creation of permanent committees on discipline. (L & D 1997: 4.110) These committees will grow in expertise and experience and have been provided with a detailed handbook of procedures. In the same vein the church is moving towards the creation of special mediating task teams in every district (Van Niekerk 1997: 3) which will consist of trained groups of men and women who can mediate in conflict situations.

Every district will in time have a panel of trained mediators who will be trained by the Methodist Church of Southern Africa using the excellent resources of the Vuleka Trust at Botha's Hill and it is strongly recommended that initially at least two or three persons acting on a particular pastoral commission must have undergone the training and in time all those who are on the district panel would have gone through the different training courses starting with "basic human relations course" going onto the "handling conflict creatively" to the "effective negotiating skills" and finally to "mediation skills". All these courses will be held at Vuleka Trust at Botha's Hill.

For the church to be truly consistent in its decisions on these matters it is submitted that pastoral commissions appointed to deal with these matters must have people with knowledge and insight and

preferably be people trained in this field. The guidelines accepted by the church in 1976 must be put before the pastoral commissions when interviewing ministers who have been through divorce and who are applying for readmission to ministry.

Referring back to the conclusions in chapter four relating to the statistics of specific cases relating to divorce and readmission to the ministry, one can note that there is seeming inconsistencies in the decisions as relates to ministers of different races:

- (i) Of the nine black ministers dealt with seven did not apply for readmission representing 77%.
- (ii) Of the twenty seven white ministers who have been dealt with eight have not been readmitted representing 30%

The discrepancy between the above must be seen in the light of the fact that these statistics go back to 1960 and that it is only since 1977 that ministers applied for readmission. Cultural differences and other factors do play a role but an in depth study of these goes beyond the scope of this particular thesis.

There is a consistency as regards the decisions reached in cases relating to male and female ministers in that there are three female ministers dealt with in the thirty seven reports cases of divorce and applications for their readmission and this represents 8.1% whereas 5% of the serving ministers in the M.C.S.A. are females. 66% of the females dealt with in these matters have been readmitted into ministry as compared to the 77% of males.

CHAPTER EIGHT

CONCLUSION

This thesis is limited to the conclusions drawn from research into the policy and practice of the M.C.S.A. in matters relating to the readmission of ministers who have been divorced. The scope of the thesis is therefore focussed solely on ministers who have been divorced and who are suspended and apply for readmission. The research limitations are evident in the fact that there are few official documents relating to the church's stand on these issues and many of the records relating to disciplinary procedures have been lost or misfiled. The case precedent had to be compiled from incomplete records loosely bound in piles of documents forming the Conference record. There are insufficient details in these documents to compile a comprehensive case history of all the relevant factors relating to the ministers' divorce and their applications for readmission to ministry.

The method of research is empirical and quantitative instead of qualitative and as regards the theology of the church every available record of every pronouncement of the M.C.S.A. on matters of divorce and ministry dating back 1883 were researched. The one remaining theological document of the church namely the Cragg Document was carefully analysed and commented on and although careful search was made for the report presumably handed in by Dr Bandey at the 1968 Conference this could not be found and poses a severe limitation to the completeness of this thesis. As regards the practice of the church incomplete documents mentioned above were categorised and placed into a case precedent and where possible the scanty information contained in them was supplemented by personal interviews with senior ministers both in the M.C.S.A. and in other churches.

In answer to the three questions posed in the introduction to this thesis, one can conclude the following from the preceding chapters:

- (1) To the question of whether the church has a clear biblically based theology of marriage, divorce and remarriage, one can say that the M.C.S.A. does have such a theology and together with the majority of all Christian denominations it accepts the *sovereign* will of God in the marriage for

life model. This model is espoused by those who hold to the strict doctrine of the indissolubility of marriage. However the M.C.S.A. together with all Protestant, Pentecostal and Charismatic denominations, does not hold to the absolute indissolubility of marriage and accepts God's *permissive* will in allowing divorce. The M.C.S.A. insists that divorce is the result of sin and failure within human relationships and needs to be dealt with in the same way that all sin is dealt with in repentance, the acceptance of forgiveness and renewal in Christ.

There are shortcomings in the M.C.S.A.'s theological position;

- (a) The failure by the church to preserve the documents upon which it based its theology and the changes of its Laws & Discipline relating to marriage, divorce and the ministry. In the area of baptism the church published various statements in the *Minutes of Conference* and in 1981 published a very lengthy extract from the paper delivered by the World Council of Churches on baptism, called *The Lima Text*. This very well reasoned and deeply theological publication put to rest the dissension and arguments over baptism, that were raging in the church at that time. No similar statement has been published by the M.C.S.A. regarding divorce and as stated previously it took hard work to track down the one remaining theological paper delivered to Conference relating to this topic. No copy of this paper is deposited in the church archives or in any record of Conference.
- (b) There is no firm biblical base to the M.C.S.A.'s theological stand and compared to the works produced by theologians in other denominations the Cragg document seems rather flimsy. It is submitted that had the biblical base been more profound and the publication of the document been more widespread the church's stand would have gained more acceptance amongst clergy and laity alike.
- (c) It is submitted that the fact that the church worked out its practise in dealing with divorce long before a document on theology of marriage and divorce was accepted by Conference is a failure and shows the error of putting the cart before the horse.
- (d) One cannot help feeling that the events within the world and within other denominations relating to the acceptance or otherwise of ministers who have been divorced overtook the M.C.S.A. It reacted to growing pressure from within its own ranks and from without. It

is surmised that this reaction brought out a rather hurried theological stand to fall into line with sister churches such as the Church of the Province of South Africa.

- (2) To the question of whether the M.C.S.A. has been consistent in its practise when dealing with cases of marriage, divorce and remarriage in ministry, one can say that it has by and large reached fairly consistent and equitable decisions in these matters. The practice seems to have been the strong suit of the church as the commission under Dr Bandey first convened in 1958 brought out procedural guidelines which are followed to this day.

There are however serious shortcomings in the practise of the church namely:

- (a) Very helpful and excellent resolutions made by Conference appear in Minutes for one year, are then not repeated and promptly forgotten. One can name a few such as:
- (i) the procedures for pastoral commissions accepted by the 1976 Conference in the Cragg report.
 - (ii) the reading of the statement on the sanctity of marriage at wedding services of people previously divorced.
 - (iii) the two-year probation period for ministers who divorce and who should serve as lay agents for a while.
 - (iv) the continued insistence on ministers availing themselves of marriage guidance councils which seem to have gone unheeded.
 - (v) the continued call on the Christian Citizenship Department to produce manuals relating to marriage and divorce which also went unheeded.
- (b) The total lack of pro-active counselling to ministers wishing to enter into marriage and this in spite of Wesley's injunction to seek the counsel of the brethren. With a few notable exceptions such as the Gauteng Central District there are no resource persons within the church to counsel and help clergy families going through difficulties in marital

relationships. This is especially lacking in rural circuits which make up the majority of the circuits in the M.C.S.A.

- (c) The lack of expertise and experience in those called to serve on ad hoc pastoral and disciplinary committees dealing with the discipline of ministers who have been divorced and remarried and who wish to re-enter the ministry.

Sir Winston Churchill, who was an avid gardener, was once walking with a friend through his garden and he proudly showed his friend a retaining wall which he had built. His friend remarked that the wall was very crooked and irregularly built. Sir Winston, who was never at a loss for words said, *Any fool can see what's wrong with the wall, but it takes a wise man to see its true nature and purpose.* It is easy to criticise and see what is wrong but one needs to understand the context and circumstances of a church struggling with many issues and coping with a large ministerial staff made up of people from diverse backgrounds and cultures. It is nevertheless vital that the church takes a strong stand on important issues such as family life and that it applies this stand with firmness and love. To a large extent one can say that the M.C.S.A. has done this but that there still seems to be something lacking. This is evidenced by the growing number of ministers divorcing and leaving the ministry as a result of marital breakdown. What can possibly be done in the light of this? What steps need to be taken to ensure that the church does not compromise its theology of indissolubility on the one hand and on the other practises its theology of sin and redemption.

The universal church has struggled with this issue over the years and one of the problems has been in the standards it applies to test true penance. In the 16th century the Church of England struggled with the question of allowing couples who have been divorced to partake of the Eucharist. This question can in many ways be equated to the question of allowing a divorced minister back into ministry. The Church of England formulated a complicated procedure of penance which included diets of bread and water for protracted periods and no contact with any members of the opposite sex during this time. This was done in an effort to test true penance and to give a strong message to society about the church's disapproval of divorce (Roderick 1988: 117). In later years the Church of England when looking at the issue of marriage, divorce and ministry formulated the following criteria when remarrying divorced couples:

- (1) The discharge of all possible obligations remaining from the first marriage

- (2) The character and disposition of the couple seeking marriage or remarriage
- (3) The intention of a lifelong fidelity. This will be investigated by the priest who will pray with the couple in private and will in his prayers highlight the following:
 - (a) penitence for past failures
 - (b) the intention of meeting all obligations - past, present and future relating to this and previous relationships
 - (c) the right intention in the new marriage
 - (d) a desire for God's renewing and recreative grace (Roote & Howard 1971: 76).

This quotation encapsulates the decisions and conclusions come to by the Methodist Church of Southern Africa and the Cragg document. The Church of England in South Africa, through Bishop Frank Retief's book, concurs with this (Retief 1990 : 83).

The latest edition of the *Laws & Discipline of the Methodist Church Of Southern Africa* (para 4.65) reads as follows:

A district pastoral committee constituted by and presiding over by the Bishop or a minister deputed by the Bishop, shall interview every minister involved in divorce proceedings and every candidate for the ministry who has been divorced. The committee is to consider:

4.65.1 the lifting of the suspension imposed upon a minister because of divorce;

4.65.2 an application for reinstatement of a former minister who has been divorced;

4.65.3 the fairness of the divorce settlement negotiated by the minister;

4.65.4 the application to marry by any minister who has been divorced;

4.65.5 an application by any minister to marry a person who has been divorced;

4.65.6 the candidature of any person who has been divorced or who is married to a divorced person.

This again as in the 1968 statement of the church sets out the polity and procedure, but does not deal with the content of the conversation which must be entered into with this minister regarding the points mentioned in the Roote quotation above. This to me is the area in which there is room for much improvement in the church's present practise of its theology of divorce and remarriage in ministry.

This conversation with the minister dealing with issues of penitence and renewal and with such issues as the particular difficulty of the reconstituted family is vital in preparing people facing remarriage, as well as the stresses of ministry. An interesting aspect to the whole debate is that which is raised by La Mana in the creation of what are called *remarriage contracts*. La Mana holds that these remarriage contracts are vital in that remarriage is beset by specific problems not always foreseen by couples. There is a new dynamic and different pressures in a second marriage. La Mana states further that couples try harder at their second marriage but are not always willing to commit themselves fully or emotionally to another as a result of the hurts, scars and disappointments that they carry from the previous broken relationship. La Mana also states that research has shown that couples in subsequent relationships have a tendency to avoid conflict and this spells disaster in any marriage relationship (La Mana 1988 : 518).

This conversation with the minister will hopefully silence the critics who feel that this church is moving towards antinomianism, which says that sin must increase so that God's grace should abound (Rom 6:1). The conversation will be a deep and searching one and will not gloss over any sin or fault on the part of the minister..

Where does this leave us as regards a possible model in terms of which the M.C.S.A. may apply its theology as regards divorce and remarriage and re-entry into the ministry? It is submitted that a possible model should include the following:

- (1) the creation of a special pastoral committee dealing with the interview of the minister. This should be much in line with the present provisions but will be a standing committee and not ad hoc as it is at present. (L & D 1997: 4.65)

The new committee must be appointed at district level as are mediating committees and disciplinary committees in terms of our present Laws & Discipline. If the church is serious about tackling this problem in a committed and orderly way, it must look to the creation of such committees.

- (2) Mediating Committees for Marriage & Divorce cases should be suitably trained. Manuals similar to those for Disciplinary committees should be written and distributed. The excellent proposals contained in the Cragg document para 4.1.2 & 3, could be used as a basis for such manual.
- (3) The inclusion of para 4.65.3 in the new Laws & Discipline insofar as it relates to the fairness of divorce settlement agreements bears comment and although this does not appear in any previous law or discussion at Conference level, it is submitted that it is a wise piece of legislation and that this committee could insist or strongly advise the entering into of a remarriage agreement in which the known areas of difficulty with second marriages can be discussed, addressed and agreed upon. Retief has some valid points regarding conditions for remarriage which is much in line with the Roote document and the sentiment discussed in the La Mana quotation above. (Retief 1990: 52)

The Methodist Church of Southern Africa has made a theological stand on the issue of the divorce and remarriage of ministers and their acceptability to ministry, through the Cragg document and subsequent legislation. The logical outcome of putting this theological position into practise would be to ensure that the conditions for re-entry to ministry are clearly set out and adhered to, and that structures are put into place to monitor them.

***THIS THESIS CONCLUDES WITH
A POSSIBLE MODEL FOR MINISTRY IN MATTERS OF MARRIAGE AND
DIVORCE IN MINISTRY
MODEL FOR MINISTRY***

This is a possible model for the pastoral ministry to ministers and probationers in the M.C.S.A. in matters of marriage and divorce. It is submitted that this model is a workable one and is vitally necessary within a church that is facing an increasing incidence of divorce amongst its ministers. The structure is not totally strange to the church and falls in line with the already operating District Disciplinary Committees and Conflict Mediation Teams existing in the Connexion.

The District Marriage Growth and Mediation Teams will deal with ministers in the following situations:

Pre Marriage:

Ordained ministers or probationers wishing to marry must seek the "counsel of colleagues" as ordained by Wesley and reaffirmed in the *Laws and Discipline* (L & D 1997: 242). This has fallen into practical disuse and must be adhered to.

In addition to this both the minister/probationer and prospective spouse should be counselled by a District Marriage Growth and Mediation Team. This will be to prepare the couple for the peculiar difficulties and stresses of ministerial married life.

In Marriage:

The District Marriage Growth and Mediation team will counsel with all candidates and their spouses in their year of candidature to prepare them as in the last paragraph above.

The District Team will arrange "Command Performance" annual marriage enrichment/encounter seminars for all clergy and families in a district.

A trained and gifted member of the district team will be appointed as "Family Chaplain" to clergy and their families and will be on call for them.

In Crisis:

The District team will, at the Bishop or minister or his/her families' request, counsel with families in crisis and seek to mediate disputes and assist such families.

In the event of a total and irretrievable breakdown of the marriage relationship, the District team, will counsel with both spouses and the children and seek to find ways of ministering to the whole family in the crisis.

In the event of divorce proceedings being instituted. The District team will after due consultation prepare a report to the Bishop and Presiding Bishop in terms of the present regulations (L & D 1997: 4.65)

In Remarriage:

In the event of a minister previously divorced, seeking to remarry whilst in ministry, the District team will counsel with both the minister and the intended spouse, regarding the peculiar difficulties of such a union and the stresses of marriage in ministry.

This model is practical and workable, provided Synods can appoint a proficient group of men and women to the, still to be formed, District Marriage Growth and Mediation Team. This team must have the heart, ability, and training to minister in marriage growth and reconciliation.

The creation of these committees is not a fanciful wish, but a dire necessity. In 1997 more ministers in pastoral appointments in the Methodist Church of Southern Africa have divorced than in any previous year. It is submitted that unless drastic preventative action is taken this trend will continue with disastrous repercussions for the church, ministers, and their families.



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APPENDICES

- 1. The report of the commission on the relation of ministers who have been divorced and remarry. Report to the Conference of the M.C.S.A. 15 October 1976.**

Referred to in this thesis as THE CRAGG DOCUMENT

- 2. A Handbook for Disciplinary Committees in the Methodist Church of Southern Africa**

METHODIST CHURCH OF SOUTH AFRICA

COMMISSION ON THE RELATION OF MINISTERS WHO HAVE BEEN DIVORCED
AND REMARRY

REPORT TO CONFERENCE

15 OCTOBER 1976

METHODIST PUBLISHING HOUSE

REPORT OF THE COMMISSION ON THE RELATION OF MINISTERS
WHO HAVE BEEN DIVORCED AND REMARRY

1 PREAMBLE

- 1.1 Background. In recent years Conference has admitted into full connexion men who have been divorced or have married again after divorce, either before or after their initial acceptance as candidates for the ministry. Recent precedent therefore supports the cautious acceptance of ministers who have been divorced and have married again. On the other hand, the appointment of this Commission reflects a concern that the action of Conference should be biblically and theologically sound.
- 1.2 Terms of reference. The Commission was appointed by the Conference of 1975 and its membership and terms of reference are set out as follows:

"16. COMMISSION ON THE RELATION OF MINISTERS WHO HAVE BEEN DIVORCED AND REMARRY: Conference appoints a Commission to investigate the Scriptural, theological, ethical, social, legal and any other relevant aspect of the acceptance, continuance or readmission of Ministers who have been divorced and remarry, with particular reference to:

- (a) Whether there are any scriptural, theological or ethical reasons why they should not, solely on the grounds of divorce and remarriage be Ministers in connexion with the Methodist Church of South Africa.
- (b) Whether there are any social or legal considerations which would make it inadvisable for them to be Ministers in connexion with the Methodist Church of South Africa, e.g.:
 - (i) To what extent the attitude of our Methodist people to this matter should be regarded as relevant in this regard.
 - (ii) Whether there are any possible legal considerations that ought to be taken into account.
- (c) What procedures should be followed in the case of such Ministers applying for acceptance, continuance or re-admission.
- (d) Any other matter having bearing on the subject. The Commission shall invite memoranda on its terms of reference from anyone interested.

The Commission shall report to the Ministerial Session of next Conference with a view to the policy, any procedure to be adopted being clearly defined.

The members of the Commission shall be:

Rev.s. D.G.L. Cragg (Convener), J. Fourie, J.V. Leatt,
R.H. Light, A.M. Losaba, C.E. Wilkinson, Messrs.
R. Cingo, C.B. Prest."

- 1.3 Method. Memoranda were invited from ministers and members of the Methodist Church of South Africa by means of an official notice in DIMENSION in November 1975 and February 1976. Correspondence received was laid before the Commission.

An approach was made to the Methodist Conference in Great Britain, Australia, New Zealand, the United States and other parts of Africa, as well as to other Churches in South Africa. The replies received were also taken into consideration. Memoranda on various aspects of the subject were prepared by members of the Commission. The Commission met in full on one occasion. Further drafting was undertaken by the Cape Town members and the Convener.

- 1.4 Approach of Methodist Church on moral issues. In considering the subject the Commission recognised that the approach of the Methodist Church to moral issues is influenced by three main factors:

1.4.1. Biblical: The Methodist Church "acknowledges the Divine revelation recorded in Holy Scripture as the supreme rule of faith and practice", and thus turns to Scripture for guidance on moral issues.

1.4.2. Theological: The Methodist Church recognises that Scripture needs to be interpreted. It is necessary to understand the intention of its teaching; the situation to which it was originally addressed; and the context in which it has to be applied today. It is also necessary to relate scriptural insights to situations which are not contemplated in Scripture. There is therefore a need for theological and ethical reflection and interpretation.

1.4.3 Pastoral and Legal: In coming to a decision on moral questions which affect the lives of persons the Methodist Church takes into consideration any pastoral factors which may be relevant. By this we mean that even if it is considered permissible in principle to re-admit persons to the ministry who have been divorced, concern for the persons involved and for the witness of the Church necessitates the careful weighing of the pastoral factors relating to each situation. Since divorce and re-marriage have legal implications, these also should be taken into account.

1.5 Summary of the Report

- 1.5.1 The biblical and theological evidence is examined in order to establish in principle whether it is permissible to consider the entry into our ministry of divorced persons, or persons who are divorced and re-married.

- 1.5.2 The pastoral and legal questions are fully discussed.
- 1.5.3 Procedures are set out to enable Conference to come to a decision in particular cases.

2. PRINCIPLE

- 2.1 The Commission, having carefully examined the relevant biblical and theological evidence, found that it is possible in principle to sanction the admission as ministers in full Connexion with the Methodist Church of S.A. persons who are divorced, or divorced and re-married. The sanctioning of such cases must, however, be approached with care having in mind the pastoral and legal factors relevant in each case. In particular cases the pastoral and legal factors may be such that the Conference may find it to be in the best interests of the person concerned, or of the witness of the Church to refuse admission.
- 2.2 The crucial question facing the Methodist Church in this context is whether or not it can consider the admission of persons to the ministry who are divorced, or divorced and re-married. In order to answer this question we must first examine the relevant biblical and theological evidence.

2.3 Biblical evidence

- 2.3.1 The Old Testament. The divine intention for marriage is stated in Genesis, in the context of creation - God's first act of self-revelation. Genesis 1:27 shows that sexual differentiation is part of God's purpose in creating man: "So God created man in his own image; ... male and female he created them". Genesis 2:24 reveals that it is upon this sexual differentiation that marriage is based: "That is why a man leaves his father and mother and is united to his wife, and the two become one flesh". The phrase "one flesh" found in Genesis 2:24, while it has sexual connotations, refers also to the new family created by marriage. Among the early Hebrews marriage took different forms. Polygamy was not forbidden, and various forms of concubinage were practised. However, by the time of the Christian era monogamy had become the established form of marriage in Judaism.

In the strongly patriarchal Hebraic society a wife was in many respects the property of her husband. To divorce her was relatively easy, but in Deuteronomic law a husband had to give his wife a bill of dismissal. Divorce was at the husband's discretion, thus a husband could divorce his wife if he found "something shameful in her" (Deut. 24:1). Jewish law protected the wife in that her husband could not divorce her if he had committed an offence against her before their marriage, or if he brought a false accusation of adultery against her after they were married (Deut. 22:13f, 28ff). Jewish law made no provision for a wife to divorce her husband, although rabbis of the first century A.D. held that in certain cases (cruelty, denial of conjugal rights, etc) she could make her husband divorce her.

In the time of Jesus there was a rabbinic controversy about the interpretation of the ground for divorce in Deuteronomic law. The school of Rabbi Shammai believed that the phrase "something shameful in her" (Duet. 24:1) meant immodest behaviour or moral delinquency. The school of Rabbi Hillel believed that it meant anything which displeased the husband - even the offence of spoiling his food. By A.D. 70-90 the Hillel school prevailed.

With this background we turn to the New Testament.

- 2.3.2 The New Testament. The crucial question to be faced is: What did Jesus teach on the subject of divorce and re-marriage and how did the Early Church interpret him? In order to answer this question it is necessary first to examine the passages in the Synoptic Gospels where the matter is dealt with, and then discuss the nature of Jesus' teaching.

Synoptic Gospels

MARK: Divorce and remarriage are discussed in Mark 10: 2-9 and 10; 10-12. In Mark 10:2-9 we read:

"The question was put to him: 'Is it lawful for a man to divorce his wife?' This was to test him. He asked in return, 'What did Moses command you?' They answered, 'Moses permitted a man to divorce his wife by note of dismissal.' Jesus said to them, 'It was because you were so unteachable that he made this rule for you; but in the beginning, at the creation, God made them male and female. For this reason a man shall leave his father and mother, and be made one with his wife; and the two shall become one flesh. It follows that they are no longer two individuals: they are one flesh. What God has joined together, man must not separate."

It is significant that Jesus is not asked to give an opinion on the current controversy about grounds of divorce, but about the right to divorce itself. Jesus does not base his answer on Deuteronomic law, he refers to the Genesis account of the creation of man and woman and speaks of the divine intention for marriage.

Jesus argues that the bill of divorce in the Law is a concession to sin because of "your hardness of heart" (R.S.V.). In a clear reference to Genesis 1:27 and 2:24 Jesus goes behind the law to the divine intention in marriage, using the Genesis phrase "the flesh" to symbolize both sexual fulfilment and the union of two persons. The statement "What God has joined together, man must not separate" (10:9) refers to the institution of marriage itself. It is as if Jesus is saying: Marriage was not created so that it may be dissolved. That particular marriages end in divorce, and that this is permitted in Deuteronomic Law, is a concession to sin but is contrary to God's intention. Lifelong union was God's intention when he created marriage for man and woman.

A conversation between Jesus and the disciples ensues, recorded in Mark 10: 10-12:

"When they were indoors again the disciples questioned him about this matter; he said to them, 'Whoever divorces his wife and marries another commits adultery against her: so too, if she divorces her husband and marries another, she commits adultery.'"

It seems that the form of this conversation represents the teaching of the Gentile Church in Rome because it reflects a Gentile setting. For example, there is the suggestion that a woman can divorce her husband. This was permissible in Roman law, but not in Jewish law. Furthermore, a man could not commit adultery in Jewish law, except as co-respondent of a married woman. Nevertheless, the implication of the saying is to rule out divorce with remarriage.

MATTHEW: In Matthew 5: 31-32, part of the Sermon on the Mount, we read:

"They were told, 'A man who divorces his wife must give her a note of dismissal'. But what I tell you is this: If a man divorces his wife for any cause other than unchastity he involves her in adultery; and anyone who marries a woman so divorced commits adultery."

The other important passage in Matthew concerning marriage and divorce is 19: 3-9, the last three verses of which read:

"'Why then', they objected, 'did Moses lay it down that a man might divorce his wife by note of dismissal?' He answered, 'It was because you were so unteachable that Moses gave you permission to divorce your wives; but it was not like that when all began. I tell you, if a man divorces his wife for any cause other than unchastity, and marries another, he commits adultery.'" (Some witnesses add: 'And the man who marries a woman so divorced commits adultery.').

It should first be noted that, unlike the Markan passage, in Matthew 19 Jesus is apparently asked to take sides in current controversy about the proper ground for divorce and not about whether divorce is permissible: 'Is it lawful for a man to divorce his wife on any and every ground?' (Matt. 19:3)

Jesus also responds differently from the manner in which he answers the question put to him in Mark. In Matthew 5: 31-2 and 19: 3-9 Jesus states that there is only one ground for divorce, namely porneia. Jesus appears to be saying that divorce is not permissible except in the case of porneia, and this has led scholars to describe the

reference to 'unchastity' as 'exceptive clauses'. By making an exception in his prohibition of divorce Jesus appears to be siding with the Shammai school (which argued that a man can only divorce his wife for 'unchastity' on her part) against the Hillel school (which argued that any cause is sufficient ground for divorce). They also reflect the Jewish situation in that it is still the husband only who has the right in law to divorce his wife. The rights of the wife are not affected by these clauses; she remains without the right to divorce.

A great deal depends upon the meaning of the porneia, translated 'unchastity' in the N.E.B. and R.S.V. and 'fornication' in the A.V. and J.B. The T.E.V. renders the phrase 'and she has not been unfaithful'. It almost certainly had a wider meaning than adultery for which there is a perfectly good Greek word: moicheia. It probably means an act of, or an attitude resulting in, sexual misdemeanour, and could include fornication, homosexuality, and other sexual aberrations. The word porneia may be understood to include the 'lack of fidelity' which lies behind sexual misdemeanours, whether or not it finds expression in action. This is suggested both by the prophets' use of the word to describe Israel's infidelity to Yahweh and by the manner in which Jesus is wont to go behind the outward act to the inner attitude from which it springs. (cf Mt. 5: 22, 27-8)

It is open to question whether the 'exceptive clauses' represent the words of Jesus himself or an interpretation of the mind of the Lord given to the early Church. In either event they indicate that the need for a softening of the absolute ban on divorce with remarriage was felt very early. These passages imply that the marriage relationship may be dissolved in certain circumstances and that the wronged party is free to remarry.

LUKE: Among the sayings of Jesus recorded in Luke's Gospel is a statement about divorce and remarriage. In Luke 16:18 we read:

"A man who divorces his wife and marries another commits adultery; and anyone who marries a woman who is divorced from her husband commits adultery."

Unlike Mark this passage reflects a Jewish situation in which the husband only has the right to divorce. In essence, however, it adopts the same standpoint: Divorce with remarriage involves adultery.

Interpreting the teaching of Jesus:

How are we to understand the teaching of Jesus on divorce?

A LEGALIST VIEW: Many Christians regard Jesus as the giver of a new law and treat his sayings accordingly. On this view Mark and Luke appear to rule out divorce which leads to remarriage to another partner: any such union would be adulterous. Matthew, on the other hand, implies that a subsequent marriage may be legitimate if the divorce has been on the grounds of porneia, however that is understood.

If we adopt the legalist approach we have to choose between Mark and Luke on the one hand and Matthew on the other. Our decision will depend upon our view of the nature of marriage. Christian theology has tended to take an ontological view, which is quite alien to the atmosphere of the Bible. Once a marriage has been contracted, it has a status of 'being' independent of the quality of the relationship between the persons involved. Thus the marriage persists even if the relationship has broken down irretrievably. Marriage to another partner is out of the question as long as the divorced partner is still alive. If we adopt this view, we shall choose Mark and Luke.

Far closer to the concrete Hebraic outlook is the functional or relational view in terms of which the marriage has come to an end when the relationship has been finally broken. The former partners are in a different position from unmarried people - they are divorcees whose lives and characters have been deeply affected by an unsuccessful relationship - but in principle they are free to enter into marriage with another person, even though in practice it may be inadvisable or undesirable. If we adopt this view, we will probably opt for the Matthean teaching, although we are not precluded from adopting the more rigid stance of Mark or Luke.

Therefore, if we regard Jesus as the giver of a new law, we are faced with a contradiction and our decision will be influenced by the view of marriage which we bring to the interpretation of scripture. It is important that we recognise this. Furthermore, if we decide that Jesus forbids remarriage, we must be consistent and refuse it to all Christians, in which case our discipline for laymen will have to be revised. If we adopt the Matthean standpoint, the teaching of Jesus does not necessarily preclude remarriage after divorce, whether for ministry or laymen.

We seriously question the legalistic approach to the teaching of Jesus but have taken it into account for two reasons: it is commonly adopted by Christians; and we need to realise that it does not give us a clear and consistent view.

AN EVANGELICAL INTERPRETATION: Our alternative interpretation of the teaching of Jesus rests upon three assumptions:

- a. Jesus was not a legislator but stated the divine intention for human life;

- b. In the circumstances of the present age, the divine intention is often thwarted by human sin;
- c. God's response to sin is redemptive.

The saying about divorce in Mark 10: 2-9 reveals a method similar to one which Jesus uses in the Sermon on the Mount. He asks, "What did Moses command you?" and then states his own position. In the Sermon on the Mount Jesus repeatedly says "You have learned that they were told ... but what I tell you is this ..." Scholars describe this method as the "method antithesis". The question is whether it is intended to annul the "old" Law and to introduce a new one. Most recent scholarship would argue that the intention of these antitheses is not to annul the provisions of Mosaic Law but to press those provisions to their ultimate meaning. By intensifying its demand or reinterpreting it in a higher key, Jesus does not annul the Law but fulfils its intention. In Matthew 5: 27-28, for example, Jesus says "You have learned that they were told, 'Do not commit adultery'. But what I tell you is this: If a man looks on a woman with a lustful eye, he has already committed adultery with her in his heart." This is not to annul the law which is intended to prevent adultery and to promote proper sexual relationships; it is to intensify its demand in a manner which transcends and reinforces the Law. In the same way the purpose of the Law concerning divorce is to preserve the unity of the marriage bond and not to provide an easy means of dissolving it. By using the method of antithesis in his sayings concerning divorce Jesus is neither annulling the Law (cf. Luke 16: 17) nor expressing a totally new Law. Rather he is radically reinterpreting the Law in a manner which intensified its demand so that God's intention for marriage is asserted.

Inner attitudes are not subject to legislation. Attempts to treat the Sermon on the Mount as a body of law and to apply it rigidly to the life of the community have failed. The same is true of the teaching on marriage, for even the strongest proponents of indissolubility have had to find means of getting around the rigor of the law. What Jesus does is to state the divine intention for human life, the norms by which our imperfect achievements are judged, the way of life which exists when men seek God's kingdom and his righteousness. His sayings on marriage state the norm for Christian marriage which the Church should take very seriously and endeavour to uphold.

In man's fallen state, sin thwarts the divine intention; the pattern of life set forth in the Sermon on the Mount is disrupted. In this situation the teaching of Jesus reminds us that no man can stand before God and plead his blamelessness. It leads us with Paul to the conclusion that 'all alike have sinned and are deprived of the divine splendour'.

God's response to sin is not only its condemnation but the grace of Jesus Christ whose ministry is the expression of God's ultimate mercy. Where sin is acknowledged and where there is a genuine change of attitude (metanoia) and of direction (epistrophe), a new beginning is made possible

through forgiveness and renewal. It is clear from the Gospels that sexual offences are not unforgivable (Luke 7: 36f; John 8: 1f), and we therefore conclude that the inner attitude and outward acts which lead to divorce may be forgiven like other sins. In some circumstances this may bring new life to a dying marriage and enable the partners to approximate more closely to the norm. The Church should help to make this possible by working untiringly for the stability of marriage. When a marriage has broken down irretrievably and issued in divorce, forgiveness and renewal may release the former spouses from guilt and so re-integrate their characters as to set them on a new path.

Remarriage without repentance and renewal ignores God's intention and neglects his grace. Although permissible in the eyes of the secular law, it is spiritually disastrous.

Remarriage following repentance and renewal is a real possibility on a relational and evangelical view of marriage, and we maintain that the new relationship has the potential to express the Christian norm despite the sinful situation which preceded it.

The teaching of Paul

The apostle Paul deals with the question of divorce and remarriage in I Corinthians 7: 10-15. The relevant passages for our purpose read:

"To the married I give this ruling, which is not mine but the Lord's: a wife must not separate herself from husband; if she does, she must either remain unmarried or be reconciled to her husband; and the husband must not divorce his wife.

To the rest I say this, as my own word, not as the Lord's: if a Christian has a heathen wife, and she is willing to live with him, he must not divorce her; and a woman who has a heathen husband willing to live with her must not divorce her husband. For the heathen husband now belongs to God through his Christian wife, and the heathen wife through her Christian husband. If on the other hand the heathen partner wishes for a separation, let him have it. In such cases the Christian husband or wife is under no compulsion."

This passage is significant because chronologically it is the earliest New Testament reference to the subject of divorce and remarriage. For Paul it was clearly Christ's "ruling" that husband and wife should remain together. If they should separate they should both remain unmarried (i.e. without the relationship of marriage), or be reconciled.

Paul then goes on to say "as my own word, not as the Lord's" that a Christian married to a "heathen" spouse should not initiate divorce on grounds of spiritual incompatibility.

However, should the "heathen" spouse want a separation, the Christian is under no compulsion and should let him or her have it.

It has been inferred from this passage that Paul introduces an "exceptive clause" by granting that a non-believer may divorce a Christian spouse. It is clear that Paul is speaking in a Gentile context; he speaks of a wife divorcing her husband - a Roman-law notion not a Jewish one. He is addressing himself to a new issue which has emerged in the Young Church: namely, spiritual incompatibility. However, Paul is quite clear that a Christian may not initiate divorce in such a case. In effect he is saying that part of the price of being a Christian may be that your unbelieving spouse will divorce you. In that event you cannot prevent your spouse from doing so.

Essentially the passage affirms Christ's teaching on marriage. It affirms a life-long relationship as the norm but also reflects the fact that the norm may not always be attained. It says nothing definite about remarriage after divorce, but this is not to be expected, for this chapter was written in the abnormal circumstances of the "impending distress" (v.26) and "the form of the world passing away." (v.31)

Pauline teaching on divorce, remarriage and the ministry

Hitherto we have discussed marriage and divorce in general. There are passages in the Pastoral Epistles which specifically raise the question of divorce as it affects the ministry. In I Timothy 3: 2ff and Titus 1: 6 we are told that a bishop should be above reproach, and it is stated, among other things, that he should be "faithful to his one wife" or "married only once".

It should first be noted that in the New Testament the meaning of "bishop" and "presbyter" (minister in our sense) is very similar. The phrases "faithful to his one wife" or "married only once" may simply indicate a prohibition of polygamy. They may also be taken to forbid not only marriage after divorce but also remarriage after the death of one's spouse. The view to be preferred however seems to be that the qualities listed in these passages as required of a bishop are ideals to be reached after than laws to be rigidly applied. Thus a man's failure to win obedience from his children for example is not regarded as a disqualification from continuing in office. In consequence it would seem to indicate that there is no absolute prohibition against the admission of ministers who are divorced and remarried. Paul's own teaching on Grace and Law taken as a whole would seem to support this view. However, the norm expressed in the words 'married only once' mean that such admissions should most certainly be approached with caution.

2.3.3 Theological approaches to marriage

We have already embarked upon theological reflection in our discussion of the New Testament evidence concerning marriage and divorce. We have noted that the legalist

approach to the teaching of Jesus may lead either to an indissolubility position or a position that permits divorce with remarriage, depending upon the view of the nature of the marriage relationship with which we approach the evidence. We have argued, on the contrary, that Jesus was not a legislator; that his teaching affirmed the divine intention for marriage; and that failure to realise this intention must be viewed in the context of judgment, grace and forgiveness. This approach takes seriously both the words of Jesus about marriage and divorce and also the reality of divine forgiveness and renewal.

We may also express a theology of marriage in terms of Covenant. God bound himself to Israel in a covenant relationship. On the one side was his gracious acceptance and unshakeable fidelity; on the other, Israel's obedient response. This covenant was frequently compared with the marriage relationship, and frequently Israel was unfaithful to the covenant; only God's unshakeable fidelity and steadfast love preserved it. Ephesians takes up this theme and compares marriage with the (new) covenant relationship between Christ and the Church (Eph. 5: 25-31)

This analogy suggests that marriage like the covenant is based on love and fidelity. The natural love (eros) between a man and a woman on which marriage is based is given stability through mutual fidelity (loyalty). One consequence of man's sin is that fidelity may be lost. Divine patience is always a challenge to married partners to remain faithful to each other especially when they are wronged, but at this point the analogy breaks down because human love can never be identical with divine love. In marriage both partners share the potential expressed in their being in the image of God, but they also share the capacity for sin. One-sided fidelity, where all hope of a response from the other partner is lost, is tragic indeed, for without mutual loyalty the relationship has ceased to exist. Divorce is the recognition of this fact.

The covenant analogy implies a functional or relational view of marriage. It enables us to perceive that fidelity, in the sense of mutual loyalty, is the essential characteristic of marriage, and to recognise that breakdown in fidelity is the root of marital breakdown. In this light the 'grounds for divorce', whether they are expressed in terms of Mosaic or Roman-Dutch Law, are but outward manifestations of a fundamental failure in fidelity. It is interesting to note in this connection that there is a tendency in law today to move away from the doctrine of 'marital guilt' to one of 'marital breakdown' in which the concepts of guilt and innocence are less important than the Court's assessment of whether or not the relationship between spouses is broken beyond repair.

Recognition of the failure in fidelity which results in the breakdown of marriage, when it is accompanied by repentance (metanoia), can lead to the restitution of the relationship. The Church ought therefore to devise pastoral means whereby it can enable restitution to take place in situations of

marital stress, and the Commission later makes certain recommendations in this connection.

It is clear, however, that in some cases failure in fidelity reaches such proportions that there is no hope of restitution, and the marriage is beyond repair. Divorce is the recognition of this fact.

The Church is called upon to uphold the sanctity of marriage and cannot therefore condone divorce and the failure which it represents. At the same time the Church is called upon to administer grace and forgiveness to those who have fallen short. In order that it may not administer 'cheap grace' the Church must ensure that the fruits of repentance are evident in those who seek forgiveness. Recognition of the failure which divorce represents, when it leads to repentance (metanoia), makes forgiveness and new life possible.

The Church must see the issue of remarriage in the context of the Biblical understanding of judgement, grace and forgiveness. New life which is the fruit of repentance and forgiveness can, we believe, be expressed in a new marriage. There is no reason why such a new marriage cannot be a means of grace and redemption; that is to say, in principle a new marriage can fulfil all that we have said about the nature of Christian marriage in this section.

3. PASTORAL AND LEGAL CONSIDERATIONS

We have argued that on Biblical and theological grounds it is permissible for the Church to consider the admission to the ministry of persons who are divorced or divorced and remarried. There are, however, pastoral and legal considerations which must be weighed carefully before the Church admits such persons.

3.1 Pastoral

The Commission gave careful consideration to the following pastoral factors:

3.1.1 Personal

- (a) These factors relate to the emotional and psychological state in which a divorced minister finds himself. His own emotional balance may well have been brought under tremendous strain as a result of the grief, guilt and loneliness brought about by the break-up of his marriage. While readmission to the ministry may well be permissible on theological and Biblical bases his own emotional and psychological state may be such as to prevent such readmission.
- (b) Needless to say a divorced minister's spiritual state, in the sense of his own repentance, experience of personal forgiveness, and assurance of calling may well be factors which prevent his

readmission to the ministry. Consequently, whatever other factors may permit his readmission to the ministry or otherwise, his spiritual experience in the widest sense, of course, but also in respect of the abovementioned aspects should be carefully weighed.

- (c) The Commission cannot but accept that the divorce experience is a traumatic one which must leave scars upon the life of the person concerned. Consequently, and again apart from any other consideration, the Church in considering any readmission must be satisfied that there has been an acceptable and satisfactory readjustment so that such person can exercise a full ministry.

3.1.2 Ministerial

(a) Role:

- (i) It has been argued that no distinction should be made in the treatment of ministers and the laity because Methodism accepts the priesthood of all believers and denies that the minister possesses any priesthood which differs in kind from that which is common to all the Lord's people. Nevertheless, it has to be recognised that there is a difference in function between ministers and laymen. Should a minister be divorced, or divorced and remarried, this raises the question as to whether he can continue to fulfil those functions effectively.
- (ii) The minister has a unique relationship with his congregation, and is required in the course of his work to deal with many questions which involve moral and ethical issues. Thus his personal habits and life-style are of great importance if he is to speak so as to be heard and to be acceptable and helpful to people in time of stress. The minister's role has traditionally been described as "prophet, priest and pastor". He speaks as prophet when he expounds and applies the Word of God in preaching and by other means. His integrity or lack of it will influence the response of men and women in the pew. The minister's role is priestly in the sense that he leads and represents the whole People of God in the offering of worship and prayer, and also speaks on behalf of God to his people. As such he should exemplify high moral and spiritual standards, the absence of which may be devastating. As a pastor the minister comes to know people in a very intimate way and has an entree into their homes that persons of other professions do not have. This privilege brings with it a corresponding responsibility, for many counselling situations

are full of pitfalls, especially with reference to transference. A pastor in an unhappy home situation becomes most vulnerable as he counsels other unhappy people, particularly those of the opposite sex. Furthermore, in the eyes of the community, the minister represents or embodies the Church which is judged by his example. The fact that this should not be so does not alter the situation. For all these reasons the personal character and integrity of the minister are of the utmost importance.

(b) Difficulties:

The circumstances leading to and arising from the divorce of a minister may undermine the confidence of a congregation and severely inhibit the carrying out of his work. Couples having family problems may consider that his own failure in marriage precludes him from helping them, and some people may doubt whether he is fit to counsel their young. He will probably find it difficult to preach on certain topics and, if he does, the congregation may find it difficult to accept what he says. His own emotional balance will be under strain as he works through the crises of grief, guilt and loneliness and seeks to adjust to his situation. In other words the enquiry is as to whether a divorced minister can exercise a full ministry. If he is not so able, or if his ministry in any particular sphere is likely to be severely limited as a result of the divorce then, again apart from any other consideration, his application will have to be reviewed with care.

(c) Cultural diversity:

The Commission accepts that the Methodist Church exercises its ministry in a culturally diverse context, and that what may be appropriate in one particular set of circumstances may not be appropriate in others. In other words, even if all other factors relating to re-admission are satisfactory, there should nonetheless still be an investigation into whether there are present any cultural factors which would make the readmission of such a person inadvisable.

(d) Opinions of Methodist people:

The Commission is of the opinion that the issue of re-admission of divorced persons to the ministry relates to a principle based on theological and Biblical considerations as well as pastoral and legal factors, and that the general attitude of Methodist is not relevant to such considerations. The Commission accepts, however, that in a particular situation the attitudes of Methodist people within that situation may well be relevant. Thus the acceptance of a principle as to whether divorced persons should or should not be re-admitted is to be decided by the Conference; on the other hand as to whether a particular divorced person is to be stationed in a particular Circuit is a matter

upon which the attitude of the people in that Circuit may well be relevant.

3.2 Legal

(a) Status:

The Commission considered certain legal aspects to be important and in particular the fact that a divorced man in law is accorded a status of a divorcee. As such certain rights are accorded to him, and perhaps of greater importance certain liabilities attach to him. These in the main relate to his relationship to his ex-wife (or husband) and his children. Thus, and to repeat what has been said on a number of occasions, even if there be good reason to readmit a person to the ministry there may be legal factors which render such action inadvisable.

(b) Guardianship and custody:

As a divorcee a person incurs obligations and enjoys certain rights. Thus, for instance, the exercise of access to his children is a very material factor. This may present insuperable problems. Our itinerant and stipendiary system is such that the exercise of the right of access is made difficult or impossible and therefore to the detriment of the interests and well-being of children.

(c) Maintenance

As a divorcee a person may well incur liabilities in respect of maintaining his ex-wife and almost inevitably in respect of his children. Again the stipendiary system is such as to prevent the payment of adequate maintenance, in which case, despite all other considerations, such case for readmission cannot be considered.

4. PROCEDURE

- 4.1 In the opinion of the Commission the Church cannot limit its pastoral concern to cases in which divorce has been decided upon or obtained. That things should come to this pass is in some sense a reflection upon the Church which has failed to support its ministers adequately in an age and in a vocation in which marriage is subject to severe strain. For this reason our recommendations go somewhat beyond our terms of reference. We believe that the Church should make provision for ministers and their prospective wives or husbands to receive adequate preparation for marriage, and should ensure that this includes special attention to the circumstances of ministerial marriage. Arrangements should also be made for the continuing pastoral care of ministers and their families.

The Commission recommends as follows:

- (i) There is urgent need for Chairmen of Districts to exercise their role as pastors of the pastors. Their responsibilities should be reviewed and adjusted to enable them to care more adequately for their ministers and families.

However, the Chairmen may not always be an effective or the appropriate counsellor in a particular case. For this and other reasons an attempt should be made to provide District Counsellors, with training and experience in marriage and family counselling, to whom Chairmen may refer or to whom ministers may go of their own choice.

- (ii) The Church should re-affirm Wesley's advice that no serious step be taken towards marriage without consulting the brethren. In the case of candidates or probationers, special provision should be made for counselling during the period of engagement, as part of the requirements for Conference permission to marry. Such counselling would normally be arranged by the District Counsellor.
- (iii) Married candidates and their wives/husbands should, prior to the Synod which recommends them to Conference, receive counselling in which they are made aware of and prepared for the circumstances of marriage in the ministry.
- (iv) Action in the event of marital crisis:
 - (a) Should tensions arise which the couple are not able to handle on their own, they should be encouraged to seek counselling before the situation has deteriorated too far.
 - (b) Should the couple feel that the problems are becoming insoluble and they consider divorce, they shall consult the Chairman of the District. He shall refer them to the District Counsellor (if such contact has not already been made) who shall seek to help them, if at all possible, towards a reconciliation.
 - (c) Once divorce proceedings have been decided upon the President of Conference shall appoint a pastoral committee to investigate the case. Its membership should include the Chairman of District, any counsellor involved in the case and at least one representative of the Standing Committee recommended in (d) below.
 - (d) The Pastoral Committee shall report to a Standing Committee, appointed by Conference and meeting prior to Conference, which shall consider the report and recommendations, interview the persons involved should this be considered necessary, and recommend appropriate action to Conference. Conference should ensure that the Standing Committee includes members who are trained and experienced in marriage counselling. (The Commission will suggest certain names for the consideration of Conference).
 - (e) As soon as divorce proceedings are legally instituted, by or against any ordained minister or probationer, he shall cease to exercise his functions without necessarily forfeiting his stipend, pending the report of the Standing Committee. In the light of the report the

President of Conference may, at his discretion, re-instate the minister pending the decision of Conference.

- (f) Provision should be made for the post-divorce counselling of the minister, whether or not he remains in the ministry, and if possible of his former spouse.

4.2 Procedure with regard to application for the marriage of divorced ministers, and re-instatement or candidature of divorced persons

- (a) Where a minister in full connexion who has been divorced, or a probationer who has been divorced, wishes to marry again, the matter shall be referred to the Standing Committee which shall make a recommendation to the Ministerial Session of the ensuing Conference in the light of the relevant policy and criteria as set out in 4.5 below.
- (b) Where a former minister in full connexion, who has been divorced, whether married again or not, or a former such probationer, applies for re-admission to the ministry, the matter shall be referred to the Standing Committee which shall make a recommendation to the Ministerial Session of the ensuing Conference, in the light of the policy and criteria.
- (c) In the case of a Candidate for the Ministry who has been divorced, whether married again or not, his case shall be similarly considered by a Pastoral Committee, which shall make its recommendation in the first instance to the relevant Synod, whose further recommendation shall be considered by the Standing Committee in the light of the policy and criteria. The recommendations of Synod and the Standing Committee shall be reported to the Ministerial Session of the ensuing Conference.

4.3 Guidelines for the Standing Committee and Pastoral Committee in dealing with cases of divorce:

- (a) If, after full consideration of the circumstances surrounding the case, there seems to be no indication of indiscretion or immoral activity on the part of the minister, and a genuine attempt has been made at reconciliation, the Standing Committee may recommend to the President the immediate re-instatement of the minister, pending the decision of Conference, to which the Committee may make a suitable recommendation.
- (b) However, if there seem to be doubts about his general moral behaviour and efforts at reconciliation, which might militate against the effectiveness of his ministry, the Committee may recommend to the President that he be not immediately re-instated, and that Conference consider giving him a year's leave of absence pending satisfactory reports on him at the ensuing Conference. During the year's leave of absence the minister shall -

- (i) be under the guidance of the Chairman of the District and the District Counsellor, who shall report through the Standing Committee to Conference;
 - (ii) maintain a direct and active link with the Church;
 - (iii) attempt any restitution that may be possible in relation to the divorce.
- (c) If there is clear indication of unworthy conduct on the part of the minister, the Committee may recommend to the President that such conduct form the basis of a charge for investigation by a Minor Synod in the District where it occurred, and the established subsequent procedure be followed.

4.4 If a divorced minister who has been allowed to continue in the ministry or has been restored to Full Connexion wishes to marry, his application shall be considered by the Standing Committee which should be satisfied that the minister concerned has received counselling and that:

- (a) he has recognised and repented of his share in the failure of the previous marriage, and has made restitution where possible;
- (b) he has had sufficient time to adjust satisfactorily to the dissolution of the previous marriage;
- (c) he has dealt constructively with the faults in himself that undermined the previous relationship;
- (d) he has made adequate provision for the children of the previous marriage especially in regard to custody and maintenance;
- (e) he is likely to establish a stable relationship with his new partner.

If thus satisfied, the Standing Committee may recommend to Conference that the minister concerned be permitted to marry again while remaining in Connexion with the Conference.

4.5 If a minister who resigned or was suspended from the ministry on the grounds of divorce and has subsequently remarried, seeks re-instatement, the application shall be considered by the Standing Committee which shall:

- (a) Review the report of the Pastoral and Standing Committee at the time of the divorce and satisfy itself that the circumstances were such that re-instatement may be considered;
- (b) Satisfy itself that the applicant:

- (i) has repented of his share in the failure of the previous marriage and has made restitution where possible;
- (ii) has adjusted satisfactorily to the dissolution of the previous marriage;
- (iii) enjoys a happy and stable relationship with his new partner;
- (iv) has made adequate provision for the children of the previous marriage, especially in regard to custody and maintenance;
- (v) has maintained a vital relationship with the Church.

In order to ascertain this, the Standing Committee may request the applicant and his wife to attend an interview with itself or certain of its members, and if necessary, to interview a counsellor.

- 4.6 The cases of candidates for the ministry who have been divorced and married again, shall be considered by the Pastoral and Standing Committees in terms of the same criteria as those listed above.

5. CONCLUSION

The Commission believes that the Church should clearly proclaim the biblical norm of marriage as the life-long union of one and one woman in mutual love and fidelity. This norm judges our imperfect achievements in marriage and thus saves us from the sins of pride, complacency and censoriousness. It also serves as a challenge to further growth in this most intimate of human relationships.

The Church should also recognise that human sin disrupts all relationships, including marriage, and should clearly display the compassion of its Master who was the friend of sinners and brought to them the gift of acceptance, forgiveness and healing. We should be concerned with the health, wholeness and future growth of those who become involved in the tragedy of marital breakdown, and we should help them to maintain a vital, active relationship with the Church, even if they may not continue within the ranks of the ordained ministry.

In considering the relationship to the ordained ministry of divorcees or divorcees who have married again, the Church should have due regard for the Christian norm, the welfare of the persons concerned and his dependants, and the interests of the Church at large.

The Commission believes that the procedures and criteria suggested in this report will help the Church to maintain this balance and will ensure that applications for continuance in or readmission to the ministry are considered with the utmost circumspection.

RESOLUTIONS TO CONFERENCE

The Commission recommends that:

1. (a) Conference establishes a Standing Committee to consider and make recommendations to Conference in its ministerial session which shall decide by a majority of 2/3 on
 - (i) the reports of all Pastoral Committees appointed in terms of paragraph 2 below;
 - (ii) the applications to marry of ministers or probationers who have been divorced;
 - (iii) the applications for re-instatement of former ministers or probationers who have been divorced;
 - (iv) the candidature of any persons who have been divorced.
 - (b) The Standing Committee shall meet at the time of the September meeting, and shall be guided in its deliberations by the guidelines and criteria set out in the report of the Commission on the Relation of Ministers who have been Divorced and Remarry.
 - (c) The Standing Committee shall consist of:

The Secretary of Conference (Convener), Revs. R.H. Light, J. Fourie, M.S. Magoba, and the Chairman of the District in which the minister resides.
 - (d) The Standing Committee shall have the right to interview or consult any persons whom it considers may be able to assist the consideration of particular cases.
2. As soon as divorce proceedings are legally instituted, by or against any ordained minister or probationer, the President of Conference shall appoint a Pastoral Committee whose membership shall include the Chairman of District, any counsellor involved in the case (being an ordained Methodist Minister) and at least one additional member of the Standing Committee set up in terms of paragraph 1 above. This Committee shall report to the Standing Committee through which a recommendation shall be made to Conference.
 3. As soon as divorce proceedings are legally instituted, by or against any ordained Minister or probationer, he shall immediately cease to exercise his functions without necessarily forfeiting his stipend, pending the report and recommendation of the Standing Committee. In the light of this report the President of Conference may re-instate or suspend the minister pending the decision of Conference.
 4. An ordained Minister or probationer who has been divorced and wishes to marry again, shall submit his application to the Chairman of District who shall forward it, with his comments, to the Secretary of Conference for the consideration of the Standing Committee.

(ii)

5. A former ordained minister or probationer who has been divorced and wishes to be re-instated shall submit his application to the Chairman of the District in which he resides who shall forward it, with his comments, to the Secretary of Conference for the consideration of the Standing Committee.
6. A candidate for the Ministry who has been divorced shall appear before a Pastoral Committee appointed in terms of paragraph 2 above, which Committee shall report in the first instance to the relevant Synod. The Report of the Committee and the further recommendation of the Synod shall be forwarded to the Secretary of Conference for the consideration of the Standing Committee.
7. Conference instructs the Department of Education for Ministry to investigate and make provision for the training of ministers as pastoral counsellors who will be able to perform the functions of District Counsellors as envisaged in the report of the Commission on the Relation of Ministers who have been Divorced and Remarry.
8. Conference instructs Chairmen of Districts to ensure that adequate preparation for marriage is received by probationers requesting permission to marry and is available to their intended spouses; and also that married candidates for the ministry and their spouses are made aware of and prepared for the circumstances of marriage in the ministry.
9. Conference refers to the Revision Committee the examination of Laws and Discipline para. 4/103-5 in the light of current developments in legal thought.

A HANDBOOK FOR DISCIPLINARY COMMITTEES

THE METHODIST CHURCH OF SOUTHERN AFRICA

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GENERAL FOREWORD

The purpose of this handbook is to provide disciplinary committees with a ready reference to some of the relevant documents that have been published relating to disciplinary work in the church. This handbook must be read in conjunction with the relevant sections of Laws & Discipline.

The first section of the book is The Manual of Procedure with checklists to help disciplinary committees in the "nuts and bolts" application of our discipline. For easy reference we have colour coded the pages of this section pink.

The second section of the book is A Case Precedent Of Conference Decisions Over The Last 40 Years, and it also contains a chapter dealing with sentencing in general. For easy reference we have colour coded the pages of this section white.

The third section of the book is The Disciplinary Code which is the working document compiled by the original committee dealing with the changes to the Laws & Discipline. This document tabled at the 1995 Conference Convocation provides an interesting insight into the reasons for the changes to our laws.

I wish to express my thanks to Laura and Duncan MacBean and Anne Ward for their work in typing the manuscript and producing this book.

OCKIE VAN NIEKERK

CAMPERDOWN
MAY 1997

SECTION ONE

A MANUAL OF PROCEDURE FOR DISCIPLINARY COMMITTEES

THE METHODIST CHURCH OF SOUTHERN AFRICA

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FOREWORD

The disciplinary courts of our church have been radically altered by a resolution of the 1995 Conference. This Conference also decreed that a Manual of Procedure be written and this document is the result of that resolution.

The existence of such handbooks and manuals is vital to the proper administration of justice in our church. This manual is meant as an easy reference for the conveners and members of disciplinary committees, as well as for those who may appear before these committees.

It is essential that our law be meticulously applied and that all the steps and procedures mentioned in Laws and Discipline are adhered to. The conveners of the different committees are urged to make themselves well acquainted with this manual and the relevant portions Laws and Discipline. Failure to do this can result in the church being involved in lengthy and expensive civil litigation and can result in injustice being committed to the parties involved in disciplinary matters.

The committee is very conscious of the fact that we are all breaking new ground with the new disciplinary code and that this manual will be amended as we gain new insights in the practice and application of the code.

OCKIE VAN NIEKERK

CAMPERDOWN
NOVEMBER 1995

CHAPTER ONE

THE PASTORAL COMMISSION

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1.3 CHECKLIST

1.1 INTRODUCTION

The Pastoral Commission is constituted in terms of para 4.108 and 4.109 of the Laws and Discipline. A Pastoral Commission when duly constituted and appointed by a Bishop or by the Presiding Bishop must be mindful that it is to conduct its proceedings in a "pastoral and constructive manner. It is not to arrive at a verdict about a dispute.....".

Pastoral Commissions in the past have gone beyond this mandate and have often been nothing less than a preliminary hearing to see whether charges should be laid or not. This is not the purpose of this commission. Its purpose is first and foremost to effect mediation and reconciliation and to do everything within its power to settle disputes at this level.

The Pastoral Commission must heed the accusation Paul levels at the Corinthian church:
"Why the very fact of you having law suits with one another is a defeat, - an evidence of a positive moral loss for you...." (1 Cor 6:7 Amplified version).

The commission should therefore have as its main purpose the mediation of conflict between parties.

THE MERITS OF MEDIATION CANNOT BE OVER EMPHASISED AND THESE ARE AMONGST OTHERS:

Mediation provides a swift alternative to the lengthy process of laying charges through the disciplinary courts of our church. The sooner matters are mediated and conflicts are resolved the quicker the church can get on with its business of extending the Kingdom.

MUTUALLY SATISFACTORY OUTCOME

Parties are generally more satisfied with solutions as these are mutually agreed upon, and are not imposed by an outside committee.

HIGH RATE OF COMPLIANCE

Parties who have reached their own agreement through mediation are generally more likely to follow through and comply with the terms than when an agreement has been imposed by a third party.

COMPREHENSIVE AND CUSTOMISED AGREEMENTS

Mediated settlements can address both legal and extra legal issues. Mediated agreements often cover procedural and psychological issues which are not covered by the law of the church. The parties can tailor the settlement to their own particular situation.

PRACTICE IN AND LEARNING OF CREATIVE PROBLEM SOLVING PROCEDURES

Mediation teaches people practical problem solving techniques that can be utilised to resolve future disputes. The educational component of mediation contrasts sharply with the Disciplinary procedures which are almost exclusively outcome orientated.

GREATER DEGREE OF CONTROL AND PREDICTABILITY OF OUTCOME

Parties who negotiate their own settlements have more control over the outcome of the disputes. Gains and losses are more predictable in a negotiated or mediated settlement than they would be if they were to be brought before a Disciplinary Committee.

PERSONAL EMPOWERMENT

People who negotiate their own settlements often feel more powerful than those who use the legalised disciplinary structures of the church. Mediated negotiations can provide a forum for learning about and the exercising of personal power and influence but more so a way of scriptural problem solving.

PRESERVATION OF AN ONGOING WORKING RELATIONSHIP OR TERMINATION OF RELATIONSHIP IN A MORE AMICABLE WAY

Many disputes occur in the context of relationships that will continue over future years. This is particularly true in the church situation. A mediated settlement that addresses all parties interests can often preserve a working relationship in a way that would not be possible with a win-lose decision making procedure. Mediation can also make the termination of a relationship more amicable.

WORKABLE AND IMPLEMENTABLE DECISIONS

Parties who mediate their differences are able to attend to the finer details of implementation. Negotiated or mediated agreements can include specially tailored procedures for how the decisions will be carried out. This fact often enhances the likelihood that parties will comply with the terms of settlement.

MEDIATED AGREEMENTS ARE GENERALLY BETTER THAN A SIMPLE COMPROMISE OR A WIN-LOSE OUTCOME

Mediation can result in settlements that are far more satisfactory to all parties concerned than a compromise decision in which someone wins and someone loses. Parties are enabled to look for ways to expand the alternatives and look for solutions that create gains for all and losses for none.

DECISIONS THAT HOLD OVER TIME

Mediated settlements tend to hold over time and if a later dispute results parties are more likely to utilise a co-operative forum of problem solving to resolve the differences than to pursue informal disciplinary charges which result in an adversarial dispute and outcome. (The above information comes from the Conflict Mediation Skills Workbook published by Vuleka Trust of Botha's Hill pages 59-62).

1.2 PROCEDURES FOLLOWED IN THE COMMISSION

MANDATE

The Bishop or Presiding Bishop will appoint a Pastoral Commission, nominate a convenor and give the convenor a specified mandate detailing the issues to be dealt with and the parties involved. The mandate will always include an imperative to seek, by every means, a mediated settlement of all disputes.

CONSTITUTION AND SIZE

Laws and Discipline does not limit the size of the Pastoral Commission and as a general rule it consists of between three and five persons. The Bishop and/or Presiding Bishop are totally at liberty to appoint any number of persons to a Pastoral Commission. They also have total freedom in the constitution of the Pastoral Commission as far as male/female ministerial and lay persons are concerned and they will, in their wisdom, appoint a Pastoral Commission which they believe will be best suited for a particular situation.

THE DISTRICT PANEL OF MEDIATORS

Every district will, in time, have a panel of trained mediators who will be trained. It is strongly recommended that initially at least two of the persons acting on a particular Pastoral Commission must have undergone the training and in time all those who are on the District Panel would have gone through different training programmes. The "Basic Human Relations", "Handling Conflict Creatively", including "Effective Negotiations Skills", and "Mediation Skills".

THE PLACE OF MEETING

The convenor should choose a neutral venue easily accessible to the parties concerned.

PROCEDURES AT MEETINGS

The convenor will do everything possible to make sure that the Pastoral Commission, in its hearings and deliberations, does not regress into an adversarial process of accusation and counter-accusation. Seating arrangements, the way in which the various interested parties are called to state their cases, the general atmosphere and other matters of this nature all contribute to the ethos of a meeting.

SUBMISSION OF FINDINGS TO PRESIDING BISHOP

The convenor of the Pastoral Commission shall, as soon as possible, after the conclusion of the Commission's proceedings submit a written report of findings and/or recommendations to the Bishop or Presiding Bishop and a copy of this should be sent to each one of the parties involved.

1.3 CHECKLIST

The following is a checklist for the guidance of the convenor of the Pastoral Commission:

PRELIMINARY STEPS

- 1.3.1 Have I received my letter of appointment as Convenor of the Pastoral Commission?
- 1.3.2 Have I arranged an accepted date of meeting with the others members of the committee and with all the parties involved as mentioned in the Bishop's letter of appointment?
- 1.3.3 Have I booked a venue?
- 1.3.4 Have I informed the Bishop of all the above arrangements?
- 1.3.5 Have I contacted my fellow committee members and the parties concerned once again to confirm all arrangements? (Two days before the hearing).

THE MEETING

- 1.3.6 Have I made arrangements to get to the meeting at least an hour earlier than the scheduled start?
- 1.3.7 Have I ensured that the meeting hall is in readiness for the meeting with enough chairs, toilet facilities, etc?
- 1.3.8 Have I welcomed everyone present or deputised someone to do so?
- 1.3.9 Have I arranged for proper devotions and prayers to be held?
- 1.3.10 Have I appointed a recorder, not necessarily to take down a minute of everything that is said, but to record the general discussion points?
- 1.3.11 Have I read out the letter of appointment in the presence of all the parties concerned?
- 1.3.12 Have I allowed all interested parties to have their say?
- 1.3.13 Have I ensured that the adversarial procedures of accusation and counter-accusation and the feeling of giving evidence in court has not crept into the proceedings?
- 1.3.14 Have I and the other members of the Pastoral Commission used all of the counselling, mediation and conflict resolution skills we could to resolve any conflict areas?

SUMMATION

- 1.3.15 Have I given at the close of the proceedings a short summary of the proceedings of the meeting?

- 1.3.16 Have I included in my summary any terms of a settlement that may have been reached?
- 1.3.17 Have I included in my summary any factual findings made by the commission?
- 1.3.18 Have I obtained from all the parties concerned their names and addresses in order to send a copy of the report being prepared for the Bishop to them?
- 1.3.19 Have I prepared a full report including the summary given to the parties at the close of proceedings as well as a general comment by the committee of the proceedings of the Pastoral Commission?
- 1.3.20 Have I taken adequate steps to secure to security of any confidential material that was before the commission?

GUIDELINES FOR THE BISHOP

- 1.3.21 Have I received and studied the report of the pastoral commission?
- 1.3.22 Have I reviewed the recommendations of the commission, if any?
- 1.3.23 Is it necessary to meet with the convenor of the commission if further clarification is needed?
- 1.3.24 What is the appropriate action to take herein and how do I implement this? (in consultation with the Presiding Bishop if necessary).

CHAPTER TWO

THE DISCIPLINE OF MEMBERS

CONTENTS

2.1 INTRODUCTION

2.2 PROCEDURES FOLLOWED IN THE LEADERS MEETING WHEN DEALING WITH MATTERS OF DISCIPLINE

2.3 CHECKLIST

2.1 INTRODUCTION

The Laws and Discipline paras 3.18 - 3.35 clearly lay down the procedures to be followed and it must be remembered that the leaders' meeting, when dealing with matters of discipline, shall consist of those who are ordinarily members of that meeting and must be convened strictly in accordance with the provisions of paras 7.37 - 7.40.14.

2.2 PROCEDURES TO BE FOLLOWED IN THE LEADERS' MEETING WHEN DEALING WITH MATTERS OF DISCIPLINE

All accusations against members, leaders, local preachers and stewards are to be brought in writing to the Superintendent who shall decide whether these are sufficiently serious to warrant the laying of formal charges. The Superintendent, if he considers the matter to be sufficiently serious, shall

convene a leaders' meeting to try the case and such leaders' meeting shall take place not less than fourteen days after proper notice has been given to the accused. In this written notice a charge shall be laid and such charge shall include details of the alleged offence, the date, place and time of the society leaders' meeting that will hear the case. The society leaders' meeting shall meet strictly in accordance with the provisions of paras 7.37 - 7.39 and shall hear the charge as well as evidence led by the accuser and his or her witnesses and shall also afford the accused to give evidence in rebuttal of any charge or evidence brought and to call witnesses as he or she may request. The society leaders' meeting may then declare its verdict on the facts established and state whether they believe such to be a violation of laws and of the church, and they as a leaders' meeting, shall then recommend to the Superintendent the appropriate sentence.

If the person is found guilty the Superintendent shall decide the sentence on recommendation from the leaders' meeting. The Superintendent shall also inform the accused of his or her rights of appeal. The sentence will not take effect until one week after the date of the leaders' meeting or the expiry of the appeal period, which ever is shorter.

2.3 CHECKLIST

The following is a checklist for the guidance of the Superintendent or the minister presiding over the leaders' meeting when it sits as a disciplinary court.

PRELIMINARY STEPS

- 2.3.1 Is there a clear allegation against the member that he or she has violated the law of God and of the church and is such allegation sufficiently serious to warrant a charge being laid?
- 2.3.2 Has the charge been properly formulated in written form and does the letter include full details of the alleged offence and the date, place and time of the society leaders' meeting at which the charges will be heard?
- 2.3.3 Have all the leaders who form the society leaders' meeting in terms of para 7.40 - 7.40.14 been properly notified of the date and place of the leaders' meeting and the nature and purpose of the disciplinary proceedings to be discussed at such leaders' meeting?
- 2.3.4 Has the accused been properly notified either by the delivery of the written document containing the charge in person in the company of one witness or by registered post addressed to the last known address of the accused?
- 2.3.5 Is there a fourteen day period between the delivery of the document containing the charge and/or the posting of the letter and the actual trial date?

THE LEADERS' MEETING

- 2.3.6 If the Superintendent of the circuit does not chair this meeting, is the person he has deputised thereto properly appointed? (Letter of appointment is to be read out to the meeting).
- 2.3.7 Is the leaders' meeting properly constituted in terms of para 7.37.8?
- 2.3.8 Has the charge been read aloud to the accused and to the meeting?
- 2.3.9 Has the charge been explained to the accused in his or her mother tongue?
- 2.3.10 If the accused is not present is the presiding officer satisfied that proper notice has been given to the accused in terms of the provisions of L & D?
- 2.3.11 If the accused is present, has he or she been asked to plead to the charge brought to him or her either in the affirmative or negative (guilty or not guilty)?
- 2.3.12 Has the accuser been given opportunity to state case and call witnesses in support of the charge?
- 2.3.13 Has the accused been given an opportunity to rebut any accusations brought and/or to call any witnesses in defence?

THE VERDICT

2.3.14 Has the society leaders' meeting received sufficient evidence and argument before it to arrive at a verdict?

2.3.15 Is there any question from a member of the leaders meeting to the accused or the accuser to clarify any of the issues raised?

2.3.16 Has the society's leaders meeting declared its findings on:

The facts found established before it on evidence?

Whether such facts prove a violation of the laws of God and of the church?

2.3.17 In the light of the above has the society leaders' meeting, by normal majority vote, stated clearly that the accused is guilty or not guilty?

2.3.18 Has this verdict been conveyed to the accused and accuser if they are present and, if not, has the presiding officer ensured that such verdict is conveyed either by personal delivery of a written document or by registered post?

THE SENTENCE

2.3.19 Has the leaders' meeting decided the sentence?

2.3.20 Has the Superintendent informed the accused of the sentence in writing?

2.3.21 Has the accused been informed of the right of appeal and has the period of appeal expired before the sentence is enforced?

APPEALS

2.3.22 The accused shall have a right of appeal to the District Disciplinary Committee. If the DDC is the court of trial the appeal shall lie with the Connexional Disciplinary Committee.

2.3.23 A written notice of appeal shall be lodged with the Bishop within a period of 14 days of the personal delivery of the verdict of the leaders' meeting or of the posting of such verdict.

2.3.24 The decision of the committee dealing with the appeal will be final.

CHAPTER THREE

DISCIPLINING OF LOCAL PREACHERS

CONTENTS

- 3.1 INTRODUCTION
- 3.2 PROCEDURES TO BE FOLLOWED IN DISCIPLINING OF LOCAL PREACHERS
- 3.3 CHECKLIST

3.1 INTRODUCTION

The discipline of local preachers is in keeping with the previous disciplinary procedure and the old L & D paras 10.23.1 - 10.23.8 (still to be amended) are to be followed. The circuit local preachers meeting is the proper court of discipline for local preachers. The charges against local preachers may be brought as follows: firstly a local preacher or minister within the circuit may raise an objection to the moral standing or the Christian witness of a fellow preacher when these questions are asked in terms of the standing orders for the conduct of business at local preachers' meetings.

Secondly a charge may be brought by someone outside of the meeting through the Superintendent along the lines of the procedures to be followed in the trial and exclusion of members in the preceding chapter.

The circuit local preachers' meeting when dealing with such a charge, shall act as a court of discipline and shall follow all the normal rules of procedure set out for other courts of discipline in this manual.

An accused or accuser may appeal to the District Disciplinary Committee whose decision on the matter will be finalised.

3.2 PROCEDURE TO BE FOLLOWED

If an objection is made in a local preachers' quarterly meeting against the moral standing of a local preacher, it is undesirable to consider the matter immediately because the accused should be allowed time to prepare a defence. It is best to adjourn the meeting and to resume it at least two weeks later to consider the charge.

The procedures to be followed at the postponed local preachers' meeting when a matter of a charge is being considered, must be in keeping with the procedures to be followed in the trial and exclusion of members in the chapter above.

If a charge is of such a nature as to affect an accused's membership status, the case should be referred to the appropriate leaders' meeting.

3.3 CHECKLIST

PRELIMINARY STEPS

- 3.3.1 Is the presiding officer satisfied that the objection to a local preacher's Christian character, fidelity to doctrine and fitness for work is sufficiently serious to warrant a charge being laid before the local preachers' meeting?
- 3.3.2 Has the charge been properly formulated and in the written document are the details of the charge clearly set out as well as the date and place of the local preachers' meeting at which it will be tried?
- 3.3.3 Has a period of fourteen days been allowed between the date of the service of the written document and the date of trial.

THE TRIAL

- 3.3.4 If the Superintendent does not preside at this local preachers' meeting is the presiding officer properly deputed thereto by the Superintendent? (The letter of appointment is to be read out to the meeting).
- 3.3.5 Has proper notice of the trial been given to the accused?
- 3.3.6 Has the charge been read and explained to the accused?
- 3.3.7 If the accused is not present is the presiding officer absolutely satisfied that all necessary steps have been taken to ensure that the accused knows of the date and time of the trial?
- 3.3.8 Has the accuser been given opportunity to state his or her case and call witnesses in support of his or her allegations?
- 3.3.9 Has the accused had the opportunity to state his or her rebuttal to the charges brought and to call evidence in support of his or her defence?

THE VERDICT

- 3.3.10 Has the local preachers' meeting any further questions to ask the accused, the accuser or any witness before arriving at a verdict?
- 3.3.11 Has the local preachers' meeting arrived at a verdict in which they find the accused guilty or not guilty?
- 3.3.12 Has the local preachers' meeting determined an appropriate sentence?

SENTENCE

- 3.3.13 Has a period of seven days elapsed between the local preachers' meeting at which the accused was found guilty and the imposition of a sentence by the Superintendent?

- 3.3.14 Has the Superintendent explained in detail to the accused his or her rights of appeal?
- 3.3.15 Has the Superintendent properly informed by personal service or by registered post the accused of the full extent of the verdict and sentence?
- 3.3.16 Have the accused and accuser been informed of their rights of appeal?

CHAPTER FOUR

DISCIPLINE OF THE MEMBERS OF THE DIACONATE

CONTENTS

- 4.1 INTRODUCTION
- 4.2 PROCEDURES TO BE FOLLOWED
- 4.3 CHECKLIST

4.1 INTRODUCTION

The disciplinary steps to be taken against members of the diaconate are outlined in paras 17.28 - 17.35 of the old Laws and Discipline. This will be amended shortly.

The charges will be brought before a special "wardens court" where the matter will be tried and the verdict and sentence imposed will be subject to review and appeal directly to the Connexional Standing Committee on Discipline.

4.2 PROCEDURE TO BE FOLLOWED

A charge against the member of the diaconate in respect of character, conduct, doctrinal beliefs, fitness for work or observance of Methodist Law & Discipline shall be addressed in writing to the Warden of the Order. The warden shall decide whether such an accusation is frivolous or vexatious or whether it merits a formal charge being laid against the member.

The trial of the accused shall be heard before a special court comprising of the warden of the order or a minister appointed by the warden who shall preside over the court. Two ministers or deacons may be appointed by the accused and two ministers or deacons may be appointed by the accuser. Should any of these fail to make any appointment the warden may make such appointment to ensure that there are seven ministers or deacons acting on this Disciplinary Court.

The procedure of the court shall be in keeping with the procedures to be followed at the District Disciplinary Committee when disciplining ministers, with the proviso that the two ministers or deacons appointed by the accused may not argue the accused innocence before the committee but must, as do other members of the committee, endeavour by all means to arrive at the truth of the accusation and to ensure the proper application of the laws of our church on the proven facts.

The warden shall impose the sentence after guilty verdict has been arrived at by the special court and such sentence shall be made on the recommendation of the Disciplinary Court that tried the matter although the warden is not bound by such recommendation. The decision is subject to review and appeal by the Connexional Disciplinary Committee.

4.3 CHECKLIST

PRELIMINARY STEPS

- 4.3.1 Is the accusation against a member of the diaconate in respect of his or her character, conduct, belief, fitness for work or observance of Methodist Law & Discipline sufficiently serious to warrant a formal charge being laid?
- 4.3.2 If the answer to the above is "yes", has proper notice being given to the accused of the date, place and time of the trial?
- 4.3.3 Is the charge laid out clearly within the written document?
- 4.3.4 Has a period of thirty days been provided for between the service on the charge sheet and the trial?

TRIAL

- 4.3.5 If the warden does not preside over the court, is the presiding officer properly appointed by the warden?
- 4.3.6 Has the accused been given sufficient and proper notice of the trial?
- 4.3.7 Has the charge been read and explained to the accused in his presence?
- 4.3.8 If the accused is not present is the presiding officer absolutely satisfied that proper notice has been given to him or her of the trial?
- 4.3.9 Has the accused admitted or denied the accusation against him or her by pleading guilty or not guilty?
- 4.3.10 Has the accuser been given sufficient opportunity to state his or her case and call witnesses in support of his or her accusations?
- 4.3.11 Has the accused had ample opportunity to rebut the accusations brought against him or her and to call witnesses in his or her defence?
- 4.3.12 Has the trial court had ample opportunity to ask questions of the accused or the accuser and/or witnesses to clarify any issue raised?
- 4.3.13 Is the trial court properly constituted in terms of the Laws & Discipline and has the accused been given opportunity to nominate two persons, either ministers or deacons of his or her choice to serve on the Disciplinary Court?

VERDICT

- 4.3.14 Has the trial court arrived at a verdict in which they have found the accused guilty or not guilty?
- 4.3.15 Has the trial court made a decision on a sentence?

- 4.3.16 Has the warden informed the accused of the verdict of the trial court and his or her sentence?
- 4.3.17 Have the provisions of Laws & Discipline regarding the imposition of the sentence been properly adhered to?
- 4.3.18 Has the accused been informed of his or her rights in regard to the Connexional Disciplinary Committee?

CHAPTER FIVE

THE DISTRICT DISCIPLINARY COMMITTEE

CONTENTS

- 5.1 THE DISTRICT DISCIPLINARY COMMITTEE IN DEALING WITH THE DISCIPLINE OF MINISTERS
 - 5.1.1 COMPOSITION OF THE COMMITTEE
 - 5.1.2 PROCEDURES AT THE SITTING OF THE COMMITTEE
- 5.2 CHECKLISTS
- 5.3 DISTRICT DISCIPLINARY WHEN DEALING WITH APPEALS

5.1 THE DISTRICT DISCIPLINARY COMMITTEE IN DEALING WITH THE DISCIPLINE OF MINISTERS

5.1.1 COMPOSITION OF THE COMMITTEE

This committee will be elected by Synod and will consist of seven members of whom not less than three shall be ordained ministers and not less than three shall be lay persons. Synod shall appoint a chairperson of the Disciplinary Committee who may be a minister or a lay person.

The District Disciplinary Committee will be appointed for a three year period. Synod shall appoint three alternate members to fill any vacancies. (L & D 4.110)

The District Disciplinary Committee will meet whenever there are cases to be tried by it. All matters for the District Disciplinary Committee must be sent to the convenor of this committee through the Bishop.

5.1.2 PROCEDURES TO BE FOLLOWED BY THE COMMITTEE

The committee will fulfil a dual role as a court of first instance in matters of discipline relating to ministers and secondly as a court of appeal and review for matters tried by leaders' meetings, local preachers' meetings or circuit quarterly meetings.

When acting as a court of first instance it hears evidence and tries the case in much the same way as Minor District Synods did in the past and keep a proper record of the proceedings. When acting as a court of appeal it decides the appeal on the written record. I may allow arguments by the accused or the accuser but it may not admit fresh evidence. The procedure to be followed will best be understood by going through the checklist hereunder.

5.2 CHECKLIST

For a District Disciplinary Committee when acting as A COURT OF FIRST INSTANCE, i.e. not as a Court of Appeal the convener must answer the following questions:

PRELIMINARY MATTERS

- 5.2.1 Has the Convener, in consultation with the Bishop, decided that the Accusation merits a Charge against the Minister? (4.117)
- 5.2.2 If the Convener decides that the Accusation does not merit a Charge, has the Convener advised the Accuser in writing within 30 days of this decision? (4.118)
- 5.2.3 If the Convener decides that the Accusation does not merit a Charge, has the Convener advised the Accuser in writing of the right of appeal against this decision? (4.119)
- 5.2.4 If the Charge is laid against a lay-person, did the Bishop decide that it be heard by the Committee (3.23)
- 5.2.5 Has the Convener advised the Convener of the Connexional Disciplinary Committee or the Executive Secretary of the Hearing so that either may be ready to advise whether the Accused (if found guilty) has a record of any previous offense, and provide precedents for sentencing in similar cases? Note that this information may not be received before and unless the Accused is found guilty.

LAYING OF THE CHARGE

- 5.2.4 Is the Accusation adequate to be regarded as a Charge, i.e. does it give full details of the alleged - date, time, place, etc. - to enable the Accused to prepare a proper defence?
- 5.2.5 If the Convener considers that the Accusation is not adequate, has the Convener invited the Accuser to frame the Accusation in such form as to constitute a Charge? (4.114) (Note that this provision must not be used to delay the Hearing)
- 5.2.6 Has the Charge, together with the date, time and venue of the DDC hearing been properly served on the Accused at least 30 days before the Hearing? (4.115)
- 5.2.7 Has the Accuser been advised timeously of the Hearing?
- 5.2.8 If both the Accused and the Accuser have agreed to accept shorter notice than 30 days, has each of them made this agreement in writing?
- 5.2.9 Has the Accused, if a Minister, been informed of the right to appoint a Minister of the District as a representative during the trial, or, if a lay-person, of the right to appoint a lay-person of the District as representative? (4.123)

THE DISTRICT DISCIPLINARY COMMITTEE

- 5.2.10 Has the Presiding Bishop decided that the matter be heard in another District? (4.121)
- 5.2.11 Is the Committee properly constituted? (4.110)
- 5.2.12 Should any member of the Committee be recused for this hearing? (4.122)
- 5.2.13 Is there a quorum for the hearing (at least 5 members)? If not, are other duly elected members added to the Committee? (4.122)
- 5.2.14 Is any unauthorised person present? (4.124)
- 5.2.15 Is the meeting of the Committee completely private?
- 5.2.16 Has a member of the Committee been appointed to keep a full record of proceedings, and will the Convener monitor the keeping of the record? (4.128)
- 5.2.16 Is it necessary to provide interpretation for any person in the hearing, and if so which member of the Committee can provide it?

TRIAL PROCEDURE

- 5.2.17 Has each member of the Committee been provided with a copy of all relevant documents?
- 5.2.18 If the Accused is not present, was 2.3 above observed? Is there any good reason for the Accused's absence such as would cause the Hearing to be postponed in the interested of fairness?
- 5.2.19 Has the Convener read and explained to the Committee and to the Accused and the Accuser those sections of Laws and Discipline (4.121-4.131) relating to trial procedure?
- 5.2.20 Has the Convener read and explained the Charge to the Accused?
- 5.2.21 Has the Accused pleaded guilty or not guilty to the Charge?
- 5.2.22 Has the Accuser been given a fair chance to present the accusation and to call witnesses to support the accusation?
- 5.2.23 Has the Accused been allowed to question the Accuser and the witnesses?
- 5.2.24 Has the Accused been allowed to call witnesses in defence?
- 5.2.25 Have the members of the Committee been allowed to ask questions at any stage of the Accuser, the Accused or any witness?
- 5.2.26 Was any evidence heard on commission and were the provisions adhered to? (4.127)

5.2.27 Has everyone been given a fair chance to speak or ask questions?

5.2.28 Did any member of the Committee leave the trial venue during proceedings? (4.124)

VERDICT

5.2.29 Is the Committee completely private during discussions with no one else present?

5.2.30 Does the Committee need further evidence or have any more questions?

5.2.31 Have the members of the Committee been given every opportunity to discuss the evidence?

5.3.32 What is the verdict and what are the reasons for the verdict? The reasons must be stated in the written verdict.

SENTENCE

5.2.33 Only after the Accused is found guilty may the Convener contact the Convener of the Connexional Disciplinary Committee or the Executive Secretary to ask if the Accused has any previous convictions. (4.129)

5.2.34 What sentences have been imposed for similar offences in the past? (This can be found from either of the two persons mentioned in 5.2.33 above)

5.2.35 What sentence is appropriate in this case, bearing in mind the person(s) wronged, the circumstances and needs of the offender, and the Church and its witness in the world?

5.2.36 Has the Convener advised the Accused in writing of the Verdict and the Sentence, giving reasons for both, of the rights and procedure for making an Appeal?

5.2.37 Has the full record of the hearing been forwarded to the Convener of the Connexional Disciplinary Committee (4.130)

5.2.38 Has the Bishop been shown the record? (4.130)

5.2.39 Has the Convener prepared a report for Synod? (4.130)

5.2.40 Has the Presiding Bishop's office been informed of the verdict and the sentence?

5.3 THE DISTRICT DISCIPLINARY COMMITTEE WHEN DEALING WITH APPEALS

The composition of the District Disciplinary Committee will be exactly the same whether it is considering the matter as a court of first instance in the discipline of ministers or whether it is sitting in an appeal relating to cases tried before leaders' meetings or the local preachers' circuit meeting.

In the matter of appeals the District Disciplinary Committee shall discuss the merits of the case on the basis of the written record of proceedings forwarded to it. The District Disciplinary Committee shall ask itself the following questions:

- 5.3.1 Has the accuser had ample opportunity to state the accusation and to call witnesses in support of such accusation?
- 5.3.2 Has the accused had ample opportunity to rebut the charges and to call witnesses in defence?
- 5.3.3 Were the proper procedures followed during the trial in terms of Laws & Discipline?
- 5.3.4 Was the trial properly constituted?
- 5.3.5 Was proper notice served on all parties to the trial and was the time period for notice mentioned in Laws and Discipline adhered to?
- 5.3.6 Did the trial court come to a reasonable decision regarding the facts found proved before it?
- 5.3.7 Was the law of our church properly applied to the facts found proved?
- 5.3.8 Was the sentence imposed by the trial court reasonable in the circumstances and were the following factors taken into account;
 - (a) the circumstances of the accused
 - (b) the prevalence of this kind of misdemeanour in the church
 - (c) the need for the sentence to act as a deterrent and warning to others
 - (d) the interests of the church
 - (e) the interests of justice, truth and fairness
 - (f) the necessity to temper justice with mercy and the need for the church to act with grace and forgiveness?

The District Disciplinary Committee sitting on appeal may do one of the following:

1. Refer the case back to the trial court for retrial with full explanation of its decision.
2. Reverse the verdict and/or sentence imposed by the trial court.
3. Alter or amend the verdict or sentence imposed by the trial court.
4. Confirm the verdict and sentence imposed by the trial

- 6.1 COMPOSITION
- 6.2 PROCEDURES
- 6.3 CHECKLIST

6.1 COMPOSITION

This committee is composed in terms of provisions of paras 4.140 of the Laws & Discipline as amended.

The committee shall consist of seven persons of whom no less than three shall be ordained ministers and not less than three shall be lay persons. Conference shall appoint this committee and it shall serve for a period of three years and members may be re-elected. Conference may also appoint a convenor to this committee who may be either a minister or a lay person.

The regulations relating to recusal and order of business shall be identical to those relating to the District Disciplinary Committee.

6.2 PROCEDURES

The Connexional Disciplinary Committee shall not be a court of first instance and will not, in the normal course of events, hear evidence and try cases before it. It shall be a court of review and appeal and it shall consider cases before it on the basis of the written record of proceedings forwarded to it by District Disciplinary Committees and other disciplinary courts of our church such as the "Deacon Wardens' Court". The powers of the Connexional Disciplinary Committee are set out in paras 4.142 - 4.147 of the Laws & Discipline. The Connexional Disciplinary Committee will allow the accused or accusers on appeal to appear before it and to make recommendations to it based on the strength of the written record before it and only in very exceptional circumstances will evidence be led before it. Such exceptional circumstances relating to new evidence that has come to light since the original trial and could not be introduced at the original trial for whatever reason.

6.3 CHECKLIST

The convenor of the Connexional Standing Committee on Discipline will satisfy him or herself as to the following:

- 6.3.1 Is the Connexional Disciplinary Committee properly constituted in terms of para 4.140?
- 6.3.2 Is there any reason for any member of the Disciplinary Committee to recuse him or herself from the particular matter before it?
- 6.3.3 If a member has recused him or herself or been removed by virtue of potential prejudice, has the Connexional Executive properly appointed a substitute?
- 6.3.4 Has the Connexional Disciplinary Committee had ample opportunity to study the full record of the case on review or appeal before it?
- 6.3.5 Is there a necessity for the calling of any further evidence?
- 6.3.6 Has the Connexional Disciplinary Committee satisfied itself as to the following:
 - 6.3.6.1 Was proper notice given to all parties concerned in terms of the provisions of Laws & Discipline?
 - 6.3.6.2 Was the trial court properly constituted in terms of our Laws & Discipline?
 - 6.3.6.3 Did the accused have ample opportunity to defend him or herself on the charge brought against him or her?
 - 6.3.6.4 Did the accused have ample opportunity to call witnesses in defence of himself or herself?
 - 6.3.6.5 Did the accuser have ample opportunity to bring his accusation against the accused?
 - 6.3.6.6 Did the accuser have ample to call witnesses in support of his or her accusations?
 - 6.3.6.7 Was the trial held in a generally fair and impartial manner?
 - 6.3.6.8 Did the trial court come to a reasonable decision regarding the facts found proved before it?
 - 6.3.6.9 Is there any evidence of malice or undue preference displayed by any member of the committee against the accused or accuser?
 - 6.3.6.10 Once the facts had been found proved, did the trial court properly apply the laws of God and the laws and discipline of our church in arriving at a verdict?

- 6.3.6.11 Did anyone who is not legally entitled to take part in the proceedings take part in these proceedings?
- 6.3.6.12 In arriving at its recommendation on sentence, did the trial court do the following:
 - 6.3.6.12.1 Refer to previous sentences relating to similar cases within our church?
 - 6.3.6.12.2 Take proper account of the circumstances of the accused?
 - 6.3.6.12.3 Take proper account of any mitigating factors relating to the accused and or the offence?
 - 6.3.6.12.4 Take proper account of the frequency of the commission of this particular offence within the church?
 - 6.3.6.12.5 Take proper account for the needs of grace and mercy, as well as the needs for justice and truth within the church.

SECTION TWO

**DISCIPLINARY PRECEDENT
OF
DECIDED CASES**

1957-1997

THE METHODIST CHURCH OF SOUTHERN AFRICA

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INTRODUCTION

Since Conference resolved that the whole disciplinary procedure of our church be revised, the need for a case precedent has become more and more evident. It is only with such a precedent that consistent decisions can be made.

Care has been taken to accurately reflect the decisions of the church over the last forty years in these matters but the possibility of error cannot be ruled out. This is a result of the lack of proper records kept by successive sessional committees. The purpose of this work is to give guidelines to District and Connexional Disciplinary Committee regarding verdicts passed and sentences imposed over the years for specific offences and we trust that it will succeed in this.

This is not a document for general publication and circulation, but is meant specifically for District and Connexional Disciplinary Committees to assist them in the vital task of arriving at fair and just conclusions in matters before them and to ensure that we as a church remain consistent in our decisions.

Richard Foster, in his book Money, Sex & Power,¹ speaks of the misuse of these godly blessings, as the main cause for the breakdown of moral standards in our society. The church, including those in ministry, is not immune to temptation, failure and sin, and the money, sex and power theme is evident in the list of misdemeanours committed by ministers.

In the glossary at the end of this work the meanings of legal terms and specific charges such as fornication, embezzlement, insubordination are spelt out in greater detail.

OOCKIE VAN NIEKERK

CAMPERDOWN
APRIL 1997

¹

Foster; Richard J. Money, Sex & Power, Hodder & Stoughton, London 1985

CHAPTER ONE

The chronological record of disciplinary cases was compiled using the available records at M.C.O. and relates only to matters dealt with under the Conference Order of Business² insofar as the question of the discipline of ministers is concerned. The names and cases relating to applications for readmission, transfer and resignation do not, as a rule, form part of this inventory.

1997 Connexional Executive sitting at Johannesburg

97(1) IN RE : L.C.

FORNICATION

Extra-marital sex - later married girlfriend - mitigating circumstances - years of credit on probation cancelled - recommence probation - reprimanded by Bishop

97(2) IN RE : M.W.

ADULTERY

Loss of full Connexional status - placed on trial for two years

97(3) IN RE : K.B.

DIVORCE

Suspended during divorce proceedings - reinstated

97(4) IN RE : T.D.B.

DIVORCE

Suspended during divorce proceedings - later reinstated

97(5) IN RE : P.G.

DIVORCE

Suspended during divorce proceedings - later reinstated

² Laws & Discipline (8th edition) 1992 page 271 "Conference Order of Business" Question 9 - soon to be replaced by the new Laws & Discipline

97(6) IN RE : G.M.

DIVORCE

Suspended during divorce proceedings - later reinstated

1996 Connexional Executive sitting at Johannesburg

96(1) IN RE : A.K.

ABSCONDING

Not returning at termination of study leave - discontinued from ministry

96(2) IN RE : I.N.

ABSCONDING

Deserted station - repeated request for study leave refused by church - discontinued from ministry

1995 Conference Convocation sitting at Linden, Johannesburg

95(1) IN RE : S.B.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. car loan - failure of previous Conferences to institute proceedings - Bishop requested to reprimand

95(2) IN RE : D.M.

MALADMINISTRATION AND EMBEZZLEMENT

Misadministered funds - no theft proved - removed from Superintendency - not allowed to handle finances

95(3) IN RE : R.F.

ABSCONDING

Left station - deemed to have resigned - charges pending

- 95(4) IN RE : E.G.
- IMMORAL CONDUCT - MALADMINISTRATION
- Making fraudulent insurance claims - found not guilty but negligent in administration - reprimanded
- 95(5) IN RE : S.M.
- MALADMINISTRATION - INSUBORDINATION
- Ordered to hand over financial books to Bishop - failure to do so - discontinued from ministry
- 95(6) IN RE : G.N.
- IMMORAL CONDUCT - BAD DEBT
- Failure to service M.C.O. car loan - has become supernumary - church to deduct monies due on car loan from gratuity - no further action
- 95(7) IN RE : M.M.
- MALADMINISTRATION
- No evidence of misappropriation found - concern expressed over bad financial practises in circuit
- 95(8) IN RE : L.N.
- IMMORAL CONDUCT - BAD DEBT
- Failure to service M.C.O. car loan - ordered to be repaid
- 95(9) IN RE : L.T.N.
- EMBEZZLEMENT
- Embezzlement of church funds - discontinued from ministry - ordered to repay
- 95(10) IN RE : G.N.
- MALADMINISTRATION - INSUFFICIENT EVIDENCE
- Charged with maladministration and misappropriation, found not guilty

- 95(11) IN RE : V.N.
IMMORAL CONDUCT - BAD DEBT
Failure to service M.C.O. car loan - ordered to repay
- 95(12) IN RE : D.T.
IMMORAL CONDUCT - BAD DEBT
Failure to service M.C.O. car loan - ordered to repay - superintendency removed
- 95(13) IN RE : M.V.
IMMORAL CONDUCT - DISHONESTY
Failure to disclose information of an illegitimate child on candidate form -
reprimanded - to receive pastoral counselling
- 95(14) IN RE : A.T.
DIVORCE
Suspended during divorce proceedings - later reinstated
- 95(15) IN RE : A.J.T.
DIVORCE
Divorce proceedings commenced in 1995 - granted leave of absence 1996 -
ordered to receive counselling - suspension lifted upon positive reports

1994 Conference sitting at Umtata

- 94(1) IN RE : C.W.
HOMOSEXUALITY
Previously resigned during probation - now applies for reinstatement - admits
homosexuality - Conference resolves in view of the absence of the clear position
of the church on homosexuality not to reinstate him
- 94(2) IN RE : P.B.
IMMORAL CONDUCT - BAD DEBT
Failure to service M.C.O. car loan - other debts - ordered to undergo psychiatric
treatment - failure to do so, deemed to have resigned - charges pending

94(3) IN RE : D.J.

IMMORAL CONDUCT - BAD DEBT - MALADMINISTRATION

Failure to service M.C.O. car loan - other debts as well - deemed to have resigned - charges pending - M.C.O. to issue summons for recovery of monies due to church

94(4) IN RE : M.K.

ABSCONDING

Absconded May 1994 - deemed to have resigned - charges pending

94(5) IN RE : C.L.

DIVORCE

Suspected adultery - deemed to have resigned - charges pending

94(6) IN RE : S.M.

IMMORAL CONDUCT - DISHONESTY

Dishonesty - cheating in T.E.E.C. exams - discontinued on probation and ministry

94(7) IN RE : R.M.

EMBEZZLEMENT - FORGERY

Forged signatures on cheques - R5 000 - deemed to have resigned - charges pending - steps taken to recover funds

94(8) IN RE : D.M.

IMMORAL CONDUCT - BAD DEBTS

Borrowing from congregation without ability to repay - deemed to have resigned - charges pending

94(9) IN RE : L.M.

THEFT

Imprisoned for car theft - discontinued on probation and ministry

94(10) IN RE : L.A.M.

EMBEZZLEMENT - MALADMINISTRATION

Maladministration - R13 000 missing - discontinued from ministry

94(11) IN RE : C.R.

IMMORAL CONDUCT - BAD DEBT - ABSCONDING

Failure to service M.C.O. car loan - abandonment of station - deemed to have resigned - charges pending

94(12) IN RE : H.T.

IMMORAL CONDUCT - BAD DEBT - MALADMINISTRATION

Refusal to submit proper accounts, for departmental work - bad debt M.C.O. - failure to service car loan - deemed to have resigned - charges pending

94(13) IN RE : S.T.

IMMORAL CONDUCT - ASSAULT

Assault on colleague - suspended without stipend until end of that year (1994)

94(14) IN RE : E.B.

DIVORCE

Suspended during divorce proceedings - suspension lifted after divorce

94(15) IN RE : G.L.

IMMORAL CONDUCT - BAD DEBT

Failure to service car loan with M.C.O. - Conference instructs M.C.O. to issue summons for recovery

- 94(16) IN RE : T.T.N.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. Car loan - Conference instructs civil action to be taken to recover debt
- 94(17) IN RE : I.J.M.

POLITICAL INVOLVEMENT

Conference requires minister to withdraw from leadership of political party
- 94(18) IN RE : E.M.N.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. car loan - M.C.O. instructs civil steps for recovery of money due
- 94(19) IN RE : D.K.N.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. car loan - M.C.O. instructed to take steps for recovery
- 94(20) IN RE : G.B.D.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. car loan - instructed to issue summons for recovery and loan due to church
- 94(21) IN RE : F.S.

IMMORAL CONDUCT - BAD DEBT

Previously discontinued - Failure to service M.C.O. car loan - Conference instructs M.C.O. to issue summons for recovery of money due to church
- 94(22) IN RE : D.T.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. car loan - Conference instructs M.C.O. to lay charges of recovery of loan due to church
- 94(23) IN RE : B.D.

ABSCONDING

Applied for leave to move to another Connexion - reneged on undertaking to that Connexion - deemed to have resigned - charges pending.

94(24) IN RE : J.J.

ABSCONDING

Applied for leave 1992 and 1993 - not granted - left country - deemed to have resigned

94(25) IN RE : J.M.M.

IMMORAL CONDUCT - BAD DEBT

Failure to service M.C.O. car loan - deemed to have resigned - no station

94(26) IN RE : C.M.

EMBEZZLEMENT - MALADMINISTRATION

Suspicion of misappropriation of funds - deemed to have resigned - charges pending

94(27) IN RE : P.D.H.

MALADMINISTRATION - BAD DEBT - EMBEZZLEMENT

Evidence of gross dereliction of duties - monies missing - deemed to have resigned - charges pending

94(28) IN RE : S.C.

IMMORAL CONDUCT - ASSAULT

Evidence of assault on wife - deemed to have resigned - charges pending

1993 Conference sitting at Benoni

93(1) IN RE : R.F.

IMMORAL CONDUCT - DISHONESTY

Fraudulently conducting marriage services without proper licence - discontinued from ministry

93(2) IN RE : LM.

INSUBORDINATION - MALADMINISTRATION

Careless administration - disobedient to Bishop - Bishop requested to reprimand

93(3) IN RE : J.P.

DIVORCE

Suspended during divorce proceedings - later reinstated

93(4) IN RE : P.S.

DIVORCE

Suspended during divorce proceedings - later reinstated

93(5) IN RE : S.F.

ABSCONDING

Absconded 1991 - applied for post outside of church without applying for transfer - removed from ministry - membership restored

93(6) IN RE : D.K.

ADULTERY

Discontinued from ministry 1990 - now restored to membership

1992 Conference sitting at Pinetown

92(1) IN RE : W.H.

IMMORAL CONDUCT - DRINKING - BAD DEBT

Marriage breakdown - heavy drinking - improper business conduct - discontinued from ministry

92(2) IN RE : E.K.

IMMORAL CONDUCT - FRAUD

Fraudulent financial dealings - discontinued from ministry

92(3) IN RE : M.M.

DIVORCE - INSUBORDINATION - ASSAULT

Divorce - evidence of violence - failure to undergo psychiatric treatment - insubordination - discontinued from ministry

92(4) IN RE : M.E.M.

INSUBORDINATION

Undermining Superintendent's authority - insubordination - discontinued from ministry

92(5) IN RE : X.N.

IMMORAL CONDUCT - EMBEZZLEMENT

Embezzlement of R316.00 - demanded to be repaid - reprimanded by Bishop

92(6) IN RE : K.N.

INSUBORDINATION - FORNICATION

Suspicious of fornication - rebellion - discontinued due to no station

92(7) IN RE : S.N.

INSUBORDINATION - MALADMINISTRATION - POOR ACADEMIC RECORD

unco-operative attitude - bad administration - discontinued from ministry

92(8) IN RE : T.M.

MALADMINISTRATION - IMMORAL CONDUCT - FITS OF RAGE

Carelessness in attending to pastoral duties - uncontrolled temper - discontinued from ministry

92(9) IN RE : K.S.

IMMORAL CONDUCT - DISHONESTY

Cheating on T.E.E.C. examinations - loses credit for years on probation - recommence probation

92(10) IN RE : Y.J.

DIVORCE

Suspended in September 1992

1991 Conference sitting at Port Elizabeth

91(1) IN RE : D.R.

IMMORAL CONDUCT - FRAUD

Fraudulently hired car under church's name - previously suspended - Conference resolved to defer ordination for a year

91(2) IN RE : B.S.

INSUBORDINATION

Causes dissension in circuit - reprimanded - deferred acceptance to full Connexion for a year

91(3) IN RE : M.G.

DIVORCE

Suspended 1989 - suspension now lifted

91(4) IN RE : A.R.H.

Previously divorced on two occasions - allowed back into ministry 1989 - Conference allows to remarry

1990 Conference sitting at Welkom

90(1) IN RE : B.M.

IMMORAL CONDUCT - FORNICATION

Breach of promise to marry pregnant girlfriend - reprimanded by Presiding Bishop

90(2) IN RE : J.M.

INSUBORDINATION

Refusal to leave circuit when transferred - discontinued from ministry - loss of local preachers' status and membership

90(3) IN RE : C.M.

ABSCONDING FROM STATION - EMBEZZLEMENT - THEFT

Left station without permission - removed manse furniture - discontinued from ministry

90(4) IN RE : L.M.

FORNICATION

Fathered child out of wedlock - not paying support or maintenance - suspended for five months

90(5) IN RE : D.R.

IMMORAL CONDUCT - FRAUD

Fraudulently hired car in the name of the church - suspended until the funds paid out by church are repaid

90(6) IN RE : J.T.

DIVORCE - MARRIAGE WITHOUT PERMISSION

Divorced 1989 - remarried soon thereafter - no consultation with church - deemed to have resigned - charges pending

- 90(7) IN RE : A.B.
DIVORCE
Suspended during divorce proceedings - reinstated thereafter
- 90(8) IN RE : M.H.
DIVORCE
Desertion - wife instituted divorce proceedings - suspended - later reinstated
- 90(9) IN RE : D.S.
Previously divorced - reinstated in 1990 - Conference resolved to permit to remarry
- 90(10) IN RE : D.C.
DIVORCE - ABSCONDING
Removed himself from fellowship of Methodist Church - refused to remain in station - discontinued from ministry
- 90(11) IN RE : D.R.K.
ADULTERY
Discontinued from ministry
- 90(12) IN RE : W.M.
ABSCONDING
Left station without permission - discontinued from ministry
- 90(13) IN RE : M.H.N.
ABSCONDING
Left station without permission - discontinued from ministry
- 90(14) IN RE : M.S.
ABSCONDING
Left station without permission - discontinued 1989
- 90(15) IN RE : D.B.

IMMORAL CONDUCT - DISHONESTY

Plagiarism - dishonesty in T.E.E. work - secondment to University to Durban Westville refused

90(16) IN RE : W.B.

INSUBORDINATION - IMMORAL BEHAVIOUR

Refusal to undergo psychiatric treatment - discontinued from ministry

90(17) IN RE : S.M.

IMMORAL CONDUCT - DISHONESTY

Cheating on T.E.E.C. examinations - deemed to have started probation again

1989 Conference sitting at Cape Town

89(1) IN RE : B.M.

FORNICATION

Breach of promise to marry pregnant girlfriend - Conference asks District to investigate further and to take necessary action

89(2) IN RE : H.N.N.

IMMORAL CONDUCT - DISHONESTY - FORGERY - ABSCONDING

Conference asked District to investigate matter further - no decision taken

89(3) IN RE : M.P.

IMMORAL CONDUCT - DISHONESTY

Cheating on T.E.E.C. assignments - years of credit on probation rescinded - to commence probation again

89(4) IN RE : M.S.S.

IMMORAL BEHAVIOUR - RAPE - CIVIL PROCEEDINGS

Rape charges pending in civil court - suspended pending outcome of trial

89(5) IN RE : M.N.S.

MALADMINISTRATION

Not holding leaders' meetings or performing pastoral function - reprimanded and removed from circuit

89(6) IN RE : M.G.

Divorce proceedings instituted by wife - suspended - later reinstated

89(7) IN RE : A R.H.

DIVORCE

Left ministry in 1969 - divorced remarried twice - good report from District and local level - readmitted to ministry on trial

89(8) IN RE : D.B.K.

DIVORCE

Divorced in 1982 - applies for permission to remarry - Conference granted

89(9) IN RE : D.A.S.

DIVORCE

Suspended during proceedings - later reinstated by Presiding Bishop - Conference endorses

89(10) IN RE : J.H.T.

DIVORCE - ASSAULT

Evidence of violence and assault within family - recommended that he be moved from circuit - to receive counselling

89(11) IN RE : B.B.

HOMOSEXUALITY

Homosexual orientation - Conference resolves that due to lack of clear position of the church on homosexuality not to reinstate but to affirm as member (see 94(1) above)

89(12) IN RE : E.W.

DIVORCE - ASSAULT

Evidence of violence in marriage - resigned - charges pending

89(13) IN RE : O.N.

ABSCONDING

from U.M.C.S.A. suspected of misappropriation - forgery - deemed to have resigned - charges pending

1988 Conference sitting at Queenstown

88(1) IN RE : A.H.

MALADMINISTRATION

Inconclusive evidence - no decision made

88(2) IN RE : R.F.

INSUBORDINATION

Failure to perform pastoral functions - no decision taken

88(3) IN RE : M.K.M.

ABSCONDING

from station - deemed to have resigned - charges pending - evidence of loss of finances from circuit

88(4) IN RE : J.N.

ABSCONDING - IMMORAL BEHAVIOUR

Deemed to have resigned - charges pending

88(5) IN RE : V.N.

ADULTERY

Discontinued from ministry

88(6) IN RE : T.J.M.

IMMORAL CONDUCT - MALADMINISTRATION

Bad reports from circuit - neglect of duties - allegations of immoral behaviour - suspended from membership

88(7) IN RE : W.C.Z.

MALADMINISTRATION - EMBEZZLEMENT

Bad accounting practises - mitigating circumstances found - ordered to repay debt

88(8) IN RE : C.B.M.

DIVORCE

Previously divorced - good report from local level - granted permission to remarry

1987 Conference sitting at Benoni

87(1) IN RE : W.L.

FORNICATION

Child begotten out of wedlock - later married girlfriend - reprimanded by Conference

87(2) IN RE : P.M.

FORNICATION

Admitted premarital sexual relationships - said that did not know it was wrong - discontinued on probation

87(3) IN RE : V.N.

ADULTERY - DIVORCE

Divorced between Synod and Conference - suspended pending further investigation

1986 Conference sitting at Pietermaritzburg

86(1) IN RE : W.W.P.

DIVORCE

Previously suspended - now reaccepted as candidate

86(2) IN RE : A.D.

DIVORCE

Previously divorced - now accepted as candidate

86(3) IN RE : V.T.

DIVORCE - ASSAULT

Reports of assault and serious breakdown in marriage relationship - pending further investigation - no steps taken

1985 Conference sitting at Bloemfontein

85(1) IN RE : S.L.

CIVIL PROCEEDINGS

Civil proceedings - effect on church's disciplinary steps - church charges suspended pending outcome of civil court decision - found not guilty at civil court - church charges dropped

85(2) IN RE : V.M.

INSUBORDINATION

Accusations of immoral conduct - fostering dissension - refusal to obey Superintendent - discontinued on probation as deaconess

85(3) IN RE : W.M.

EMBEZZLEMENT - FORNICATION

Misappropriation of church funds - improper relationship with women - discontinued as minister

- 85(4) IN RE : W.N.

IMMORAL CONDUCT - DISHONESTY

Producing false documents in application for candidature - discontinued on probation
- 85(5) IN RE : P.F.

FORNICATION - IMMORAL CONDUCT - DISHONESTY

Failure to disclose pregnancy of wife on application form - mitigating circumstances found - reprimanded and continued on probation
- 85(6) IN RE : B.M.

DIVORCE

Previously divorced and suspended - now reinstated
- 85(7) IN RE : A.R.H.

DIVORCE

Previously divorced and suspended - good report received from local church - now reinstated (see 89 (7))
- 85(8) IN RE : H.A.

DIVORCE

Previously divorced - now accepted candidate on full ministry

1984 Conference sitting at Pretoria

- 84(1) IN RE : P.N.

FORNICATION

Found guilty of immoral relations with women - discontinued on probation
- 84(2) IN RE : A.M.

ABSCONDED

Failed to take up station - deemed to have resigned - charges pending
- 84(3) IN RE : B.W.

ABSCONDED

Failed to take up station - deemed to have resigned - charges pending

1983 Conference sitting at Durban

83(1) IN RE : A.M.

DIVORCE

Twice before - now candidating - good reports from local level - accepted as candidate

83(2) IN RE : T.N.

ADULTERY - INSUBORDINATION

Misbehaviour at FEDSEM - evidence of adultery - discontinued from ministry

1982 Conference sitting at Johannesburg

82(1) IN RE : H.N.

ABSCONDING

Left station without permission - deemed to have resigned, charges pending

82(2) IN RE : P.T.

DOCTRINAL DIFFERENCES

Refused to baptise infants - discontinued from ministry

82(3) IN RE : A.J. (Not O.J.)

ABSCONDING

Left station without permission - ceased to be recognised as minister

1981 Conference sitting at Grahamstown

81(1) IN RE : W.N.

ABSCONDING

Left station - suspended due to insufficient information and evidence at Conference - matter referred back to District

1980 Conference sitting at Welkom

80(1) IN RE : G.S.N.

EMBEZZLEMENT - MALADMINISTRATION

Gross neglect of pastoral duties - ceased to be recognised as minister

80(2) IN RE : A.M.

INSUBORDINATION

Shouting at Superintendent - Conference ordered him to apologise

80(3) IN RE : D.M.

DIVORCE

Suspended during divorce proceedings - suspension later lifted

1979 Conference sitting at Cape Town

79(1) IN RE : D.N.

ABSCONDING

Deserted to U.M.C.S.A. - ceased to be recognised as minister

79(2) IN RE : I.M.S.

ABSCONDING

Joined United Methodist Church Southern Africa in Transkei - ceased to be recognised as minister

79(3) IN RE : W.E.S.

MALADMINISTRATION

Neglect of pastoral duties - supernumerary status imposed - (the writer, while still an attorney in Northern Natal, was personally involved in the issuing of a summons for R25 000 against this minister whilst he was still stationed by the Methodist Church. The South African Breweries was the plaintiff in the case, which related to a bottle store the minister owned. This evidence, as far as I know, was not brought out at District or Conference level at that time.)

79(4) IN RE : M.S.

IMMORAL CONDUCT - BAD DEBTS

Making loans without the ability to repay - reprimanded

1978 Conference sitting at East London

78(1) IN RE : D.M.

ABSCONDING - IMMORAL CONDUCT - BAD DEBTS

Failure to service M.C.O. car loan - has joined the U.M.C.S.A. - discontinued from ministry

78(2) IN RE : T.T.L.

ABSCONDING

Left station - deemed to have resigned - charges pending

1977 Conference sitting at Benoni

77(1) IN RE : D.M.M.

MALADMINISTRATION - EMBEZZLEMENT

Misappropriation of funds - R786.56 - reprimanded

77(2) IN RE : B.B.S.

ADULTERY

Misconduct whilst at College - also evidence of adultery - discontinued from probation

1976 Conference sitting at Pietermaritzburg

76(1) IN RE : J.M.

EMBEZZLEMENT - MALADMINISTRATION

Order to repay, - failure to obey such order - ceased to be recognised as minister

76(2) IN RE : M.D.M.

IMMORAL CONDUCT - BAD DEBT

Suspended pending repayment of all debts in 1975 - suspension extended for another year on the same conditions

76(3) IN RE : J.P.

FORNICATION

Entered into "trial marriage" - stated that he did not know it was wrong - ceased to be recognised as minister

1975 Conference sitting at Kimberley

75(1) IN RE : E.C.

ABSCONDING

Refusal to take up appointment and station - ceased to be recognised as minister

75(2) IN RE : W.F.

ABSCONDING

Continuously applies for study leave - when refused failed to take up appointment - ceased to be recognised as minister

75(3) IN RE : M.L.

ABSCONDING - INSUBORDINATION

Continuously applied for study leave - when refused would not take up station - discontinued as minister

- 75(4) IN RE : A.S.
ABSCONDING
Failed to take up appointment - ceased to be recognised as minister
- 75(5) IN RE : J.K.N.
EMBEZZLEMENT - MALADMINISTRATION - BAD DEBT
Suspended without emoluments pending the repayments due to the church and other persons to whom he owes money
- 75(6) IN RE : M.D.M.
EMBEZZLEMENT - MALADMINISTRATION - IMMORAL CONDUCT - BAD DEBTS
Ordered the previous year to repay money - suspension condition continued - pending the repayment of monies

1974 Conference sitting at Cape Town

- 74(1) IN RE : C.H.
INSUBORDINATION - ASSAULT - MALADMINISTRATION
Assault on superintendent - maladministration and misappropriation of church funds - supernumary status imposed
- 74(2) IN RE : G.T.M.
IMMORAL CONDUCT - DRUNKEN DRIVING
Found guilty of drunken driving - reprimanded by President of Conference - moved to another circuit
- 74(3) IN RE : R.M.
MALADMINISTRATION - INSUBORDINATION
Refusal to obey Superintendent - dereliction of Pastoral duties and administration - Moved to another circuit

74(4) IN RE : J.P.

MALADMINISTRATION - MISUSE OF POWER

Unfair dismissal of circuit stewards - reprimanded by Conference

74(5) IN RE : E.T.

EMBEZZLEMENT - MALADMINISTRATION - INSUBORDINATION

Refusing to hand over books - suspicion of funds stolen - ceased to be recognised as minister.

74(6) IN RE : J.M.

EMBEZZLEMENT - MALADMINISTRATION

Monies missing - bad administrative practises - Ceased to be recognised as minister

74(7) IN RE : M.C.N.

IMMORAL CONDUCT - BAD DEBTS

Unserviced car loan with M.C.O. - suspended for one year

74(8) IN RE : E.Z.

MALADMINISTRATION - IMMORAL CONDUCT - DISHONESTY - FORGERY

No proper records kept in circuit - Forges Circuit Stewards name on Cheques - Reprimanded and moved to another circuit under superintendency

1973 Conference sitting at Pretoria

No record of sessional matters

1972 Conference sitting at Port Elizabeth

72(1) IN RE : J.S.M.

MALADMINISTRATION

No proper records kept in circuit - dereliction of pastoral duties - Ceased to be recognised as minister.

1971 Conference sitting at Durban

71(1) IN RE : J.W.M.

MALADMINISTRATION

Improper accounting procedures - no evidence of any personal gain -
reprimanded and ordered to pay back money due to the church

1970 Conference sitting at Johannesburg

70(1) IN RE : A.C.M.

MALADMINISTRATION

No proper records kept - gross dereliction of pastoral duties -
credit for years on probation cancelled - restart probation

70(2) IN RE : M.L.

ABSCONDING

Temporarily absent from station without permission from superintendent -
dereliction of duties - reprimanded by Conference

70(3) IN RE : G.P.L.

IMMORAL CONDUCT - DISHONESTY

Marrying people without proper licence - reprimanded by Conference

1969 Conference sitting at East London

69(1) IN RE : J.T.

ABSCONDING

Continuously applied for leave of absence - refused - did not take up station -
ceased to be recognised as minister

69(2) IN RE : M.S.

MALADMINISTRATION - EMBEZZLEMENT

Monies unaccounted for - gross dereliction of pastoral duties -Discontinued from
ministry

69(3)

IN RE : B.G.

MALADMINISTRATION - IMMORAL CONDUCT - DISHONESTY - FRAUD

Monies unaccounted for - bad bookkeeping practises - unduly close links with Zionist Church - ceased to be recognised as minister

69(4)

IN RE : D.M.

IMMORAL CONDUCT - BAD DEBT

Refusal to repay debt - ceased to be recognised as minister

69(5)

IN RE : H.M.

EMBEZZLEMENT - MALADMINISTRATION

Monies unaccounted for - no proper books kept in circuit - ceased to be recognised as minister

1968 Conference sitting at Bloemfontein

68(1)

IN RE : W.D.F.

ABSCONDING

Took up secular appointment without consultation and permission from church - ceased to be recognised as minister

68(2)

IN RE : M.N.M

IMMORAL CONDUCT - FRAUD

Cheque fraud - deemed to have resigned - charges pending

68(3)

IN RE : C.T.M.

MALADMINISTRATION

Dereliction of duties - extenuating circumstances - reprimanded by Conference

1967 Conference sitting at Pietermaritzburg

67(1) IN RE : I.C.

DOCTRINAL DIFFERENCES

Despite counsel and advice, was rebaptised after being accepted on probation - refused to discuss the matter or recant - ceased to be recognised as minister

67(2) IN RE : M.M.

IMMORAL CONDUCT - FRAUD - FORGERY

Fraud and forgery proved - ceased to be recognised as minister

67(3) IN RE : D.M.

MALADMINISTRATION - IMMORAL CONDUCT - FRAUD

Fraud proved - ceased to be recognised as minister

67(4) IN RE : R.N.

MALADMINISTRATION - GROSS DERELICTION OF DUTIES

Dereliction of duties - no proper records - extenuating circumstances found - placed under superintendency.

67(5) IN RE : S.K.M.

FORNICATION

Unduly intimate relations with women - received counsel - removed to another circuit.

67(6) IN RE : S.H.M.

MALADMINISTRATION - EMBEZZLEMENT

Monies missing - Extenuating circumstances found - suspended for one year

1966 Conference sitting at Cape Town

No record of sessional proceedings at Conference

1965 Conference sitting at Pretoria

65(1) IN RE : D.R.M.

MALADMINISTRATION - EMBEZZLEMENT

Refusal to hand over books to superintendent - Suspicion of Monies missing -
ceased to be recognised as minister

1964 Conference sitting at Queenstown

64(1) IN RE : V.N.M.

MALADMINISTRATION

No proper records kept in circuit - Dereliction of Pastoral duties -
- supernumary status imposed early

64(2) IN RE : J.N.F.P.

FORNICATION

Breach of contract to marry pregnant girlfriend - Discontinued from ministry

64(3) IN RE : P.W.N.

MALADMINISTRATION

Gross dereliction of pastoral duties - no proper records kept in circuit - No
extenuating circumstances - discontinued from ministry

1963 Conference sitting at Port Elizabeth

63(1) IN RE : I.S.

INSUBORDINATION

Refusal to submit to superintendent - continuously railing against authority -
reprimanded - removed to another circuit

1962 Conference sitting at Durban

62(1) IN RE : T.S.M.

ADULTERY

Ceased to be recognised as minister

62(2) IN RE : H.N.

MALADMINISTRATION -IMMORAL CONDUCT - DRUNKEN DRIVING

Bad circuit administration - Drunken driving - Ceased to be recognised as minister

62(3) IN RE : H.S.W.

FORNICATION

Alleged but not proved - moved to another circuit

1961 Conference sitting at Johannesburg

No record of sessional committee proceedings at Conference

1960 Conference sitting at Uitenhage

60(1) IN RE : Z.E.N.

MALADMINISTRATION -

Gross dereliction of duties - No proper meetings held - Suspended for one year (placed on journal for one year)

60(2) IN RE : Z.S.M.

ADULTERY

By minister's wife - divorced - minister temporarily suspended - later reinstated.

1959 Conference sitting at Kimberley

59(1) IN RE : J.W.K.

FORNICATION - MALADMINISTRATION - INSUBORDINATION

Unduly intimate relationships with women - Bad circuit Administration -
Unrepentant behaviour. Ceased to be recognised as minister

59(2) IN RE : J.A.

IMMORAL CONDUCT - MALADMINISTRATION - DRINKING

Playing golf on Good Friday - drinking in public - neglecting pastoral duties
reprimanded and moved to another circuit

1958 Conference sitting at Pietermaritzburg

58(1) IN RE : J.E.

DOCTRINAL DIFFERENCES - LACK OF PASTORAL APTITUDE

Publicly questions veracity of Bible and deity of Christ - Loses credit for years
served on probation - Recommended move to College.

1957 Conference sitting at East London

No record of sessional committee proceedings found

CHAPTER TWO

In this chapter the various offences have been categorised under four main headings namely:

- (A) the theft or misuse of money and/or property
- (B) the breakdown of family life and sexual immorality
- (C) the refusal or neglect to abide by the church's authority and norms
- (D) miscellaneous cases not pigeonholed into any of the above

(A) THE THEFT OF MISUSE OF MONEY AND/OR PROPERTY

IMMORAL CONDUCT - BAD DEBT

95(1)	IN RE : S.B.	Reprimand - to settle debt
95(6)	IN RE : G.N.	Debt settled from gratuity
95(8)	IN RE : L.N.	Reprimand - to settle debt
95(11)	IN RE : V.M.	Reprimand - ordered to repay
95(12)	IN RE : D.T.	Reprimand - ordered to repay - superintendency removed - vide 94(22)
94(2)	IN RE : P.B.	Ordered to repay - to undergo counselling - failure to comply - deemed to have resigned - charges pending
94(3)	IN RE : D.J.	Resigned - charges pending
94(8)	IN RE : D.M.	Failure to repay debt - deemed to have resigned - charges pending
94(11)	IN RE : C.R.	Ordered to settle debt - deemed to have resigned - charges pending
94(12)	IN RE : H.T.	Ordered to settle debt - deemed to have resigned - charges pending
94(12)	IN RE : H.T.	Resigned - charges pending
94(15)	IN RE : G.L.	Reprimanded - to settle debt - M.C.O. to sue
94(16)	IN RE : T.T.N.	Reprimanded - to settle debt - M.C.O. to sue
94(18)	IN RE : E.M.N.	Reprimanded - to settle debt - M.C.O. to sue
94(19)	IN RE : D.K.N.	Reprimanded - to settle debt - M.C.O. to sue
94(20)	IN RE : G.B.D.	Reprimanded - to settle debt - M.C.O. to sue
94(21)	IN RE : F.S.	Reprimanded - to settle debt - M.C.O. to sue
94(22)	IN RE : D.T.	Reprimanded - to settle debt - M.C.O. to sue - vide 95(12)
94(25)	IN RE : J.M.M.	To settle debt - deemed to have resigned
92(1)	IN RE : W.H.	Discontinued
79(4)	IN RE : M.S.	Discontinued
78(1)	IN RE : D.M.	Discontinued
76(2)	IN RE : M.C.N.	Suspended - to repay debt - vide 74(7)
75(5)	IN RE : J.K.N.	Suspended without pay - to repay debt
75(6)	IN RE : M.D.M.	Suspended without pay - to repay debt
74(7)	IN RE : M.C.N.	Suspended - to repay debt - vide 76(2)
69(4)	IN RE : D.M.	Discontinued
68(2)	IN RE : M.N.M.	Discontinued

IMMORAL CONDUCT - THEFT

94(9)	IN RE : L.M.	Discontinued
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IMMORAL CONDUCT - FORGERY

94(7)	IN RE : R.M.	Resigned - charges pending
91(1)	IN RE : D.R.	Ordination deferred
90(5)	IN RE : D.R.	Suspended - to repay monies due
89(2)	IN RE : H.N.N.	Insufficient evidence
74(8)	IN RE : E.Z.	Reprimanded - moved
67(2)	IN RE : M.M.	Discontinued

IMMORAL CONDUCT - FRAUD

92(2)	IN RE : E.K.	Discontinued
90(5)	IN RE : D.R.	Suspended - To repay loss to Church
68(2)	IN RE : M.N.M.	Resigned - charges pending
67(2)	IN RE : M.M.	Discontinued
67(3)	IN RE : D.M.	Discontinued

IMMORAL CONDUCT - EMBEZZLEMENT

95(2)	IN RE : D.M.	No theft proved - superintendency removed
95(9)	IN RE : L.T.N.	Discontinued - to repay
94(7)	IN RE : R.M.	Resigned - charges pending
94(10)	IN RE : L.A.M.	Discontinued
94(26)	IN RE : C.M.	Resigned - charges pending
94(27)	IN RE : P.D.H.	Resigned - charges pending
92(5)	IN RE : X.N.	Reprimanded
90(3)	IN RE : C.M.	Discontinued
88(7)	IN RE : W.C.Z.	Reprimanded - ordered to repay
85(3)	IN RE : W.M.	Discontinued
80(1)	IN RE : G.S.N.	Discontinued
77(1)	IN RE : D.M.M.	Reprimanded
76(1)	IN RE : J.M.	Discontinued
75(5)	IN RE : J.K.N.	Suspended - pending repayment
75(6)	IN RE : M.D.M.	Suspended - pending repayment
74(5)	IN RE : E.T.	Discontinued
74(6)	IN RE : J.M.	Discontinued
69(2)	IN RE : M.S.	Discontinued
69(5)	IN RE : H.M.	Discontinued
67(6)	IN RE : S.H.M.	Suspended one year
65(1)	IN RE : D.R.M.	Discontinued

(B) BREAKDOWN OF FAMILY LIFE AND SEXUAL IMMORALITY

DIVORCE

97(3)	IN RE : K.B.	Reinstated
97(4)	IN RE : T.D.B	Reinstated
97(5)	IN RE : P.G.	Reinstated
97(6)	IN RE : G.M.	Reinstated
95(14)	IN RE : A.T.	Reinstated
95(15)	IN RE : A.J.T.	Suspension lifted
94(5)	IN RE : C.L.	Resigned - charges pending
94(14)	IN RE : E.B.	Reinstated
93(3)	IN RE : J.P.	Reinstated
93(4)	IN RE : P.S.	Reinstated
92(3)	IN RE : M.M.	Discontinued
92(10)	IN RE : Y.J.	Suspended
91(3)	IN RE : M.G.	Reinstated - vide 89(6)
91(4)	IN RE : A.R.H.	Reinstated
90(6)	IN RE : J.T.	Resigned - charges pending
90(7)	IN RE : A.B.	Reinstated
90(8)	IN RE : M.H.	Reinstated
90(9)	IN RE : D.S.	Allowed to candidate
89(6)	IN RE : M.G.	Reinstated
89(7)	IN RE : A.R.H.	Allowed on trial - vide 91(4)
89(8)	IN RE : D.B.K.	Remarriage allowed
89(9)	IN RE : D.A.S.	Reinstated
89(10)	IN RE : J.H.T.	Counselled & moved
89(12)	IN RE : E.W.	Resigned - charges pending
88(8)	IN RE : C.B.M.	Remarriage allowed
86(1)	IN RE : W.W.P.	Accepted as candidate
86(2)	IN RE : A.D.	Accepted as candidate
86(3)	IN RE : V.T.	Matter referred
85(6)	IN RE : B.M.	Reinstated
85(7)	IN RE : A.R.H.	Reinstated - vide 91(4) & 89(7)
85(8)	IN RE : H.A.	Accepted as candidate
83(1)	IN RE : A.M.	Accepted as candidate
80(3)	IN RE : D.M.	Reinstated

ADULTERY

97(2)	IN RE : M.W.	On trial for 2 years
93(6)	IN RE : D.K.	Discontinued
90(11)	IN RE : D.R.K.	Discontinued
88(5)	IN RE : V.N.	Discontinued
87(3)	IN RE : V.N.	Suspended - Discontinued 88(5)
83(2)	IN RE : T.N.	Discontinued
77(2)	IN RE : B.B.S.	Discontinued
62(1)	IN RE : T.S.M.	Discontinued
60(2)	IN RE : Z.S.M.	Suspended - reinstated (wife adulteress)

FORNICATION

97(1)	IN RE : L.C.	Reprimanded
92(6)	IN RE : K.N.	Discontinued
90(1)	IN RE : B.M.	Reprimanded
90(4)	IN RE : L.M.	Suspended 5 months
89(1)	IN RE : B.M.	Insufficient evidence
87(1)	IN RE : W.L.	Reprimanded
87(2)	IN RE : P.M.	Discontinued
85(3)	IN RE : W.M.	Discontinued
85(5)	IN RE : P.F.	Reprimanded
84(1)	IN RE : P.N.	Discontinued
76(3)	IN RE : J.P.	Discontinued
67(5)	IN RE : S.K.M.	Counselled and moved
64(2)	IN RE : J.N.F.	Discontinued
62(3)	IN RE : H.S.	Moved
59(1)	IN RE : J.W.K.	Discontinued

(C) THE REFUSAL OR NEGLECT TO ABIDE BY THE CHURCH'S AUTHORITY AND NORMS

INSUBORDINATION

93(2)	IN RE : I.M.	Reprimanded
92(3)	IN RE : M.M.	Discontinued
92(4)	IN RE : M.E.M.	Discontinued
92(6)	IN RE : K.N.	Discontinued - no station
92(7)	IN RE : S.N.	Discontinued
91(2)	IN RE : B.S.	Ordination deferred
90(2)	IN RE : J.M.	Discontinued
90(16)	IN RE : W.B.	Discontinued
88(2)	IN RE : R.F.	Insufficient evidence
85(2)	IN RE : V.M.	Discontinued
83(2)	IN RE : T.N.	Discontinued
80(2)	IN RE : A.M.	Ordered to apologise
75(3)	IN RE : M.L.	Discontinued
74(1)	IN RE : C.H.	Supernumerary status imposed
74(3)	IN RE : R.M.	Reprimanded - moved
74(5)	IN RE : E.C.	Discontinued
63(1)	IN RE : I.S.	Reprimanded - moved
59(1)	IN RE : J.W.K.	Discontinued

ABSCONDING

96(1)	IN RE : A.K.	Discontinued
96(2)	IN RE : I.N.	Discontinued
95(3)	IN RE : R.F.	Resigned - charges pending
94(4)	IN RE : M.K.	Discontinued
94(11)	IN RE : C.R.	Resigned - charges pending
94(23)	IN RE : B.D.	Resigned - charges pending
94(24)	IN RE : J.J.	Resigned
93(5)	IN RE : S.F.	Discontinued

90(3)	IN RE : C.M.	Discontinued
90(10)	IN RE : D.C.	Discontinued
90(12)	IN RE : W.N.	Discontinued
90(13)	IN RE : M.H.N.	Discontinued
90(14)	IN RE : M.S.	Discontinued
89(13)	IN RE : O.N.	Resigned - charges pending
88(3)	IN RE : M.K.M.	Resigned - charges pending
88(4)	IN RE : J.N.	Resigned - charges pending
84(2)	IN RE : A.M.	Resigned - charges pending
84(3)	IN RE : B.W.	Resigned - charges pending
82(1)	IN RE : H.N.	Resigned - charges pending
82(3)	IN RE : A.J.	Ceased to be recognised
81(1)	IN RE : W.N.	Suspended insufficient evidence - vide 90(12)
79(1)	IN RE : D.N.	Discontinued
79(2)	IN RE : I.M.S.	Discontinued
78(1)	IN RE : D.M.	Discontinued
78(2)	IN RE : T.T.L.	Discontinued
75(1)	IN RE : E.C.	Discontinued
75(2)	IN RE : W.F.	Discontinued
75(3)	IN RE : M.L.	Discontinued
75(4)	IN RE : A.S.	Discontinued
70(2)	IN RE : M.L.	Reprimanded
69(1)	IN RE : J.T.	Discontinued
68(1)	IN RE : W.D.F.	Discontinued

MALADMINISTRATION

94(12)	IN RE : H.T.	Resigned - charges pending
95(2)	IN RE : D.M.	Superintendency removed
95(4)	IN RE : E.G.	Reprimanded
95(5)	IN RE : S.M.	Discontinued
95(7)	IN RE : M.M.	Concern over circuit practise
95(10)	IN RE : G.N.	Insufficient evidence
94(3)	IN RE : D.J.	Resigned - charges pending
94(7)	IN RE : R.M.	Summons issued for recovery
94(12)	IN RE : H.T.	Resigned - charges pending
94(26)	IN RE : C.M.	Resigned - charges pending
94(27)	IN RE : P.D.H.	Resigned - charges pending
93(2)	IN RE: I.M.	Reprimanded
92(7)	IN RE : S.N.	Discontinued
92(8)	IN RE : T.M.	Discontinued
89(5)	IN RE : M.N.S.	Reprimanded - moved
88(1)	IN RE : A.H.	Inconclusive evidence
88(6)	IN RE : T.J.M.	Suspended from membership
88(7)	IN RE : W.C.Z.	Ordered to repay monies lost
80(1)	IN RE : G.S.N.	Discontinued
79(3)	IN RE : W.E.S.	Supernumary status imposed
77(1)	IN RE : D.M.M.	Reprimanded
76(1)	IN RE : J.M.	Discontinued
75(5)	IN RE : J.K.N.	Suspended until monies repaid
75(6)	IN RE : M.D.M.	Suspended until monies repaid

74(1)	IN RE : C.H.	Supernumerary status imposed
74(3)	IN RE : R.M.	Reprimanded - moved
74(4)	IN RE : J.P.	Reprimanded
74(5)	IN RE : E.T.	Discontinued
74(6)	IN RE : J.M.	Discontinued
74(8)	IN RE : E.Z.	Reprimanded - moved
72(1)	IN RE : J.S.M.	Discontinued
71(1)	IN RE : J.W.M.	Reprimanded - to pay back monies lost
70(1)	IN RE : A.C.M.	Years of credit on probation lost
69(2)	IN RE : M.C.	Discontinued
69(3)	IN RE : B.G.	Discontinued
69(5)	IN RE : H.M.	Discontinued
68(3)	IN RE : C.T.M.	Reprimanded
67(3)	IN RE : D.M.	Discontinued
67(4)	IN RE : R.N.	Placed under superintendancy
67(6)	IN RE : S.H.M.	Suspended one year
65(1)	IN RE : D.R.M.	Discontinued
64(1)	IN RE : V.N.M.	Supernumerary status imposed
64(3)	IN RE : P.W.N.	Discontinued
62(2)	IN RE : H.N.	Discontinued
60(1)	IN RE : Z.E.N.	Suspended one year
59(1)	IN RE : J.W.K.	Discontinued
59(2)	IN RE : J.A.	Reprimanded - moved

ASSAULT

94(13)	IN RE : S.T.	Suspended without pay one year
94(28)	IN RE : S.C.	Deemed to have resigned
90(16)	IN RE : W.B.	Discontinued
89(10)	IN RE : J.H.J.	Counselled
89(12)	IN RE : E.W.	Discontinued
86(3)	IN RE : V.T.	To receive counselling - no further decision taken
74(1)	IN RE : C.H.	Supernumerary status imposed

MISUSE OF ALCOHOL

92(1)	IN RE : W.H.	Discontinued
79(3)	IN RE : W.S.	Not proved - supernumerary status imposed
74(2)	IN RE : G.T.M.	Reprimanded - moved
62(2)	IN RE : H.N.	Discontinued
59(2)	IN RE : J.A.	Reprimanded - moved

RAPE

89(4)	IN RE : N.S.S.	Alleged - suspended - pending civil trial
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DISHONESTY

95(13)	IN RE : M.V.	Counselled
94(6)	IN RE : S.M.	Discontinued
92(9)	IN RE : K.S.	Lose years of credit on probation
90(15)	IN RE : D.B.	Secondment refused
90(17)	IN RE : S.M.	Lose years of credit on probation
89(3)	IN RE : M.P.	Lose years of credit on probation

85(4)	IN RE : W.N.	Discontinued
85(5)	IN RE : P.F.	Reprimanded
74(8)	IN RE : E.Z.	Reprimanded - placed under superintendency
70(3)	IN RE : G.P.L.	Reprimanded
69(3)	IN RE : B.G.	Discontinued

DOCTRINAL DIFFERENCES

82(2)	IN RE : P.T.	Discontinued
67(1)	IN RE : I.C.	Discontinued
58(1)	IN RE : J.E.	Loses years credit years on probation

POLITICAL INVOLVEMENT

94(17)	IN RE : I.J.M.	Requested to withdraw from leadership of party
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(D) MISCELLANEOUS

HOMOSEXUALITY

89(11)	IN RE : B.B.	Not reinstated - church to clarify its position on this issue
94(1)	IN RE : C.W.	Not reinstated - church to clarify its position

CIVIL PROCEEDINGS

85(1)	IN RE : S.L.	Church charges suspended pending civil case outcome
89(4)	IN RE : N.S.S.	Suspended during civil trial

CHAPTER THREE

IDEAS ON CONSTRUCTIVE SENTENCING

The committee that originally dealt with the rewriting of the disciplinary code of our church spent much time in discussing creative sentencing ideas. It felt that the church's attitude over the years has ranged from a slap on the wrist to the ultimate sanction of discontinuation from ministry and that there was very little creative sentencing between these two extremes. The legal systems of the world have accepted that three issues need to be looked at when imposing a fair and just sentence and these are:

- (A) the need for restitution for the victims
- (B) the circumstances and background of the accused with special reference to his or her rehabilitation
- (C) the interest of the public at large, which includes the element of deterrence

In church terms these could be translated as :

(A) **THE NEEDS OF THE PERSON OR THE CHURCH WRONGED**

We need to be careful not to introduce an element of revenge, but it is essential for "victims" to see justice being done and to see the church take firm steps against those who break its discipline and who have wronged others

(B) **THE NEEDS OF THE OFFENDER**

At times there is a tendency to overemphasise the needs of the offender but such needs cannot be overlooked especially when we commit ourselves to rehabilitation and not to punishment and revenge. The offender's circumstances to be looked at must include the following:

the age of the accused

his or her length of service in ministry

training received in ministry

supervision and control (or lack of it)

existence or lack of ministerial support groups such as staff meetings or ministers fraternals

personal domestic circumstances

previous convictions of accused in church disciplinary courts.

(C) THE INTEREST OF THE CONNEXIONAL CHURCH

The order and discipline within the church is a vital part of its witness to the world. The witness of the whole church is affected by those who break its laws. One of the functions of Conference is to maintain the integrity and pure testimony of those ministering within the churches of the Methodist Church of Southern Africa. Ministers are ordained and accepted into Full Connexion by Conference and for this reason sentencing relates to and is affected by the wider needs of the Connexional Church. The issues that need to be looked at under this heading are amongst others:

the frequency of this particular misdemeanour in the District of commission/Connexion

the offender's attitude towards the authority and discipline of the church. In this evidence of true repentance and restitution will be looked at as well the possibility of the accused committing the same offence due to a rebellious or recalcitrant attitude.

the general witness of the church to the world

SOME SUGGESTIONS ON SENTENCING

1. Immediate discontinuation from ministry
2. Suspended discontinuation from ministry; the sentence will then read as follows:

"The accused is discontinued from ministry, but this sentence is suspended for period of () years on condition that the accused complies with the following conditions of suspension ..."
3. Loss of Full Connexional status. This will place the minister on trial for 1,2 or 3 years as the committee feels. Such minister will have to take part in the training programmes for probationers including I.S.T. and church examinations on polity bookkeeping or theology depending on their misdemeanour. Reports from the Superintendent will be read at Synod and conveyed to Conference/Connexional Executive and should there be no improvement in the minister's attitude or conduct, discontinuation can follow.
4. A monetary fine can be used constructively and this can be linked to the restitution and monetary loss, the accused cause, persons or churches.
5. A directive to the stationing committee regarding Superintendency status and other stationing measures such as not allowing the accused to minister in one person circuits.
6. Mandatory counselling
7. A directive that the accused should appear before the disciplinary committee at some specified future date to give account of his or her personal growth and/or steps taken to prevent the recommission of the offence.
8. Ordination can be deferred or probation lengthened.

CHAPTER FOUR

GLOSSARY

ABSCONDING

This includes the refusal to move to a station Conference appoints, the unauthorised absence and desertion from such a station, and the refusal to be stationed.

ADULTERY

Voluntary sexual intercourse of a married person with a person of the opposite sex, other than his or her spouse.

DISHONESTY

The making of fraudulent, insincere and untrue statements - deceitfulness, lack of honesty and knavish behaviour.

EMBEZZLEMENT

The diverting of another's money fraudulently for one's own use.

FORGERY

Counterfeiting or falsifying documents creating a spurious impression with the intention of misleading.

FORNICATION

Voluntary sexual intercourse between a man and an unmarried women. (dictionary and legal definition). This will include any other sexual act outside the bond of lawful marriage.

FRAUD

The action of using deception and false representation to the detriment of others to benefit the offender.

IMMORAL CONDUCT

A dissolute attitude, lax in morals, lewd and licentious and a neglect or refusal to abide by biblical norms for living

INSUBORDINATION

The refusal or failure to obey the just rules and directives of Conference, Synods and those appointed in authority by them.

MALADMINISTRATION

The deliberate or negligent dereliction of duty; this includes the keeping of proper books, holding proper meetings and administering discipline diligently in terms of our practice.

CHAPTER FIVE

The names of all ministers who have been involved in disciplinary procedures over the last 40 years as contained in the present record of Conference have been placed in an alphabetical inventory which is in the hands of the Secretary of Conference. Conveners of District Disciplinary Committees may, after a verdict has been passed by the District Committee, make enquiries from the Secretary of Conference regarding any previous conviction, and details of sentence passed over the particular minister before them.

SECTION THREE

DISCIPLINARY CODE

The original working document on which all subsequent changes to the disciplinary sections of the L & D was based

THE METHODIST CHURCH OF SOUTHERN AFRICA

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FOREWORD

A small group of men and women met for a number of Saturday mornings from December 1994 and April 1995 to discuss the task that the "New Land Transformation Committee" had given it, namely to redraft regulations relating to discipline within the Methodist Church of Southern Africa.

It is by no means an easy task to rewrite a code of discipline that has evolved over two centuries and has, in this time, been tried and tested within the courts of our church. The small sub-committee was blessed with having people of the calibre of Dr John Borman and Rev Viv Harris contributing of their vast experience. They highlighted certain bottle-neck areas and shortcomings relating to the present statutes.

This draft working paper does not attempt to be a radical transformation of all disciplinary matters but seeks rather to use what is good from the old, to eradicate discrepancies and practical difficulties in the present procedure, and to provide a more streamlined disciplinary procedure.

Since the initial draft document, we have received comments and suggestions by telephone and in writing and we have deliberated over them. This 3rd revision incorporates some alterations based on the suggestions made to us.

DATED AT CAMPERDOWN AUGUST 1995

MEMBERS OF THE COMMITTEE

Rev Dr John Borman	(ex Bishop of District and convenor of Conference Sessional Committee)
Rev Ray Light	(convenor of Conference Sessional Committee)
Mrs Enid Fourie	(Minister's wife with 40 years of pastoral experience)
Mrs Iris Kumalo	(practising attorney in (Pietermaritzburg and member of the Natal West D.A.C.)
Mr James Rasenyalo	(Circuit steward of many years standing and court interpreter with 40 years experience)
Rev Ockert van Niekerk	(Convenor of this committee)
Rev Vivian Harris	(called in as advisor)
Rev Ross Olivier	(called in as advisor)

INTRODUCTION

The mandate for the redrafting of all disciplinary codes within the Methodist Church comes from para 9.4 of the 1994 Minutes of Conference which reads as follows:

"Noting the very poor administration relating to sessional matters both at District and Connexional level Conference directs:

- 1. that a Connexional standing committee on sessional affairs be created.**
- 2. that a manual on administrative procedures relating to matters of discipline be prepared and tabled for approval at the Conference of 1995;**
- 3. that as a general rule any sessional matter not complying with the conditions of procedure set out in the Laws and Discipline be ruled out of order and not be considered by Conference."**

In addition to the above, Conference further resolved that the Laws and Discipline be reviewed to incorporate appropriate insights in the field of conflict resolution and mediation (Minutes, 1994, 37.5).

Armed with this mandate, the present regulations relating to disciplinary procedures within our church were looked at carefully, with the assumption that a triennial conference will be implemented. The suggestions listed hereunder were made.

Many of the good institutions and practices are retained in our draft paper such as the pastoral commission, which to our mind is an excellent piece of pastoral legislation in that it brings about a forum at which mediation and conflict resolution can be practised.

One of the major alterations come in the creation of the District and Connexional Standing Committees on disciplinary matters. These two bodies, which will be democratically appointed by Synod and by the Triennial Conference respectively, will consist of men and women who have expertise, gifting and skills in this kind of work. They will be both clergy and lay and Synod and Conference will give to these men and women the power to deal effectively with all disciplinary matters. Their decisions will be final and binding but they will be answerable to their respective appointing bodies in matters such as impartiality, fairness and a lack of prejudice. They will report directly to Synod and to the Connexional Executive annually and Conference every three years and will be appointed on a three-year basis by these respective bodies.

The committee drafting this working paper felt that the principle that peers should be judged by their peers belongs to the seventeenth and eighteenth century British common law and, like many of the ancient provisions of our discipline, is long overdue for review. The committee felt that the general mood of the church and one of the main objects laid

down by the New Land Conferences is the empowerment of laity and the greater involvement of lay people in church government.

We believe that it is a foregone conclusion that the Connexional Executive will consist of a large proportion of lay people and, as it will be the highest decision-making body within the church between Conferences, it would not make sense to have the standing disciplinary committees, any of the other court of discipline, or any committee or caucus consisting entirely of clergy.

CHAPTER ONE

DISCIPLINARY STEPS RELATING TO MINISTERS

1.1 GENERAL PRINCIPLES

The general procedure relating to disciplinary steps against ministers will follow the same lines as at present, but will now start with a hearing before the District Standing Committee on Discipline. All decisions taken at District level will be reviewed by the Connexional Standing Committee on Discipline which committee will report directly to the Connexional Executive dealing with stationing matters. The whole procedure will then run on the following lines.

1.1.1 THE PASTORAL COMMISSION

The pastoral commission, as it is envisaged in para 4.116 of the Laws and Discipline, is to be retained, in view of the role that it could play in matters of mediation and conflict resolution. The committee felt that the Pastoral Commission must remain under the control and direction of the Bishop. It should consist of clergy and lay persons, and should be ever mindful of its mandate to bring about mediation and to resolve conflict and error in a "Pastoral and Constructive" manner as stated in L & D. The function of this commission is not to be the first step in the implementation of discipline and although disciplinary steps may flow from its report to the Bishop, it is hoped that matters of conflict would be resolved in this commission. A checklist and guidelines for the operation of this commission are being prepared and will form part of this code of discipline if accepted by Conference.

1.1.2 INSTITUTING, FRAMING AND LAYING THE CHARGE

The steps for initiating an enquiry, the institution of a charge, the framing and laying of the charge, together with regulations relating to suspension will remain much the same as they are in Laws and Discipline at present.

1.1.3 TRIAL PROCEDURES AND SUSPENSIONS

The Minor District Synod will now be replaced by a Standing Committee on Disciplinary Matters within each District. This committee consists of a chairperson and six elected members. There shall be not fewer than three ordained clergy and not fewer than three lay people. These officials will be appointed by Synod for a three year period. In appointments Synods should pay proper attention to matters such as gender equality.

The District Standing Committee on Discipline shall make a decision based on the merits of the case, after having heard the relevant evidence. This will be the final decision on the case, which can only be upset on review or appeal by the Connexional Standing Committee on Discipline. The Connexional Standing Committee on Discipline can alter the finding of the District Standing Committee only on one or more of the following grounds:

- (a) that the proper procedures were not followed in terms of our discipline.
- (b) that the law of the church was not properly applied in arriving at the conviction and sentence.

- (c) that there is proof of malice and/or prejudice on the part of those serving on the District Standing Committee on discipline.
- (d) that the sentence imposed does not comply with the precedent created in previous decisions, or that proper cognisance was not taken of all circumstances relating to the accused and the misdemeanour.

1.1.4 THE DISTRICT STANDING COMMITTEE ON DISCIPLINE

will report to Synod but its decision will not be open to debate and reversal by Synod.

1.1.5 APPEAL AND REVIEW

An accused person, who is aggrieved by the decision of the District Standing Committee on Discipline will have the right to appeal to the Connexional Standing Committee on Discipline but such an appeal must be made in terms of the four provisions mentioned in paragraph 1.1.3. This appeal must be lodged with the Chairperson of the Standing Committee on Discipline within thirty days (L&D 4.150), who will immediately refer this to the Connexional Standing Committee on Discipline.

1.1.6 THE CONNEXIONAL STANDING COMMITTEE ON DISCIPLINE

A Connexional Standing Committee on Discipline (as envisaged in Para 1.1.9.2.1 hereunder) will automatically review all District decisions on disciplinary matters and will scrutinise each case to see whether the proper procedures have been followed and whether the law of the church has been properly applied. This Connexional Standing Committee on Discipline will make the final decision on all disciplinary matters and will report to the Connexional Executive at its September meetings prior to the sitting of the Stationing Committee.

1.1.7 THE RELATIONSHIP OF THE CHURCH AND CIVIL COURTS

The committee wished to stress that no matter how much we legislate and say that our decisions may not be tested by aggrieved ministers or anyone else before the civil courts, such internal legislation is totally useless as the courts of our land have an absolute right to hear any grievance that any member or minister may bring against the church on the grounds that the church has not properly followed its own laws and procedures and a civil court of competent jurisdiction can force us to change decisions that were not made in terms of our Laws and Discipline and procedures. For this reason we feel that having the two courts for disciplinary matters within the church are quite sufficient as anyone who is truly aggrieved by these decisions may try to test them in the civil courts. If these two bodies have done their work well and acted strictly according to the rules of our church, no civil court in our land will upset their decision, but if an arbitrary decision is unjustly made without following proper procedures, the civil courts will refer the matter back and force the church to abide by its own discipline.

1.1.8 THE CONNEXIONAL EXECUTIVE

The Connexional Executive at its September meetings, prior to the final meeting of the Stationing Committee, will receive and note the decisions made by the Connexional Standing Committee on Discipline.

1.1.9 GENERAL PROVISIONS

1.1.9.1 PUBLIC RECORD It is vital that justice is seen to be done, and because of this and the adverse consequences that secret records can hold, it was decided by the committee that the records of all disciplinary matters be made public records as in the case of all criminal and civil procedure within our land. Much damage can, however, be done by the wrongful use of information that this record may contain and it is felt that only an accuser or an accused person may, on good grounds being shown, be given a full copy of the record. This will be the evidence led at a disciplinary trial only and will not include any "in committee" deliberations made by the Disciplinary Committee either on conviction or sentence.

1.1.9.2 The two new disciplinary committees that will have to be instituted will be:

1.1.9.2.1 DISTRICT STANDING COMMITTEE ON DISCIPLINE It will comprise 7 members of whom at least three shall be ordained ministers and at least three shall be lay persons. The committee shall choose its own chairperson who may be either clergy or lay. The District Standing Committee on Discipline is appointed by Synod for a three year period and is subject to the Synod which appointed it. It will report to the Synod on all its activities, but its decisions will not be open for debate and reversal by the Synod.

1.1.9.2.2 THE CONNEXIONAL STANDING COMMITTEE ON DISCIPLINE It will be appointed by Conference for a three year term of office, and the details of the appointments and regulations relating to the filling of vacancies are dealt with in the alterations to L&D in Chapter 1.2 hereunder. The composition of the Connexional committee will be similar to that of District Committees.

The mandate for the Connexional Standing Committee on Discipline is, inter alia:

1.1.9.2.2.1 to review all the records of matters dealt with in District Disciplinary Committees and to ensure that proper procedures were followed and that the church discipline was properly applied.

1.1.9.2.2.2 to report to the Connexional Executive on all its findings made in terms of the above paragraph.

1.1.9.2.2.3 to prepare a precedent of decided cases in order to ensure consistency in the disciplinary decisions and sentences imposed by the courts of the church.

1.1.9.2.2.4 to prepare and regularly update manuals relating to disciplinary procedures in the church and to encourage a high standard of disciplinary practice throughout the Connexion.

1.1.9.2.2.5 The decision of the Connexional Standing Committee on Disciplinary Matters will be final and will not be open for discussion or reversal by the Connexional Executive or Conference.

1.2 ALTERATIONS TO THE LAWS AND DISCIPLINE

The regulations relating to disciplining of ministers are contained in para 4.114 to 4.161 of Laws and Discipline. These regulations are going to change quite drastically in that Minor District Synods and the review and appeal role of the Synod and Conference are now going to be done away with. The alterations will, therefore read as follows:

para 4.114

This will remain the same but all references to Conference and Synods will be deleted and District and Connexional Standing Committee on Discipline will be inserted.

para 4.115

This remains the same, but delete reference to Conference as above with the addition of the following sentence at the close of this paragraph. "The Connexional Disciplinary Committee shall make a finding on the disciplinary matter within a period of three months from the date of the District Disciplinary Committee decision thereon."

para 4.116

This remains the same with the proviso that the Bishop may appoint lay people to this commission.

para 4.117

The last sentence reading, "It is desirable for the findings of the commission to be communicated to the person who is under consideration" is to be deleted and the following should be inserted:

"The findings of the commission shall be communicated to the person who is under consideration".

This is definitely in line with present labour laws and general grievance procedure and it is morally and scripturally obligatory to be transparent in these matters.

para 4.118

This remains the same. However, all references to the Bishop are to be deleted and to be replaced by the Chairperson of the District Standing Committee on Discipline.

para 4.119

This remains the same, although the dictates of scripture, as found in Mat 18:15-17, should perhaps be invoked here by the addition of the following paragraph:

After the words "...any minister may bring forward..." the following to be inserted, "...after having discussed the matter face to face with the person against whom an objection is to be made, without coming to a satisfactory conclusion" an objection ..."

The last paragraph of para 4.119 will be deleted and the following inserted:

"Such objection or enquiry shall be dealt with by the District Standing

Committee on Discipline which may meet as a Synod Sessional Committee and shall report to the sitting of that Synod and directly to the Connexional Standing Committee on Discipline, which latter body shall deal with the matter in terms of the provisions set out hereunder."

Para 4.120

This will remain with the deletion of all references to Conference and District Synod to be deleted and to be replaced by the District Standing Committee on Discipline and the Connexional Standing Committee on Discipline.

Para 4.121

This will remain with references to Conference and Synod to be replaced by the Connexional Standing Committee on Discipline and the District Standing Committee on Discipline.

Para 4.122

The reference to the Bishop shall be deleted and the Chairperson of the Standing Committee on Discipline inserted.

Para 4.123

Delete Bishop and insert Chairperson of the Standing Committee on Discipline.

Para 4.124

This shall be deleted and the following shall be inserted:

"An appeal to the District Standing Committee on Discipline shall lie at the instance of the accuser against any decision by the Chairperson in terms of para 4.123 not to proceed with the charge against a Minister and such appeal shall be liable for review by Connexional Standing Committee on Discipline."

In the civil courts of our land this is known as an appeal to the Full Bench.

Para 4.125

This remains the same but delete Bishop and insert Chairperson of Standing Committee on Discipline.

Para 4.126

This shall remain but delete references to "the Bishop" and "Minor District Synod" and insert "Chairperson of the District Standing Committee on Discipline". Add the following sentence to this paragraph "All service of document shall be by personal delivery by either the Chairperson of the District Disciplinary Committee, the Bishop or by a person deputised thereto by the Chairman of the District Disciplinary Committee."

Para 4.127

This shall remain.

Para 4.128

This shall remain, with the addition that charges brought against Bishops will be heard in the Connexional Standing Committee on Discipline. An appeal against the finding of this committee may be lodged within a period of 30 days from the date of the decision of Disciplinary Committee, and such appeal will be lodged with the Presiding Bishop who will appoint a Bishop's Disciplinary Appeal Committee in consultation with the Connexional Executive. The Bishop's Appeal Committee will consist of not less than 3 District Bishops and not less than 3 lay persons serving on the Connexional Executive. This appeal committee will have the same powers and duties as the other disciplinary courts of the church acting in matters of appeal, and its decision will be final.

Para 4.129

This shall remain the same, but include the following after the words "Presiding Bishop": "On the recommendation of the District Disciplinary Committee".

Para 4.130

This shall remain but all references to "Minor District Synod" shall be deleted and District Standing Committee on Discipline to be inserted. Delete "Presiding Bishop" and insert Chairperson of the Connexional Standing Committee. After the word "Minister" in line 4 add "and lay people".

Para 4.131

The District Standing Committee on Discipline's hearings will be presided over by the Chairperson of that committee or a deputy appointed by the committee.

Para 4.132

This shall be deleted and the following shall be inserted:

"The District Standing Committee on Discipline shall consist of seven persons of whom no fewer than three shall be ordained clergy and no fewer than three shall be lay persons. The committee shall be elected by Synod for a three year term of office. Should any member of the committee not continue in office through resignation, death or any other reason the District Executive may appoint a replacement to serve until the sitting on the next Synod. This Synod will appoint a replacement for a three year term of office. The committee will appoint its own chairperson. A member of this committee must be an ordained minister in good standing or a member in good standing of the Methodist Church of Southern Africa.

Any member of the District Standing Committee on Discipline who has any interest either as an accuser, a witness or any other interest in a particular trial which may affect his or her impartiality shall, of his or her own accord, or at the instance of the accused, or accuser, recuse him or herself from sitting on the Disciplinary Committee in that particular trial. In this event the District Advisory Committee will appoint a temporary substitute from a panel previously appointed by the District Synod at the time of the election of the District Standing Committee on Discipline.

The provisions of the preceding paragraph will apply to the Connexional Standing Committee on Discipline.

The District Standing Committee on Discipline is the court of first hearing in all matters relating to the discipline of ministers, and a court of appeal and review in all matters of discipline arising at society or circuit level."

Para 4.133

This shall remain, but references to Minister and Minor District Synod to be deleted and Chairperson of the Committee and District Standing Committee to be inserted.

Para 4.134

This shall remain but District Standing Committee on Discipline be inserted instead of Minor District Synod.

Para 4.135

This shall remain with the proviso that at the close of the first sentence of that paragraph:

"evidence taken on commission shall be taken by not less than three committee members."

all references to Minor District Synod to be deleted.

Para 4.136

This shall remain, but "Presiding Minister" to be deleted and "Chairperson of Committee" be inserted.

Para 4.137

This shall remain but delete references to "Presiding Minister" and "Minor District Synod" as above.

Para 4.137

This shall remain, with the alterations mentioned in 4.137 above.

Para 4.138

This shall remain with the above alterations.

Para 4.139

This shall remain with the above alterations, but all words after "Discipline Committee of College" will be deleted.

Para 4.140

This shall remain with the above alterations and also the deletion of the word "Chaplain".

Para 4.141

This shall be deleted and the following shall be inserted:

"Should the accused be found guilty, the Chairperson of the Committee shall

immediately submit the findings and recommendations of the District Standing Committee on Discipline to the Connexional Standing Committee on Discipline for review.

The Bishop of the District shall forthwith be informed of the verdict and sentence, and a report shall be prepared for tabling at the next Annual District Synod."

Para 4.142

This paragraph will be deleted and the following inserted:

"Conference shall appoint a Connexional Standing Committee on Discipline. The procedures and conditions of appointment are those enumerated in Para 4.132 above.

The mandate for the Connexional Standing Committee on Discipline will be inter alia:

1. To review the records and findings of all matters dealt with by the District Standing Committees on Discipline.
2. To ratify, amend or reverse the verdict and sentences imposed by the District standing Committees on Discipline, and/or to refer them back to Districts for retrial.
3. To report to the Connexional Executive on all matters dealt with by it.
4. To prepare a precedent of decided cases in order to ensure consistency in the disciplinary decisions and sentences imposed by the courts of the church.
5. To prepare and regularly update manuals relating to disciplinary procedures in the church and to encourage a high standard of disciplinary practice throughout the Connexion.

Para 4.143

This shall be deleted and the following inserted:

"The District Standing Committee on Discipline shall impose the sentence, but the sentence shall not be brought into effect until the Connexional Standing Committee on Discipline has reviewed the record or an appeal, when lodged, has been decided on.

The Connexional Executive on receipt of the final decision of the Connexional Standing Committee on Discipline, will ensure that the sentence is executed."

The Connexional Executive shall have the right to report to the Attorney General of any province or any other relevant civil authority, an offence which it, on the

The appeal will be lodged with the chairperson of the Connexional Standing Committee on Discipline within a period of 30 days of the decision of the District Standing Committee on Discipline being made known to the accuser and the accused. The appeal must be in writing and must set out the grounds of appeal.

Para 4.152

This remains the same

Para 4.153

This remains the same, but references to "Minor District Synods" be deleted.

Para 4.154

This is deleted.

Para 4.155

This is deleted and the following inserted;

"In the case of a hearing before either the District or Connexional Standing Committees on Discipline, whether such hearing is of first instance or on review or appeal, and if any member of the committee is part of the proceedings of first instance or was part of the proceedings under review or appeal as accuser, accused or witness, or if any member is affected personally by such proceedings, such member shall vacate their seat on the committee for the hearing of that particular matter, and the District/Connexional Executive shall appoint a temporary substitute for such member.

Para 4.156

Remains the same but following references deleted:

"Nominated members"

"Minor District Synod"

insert

"District Standing Committee on Discipline"

"(Being members...."

" Synod"

insert

Connexional Standing Committee on Discipline.

"...or to vote..."

Para 4.157

This is deleted.

Para 4.158

This remains the same, but references to Conference deleted and "Connexional Standing Committee on Discipline" inserted.

Para 4.159

This remains the same, but the references to "Conference" and Synod shall be deleted and "District Standing Committee on Discipline" and "Connexional Standing Committee on Discipline" shall be inserted.

Para 4.160

This remains the same.

1.3 REGULATIONS RELATING TO DISCIPLINARY PROCEEDINGS TOGETHER WITH CHECKLISTS

The Committee drafting this document felt very strongly that detailed checklists need to be compiled for all the disciplinary courts of our church commencing with the society leaders' meeting, right up to the Connexional Standing Committee on Discipline. These checklists will be used as a guideline for the procedure to be followed in all disciplinary courts. The excellent document called "Procedure for Minor Synods", written by Rev Norman Coetzee and edited by Rev Vivian Harris, will be used as a basis for the drafting of all these checklists. These are being drafted, but will not be available until such time as the New Land Transformation Committee, Synods and Conference have agreed on the changes they wish to make to the disciplinary procedures of our church.

The checklists mentioned above will assist the members of the different disciplinary courts in ensuring that they do not neglect any part of our discipline. The three areas of the law that will need to be looked at are the following:

1.3.1. PROCEDURES.

1.3.1.1 Is the court of first instance properly constituted in terms of our discipline?

1.3.1.2 Are the accusers and accused properly informed of the nature and scope of proceedings?

1.3.1.3 Are the accused and the accuser properly informed of their rights and duties in terms of the Laws and Discipline in so far as it relates to disciplinary procedures?

1.3.1.4 Is a proper record being kept of the proceedings?

1.3.2 APPLICATION OF SUBSTANTIVE LAW

1.3.2.1 Were the provisions of our Laws and Discipline properly adhered to during the trial?

1.3.2.2 Was the law properly applied in coming to a verdict and the imposition of a sentence?

1.3.2.3 Is there any proof of undue malice or prejudice on the part of anyone serving on the court of first instance?

1.3.3 SENTENCE

In the imposition of sentence, was proper account taken of the following:

1.3.3.1 circumstances of the accused?

1.3.3.2 the severity of the crime and the frequency of its occurrence within the church?

1.3.3.3 was there a proper scriptural balance between the righteous requirements of the law and Christian grace?

1.3.3.4 has the accused being found guilty of a similar offence on a previous occasion?

1.4 THE FOLLOWING CHECKLISTS AND GUIDELINES ARE BEING PREPARED:

- 1.4.1 The Pastoral Commission
- 1.4.2 The Leaders' Meeting dealing with the discipline of members
- 1.4.3 The Local Preachers' Circuit Meeting dealing with discipline.
- 1.4.4 The procedures in the District Standing Committee on Discipline.
- 1.4.5 The procedures in the Connexional Standing Committee on Discipline.

CHAPTER TWO

TRIAL AND EXCLUSION OF MEMBERS

2.1 GENERAL PRINCIPLES

The committee dealing with the revision of disciplinary procedures discussed para 3.13 to 3.31 at great length and at first there was some division in the committee as to the fact that different sections of our church define "gross sin" in different ways. A young girl becoming pregnant out of wedlock would most definitely warrant a charge in one section of our church while another section would not take formal disciplinary steps and would deal with the matter in a totally different way.

On a further examination of all the rules and regulations relating to our discipline, the meeting came to the agreement that the spirit behind the law is one of reconciliation, of pastoral concern and of counselling fallen brothers and sisters back into a full relationship with the Lord and with the church. In the light of this the committee felt that each worshipping community will, of itself, find its own way of applying the letter, but more so, the spirit of the law in each circumstance.

This does not mean that sections of our church compromise on the strict standard of the law, but in reality it means that we all apply the law, though in different ways, some through formal charges, others through in depth counselling and an informal suspension from the privileges of the church, but that the end result, that is the restoration of brothers and sisters who have fallen, remains the same.

The committee felt that there were some discrepancies and unfortunate use of language within the present Laws and Disciplines and suggest that there be alterations as stated hereunder.

2.2 ALTERATIONS TO LAWS AND DISCIPLINE

The paragraphs looked at were 3.13 to 3.31 and the following alterations were suggested.

The heading above 3.13 be changed from "the Methodist discipline" to "Discipline for Members".

Para 3.13

this to be altered in the following way. Delete "are regarded as self excluded from membership". Delete "shall be removed by the leaders' meeting from the role of members" and insert the following, "their names shall come before the Society Leaders' Meeting for consideration and the Leaders shall come to a decision based on the true spirit of Methodist discipline, that is tenderness, patience and fidelity which must be exercised in harmony with the law of Christ". Delete the heading "Trial and Exclusion of Members" above 3.14.

3.14

remains the same

3.15

remains the same, except delete the word "Bishop" and insert the word "Chairperson of the District Standing Committee on Discipline".

3.16
remains the same

3.17
remains the same

3.18
remains the same

13.19
remains the same

3.20
remains the same

3.21
remains the same

3.22
remains the same

3.23
remains the same

3.24
Delete the words, "Annual District Synod" and insert "the District Standing Committee on Discipline".

3.25
Delete the word "Bishop" and insert "Chairperson of the District Standing Committee on Discipline". Also delete "and to the Annual District Synod".

3.26
Delete the word "Bishop" and insert "Chairperson of the District Standing Committee on Discipline".

3.27
Delete the whole paragraph.

3.28
Delete the whole paragraph.

3.29
Delete the whole paragraph.

3.30
Delete the whole paragraph.

CHAPTER THREE

DISCIPLINE RELATING TO LOCAL PREACHERS

3.1 GENERAL PRINCIPLES

The committee felt that the disciplinary steps relating to local preachers as contained in para 21.31 to 21.41 do not require any drastic changes, apart from the fact that the appeal from the Circuit Local Preachers' Meeting must be made to the District Standing Committee on Discipline and not to the Synod as before.

The alterations to Laws and Discipline are therefore discussed hereunder.

3.1 ALTERATIONS TO LAWS AND DISCIPLINE

The following

21.31

remains the same

21.32

remains the same

21.33

this remains the same

21.34

Delete references to "Conference" and insert "the Connexional Standing Committee on Discipline".

21.35

Delete references to "District Local Preachers' Court of Appeal" and insert "the District Standing Committee on Discipline".

21.36

Delete this whole paragraph

21.37

Delete this whole paragraph and insert:

"The appeal shall be considered on the record of the Circuit Local Preachers' Meeting and no evidence shall be permitted, unless the District Standing Committee on Discipline refers to the case back to the circuit to be reheard. The verdict of the District Standing Committee on Discipline is final."

21.38

remains the same.

21.39

Delete references to "the Bishop" and insert "Chairperson of the District Standing Committee

on Discipline".

21.40

Delete reference to "the Bishop" and insert "Chairperson of the District Standing Committee on Discipline".

21.41

Delete references to "the Bishop" and insert "Chairperson of the District Standing Committee on Discipline".

CHAPTER FOUR

DISCIPLINE RELATING TO MEMBERS OF THE DIACONATE

4.1 GENERAL PRINCIPLES

The committee felt that the regulations as contained in Laws and Discipline in 22.29 to 22.44 adequately cover the disciplinary proceedings, but to bring these into line with the new provisions for the discipline of ministers, various alterations need to be made insofar as the appeal to the Synod and Conference is concerned.

The following alterations were therefore suggested to Laws and Discipline:

4.2 ALTERATIONS TO LAWS AND DISCIPLINE

22.29

remains the same, except that references to "deaconess" be amended to "members of the diaconate".

22.30

remains the same

22.31

Delete reference to "Conference" and insert "the Connexional Standing Committee on Discipline".

22.32

remains the same

22.33

remains the same

22.34

Delete reference to "the Presiding Bishop" and insert "the Chairperson of the Connexional Standing Committee on Discipline".

22.35

remains the same

22.36

remains the same

22.37

Insert after "the Presiding Bishop..."

"The Presiding Bishop on recommendation of the Connexional Standing Committee on Discipline"

22.38

remains the same

22.39

Delete references to "Minor District Synod" and insert "District Standing Committee on Discipline".

22.40

Delete this paragraph and insert the following"

"An appeal at the instance of the accused or accuser will be lodged with the chairperson of the Connexional Standing Committee on Discipline and the decision of the aforesaid Standing Committee will be final.

22.41

remains the same, but delete reference to "the Warden" and insert "The Chairperson of the Standing Committee on Discipline".

22.42

remains the same

22.43

Delete "Conference" and insert "Connexional Standing Committee on Discipline".

22.44

Delete "Conference" and insert "Connexional Standing Committee on Discipline".

CHAPTER FIVE

DISCIPLINE IN MATTERS RELATING TO EVANGELISTS, FULL TIME PASTORAL WORKERS AND YOUTH PASTORS

5.1 GENERAL PRINCIPLES

This is a new category within our church and is not dealt with in the present provisions of Laws and Discipline. The committee felt that the membership and office of these officials within the church must not be confused and that their discipline will be dealt with as ordinary members are dealt with in terms of chapter 2 above.

These officials of the church do not belong to a specific order or group and are employed and paid by Local Societies and Circuits and will therefore fall under the discipline of such Societies and Circuit.

All matters of discipline relating to these officials will, as in all cases, be reviewed by the District Standing Committee on Discipline.