Church Law: Do We Still Need It?[1]

Prof. Leo J. Koffeman, Utrecht

Abstrak
Hukum gereja seringkali dianggap sebagai penyebab terperangkapnya gereja-gereja di dalam legalisme yang menghambat kreatifitas dan kontekstualisasi. Anggapan semacam itu menyebabkan pembicaraan mengenai hukum gereja di kalangan teologi akademik tidak populer. Sebagian besar sekolah teologi di dunia bahkan tidak lagi mengajarkan mata kuliah Hukum Gereja sebagai sub disiplin yang berdiri sendiri. Artikel ini menguraikan lebih banyak alasan mengapa hukum gereja dicurigai. Tanpa mengingkari adanya persoalan-persoalan yang terkait dengan pemanfaatan hukum gereja itu, penulis menawarkan solusi bukan dengan menyingkirkan hukum gereja melainkan dengan membangun hukum gereja melalui pendekatan-pendekatan baru yang ekumenis, kontekstual dan anti legalisme.

Kata-kata kunci: hukum gereja, tata gereja, legalisme, partikularisme, ekumenis, kontekstual.

The question if we still need church law might sound a bit awkward. Of course, we do need some rules, at least a minimal set of regulations as to the way we organize processes of decision making within the church. Do we use a kind of Western parliamentary system, including majority rule? Or, for instance, do we prefer a consensus model that might be more in line with the principle of *musyawarah untuk mufakat* as it is known in Indonesian society? I will come back tot this specific question later on.

Of course, we do need some rules. The leading question of this contribution is not meant to challenge that. Every society and every community within society has its rules, sometimes written and sometimes only by way of unwritten codes.
My question is about church law as a theological issue, or even a theological (sub)discipline. Is it necessary to do theological research in the area of church law, and to spend time in theological education on church law? Is not it sufficient to give a student after graduation a copy of the *Church Order* of his or her church? Of course, a minister should be aware of the rules, but why not leave it with that?

Church law does not have a strong position at protestant theological universities and faculties worldwide. At this point Protestantism strongly differs from main Christian traditions like Roman Catholicism (with its faculties of canon law) and Anglicanism. In Europe it is especially in Germany that church law (*Kirchenrecht*) is being dealt with at an academic level. But it is not the faculty of theology, but the faculty of law that takes care of it, because church law has always been part of public law in Germany – and it still is. In the United States there are a few Reformed church law scholars[2], but an outstanding seminary as Princeton Theological Seminary has no chair of church law. It seems that only in the Netherlands and South Africa and in for instance Jakarta (STT) church law continues to have an academic position at a theological faculty/university.

---

[1] Lecture given at a symposium, organized by the Faculty of Theology of DWCU and LPPS, 22 March, 2010.

[2] Prof. H. de Moor (Calvin Theological Seminary, Grand Rapids), Dr. A. Janssen (New Brunswick Theological Seminary).

You will not expect me, as a professor of church law (and ecumenism), to capitulate immediately, and to say: indeed, we do not need church law in theological thinking anymore! In this contribution I rather want to accept the challenge. It is my purpose to identify five strong arguments against church law, and to respond to them to the best of my capacities.

Conservatism?
May be the most widely shared argument against church law is that it is considered to further conservatism and to frustrate renewal.
It is not difficult to gather experiences from practical church life that confirm this argument. Initiatives to renew life and mission of the congregation or to develop an inspiring new synodical program can be confronted with objections from church law advisors or committees saying: 'This does not fit within our church order regulations'. A certain degree of bureaucracy easily overrules ecclesial renewal.

Behind this a theological problem is hiding. In the Reformed tradition that we share, church law has very often been seen as a discipline quite close to church history. In fact, historical arguments have often been decisive. 'This is not possible according to our church order, and our church order is rooted in the Reformed tradition as developed in Dutch church history'[3]. So-called 'Reformed church law principles' are being used to prevent ecclesial renewal.

I fully recognize this problem. In fact it has been one of the major tendencies I had to tackle over the last seventeen years, after my appointment as professor of church law in Kampen (1993). But it is certainly no solution to avoid the theological discussion needed here. On the contrary, it is exactly this kind of experiences that require a truly *theological* discourse on church law!

What we need today is a broad and multidisciplinary and therefore most of all a *critical* approach of church law in theology. Here, practical theologians as well as missiologists have to take responsibility. They are supposed to know – or at least to try and find out – what is necessary to foster the renewal of ecclesial life, both on a local and a denominational level.
But most of all a critical approach of church law is dependent on the input of systematic theology, and more specifically ecclesiology. It is clear that the Bible does not present a clear-cut church order.[4] It is also clear that 16th century Dutch experiences cannot be decisive as to what kind of church order we need today, both in Indonesia and in for instance the Netherlands. Biblical and historical arguments cannot be totally discarded, but their role is necessarily limited in view of the challenges churches have to face today.
We need ecclesiological research – as I said: within a multidisciplinary set-up – to find theological answers to the question what the nature and mission of the church is today, and how this should affect our church law regulations. Key ecclesiological issues – like 'ordained ministry', the role of confession, inclusive forms of church life, and many others – have to be related to church law practice in order to serve the church.

---

[3] For centuries in our common history the church law tradition, starting from the Synod of Emden 1571 and the *Dordt Church Order* (Dordrecht 1618-1619), and continued in the work of important theologians like G. Voetius (1589-1676) and later on A. Kuyper (1837-1920) and F.L Rutgers (1836-1917), has been regarded as in itself a criterion for Reformed church law.

[4] Cf. A.J. Bronkhorst, *Schrift en kerkorde. Een bijdrage tot het onderzoek naar de mogelijkheid van een 'schriftuurlijke kerkorde'*, Den Haag 1947.

Churches are institutions, and like all institutions in society they have an in-build tendency to maintain the *status quo*. This is more or less self-evident: institutions usually are not eager to change. So, conservatism and bureaucracy are real threats to church life. They can only be tackled, not by resignation or by declaring church law 'unnecessary', but by critical theological analysis and creative theological suggestions. That is what theological faculties are for, and that is also what churches should expect from those faculties they feel connected with.

Confessional narrow-mindedness?
A second argument against church law is in fact closely related to the first one, but it has a different scope. Church law is supposed to focus on a specific confessional tradition, and therefore not to be able to respond adequately to plurality, both in the church and in society.
In our tradition church law is 'Reformed church law'. Above I already referred to so-called 'Reformed church law principles'. As such we could for instance mention principles like:

- the church has to be governed by ecclesial assemblies consisting of the three Reformed offices: minister, elders and deacons; therefore, Reformed church law excludes the possibility of bishops;
- the autonomy of the local church/congregation has to be respected above all;
- and others.

Here, church law often plays a role as the main defender of our own confessional inheritance. Procedures of church discipline are in place in order to maintain a strictly Reformed identity of the church.
From this perspective, church law and ecumenism seem to be natural enemies. This can be a problem in a European setting, but it certainly is in a context like yours, I assume. Confessional differences and denominationalism have been exported from the North to the South, but I suppose that in many respects this is no longer convincing. Ecumenical challenges cannot be neglected in a context in which churches from very different backgrounds have to cooperate in order to make a difference in a society in which Christianity is a minority religion.

Again we need a truly theological approach to deal with this problem. The question is: is it necessary for church law to be at odds with ecumenism?
I do not think so. Not at all! On the contrary, in my view church law has to be dealt with from an ecumenical perspective in the first place. My chair in Utrecht is 'church law and ecumenism', and that is no coincidence.
In a book I published last year[5] I try to give some guidelines in this respect, and to plead in favor of 'ecumenical church law'.[6] My main argument is: if church law wants to be an academic discipline at all, it necessarily has to be ecumenical. This goes for all theological disciplines. In terms of methodology there is no Reformed way of doing church history – although a church historian can of course take the Reformed tradition as his or her main subject. In terms of methodology there is no Reformed way of doing practical theology (certainly not in terms of empirical methods) – although a practical theologian can focus on practices in a Reformed setting. Church historians and practical theologians use academic methods that are independent of a specific confessional tradition. The same goes for biblical scholars and to a large extent even for systematic theologians. Any kind of theology – in any field of research

[5] L.J. Koffeman, *Het goed recht van de kerk. Een theologische inleiding op het kerkrecht*, Kok: Kampen 2009.
[6] In this respect I feel deeply indebted to the work of the German church law scholar H. Dombois. Cf. his main publication: *Das Recht der Gnade. Ökumenisches Kirchenrecht*, (= Law of Grace, Ecumenical Church Law), Vol. I, Bielefeld 1961, Vol. II, Bielefeld 1974, Vol. III, Bielefeld 1983.

– that deliberately refuses to enter into debate with colleagues from other denominations and traditions – according to recognized academic standards – does no longer deserve the name of academic theology at all.
I am strongly convinced that the times of apologetics or confessional self-justification are over, both for academic reasons (as mentioned above) and for spiritual reasons. No theological argument can be valid for the sole reason that it is Reformed. At best it is Reformed because it is valid! It is no longer possible to (implicitly, or let alone explicitly) neglect the way the holy Spirit is working in the ecumenical movement. Even the Roman Catholic Church, with its strong tendency to identify itself with the Church of Jesus Christ, has again and again recognized the ecumenical movement as a movement of the holy Spirit.

Church law research has to be in touch with ecumenical ecclesiological thinking. Over the last decades the Faith and Order Commission of the World Council of Churches – and I suppose that you know that the Roman Catholic Church is a full member of the Faith and Order Commission – has taken ecclesiology as its main subject of studies. The same goes for many of the recent bilateral ecumenical dialogues like those between the Roman Catholic Church and the World Alliance of Reformed Churches.[7]
It is especially the Faith and Order document *The Nature and Mission of the Church*[8] that has to be mentioned here. This result of a long study project presents an ecclesiological approach that shows major convergences in fundamental questions like the relation between the church and the Word of God, the role of tradition, the church as communion (*koinonia*), etc. Of course, it also lists a lot of differences and questions still to be resolved, but nevertheless it presents an ecumenical framework that can and should be made fruitful for church law as well.

I am aware of the fact that ecumenical theology – and in fact ecclesiology as such – tends to be quite abstract. On a systematic theological level it is easy to use much nuanced or even paradoxical formulations. For instance, it is a well-known ecumenical paradigm to speak of 'unity in reconciled diversity'. Nobody would seriously oppose this, as long as we can agree on a balance between unity, diversity and reconciliation. If church lawyers take part in an ecumenical debate on such views, they will bring forward the question what 'unity in reconciled diversity' would mean in practice. How can we organize it? What kind of legislation does it require? That in fact helps ecumenical dialogue to stay focused.

Introversion?
But is not church law naturally focused on internal church life? Is not it suffering from a high degree of introversion? This is a third argument often heard against church law. It is all about internal procedures and therefore it distracts attention from the really urgent issues, like the mission of the church. In other words: it is necessarily introvert, because it always and only has to do with internal organizational issues.

---

[7] Cf. *Towards a Common Understanding of the Church*, (Studies from the World Alliance of Reformed Churches No. 21), Geneva 1991, also published in*: Information Service* 74 (1990 III), 92-118; 'The Church as Community of Common Witness to the Kingdom of God. Roman Catholic-Reformed Dialogue', in: *Reformed World* 57(2&3), June-September 2007, 105-207. Cf. for more ecumenical reports also: H. Meyer/L. Vischer (ed.), *Growth in Agreement. Reports and Agreed Statements of Ecumenical Conversations on a World Level*, (Faith and Order Paper No. 108), Paulist Press: New York 1984; J. Gros (ed.), *Growth in Agreement II. Reports and Agreed statements of ecumenical conversations on a world leve 1982-1988l*, (Faith and Order Paper No. 187), WCC: Geneva 2000; J. Gros et al. (ed.), *Growth in agreement III. International dialogue texts and agreed statements 1989-2005*, (Faith and Order Paper No. 204), WCC: Geneva 2007.

[8] *The Nature and Mission of the Church. A Stage on the Way to a Common Statement*, (Faith and Order Paper No. 198), WCC: Geneva 2005.

Again, I do recognize the argument to some extent. There is an inevitable tension between a church's internal life and its mission. In many respects internal church issues tend to consume so much energy of those who are responsible in the first place that too little attention can be given to the role of the church in society and to its witness and service towards people outside the church. And, indeed, many of these internal church issues have obvious aspects of church law.

Also in this issue my reaction is more or less similar to my reaction to the first two arguments. It does not help to say 'we do not need church law anymore'. The only adequate response is: we may need a different approach, a more theological and even a *missionary* approach to church law.
In this respect I do think that churches in traditionally 'Christian' countries like the Netherlands need to learn from churches in the South, like your churches here in Indonesia. We share the same inheritance in terms of Reformed church law. But we should be aware of the fact that this presbyterial-synodical system is rooted in an era of a supposedly self-evident Christian society. In the sixteenth and seventeenth century the Netherlands was not seen as a mission field at all. The Reformed tradition developed in opposition to Roman Catholicism, but within a broader framework of the *corpus christianum*, a societal order in which church and state were seen as two institutional forms of the same Christian commonwealth.
In many respects church law in the Netherlands still draws upon this past, for instance in the way the so-called 'territorial principle' is maintained: in principle your home address is decisive as to the question to which congregation you belong. We are only starting to be aware of the challenges implied in a secular society, with a majority of the population not belonging to any church. Over the last few years the general synod of the Protestant Church in the Netherlands has put missionary work at the top of the church agenda, but we have not even started to really consider what it could mean to be a missionary church in terms of church law. In some respects church order regulations seem to frustrate missionary strategies, for instance in terms of the legal requirements of founding a new congregation (church planting as a missionary strategy),[9] and also in terms of the church order stipulations with regard to theological education. In fact we do not give priority to training missionary ministers, but we still educate ministers that first of all are able to meet the expectations of those who are (still?) members of the church. The *Church Order* does not really point into another direction.

I am aware that churches in Indonesia have a long history of coping with questions regarding the mission of the church. They have done so in a situation which is totally different from the Dutch context. It is only fair to ask if church law has been experienced as helpful in terms of the mission of the church, or rather as a source of additional complications and frustrations.
But let me deal with the same issue from the opposite perspective. We really need – both in the Netherlands and in Indonesia – a missionary approach of church law. In ecclesiology the mission of the church is one of the key issues, and I am convinced that this is true with regard to theology in Indonesia as well. A lot of energy and creativity is spent in theological research and practical experiments with an aim of improving the missionary performance of the churches. As far as it is a fact that sometimes such efforts are confronted with church law problems, these issues should be identified, explicitly described, and dealt with from a truly theological perspective. We do not need *less* church law; we need *more* church law research.

Uniformity?

[9] However, proposals to change the PCN Church Order in this respect will be on the agenda of synod in September 2010.

A fourth argument against church law often heard is: church law tends towards uniformity, and therefore it decreases room for experiment and innovation. Church law works with general rules that should be applied in all circumstances in an equal way, is not it? Therefore it necessarily neglects the particularities of specific situations to a large extent.
I am afraid that this again is a valid argument, rooted in disappointment and frustration that can not be neglected.
My roots are in the Reformed Churches in the Netherland (RCN), founded by Abraham Kuyper. He is well known for having spoken about 'the curse of uniformity' in modern life. As a real romanticist he enjoyed what he called 'pluriformity'. Nevertheless, during the first half of the 20th century the RCN developed into a denomination with a high degree of uniformity. Whatever would deviate from what was supposed to be 'normal' (and therefore truly 'Reformed'!), was looked at with distrust and suspicion. An absolute understanding of truth implied that the same rules would apply in all circumstances. For decades it did not matter in which RCN congregation you would participate: there was hardly any difference. Church law served such uniformity.

May be one can argue that the second generation betrayed a basic intuition of Abraham Kuyper. In 1895 the general synod of Middelburg of the RCN dealt with the important issue of the mission of the church, especially with regard to mission work in what is now the Republic of Indonesia.[10] At that time Abraham Kuyper was not convinced that the young churches here should copy both the confessions and the church order of the RCN. In his view at least on the long run the churches here should express themselves in terms of confession and church order in a new way, which would be adequate in a context so different from the Dutch setting. Unfortunately, Kuyper's views did not shape the RCN mission policy for the first six or seven decades after 1895.

Whatever historical judgment we can have in this respect, I do think that we need a more theological and therefore a more *contextual* approach of church law. This implies that church law should provide more room for diversity and plurality. Uniformity is not necessarily a legal virtue. Today variety, creativity and flexibility may be more important in order to make church law serve the mission of the church. It all depends on basic ecclesiological views.
Ecumenical ecclesiology has rediscovered the church as communion, always referring to the New Testament word *koinonia*. This word has a wide range of meanings and nuances.
The WCC Assembly of Porto Alegre (2006) spoke of "unity as 'a koinonia given and expressed in the common confession of the apostolic faith; a common sacramental life entered by the one baptism and celebrated together in one eucharistic fellowship; a common life in which members and ministries are mutually recognized and reconciled; and a common mission witnessing to the gospel of God's grace to all people and serving the whole of creation'.[11] Such koinonia is to be expressed in each place, and through a conciliar relationship of churches in different places".[12] And in *The Nature and Mission of the Church* the church as koinonia is described like this: "Visible and tangible signs of the new life of communion are expressed in receiving and sharing the faith of the apostles; breaking and sharing the Eucharistic bread; praying with and for one another and for the needs of the world; serving one another

---

[10] Cf. H. Reenders, *De Gereformeerde zending in Midden-Java, 1859-1931. Een bronnenpublicatie*, Boekencentrum: Zoetermeer 2001.
[11] L.N. Rivera-Pagán (ed.), *God, in your Grace ... Official Report of the Ninth Assembly of the World Council of Churches*, WCC: Geneva 2007, 255-261, 256.
[12] *Called to be the One Church*, par. 2

in love; participating in each other's joys and sorrows; giving material aid; proclaiming and witnessing to the good news in mission and working together for justice and peace. The communion of the Church consists not of independent individuals but of persons in community, all of whom contribute to its flourishing".[13]

In my view the church as *koinonia* reminds of first of all of the fact that the church is a network of people and groups, in optimal equality. It is not primarily based on the common acceptance of common doctrine (how important this may be), but first of all on the mutual acceptance of persons. Inclusiveness is a key quality marker of the church, and of church law.

This brings me to some of the ideas I developed last year. In my book I distinguish four quality markers of the church: inclusivity, authenticity, conciliarity, and integrity. The quality of church life can be assessed by taking these quality markers as criteria;

- Is your church really inclusive, and does it therefore go beyond 'natural' and cultural borders?
- Is your church really authentic, and does it therefore continuously orientate itself towards the Gospel?
- Is your church really conciliar, and does it therefore stimulate mutual accountability and common decision making?
- Is your church really integral, and does it therefore maintain high standards of Gospel morality?

All of these questions have consequences in terms of church law, and it is part of the responsibility of theologians to evaluate church orders from this perspective and to develop proposals for change wherever necessary.

The framework of this contribution does not allow me to go deeper into each of these quality markers, but let me focus on two of them.
So, the first is: a church should be inclusive, and church law should serve that quality. Inclusivity means: cultural, ethnic, linguistic or other aspects of human life cannot be decisive in the church. The church is always called to go beyond such borders to the best of its capacities.[14] This makes the church missionary and multicultural at the same time.
But an inclusive church should also be aware of the need to be a conciliar church. This latter term plays a major role in ecumenical life, especially since the WCC assembly of Nairobi (1975) used it to describe the ecumenical vocation of the churches: "The one church is to be envisioned as a conciliar fellowship of local churches which are themselves truly united. In this conciliar fellowship, each local church possesses, in communion with the others, the fullness of catholicity, witnesses to the same apostolic faith, and therefore recognizes the others as belonging to the same church of Christ and guided by the same Spirit (..) They are bound together because they have received the same baptism, and share the same eucharist; they recognize each other's members and ministries. They are one in their common commitment to confess the Gospel of Christ by proclamation and service to the world. To this end, each church aims at maintaining sustained and sustaining relationships with her sister churches in conciliar gatherings whenever required for the fulfillment of their common calling".[15]
Concilarity requires 'sustained and sustaining relationships between churches in conciliar gatherings', or in other words: it requires structures of mutual accountability and common decision making. A church is not really inclusive, if it is not taking

---

[13] *NMC*, par. 32

[14] The South African *Belhar Confession* (http://warc.ch/pc/20th/02.html) expresses this view – against the background of apartheid – in an impressive manner.

[15] D.M. Paton (ed.), *Breaking Barriers. Nairobi 1975*, London/Grand Rapids 1976, 60

conciliarity seriously at the same time. A church in which groups with different cultural backgrounds and/or spiritual traditions live together without any deeper interaction, is in fact neither inclusive nor conciliar. Conciliarity is the only theologically valid alternative of uniformity. In ecumenical dialogue 'conciliar fellowship' is often seen as opposite to 'unity in reconciled diversity'. I do not think that such opposition is necessary. In church law it is possible to safeguard unity in a way that at the same time recognizes the need for diversity.

In this framework let me tell you why I came to Indonesia in the first place. My visit is part of a study leave. I am especially interested in the issue of the contextuality of church law. What kind of challenges in terms of church law can be identified in contexts different from my Western European situation? How can and do churches respond to these challenges?
May be a conciliar system in a Western democratic context cannot but adopt parliamentary procedures, at least to a certain degree. But what could conciliarity for instance mean in an Indonesian context? Two years ago a young Indonesian theologian, Roy Alexander Suryanegara, wrote a Master thesis under my supervision on this question. He did research into the advantage of the Indonesian *musyawarah untuk mufakat* principle – as held by Indonesian society as their national way of decision-making – in the ecumenical quest of the churches in Indonesia. He was motivated by the conviction that this principle could contribute to help the Indonesian churches in their search for unity in Indonesia. Let me share with you the core of his conclusion: "Each church structure [in the Indonesian churches], along with their own doctrinal position, ecclesiological assumptions, and traditional backgrounds, manages to recognize and acknowledge the importance of common decision-making through discernment and deliberation of the *Musyawarah Untuk Mufakat* principle. This sheds light to the goal of the research that introducing the *Musyawarah Untuk Mufakat* could have a significant advantage to the church-unity discussion in Indonesia. However, the application of this principle could be benefited with further elaboration concerning the criteria of when a consensus is reached. We have seen that none of the churches mentioned here have a clear definition of what a consensus is in the *Musyawarah Untuk Mufakat* process. Churches in Indonesia could take an advantage of the criteria already developed in the World Council of Churches' Consensus Method. This is necessary in the 'working', or the 'mechanical' aspect of a *Musyawarah Untuk Mufakat* process".[16] Here we have an example of research in church law that could really serve the churches.
In my view we need more studies like that[17] in order to contextualize church law! Contextualization is the adequate response to tendencies of uniformity, and can really help to further creativity and local initiatives. In church law research a contextual approach can not only profit from postcolonial, innovation-friendly and plurality-sensitive forms of ecclesiology, but it can also strengthen such theological approaches.

Legalism?
Let me come to the fifth and final argument often used against church law: it tends to further legalism! For church lawyers the only relevant criterion in any situation seems to be, if the church order rules have been met as to the most specific details. If so, it is all right. If not, you have a problem.

---

[16] R.A. Suryanegara MTh, *Musyawarah Untuk Mufakat. A contribution to the Indonesian Churches' search for unity through decision-making*, Kampen 2008 (Master thesis, not published), 50.

[17] Of course I should also mention studies like: E. Darmaputera, *Pancasila And The Search For Identity And Modernity In Indonesian Society*, Brill: Leiden 1988, and: L.H. Purwanto, *Indonesian Church Orders Under Scrutiny*. Van den Berg: Kampen 1997.

This argument comes close to the first one I mentioned (conservatism and bureaucracy), but it has a different background. It most of all has to do with a specific understanding of what 'law' is.

In my view theologians and more specifically experts in church law do need more juridical education in order to combat legalism. This may sound paradoxical, but I am convinced that a better understanding of 'law' prevents rather than furthers legalism. A poor knowledge and feeling of the dynamics of legal science leads to either legalism, or – at the opposite side – the tendency to ignore church law regulations. This is an unfruitful and potentially even dangerous alternative. Therefore, church law experts should be *better* lawyers, should be more aware of the dynamics and potential of law. I myself am a theologian, and I do not have any degree in law. I only did a very limited amount of research in legal philosophy and history of law, but I do think that I profited a lot from it.

Last February I visited South Africa, for the same reasons that have brought me to Indonesia. What struck me there was a major difference between the majority white and the majority black churches I met. In so-called white churches there seemed to be a tendency to ignore church law on the local level, sometimes with an appeal to the 'Reformed principle' of the autonomy of the local congregation. Nobody seemed to care too much about this. In so-called black churches, however, I felt a certain degree of legalism. In cases of conflict at the local level, for instance between a church council and a pastor, at some stage one of the parties involved would go to the civil court to seek justice.
Now, in South Africa the context plays a decisive role in this field. After the apartheid era a new Constitution of the Republic of South Africa was adopted, with an impressive basis in human rights, over against any institution. If I am not mistaken this puts institutions like churches in a disadvantaged position in any conflict with citizens. Part of the church law research we really need to foster is the study of the relationship between church law and civil law. In this respect the contexts of churches in Indonesia, South Africa and The Netherlands, but even of churches in The Netherlands and neighboring countries like Belgium, France and Germany are totally different.

In fact power is the issue here. Power is one of the main issues, both in church law and in legal science.
Power and law have a complicated mutual relationship. On the one hand it is law that determines power: a church order determines precisely what kind of powers a synod for instance has to force congregations to do something, or to overrule a decision taken on a classis level. Law defines and allocates power. On the other hand, power defines and determines law. Those in power can change the rules, at least as far as the rules make it possible (in a society under the rule of law), and sometimes even beyond that (in a dictatorial society). And, to make it a bit more complicated, those in power can use law as an instrument of power, especially if they know the rules in detail. It can happen that a church official abuses his position in order to gain power, and so perfectly within the valid rules. Therefore, theology has to take the issue of power – including aspects like manipulation and violence – seriously, at least in the academic discipline of church law.

Legalism can paralyze church life. Church law as a theological discipline with a thorough understanding of what law is, should be part of the answer.
Law is not an eternal, unchangeable set of rules. It rather is a process in which a community seeks to organize its life in terms of its nature and mission in a specific context. Church law can play a positive and creative role in church life, if it is being taken seriously, *not* as a body of rules that are basically strange to the Spirit, but as a

challenge to serve the Spirit also in terms of the way we organize the church in its structures.

Church law: do we still need it? You will not be surprised that my answer is wholeheartedly: 'yes, we do'. We need a theological and critical approach of church law to fight legal conservatism. We need an ecumenical approach of church law in order to fight confessional narrow-mindedness. We need a missionary approach of church law in order to fight introversion. We need a contextual approach of church law in order to fight uniformity. And we need a juridical approach of church law in order to fight legalism.

Postscriptum

It was an honor for me that Prof. Emanuel Gerrit Singgih gave such a profound response to my paper.[18] It made me better understand the situation of churches and theology in Indonesia and the challenges this implies to both.

It seems appropriate to make a few remarks as to what I conclude from our dialogue.

1. The term 'law' (hukum) has its specific connotations, depending on the context. I have learned that in Indonesia these connotations are problematic. 'Church law' is easily associated with 'religious/Islamic law'. And 'theology should not be mixed with law', so if church law would be an academic subject, it should rather be dealt with at the faculty of law. These are convincing arguments. However, for me the name of this theological discipline is not the pivotal issue. In the United States the term 'church polity' is usual. Of course, I am not able to give the equivalent term in Bahasa Indonesia, but this might be a solution for the terminological problem, although it might still suggest a non-academic issue.
2. One step further: I do not necessarily plead in favor of church law/polity as a separate (sub)discipline at the theological faculty, although I do think that this is preferable. But the central question is, if and how the ecclesiological questions behind church law are addressed in theological education and research. This can be done in courses and studies on ecclesiology or ecumenism as well, as long as the practical aspects are taken into account. Unfortunately, ecclesiology often tends to be rather abstract and 'docetic'.
3. Many of these practical aspects have to do with the relation between church and state. The 'precarious step' (but 'still not heresy', in Singgih's words) of inserting the Pancasila principle in church orders is a strong example. In fact, this question of the relation between church and state pervades the contribution of Gerrit Singgih as a whole. This is also, where church law/polity is connected with fundamental issues of the international human rights debate.
4. The question as to the civil affects of church law is a directly related one. The tendency to let civil law *replace* church law is not only to be noticed in Indonesia. I saw similar trends in South Africa, and also in the Netherlands this is a sensitive issue. Here we need thorough theological thinking!
5. The identification of church law with a specific confessional tradition is a risk, indeed. But the adequate response, in my view, is not to leave church law issues out of theological education and research. Here, a comparative approach might be fruitful: if we compare how different churches deal with ecclesiological questions (mission, ministry, sacraments, discipline, and many others) in their legislation, our understanding of what is really at stake theologically might be strengthened.
6. I am convinced that intercultural theological dialogue will help us to respond to the challenges churches face in a globalizing world. For me, our exchange in Yogyakarta was a wonderful experience for this very reason.

[18] See in this Volume

Dr Leo J. Koffeman is Professor of Church Law and Ecumenism at the Protestant Theological University (location Utrecht) in the Netherlands, and Professor Extraordinary of Systematic Theology and Ecclesiology at the University of Stellenbosch (South Africa).