



JOHN WESLEY FEDERATION OF SOUTH AFRICA

2ND ANNUAL CONFERENCE

LEGAL REVIEW: FOCUS ON CHURCH CONSTITUTIONS

What is Church? THE CHURCH IS ONE, HOLY, CATHOLIC, AND APOSTOLIC

Explanation of the Four Marks:

- One** : *This refers to the unity of the Church, both in terms of its visible organization (the Church Hierarchy and those in communion with them) and its invisible unity through the shared faith, sacraments, and spirit of the faithful.*
- Holy** : *This refers to the Church's holiness, which comes from its founder, Jesus Christ, and its mission to sanctify and transform the world.*
- Catholic** : *This refers to the universality of the Church, both in terms of its global reach and its ability to embrace all people and cultures.*
- Apostolic** : *This refers to the Church's connection to the apostles, who were chosen by Jesus to establish and lead the Church, and its ongoing mission to carry out their work.*

A church constitution should include a clear vision and mission, guidelines for membership, decision-making processes, and a system for accountability. It should also address church governance, including roles and responsibilities, and outline the church's theological beliefs. Here's a more detailed breakdown of key elements:

1. Vision and Mission:
 - Vision: The church's long-term aspirations and goals.
 - Mission: How the church will achieve its vision and its core values.
2. Membership:
 - Qualifications: Define who is eligible to become a member, including theological beliefs and practices.
 - Responsibilities: Outline the duties and expectations of members.
 - Privileges: Define the rights and benefits of membership.
3. Governance and Leadership:
 - Roles and Responsibilities:
 - Clearly define the roles and responsibilities of church leaders, such as pastors, elders, and deacons.
 - Decision-Making:
Establish procedures for making decisions, including voting processes and quorum requirements.
 - Accountability:
Outline how church leaders will be held accountable, including regular meetings and reporting.
4. Theological Beliefs:
 - Core Beliefs: State the church's fundamental beliefs about God, Jesus Christ, the Holy Spirit, the Bible, and salvation.
 - Doctrine: Provide a more detailed explanation of the church's theological positions.
5. Church Discipline:
 - Guidelines:
Establish clear guidelines for addressing and resolving disagreements among members.
 - Procedures:
Outline the steps for dealing with members who are in violation of the church's guidelines.

6. Financial Matters:
 - Budget: Define the church's financial structure and how funds will be managed.
 - Reporting: Specify how financial matters will be reported to the church.
7. Property and Assets:
 - Ownership: Define who owns and controls the church's property and assets.
 - Use: Specify how the church's property and assets will be used.

In South Africa, while the Constitution guarantees freedom of religion, it also ensures that the state can intervene in church matters when they conflict with constitutional principles. The state's involvement in church affairs is generally

Limited to situations where church practices infringe on the rights of individuals or violate laws of general application, according to Legal Fundi.

Elaboration:

- Freedom of Religion: The South African Constitution, including the Bill of Rights, protects the right to freedom of religion, conscience, thought, belief, and opinion.
- State Intervention: The Constitutional Court has demonstrated a willingness to intervene in church matters when they violate constitutional principles, according to a Sabinet African Journals article.
- Limitations on Rights: The Constitution allows for limitations on rights, but only if they are reasonable and justifiable in a democratic society. This means that religious practices can be restricted if they infringe on the rights of others or are deemed to be against public order, health, or morality, according to the Constitutional Court.
- Example: The court has intervened in customary law matters, demonstrating that the state can step in when customary practices conflict with constitutional rights, as reported by an associate at Norton Rose SA.
- Church Constitutions:
Churches also have their own constitutions that govern their internal affairs, including matters of doctrine, governance, and membership. These internal constitutions must align with the South African Constitution and laws of general application.
- Example:
A church constitution may outline procedures for elections, disciplinary actions, and the handling of financial matters.
- The South African Charter of Religious Rights and Freedoms:
This charter, developed by civil organizations, further defines the relationship between the state and religious groups, promoting cooperation and understanding. It also clarifies the rights and responsibilities of religious groups within the public sphere.