

“The freedom of conscience”: Senator FS Malan and the Johannes du Plessis heresy case, 1928-1932

ABSTRACT

This article will explain why Senator FS Malan, a prominent politician, became Professor Johannes du Plessis’s defender during the heresy case of 1928-1932 by focusing on his progressive theological views, his relationship with Du Plessis, as well as the tactics he used in his attempt to defend the principle of freedom of conscience in the Dutch Reformed Church. In the process the reasons why Malan’s brother Danie became the leading fundamentalist prosecutor in the case, will be addressed.

1. INTRODUCTION

Between 1928 and 1932 Senator FS Malan, one of South Africa’s most prominent politicians and an indefatigable fighter for the principle of freedom of conscience, played a leading role in opposing the hounding of Professor Johannes du Plessis for heresy by the Dutch Reformed Church. What made his involvement in the case intriguing was that he was an adherent of the theological method of higher criticism and the evolution theory while reverend DG (Danie), the stern and unbending fundamentalist prosecutor of Du Plessis, was his sibling. This essay will investigate the reasons why the two Malan brothers were in opposing theological camps, as well as Senator Malan’s attempts to protect Du Plessis against his fundamentalist accusers.

2. MALAN’S PROGRESSIVE THEOLOGICAL VIEWS

Francois Stephanus Malan was born on 12 March 1871 in the Cape Colony, and grew up on a wine farm in the Paarl district. He was raised by fervently pious parents.² Every Sunday the family listened attentively to the sermons of Reverend Gilles van de Wall,³ the local orthodox minister of the Dutch Reformed Church, sermons that were dominated by a ‘pure’ reformed faith and Calvinist principles.⁴ Malan was instilled with a strong sense of ethnic-cultural identity, and learned that it was his duty to be of service to the Afrikaner.⁵ As a student at Victoria College, Stellenbosch, he vowed to ‘serve my country and help my people’.⁶ Initially he considered becoming a church minister, but decided to enter politics. To prepare him for such a career he

1 The author is on the staff of the Department of History at the University of South Africa. He is currently busy with a biographical study on F.S. Malan. This research was sponsored by the University of South Africa and is gratefully acknowledged. I also wish to express my gratitude to John Lambert, Eben Scheffler and Danie Goosen for their comments and criticism.

2 For the piety of Malan’s parents see F.S. Malan, *Die geheime van ‘n ideale huwelik of korte lewenskets van DG en EJ Malan*, Cape Town, 1928.

3 National Archive (hereafter NA) Cape Town, FS Malan Collection (hereafter MC), Vol 16, Diary 11 Dec 1892, 18 Feb and 18 Oct 1893; Vol 17 Diary 4 Feb, 23 Mar and 29 Apr 1894

4 L. Korf, ‘Podium and/or pulpit? D.F. Malan’s role in the politicisation of the Dutch Reformed Church, 1900-1959’, *Historia*, 52 (2), 2007, 218.

5 F.S. Malan, ‘Twee keerpunte in my lewe’, *Die Huisgenoot*, 7 May 1937.

6 NA Cape Town, F.S. Malan Collection (hereafter MC), Vol 16, Diary 11 Dec 1892.

went to study law at Cambridge University.

Malan arrived at Cambridge University in 1892 with a childlike religious piety. His diaries reflect that God was consistently on his mind. In his new environment he was influenced by the sermons of the loquacious Baptist preacher John Clifford and the writings of William Robertson Smith. Through these theologians Malan encountered the historical critical method or higher criticism, the studying of the context in which the books of the Old Testament were written. Clifford questioned the historical truth of Christianity, and attempted to reconcile the claims of religion and science while he emphasised the personal relationship to Christ and freedom of conscience.⁷ Smith, a fellow of Malan's college, Christ College, and the professor of Arabic at Cambridge University, had previously taught at the Aberdeen Free Church College where his higher criticism of the Bible led to his persecution and dismissal for heresy in 1881.⁸ In his diary Malan expressed admiration for Clifford and Smith, concluding that Smith's 'method & principle are undeniably the fundamentals to the discovery of truth.' For him Smith's use of higher criticism brought about a better understanding of the meaning and ethical teaching of the Bible, as well as a better understanding 'of the *way in which* the Bible grew up' while it also gave easy explanations for 'so-called 'Bible difficulties''. Higher criticism thus bolstered the Bible, '... and has the Bible suffered by these criticisms? No we love it all the more because we understand it'. Smith thus deserved praise '... we thus begin to appreciate the depth of his learning, the ethical seriousness of his nature and the fearless uprightness of his character.'⁹

On the eve of his return to the Cape in July 1895 he confided to his diary how his sense of religion had evolved during his time at Cambridge:

I can say that in this respect I have undergone a complete revolution. ... All the new ideas evolved round the conviction, that *man must be religious*, whatever that religion might be. To the doctrines of church I have nothing to say. The theologians may dispute about the divinity. I am satisfied to acknowledge that I follow my reason, and don't care for what others say in these matters. The true religion, which is in the striving after the ideal, the identification of man with the divine element in him, is as potent as it will ever be. In no department of religion do I hold fixed views, but believe that as man develop so will his religious conception.¹⁰

Malan's acceptance of higher criticism meant that he had to reject of the narrow theological dogma of the Cape Dutch Reformed Church which did not accept that academic approach to the Bible. In June 1894 after a long discussion with two visiting Dutch Reformed Church theology students he realised that to them he was not a true Christian.¹¹ He was, however, convinced that the Dutch Reformed Church's dogma and ideas were stuck in the past and that unless the church adapted to a changing world it would alienate its more educated members.¹²

Ironically, contrary to what the students thought, Malan's ability to adapt to a changing world and too accept new ideas strengthened his faith and made him determined to lift himself up to the ideal of Christ:

It is by striving after a perfect ideal that our capacities become enlarged and ennobled. Christ saved himself by awakening man to his divine nature. In man there is the divine element and it is by bringing the divine element into touch with spiritual realities that we are lifted above

7 D.M. Thompson, 'John Clifford (1836-1923)' in H.C.G., Matthew and B. Harrison (eds), *Oxford dictionary of national biography*, Vol 12, Oxford, 2004, 100-101.

8 H.R. Sefton, 'William Robertson Smith (1846-1894)' in H.C.G., Matthew and B. Harrison (eds), *Oxford dictionary of national biography*, Vol 51, Oxford, 2004, 385-386.

9 NA Cape Town, MC, Vol 17 Diary Apr 1894, see 78 – 81.

10 NA Cape Town, MC, Vol 19. Diary 4 July 1895.

11 NA Cape Town, MC, Vol 84, Malan – Johanna Brummer, June 1894 (The letter is placed amongst undated correspondence.)

12 B. Cloete, *Die lewe van Senator FS Malan (President van die Senaat)*, Johannesburg, 1946, 89.

sensuality and desires of the animal part of our nature. His method is by telling man: I am the way and you have to come to the Father through me. My religious ideas have undergone a wonderful change since the time I left the Cape. And indeed it could have been no otherwise. ... It will suffice to say that I have all along grown more religious in the sense that my soul has come to realise more and more the powers that is in looking up to a perfect Ideal.¹³

Convinced that he was directly accountable to God for how he lived his life, Malan set himself guidelines to create and protect a healthy attitude to life. The first step was to base his life on the rich and clean character of Jesus, to have a profound relationship with God, to practice self-denial, to have unlimited faith in the final victory of good over sin, and to maintain simplicity in the conduct of life, thought and speech and humility — that you keep your achievements to yourself.¹⁴

3. SERVING GOD AND THE AFRIKANER

In November 1895 Malan was provided the opportunity to serve his God and *volk* when he became the editor of *Ons Land*, the most influential Dutch newspaper in the Colony and mouthpiece of the Afrikaner Bond which represented Cape Afrikaner interests.¹⁵ His desire to live up to the ideal of Christ was a crucial factor in accepting the editorship:

In considering the matter last night I could not help but think of Christ. As a young man, who had first become conscious of some hidden powers in him, he was led into the desert, where he had to decide what he should do with his talents. Shall it be used in pursuit of worldly wealth and riches (last temptations) or shall he deny self and become the saviour of his people. He chose the latter and his act of self-denial became the source of all his strength all his troubled life through. In the face of such an example I decided to try his example.¹⁶

The editorship of *Ons Land* launched Malan's public career. During the South African War (1899-1902) the newspaper supported the Boer republics. Malan's journalism made him a hero amongst Cape Afrikaners and in December 1900 he was elected to parliament in the Malmesbury by-election. *Ons Land's* criticism of the British military resulted in Malan being sentenced to one year's imprisonment for the criminal libel of General John French in April 1901. Malan became the parliamentary leader of the Afrikaner Bond in 1902. When the Afrikaner Bond, which had formed a coalition with independent anti-imperial politicians won the general election in 1908, Malan became minister of agriculture in John X. Merriman's cabinet. He became a member of the first Union cabinet (1910) and remained a minister until the defeat of J.C. Smuts's South African Party government in 1924. He was minister of education (1910-1921), mines and industry (1912-1914), agriculture and forestry (1920-1921), acting minister for native affairs on numerous occasions, as well as acting prime minister on three occasions between 1917 and 1919. In the 1924 general election Malan lost his parliamentary seat.¹⁷ Three years later he became a member of the Senate, the nominated upper house of parliament. He was elected President of the Senate in January 1940 and held the presidency until his death on 31 December 1941. Malan's release from the pressures of government after his defeat in 1924 made it possible for him to become an elder in the Grootte Kerk congregation in 1924. It was in this capacity that he became involved in the Du Plessis heresy case.

13 NA Cape Town, MC, Vol 84 Malan – Johanna Brummer, June 1894 (The letter is placed amongst undated correspondence.)

14 NA Cape Town, MC, Vol 19, Diary 10 Mar 1895.

15 NA Cape Town, MC, Vol 19, Diary 12 and 14 Nov 1895.

16 NA Cape Town, MC, Vol 83, Malan – Johanna Brummer, 14 Nov 1895.

17 For an overview of Malan's political career see F.A. Mouton, 'A free united South Africa under the Union Jack': F.S. Malan, South Africanism and the British Empire, 1895-1924', *Historia*, 51, (1), May 2006, 29-48.

4. FRIEND AND PROTECTOR

Professor Johannes du Plessis, the church's leading intellectual, was accused of undermining the authority of the Bible and detracting from the divinity of Christ by accepting the results of higher criticism, and by teaching that the Scripture was not in all parts infallibly inspired.¹⁸ Du Plessis and Malan had been friends since their student days at Victoria College and they shared progressive views on religion. Both believed that it was unacceptable to follow dogma simply because their parents and great parents accepted it. The Dutch Reformed Church had to adapt to an evolving world by making use of the theory of evolution and of higher criticism to keep the more scientifically-trained youth within the fold.¹⁹ For them Henry Drummond's attempt in *The ascent of man* to harmonize Christianity and evolution, which Malan had read in prison and bolstered his belief that there was no conflict between the evolution theory and the Bible's version of the creation,²⁰ served as an example for the church and its servants to follow.²¹ Du Plessis, as editor of *De Kerkbode*, the official mouthpiece of the Dutch Reformed Church, between 1905-1906 and 1910-1912 gradually attempted to nudge the church into taking note of new theological thinking. He, however, quickly discovered that his views were seen as unsound.²² As early as 1905 *Ons Land* received a letter from an aggrieved church member complaining that Du Plessis's views ran counter to the Dutch Reformed Church's creed. As Malan's sympathies were with his friend he used his editorial prerogative not to place it.²³ In 1916 *Ons Land*, of which Malan had become one of the major shareholders, once more declined to publish a letter, this time opposing Du Plessis's appointment as the lecturer responsible for the New Testament and biblical exegesis at the Dutch Reformed Church's seminary at Stellenbosch.²⁴ Although by 1928 Malan felt that Du Plessis had become too confrontational in expounding his views, he did not hesitate to support his friend when the curatory, the church's supervisory body of the seminary, initiated proceedings of heresy against him.²⁵

The first stirring of the case dated back to 1923 when Du Plessis launched the journal *Het Zoeklicht*, later known as *Die Soeklig*, to counter the growing influence on the Dutch Reformed Church of American fundamentalism and the narrow Calvinism of Abraham Kuyper of the Vrije Universiteit of Amsterdam. Du Plessis used the journal to explain what higher criticism entailed and urged that it should be accepted as a scientific theological method. He furthermore campaigned for tolerance in the church towards difference of opinion on any theological issue within the framework of the accepted reformed creeds.²⁶ For many Dutch Reformed Church members, especially Dr DR Snyman, Dr DG (Danie) Malan and Prof EE van Rooyen, ultra-conservative and unbending fundamental theologians, Du Plessis's stance was unacceptable as

18 For a brief overview of the Du Plessis case see I.L. Ferreira, *Die teologiese seminarium van Stellenbosch 1858-1963*, Pretoria, 1979, 168 – 187.

19 G.B.A. Gerdener, *Die boodskap van 'n man*, Stellenbosch, 1943, 167, 219, 219-220, 228; F.S. Malan, 'Prof. du Plessis en die krisis in die Ned. Geref. Kerk', *Die Soeklig*, 15 Apr 1935, 71.

20 NA Cape Town, MC, Vol 84; Malan – Johanna Malan, 2 Mar 1901; F.S. Malan, *Ons kerk en prof. du Plessis*, Cape Town, 1933, 282-285.

21 R. W. Louw, 'Die vormingsjare van die kerkleier JD [Koot] Vorster 1909-1956', Unpublished MA, Unisa, 1994, 157.

22 Malan, *Ons kerk en prof. Du Plessis*, 46-49.

23 A.S. Erasmus, 'Die bediening van Johannes du Plessis (1868-1935) in die Ned Geref Kerk, met besondere verwysing na sy teologiese denke', Unpublished DTh, University of Stellenbosch, 1986, 127 -128.

24 D.R. Snyman, *Pasop dat niemand julle mislei nie*, Cape Town, 1965, 13.

25 Malan, *Ons kerk en prof. Du Plessis*, 67-71.

26 F. Deist, 'Die wa van Ussa of te wel Johannes du Plessis en die belydenisskrifte', *Theologia Evangelica*, 19 (2), Mar 1986, 36.

it was seen to undermine the authority of God's word and the creed of the Dutch Reformed Church. For these men an adherent of higher criticism could not be a sincere believer.

5. DANIE MALAN AND THE FUNDAMENTALIST PROSECUTION

Danie Malan was Malan's younger brother. He had studied theology at Victoria College and in 1905 completed his doctoral studies at Princeton University in the United States of America as a student of Prof RD Wilson, an outspoken opponent of the modernists, adherents of higher criticism. Danie shared his older sibling's piety, but unlike him returned from his overseas studies determined to uphold the narrow theological dogma of his youth. He believed that in a changing world the Dutch Reformed Church had to hold on to the old ways, the fundamental principles of Christianity, by accepting God's word in the Bible, and by rejecting modernism. For him higher criticism and the theory of evolution were the subjective ideas of humans and would lead to the undermining of God's Word. Danie believed that the acceptance of the theory of evolution meant the rejection of God. As the minister for the Paarl congregation and eventually a member of the seminary's curatory he led with determination the campaign to convict Du Plessis of heresy.²⁷

Snyman had also studied in the United States, first at Princeton Theological Seminary and then at the Theological Seminary of Louisville, Kentucky in the early 1920s. He was as determined as Danie Malan to counter any progressive theological thinking.²⁸ In 1927 he accepted a calling to the Stellenbosch congregation and became a member of the curatory. EE Van Rooyen, a seminary colleague of Du Plessis and the lecturer responsible for Old Testament studies, did his doctoral studies at the Vrije Universiteit and he 'acknowledged the absolute authority of the Word of God without reservation'.²⁹ He was outraged that Du Plessis could claim that the tale of Jonah and the whale was an allegory.³⁰ In 1926 Snyman with the support of Danie Malan and Van Rooyen started the ultra-conservative periodical *Die Ou Paaie* to maintain orthodoxy in the church. To secure Du Plessis's removal from the seminary, Snyman and Danie Malan took the lead in the curatory in initiating charges of heresy, requesting the presbytery of Stellenbosch to initiate disciplinary proceedings. As the presbytery refused to take any steps the curators appealed to the Cape synod.

6. FIGHTING FOR THE PRINCIPLE OF TOLERANCE AND FREEDOM OF CONSCIENCE

For Malan, the Du Plessis case embodied a struggle between the conservative and the progressive elements in the church, as well as in his own family. The Malan's were a close knit family and Malan loved and respected his siblings Danie and Mattie who were passionate fundamentalists. Although a 'whole-hearted progressive' he made a point of respecting their fundamentalist views and of not publically identifying himself with Du Plessis's theological views, but to focus on the principle of tolerance and freedom of conscience in dogmatic disputes.³¹ In the Dutch 27 D.W. de Villiers, 'Daniël Gerhardus Malan' in D.W. Kruger and C.J. Beyers (eds), *Dictionary of South African biography*, Vol. III, Cape Town, 1977, 570-571; D.G. Malan, 'Waar staan ons nou?', *Het Zoeklicht*, Jan. 1928, pp 22 – 25; *Die kerksaak tussen prof. J. Du Plessis en die Ned. Geref. Kerk in Suid-Afrika. 'n Woordelike verslag van die verrigtinge, met die uitspraak, in die hooggeregshof, Kaapstad-Desember 1931*, Cape Town, 1931, 116.

28 E. Brown, 'Dwight Randolph Snyman' in C.J. Beyers and J.L. Basson (eds), *Dictionary of South African biography*, Vol V, Pretoria, 1987, 724.

29 A.P. Smit, 'Essias Engelbertus van Rooyen' in C.J. Beyers (ed) *Dictionary of South African biography*, Vol IV, Durban, 1981, 713.

30 A. Olivier, *Bode op die spoor van die Woord: 150 jaar met die Kerkbode*, Cape Town, 1998, 86.

31 NA Cape Town, MC, Vol 49, Malan – DG Malan, 26 Oct 1929.

Reformed Church there had to be place for the views of Danie, Mattie and Du Plessis. A stance he justified on the following grounds:

The Nederduits Gereformeerde Church was established ... on the basis of the three so-called Formulae of Unity. This Creed is like all other documents, capable of being interpreted in more than one manner on some points. This being the case, no version or interpretation that may be brought within the meaning of the Creed's text should be considered heterodox.³²

For Malan the legacy of the Reformation was credal tolerance, and as many Afrikaners were descendants of Huguenot Protestants, victims of religious prosecution in France, intolerance had no place in the Dutch Reformed Church. Personally credal tolerance made it possible for him to be a member of the Dutch Reformed Church. On his return to South Africa in 1895 the New Church congregation in Cape Town elected him a deacon. He hesitated to accept the nomination as his interpretation of some of the church's doctrines differed from the conventional ideas, and approached Rev. A Moorrees of the Paarl congregation for advice. Moorrees, a future member of the Stellenbosch seminary and supporter of Du Plessis, pointed out that the Dutch Reformed Church respected the liberty of conscience of its members and if he could honestly answer the question put to him with his introduction as a deacon no one in the church had the right to enquire further as to his personal interpretations of doctrine.³³ This satisfied Malan and he accepted his deaconship.

To maintain freedom of conscience and a culture of tolerance in the Dutch Reformed Church Malan was determined that the proceedings against Du Plessis had to be halted, and that church laws provided the means to do so. With his legal background he studied church laws and concluded that the curators had no right of appeal to the Cape synod, and that the synod could not act against Du Plessis as it was the Stellenbosch presbytery's prerogative.³⁴ At the Cape synod of October 1928, which Malan attended as an elder for the Groote Kerk congregation, he was appointed as one of the eight members of the law commission to investigate the curators' right of appeal. His appointment resulted from his expertise on church law and from his high standing in the Dutch Reformed Church as a result of his piety, devotion to the church and his ability to get on with those with whom he differed.³⁵ He was, however, unable to convince his fellow commission members to accept his view of church laws. With his as the only dissenting vote the commission approved the right to appeal, as well as the recommendation to set aside the ruling of the Stellenbosch presbytery not to act against Du Plessis. During the general synodal meeting Malan furthermore opposed the decision that it should decide on a number of credal resolutions before dealing with the appeal. His objection that this would make it impossible for the synod to act as an impartial appeal court was in vain. With an overwhelming majority of 265 to 31 votes the use of the theory of evolution for the solution of theological problems and higher criticism were rejected. When the curators appeal came up for discussion Malan tabled a motion that it be rejected, but it was defeated by a majority of 218 votes against 37. The synod then ordered the Stellenbosch presbytery to investigate Du Plessis for heresy. It was further decreed, against the vehement protests of Malan, that if the curators were dissatisfied with the presbytery's judgment they could appeal to an extraordinary sitting of the Cape synod. Malan pointed out that this exposed the synod's prejudice against Du Plessis, making it impossible for the body to act as an impartial appeal court.³⁶

Malan's behaviour earned him the gratitude and admiration of Du Plessis in a letter to his

32 NA Cape Town, MC, Vol 33, F.S. Malan, 'Serving the Church' (Unpublished recollections).

33 NA Cape Town, MC, Vol 33, Malan, 'Serving the Church'.

34 Malan, *Ons kerk en prof. Du Plessis*, 99–101.

35 G.B.A. Gerdener, *Bouers van weleer. Lewenskete van enkele groot figure uit die geskiedenis van die N.G. Kerk in Suid-Afrika*, Cape Town, 1951, 222.

36 Malan, *Ons kerk en prof. Du Plessis*, 100–114.

‘Seer geagte oude Vriend’:

Ek kan nie nalaat nie om, nou dat die Sinode afgeloop is, u my innige dankbaarheid te betuig vir die treffende en kundige manier waarop u die saak van reg en geregtigheid bepleit het. Dit het my met bewondering, maar nog meer met innige dankbaarheid vervul.³⁷

Prof G Cillié, an educationist of the University of Stellenbosch, also expressed his admiration:

Laat my toe om u van harte te bedank vir [die] manmoedige en besliste manier waarop u in die sinode teen die “mob” opgetree het. Ons wat net soos u dink het dit baie waardeer dat u sulke herhaalde poginge aangewend het om die ketterjagters tot besinning te laat kom. ... Al wat ‘n mens kan sê is dat ‘n teoloog baie snaaks dink. Dis geen wonder dat hulle die Heer Jesus laat kruisig het en mense laat verbrand het.³⁸

In the midst of the heresy case Malan still had to fulfil his political obligations as leader of South African Party in the Cape Province in the general election of June 1929. Personally he attempted to regain his Malmesbury seat, but narrowly lost with 160 votes. Although his support for Du Plessis was not an election issue, the heresy case crossed party lines, it could not have endeared him to some of Malmesbury’s conservative voters.

Obligated to investigate Du Plessis, the Stellenbosch presbytery, after public hearings in September 1929, rejected the heresy charge. Malan then attempted through Danie to prevent the curators from appealing to the extraordinary Cape synod. The heresy case was an emotional and bitter dispute that shook the Dutch Reformed Church to its foundations and divided friends and families. Despite being in opposing camps Malan and his brother did not become alienated. Danie, however, did not take kindly to his brother’s request to halt the case. In a cold and formal letter he accused him of acting as Du Plessis’s champion and made it clear that he would not be deflected from his task:

Vir my is daar nie twee opinies oor die saak nie, en ek sal my beywer om die saak sy regte loop te gee. ... Gelukkig, ons geloof: die Heer regeer, en Hy self waak vir die belange van sy Kerk!³⁹

For Danie the case was too important to be decided by a presbytery, the synod had to have the last word.⁴⁰ Malan then made use of *De Kerkbode’s* letters column to warn that church laws made no provision for the synod to try Du Plessis, and if it should convict him the case would end in the civil courts. To avoid lasting damage to the church he supported calls for the church to resolve the case out of the public eye through negotiations.⁴¹ The curators ignored these warnings and promptly appealed to the extraordinary Cape synod that met in March 1930. As the senior elder of the Groote Kerk congregation Malan was again in the midst of proceedings. Fearing that the synod would in disaster for the church he introduced a motion for the appointment of a commission, which would include professors of the Stellenbosch seminary, to provide guidance on the case. The proposal was rejected. Malan was, however, again nominated to the synod’s law commission where he was one of a minority of three opposing the curator’s right to appeal. The synod, with Danie as the leading prosecutor, then proceeded with 228 votes to 93 to find Du Plessis guilty and to suspend him from the seminary.⁴² As Du Plessis refused to submit to the Synod decision he lost his salary and home allowance from 31 May 1930.

Du Plessis, as Malan had warned, instituted a lawsuit in the Cape Supreme Court. On 19 September 1930 Judge-President FG Gardiner, the presiding judge in the case, made a heartfelt

37 NA Cape Town, MC, Vol 49, J. Du Plessis – Malan, 4 Mar and 15 Nov 1928.

38 NA Cape Town, MC, Vol 49, G Cillié – Malan, 14 Nov 1928.

39 NA Cape Town, MC, Vol 49, DG Malan – Malan, 25 Oct 1929.

40 NA Cape Town, MC, Vol 49, DG Malan – Malan, 25 Oct 1929, 8 Nov 1929.

41 Malan, *Ons kerk en prof. Du Plessis*, 158-163, 164-165.

42 Malan, *Ons kerk en prof. Du Plessis*, 168-180.

plea for reconciliation between the two parties. Malan did his utmost to bring this about. He compiled a memorandum for Danie and Du Plessis in which he proposed that the Dutch Reformed Church set aside the conviction. In exchange Du Plessis would resign from the seminary with the retention of his salary, home allowance and pension. After such an agreement the court could deliver a verdict without a public trial. Du Plessis, desperate to return to the seminary, was unhappy with the memo and reprimanded Malan for approaching the church without consulting him. He was furthermore of the opinion that it was not the right time to negotiate with the church.⁴³ Danie on the other hand was adamant that the synod's decision had to be the basis of any solution.⁴⁴ In its formal reaction to Malan's mediation the Dutch Reformed Church made it clear that they would only negotiate if Du Plessis withdrew his court application and submitted himself to the church.⁴⁵

Despite Malan's best efforts, the divide between Du Plessis and his accusers was unbridgeable and the case went to court in November 1931 with Danie as one of the Dutch Reformed Church's chief witnesses. In January 1932 judgment was given in Du Plessis's favour on the grounds that the curators did not have the right to appeal to the synod after the presbytery of Stellenbosch had cleared Du Plessis. As a result of the court ruling a special Cape synod in October 1932 cancelled the verdict of 1930 as well as the creedal decisions of 1928, but decided with 217 votes to 111 that Du Plessis would not be allowed to return to the seminary. Although Malan had vehemently opposed this during the debate he accepted the decision. Desperate to end to the case and restore peace in the church he urged Du Plessis not to resort to the courts again.⁴⁶ An exhausted Du Plessis went into retirement, dying in 1935.⁴⁷ In *Die Soeklig* of 15 April 1935 an emotional Malan lauded him as '... die moedige, groothartige stryder vir die "Vryheid waarmee Christus ons vrygemaak het" ...'

7. VICTORY OR DEFEAT?

For Malan, despite the fact that Du Plessis could not return to the seminary, the decision of the synod of 1932 signified the defeat of the fundamentalists and the vindication of the principle of freedom of conscience and tolerance. It meant that there was room in the Dutch Reformed Church for progressive and conservative interpretations of the creed.⁴⁸ This was not a view many church members shared and his sister Mattie emotionally reprimanded him for supporting a heretic:

Boetie, kan jy eerlik getuig dat die verdediging van die eer van prof. du Plessis by gedragen heeft om die fyngvoeligheid, ja kleinzerigheid voor al wat zondig is onder ons te verscherp? Hebben we daardoor iets gewonnen in ons stryd tegen *zonde en ongerechtheid*? Meen jy werkelik dat die Professor naar die Kweekschool kan terug gaan zonder dat hy zyn verzuim of dwaling in die goddelike waarheid ootmoedig en openlik belydt? Wat moet dan van ons arme kerk en volk worden in die heftige stryd tegen die boosheden in die lucht? Zal dit niet die gevreesde en schrikkelike afval beteken?⁴⁹

Ultimately the Du Plessis case, despite Malan's optimism, was a victory for the fundamentalists and Kuyperians. After Du Plessis's removal the curators only appointed 'safe' and 'reliable'

43 NA Cape Town, MC, Vol 49, Du Plessis - Malan, 30 Sep. 1930.

44 NA Cape Town, MC, Vol 49, Malan – DG Malan, 24 Sep 1930.

45 Malan, *Ons kerk en prof. Du Plessis*, 193-199.

46 Malan, *Ons kerk en prof. Du Plessis*, 269-270.

47 Gerdener, *Die boodskap van 'n man*, 230-231.

48 Malan, 'Prof. du Plessis en die Krisis in die Ned. Geref. Kerk', 73.

49 NA Cape Town, MC, Vol 49, Mattie Malan – Malan, 10 Nov 1932.

lecturers, resulting in mediocre teaching. One such appointment was Danie Malan who according to Beyers Naude was an uninspiring lecturer.⁵⁰ Under these circumstances the seminary became an intellectual backwater while the church became increasingly conservative and narrow-minded.⁵¹ This was reflected in the reactionary career of Koot Voster, Van Rooyen's protégé who vehemently rejected the ideas of Du Plessis, and came to dominate the Dutch Reformed Church until the 1970s.⁵² That Malan remained concerned about fundamentalism in the church was evident in his book *Ons kerk en prof. Du Plessis* (1933). The book provides a detailed overview of the case and makes for dry reading, but comes to life with his passionate descriptions of Du Plessis's intelligence, integrity and decency. For Malan the publishing of the book was one of the most important events of his life⁵³ as it was a heartfelt warning to the Dutch Reformed Church to avoid fundamentalism and intolerance and to adapt to the findings of modern scientific research. Unfortunately these warnings fell on deaf ears. And yet, *Ons kerk en prof. Du Plessis* is a monument to the good fight Malan had fought to keep the principle of conscientious freedom alive in the church.

8. CONCLUSION

At Malan's funeral service in the Grootte Kerk on 2 January 1942 the Rev. AJ van der Merwe described his faith in God as childlike.⁵⁴ Malan's unquestioning belief was indeed childlike, but it was also a faith that was mature enough to adapt to the challenges of the modern world. For him higher criticism and the evolution theory strengthened his belief in God and encouraged tolerance of creedal differences. This led to his passionate defence of freedom of conscience in the Du Plessis heresy case. Ultimately, despite Du Plessis's removal from the seminary, he helped to keep alive the principle of tolerance in the Dutch Reformed Church.

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KEY WORDS

FS Malan
 Johannes Du Plessis
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TREFWOORDE

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