



A Reformed confessional perspective on racial apartheid in the history, theology, and practice in the South African Dutch Reformed Church

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Abstract

The Dutch Reformed Church in South Africa has had a long history and association with the system of apartheid and its theological justification. This article attempts to point out how the theological and practical support for racially divided churches is Biblically untenable and inconsistent with the Dutch Reformed Church's own Confessions. A Biblical and Confessional perspective on apartheid and racial separation in theology and within the current structure of the Dutch Reformed church is explored in light of the history and development of racially divided churches. The current ecclesiastical situation is then evaluated with reference to recent synodical decisions and its implications regarding the reunification with the Uniting Reformed Church.

Keywords

Reformed; confessions, apartheid; church unity, free will

Introduction

It would be quite easy to assume that the believers and the theologians who took part in the practice and the theology of apartheid were bad people. Despite it being called a heresy, apartheid theology and the theologians proposing it, did not necessarily have bad intentions in developing this theology.¹ Rather than lessening the grave error of this theology, it only

¹ Kinghorn shows how apartheid theology was often well intentioned, wishing separation but also attempting to live and let live ("gun aan ander"). The DRC saw itself as thoroughly aware of its responsibility towards the people of colour in its public

highlights the devastating subtlety and power of sin. Both the practice of separate development and its theological motivation were well intentioned. It was motivated by love – at least by some; love for the “weaker” white brothers and love for the believers of colour. The devastating power of sin comes to light when one delves deeper into the Bible and the Confessions of the Church and how these both relate to the history of the Dutch Reformed Church in South Africa (DRC).

The basic argument for apartheid theology was that God did create mankind equally in His image, but that the tower of Babel (Gen 11) points to God’s plan of separating humanity into different nations and races. This was God’s original intention in His command to go forth and inhabit the earth. The creation narrative is then read from a very prejudiced tower of Babel perspective. This view is then supported by Acts 17:26 where God is supposedly to have set the boundaries between races.² Most of the Biblically untenable positions held by apartheid theology has been extensively and exhaustively dismantled from within and without the Dutch Reformed Church (Combrink 1986:221–223; Bax 1983:114–133).³

In contesting apartheid theology, specific Biblical principles which attempted to point out that it is a heresy have often been resorted to. Often the emphasis is placed on the principle of mankind created in the image of God (Tutu 1983:39, 40; Maimela 1983:54–56; Boesak 1983:3, 4). De Gruchy states that apartheid theology was an anthropological heresy, which led to an ecclesiological heresy with the eventual denial of the reconciliation of different peoples through Christ (1983:82, 83).

The problem that the DRC has had with these accusations is that the church did not officially say that different races are not made in the image of God. They have relatively consistently said that all humanity was created equal

statements and had more missionary activities than any other church in South Africa (Kinghorn 1986:96, 97). Vosloo also asks whether we are aware of our own ideological distortions in using the Bible for a seemingly good cause (2015:212).

2 Kinghorn quotes J.D. Vorster writing in *Die Gereformeerde Vaandel* in 1947 to show how Scriptures justify the belief that God gave the races their own boundaries and places in Acts 17: 26 (Kinghorn, 1986:107).

3 Vosloo proposes that apartheid theology resulted from reading the Bible from beleaguered, isolationist, fixed and polarised identity constructions (2015:211-212).

before God, even that all the believers are one in Christ.⁴ This unity, however, was officially and is currently in practice seen as a spiritual unity, which did not preclude the DRC from contending that separate racial churches were a necessity or even good for the spreading of the gospel. This is why it has also been attempted to point out that the orthopraxis is the point of heresy (Villa-Vicencio 1983:60). With the DRC capitulating that there is no biblical support for a theology of apartheid in 1986 and committing itself to church reunification, together with the political changes in South Africa, have led many people, including the World Alliance of Reformed Churches (WARC),⁵ to believe that the question has thus been resolved.⁶ The uncertainty whether apartheid theology was indeed a heresy also led the WARC not to demand from the DRC to write or accept a new Confession (the Belhar Confession) by way of a *status confessionis* in order to be allowed full membership back into the WARC.

It is the contention of this article that the current situation in 2021 points to the very same disregard for the Biblical imperative and the Confessions of the DRC that led to the formation of different denominations on racial grounds in the first place in 1857. It is further shown that the DRC is currently in a *status confessionis* because the rejection of the Belhar Confession, which has been attested to as Scriptural, is sinful opposition to the DRC's own Confessions.

4 In the minutes of the Federal Council of Churches in 1911 concerning the missionary work among Hebrew Christians it is professed that Jew and Greek, black and white are one in Christ (*Handelingen der Derde Vergadering van den Raad der Nederduits Gereformeerde Kerken* 1911:53). In the Federal Council of Reformed Churches 1947, it is stated that the Bible talks of the unity of mankind and that all mankind is one in Christ. Gal 3:28 is quoted and it is stated that all races, nations and stations share the communion with Christ and are thus brothers and sisters (*Handelinge van die Twintigste Vergadering van die Raad van die Kerke* 1947:54, 55).

5 The World Alliance of Reformed Church united with the Reformed Ecumenical Council (REC) to form the World Communion of Reformed Churches (WCRC) in 2010 (*Handelinge van die ses en veertigste vergadering van die Sinode NGK* 2011:141).

6 The World Alliance of Reformed Churches demanded that the DRC accepts the joint resolution asking in essence that the DRC reject apartheid in principle: "The DRC assures the churches of the Alliance that it rejects apartheid as wrong and sinful, not simply in its effects and operations but also in its fundamental nature". The DRC accepted the joint resolution in the general synod of 1998 and thus regained full fellowship in the WARC (*Handelinge van die 10de vergadering van die Algemene Sinode NGK* 1998:412, 413).

The question of division in church along racial lines is not only faced by the DRC, but it is a question that confronts all of the Reformed churches and the Christian church in general (Wright 2020).⁷ This is still the practice in South Africa, even 35 years after apartheid theology was officially declared unscriptural. The fact that the DRC was historically one denomination that was divided up on racial grounds makes it unique with regard to the world church.

Biblical perspectives

Galatians 2 contains all the elements of this most subtle dilemma of the church. Firstly, it is important to note the resistance to the simple gospel truth and the attempts to add something to the salvation through grace by faith alone. Secondly, it is crucial to note how those who confess the justification by faith, contradict their confession when they are confronted by those who wish to add some or other precondition to faith. Thirdly, Peter's fear, which is equivalent to his fear when he denied Jesus (Lk 22:54–62), led him to compromise on the gospel truth. Fourthly, Peter's actions caused the other Jewish Christians to follow him in his hypocrisy.

Paul, a Jew, having been called by the Holy Spirit to preach to the heathen, went to Jerusalem to speak to the important leaders of the Jewish church namely: Peter, James and John. The church leaders, in deference to Paul's insistence on the truth of the gospel, did not agree with the demands of the false brothers demanding circumcision for salvation. Paul says they did not yield or give in for a moment to those who tried to detract from the truth of the gospel (Gal 2:3–6). Hunn argues that Galatians 2 shows how Paul had turned from pleasing people to pleasing God (2010:33).

When Peter is alone with the gentile Christians, he eats and socialises with them as an expression of their unity in Christ. The moment the others arrived from James, he, who had stood by his confession in Jerusalem, now, out of fear for the Jewish Christians, drew back and separated (kept apart) himself from the gentile believers. Stempvoort points out how Peter started his stay in Antioch in the Spirit, but ended it in the flesh (1961:41). This is

7 Martin Luther King said that the most segregated hour of the week in America is during church service on a Sunday (Martin Luther King Jr., 1960).

the crux of the matter. The Greek word for “draw back” (ὑποστέλλω), is only a hair’s breadth away from Peter’s calling as an apostle (from the verb ἀποστέλλω) – sent out to bring the good news. The subtlety of the separation seems almost negligible, seeing as he only turned his back slightly from the gentile believers. The devastating meaning of this withdrawal is evident in the use of the word (ὑποστέλλω) in Hebrews 10:38, where a withdrawal of this kind is tantamount to a negation of faith. Paul then goes on to oppose Peter to his face, because he and the other Jews (even Barnabas who was known as someone filled with the Holy Spirit according to Acts 11:24) acted hypocritically and in doing so opposed the gospel message, to which all of them have previously agreed. Betz points out how this deviation from the straight path of orthodoxy is in direct contradiction to the resistance to the “false brothers” in Galatians 2:4–5 (1979:111).

The pertinent element in this passage is the fact that those who separated themselves were in full agreement with Paul that salvation is through grace by faith alone. Theron emphasises the fact that Peter himself had no objection to commune with the gentile believers (1986:198). The praxis of unity with the gentiles by eating with them, which constitutes a sharing in the one Body of Christ as in the Lord’s Supper, was in line with their confession. The separation and withdrawal was in direct contradiction to their faith (Hunn 2010:47).

Furthermore, the motivation for this separation was fear. They feared the brothers of the covenant, who saw themselves as separated by their circumcision. Peter’s separation resulted in the others also separating themselves from the Gentile Christians.

The subtlety of sin is evident in the way one could quite easily find credible reasons for Peter’s withdrawal. One could argue that Peter’s motivation was diplomatic, not wanting to offend the Jewish brothers. Stempvoort points out that this tactical attitude of Peter is understandable and something one finds in church leaders of all ages, but that this was not only an ethical defect in character but an offering of the gentile converts for a few Jews and a practical contradiction to the truth of the gospel (1961:42, 43). Peter did not agree with the Judaizers – he feared them. One could say that he compromised out of love for the Jewish brothers.

This, however, is no Biblical diplomacy, but a denial of the gospel of grace. Peter not only weakens the gospel but contradicts it in his actions and what is far worse, in doing so, he leads other believers astray.

The opposition to the unity in Christ between the Jewish and the Gentile believers remained a theme throughout Paul and Peter's ministry even when they were confronted by this question individually, so this is not just a clash in personalities or an attempt by Paul to establish his apostolic authority as some would suggest.⁸

Paul was challenged by prominent God-fearing Jewish women among others and the accusations against him was that he spoke against the law, the nation, and the temple of God (Acts 21:28). Paul consistently maintained that no anthropological extra is a prerequisite for belief in Christ, which includes no law, no Jewish lifestyle or any other human characteristic (Lategan 1986:18). Jesus was also accused of speaking against the law, the temple and even the Jewish nation (Theron 2004:109).

Peter himself was reprimanded by the Jewish Christians that he socialised with the Gentile believers in Acts 10:45 and 11:1–3 (Betz 1979:109). Peter also said to the Jewish believers that he socialised and ate with the Gentiles because the Holy Spirit came unto them and who was he to resist God's work in the Gentile believers (Acts 11:17). This fact is tantamount to Peter acknowledging that his behaviour in Galatians 2 is resistance to the work of the Holy Spirit.

With this Biblical perspective in mind, some Confessional perspectives are now considered.

Confessional perspectives

The Dutch Reformed Church confesses the three trinitarian creeds, the *Apostolicum*, the *Niceanum* and the *Athanasium* with the early church. It also confesses the three forms of unity of the Reformation; namely, the

8 Hardin extensively discuss the proposal that Paul attempts to establish his apostolic authority in Galatians 1:2 (2014:282–284).

Heidelberg Catechism, the Canons of Dordt and the Belgic Confession (*Kerkorde van die Nederduitse Gereformeerde Kerk* 2019:1).⁹

There are a few important perspectives related to this question to be found in the Confessions of the DRC. The unity of the church, the supreme authority of the Word of God, humankind's total depravity and the negation of free will by way of the election of God are all issues of central concern to the Reformed Confession. Jonker emphasises how the centrality of the Word, the total depravity of mankind and the sovereign election of God in these Reformed Confessions relate to the *sola Scriptura*, *sola fide*, and the *sola gratia* of the Reformation (1994:28–35). Through Luther, the justification of the sinner (*jusificatio impii*) was emphasised in the Reformed Confession, while Calvin placed the focus on the election of God (Jonker 1994:39). Noordmans in his discussion on the gracious election of God shows how it contradicts our morality when God, contrary to our judgements, sovereignly chooses the socially and morally backward. He points out that the doctrine of the election of God has been described as the *cor ecclesia* – the heart of the church (1978:132–134).

In the Nicene Confession the Reformed believer confesses with the world wide church that: “We believe in one holy, catholic and apostolic church” (Council of Chalcedon, 451AD:2). The unity of the church is a central tenet of faith in the DRC.

For the Reformed believer, the authority of Scripture is tantamount to all other possible authority. In the Belgic Confession Article 7, it says that one may not put custom, nor the majority, nor age, nor the passage of time or persons, nor councils, decrees, or official decisions above the Word of God.¹⁰

In the Heidelberg Catechism, Sunday 2, question 5, in answering if it is possible for the believer to love God and the neighbour, the believer professes

9 The DRC confesses the *Apostolicum*, the *Niceanum* and the *Athanasium*, as it is stated in the Belgic Confession Article 9 (De Brès 1559:4).

10 “For since it is forbidden to add to or subtract from the Word of God, this plainly demonstrates that the teaching is perfect and complete in all respects. Therefore we must not consider human writings-- no matter how holy their authors may have been-- equal to the divine writings; nor may we put custom, nor the majority, nor age, nor the passage of time or persons, nor councils, decrees, or official decisions above the truth of God, for truth is above everything else. For all human beings are liars by nature and more vain than vanity itself” (De Brès 1559:3).

that the incapability of mankind to keep the law of God by confessing: “I am inclined by nature to hate God and my neighbour” (Olevianus & Ursinus, 1563:2). The Belgic Confession states in Article 7, that: “all human beings are liars by nature and more vain than vanity itself” (De Brès 1559:3).

The DRC confesses that mankind is by nature inclined to evil and does not have a free will. It is also more than just tainted. In the Canons of Dordt the Reformed believer confesses that a person is saved through the election of God and this leads to the rejection of the free will of mankind. This is illustrated in Chapter 3, 4 rejection 3, which rejects the idea that mankind has a free will with which mankind can choose the good set before it or else not will or choose it after the hindrances of the darkness of the mind and unruly emotions are removed. Against this the synod teaches that this elevates the power of free choice contrary to the attestation of Scriptures, which see the heart as deceitful above all things and wicked as according to Jeremiah 17:9.¹¹

This denial of the free will of mankind is confessed in the Belgic Confession Article 14 : “Therefore, we reject everything taught to the contrary concerning man’s free will, since man is nothing but the slave of sin and cannot do a thing unless it is ‘given him from heaven’”¹² (De Brès 1559:5).

- 11 The exact wording of this rejection is as follows: The synod rejects the errors of those: “Who teach that in spiritual death the spiritual gifts have not been separated from man’s will, since the will in itself has never been corrupted but only hindered by the darkness of the mind and the unruliness of the emotions, and since the will is able to exercise its innate free capacity once these hindrances are removed, which is to say, it is able of itself to will or choose whatever good is set before it—or else not to will or choose it.” This is a novel idea and an error and has the effect of elevating the power of free choice, contrary to the words of Jeremiah the prophet: The heart itself is deceitful above all things and wicked (Jer 17:9); and of the words of the apostle: All of us also lived among them (the sons of disobedience) at one time in the passions of our flesh, following the will of our flesh and thoughts (Eph 2:3)” (*The synod of Dordt* 1618:10).
- 12 The whole article reads: “We believe that God created man from the dust of the earth and made and formed him in his image and likeness - good, just, and holy; able by his own will to conform in all things to the will of God. But when he was in honour, he did not understand it and did not recognize his excellence. But he subjected himself willingly to sin and consequently to death and the curse, lending his ear to the word of the devil. For he transgressed the commandment of life, which he had received, and by his sin he separated himself from God, who was his true life, having corrupted his entire nature. So, he made himself guilty and subject to physical and spiritual death, having become wicked, perverse, and corrupt in all his ways. He lost all his excellent gifts which he had received from God, and he retained none of them except for small traces which are enough to make him inexcusable. Moreover, all the light in us is

Jonker elaborates on this central part of the Reformed Confession, indicating that the will of mankind is completely corrupted (1994:64). Berkouwer, in following the key debates between Augustine and Pelagius and Luther and Erasmus about the free will, concur that mankind's will is not free according to the Reformation (1957:351).

These Reformed Confessions, to which every DRC member has subscribed to at their Confirmation, clearly confess the unity of the Church, the supreme authority of Scripture, the total depravity of mankind and it rejects the free will of mankind in favour of the gracious election of God.

These Confessional perspective in relation to the Biblical perspective will now be brought into context by looking at the DRC from a historical perspective.

Historical perspectives

The Dutch Reformed Church (DRC) was formed early on, mainly by European settlers in South Africa. The DRC was one church with members of all races in South Africa until the middle of the 19th century (Adonis 1982:56–58; Pauw 2007: 59, 60).

Loff points out the racist practices that took place in some congregations of the DRC (1983:20–22). In the DRC Somerset West, the Reverend Spyker was taken to task because he allowed a new member of colour to partake of the holy communion with the white members. Some members went to other congregations in order not to have the communion with the member Bentura. There was a great dispute concerning this point, which reverent Spyker took to the synod of 1829 (Hopkins 1969:32,33). Here he proposes that all congregations uniformly administer to members of colour and white members simultaneously and not separately.¹³ The synod further declared

turned to darkness, as the Scripture teaches us: "The light shone in the darkness, and the darkness did not receive it." Here John calls men 'darkness'. Therefore, we reject everything taught to the contrary concerning man's free will, since man is nothing but the slave of sin and cannot do a thing unless it is 'given him from heaven'" (De Brès 1559:5)

- 13 He proposes: "that there be uniformity in all congregations in the administering of the Holy Communion to persons of colour (Hottentots, "bastaards", free blacks and slaves), who through the confirmation and through the service of the Holy Baptism is accepted

that this proposal should be seen as “an unchangeable rule founded on the infallible Word of God” and that “all Christian congregations and every Christian in particular was obliged to think and act in accordance”.¹⁴

In 1855, however, separate communion was petitioned by forty-five white members of the Stockenström congregation, arguing on the basis of Romans 14:1 and 1 Corinthians 11:33, that the church council should not be too hard on their “weakness” and “that through separate celebrations of Communion in the congregation, both classes of people would be more and more bound to each other with ties of brotherly love” (Loff 1983:18). The (coloured) church council emphatically declared that doing so would be contrary to “the form for the Holy Communion in our Reformed Church, contrary to the articles of faith and especially contrary to many passages in Scripture” (Adonis 1982:54).¹⁵ However, the white members eventually established their own congregation in 1862 (Hanekom 1952:89).

In a synodical meeting of the Dutch Reformed Church in South Africa in 1857, there was a discussion point (XII:5) asking that the believers of colour partake of the Lord’s supper in a different location if people so desire due to the “weakness of some”, which reflects the arguments in the Stockenström congregation.¹⁶ After some discussion, the synod decided that although it is Scriptural to worship together, where the “weakness of some” stands in the way of the promotion of Christ among the heathen, the new converts will partake of the communion in a different building.¹⁷ Vosloo notes that

as members of the church and in accordance with the advice of the Circuit meeting of the first Circuit resort, *simultaneously* with the born Christians and not separately, after the aforementioned has used the communion first” (*De Handelingen der derde vergadering van de Algemeene Synode der Nederduitsch Gereformeerde Kerk van Zuid-Afrika* 1829:72) See also Hopkins (1969:63).

14 *De Handelingen der derde vergadering van de Algemeene Synode der Nederduitsch Gereformeerde Kerk van Zuid-Afrika* 1829:72. This point is extensively discussed by Loff (1998:84–89).

15 translation JT

16 “Whether it pleases the synod that in the congregations of the Dutch Reformed Church, where people so desire, the coloured separately partake of the privileges of the Christian faith in a separate building, still under the guidance and supervision of the church council” (Translation JT) (*Handelingen der negende vergadering der synoden der Gereformeerde Kerk van Zuid Afrika* 1857:60).

17 “The synod deems it appropriate and scriptural, that our members from the heathen, be taken up into our existing congregations, where-ever it is possible, but where these measures, because of the weakness of some stand in the way of the promotion of Christ

this decision in 1857 was not in line with the 1829 decision (2017:242). This fact was also pointed out by Reverend Shand before the 1857 decision.¹⁸ Plaatjies-Van Huffel points out that this decision could not have been taken on Scriptural grounds (2014:307).

In many congregations the separation was established. A few years later in 1881 the Dutch Reformed Mission Church (DRMC) was formed for coloured believers (Smith, 1980:84), whereby the racial division was eternalised in different church structures. The separation was applied structurally and practically from that time on.¹⁹

Adonis discusses the formation of the synods of Transvaal, Orange Free State and Natal after the Great Trek and points out that the fear of equalisation between white and black people was a contributing reason for the DRC synod of the Transvaal not to join with the Cape synod (1982:44–47).

During the years 1907 to 1962 the four synods of the Dutch Reformed Church, namely: Transvaal, Natal, Orange Free State, and the Cape had talks in a Federal Council of Churches about uniting these four synods to form a single united DRC (for white people). As early as 1909, one of the prescriptions was that for this unification to become possible no members of colour (remaining in the Cape synod) would be allowed membership

among the heathen, the congregation created from the heathen or still to be created, will partake of her Christian privileges in a separate building or establishment” (Translation JT) (*Handelingen der negende vergadering der synoden der Gereformeerde Kerk van Zuid Afrika* 1857:60).

- 18 Reverend Shand pointed out that the possibility of separate communion went against previous decisions of the synod (*Handelingen der negende vergadering der synoden der Gereformeerde Kerk van Zuid Afrika* 1857:58)
- 19 The DRMC currently exists as the Uniting Reformed Church because of the Unification between the DRMC for coloured (brown) people and the Dutch Reformed Church in Africa, which was created by the DRC for black people. In 1968 the DRC (of Natal at that time) also formed the Reformed Church in Africa for the Indian members. This forms part of the twelve separate non-white synodical structures formed by the DRC (Loff, 1998:118–123). In the DRC document “Kerk en Samelewing”, it shows how 15 churches was formed by the DRC. The different black synods in of the DRCA in South Africa existed separately before their unification into one synod in 1963 (*Kerk en Samelewing* 1986:43).

in the other synods should these synods unify.²⁰ According to Borchardt, this prescription attributed to the fact that this unification failed when the church councils had to vote on the matter in 1912 in the Cape synod. It seems the Cape synod did not allow for any discrimination at that time (Borchardt 1986:79).

The racial exclusivity was further refined through mission councils and later formalised by way of an apartheid theology during the following years (Borchardt 1986:79–85; Kinghorn 1986:86–102). Vosloo points out the fact that there was some resistance against the apartheid theology during the 1940–1950 period from people like Reverend Ben Marais and Prof. Bennie Keet (2015:205–210), but this was not enough to stem the tide. The four DRC synods did unite eventually in 1962 to form the united DRC for the white people with a general synod. This segregating approach further led to the formation of the Dutch Reformed Church in Africa (DRCA) for black believers and the Reformed Church of Africa (RCA) for Indian believers (Kinghorn & Borchardt 1986:4; Loff 1998:118–123; Plaatjies-Van Huffel 2014:308).

The DRMC, in following the World Alliance of Reformed Churches, declared that apartheid is a heresy in 1982 (Plaatjies-Van Huffel 2014:312). The DRMC then adopted the Belhar Confession in 1986 to point out to the DRC that the unity of the church is central to the Bible, their shared Reformed tradition, and confessions. All these factors eventually resulted in the DRC officially deciding that dividing the church along racial lines cannot be justified from Scripture as expressed in the Church report “Kerk en samelewing” in 1986.²¹

a. 20 IV That concerning “equalisation” (gelykstelling) the current practice and determinations remain in this regard; and that for the coloured members in the Church of the Cape Colony, seeing as they have no right to membership in the Churches of the other Colonies, they shall not be awarded such right by way of the unification through the United Church (translation JT) (*Rapport van de Commissie van den Raad der Ned. Geref. Kerken van Zuid-Afrika* 1909:7).

21 In this document it is stated that the membership of the DRC is open (46) and that faith in the triune God and his Word is the only prerequisite for membership (11), the maintaining of a nations identity is not a point of discussion in the Bible, although the

The DRMC for coloured people and the DRCA for the black people united in 1994 and became the Uniting Reformed Church in Southern Africa (URC). In this process the Belhar Confession was accepted by the DRCA (Plaatjies-Van Huffel 2012:3).

Another development in the URC complicated the whole question of the possibility of church reunification. During the unification between the DRMC and the DRCA, two synods of the DRCA, namely the synod of Free State and Phororo, did not want to unify and become the URC (Plaatjies-Van Huffel & Van der Merwe 2012:2).²² These two synods of the DRCA did not consider themselves part of the unification and continued under their own name as the synods of the DRCA. The URC took these synods to court claiming that they can no longer continue under the name of DRCA seeing as the churches were unified to form the URC (Plaatjies-Van Huffel & Van der Merwe 2012:4–7).

After a long court battle, the Appeals Court pronounced in 1998 that the court sees the church as a free association to which individual members joined by their own free will (like a club). The constitution or contract of such membership is seen as the church order (*Case number 536/96* 1998:12, 13). Further as a *collegium* or *universitas*, the church as an association was formed with the intention of existing in perpetuity (*Case number 536/96* 1998:30). The judge furthermore confirmed that in a Confessional church like the DRCA, minority rights are enshrined. In this way the aim of the church order is deemed to enshrine the relative immutability of the Confession (*Case number 536/96* 1998:7, 8). All this comes down to the fact that if any of the members of a church do not underwrite and approve of a new Confession like the Belhar Confession, it cannot be accepted as a Confession. In the event of the possible unification with another church like the DRMC, members who do not wish to unite will retain the name and all the property of the church to which they originally joined.

way it is done must comply with the Biblical demands (21), all believers and all nations are part of the nation of God (13), the essence of the church is prescribed only by the Bible (9), the New Testament only knows one church despite all differences between Jew and Greek, male and female, slave or free person (15) and that racial superiority is sin (22) (*Kerk en Samelewing* 1986)

22 The fact that the DRCA was to a great extent financially dependent on the DRC at that time, also factored into the problem.

The two synods of the DRCA of Free State and Phororo thus retained their name and all their property registered under their name. The judge pointed out that the enshrining of the rights of the minority prevents the tyranny of the majority but concedes that this can also result in the tyranny of the minority over the majority (*Case number 536/96 1998:7, 8*).

Despite the DRC's commitment to church unification since the acceptance of the joint declaration of the WARC in 1998,²³ these democratic and legal principles were written into the church order of the DRC in Article 44 with the approval of all ten the synods of the DRC from 2002 to 2013 and this was ratified by the general synod in 2013.²⁴

The general synod then proposed that the Belhar Confession, which has previously been declared Scriptural and not in contravention to any of the Confessions of the DRC,²⁵ could become part of Article 1 of the Dutch

23 *Handelinge van die 10 de vergadering van die Algemene Sinode NGK 1998:412, 413*

24 In 2002, Article 44.1 read: "Article 44.1 The changing of the Confession can only take place after each synod decides thus with a two thirds majority; Article 44.2: Article 44.1 and 44.2 can be changed only after each synod separately decides so with a two thirds majority and the general synod thereafter decides so with a two thirds majority" (*Kerkorde NGK 2002:18*). This was changed in 2013 after it was changed in all 10 synods with a two thirds majority to read: "The change of the Confession can only take place after every synod separately with a two thirds majority and two thirds of all church councils each with a two thirds majority decide so; Article 44.2: Article 44.1 and 44.2 of the church order is changed after every synod separately decides so with a two thirds majority and the general synod thereafter decides so with a two thirds majority," It further states in a footnote (68) that two thirds of the members in a congregation must approve the new Confession (Translation JT) (*Kerkorde NGK 2013:11, 12; Notule vir die 15de vergadering van die Algemene Sinode NGK 2013:15, 16*). Vosloo wonders if this was an attempt to hinder church unification (2017:282). There are two gravamina (letter protesting gross violation of the Confession) asking for a revision of this decision on Scriptural and Confessional grounds in the 2015 and 2019 synods (*Agenda vir die 16de vergadering van die Algemene Sinode NGK 2015:430, 431; Agenda vir die 17de vergadering van die Algemene Sinode NGK – Gravamina, 2019:458-466*)

25 In 1990 the general synod accepted that the Belhar Confession is not in conflict with the three formulas of unity (*Agenda vir die agste vergadering van die Algemene Sinode NGK 1990:30, 707*). In 1998 the general synod said that it already accepted that Belhar is not in conflict with the three Confessions of the church (the formulas of unity) in 1990; in 2004 the general synod reiterated that it accepts the fundamental content of the Belhar Confession (*Handelinge van die twaalfde sitting van die Algemene Sinode NGK 2004:21*). It does not seem that the general synod says that the Belhar Confession is Scriptural in so many words, but it cannot say it is not in conflict with the three forms of unity without saying it is Scriptural. In 2011 the general synod maintain that it accepts the general content of the Belhar Confession since 1998 (*Handelinge van die ses en veertigste vergadering van die Sinode NGK 2011:102*) and proposes that the whole

Reformed Church Order in 2013.²⁶ To comply with the court decisions this proposal was presented to every congregation and every synod for approval. It was prescribed in the new Article 44 that two thirds majority of each synod and two thirds majority of each church council was necessary for a positive vote.²⁷ Each one of the 10 synods had to have such a two thirds majority to allow for the Belhar Confession to be included into Article 1 and thus become part of the Confession of the DRC.

In the resulting voting, no Scriptural grounds were demanded to vote against the inclusion of the Belhar Confession. A positive vote for the inclusion of the Belhar Confession also did not demand Scriptural grounds, but Scriptural justification was already provided by the fact that this Confession had already been pronounced Scriptural and not in contradiction to the Confessions of the Church by the general synod and was proposed to the church councils and the 10 synods to be voted on for inclusion as a confession, which would be impossible if it was not deemed to be Scriptural.²⁸

The result of the voting was that three out of the ten synods voted for the inclusion of the Belhar Confession, one of which is the synod of the Western Cape.²⁹ Seven synods did not meet the necessary two thirds majority vote

DRC vote on the possible acceptance of the Belhar Confession in Article 1 (*Notule vir die 15de vergadering van die Algemene Sinode NGK 2013:16*), which it cannot do if the general synod does not judge it to be Scriptural.

26 *Notule vir die 15de vergadering van die Algemene Sinode NGK 2013:16*

27 In regulation 6 it is stated that all the members of a congregation must also vote and reach a two thirds majority to ratify the two thirds majority of the church council (*Handelinge van die ses en veertigste vergadering van die Sinode NGK 2011:104*).

28 There was a proposal in the synod of the Western Cape in 2015 asking the general synod to furnish Scriptural grounds why the Belhar Confession could not become part of the Confessions of the DRC, because in a Reformed church Confessing Article 7 of the Belgic Confession, there can really be no reason for not accepting a Confession other than a Scriptural one, when voting on the possibility of accepting a Confession. This proposal was not accepted by the Western Cape synod (*Handelinge van die sewe en veertigste vergadering van die Sinode Wes- en Suid-Kaap 2015:23*). At the time of this synod the result from some of the other synods was already known to be against the inclusion of the Belhar Confession.

29 *Handelinge van die sewe en veertigste vergadering van die Sinode Wes- en Suid-Kaap 2015:24*. How can three synods say the Belhar Confession is according to Scriptures and therefore the will of God, while seven synods say it is not according to Scripture and thereby not the will of God? This would mean that the Biblical truth is a question of a two thirds majority and that the Holy Spirit only speaks to the church if a certain

needed for the acceptance. Therefore, the Belhar Confession was not voted into the Confession of the DRC and a negative vote was in this way officially accepted by the general synod of the DRC in 2015.³⁰

The implications of the court decision and the resulting voting process is far-reaching and devastating to the Reformed character of the Church. A Reformed church with the Confessions of the DRC cannot both accept and reject a Confession based on a number of votes. The only norm for acceptance or rejection of a Reformed Confession is whether it is Scriptural.

³¹

The fact that the Court regards the Church as a free association with the church order as contract or constitution of the church is untenable for a Reformed Church. Strauss points out that the Church is not a free association of individuals, but according to its Confession it is a creation of the Word and Spirit of God. Furthermore, no member underwrites the church order, but rather confesses their belief in the message of Scriptures and by doing so, underwrites the Confessions of the Church (Strauss, 2017:5).³²

The Confessions of the DRC states clearly that the Word of God is the ultimate norm in matters of faith for the confessing member of the Church.³³In a

number of believers are convinced. Does the Holy Spirit speak from the Word of God only if a tally of two thirds of the members says so?

30 *Handelinge van die 16de vergadering van die Algemene Sinode NGK 2015:7*

31 In the wording of the proposed inclusion of the Confession of Belhar in Article 1 of the Church Order the option was allowed for someone who accepts that the Confession is Scriptural, but who does not think it is a Confession in itself: “The Confession of Belhar is part of the Confessional foundation of the Church, in such a manner that there is room for members, office bearers and meetings that confess it in accordance with the Word of God, as well as members, office bearers and meetings that do not underwrite it as a Confession. (*Notule vir die 15de vergadering van die Algemene Sinode NGK 2013:17*). In a Reformed church the only acceptable reason for a negative vote on the inclusion of Belhar in Article 1 is thus that the Belhar Confession is not Scriptural.

32 Vosloo rightly states that: “One way to ensure the theological integrity of church polity discourse is to continually seek the appropriate relationship between Scripture, Confession and church polity documents” (2017:286).

33 It has been proposed at the 2015 general synod that the only norm for decisions on a Confession will be whether it is Scriptural and that article 44 be revised to reflect this norm (*Agenda vir die 16de vergadering van die Algemene Sinode NGK 2015:430, 431*) In 2019 it was proposed that the synod takes into revision article 44 and that the only grounds for the acceptance of a Confession is whether it is Scriptural and that by

complex and roundabout way, due to the court's prescriptions, the whole problem of the reunification of the DRC and the URC has thus been made dependant on the free will of individuals in a free association.³⁴

The proposed interim church order is an attempt to incorporate these court decisions into the church order. The problem with this is that the point of departure of the proposed interim church order is the democratic principle of free association and the incorporation of minority rights. Free association and minority rights are not bad things in themselves, but in light of the Scriptural demands for unity and the confessions of the DRC, these rights contradict the confessions and are used to prevent unity, because it places the authority and with it the financial power into the hands of a minority to prevent those who want to stay true to the Bible and their confessions.

Concluding evaluation

If one takes into consideration the Biblical, confessional, and historical aspects as set out in this article there are various alarming implications for the DRC. Peter could tell Paul that he has the entrenched rights to freedom of association and of choice and that Paul cannot demand that he socialise with the Gentile Christians. In the same way a white DRC member could not in 1857 be forced to use the Lord's Supper together with the coloured members and at present the white DRC member cannot be forced to accept Belhar or the reunification with the URC.

This flies in the face of the DRC's Reformed Confession whereby the members clearly confess the unity of the Church, the supreme authority of Scripture, the total depravity of mankind and rejects the free will. According to the DRC's confessions it is not possible to allow a totally depraved person to (democratically) vote about the Belhar Confession, which rejects the sinful division of believers according to race. This vote is then taken in a church

way of approbation only Scriptural grounds could be considered for the acceptance or rejection of a Confession or the acceptance or rejection of church unification (*Agenda vir die 17de vergadering van die Algemene Sinode NGK – Gravamina* 2019, 466).

34 The fact that these free wills belong to people who by nature hates God and his brothers and sisters according to the Confession, leaves little room for the authority of Scriptures. In the present state of affairs, confessing church members can and have effectively decided whether racially divided churches are sinful or not.

which has allowed this sinful division since 1857 and perpetuated it in separate church structures. This, after the DRC, which confesses the unity of the Church and the supreme authority of Scriptures, has already judged the Belhar Confession to be Scriptural and in line with the confessions of the DRC.³⁵

In addition, the members who do not join in the possible reunification with the URC have the right to the name and thus all the assets of the DRC. This does not only place the members, who want to stay true to the Word of God and their confession by accepting Belhar and reuniting with the URC, in a difficult situation, but submits them to religious fraud and bribery, since some members can now force others not to reunite.³⁶ The High Court of South Africa has justified this state of affairs, by giving members more authority than the Word of God. If one takes all of these aspects into account, it is now legal to sin.

Despite the fact that the general synod allowed the Western Cape synod to confess³⁷ the Belhar Confession as part of the Confession of the Western Cape synod,³⁸ the Western Cape moderamen proposed that the synod do not accept the Belhar Confession as a fourth Confession.³⁹ The reason given

35 This is done in light of the history of the DRC, where the church itself rejected separate worship and decided that it is compulsory for every member to adhere to this infallible rule of Scripture and uniformly worship together throughout the church, as was decided in 1829. Furthermore, the 1829 decision was overturned in 1857, not on any Scriptural grounds, but to accommodate the “weakness of some”.

36 The three synods, which voted for Belhar, are prevented by the seven synods, who voted against it, to accept the Belhar Confession and reunite. The racial unity of the status quo supersedes the Biblical and Confessional unity.

37 The Western Cape Synod has accepted Belhar twice before as Scriptural in 2011 and 2015 (*Handelinge van die ses en veertigste vergadering van die Sinode Wes- en Suid-Kaap* 2011:10; *Handelinge van die sewe en veertigste vergadering van die Sinode Wes- en Suid-Kaap* 2015:23).

38 *Handelinge van die 16de vergadering van die Algemene Sinode NGK* 2015:44

39 There was a proposal that the Western Cape synod in 2019 to loosen the ties with the general synod and in faithfulness to the Word and the Confession unite with the URC, as is allowed by Article 37 of the Church Order. This proposal was not allowed to be presented to the synod for consideration. (*Agenda vir die ag en veertigste vergadering van die Sinode Wes-Kaapland* 2019:277, 278). This proposal was not allowed to be placed before the synod because it was decided that the proposal of the moderamen concerning the interim church order was the substantive proposal and that this proposal contradicted their proposal (*Handelinge van die 48ste vergadering van die Sinode Wes-Kaapland* 2019:27, 58).

was that the legal advice they obtained advised them against accepting the Belhar Confession as a fourth Confession.⁴⁰ This means that lawyers now tell the church what it can and cannot confess.

The moderamen further decided to encourage congregations to unite by way of the interim church order.⁴¹ This also places the free will of mankind above the will of God, which directly contradicts the DRC's Confessions that mankind does not have a free will.

The current state of affairs places the DRC in many respects in the same position as it found itself in 1857. Synodical pronouncements all point to the Scriptural demand for unity, but due to the weakness of some, which presently have a constitutional right to have this weakness, the racially motivated structural divides between the churches continue. Despite three synods voting Belhar to be Scriptural and thus racially divided churches sinful, this sin is continued in the same way as in the decision in 1857.

The devastating truth about the DRC is that the motivation in 1857 and the motivation presently is a very noble one. The motive for the continuation of the existence of racially divided churches are the same as the original decision to allow for separate worship – the love for the sinner (the weakness of some). This points to the most profound and beautiful part of the Reformed Confession, namely: the teaching on the justification of the sinner. The unfortunate truth of the situation in 1857 and its structural expression in the racially divided churches at present, is that what the DRC presents as the justification of the sinner is effectively the justification of sin.

40 The argument of the moderamen regarding the possibility of the Western Cape synod accepting the Belhar Confession as fourth Confession as allowed by the general synod (in 2019) reads as follows: "The moderamen of the DR Church in Western Cape had in the meantime gathered legal advice regarding the legality of the above-mentioned decision of the general synod. The advice did not support the legality of the decision. The moderamen thus decided not to use the opportunity to accept the Belhar Confession as fourth Confession of the DR Church in Western Cape" (Translation JT) (*Agenda vir die ag en veertigste vergadering van die Sinode Wes-Kaapland* 2019:29). The decision that was accepted read as follows: "The synod decides to 1. pronounce its deep regret over the fact that the DR Church's current church orderly dispensation makes it impossible for the synod to confess the Belhar Confession as a fourth Confession" (Translation JT) (*Agenda vir die ag en veertigste vergadering van die Sinode Wes-Kaapland* 2019:30).

41 *Handelinge van die 48ste vergadering van die Sinode Wes-Kaapland* 2019:39

The DRC is now in a *status confessionis*, where not only its own Confession is on the line, but the very foundation of the church and the straight path of the gospel is in the balance.

In his book *One flock and one Shepherd*⁴² Reverend Huet writes in 1860, after the 1857 decision:

“The Church of Christ is not a republic, where the vote of the majority (the public) may prescribe the law. All over [in the Bible JT] it is the kingdom of heaven, nowhere the republic of heaven. The majority, in our poor church at least, is made up of sinners. Will they hold authority over Christ’s Church? Then name the church no longer the Church of Christ, but call it the Church of the public, or the Synagogue of Satan” (1860: 59, 60).

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42 One of the best and most crucial theological works in the history of South Africa according to the author of this article. The author of this article is a reverend in the DRC.

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