

**DISCURSIVE REPRESENTATIONS OF GENDER  
BASED VIOLENCE IN A SYNOD RESOLUTION OF  
THE ANGLICAN DIOCESE OF NATAL OF  
OCTOBER 2013**

By

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**December 2015**

## DECLARATION

In accordance with the University regulations, I hereby state unambiguously that this work has not been presented at any other University or any other institution of higher learning other than the University of KwaZulu-Natal (Pietermaritzburg Campus), and that unless specifically indicated to the contrary within the text, it is my original work.

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A handwritten signature in black ink, appearing to read 'Seedat', with a horizontal line underneath the name.

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## **ACKNOWLEDGEMENTS**

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I am most grateful to my supervisor and mentor, Dr Fatima Seedat for her critical reading of my work, gentle but firm words of encouragement, suggestions, insights, assistance and always saying “You will walk the stage”.

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Last but not the least I am most grateful to the Gender, Religion and Health Program (through the Church of Sweden) in the School of Religion, Philosophy and Classics (SRPC) at the University of KwaZulu-Natal, for funding my studies towards this degree.

## DEDICATION

to

My family, thank you for your support and inspiration to soar to greater heights, Akeelah and Malik for giving the reason to continue and sadly “they” do not allow children at the graduation ceremony. Thank you Abegail my wife. To my late mother, “Mamma I am a feminist!” and to my father who always believes we can do more. Praise and glory to God through brother Jesus for seeing me through the trying moments during the research process. For parish support from St John the Baptist Anglican Church.

*A voice is heard in Ramah,*

*Lamenting and weeping bitterly*

*It is Rachel weeping for her children,*

*refusing to be comforted because they are no more (Matthew 2 vs. 18)*

*(To Thuli Lembede, a member of our parish, who was killed by her husband as we got ready to submit this work)*

## **CERTIFICATION**

Re: Editing of “Discursive representations of gender based violence in a synod resolution of the Anglican Diocese of Natal of October 2013”.

This is to certify that the abovementioned thesis has been language edited by Dr. Karen Buckenham, an approved language editor for the School of Religion, Philosophy and Classics at the University of KwaZulu-Natal.

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## ABSTRACT AND KEY TERMS

Following the gang rape and murder of Anene Booysen in Bredasdorp near Cape Town on the 2<sup>nd</sup> of February 2013, the Anglican Church of Southern Africa through the provincial Dean, Bishop Rubin Phillip released a media statement condemning the act and other forms of violence against women. In that same year, the synod of the Anglican Diocese of Natal chaired by Bishop Rubin Phillip produced a synod resolution expressing their abhorrence “of all forms of violence”.

Using a critical a feminist framework, this study analysed the discursive representations of gender based violence in the house of synod and the synod resolution and the events that may have contributed to the house of synod’s conceptualisation of gender based violence. The research employs a feminist framework to analyse how the institutional structure and processes of the Anglican Church, through the house of synod and synod resolution, perpetuates violence against women in both overt and covert ways. The study relied on the synod resolution kept in the archives of the Anglican Diocese of Natal. Critical discourse analysis was used to examine the discursive representations of gender based violence in the synod resolution. The research indicated that the main focus of the synod resolution was sexual violence against women as informed by the Anene Booysen incident and, because of this of this specific focus the synod resolution falls short in addressing gender based violence in its entirety. Covert forms of violence and especially those that are systemic in the institution of the church are not discussed.

The research also considered the possibility of conceptualising the Anglican synod as both a religious and legal space which functions in a legal framework that is related to but independent of the state law of South Africa. An analysis of the relationship between church law and state law established that although church law depends on state law for validation, the church perceives itself to have moral authority to instruct the state on matters the church is concerned with. Finally, the study interrogates the sufficiency of the house of synod in dealing with gender based violence when structures and constitution of the house of synod itself maintain patriarchal norms.

Key Terms: *synod, resolution, feminist, gender, intersection, Anglican, violence, law, church*

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# CHAPTER ONE

## Introduction

In this chapter I discuss the background and location of the study, highlighting the main research problem of the study. I introduce the proposed and final synod resolutions through which gender based violence is conceptualised by the Anglican Synod of Natal and finally I indicate the research questions and the objectives of the study.

This chapter provides the outline and orientation of the research, literature review, critical questions and the objectives thereof.

## *Background and Location of Study*

This study examines the operations of gender based violence at the intersections of religion, culture and patriarchy. Gnanadason (2012) indicates that there has been an effort by some church bodies or organisations such as the World Council of Churches to “speak out” against gender based violence, such as in the “Ecumenical Decade of the Churches in Solidarity with Women (1988-1998), the Tamar Campaign of 2005, the “On the Wings of a Dove” campaign of 25 November-10 December 2004, the ongoing Thursdays in Black campaign and the most recent Anglican synod resolution of October 2013. Scholarship however argues that; the church seems silent on systemic gender based violence within the institution of the church (Rakoczy 2004). Policies addressing gender based violence may easily produce politically correct statements that earn the church credibility in state society and yet maintain systemic and institutional forms of gender based violence. Therefore of interest is the degree to which church law and policy addressing issues of gender based violence may also be cognizant of the institutional and systemic forms of gender based violence within the church.

Following the Anene Booysen gang rape and murder, Pillay (2013:53) observes that “The Anglican Church ‘noted the brutality with sadness’. Other responses on gender based violence from the Anglican Church included a media statement entitled: *A Call to South Africans to Recover our Humanity* (8 February 2013) in which Bishop Rubin Phillip stated that

Leaders in the Anglican Church of Southern Africa (ACSA) have called on all members of the church to use the season of Lent to recognise that every time we fail to act against gender based violence, we are complicit in its perpetration.<sup>1</sup>

It is noteworthy that Bishop Rubin Phillip who made this statement on behalf of Archbishop Thabo Makgoba is the same Bishop who as the Diocesan Bishop of Natal, sat as chairperson at the synod of the Diocese of Natal when the resolution that forms the substance of this research was discussed and adopted.

I am interested in the degree to which church policies are acknowledged as potential spaces for institutional change in terms of gender based violence. The house of synod as a decision and law making forum is the highest body within an Anglican diocese which incorporates bishops, clergy and laity. It is within this framework that the research is located. The resolutions of the house of synod are deemed binding for all practising Anglicans in good standing and therefore the resolution on gender based violence should be seen from the same view point. I am interested in the discursive representations of gender based violence in the first ever statement on gender based violence within the Anglican Church of Southern Africa in the form of the synod resolution of October 2013 in the Anglican Diocese of Natal.

Research has established that 77% of women in Limpopo, 51% in Gauteng, 45% the Western Cape and 35% in KwaZulu-Natal admitted to experiencing gender based violence<sup>2</sup>. Gender based violence, though prevalent, was only addressed as a policy matter in the October 2013 synod of the Anglican Diocese of Natal and in the previous synods the matter was never raised.

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<sup>1</sup> Taken from a media statement issued by Bishop Rubin Phillip, "A Call to South Africans to Recover our Humanity", (8 February 2013)  
<http://www.anglicanchurchsa.org/view.asp?ItemID=503&tname=tblComponent1&oname=News&pg=front>  
(Accessed 28 May 2015).

<sup>2</sup> Gender Links report for SouthAfrica.info. 5 December 2012. "Study reveals extent of gender violence. Available on: <http://www.southafrica.info/services/rights/gender-051212.htm#.Vqys7qhf3VQ> (Accessed 25 June 2015). The research goes on to speculate that the low percentage of levels of gender based violence in KwaZulu-Natal may point to the fear women have to openly admit their experiences of violence.

Given that the institutional systems and structures of the church in general are patriarchal, it is of value to investigate how the church positions itself on gender based violence. Pillay (2013:54) discusses this when she states that

speaking out against gender-based violence is a necessary response but, this scourge requires more than just speaking out at times when the rape of women is made public or when sexual violence results in murder.

What Pillay intimates is that combating gender based violence requires a more comprehensive response than might be possible through a single synod resolution. While it is beyond the scope of this study to examine what a comprehensive response might be, in order to examine how gender based violence is represented, this study examines the house of synod, the synod resolution, as well as the landscape of events (in church and society) that brought concern for gender based violence to be discussed by the house of synod.

### ***Note on Terminology***

The study makes use of the phrase ‘house of synod’ to refer to the actual sitting of those called by the Bishop of the diocese to attend a synod meeting in terms of the rules of the Anglican Church. The phrase will also be used interchangeably to refer to the members of synod. ‘Synod’ is a word used in the study to refer to the meeting and not the people in attendance. I use the phrase ‘original motion’ to refer to what is contained in the synod books prior to the sitting and deliberations of the house of synod. Once the deliberations and amendments have been made and adopted, the original motion becomes a resolution which becomes binding once promulgated at the end of the synod meeting. I also refer to the resolution as a sanitized version of the original motion. I consider it sanitized because the language gets “cleaned out” through the guidance of the Chancellor who is an attorney and to meet the requirements of legal jargon. This process also fashions the language of the resolution to accurately reflect the position of the institutional church. As shall be argued in the study, this sanitization has the potential to change the meaning intended by the original motion.

### ***Orientation of Study***

Using a feminist framework which defines feminism as “advocacy of the rights of women” (Andermahr *et al* 1997:76) and a need to emphasize the equality of women in a society endemic with gender inequalities in favor of men (Tuyizere 2007, Bograd 1990, Rakoczy

2000), I contend that gender based violence primarily affects women. Andermahr *et al* (1997:234) argue for a deliberate privileging of violence against women because

(r)ather than seeing violence as the idiosyncratic behavior of a few deranged men, feminist theory views male violence as a universal aspect of male power over and control of women.

I have employed a critical feminist paradigm which is appropriate as it seeks to challenge patriarchal norms by “ask(ing) new questions that place women’s lives...at the center of social inquiry” (Hesse-Biber 2015:73). In a space where male headship is the norm, a feminist paradigm offers the most appropriate lens for analyzing how violence against women is being discursively framed.

Feminism is defined by some scholars as privileging “personal experiences of women” (Appelrouth and Edles 2011:319), and therefore my research design combines systematic literature review and document analysis that highlights women’s voices in the texts. I used the Synod Resolution Book of the Anglican Diocese of Natal October 2013 and more specifically Resolution Eight dealing with gender based violence. Other documents as well as events related to gender based violence from both within and outside the church between 2009 and 2013 were reviewed with the view to see what influence they might have had in the timing of the resolution and its conceptualisation.

## *Text of the Original Motion and Synod Resolution*

### **Original Motion**

#### AGENDUM 4.4

#### **MOTION: WOMEN AND CHILDREN ABUSE**

Proposer: Revd D. A Vaubell

Seconder: Ven M Laban

This Synod while giving thanks for the passing of the amendment to Act 27 of 2007, allowing for the Justice Department of the Republic of South Africa to establish special Sex Crimes Courts throughout the country, recognizes that this is not sufficient to stop the abuse of women and children.

Therefore, we the members of Synod (a) confirming our abhorrence at all forms of abuse of women and children and (b) moved by our conviction that the Church is called to be at the forefront of helping those who have been abused, hereby resolve:

1. That the Diocesan Bishop, with Chapter, establish a Steering Committee consisting of Clergy and Lay persons with the following mandate.
2. All Clergy and at least two lay people from every Parish receive training in First Response Trauma Counselling, and Prayer Counselling to assist victims of abuse.
3. Ensure that every Region has a Coordinator who after training is completed conducts workshops to ensure continual honing of skills.
4. Ensure that each Region forms relationships with Police Sex Crimes Units and Welfare Department Physiologists to facilitate ongoing counselling of victims of abuse.
5. Report back to the next Synod on what has been achieved.
6. That some form of Diocesan Protest Event be arranged as soon as achievable in Durban and Pietermaritzburg, involving as many Anglicans as possible to raise awareness among the citizens of our Province.
7. That those who are elected to Provincial Synod put forward a similar motion that will cover the entire Province.
8. That our Diocesan Bishop be called upon to write to the State President and the Minister of Justice on behalf of this Synod asking for funding to be made available for more policing in the area of sexual abuse and for advertising to further increase awareness of the scandal abuse in our country.

### **Synod Resolution**

#### **4.4.Motion – Motion of Sexual Violence and Abuse**

Proposer: Revd Desmond Vaubell

Seconder: Ven May Laban

This Synod while giving thanks for the passing for the amendment to Act 27 of 2007, allowing for the Justice Department of the Republic of South Africa to establish special Sex Crimes Courts throughout the country, recognizes that this is not sufficient to stop the abuse of women and children.

Therefore, we the members of Synod (a) confirming our abhorrence at all forms of abuse of women and children and (b) moved by our conviction that the Church is called to be at the forefront of helping those who have been abused, hereby resolve:

1. That the Diocesan Bishop, with Chapter, establish a Steering Committee consisting of Clergy and Lay persons with the following mandate.
2. All Clergy and at least two lay people from every Parish receive training in First Response Trauma Counselling, and Prayer Counselling to assist victims of abuse.
3. Ensure that every Region has a Coordinator who after training is completed conducts workshops to ensure continual honing of skills.
4. Ensure that each Region forms relationships with Police Crimes Units, Social Development, Psychologists, NICRO, Childline and all other relevant stakeholders to facilitate first response, ongoing counselling and other support for victims and their families.
5. Work with congregations, schools and other bodies, where appropriate, to undertake prevention work through proactive gender and life skills education.
6. Report back to the next Synod on what has been achieved.
7. That some form of Diocesan Protest Event be arranged as soon as achievable in Durban and Pietermaritzburg, involving as many Anglicans as possible to raise awareness among the citizens of our Province.
8. That those who are elected to Provincial Synod put forward a similar motion that will cover the entire Province.
9. That our Diocesan Bishop be called upon to write to the State President, the Minister of Police and the Minister of Justice, also involve the Health Department and Social Welfare and respective NGOs on behalf of this Synod asking for funding to be made available for more policing in the area of sexual and physical abuse and for advertising to further increase awareness of the scandal of abuse in our country.
10. To encourage more efficient communication between the Departments of Justice and Police to effect more successful prosecutions in this area and funding to be made available for public awareness campaigns around this issue.

**Revd Gill Padoa was called upon by Bishop Rubin to pray for this situation. A candle was lit by one of the young members of synod in remembrance of all victims of sexual violence.**

A moment's silence was held for victims of abuse, a candle was lit by Ms Nondumiso Zungu and Bishop Rubin led synod in a prayer.

**An amendment to 1 iii was proposed by Ms Daniela Gennrich and seconded by Canon Bellina Mangena. Amendment was carried.**

**An additional point iv was proposed by Ms Daniela Gennrich and seconded by Revd Tracy Bell, making the existing point iv, number v. amendment was carried. An amendment to 1 (iii) was proposed by Mike Pitso and seconded by Ms Makhosi Ngubane. Amendment was carried. An amendment to point 4 was proposed by Ms Makhosi Ngubane and seconded by Ms Zanele Dlamini. Amendment was carried. An additional point 5 was proposed by Mr Clint Leverton and seconded by Bishop Rubin. The amendment was carried.**

The amended motion was carried.

## ***Position of the Researcher***

When speaking about the ontological position of the researcher, Gross (1996:15) explains that

scholars need to practice intense methodological self-awareness and introspection combined with honest self-disclosure. Once one recognizes one's own standpoint, one can then argue on its behalf, making the case openly that this specific standpoint is more adequate than the alternative.

It is crucial that I clarify my standpoint as it has a bearing on how I chose to interpret and analyze my data. White (2008) argues that there is no scholarly research which is entirely objective and that all research inevitably contains the researcher's own values, ethics and belief systems even if the researcher does not admit these.

I am a male rector in an Anglican Church who is privileged because of my sex and by occupying a position of authority. Within the hierarchy of the Anglican Church, the position of rector is the most senior position an individual can hold in a parish. I find myself conflicted in that I consider myself an ardent activist for equality yet my position may also advance institutional religion and liturgy that entrenches patriarchy and the oppression of women. The latter makes me complicit in symbolic and liturgical violence against women. I am a product of a patriarchal society that promotes male privilege and whose teaching around family and marriage promotes male headship. Having admitted this, I am comfortable to call myself a feminist and am in full agreement with White (2008:ix) who aptly says

I am convinced that some men can appropriately be called feminists because they are committed to correcting, through public and private actions, the imbalance of power between men and women that is built into structures of...society (fully aware however that)... some men use terms 'antisexist', 'profeminist' and 'feminist' to bolster their own power and manipulate women.

Conscious of my male privilege, I am careful not to use feminist spaces to bolster my own power to manipulate women. I open myself to correction and criticism from women but still remain convinced of a feminist perspective for the kind of work and studies I do. As a practicing male priest and rector within the Anglican Diocese of Natal I do not claim to speak from a woman's perspective, but from my perspective as a member of the clergy who is granted various privileges as a result of being male. I highlight the privileging of men through patriarchal systems within the church, a form of gender based violence enabled by the

structures and systems of the church. I remained conscious of this privilege through the course of my study.

As a man supporting a feminist framework, Haji (2008:131) might label my position that of a “feminist ally”, and Holmgren *et al* (2009:405), and Hearn (2000) might consider my position “pro-feminist”, because both argue that men cannot be feminists nor do feminist work but can only be supportive of feminism. I however prefer O’Connor’s (1995:57) view who states that feminist research “...is not for women only and being a woman is not sufficient to generate feminist knowledge”; I am also cognizant of Bograd (1990:12) who cautions against “theories and interventions (which) may re-victimize battered women”. I therefore proceeded from a feminist approach, conscious that I am male but feminist.

### ***The Research Question***

Pillay (2013:55) points out

that patriarchy is a social ill and the church has to name and address it as such. Many women and children suffer in cultures where patriarchy is condoned as God-ordained and defended as the natural order of things.

I argue that gender based violence is entrenched within the church through the apparent collusion of religion (church), patriarchy and culture, and that it is also in this collusion that gender based violence should be addressed.

While acknowledging that much has been written on gender based violence and the church, only Pillay (2013) has written focusing directly on responses within the Anglican Church of Southern Africa. My work seeks to add to the slim body of knowledge on gender based violence within the Anglican Diocese of Natal. The examination of the synod resolution of the Diocese of Natal will serve as a case study. The main research question I am raising in this study asks: how is gender based violence discursively represented in the synod resolution of October 2013 in the Anglican Diocese of Natal?

Emanating from this question, I further ask the following sub-questions:

- What does the house of synod and the synod resolution say about gender based violence?
- What factors (within the church and society) might have influenced the house of synod to conceptualise gender based violence as in the synod resolution?



- To what extent does the house of synod and the synod resolution recognize the systemic and structural nature of gender based violence?
- How do the house of synod and the synod resolution and state legal frameworks interact in formalising ideas of gender based violence?

### ***Research Objectives***

The research objectives of the study are as follows:

- To examine and understand what the deliberations of the house of synod and the synod resolution of the Anglican Diocese of Natal (October 2013) defines as gender based violence.
- To examine the landscape of events surrounding the synod that might have influenced the house of synod to raise the issue of gender based violence and conceptualise the matter in the manner it did.
- To examine the extent to which the deliberations and structures of the house of synod and the synod resolution interrogate gender based violence in the institutional systems and structures of the Anglican Church.
- To explore the relationship between the house of synod and the synod resolution as a legal framework that interacts with state law.

### ***Summary Structure of the Dissertation***

There are six chapters. **Chapter One** is the introductory chapter focusing on the background of the study, the research problem and objectives. This chapter also explains the terminology used in the study and my position as a researcher.

**Chapter Two** is an outline of the theoretical framework and its applicability, including the research methodology used in the study. The chapter concludes by addressing the limitations of the study and the ethical considerations.

**Chapter Three** offers a critical review of literature on gender based violence with the intersections of gender, religion and health as the focus areas. That discussion encapsulates the different forms of gender based violence and the rationale behind how scholars conceptualise gender based violence in its overt forms and also the covert forms that are found in patriarchal culture and religion. It uses five main themes, namely the role of patriarchy in gender based violence, marriage and the family unit as locations of gender

based violence, the institution of the church as a location of covert forms of violence against women, gender based violence among lesbian women and, lastly, gender based violence as an inhibitor of good health among women.

**Chapter Four** focuses on the landscape of events before the October 2013 Anglican Diocese of Natal Synod that may have influenced the conceptualisation of gender based violence in the synod resolution. The chapter also discusses covert or overt ways in which the house of synod and the synod resolution manage power within the synod. The chapter identifies for analysis the definitions of gender based violence in the synod resolution and the themes that recur in the synod resolution. The chapter also juxtaposes the original motion put before the house of synod and the synod resolution that came from the discussion on violence against women to examine shifts between the two documents.

**Chapter Five** focuses on the house of synod as both a religious and a legal space. The chapter explores how the house of synod and state legal frameworks interact in formalising ideas of gender based violence arguing that the house of synod acts as a religious and a legal space related to, though independent of, the state and constitutional laws of South Africa. Using a feminist jurisprudence framework, I examine how the synod and state legal frameworks interact in formalising ideas of gender based violence within the Anglican Church.

**Chapter Six** is the conclusion. It summarises findings of the study and presents areas for further research.

## CHAPTER TWO

### Theoretical Framework and Methodology

#### *Introduction*

In this chapter I discuss the theoretical framework and methodology used in the study, making a case for the chosen framework and methodology as the most suitable for the study. This chapter further discusses the procedures used in collecting and analysing the data, sampling strategies and the ethical considerations.

#### *Theoretical Framework*

A critical feminist theoretical framework was employed for this study. Key elements to this critical paradigm are the intersections of gender, religion, health, race and sexual diversity within the Anglican Church in Natal. Mitchell and Oakley (1986:3) bemoan “simplistic attempts” to define feminism stating that

(a)ll varieties of feminism contain at their heart a paradox requiring gender consciousness for their basis; their political rallying is the elimination of gender roles.

For the purposes of this study, the feminist critical paradigm stretches this rallying to an area of enquiry that looks at the source of male privilege that leads to violence against women within the church. The feminist framework allows an analysis of how the institutional structure perpetuates violence against women in both overt and covert ways. It examines the portrayal of women as helpless victims because a feminist analysis suggests that such a view entrenches the notion that women need men to act on their behalf in order to be fully human. A patriarchal institution cannot claim to have women’s interests at heart.

Gross (1996:16) states that

feminism is the conviction that women really do inhabit the human realm and are not ‘other’, not a separate species.

This definition is important for this study within the context of a synod that intends to be representative of the views of the church, women congregants amongst it. A framework that privileges women and uses that privilege as a lens to interrogate the voices and discursive

constructions within the house of synod was appropriate. A critical feminist perspective takes a definite position, cognisant of ways in which, as Gross (1996:17-18) argues,

the male norm and the human norm are collapsed (into one) and seen as identical.

This study has as its interest the synod resolution as a statement against violence towards women. While a politically expedient strategy, the synod resolution may be limited in the degree to which it successfully addresses gender based violence within the church. Using a feminist framework I analyse the synod resolution against what Jones (2000:14) says is a “feminist theological enterprise...(which)...takes a special interest in the lives of women, their stories, their hopes, their flourishing and failures, and their multi-layered experiences of oppression”.

In applying a feminist paradigm in the study, I was persuaded by Bograd’s assertion (1990:20) that

feminist perspectives...inform (differently) how we think about the causes and contexts of (violence against women).

The critical feminist framework assisted me to analyse the house of synod and the resolution on violence against women, to go beyond what it says and claims outwardly as well as analyse what is not said overtly and the assumptions made in the house of synod about gender based violence.

From a premise that argues that the institution of the church is intrinsically patriarchal, I take seriously the suggestion earlier by Bograd (1990) that it is the task of feminists to interrogate ways in which interventions and discourses claiming to be about women may potentially re-victimise them. The quest was then to investigate if this resolution that denounces gender based violence was conceptualised and promulgated in a way that may potentially do a disservice to women.

The synod resolution is also a legal document in terms of church law and in terms of the South African constitutional guarantees to religious communities to be governed by their own laws. Feminist jurisprudence is therefore a further useful tool of analysis which I also incorporate into my studies. This tool helps unmask covert forms of violence against women which are easily overlooked within the house of synod and the laws it promulgates (Nadar 2006).

## ***Research Methodology***

### *Data Sampling Strategy*

The research study is textual and located within the archives of the Anglican Diocese of Natal in Pietermaritzburg. At the initial stages of the study, I set out the time frame for identifying the texts to be analysed as the period between 2009 and 2013. The timeframe was influenced by the volume of resource material available over the three synods that had taken place within the Anglican Diocese of Natal in October 2009, September 2011 and October 2013. I also chose to sample synod texts as the main texts for this study because diocesan synods function

to promulgate from time to time the Constitution of the Provincial Synod, and to make such Acts, Rules and Regulations as may be required for carrying out the same, and for the well ordering of the Diocese<sup>3</sup>.

The primary role of the house of synod is to consider new rules, amplify and or revise the existing ones and then disseminate them to the communicants of the particular Anglican diocese. Synod resolutions therefore represent the collective religious and legal mind of the different people, groups and orders of the church membership across the length and breadth of the diocese. Synod resolutions in the Anglican Church are considered binding for all practising Anglicans in the geographical area within which such a resolution is made. However, because the Diocesan Synod functions as a sub-structure of the Provincial Synod of the Anglican Church of Southern Africa (in this case incorporating the geographical countries of South Africa, Angola, Lesotho, Swaziland, Mozambique and the island of St Helena) such resolutions have an impact within the Province.

I read through the synod books<sup>4</sup> of the synod of 2009 and 2011 and the three synod books from the 2013 synod meeting looking for resolutions that made reference to women, violence and more specifically gender based violence. With the assistance of the Diocesan Archivist, Dr Ken Chisa, I sought public and internal statements on gender based violence made between these synod meetings by the Diocese of Natal leadership and also by any other

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<sup>3</sup> The Acts of the Diocese of Natal, as amended by the Synod of The Diocese of Natal in October, 2013 pg. 67

<sup>4</sup> Synod books contain the motions put before house of synod.

bishops within the wider Anglican community in South Africa. The 2009 and 2011 synod meetings of the Anglican Diocese of Natal have no record of discussions relating to any form of violence. There is no material within the diocesan archives relating to gender based violence until February 2013.

To illustrate the politics of knowledge and interest in the issues of gender based violence, I present here in dialogue my exchange to solicit archival information.<sup>5</sup> Even though the resolutions of the house of synod and information in *Ad Clerums* are theoretically public information, the email exchanges suggests that information in a diocese resides with the bishop. This may further suggest that it is only the bishop who will determine what is finally made public. In this regard, the bishop's secretary is responsible for archiving certain material that the Diocesan Archivist may not have access to.

**Me to Diocesan Archivist:** ...will you please kindly check for me if there are any statements made by Archbishop Thabo and also Bishop Rubin around the issues of gender based violence from 2012 to date. I am aware there were statements issued after the rape and murder of Anene Booysen and I would appreciate such statements...

**Diocesan Archivist to Bishop's Secretary** (copied to me): I hope this finds you well. Do you have Bishop Rubin's official statements on record re the above? Unfortunately there is nothing in the Archives.

**Bishop's Secretary to Diocesan Archivist** (copied to me): No, I don't have any statements pertaining to this. But Fr Forbes could try the Provincial Office – I do recall that Archbishop making one during the Booysen murder case.

**Diocesan Archivist to Provincial Secretary** (copied to me): I hope this finds you well. I was wondering whether the provincial archives would have anything that speaks to the trailing enquiry. Your assistance would be greatly appreciated.

The above communication yielded no positive results except the three statements by Bishops Rubin Phillip (as mentioned above), Raphael Hess<sup>6</sup> and Margaret Vertue<sup>7</sup> which are taken up

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<sup>5</sup> The copies of these emails are attached as Addendums to this study

<sup>6</sup> Taken from an interview with Bishop Raphael Hess by Zulu Bellah, "Bishop urges South Africans to act after rape, murder of teen", Anglican Communion News Services (12 February 2013), <http://www.anglicannews.org/news/2013/02/bishop-urges-south-africans-to-act-after-rape,-murder-of-teen.aspx> (Accessed 28 May 2015)

in chapter four to sketch the landscape of events surrounding the synod resolution. I was left only with the synod resolution as the primary text for analysis. However, in the analysis of data, I took into account the silence of the archives of the Diocese of Natal and the Anglican Church of Southern Africa as a statement in itself. I considered this silence to be indicative of the position of those who were responsible for the production of the synod resolution, that is, members of the house of synod. A similar silence on the issue of gender based violence followed the synod of 2013 despite pronouncements of the synod resolution on what was to be done immediately after the sitting of the house of synod. This silence became an area of enquiry with a special emphasis on the possible effect of the text on those affected by the silence (Fairclough 2003).

The meeting of the house of synod in October 2013 and the conceptualisation of the resolution on gender based violence was preceded by some significant events in the country. These events were considered for this research as they shaped the representations of gender based violence in the house of synod and the synod resolution itself significantly.

### *Data Production Strategy*

My primary data sources were the synod resolution, the structures and form of the house of synod and the landscape of events surrounding the adoption of the synod resolution. I analysed the landscape of events preceding the October 2013 synod meeting and used these as a lens through which to determine the factors that could have potentially influenced the synod to make such a resolution.

To answer question one I offered a textual analysis of the definition of gender based violence of the synod resolution. I used Fairclough's typology of three analytical elements of meaning-making within textual analysis, namely, the production of the text which focuses on "producers, authors, speakers, intentions and identities of authors, the text itself" and the reception of the text which focuses on "interpretation, interpreters and readers" (2003:10). I used this typology to ask what about gender based violence is being defined, how it is being defined and what determines the definition. This definition was read against other definitions offered in academic literature, asking similar questions. Further, this definition was compared

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<sup>7</sup> Pastoral Letter by Bishop Margaret Virtue to the Anglican Diocese of False Bay, (12 February 2013), <http://www.falsebaydiocese.org.za/wp-content/uploads/sites/3/2013/10/Pastoral-response-to-the-rape-and-death-of-Anene-Booyesen.pdf> (Accessed 28 May 2015)

and contrasted with other definitions of gender based violence within the South African legal framework (amongst them the policy documents of the Commission on Gender Equality, Portfolio Committee on Women, Youth and Persons with Disabilities) and the policy document of the United Nations.

To answer questions two and three, I analyzed the landscape of events occurring before the synod following Hook (2007:145) who argues that the event

of analysis is best grasped as a complex of factors, a poised moment of converging contingencies and intersecting lines of force rather than a self-sustained, autonomous entity.

The task of analyzing the landscape or genealogy of events, Hook (2007:144) explains,

is to break up apparent progressions of events, to fragment the cohesion of objects and to deliberately oppose comparisons of necessary sameness.

The method not only identified events that speak of gender based violence but also juxtaposed them to

guard against extrapolations which treat the event merely as an extension, a function of a historical era (Hook 2007:144).

Data production for these questions included events that preceded the sitting of the house of synod to understand why it made such a resolution and why the resolution took the shape it did.

Amongst the documents; I considered for analysis were *Ad Clerums* (letters from the Diocesan Bishop to the diocese) and *Ta Laos* (letters from the Archbishop to the Anglicans in Southern Africa) which focused on gender based violence between 2009 and 2013. I also considered other aspects of gender based change in the church such as the ordination of women as bishops. The fact that the synod resolution was proposed by a woman in the context of incremental social transformation as opposed to radical change was also considered.

In dealing with the fourth question, I read The Constitution and Canons of the Anglican Church of Southern Africa that deal with how synod is constituted, its mandate and leadership, against academic literature that speaks to the relationship between church or canonical law and state law with special focus on the role played by the chancellor and



registrar. The intention was to investigate the discursive interaction between church law and state law and establish how (if at all) these interact.

I used critical discourse analysis (van Dijk:2003) to analyse choice of language in the text, place and privilege of the authors of the text, context of the text, intention of the text (covert or overt) and how it is received and consumed. Van Dijk (2003:352) states

critical discourse analysis studies the way social power abuse, dominance and inequality are enacted, reproduced, and resisted by the text and talk in social and political context.

It is my suggestion that the synod resolution is a way of enacting and reproducing social power where parishioners “accept beliefs, knowledge and opinions through discourse from what they see as authoritative sources” (van Dijk 2003:357).

Further, for all questions, I used literature that points to the patriarchal arrangement of the institution of the church such as the work of Rakoczy (2004:31) who mentions the Pauline “household codes” and “male God-talk” to show that they reinforce the “rule of the father” and encourage the subservience of women. Further, work such as that of Nadar (2006) argues that the manner in which biblical passages have been interpreted reinforce male dominance which leads to gender based violence. I investigated whether the synod resolution may be suggesting that gender based violence is happening in the world ‘out there’ only and not within the Anglican Diocese of Natal’s structures and systems. I did this by looking for possible acknowledgement by the house of synod of systemic institutional gender based violence. In the absence of such acknowledgement, I examined such silence as complicit with covert forms of violence against women.

### *Data Analysis Strategy*

Eckert and McConnell-Ginet (2003:91) succinctly argue that

(h)uman discourse is an ongoing project of meaning-making and the extent to which an individual or a group or category of individuals actually contributes to meaning depends on their ability to get their contributions heard or attended to.

Data analysis is that attempt to draw out meaning from the synod resolution, the synod structures and the events surrounding the adoption of the resolution. I used critical discourse analysis following van Dijk’s (2003) model which analyses choice of language in text, place and privilege of the authors of the text, context of text, intention of text (covert or overt) and how it is received and consumed. The synod resolution and house of synod are ways of

communicating and expressing church law, beliefs, ideas, power and control within the Anglican community in Natal.

Following Fairclough (2003), I focused on producers, authors and speakers or intentions as well as identities of authors of the synod resolution. I also analysed the text itself and the possible reception of the text by focusing on interpretation, interpreters and readers, thus combining Fairclough with van Dijk's critical discourse analysis. I employed the former part of Fairclough's typology aware that his analysis refers to an actual sample of interpreters and readers of texts. In using this typology, it is my argument that if one analyses the text through the lens of a landscape of events that come after a text has been produced and mediated to its intended recipients (which in this case would be the events and discussions that followed the promulgation of the resolution within the Anglican Diocese of Natal), one may be able to assess how the text was received and interpreted.

Eckert and McConnell-Ginet (2003:92) speak on the role of the recipients arguing that

(a) person's contribution to an ongoing discussion is determined not simply by the utterance the person produces, but by ways in which that utterance is received and interpreted by others in the conversation.

My study works with the understanding that it is possible to analyse reader or recipient interaction with the text by analysing the landscape of events preceding and following the synod. The news events before the synod point towards its impetus, church activity implementing the synod thereafter indicate its reception, and the two moments are connected.

The landscape of events both outside and within the Anglican Church was central to the analysis of the timing, tone and words in the synod resolution. I looked for events between the 2009 synod and the 2013 for analysis. I found that key to this landscape of events is the brutal gang-rape and murder of Anene Booysen in the Western Cape and the murder of Reeve Steenkamp in Johannesburg. I also identified incidents of corrective rape among lesbian women in the Western Cape and Johannesburg which acted as shadows of these two events, and I used responses to these to theorise the representations of gender based violence in the house of synod. Following on Hook (2007), I did not just identify these events as if they are natural progressions of one to the other but juxtaposed them seeking a conversation between them.

In analysing how the community of Anglicans in Natal received and interpreted the synod resolution through activities or events after synod meeting, I examined how the recommendations in the synod resolution were implemented (or not). I also examined the authority and limitations of the house of synod and I examined the house of synod as a legal framework considering what it means when the producers of law become its interpreters and are called upon to act on it on behalf of others.

Furthermore, I employed critical discourse analysis to analyse choice of language in text, place and privilege of the authors of the text, context of the text, and the intention of the text (covert or overt).

### ***Limitation of Study***

My position as a rector in the Anglican Church of Natal also posed challenges as I fear my critique may compromise my position amongst the leaders and implementers of the synod resolution. By virtue of my position within the institutional structures of the church, I am bound by canonical obedience (loyalty to the Bishop and all priests senior to me), and I find I am challenged by the ways in which my position perpetuates systemic violence against women.

I am aware that being male might be perceived as inadequacy since feminism privileges the individual experiences of women (Appelrouth and Edles 2011) which I cannot claim to have because of my maleness. This was a textual study so I was not able to capture actual experiences of women, their reception and interpretation of the policy resolution or the impact of the resolution on lived experiences within the Anglican Diocese of Natal.

I am also aware that I used a feminist framework to study a document that does not make a claim a feminist position or to be speaking for women. This meant that I had to rely on my analysis of the words and the tone of language used in the policy itself, execution (or lack thereof) of the resolution and the timing of the conceptualization of the policy within the context of the events surrounding the October 2013 synod sitting.

Fairclough (2003:15) argues that in textual analysis, it is not sufficient

to assess the causal and ideological effects of the texts, and (therefore one) would need to frame textual analysis within, for example, organizational analysis, and link the ‘micro’

analysis of texts to the ‘macro’ analysis of how power relations work across networks of practices and structures.

Accordingly, the study includes an analysis of the institutional aspects of synod.

Finally, I admit that

textual analysis is inevitably selective: in any analysis, we choose to ask certain questions about social events and texts and not other possible questions...there is no such thing as an ‘objective’ analysis of a text (Fairclough 2003:14).

I therefore submit that I was selective in my analysis, but can confirm to have employed the form of objectivity and professional diligence that is the normal requirement of an academic endeavour.

### ***Ethical Considerations***

This is a textual study and has no human beings as participants for analysis. However, because the study involves ideas and people, which have a legal bearing within the Anglican Church, it was necessary for me to seek permission from gatekeepers in the church. I requested the permission of the Bishop of Natal (Right Reverend Rubin Phillip) who until October 2015 served as the Dean of the Anglican Church of Southern Africa (Annexure 3). This opened the gates for considering other information within the Anglican Church outside of the Diocese of Natal.

I also asked the permission of the archivist of the Anglican Diocese of Natal in order to access the documents from the house of synod and other relevant material. Even though the work is textual, it was still important to work with the gatekeepers because synod resolutions have a very strong spiritual and legal bearing on Anglicans. Engaging critically without being sensitive to the belief system of the Anglicans might have undesirable consequences for my study and personally as a spiritual leader within the Anglican community.

### ***Chapter Summary***

This chapter explained the theoretical framework, research design and methodology used in this study, including how data was collected and analysed. This methodology influenced the choice of academic literature which I reviewed in the next chapter. In chapter three, I therefore present a thematic literature review of the phenomenon of gender based violence.

The chapter presents five conceptualisations of gender based violence with intention of reading these representations against those found in the synod resolution.

## CHAPTER 3

### Introduction

The current chapter begins with conceptual clarification of gender based violence in academic literature. Thereafter it focuses on a thematic literature review on the phenomenon of gender based violence. The literature I have selected addresses the intersections of gender based violence, sexual reproductive health rights and religion and revolves around five main themes namely the role of patriarchy in gender based violence, marriage and the family unit as locations of gender based violence, the institution of the church as a location of covert forms of violence against women, gender based violence among lesbian women and lastly gender based violence as an inhibitor of good health among women. These themes guide my analysis of the house of synod as a space in which to address issues of gender based violence.

### *Defining Gender Based Violence*

While these five themes are central to the conceptualisations of gender based violence literature on religion, the house of synod deliberations and the synod resolution focus instead on sexual violence against women. Reflecting on this disjuncture, I note that the synod resolution condemns “all forms of violence and abuse against women and children” without specifying the different forms of violence against women it is referring to. The Human Sciences Research Council (HSRC: 2015) has argued that

the use of the term ‘gender based violence’ is also highly contested because it neutralises the political nature of violence against women by excluding the systematic violence of patriarchy that is a part of the cycle that informs intimate partner violence, sexual violence (including sexual harassment), directed at women and girl children...(nonetheless) violence against women (is preferred) to magnify the specificity of patriarchy that shapes and regulates the violence directed at women and girl children.

In keeping with the position taken by the HSRC, Tuyizere (2007) argues that the phrase gender based violence is more appropriate as it includes all vulnerable groups of people such as lesbian, gays and transgender individuals who may not identify as women but are affected by violence in identical ways.

Deliberating on other options for naming the phenomenon, the label by Rennison and Planty (2003:433) that there is “nonlethal intimate partner violence”, is not helpful for the discussion of gender based violence. Violence against women is deeply pervasive and any suggestion like the one Rennison and Planty make may be understood as minimising some forms of violence and or saying nonlethal violence may be better because no woman dies. Tuyizere (2007:147-157), by contrast, identifies “types of gender violence” and puts them into categories, namely; “domestic, physical, psychological, cultural, social, cultural and sexual” which covers the varied aspects of violence against women. With this argument in mind, I prefer to employ the phrase ‘gender based violence’ throughout my study.

This chapter considers how literature on gender based violence locates and defines the phenomenon by addressing these categories of violence thematically. The themes I use are patriarchy in general, the family unit, systemic violence in the church, sexual diversity and gender based violence as an inhibitor of good health.

### ***Patriarchy and Gender Based Violence***

This section discusses the pervasive nature of patriarchy arguing that it is the root cause of gender based violence. My focus on gender based violence against women specifically is not as Russo and Pirlott (2006: 179) write, “a dismissal of the importance of understanding how gender affects violence by and toward *both* women and men”.

Instead, my focus deliberately privileges gender based violence as affecting largely women because the United Nations has identified it as one of the main global health and development issues (Russo and Pirlott 2006). Andermahr *et al* (1997), as stated above, also argue for a deliberate privileging of violence against women.

The United Nations has defined gender based violence against women as

any act that results in, or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (Russo and Pirlott 2006:180).

Sipe and Hall (1996:x) argue that “from childhood, (men) are encouraged to view violence and sexual prowess as evidence of masculinity” which easily translates as violence and control of women and their bodies central ideas to patriarchy. Patriarchy conceptualised as the rule of the father and superiority of the male over women (Rakoczy 2004) is therefore

largely to blame for the violence against women. As will be discussed later, patriarchy is pervasive in the institution of the church, and the patriarchal church inevitably perpetuates violence against women in various ways.

Davies (1994) locates violence against women in patriarchal social structures and the complex of values, traditions and habits that perpetuate gender inequalities victimising women, and he identifies men as almost always the perpetrators. In line with Davies' argument, Bograd (1990) argues that violence against women should be understood in the context of how society is structured, and that the privileged status of men as a social group entrenches gender based violence. I take as my premise that the church is a socio-religious structure which perpetuates patriarchal social structures, values and traditions. These are replicated in the house of synod which emanates from this institution and whose religio-legal aspects also regulate and make pronouncements on the operations of this institution. Rakoczy (2004) too suggests that patriarchy is deeply embedded in religion and culture often without being challenged. This is because the pervasive nature of patriarchy has blinded many so as not to imagine the ways in which patriarchy operates.

The South African context is extremely violent especially towards women. The origins of such violence go as far back as the legalised violence during the apartheid era (Rakoczy 2000). Petersen (2009:449) further stresses that,

South African women live in one of the most violent, yet most religious societies in the world.

Petersen's argument suggests that religion (of which the Anglican Diocese of Natal is a part) has therefore not lessened men's proclivity to violent behaviour. Rakoczy (2000:6) further bemoans the situation, indicating that

(w)hat is so insidious is that we come to accept the culture of violence as the way things are, as though little or nothing can be done about it...While the public dimension of the culture of violence is well known and has been repeatedly condemned, its private or 'behind-closed doors' dimension is even more insidious and life-denying.

The acceptance of this culture of violence has made it difficult to address gender based violence especially in its covert forms. Patriarchy has made violence against women common



cause, making it look acceptable, and this allows for more dangerous and covert forms of violence such as those found in marriage and the family.

### ***Marriage and The Family Unit as Locations Gender Based Violence***

In this section I discuss the argument in literature that marriage and the family are key locations of gender based violence. The literature further indicates that male headship in marriage and the family unit encourage gender based violence.

Dobash and Dobash (1992:2) argue that

family is filled with many different forms of violence and oppression including physical, sexual and emotional...( There are)...four main sources of conflict leading to violent attacks (which are) men's possessiveness and jealousy, men's expectations concerning women's domestic work, men's sense of right to punish 'their' women...and the importance to men of maintaining or exercising their position of authority.

This view is sustained by Andermahr *et al* (1997:73) who assert that "second-wave feminist theory conceptualised the family as the main site of women's oppression" and they ascribe this to male headship in the home, the designation of a male breadwinner and "the unpaid domestic labour for the women" (also see Davies 1994). For Bograd (1990), the family unit is a social institution that mediates between violence experienced by women in community and the private personal relationship of intimate partners. Bograd (1990) goes on to stress that feminists are critical of the narrative that wants to present the family unit as a safe space for women; they rather expose it as a space where violence against women is actually common.

Highlighting the dangers of the domestic space, Davies (1994:1-2) identifies "domestic violence" as one of the prominent forms of violence against women, encompassing forms of violence such as physical, sexual, emotional, verbal, psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, and other forms of controlling or abusive behaviour. Addressing the place of religion in marriage, Isherwood (2008:59) makes a scathing critique of the role played by Christian marriage in the abuse of women and observes that

the complementarity model as well as the authority model (within Christian marriage) are foundational in acts of violence against women.

Baumann (2000) deals considerably with the violence that is predicated in marriage because of the biblical imagery of God's marriage relationship with Israel. She argues that this imagery is founded on notions of patriarchy, encouraging domination of women which is then directly enacted within heterosexual marriages. Reflecting Baumann's concerns against the Anglican Church I note how through its teaching on Holy Matrimony<sup>8</sup> the church emphasises the importance of marriage and the family life as gifts from God with little critique on how the institution of the church is also responsible for promoting the institution of marriage as a form of male headship with the attendant potential to entrench violence against women.

Rakoczy (2004:33) identifies instances where gender based violence has been given a public face and asserts that

(i)n society as a whole, as the extent of the problem becomes more widely known and the causes described, a private experience of violence now becomes a shared experience.

She argues that violence against women will be better addressed once it is taken out from the private realm of family and marriage and shared as a societal problem. In analysing the synod resolution, I am interested in the ways in which the church also privatises violence. When condemning sexual violence, might the house of synod have considered instead naming and exposing violence in the family unit specifically? Sexual violence is a symptom of other forms of violence in marriage and the family unit which, if not identified, may not otherwise be stopped. The potentially beautiful institution of marriage, like the institution of the church itself now to be discussed, become areas of covert forms of violence against women.

### ***Systemic Gender Based Violence in the Church***

In this section I examine the literature on systemic gender based violence in the church. Literature locates covert forms of violence against women in the institution and structures of the church. This form of violence may be found in the liturgy, language, symbolism and iconography of the church.

The synod resolution specifically names sexual violence whereas the motion speaks of all forms of violence against women. The advantage of identifying and naming all forms of

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<sup>8</sup> An Anglican Prayer Book 1989 pg. 461

violence is that it highlights covert forms of violence evident in the systems, structures, attitudes, ideas and behaviours promoted by the church. These symbolic forms of violence within the institution of the church act in covert ways. The preference for ‘all forms...’ in the original motion indicates the intention of the originators of the resolution. The shift to ‘sexual violence’ in the synod resolution allows the house of synod to avoid the covert and pervasive violence that exists in its liturgy, interpretation of scripture, iconography and language.

Russo and Pirlott’s argument (2006:182) is significant for discussing the role of religion in conceptualising institutional power and control as covert forms of violence; it is necessary “to reconceptualise rape and other forms of male violence as forms of power and control”. They explain that

(g)ender-based entitlements, power, objectification, and status are now recognized as playing critical roles in the dynamic of gender based violence.

The way social power and control is organised in institutions such as the church operates along patriarchal lines that oppress women. Tuyizere (2007:11) argues that

Christian theology condemns oppressive forms of exploitation and victimisation such as rape, incest, and sexual abuse but does not condemn the subordination of women.

Christian theology is presented here as the centre and in some cases origin of violence against women entrenched in church culture. Isherwood (2008) indicates that there are acts of violence against women that are easily ignored within Christianity because their expression are understood as acts of faith and even encouraged by some Christian traditions. Such acts include accepting the male as head of the house and persevering in abusive relationships through praying for the abusive partner(Rakoczy 2004). Certain forms of violence and pain are interpreted to be a sharing in the wounds and cross of Jesus Christ and a test of how strong one’s faith is.

Further, on covert forms of violence within the church, Rakoczy (2004:30) argues that “religion, violence and patriarchy are all intertwined”. This form of violence that is perpetrated by religious traditions in the name of God is insidious.

Rakoczy (2004:31) takes the notion further when she demonstrates that “the presumed maleness of God and the male identity of Jesus are used to justify women’s subordination”.

Gross (1996:42) is critical of the masculine language used in the liturgy, the presentation of God as a male figure and that positions of authority in the church are reserved for men while “singing in the choir, baking, and teaching young children” are left for women.

Nadar (2006) is emphatic in tackling the issues of violence against women in the Biblical text and its interpretation, pointing out how texts such as that of Esther appear to be approving of the rape of women, and because it is a biblical story this sexual violence may be understood as God-ordained. Nadar (2006:79) adds that it is therefore necessary to challenge such by

break(ing) with (the) traditional modes of oppressive reading by engaging critical ways of reading the biblical text....(naming the) complicity of both church and society in the crime of sexual violence against women.

Writing on Pentecostalism and masculinities, Chitando (2007) bemoans the paradigm that is prevalent in the Pentecostal movement; one which I argue is also evident in the Anglican Church. This paradigm entrenches the superior role of the male (masculine) with the church. It has also been argued that the emergence of women as providers for their families in the midst of a religious teaching that men are the “breadwinners and heads of households can, inadvertently, sponsor gender based violence” (Chitando 2007:124).

The literature opens avenues for the community of the church to become serious about uprooting gender based violence, and address unacceptable and covert but pervasive forms of violence that are found in the institution of the church, its theology and practice.

### ***Sexual Diversity and Gender Based Violence***

In this section I discuss literature that focus on homosexuality, and particularly lesbian women. Bennett (2011:84) argues that

when it comes to thinking about sexualities, (it should be) understood that they are embedded and powerful within all forms of social organisation and engagement.

Conforming the powerful position that sexuality holds in social organisation, Dobash and Dobash (1992) reflect on the issue of lesbian sexualities, arguing that no discussion on gender based violence is genuine if it does not have as its centre the plight of marginal sexualities especially lesbian women. Thus the literature reveals a potential gap in the content of the synod resolution. If the synod resolution is meant to condemn all forms of violence against women, then it would not be unreasonable that violence against lesbian women would be part

of this condemnation. Bennett (2011) explains further that any pursuit of equality within any struggle maybe seen as inclusive of issues of sexualities. I however maintain that because the Anglican Church maintains a celibacy stance for homosexual persons, then silence on sexual diversity cannot be seen as intentionally inclusive of lesbian women. I remain however cognisant of the fact that silence on sexual diversity does not always reflect a lack of interest in the subject.

Reflecting on the South African political landscape, the working document of the African National Congress on Gender Issues points out that

in South Africa lesbian women remain extremely vulnerable to attack at every level of society. Violence against people whose sexualities may be described as marginal is not adequately addressed in terms of interventions.<sup>9</sup>

Accordingly, an analysis of the violence against lesbian women within literature and the synod resolution is a significant aspect of the critical feminist framework I employed for this study. As Cain (1989:192) further argues,

lesbian experience is essential to the formation of feminist theory because it stands in opposition to the institution of heterosexuality, which is a core element of male-centred reality.

Any attempt therefore to challenge violence against women that neglects to mention violence against lesbian women is insufficient and may be disingenuous.

At the beginning of this section, I dealt with the pervasiveness of patriarchy which is the breeding ground of violence against women. Against this background, Ratele (2011:407) observes how

violent practises and stigmatising language against women who dare to love women rather than men arise from the fact that patriarchy...cannot abide such freedom for women. The most important reason for this oft-violent intolerance to women's sexual and gender freedom is because such women's sexual preference of other women over men is indicative of lack of control of men over women's bodies and lives.

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<sup>9</sup> African National Congress report. 2013. "Discussion Paper on Gender Based Violence. <http://www.anc.org.za/docs/discus/2014/genderz.pdf> (Accessed 13 October 2015)

The literature shows that patriarchy within church and community has prejudiced lesbian women who, though suffering, have their cries muzzled. Mason (2002:4) asks the question “are lesbians and gay men invisible...in the closet” when it comes to their vulnerability and experiences of violence? This apparent invisibility is evident in the absence of lesbian women’s experience of violence in the representations of gender based violence by the house of synod. This review of literature on the place of sexual diversity in struggles against gender based violence prompts concern for how the Anglican Church’s position on homosexual marriage might have influenced their reluctance to discuss issues of sexual diversity.

### ***Gender Based Violence as an Inhibitor of Good Health***

It has been argued that gender based violence leads to bad health among women and or that it forces them to make reproductive choices that endanger their lives. Cochrane (2006:60) asks

(t)o what extent is an overt concern for people’s health integrally part of the present mission of the Christian church, specifically in relation to public health?

Rakoczy (2000:6) emphasises the effects of violence when she says it “inflicts an immense physical, psychological and spiritual injury upon the violated person”. Russo and Pirlott (2006:192) discuss the effects of gender based violence on sexual reproductive health rights stating that intimate violence against women such as “childhood sexual abuse, coercive sex, rape, stalking, and intimate partner violence” leads to risky sexual behaviour and sexually transmitted diseases because violent partners do not allow their female partners to negotiate for safer sex.

Russo and Pirlott (2006) refer to a research which established that violence against women from intimate partners was directly linked to unwanted pregnancies and risky termination of such pregnancies. Similarly, Davies (1994:5) points out that

in addition to the physical injuries...ranging from bruising to death, abused women suffer from health and psychological problems (such as) anxiety (and) depression.

The scholarship shows that gender based violence directly reduces the chances of women leading healthy lives, and thereby shortening their life expectancy.

## ***Chapter Summary***

In this chapter, I demonstrated that the intersections of gender based violence, religion and health in academic literature inform how gender based violence is defined and located. The chapter also encapsulates the different forms of gender based violence and in some cases the rationale behind different concepts of gender based violence and how it may be masked in the name of culture or religion. The fact that the house of synod and the synod resolution make no direct mention of domestic violence and yet the church promotes an uncritical narrative of marriage and the family may suggest complicit behaviour. The following chapter deals with the discursive representations of gender based violence in the synod resolution taken by the Anglican Diocese of Natal in October 2013. The chapter considers two texts from the synod, one by the proposers of the motion and the second produced by the synod seating.

## CHAPTER 4

### ***Discursive Representations and Conceptualisations of Gender Based Violence in the Synod Resolution and House of Synod***

#### **Introduction**

Having considered the debates on gender based violence in the preceding chapter; this chapter is a response to the first critical question: how is gender based violence discursively represented in the synod resolution of October 2013 in the Anglican Diocese of Natal. I address three of the four objectives of this study here by examining what the house of synod resolution says about gender based violence, factors (within the church and society) that might have influenced the house of synod to conceptualise gender based violence as in the synod resolution, and the extent to which the house of synod and the synod resolution recognize the systemic and structural nature of gender based violence. I do this through a comparative reading of the original motion which was proposed by Reverend Desmond Vaubell and seconded by Venerable May Laban and the final resolution which “was carried”.<sup>10</sup> The former I refer to as the original motion and the latter as the synod resolution.

Following Fairclough and van Dijk, the chapter considers the text in its three discursive aspects. I pay attention to the events prior to the text, the content of the text and the consequences of the text, noting that

recipients accept beliefs, knowledge and opinions through discourse from what they see as authoritative sources (van Dijk 2003:357).

Prior to the text, I am cognisant of the local context and the events contemporary with the Anene Booysen rape and murder leading to the synod resolution; I identify two lacunas which reflect the broader context in which the issues of gender based violence are treated. The first issue is race and the second sexual diversity, which I consider as shadows to the synod’s representations of gender based violence. In terms of content, I discuss the possible meanings of gender based violence in the synod resolution through a critical discourse analysis framework following van Dijk (2003); I sought to find covert and overt ways in which the text discursively represents and demonstrates power, control and dominance within

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<sup>10</sup> ‘Carried’ in the language of the Anglican Church indicates that the motion was accepted.



the synod space. The consequences of the text in terms of synod recommendations are discussed here first and addressed further in the next chapter.

In analysing these data sources, I take the view that the original Vaubell-Laban motion represents the first level of the production of the text and the synod resolution represents a sanitized second level production of the text by the synod gathering. In other words, there are two separate points of production or authorship of the text which may have had different orientations (Fairclough 2003; van Dijk 2003). I considered Fairclough's use of the term "producers of the text" as most relevant to the production of the text through the deliberations in synod. On the other hand, van Dijk's term "authors of the text" within the same context would not refer to the same 'producers' of the text but to those (led by the chancellor and registrar) given the task of thereafter of fashioning that which has been produced by the synod into a legal text with legal jargon. Citing Goffman (1981), Fairclough (2003:12);

differentiates the principal (author) whose position is put in the text, (and) the 'author', the one who puts the words together and is responsible for the wording.

In the case of the synod resolution, the proposers would be the 'principal authors', the house of synod deliberations would be what I would call the 'half way house' of the text where the collective feeling of members of synod is sought, and committee of synod led by the chancellor are the 'final authors' responsible for the wording of the resolution. The study shows that the intentions of 'principal authors' may be altered by 'final authors' in the process of refining the resolution.

### ***The Constitution of the House of Synod***

The Anglican Diocese of Natal met for its synod meeting in October 2013 in Pietermaritzburg and one of its priority motions was a discussion of violence against women and children. In keeping with the norms of constituting the house of synod contained in the Constitution and Canons of the Anglican Church of Southern Africa, at least six weeks before the actual synod meeting, the synod book with the proposed motion had been distributed to all those attending. This is done to give those attending synod an opportunity to study the motions and consult widely with the parishioners that they represent. It should be noted that after the reading of the motion and debate on the motion; the resolution on the motion is drafted overnight to be presented the next day for approval by house of synod. The house of

synod is constituted by both members of the laity and the clergy. Members of different church organisations such as the guilds for youth, women and men, principals from Anglican Church schools, leaders of Non Profit Organisations and charities run by the Anglican Church are invited. This means that there are always more members of the laity than clergy. The resolutions that emerge out of the house of synod become “diocesan rules” and are deemed to be binding and a reflection of the collective resolve of Anglicans within a particular geographical setting. From personal experience, I can confirm that the voice of clergy in synod meetings tends to dominate the discourses of the house of synod and what is promulgated as synod resolutions.

### ***A Landscape of Events: The Context of the October 2013 Synod Resolution***

Pillay (2013:53) pointedly states that

In South Africa, the recent spate of reported cases of violence against women, and particularly the brutal gang-rape and murder of Anene Booysen, of Bredasdorp, once again brought gender based violence on the agenda of the government and the state society organizations including the church.

It would appear that this February 2 2013 event was the event that led the Anglican Diocese of Natal to make a statement on gender based violence. This is seen in the plethora of statements made by Bishops of the Anglican Church, especially in the Western Cape, and the references made to it during the synod discussion. To illustrate this, Bishop Rubin Phillip in his capacity as the deputy to Archbishop Thabo Makgoba gave a statement on behalf of the Anglican Church of Southern Africa (Pillay 2013). Bishop Rubin Phillip was also the diocesan Bishop of Natal who would later preside over the discussion and adoption of the synod resolution on gender based violence in Pietermaritzburg, the official seat of the Anglican Diocese of Natal. Bishop Raphael Hess, Bishop of Saldanha Bay, and Bishop Margaret Vertue, Bishop of False Bay, also made statements on the Anene Booysen matter all around the 8<sup>th</sup> of February 2013 (Pillay 2013).

Just eleven days after the Anene Booysen murder; Reeva Steenkamp was murdered by her boyfriend Oscar Pistorius at his Pretoria home on 14 February 2013<sup>11</sup>. There is no evidence

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<sup>11</sup> Oscar shoots girlfriend report; 14 February 2013, News 24.

<http://www.news24.com/SouthAfrica/News/Oscar-Pistorius-shoots-girlfriend-reports-20130214> (Accessed: 6 June 2015)

that there was urgency to comment on this murder case by those in the Anglican Church and certainly nothing from the diocese of Natal except a statement by Archbishop Thabo Makgoba on the 6<sup>th</sup> of March 2013 in an editorial he wrote for the *Sunday Independent* dealing with justice and judgement<sup>12</sup>. The statement was made after a meeting of the South African Council of Churches entitled “*Church in Society*” that focused on the role of the church in giving guidance on ethical and moral issues in society. He remarked that the conference raised

concerns about how often dilemmas of a moral nature pass by with the Church being silent about them. This week the country will be focusing on the high profile murder trial of Oscar Pistorius...this trial has cast a global spotlight, not only on the Olympic and Paralympic star athlete, but also shines a light on South Africa's constitution and its legal system. It will, hopefully, stimulate a conversation on our moral values as a nation with these two elements at the centre of this conversation.<sup>13</sup>

Silence and voice produce discourses on gender based violence. Archbishop Thabo Makgoba bemoans the silence within the church as a gap that allows “dilemmas of a moral nature (to) pass by”.

Analysing his statement however, the reference to Oscar Pistorius, the Paralympian, in the Archbishop’s statement and not to Reeva Steenkamp, the murdered woman, shows how the focus of a gender based violence case falls upon the perpetrator and not the victim. The plight of Reeva is minimised as Oscar is given prominence.

The above suggests that instead of dealing with the issue of the victimised woman, what takes focus is the issue of an apparent crisis in masculinity. Excuses such as the physical disability of Oscar Pistorius in the context of socially constructed masculinities that portray men as physically stronger, domineering and protective become the focus (Connell and Messerschmidt 2005, and Chitando 2007).

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<sup>12</sup> Media Club South Africa report, 6 March 2014. SAinfo reporter, Archbishop Thabo Makgoba on Justice and Judgement: <http://www.medioclubsouthafrica.com/democracy/3734-archbishop-thabo-makgoba-on-justice-and-judgement> (Accessed 16 August 2015)

<sup>13</sup> Media Club South Africa report, 6 March 2014, SAinfo reporter, Archbishop Thabo Makgoba on Justice and Judgement: <http://www.medioclubsouthafrica.com/democracy/3734-archBishop-thabo-makgoba-on-justice-and-judgement#ixzz3qLiABFXI> (Accessed 16 August 2015)

The voice of women (symbolically represented in Reeva Steenkamp) is silenced by the need to address what embarrasses men (represented by Oscar Pistorius). Even though Oscar Pistorius has subsequently been found guilty of murder by the Supreme Court of Appeal, I argue that the decision of the presiding judge Leach does not focus on gender based violence. Judge Leach argued that

(i)n these circumstances I have no doubt that in firing the fatal shots the accused must have foreseen, and therefore did foresee, that whoever was behind the toilet door might die, but reconciled himself to that event occurring and gambled with that person's life. This constituted *dolus eventualis* on his part, and the identity of his victim is irrelevant to his guilt.<sup>14</sup>

Public commentary on the case operated through the lens of physical disability and ideas of masculine physicality to suggest the cause of the incident was either a matter of criminal violence, which is a national concern, or domestic violence. According to the judge, Oscar shot dead “whoever was behind the toilet” and the identity of the person is not significant. Judge Leach argued that “the identity of the victim had no bearing on a guilty or innocent verdict of *dolus eventualis*”.<sup>15</sup> The focus shifted from violence against a woman to general violence necessitated by Oscar's own anxieties about crime in South Africa. Gender based violence in white suburbia became secondary.

Crenshaw (1991:1242) argues that

in the context of violence against women...identity politics (should not be minimised) fundamentally because the violence that many women experience is often shaped by other dimensions of their identities, such as race and class.

Race is an important intersection to discuss alongside gender, health and religion. Why did the Reeva Steenkamp murder not receive the same response from the Church as the murder of Anene Booysen? Might it be because of the way domestic violence in white South Africa

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<sup>14</sup> *Director of Public Prosecutions, Gauteng v Pistorius* (96/2015) [2015] ZASCA 204 (3 December 2015) Available on: <https://drive.google.com/file/d/0B8Kyz3EkLTLNkxOTkFmcFBEbUE/view> (Accessed 26 December 2015).

<sup>15</sup> Report by Shain Germaner, 3 December 2015, for IOL News/Crime-Courts, Oscar guilty of murder: <http://www.iol.co.za/news/crime-courts/oscar-guilty-of-murder-1.1954546#.VmAlkJovVQ> (Accessed 26 December 2015).

is perceived? There are different responses to acts of violence in black communities and when there are white persons involved (see Dobash and Dobash 1992:50-53).

The legacy of apartheid has created a deep culture of violence in South Africa especially among the disenfranchised black men (Simpson 1993; Dunaiki 1993). Dunaiki reminds us of the dilemma of the “young lions” discourse of the men who went to war to fight the apartheid regime, and who now in the democratic dispensation find themselves using their previous experiences of war and torture to inflict violence on women. The presence of the young lions is also used to justify the narrative that gender based violence is predominant among blacks and that black men cannot help themselves when abusing women because they are simply enacting what apartheid has wrought in them. At its core, the “young lions” discourse ignores the fact that women and children also suffered under apartheid and yet that did not turn them into monsters that kill men. Petersen (2009) and Rakoczy (2000; 2004) are among some of the feminist writers that acknowledge the effect apartheid has had in creating the violent environment South Africa has become, but they do not ignore the fact that gender based violence has patriarchy as its base and that gender based violence is a male problem and not just a black males’ problem.

During this study, a very close friend and a member of our congregation was stabbed to death by her estranged husband. This incident left me sufficiently traumatised to seek the help of a psychologist at one of the hospitals in the Durban Metro. As part of our discussion, she indicated that the violence I had just narrated had all the hallmarks of everything that is wrong with the “African male”. She claimed that she had read that the African male in history would kill and eat their disrespectful wives; she further said, “look at what Shaka Zulu did...” My encounter with the psychologist demonstrates anecdotally how gender based violence is being constructed as a black or African male problem in South Africa.

I, however, acknowledge the argument by Sokoloff and Dupont (2005) that violence against women cannot be simply universalised as there are certain experiences that are particular to women of colour only. Sokoloff and Dupont (2005:39) are not arguing for the privileging of white violence and strategic silence on black violence but

challeng(ing) the primacy of gender as an explanatory model of (violence against women) ...  
emphasiz(ing) the need to examine how other forms of inequality and oppression, such as racism, ethnocentrism, class privilege, and heterosexism, intersect with gender oppression.

Crenshaw (1991) explains that within the American context she researched, statistics about violence among black people in America were withheld for fear of perpetuating the stereotype that black males are endemically violent. There is a strategic silence in the African American context to avoid extending the stereotypes in a community which, like South Africa, makes black crime public. In the South African context, there is a silence which privileges white male violence by privatising white crime. Jiwani (2006:xi) calls this privileging of white violence “the discourse of denial” which works to obscure the place of race in the area of violence against women. In the context of identity politics that Crenshaw<sup>16</sup> is dealing with, Jiwani (2006) further argues that violence against women in black communities is easy to see because poverty among blacks has meant that families live together closely and there is no privacy. For the white community (as in the Oscar Pistorius case), their lives and violence against women is private because there is no neighbour living close by to see what happens in the high walled private homes. The portrayal therefore of violence against women in white communities is pathologised, blamed on criminal insanity of white males and not discussed as an endemic, ethnic or race problem.

In promulgating its resolution, the house of synod had an opportunity to consider policies or laws that go beyond the punitive or remedial bounds of state law and to formulate laws that protect the women who are abused and further victimised through the politics of race. The question begs: in what way can the church make claims of being a moral compass and declare that it is called to be at the forefront of helping those who are abused in the synod resolution of October 2013, and yet seem hesitant to participate in the complexities and sensitivities of cases of violence against women of certain races? Could it be that the conceptualisation of gender based violence in the house of synod originates in the need to condemn gender based violence in black communities rather than gender based violence in South Africa generally? Numerically there are more black Africans who attend synod in Natal and a few whites from historically white churches are represented. The make-up of the house of synod being mainly black African could have influenced the conceptualisation and notions of violence in the synod. It could be that members of synod were informed by their own backgrounds in which the Anene Booysen gang rape and murder would be most relevant.

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<sup>16</sup> See also Simpson 1993 for the South African context.

Contemporary with the Anene Booysen gang rape and murder, I now consider the treatment of sexual diversity in the South African landscape of violence against women. In the same period I considered the events surrounding the synod resolution, the British Broadcasting Cooperation reported the “corrective rape” and murder by eight men of Noxolo Nogwaza. A second woman Noxolo Nkosana was also raped around that same time. The same report cites Luleki Sizwe, a charity which helps women who have been raped in the Western Cape, who indicate that more than ten lesbian women per week are raped or gang-raped in Cape Town.<sup>17</sup>

*The Times* newspaper reported that after the rape of Noxolo Nkosana, another woman, Gift Makau, was found dead in Tshing having been raped and strangled for being a lesbian.<sup>18</sup> Another women Zukiswa Gaca<sup>19</sup> was also raped. The reported corrective rapes and murders happened in the Western Cape (the same area where Anene Booysen was gang raped and murdered) and Gauteng, and yet the church or house of synod of the Anglican Church made no statement on it. Much like the murder of Reeva Steenkamp, the plight of lesbian women did not make it into the deliberations of the house of synod, suggesting the limits within which the synod is willing to engage gender based violence.

Anecdotally, in July 2015 I participated as the house of synod transformed into the elective assembly of the Diocese of Natal to choose a new Bishop, and it was apparent that the choice would also be determined by the individual’s position on issues of homosexuality. The individual most likely to be seen as supporting gays and lesbians would receive less support. It is my analysis that though the Anglican Church in general accepts gays and lesbians, a large number of those attending the elective assembly, especially clergy, had negative sentiments towards same sex unions. It is the same clergy who are part of the house of synod and influence its outcomes.

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<sup>17</sup>Report by Pumza Fihlani, 30 June 2011 for BBC News online, South Africa’s lesbians fear corrective rape: <http://www.bbc.com/news/world-africa-13908662> (Accessed 28 May 2015)

<sup>18</sup> News24 report, 18 August 2014, Woman killed for being lesbian: News 24 <http://www.news24.com/SouthAfrica/News/Woman-killed-for-being-a-lesbian-report-20140818> (Accessed 28 May 2015)

<sup>19</sup>Report by Claire Carter, 27 July 2013 for New York Times, The brutality of corrective rape: [http://www.nytimes.com/interactive/2013/07/26/opinion/26corrective-rape.html?\\_r=0](http://www.nytimes.com/interactive/2013/07/26/opinion/26corrective-rape.html?_r=0) (Accessed 28 May 2015)

## ***Gender Based Violence in the Synod Resolution***

Having considered the landscape of events leading to the synod, we now enter into the synod resolution proper. The table details the shifts made from the original motion to what the synod resolution is saying. Significant is the shift from violence against women and children to sexual violence against women together with the ritual act of lighting a candle in memory of the victims of sexual violence.

	<b>Original Motion</b> (Bold text indicates points of analysis which follow)	<b>Synod Resolution</b> (Bold text indicates points of analysis which follow)
<b>Title</b>	Women and Children Abuse	Motion of Sexual Violence and Abuse
<b>Preamble</b>	This Synod while giving thanks for the passing of the amendment to Act 27 of 2007, allowing for the Justice Department of the Republic of South Africa to establish special Sex Crimes Courts throughout the country, recognizes that this is not sufficient to stop the abuse of women and children	Same
<b>Acknowledgement</b>	Therefore, we the members of Synod (a) confirming our abhorrence at all forms of abuse of women and children and (b) moved by our conviction that the Church is called to be at the forefront of helping those who have been abused, hereby resolve:	Same
<b>Recommendations #1-3</b>	<ol style="list-style-type: none"> <li>1. That the Diocesan Bishop, with Chapter, establish a Steering Committee consisting of Clergy and Lay persons with the following mandate.</li> <li>2. All Clergy and at least two lay people from every Parish receive training in First Response Trauma Counselling, and Prayer Counselling to assist victims of abuse.</li> <li>3. Ensure that every Region has a</li> </ol>	Same



	Coordinator who after training is completed conduct workshops to ensure continual honing of skills.	
<b>Recommendation #4</b>	4. Ensure that each Region forms relationships with <b>Police Sex Crimes</b> Units and Welfare Department Physiologists to facilitate ongoing counselling of victims of abuse.	<p>Ensure that each Region forms relationships with <b>Police Crimes Units</b>, Social Development, Psychologists, NICRO, Childline and all other relevant stakeholders to facilitate first response, ongoing counselling and other support for victims and their families.</p> <ul style="list-style-type: none"> <li>• Police sex crimes unit is replaced with police crimes unit.</li> <li>• Welfare Department is replaced by other state and NGO service providers.</li> <li>• Physiologists are replaced by psychologists (the former most likely a spelling error)</li> <li>• Support for victims extended to their families</li> </ul>
<b>New Recommendation #5</b>		5. Work with congregations, schools and other bodies, where appropriate, to undertake prevention work through proactive gender and life skills education.
<b>Recommendations#5</b>	5. Report back to the next Synod on what has been achieved.	Stays the same and becomes Recommendation #6
<b>Recommendations #6-7</b>	<p>6. That some form of Diocesan Protest Event be arranged as soon as achievable in Durban and Pietermaritzburg, involving as many Anglicans as possible to raise awareness among the citizens of our Province</p> <p>7. That those who are elected to Provincial Synod put forward a similar motion that will cover the entire Province.</p>	Stay the same and become Recommendations #7 and 8
<b>Recommendation #8</b>	8. That our Diocesan Bishop be called upon to write to the State President and the Minister of Justice on behalf of this Synod	9. That our Diocesan Bishop be called upon to write to the State President, the Minister of Police and the Minister of Justice, also involve the Health Department and Social Welfare and respective NGOs of behalf of this Synod

	asking for funding to be made available for more policing in the area of sexual abuse and for advertising to further increase awareness of the scandal abuse in our country.	asking for funding to be made available for more policing in the area of <b>sexual and physical abuse</b> and for advertising to further increase awareness of the scandal of abuse in our country. <ul style="list-style-type: none"> <li>• Becomes Recommendation #9</li> <li>• Sexual abuse is now accompanied by physical abuse</li> </ul>
<b>New Recommendation #10</b>		10. To encourage more efficient communication between the Departments of Justice and Police to effect more successful prosecutions in this area and funding to be made available for public awareness campaigns around this issue
<b>New list of recommended rituals</b>		<p>Revd Gill Padoa was called upon by Bishop Rubin to pray for this situation. A candle was lit by one of the young members of synod in remembrance of all victims of sexual violence.</p> <p>A moment's silence was held for victims of abuse, a candle was lit by Ms Nondumiso Zungu and Bishop Rubin led synod in a prayer</p>

Fairclough (2003:11) postulates that

meaning-making depends upon not only what is explicit in a text but also what is implicit (and also) what is assumed.

The original motion (which is the Vaubell-Laban motion in the house of synod) is entitled “Women and Children Abuse” and the amended version (which is the synod resolution) is entitled “Motion on Sexual Violence and Abuse”. Using Fairclough’s analytic framework on implicit and assumed meaning and the titles given to the two similar but different texts I analysed; I sought to find the meaning/s of gender based violence in the text.

To indicate the degree to which the processes around the passage of the resolution raised ‘gender’ as a matter of concern, I note the phrase “gender based violence” is not used in the original motion or the synod resolution. Also the house of synod in its deliberations referred

to “the abuse of women”, and not gender based violence. Significantly, however, section (iv) of the synod resolution, mentions “proactive **gender** and life skills”.

In conceptualising violence, the original motion speaks of “violence against women and children” and the synod resolution refers to “sexual violence and abuse of women”. It has been argued above in the landscape of events that the Anene Booysen gang rape and murder was the single most important event that influenced the formulation of this motion and attracted commentary from Anglican Bishops all over South Africa. My suggestion is this is what prompted the most explicit definition of gender based violence in the synod resolution to be sexual violence.

The shift to focus particularly on sexual violence and abuse occurs arguably because the Anglican Diocese of Natal Synod of October 2013 conceptualised gender based violence or violence against women in the context of the gang rape and murder of Anene Booysen. Church reactions to the event provide some plausible explanation of why the representations of gender based violence within the synod resolution did not address violence against women in the broader sense of violence against women and children which the original motion proposed. Intertextuality (Fairclough 2003) suggests the links between a text and the surrounding texts and offers insights into this privilege; therefore I read the synod resolution against the statement released by the Bishop of Natal on the 8<sup>th</sup> of February 2013 on the Anene Booysen gang rape and murder. The emphasis on sexual violence in the synod resolution shows that the resolution adheres closely to the Bishop’s sentiments on sexual violence rather than the broader focus on “all forms of violence against women” in the original motion. The distinction between the two shifts the focus from a broad spectrum of violence against women to a specific form of violence, namely sexual violence.

Interpretation is also “partly a matter of judgement and evaluation” (Fairclough 2003:11) and so analysing the synod texts required judgement of the truthfulness, sincerity and possibly the simple need for propriety and political correctness on the part of the producers of the texts (Fairclough 2003). The analysis I give to gender based violence in the synod resolution are based on inference and personal interpretation of the words used. It is possible therefore for other interpreters to come to a different conclusion on the same.

## ***Themes Emerging from the Original Motion and Synod Resolution***

In analysing the themes that emerge from the synod resolution, I considered Fairclough's submission on intertextuality (2003:47) that

for any particular text or type of text, there is a set of other texts and a set of voices which are potentially relevant and potentially incorporated into the text.

Fairclough (2003) concedes that it may not always be possible to clearly identify the text that is incorporated, but in analysis one has to have those texts at the back of their mind.

The following analysis of themes considered in newspaper and electronic media, and other texts and voices in the landscape of events leading to the October 2013 synod meeting. Also considered for analysis is the voice and text of Bishop Rubin Phillip who had released a statement (on behalf of all Anglicans in Southern Africa) as referred to in chapter one on the Anene Booysen gang rape and murder. I consider this particular voice as being potentially dominant because of the office of the Bishop and the authority he carries in the synod space. Fairclough (2003:8) points out that

texts as social events have casual effects...they bring about changes...in our knowledge, our beliefs, our attitudes, values...mediated by meaning-making.

The research also considered the events and activities after the synod meeting of October 2013 specifically and which arose directly as a result of the synod resolution. Fairclough (2003:15) states that

meaning-making, the causal effects of texts, and the specifically ideological effects of texts...cannot be got at through textual analysis alone...one needs to look at interpretations of the texts...(within) areas of social life.

Accordingly, an analysis of the events and or activities would help us understand how the synod resolution was understood and defined. Three recurring themes were identified, and they are (i) the condemnation of all forms of violence against women, (ii) advocacy around sexual health rights and (iii) the missionary mandate of the church to intervene wherever there is violence against women.

### **1. All Forms of Violence Condemned**

The preamble of the synod resolution reads:

“...we the members of Synod confirming our abhorrence at all forms of abuse of women and children”<sup>20</sup>

I aim to show here that the original motion sets out to condemn violence against women generally but in fact the synod resolution ends up putting emphasis only on one form of gender based violence.

Implicitness being a pervasive property of texts suggests that when the principal authors of the text presented a resolution to address “all forms of violence against women and children” all the principle authors who produced the text and its recipients had a shared understanding of what this violence is.<sup>21</sup> Similarly, the synod resolution suggests that members of the synod had a common view on sexual violence against women. The use of “we” is meant to include everyone present in the house of synod and once promulgated, that “we” is representative of all Anglicans in the Diocese of Natal.

Russo and Pirlott (2006:179) point out that “gender shapes the meaning of violent acts differently for women and men...and that meaning varies widely depending on the situational and cultural context” different individuals find themselves in. In its preamble, the resolution condemns all forms of violence but in its effect the focus is only on sexual violence. There is an indication in the synod resolution that the house of synod was aware that forms of violence against women are varied as evident in the phrase “all forms of violence against women”. However, the synod resolution specifically focuses on sexual violence against women and makes no mention of any other form of gender based violence. I considered this silence on other forms of violence as a reflection of the suggestion by Russo and Pirlott (2006) that the meaning of violent acts varies depending on situation and context. In this context, sexual violence was highlighted as the most significant form of violence.

I suggest that in order to end gender based violence all forms of violence against women, overt and covert; there is a need to specifically name and confront them. Is it possible to counteract violence that is nameless especially within the system and institution of the church? Tuyizere (2007:4) strongly argues that “(r)ight from the beginning of human history, religion has been the engine for gender violence and inequality” and that religious discourse continues to reinforce patriarchy and subordination of women even though it claims to

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<sup>20</sup> Preamble of synod resolution

<sup>21</sup> See Fairclough 2003:55 on Implicitness being a pervasive property of texts.

condemn these, as in the instance of rape and incest for example. In such an instance therefore, there needs to be an attempt to properly articulate what is being referred to as gender based violence in the context of the synod resolution. Tuyizere (2006) is of the opinion that gender based violence needs to be broken down into its different forms in order for it to be properly addressed. Tuyizere (2006:147-157) then categorises gender based violence into

domestic violence which takes all forms of abuse such as educational, physical, social, political, economic and religious (abuses),...physical violence (all forms of battery),...psychological violence (verbal),...cultural violence (socialisation of women)...sexual violence”.

From Tuyizere’s categorisation, the synod resolution would have to be considered as addressing gender based violence superficially. Though the synod resolution refers to all forms of violence against women, there remains a need to specify these forms in order to properly address them.

## **2. Sexual Health Rights**

Amongst its recommendations, the synod resolution calls for:

Justice Department of the Republic of South Africa to establish special Sex Crimes Courts throughout the country...clergy and at least two lay people from every parish receive training in First Response Trauma Counselling and Prayer Counselling...involve the Health Department and Social Welfare.<sup>22</sup>

The synod resolution has a specific focus on sexual violence against women and the remedial strategies offered by the synod are designed specifically to address sexual violence.

The original motion and synod resolution call for training of clergy around first response trauma counselling, cooperation with sex crimes courts and police sexual crime units among others. This seems to be a recognition of the 1993 Vienna World Conference on Human Rights which (Petersen 2009:450) emphasised the inalienable nature of women’s rights from the universal human rights, including women’s right

to have control over and decide freely and responsibly on matters related to their sexuality...sexual and reproductive health, free of coercion, discrimination and violence.

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<sup>22</sup> From synod resolution.

Sexual violence is therefore both a form and a symptom of other forms of violence that women experience and this has consequences on their reproductive health. There has been an acknowledgement from Amnesty International 2004 (Russo and Pirlott 2006) that violence against women is a major health concern with such problems as unwanted pregnancies and transmission of sexual diseases.

As already pointed out in the section dealing with the definitions of gender based violence in the synod resolution itself, sexual abuse was considered as the focal point for defining violence against women. Yet Russo and Pirlott (2006:192) citing Russo and Denious (2001) have argued that “violent partners are more likely to demand unprotected sex and refuse to use a condom”. Sexual violence is an expression of deep rooted violence against women. It is also not the only expression of gender based violence but is an indication of already existing forms of violence which could be physical and psychological. This complexity is discussed by Russo and Pirlott (2006:194) who further say

(u)nderstanding, predicting and preventing gender based violence will require a complex and comprehensive approach that intervenes at individual, interpersonal and structural levels.

A simple focus on sexual violence may therefore be an insufficient means of attempting to address gender based violence which is deeply systemic, structural and frequently justified by religion and culture.

The condemnation of all violence in the preamble of the synod resolution, recommendation for advocacy for sexual health rights, and the insistence in the resolution that the church should be at the forefront of standing up for the victims of violence, suggests an attempt within the house of synod to deal with the various forms of violence. In condemning gender based violence, the house of synod discussed gender based violence in relation to the Anene Booysen rape and murder which led to the synod resolution reflecting only sexual violence against women. The recommendations on sexual health rights, and the missionary mandate of the church with its ‘instructions’ to the state also reflects the focus toward sexual violence against women as opposed to gender based violence in general. As argued earlier in the context of intertextuality, (Fairclough 2003), the press release on the Anene Booysen rape and murder by Bishop Rubin Phillip likely influenced the house of synod which he chaired to discuss gender based violence with a specific focus on sexual violence, thereby limiting the

impact the synod might have had, had the scope remained as wide as intended by the original motion.

### **3. Missionary Mandate of the Church**

The preamble to the synod resolution reads:

“moved by our conviction that the Church is called to be at the forefront of helping those who have been abused.”

It is my contention here that the church declares its missionary mandate on gender based violence and yet remains silent on its own role in perpetuating it.

Rakoczy (2004:30) poses the question,

(s)ince women are more than half of the human race, how has it been possible for so many to cooperate, or be forced to cooperate in their own subjugation?

This question can be equally asked of the church environment where women are numerically the largest group.

The synod emphasises the need for the church to take an active role in fighting violence against women. Tuyizere (2007:82) points out the double effect of religion arguing that

(religion has) contrasting effects...on women... (It) encourages women to follow ordinary domestic roles or calls women into extraordinary roles of leadership.

This seems to be the sticking point of the church as possibly the agent and means of intervention for women who are experiencing violence and yet at the same time it is also complicit in domesticating women by imposing gender stereotypes. As Rakoczy (2000:15) argues

(w)omen experience patriarchy both consciously as an affront and unconsciously as a conditioning exercise in the religious exercise of Christian beliefs.

Though the synod resolution declares that the church has a mission to intervene where there is abuse, the statement does not acknowledge the systemic gender based violence within the institution of the church. Gender based violence entrenched in the language and practice of the church, Gross (1996) finds, is a handicap within the institution of the church.



Also problematic with the missionary mandate of the church as expressed in the resolution is what Harcourt (2009:103) notes to be the

shocking assumption that gender based violence is a crisis which requires a charity approach to help the victims, rather than a human rights issue...(which further) confirms patriarchal stereotypes that being a woman is the most vulnerable state of being requiring protection from others.

The house of synod through the resolution positions itself as acting and intervening on behalf of women. The synod resolution describes women as “victims of abuse” to be defended. The question to be asked is to what extent a church which operates along patriarchal norms of entrenching violence against women would be able to protect women? The language of the resolution and the suggested way forward, as discussed in the third theme below, does not give agency to women as being able to undo gender based violence. In defining agency, Andermahr *et al* (1997:11) argue that the

goal of feminism has been formulated as women’s self-determination...The designation of women as victims serves to compound women’s oppression under patriarchy and threatens to erase what agency they do manage to exercise.

The synod resolution gives agency to the Bishop, priests (who are mainly males) and to state departments to address gender based violence. This is not to suggest that the eradication of gender based violence is the work for women alone but rather that women should be prominent in finding solutions within the house of synod to address gender based violence. It is their experiences after all.

The missionary mandate of the church is however confirmed when Cochrane (2011:150) discusses the “African Religious Health Assets Programme (ARHAPs)” arguing that there is potential to position the church space as life giving and helpful in changing communities and in this case stopping gender based violence. Cochrane (2006:62) speaks of the “...potential solutions and strengths religious organisations and traditions could provide” where there is the will from within the institution of the church to have a transformative agenda. Rakoczy (2004:34) has argued that

clergy and other leaders of Christian communities must take the lead to denounce all forms of violence against women...The Christian churches must be active in the processes of transformation through preaching, teaching and public advocacy and counselling.

This suggestion however works on the assumption that the clergy and other Christian leaders are themselves willing and empowered to address gender based violence. The synod resolution calls for clergy training but this is mainly around areas of sexual violence against women and not violence against women as enacted in covert forms. Leaving the missionary mandate of the church in the hands of the clergy and leaders may therefore be problematic.

### ***Implementing the Synod Recommendations***

Further to the three themes above the manner in which the house of synod understood and defined gender based violence is also reflected in the synod resolution recommendations.

Harcourt (2009:104) argues

emphasis of street marches and noise though important fail to see the broader social, economic and political context in which violations need to be placed.

Recommendation 7 of the synod resolution is calling for exactly this kind of intervention among other forms of action. The resolution proposes that a protest event be arranged in Durban and Pietermaritzburg “involving as many Anglicans as possible”. Other recommendations include establishing a steering committee of clergy and lay persons (Recommendation 1) to train all clergy and “at least two lay people” in trauma and prayer counselling (Recommendation 2).<sup>23</sup> Furthermore, regional coordinators are to be identified for training, establishing relationships with police crimes units, social services, psychologists *inter alia* for support and honing of skills (Recommendations 3 and 4), and Recommendation 5 is to

work with congregations, schools and other bodies, where appropriate, to undertake prevention work through proactive gender and life skills education.

These actions to be carried out by Anglicans after the synod meeting indicate that the house of synod felt the Department of Justice’s establishment of special sex crimes courts was not sufficient. Therefore it offered instead a community based advocacy approach. State law and protest as a form of advocacy may be seen as two sides of the same coin confirming a symbiotic relationship between state law and religion; however it is debatable that the suggestions made in the synod resolution were any better than existing state mechanisms for

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<sup>23</sup> Original Motion point 2.

addressing the issue. In my analysis below, it is apparent that the suggestions in the synod resolution proved themselves insufficient.

Beginning on a positive note, following recommendation 1, a steering committee which was also referred to as the Gender Commission of the Anglican Diocese of Natal, was established by the house of synod and Rev Dr Andrew Warmback was made its chair, suggesting the house was indeed willing to give form to the resolution. A few interested persons, mostly clergy, attended three meetings of the Gender Commission after the synod meeting in 2014 but as the attendees were busy with other commitments, the meetings were stopped on agreement that clergy would continue taking forward the calls against gender based violence following the ritual recommendations of the latter part of the synod resolution. Individual clergy in their own parishes would use sermons, liturgy and parish programmes to highlight gender based violence. That other church matters were allowed to override the Gender Commission's responsibility to take forward the resolution on gender based violence suggests what scholars call fatigue on gender based violence. The fatigue displayed in failure to attend Gender Commission committee meetings could easily translate into lack of interest by clergy in parishes.

Oliver (2011:3) concludes

(it) would be nearly impossible to expect the change that is currently needed from Christians to counter violence to be initiated from within the structures and organisation of the church.

The reason, Oliver argues is that the church has too many other challenges. Added to this concern is the reliance on clergy who are mostly male to find time to address such a matter in their sermons and parish programmes and the degree to which this is sufficient to meet the original intentions of the proposal.

The synod, following Recommendation 9, also resolved that Bishop Rubin Phillip must

write to the State President, the Minister of Police and the Minister of Justice, also involve the Health Department and Social Welfare and respective NGOs on behalf of this Synod asking for funding to be made available for more policing in the area of sexual and physical abuse and for advertising to further increase awareness of the scandal of abuse in our country.

The statement instructs the Bishop to write to the State President and the various departments who are expected to comply with the request. This statement shows that the church perceives

itself in a position of authority to influence the state. The involvement of church figures as Archbishop Emeritus Desmond Tutu, Frank Chikane (secretary general of the South African Council of Churches from 1987-1994), and the role of the Dutch Reformed Church in the apartheid system could have contributed to this perception that the church has the authority to make demands upon the state. The intimate relationship of the South African Council of Churches and of the Provincial Synod of the Anglican Church of Southern Africa among others, with the state, is another example of why the church may perceive themselves as able to influence state law (Bentley and Forster 2012). My research indicates that there was no letter on gender based violence written from the Bishop to the State President and to date the state has made no changes that might reflect any response to recommendations of the synod resolution. Conversely, to illustrate that the state does respond when approached by church leaders we note that in December 2015, President Jacob Zuma replaced the Finance Minister and when the South African Council of Churches with the Archbishop of the Anglican Church expressed concern, the State President met urgently with the church leaders to address their concerns.<sup>24</sup>

Finally, the recommendations in the resolution suggest that gender based violence is a phenomenon outside of the church and therefore recommendations address concerns that from outside the church which also prompt the church to act outside its structures to save women in the world beyond the institutions of the church. The house of synod represented sexual violence as a phenomenon prevailing outside the structures of the church and therefore the call for the church to be at the “forefront of helping those who have been abused” is premised in the idea that they would have been abused outside the church.<sup>25</sup> There is no indication in the resolution or in the house of synod that perpetrators or potential perpetrators and victims of violence against women are within the church itself and could even be part of the house of synod itself. The call to public marches also seems to be directed at bringing awareness to those outside of the church on issues of gender based violence.

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<sup>24</sup>Report for the The Times, 15 December 2015, Zuma meets church leaders over finance minister debacle: <http://www.timeslive.co.za/politics/2015/12/15/Zuma-meets-church-leaders-over-finance-minister-debacle> (Accessed 13 January 2016)

<sup>25</sup> Original motion and amended resolution.

## ***Chapter Summary***

This chapter dealt with the landscape of events before the October 2013 Anglican Diocese of Natal Synod that may have influenced the conceptualisation of gender based violence in the synod resolution. It also explores what the house of synod and what the synod resolution says about gender based violence and the remedial actions that the house of synod offered.

The analysis indicates that the house of synod perceives itself to have moral authority to instruct the state on gender based violence and also sees itself as being at the forefront of fighting for victims of violence. The analysis concludes that the recommendations in the synod resolution may themselves be insufficient to address all forms of violence against women, further they avoid the systemic violence of the church. The analysis also highlights the landscape of events around the synod resolution to suggest the probable reasons why the synod resolution, whose focus is sexual violence, moved away from the intention of the original motion which focused on violence against women and children. The fact that the synod resolution emerged against the background of the Anene Booysen gang rape and murder, an incident on which the Anglican Church had issued statements, may have led the house of synod to focus on sexual violence against women only and not on gender based violence in general. This could also explain why the synod resolution makes no mention of the systemic and structural nature of gender based violence in the church.

The next chapter deals with how the house of synod is constituted and the church laws governing it, in order to analyse how synod law is related to and yet independent of state law. Key to the analysis is feminist jurisprudence which is defined in the chapter.

## CHAPTER 5:

### *House of Synod as a Legal Framework: Gender Based Violence, Church Law and the Secular State Governed by State Law*<sup>26</sup>

#### ***Introduction***

In the context of the Anglican Church, the synod resolution of the Anglican Diocese of Natal on gender based violence functions as a law with the power to regulate and govern how violence towards women is defined in the Anglican Church. Using a feminist jurisprudence lens, in this chapter I examine the house of synod as both a religious space and a legal space. Synod law, though separate from the South African state legal framework, is binding and authoritative within the church such that it holds a combined religious and legal authority. Accordingly, I examine ways in which synod law is both related to and independent of state law; at times the two work in concert and the synod relies on the legal system of South Africa for enforcement or realisation and at times the two systems of law are in conflict. Using four elements of feminist jurisprudential analysis, I examine the operations of the house of synod as a legal space in a church that is largely patriarchal terms. Next, I examine how the synod and state legal frameworks interact in formalising ideas of gender based violence within the Anglican Church.

#### ***The Synod***

How do the synod and state legal frameworks interact in formalising ideas of gender based violence within the Anglican Church? To respond to this question I investigated the synod resolution and the processes of the house of synod that interact in various ways with state law, rendering it a religious and a legal space, and suggesting how synod law is both related to and independent of state law.

One of the guiding principles in the Canons and Constitution of the Anglican Church is “We are episcopally led but synodically governed”. This means that since a bishop is the figurehead of the Anglican community, authority, rules and all instruments of governance reside with the house of synod; effectively it also grants the Bishop the power of veto over

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<sup>26</sup> I am grateful to one of my reviewers Professor Sarojini Nadar who suggested that I consider the conceptualisation of synod as a legal framework since such work hasn’t been considered before within the Anglican Church.

the house of synod. The synod resolution was adopted under these terms and I therefore considered how a resolution of the Anglican Church is passed, how the diocesan synod is constituted and how these function as a legal framework for the church.

The Diocesan Synod is made up of the Bishop, the Bishops Suffragan (assistant Bishops for which Natal has two), and the clergy of the Diocese and Lay Representatives as elected (at the 2013 synod each parish sent two representatives). Also making up the house of synod are the various leaders of groups such as the Mothers Union, Women and Men's groups, the youth group, representatives of young children's ministries and principals of Diocesan Schools. Prominent among those who constitute the house of synod are the Diocesan Registrar and the Chancellor,<sup>27</sup> the two members (officers) of the house of synod that illustrate most clearly the interaction between synod as a legal framework and state law. The rule book of the Anglican Diocese of Natal specifies that the Diocesan Registrar be an attorney of the High Court.<sup>28</sup> The Bishop should also appoint as Chancellor for the Diocese an individual who, like the registrar, is required to be a communicant in good standing and legally qualified.<sup>29</sup> Among other responsibilities, the diocesan chancellor attends and assists the Bishop in all synod meetings, Bishop's courts and tribunals.<sup>30</sup> By definition of their duties, it is apparent that the offices of registrar and chancellor are established for religious and state law advisory purposes and for hearings in matters affecting Anglicans in both religious and state law. The Diocesan Registrar at the 2013 synod was Honourable Justice Nompumelelo Radebe who is a judge of the High Court and the Chancellor was Honourable Justice Leona Valerie Theron also a judge of the High Court. I note that the current Chancellor of the Anglican Church of Southern Africa of which the Diocese of Natal is part, is the retired Judge Ian Farlam. The provincial Chancellor (in this case Judge Ian Farlam) works with the Archbishop as the highest office for appeal and mediation for internal church policies and also advises the Anglican Church in any legal matter that concerns all Anglican

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<sup>27</sup> The Acts of the Diocese of Natal, as amended by the Synod of the Diocese of Natal in October 2013 pg. 67 deals with how synod is constituted.

<sup>28</sup> The Acts of the Diocese of Natal, as amended by the Synod of the Diocese of Natal in October, 2013 pg. 11/13.

<sup>29</sup> The Acts of the Diocese of Natal, as amended by the Synod of the Diocese of Natal in October, 2013 pg. 11/13.

<sup>30</sup> Ibid pg. 13.

diocese in Southern Africa as a collective. In other words, the provincial chancellor plays the role that in state law is reserved for the Supreme Court of Appeal.

Given that individuals occupying these positions must be attorneys registered with the High court, I use these positions to examine the interaction of synod law and state law for the ways in which synod functions as both a religious and legal space. Three areas of interaction are immediately evident. Firstly, the Registrar and Chancellor of the Diocese are required to have state law qualifications; next, they are required to be communicants in good standing with the Anglican Church, and finally they are required to be well versed in the doctrine and theology of the church.

### ***Disabusing Mind of Personal Beliefs and Predispositions.***

First and foremost, the Registrar and Chancellor are required to have legal qualifications recognised by the state and must be registered with the High Court.<sup>31</sup> Their qualifications allow them to advise where the church rules, though not always in full agreement with the law of the land, can stand if tested against them.<sup>32</sup> The chancellor and Registrar advise the Bishop during the proceedings of the Bishop's court and also act as defence lawyers on behalf of the church in civil courts as in the case of Nkosinami Nkomonde and of George Mbombo to be discussed below. The Chancellor and Registrar advised the Bishops as the defence at the CCMA and the labour court respectively. They act in an advisory capacity.

Further, the Chancellor also chairs the synod committee whose responsibility is to transform the original proposals into resolutions adopted by the house of synod<sup>33</sup>. They do this using transcripts of the discussions of the resolution. The process concludes by giving the initial proposal the legal language necessary for it to become church law. The process of changing the words of the resolution from lay language to legal language may potentially change the meaning intended by the proposers of the motion and those discussing it, leading to a potentially different outcome from what the proposers intended.

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<sup>31</sup> The Acts of the Diocese of Natal, as amended by the Synod of the Diocese of Natal in October, 2013 pg. 11/13

<sup>32</sup> Ibid.

<sup>33</sup> Ibid



The second suggestion of the ways in which the house of synod is both a religious and legal space is in that while necessary for the Registrar and the Chancellor to have legal qualifications, they are also required to be communicants in good standing.<sup>34</sup> For this discussion, I refer to the case of Ecclesia de Lange at the time she was a Methodist minister and married a same sex partner in violation of the Methodist Church Law. For this, she was suspended and eventually dismissed by the Methodist church and she took her case to the state courts after failing to get recourse from church processes. The presiding High Court judge in *Ecclesia de Lange vs Methodist Church* argued thus

To ensure that the arbitrator is conversant with both the Church's doctrine and processes and the legal requirements of a fair process, the Church only appoints senior counsel to preside at arbitrations. The arbitrator in this case is a senior counsel at the Grahamstown Bar. It must be assumed, in the absence of evidence to the contrary, that he can disabuse his mind of irrelevant personal beliefs and predispositions.<sup>35</sup>

The judge here was commenting on the arbitration processes that occurred previously between the presiding bishop of the Methodist Church and de Lange. This was a response to an argument by de Lange that she felt that the arbitration process could have been biased towards the church because the arbitrators had the responsibility of upholding the church law. Opposing her is the judge's assumption that the arbitrator did "disabuse his mind of irrelevant personal beliefs and predispositions". Yet personal beliefs and predispositions inclined toward church law and its theology are precisely what render an arbitrator a "communicant in good standing" and therefore are necessary requirements for the appointment of an arbitrator-lawyer for the church. In order to be an arbitrator or legal advisor to the church on state law, incumbents are required to subscribe to the position of the church they advise on matters of state law. It is precisely for this reason that I argue that the requirement that the Registrar and Chancellor in the Anglican Church be communicants in good standing; suggests that the church may not appoint individuals who contest church law.

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<sup>34</sup> The Acts of the Diocese of Natal, as amended by the Synod of the Diocese of Natal in October, 2013 pg. 11/13.

<sup>35</sup> The Supreme Court of Appeal of South Africa. Judgement. Case number 726/13  
[http://www.justice.gov.za/sca/judgments/sca\\_2014/sca2014-151.pdf](http://www.justice.gov.za/sca/judgments/sca_2014/sca2014-151.pdf) pp22 (Accessed 15 October 2015)

This raises the third and related point that the church requires Registrars and Chancellors to be well versed in church law.<sup>36</sup> The rules of the diocese as pointed out earlier require that the Chancellor and Registrar should assist the Bishop at the sittings of the house of synod and in “courts of visitations”. In order to do this effectively, they have to be able to interpret and apply the rules of the Anglican Church properly. Such ability ensures the church is not overruled by the state courts for the inability to properly follow their own rules. Summarily, the Registrar and Chancellor have authority in the Anglican Church by virtue of being good communicants, well versed in church law and by being qualified legal professionals.

Further we may also consider the space between the Bishop and the house of synod in analysing the position and authority of the Registrar and Chancellor. The Bishop of the diocese singularly holds the power to veto<sup>37</sup> any resolution agreed upon by the house of synod. Though there are mechanisms in place to challenge the Bishop’s veto powers, this power remains absolute. To avoid the possibility of a veto in the final instance, the Registrar and Chancellor would ideally have conferred with the Bishop to confirm his position on motions before the house of synod. Arguably, while entrusted with formulating the proposal into a legal document, the final resolution is always considered a reflection of the position of the Bishop.

To illustrate the autonomy and absolute power of Bishops, in the debate on the ordination of women, some Bishops were not willing to ordain women and they were allowed<sup>38</sup> not to in what is anecdotally referred to as the “super-Bishops” discussion. This meant that these particular Bishops were free not to ordain women even though the constitution of the church allowed it. An individual Bishop had the right to exercise their own conscience and it is because of this that though generally Anglicans ordain women priests, diocese in Zimbabwe, Zambia, Malawi and other parts of England still do not ordain women. Diocesan Synods and Bishops are also considered autonomous in the Anglican Communion.

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<sup>36</sup> The Acts of the Diocese of Natal, as amended by the Synod of the Diocese of Natal in October, 2013 pg. 11/13.

<sup>37</sup> Canon 9 of the Constitution and Canons of the Anglican Church of Southern Africa.

<sup>38</sup> Report by Riazat Butt, 7 July 2008 for TheGuardian.com, Church of England to consider introducing ‘super-bishops’ to avert crisis over women <http://www.theguardian.com/world/2008/jul/07/anglicanism.religion> (Accessed 23 September 2015)

While the church has had female Registrars and Chancellors, the incumbent Bishop and the Suffragans (assistant Bishops) have always been male, a gender imbalance strengthened by the large number of male clergy compared to women clergy. Feminist jurisprudence privileges women's voices in the conceptualisation of laws that affect them, bearing in mind it is necessary to satisfy the Bishop to avoid his veto, and the concentration of such power within the office of the Bishop within the synod legal space privileges a male perspective.

### ***State Law Upholding Church Law***

There can be no indifference on the part of state law toward religious law because as Smith (2005:861) points out the state cannot afford to

argue for its non-involvement in matters that profoundly affect the citizens (and) state and religious concerns often converge at a point where they become difficult to differentiate.

The reliance of the church on the state law is with good reason as church law and state law are not entirely separated. The legislative structures of the church appear to replicate the law making structures in state law giving the air of legal form to the religious space. The Anglican legislative structure has courts and tribunals led by the Bishop and Chancellor, there are appeal structures and effectively the Archbishop's office works as the final appeals court. The functions of the house of synod and the process of formulating resolutions could be equated to operations of parliament and how motions are debated and passed into bills.

Swan (2007) argues that there has been an attempt by some within Christendom to claim that the state should act as an extension of its moral compass. Swan indicates that such individuals argue that everything on earth including governments and courts are under the authority of God and that the state and the ruler derive authority from God. It would therefore follow, they would argue, that the state and its rulers are "duty bound to govern according to God's law...coerc(ing) compliance with Christian morality" (Swan 2007:405).

The above argument seeks to make the relationship between church law and state law look seamless and natural. In South Africa, the interaction between religion and state is more than superficial. Religion features in the constitution of South Africa in three important aspects; in the preamble, section 6 and section 15 (Coertzen 2014). The preamble of the constitution calls on God to protect the people of the country and declares in different languages "God

bless Africa”. In Section 6 it recognises religious languages and allows their promotion. Section 15 makes provision for the freedom of religion and also recognises religious law.

Not surprisingly then, synod law relies heavily on the legal system of South Africa to uphold the laws of the church thus forming a legal space that is both related to and independent of state law. The church relies on the state to uphold its own structures and laws while the state recognizes and upholds the church. Two labour law disputes best demonstrate this relationship. In the case of *Rev Nkosinami Nkomonde vs Diocese of Pretoria, Anglican Church of Southern Africa (2012)* before the CCMA, senior commissioner Byrne stated the following:

I believe it is necessary to consider a fundamental concept of what a Christian Church is and where it allegedly derives its authority from. The Theocratic and hierarchical structure is as follows:

At the top is “God”, then Jesus, then the Angels and then one drops down to the Earthly realm where one has the Church, a hierarchical structure within that particular Church, which cascades down to the Priest at the bottom. All structures below God derive their authority, power, wisdom and decision-making ability from God. As such, even the Priest at the bottom end of the hierarchy operates under the power of God’s spirit and for God’s purposes for the people on earth.

The bottom line is that the Priest works for God (according to the Anglican faith) and that any arrangements, including financial payments are simply assistance by the Church to allow the Priest to fulfill his relationship and “calling” with God to the fullest extent possible.<sup>39</sup>

Leslie Owen reflecting on the judgement explains that the judge ruled

that as a consequence the Church cannot allow an organization of the State such as the CCMA to tell it whom it may appoint as Priests or who it should or should not address. That’s a decision left to God! In short only God can determine this matter through those who manage the affairs of the Church on behalf of God.<sup>40</sup>

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<sup>39</sup> Report by Leslie Owen, 7 June 2012 for Owen, Andendorff and Associates, Priests, pastors: who is their employer? <http://www.owenaden.co.za/2012/06/07/priest-pastors-who-are-their-employer/> (Accessed 21 August 2015).

<sup>40</sup> Ibid

It is the Bishop and his advisors who “manage the affairs of the church on behalf of God” and in this case they work independently of state law. While there are those times when church law is in concert with state law, this case demonstrated that there are also cases that show the independence of synod law. State law grants that the leadership of the church should be allowed to exercise their own interpretation of church law without interference of from state law. By accepting the case and adjudicating in this way, the relationship between church law and state law becomes apparent. State law acted in this case to validate synod law.

In another case of *Luvuyo George Mbombo vs The Church of the Province of Southern Africa*<sup>41</sup>, *Diocese of Highveld (2011)*, Judge Kgomo sitting in the Labour Court found in favour of Rev George Mbombo who has been dismissed by Bishop David Bannerman and stated

the Respondent committed gross irregularity and transgressed or infringed on the Applicant’s rights to a fair hearing. The decision to relieve the Applicant of his duties is thus procedurally and substantially unfair and stands to be reviewed and set aside. The Applicant should be reinstated to the position he was in when the decision to relieve him of his duties was taken pending compliance with the order I am about to grant.

Judge Kgomo was arguing that the Bishop, the registrar and chancellor of the Anglican Diocese of the Highveld had failed to apply church law properly. Unlike *Rev Nkosinami Nkomonde vs The Diocese of Pretoria*, the judge in this case was able to set aside the decision of the Anglican Diocese of the Highveld and George Mbombo is now back in the employ of the Anglican Church. In one case, state law upheld the legal position of the church and in another dismisses what the church had pronounced. These two cases demonstrate how resolutions of synod that become law in the Anglican Church can interact in relation to and yet independent of the state law in South Africa.

The failed appeal of the *Ecclesia de Lange* case, the *Nkosinami Nkomonde* case and the *George Mbombo* case show that religious organisations have the right legally to apply their own laws and institute their own legal processes. This bolsters the suggestion that religious and or canon law occupy a constitutionally guaranteed legal space, thus highlighting the importance of a thorough analysis of the operations of the synod space as it has the capacity

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<sup>41</sup> The Church of the Province of Southern Africa is now called The Anglican Church of Southern Africa.

to make laws that can be liberative or oppressive to those within those religious spaces and from which state law may only offer limited legal recourse outside of church law set by the house of synod.

Further, Section 15 of the Constitution allows religious organisations to have their own legislative and juristic spaces (Coertzen 2014). These legislative spaces are separate from the state laws and are open to make determinations that may even be contrary to what the law of the land stipulates. To demonstrate this point, on 10 October 2015 the Dutch Reformed Church voted for the church to fully recognize same sex relationships and Nelis Janse van Rensburg speaking for the Dutch Reformed Church said

church councils and congregations are like families. They will eventually decide how they will go about it. They know the context, they know the situation, they know about the faith of these people, so they can decide on that.<sup>42</sup>

Same sex relationships and or marriages have been legal under state law in South Africa after a historic vote in Parliament on 14 November (2006), followed by the signature of Acting President Phumzile Mlambo-Ngcuka on 30 December (2006), which passed the State Union Bill into law.<sup>43</sup> It is clear here that for at least five years, the Dutch Reformed Church (as with other religious organizations) has operated differently from state law around state unions. The preamble of the constitution provides for the protection of the rights of all persons which includes the right to sexual identity, but that right is curtailed by the religious legislative space which, empowered by Section 15 of the same Constitution, has the power to make determinations that protect church's right to its own beliefs, practices and theology (Coertzen 2014).

### ***Limitations and Authority of Synod as Court***

Having considered the relationship between synod law and constitutional law, I now briefly discuss possible limitations of synod as a court especially in relation to gender based violence. In state law, when an action is described as a crime, appropriate sentences are pre-

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<sup>42</sup> eNCA report, 10 October 2015, Dutch Reformed Church to recognise gay marriage: <https://www.enca.com/south-africa/dutch-reformed-church-recognise-gay-marriage> (Accessed 24 October 2015)

<sup>43</sup> Report by Mary Alexander, 1 December 2006 for SouthAfrica.info, SA legalises gay marriage: <http://www.southafrica.info/services/rights/same-sex-marriage.htm#.VjhjPcvovVQ> (Accessed 23 October 2015)

set as a way of dealing with the crime. For example, extending the definition of violence against women to verbal threats and entering the premises of the partner have enabled the National Prosecuting Authority and South African Police Services to deal with covert forms of gender based violence. The house of synod would be limited as a court in this case because the parameters of what gender based violence is are defined in narrow terms of sexual violence. Further, there are no measurable consequences spelt out in the resolution of what would happen to those guilty of covert forms of violence whether in church practices and institutions or in liturgy or interpretation of scripture.

The Canons and Constitution of the Anglican Church provide for the establishment of a Bishop's court or tribunal wherein the Chancellor presides, and this has been effective in dealing with issues of labour disputes, financial mismanagement by officers of the church *inter alia* because such offences are clearly defined. Would such a court be sufficient to deal with systemic gender based violence where the Bishop, Registrar and Chancellor may lack the competencies necessary to deal with it? The Bishop represents the very institution that maybe guilty of perpetrating covert forms of violence against women. Can such a Bishop be a judge for the indiscretions of the institution he leads? It might be prudent therefore to follow the example of the state which established the sexual offences court and specialised sexual offences police units to deal with specialised crime. In this case, synod as court would solicit the help of legally and professionally qualified individuals experienced in identifying and naming covert forms of violence against women and then be in a position to deal with it. Swan (2007:395) has argued that there is a difference between sin and crime within the context of house of synod; I argue it would be prudent to label all forms of gender based violence both a sin and crime.

Critical questions to be asked in terms of synod resolutions as law include: to what extent is the synod resolution is binding? What are the consequences for not executing some of the recommendations made by the house of synod on violence against women? Is the house of synod dependent on the Gender Commission it established at synod 2013 to ensure execution of the resolution? Does the commission rely on clergy to continue work on gender based violence in the parishes? What mechanism does house of synod have to check if this is done? What mechanisms are there in state law to ensure that the church observes state laws? These questions reveal a limitation of the house of synod and state law.

Finally, examining the resolution as a legal framework that formalises ideas of gender based violence, we note that after the sitting of the house of synod, the synod resolution, though readily available, is not easily accessible.<sup>44</sup> It is produced in English and given that the majority of Anglicans in the Diocese of Natal are Zulu speaking, we cannot ignore the possibility of the message of the resolution being lost unless well translated. Furthermore most parishes within the Diocese of Natal have at least three hundred persons on their parish roll and of these three hundred only two people and their priests are invited to synod. Subsequently they are the only individuals in physical possession of the resolution and are tasked with interpreting it to congregants when they get back to their parishes, further limiting its reach. A quick check in the files of the parish I lead, which is English speaking, yielded no results for the resolution as the synod 2013 resolution book was nowhere to be found. Accordingly, I was left wondering how many people (even English speaking) were even aware of what was discussed by the house of synod. There is no obligation of the individuals attending synod to ensure that the parishioners back home receive and understand the resolutions from synod.

### ***Feminist Jurisprudence***

Further to the above analysis the potential ways in which the Anglican house of synod is both a religious and legal space which might be responsive to women's concerns of gender based violence, I employ a feminist jurisprudence framework originally intended to interrogate the male-centred origins and focus of state law to examine the synod as a forum for the realisation of feminist jurisprudential concerns. The four aspects of feminist enquiry I employ pertain firstly to how the ritualization of pain and suffering in religion continues to promote violence against women and, secondly, the degree to which the house of synod foregrounds women's experience in formulating law. Thirdly, I examine the extent to which the house of synod identifies and provides remedial action for systemic violence against women. Finally, I focus on the silence in the house of synod on systemic violence as complicit behaviour which is also a form gender based violence. A feminist jurisprudential analysis helps to expose these gaps.

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<sup>44</sup> Copies of the full transcript of synod deliberations are not available to those who didn't participate in the synod, the final resolution when promulgated are available at a fee (R35 each) and the poor may not consider it a priority to buy such so they may actually have no idea that such a resolution was ever made.



### *1. Ritualization of Pain and Suffering within Religion*

Feminist jurisprudential analysis is suspicious of a legal framework that operates within patriarchal norms and yet claims to address violence against women. To illustrate, the synod resolution purports to be speaking in the interests of women but the execution of that resolution is largely dependent on male clergy and male bishops all operating within an androcentric environment. The resolution led to the establishment of the Gender Commission<sup>45</sup> for the Anglican Diocese of Natal which recommended that sermons, liturgy and parish programmes be used to fulfil the mandate of the synod resolution. The androcentric context of the sermons, liturgy and parish programmes potentially ritualise pain and suffering. This suspicion seems further justified in the failure of the synod resolution to make any reference to the systemic violence against women that is evident in the institution of the church, its liturgy, interpretation of scripture *inter alia*.

Feminist thought is aware that when

participants are allowed to distance themselves from the violence that underlies religious ritualization, they also abdicate responsibility for that violence (Nowak 1984:21).

The resolution on sexual violence against women focuses on violence outside the church and therefore potentially distances women from the systemic violence of the church. Positioning its self as the protector of women, the church offers the promise of a better life for women, and the resolution suggests the women of the church may trust the institution of the church to intervene on their behalf. Yet the resolution leaves the systemic violence in the church intact in the form of rituals and policies that disadvantage women. This ritualization of violence allows systemic violence to persist.

### *2. Foregrounding Women's Experiences in Formulating Law within House of Synod*

Feminist jurisprudence questions the sufficiency of a patriarchal institution to fairly formulate rules in the interests of women. The interrogation of the house of synod and its processes is premised on a hermeneutic of suspicion which is "central" to feminist scholarship, namely,

the retrieval of women's experiences and history from the oppression of silence...and the exposure of androcentric thought frames and patriarchal structures which have relegated women's history and experiences to the crippling domain of silence (Nowak 1984:20).

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<sup>45</sup> The steering committee established by the house of synod was named the Gender Commission.

Against claims that state law is neutral, MacKinnon (1989:1161) argues that

feminist jurisprudence responds to men's societal domination, domination cloaked in neutrality that has oppressed women.

This view applies to the institution of the church and the house of synod which have historically claimed to be gender neutral or even universally representative of all genders,<sup>46</sup> yet in principle the institution and processes as demonstrated in the literature are still rooted in patriarchal norms. Scholarship has indicated that the religious spaces are pervasively patriarchal in expression, language and ritual performance and therefore perpetuate systemic violence against women (Rakoczy 2004, Gross 1996). Patriarchal power and privilege have a bearing on what becomes law and how social concerns are expressed and interpreted in law.

According to Wishik (1985:68), feminist jurisprudence

criticizes and subverts patriarchal assumptions about law, including patriarchal attempts to present law as without a gendered point of view.

Though the synod of the Anglican Diocese of Natal makes no claims of being feminist, it cannot be assumed that the space is gender neutral. As a discursive space, where resolutions are made from motions submitted, the house of synod functions in what I consider a religio-legal framework that regulates and controls how persons within the Anglican Church relate and, specific to the resolution discussed, how women relate to the patriarchal church arrangement on issues of gender based violence.

### ***3. Remedial Action and Complicit Silence by the House of Synod***

Further analysis of the potential ways in which the Anglican house of synod is a religious and legal space that is responsive to women's concerns on gender based violence demands that synod not only recognise external forms of violence against women, but also puts in place measures for remedial action against systems and policies that victimise women within the church. This would require not only the synod to define gender based violence to include the systemic gender based violence within the church, but to further offer avenues for how it will be uprooted.

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<sup>46</sup> Constitution and Canons of the Anglican Church of Southern Africa, pg (i), provincial synods of 1965 and 1968 removed the use of the word man/male as being representative of all people and Provincial Synod of 1990 passed that all persons (male and female) could be ordained as clergy.

Feminist jurisprudence considers silence in law on issues of systemic violence as complicit behaviour on the part of the institution formulating those laws. The resolutions of the Anglican synod are prescriptive in their nature in that they have the capacity to instruct the church and its communicants. It may therefore be argued that the silence in the synod resolution and the house of synod on systemic forms of gender based violence is tantamount to complicit behaviour that perpetuates violence against women. The state law framework in South Africa defines gender based violence beyond acts of physical and sexual violence and provides legal instruments to deal with these. If, as the synod resolution argues, those provisions are not sufficient then as a legal space itself the house of synod might develop its own instruments of equal or greater value that will deal with internal systemic aspects of gender based violence, amongst them the content of sermons and biblical texts. Yet, as we saw above, the synod resolution maintains a focus on external aspects of gender based violence and offers instead remedies such as a public protests and marches.

It has been argued that believers respond more to church law than state law because they consider church law to be from God. Rakoczy (2004) interviewed a group of women after they experienced violence at the hands of their intimate partners or people they are familiar with. The individuals interviewed in that sample had chosen to report the abuse to the pastors/church leaders and not the police. Rakoczy records that one of them responded that the pastor had told her to accept the abuse and simply pray for the perpetrator, another responded that the pastor had told her that it must have been her fault and she needed to change and respect her husband. These women followed the advice of their spiritual leaders and did not report the criminal behaviour of their abusers to the police.

Offering an alternative avenue for women, Davis *et al* (2015:27) argue that if a man abuses his wife,

she should make two calls, one right after the other. First, she should call the police...when churches teach otherwise, they not only fail to provide psychological and emotional care, they also fail theologically.

Given that church leaders have significant levels of power and influence, and the institution of the church has legislative powers that people obey, then the way the Anglican synod conceptualises and makes laws needs to be such that when women appeal to them they can get help or meaningful interventions. Therefore when formulating remedial measures there

needs also to be an awareness by the members of synod of the power and implications of synod resolutions. The text of the synod resolution shows the forms of power that the house of synod as a legal space perceives itself to have. Amongst the recommendations in the resolution, the synod instructs the Bishop to write to the State President and the Minister of Justice. This suggests that house of synod considers itself a religious and perhaps moral authority with the capacity to influence policy within the civic domain. The establishment of Special Sex Crimes courts by the Department of Justice was recognised in the synod resolution, but also came under critique as insufficient. The various recommendations to the state that follow (i.e. advertising, training and policing) turn back the responsibility for combating gender based violence to the state realm. For its own part, the church takes on the responsibility to be trained to address the trauma and religious aspects of gender based violence through counselling and partnership with state and community social services. The division of recommendations between the state and the church places the church in the position of moral authority and the state in the position of an executive responding to this moral authority.

### ***Chapter Summary***

This chapter set out to examine ways in which synod law is both related to and independent of state law and showed at times how the two work in concert and the synod relies on the legal system of South Africa for enforcement or realisation and at times the two systems of law are in conflict. The study considered three areas of interaction between state law and synod law. Firstly, the Registrar and Chancellor of the Diocese are required to have state law qualifications, next, they are required to be communicants in good standing with the Anglican Church and finally they are required to be well versed in the doctrine and theology of the church. The legislative structures of the church appear to replicate the law making structures in state law giving the air of legal form to the religious space. Using a feminist jurisprudential analysis, the analysis indicated that the religious spaces are pervasively patriarchal in expression, language and ritual performance and therefore perpetuate systemic violence against women. Further, the analysis points out that the silence in the synod resolution and the house of synod on systemic forms of gender based violence is tantamount to complicit behaviour that perpetuates violence against women. The following chapter presents the conclusion of the research outlining gaps for further research.

## CHAPTER 6

### CONCLUSION

Tuyizere (2007:52) points out that for some feminists the solution for women who choose to avoid the ritual violence of the church is

(t)o abandon biblically based religion entirely as inherently sexist, hopelessly patriarchal beyond the scope of repair...(while others) argued that the most effective feminist strategy was to maintain some links with traditional religions while engaging in radical transformations of those religions.

The first position rejects the possibility that religion can be helpful in the emancipation of women and in this case we may extend it to eradicating gender based violence. It is my submission that while the church in its current form is deeply patriarchal, there are ways in which the church can be a life giving space for women. Abandoning Christianity will not eradicate the oppression of women. The largest demographic in church are women and therefore it is necessary to find ways within the church to deal with violence against women (Rakoczy 2004).

It is my conclusion that employing tools of feminist jurisprudence that privileges the experiences of women in the formation of laws would help the house of synod to make church law that is both radical and transformative to its largest demographic.

Skinner *et al* (2005) suggests that feminist work concerned with violence against women should not critique, ridicule, silence and dismiss what others, such as those responsible for the synod resolution, are saying. Rather we should expose our own preferred discourses. It was not the intention of this research to simplify the position and representations of gender based violence in the synod resolution. Rather, I engaged with the resolution and the house of synod to analyse its strengths and limitations and then offer possible ways of reimagining the same.

Russo and Pirlott (2006) conclude that to ensure a proper understanding of gender based violence, its trends and ultimately the ways to prevent it, a comprehensive approach across all societal structures starting with the individual are necessary (also Runzo *et al* 2003). Their argument is that gender based violence can be addressed when all spheres of society work

together to address violence against women. A protest in the form of a walkout of the church suggested earlier would not be the best way to address gender based violence. Cochrane (2006:65) speaks about “religious health assets (RHAs)” emphasising that religions can be used effectively as life giving spaces and empowering to women. This potential must be tapped into and used in the fight against gender based violence as opposed to turning our backs against the church. The Anglican house of synod and the synod resolution are potential religious health assets that can be used intentionally to address gender based violence.

This study set out to analyse the discursive representations of gender based violence in the synod resolution of the Anglican Diocese of Natal passed in October of 2013. The study investigated the conceptualisation and definitions of gender based violence offered by the house of synod and the possible factors in both church and society that might have influenced the house of synod to formulate and resolve the way they did. I argued that the Anene Booysen gang rape and murder greatly influenced how gender based violence was conceptualised in the house of synod and the synod resolution. It was therefore no surprise that although the original motion in its preamble set out to condemn all forms of violence against women, the resolution dealt more specifically with sexual violence against women. I concluded the study with an investigation of the house of synod and the synod resolution in religious and legal terms and further from a feminist perspective.

The discursive representation of gender based violence in the synod resolution shows that the Anglican Diocese of Natal condemns all forms of violence against women. However, because the conceptualisation of the resolution was influenced by the Anene Booysen gang rape and murder, the resolution focused mainly on sexual violence towards women and in the process neglected to focus on systemic violence within the church alongside other covert forms of gender based violence. The study also showed that the house of synod is related to and yet independent of state law. To an extent, the synod resolutions are dependent on state law for validation and at the same time the church perceives itself to be a moral authority and to influence state decisions.

### ***Gaps for Further Research***

A critical gap identified in this study which needs further exploration is the conceptualisation of the Anglican Synod as a legal space. While much has been written on Islamic law and also Canon Law within the Roman Catholic Church, the Anglican Synod as both a religious and

legal space has not been sufficiently theorised. It would be productive to use an empirical study to examine how synod is perceived by Anglicans and how they receive and interpret the laws it makes and promulgates. Considering that these laws are made within a religious environment where the presence of God is invoked, it would be of value to find out from those who are affected by laws of the Anglican Church how they view synod law within state law. In this research I labelled that space as religio-legal to express the notion that house of synod is both a religious and legal space.

It would also be valuable to get the ideas of those who are critical to the operations of synod such as the Bishop, Chancellor, Registrar and Clergy. It has to be investigated to what extent the house of synod consciously considers the religio-legal implications of the resolutions they make on behalf of the majority of Anglicans who do not directly participate in formulating such resolutions. The synod resolution states that the Steering Committee must “report back to the next Synod on what has been achieved”. The next synod is in 2016 and it will be of interest to note what the report back on achievements might be, given the operations, authority and limitations of the house of synod highlighted in this study.

The synod resolution speaks of violence towards women and children but I focused more specifically and deliberately on women. Research has shown that where women and or mothers are being abused, children in that relationship will be victimised one way or the other (Russo and Pirlott: 2006). It may be prudent for the church to consider naming the specific forms of violence among children and explore how Sunday School and Junior Church programmes may be entrenching covert forms of violence.

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## Appendix 1



2 October 2015

Rev. Forbes Maupa 215080482  
School of Religion, Philosophy and Classics  
Pietermaritzburg Campus

Dear Rev. Maupa

Protocol reference number: HSS/1383/015M

Project title: A study of the expression of gender based violence in a synod resolution of the Anglican Diocese of Natal of September 2013

### FULL APPROVAL-NO RISK

In response to your application received 1 October 2015, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shenuka Singh (Chair)  
Humanities & Social Sciences Research Ethics Committee

/pm

Cc Supervisor: Dr Fatima Seedat  
Cc Academic Leader Research: Prof P Denis  
Cc School Administrator: Ms Catherine Murugan

Humanities & Social Sciences Research Ethics Committee

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## Appendix 2

Original Motion

### MOTIONS

#### AGENDUM 4.4

MOTION: WOMEN AND CHILDREN ABUSE

PROSPER: REVD DA VAUBELL

SECONDER: VEN M LABAN

This Synod while giving thanks for the passing of the amendment to Act 27 of 2007, allowing for the Justice Department of the Republic of South Africa to establish special Sex Crimes Courts throughout the country, recognizes that this is not sufficient to stop the abuse of women and children.

Therefore, we the members of Synod (a) confirming our abhorrence at all forms of abuse of women and children and (b) moved by our conviction that the Church is called to be at the forefront of helping those who have been abused, hereby resolve:

1. That the Diocesan Bishop, with Chapter, establish a Steering Committee consisting of Clergy and Lay persons with the following mandate.
  - i. All Clergy and at least two lay people from every Parish receive training in First Response Trauma Counselling, and Prayer Counselling to assist victims of abuse.
  - ii. Ensure that every Region has a Coordinator who after training is completed conduct workshops to ensure continual honing of skills.
  - iii. Ensure that each Region forms relationships with Police Sex Crimes Units and Welfare Department Physiologists to facilitate ongoing counselling of victims of abuse.
  - iv. Report back to the next Synod on what has been achieved.
2. That some form of Diocesan Protest Event be arranged as soon as achievable in Durban and Pietermaritzburg, involving as many Anglicans as possible to raise awareness among the citizens of our Province
3. That those who are elected to Provincial Synod put forward a similar motion that will cover the entire Province.

That our Diocesan Bishop be called upon to write to the State President and the Minister of Justice on behalf of this Synod asking for funding to be made available for more policing in the area of sexual abuse and for advertising to further increase awareness of the scandal abuse in our country.

## Appendix 3

### Amended Motion

#### 4.4 Motion – Motion of Sexual Violence and Abuse

Proposer: Revd Desmond Vaubell

Seconder: Van May Laban

This Synod while giving thanks for the passing for the amendment to Act 27 of 2007, allowing for the Justice Department of the Republic of South Africa to establish special Sex Crimes Courts throughout the country, recognizes that this is not sufficient to stop the abuse of women and children.

Therefore, we the members of Synod (a) confirming our abhorrence at all forms of abuse of women and children and (b) moved by our conviction that the Church is called to be at the forefront of helping those who have been abused, hereby resolve:

1. That the Diocesan Bishop, with Chapter, establish a Steering Committee consisting of Clergy and Lay persons with the following mandate.
  - i. All Clergy and at least two lay people from every Parish receive training in First Response Trauma Counselling, and Prayer Counselling to assist victims of abuse.
  - ii. Ensure that every Region has a Coordinator who after training is completed conduct workshops to ensure continual honing of skills.
  - iii. Ensure that each Region forms relationships with Police Crimes Units, Social Development, Psychologists, NICRO, Childline and all other relevant stakeholders to facilitate first response, ongoing counselling and other support for victims and their families.
  - iv. Work with congregations, schools and other bodies, where appropriate, to undertake prevention work through proactive gender and life skills education.
  - v. Report back to the next Synod on what has been achieved.
2. That some form of Diocesan Protest Event be arranged as soon as achievable in Durban and Pietermaritzburg, involving as many Anglicans as possible to raise awareness among the citizens of our Province.
3. That those who are elected to Provincial Synod put forward a similar motion that will cover the entire Province.
4. That our Diocesan Bishop be called upon to write to the State President, the Minister of Police and the Minister of Justice, also involve the Health Department and Social Welfare and respective NGOs of behalf of this Synod asking for funding to be made available for more policing in the area of sexual and physical abuse and for advertising to further increase awareness of the scandal of abuse in our country.
5. To encourage more efficient communication between the Departments of Justice and Police to effect more successful prosecutions in this area and funding to be made available for public awareness campaigns around this issue.

**Revd Gill Padoa was called upon by Bishop Rubin to pray for this situation. A candle was lit by one of the young members of synod in remembrance of all victims of sexual violence.**

Synod adjourned for tea at 11:00.

Synod resumed at 11:40. A moment's silence was held for victims of abuse, a candle was lit by Ms Nondumiso Zungu and Bishop Rubin led synod in a prayer.

**An amendment to 1 iii was proposed by Ms Daniela Gennrich and seconded by Canon Bellina Mangena. Amendment was carried.**

**An additional point iv was proposed by Ms Daniela Gennrich and seconded by Revd Tracy Bell, making the existing point iv, number v. amendment was carried.**

**An amendment to 1 iii was proposed by Mike Pitso and seconded by Ms Makhosi Ngubane. Amendment was carried.**

**An amendment to point 4 was proposed by Ms Makhosi Ngubane and seconded by Ms Zanele Dlamini. Amendment was carried.**

**An additional point 5 was proposed by Mr Clint Leverton and seconded by Bishop Rubin. The amendment was carried.**

The amended motion was carried.

## Appendix 4

Bishop of Natal

**The Right Revd Rubin Phillip**

P O Box 47439  
Greyville, Durban 4023

Tel: +27 31 308 9300

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Email: [bishop@dionatal.org.za](mailto:bishop@dionatal.org.za)

*Ref/tk*

16 May 2015

The Revd. Forbes Maupa  
Anglican Parish of St John the Baptist Anglican Church, Pinetown  
5 Payne Street  
**PINETOWN**  
3610

Email: [rector@stjohnbaptist.co.za](mailto:rector@stjohnbaptist.co.za) or [forbie4BC@gmail.com](mailto:forbie4BC@gmail.com)

Dear Father Forbes

Re: Permission to Conduct Research

Gatekeeper's permission is hereby granted for you to conduct research at the Archives of the Anglican Diocese of Natal in Pietermaritzburg provided Ethical clearance is obtained. We note the title of your project is:

**"Examining the understanding and articulation of GBV in the  
September 2013 synod resolution of the Anglican Diocese of Natal"**

It is noted that you will be doing archival research for the Gender, Religion and Health Programme. It would be good if you can share with us the research once it is concluded.

Yours Sincerely



The Right Revd Rubin Phillip  
Bishop of Natal (KZN)