

12.1.1 APPEAL – BR L KRUGER : AGAINST A DECISION OF REGIONAL SYNOD NORTH-WEST, 21 NOVEMBER 2006, REGARDING THE MANNER IN WHICH THE HOLY COMMUNION IS CELEBRATED AT THE GK KURUMAN (Artt 19, 131, 338)

- A. The vice-chairperson, rev SD Snyman, takes the chair.
- B. Br L Kruger presents the Appeal.
- C. Rev JC Aucamp accepts the appeal on behalf of Regional Synod North-West.
- D. Oppertunity for informative questions is given.
- E. The appeallant and elucidator answer the questions.
- F. **Decision:** The Appeal is referred to Appeals Commission 1.
- G. Rev HLJ Momberg reports on behalf of Appeals Commission 1.
- H. The appeallant is not present.
- I. Oppertunity for reply by the reporter of the Regional Synod is granted.
- J. Oppertunity for reply by the elucidator of the Appeals Commission is granted.
- K. The delegates of Regional Synod North-West do not participate in the vote.

L. APPEAL

The undersigned herewith appeal against a decision by the Regional Synod North-West, as taken on 21 November 2006.

The decision against which we appeal reads as follows: (Addendum 9 – Regional Synod Acta, 21 November 2006):

REGIONAL SYNOD ADJUDICATES:

2.1. Grounds for Appeal 1

2.1.1 Argumentation

2.1.2 Finding – Note

2.1.3 Recommendation – The appeal does not succeed on this point.

Decision: Approved.

2.2. Grounds for Appeal 2

2.2.1 Argumentation

2.2.2 Finding – The Appealant’s rights were enfringed upon in that the Scriptural grounds that he offered has not been sufficiently answered in writing.

2.2.3 Recommendation – The Appeal succeeds on this point.

Decision: The recommendation is not approved.

2.3. Grounds for Appeal 3

2.3.1 Argumentation

2.3.2 Finding – The Classis rightly found that Confession and Church Order did function in the answer of the Church Council.

2.1.3 Recommendation – The Appeal does not succeed on this point.

Decision: Approved.

Recapitulatory recommendation:

The Appeal does not succeed on two of its grounds, but it does succeed on Ground for Appeal 2, which deals with Proof from Scripture.

Decision:

**Not approved because not all three the Grounds for Appeal succeeded.
On the whole the Appeal does not succeed.**

A. Appendices to the Appeal:

1. Appeal to the General Synod and acknowledgement from General Synod.
2. Appendix A – Appeal by brothers GA Coetsee, L Kruger and JS Reynecke against the decision of the Church Council of the GK Kuruman, 18 September 2006.
3. Appendix B – Appeal by brothers GA Coetsee, L Kruger and JS Reynecke against the decision of the Classis Griekwaland-West, 16 October 2006.
4. Appendix C – Verdict of the Regional Synod North-West regarding the appeal of brothers GA Coetsee and L Kruger on 21 November 2006.

B. Background to the Appeal

Appeal against the decision of Regional Synod North-West held in Potchefstroom on 21 November 2006.

1. Decision Appealed

Recapitulatory decision (together with the material that led to the decision) as formulated: in point 3,

3. Recapitulatory Recommendation

The Appeal does not succeed on two grounds, but does succeed on Ground for Appeal 2, which deals with Proof from Scripture.

Due to the technical nature of the Appeal, this does not necessarily mean that the Appeal succeeds in its entirety or that the decision of the Church Council is repealed.

However, the implication is that the matter is referred back to the Church Council for answering of Scriptural motivation in Ground for Appeal 2.

Decision: Not approved because not all three grounds for Appeal succeeded.

On the whole the Appeal does not succeed.

Grounds for Appeal

The minor assemblies in question wrongfully call on – or alternatively - wrongfully agrees with a specific interpretation of the decisions of Synod 2003 when they adjudicate that there is no infringement of rights when churches serve individual cuplets with the communal cups during the celebration of the Holy Communion.

The reasons why the objections laid before the Church Council, the Appeal to the Classis against the Church Council decision, and the Appael to the Regional Synod against the decisions of the Classis, did not succeed, are:

- a) The basis argument that is accepted, namely – “that Synod 2003 offers full opportunity for the use of individual cuplets together with communal cups at the Holy Communion” (see the argument underlying the Petition of Protest to Classis 8 August 2006 as becomes clear from the points 5.1 and 5.2 of our Appeal to the Regional Synod, together with its appendix) and
- b) The further verdict of the Church Council, Classis, as well as the decision of the Regional Synod – Nov 2006 – which reckons that the minor assemblies took into account Scripture, the Confessions, Church Order and Synod decisions adequately so that no rights were infringed upon as was claimed.

Our defense against this, with which we also appeal to the wisdom of the Synod, is: that the above-mentioned arguments make invalid claims regarding the decision of Synod 2003. The invalidness becomes clear if we look at the Synod decision itself, as will be argued hereafter:

Argumentation

1. The Petition of Protest by Schulze, Coetzee and Visser succeeded against the decision of Synod 2000 in a manner rich in meaning and with great implication, to such an extent that it is simply invalid if anyone claims afterwards that there is in essence no difference between the decisions of 2000 and 2003!
2. The Petition of Protest in question dealt with and succeeded against the use of individual cuplets in several points, but in particular with regard to:

3.4 Ground for Appeal 4

Confessionally seen the Form for the celebration of the Holy Communion and the Reformed Confessions agree with Scripture and clearly teach the Holy Communion as godly institution with bread and cup. The current practice to condone the institution of individual couplets by calling on a Synod decision, but without adequate Scriptural proof, is a repudiation of the Belgian Confession, art 7 and 29.

3.4.1 Argumentation

The Confessions and the Form for the Celebration of the Holy Communion clearly agree with Scripture, where the cup and wine are related to each other. If there is a deviation from the communal cup it causes strain with the Confessions and the Form for the Celebration of the Holy Communion.

3.4.2 Finding

The confusing formulation of 3.2.2.3 of the principle framework can cause strain with the Confessions and the Form for the Celebration of the Holy Communion.

Decision: Pts 3.4–3.4.2 Note taken (see original Minutes N61, art 242).

3.4.3 Recommendation

This Ground for protest is maintained.

Decision: Approved

Decision: The Petition of Protest succeeds (see original Minutes N61, art 242).

3. The consequence of the fact that this Petition of Protest succeeded on the whole, is that the initial principle framework of Synod 2000 was changed at two cardinal points.
 - a. Firstly, the formulation of point 3.2.2.3 has been changed from “wine” to “cup with wine” to coincide with what is later in the same point formulated as “the communal drinking cup(s)” that should be distributed with the pertinent command “Drink from it, all of you” (Matt 26:28). The drinking of the wine from (a) communal cup(s) serves to symbolize the spiritual unity of faith in Christ. Therefore the cup, together with the wine as symbol, has a prominent place and function.
 - i. Conclusion: There can hereafter be no misunderstanding that this point deals with the communal drinking from the cup(s) that are distributed. All communicants have to drink from the communal drinking cup(s) that is/are distributed by the Minister of the sacrament.
 - b. Secondly, point 3.2.2.4 was the point that dealt with the possibility that there could be a deviation from the communal cup(s). For this reason the Synod 2003 decided to eliminate it in its entirety.
 - i. Conclusion: There can also be no misunderstanding on this matter. The changed principle framework completely excluded the possibility of deviation from the communal cup(s). The use of individual couplets is no longer part of the principle framework!
4. When one now looks at the approved recommendations of 2000 with cognisance of the change principle framework, especially recommendation 4.4 *“Should there be alternative ways of celebrating the Holy Communion within a set framework, there should be the necessary respect and understanding for each other with the love of Christ.”*

Decision: Approved.”

It means something completely different after 2003 than what it meant in 2000. Allowed alternative ways of celebrating the Holy Communion is only possible within the set framework, which has in the mean time been changed and does not provide for the use of individual couplets.
5. Conclusion: When the decisions of Synod 2003 are considered in relation to each other, all communicants should receive the sacrament of the Holy Communion as within the corrected principle framework, namely: “The drinking of the wine from (a) communal cup(s)...” The claim that many now make of should “...Synod 2003 completely provide for the use of individual couplets with cups at the Holy Communion,” is not valid.

Request

1. I request that you, in agreement with God's Word, the Confessions and the Church Order, return a verdict with regard to the manner of adjudication of Regional Synod North-West.
2. I furthermore request that you, after a verdict has been returned regarding the Appeal, lay the matter that the initial Petition of Protest and the first Appeal dealt with on the table, namely the correct way of celebration the Holy Communion according to God's Word, the Confessions and the Church Order, and that the General Synod of the Gereformeerde Kerke returns a verdict on it.

My prayer is that your treatment of this matter will contribute to a correct way of celebrating the Holy Communion, clear and motivated by God's Word, the Confessions and the Church Order.

M. REPORT OF THE APPEAL COMMISSION

1. Commission

Appeal of br L Kruger against a decision of Synod 2003 – regarding the manner in which the Holy Communion is celebrated

Decision: Noted.

2. Method

- 2.1 The Commission dealt with the Appeal.
- 2.2 Addendums were checked as the appellant referred to the same.
- 2.3 The elucidation and arguments of the Regional Synod's elucidator was heard and account for in coherence with the appeal. The appellant as well as the elucidator were heard together whilst question were directed at both by the Commission. The Commission afforded the opportunity for the delegates to provide input.
- 2.4 The Commission obtained advice from professors and deputies who were already involved with these decisions to obtain clarity with regard to the meaning of it.
- 2.5 Members of the committee who previously acted in advisory capacity in this matter in the lesser meetings, or were otherwise involved, were questions as to elucidation of specific issues regarding the appeal and its course, but were excluded in the adjudication of the appeal.
- 2.6 It is necessary to mention with thanks that it was noted with gratitude that the appellant and the elucidator put their cases in peaceful and brotherly attitude towards one another and gave the assurance that the outcome of the appeal will not disturb this relationship.
- 2.7 The Commission had discussions with the Commission Petitions of Protest 1 since this Commission received the same issue in content as mandate with regard to the appeal. Further clarity was obtained from professors and deputies involved with the relevant Synod decision, regarding the meaning of this Synod decision at the root of both the relevant appeal and petition of protest.

Decision: Points 2.1 to 2.7 noted.

3. The matter in determining whether infringement of rights occurred or not

- 3.1 The appellant advances one ground of appeal. According to his elucidation it is about the fact that the church council, Classis, and Regional Synod accepted the argument "that the Synod 2003 gives full opportunity to use small cups with communal cups at Holy Communion" on the basis of an invalid appeal to the decisions of Synod 2003. This led to the introduction of small cups at the celebration of Holy Communion of the GK Kuruman. Further, the Classis and Regional Synod maintained the legality of this conduct without indicating from Scripture, Confession, Church Order – as the Synod decisions phrased it – how this argument is valid.

Decision: Noted.

4. The meaning of the Synod decision 2003 with regard to the principle framework as advice for the church in the application of CO art 62.

- 4.1 The fact that the Synod uses the words of CO art 62 as point of departure in its decision-making, and it is per se quoted in its entirety, confirm that the Synod did not wish to provide anything but advice in the spirit and intention of CO art 62 – with quotation of the literal wording of it.
- 4.2 The fact that the Synod also appealed to BC art 32 in terms of which it did not want fall into the trap of prescription but wanted to serve the churches with advice in accordance with CO art 62, confirms that the Synod simply kept to what is clear from the Word of God, not deviate from what Christ our only teacher instituted for us, not bind people's consciences with human inventions or laws, but give advice that serves as obedience to the Word of God.
- 4.3 The fact that the Synod through appeal to BC art 32 thus indicated what the meaning of the term advice is, as the principle framework was approved as advice to the churches, confirms that the Synod viewed the principle framework and the decisions taken in regard to it (4.1 – 4.4) with the same validity as any valid Synod decisions in terms of CO art 31.
- 4.4 The Synod approved the material matters together with the sacramental acts within the same principle framework as advice to the churches i.t.o. BC art 32.
- 4.5 The Synod quoted under the sacramental acts in point 3.2.2.2 the command of Christ as phrased in Matt 26:28 where the Synod states that the cup of wine must be handed to all. It was also motivated that this act of drinking from (a) communal cup(s) service to symbolise the spiritual unity in faith in Christ. And concluded with the deduction: "Thus the drinking cup, together with the wine as sign, has a prominent place and functions."
- 4.6 The Synod decisions in this matter contain in themselves a delimitation that provides no other advice regarding other ways falling outside of the stated principle framework. Point 4.4 of the decisions states this expressly: "Where in a local church alternative ways of celebration of Holy Communion within the stated framework may occur, the necessary respect and consideration with the love of Christ should be shown towards one another."
- 4.7 These facts in the Synod decisions places the commission to some extent in a difficult position, but also in the calling that adjudication may only take place in correspondence with the wording of the Synod decisions to which the appellant appeals and not out of sympathy for or against diverging practices in congregations at the celebration of Holy Communion.

Decision: Points 4.1 to 4.7 noted.

5. The historical course of the principle framework

- 5.1 Synod 2000 approved a principle framework (a) as summary of many years' study, (b) as answer to numerous petitions of protest, as well as (c) as testimony against various church communities with whom the GKSA maintain ecumenical ties and who maintain other practices i.t.o. CO art 85 that are considered to be peripheral matters not to be judged. The latter (c) was conveyed to the commission by several witnesses who acted in this regard as deputies of the GKSA.
- 5.2 The decisions that have been taken regarding the principle framework replaced the relevant decisions of Synods 1927, 1930 and 1997.
- 5.3 At Synod 2003 'n petition of protest of Schulze, Visser and Coetzee was tabled and succeeded against certain wording of the principle framework of Synod 2000.
- 5.4 This led to the fact that the relevant wording was amended in such a manner that more prominence was attached to the communal cup(s) than previously (see point 3.2.2.2 of the principle framework as well as the second decision taken at the end that point 3.2.2.3 in Acta 2000.401 is struck...)
- 5.5 Whilst the decision (4.4) states that the necessary respect and consideration must be shown towards one another where in a local church alternative ways of celebrating

Holy Communion may occur within the stated framework (commission's emphasis), it must be understood according to how the framework was refined in 2003.

- 5.6 Whilst the Synod in its advice through the principle framework in terms of BC art 32 does not deviate from what Christ instituted for us by simply being obedient according to the Word of God, and also not by binding consciences through human prescription, it does not express itself in advisory capacity on situations where churches deviate for serious reasons from the communal cup(s). The relevant point 3.2.2.3 in Acta 2000:401 is struck off.

Decision: Points 5.1 to 5.6 noted.

6. Adjudication of arguments offered as proof of the ground of appeal

- 6.1 **Point of argumentation 1** avers that the petition of protest of Schulze, Coetzee and Visser succeeded to such an meaningful extent against the decision of Synod 2000 that is invalid when someone avers that there is on essence no difference between the decisions of 2000 and 2003.
- 6.1.1 Your commission adjudicates: This point seems to simply be an introductory point of argumentation for which the appellant intends to present proofs in the following points.
- 6.2 **Point of argumentation 2** involves a Synod decision together with the motivation thereof as proof why there was a meaningful difference with great implications between the decisions of 2000 and 2003.
- 6.2.1 Your commission adjudicates:
- 6.2.1.1 The content of the relevant Synod decision deals indeed with the practice of instituting small cups on the basis of a Synod decision. The commission report of Synod 2003 found that the formulation of the relevant point 3.2.2.3 in the principle framework of Synod 2000 can bring tension with the Confession and Formulary for Holy Communion, and consequently recommended that the ground of petition is upheld. The Synod approved this recommendation.
- 6.2.1.2 Since Synod 2003 did indeed take the decision, this proof must be accepted as valid.
- 6.3 **Point of argumentation 3** involves the effect of the petition of protest being upheld on the principle framework of Synod 2000, namely that it was amended on material points.
- 6.3.1 The first amendment was that "wyn" [wine] is changed to "beker met wyn" [cup with wine] in context with the rest of point 3.2.2.3.
- 6.3.1.1 The appellant then deduces that this point emphasises the communal drinking from the communal cup(s), leaving no further misunderstanding.
- 6.3.1.2 Since Synod 2003 did indeed amend it in this manner, this proof must be accepted as valid.
- 6.3.2 The second amendment was that point 3.2.2.4 of the original principle framework was struck out in its entirety.
- 6.3.2.1 The appellant then deduces that the Synod through the striking out of this point completely excluded the possibility of deviating from the communal cup(s).
- 6.3.2.2 Since Synod 2003 did indeed amend it in this manner, this proof must be accepted. The appellant in this manner proved his ground of appeal that the principle framework changed from 2000 to 2003.
- 6.3.2.3 Yet your commission adjudicates that this amendment does not necessarily has the implication that the appellant attaches to it. Your commission judges that the implication thereof in the light of the elucidation that it received rather means that whilst the Synod in its advice through the principle framework i.t.o. BC art 32 does not deviate from what Christ instituted for us by simply being obedient according to the Word of God, and also not by binding consciences through human prescription, it does not express itself in advisory capacity on situations where churches deviate for serious reasons from the communal cup(s).

- 6.4 **In point of argumentation 4** the appellant deduces that the amended principle framework only allow alternative ways of celebrating Holy Communion within the stated framework and not any more for the use small cups.
- 6.4.1 Your commission adjudicates that this deduction is only partly correct in the sense that the Synod does not “make provision” for the use of small cups. But it equally means that the Synod does not express itself principally on the use of small cups per se (prescriptive or binding conscience). The Synod by way of the principle framework limited itself i.t.o. BC art 32 as well as CO art 62 to what Christ instituted and instructs without falling into the trap of prescription with regard to special or exceptional situations as may occur from time to time.
- 6.4.2 **Point of argumentation 5** is also a deduction made namely that Holy Communion should be celebrated as worded in the principle framework, and that the averment that Synod gives full opportunity to use small cups in conjunction with communal cups to celebrate Holy Communion, is not valid.
- 6.4.2.1 Your commission judges that the appellant's deduction is correct, that it is not possible to find in the decision of Synod 2003 such a “full opportunity” provided to use small cups with communal cups to celebrate Holy Communion. The Synod meaningfully changed its principle framework as proved by the appellant. In its amended framework the Synod did not express itself in prescription or binding of conscience. Under special circumstances falling outside of the words of the principle framework and occurring often in local churches, church councils remain i.t.o. BC art 32 as well as CO art 62 accountable to the Lord.

Decision: Points 6.1 to 6.4.2.1 noted.

7. Finding

- 7.1 From the foregoing argumentation, it was convincingly indicated that the church council of GK Kuruman came to the practice of introducing small cups alongside the communal cup(s) jointly on the basis of the argument that Synod 2003 provides an opportunity to do so (refer to the minutes of Church Council, 7 Feb 2006 point iii and 4 Sept 2006 point 10).
- 7.2 Although the argumentation of the church council were augmented from time tot time and amended on certain points, it appears clearly that the Classis and Regional Synod upheld this conduct of the church council as it was motivated with the basic argument.
- 7.3 The appellant is correct he indicates with proof from the successful petition of protest of Schulze, Coetzee and Visser, and the effect thereof on the principle framework of Synod 2000 as it found effect in the amended principle framework of Synod 2003 that it is not possible to legitimately introduce small cups alongside the communal cup(s) by appealing to the decisions of Synod 2003. The Synod is silent on the matter. The Synod decisions approved the use of the communal cup as principle framework as advice to the churches in terms of BC art 32 and CO art 62, and did not express itself regarding the deviation from the communal cup(s).
- 7.4 Although the Synod i.t.o. BC art 32 and CO art 62 was not prescriptive in its principle framework but rather to give advice to the churches, it does not mean that any other way of celebrating Holy Communion – the detail is not captured in the principle framework – is doomed per implication. The principle framework was on the basis of its history of origin not meant to absolutise only one manner of celebration.
- 7.5 But it also does not mean that the Synod gives “full opportunity” to use small cups with communal cup(s) at Holy Communion. What was given as principle framework in the form of advice to the churches is echoing the language of the Word – that the Lord Jesus commanded the communal cup(s) at the institution of Holy Communion and that it must be ministered in this. “The cup of wine must be handed to all with the instruction: ‘drink from it, all of you. (Matt 26:28).”
- 7.6 It is thus not valid when churches deviate in the ministering of Holy Communion to practices not captured by the principle framework, to appeal to the Synod decisions for

justification. In such cases the churches must account to the Lord in terms of BC art 32 and CO art 62.

- 7.7 The Synod decisions did in the amended wording of 2003 placed the communal cup to such prominence that it cannot be interpreted in any way other than the appellant's interpretation.

8. Recommendation

The Commission recommends that the appeal succeeds.

Decision: The recommendation is not granted. The Appeal fails.