

12.1.4 APPÈL 2 – BR HG KRUGER TEEN ‘N BESLUIT VAN PARTIKULIERE SINODE OVS EN KWAZULU-NATAL, NOVEMBER 2007 EN 2008 OOR ORANIA SE OPNAME BY KLASSIS VENTERSBURG (NOORD-VRYSTAAT) (Artt 19, 66, 109, 247)

- A. Br HG Kruger presents the Appeal.
- B. Rev TJ van Vuuren elucidates the decision of the Regional Synod Free State and KwaZulu-Natal.
- C. Opportunity for informative questions is granted.
- D. The appellant and elucidator answer the questions.
- E. **Decision:** The Appeal is referred to Appeals Commission 2.
- F. Dr FP Kruger reports on behalf of Appeals Commission 2.
- G. Opportunity is granted for a reply by the appellant.
- H. Opportunity is granted for a reply by the elucidator of the Regional Synod.
- I. Opportunity is granted for a reply by the reporter of the Appeals Commission.
- J. The delegates of Free State and KwaZulu-Natal do not participate in the vote.

K. APPEAL

Appeal against decisions of Particular Synod OFS-Natal Nov 07 and 08 regarding Orania's acceptance into Classis Ventersburg (North-Freestate).

After studying all the relevant documents regarding the matter it is clear to me as an outsider that the Particular Synod (majority of delegates) are probably to close to the matter to evaluate it objectively. In addition it seems that there is a degree of prejudice against Orania in dealing with this matter. I find it difficult to believe that if any other Church Council A in (another) Classis B moves to Classis C with the consent of both Classes B and C, a similar appeal will be made against such a decision.

The run of events of this matter is a classic example where litteral interaction with the church order / church law by officials (excluding the appeals commission of Part Synod 07) stood in the way of the spiritual governance of Christ through his Word and Spirit and Truth. Officials who found out the truth during the proceedings ignored it because they only work with what is written.

I mourn with many others in the church about the state of division in the GKSA. It is in my view the result of compromising decisions by different synods where small majorities are used to bind a large group's conscience through synod force. In healthy church governance matters of principle regarding which there is not adequate consensus should be thrown out. The appeal of Vorster and friends (**Appendix 11**) looks like just another method of applying synod force to treat the symptom of the above-mentioned problem, in stead of dealing with the problem (synod decisions with a small majority – democracy rules in stead of Christ through his Spirit and Word).

Documents attached to this appeal:

Appendix 1: Notice of appeal to synod Jan 08.

Appendix 2 The decision (minutes part synod OFS-Freestate – Nov 08) that is appealed, together with the commission report from the minutes.

Appendix 3: Commission report of the part synod OFS-Freestate 08.

Appendix 4: Orania's request (2 Oct 07) to join classis Ventersburg.

Appendix 5: Correspondence of deputies correspondence classis Griekwaland-West (Sept 07), in response to the correspondence from Orania, which was taken into discussion during the classis of Sept 07.

Appendix 6: Correspondence of classis Burgersdorp (Sept 07) after they received correspondence from Orania with regard to their intention to join classis Ventersburg.

Appendix 7: Recommendation regarding Orania's request classis Ventersburg of Sept 07.

Appendix 8: Preliminary minutes of classis Ventersburg (Sept 07) with regard to the Orania request. The classis goes into recess and is resumed on 2 Oct 07.

Appendix 9: Minutes of classis Ventersburg on 2 Oct 07.

Appendix 10: Appeal of Vorster and friends to part synod OFS-Natal of Nov 07.

Appendix 11: Excerpt from the minutes of the part synod 07.

Appendix 12: Petition of Protest by Orania that serves at synod OFS-Natal of Nov 08.

Appendix 13: Excerpt from the minutes of the part synod 08.

Course of events

1. According to Acta Synod 2006 Orania is sorted with classis Griekwaland-West (2006:394, 3.1).
2. Art 48 deputaties of the synod sorts Orania with classis Burgersdorp without consulting Orania regarding the recommendation (**Appendix 4**). As mentioned onwards, the intention of the deputies was not to enforce boundaries but that proximity should be used as guideline (see **Appendix 5**).
3. Oranie directs correspondences to classes Griekwaland-West, Burgersdorp and Ventersburg to try to organize that they resort under classis Ventersburg.
4. Rev Steve van der Walt (on behalf of classis Griekwaland-West, deputies correspondenc, 29 Sept 2007, **Appendix 5**) was part of the art 48 synod deputies and he directs correspondence to classis Ventersburg and Griekwaland-West in September that deals with the matter. In the correspondence he states that the art 48 deputies did not want to enforce the boundaries from the top and although they used proximity as guideline, the resort of Orania (according to classis Griekwaland-West) rests with the classis itself, classis Middelburg and Ventersburg.
5. It seems as if classis Middelburg was then replaced by classis Burgersdorp due to the redivision. As a result classis Burgersdorp answers the correspondence of Orania (18 Sept 2007, **Appendix 6**). In the correspondence classis Burgersdorp takes note of Orania's desire to rather sort with classis Ventersburg. They write that "*We look forward to matters about which there are currently restlessness in the GKSA being clarified to such a degree through honest study that GK Orania will once again have peace of mind regarding its resort with classis Burgersdorp.*" It is therefore clear that classis Burgersdorp accepts the current situation (with regard to Orania's joining of Ventersburg) in a brotherly spirit, although it is not the desired state of affairs.
6. Orania requests to join classis Ventersburg. The classis' (Sept 2007) moderamen advises the following (**Appendix 7**): "*1.1.3 In this matter it is said that GK Orania concluded its links with other church meetings in an orderly manner.*" And "*1.2.1 That GK Orania can be accepted into the resort of Ventersburg as soon as they have concluded the matters with the classis where they were once involved.*" Classis Ventersburg (11 Sept 2007) accepts the recommendation (**Bylae 8**).
7. Classis Ventersburg (11 Sept 2007) goes into recess and resumes on 2 Oct 2007. In the spirit of the recommendation of classis Ventersburg 11 Sept (see **Appendix 7 and 8**) Orania directs a correspondence (**Appendix 4**) to the classis (2 Oct 2007) where they present the reactions of classes Griekwaland-West (**Appendix 5**) and Burgersdorp (**Appendix 6**) as testimony that Orania has resolved its move to Ventersburg with both classes in a brotherly manner.
8. Classis Ventersburg (from 11 Sept and resumed after a recess on 2 Oct 2007, **Appendix 9**) takes note of the testimony (**Appendix 4, 5 and 6**) and decides to allow Orania.
9. This is followed by the appeal of Vorster and friends (**Appendix 10**) to part synod OFS-Freestate (Nov 2007). Interesting that the appeals commission recommended that the appeal should not succeed (**Appendix 11**) but that the part synod rejects the recommendation without proper motivation.
10. Orania directs a petition of protest to part synod OFS-Natal of Nov 2008. The petition of protest does not succeed (**Appendix 12 and 13**).

Decisions that are appealed (part synod Nov 2006): (Appendix 13 and 14)

“Point 4.1: Approved with the majority of votes.

Point 4.2: Approved with a majority of votes.

Point 4.3: Approved with a majority of votes.

Point 4.4: Approved with a majority of votes.

Point 4.5: Rejected with a majority of votes. Grounds for Protest 5 does not succeed.”

Grounds for Appeal

11. Grounds for Appeal 1

The decision of part synod OFS-Freestate of 2007 and 2008 clashes with the spirit of art 30 CO (At majority meetings only matters that could not be concluded in minority meetings should be dealt with or matters that only belong at majority meetings) and tends in the direction of “infringement in the service of another” (art 79/80 CO). Classis Ventersburg (later North-Freestate) assured that Orania’s move was presented to all the relevant majority meetings in a brotherly fashion (Classis Griekwaland-West and Burgersdorp). The matter regarding classis boundaries (which belongs on the table of the classis – art 30 CO) was dealt with orderly (see **Appendix 7, 8 and 9** together with **Appendix 5 and 6**). The part synod therefore interferes by taking the appeal into discussion (2007 and by maintaining it 2008) without the facts about the orderly conclusion of the matter with the classes being taken into account.¹ The part synod therefore infringes on rights in terms of art 30 CO (and possibly under art 79/80 CO).

Motivation

- 12.1 Oranie resolves matters regarding her position with the involved majority meetings in a brotherly fashion (Classes Burgersdorp, Griekwaland-West and Ventersburg) and classis Ventersburg takes a responsible decision that Orania may enter its resort because Orania did resolve matters with Burgersdorp in an orderly fashion (see **Appendices 7, 8 and 9** together with **Appendices 5 and 6**). The matter regarding classis boundaries lies with the classis (art 30 CO) and the classis concluded the matter orderly. The part synod (2007 and 2008) did not take these facts into consideration when considering the receptivity of the appeal (appeal Vorster and friends – **Appendix 10**) and they therefore infringe on rights under art 30 CO.
- 12.2 It is exactly the same principle that is applied every day with individuals who move from congregation A to B in the GKSA. If church council A accepts in a brotherly fashion (often due to the same differences that Orania sites – see **Appendix 4**) that the member wants to move, they direct a correspondence (proof of membership) to congregation B to entrust the member to their care. Interference from majority meetings regarding such decisions (church council A to let the member go and church council B to accept him/her) would come down to interference in the service of another (art 79/80 CO). The same principle should go for Orania and the decisions of the classes involved (This is when Christ himself is allowed to govern through his Word and Spirit).
- 12.3 Although most of us mourn the current state of the GKSA, this is not a reason to aim to regulate matters that have already been resolved in a brotherly manner at the correct meeting(s) (art 30 CO) from top structures through force (synod force). The solution to the sorry state in which Christ’s church finds herself should be approached in another way.

12. Grounds of Appeal 2

Part Synod 2007 and 2008 maintains an appeal (**Appendix 10**) in which the 9th commandment is endangered and therefore this infringes rights.

Motivation:

- 13.1 The appeal (to part synod 2007, **Appendix 10**) that is maintained (part synod 2008, **Appendix 12 and 13**) claims that “*classes Ventersburg and North-Freestate chose to*

¹ This ground for protest does not claim that there is no possibility of appeal to a majority meeting when a matter has been concluded in a brotherly fashion. There may be other grounds for appeal. However, there is infringement of rights when the facts regarding the matter is not thoroughly considered.

handle protests regarding Synod decisions together with Orania by way of grouping together similar-thinking groups instead of dealing with it along the route of art 31 CO...there was also no opportunity for churches within the resort of Classis Griekwaland-West and Classis Burgersdorp to account for themselves, but they merely went ahead to form a new church unit.” (Appendix 10, §2.2).

- 13.2 The matters that Orania amongst others mention as things they feels strongly about include the following (see **Appendix 4**): (a) Cup of Communion, (b) the 1933 Bible Translation, (c) use of the 1933 Psalm versifications, (d) men in the special services etc. All these matters (except women in the services – my personal view) were left to the freedom of the local church council. Even if churches who feel strongly about these things group together, they may not be accused of establishing a new church unity and that they neglect to use art 31 CO! They are only exercising their right to use the allowed freedom of choice so that their consciences are not bound. The synod decision provides for this! A new church unit can only be spoken of when a group takes a direction that is against Scripture, the Church Order and the Confessions (including synod decisions).
- 13.3 The fact that the synod took ambiguous decisions regarding the matters (cup of communion, 2003 versification etc) is the cause for increasing division in the church denomination. The fact that some churches still confirm women as deacons and use couplets (or the opposite) is the symptom of the problem. Synod force to address the symptom will not solve the origin of the problem, but will only heat the emotions around the matter.
- 13.4 The statement that Orania is not willing to take the church route, does not concur with the facts and the 9th commandment. According to the agendas of the last few synods. I doubt whether there is any church council from which there has been the same amount of petitions of protest and appeals to majority meeting than Orania. The statement is not founded in their appeal and with that the part synod makes a general judgement of Orania that does not agree with the truth (9th commandment).
- 13.5 The claim that the churches in the resort of classes Griekwaland-West and Burgersdorp did not have the opportunity to react to the move of Orania to classis Ventersburg, does not pass the test of the truth. Both classes Griekwaland-West (**Appendix 5**) and Burgersdorp (**Appendix 6**) reacted to Orania’s correspondence. It seems as if the objecting Vorster and friends (**Appendix 10**) who were present at the relevant majority meetings did not get their way and they now want to use synod force to impose their will.
- 13.6 The appeal of Vorster and friends (**Appendix 10**, 3.2) in addition claims that ideologically defined classes will result due to Ventersburg’s decision to take Orania into their resort. It is impossible that churches who appeal to synod decisions (which allows freedom with regard to the use of the cup, Bible Translations, Psalm versification, men in offic etc) could be classified as ideologically estranged to the rest of the church. Part Synod 2007 and 2008 therefore infringes on rights because classis Ventersburg (North-Freestate) is labelled due to their decision.
- 13.7 The appeal of Vorster and friends (**Appendix 10**, 5.2) also claims that Orania deflected because classis Burgersdorp and Griekwaland-West recognised synod decisions which they rejected. Firstly the claim that Orania deflected is not correct. Orania clearly resolved their position with the classes involved. See the reaction of the relevant classes (**Appendices 5 and 6**). Once again, Orania has the right to decide locally on matters as mentioned above (cup, Bible Translation, Psalm versification, men in office etc). No synod decisions were contravened by taking such decisions. Orania’s choice in this regard can therefore not serve as proof that Orania is deflecting. Orania did follow the route of art 31 regarding several matters, including those mentioned above.
- 13.8 The correct route for the protestors would have been to discuss problems/questions with Orania in a brotherly fashion along the way of Matt 18. They would then have been able to see whether it is the truth that Orania, the church council, or anyone is

heretic. We have to concede that the correspondence of Orania (**Appendix 4**) did create such an impression (“... churches that gather in classis Ventersburg also want to stay obedient to the Word of God and in what we have been taught.”) However, this is only an impression. Part Synod OFS-Natal (07) should therefore never have taken the appeal of Vorster and friends into discussion, because it makes assumptions without having taken the road of Matt 18. Part Synods 2007 and 2008 therefore infringes on rights in terms of art 30 CO (and possibly the 9th commandment) because Orania (with the blessing of the part synod) is labeled as a result of unclarity in their letter that have not been sorted out along the route of Matt 18.

L. REPORT OF THE APPEAL COMMISSION

1. Assignment

Appeal of H.G Kruger against decision of Particular/Regional Synod KwaZulu-Natal regarding Orania's admission to Classis Ventersburg.

Decision: Noted.

2. Matters that should be noted

2.1 The appeal is delivered and referred to the commission.

2.2 The elucidator as well as the defenders received an opportunity to address the commission and to offer further information.

2.3 The advisor, prof A le R du Plooy delivered advice.

Decision: Noted.

3. Relevant background of the Appeal

According to the Report of Church Order Article 48 Deputies Orania resorts under Classis Burgersdorp. The principle of proximity was used as a consideration during the divisions. Orania was at that stage under the impression that she resorted under Classes Griekwaland–West. In the meantime Classis Burgersdorp called Orania for the classis on 11 September 2007. Orania addressed correspondence asking to rather resort in Classis Ventersburg. On 2 October 2007 Classis Ventersburg decides to accept Orania into their classes (based on a correspondence to Orania saying that the matter has been resolved with Griekwaland-West and Burgersdorp). In November 2007 the “Particular Synod” Free State-Natal considers an appeal. In that case the appeals commission recommended that the appeal does not succeed, but the Synod rejects the recommendation of the commission and lets the appeal succeed, according to the appellant of this appeal, with motivation lacking. In November 2008 a petition of protest of Orania serves at Regional Synod KwaZulu-Natal. However, the petition of protest does not succeed. Based on this, br. HG Kruger appeals to the General Synod.

Decision: Noted.

4. Findings

4.1 *Ground of appeal 1*

The decision of Particular Synod Free State-Natal in 2007 and 2008 is contrary to the spirit of Church Order Article 30 and tends towards the direction of intrusion into the service of another (CO article 79/80).

4.1.1 Argumentation

4.1.1.1 The appellant claims that the Particular Synod Free State-Natal/Regional Synod KwaZulu-Natal infringed on rights by not adequately giving effect to Church Order art 30. Church Order art 30, which is offered as ground of appeal, relates to the fact that church matters should be handled in a church manner and that only matters that can not be finalised in lesser meetings, should be discussed at greater meetings. In the light of this CO art 30 is not applicable. The appellant appealed against a decision of Classis Ventersburg to the Regional Synod KwaZulu-Natal. With this the church route was followed and the Regional Synod had to rule on it. In

other words, there is no case of “*intrusion into the service of others*” as claimed by the appellant.

4.1.1.2 The appellant furthermore compares the inclusion of congregations in a classis (CO article 41) with members joining a congregation in 12.2 of his motivation of Ground of appeal 1. With this CO art 41 and 82 are equated. The equation is not valid. CO art 82 organises the departure of members, while CO art 41 organises the gathering of churches in a classis (geographically).

4.1.1.3 It furthermore becomes clear from point 12.3 of the appeal as well as from the elucidation that Orania did not sort the matter out with Classis Burgersdorp with regard to why they did not want to join Classis Burgersdorp. The matter was not yet finalised as the appellant claims. It shows in a letter of Classis Burgersdorp, dated 18 September 2007, that Classis Burgersdorp only noted Orania’s decision to join Classis Ventersburg. The rest of the letter shows that the classis wanted to take up the matter with Orania and from that the reference to the words in the Public Declaration, the admonition from John 13:34 and 35 and the prayer for future unity. The question is also pertinently stated to Orania: “*Does your decision to not join Classis Burgersdorp as geographically closest unit, that you do not identify yourselves with this classis in terms of doctrine, service and censure?*” This indicates that Classis Burgersdorp did not give their permission to Orania to join Classis Ventersburg. The appellant does not show that rights were infringed upon in this regard.

4.1.1.4 The appellant claims that the Regional Synod KwaZulu-Natal intruded into the service of others. In his argumentation the thought pattern of art 36 is lacking, which organises the final discretion of each of the several meetings. The article speaks of final discretion and not of authority. The different meetings therefore have equal authority. According to Church Order art 36 the different meetings do not have the right to intrude into each others matters. Yet the matter of final discretion may not be left out of consideration. A Regional Synod consists of proximal classes. In that sense of the word the different churches within the resort of the Regional Synod also depend on each other. The Classis respects the discretion of the Regional Synod by keeping to the decisions of the greater meeting (Church Order Art 31). Any person has the right to appeal against the decision of a church meeting. The appellant does not indicate that the Regional Synod Free State-Natal acted *ultra vires*, in other words outside of their authority.

Decision: Points 4.1.1.1 to 4.1.1.4 noted.

4.1.2 Adjudication

The appellant does not prove prejudice to rights.

Decision: Noted.

4.1.3 Recommendation

The appeal does not succeed on this ground.

Decision: Approved.

4.2 *Ground of appeal 2*

The Particular Synod Freestate-Natal lets an appeal succeed in which the ninth commandment is endangered, and therefore infringes on rights.

4.2.1 Argumentation

4.2.1.1 With regard to the motivation pt 13.1 - 13.4

The letter of application of Orania to join Classis Ventersburg in the motivation clearly refers to the actions of congregations in Classis Griekwaland-West and by implication Classis Burgersdorp. In Orania’s opinion they no longer upheld Scripture, Confession and Church Order. The appellants at Regional Synod KwaZulu-Natal were therefore correct with their interpretation that Orania first had to take the route of art 31 CO with Classes Griekwaland-West and Burgersdorp.

In the ground of appeal the appellant relies on CO art 31 with regard to matters that have no relation to this matter. The question is not in how many matters Orania

called on CO art 31, but whether Orania followed the route of CO art 31 with Classis Burgersdorp. However, Orania did not take this route with Classis Burgersdorp. The appellant does show in his motivation 13.4 for ground of appeal 2 that Orania did hand in quite a few appeals by way of art 31 at greater meetings. However, this statement has nothing to do with the call on CO art 31 with regard to Classes Griekwaland-West and Burgersdorp that the appellants directed to Regional Synod KwaZulu-Natal.

From the appeal that succeeded at the Regional Synod, it seems that the matters that the appellants called on were proven from Scripture, Church Order and Confessions. The decision of the Regional Synod therefore does not rest on false testimony.

4.2.1.2 With regard to motivation pt 13.5 and 13.7

See the argumentation at ground of appeal 1 with regard to the correspondence of Classis Burgersdorp to Orania, which was used selectively by the appellant and Orania. The matter was therefore not resolved as was claimed.

4.2.1.3 With regard to pt 13.6

In this point of the motivation, the appellant refers to the motivation at ground of appeal 2 of the appellants at Regional Synod KwaZulu-Natal 2008. The following sentences appear in that motivation: "*With the acceptance of Orania Classes Northern Free State and Ventersburg replace the principle of proximity with the principle of similar-mindedness. Geographical classes now make way for ideologically defined classes*". The emphasis is on similar thinking classes and the choice of the words "ideological classes" were in the opinion of the commission unfortunate. On the other hand "ideological" can also mean "thought types for a group that is prevalent amongst them". Ideological in the context of the appeal means similar thinking, as indicated in the appeal that was submitted to in the Regional Synod.

The fact is: In the letter of application Orania clearly states that she does not feel at home in Classes Griekwaland-West and Burgersdorp due to certain Synod decisions. It clearly comes down to the fact that Orania means that their thoughts on certain issues agree more with the thoughts of Classis Ventersburg than with the thoughts of other classes regarding these matters.

4.2.1.4 With regard to motivation pt 13.8

The appellant indicates that the Regional Synod KwaZulu-Natal had to take the matter up with Orania in a brotherly manner according to Matthew 18. However, the appeal based on CO 31 that served at the Regional Synod KwaZulu-Natal, has nothing to do with the way in which mutual admonishment and censure is done according to Matthew 18 and Church Order articles 71-75. Art 31 determines the route according to which someone can appeal against the decision of a meeting if he feels that he was wronged by the meeting.

The appellant does not indicate in ground of appeal 2 that the ninth commandment was transgressed in the process.

Decision: Points 4.2.1.1 to 4.2.1.4 noted.

4.2.2 Finding

Infringement on rights is not proven.

Decision: Noted.

4.2.3 Recommendation

The appeal does not succeed on this ground.

Decision: Approved.

5. Recommendation

The appeal does not succeed.

Decision: Approved.