

21.16 PETITION OF PROTEST REGIONAL SYNOD RANDVAAL AGAINST THE DECISION OF SYNOD 2003 (Art 21.8, 7.1 [Acta 2003:555]) (Artt 19, 66, 122, 258, 333)

- A. Dr WC Vergeer states the Petition of Protest.
- B. **Decision:** The Petition of Protest is referred to the Petition of Protest Commission 4.
- C. Rev JG Noëth reports on behalf of the Petition of Protest Commission 4.

D. PETITION OF PROTEST

1. Decision that is protested

Article 21.9, 7 (Acta 2003:555):

“7. Final recommendations (see 5 of Petition of Protest)

7.1 That the protest against Art 98, 3.6.5 (Acta 1988:519) does not succeed.

7.2 That the protest against the motivation of Art 98, 3.6.3 (Acta 1988:519) succeeds”.

(Remark: Although the Acta of the Synod does not mention it, these recommendations (7) were approved by Synod)

2. Background

- 2.1 During Synod 2003 a Petition of Protest of WC Vergeer and JJ Janse van Rensburg against the decision of Synod 1988 (art 98, 3.6.3), (Acta 1988:519) serves.
- 2.2 The decision protested is formulated as follows: *“In Christ a new dispensation dawns for the saved woman and the Lord realizes His original aim to reinstate the image of God in humans through the man and the woman. The scope of the Gospel of Christ points in the direction that women may be called and gifted by God to serve is a special way in His church as He deems it necessary. Decision: 1. First sentence: Approved. Second sentenc: Rejected (Acta 1988:519)”.*
- 2.3 There were two grounds for the protest before Synod 2003, namely: *“1. In the motivation of the decision the Synod handles the Bible in a casuistic manner. 2. In the motivation of the decision the Synod handles the Bible in an a-historic manner “ (Acta 2003:546).*
- 2.4 Synod 2003 lets the protest succeed on the first grounds (Acta 2003:554) but not on the second grounds (Acta 2003:555).
- 2.5 In its entirety the Synod 2003 maintains the protest against the motivation of the decision of Synod 1988 (art 98, 3.6.3), (Acta 2003:555).
- 2.6 Yet still Synod 2003 does not revoke the decision of Synod 1988 (art 98, 3.6.3), (Acta 1988:519) as requested in the Petition of Protest (Acta 2003:519).

3. Grounds for the protest

- 3.1 The Synod's actions are contrary to CO art 31.
- 3.1.1 Synod 2003 acknowledges that it was adequately indicated that Synod 1988 in the motivation of its decision to reject the recommendation of the Deputies, used the Bible in a casuistic manner (Acta 2003:554). The Synod lets the protest succeed on this point and on the whole (Acta 2003:555).
- 3.1.2 In spite of the fact that the protest succeeds, Synod 2003 does not revoke the decision of Synod 1988 (art 98, 3.6.3), (Acta 1988:519) as requested in the Petition of Protest.

4. Request

Synod is hereby requested to revoke the decision of Synod 1988 (art 98, 3.6.3), (Acta 1988:519). The implication of this is that the recommendation of the Deputies to Synod 1988 (art 98, 3.6.3), (Acta 1988:519) succeeds: *The scope of the Gospel of Christ*

points in the direction that women may be called and gifted by God to serve is a special way in His church as He deems it necessary.

E. REPORT OF THE COMMISSION

1. Assignment

Petition of protest by Regional Synod Randvaal against Synod 2003.

Decision: Noted.

2. Execution of mandate

- 2.1 The committee worked on the petition of protest from beginning to end. The quoted decisions of Synod were checked and confirmed as being correct.
- 2.2 The committee had a discussion with the elucidator of the petition.
- 2.3 Such contributions as were added were also dealt with fully by the committee.
- 2.4 The committee must advise Synod on adjudication as such and accordingly did therefore not focus on the material surrounding the issue of women in the office as well.

Decision: Points 2.1 to 2.4 noted.

3. Decision against which objection is raised

Article 21.9, 7 (Acta 2003:555):

“7. Final recommendations (compare. 5 of Petition of Protest)

7.1 That the objection to Article 98, 3.6.5 (Acta 1988:519) not be sustained.

7.2 That the objection to the motivation of Article 98, 3.6.3 (Acta 1988:519) be sustained.” [translated from the Afrikaans version of this Report, 2009]

The Petition of Protest contains the following statement: *[translation of the original quotation as done in 2009 directly from the Afrikaans version of this Report]* “Although not mentioned in the Actions of Synod, the above-mentioned recommendations (7) have been approved of by Synod”. The committee made certain of the correctness of this statement and found it to be correct. The decision to which objection is raised has, therefore, been indicated clearly.

Decision: Noted.

4. Background

The petition of protest describes the background related to the objection (Petition of Protest point 2, which is summarised by the committee as follows:

- 4.1 During Synod 2003 a Petition of Protest served as submitted by WC Vergeer and JJ Janse van Rensburg to object to the decision of Synod 1988 (art. 98, 3.6.3 Acta 1988:519).
- 4.2 The objection of these objectors was based on two matters, namely that Synod 2003 in the motivation of its decision 3.6.3 (Acta 1988:519) went about it
 - 4.2.1 in a casuist way; and
 - 4.2.2 a non-historical way (Acta 2003:546) (Agenda 2009, p. 558).
- 4.3 Synod 2003 allows for the objection to be sustained on the first basis (Acta 2003:554), but not on the second (Acta 2003:555).
- 4.4 Synod 2003 sustains the objections to the motivation of the decision of Synod 1988 (art. 98, 3.6.3) (Acta 2003:555) (Agenda 2009, p. 558).
- 4.5 In spite of this Synod 2003 does not change the decision of Synod 1988 (art. 98, 3.6.3) (Acta 1988:519), as has been requested in the Petition of Protest (Acta 2003:519) (Agenda 2009, p. 558).
- 4.6 The present Petition of Protest from the Regional Synod Randvaal contains the following argumentation:
 - 4.6.1 Synod 2003 admitted that Synod 1988, in the motivation of its decision to reject part of the recommendation of Deputies, has used the Bible in a casuist way (Acta 2003:555) and Synod 2003 allows for this basis for objection (2.2.1, Acta 2006, p.554) to be sustained on the whole (Acta 2003:555).

4.6.2 In spite of this Synod 2003 did not reverse the decision of Synod 1988 (art. 98, 3.6.3), (Acta 1988:519), as has been requested in the Petition of Protest.

4.7 In conclusion

The objection in the Petition of Protest by the Regional Synod Randvaal is that Synod 2003 approved that the motivation for the decision of Synod 1988 had been made in a casuist way (art. 98, 3.6.3 Acta 1988:519) but had notwithstanding not heeded the request of the objectors (Acta 2003:550).

The request of the objectors (Synod 2003:550) was as follows:

4.2.7.1 [as translated here in 2009 directly from the Afrikaans version of this Report] “That such congregations as where it can be done in peace and towards positive reinforcement, may call and ordain competent members of any gender in the particular offices. Together with this the Biblical principle, that the unity of the congregation enjoys higher priority than the implementation of personal gifts, must be accounted for ” (Acta, 2003, p. 550, point 6.1). (Request 1)

The present request, as contained in the Petition of Protest is as follows:

4.2.7.2 [as translated here] It is herewith requested that Synod reverse the decision of Synod 1988 (art. 98, 3.6.3), (Acta 1988:519). The implication of doing so would be that the recommendation of Deputies to Synod 1988 (art 98, 3.6.3), (Acta 1988:519) be brought into effect : *The Skopus of the gospel of Christ points in the direction that women may be called by God and presented with gifts to serve in the church in a particular way if He so should desire.*” (Request 2)

Decision: Noted.

5. Objection

The Petition of Protest does not expressly formulate an objection, and stated only one reason/basis for objection. What is objected to, is a supposed failure of Synod 2003 to reverse a decision of 1988. The objection is not directed at a positive decision of Synod 2003.

Decision: Noted.

6. Reason for objection

Only one reason/basis for objection has been stated:

“The Synod’s conduct is in contradiction to CO, art. 31.”

Decision: Noted.

7. Adjudication

7.1 The essence of the reason is that Synod 2003 sustained an objection to a motivation of a decision of 1988, but failed to reverse the decision that accompanies the objection (Art. 98, 3.6.3, Acta 1988:519).

7.2 For the sake of clarity it should be noted that the Petition of Protest by WC Vergeer and JJ Janse van Rensburg, Synod 2003, had not wholly/altogether been sustained. The latter has been confirmed with the spokesman for the present petition of protest, WC Vergeer. Even though reference is made in the Regional Synod Randvaal’s petition of protest that the objection had been sustained wholly/altogether (Agenda 2009, 2.5; 3.1.1, p. 558), they mean with it that only the specific point of Synod 2003, namely Article 98, 3.6.3. (Acta 1988, p. 519) had been sustained. WC Vergeer indicated that the intention of the objectors is not that the petition of protest of Synod 2003 had been wholly/altogether sustained. The reason for objection that served during Synod 2003 is sustained only as a reason that relates to the motivation of a specific decision of Synod 1988. The committee pointed out that only part of that motivation is involved, namely the casuist way of using the Bible in the motivation under discussion.

7.3 Synod 2003 (p. 554-555) sustained the objection (namely casuist use of the Bible in the motivation for a decision, Article 98, 3.6.3. [Acta 1988, p. 519]), but did not effect the request of the objectors to reverse or change the decision of Synod 1988 (Request 1 as quoted above point 4.2.7.1). Unless expressly mentioned, Synod does not take

motivation for decisions to its account, but the decisions themselves. Motivations are indicated in explanation of a decision. In the case of the Report of 1988, the broader framework of this lengthy report must be kept in mind. In the Report of Synod 1988 several decisions are made and substantiated by motivations. The objection is sustained with regard to (a part of) a motivation of only one (1) of eight (8) points, namely 3.6.3. By sustaining the objection to the motivation (3.6.3 Acta 1988, p. 519) for the decision Synod 2003 grants that the motivation pertaining to this point is casuist, *i.e.* without finding it necessary to alter the decision as well.

- 7.4 A meeting has the right to make and keep a decision, even if an objection to the motivation or part of it is sustained, for the reason that the broader context or framework within which the decision was finalised had already been taken into account within the decision as such. Even if the motivation should lack perfection, it would not imply that the decision itself would have to be reversed or altered by the meeting. Motivation serves the purpose of elucidation, but is not the decision itself. The decision in the Petition of Protest of Synod 2003 does therefore not alter the decision of Synod 1988 (p 519), but pertains only to an aspect of the motivation for the decision.
- 7.5 During Synod 2003 the objection to the motivation is sustained by strength of the reason for objection 1, but not because of reason for objection 2. The petition of protest is also not sustained in its totality (Acta 2003, p.555. Also compare errata Actions 2003). The intention of Synod 2003 is clearly that only a specific matter (casuist use of Bible in a specific motivation) has been rejected, and not to extend to or encompass the whole of the decision made by Synod 1988. Request 2 of the objectors (compare 4.2.7.2 above) or even the broader request of Request 1 of the objector (compare 4.2.7.1 above), has such extension in view.
- 7.6 The point of departure of the petition of protest is that the conduct of Synod 2003 is in contradiction to CO Art 31. The elucidator, WC Vergeer, indicated that the petition of protest is by strength of the first part of article 31 of CO, namely that the decisions of a meeting are final and binding unless and until proved otherwise. The petition of protest does not indicate that Synod 2003 had in reality proved that it is essential to change the decision of Synod 1988.
- 7.7 According to the petition of protest it is argued that by deleting/rejecting the motivation for a decision (Art. 98, 3.6.3, Acta 1988:519) and (Acta 2003, p.554), the decision also has to be reversed or recalled. The argumentation of the petition continues by stating that that in spite of the fact that the motivation for a decision had been proved as being casuist, Synod 2003 had not reversed the decision.
There is, however, no need for Synod 2003 to reverse the decision because the petition of protest was sustained only according to a subsection of the motivation for the decision. Synod 2003 is not compelled to reverse the decision. Synod 2003 (Acta 2003, p. 554) takes cognisance of "the Synod in motivation of its decision to reject the recommendation of Deputies had used the Bible in a casuist manner".
- 7.8 It was not the intention of Synod 2003 to reverse the decision, or part of it, made by Synod 1988 (Acta 1988:519, 3.6.3), even though a petition of protest against the motivation thereof had been sustained. This is apparent from the fact that no consequence was given to the clearly expressed request contained in the petition of protest, namely to make an alternative decision about the decision of Synod 1988 (compare Request 1 in 4.2.7.1).
- 7.9 The present petition of protest now requests (compare Request 2 in 4.2.7.2) that the words that had been omitted from the 1988 decision, be re-inserted again. During the discussion of the petition of protest as it served in Synod 2003, the committee had indeed considered this possibility in the committee's argumentation about the matter, but Synod merely took cognisance of such argumentation without giving consequence to it.

Decision: Points 7.1 to 7.9 noted.

8. Finding

- 8.1 The Petition of Protest does not indicate that the conduct of Synod 2003 is in contradiction with CO article 31.
- 8.2 The decision of Synod 2003 does not include that the decision of Synod 198 (p. 519, 3.6.3) must be reversed.

Decision: Points 8.1 and 8.2 noted.

9. Recommendations

- 9.1 That Synod specifically notes the following two matters:
 - 9.1.1 Request 1 (4.2.7.1) (Acta 2003; 550) and Request 2 (4.2.7.2) do not correlate.
 - 9.1.2 The present request (4.2.7.2) does not put to table the issue of women in the particular services.
- 9.2 The reason for objection is not sustained.
- 9.3 The petition of protest in its totality is not sustained.

Decision: Points 9.1 to 9.3 approved.