

## **21.13 PETITION OF PROTEST : CLASSIS KRUGERSDORP – ARTICLE 46 (Artt 19, 66, 68, 234, 235, 258 305, 310, 312, 331, 332 343)**

- A. Rev FM Dreyer states the Petition of Protest.
- B. Decision: The Petition of Protest is referred to Petition of Protest Commission 4.
- C. Rev TJ van Vuuren reports on behalf of Petition of Protest Commission 4.
- D. Decision: Synod appoints an ad hoc commission to advise the assembly regarding the consequences of a successful Petition of Protest.
- E. Dr J Smit reports on behalf of the ad hoc commission.
- F. Decision: That this Synod goes into recess and a Commission is appointed to report on the assignments as approved in point 3 of the Report of the ad hoc commission at a date determined by the Synod currently in session.
- G. Dr SP van der Walt delivers the Report of the Commission: “The matter of women” during the continued session.
- H. Pt 9.4 of the Report of the Commission is referred to and ad hoc commission.
- I. Rev HLJ Momberg reports on behalf of the ad hoc commission on the reformulation of point 9.4 of the Report.
- J. A commission is appointed to advise the assembly on a proposal with regard to dealing with point 12.10.
- K. Rev HS Coetzee reports on behalf of the Advisory Commission.
- L. The following Commission for advice regarding pt 11 of the Commission report is appointed: Dr J Smit (c), revs PK Lourens, PW Kurpershoek, elders F Swanepoel, J Hoogenboezem as well as rev PM Modise.
- M. Rev PW Kurpershoek reports on behalf of the Commission on point 11 of the Commission Report.

### **N. PETITION OF PROTEST**

#### **1. Introduction**

- 1.1 Classis Krugersdorp decided on its meeting of 18 September 2006 to maintain a Petition of Protest of the Geref Kerk Noordrand against decisions of Synod 2006 regarding the woman in office.
- 1.2 The Petition of Protest is presented to you for evaluation in the light of the decision of Synod 1991 (Acta 1991:528, 2). “Church Councils can establish along church route if and why a decision of a majority meeting should be changed, before it is presented at a meeting where the request can be finalised. Mutual consultation is unique to churches and denominations.”
- 1.3 You are requested to judge the grounds of protest. If you maintain the Petition of Protest, you are requested to send it through to the next National (General) Synod.

#### **2. Decisions that are protested**

The decisions that are protested can be found in Acta 2006:411-12, namely:

*“2.1.2 The recommendation of the Commission is rejected with a majority of votes.”*

*“2.2.2 The recommendation of the Commission is rejected with a majority of votes.”*

*“2.3 The recommendation does not succeed.” and “The Petition of Protest succeeds in its entirety”.*

In the above-mentioned decision the recommendations of the Commission (Acta 2006:410-412) that the grounds of protest of Particular Synod Bushveld do not succeed, is rejected with a majority of votes. With this the protest of Particular Synod Bushveld against the decision of 2003 is maintained (Acta, 2006:412, 2.3).

#### **3. Motivation of the Petition of Protest**

- 3.1 The understanding and application of CO, art 46

CO, art 46 reads as follows:

*Matters for discussion on majority meetings should not be drawn up before the decisions of the previous Synods on the suggested matter is checked, so that matters that were once concluded, are not presented again unless it is deemed necessary that something should be changed.*

Remarks on CO, art 46:

- 3.1.1 Church decisions can be amended
- 3.1.2 Matters that have been concluded – which have been decided upon – should not be discussed again, unless the necessity for discussion can be indicated.
- 3.1.3 If the necessity is proven, a matter is opened for discussion and decision making. Such matters are not longer “concluded” and can be amended in the consequent discussion and decision making.
- 3.1.4 The necessity to change decisions in the light of CO, art 46 can be indicated with a Petition of Protest or a Point of Description (Spoelstra, 1989:270; Van der Linde, 1983:167; Visser, 1999:204).

### 3.2 Ground for protest 1

The decisions of Synod 2006 did not take into account the decision of Synod 2000 regarding the Point of Description of Particular Synod Western Transvaal (Acta 2000:440-441 – Appendix A) in its entirety and in its full relation with the decisions of Synod 1988 and Synod 2003.

#### Motivation of Ground for protest 1

The Motivation will indicate that the decision of Synod 2000 that led to a Description Point that Particular Synod Western Transvaal, CO, art 46 maintained with regard to:

- (a) the decision of Synod 1988; and
- (b) the decision of Synod 2003.

*The decision of Synod 2000 binds the decisions of Synod 1988 and Synod 2003 orderly in the light of CO, art 46.*

#### 3.2.1 The decision of Synod 2006 and the decision of Synod 200

- 3.2.1.1 No motivation is given for Synod 2006’s decision to maintain the protest of Particular Synod Bushveld (Acta 2006:411-12). Jurisprudence should be based on clear grounds that should be noted in the minutes (CO, art 34).
- 3.2.1.2 The decision of Synod 2006 makes not further direct reference to the decision of Synod 2000 (Acta 2000:440-441) on the Description point of the Particular Synod Western Transvaal. From this it seems that Synod 2006 only considered the relevant decision of Synod 2000 in as far as the Petition of Protest of Particular Synod Bushveld took it into consideration.
- 3.2.1.3 In the decision of Synod 2006 and the protest of Particular Synod Bushveld which claims that the decision of Synod 2003 was contrary to CO, art 46, the implication of the decision of Synod 2000 in its full context, has not been considered. The only reference that the Petition of Protest of Particular Synod Bushveld makes to the decision of Synod 2000, is found in 1.1.2 (Acta 2006:409):

*“At the same Synod the Description Point was enacted by naming a Deputy group to study the way in which the Lord used and still uses women in the church with consideration of existing decisions (Acta 2000:440-441, 21.8 E).”*
- 3.2.1.4 From Synod 2000’s decision regarding the Description Point of Particular Synod Western Transvaal it is clear that previous decisions on the woman in the church/office – also that of Synod 1988 – was opened for discussion in an orderly manner (CO, art 46) (see 3.2.2). Because Synod 2006 and the Petition of Protest of Particular Synod Bushveld did not consider the decision of Synod 2000 in its full context, it is wrongly alleged that the decision of Synod 2003 is contrary to CO, art 46.

#### 3.2.2 The decision of Synod 2000 (Acta 2000:440-441) and CO, art 46

##### 3.2.2.1 **The Point of description of Particular Synod Western Transvaal**

- 3.2.2.1.1 At Synod 2000 a Point of Description (CO, art 46) of Particular Synod Western Transvaal on the woman in the church. The Point of Description asks:

- (a) That Synod names Deputies to study what Scripture reveals about the way in which the Lord uses women in his Church and still wants to use them today;
  - (b) And that the study be undertaken in such a way that churches be taken along with it, for input by Church Councils and individual members.
- 3.2.2.1.2 The Motivation of the Point of Description indicates that there are unclarities and unanswered questions in previous decisions – amongst others that of Synod 1988 – regarding women in the church. These unclarities and unanswered questions prove the necessity (CO, art 46) for discussion and decision making.
  - (a) It is important to notice that the Description Point do not single out some decisions for further study and others not. There is only general reference to ‘previous decisions’. It is not indicated which decisions contain the unclarities, which are unfinished matters and in which decisions they are. Therefore all the previous decisions on the woman in the church are included in the request for study.
- 3.2.2.1.3 The Motivation shows that the unclarities affect especially the matter of the woman in the office of deacon (Agenda 2000:440, 1.1, 1.2, 1.3, 1.4). Therefore the matter of the woman in office is clearly included by the further study on the place of the woman in the church.
- 3.2.2.1.4 The Point of Description (CO, art 46) clearly asks that the decisions of Synod 1988, which rejected further study on the woman in the church and the input of the churches in the matter and which regarded it as concluded, be opened up again (CO, art 46) for discussion.
- 3.2.2.2 **The decision of Synod 2000 on the Description Point of Particular Synod Western Transvaal**
  - 3.2.2.2.1 Synod 2000 decided to accept the Point of Description. By accepting it, Synod identifies it with the motivation, namely that there:
    - (a) Are unclarities in previous decisions that affects the place of the woman in the church/office;
    - (b) Are more matters regarding the place of the woman in the church/office that have not been concluded.
  - 3.2.2.2.2 It is clear from the decision of the Synod itself and from the motivation for the decision that Synod 2000 identified itself with the Point of Description and its motivation:
    - (a) The Synod appoint Study Deputies – as requested b the Point of Description;
    - (b) The study has to be undertaken in such a manner that churches can give input – as the Point of Description asks;
    - (c) The study should attempt to find answers to several unanswered questions and loose ends flowing from previous studies and decisions (also that of Synod 1988) – as the Point of Description in its Motivation indicated.
  - 3.2.2.2.3 Synod 2000 gave the mandate that the study be done ‘*with the decisions of previous Synods as point of departure*’. The meaning of the phrase ‘*with the decisions of the previous Synod as point of departure*’ is important for the adjudication of the matter. The Petition of Protest of Particular Synod Bushveld relates it with words that are more or less the same in meaning, namely ‘*with consideration of existing decisions*’. Thus the existing decisions on the matter of the women in the church/office serves as point of departure, and the decisions have to be taken into account in the study.
    - (a) ‘**Point of departure**’ and ‘**take into consideration**’ can not mean that the previous decisions have been concluded (CO, art 46). When the decision of Synod 2000 is read within its full context and understood as such, (the decision and its motivation as well as the Point of Description and its motivation), it is clear that it does not mean that the previous decisions are

concluded. If the previous decisions were concluded, then the decision and its motivation is directly paradoxical to each other. The mandate for further study is given precisely because there are unclarities and unfinished matters in the previous decisions on this matter.

- (b) The meaning of the phrase '*previous decisions as point of departure*' implies that all the previous decisions are indeed opened up (CO, art 46) for discussion. This is confirmed by the decision of Synod 2000 to make all the existing information and decisions on the place of the woman in the church available to churches. There are unclarities and unanswered questions in previous decisions. The information is made available so that churches and individual members can give input towards the study that can help clear the unclarities and unanswered questions.

- 3.2.2.2.4 The reference that Synod 2000 makes to CO, artt 31 and 46 in the motivation of its decision, can not be understood as saying that the decisions of previous Synods on this matter were fixed and binding (CO, art 31) and may not be put on the table again (CO, art 46). If the amendment is understood in this way, the motivation of the decision will be in direct contradiction to the decision itself. If the matter of women in the church/office was concluded with previous decisions, there will be no reason for further study. Because necessity has been proven (CO, art 46) – the unclarities and unanswered questions in previous decisions – a mandate is given for further study.
- 3.2.2.2.5 It is important to notice that the decision of Synod 2000, like the Point of Description of Particular Synod Western Transvaal (see 3.2.2.1.2), does not single out some decisions for further study and others not. There is only a general reference to 'previous decisions'. With that all the previous decisions on the woman in the church/office are included in the study and are opened up for discussion and decision making (CO, art 46).
- 3.2.2.2.6 The mandate of Synod 2000 for further study includes the woman in the office. It is clear because the Point of Description introduces the woman in office in 1.1, 1.2, 1.3 and 1.4 (Acta 2000:400). The unclarities that are referred to here and that affects the woman in the office of deacon directly, were included by Synod 2000 in the motivation of its decision (Acta 2000:441, 5).
- 3.2.2.2.7 The mandate for further study by Synod 2000 proves that previous decisions on the woman in the church/office is open for discussion in the light of CO, art 46. The motivation of the mandate for further study shows that previous decisions on the matter are not concluded (CO, art 46).
- 3.2.2.2.8 The decision of Synod 2000 on the Point of Description of Particular Synod Western Transvaal therefore opens the previous decisions, also that of 1988, for discussion and possible amendment (CO, art 46).
- 3.2.2.3 **The decision of Synod 2000 and the decision of Synod 1988 (Acta 1988:507-523)**
  - 3.2.2.3.1 Synod 1988 made several decisions on the place of the woman in the church/offices. The decisions are binding (CO, art 31) and concluded (CO, art 46). The Synod also decided that there will not be further study on the matter and that the churches will not be asked for further advice (Acta 1988:523, 4).
  - 3.2.2.3.2 By the decision of Synod 2000 on the Point of Description (CO, art 46) of Particular Synod Western Transvaal, previous decisions are opened for treatment. The decision of Synod 2000 affects decisions of Synod 1988 directly:
    - (a) Study deputies are appointed as the Point of Description requests – and amended of a decision of Synod 1988;
    - (b) The study should be undertaken in such a way, that the churches can give input as the Point of Description asks – 'amendment of a decision of Synod 1988;

- (c) The study must attempt to find answers on several unanswered questions and loose ends that flows from previous studies and decisions – also that of Synod 1988 – as the Point of Description indicated in its Motivation.
- 3.2.2.3.3 The matter of the woman in the church/office and the previous decisions on it – also that of Synod 1988 – have been opened for discussion and possible amendment by the decision of Synod 2000 through a Point of Description (CO, art 46) in an orderly manner.
- 3.2.2.4 **The decision of Synod 2000 and the decision of Synod 2003**
- 3.2.2.4.1 The Synod of 2003 took a Report of Deputies regarding the woman in the church/office into discussion. The Deputies executed a mandate by Synod 2000. The Deputies all agreed that the matter of the woman in the office is part of the mandate – even if a majority and minority report served – and it is also the opinion of Synod 2003 (Acta 2003:569, 3.4.1.2).
- 3.2.2.4.2 Synod 2003 takes the Report into discussion and takes decisions of the woman in the church/office because the decision of Synod 2000 on the Point of Description of the Particular Synod Western Transvaal opened the previous decisions for discussion (CO, art 46).
- 3.2.3 Conclusion  
In the light of the argumentation in 3.2.1 and 3.2.2 above it is clear that the decision of Synod 2003 does not, as the decision of Synod 2006 claims, transgress CO, art 46. In the light of the decision of Synod 2000 on the Point of Description of Particular Synod Western Transvaal on the woman in the church/office, CO, art 46 gives Synod 2003 the right to amend decisions of Synod 1988 on women in office.
- 3.3 Ground for protest 2  
The decision of Synod 2006 was wrongfully made because all the information on the table regarding the matter were not considered.
- Motivation of Ground for protest 2**
- 3.3.1 At Synod 2006 12 (twelve) Petitions of Protest were handed in against the decision of Synod 2003 on women in the church/office (Acta 2006:952). Seven (7) of the Petitions of Protest claimed that the decision of Synod 2003 was contrary to CO, art 46. Reports were handed in on each of these Petitions of Protest by Commissions, and on some Majority and Minority reports.
  - (a) If all the information is weighed and considered, the decision of Synod 2000 and the Point of Description of Particular Synod Western Transvaal would have been revisited and would have shown that the decision of Synod 2003 is not contrary to CO, art 46.
  - (b) Furthermore, a consideration of all the information would have cleared any unclarities, so that jurisprudence would have been founded on certain grounds and the truth (Synod 2006 : N44, art 224).
- 3.3.2 Of the seven (7) Petitions of Protest that claim that the decisions of Synod 2003 transgressed CO, art 46, six (6) refer to the decision of Synod 2000 on the Description Point of Particular Synod Western Transvaal, without considering the decision in its entirety and in the context of the Point of Description and the decisions of Synod 1988 and Synod 2003.
- 3.3.3 The Petition of Protest of the **Geref Kerk Wonderboompoort** (Acta 2006:460-464) only refer to the mandate of Synod 2000 (Acta 2006:464, 2.2.4). The decision of Synod 2000 in the context of the Point of Description of Particular Synod Western Transvaal and the decisions of Synods 1988 and 2003, are not taken into account. Therefore it is wrongly claimed that the Synod 2003 acted contrary to CO, art 46.
- 3.3.4 The Petition of Protest of the **Geref Kerk George** (Acta 2006:465-468) refers to the decision of Synod 2000 in 2.2.2.3 and 2.2.2.4 (Acta 2006:467).
- 3.3.4.1 Here it is mentioned that Synod 2000 accepted the Point of Description. There is furthermore reference to the mandate for further study on what is revealed in Scripture on the way in which the Lord used and still wants to use the woman in the

- church, and to the motivation that the decisions of previous Synods should be used as point of departure.
- 3.3.4.2 The decision of Synod 2000 is not argued in support or in protest. The decision of the Synod 2000 is not considered in its entirety and in the context of previous decisions. Therefore it is not noticed that the Point of Description of Particular Synod Western Transvaal (CO, art 46) and the decision of Synod concerning this, binds the decisions of Synods 1988 and 2003 in the light of CO, art 46.
- 3.3.4.3 The allegation in the Petition of Protest that decisions should be recalled in order to be amended in terms of CO, artt 31 and/or 46, does not take into account that decisions can also be amended if the necessity (CO, art 46 is indicated. Then the matter can be opened again (CO, art 46) for discussion as the Point of Description of the Particular Synod Western Transvaal and the decision of Synod 2000 did regarding previous decisions on the woman in the church/office.
- 3.3.5 The treatment of Synod 2000's decision by the Petition of Protest of Particular Synod Bushveld (Acta 2006:409-410) has already been dealt with in Ground for Protest 1. It has been clearly indicated that the Petition of Protest did not take the decision of Synod 2000 on the Point of Description of Particular Synod Western Transvaal into account, and therefore wrongly claims that the decision of Synod 2003 was contrary to CO, art 46.
- 3.3.6 The Petition of Protest of Classis Soutpansberg (Acta 2006:477-483) refers to the decision of Synod 2000 in the motivation of Ground for protest 2.7 (Acta 2006:482, 9.3).
- 3.3.6.1 The decision of Synod 2000 on the Point of Description of Particular Synod Western Transvaal is connected to a decision on the Petition of Protest (Acta 2000:437-440), without the relationship between them being indicated.
- 3.3.6.2 Also here the decision of Synod 2000 was not discussed in its entirety and in relation to the Point of Description and the decisions of Synods 1988 and 2003. Therefore it is not noticed that the necessity in the light of CO, art 46 has been proven to open the matter of the woman in the church/office for discussion because there are unclarities and unanswered questions in the previous decisions.
- 3.3.6.3 In the mandate for further study by Synod 2000 all the previous decisions are included because the reference was to previous decisions in general, without specification of which decisions were unclear and which questions were unanswered (see 3.2.2.2.5).
- 3.3.6.4 The allegation that the decision of Synod 2003 transgresses CO, art 46 because the Deputies did not have the mandate to do further study on the matter of the woman in the office, is unjust because the relevant decisions of Synod 2000 was not dealt with in its entirety and context (see 3.2.2.2.6). It is clear that the Point of Description in 1.1, 1.2, 1.3 and 1.4 (Acta 2000:400), introduces the woman in the office in the study. The unclarities that are referred to here, is taken up in the motivation of the decision of Synod 2000 (Acta 2000:441, 5).
- 3.3.7 The Petition of Protest of **Classis Pretoria Moot** (Acta 2006:504-515) brings the decision of Synod 2000 on the Point of Description of Particular Synod Western Transvaal to the fore in points 2.3.1.5 to 2.3.1.9 (Acta 2006:514-515).
- 3.3.7.1 In the Petition of Protest it is wrongly alleged that the Synod 2000's mandate for further study does not bring the woman in office under discussion. This allegation is made because it is not taken into account that the mandate for study affects all the previous decision on the matter (see 3.2.2.2.5). The mandate of Synod 2000 is not handled in context with the motivation of the decision and the Point of Description and its motivation. It seems from that that the mandate for study includes the matter of the woman in the offices (see 3.2.2.2.6).
- 3.3.7.2 The Petition of Protest departs from the presupposition that the decisions of previous Synods – especially 1988 – have concluded the matter of the woman in office. It is not taken into account that the decision of Synod 2000 on the Point of

- Description of Particular Synod Western Transvaal, has opened the matter again for discussion in the light of CO, art 46.
- 3.3.7.3 The interpretation that Synod 2000 indicated that the decisions of previous Synod are fixed and binding with reference to CO, artt 31 and 46, and can not be taken into discussion again, can not be accepted (see 3.2.2.2.4). The interpretation of the Petition of Protest brings the motivation of the decision of Synod 2000 directly into conflict with itself. If the matter of the woman in the church/office was concluded with previous decisions, there will be no need for further study. Because the necessity has been proven (CO, art 46) – the unclarities and the unanswered questions in the previous decisions – the matter and decisions were opened for discussion by the mandate for further study.
- 3.3.7.4 The allegation that Synod 2000 gave a more general study mandate, and that the election of women to the special offices were excluded, is not correct. If the mandate for study in its entirety or the decision of Synod 2000 is read in the light of the Point of Description which the decision accepts, it is clear that the matter of the woman in office is included in the study (see 3.2.2.2.6).
- 3.3.8 The Petition of Protest of **JH Howell** (Acta 2006:545-550) also alleges in Ground for protest 2 that Synod 2003 contravened CO, art 46 in its decision.
- 3.3.8.1 The Petition of Protest served at the Particular Synod Randvaal 2006. The Particular Synod Randvaal 2006 decided that Ground for protest 2 and also all the other Grounds for protest do not succeed. The decision was not considered by Synod 2006. This means that the decision of Synod 2006 is contrary to that of Particular Synod Randvaal 2006 that found that the Synod 2003 did not transgress CO, art 46 with its decision, but rather executed it.
- 3.3.8.2 The Petition of Protest refers in its motivation of Ground for protest 2 to the decision of Synod 2000 on the Point of Description of Particular Synod Western Transvaal, in 3.3.1 (Acta 2006:546). In this reference it is wrongly alleged that Synod 2000 decided that women may not serve in the offices. No motivation is given for this allegation – there can not be one, because it is not true.
- 3.3.9 From the consideration of all the information in the Petitions of Protest that claim that Synod 2003 acted contrary to CO, art 46, it is clear that not one considered the decision of Synod 2000 in its entirety and in the context of the Point of Description of Particular Synod Western Transvaal and the decisions of Synods 1988 and 2003.
- (a) If the decision of Synod 2000 is considered in its entirety and in context with the Point of Description (CO, art 46) of Particular Synod Western Transvaal and the decisions of Synod 1988 and 2003, it is clear that unclarities and unanswered decisions in previous decisions necessitated the continuance of the matter of the woman in the church/office (KO art 46) and that previous decisions were not concluded.
- 3.3.10 Conclusion:  
From a consideration of all the information available from Synod 2006 (see 3.3.1 and 3.3.9) it is clear that Synod 2003 did not transgress the CO, art 46 in the light of the decision of Synod 2000 on the Point of Description of Western Transvaal, but rather maintained it. Therefore the Synod 2006 erred in its maintenance of the Petition of Protest of Particular Synod Bushveld.

### 3.4 Ground for protest 3

The decision of Synod 2003 did not transgress CO, art 31 as the decision of Synod 2006 and the Petition of Protest of Particular Synod Bushveld claim.

#### **Motivation of Ground for protest 3**

- 3.4.1 Because the decision of Synod 2000 maintains CO art 46 regarding the Point of Description of Particular Synod Western Transvaal with regard to the decisions of Synods 1988 and 2003 as indicated in Ground for protest 1 and 2, the protest that Synod 2003 transgressed CO, art 31 in its decision, is not valid. If the necessity (CO, art 46) for the revision/amendment of previous decisions by a Point of description

(CO, art 46) has been proven and accepted, it is not necessary to amend the decisions in terms of CO, art 31.

#### 3.4.2 Conclusion

In the light of 3.4.1 the decision of Synod 2003 did not transgress CO, art 31.

### 4. Finding

- 4.1 Synod 2000 indicates the following in its argumentation of a Petition of Protest: *“In the Reformed church governance no decision of a church meeting is unchangeable. Even a Confession of the church can be amended with the presentation of the necessary proof from Scripture!”* and that CO, art 46 *“also makes provision for Points of Description”* to prove the necessity (Acta 2000:405, 3.4.11.2.2).
- 4.2 If the relationship between the decisions of Synod 1988 regarding women, and the decisions of Synod 2000 regarding the Point of Description of Particular Synod Western Transvaal, and the decision of Synod 2003 is considered, the decision of Synod 2003 is clearly not contrary to CO, artt 46 and 31.
- 4.3 The motivation of Ground for protest 1, 2 and 3 clearly shows that the decision of Synod 2006 in its maintenance of the Petition of Protest of Particular Synod Bushveld, was wrongfully taken, and should therefore be rejected in the light of CO, artt 46 and 31.

### 5. Request

The Particular Synod Randvaal is requested to maintain the Petition of Protest in the light of the motivation of Ground for protest 1, 2 and 3 above and to send it through for discussion and conclusion as requested in 1.3.

## O. REPORT OF THE COMMISSION

### 1. Assignment

- 1.1 The commission receives the mandate to adjudicate the protest of Regional Synod Randvaal (Agenda 15.13, p. 316) and to make recommendations to the Synod.
- 1.2 The petition of protest of Regional Synod Randvaal was declared receptive and given to this commission with the assignment to advise the Synod.
- 1.3 Your commission confirms what has already been pointed out to the Synod, namely that the petition of protest was erroneously indicated as the petition of protest of Classis Krugersdorp in the printed agenda.

**Decision: Points 1.1 to 1.3 noted.**

### 2. Method

- 2.1 The commission worked through the petition of protest. The quoted Synod decisions were checked and found to be correct.
- 2.2 The commission conducted interviews with the protestors.
- 2.3 The commission thoroughly discussed and studied other inputs.
- 2.4 The commission should advise the Synod with regard to adjudication and did not consider the content of the matter of women in office.
- 2.5 In the discussion of the petition of protest below the view of Regional Synod Randvaal is indicated in *italics* to distinguish it from the commission’s adjudication.

**Decision: Points 2.1 to 2.5 noted.**

### 3. Decision that is protested (Petition of protest point 2)

Regional Synod Randvaal protests the decision of Synod 2006 to give consequence to a petition of protest of Particular Synod Bushveld. The decision is correctly quoted in the petition of protest point 2.

**Decision: Noted.**

#### 4. Motivation of the Petition of Protest (Petition of Protest point 3)

Before Regional Synod Randvaal states their protest, they give an explication of their understanding and application of CO art 46. It comes down to the following:

3.1 *Church decisions can be amended (3.1.1).*

3.2 *Matters that have been finalised – decided upon – should not be discussed again unless necessity is indicated (3.1.2).*

3.3 *If necessity is proven, matters are opened for discussion and decision making. Such matters are no longer 'finalised' and can be amended during discussion and decision making (3.1.3).*

3.4 *The necessity to change decisions in the light of CO, art 46 can be indicated by a petition of protest or a point of description (3.1.4).*

The commission points out that the understanding of art 46, and specifically the understanding of what petitions of protest and points of description are, forms the essence of the protest. The petition involves far more than the role of women in the church or in office.

**Decision: Noted.**

#### 5. Background

The historical events are related in Regional Synod Randvaal's argumentation. The historical run-on can be **summarized** as follows:

5.1 In 2006 Regional Synod Bushveld protested the decision of Synod 2003 to allow women to the office of deacons. Particular Synod Bushveld's protest succeeded at **Synod 2006**. It is against this decision that the current petition of Regional Synod Randvaal protests. Synod 2006 also confirmed that the decision of Synod 1988 is still fixed and binding (see below 5.4).

5.2 In its decision to allow women to the service of deacon, **Synod 2003** was guided by a commission and deputies' report that primarily dealt with women in office.

5.3 This report flows from a point of description of Particular Synod Western Transvaal that **Synod 2000** gave consequence to. The mandate that Synod 2000 gave to deputies as a result of the point of description, was to investigate the role of women in the **church**. According to Particular Synod Bushveld's protest (2006), this mandate was unjustly expanded to become a study of women in **office**.

5.4 **Synod 1988** discussed an extensive report on women in the church in the light of Scripture after a study of nine years. The synod's decision comes down to the fact that women may not be called and confirmed in the special offices.

**Decision: Points 5.1 to 5.4 noted.**

#### 6. Protest

The petition of protest does not formulate an explicit protest.

*The protest comes down to that Synod 2006 acted disorderly by giving consequence to Particular Synod Bushveld's petition of protest against the decision of Synod 2003.*

*The essence of the protest is that Synod 2000 did open the way for further study and decision on women in office with that particular point of description. Consequently Synod 2003 acted correctly and therefore the petition of protest of Particular Synod Bushveld 2006 should not have succeeded.*

**Decision: Noted.**

#### 7. Petition of protest 1

"The decision of Synod 2006 did not consider the decision of Synod 2000 regarding the point of description of Part Synod Western Transvaal (Acta 2000:440-441-Bylae A) in its entirety and its full context in terms of decisions of Synods 1988 and 2003" (Petition of Protest point 3.2).

- 7.1 *Argumentation of Regional Synod Randvaal with regard to petition of protest 1*
- 7.1.1 The argumentation of Regional Synod Randvaal regarding decisions of Synod 2006 and Synod 2000
- 7.1.1.1 No motivation was provided for Synod 2006's decision (Acta 2006:411-12) to give consequence to the petition of protest of Particular Synod Bushveld. Adjudication should rest on thorough grounds that are noted in the minutes (CO, Article 34)(3.2.1.1).
- 7.1.1.2 Synod 2006 did not consider the decision of Synod 2000, because there is no direct reference to the decision of Synod 2000 (3.2.1.1, 3.2.1.2, 3.2.1.3 and 3.2.1.4).
- 7.1.1.3 According to the protestors' understanding of CO art 46, Synod 2000 re-opened the whole matter of women in office (Synod 1988) and placed it on the table (3.2.1.4).
- 7.1.1.4 Both Synod 2006 in its decision, and Part Synod Bushveld in their petition of protest, did not take the decision of Synod 2000 into consideration in its full context (3.2.1.4).
- 7.1.2 The argumentation of Regional Synod Randvaal regarding the decision of Synod 2000 and CO art 46
- (A) The point of description of Part Synod Western Transvaal (3.2.2.1)**
- 7.1.2.1 At Synod 2000 a point of description on the woman in the church serves. The point of description asks:
- (a) that the Synod appoints deputies to study the matter of women in the church;
- (b) that churches should be able to make inputs in the study (3.2.2.1.1).
- 7.1.2.2 The motivation of the point of description indicates that there are unclarities and unanswered questions in previous decisions on the woman in the church (Synod 1988). These unclarities form the necessity for re-opening the matter of women in the church according to CO art 46 (according to the protestors) (3.2.2.1.2). The point of description of 2000 is against all previous decisions. It is not indicated which are the unfinished matters. Therefore all the previous decisions on women in the church are included in the request for study (according to the protestors).
- 7.1.2.3 The motivation shows that the unclarities directly involved women in the office of deacon (Acta 2000: 440; 1.1, 1.2, 1.3, 1.4). Therefore the matter of women in office (according to the protestors) is clearly included in the further study regarding the place of women in the church (3.2.2.1.3).
- 7.1.2.4 The point of description clearly asks (according to the protestors) that the decision of Synod 1988 be recalled and that study on women in the church be re-opened (3.2.2.1.4).
- (B) The argumentation of Regional Synod Randvaal with regard to the decision of Synod 2000 on the point of description of Part Synod Western Transvaal (3.2.2.2)**
- 7.1.2.5 Synod 2000 decides to give consequence to the point of description. By giving consequence to the point of description the Synod accepts and identifies with the motivation, which mentions (3.2.2.2.2):
- (a) unclarities regarding the place of women in the church/office.
- (b) matter regarding the place of women in the church/office that have not been finalized.
- 7.1.2.6 According to the protestors it is clear from the decision of the Synod and from the motivation that was provided for it that Synod 2000 identifies with the point of description and its motivation (3.2.2.2.2).
- (a) the Synod appoints study deputies;
- (b) the study should be done in such a way that churches can give input;
- (c) the study should aim to find answers to several unanswered questions and loose ends that remained from previous studies and decisions (also that of Synod 1988).
- 7.1.2.7 Synod 2000's mandate was that the study should be done with previous Synods as 'point of departure'. The protestors make the following conclusion: "Thus the existing decisions on the matter of the woman in the church/office serves as point of departure, and previous decisions should be considered in the study" (3.2.2.2.3.).

- (a) 'Point of departure' and 'consider' can not mean that previous decisions are finalized (CO, art 46). The unclarities and unfinalised matters led to the mandate (according to the protestors).
- (b) That the phrase "previous decisions as point of departure" indeed re-opens all previous decisions (CO,art 46) (emphasis by the commission).
- 7.1.2.8 When Synod 2000 refers to artt 31 and 46, one can not understand why the decisions of previous Synods can not come on the table again. Because necessity (CO, art 46) has been proven, the matter could come on the table again (3.2.2.2.4).
- 7.1.2.9 According to Regional Synod Randvaal it is important to note that Synod 2000 does not 'single out some decisions for further study and others not'. With this Synod 2000 re-opened all previous decisions on the woman in the church/office for discussion (3.2.2.2.5).
- 7.1.2.10 Synod 2000 referred to "the unclarities" in the motivation of the decision, which according to the protestors directly affects the matter of women in office (Acta 2000:441,5) (3.2.2.2.6 tot 3.2.2.2.8).
- (C) The argumentation of Regional Synod Randvaal regarding the decision of Synod 2000 and the decision of Synod 1988 (Acta 1988:507-523)(3.2.2.3)**
- 7.1.2.11 Regional Synod Randvaal acknowledges that Synod 1988 took decisions regarding women in the church/office that are binding (CO, Art 31) and finalised (CO, Art 46). 'Synod also decides that advice can not be gathered from churches any further and that no further study will be undertaken (Acta 1988:523,4)(3.2.2.3.1).
- 7.1.2.12 Yet the decision of Synod 2000 in relation to the point of description, re-opens this matter (3.2.2.3.2 and 3.2.2.3.3).
- (D) The argumentation of Regional Synod Randvaal regarding decisions of Synod 2000 in the decision of Synod 2003 (3.2.2.4)**
- 7.1.2.13 Synod 2003 discusses the study deputies' report regarding women in the church/office. The unanimous opinion of the deputies was that women in office formed part of the mandate (3.2.2.4.1 and 3.2.2.4.2).
- 7.1.3 **Conclusion (3.2.3)**  
The protestors come to the following conclusion : In the argumentation in 3.2.1. and 3.2.2. above it is clear that the decision of Synod 2003 does not, as the decision of 2006 claims, transgress CO art 46. In the light of the decision of Synod 2000 regarding the point of description of Part Synod Western Transvaal on women in office, art 46 CO gave Synod 2003 the right to amend the decisions of 1988 on women in office with new decisions" (Petition of protest 3.2.3) .
- 7.2 **Adjudication of ground for protest 1 by the commission**
- 7.2.1 **Adjudication of the understanding and application of CO, art 46**
- 7.2.1.1 The commission felt that the argumentation in the motivation of the protestors with regard to their points 3.1.1 & 3.2.2 (in the current report: 3.1 & 3.2 above) is valid.
- 7.2.1.2 However, with 3.1.3 (in the current report 3.3 above) the protestors claim that art 46 CO makes it possible to consider a matter anew (*de novo*) and that the entire matter was re-opened for discussion. Art 46 CO determines that a decision is fixed and binding and can not be changed if the necessity (*necessitas*) has not been indicated. In order to recall or change the decision of a greater meeting, a petition of protest will have to be formulated against it. There are furthermore clear prescriptions that such a protest against a decision of a greater meeting should adhere to. Art.46 CO therefore does not deal with unfinished cases, but rather cases that have been clearly decided. A petition of protest comes on the table of a greater meeting through art 46 CO and is aimed at the decision of a majority meeting.
- 7.2.1.3 The protestors are of the opinion that the necessity for change can be proven with a petition of protest or a point of description. A point of description can therefore change the decision of a greater meeting.

- 7.2.1.4 The petition of protest furthermore says that a successful petition of protest or point of description, can both be employed to amend existing decisions of church meetings. The general understanding and application of the church order in contrast to that holds that existing decisions can only be amended by a successful petition of protest.
- 7.2.1.5 The protestors possibly base their argument on a decision of Synod 1994 (Acta p. 52-53) according to which a petition of protest of Prof. B Spoelstra succeeded. In the petition of protest it was said that both petitions of protests and points of description are **cases**, and that the stipulation to treat them differently, should be recalled. However, Synod 1994's decision does **not** mean that the distinction between a petition of protest and a point of description is erased.
- 7.2.1.6 The essential error in argument that the petition of protest of Regional Synod Randvaal makes, is that a petition of protest and a point of description is the same CASE. Both are in essence protests. And that simply is not true. When considering what a petition of protest is and how it is treated in church practice, compared to what a point of description is and how that is treated in church practice, it is clear that there is a definite distinction between the two matters. Compare the way in which this very Synod has treated these two different kinds of cases.
- 7.2.1.7 How is a petition of protest understood and used according to CO art 46? When a protestor is of the opinion that an existing decision is faulty in the light of Scripture, confession and church order, he ultimately calls on the meeting who took the decision. There the protestor tries to indicate on the grounds of Scripture, confession and church order why it is important to change the decision. If the meeting agrees with him, the protest succeeds.  
**A Practical example of a petition of protest:** A (Hypothetical) protest is made against the decision of Synod 1988, which indicated that there is not enough Scriptural evidence to allow women into the special offices. It has to clearly be indicated from Scripture, confession and church order that the decision (or part of the decision) as taken by Synod 1988, was wrong.
- 7.2.1.8 When changes are necessary based on a matter that came to the fore that has never before been decided, or where the opinion is that an aspect or part of a decision that has been taken has to be extended because that specific aspect or part of the matter has not been adequately considered in the past, a **point of description** is formulated so that a meeting can in the light of Scripture, the confessions and the church order can adjudicate it.  
**A Practical example of a point of description:** Particular Synod Western Transvaal's point of description regarding women in office is taken for its account by Synod 2000. Synod 2000 in other words judged that women in the church is a new matter that has not yet served. Synod 2000, despite few loose ends and outstanding matters, the synod concluded its study on women in office and took a standing decision on it. Synod 2000 takes the new case (namely the place of women in the church) for its account, but reformulates the extent of the mandate to its study deputies to its own mind. A study regarding the place of women in the church was meant to include matters such as inclusion of women in the congregation's diaconal work, the relationship between sisters and the deacons, and the inclusion of women on church commissions.
- 7.2.1.9 It is clear that there are certain similarities between a petition of protest and a point of description (both are "cases"), but the distinction between them are not erased with that fact.
- 7.1.2.10 The petition of protest of Regional Synod Randvaal furthermore rests on the supposition that **necessity** (*necessitas*) to change a decision can (also) be indicated with a **point of description**. This implies that the case has to be treated *de novo*. However, CO art 46 has never been understood or treated in this manner in the past. In fact, it would be an infringement to see all existing decisions on cases as if they are no longer valid, without those decisions having been amended

based on Scripture, confession and church order. If Regional Synod Randvaal succeeds, it will have far-reaching consequences for the way in which decisions will be taken in future in the GKSA. Existing decisions can then just be swept under the table without evaluating it based on Scripture, confession and church order.

- 7.1.2.11 The petition of protest of Regional Synod Randvaal therefore argues: “*The necessity to amend decisions in the light of CO art 46 can be indicated with a Petition of protest or a Point of description ...*”(Agenda 2009; 3.1.4 p. 316). Regional Synod Randvaal argues that a point of description that is taken for its account by a greater meeting, proves the *neccesitas* of the case. It is in a certain sense true. A certain type of necessity has to be proven, namely that the point of description deals with an important new matter on which no decision has been taken, or that there are certain aspects of the existing case on which no decision has been taken and which should be resolved.
- 7.1.2.12 The conclusion that Regional Synod Randvaal reaches regarding the matter of necessity is not valid. It is supposed (without any proof or argumentation and contrary to the correct application of CO art 46), that if necessity is indicated by a point of description, it implies that a matter on which decisions have already been taken, is placed on the table of a church meeting *de novo* as if there is no fixed decision regarding the matter. Necessity for discussion of a new matter is therefore confused with the amendment of an existing decision (finished case).
- 7.1.2.13 Regional Synod Randvaal departs from this supposition in an attempt to amend existing decisions without those decisions being tested and amended according to Scripture, confession and church order along the route of a successful petition of protest.

## 7.2.2 Adjudication with regard to the motivation of ground for protest 1

- 7.2.2.1 Before the commission the elucidator of the petition held the view (and pleaded) that a church polity expert such as Prof B Spoelstra indicates that a decision can be amended by a petition of protest or a point of description.
- 7.2.2.2 Spoelstra refers to Synod 1961 (Acta, 1961:515). Voetius gives the following description of a petition of protest: ‘*Gravamina zijn vragen of meenigen over moeilijkheden, welke in een kerk zijn ontstaan, of over zaken welke gemeenschappelijk alle kerken in’t gemeen of direct of op eenige wijze betreffen, en die in en door een kerk of classe niet volledig afgehandeld kunnen worden*’ (Jansen, J. 1925. Christelijke Enc., 2:389). Spoelstra furthermore points out (Gereformeerde kerkreg en kerkregering; Handboek by die Kerkorde, 1989: 270 e.v.) “that at the Dordt Synod virtually all questions, proposals, problems and protests from lesser meetings were known as *gravamina*”. This did not mean that the distinction between the different cases are erased by the greater meeting. He (Spoelstra 1989:270) furthermore says that a point of description “is sometimes erroneously radically distinguished from a gravamen or protest. **A matter that comes to the table orderly, should be categorised based on its content by the meeting that will deal with it in order to determine how the meeting wants to treat it** (emphasis by commission) A “point of description” or “request” could even, when the content comes down to appeal, be treated as an appeal by the meeting (artt 31, 33, 46). The name or format of a piece does not necessarily prejudice the content”. The commission could not find any support from the quoted sources for the way in which the protestors came to their conclusion. The commission checked the printed motivation that the protestors offer in Spoelstra (1989:270), Van der Linde (1983:167) & Visser (1999:204) in order to come to the mentioned conclusion.
- 7.2.2.3 The petition of Regional Synod Randvaal clearly comes to a faulty conclusion to try to **equate** a petition of protest and a point of description and to consequently argue that a meeting can change decisions with points of description (to which they give consequence). Decisions are only amended by successful petitions of protest. Decisions can also be changed can also be changed through an offered point of

description of which the content indicates that it is in truth a petition of protest. The meeting should adjudicate it and clearly indicate it if he categorises such a point of description differently for discussion.

- 7.2.2.4 The essence of the matter that Synod 1994 dealt with, deals with the fact that a matter that comes on the table of a majority meeting orderly, can not be swept from the table (be declared unreceptive) because an appeal/petition of protest, is mistakenly called a point of description. If the meeting takes the matter onto the table, it can be offered as a point of description of a new case (as offered as point of description) or even as an appeal or petition of protest based on the content of the offered point of description.
- 7.2.2.5 Spoelstra (1989:270) clearly has it against **reglementing** as also indicated in his successful petition of protest during Synod 1994 (p. 53). With this he does not at all aim to erase the distinction between petition of protest and point of description. The successful petition of protest only indicates that “forced distinction between a point of description and a petition of protest falls away” which means: “The Petition of protest only recalled the **reglementing** (emphasis by the commission) to treat petitions of protests differently from points of description.”
- 7.2.2.6 Synod 1994 (p. 53) clearly indicates how it understands this, and this understanding is **approved by the Synod**. The Synod **only decides that the procedure** with regard to petitions of protest no longer applies. The recalling of the procedure of dealing with a petition of protest means that there will no longer **be a difference in the procedure when dealing with** a petition of protest and a point or description. The distinction between a petition of protest and a point of description is therefore only recalled with regard to the procedure when these matters are treated.  
NOTE: it does not recall the DISTINCTION that exists between a petition of protest and a point of description.  
AGAIN: the distinction between a petition of protest and a point of description as recalled by Synod 1994, only goes for the **procedure** when dealing with petitions of protest.
- 7.2.2.7 Synod 2006 gives consequence to the petition of protest of Particular Synod Bushveld and with that makes it clear that the 1988 decision is not endangered by the decision of Synod 2000. Synod 1988’s fixed and binding decision has thus not been **changed**.
- 7.2.2.8 The protestors feel that Synod 2006 should have clearly motivated the decision to give consequence to the petition of protest of Part Synod Bushveld. However, in practice there are many examples of decisions where majority meetings did not motivate their decisions. And these decisions were not all protested because there were not scriptural motivations for each one of them. The Church Order can not be treated as a law, that reglements with regard to the behaviour of the greater meetings. The Synod does not have to provide scriptural motivation for all decisions because such a decision is not dependent on the motivation afterwards. However, the motivation provides an explanation/reason for the decision. It is **preferable**, but not **essential**.
- 7.2.2.9 The commission that advised the Synod 2006, clearly placed the entire matter of 2000 on the table in their report, but Synod 2006 rejects the commission report. Synod 2006 thus had the entire matter of 2000 on the table via the 2006 report, while the protestors claim that it was not considered. Synod 2006 decides that clear decisions were made regarding the matter in 1988 (*Errata Acta 2006, Art 277, N62*)(3.2.1.2, 3.2.1.3).
- 7.2.2.10 The protestors claim in their protest of 2006 that Particular Synod Bushveld did not consider the decision of Synod 2000 within its full context (3.2.1.4). Particular Synod Bushveld refers to the Point of description of Particular Synod Western Transvaal before Synod 2000. Therefore the protestors can not argue that Particular Synod Bushveld did not consider the full context (*argumentum e silentio*

- deductions made based on what has not been said). It is clear from pieces (commission report called 3.5.2) that the Synod 2006 did take Synod 2000 into consideration within its full context.
- 7.2.2.11 Synod 2000 appoints study deputies to make a study of what is revealed in Scripture regarding the way in which the Lord used and still wants to use women in the church, which the decisions of previous Synods as point of departure (Acta 2000:440, 1). The first limitation of the mandate that Synod 2000 instates, is that the **decisions of previous Synods** should serve as point of departure. The second limitation is that the study should deal with women **in the church**. The protestors do not see this decision of the Synod as limitations within which the study should move, but rather as that it lifts the boundaries and that there are not limits to the study. With the description of the decision and the conclusion Synod 2000 aims to be clear on the limits within which the study should move, so that finalised matters are not discussed again (CO, Art 46).
- 7.2.2.12 The protestors furthermore makes the deduction that Synod 2000 **identifies with the motivation of the point of description** (3.2.2.2.1, 3.2.2.2). Synod 2000 did not take the motivation of the point of description for its account when they gave consequence to the Point of Description. The Synod wrote their **own motivation**. It is clear that the Synod did not necessarily take the entire motivation of the point of description for their account.
- The **motivation of the commission** amongst others refers back to the decision of Synod 1988: “There is much information dispersed and fragmented through the different Actas of the Synod, amongst others the unpublished Appendices to the decision of Synod 1988”. The Synod therefore did not have ‘the several unanswered questions and loose ends’ in mind, but also that which was certain to the Synod and all the clear decisions taken by Synods regarding women in office. Furthermore, the Synod motivates in point 5 of the motivation: ‘The study deputies aim to find answers to several unanswered questions and loose ends that flow from the previous studies, as becomes clear from the motivation of the point of description’ (Acta 2000:411, Commission report pt.5). The Synod already grants that absolute clarity might not be possible, as was already indicated in 1988 (see ‘aim’).
- 7.2.2.13 Synod’s attention is directed to the fact that Regional Synod Randvaal throughout refers to ‘women in the church/office’, while not greater meeting used such a reference. Throughout the petition of protest the protestors see the place of women in the church and office as synonymns (as becomes clear from the use of the phrase ‘church/office’ in the petition of protest). Women in office is for the protestors a logical outflow of the entire matter of women in the church. Synod 1988 indicates the necessity that the place of the woman in the church and not women in office (as claimed by the protestors) (3.2.2.3). The Synod of 1988 rejected the matter of women in office in its entirety in point 4.2 (Acta 1988 p.523) as a fixed and binding decision.
- 7.2.2.14 According to the protestor’s understanding of CO art 46 ‘...*all the previous decisions were re-opened for discussion*’ (3.2.2.2.3b). It comes down to the point of description of Synod 2000 changing the decision of Synod 1988. Over and against that CO art 46 indicates a petition of protest with thorough grounds and reasons as the orderly way for the amendment of a greater meeting’s decision.
- 7.2.2.15 A point of description comes on the table of a greater meeting through art 30 of the CO and brings a new matter from a minority meeting to a majority meeting. According to art 30 a point of description has another aim, namely to add to the decision that is not re-opened in its entirety for discussion (3.2.2.3-3.2.2.8, 3.2.2.3). The point of description of Synod 2000 could not and did not change the decision of Synod 1988.

### 7.2.3 Conclusion of the adjudication of the with regard to the petition of protest 1

The protestors claim that Synod 2006 did not consider the decision of Synod 2000 thoroughly. Regional Synod Randvaal claims that the decision was not considered in its entirety and in relation to Synod 1988 and 2003. The commission finds that the decision was considered. The petition of protest speculates by claiming that Synod 2006 did not take the decisions of 1988 and 2003 into account. The allegation that all these decisions were not considered, is founded on a certain interpretation of the decision of Synod 2000.

The mandate of Synod 2000 to study deputies was to investigate the matter of women in the church, as well as a few loose ends in this regard. The protestors support their argument by claiming that a point of description and a petition of protest is the same thing. If a point of description succeeds, it would come down to that document carrying the same weight as a successful petition of protest against a decision. This means (according to this argument) that a matter can be investigated *de novo*.

Regional Synod Randvaal claims that Synod 2003 had the right to revisit the **entire** (note the use of the word 'entire' in the petition of protest) (Agenda 2009, p.318, 3.2.2.2.3) matter of women in office because the Synod 2000 gave them that right. The commission adjudicates that the decision of Synod 2000 did not give Synod 2003 the right to take the matter of women in **office** into discussion again.

The point of description of Particular Synod Western Transvaal to which Synod 2000 gave consequence, did not place the entire matter of women in office on the table again *de novo* (anew) as if it was a successful petition of protest against the decision of Synod 1988. Synod 2006 clearly confirms this view with its clear decision in this regard, namely, '...that clear decisions were made with regard to the admission of women into all the special offices in 1988. These decisions were taken based on Scripture grounds and are still valid'(*Errata Acta 2006, Art 277, N62* ).

**Decision: Points 7.1 to 7.2.3 noted.**

## **8. Ground for protest 2 (3.3)**

"The decision of 2006 were taken unjustly because all the information on the table regarding this information have not been considered."

### 8.1 *Argumentation of Regional Synod Randvaal with regard to ground for protest 2*

8.1.1 At Synod 2006 12 petitions of protest (Acta 2006:952) were handed in against the decision of Synod 2003 regarding women in the church/office. (3.3.1)

(a) If all this information had been weighed and evaluated, the decision of Synod 2000 regarding the point of description of Particular Synod Western Transvaal would have been discussed and would in this way have shown that the decision of Synod 2003 is not contrary to Church Order art 46.

(b) Furthermore, the consideration of all the informations would have removed any unclarity so that the adjudication of the decision would have rested on certain grounds and the truth.

8.1.2 Six of the petitions of protest refer to the point of description of Particular Synod Western Transvaal without considering the decision in its entirety and in relation to the decision of Synods 1988 and 2003.

8.1.3 From 3.3.3 to 3.3.9. the protestors refer to the different petitions of protest that had to serve.

### 8.1.4 Conclusion of Regional Synod Randvaal (3.3.10)

From the consideration of all the information on the table of 2006 it is clear that Synod 2003 did not transgress art 46 CO, but upheld it, in the light of the decision of Synod 2000 regarding the point of description of Particular Synod Western Transvaal. Therefore Synod 2006 erred in its maintenance of the petition of protest of Particular Synod Bushveld.

## 8.2 *Adjudication of ground for protest 2*

- 8.2.1 The protestors refer to the different petitions of protest that would have served at Synod 2006. The protestors consider the information of the petitions of protest as of essential importance and use the information that never served, as motivation of ground for protest 2.
- 8.2.2 At the motivation of ground for protest 2 the protestors speculate as to what would have happened if there was more information on the table. Greater meetings do not take decisions based on more (quantity) information, but based on the correct/true information that belongs on its agenda and comes on the table in an orderly manner. The **quality** of the information is important and not the **quantity**. Decisions are taken based on Scripture, confession and Church Order and not based on the multitude of arguments, or the expectations of people. A speculative remark of Regional Synod Randvaal such as "*if all the information had been weighed and evaluated, the decision of Synod 2000 regarding the point of description of Particular Synod Western Transvaal would have been discussed and this would have shown that the decisions of 2003 were not contrary to art 46 CO*", can not possibly be the basis for the motivation of a ground for protest, since these matters never served.
- 8.2.3 There was never adjudication of these petitions of protest by the Synod 2006, which means that the information contained in the petitions of protest has not been tested according to Scripture, confession or the church order, and it is therefore not clear how and what could have been used for the purpose of motivation of any later petitions of protest.
- 8.2.4 The petitions of protest can not possible serve as motivation for a ground for protest in another (new) petition of protest as if it did serve.
- 8.3 *Conclusion of the adjudication with regard to the ground for protest 2*  
Regional Synod Randvaal claims that the decision of Synod 2006 was taken unjustly, because "all the information on the table regarding the matter has not been considered". This argumentation is based on an erroneous interpretation of the decision of Synod 2000. There is consequently a clear relation between ground for protest 1 and 2 (see amongst others 10.1 below).

**Decision: Points 8.1 to 8.3 noted.**

## 9. **Ground for protest 3 (3.4.)**

- The decision of Synod 2003 did not transgress CO art 31 as the decision of Synod 2006 and the petition of protest of Particular Synod Bushveld claim.
- 9.1 *Argumentation of Regional Synod Randvaal regarding ground for protest 3*
- 9.1.1 Because Synod 2000 maintained the point of description with regard to Synod 1988, the Synod of 2000 links the decisions of 1988 and 2003. If the decision transgresses CO art 46, there can not be infringement on rights in terms of CO art 31 as well (3.4.1).
- 9.1.2 Conclusion (3.4.2).  
In the light of 3.4.1. the decision of Synod 2003 does not transgress CO art 31
- 9.2 *Adjudication of ground for protest 3*
- 9.2.1 The protestors claim that the decision of Synod 2003 does not transgress the CO art 31. CO art 31 stipulates that a decision can only be changed if it is contrary to God's Word or the articles of the CO. Synod 2006 adjudicated that Synod 2003 acted contrary to CO art 46. Synod 2003 therefore transgressed CO art 31.
- 9.2.2 Synod 2006 decided that Synod 2003 did not take CO art 46 into account, and consequently this also endangered CO art 31.
- 9.3 *Conclusion of the adjudication with regard to ground for protest 3*  
Regional Synod Randvaal claims that Synod 2003 did not transgress CO art 31. This ground for protest is based on their interpretation of the decision of Synod 2000. CO art 31 states that what has been decided is fixed and binding, unless it is proven that the decision is contrary to God's Word and church order. This means that Synod 2003 had to prove that the decisions that Synod 1988 took in this regard had to be amended

before it took a study on women in office on the table. Regional Synod Randvaal argues that the decision of Synod 2000 gave them the right to look at the matter of women in office again (see the faulty interpretation of the protestors with regard to a point of description). According to this argument they were not compelled to prove beforehand according to CO 31 that the decision of 1988 was no longer valid. Consequently the protestors are of the opinion that Synod 2003 did not transgress CO 31.

Your commission adjudicates that Regional Synod Randvaal misinterpreted the decision of Synod 2000. Their entire argument therefore rests on the faulty understanding of what a point of description does.

**Decision: Points 9.1 to 9.3 noted.**

## **10. Concluding**

### **10.1 Concluding finding of the protestors (4.1- 4.3)**

10.1.1 Synod 2000 indicates in the argumentation that CO art 46 'also provides for points of description' to indicate necessity (Acta 2000:405, 3.4.11.2.2).

10.1.2 If the relation between the decisions of Synods 1988, 2000 and 2003 was taken into consideration, Synod 2006 would have realised that Synod 2003 was clearly not contrary to Church Order artt. 46 or 31.

### **10.2 Adjudication of the protestors' concluding finding**

The finding as quoted in 4.1. of the petition of protest (Acta 2000:405, 3.4.11.2.2) was not taken for its account by the Synod. The Synod merely took note of it.

### **10.3 Finding of commission**

10.3.1 The commission adjudicates that the necessity for the amendment of a decision can not be indicated with a point of description, but that it still has to be done with a petition of protest.

10.3.2 Based on this Synod 2006 did not err by giving consequence to the petition of protest of Particular Synod Bushveld.

**Decision: Points 10.1 to 10.3.2 noted.**

## **11. Recommendations**

11.1 Ground for protest 1 does not succeed.

**Decision: The recommendation of the Commission is rejected, with the result that Ground for Protest 1 succeeds. In light of the decision in 11.1 Synod decides that a simultaneous decision is taken regarding the recommendations of the Report:**

11.2 Ground for protest 2 does not succeed.

**Decision: The recommendation of the Commission is rejected.**

11.3 Ground for protest 3 does not succeed.

**Decision: The recommendation of the Commission is rejected.**

11.4 The petition of protest does not succeed in its entirety.

**Decision: The recommendation of the Commission is rejected.**

## **P. ORDER PROPOSAL**

**Decision: The Synod names a commission to advise the Synod on the consequences of successful petition of protest.**

## **Q. NAMING OF AD HOC COMMISSION**

The following ad hoc commission are named: Dr DG Breed (s), dr J Smit, rev TJ van Vuuren, FM Dreyer, PA Coetzee and elder BD Bakker with prof A le R du Plooy as advisor.

## R. REPORT OF AD HOC COMMISSION

### Implications of the decision of the General Synod 2009 regarding the petition of protest of Regional Synod Randvaal against a decision of Synod 2006

#### 1. Assignment

To advise Synod 2009 on the consequences of the decision of the Synod that Regional Synod Randvaal's petition of protest succeeds.

**Decision: Noted.**

#### 2. Argumentation

##### 2.1 *Implikasies met betrekking tot die besluite van sinodes 2006 en 2003*

2.1.1 The decision of Synod 2006 (Acta 2006, 411-412, pt 2.1.2, 2.2.2 and 2.3) is annulled by the decision of Synod 2009.

2.1.2 The implication of the decision of Synod 2009 is that the following decision of Synod 2003 stands (Acta 2003:591-593, pt E1 to 14.8; Cf Errata to Acta of 2003). This includes among others the decision against which Part Synod Bosveld protested in 2006 (Acta 2006:409), which reads as follows: "*Die sinode keur in die lig van die Skrif goed dat vroue wat die nodige gawes het as diakens in die GKSA verkies en bevestig kan word. Die sinode oordeel verder dat bepaalde tekste soos Rom 16:2, 1 Tim 3:11 en 5:9-15 baie lank reeds in die Gereformeerde Kerke in ekumeniese verband `n belangrike ondersteunende rol vir vroue in besondere ampte speel, alhoewel daar enersyds nie duidelike sekerheid bestaan nie maar andersyds ook geen verbod op vroue in die amp van diaken geplaas word nie.*" (Acta 2003:591, pt 4).

[The Synod approves in the light of Scripture that women who have the necessary gifts may be elected and ordained as deacons in the GKSA. The Synod further judges that certain texts like Rom 16:2, 1 Tim 3:11 and 5:9-15 plays for a long time already in the Reformed Churches in ecumenical ties an important supporting role for women in special offices, although on the one hand there does not exist clarity but on the other hand no prohibition is placed on women in the office of deacon." (Acta 2003:591, pt 4)]

**Decision: Noted.**

##### 2.2 *Implications for matters on the agenda of Synod 2006*

2.2.1 The decision of Synod 2009 has implications for matters regarding women in the church that came to the table of Synod 2006 in an orderly manner. The following matters are relevant here.

2.2.1.1 The **report of study deputies** appointed by Synod 2003 (Acta 2003:593, 14). Because of the decision of Synod 2006 upholding the protest of Part Synod Bosveld, the report was not dealt with (majority as well as minority).

2.2.1.2 The **report of the commission** of Synod 2006 regarding the study report of 2003 contains important argumentation.

**Decision: Noted – amendments already included – Deputies Acta**

2.2.1.3 **Petitions of protest** against the decision of Synod 2003 regarding women in the office of deacon (Acta 2006:417 tot 556 – excluding the petition of protest of Part Synod Bosveld). These petitions of protest came to the table in an orderly manner and were not dealt with, and must therefore be dealt with.

**Decision: Approved.**

2.2.2 The implication of Synod 2009's decision is that the matters referred to in 2.2.1 above must be dealt with again.

**Decision: Approved.**

##### 2.3 *Implications for the finalisation of the agenda of Synod 2009*

2.3.1 The decision of Synod 2009 also has implications for matters regarding women in the church that initially reached the table of Synod 2009 in an orderly manner. The matters are the following:

2.3.1.1 The report of the study deputies that flow from the decisions of Synod 2006 is by way of annulment of the decision not on the table of this Synod anymore.

**Decision: Noted.**

2.3.1.2 The **petition of protest of Brits-Wes** (Agenda 2009:324, A15.14). The petition of protest relies upon the decision of Synod 2006 that has been annulled by the decision of Synod 2009.

**Decision: Noted.**

**3. Recommendation**

3.1 The Synod notes the argumentation in point 2.

**Decision: Approved.**

3.2 The Synod decides, in the light of the argumentation, to name a commission to report at the resumption of the Synod:

3.2.1 The commission must investigate all unfinished matters from Synods 2000 to 2009 on women in the church and advise the next Synod in the light of their study regarding the dealing with and/or finalisation thereof.

3.2.2 The commission must account for all relevant material in the study. This includes the mandate of Synod 2003 (Acta 2003:593, pt 14), the study report and commission report of Synod 2006, as well as the study report and commission report of Synod 2009.

3.2.3 The commission must take into account all new studies and developments in the GKSA and churches with whom the GKSA is ecumenically one.

3.2.4 The study must bring the matter of women in the church, including women all the special service (Acta 2000:414, pt 5), to the table in a new report for decision-making by the Synod.

**Decision: Points 3.2.1 to 3.2.4 approved as changed – changes already included – Deputies Acta.**

3.2.5 The synod approves points 2.3.1.1 to 2.3.1.2.

**Decision: Approved.**

**S. ORDER PROPOSAL**

The suggestion in discussion should immediately be brought to the vote.

**Decision: Approved.**

Synod decides that this Synod goes in recess and a Commission is appointed to report on the assignments as approved in point 3 of the Report of the ad hoc commission at a date as determined by Synod.

The following names are put forward: Rev HJP de Beer (Chairperson) dr SP van der Walt (scribe), revv RS Hobyane, MJ Letebele, LH Moretsi, SD Snyman, L du P van der Vyver, drr DG Breed, G Breed, GJ Meijer, J Smit and dr SJ van der Merwe. Advisors is: proff A le R du Plooy, CFC Coetzee, RS Letšosa, JJ J van Rensburg, GJC Jordaan and JM Vorster.

**Decision: Approved.**

**T. REPORT COMMISSION – MATTER OF WOMEN**

**See pt 12 of this Report for the decisions.**

**U. REPORT: ADVISORY COMMISSION FOR GUIDANCE TO SYNOD WITH REGARD TO THE MATTER OF WOMEN IN THE OFFICES OF ELDER AND MINISTER**

**1. Assignment**

To advise Synod regarding further actions around the matter of women in the offices of elder and minister in light of the discussion and the proposals on the table of the synod.

**Decision: Noted.**

**2. Method**

The commission considered among other things the following possibilities

2.1 The proposal of revs Kurpershoek and Coetzee.

- 2.2 The summarized conclusions of the report (point 10.15) and the recommendations (point 12.10.2);
- 2.3 The possibility of further study and advice, especially from churches abroad with whom we have ecumenical unity;
- 2.4 The possibility to maintain the status quo regarding women in the offices of elders and ministers because there is not sufficient clarity regarding why this matter should be changed.

**Decision: Points 2.1 to 2.4 noted.**

### 3. Finding

The commission has come to the conclusion that it is crucial that this Synod should reach a decision on the matter of whether women may serve in the offices of elder or minister or not. The finding is based on the following reasons:

- 3.1 Regarding the proposal of Kurpershoek and Coetzee that local churches should be allowed to decide on the matter themselves (pt 2.1), the Commission feels that it is not a solution for the following reasons:
  - 3.1.1 In light of CO, art 30 the matter of elders and ministers is not only a matter for the local church.
  - 3.1.2 The proposal implies in itself that a choice should be made in favour of opening up the offices.
  - 3.1.3 Information on events in churches abroad indicate that this method is problematic.
- 3.2 Regarding the possibility of further study and advice from churches with whom we are in ecumenical unity (pt 2.3), we are of the persuasion that this is not a sensible solution at this stage for the following reasons:
  - 3.2.1 We are of the opinion that Synod already has the relevant information to its disposal, as becomes evident from the lengthy Report and the protracted sessions that preceded it.
  - 3.2.2 We already have information regarding the views of most of the churches with whom we are in ecumenical unity, and this information has already been considered in the Commission Report.
- 3.3 The possibility of merely maintaining the *status quo* (pt 2.4) downplays the fact that there is a difference of opinion on the matter in the GKSA, and such a decision can create the impression that the churches just clings to tradition.
- 3.4 The continued Synod has been arranged with the expectation that there will be a decision.

**Decision: Points 3.1 to 3.4 noted.**

### 4. Recommendations

- 4.1 Synod expressed its sincere gratitude towards the Commission for the thorough work done to prepare a clear Report for Synod.
- 4.2 Synod votes based on the following amended formulation of pt. 10.15 and 12.10.2 of the Report:

In light of the Report, Synod has come to the conclusion that:

- Women may serve in the special services of ministers and elders

OR

- Women may not serve in the special services of ministers and elders.

- 4.3 Synod appoints, regardless of the decision taken, an ad hoc commission to advise Synod on pt 11 of the Commission Report and other matters that might result from the

decision. In our opinion there should be quick communication to the congregations via a written correspondence to make the decision public on Sunday 5 Julie.

**Decision: Points 4.1 to 4.3 noted.**

**Decision:** Synod decides according to the approved recommendation, pt 4.2, that women may not serve in the special services of ministers and elders.

**V. AD HOC KOMMISSIE REGARDING ADVICE ON PNT 11 OF THE REPORT COMMISSION : MATTER OF THE WOMAN**

The vice-chairperson, rev SD Snyman, proposes the following Commission: Dr J Smit (c), revs PK Lourens, PW Kurpershoek, elders SJM Swanepoel, JA Hoogenboezem, as well as rev PM Modise, with the assignment to advise Synod on point 11 of the Commission Report, which includes advice on quick communication of the decision regarding women in the special offices.

**Decision: Approved.**

**W. REPORT AD HOC COMMISSION: MATTERS THAT RESULT FROM THE DECISION REGARDING WOMEN IN THE SPECIAL OFFICES OF MINISTER AND ELDER**

**1. Assignment**

Point 11 of the Commission report: Matter of women.

**Decision: Noted.**

**2. Composition of the Commission**

The Commission consisted of the following members: Dr J Smit (c), revs P Modise, PK Lourens and PW Kurpershoek, elders SJM Swanepoel, JA Hoogenboezem.

**Decision: Noted.**

**3. Findings**

3.1 There are no unsettled matters after the decision regarding women in the special offices.

3.2 Regarding the office of deacon there are different matters – as indicated in the Commission Report, pt 11 – and recommendations follow underneath.

3.3 A short and factual letter to the congregations is presented underneath.

**Decision: Noted.**

**4. Recommendations**

**4.1 Regarding 11.1.1**

Synod appoints Deputies with the following assignment:

4.1.1 Make amendments to the Church Order and Formulary for the Confirmation of Deacons and make the last-mentioned gender comprehensive.

4.1.2 Investigate possible amendments to BC, artt 30 and 31 to make it gender comprehensive.

**Decision: Approved.**

**4.2 Regarding 11.1.2**

Synod appoints Deputies with the following assignment:

4.2.1 Investigate to which degree the application of CO, art 38 is affected by the fact that women can serve as deacons, and make relevant recommendations.

**Decision: Approved – refer to the appointed Deputies for matters of Church Law.**

**4.3 Regarding the letter to congregation**

The following letter is presented for circulation to all churches:

**Decision: Approved – amendments already included – Deputies Acta.**

1 July 2009

To all Gereformeerde Kerke in South Africa

Brothers and sisters

This letter is directed at you on request of the Synod to inform you regarding the decisions taken during Synod 2009 in relation to the service of our sisters in the special offices:

**1. Decisions regarding the service of deacon**

Sisters may serve as deacons. Synod 2009 sustained a Petition of Protest that resulted in the decision of Synod 2003 being reinstated. This decision reads as follows:

*Synod approves in light of Scripture that women who have the necessary gifts may be elected and confirmed as deacons in the GKSA.*

**2. Decision regarding the service of elder and minister**

During the continuation of the Synod an in-depth Report was considered regarding the question of whether sisters may serve as elders and ministers. This Report paid attention to among other things decisions taken during Synod 2003, and applicable church law, historical, Scriptural and hermeneutical points of departure. From these points of view, different relevant parts of Scripture were considered.

Delegates to the Synod conferred with each other in a brotherly fashion and listened to the Word of our Lord in prayer for two full days. Different views came to the fore, and they were considered in prayer. Ultimately the following decision was taken:

*In light of the Report under consideration Synod has come to the persuasion that women may not serve in the special services of minister and elder.*

Synod prays for the blessing of the Lord for each of our congregations. May He grant that all our churches will persevere in unity and prayerful regard of our Lord.

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Dr CJ Smit

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Rev LH van Schaik

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