12. APPèLLE EN BESWAARSKRIFTE
12. APPEALS AND PETITIONS OF PROTEST

12.2 RAPPORT 1 : DEPUTATE BEOORDELING VAN DIE BESWAARGRONDE VAN DIE BESWAARSKRIFTE VAN GK POTCHEFSTROOM-DIE BULT EN STREEKSINODE RANDVAAL

12.2 REPORT 1 : DEPUTIES FOR THE REVIEW OF THE PETITION GROUNDS OF THE PETITIONS OF PROTEST OF GK POTCHEFSTROOM-DIE BULT AND REGIONAL SYNOD RANDVAAL

1. Opdrag Dat die beswaargronde van die Beswaarskrifte van GK Potchefstroom-Die Bult en Streeksinode Randvaal na Deputate verwys word om by Algemene Sinode 2018 daaroor te rapporteer.	**1. Mandate** The petition grounds of the Petitions of Protest of GK Potchefstroom-Die Bult and Regional Synod Randvaal are to be referred to deputies for reporting at the General Synod 2018.
2. Uitvoering van die opdrag Met leedwese is kennis geneem van die afsterwe van ds LP Baloyi. Ongelukkig was die Deputate nie eenstemmig in al die bevindings nie. Drr GJ Meijer en JH Howell het aangedui dat hulle 'n aparte Rapport sal indien.	**2. Execution of the mandate** It was noted with great sorrow of the passing of Rev LP Baloyi. Unfortunately, the Deputies did not reach consensus on all findings. Drs GJ Meijer and JH Howell indicated that they would submit a separate Report.
3. Beswaarskrif van die GK Potchefstroom-Die Bult 3.1 *Beswaargrond 1 (2.1)* Die aangehaalde besluite van Sinode 2015 is in stryd met KO, art 29, wat die wyse bepaal waarop die kerke ooreengekom het om sake van gemeenskaplike belang af te handel. 3.1.1 <u>Beredenering</u> Die beswaardes argumenteer dat KO, art 29 nie voorsiening maak vir "Spesiale" Sinodes nie en dat indien die artikel verander moes word, dit eers moes gebeur het en die KO nie by implikasie verander kan word nie. Art 29 t*oets nie*, dit *lys*. Dit beredeneer nie die vergaderings op grond van Skrif en Belydenis nie, maar gee 'n "inventaris" van die vergaderings waaroor die kerke ooreengekom het. In praktyk is dit duidelik dat hierdie vergaderings dien as "oorhoofse" of "versamelterme" in die sin dat verskillende vorme van Kerkraadsvergaderings hulle tuisvind onder die term Kerkraadsvergadering (bv Kombinasievergaderings) en so verskeie vorme van	**3. Petition of Protest of the GK Potchefstroom-Die Bult** 3.1 *Petition Ground 1 (2.1)* The cited decisions of Synod 2015 are in conflict with CO, art 29, which sets out the manner in which the churches agreed to address matters of common interest. 3.1.1 <u>Argument</u> The petitioners argue that CO, art 29 does not provide for "Special Synods" and if the article was to be amended, this should first have been done and that the CO cannot by implication be revised accordingly. Art 29 does *not test*, it *lists*. It doesn't review assemblies according to Scripture and the Confession, but provides an "inventory" of the assemblies to which the churches agreed. In practical terms, these assemblies serve as "overarching" or "collective" terms in the sense that a range of different Church Council meetings fall under the term of Church Council meeting (e.g. combination meetings) and similarly a range of different Classes fall under the term Classis (e.g. Classis Contracta),

Klassisse (bv Klassis Contracta) hulle tuisvind onder die term Klassis, ens (Spoelstra 175, 8). So sal die Spesiale Sinode as 'n vorm van Algemene Sinode hom dus tuisvind onder die term Algemene Sinode.	etc. (Spoelstra, 175, 8). As such the Special Synod would be grouped under the heading of General Synod.
Aangesien KO, art 29 geen Skrifbewys of Belydenisgronde beredeneer nie, is dit as sulks bloot 'n praktiese lys van vergaderings wat in die GKSA plaasvind, en gee dit selfs nie eers 'n volledige lys van bestaande meerdere vergaderings nie. Die feit dat by hierdie artikel in die verlede al vergaderings bygevoeg is en weggelaat is, bewys dat hierdie artikel 'n funksionele doel het en nie 'n gebiedende funksie het nie. "Aantal Sinodes van art 29 is nie normatief nie, maar word na behoefte en tradisie bepaal" (Spoelstra, 277, 2). So is KO, art 29 al dikwels in die verlede vertolk en gewysig volgens lands- of politieke omstandighede en funksionaliteit (Spoelstra, 176, 2). Die Sinode is dus heeltemal binne sy magte om 'n besluit te neem wat KO, art 29 raak en sy besluit kan dus nie bots met KO, art 29 nie, al sou die besluit ook neerkom op 'n uitbreiding van die artikel. Art 29 kan dus nie dien as bewyslas waarom hierdie besluit verkeerd sou wees nie.	Since CO, art 29 does not review Scriptural proof or confession grounds, it is merely a practical list of assemblies that occur within the GKSA and does not even provide a complete list of the existing major assemblies at that. Past additions and removals of assemblies to and from this article shows it to be functional in purpose and not prescriptive. *The number of Synods of art 29 is not normative, but determined by need and tradition* (Spoelstra, 277, 2). In this way CO, art 29 has often been interpreted and amended according to national or political conditions and functionality (Spoelstra, 176, 2). The Synod is, therefore, completely within its rights to make a decision that could affect CO, art 29 and cannot in any way come into conflict with CO, art 29, even if the decision would necessitate widening the scope of the article. Art 29 cannot, therefore, serve as proof of the error of this decision.
Sinode 2015 het met sy besluit inderdaad hierdie artikel uitgebrei. Dat dit nog nie *in scriptura* hier ingeskryf is nie, maak die besluit nie ongeldig nie, en bewys nie dat die besluit inhoudelik onskriftuurlik, onkerkordelik of belydenisvreemd is nie. Inteendeel, die besluit sou slegs ongeldig kon wees as dit bots met ander besluite van die Kerkorde of met die Skrif en Belydenis, iets wat nie in hierdie beswaargronde bewys word nie. Dat dit nie genoem word nie, beteken ook nie dit bots met die Kerkorde nie. Bots beteken immers dit maak dat sekere bepalings in die Kerkorde nie nagekom kan word nie.	Synod 2015 did indeed widen the scope of this article with its decision and just because it had not yet officially been included *in scriptura* does not make the decision invalid. It doesn't prove the decision to be in conflict with Scripture, the Church Order or the Confession either. On the contrary, the decision would only be invalid if it clashed with other decisions of the Church Order or with Scripture and the Confession. This is not proven in these petition grounds. It not being mentioned doesn't make it in conflict with the Church Order either. Such a clash would after all mean that it would keep certain stipulations of the Church Order from being carried out.
Visser (Kerkorde in Praktyk) skryf by artikel 29 die volgende (p115): "In kerkverband is daar ten minste twee kerklike vergaderings noodsaaklik:	Visser (Kerkorde in Praktyk, 115) writes the following about art 29: *At least two church assemblies are required within a denomination: one*

een wat die belange van die plaaslike kerk behartig (die Kerkraad), en minstens een wat gemeenskaplike sake behartig (Klassis of Sinode). Die aantal meerdere vergaderings is nie ‘n beginsel nie, maar ‘n praktiese reëling. Daarom bepaal art 29 ook nie dat hierdie en daardie kerklike vergaderings onderhou “moet” word nie. Die praktyk kan dit dalk wenslik en/of nodig maak dat een of meer van die (tans) bestaande meerdere vergaderings afgeskaf kan word”.

Die beswaardes argumenteer (2.1.1.2): “Daar sou eers in terme van die kerkreg en kerkregering aangetoon moes word waarom ‘n wysiging van KO, art 29 noodsaaklik is (KO, art 46). Verder sou so ‘n wysiging slegs geldig kon wees indien ‘n Algemene Sinode so verorden het (KO, art 86)”.

Die noodsaak is inderdaad deur die besluit aangedui, nl dat die bestaande meerdere vergaderings nie vrede en berusting bring oor sekere wesentlike sake nie. Hierdie rede is ooreenkomstig KO, art 86 deur Sinode 2015 so aanvaar.

Sinode 2015 se besluit het die kerklike pad geloop soos KO, art 86 bepaal, want die saak het gedien as ‘n Beskrywingspunt vanaf ‘n Streeksinode na ‘n Algemene Sinode. In sy besluit beredeneer die Algemene Sinode waarom ‘n Spesiale Sinode nodig is en ‘n Algemene Sinode het die besluit geneem.

3.1.2 Bevinding

Dat die beswaargrond nie slaag nie.

3.2 *Beswaargrond 2 (2.2)*

Die aangehaalde besluite van Sinode 2015 is in stryd met KO, artt 31 en 34, wat bepaal dat kerklike vergaderings sake behandel en indien daar nie konsensus oor ‘n saak is nie by wyse van stemming afhandel, en deeglik opteken wat noodsaaklik is.

3.2.1 Beredenering

Die beswaardes argumenteer dat Sinode 2015 ‘n nuwe maatstaf daarstel waarvolgens die kerke besluite neem. “Eenstemmigheid” word naas “beslissings by wyse van stemming” die norm waarvolgens die kerke sake

that addresses the interests of the local church (the Church Council) and at least one that addresses common matters (Classis or Synod). The number of major assemblies is not a principle, but a practical arrangement, and for that reason art 29 does not determine this assembly or those church assemblies “have” to be upheld. It may become desirable and/or necessary in practice to abolish one or more of the existing major assemblies.

The petitioners argue (2.1.1.2): *It would first need to indicated in terms of church law and church governance why revision of CO, art 29 is necessary (CO, art 46). Furthermore, such a revision would only be valid if a general Synod ordained it (CO, art 86)*.

This necessity is indeed indicated by the decision, namely that the existing major assemblies do not bring peace of mind over certain integral matters. Synod 2015 accepted this reasoning in accordance with CO, art 86.

Synod 2015’s decision followed church procedure, as per CO, art 86, since the matter was tabled as Point of Description from the Regional Synod to the General Synod. The General Synod argues in its decision the necessity of a Special Synod, upon which the General Synod duly made the decision.

3.1.2 Finding

The petition ground does not succeed.

3.2 *Petition Ground 2 (2.2)*

The cited decisions of Synod 2015 are in conflict with CO, arts 31 and 34, which stipulate that church assemblies review matters and should unanimity not be reached, it be decided by means of a vote and important aspects be recorded.

3.2.1 Argument

The petitioners argue that Synod 2015 institutes a new measure according to which the churches make decisions. “Unanimity” is made, in conjunction to “resolution by means of a vote” the norm whereby the churches review and

in ‘n “Spesiale” Sinode behandel en afhandel. Daarteenoor reël KO, art 31, slegs dat die kerke by wyse van stemming tot besluitneming kom indien daar nie konsensus oor ‘n saak is nie.	concluded matters in a “Special Synod”. In contrast CO, art 31 only states that the churches reach a decision by means of a vote should unanimity not be reached on a matter.
Die beswaardes beweer dat daar geen motivering aangebied word vir hierdie uitbreiding van KO, art 31 nie en dat Sinode 2015 se besluit die uitwerking het dat die KO, art 31 op ‘n onordelike wyse uitgebrei word.	The petitioners claim that no motivation is offered for the widening in scope of CO, art 31 and that Synod 2015’s decision results in the revision of CO, art 31 in an unorderly manner.
Die beswaardes maak in hierdie grond nie onderskeid tussen wesentlike en nie-wesentlike sake nie, terwyl die sake wat na die Spesiale Sinode verwys word, uitsluitlik wesentlike sake is. Aangesien die Skrif eenheid in wesentlike sake beveel, mag verskille in wesentlike sake nie by wyse van stemming hanteer word nie. Die KO, en dus ook die bepaling oor stemming in art 31 moet in die lig van die Skrif toegepas word.	The petitioners do not distinguish herein between essential and non-essential matters, while only essential matters are referred to a Special Synod. Since Scripture demands unity in essential matters, disagreement in essential matters may not be resolved by means of a vote. The Church Order and as such also the prescription on voting in art 31 must be applied in light of Scripture.
Van der Linde waarsku in sy verklaring van art 31 dat blote meerderheidstem kan lei tot kollegialisme. Hy skryf verder: “Die Woord moet so lank ondersoek word dat daar ooreenstemming kan wees. Die ideaal is dat besluite met algemene stemme geneem word (p128). Die feit dat daar gestem moet word, skryf Van der Linde toe aan “die sondigheid van die mens”. Stemming bied dus ‘n tweede keuse, na die eerste keuse, naamlik eenstemmigheid.	Van der Linde (p128) warns in his interpretation of art 31 that the majority vote could lead to collegialism. He adds: *The Word must be studied until unanimity is reached. the ideal would be that decisions are made through general agreement*. Van der Linde ascribes having to resort to a vote to the *sinful nature of man*. Voting is thus “plan B” should unanimity not be reached.
In sy verklaring van die artikel wys Spoelstra (191, 1) daarop dat die reg van Appèl in 1578 ‘n artikel op homself was. Essensiële sake is uit die Skrif beslis. By ander sake is eers gevra watter beginsels en norme op die spel is, waarna die meeste stemme advies vir ‘n bindende besluit uitgebring het. Dit veronderstel dat daar ruim en voldoende geleentheid was waarin afgevaardigdes hulle oor die saak kon uitspreek. Spoelstra (193, 2) noem verder: “Die wese van die kerk vereis van die ampsdraers om na mekaar te luister totdat konsensus bereik is. So ‘n eenstemmigheid is ‘n gawe van die Gees”.	According to Spoelstra (191, 1), in 1578 the right to appeal was in itself an article. Essential matters were resolved according to Scripture. Other matters were reviewed in terms of the principles and norms pertaining thereto, upon which the majority advised on a binding decision. This supposes ample opportunity for delegates to voice their stance on the matter. Spoelstra (193, 2) also mentions: *The essence of the church demands office holders to listen to each other until unanimity is reached. Such consensus is a gift of the Spirit*.

Die beswaardes beweer voorts dat Sinode 2015 fouteer deur nie die Gereformeerde benadering sedert die Reformasie oor die hantering van tweespalt in die kerke te verreken nie. Sedert die Reformasie is die gebruik dat afgevaardigdes wat nie met 'n besluit saamstem nie met die geneemde besluit konformeer, al dan nie (KO, art 31). Sinode 2015 het nagelaat om op hierdie krities belangrike aspek van die Gereformeerde kerkregering in te gaan. Die beswaardes wys hierin indirek 'n ernstige leemte uit in die besluit van die Sinode, naamlik dat die Sinode nie aangedui het wat gedoen moet word indien daar nie eenstemmigheid bereik kan word nie.	The petitioners claim furthermore that Synod 2015 erred by not taking into account the Reformed approach, since the Reformation, to addressing division in the churches. Since the Reformation, it is customary for delegates who do not agree with a decision to conform to the decision taken or not taken (CO, art 31). Synod 2015 failed to take heed of this critically important matter of Reformed church governance. The petitioners indirectly point out a serious deficiency in the decision of the Synod, namely that the Synod did not indicate a course of action should unanimity not be reached.
3.2.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie, aangesien dit nie verreken dat die Spesiale Sinode uitsluitlik wesentlike sake hanteer nie. Kennis kan geneem word van die leemte in die besluit dat dit nie aandui wat gedoen moet word indien daar nie eenstemmigheid bereik word nie.	3.2.2 <u>Finding</u> The petition ground does not succeed, because of its failure to take into account that a Special Synod exclusively addresses essential matters. Note should be taken of the decision's failure to indicate a course of action should unanimity not be reached.
3.3 *Beswaargrond 3 (2.3)* Die aangehaalde besluite van Sinode 2015 is in stryd met KO, art 30, wat bepaal dat meerdere vergaderings kerklike sake op 'n kerklike wyse behandel en afhandel.	3.3 *Petition Ground 3 (2.3)* The cited decisions of Synod 2015 are in conflict with CO, art 30 that stipulates that major assemblies only deal with ecclesiastical matters that have to be reviewed and concluded in an ecclesiastical manner.
3.3.1 <u>Beredenering</u> Die beswaardes beweer dat Sinode 2015 fouteer deur 'n onderskeid tussen "wesentlike" sake en "nie-wesentlike" sake op die Agenda van 'n Sinode van toepassing te maak. In teenstelling hiermee bepaal KO, art 30 net dat kerklike sake op 'n kerklike wyse behandel word. Die Kerkorde maak dus geen onderskeid tussen wesentlike en nie-wesentlike sake nie. Kerklike sake wat op meerdere vergaderings hoort is per definisie sake wat nie by mindere vergaderings afgehandel kan word nie. Anders gestel: die onvermoë van 'n mindere vergadering om 'n saak af te handel word ondervang deurdat die	3.3.1 <u>Argument</u> The petitioners claim that Synod 2015 erred by making the distinction between "essential" and "non-essential" matters applicable to the Agenda of a Synod. In contrast, art 30 only stipulates that ecclesiastical matters be dealt with in an ecclesiastical manner. The Church Order thus does not differentiate between essential and non-essential matters. Ecclesiastical matters tabled at major assemblies are by definition matters that cannot be resolved at minor assemblies. Put differently: The inability of a minor assembly to resolve a matter is addressed by tabling the matter at a major assembly. All matters that come

saak by ‘n meerdere vergadering hanteer word. Alle sake op die tafel van ‘n Sinode is dus “wesentlik”. Dit beteken egter nie noodwendig dat alle sake dieselfde “gewig” dra nie.	before a Synod are, therefore, “essential”. It does not, however, mean that all matters bear the same “weight”.
Die beswaardes beweer verder dat Sinode 2015 die reg van die beswaardes wat die tersaaklike Beswaarskrifte ingedien het, gekrenk word deurdat die hantering van die Beswaarskrifte herhaaldelik uitgestel word. Hulle sê verder dat die verwys van die Sinode sy kerkregtelike verantwoordelikheid versuim deur die Beswaarskrifte na ‘n “Spesiale” Sinode te verwys.	The petitioners also claim that Synod 2015 infringed on the rights of the petitioners that submitted the relevant Petitions of protest by repeatedly postponing the review of the Petitions of Protests. They add that the Synod referring the matter to a “Special Synod” was shirking their ecclesiastical responsibility.
Die Kerkorde moet in die lig van die Skrif verstaan en toegepas word. Die Skrif bevat duidelik ‘n onderskeid tussen wesentlik en nie-wesentlike sake in die kerklike lewe (vgl die uiteensetting daarvan in Acta 2015:312-313, 6.1.1).	The Church Order must be understood and applied in relation to Scripture. Scripture clearly distinguishes between essential and non-essential matters within the church (cf. its exposition in Acta 2015:312-313, 6.1.1).
Die onderskeiding van middelmatige (nie-wesentlike) en wesentlike sake word heel dikwels deur Gereformeerde kerkregtelikes gebruik, en inderdaad op die Agenda van vergaderings toegepas. KO, art 85 gebruik bv die term “middelmatig”.	The distinction between moderate (non-essential) and essential matters are quite often cited by Reformed ecclesiasts and indeed applied to the Agenda of assemblies. CO, art 85 , for example, features the term “non-essential”.
Spoelstra in sy verklaring van die Kerkorde hanteer die begrippe middelmatig, wesentlik en per implikasie dan, nie-wesentlik, by die behandeling van verskeie artikels. By sy verklaring van art 30 (185, 5) maak hy die opmerking: “Dit lyk asof Sinodegesag eerder as die gesag van oorweginge bedien word. Kerklike vergaderings behoort goed te onderskei tussen prinsipiële en middelmatige sake. Niemand mag ter wille van “eenvormigheid” gedwing word om op kerkgesag met ‘n middelmatige saak te konformeer nie”.	Spoelstra (185, 5) raises the concepts of essential and non-essential in his analysis of the Church Order in terms of a range of articles. He remarks upon analysing art 30 (185, 5) how *it seems that the authority of the Synod is presented as the authority of deliberations. Ecclesiastical assemblies should clearly distinguish between principal and moderate matters. No one may be forced to conform in a non-essential matter to church authority for the sake of “uniformity”*.
Ook Calvyn handhaaf ‘n soortgelyke onderskeiding (Calvyn Inst IV. 10.vii.xxiii,xxxi).	Calvin upholds a similar distinction (Calvin Inst. IV. 10.vii.xxiii,xxxi).
Die onderskeiding van wesentlik en nie-wesentlik is dus bekende begrippe in die kerkregtelike wêreld. Die beswaardes se bewering dat hierdie begrippe nie in die hantering van ‘n Agenda hoort nie, is onjuis.	The distinction between essential and non-essential is, therefore, familiar concepts in the canonical world. The petitioners’ claim that these concepts do not pertain to the review of an Agenda is erroneous.

Dat, in die verloop van ‘n Agenda, die wesentlike en nie-wesentlike sake in ag geneem word, bots nie met art 30 se bewoording dat sake op kerklike wyse behandel moet word nie, en die beswaardes beweer dit wel, maar bly in gebreke om dit te bewys.	Taking into account the essential and non-essential nature of matters in working through an Agenda does not clash with the sentiment of CO, art 30 that matters are to be reviewed in an ecclesiastical manner and the petitioners may well claim such, but fail to substantiate it.
Die feit dat ‘n saak na ‘n meerdere vergadering verwys word, maak tog sekerlik nie ‘n saak wesentlik nie. Dit is tog volgens KO, art 30 ‘n saak wat die mindere vergadering nie kon afhandel nie, maar dit kan steeds ‘n middelmatige of nie-wesentlike saak wees.	A matter being referred to a major assembly doesn’t make it necessarily essential. It may well be a matter that could not be resolved by a minor assembly, as per CO, art 30, but it could still be a moderate or non-essential matter.
Die beswaardes beweer dat die Sinode sy verantwoordelikheid versuim het deur ‘n saak wat op sy tafel was, na ‘n ander vergadering te verwys. Dit is egter ‘n valse argument. Versuim beteken dat daar niks aan ‘n saak gedoen word nie. Om ‘n saak te verwys met die doel van beter en intensiewe afhandeling, is nie versuim nie maar kan juis meer verantwoordelike optrede verteenwoordig. Die Sinode het ook nie maar die saak onbepaald uitgestel nie.	The petitioners’ claim that the Synod shirked its responsibility by referring a matter to another assembly is a misguided argument. Failure means there was nothing to be done for the matter. So referring a matter to enable better and more intensive review is not failing, but is rather the more responsible course of action. The Synod didn’t postpone the matter indefinitely either.
Om ‘n saak te verwys is nie uitstel nie. Die beswaardes verwar duidelik twee begrippe, wat nie dieselfde betekenis het nie, met mekaar. Die Sinode het inderdaad nie sy plig versuim nie deurdat hy ‘n besluit geneem het hoe hy die saak gaan hanteer.	Referring a matter is not postponement, the petitioners are confusing two different concepts. The Synod most definitely did not neglect its duty in the way it chose to deal with the matter.
3.3.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie.	3.3.2 <u>Finding</u> The petition ground does not succeed.
3.4 *Beswaargrond 4 (2.4)* Sinode 2015 besluit ten gunste van die instelling van “Spesiale” Sinodes sonder dat die Sinode hom ooreenkomstig KO, art 33 van sy kerkordelike taak en funksie te kwyt.	3.4 *Petition Ground 4 (2.4)* Synod 2015 decided in favour of instituting “Special Synods” without the Synod fulfilling its Church Orderly function and task, as per CO, art 33.
3.4.1 <u>Beredenering</u> Die beswaardes beweer dat Sinode 2015 nagelaat het om die KO in berekening te bring by die beoordeling van die aanbeveling rakende die instelling van “Spesiale” Sinodes. Die Sinode spreek hom nêrens daaroor uit dat daar geen berede-	3.4.1 <u>Argument</u> The petitioners claim that Synod 2015 neglected to take the Church Order into account in the review of the recommendation regarding the institution of “Special Synods”. The Synod does not in any way indicate the lack of motivation in the Report of the

nering in die Rapport van die Deputate Eenheid en Verskeidenheid was op grond waarvan die Sinode die betrokke besluite kon neem nie (KO, art 33). Die daarstel van "spesiale" Sinodes het by uitstek kerkregtelike implikasies. Die Deputate moes dus die tersaaklike kerkregtelike aspekte verreken het om die betrokke aanbevelings te regverdig ten einde die Sinode in staat te stel om 'n geldige besluit te neem. Weens hierdie wesentlike tekortkoming in die Rapport het Sinode 2015 hom in die beoordeling van die aanbevelings van die Deputate nie van sy kerkordelike taak en funksie gekwyt nie.	Deputies: Unity and Diversity according to which the Synod could make the relevant decisions (CO, art 33). The institution of "Special Synods" especially has canonical implications. The Deputies should, therefore, have considered the applicable canonical aspects to justify the relevant recommendations to enable the Synod to make a valid decision. Given this substantial shortcoming in the Report, Synod 2015 did not fulfil its Church Orderly task and function in the review of the Deputies' recommendations.
Hierdie beswaargrond veronderstel dat Spesiale Sinodes in stryd met die KO is en redeneer dan daarvan verder. Dit lewer egter geen bewys waarom dit verkeerd is nie.	This petition ground supposes that Special Synods are in conflict with the Church Order and then continues their argument from that premise. It does not, however, motivate the error.
Die beswaargrond toon nie gemotiveerd aan waar en hoe Sinode 2015 by sy besluit KO, art 33 nie in berekening gebring het nie. Die beswaargrond gee wel in sy motivering 'n kort oorsig oor die belang van KO, art 33, maar toon nie aan hoe dit relevant is met betrekking tot die Sinodebesluit waarteen beswaar gemaak word nie. In die motivering van die beswaargrond word verwys na die Rapport van die Deputate Eenheid en Verskeidenheid. Dit word dan gestel dat die Rapport geen beredenering verskaf op grond waarvan die Sinode besluite kon neem nie. Die feite is dat genoemde Rapport talle kerkregtelike en ander beredenerings bevat wat deur die Sinode in berekening gebring is (vgl bv Acta 2015:306 e.v., o.a. 4.1.1; 4.2.1; 4.3.1; 4.4; 5.1.1-5.1.3.1; 5.2; 5.4; 6.1.1-6.1.2; 6.3.1-6.3.2).	The petition ground does not substantiate where and how Synod 2015 did not take CO, art 33 into account in its decision. The petition ground does, however, provide in its argument a brief overview of the importance of CO, art 33, but fails to indicate how it pertains to the Synod decision it is opposing. The motivation of the petition ground refers to the Report of the Deputies: Unity and Diversity and avers that the Report does not provide the grounds upon which the Synod could base their decisions. The fact is that the above Report contains a number of canonical and other arguments that the Synod took into consideration (cf. e.g. Acta 2015:306 et seq. inter alia. 4.1.1; 4.2.1; 4.3.1; 4.4; 5.1.1-5.1.3.1; 5.2; 5.4; 6.1.1-6.1.2; 6.3.1-6.3.2).
3.4.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie.	3.4.2 <u>Finding</u> The petition ground does not succeed.
3.5 *Beswaargrond 5 (2.5)* Die aangehaalde besluite van Sinode 2015 is in stryd met KO, artt 31 en 46, wat die moontlikheid skep dat besluite van kerklike vergaderings hersien kan word indien bevind word dat 'n besluit	3.5 *Petition Ground 5 (2.5)* The cited decisions of Synod 2015 are in conflict with CO, arts 31 and 46, which provides the opportunity for decisions of church assemblies to be revised should it be found that a decision was taken in

verkeerdelik geneem is.	error.
3.5.1 <u>Beredenering</u> Die beswaardes beweer dat Sinode 2015 fouteer deur die moontlikheid van appèl en beswaar teen besluite van die beoogde “Spesiale” Sinodes effektief uit te sluit (KO, artt 31, 46). In die besluite van Sinode 2015 is daar geen kerkregtelike moontlikheid van appèl of beswaar teen besluite van Spesiale Sinodes moontlik nie. Die feit dat appèl (KO, art 31) teen besluite van Spesiale Sinodes nie moontlik is nie, maak dit nie ongeldige vergaderings nie, want daar is ook nie appèl teen besluite van gewone Algemene Sinodes moontlik nie en dit maak hulle nie ongeldige vergaderings nie. Alle Klassisse, Streeksinodes en Algemene Sinodes is ad hoc vergaderings, sodat dit ook in gevalle van besware teen sulke vergaderings se besluite (KO, art 46), ‘n volgende, nuut-saamgestelde vergadering is wat besware teen besluite van ‘n vorige vergadering oorweeg. Hoewel ‘n Spesiale Sinode ‘n verwysde Agenda het, en daarom opgeroep word soos nodig, beteken dit geensins dat daar geen appèl of beswaar moontlik is nie. Die term “spesiaal” mislei die beswaardes klaarblyklik om te dink dat hierdie vergadering buite die normale reëling van die Kerkorde val tov beswaar en appèl. Die Sinode sê dit immers nie. Die Sinode 2015 bied hierdie vergadering aan as ‘n Spesiale ALGEMENE *Sinode (met meer effektiwiteit)*. Net soos die Buiten-gewone Algemene Sinode, wat ook byeengeroep word vir ‘n buiten-gewoon dringende saak, is hierdie ‘n Spesiale Sinode wat byeengeroep word vir ‘n verwysde saak. Maar dit bly ‘n Sinode teen wie se besluit, ‘n beswaar of appèl by ‘n volgende Sinode kan dien, en dit bly dan daardie Sinode se besluit of hy die appèl of beswaar self wil hanteer en of dit weer verwys word na ‘n Spesiale Sinode. Die beswaardes bewys nie hoekom hulle reken dat hierdie pad nie moontlik is nie, of dat	3.5.1 <u>Argument</u> The petitioners claim that Synod 2015 erred by effectively eliminating the possibility of appeal and protest against decisions of the envisaged “Special Synods” (CO, arts 31, 46). The decisions of Synod 2015 does not allow for canonical appeal or protest against decisions taken by Special Synods. The inability to appeal (CO, art 31) against decisions of Special Synods does not make it invalid assemblies since appeal against decisions of General Synods isn’t possible either and they are not deemed invalid assemblies. All Classes, Regional Synods and General Synods are ad hoc assemblies and objections to decisions of such assemblies (CO, art 46) are reviewed by a separate, newly constituted assembly. The fact that a Special Synod may have a referred Agenda and is, therefore, only convened when necessary does not eliminate the possibility for appeal or objection. The petitioners have apparently mis-understood the term “special” to mean that this assembly falls outside the set prescriptions of the Church Order in terms of protest and appeal. The Synod is not claiming such at all. Synod 2015 presents this assembly as a special GENERAL *Synod (more effective)*. Just as the Extraordinary General Synod, convened for unusually urgent matters, a Special Synod is convened for referred matters. It, however, remains a Synod where an objection or appeal could be lodged against a decision for submission to the next Synod and it remains that Synod’s choice whether to address an appeal or objection itself or to refer the matter to a Special Synod. The petitioners do not show why they deem this route impossible or that the Special Synod is

die Spesiale Sinode nie ‘n Algemene Sinode is nie. Die Deputaterapport bevat ‘n leemte deurdat dit nie die presiese weg vir besware teen besluite van Spesiale Sinodes aandui nie, maar omdat daar geldige moontlikhede van beswaar aanteken bestaan, kan dit nie ‘n rede wees om Spesiale Sinodes as in stryd met die Kerkorde te beskou nie. Vraag wat gevra kan word is of dit nodig was om te sê hoe die besware hanteer moet word, as die Kerkorde dit alreeds reël, en as dit nie in stryd is met die Kerkorde nie.	not a General Synod. The Deputies’ Report falls short in that it does not provide the exact procedure for protests against decisions of Special Synods, but given the possibility of valid protests it cannot be the grounds on which to consider Special Synods in conflict with the Church Order. The question is whether it was necessary to provide the procedure for protests, if the Church Order already sets out same, and if it is not in conflict with the Church Order.
3.5.2 <u>Bevinding</u> Dat hierdie beswaargrond nie slaag nie.	3.5.2 <u>Finding</u> This petition ground does not succeed.
3.6 *Beswaargrond 6 (2.6)* Die aangehaalde besluite van Sinode 2015 is in stryd met KO, artt 41, 47 en 50, wat inhou dat ‘n kerklike vergadering se onvermoë om ‘n saak te besleg altyd op die kerklike weg deur meer kerke behandel word.	3.6 *Petition Ground 6 (2.6)* The cited decisions of Synod 2015 is in conflict with CO, arts 41, 47 and 50 that holds that the inability of a church assembly to settle a matter is always addressed according to church procedure.
3.6.1 <u>Beredenering</u> Die beswaardes beweer dat die Spesiale Sinodes nie ‘n vergadering van die kerke is nie, maar dat dit funksioneer naas die kerke op ‘n kollegialistiese wyse en besluite vir en oor die kerke neem. Verder argumenteer die beswaardes dat meerdere vergaderings meer kerke, mense en meer gawes is, terwyl Spesiale Sinodes ‘n verkleinde afvaardiging het. Daarby is volgens die beswaardes ‘n fundamentele tekortkoming dat Sinode 2015 skynbaar van die aanname uitgegaan het dat die KO (byvoorbeeld deur KO, artt 49 en 50) nie ‘n oplossing vir die problematiek waarmee geworstel is, bied nie, terwyl die veronderstelde tekort-kominge van die KO nie uitgewys of beredeneer is nie. Die Spesiale Sinodes verteenwoordig steeds deur middel van afvaardiging al die kerke, en is dus nie iets selfstandig naas die kerke nie, maar ‘n vergadering van al die kerke, verteenwoordig deur die getrapte afvaardiging.	3.6.1 <u>Argument</u> The petitioners claim that a Special Synod is not an assembly of the churches, but that it functions beyond the churches in a collegialist fashion, making decisions for and about the churches. The petitioners also argue that major assemblies comprise a greater number of churches, people and gifts, while Special Synods are confined in its delegates. According to the petitioners, Synod 2015 made the fundamental error of apparently assuming that the Church Order (e.g. CO, arts 49 and 50) does not offer a solution to the problems under review and the supposed shortcomings of the Church Order were not pointed out or reviewed. A Special Synod still represents all the churches in its delegation and is not independent from the churches, but an assembly of all the churches represented by a staggered delegation.

‘n Spesiale Sinode is nie minder ‘n vergadering van al die kerke as wat ‘n Algemene Sinode dit is nie. Die feit dat ons in die samestelling van Streeksinodes en Algemene Sinodes van getrapte afvaardiging gebruik maak en nie van afgevaardigdes direk vanaf elke plaaslike kerk nie, maak dit nie minder ‘n vergadering van al die kerke nie.	A Special Synod is not less of an assembly of all the churches than a General Synod. Using a staggered delegation in constituting a Regional and General Synod, not delegates from every local church, does not make it less of an assembly of the churches.
Net soos Algemene Sinodes nie “vir kerke” of “oor kerke” besluit nie, maar kerke is wat op hierdie manier saam besluit, so ook Spesiale Sinodes. Om uit die uitdrukking “stel die kerke daarvan in kennis” af te lei dat ‘n Spesiale Sinode ‘n liggaam los van die kerke sal wees, is om gewone spreektaal te verwring. Omdat getrapte afvaardiging beteken dat daar nie van elke plaaslike kerk ‘n verteenwoordiger by die Sinode is nie, is kennisgewing van besluite noodsaaklik. Dit is ook nie so “dat ‘n kerklike vergadering se onvermoë om ‘n saak te besleg altyd op die kerklike weg deur meer kerke behandel word“ nie**.** Algemene Sinodes se onvermoë om sake te besleg, kan net deur dieselfde aantal kerke in meerdere vergadering besleg word. Die “Gereformeerde beginsel van meerdere advies” gaan nie oor die getal afgevaardigdes of oor die getal van veronderstelde gawes nie, maar oor die getal kerke wat by die vergadering verteenwoordig is. By wyse van die sogenaamde “getrapte afvaardiging” is by alle Streeksinodes en Algemene Sinodes alle betrokke kerke verteenwoordig. So ook by hierdie Spesiale Sinode.	Just as a General Synod does not decide “for” the churches or “about” the churches, but is the churches coming to a collective decision, neither does a Special Synod. Concluding from the expression “inform the church about…” that a Special Synod functions independent of the churches is a distortion of everyday language. Since a staggered delegation does not include a representative of every local church, notification of decisions becomes necessary. It is not true that *the inability of a church assembly to settle a matter is always addressed by more churches according to church procedure*. The inability of a General Synod to settle a matter can only be resolved by the same number of churches in a major assembly. The “Reformed principle of further advice” is not about the number of delegates or the number of supposed gifts, but about the number of churches represented at the assembly. The so-called “staggered” delegation is representative of all the Regional and General Synods, including Special Synods.
Die vermindering van afgevaardigdes in die geval van die Spesiale Sinodes het in elk geval nie die bedoeling om te “beperk” in die negatiewe sin van die woord nie, maar om vaartbelyn te maak. Die Spesiale Sinode word dus geag as ‘n vergadering wat in sy samestelling en werkswyse beter reg aan die betrokke saak kan laat geskied as die huidige Sinodes. Die	The reduction in delegates for a Special Synod is not intended to “limit” in the negative sense, but to streamline. A Special Synod is thus deemed an assembly that has the constitution and work method to better do justice to the particular matter than the other Synods. The fewer number of delegates does not side-line churches, but is a means to the more effective

kleiner getal afgevaardigdes skuif kerke nie eenkant toe nie, maar is 'n metode om effektiewer behandeling van die saak te dien deur afgevaardigdes wat juis vir die oorweging van hierdie saak die nodige gawes het.	address of a matter by way of delegates who possess gifts best-suited to review the matter.
Die tekortkominge van die kerklike pad tot hiertoe is op meer as een plek in die Rapport aangedui en/of bespreek, kyk bv Acta 2015:306 e.v., 4.3; 4.4; 4.5; 5.1; 5.2; 5.3; 5.4; 6.3.1-2.	The shortcomings of church procedure are indicated in a number of instances in the Report and/or discussed, see e.g. Acta 2015:306 et seq. 4.3; 4.4; 4.5; 5.1; 5.2; 5.3; 5.4; 6.3.1-2.
3.6.2 <u>Bevinding</u> Die beswaargrond slaag nie.	3.6.2 <u>Finding</u> The petition ground does not succeed.
3.7 *Beswaargrond 7 (2.7)* Die aangehaalde besluite van Sinode 2015 verydel die doel van KO, artt 35, 37 en 45, wat in aansluiting by KO, artt 17 en 84 menslike hiërargievorming in die kerk verbied en doelbewus teëwerk.	3.7 *Petition Ground 7 (2.7)* The cited decisions of Synod 2015 defeats the purpose of CO, arts 35, 37 and 45 that in conjunction with CO, arts 17 and 84 forbid and purposefully oppose human hierarchy building in the church.
3.7.1 <u>Beredenering</u> Die beswaardes beweer dat die besluit dat die Algemene Sinode se Voorsitter en Skriba die leiding moet neem by die konstituering van die Spesiale Sinode, lei tot hiërargievorming en kollegialisme aangesien hulle ampte hierdeur voortgesit word. Verder lei so 'n prosedure ook af van die normale kerklike weg waarvolgens 'n meerdere vergadering opgeroep word.	3.7.1 <u>Argument</u> The petitioners claim that the decision of the Chair and Scribe of the General Synod should lead the constitution of a Special Synod results in hierarchy building and collegialism, since it extends their offices. Furthermore, such procedure also strays from the usual church procedure of calling a major assembly.
Alhoewel die Sinode aanvanklik in stryd met die reëling in KO, art 45 "Roepende Deputate" in plaas van 'n Roepende Kerkraad aangewys het, is dit nie 'n bewys van verydeling van Kerkorde-artikels en van menslike hiërargievorming in die kerk nie, en het dit dus nie die "gewig" wat die beswaargrond daaraan toeken nie.	The Synod initially appointing "Convening Deputies" instead of a "Convening Church Council", in conflict with CO, art 45, does not defeat the purpose of Church Order articles and is not proof of hierarchy building in the church. It, therefore, does not have the gravity that the petition ground bestows on it.
Die bedoeling met die aanbeveling oor die Voorsitter en Skriba van die vorige Algemene Sinode was net 'n manier waarop (kundige) Deputate vir die oproep van die Spesiale Sinode geïdentifiseer is. Die bedoeling van die Sinode was nie dat hulle ageer nie.	The intent of the recommendation regarding the Chair and Scribe of the previous General Synod was only to identify (knowledgeable) Deputies for the convening of the Special Synod. The intent of the Synod was not for them to serve in an acting capacity.
Die Sinode het sy fout self herstel deur later op dieselfde vergadering wel 'n Roepende Kerkraad aan te	The Synod rectified the error at the same assembly by appointing a Convening Church Council (Acta

wys (Acta 2015:324, 2.2.3).	2015:324, 2.2.3).
3.7.2 Bevinding Dat die beswaargrond nie slaag nie.	3.7.2 Finding The petition ground does not succeed.
3.8 *Beswaargrond 8 (2.8)* Sinode 2015 besluit ten gunste van beoogde "Spesiale" Sinodes sonder om daarop ag te slaan dat die aangeleentheid ("Spesiale" Sinodes) in terme van KO, artt 30, (33) en 49 by wyse van die Rapport, Deputate Eenheid in Verskeidenheid, onreëlmatig op die Agenda van Sinode 2015 gekom het.	3.8 *Petition Ground 8 (2.8)* Synod 2015 decided in favour of the envisaged "Special Synods" without heed that the event ("Special Synods") was, in terms of arts 30, (33) and 49, irregularly placed on the Agenda of Synod 2015 by means of the report of the Deputies: Unity in Diversity.
3.8.1 Beredenering Die beswaardes beweer dat die saak van Spesiale Sinodes onordelik op die Sinode se Agenda gekom het en dit is op 'n onordelike wyse saam met die Beskrywingspunt van die Streeksinode Pretoria hanteer. Hierdie beswaargrond redeneer formalisties. Dié deel van die Deputaterapport se inhoud, waaroor hierdie beswaargrond handel, is ook by wyse van geldige Beskrywingspunte op die Agenda van die Sinode geplaas. Omdat die Rapport en die inhoud van die Beskrywingspunte egter feitlik woordeliks ooreengekom het, het die Voorsitter besluit om eers die Rapport, wat ook ander sake hanteer, te behandel. Omdat die Sinode bewus was van die Beskrywingspunte, wat die saak in elk geval wettig op die tafel van die Sinode geplaas het, het die Sinode dit wat die beswaargrond hierbo aanvoer, nie as 'n verhindering beleef nie. Juis omdat van die Deputate tog die formele beswaar, wat hierdie beswaargrond opper, aangevoel het, is die voorgestelde oplossings toe ook met medewete van die ander Deputate vanaf 'n Kerkraad met Beskrywingspunte op die tafel van die kerke gebring. Dit is ook nie agteraf gedoen nie: Kerkraad, Klassis en Streeksinode is ingelig oor waar die Beskrywingspunte vandaan kom, waarom die saak ook so voorgehou word, en gevra om in die lig van dit alles daaroor te oordeel. Uiteindelik het elkeen van hierdie vergaderings	3.8.1 Argument The petitioners claim that placing the item of Special Synods on the Synod's Agenda as part of the Point of Description of the Regional Synod Pretoria contravened church procedure. This petition ground argues formalistic. The part of the Deputies' Report that the petition ground addresses was placed on the Agenda of the Synod by means of valid points of discussion. Given that the Report and the content of the Points of Description corresponded virtually verbatim, the Chair decided to first review the Report that also includes other matters. Since the Synod was aware of the Points of Description that tabled this matter legitimately, the Synod did not deem what the above petition ground alleges as an impediment. Precisely because some Deputies foresaw the formal protest that this petition ground raises, the suggested solutions were also brought to the table with the Points of Description of a Church Council with the full knowledge of the other Deputies. It was not done behind the scenes: the Church Council, Classis and Regional Synod were informed of the origin of the Points of Description, why the matter is being presented in this manner and requested to make a judgement. Ultimately each of the assemblies felt that the Points of Description deserve

geoordeel dat die Beskrywingspunte oorweging deur al die kerke in die Algemene Sinode verdien. Wat die vraag betref of iets soos Spesiale Sinodes deel van die opdrag was, het die Deputate inderdaad geworstel met die vraag of hulle opdrag om te adviseer bloot analise en diagnosering ingehou het, en of dit ook advies ivm oplossings ingehou het. Omdat die Deputate nie die vind van oplossings met drie jaar wou uitstel deur aan te beveel dat 'n volgende Deputategroep na aanleiding van die analises en diagnose advies oor moontlike oplossings gee nie, en gesien die buitengewone aard van hierdie Deputate en die wye opdrag wat aan hulle gegee was, en gesien die dringendheid vir die afhandeling van die sake (soos ook weer uit die versoek van hierdie Beswaarskrif blyk), het die Deputate toe die opdrag wyd geïnterpreteer, as sou die kerke ook advies oor oplossings wou hê. Daar is ook geen wesentlike onderskeid tussen die Beskrywingspunte en die Rapport nie. Om dus van oorvleueling of nie-oorvleueling 'n saak te probeer maak, gaan nie op nie. Die beswaargrond toon nie gemotiveerd na dat die Deputate Eenheid en Verskeidenheid hulle welomskrewe opdrag misverstaan of oorspeel het nie. Dit is op sigself nie vreemd, onmoontlik of verkeerd dat Deputate 'n saak na vore kan bring wat vanuit hulle werksaamhede logies voortvloei en dus deur die Sinode beslis kan word nie. Bowendien het die Streeksinode Pretoria dieselfde saak by wyse van 'n Beskrywingspunt op die tafel geplaas.	the consideration of all the churches of the General Synod. The question over whether something like a Special Synod formed part of the instruction did indeed lead the Deputies to wonder whether their task to advise merely entailed analysis and diagnosing or whether it also included counsel on solutions. Because the Deputies did not wish to delay finding solutions for three years, by recommending that the next Deputies offer counsel on possible solutions based on the analyses and diagnosis and given the unusual nature of these Deputies and the wide scope of their mandate as well as the urgency to finalise the matters (as apparent from the request of the Petition of protest), the Deputies adopted a wide interpretation of the instruction that the churches would also like advice on solutions. There is no significant difference between the Points of Description and the Report and attempting to make a case out of overlapping or not overlapping does not wash. The petition ground does not provide a substantiated motivation that the Deputies: Unity and Diversity misunderstood or overstepped their well-defined instruction. It is not strange, impossible or wrong in itself for Deputies to table a matter that logically flows from their work, for the Synod to resolve. Besides, the Regional Synod Pretoria tabled the same matter by means of the their Point of Description.
3.8.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie.	3.8.2 <u>Finding</u> The petition ground does not succeed.
4. Beswaarskrif van Streeksinode Randvaal	**4. Petition of Protest of Regional Synod Randvaal**
4.1 *Beswaargrond 1* Die saak van Spesiale Sinodes kom onordelik, met 'n verbreking van KO, artt 30, 33 en 49, op die tafel van die Algemene Sinode 2015 vir behan-	4.1 *Petition Ground 1* The matter of Special Synods was tabled at the General Synod 2015 for review in contravention of CO, arts 30, 33 and 49.

deling.	
4.1.1 <u>Beredenering</u> Die beswaardes beweer dat die saak van Spesiale Sinodes nie deur die kerke nie, maar deur die Deputate Eenheid en Verskeidenheid op die tafel van die Algemene Sinode 2015 gebring is. Volgens die beswaardes het Spesiale Sinodes op onordelike wyse deel geword van die Agenda van die Algemene Sinode 2015 en is dit in stryd met die bepalings van KO, artt 30, 33 en 49. Die beswaardes beweer dat dit neerkom op kollegialisme, aansien die Sinode as vergadering besluite neem oor die kerke. Hierdie beswaargrond is wesentlik dieselfde as Beswaargrond 8 (3.8) van die GK Potchefstroom-Die Bult. Kyk die beredenering daar. Die beswaargrond toon nie gemotiveerd na dat die Deputate Eenheid en Verskeidenheid hulle welomskrewe opdrag misverstaan of oorspeel het nie. Dit is op sigself nie vreemd, onmoontlik of verkeerd dat Deputate 'n saak na vore kan bring wat vanuit hulle werksaamhede logies voortvloei en dus deur die Sinode beslis kan word nie. Bowendien het die Streeksinode Pretoria dieselfde saak by wyse van Beskrywingspunt op die tafel geplaas.	4.1.1 <u>Argument</u> The petitioners claim that the matter of Special Synods was tabled at General Synod 2015 by the Deputies: Unity and Diversity and not the churches. According to the petitioners, placing Special Synods on the Agenda of the General Synod 2015 was in breach of procedure and this is in conflict with the stipulations of arts 30, 33 and 49. The petitioners claim that it amounts to collegialism, since the Synod assembles to make decisions about the churches. This petition ground is in essence the same as Petition Ground 8 (3.8) of the GK Potchefstroom-Die Bult (see the above arguments). The petition ground does not provide a substantiated motivation that the Deputies: Unity and Diversity misunderstood or overstepped their instruction. It is not strange, impossible or wrong in itself for Deputies to table a matter that logically flows from their work, for the Synod to resolve. Besides, the Regional Synod Pretoria tabled the same matter by means of their Point of Description.
4.1.2 <u>Bevinding</u> Dat die beswaargond nie slaag nie.	4.1.2 <u>Finding</u> The petition ground does not succeed.
4.2 *Beswaargrond 2* Die besluit van die Algemene Sinode 2015 *"dat die onderskeie Streeksinodes die nodige afvaardiging sal doen volgens eie reëlings vir die Spesiale Sinode Julie 2015"* (Acta 2015:323, 2.2.1), verbreek KO, artt 31 en 46.	4.2 *Petition Ground 2* The decision of General Synod 2015 *that the different Regional Synods will do the necessary delegation according to own procedures for the Special Synod July 2015* (Acta 2015:323, 2.2.1) is in breach of CO, arts 31 and 46.
4.2.1 <u>Beredenering</u> Die beswaardes beweer dat Sinode 2015 sy eie besluit verander het sonder dat KO, artt 31 en 46 gehonoreer is. Volgens die beswaardes kon die eerste besluit eers gewysig word, nadat die kerklike weg volgens KO, artt 31 en 46 gevolg is. 'n Bestaande vergadering het die volste reg om 'n besluit wat hy	4.2.1 <u>Argument</u> The petitioners claim that Synod 2015 amended their own decision without honouring CO, arts 31 and 46. According to the petitioners, the first decision could only be revised after following the church procedure prescribed by CO, arts 31 and 46. A convened assembly is fully entitled to amend a decision taken during that

staande die vergadering geneem het, te wysig. Daardie bevoegdheid bestaan nie meer nadat die vergadering afgesluit is nie.

Wat die Beswaarskrif hier uit die oog verloor, is die feit dat die eerste besluit van die Sinode (Acta 2015:319, 6.3.3.2) die normale werkswyse vasstel. Die Sinode het egter geoordeel dat om nog drie jaar met hierdie dringende kwessie (Beswaarskrifte rakende vroue in besondere dienste) te wag, nie wys is nie, en het dus 'n spesiale reëling getref vir die éérste Spesiale Sinode. Buitengewone tye verg soms buitengewone maatreëls. Die eintlike vraag by die beoordeling van hierdie beswaargrond is dus of hierdie saak dringend genoeg is om buitengewone maatreëls te vereis.

4.2.2 Bevinding

Dat die beswaargrond nie slaag nie.

4.3 *Beswaargrond 3*

Die besluit van die Algemene Sinode 2015 dat Spesiale Sinodes gehou word *(*Acta 2015:319, 6.3.3.1) is in stryd met KO, artt 29, 46 en 86.

4.3.1 Beredenering

Die beswaardes beweer dat die kerke in KO, art 29 ooreengekom het op die meerdere vergaderings wat nodig is vir die welwese van die kerk en dat die meerdere vergaderings wat deur KO, art 29 gereël word, ordelik uitgebrei kan word in die lig van die Kerkorde. Die besluit van Sinode 2015 oor Spesiale Sinodes kom neer op 'n uitbreiding en daarmee 'n verandering van KO, art 29. Hierdie verandering is nie met die bepalings van die KO, artt 41, 45, 47 en 50 versoenbaar nie. Die noodsaak (KO, art 86) van die verandering van KO, art 29, is nie bewys nie en die Algemene Sinode (KO, art 86) het nie so besluit nie.

Hierdie beswaargrond is wesentlik dieselfde as Beswaargrond 1 (3.1) van die GK Potchefstroom-Die Bult. Kyk die beredenering daar.

KO, art 29 se bedoeling is nie om meerdere vergaderings te beperk tot dié wat daarin genoem word nie,

particular assembly. Once the assembly has adjourned that authority falls away.

The Petition of protest loses sight of the fact that the first decision of the Synod (Acta 2015:319, 6.3.3.2) determines the normal way of working. The Synod, however, deemed that to place this urgent matter on hold for another three years (Petition of protest regarding women in the offices) would not be wise and thus came to a special arrangement to convene the FIRST Special Synod. Extraordinary times call for extraordinary measures. The actual question in the review of this petition ground is, therefore, whether the matter is urgent enough to warrant extraordinary measures.

4.2.2 Finding

The petition ground does not succeed.

4.3 *Petition Ground 3*

The decision of General Synod 2015 to convene Special Synods *(*Acta 2015:319, 6.3.3.1) is in conflict with CO, arts 29, 46 and 86.

4.3.1 Argument

The petitioners claim that the churches agreed in CO, art 29 on the necessity of major assemblies for the well-being of the church and that the major assemblies, regulated by CO, art 29, may be extended in light of the Church Order. The decision of Synod 2015 over Special Synods comes down to an extension and thus a change to CO, art 29. This amendment is not reconcilable with the stipulations of CO, arts 41, 45, 47 and 50. The necessity (art 86) of the amendment to CO, art 29 was not proven and the general Synod (CO, art 86) did not decide as such.

This petition ground corresponds greatly to Petition Ground 1 (3.1) of the GK Potchefstroom-Die Bult (see the argument above).

The intent of CO, art 29 is not to limit major assemblies to only those that it lists, but to regulate those that **must** be

maar om dié te reël wat ten minste onderhou **móét** word. Die algemeen aanvaarde werklikheid van ander meerdere vergaderings in ons kerklike lewe, wat nie in KO, art 29 genoem word nie, bevestig hierdie verklaring van KO, art 29. Die hou van Spesiale Sinodes verander niks aan KO, art 29 nie, net soos die Kuratorium en die hou van ander buitengewone meerdere vergaderings niks aan die Kerkorde verander of byvoeg nie, en is daarom nie in stryd met KO, artt 29, 46 en 86 nie.	upheld. The generally accepted reality of other major assemblies in church life, not mentioned in CO, art 29, confirms this interpretation of CO, art 29. Convening Special Synods does not change art 29 in any way, just as the Curatorium and convening of other extraordinary major assemblies does not take away from or add to the Church Order and is thus not in conflict with CO, arts 29, 46 and 86.
4.3.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie.	4.3.2 <u>Finding</u> The petition ground does not succeed.
4.4 *Beswaargrond 4* Die besluit van die Algemene Sinode 2015 dat Spesiale Sinodes gehou word (Acta 2015:319, 6.3.3.1), is in stryd met KO, artt 31 en 46.	4.4 *Petition Ground 4* The decision of General Synod 2015 to convene Special Synods (Acta 2015:319, 6.3.3.1) is in conflict with CO, arts 31 and 46.
4.4.1 <u>Beredenering</u> Die beswaardes beweer dat daar geen kerkregtelike moontlikheid van appèl (art 31) of beswaar (art 46) teen besluite van Spesiale Sinodes moontlik is nie. Hierdie beswaargrond is wesentlik dieselfde as Beswaargrond 5 (3.5) van die GK Potchefstroom-Die Bult. Kyk ook die beredenering daar. Die feit dat appèl (KO, art 31) teen besluite van Spesiale Sinodes nie moontlik is nie, maak dit nie ongeldige vergaderings nie, want daar is ook nie appèl teen besluite van gewone Algemene Sinodes moontlik nie, en dit maak hulle nie ongeldige vergaderings nie. Alle Klassisse, Streeksinodes en Algemene Sinodes is ad hoc vergaderings, sodat dit ook in gevalle van besware teen sulke vergaderings se besluite (KO, art 46), 'n volgende, nuut-saamgestelde vergadering is wat besware teen besluite van 'n vorige vergadering aanhoor. Die Deputaterapport bevat 'n leemte deurdat dit nie die presiese weg vir besware teen besluite van Spesiale Sinodes aandui nie, maar omdat wel daar geldige moontlikhede van beswaar aanteken bestaan, kan dit nie 'n rede wees om Spesiale	4.4.1 <u>Argument</u> The petitioners claim that the canonical opportunity for appeal (art 31) or protest (art 46) against decisions by Special Synods are not possible. This petition ground corresponds greatly to Petition Ground 5 (3.5) of the GK Potchefstroom-Die Bult (see the argument above). The fact that appealing (CO, art 31) against decisions of Special Synods is not possible doesn't make them invalid assemblies, since appealing decisions of General Synods is not possible either and this doesn't make them invalid assemblies. All Classes, Regional Synods and General Synods are ad hoc assemblies and objections to decisions of such assemblies (CO, art 46) are reviewed by a separate, newly constituted assembly. The Deputies' Report falls short in that it does not provide the exact procedure for protests against decisions of Special Synods, but given the possibility of valid protests it cannot be the grounds on which to consider Special Synods in conflict with the

Sinodes as in stryd met die Kerkorde te beskou nie.	Church Order.
4.4.2 Bevinding Dat die beswaargrond nie slaag nie.	4.4.2 Finding The petition ground does not succeed.
4.5 *Beswaargrond 5* Die besluit van die Algemene Sinode 2015 dat "*Spesiale Sinodes handel verwysde sake af sodra daar eenstemmigheid oor 'n saak/sake bereik is en stel die kerke daarvan in kennis"* (Acta 2015:319, 6.3.3.5), is in stryd met KO, artt 30 en 31.	4.5 *Petition Ground 5* The decision of General Synod 2015 that *Special Synods resolve referred matters as soon as unanimity has been reached over a matter(s) and informs the churches accordingly* (Acta 2015:319, 6.3.3.5) is in conflict with CO, arts 30 and 31.
4.5.1 Beredenering Die beswaardes beweer dat die besluit van die Algemene Sinode dat Spesiale Sinodes sake afhandel sodra eenstemmigheid bereik is en nie deur meerderheidstem nie, is in stryd met KO, artt 30 en 31. Hierdie beswaargrond kom ooreen met Beswaargrond 2 (3.2) van die GK Potchefstroom-Die Bult. Kyk ook die beredenering daar. Dit is 'n ernstige vraag of KO, art 31 ooit bedoel het om stemming as 'n besluitnemingsmetode vir alle sake aan te dui. Let op die nuwe formaat van die artikel, wat daarop dui dat stemming net by appèlsake ter sprake is. Daar is ook getuienis uit die vroeë Gereformeerde Kerkordes dat stemming by wesentlike sake nie deel van Gereformeerde kerkregtelike denke was nie (Acta 2015:276). Eenstemmigheid in wesentlike sake is nie iets wat nuut in ons kerkregering bykom nie. Dit staan nog altyd in die Woord van God as een van die norme vir die kerk van die Here. Al het die Kerkorde dit nie eksplisiet gestel nie, was dit veronderstel as 'n funksionerende norm. Die Kerkorde van ons kerke is nie bedoel om die Woord van God ter syde te stel nie, maar juis te laat realiseer in die praktyk van ons kerklike (regeer)handelinge. Daarom ook (byvoorbeeld) maak soveel Kerkorde-kommentare opmerkings oor die nastrewing van soveel as moontlik saam-stemming voordat daar oor sake besluit word. Die nastrewing daarvan het egter in ons praktyk – om telkens weer oor dieselfde sake te stem by	4.5.1 Argument The petitioners claim that the decision of the General Synod that Special Synods resolve matters as soon as unanimity has been reached and not by means of a majority vote is in conflict with arts 30 and 31. This petition ground corresponds greatly to Petition Ground 2 (3.2) of the GK Potchefstroom-Die Bult (see the argument above). It is quite the question whether the intent of CO, art 31 was ever to indicate voting as a decision-making method for all matters. Note the new format of the article that points thereto that voting is only applicable to appeals. Previous Reformed Church Orders also attest thereto that voting was not part of Reformed canonical thought process for essential matters (Acta 2015:276). Unanimity in essential matters is nothing new to our church governance. It has always been one of the norms in God's Word for the church of the Lord. Although the Church Order does not explicitly state it, it was assumed as a functioning norm. The Church Order of our churches is not intended to set aside the Word of God, but make it a practical reality in church (governing) actions. This is why (for example) so many Church Order commentaries remark on the pursuance of as much unanimity as possible prior to making a decision. The pursuance thereof in reality – the repeated votes on the same matters at different Synods to then make decisions according to relatively marginal majorities – has been relegated to the background. It was, therefore, necessary to once

verskillende Sinodes, en dan besluite met relatief klein meerderhede te neem – heeltemal op die agtergrond geskuif. Daarom was dit nou nodig om hierdie Bybelse beginsel weer eksplisiet uit te lig en deel van ons kerklike praktyk te maak.	again explicitly return to this biblical principle and make it part of our church practice.
Die beginsel dat eenstemmigheid in wesentlike sake gesoek behoort te word, word duidelik in die Deputate-rapport beredeneer (kyk bv Acta 2015:312, 6.1.1. en Acta 2015:319, 6.3.1). Dit hou ook nie werklik 'n verandering in nie, maar 'n na-die-oppervlakte-bring van 'n verwaar-loosde beginsel.	The principle that unanimity is to be sought in essential matters is clearly argued in the Deputies' Report (see e.g. Acta 2015:312, 6.1.1. and Acta 2015:319, 6.3.1). It does not truly means any kind of change, but bringing to the surface a neglected principle.
Konformering is meer as "berus". Dit is om die genome besluit te aanvaar as die Bybelse pad vir die kerke, al het jy aanvanklik anders geoordeel. Konformering het egter net betekenis as dit werklik en van harte plaasvind. Die afgelope aantal dekades het dit egter by verskeie sake in die kerk-verband geblyk dat konformering nie plaasgevind het nie. Die aanhou-dende Beswaarskrifte getuig daarvan, asook die talle gevalle waar persone standpunte, wat nie by Sinodes geslaag het nie, bly propageer.	Conforming is more than "resignation". It is accepting a decision as the biblical route for the churches, even if you initially judged differently. Conforming is only meaningful, however, if it is real and sincere. It has become apparent over the past few decades in a range of matters within the denomination that conforming did not occur. The continuous Petitions of protest attest of this as well as the number of cases in which people kept on propagating stances that did not succeed at Synods.
Indien daar werklike konformering na besluite plaasvind, is dit inderdaad 'n bruikbare instrument.	If true conforming to decisions did occur, it is indeed a useful tool.
"Meerderheidstem" is 'n uitdrukking wat nêrens in die Bybel gevind word nie, en wat baie moeilik te rym is met die Bybelse opdrag tot eenstemmigheid wanneer dit oor wesentlike sake gaan.	The term "majority vote" cannot not be found anywhere in the Bible and is difficult to rhyme with the biblical instruction of unanimity in terms of essential matters.
Om Bybelse beginsels (soos bv dat ons eenstemmig moet wees in wesentlike sake) te wil ignoreer omdat ons dit as "onuitvoerbaar" beskou, is 'n siening wat nog nooit deel van Gereformeerde denke was nie.	Disregarding biblical principles (such as reaching unanimity in essential matters) because we don't deem it "feasible" in practice is a view that has never been part of Reformed thinking.
Die term "eenstemmigheid" is 'n Bybelse term, en beteken presies wat dit nog altyd in die Bybel beteken het. As dit vir kerke vaag is, is dit 'n probleem wat hulle deur middel van gesonde eksegese van die betrokke Skrifgedeeltes moet oplos. (Vir 'n standpunt oor die betekenis van die term kyk Acta 2015:277, 3.)	The term "unanimity" is a biblical term that has never changed in meaning. If churches find it vague, it is a problem they are to remedy by means of diligent exegesis of the relevant Scripture. (See Acta 2015:277, 3 for a standpoint on the definition of the term.)

Die Kerkorde, en dus ook die bepaling oor stemming in KO, art 31, moet in die lig van die Skrif toegepas word. Aangesien die Skrif eenheid in wesentlike sake beveel, mag verskille in wesentlike sake nie by wyse van stemming hanteer word nie. Dit is nie 'n verandering van die Kerkorde nie, net die korrekte toepassing daarvan. As daar onduidelikheid is oor wat eenstemmigheid beteken, moet dit nie die Sinode ten laste gelê word nie, maar deur eksegese van dié term in die Skrif opgeklaar word.	The Church Order and thus also the stipulation on voting in CO, art 31 must be applied in light of Scripture. Since Scripture instructs unity in essential matters, disagreements in essential matters may not be resolved by means of a vote. It is not the amendment of the Church Order, only the correct application. Should the meaning of unanimity be unclear, it should not be laid at the door of the Synod, but explored through exegesis of Scripture.
Die beswaardes wys tog 'n ernstige leemte uit in die besluit van die Sinode, naamlik dat die Sinode nie aangedui het wat gedoen moet word indien daar nie eenstemmigheid bereik kan word nie.	The petitioners do, however, point out a serious shortcoming in the decision of the Synod, namely its failure to provide a course of action should unanimity not be reached.
4.5.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie. Kennis kan geneem word van die leemte in die besluit dat dit nie aandui wat gedoen moet word indien daar nie eenstemmigheid bereik word nie.	4.5.2 <u>Finding</u> The petition ground does not succeed. Note should be taken of the serious shortcoming in the decision of the Synod of failing to provide a course of action should unanimity not be reached.
4.6 *Beswaargrond 6* Die besluit van die Algemene Sinode 2015 *dat "'n Spesiale Sinode konstitueer die eerste keer onder leiding van die Voorsitter en Skriba van die vorige Algemene Sinode waarna die vergadering 'n eie Moderamen aanwys vir hantering van verwysde sake vanaf die Algemene Sinode"* (Acta 2015:319, 6.3.3.3), is in stryd met KO, artt 34 en 35.	4.6 *Petition Ground 6* The decision of General Synod 2015 *that a Special Synod is constituted the first time led by the Chair and Scribe of the previous General Synod, upon which the assembly appoints a Moderamen for reviewing matters referred by the General Synod* (Acta 2015:319, 6.3.3.3) is in conflict with CO, arts 34 and 35.
4.6.1 <u>Beredenering</u> Die beswaardes beweer dat die besluit dat die Skriba en Voorsitter van die Algemene Sinode leiding neem by die konstituering van 'n Spesiale Sinode is in stryd met die bepalings van KO, artt 34 en 35. Hierdie beswaargrond kom ooreen met Beswaargrond 7 (3.7) van die GK Potchefstroom-Die Bult. Kyk ook die beredenering daar. Hoe die besluit met die werk van 'n Skriba (KO, art 34) of met die werk van Voorsitter (KO, art 35) in stryd is, word nie aangetoon nie. Die Sinode se aanvanklike gedagte was nie dat die funksies van Voor-	4.6.1 <u>Argument</u> The petitioners claim that the decision that the Scribe and Chair of the General Synod head the constitution of the Special Synod is in conflict with the stipulations of CO, arts 34 and 35. This petition ground corresponds to Petition Ground 7 (3.7) of the GK Potchefstroom-Die Bult (see the argument above). How the decision regarding the work of a Scribe (CO, art 34) or that of a Chair (CO, art 35) creates a conflict is not indicated. The Synod's initial intention was not for the functions of the Chair and Scribe to

sitter en Skriba na die Sinode voortgesit word nie. Die verwysing na hulle was bloot bedoel as ‘n manier waarop (kundige) Deputate vir die oproep van die Spesiale Sinode geïdentifiseer is. By iets wat bloot ‘n (foutiewe) praktiese reëling is, is dit normale praktyk dat ‘n genome besluit op deugdelike gronde staande ‘n vergadering gewysig kan word, sonder dat die pad van KO, art 31 of 46 formeel geloop is. Die Sinode het in elk geval hierdie beswaargrond nietig gemaak deur later op dieselfde vergadering wel ‘n Roepende Kerkraad aan te wys (Acta 2015:324, 2.2.3), en daarmee by implikasie die vroeëre aanwys van Deputate hiervoor te rojeer. Die wyse van konstituering kan in elk geval nie gewigtig genoeg wees om die hele besluit rakende Spesiale Sinodes ongeldig te maak nie.	continue subsequent to the Synod. The reference to them merely served as means in which (knowledgeable) Deputies for the convening of the Special Synod was identified. In regard to a mere (erroneous) practical arrangement it is common practice that a decision taken can be revised on well-substantiated grounds at an ongoing assembly, without taking the formal route of CO, arts 31 or 46. The Synod cancelled out this petition ground anyway by appointing at the same meeting a Convening Church Council (Acta 2015:324, 2.2.3) and to thereby by implication annul the previous appointment of Deputies. The manner of constitution could in any case not be grave enough to invalidate the entire decision on Special Synods.
4.6.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie.	4.6.2 <u>Finding</u> The petition ground does not succeed.
4.7 *Beswaargrond 7* Die besluit van die Algemene Sinode 2015 dat Spesiale Sinodes gehou word (Acta 2015:319, 6.3.3.1), is in stryd met KO, art 36.	4.7 *Petition Ground 7* The decision of General Synod 2015 of convening Special Synods (Acta 2015:319, 6.3.3.1) is in conflict with CO, art 36.
4.7.1 <u>Beredenering</u> Die beswaardes beweer dat die besluit van die Algemene Sinode 2015 om Spesiale Sinodes te hou in in stryd met die bepalings van KO, art 36. Die beswaardes stel dit dat die besluit dat kerke in kennis gestel word van besluit dui daarop dat die kerke nie saam die besluite geneem het nie, maar ‘n Spesiale Sinode. In wese kom dit neer op kollegialisme. Die Spesiale Sinode besluit en maak sy besluit aan die kerke bekend. Hierdie beswaargrond kom ooreen met Beswaargrond 6 (3.6) van die GK Potchefstroom-Die Bult. Kyk ook die beredenering daar. Die Spesiale Sinode se besluite is inderdaad die besluite van die kerke wat daar verteenwoordig is, net soos in die geval van ander meerdere vergaderings. Dié Sinode is nie ‘n liggaam los van die kerke nie.	4.7.1 <u>Argument</u> The petitioners claim that the decision of General Synod 2015 to convene Special Synods is in conflict with the stipulations of CO, art 36. The petitioners assert that the decision to inform the churches of a decision indicates that the churches did not take the decision collectively, but a Special Synod did. In essence, it comes down to collegialism. The Special Synod decides and communicates its decision to the churches. This petition ground corresponds to Petition Ground 6 (3.6) of the GK Potchefstroom-Die Bult (see the argument above). The decisions of the Special Synod are indeed the decisions of the churches represented there, in the same way as with other major assemblies. This Synod is not independent of the churches.

Die feit dat ‘n Spesiale Sinode nie in KO, art 36 genoem word nie, verander niks aan die beginsel van KO, art 36 nie, naamlik dat alle meerdere vergaderings die gesag van Christus tot verwerkliking moet bring in die sake wat hulle behandel. Ook die Spesiale Sinode en ander meerdere vergaderings wat nie in KO, art 36 genoem word nie, is aan hierdie beginsel gebonde. In-kennis-stelling is ‘n normale metode waarop meerdere vergaderings hulle besluite openbaar maak, en nie ‘n verborge vorm van kollegialisme nie.	The fact that a Special Synod is not mentioned in CO, art 36 does not change the principle of CO, art 36 in any way, namely that all major assemblies must realise the authority of Christ in the matters they review. Special Synods and all other major assemblies not listed in CO, art 36 are also bound to this principle. Notification is the usual way in which major assemblies communicate their decisions and not some kind of veiled collegialism.
4.7.2 <u>Bevinding</u> Dat die beswaargrond nie slaag nie.	4.7.2 <u>Finding</u> The petition ground does not succeed.

Rapporteur: Ds ASA de Bruyn *Reporter*: Rev ASA de Bruyn