

## 12.1.2 APPEAL 1 – BR HG KRUGER AGAINST A DECISION OF PARTICULAR SYNOD NORTH-WEST, 21 NOVEMBER 2006 (Artt 19, 66, 106, 238)

- A. The vice-chairperson, rev SD Snyman, takes the chair.
- B. Br HG Kruger presents the Appeal.
- C. Rev PA Coetzee elucidates the decision of the Regional Synod North-West.
- D. Opportunity for informative questions is granted.
- E. The appellant and elucidator answer the questions.
- F. **Decision:** The Appeal is referred to Appeals Commission 1.
- G. Dr GJ Meijer reports on behalf of Appeals Commission 1.
- H. Opportunity is granted for a reply by the appellant.
- I. Opportunity is granted for a reply by the elucidator of the Regional Synod.
- J. Opportunity is granted for a reply by the reporter of the Appeals Commission.
- K. The delegates of Regional Synod North-West do not participate in the vote.

### L. APPEAL

Appeal against a decision of Particular Synod North-West (Nov 2006 – Art 7) concerning questions to the chairpersons of Classis Potchefstroom 2002 – Testimony against a ecclesiastical concept according to which officials rule through bureaucratic decisions in fixed separate and loose-standing structures (Classis, Particular Synod, ens) at the cost of Christian governance in the sphere of ONE (church) council of God.

I make the Appeal for three reasons:

- (a) To ascertain whether there might not yet be enough servants of Christ in the GKSA who are able to address this matter in a spiritual manner (in contrast to a bureaucratic public servant mentality) and who might still be able to lay down sensible principles/guidelines for dealing with similar matters in future.
- (b) So that righteous servants of Christ might in future be aware of the increasing tendency in the GKSA that majority assemblies are viewed as loose-standing and separate fixed structures where bureaucratic rules are used by officials to shake of irritating customers by sending them from one end to another without the content of the matter ever being resolved. That more such examples will be highlighted until God will in his own time bring reformation with regard to the deviation. My own analysis of how most current ministers feel about this matter is that the current tendency has taken root so strongly that it is humanly speaking at this stage impossible to do more than to testify against this sorry state.
- (c) So that righteous church polity students who may in future be called by God can read to what degree the practice of church polity from 2002-2006 departed from a bureaucratic civil servant mentality where fixed loose-standing separate structures (Classis, Regional Synod and Synod) have been created instead of ONE Christ through his ONE Word and ONE Spirit in the sphere of ONE (church) council of God that is ruled in a spiritual manner (art 30 BC).

Pieces attached to the Appeal:

**Appendix 1** Notification of Appeal to Particular Synod January 2008.

**Appendix 2** The decision (Minutes Particular Synod North-West Nov 2006) against which the appeal is aimed, together with the commission report from the minutes.

**Appendix 3** My correspondence to the Corresponding Church Council Classis Potchefstroom 2002 with regard to whether the letter on the second Appeal that was not dealt with, was indeed received.

**Appendix 4** The answer from the Corresponding Church Council Classis Potchefstroom 2002 – my letter had been received. Reasons are not offered on why the letter was not answered by the Classis.

- Appendix 5** My original Appeal and request to Particular Synod 2002 to assist me in my attempt to find out from the relevant Classis 2002 and the chairpersons at the Classis why my letter was not answered.
- Appendix 6** Excerpt from the Minutes of Particular Synod 2002, in which my questions were 'referred back' to the Classis in 2003.
- Appendix 7** My correspondenc to Classis Potchefstroom Sept 2003 in which I point out that my letter has not been answered by Classis Potchefstroom March 2003.
- Appendix 8** Excerpt from the Minutes of Classis Potchefstroom Sept 2003. The Classis decides that my questions 'can not' be answered.
- Appendix 9** My Appeal to Part Synod 2003 against above Classis decision – I argue that chairpersons can be held responsible. See my request at the end of the Appeal not to hit the CONTENT/MATTER of the case to and from like a tennis ball.
- Appendix 10** Excerpts from the Minutes of Part Synod 2003 with regard to the succesful Appeal. The Part Synod accepts the principle that chairpersons of church assemblies can be held responsible (read together with my Appeal – **Appendix 9**).
- Appendix 11** Minutes Classis Potchefstroom May 2004. The attempt of Classis Potchefstroom May 2004 to answer my original questions to Part Synod 2002.
- Appendix 12** My Appeal to Part Synod 2004 and 2005 (ammended and which only served in 2006).
- Appendix 13** Excerpt from the Minutes of Part Synod 2004. The Appeal is declared non-receptive.
- Appendix 14** Excerpt from the Minutes of Part Synod 2005. The Appeal is once again declare non-receptive.
- Appendix 15** My view regarding the tendency of majority assemblies to refer matters back to minority assemblies. The letter was published in Kerkblad 23 Oct 2002.

### Run of events

1. As you will see in the run-on of the matter, it comes from 2002. The Classis infringes in rights, the Part Synod indicates this (but refuses to become involved in the content). The Classis infringes rights again (sidesteps the succesful appeal) and Part Synod indicates it again. The story is repeated...After that the matter is declare non-receptive on every techical point possible for two years (Nov 2004 and Nov 2005).
2. It is my desire that we take the governance of Christ seriously. In my humble opinion this can contribute to solving the matter once and for all and to serve the governance of Christ in this manner.
3. Classis Potchefstroom 2002 does not deal with a letter regarding a second appeal, although it was taken into discussion. Attached my correspondence to the corresponding church council (**Appendix 3**) to find out if the letter was received, and if it was received, why it has not been answered.
4. Attached an answer from the Corresponding church council that confirms that the letter regarding the second appeal has been received and that it was brought into discussion by him (Deputy Correspondence) during Classis 2002 (see **Appendix 4**, 1c and 2). The Deputy Correspondence does not answer my question on why the letter has not been answered by Classis 2002 (see **Appendix 4** and question (d) of **Appendix 3**).
5. Both the chairperson of Classis Potchefstroom (Sept 2002) as well as the chairperson of the Legal Commission (Sept 2002) claim that they can not answer my questions on why the letter regarding the second appeal was not dealt with at the Classis (Sept 2002). They do not provide reasons and refuse to correspond/communicate with me on the matter any further. I address correspondence to the Church Council of the chairperson (Classis 2002), but he refuses that the Church Council takes it into discussion.
6. I therefore addressed an appeal and a request to Part Synod 2002 to assist me in getting the answers on my questions to Classis Potchefstroom 2002 and the two individuals at the Classis (the chairperson of the Classis and the chairperson of the Legal Commission) (**Appendix 5**).

7. Part Synod 2002 agrees that Classis Potchefstroom 2002 infringes on rights by not answering my letter. My request to get information from the Classis and relevant chairpersons is referred back to Classis Potchefstroom 2003 by Part Synod 2002 (**Appendix 6**, art 8.7).
8. Classis Potchefstroom March 2003 does not meet my request. On that I address correspondence to the Corresponding Church Council of the Classis to meet my request at the following Classis assembly (Sept 2003) (**Appendix 7**).
9. Classis Potchefstroom Sept 03 decides for several 'reasons' that my letter can not be answered (**Appendix 8**).
10. After that I appeal to Part Synod 2003 against the decision of Classis Potchefstroom 2003 (**Appendix 9**).
11. The Appeal to Part Synod North-West 2003 succeeds (**Appendix 10**, art 8.5, 6). The Part Synod accepts that chairpersons can be held responsible and refers the matter back to the Classis. The Part Synod does not answer my request in the appeal to advise both the Classis and I regarding the best way to resolve the matter. They also do not heed my request not to send the matter back and forth (see my request in **Appendix 9** and the discussion of the Appeal in **Appendix 10**, art 8.5).
12. During Classis Potchefstroom May 2004, my actual request to Part Synod 2002 (**Appendix 5**) is once again for several reasons not answered according to the spirit of Part Synod 2002 and 2003 (see Minutes of Classis Potchefstroom May 2004, **Appendix 2**, art 24 and pt 5 of their Appendix 2).
13. Classis (Potchefstroom May 2004) creates the impression that it does not agree with Part Synod (Nov 2003) regarding to the referral of the MATTER/CONTENT back to the Classis (as described in Appendix 5). The Classis writes in its answer that: "*The Particular Synod North-West, 18 November 2003, demands that Classis Potchefstroom has to answer the questions in your letter dated 19 October 2002. This does create the impression that collegial structures rule the GKSA*" (Appendix 2, see pt 5 of their Appendix 2).
14. I therefore appeal to Part Synod North-West 2004 again (**Appendix 12**) to assist me in finding answers for the questions in my mind.
15. Part Synod 2004 does not take the appeal into discussion since the appeal was not made available to all the officials two weeks ahead of time (**Appendix 13**). However, the Corresponding Church Council did receive notice in time.
16. The appeal is ammended (**Appendix 12**) and notice is given again on 2 Nov 2005 (to the Corresponding Church Council of Part Synod Nov 2005) of the ammended appeal for Part Synod 2005.
17. Part Synod 2005 declares the appeal non-receptive (against Classis decision May 2004) because the appellant did not give notice of the intention to appeal within 6 weeks of receiving the Minutes (**Appendix 14**, 3.3.1.1, 3.3.2.2 and 3.3.6.1). As if it is possible to give notice to Part Synod Nov 2004 (where the same appeal was declare non-receptive) within 6 weeks of a decision in May 2004!
18. The appeal is finally discussed and concluded at Part Synod Nov 2006. Halleluja, praise the LORD!
19. The appeal to Part Synod Nov 2006 does not succeed for several reasons (**Appendix 2**). The main reason is that chairpersons can only be held responsible during the session of the majority assembly. When the meeting has be ajourned, the assembly stops existing and the next (same) majority assembly can not call the chairperson to be responsible.
20. The appeals commission of Part Synod 2006 is correct (**Appendix 2**) in that I argue that the chairpersons of assemblies can be held responsible after conclusion of the session. However, I do not argue that this has to be done by the following (same) majority assembly as they suggest. That is why I time and again as the majority assemblies to spell out for me how the principle of responsibility should be applied in practice. See **Appendix 9**, request 2; **Appendix 12**, request at the end of the Appeal.

Decisions against which the appeal is made (Part Synod Nov 2006)

**“7. Recommendation on the whole**

7.1 The Appeal does not succeed in its entirety.

**Decision:** Approved”

The essence of this appeal deals with two matters: (a) Can the chairpersons of church majority assemblies (also those of commissions) be held responsible for an action (or a lack of action) of a majority assembly where they served, and then also after the session has ended. (b) If it is possible to call a chairperson to responsibility, what is the correct method?

**Grounds of Appeal**

**Grounds of Appeal 1**

Chairpersons of assemblies/commissions can be held responsible with regard to the execution of their assignment (see CO, art 35 – “...explain what has to be dealt with...” See also the principle in 1 Pet 3:15, 16 as used in the Appeal of rev ZC Grobler to Part Synod Western Transvaal Nov 1975). According to the Church Order (artt 30, 31 and 35) a believer can rightfully expect that his call for jurisprudence (Appeal) will result in jurisprudence and its execution. If it seems that a chairperson of an assembly (or a commission) did not explain the matter to be taken into consideration thoroughly, it is possible that such a chairperson may be held responsible, even if the session has ended and the assembly does not exist any longer. The churches that formed the different majority assemblies (Classis Potchefstroom; Part Synod North-West) to deal with the matter since 2002, infringed on rights (CO, according to artt 31 and 35) because the principle (that chairpersons may be held responsible, even when the session has ended) was not enacted due to several technical reasons (see **Appendix 1-15**).

**Motivation**

- 21.1 The chairperson of a majority assembly should see to it that all matters are dealt with. It is part of his assignment: (CO, art 35 “....explain the matter that should be considered...”). The same principle is applicable to chairpersons of Commission that are appointed by majority assemblies.
- 21.2 Any believer should be responsible before God with regard to his calling. Elders especially should be responsible before God (BC, artt 30, 31). Believers who call on a majority assembly with childlike faith believes that Christ himself will be the “chairperson” of the assembly and that He will rule through his Word and Spirit. However, if the execution of the chairperson’s duties is questioned it is a serious matter, because God’s honour is in jeopardy.
- 21.3 The chairperson’s responsibility before God and his fellow believers cant therefore never end, even if the session has ended. The principle in 1 Pet 3:15, 16 should be applicable to the chairpersons of majority assemblies as well, even if the session has ended. The principle is taken into church polity with regard to the behaviour of ordinary delegates – their Church Councils should deal with cases that arise. See Spoelstra (Gereformeerde Kerkreg en kerkregering. Handboek by die Kerkorde) art 35, p217 (last paragraph) and Visser (Die Kerkorde in Praktyk) p161. Why should this principle exclude the chairpersons of majority assemblies (or Commissions)?
- 21.4 CO, art 30 clearly states that church matters should be dealt with in an ecclesiastical manner (Christ rules through his Word and Spirit – I therefore actually call on Christ). It is infringement of rights according to art 30, as is not answering correspondence on the agenda (according to testimony in **Appendix 4**) (even if it is declared non-receptive with plenty of reasons!), because this is not the church way of governance.

**Request: to Synod 2009 if my Appeal succeeded:**

- (a) I hereby request that if my appeal succeeds, Synod should advise myself as well as all the assemblies that possibly might deal with this matter any further on the best church

political manner of executing the principle that chairpersons of majority assemblies (and commissions) can be held responsible in practice.

This matter has already wasted many hours at majority assemblies and the treatment of the matter up to the present creates the impression that church governance in the GKSA is a circus that is driven by officials. The matter can not be continued to the glory of God until the ends of the earth.

I feel sorry that the lack of action of different majority assemblies forces me to cause you this trouble.

## **M. REPORT OF THE APPEALS COMMISSION**

### **1. Assignment**

Appeal br HG Kruger.

**Decision: Note taken.**

### **2. Method of the Commission**

2.1 During the discussion of the Appeal the appellant as well as the elucidator of the Particular Synod were heard in the presence of one another.

2.2 Prof JM Vorster was involved as advisor, and his advice was used with great fruit.

**Decision: Note taken.**

### **3. Appeal 1 br HG Kruger**

#### *3.1 Historical background*

3.1.1 The history of the appeal dates to 2002 and is summarised in the Report of the Appeals Commission of Part Synod North-West, Nov 2006 (see Appendix 1, 4 of the appeal).

3.1.2 The origin of the appeal has to do with a protest that the appellant handed in the the Church Council GK Noordbrug. The Church Council declared the protest non-receptive.

3.1.3 In reaction to the Church Council decision the appellant appealed to Classis Potchefstroom. With the appeal that he enters to the Classis, he addresses correspondence to the Classis. In it he states certain questions to which he wants answers.

3.1.4 Classis Potchefstroom deals with the appeal and the correspondence. They give jurisprudence on the appeal, but do not answer the letter containing the questions.

3.1.5 The appellant turns to the Corresponding Church Council of the Classis to inquire what became of the Classis' answer to his letter. In answer to this the Corresponding Church Council draws his attention to the decision of the Classis.

3.1.6 Because the appellant received no satisfactory answer from the decision of the Classis, he turns to the Particular Synod North-West with an appeal in which he asks that Part Synod should help him to get answers to his questions. Part Synod North-West 2002 deals with the appeal as if it is a request. They agree that the appellant's rights were infringed, and ask Classis Potchefstroom to answer his questions.

3.1.7 During the next Classis Potchefstroom (March 2003) no attention is paid to the matter.

3.1.8 After the appellant insists on answers based on the decision of Part Synod North-West, Classis Potchefstroom decides in September 2003 that it is not possible for them to answer the questions.

3.1.9 The appellant turns to Part Synod North-West for a second time – November 2003. The Part Synod decides that his appeal succeeds, but Synod does not indicate which route should be taken from there onwards.

3.1.10 Classis Potchefstroom April 2004 expresses that the decision of Part Synod North-West creates the impression that collegial structures rule the GKSA. No answers are provided to the original answers of the appellant.

- 3.1.11 The appellant turns to Part Synod North-West for a third time – 2004. This time the appeal is declared non-receptive because it was not handed in on time.
- 3.1.12 In 2005 a similar appeal on the same matter is declared non-receptive because the appellant did not give notice of appeal in time.
- 3.1.13 Part Synod North-West 2006 does take the matter into discussion, but rejects it for several different reasons.
- 3.1.14 The appeal that currently serves before the General Synod is against the decision of Part Synod North-West 2006.
- 3.2 *Content of the appeal*
  - 3.2.1 The appellant has one ground for appeal consisting of two parts. The first part is in essence a statement: “Chairpersons can be held responsible with regard to the execution of their assignment (CO, art 35). The second part is aimed at the churches of Classis Potchefstroom and Part Synod North-West, who to the view of the appellant infringes on rights because the assemblies did not hold the chairpersons who served from the time when his appeals started in 2002 responsible.
  - 3.2.2 In agreement with the twofold ground of appeal the appeal deals with two matters according to the appellant:
    - 3.2.2.1 Can chairpersons of majority assemblies (also of Commissions) be held responsible for an action (or a lack of action) at a majority meeting where they served, also after the session has ended?
    - 3.2.2.2 If it is possible to hold a chairperson responsible, what is the correct way to do it?
  - 3.2.3 As motivation for the ground of appeal and the description of the two matters the appellant states the following (see 21.1-21.4):
    - 3.2.3.1 The chairperson of a majority meeting should see to it that all pieces on the Agenda is taken into discussion.
    - 3.2.3.2 Any believers should be responsible for his actions (1 Peter 3:15,16).
    - 3.2.3.3 The chairperson’s calling to responsibility does not end when the relevant session has concluded.
    - 3.2.3.4 Church matters should be dealt with in a church manner.
- 3.3 *Argumentation*
  - 3.3.1 First half of the ground of appeal
    - 3.3.1.1 The first part of the ground of appeal does not indicate any infringement of rights, nor is there any proof. It is only a statement that can possibly serve as motivation for the claimed infringement. For this reason it can not be viewed or adjudicated as a ground for the appeal.
    - 3.3.1.2 Yet it should be emphasised that chairpersons (and all other delegates) of all church assemblies can be held responsible and be called to order during the session. The Church Order provides amply for this, amongst other in article 35 and 43.
    - 3.3.1.3 After the session there is also room to report discrepancies in accordance with CO, artt 79/80 with the Church Council of the said delegate.
  - 3.3.2 Second half of the ground for appeal
    - 3.3.2.1 The second part of the ground for appeal does indicate infringement of rights. The appellant states that his rights were infringed upon by several majority assemblies because the assemblies did not hold the chairpersons of previous assemblies (which had been concluded) responsible.
    - 3.3.2.2 From the history of the matter it is clear that Classis Potchefstroom 2002 indeed failed to answer the letter of the appellant. This failure was acknowledged and addressed by Part Synod North-West.
    - 3.3.2.3 The question is who has to take responsibility for the failure, the chairperson only or the entire assembly? In answer to this it has to be stated that the entire assembly who approved the Minutes (and per implication all the actions and the neglect of the letter) should be held responsible. The churches who receive the Minutes of a church assembly should equally be held responsible, since churches

are the ones who meet in the persons of their delegates and who take the decisions.

3.3.2.4 The only manner in which delegates and church can be responsible, is by falling back on the Agenda and the approved Minutes of the assembly.

3.3.2.5 The appeal states the general complaint that chairpersons of Classis Potchefstroom and Part Synod North-West can not be held responsible for several technical reasons. This complaint does not refer to a specific event, and is not proven.

3.3.2.6 No infringement of rights is indicated or proven.

**Decision: Note taken of 3.1 to 3.3.2.6.**

3.4 *Finding and recommendation*

3.4.1 Because no infringement on rights is indicated or proven, the appeal does not succeed.

3.4.2 The appellant is referred to the answers in his two central matters (questions – see 3.2.2 above), as included in the argumentation.

**Decision: Approved.**