Religion and Conflict Resolution

Christianity and South Africa's Truth and Reconciliation Commission

Megan Shore

RELIGION AND CONFLICT RESOLUTION

This book examines the ambiguous role that Christianity played in South Africa's Truth and Reconciliation Commission (TRC). It has two objectives: to analyse the role Christianity played in the TRC and to highlight certain consequences that may be instructive to future international conflict resolution processes. Religion and conflict resolution is an area of significant importance. Ongoing conflicts involving Palestinians and Israelis, Muslims and Hindus, and even radical Islamic jihadists and Western countries have heightened the awareness of the potential power of religion to fuel conflict. Yet these religious traditions also promote peace and respect for others as key components in doing justice. Examining the potential role religion can play in generating peace and justice, specifically Christianity in South Africa's TRC, is of utmost importance as religiously inspired violence continues to occur. This book highlights the importance of accounting for religion in international conflict resolution.

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MEGAN SHORE

King's University College, University of Western Ontario, Canada

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List of Abbreviations

AC	Amnesty Committee of the South African Truth and Reconciliation Commission
the Act	The Promotion of National Unity and Reconciliation Act
AICs	African Independent Churches, also referred to African Indigenous Churches
ANC	African National Congress
ARENA	Alianza Republicana Nacionalista (National Republican Alliance), El Salvador
CASAS	Central American Study and Service. A Spanish language, intercultural study and service department of SEMILLA, a Latin American Anabaptist Seminary in Guatemala City
CONADEP	Comisión Nacional sobre la Desaparición de Personas, The Argentinean truth commission, 'The National Commission on the Disappeared'
CR	Conflict Resolution
CSIS	Centre for Strategic and International Studies, a research and policy institute in Washington, DC
CSVR	Centre for the Study of Violence and Reconciliation, South Africa
Desaparecidos	The Spanish word for 'the disappeared', which refers to the thousands of people that vanished without a trace during the military junta in Latin America
DRC	Dutch Reformed Church
FMLN	Farabundo Marti para la Liberacion Nacional, El Salvador
Gacaca	A type of community court used in Rwanda's transitional justice process
GK	Gereformeerde Kerk
HRVC	Human Rights Violations Committee of the South African Truth and Reconciliation Commission
ICAR	Institute for Conflict Analysis and Resolution at George Mason University in Fairfax, Virginia
ICRD	International Center for Religion and Diplomacy, Washington, DC
ICTJ	International Center for Transitional Justice, New York
ICTY	International Criminal Tribunal for the former Yugoslavia
IDASA	Institute for a Democratic Alternative for South Africa
Imbizo	This is a Zulu word for 'gathering'. It broadly refers to a gathering called by traditional leaders. It has come to mean a community or neighbourhood court that handles local disputes in South Africa.

INCORE	International Conflict Research is a joint project with the United Nations University and the University of Ulster, Northern Ireland
IR	International Relations
IRA	Irish Republican Army
LMS	London Missionary Society
NGK	Nederduitse Gereformeerde Kerk (Dutch Reformed Church)
NGKA	Nederduitse Gereformeerde Kerk in Africa
NGSK	Nederduitse Gereformeerde Sendingkerk (Dutch Reformed Mission Church)
NHK	Nederduitse Hervormde Kerk
NGO	Non-governmental Organisation
NP	National Party
NUR	National Unity and Reconciliation, refers to one of Tristan Anne Boerer's models of reconciliation
PAGAD	People against Gangsterism and Drugs
R	Rand, the South African monetary currency
RCA	Reformed Church in Africa
REMHI	The Recovery of Memory Project, Guatemala
RICSA	Research on Christianity in South Africa
RRC	Reparation and Rehabilitation Committee of the South African Truth and Reconciliation Commission
SABC	South African Broadcasting Corporation
SACC	South African Council of Churches
SANCO	South African National Civic Organisation
TRC	South African Truth and Reconciliation Commission
The Cape	The Cape of Good Hope
Ubuntu	A word from the Zulu and Xhosa languages which can be translated to mean 'humaneness' or 'people are people through other people'
UDF	United Democratic Front
Umkhonto we Sizwe	Spear of the Nation, military wing of the ANC
UN	United Nations
URNG	Unidad Revolucionaria Nacional Guatemalteca (Guatemalan National Revolutionary Unity)
USIP	United States Institute of Peace, Washington, DC, USA
VOC	Dutch East India Company

Foreword

Mark Juergensmeyer

What is remarkable about the Truth and Reconciliation Commission of South Africa is not only that it helped to bring healing to a people wounded through decades of violence on both sides, but also that it showed a positive role that religious leadership and language can play in contemporary conflict. The reason why this is so notable is that the news media often presents only the dark side of religious involvement, the violent side.

The extraordinary changes in world society in recent years have involved religion to a degree that would have surprised the earlier centuries' most sage observers of modernity. They expected religious beliefs and practices to be contained within small circles of personal piety. Instead, religious activity has roared back into public life, often in ways that have been deeply unsettling. In the decades at the turn of the twenty-first century religion has been associated with some of the world's most strident forms of social encounter, including the ideologies of transnational movements, the identities of xenophobic political parties, the rhetoric of political leaders and the motivations of militants involved in some of the world's most devastating acts of terrorism.

But as is shown in this thoughtful study of the role of religion in South Africa's Truth and Reconciliation Commission, the violent religious rebels are just one part of the news. It is true that some religious activists have tried to blow things up. But others have tried to put the pieces back together. Prophetic religious voices have called for moderation, justice and environmental protection in a fractured and endangered world. They have tried to facilitate the understanding and tolerance necessary for globalisation's multicultural communities. And at times they have offered alternative visions of global values of their own.

In fact religion is a part of today's global society in many ways. It is not only a part of traditional customs and thinking, but it is also a vital part of contemporary change. It both contributes to the forces of globalisation and provides a corrective response to such trends as the homogenising elements of economic globalisation, the diasporas of communities, and the easy mobility of peoples around the world. These dynamic changes have led to new cultural patterns and shared values that have affected religion along with everything else. If this global interaction of people and information is leading to something more than just a mixed cultural stew – if there is a new global society emerging – then this emerging syncretic culture will have religious sensitivities and moral values as one ingredient.

This means that the religious factor in globalisation is often a puzzling one. Its role – though significant – is frequently contradictory. In some cases it provides the

resources for shared values – including a universal sensibility towards spirituality and the elements of a global ethic – that provide the cultural basis for transnational laws and regulations, agencies of economic and social accountability, and a sense of global citizenship. In some cases it helps to ease the cultural difficulties experienced in multicultural societies by providing the shared values that allow peoples of diverse cultures to live together in harmony. In other cases it sounds a prophetic note by warning against the superficial aspects of a homogenous global culture. And in extreme cases it also fosters ideologies of rebellion that embolden its proponents to reject globalisation and reassert traditional allegiances, sometimes with quite violent methods.

Some of the traditional values of religion – including honesty, justice, fair play, tolerance and respect for others – are necessary for the maintenance of any society, perhaps even more so for a globalised society that has no single cultural tradition. In a global culture the shared values of different religious traditions can provide a collective sense of virtuous conduct in public life. This tension between the parochialism of religion and its potentially global reach is at the heart of religion's ambivalence towards society. Sometimes religion can play a prophetic role in rejecting the oppressive features of global society. In some instances, religion can support movements not only for justice but also for mercy. When religion is conceived in its widest sense, as a stratum of spiritual sensibility and shared moral responsibility, it is congenial with the notion of civil society in its broadest sense – the idea of global citizenship – and thus can play a constructive role in reaching out across social divisions and playing a reconciling role in a fractured community.

The world's religious traditions have abundant resources for thinking about tolerance, harmony and human dignity on a global scale. No one tradition has a monopoly on a vision of shared values and the family of humanity. Hence there is every reason to expect that members of all religious traditions are potentially participants in an emerging multicultural world civilisation. It is a truly prophetic vision that some day, global societies will be animated by new forms of shared morality, spirituality and social values. Perhaps a future generation of global citizens will look back on the reconciling role that religion has played in the conflicts of our present age and see them as harbingers of a new place for religion in public morality. As the world changes the role of religion in global civil society also evolves, often in innovative and surprising ways. It is not inconceivable, then, that the religious role in healing fractured communities may lead to new forms of public religion.

Preface

This book is the result of years of thinking about, studying and witnessing the ambiguous relationship between religion and conflict resolution. As an undergraduate at the University of Waterloo in Ontario, Canada, I first became interested in the role religion played in promoting both conflict and peace, or as Scott Appleby refers to it, the 'ambivalence of the sacred'.[1] Deciding that I wanted to pursue this topic of study, I enrolled in the religious studies programme, with a specialisation in peace and conflict studies. Because I wanted a practical outlet, I chose the internship option in the programme, which meant that I received not only academic training but also extensive experiential training.

As part of this programme, in 1996 I lived, worked and studied in Guatemala City as part of Central American Study and Service (CASAS), which is a department of SEMILLA, a Latin American Anabaptist Seminary. While I was there the peace accord negotiations between the guerrilla group, the Guatemalan National Revolutionary Unity (URNG), and the government of President Álvaro Arzú were taking place. This accord eventually ended a bloody 36-year war. I was also there as Guatemala was deciding whether to adopt an official truth commission as a way to deal with its past and to rebuild for its future. The Catholic Church had already instituted a non-governmental commission entitled 'The Recovery of Memory Project', best known by its Spanish acronym REMHI, which ran from 1995 to 1998.[2] I remember seeing billboards across the country advertising REMHI and encouraging victims of human rights abuses to come forward to tell their stories. I also remember visiting the Human Rights Office of the Archdiocese of Guatemala, which was in charge of collecting these stories. As a Canadian who was accustomed to the doctrine of church–state separation, I was fascinated by, if not somewhat suspicious of, the prominent role that the Catholic Church was playing not only in truth recovery but also in helping rebuild the country after the civil war.

The following year I spent a term studying at the University of Ulster in Coleraine, Northern Ireland. It was an especially uncertain time in Northern Ireland. Just a few months prior to my arrival in January 1997 the 'Multiparty

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[1]   R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000).

[2]   The year after I left, an official truth commission sponsored by the United Nations was established under the title 'Guatemala: Memory of Silence' (1997–1999). See David Tombs, 'The Theology of Reconciliation and the Recovery of Memory Project in Guatemala', in David Tombs and Joseph Liechty (eds), *Explorations in Reconciliation: New Directions in Theology* (Aldershot: Ashgate, 2006), pp. 85–99.

Peace Talks' (also known as the 'Stormont Talks') had opened to a less than warm public reception. From the outset, the talks were marred by a series of sectarian skirmishes and bombings carried out by the Irish Republican Army (IRA) and loyalist terrorist organisations. The feeling among my fellow students in early 1997 was that Northern Ireland's future hung in the balance – that is, if there was going to be peace in their lifetimes, then these talks would most likely have to end with a peaceful compromise. My Northern Irish friends, who had never known peace, were realists, however. The conflict had penetrated the social, economic and culture structures of both sides, which meant that any 'successful' peace agreement would be only one step in a long and tenuous process of peacebuilding. At the time, I could only wonder where the churches were in the negotiation process.

My experiences in Guatemala and Northern Ireland, combined with my theoretical training in religious studies at the University of Waterloo, sparked my interest in the role religion played in international conflicts. Religious studies is a discipline defined by its subject and not by a particular method, so religious studies is by its very nature interdisciplinary. The training I received in religious studies included a variety of methods, such as anthropological, sociological, ethical, philosophical, political and phenomenological approaches to religion. Because my interests have been in conflict resolution, I have been inclined to focus more on the sociological, historical and political approaches to the study of religion. As a result, the questions I raise about religion are formulated from the perspective of an empathetic outsider, rather than an insider. Moreover, because I do not presume to be an insider – in this case a Christian engaged in intellectual pursuit for the purpose of edifying the Church or clarifying doctrine – I understand what I do to be a work of religious studies and not theology. In this book, I am interested in the interplay between religion and politics, as well as the social dimension of religion. My interest in Christian theology extends only to its influence on the socio-political context in South Africa and the extent to which transitional justice mechanisms, such as truth commissions, may draw on theological norms and values as sources for conflict resolution.

Already with solid training in religious studies, I sought out a graduate programme that would allow me to work on international governance, international policy and the practical effects of religion in international conflict resolution. I enrolled in the Master of Arts in International Development Studies programme at Dalhousie University in Halifax, Nova Scotia, Canada. My course work there focused on conflict resolution and international studies. My thesis focused on the role religion could play in settling the Palestinian–Israeli conflict. It was during this time that I was introduced to Appleby's book, *The Ambivalence of the Sacred*, which was in many ways the groundbreaking work examining the role religion could play in resolving international conflict. Up until this point, with the exception of Douglas Johnston and Cynthia Sampson's book *The Missing*

Dimension of Statecraft (1994),[3] studies in international conflict resolution had generally excluded religion as a source of peacebuilding because religion often fuelled conflict. Appleby argues that religion has of course been a source of violence and, for that reason, viewed with suspicion by international conflict resolution theorists. Yet, according to Appleby, the intellectually honest scholar must recognise that religion has at times played a positive role in resolving conflict. Towards the conclusion of his study, Appleby introduces elements of a typology of religious conflict transformation, stating that 'the fuller elaboration of which will depend on the growth of empirical research and case studies in this inchoate field of inquiry'.[4] In the corresponding footnote, he further concedes:

> While there have been numerous instances of religious actors and institutions contributing in constructive ways to the prevention, mediation, peaceful resolution, and postsettlement transformation of conflict, the historical and social scientific study of the phenomenon is a relatively recent undertaking. Scholars have yet produced a critical mass of case studies and nuanced comparatives that might provide a reliable basis for a comprehensive typology of religious conflict transformation.[5]

Indeed, this book on the role of Christianity in the South African TRC emerges directly from the challenge implied in Appleby's footnote.

This project is based on the research I conducted for my PhD, which I did at the University of Leeds in England. In September 2002 I moved to Cape Town, South Africa, where I worked as an intern with the Centre for the Study of Violence and Reconciliation (CSVR). CSVR is an independent non-governmental organisation that works in the field of reconciliation and transitional justice, criminal justice transformation, victim empowerment, youth and gender-based violence and in the building of sustainable peace and reconciliation. CSVR had been deeply involved in analysing the impact of the TRC on South Africa. The transitional justice programme, for example, develops new projects that address the continued needs around truth, justice, reconciliation and healing. It was through my work and contacts at CSVR that I was able to gain access to South Africa's post-apartheid social, economic and political realities.

The TRC had completed its mandate by the time I arrived in South Africa, so I spent much of my time travelling around, talking informally with people who had been involved in the TRC and who had witnessed its working first hand. I spent time with TRC commissioners such as Mary Burton and Fazel Randera. I met with TRC committee members Piet Meiring and Hugh Lewin. Observers of the TRC such as Johnny de Lange, John de Gruchy, Archbishop Dennis Hurley,

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[3]   Douglas Johnston and Cynthia Sampson (eds), *Religion, the Missing Dimension of Statecraft* (Oxford: Oxford University Press, 1994).

[4]   Appleby, *The Ambivalence of the Sacred*, p. 212.

[5]   Ibid., footnote 10.

and journalist Jannie Ferreira shared their experience of the TRC with me. I was deeply affected by the victims of human rights abuses who participated in the TRC Human Rights Violations Committee – Michael Lapsley, Ginn Fourie, Linda Biehl, Bishop Frank Retief and Dawie Ackerman shared their experiences with me. I was also able to meet with perpetrators. Their stories and my experiences are interwoven into my book. In talking and journeying with these people I realised that there was a rich body of texts emerging from the TRC that needed to be synthesised and analysed in light of the religious, and particularly Christian, discourses that I was encountering from commissioners, observers, victims and perpetrators. It was towards the end of my time in South Africa that I decided that my research would focus on key texts stemming from the Commission.

In this book I consider both primary and secondary sources. The primary sources I use extensively are the 1993 Interim Constitution of the Republic of South Africa (the Interim Constitution), particularly the final clause which provided the framework of the TRC;[6] the 1995 Promotion of National Unity and Reconciliation Act (the Act), which outlined the TRC mandate;[7] the transcripts of the Amnesty Committee and Human Rights Violations Committee public hearings, which are published on the TRC website;[8] and the *TRC Final Report*.[9] The secondary sources fall into three basic categories. The first category is 'insider' literature, which consists of work produced by TRC commissioners or committee members, including Desmond Tutu, Alex Boraine and Piet Meiring. The second category is 'insider-outsider' literature, which is work written by South Africans (insiders) who remained outside the official workings of the TRC. This would include literature produced by observers such as Antjie Krog, Russel Botman, John de Gruchy and Tinyiko Sam Maluleke. The final category is the 'outsider' perspective. This is literature written by non-South Africans who have done extensive research on the TRC, a group that includes Russell Daye, Lyn Graybill and Richard Wilson.

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6   Interim Constitution of the Republic of South Africa, Act 200 of 1993. Online, available at: www.info.gov.za/documents/constitution/93cons.htm (accessed 24 September 2008). In 1993 when this was drafted, it was not referred to as an Interim Constitution. However, in Chapter 5 (73) of this constitution there is acknowledgement that a new constitution would be passed within two years. In 1996, the new constitution was passed and it still stands today. It is common practice to now refer to the 1993 constitution as the 'Interim Constitution' to distinguish it from the 1996 Constitution. In this book I will follow this practice.

7   Promotion of National Unity and Reconciliation Act 1995, Act 95-34 (26 July 1995). Online, available at: www.doj.gov.za/trc/legal/act9534.htm (accessed 24 September 2008).

8   Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc (accessed 24 September 2008).

9   *Truth and Reconciliation Commission of South Africa Report* vols 1–5 (Cape Town: Juta, 1998); *Truth and Reconciliation Commission of South Africa Report* vol. 6 (Cape Town: Juta, 2003). Also on the official Truth and Reconciliation Website: www.doj.gov.za/trc/report (accessed 24 September 2008).

My hope is that with this project I have taken up Appleby's call to further develop research on the intersection between religion and conflict resolution. Of course, I realise that academic studies such as this have limited audiences. However, I do think that this case study on the ambiguous role that Christianity played in South Africa's TRC addresses certain practices and formal procedures that will provide important lessons for all who are interested in the difficult process of conflict resolution.

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Acknowledgements

There are many people who have played an important role in bringing this book to completion. I would like to thank and acknowledge the part they played in supporting this project.

My family, friends and colleagues around the world gave me much needed support while I was conducting my research. In England, I want to thank my doctoral supervisors Dr Kevin Ward (School of Theology and Religious Studies, University of Leeds) and Dr Nigel Biggar (Faculty of Theology, University of Oxford). Melissa Cassar, Serena Sennik and Michael Commerford were a wonderful community of friends in Leeds. I particularly want to thank Maureen and Phil Moore, and Barbara Sullivan, family who always welcomed me with open arms and gave me a place to call home.

Many people in South Africa graciously gave their time to me. I particularly want to thank Hugo van der Merwe at the Centre for the Study of Violence and Reconciliation in Cape Town, the St Patrick's Missionary Society at Kwa Patrick, Fanie du Toit at the Institute for Justice and Reconciliation, Ginn Fourie and Marleen Ramsey. They welcomed me into their lives, gave me the opportunity to see South Africa through their eyes and provided me the opportunity to experience this amazing country.

In Canada, I particularly want to thank my colleagues and students at King's University College at the University of Western Ontario, in London, Ontario. Thanks must also go to Dr Gregory Baum, who encouraged me to keep thinking about reconciliation and justice. My sisters, Stephanie Shore and Penney Shore-Talbot, and my parents, Pauline and John Shore, have offered endless encouragement and support.

My special thanks above all go to my husband, Scott Kline. Mere words cannot express my gratitude. Without his love, support and patience this project would not have been completed.

An early version of Chapter 5, 'Truth and Truth-telling', was presented with Dr Scott Kline at the Canadian Theological Society Annual Meeting in Winnipeg, Manitoba, Canada in June 2004. A condensed version of this paper and the concluding paragraph of this book are published in *Peace and Change: A Journal of Peace Research*.[1] An early version of Chapter 7, 'Justice', was presented at the Canadian Theological Society Annual Meeting in London, Ontario, Canada, in June

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[1]   Megan Shore and Scott Kline, 'The Ambiguous Role of Religion in the South African Truth and Reconciliation Commission', *Peace and Change: A Journal of Peace Research*, 31 (Blackwell Publishing, 2006), pp. 309–32. The definitive version is available at www.wileyinterscience.com.

2005. A version of this paper is published in the *Journal of Political Theology*.[2] My work on these papers, and the corresponding feedback, is reflected in this book. Thank you to all who provided helpful feedback on these early chapters.

Chapter 1
Introduction

The relationship between religion and conflict is an ambivalent one. For many in the field of religious studies, this has become a truism. But for many in the field of conflict resolution, this ambivalent relationship between religion and conflict has only recently been acknowledged. On the one hand, the ongoing conflicts involving Palestinians and Israelis, Muslims and Hindus, and even radical Islamic jihadists and Western countries have heightened the awareness of the potential power of religion to fuel conflict. News reports of Islamic suicide bombers targeting Jerusalem shopping centres, Catholics and Protestants battling in the streets of Belfast, and Hindu radicals attacking Christian churches in India seem only to confirm what Lucretius, the Roman philosopher, famously said: 'So great the power religion had for evil'.[1] On the other hand, Hinduism, Buddhism, Judaism, Christianity and Islam promote peace and respect for others as key components in doing justice. Indeed forgiveness and reconciliation are central to their moral visions. Accordingly, religious organisations have been leaders in working for peace, establishing medical clinics, social welfare agencies and schools, as well as providing humanitarian assistance amidst war, famine and natural disasters. This unifying capacity of religion led Mahatma Gandhi to say, 'It is easy enough to be friendly to one's friends. But to befriend the one who regards himself as your enemy is the quintessence of true religion. The other is mere business'.[2]

Historically, international conflict resolution theorists have largely adopted the position that organised religion is primarily, if not essentially, an instigator of violence. As a result, international conflict resolution theories have tended to exclude religion as a force for peacebuilding.[3] Recently, however, scholars such as Scott Appleby, Marc Gopin, Douglas Johnston and Cynthia Sampson have suggested that religion can contribute constructively to a theory of conflict resolution and the practice of diplomacy.[4] Their general thesis is that, if religion

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[1]   Titus Lucretius Carus, *On the Nature of the Universe*, trans. Sir Ronald Melville (Oxford: Oxford University Press, 1997), p. 6.

[2]   Mahatma Gandhi, *Non-violence in Peace and War* (2 vols, New York: Garland, 1972), vol. 2, p. 248.

[3]   For an in-depth discussion on the global resurgence of religion, see Scott M. Thomas, *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-First Century* (New York: Palgrave Macmillan, 2005).

[4]   R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000); Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (Oxford:

played a significant part in people's lives, and if religion played a part in fuelling the conflict, then when resolving the conflict, religion must be at least taken into account, for without this consideration, peacekeepers, diplomats and mediators not only fail to deal with the fundamentals of the conflict, but they also miss potential peacebuilding resources in the religious traditions themselves.

An example of an international conflict resolution process in which religion, specifically Christianity, played a central role was South Africa's Truth and Reconciliation Commission (TRC). In fact, Christianity played such a marked role in the TRC that some observers, such as Richard Wilson, Carl Niehaus and Fazel Randera, have criticised the TRC leadership for adopting a 'religious-redemptive' understanding of their mandate.[5] Others, such as Tinyiko Sam Maluleke, a South African theologian, have criticised the TRC for 'hijacking' Christian theological concepts for political gains.[6] Despite these and other criticisms, the relative success of the Commission, as a component of the reasonably smooth transition from apartheid to democracy in South Africa, would seem to challenge conflict resolution theories that exclude religion.

The TRC's relative success demands further examination of the role religion played in the process and whether the Commission's methods have universal applicability. As a result, a number of scholars, including Lyn Graybill and Russell Daye, have asked whether the TRC is a model for future conflict resolution processes or a miracle performed through the charismatic leadership of President Nelson Mandela and TRC Chair Archbishop Desmond Tutu.[7] If the TRC was a 'miracle', then its methods have little or no relevance to other conflict resolution processes. However, if it was a 'model', other processes could learn from it and adopt and adapt its methods, structures, values, ideas and practices. Although the miracle-model question can be formulated as a simple either-or, I treat it as a spectrum that defines the range of possible interpretations. This study will therefore operate with

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Oxford University Press, 2000); Douglas Johnston and Cynthia Sampson (eds), *Religion, the Missing Dimension of Statecraft* (Oxford: Oxford University Press, 1994).

[5]   For these criticisms, see Richard Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001); Carl Niehaus, 'Reconciliation in South Africa: Is Religion Relevant?' in James Cochrane, John de Gruchy and Stephen Martin (eds), *Facing the Truth: South Africa Faith Communities and the Truth and Reconciliation Commission* (Cape Town: David Philip Publishers, 1999), pp. 81–90; Fazel Randera, 'The *Baruti* versus the Lawyers: The Role of Religion in the TRC Process', in Charles Villa-Vicencio and Wilhelm Verwoerd (eds), *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: University of Cape Town Press, 2000), pp. 123–31.

[6]   Tinyiko Sam Maluleke, 'Dealing Lightly with the Wound of My People', *Missionalia*, 25 (1997). Online, available at: www.geocities.com/missionalia/maluleke.htm (accessed 7 January 2009).

[7]   Lyn S. Graybill, *Truth and Reconciliation in South Africa: Miracle or Model?* (Boulder, CO: Lynne Rienner, 2002); Russell Daye, *Political Forgiveness: Lessons from South Africa* (Maryknoll, NY: Orbis Books, 2004).

the premise that the TRC was a unique process, with extraordinary leadership; yet, in spite of these unique qualities, the Commission did contain certain lessons – but no fixed blueprints – that may be instructive to future transitional justice processes and to international conflict resolution mediators.

The two-fold purpose of this book is to provide an analysis of the often ambiguous role that Christianity played in the South African TRC and to highlight certain consequences that may be instructive to those who engage in international conflict resolution theory. It considers both the specific issue of the role that Christianity played in the South African TRC, and the more general issue of the role that religion may play in international conflict resolution.[8] Regarding the specific issue, my underlying argument is that the Christian influence in the TRC helped shape the post-conflict reconstruction stage of South Africa's transition through an emphasis on truth-telling and reconciliation, despite certain limitations when it came to generating justice. This argument should not be interpreted as an apology for the inclusion of Christianity in the TRC or as an attempt to offer a theological response to the TRC, but rather as an attempt to understand and assess the various ways in which Christianity both assisted and undermined aspects of the TRC and South Africa's ongoing social and political transition. The more general issue addressed in this book stems from current discussions within the field of conflict resolution theory concerning the role of religion in transitional justice mechanisms such as truth commissions. Furthermore, since this book is a case study in religious conflict resolution, it will proceed with an interpretive framework that employs methodologies and questions used by scholars and practitioners interested in religious conflict resolution.

The general body of literature on the South African TRC is immense. Nevertheless, this study does make a distinct contribution in at least four ways. First, its primary aim is to organise an often fragmented body of research on the role of religion in South Africa's transition and the TRC. Prior studies citing South Africa or the TRC as an example of religious conflict resolution – for instance, Russel Botman, Appleby and Johnston – have devoted only a few paragraphs or a chapter on specific dimensions of the Commission and the place of religion in South Africa.[9] This book goes further by providing an analysis of primary texts and secondary texts that have not been examined from the perspective of the role Christianity played in the TRC. An example of where my research and analysis is particularly original appears in my discussion of the two versions of truth-telling in the TRC hearings, which is found in Chapter 5.

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[8]   For a brief discussion of the term 'religion', see Jonathan Z. Smith, 'Religion, Religions, Religious', in Mark C. Taylor (ed.), *Critical Terms for Religious Studies* (Chicago: University of Chicago Press, 1998), pp. 269–84.

[9]   H. Russel Botman, 'Truth and Reconciliation: The South African Case', in Harold Coward and Gordon S. Smith (eds), *Religion and Peacebuilding* (New York: State University of New York Press, 2004), pp. 243–60; Appleby, *Ambivalence of the Sacred*, pp. 34–40, 197–201; and Douglas Johnston, 'The Churches and Apartheid in South Africa', in Johnston and Sampson, *Religion, the Missing Dimension of Statecraft*, pp. 177–207.

Second, this study builds on the work of religious conflict resolution advocates to provide a comprehensive examination of the role of Christianity in the TRC. My purpose is not to defend religious conflict resolution by appealing to the TRC as an example, but rather to understand the various ways in which Christianity functioned both as a source of peace and conflict in South Africa's transition. This aspect of the study will contribute to the development of a critical theory of religious conflict resolution.

Third, this study will assess the main criticisms of Christianity's influence on the TRC, most notably the work of human rights scholar Richard Wilson. My assessment builds on my background in religious studies, international development studies and international conflict resolution. Although some religious studies scholars, most notably Russell T. McCutcheon, Donald Wiebe and others associated with the North American Association of the Study of Religion, have been reluctant to make normative judgements, I do draw conclusions that have a prescriptive character about them.[10]

And fourth, because of its interdisciplinary nature, this study should be informative not only to scholars in religious studies but also to scholars in international relations, conflict resolution and other fields where the intersection of religion and politics is a significant area of interest.

This book consists of two parts. The first part provides the context for this study. It outlines the interpretive framework that I will use to examine the role religion played in the TRC, and it sets the historical context for the topic of this book. Chapter 2 introduces the emerging field of religious conflict resolution, an approach to international conflict resolution that accounts for insights from religion.[11]

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[10]   For example, see Russell T. McCutcheon, *Manufacturing Religion* (Oxford: Oxford University Press, 2003); Donald Wiebe, *The Politics of Religious Studies: The Continuing Conflict with Theology in the Academy* (New York: St. Martin's Press, 1998). An extended discussion of the complex relationship between religious studies and theology in the academy is beyond the scope of this book. However, we should note that the division between the two stems largely from the prescriptive character of theology and the descriptive methods of religious studies. In short, I follow recent scholars who are arguing that religious studies scholars have a role to play in building just societies. For example, see Marc Gopin, *Between Eden and Armageddon*; Scott Kline, 'Paul Tillich's Encounter with the World Religions and the Emergence of a Cross-Cultural Discourse Ethics (1954–1965)', *Toronto Journal of Theology*, 20 (2004), pp. 191–204.

[11]   This approach to conflict resolution has been loosely called 'religious conflict resolution', 'religious peacemaking', 'religious peacebuilding' and 'faith-based diplomacy'. For example, Douglas Johnston and Cynthia Sampson tend to use the term 'religious peacemaking' in *Religion, the Missing Dimension of Statecraft*. Scott Appleby uses 'religious peacebuilding' in *The Ambivalence of the Sacred*. Marc Gopin refers to 'religious conflict resolution' in *Between Eden and Armageddon*. It is referred to as 'faith-based diplomacy' by Douglas Johnston (ed.) in *Faith-Based Diplomacy: Trumping Realpolitik* (Oxford: Oxford University Press, 2003). Chapter 2 of this book will provide a brief history of this approach to international conflict resolution.

The focus of this chapter is on the development of religious conflict resolution as an alternative to conventional theories of international conflict resolution that remain rooted in realpolitik and secularist approaches to politics. In addition, this chapter will introduce the truth commission as a transitional justice mechanism and highlight the general objectives of South Africa's TRC. Chapter 3 provides a brief historical overview of the relationship between apartheid and Christianity in South Africa and demonstrates the role Christianity played in both perpetuating apartheid and challenging it. This historical context is essential because religious conflict resolution is based on the premise that, if religion was involved in the conflict, and if it is involved in people's lives, it should be addressed in the post-conflict resolution. Moreover, this history will provide the necessary background when we evaluate TRC decisions and assess alternative strategies.

The second part of the book is an evaluation of the role that Christianity played in the TRC. It consists of four chapters. Chapter 4 examines the controversial role that Christianity played in the implementation and administration of the TRC. This discussion demonstrates how Christianity shaped the mandate and functioning of the TRC process. I interpret the TRC as both a moral and political response to apartheid, one that actually necessitated the inclusion of religion in the transition from apartheid to democracy. Chapter 5 addresses the notions of truth and truth-telling. The issue at stake is the extent to which Christian discourse functioned as a truth-telling discourse in the TRC hearings. Chapter 6 takes up the highly contested topic of reconciliation and the role Christianity played in defining the various concepts of reconciliation that operated during life of the TRC. Chapter 7 identifies and responds to four primary criticisms levelled against the TRC for failing to achieve satisfactory justice for the victims of apartheid violence.

Chapter 8 of this book is the conclusion. It highlights this study's primary findings and it presents four general lessons that will be instructive to scholars and practitioners of religious conflict resolution.

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PART ONE
Setting the Context of the Study

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Religious Conflict Resolution and the Case of the South African Truth and Reconciliation Commission

The South African Truth and Reconciliation Commission (TRC) was in many respects an unconventional modern political mechanism. There was, for instance, little or no mention of justice in the formal mandate of the Commission; yet in the TRC hearings there was an explicit appeal to religion, especially Christianity, as an authorised and legitimate method of truth-telling, and as a way to foster reconciliation among former enemies. In fact, the TRC defied one of the longstanding principles of international conflict resolution theory by incorporating elements of Christianity into a process sanctioned and sponsored by government. For this reason, the TRC is considered a prototype for some scholars, policy analysts and others seeking to advance an alternative approach to conventional international conflict resolution. It is an approach that incorporates religion as an important dimension in resolving conflict and peacebuilding.

This study's examination of Christianity in the TRC is predicated upon and in dialogue with a growing body of literature on religious conflict resolution. The purpose of this chapter is to outline the development of this emerging approach to conflict resolution and to situate the TRC within the broader context of religious conflict resolution. In this chapter I will introduce international conflict resolution as a field of study and practice. I will then trace the history of religious conflict resolution as an alternative approach to the dominant tradition of international conflict resolution. I will conclude this chapter with a discussion of truth commissions and the place of South Africa's TRC within international conflict resolution mechanisms and within religious conflict resolution.

International Conflict Resolution

As the ancient and classic texts of Thutmose III (1504–1450 BCE), Thucydides (465–431 BCE) and Sun Tzu (400–320 BCE) suggest, methods of resolving conflict and maintaining peace have been employed as long as there has been international conflict. However, international conflict resolution as an academic field of study

began to emerge only after the First World War.[1] With the onset of the Second World War in 1939, much of the nascent work around international conflict resolution came to a standstill. By the early 1960s, though, international conflict resolution had reappeared as a small, but growing field of interdisciplinary study premised on the idea that political conflict could be resolved through non-violent, mutually agreeable solutions.[2] Based on this general approach to peacebuilding, universities began in the 1970s and 1980s to create departments and institutes of conflict resolution. Among the earliest and most influential in this area were George Mason University's Institute for Conflict Analysis and Resolution (ICAR), founded in 1981; the University of Notre Dame's Kroc Institute for International Peace Studies, founded in 1986; and the University of Bradford's Department of Peace Studies, founded in 1973. Since the end of the Cold War, the number of departments and institutes devoted to conflict resolution has mushroomed. In North America, there are currently some 33 degree-granting programmes.[3] In the UK and Ireland, there are at least 15 programmes including, the Master of Arts programme in Conflict, Development and Security at the University of Leeds, and the internationally recognised research centre INCORE (International Conflict Research) at the University of Ulster.

Until 1989 many of these conflict resolution programmes provided only marginal exposure to courses in religion and peacebuilding. Simply put, the type of international conflict that characterised the Cold War demanded, or so it seemed at the time, that conflict resolution theory focus on the politics and economics of peacebuilding. Despite the fact that religion played an important role in the revolutionary movements that came to Russia, China, Hungary, Vietnam, Cambodia and much of Latin America, these events were often cast as entirely secular political events. To minimise growing tensions between the East and West, which usually erupted in local conflicts, such as the civil war that beset the Vietnam peninsula during the 1960s and 1970s, conflict resolution theory worked with the premise that if the socio-political and socio-economic causes of the violence could be identified and redeveloped, then further violence might possibly be avoided. Because of the obvious demand for experts in international relations, regional politics and diplomacy, conflict resolution programmes were

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[1]   I. William Zartman, 'Toward the Resolution of International Conflicts', in I. William Zartman and J. Lewis Rasmussen (eds), *Peacemaking in International Conflict: Methods & Techniques* (Washington, DC: United States Institute of Peace Press, 1997), p. 11.

[2]   Louis Kriesberg, 'The Development of the Conflict Resolution Field', in Zartman and Rasmussen, *Peacemaking in International Conflict*, p. 51.

[3]   Statistics are from INCORE, www.incore.ulst.ac.uk (accessed 14 January 2009). In the interest of full disclosure, as an undergraduate at the University of Waterloo (Canada), part of my studies were in the Peace and Conflict Studies programme at Conrad Grebel University College, a Mennonite school affiliated with the University of Waterloo. Conrad Grebel University College is widely recognised as having the leading programme in conflict resolution in Canada.

typically housed in political science faculties or schools of government. As a result, international conflict resolution has an intellectual history that mirrors not only the dominant Cold War schools of thought but reflects much of the liberal, Western intellectual tradition regarding church–state relations. Yet, in spite of the homogenising forces that grew out of the Cold War, it would be inaccurate to suggest that there is a *single* school of international conflict resolution theory. A more accurate assessment would be that conventional conflict resolution theory grew out of two, often converging trends in the Western tradition, namely political realism and secularist political philosophy.

Political realism, or realpolitik, holds that the state is the key actor in international politics. Since the Treaty of Westphalia in 1648, which ended a string of religious wars on the European continent, the realist school of thought has dominated international relations and conflict resolution theory.[4] Realism, rooted in the work of Niccolo Machiavelli (1469–1527) and Thomas Hobbes (1588–1679), assumes that conflict and power struggles are intrinsic to human nature, and the primary, if not only way to limit conflict is through a balance of power.[5] For example, during the nineteenth century, Prince Klemens von Metternich (1773–1857) adopted the principles of realpolitik to stabilise political relationships in continental Europe and, at the same time, to create a strong Austrian empire. The German Chancellor Otto von Bismarck (1815–1898) appealed to political realism to negotiate a series of alliances in the 1870s and 1880s that managed to keep the world's empires from destabilising the continent. The Cold War brought on a new round of political realism. With the emergence of the Union of Soviet Socialist Republics (USSR) and the United States of America (US) as the global superpowers, political theorists reaffirmed the state-centred approach to international politics. Maintaining a stable power structure, both globally and regionally, became the central objective in geopolitical strategising, with both East and West posturing for allies in the other's region. As a result, realism once again became the prevalent school of thought in international relations theory. Thinkers such as Hans Morgenthau (1904–1980), who defined politics 'as a struggle for power',[6] and

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[4]　　The realist school of thought is often contrasted with the idealist school of thought. Idealism searches for universal, uniting concepts that would shape international law. Proponents of idealism include Hugo Grotius, *The Law of War and Peace*, trans. Francis W. Kelsey (1626; New York: Bobbs-Merrill, 1925); and Immanuel Kant, *Perpetual Peace*, trans. Lewis L. Beck (1795; New York: Bobbs-Merrill, 1957). The idealist school of thought has strong legalistic and moralistic tendencies. Idealists hold that war occurs because international institutions are unable to adjudicate and enforce state powers and resolve disputes.

[5]　　Niccolo Machiavelli, *The Prince* (1513; Harmondsworth: Penguin Classics, 1975); Thomas Hobbes, *Leviathan*, ed. Richard Tuck (1651; Cambridge: Cambridge University Press, 1991).

[6]　　Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 5th edn (New York: Alfred A. Knopf, 1973), p. 27.

realist diplomats such as Henry Kissinger (b. 1923) shaped modern international relations and conflict resolution on realist foundations. As Kissinger recalls in his book *Diplomacy* (1994), international diplomacy, led by the superpowers, became the conventional game plan for maintaining stable relations between states during the Cold War.[7] Based on this realist model of international relations, the diplomatic corps serves as a company of political soldiers who negotiate with other diplomats in an attempt to maintain political stability. One key aspect of these negotiations is the implementation of a peaceful means of resolution in international conflict.[8]

Due in large part to the prominence of realism in Cold War international relations, conventional conflict resolution theory maintains many core realist tenets. J. Lewis Rasmussen, a former programme officer with the United States Institute of Peace (USIP) and editor of the influential book *Peacemaking in International Conflict* (1997), notes that conventional conflict resolution theory operates with the premises that (a) states are the only significant actors in international relations; (b) they are governed by the principle of 'self-interest'; (c) sovereignty is the measurement of a state's political position vis-à-vis other states; and (d) states will use their power to maintain their places among other states.[9] Primarily because of the centrality of the state in realism, the realist school of thought has been reluctant, if not at times unable, to address the complex religious, cultural, psychological, economic and geographical realities that are at the root of many present-day conflicts.

Likewise, the methods of conflict resolution espoused by proponents of modern secularism have also viewed religion as a disruptive force. Following an Enlightenment suspicion of religion, which has its roots in thinkers such as Voltaire (1694–1778) and Kant (1724–1804), modern secularist theories reject any governing principle that appeals to divine providence for legitimacy or maintains that human progress should depend on religion instead of the human capacity to reason. Though modern secularists, from thinkers such as John Stuart Mill (1806–1873) to Karl Marx (1818–1883), disagreed on many matters, they did share the common belief that, with the rise of secular institutions and scientific reasoning, religion would become increasingly irrelevant in people's lives.[10] Moreover, modern secularism, whether in its liberal or radical form, emphasises a

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[7]   Henry Kissinger, *Diplomacy* (New York: Doubleday, 1994), chs 17–31.

[8]   While there many valuable discussions on the history of realism, a particularly accessible one is by Robert D. Kaplan, 'Kissinger, Metternich, and Realism', *Atlantic Monthly*, 283/6 (June 1999), pp. 73–82.

[9]   J. Lewis Rasmussen, 'Peacemaking in the Twenty-First Century: New Rules, New Roles, New Actors', in Zartman and Rasmussen, *Peacemaking in International Conflict*, p. 25.

[10]   John Stuart Mill, *On Liberty* (1874; Harmondsworth: Penguin Classics, 1975); Karl Marx, *Capital: A Critique of Political Economy* (1867; New York: International Publishers, 1968). For more information on Christianity and secularism, see the classic text by Harvey Cox, *The Secular City* (New York: Macmillan, 1966); for a more recent study, see Steve Bruce, *God Is Dead: Secularization in the West* (Oxford: Blackwell, 2002).

rigid separation of church and state. Unlike the great pre-modern political thinkers in the Western tradition – for example, Plato, Aristotle, Augustine, Martin Luther and Grotius – who also distinguished between the sacred and the secular, modern secular thinkers radicalise the church–state distinction in the sociological terms of public and private spheres. In modern societies, religion is relegated to the private realm, while politics is promoted to the public realm. Accordingly, religious discourse is often narrowly conceived of as individual prayers, sermons to the faithful and exhortations to live pious, moral lives as individuals. By contrast, political discourse functions as the means of defining justice, establishing the rule of law and conducting international relations.[11]

In the post-Cold War era, there have been a number of attempts to wed the claim that religion is the cause of conflict with more overtly realist principles of state interest. For example, in 1993, Samuel P. Huntington, an American political scientist at Harvard University, wrote a controversial article in *Foreign Affairs* entitled 'The Clash of Civilizations?'. Three years later he published a book with a similar title, which became an international bestseller following 11 September 2001.[12] Huntington's thesis is that, since the end of the Cold War, the major conflicts in the world occur because of conflicting cultural and political identities. These civilisation conflicts, as he calls them, stem from religious worldviews coming into contact with each other; since there is little or no common ground between them, or so he claims, they clash violently under times of stress.[13] The United States, in particular, is under constant threat of conflict, he argues, because of its global influence and, more precisely, because of its presence in the Middle East, a region replete with young, unemployed Muslim men and radical clerics eager to mobilise them. To be clear, Huntington's work is not an attempt to incorporate the insights of religious people into conflict resolution. Rather, it is an attempt to integrate religion into a realist foreign policy strategy that protects US interests. Religion, for Huntington, is instrumental insofar as it provides policy analysts with an interpretive frame that is intentionally suspicious of religious diversity and easily adopted to mobilise US citizens to support political, economic and military initiatives that protect US interests. Thus, despite Huntington's inclusion of religion in foreign policy, the realist and secular assumptions remain firmly entrenched in his work and evident in his conclusion that religion breeds conflict, state interests are privileged over local concerns, politics is public while religion should be private, and conflict resolution is fundamentally a political matter.

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[11] See Peter Berger, *Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, NJ: Doubleday, 1967); and José Casanova, *Public Religion in the Modern World* (Chicago: University of Chicago Press, 1994), ch. 1.

[12] Samuel P. Huntington, 'Clash of Civilizations?', *Foreign Affairs*, 72 (1993), pp. 28–50. Samuel P. Huntington, *Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996).

[13] Ibid., p. 47. For an alternative view, see Gregory Baum, 'The Clash of Civilizations or their Reconciliation?', *The Ecumenist*, 39/2 (Spring 2002), pp. 12–17.

The primary defect in both realist and secularist approaches to conflict resolution is their inability to recognise diverse forms of conflict. In fact, as Huntington correctly indicates, the understanding and experience of international conflict has significantly changed since the field of conflict resolution was first formulated in the mid 1940s. The experience of the Second World War, the political intrigue of the Cold War, the decline of imperialism, the after-effects of decolonisation, and the spread of globalisation, have contributed to the changing nature of conflict. This in turn has necessitated changes in the theory and methods used to resolve differences. The problem, however, is that the conceptual frameworks that are frequently employed by government officials and conflict resolution theorists are still rooted in realist-secularist assumptions and therefore largely unable to adapt to the complexities of religiously inspired violence, ethnic cleansing, civil war and now a global war on terror. In short, religious conflict resolution proposes an alternative to the Cold War practice of resolving international conflict by realist and secularist strategies.

Religion and International Conflict Resolution

While religious conflict resolution began to emerge only in the 1990s, religion has always been an integral part of international relations. In the age of the modern empires, religion was a central concern for governments wishing to manage their colonies with minimal local resistance or conflict. For the British and German empires, in particular, religion represented a structure of social power and cultural authority that helped to integrate and effect empire policies and practices. Paramount to this understanding of 'religion' is the liberal-secularist idea that religion is fundamentally cultural and serves only private purposes. As Scott M. Thomas, a scholar of religion and international relations, explains, religion was:

> invented as part of the political mythology of liberalism and now has emerged as a universal concept applicable to other cultures and civilizations. This understanding of religion is used to legitimate a form of liberal politics that considers the mixing of politics and religion to be violent and dangerous to reason, freedom, and political stability.[14]

Behind Thomas's assessment is the warning that simply including religion in statecraft strategy does not lead to long-term peace. Indeed, as post-colonial theorists have been demonstrating for some 40 years, an imposed religion, which

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[14] Scott M. Thomas, *The Global Resurgence of Religion and the Transformation of International Relations* (New York: Palgrave Macmillan, 2005), p. 21. For a further distinction, see Bruce Lincoln, *Holy Terrors: Thinking About Religion after September 11* (Chicago: University of Chicago Press, 2003), pp. 1–18; and Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003).

is reinforced by outside political powers to advance a certain ideology or policy agenda, often breeds resentment and resistance.[15]

John Paul Lederach, a conflict resolution specialist with the Kroc Institute for International Peace Studies, identifies an additional concern for those involved in conflict resolution, namely the problem of overcoming a territorial dispute between the two primary communities that have traditionally examined international conflict. The two communities are 'International Relations' (IR) and 'Conflict Resolution' (CR). Lederach explains that, on the one hand, there is IR, which he calls 'the big brother'.[16] IR is typically rooted in political science and realist political philosophy, and focuses on international affairs, diplomacy and certain aspects of international law and global governance. On the other hand, there is CR, 'the little sister', which has roots in social psychology and the helping professions, and focuses on 'emotionalism' and 'innovation'.[17] Lederach notes that, while the distinction has become less contentious through dialogue and mutual work, there still exists a distinction between the two approaches. In an attempt to mediate the two, Lederach has developed a holistic conceptual framework that challenges traditional statist diplomacy, and yet recognises the invaluable work of skilled diplomats and foreign policy experts. For Lederach, sustainable peacebuilding requires the integration of the various actors involved in peacemaking. Building on both Thomas and Lederach, this section traces a history of religious conflict resolution that aims to show both how religious conflict resolution theorists have begun to carve out a unique, highly interdisciplinary field of research and why the South African TRC stands as a significant turning point in conflict resolution theory.

The first in-depth examination of the role religion could play in the prevention and resolution of international conflict was Douglas Johnston and Cynthia Sampson's *Religion, the Missing Dimension of Statecraft*, published in 1995.[18] At the time of this book's publication, Johnston was Executive Vice President of the Centre for Strategic and International Studies (CSIS), a research and policy

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[15]   Post-colonial critiques are important to the development of a religious conflict resolution theory. However, this study is not the place for a lengthy discussion of this topic. For the standard in this area, especially relating to the African continent, see Frantz Fanon, *The Wretched of the Earth* (1961; London: Penguin, 2002); also see Richard Werbner (ed.), *Memory and the Post-Colony: African Anthropology and the Critique of Power* (London: Zed Books, 1998).

[16]   John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: United States Institute of Peace, 1997), pp. 24–5.

[17]   Ibid.

[18]   Douglas Johnston and Cynthia Sampson (eds), *Religion, the Missing Dimension of Statecraft* (New York: Oxford University Press, 1995). For a discussion, see Douglas Johnston, 'The Religious Dimension', in Paul van Tongeren, Malin Brenk, Marte Hellema and Juliette Verhoeven (eds), *People Building Peace II: Successful Stories of Civil Society* (Boulder, CO: Lynne Rienner, 2005), p. 211.

institute in Washington, DC. He has since founded the International Center for Religion and Diplomacy (ICRD), where he is currently serving as president. Sampson is a conflict resolution specialist and an associate of the Center for Justice and Peacebuilding at Eastern Mennonite University in Harrisonburg, Virginia. The authors in this anthology, which include notable scholars such as Edward Luttwak, Harvey Cox and David Little, demonstrate through case studies how religious actors and insights have historically played a positive role in international conflict resolution. While the book aims to show how religion can contribute to peacemaking and reconciliation, the authors acknowledge the negative history of religion in conflict. For the most part, the authors follow Edward Luttwak's approach that focuses on the tension between religion as a source of peace and as a source of violence. To Luttwak, a senior associate for CSIS, the Enlightenment and its progeny simply adopted an anti-religious prejudice, which effectively 'strangled free inquiry' and dissuaded policy-makers from asking questions about religious motivations in political decision-making.[19] Although this book sparked an interest in examining the potential role for religion in resolving international conflict, it was not universally embraced. As a possible alternative to the statist approach to international relations, many of the essays lack a sustained, critical analysis of the realist approach to conflict resolution. Moreover, a number of the essays actually maintain the assumption that the resolution of international conflict is principally found in the art of statecraft and that states are always the primary actors in conflict resolution. In spite of these realist tendencies, the possibility for a non-realist, non-statist approach to religion and conflict resolution had been introduced, thereby opening up a new line of discussion and a new body of conflict resolution literature.

In 1997 Sampson published a chapter, entitled 'Religion and Peacebuilding', in William Zartman's and Lewis Rasmussen's book, *Peacemaking in International Conflict: Methods and Techniques*, which has become a standard text for international conflict resolution.[20] In this chapter, Sampson provides an in-depth discussion of the historical role played by religious actors, groups and institutions in resolving conflict. Religion has almost always been present in successful conflict resolution mechanisms, she argues, but just not in a formal or systematic way. As a result, the inclusion of religion in peacebuilding and conflict transformation will most often be, she contends, a fairly makeshift affair. Because religious actors and institutions are involved in so many areas of life, from the private sphere to the public sphere, heavy-handed attempts to harness, or 'manage', religion for purely political ends, including peace, are bound to fail. If religion is being manipulated for political purposes, not only will conflict continue, she suggests, but conflict may well be exacerbated. In cases such as South Africa, which she

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[19]   Edward Luttwak, 'The Missing Dimension', in Johnston and Sampson, *Religion, the Missing Dimension of Statecraft*, p. 10.

[20]   Cynthia Sampson, 'Religion and Peacbuilding', in Zartman and Rasmussen, *Peacemaking in International Conflict*, pp. 273–316.

cites as a model, religious actors helped cultivate a sense of shared responsibility, which aided in non-violent conflict resolution. While Sampson presents an overly inclusive understanding of religion in this chapter, it remains one of the central texts on how peacebuilding can be re-conceived as a resource-based approach, which focuses on actors and cultural resources at hand, rather than as a methods-based approach, which tends to be ideologically motivated.[21]

Another significant development in religious conflict resolution came with the appearance of R. Scott Appleby's book, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*, published in 2000.[22] In this book, Appleby, the director of the University of Notre Dame's Kroc Institute for International Peace Studies, addresses the ambivalent relationship between religion and violence, as well as the potential role of religion in conflict resolution and transformation. Although Appleby is clearly aware of the Johnston and Sampson book – he briefly mentions it in a passing reference regarding the growing recognition of religion as 'the missing dimension of statecraft'[23] in conflict resolution – he does not specifically engage the book's thesis. Instead, Appleby takes an historical approach to the sacred as a source of both violence and peace. Drawing a distinction between religious peacemakers, who are committed to ending violence and resolving conflict, and religious extremists – i.e. fundamentalists – who are committed to victory at any cost, Appleby argues that religious peacemakers are critical to the peace process, and deserve greater support and consideration from interested parties locally and internationally. Consistent with the conflict resolution theory of Johnston and Sampson, he underscores the various ways that religious peacemakers have been present and active in successful peacebuilding initiatives in places such as Bosnia-Herzegovina, Northern Ireland and South Africa. Significantly more programmatic than previous work in religious conflict resolution, Appleby concludes with a typology of religious actor involvement in conflict transformation, which consists of three 'modes' of religious conflict transformation: (1) Religious actors may be involved in 'crisis mobilization', which may be characterised by Gandhi's mobilisation of non-violent resistance of British rule, or the non-violent revolutions in the Philippines and Poland. (2) The 'saturation mode' is exemplified by the peacebuilding in Northern Ireland, which has taken place over decades and in multiple levels of society to the point that conflict transformation activities have become broadly institutionalised. Appleby suggests that 'conflict transformation in the saturation mode stands the best chance of evolving into actual religious peacebuilding'.[24] The 'saturation mode' is rare, Appleby notes, so a third mode, (3) the 'interventionist mode', is seen as 'the

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[21]   Although Sampson addresses the role religion played in conflict resolution in South Africa, she does not deal directly with the TRC.

[22]   R. Scott Appleby, *Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000).

[23]   Ibid., p. 8.

[24]   Ibid., p. 237.

next best thing'. The interventionist mode, which builds on the work of John Paul Lederach, includes mediation by external and internal religious actors. The point in the interventionist mode, as well as the entire argument in the book, is that all actors, including local actors at the grassroots, middle and senior levels of the society, must obtain some degree of religious literacy.

In 2000 Marc Gopin, the current director of the Center for World Religions, Diplomacy and Conflict Resolution at George Mason University's ICAR, published *Between Eden and Armageddon*.[25] In this book, Gopin attempts to integrate the academic study of religion with the study of conflict resolution. He contends that, if the non-violent aspects of religious traditions can be privileged over the more violent aspects, then religion can play an important role in constructing a community of shared moral commitments and vision. The contingency (the 'if') in Gopin's argument means that conflict resolution theorists and practitioners must examine religious myths and moral traditions in order to understand why and when religious people come to violence, and why and when they become staunch peacemakers. To Gopin, it is the conservative interpretations of religion that typically fuel violence. The challenge that faces scholars of religion and peacemaking is to develop conflict resolution strategies that maintain elements of the orthodox religious tradition and yet are broad enough to foster consensus on core, non-violent values in the major religions.

Two years later, Gopin, a Jewish rabbi, took up the general thesis in *Between Eden and Armageddon* and applied it to the Palestinian–Israeli conflict. The result was a book entitled *Holy War and Holy Peace* (2002).[26] Based on his experience with religion-based peace initiatives in Israel and Palestine, he describes a number of individuals and groups that are already working towards peaceful reconciliation. In the prescriptive section of the book, he offers a detailed plan for negotiators that incorporates methods specifically designed to undermine the appeal of religious extremists by incorporating religious values and symbols into the procedures of official and unofficial diplomacy. Only by including religion in the peace process, Gopin argues, can we move past fragile and superficial agreements and towards a deep and lasting solution. This aspect of Gopin's project has had the greatest influence on current conflict resolution theory and, in fact, has become a kind of standard operating principle for conflict negotiators and non-governmental organisations committed to building a sustainable peace with the assistance of religion.

As a follow up to *Religion, the Missing Dimension in Statecraft* (1995), Douglas Johnston edited a volume of collected essays entitled *Faith-Based Diplomacy: Trumping Realpolitik*, published in 2003.[27] Adopting the case study approach in his

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[25]   Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (Oxford: Oxford University Press, 2000).

[26]   Marc Gopin, *Holy War, Holy Peace: How Religion Can Bring Peace to the Middle East* (Oxford: Oxford University Press, 2002).

[27]   Douglas Johnston (ed.), *Faith-Based Diplomacy: Trumping Realpolitik* (Oxford: Oxford University Press, 2003).

previous book, *Faith-Based Diplomacy* examines the role of world religions in five conflicts occurring around the world: Kashmir, Sudan, Sri Lanka, the Middle East and Kosovo. On the one hand, this book offers a much more systematic critique of realpolitik than its predecessor. On the other hand, it still assumes that diplomacy and statecraft are the prominent approaches to conflict resolution. Moreover, there is some confusion created by the title of this book, which seems to suggest that faith-based diplomacy trumps realpolitik as an effective model of resolution. However, this is not the case. Rather, the argument in this book is that, because Western diplomats have been trained almost exclusively in realist and (using our terminology) secularist schools of thought, they too often misinterpret conflict in places where religion plays an important part. Furthermore, because Western diplomats have not been adequately trained to think critically about religion, diplomats too often fail to seize upon opportunities in which religious thought and symbol could become peacemaking tools. Though many, including Appleby, share Johnston's basic thesis and advocate for 'religious literacy' among negotiators, there seems to be a lingering reluctance among advocates of religious conflict resolution to think of faith-based diplomacy as primarily a matter of politics. The danger, which generates this reluctance, is that faith-based diplomacy runs the risk of becoming a sophisticated form of realist statecraft, with the interests of the powerful – in this case the West – taking precedence over local and regional actors in a conflict. Indeed, Johnston's work is admittedly oriented towards helping build a strong and effective US foreign policy, which is perhaps why he has chosen to call his work faith-based diplomacy instead of religious conflict resolution.[28]

The most recent and significant work in religious conflict resolution is entitled *Religion and Peacebuilding* (2004), edited by Harold Coward and Gordon S. Smith.[29] Coward is a retired professor of history and the former director of the Centre for Studies in Religion and Society at the University of Victoria (British Columbia, Canada). Smith is the executive director of the Centre for Global Studies at the University of Victoria. This book is a collection of papers presented by scholars such Appleby, Johnston and Gopin, as well as other leading scholars in the field, including David Little, Professor of the Practice in Religion, Ethnicity and International Conflict at Harvard Divinity School. The aim of this book is two-fold. First, it sets out to examine resources for peacebuilding in various religious traditions, including American Indian spirituality and Confucianism. While not quite revisionist history, this collection of essays does often provide alternative,

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[28] Douglas Johnston, 'Introduction: Realpolitik Expanded', in Johnston, *Faith-Based Diplomacy*, pp. 3–10. Johnston explains that *Religion, the Missing Dimension of Statecraft* (1995) was targeted at two audiences: the US Foreign Service Institute, which trains foreign service officers, and academics in universities. *Faith-Based Diplomacy*, Johnston notes, is aimed at helping guide faith-based diplomats, such as those at his new International Center for Religion and Diplomacy (ICRD), address political conflict.

[29] Harold Coward and Gordon S. Smith (eds), *Religion and Peacebuilding* (Albany: State University of New York Press, 2004).

yet faithful hermeneutical strategies that emphasise the peacebuilding capacities of each tradition. Second, this book examines case studies of how religion has been vital in promoting peace in places such as Bosnia-Herzegovina, Northern Ireland and South Africa, to name just a few.

What's in a Name?

Thus far I have been using 'religious conflict resolution' as the name given to an alternative approach to conflict resolution, that is, an approach that incorporates religious thought, symbol and ritual in conflict resolution mechanisms. As I indicated in my brief summary of Johnston's latest book, there is no consensus on what to call this approach. Nor is there in fact a general consensus that Johnston, Appleby, Gopin, Sampson, Little and others are engaging in a task that is identifiable as a single approach. Nevertheless, the general premise that religion should be taken into account in conflict resolution has provided enough common ground for there to be an intellectual exchange of ideas and so a recognisable body of research, even if it is referred to by various names: 'religious peacebuilding',[30] 'religious peacemaking',[31] 'religious conflict transformation',[32] 'religious conflict resolution',[33] and 'faith-based diplomacy'.[34]

Despite the varying terminology, and the lack of a well-developed religious conflict resolution theory, I will use the term 'religious conflict resolution' in this book. I do so for two reasons. First, 'religious conflict resolution' is an inclusive term that accounts for the different stages in the life cycle of a conflict, as outlined by Boutros Boutros-Ghali, former Secretary-General of the United Nations in *An Agenda for Peace* (1992).[35] As conflict resolution developed into a field of study, a distinct vocabulary also developed, which laid the groundwork for defining key concepts in conflict resolution. 'Preventive diplomacy' refers to the pre-conflict stage of resolution – it is an attempt to keep the conflict from escalating. Once a conflict has started, 'peacemaking' attempts to bring the parties to agreement through peaceful negotiation. When peace has been restored, peacekeeping is the technique that works for prevention of further conflict and maintaining peace.[36]

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[30]   Sampson, 'Religion and Peacebuilding', pp. 273–316; David Little and Scott Appleby, 'A Moment of Opportunity: The Promise of Religious Peacebuilding in an Era of Religious and Ethnic Conflict', in Coward and Smith, *Religion and Peacebuilding*, pp. 1–23.

[31]   Douglas Johnston, 'Review of the Findings', in Johnston and Sampson, *Religion, the Missing Dimension of Statecraft*, p. 262.

[32]   Appleby, *Ambivalence of the Sacred*, p. 229.

[33]   Gopin, *Between Eden and Armageddon*, p. 193.

[34]   Douglas Johnston, *Faith-Based Diplomacy*; Thomas, *Global Resurgence of Religion.*

[35]   Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping* (New York City: United Nations, 1992), p. 11.

[36]   Ibid.

In light of these distinctions, I find the other terms used to describe this approach to conflict resolution as somewhat limiting. For instance, should 'faith-based diplomacy' refer primarily to resolving conflict in the pre-conflict stage? Would 'religious peacemaking' only refer to resolving conflict once it has started? Would 'religious peacebuilding' refer to the post-conflict stage? Each of these concepts are associated with different stages of the conflict, whereas 'religious conflict transformation' and 'religious conflict resolution' are able to encompass both the different levels and the different approaches to resolving conflict. Although I see the usefulness in the language of 'religious conflict transformation', I prefer 'religious conflict resolution' because it suggests an approach that is linked to the larger field of study, namely international conflict resolution. So even though there is not yet a well-established theory of religious conflict resolution, there is, I argue, a general approach to resolving conflict with the assistance of religion that we can call, at least provisionally, 'religious conflict resolution'.

The second reason for using the term 'religious conflict resolution' is because it incorporates different levels of socio-political engagement and different actors involved in conflict resolution; in other words, it accounts for multi-track diplomacy.[37] The multi-track distinction is important because it acknowledges that conflict resolution does not only occur at the level of government and states. However, this designation remains problematic because the term 'diplomacy' typically calls to mind state-sponsored actors and activities. Despite attempts to redefine diplomacy to include different levels of engagement and actors, diplomacy is still normally associated with the historical practice of international diplomacy. And while I acknowledge the need to have a 'religiously literate' diplomatic corps, I am reluctant to use the language of 'faith-based diplomacy' because, as Johnston makes clear, this language is oriented towards the foreign service community and

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[37]   Joseph Montville first made the distinction between track one, i.e. official, governmental action, and track two, unofficial, non-governmental action, approaches to conflict resolution. The multi-track diplomacy was developed and implemented into practice by Louise Diamond and John McDonald, co-founders of the Institute for Multi-Track Diplomacy. The original dual-distinction is expanded to include nine tracks, in the attempt to offer a technical understanding of the different levels in which conflict resolution is carried out. Track one is government, track two is professional conflict resolution, track three is business, track four is private citizens, track five is research, training and education, track six is activism, track seven is religious, track eight is funding and track nine is public opinion and communication. For more information, see Joseph V. Montville, 'The Arrow and the Olive Branch: A Case for Track Two Diplomacy', in John W. McDonald Jr and Dianne B. Bendahamane (eds), *Conflict Resolution: Track Two Diplomacy* (Washington, DC: Department of State Publication, 1987), pp. 5–20; Louise Diamond and John McDonald, *Multi-Track Diplomacy: A Systems Approach to Peace*, 3rd edn (West Hartford, CT: Kumarian Press, 1995); also Sampson, 'Religion and Peacebuilding', p. 279. Sampson classifies religious actors under track-two diplomacy. She identifies four roles: advocates, intermediaries, observers and educators.

others connected with conventional international diplomacy.[38] To be sure, state actors will continue to be the front-line negotiators in conflict resolution, but non-governmental organisations, religious actors and so-called 'soft power' actors will in all likelihood become more and more important in international relations and cross-cultural dialogues. Because conventional conflict resolution operates with a multi-disciplinary approach to resolving conflict, that is, beyond the statist emphasis on diplomacy, 'religious conflict resolution' appears to give us the most leeway in framing conflict resolution strategies.

Why Account for Religion in Conflict Resolution?

There are at least three interrelated reasons why advocates of religious conflict resolution think that religion needs to be taken seriously in international conflict resolution. First, the prediction by secular theorists that adherence to the tenets of religion would decline has not come to pass, even in countries such as the United States that gave birth to modern secularism. On the contrary, as Scott Appleby observes, 'around much of the world, politics and civil society are suffused with religion. In regions of the Middle East, Africa, and South Asia, for example, it is not uncommon for political leaders and government officials to demonstrate (and sometimes exaggerate) the depth of their formal religious commitment'.[39] Furthermore, as Martin Marty and Appleby documented in their fundamentalism project, religion continues to be an important aspect in the lives of many people around the world, acting in many cases as a force of resistance against seemingly alien social and political forces.[40] Among religious conflict resolution advocates, there is a working assumption that secularist models of conflict resolution have largely failed because they operate with the mistaken premise that religion is irrelevant to modern, and by extension 'advanced', 'civilised' and 'enlightened' societies. As Edward Luttwak points out, this bias against religion in modern societies has resulted in what he calls a 'secularising reductivism'.[41] Not only does this type of reductivism lead to uniformed foreign policy, advocates argue, but

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[38]   Johnston, 'Introduction: Realpolitik Expanded', pp. 3–10.

[39]   Appleby, *Ambivalence of the Sacred*, p. 3. The prediction by secularisation theorists of the nineteenth century that the influence of religion would decline has not been realised. Grace Davie, a sociologist and director of the European studies programme at the University of Exeter, argues that Europe is the exception. The decline of religion coincides with modernisation only in Europe. See Grace Davie, 'Europe: the Exception that Proves the Rule', in Peter Berger (ed.), *The Desecularization of the World. Resurgent Religion and World Politics* (Grand Rapids: Eerdmans, 1999), pp. 65–84; and Grace Davie, *Europe: the Exceptional Case. Parameters of Faith in the Modern World* (London: Darton, Longman and Todd, 2002).

[40]   Martin Marty and Scott Appleby, *Fundamentalisms Comprehended* (Chicago: University of Chicago Press, 1995).

[41]   Luttwak, 'The Missing Dimension', p. 10.

because potential mediators are ill-equipped to deal with religion and violence, it also leads to further regional conflict and, in some cases, violence against dominant political actors, a phenomenon now commonly referred to as 'blowback'.[42]

Second, the global resurgence of religion, or religion's 'return from exile' in international relations, as some scholars have called it,[43] has called into question the inherent IR presumption that modern states and societies must be automatically and thoroughly secular. Scott Thomas, for example, argues that this resurgence has significant implications for international politics. Perhaps the greatest challenge, Thomas posits, is that the mixing of religion and politics undermines the political mythology of liberal modernity and secularist progress – the core narratives in modern international relations. Faced with this challenge, international conflict resolution theorists and diplomats may respond with reactionary zeal and seek to exclude any political usage of religious discourse. However, Thomas thinks this approach is fundamentally flawed. As an alternative approach, one developed in dialogue with the work of the social theorist José Casanova, Thomas contends that not all 'de-privatised' religion is anti-modern fundamentalism. Rather, there are some forms of 'public religion' that are, in Casanova's words, 'counterfactual normative critiques of dominant historical trends, in many respects similar to the classical, republican, and feminist critiques'.[44] Thus, according to Thomas, the global resurgence of religion in international politics may be understood, on a case-by-case basis, as part of an ongoing critique of global modernity, authenticity and development.[45]

A third reason why religion needs to be taken seriously in international conflict resolution is because the changing nature of international conflict necessitates consideration of religion as a dimension in resolution.[46] As J. Lewis Rasmussen has noted, quantitative studies reveal a decrease in the number international wars, but an increase of internal wars following the Cold War.[47] These internal wars tend to have religious and ethnic differences as dimensions of the conflict. According

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[42]   The term 'blowback' was adopted by the US Central Intelligence Agency to refer to the unintended consequences of policies that were kept secret from the American people. For example, threats to US security such 'terrorists' or 'drug lords' or 'rogue states' or 'illegal arms merchants' often turn out to be blowback from earlier American operations. 'Blowback' has been used more generally in the IR community for a little more than a decade to describe unintended and opposite consequences of policy decisions. The term has become popular since the publication of Chalmers Johnson's, *The Costs and Consequences of American Empire* (New York: Henry Holt, 2000).

[43]   For example, Fabio Petito and Pavlos Hatzopoulos (eds), *Religion in International Relations: The Return from Exile* (New York: Palgrave Macmillan, 2003).

[44]   Casanova, *Public Religion in the Modern World*, p. 43; quoted in Thomas, *Global Resurgence of Religion*, p. 44.

[45]   Thomas, *Global Resurgence of Religion*, pp. 44–5.

[46]   Rasmussen, 'Peacemaking in the Twenty-First Century', p. 30.

[47]   Ibid., pp. 30–32.

to Appleby, two-thirds of contemporary conflicts are internal wars based on issues of religious, ethnic or national identities.[48] Moreover, as Johnston explains in the introduction to his second book on faith-based diplomacy:

> most [conflicts] will derive from clashes of communal identity, whether on the basis of race, ethnicity, nationality, or religion. Such disputes tend to occur at the fault lines between rival nationalities or in situations where societies are suffering from the strains of economic competition and rising expectations. These are the most intractable sources of conflicts, and they are the sources with which conventional diplomacy is least suited to deal.[49]

Because international conflict is no longer primarily between states, state diplomacy should not necessarily be, many advocates argue, the default method of international conflict resolution. Nor should it be considered the most relevant approach when addressing ethnic, national and religious conflicts. Instead, many advocates of religious conflict resolution contend that religious actors and institutions should be at least considered in the process because they may provide a framework for further dialogue.

The importance of accounting for religious actors and institutions in the area of policy implementation is demonstrated in the Carnegie Commission on Preventing Deadly Conflict. This report cites five features that give religious leaders and institutions an advantage in dealing with international conflict. First, religious leaders and institutions can provide a clear message that resonates with their followers. Second, religious leaders and institutions have a longstanding and pervasive presence on the ground. Third, religious traditions offer a well-developed infrastructure that often includes a sophisticated communications network connecting local, national and international offices. Fourth, religious leaders and institutions bestow legitimacy on speakers addressing a crisis issues. And lastly, religion provides a traditional orientation to peace and goodwill.[50]

In more general and theoretical terms, I see four primary assets that scholars tend to cite when they advocate the role religion can play in international conflict resolution.[51] The first is the power to understand 'the ambivalence of the sacred', the phrase used in the title of Appleby's book. In a chapter they co-authored

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[48]   Ibid., p. 17.

[49]   Johnston, 'Introduction: Beyond Power Politics', in Johnston and Sampson, *Religion, the Missing Dimension of Statecraft*, p. 3.

[50]   Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report with Executive Summary* (Washington, DC: The Carnegie Commission, 1997), p. 114.

[51]   Cf. Douglas Johnston and Brian Cox, 'Faith-Based Diplomacy and Preventive Engagement', in Johnston, *Faith-Based Diplomacy*, p. 14. Johnston and Cox list various advantages in the development of faith-based diplomacy. The following four assets are more general.

for the Coward and Smith book, *Religion and Peacebuilding* (2004), Little and Appleby define this ambivalence as 'the ability of religion to promote what might be called militancy on behalf of the other, as well as militancy aimed against the other. Religion promotes both intolerance and hatred, that is, as well as tolerance of the strongest type – the willingness to live with, explore, and honor difference'.[52] Many regions of the world that have deeply entrenched conflicts, such as Northern Ireland or Palestine–Israel, are witness to fighting between religious tribal groups. Unquestionably, elements of religion, or acts carried out in the name of Islam, the Catholic Church, the Protestant Church, Judaism and so on, continue to fuel conflict. Yet an examination of the faith claims of these religious groups reveals peaceful tenets. Thus in the same way that there are elements of religion that fuel conflict, there are also elements of religion that inspire peace. As I will develop in Chapter 3, when I address the role of religion in South Africa's history and identity, this ambivalence of the sacred is plainly evident in the case of South Africa.

The second asset is the ability to access the strong ethical norms that religious traditions contain in order to influence the actions of followers. Appleby suggests that religion has the potential to effect change indirectly if it uses its voice to influence its followers to work for peace rather than war. Similarly, Sampson observes that religion is an important defining characteristic of many communities in conflict. These communities 'possess social and moral characteristics that give them the potential to act as constructive forces for peace and conflict transformation'.[53] These scholars recommend accounting for religion in international conflict resolution as it can strengthen its effectiveness of the resolution by influencing conscience and moral obligation. This asset will become evident in the case of South Africa when, in Chapters 5 and 6, I discuss the issues of truth-telling and reconciliation.

The third asset often cited in demonstrating the role religion can play in international conflict resolution is the communication network that religion can provide in the logistics of conflict resolution. In conflict areas, communication between religious organisations is usually relatively strong since these communities tend to maintain national and international ties with partner organisations and with their governing bodies or central offices. Locally, religiously motivated actors can be found in single denominations or interdenominational organisations; they can be anyone from lay people to clerics. Internationally, there are already well-established transnational religious organisations such as the World Council of Churches and the Roman Catholic Church.[54] Appleby further maintains that 'operating from within religious communities or as members of transnational social movements, religious actors offer irreplaceable and effective remedies to the ills that beset societies mired in social inequalities and vulnerable to systemic or

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52 Little and Appleby, 'A Moment of Opportunity', p. 2.
53 Sampson, 'Religion and Peacebuilding', p. 279.
54 Johnston and Cox, 'Faith-Based Diplomacy and Preventative Engagement', p. 26.

random violence'.[55] The communication between these networks transcends state boundaries, and becomes even more efficient with advancements in technology and globalisation in that the networks within, and between, religious traditions have in effect become global. As I will show in Chapter 4, the Christian church's local infrastructure and its global connections virtually guaranteed that religious actors, if not religious institutions, would play central roles in the administration of the TRC.

The fourth asset is that religion can help transition war-torn countries to democracy and sustainable peace because it often plays such a strong role in civil society. Civil society usually refers to voluntary public and social organisations or institutions that form the basis of society autonomous of the state. It is the middle ground between the state and family, and it includes among other bodies, non-governmental organisations, human rights organisations, independent trade unions, voluntary associations such as football clubs, and the independent media. Civil society helps provide and protect public space for dealing publicly with issues that affect the community.[56] Little and Appleby observe that religion can contribute to peacebuilding through civil society because 'having established a reputation for integrity and service through constant and direct contact with the masses, a long record of charitable work among people in need, and the moral example of its core members, a religious community commands a privileged status among segments of the population'.[57] Furthermore, because churches and other religious organisations in conflict-ridden countries are often the vanguard of civil society, they are one of the few institutions that have both the organisational capability and the infrastructure to assist in establishing and conducting conflict resolution mechanisms. In effect, they may provide both a physical venue as well as a politically empowered discourse for faith communities to redefine themselves in relation to the new political situation. As I will argue in Chapter 7, when I examine justice in the TRC, religion did in fact play a central, though controversial role in the TRC and in the development of a type of justice that is often referred to as 'restorative justice'. Moreover, as a matter of legal theory, the Commission's approach to justice was so unconventional that legal scholars and political leaders have begun to study the TRC as an example of a transitional mechanism that radically redefined existing protocols of post-conflict justice.

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[55]   Appleby, *Ambivalence of the Sacred*, p. 8.

[56]   'Civil society' as described here refers to an Enlightenment understanding. Until the eighteenth century, European political thinkers used the term to describe a situation in which civil society was virtually synonymous with the state. See John Keane, *Democracy and Civil Society* (Westminster: University of Westminster Press, 1988), p. 35.

[57]   Little and Appleby, 'A Moment of Opportunity', p. 3.

Truth Commissions and the South African TRC

Transitional justice is a recent development in the field of international conflict resolution. Priscilla Hayner, co-founder of the International Center for Transitional Justice (ICTJ) in New York and a leading expert on transitional justice, explains that 'this field – to the degree that it has taken shape as a defined field unto itself – has developed in response to the demands and differing circumstances of many transitional states around the world'.[58] As more and more countries are experiencing transitions from repressive and authoritarian regimes to democratic governments, transitional justice addresses how to deal with past human rights abuses.[59] Transitional justice focuses on balancing justice and reconciliation at the crucial point of transition. A number of strategies, or mechanisms, have been developed to address these transitions, which include criminal prosecutions in the form of trials, truth commissions, amnesties, lustration policies or purges,[60] financial compensations, institutional reforms and symbolic gestures such as building monuments or creating memorial days.[61] These options for dealing with the past are not mutually exclusive. In fact, countries often use more than one mechanism or a combination of several. Chile, for example, opted for general blanket amnesty prior to establishing a truth commission. El Salvador granted amnesty after its truth commission had completed its work. South Africa opted for a truth commission that had conditional amnesty as a component. Increasingly, truth commissions have become the leading mechanism used by countries moving from oppression to democracy.

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[58]   Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commission*s (New York: Routledge, 2002), p. 11.

[59]   See Ruti Teitel, 'Transitional Justice Genealogy', *Harvard Human Rights Journal*, 16 (Spring 2003), pp. 62–94, and *Transitional Justice* (Oxford: Oxford University Press, 2000).

[60]   A lustration policy essentially removes, from employment in the public sector or government, those who were involved with the past government or intelligence services that contributed to human rights abuses. This strategy has had limited success because it requires that detailed accounts were kept in regard to who committed which acts, and the difficulty in being able to prove who committed which crimes. It also requires that the incoming government have political power to discharge the civil servants. Lustration policies have been popular in Eastern Europe. See Priscilla Hayner, 'Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution and Prevention', in Paul C. Stern and Daniel Druckman (eds), *International Conflict Resolution after the Cold War* (Washington, DC: National Academy Press, 2003), p. 341.

[61]   Alexandra Barahona de Brito, Carmen Gonzalez-Enriquez and Paloma Aguilar (eds), *Politics of Memory: Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), p. 1.

Truth Commissions

Hayner, in a groundbreaking article published in 1994, entitled, 'Fifteen Truth Commissions – 1974 to 1994: A Comparative Study', first defined 'truth commissions' as the generic name given to a non-judicial body that deals with past human rights abuses in a particular country.[62] She later developed the definition in relation to the tasks that these bodies undertake:

> Truth commissions, defined as official, temporary mechanisms that are established to investigate a pattern of past human rights abuses or violations of international humanitarian law, are tasked with investigating, reporting, and recommending reforms, and in the process serve to formally acknowledge past wrongs that were silenced and denied.[63]

By this definition, according to Hayner, in 2003 there had been some 21 truth commissions around the world since 1974.[64] Recently countries such as Peru, Ghana, Democratic Republic of Congo and Sierra Leone have held or are currently holding truth commissions.[65]

Hayner notes that truth commissions consist of four common characteristics:

1. They focus on the past.
2. They investigate a pattern of abuses over a specified period of time.
3. They are temporary bodies that tend to operate for six months to two years and complete their work with a publication of its findings.
4. They are officially sanctioned, authorised or empowered by the state.[66]

Truth commissions are usually set up during, or immediately after, the transition from authoritarian or totalitarian rule to democracy, and they are often a part of the negotiated transitional agreement. Based on her four characteristics, Hayner argues that the first process falling under the category of 'truth commission' was the highly suspect Ugandan 'Commission of Inquiry into the Disappearances of People in Uganda since the 25th of January 1971', which was established by President Idi Amin Dada in June 1974.[67]

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[62] Priscilla Hayner, 'Fifteen Truth Commissions – 1974 to 1994: A Comparative Study', *Human Rights Quarterly*, 16 (1994), p. 600.

[63] Hayner, 'Past Truths, Present Dangers', p. 339.

[64] Ibid.

[65] See International Center for Transitional Justice (ICTJ) website: www.ictj.org/en (accessed 14 January 2009).

[66] Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2002), p. 14.

[67] To be clear, this commission was *not* established as a truth commission per se, but only identified by Hayner as the first commission that fell under her definition of 'truth

Though 10 truth commissions followed the Ugandan process, including the Argentinean (1983–1984) and Chilean (1990–1991) commissions, it was not, Hayner observes, until the establishment of truth commission in El Salvador in 1992 that the truth commission became a widely accepted mechanism for dealing with the past. This commission, known as 'The United Nations Commission on the Truth for El Salvador', was mandated by the United Nations (UN) as a part of a negotiated peace agreement that ended the 12-year war between the Salvadoran government, run by the right-wing Alianza Republicana Nacionalista (ARENA) party, and the left-wing guerrilla group Farabundo Martí National Liberation Front (FMLN). The commission released its findings in a March 1993 report entitled 'De La Locura a la Esperanza' ('From Madness to Hope').[68]

While Hayner remains vague on why the El Salvador commission caught the imagination of the international community, it is evident that its popularity is due in large part to the involvement of the UN in the process at a time when countries around the globe were attempting to resolve past human rights abuses and ongoing ethnic conflicts. The El Salvadoran commission was, after all, the first commission sponsored and funded by the UN. A related reason was that the international community, particularly the United States, with its role in fuelling the civil war, had a vested interest in how this truth commission would affect the tenuous peace process in El Salvador.

In post-Cold War and post-colonial political situations, countries such as Chile, East Germany, Guatemala and Rwanda, to name a few, have begun to deal with the transition from authoritarian to democratic rule. The issues at stake are not simply political and judicial, but also contain moral and nationalistic elements. Post-conflict situations in these countries often have less to do with identifying a victor and punishing an enemy than with building a sustainable peace by coming to terms with a collective history. Burying the past is not, in most cases, a viable option since restoring nations and communities often requires a confrontation between victims and perpetrators.[69] Often established on the basis of a political compromise, truth commissions have emerged as a way for a country's history of violence and oppression to be told, debated and archived.

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commission'. There is also debate regarding whether this commission, set up by Presisdent Idi Amin Dada, was actually concerned with establishing the truth for if Amin established it, the argument goes, then he did so to investigate disappearances that happened during his first years in government, which smacks of Orwellian double-speak. For an extended discussion of the Ugandan commission and its mixed results, see Richard Carver, 'Called to Account: How African Governments Investigate Human Rights Violations', *African Affairs*, 89 (1990), pp. 391–416.

[68] Hayner, 'Fifteen Truth Commissions', p. 598.

[69] For a discussion of why victim–perpetrator confrontation is often necessary, see Nigel Biggar, 'Making Peace or Doing Justice'? in Nigel Biggar (ed.), *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, (Washington, DC: Georgetown University Press, 2001), p. 6.

There are at least four practical reasons why truth commissions have become so celebrated among political leaders and international organisations such as the UN. First, truth commissions have been especially appealing because they provide an alternative to the post-Second World War tradition of charging and prosecuting perpetrators. Examples of dealing with the past through legal mechanisms include the Nuremberg trials following the Second World War, where associates of Nazi leader Adolf Hitler were tried, and the 'International Criminal Tribunal for the former Yugoslavia' (ICTY) in The Hague, where the former Yugoslav leader Slobodan Milosevic was charged with crimes against humanity.[70] In the case of the Nuremberg trials, it was clearly an instance of victor's justice, which is precisely why Nuremberg has not been a good model for internal post-conflict situations, where there are often no clear victors. Second, judicial proceedings on the scale of Nuremberg and the ICTY are often impossible because of the massive resources needed to conduct such trials. Third, because truth commissions tend to be flexible and thus able to deal with the complexities of internal conflict, truth commissions are often viewed as a practical option. And lastly, truth commissions have become the best option for confronting the past and establishing the truth about that past.[71]

Hayner predicts that more and more countries transitioning from authoritarian rule or civil war to democracy will turn towards truth commissions. Indeed, countries such as Bosnia-Herzegovina, Serbia, Morocco and Liberia have entertained the possibility of establishing truth commissions, while processes in countries such as Senegal have adopted hybrid approaches similar to South Africa's TRC. While there has been growing interest in and support for truth commissions in countries undergoing political transition, defining the tasks and capacities of truth commissions has remained a challenge. Hayner writes:

> truth commissions are difficult and controversial entities; they are given a mammoth, almost impossible task and usually insufficient time and resources to complete it; they must struggle with rampant lies, denials, and deceit and

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[70]   Of course there are significant differences between the Nuremberg trials and the Milosevic trials, particularly in the area of 'victors' justice'. For a discussion, see Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2000). My point here is to show that trials, including the Rwanda genocide trials in Tanzania, remain a primary method in dealing with the past, even though they have adopted aspects of the local justice system, the *gacaca*. The newly established International Criminal Court is another such example.

[71]   Nigel Biggar, 'Concluding Remarks', in Biggar, *Burying the Past*, pp. 272–4; Kader Asmal, Louise Asmal and Ronald Suresh Roberts, 'Afterword', *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*, 2nd edn (Cape Town: David Philip Publishers, 1997), pp. 12–27.

the painful, almost unspeakable memories of victims to uncover still-dangerous truths that many in power may well continue to resist.[72]

Despite these problems, though, in times of transition truth commissions do provide vital insights, however painful they might be, about the past. Indeed, the most important job of any truth commission is providing a history that incorporates not just the official, government-authorised version of it, but the stories of individuals who had been marginalised, criminalised and abused by government policies and agents.

The South African Truth and Reconciliation Commission

The negotiation for a peaceful transition from the repressive apartheid regime to democracy in South Africa began in 1989, with the replacement of P.W. Botha by F.W. de Klerk as president. Botha had been a firm believer in apartheid, as had been de Klerk. But de Klerk, aware that growing civil unrest seriously threatened his government, eventually initiated the demise of this racist political policy in response to global economic pressure and domestic socio-political unrest. On 21 March 1992, a whites-only referendum was held to determine whether negotiations on a new constitution and reform for South Africa should continue. Sixty-eight per cent voted in favour of continued reform.[73] In his speech following the referendum, de Klerk announced that the political organisations that had been banned under apartheid were permitted and political prisoners would be freed. This set the stage for negotiations between the government and the primary opponent of apartheid, the African National Congress (ANC). After spending 27 years in prison, Nelson Mandela, the leader of the ANC, was released. Mandela and the ANC successfully negotiated with de Klerk and the ruling National Party (NP) for a peaceful transition from apartheid to democracy.

During the negotiations between the ANC and the NP three options for dealing with the apartheid past were considered: (1) criminal trials, (2) blanket amnesty, and (3) a truth commission. There were at least three interrelated issues that made trials an unappealing option. First, according to Archbishop Desmond Tutu, a Nuremberg-style trial option, where those guilty of committing gross violations of human rights would be prosecuted, was essentially inappropriate, since 'neither side could impose victor's justice because neither side won the decisive victory which would have enabled it to do so'.[74] Second, trials would have brought justice to neither perpetrators nor victims. Those negotiating the transition knew that the members of the NP security force would not have negotiated a peaceful resolution if they could have been tried and prosecuted. There would have been no incentive

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[72]   Hayner, *Unspeakable Truths*, p. 23.
[73]   Allister Sparks, *Tomorrow Is Another Country: The Inside Story of South Africa's Road to Change* (New York: Hill and Wang, 1995), pp. 133–6.
[74]   Ibid., p. 25.

for perpetrators to tell the truth with criminal trials. Moreover, if the victims were faced with the possibility of criminal trials, they would have been subjected to harsh cross-examinations as they told their stories, thus adding to re-victimisation. In the end, there would only be further animosity between victims and perpetrators. Third, trials were impractical because South Africa was in no financial position to hold hundreds of lengthy trials. Negotiators thought any money that might be diverted to trials would be better spent on developing the fragile social and economic infrastructure in the country. Thus, with little political consensus and with no money, a trial option was simply not feasible.

From the beginning of the negotiations, South Africa rejected blanket or general amnesty like that granted to General Augusto Pinochet and his followers in Chile. With blanket amnesty, no one would be held accountable for the legacy of apartheid. Perpetrators would never have to be held responsible for their crimes and victims would not be able to tell their stories. In effect, granting blanket amnesty was tantamount to burying the past, a result the ANC in particular wanted to avoid. Rather than choosing either trials or blanket amnesty, South Africa chose a 'third way', namely a truth commission that contained conditional amnesty.

In 1993, an Interim Constitution was drafted as part of the negotiation to govern South Africa in its period of transition. The final clause of the Interim Constitution provided the framework for the TRC. The final clause states:

> This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.
>
> The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.
>
> These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *ubuntu* but not for victimisation.
>
> In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals,

if any, through which such amnesty shall be dealt with at any time after the law has been passed.[75]

This truth commission would investigate alleged atrocities during the apartheid era, and where appropriate, grant amnesty to perpetrators who qualified, and recommend compensation awards to the victims.[76] The objectives for the TRC were outlined in the Interim Constitution, thus the framework and working mandate of the Commission was established.

On 9 May 1994, Nelson Mandela was inaugurated as South Africa's first democratically elected president. The following year Parliament drafted the 'Promotion of National Unity and Reconciliation Act' (the Act), which was based on the final clause of the Interim Constitution. The Act established the TRC. Moreover, the objectives and functions of the TRC process were outlined in the Act. The objectives and functions read as follows:

> 3. (1) The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by-
>
> a) establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from I March 1960 to the cut-off date, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;
>
> b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;
>
> c) establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them;
>
> d) compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission contemplated in paragraphs (a), (b) and (c), and which contains recommendations of measures to prevent the future violations of human rights.[77]

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[75]   *Interim Constitution of the Republic of South Africa*, Act 200 of 1993. Government of South Africa Website. Online, available at: www.info.gov.za/documents/constitution/93cons.htm (accessed 24 September 2008).

[76]   Ibid.

[77]   Promotion of National Unity and Reconciliation Act 1995, Act 95-34 (26 July 1995). Online, available at: www.doj.gov.za/trc/legal/act9534.htm (accessed 24 September 2008).

In other words, the TRC was commissioned to write an official history of South Africa's apartheid era, with the aim of establishing as complete a picture as possible of human rights abuses.

The next major hurdle was to fill the seats on the Commission. After a public nomination and selection process, Mandela appointed 17 commissioners, who were inaugurated in December of 1995 and given the broad charge of promoting national unity and reconciliation through the TRC.[78] According to Johnny de Lange, one of the ANC politicians in charge of drafting the TRC, South Africa's TRC 'marked a unique moment in world history. It was the first time that a nation had created a truth commission through a public and participatory process, by way of an Act of the parliament'.[79] It remains one of the largest truth commissions in size and mandate, with a staff of over 300. Over the course of the TRC, some 21,000 victims and witnesses testified, and 2,000 of them gave testimony in public hearings.[80]

In terms of structure, South Africa's TRC consisted of three committees: (1) a Human Rights Violations Committee (HRVC) collected statements from victims and witnesses, and recorded human rights violations; (2) an Amnesty Committee (AC) processed and decided upon individual applications for amnesty; (3) a Reparation and Rehabilitation Committee (RRC) was responsible for making recommendations for reparation. The HRVC dealt primarily with recording stories of human rights violations from the victims, the AC dealt with the perpetrators who applied for amnesty, and the RRC dealt with recompense for the victims.

Conclusion

In this chapter, I briefly outlined international conflict resolution theory. I argued that this theory emerged out of two converging trends in Western political theory: political realism and secularist political philosophy. I then provided an historical introduction to religious conflict resolution. I demonstrated how it emerged as an alternative to the statist and secularist approaches in conventional conflict resolution. Next, I traced the short history of transitional justice mechanisms, including criminal trials, amnesty provisions and truth commissions. This history highlighted the options open to South Africa's transitional leaders as they looked for prior examples. I closed with a summary of how the TRC was established and constituted.

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[78] Desmond Tutu, *No Future without Forgiveness* (London: Random House, 1999), p. 41.

[79] Johnny de Lange, 'The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission', in Charles Villa-Vicencio and Verwoerd (eds), *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: University of Cape Town Press, 2000), p. 14.

[80] Hayner, *Unspeakable Truths*, p. 42.

Chapter 3
Apartheid and Christianity

Understanding the sources and dynamics of a conflict is a central requisite in international conflict resolution. However, as we noted in the previous chapter, religious conflict resolution maintains that conventional approaches to international relations and conflict resolution typically focus on religion's capacity to incite violence, which normally results in religion being excluded from post-conflict peacebuilding strategies. Moreover, because conventional theories of conflict resolution too often fail to account for the variety of roles played by religion in a country's history, peacebuilding has often been superficial and unsustainable. In response, scholars and practitioners of religious conflict resolution, such as Scott Appleby and Marc Gopin, argue that their approach must be historically grounded in the ambivalence and complexity of a religious tradition because their peacebuilding strategies rely on 'tradition' as a source of peace.[1] In contrast to conventional approaches, then, religious conflict resolution seeks to understand the various ways in which religion functions as a source of both peace and conflict.

The purpose of this chapter is to provide a historical context that will demonstrate the ambivalent relationship between Christianity and apartheid in South Africa. While a complete history of South Africa is long and complex, and well beyond the scope of this book, it is still essential to note how the Christian tradition fits into this country's history. This task is important because, without a proper understanding of the relationship between the Christian tradition and the politics of South Africa, we fail to understand the role that Christianity played in the history of apartheid and the religious resources that were at the disposal of the TRC. This chapter will begin with an examination of apartheid. It will be followed by a discussion of the role Christianity played in supporting apartheid. This chapter closes with a brief examination of anti-apartheid movements within the churches.

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[1]   See R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000); Marc Gopin, *Holy War, Holy Peace: How Religion Can Bring to the Middle East* (Oxford: Oxford University Press, 2002). I use the term 'tradition' here in the singular only for the sake of readability. Advocates of religious conflict resolution generally recognise that many religious traditions may be involved in a conflict; e.g. the Israeli–Palestinian conflict includes various forms of Judaism, Islam and Christianity (including Christian Zionism and Palestinian Christianity).

Towards an Understanding of Apartheid

Apartheid is the Afrikaans word for 'separation', it denotes 'aparthood' or 'apartness'. In South Africa, the term was used to justify racial separation to varying degrees.[2] From the arrival of the Dutch in southern Africa until the early nineteenth century, an informal system of racial separation existed, first imposed by the Dutch and then by the British. Although not an official policy until 1948, when Daniel Malan, the chief architect of apartheid, and his National Party won the general election, racial segregation and apartness can be traced back to the colonisation of South Africa.

Colonial History and Apartheid

In 1652 the Dutch East India Company (VOC) established an outpost at the Cape of Good Hope to supply provisions for the ships coming on trade missions from Europe to Java, present-day India. Dutch pastors and missionaries often held the position that the VOC was there to service the ships, while the Christians were there to service the sailors' souls. By the eighteenth century other Europeans immigrants had begun to arrive, seeking refuge from religious and political persecution, and at the same time searching for economic opportunities. These settlers shared a similar heritage and a common story: they were of European descent, they were Christian, and they settled in a foreign land to make a better life for themselves. Although they remained part of the Dutch colony, referred to as the Cape Colony, they joined together, primarily to distinguish themselves from the indigenous blacks. By the 1890s they had developed a common language, which they called 'Afrikaans', and began to identify themselves collectively as 'Afrikaners', which means 'people of Africa'.[3]

Dutch political, economic and cultural hegemony began to wane in the late eighteenth century, as the British seized the Cape Colony in 1795. The British seizure of the colony was not so much a direct result of imperial conquest, but an indirect consequence of diplomatic agreements made as a result of the French Revolution and French expansionism. As France began to exert its control over Europe, eventually conquering the Netherlands (the Batavian Republic), the Dutch became a vanquished ally of France. In response to a newly emboldened France, Britain took part in the coalition that consisted of other European countries in the attempt to subvert France's expansionist aspirations. One of Britain's actions in the coalition was to expropriate French colonies, which included the Dutch colonies of southern Africa. In the ensuing few years, Britain returned it to the Dutch in 1803 as part of the post-war peace agreement, only to reclaim it again

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[2]   Tristan Anne Borer, *Challenging the State: Churches as Political Actors in South Africa 1980–1994* (Notre Dame, IN: University of Notre Dame Press, 1998), p. 217.

[3]   T. Dunbar Moodie, *The Rise of Afrikanerdom: Power, Apartheid, and the Afrikaner Civil Religion* (Berkeley: University of California Press, 1975), pp. 1–39.

in 1806 as spoils of the Napoleonic War. Due to the changing patterns of global trade and international relations, Britain now understood the strategic value of the colony as a base to protect shipping routes to the rich colonies in the East.

British colonial rule expanded control over the Cape Colony, which resulted in a clash between British imperialism and Afrikaner nationalism at the beginning of the nineteenth century.[4] The British Empire sought to consolidate power by unifying the region under the British flag. The Afrikaners were not, however, prepared to become part of a united South Africa under British authority. The clash between the British colonisers and the Afrikaners resulted in the Anglo-Boer War, which lasted almost three years. On 31 May 1902 the British forces finally declared victory.[5] In 1910 the federation of the 'Union of South Africa' was formed as a dominion of the British Empire, and Louis Botha became the first prime minister.[6] Despite the conflict between Afrikaners and English-speaking settlers, which culminated in the Anglo-Boer War, they joined forces after the establishment of the Union to protect the white minority rule over the black majority.[7]

Though the British settlers dominated South Africa economically and militarily, they were unable to establish long-term political control. In August 1914, controversy struck South Africa that threatened English-speaking settler control. Botha and his deputy, Jan Smuts, took South Africa to the First World War on the side of the British. This upset many Afrikaners, who opposed the war on Germany because they felt no loyalty to Britain and because the Germans had

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[4]   Historians usually make a distinction between the British colonial powers, who arrived in the Cape Colony in 1795, and the British settlers, who arrived in 1820. The conflict with the Afrikaners was more with British colonial power than with British settlers. See Jean Comaroff and John Comaroff, *Of Revelation and Revolution: Christianity, Colonialism and Consciousness in South Africa*, vol. 1 (Chicago: University of Chicago Press, 1991), pp. 42–3.

[5]   Charles Villa-Vicencio, *Trapped in Apartheid: A Socio-Theological History of the English-Speaking Churches* (Maryknoll, NY: Orbis Books, 1988), pp. 35–6, 42–64.

[6]   At this point in South Africa's history, the British settlers should now be referred to as English-speaking settlers because they exercised a degree of autonomy from Britain and they identified themselves as distinct from the Afrikaners, who spoke Afrikaans. See Tracy Kuperus, *State, Civil Society and Apartheid in South Africa: An Examination of Dutch Reformed Church-State Relations* (London: Macmillan, 1999), p. 22.

[7]   The racial distinction was basically between white and non-whites, or 'blacks'. Tristan Anne Borer explains that 'black' was the common word used to describe all non-white groups in South Africa during the 1980s. It included Africans, coloureds (people of mixed African and European ancestry) and Indians. She writes, 'The term "black" was popularised by the black consciousness movement in the 1970s, which urged solidarity of these groups in the struggle against a perceived enemy: white racism and oppression'. Borer uses the word 'black' in her book, and explains that is it a more positive term than 'non-whites' because the government had exploited that term. 'Blacks' is the term that the Africans, coloureds and Indians largely embraced. Thus I will follow Borer's example and use the term 'black' to describe this collective. See Borer, *Challenging the State*, p. 21, n.1.

aided them in the Anglo-Boer War. As a result of this controversy, an alliance between the National Party of South Africa and the Labour Party gained a majority in the 1924 general election. James Barry Munich Hertzog, leader of the newly formed alliance, replaced Botha as prime minister on 30 June 1924. Hertzog held power until 1939, when Jan Smuts replaced him on 5 September 1939. The National Party of South Africa splintered in 1934 over an alliance that Hertzog and Smuts made to govern the country. This split, led by Daniel Malan, resulted in the establishment of the Purified Nationalist Party, or the Malanites, which became the official opposition in 1934. Malan, as leader of the recently reunified National Party (NP), was elected prime minister on 4 June 1948, after running a campaign that played on Afrikaner resentment of South Africa's participation in the Second World War. The NP remained in control in South African until 1994. In effect, Afrikaners were able to fulfil their vision of Afrikaner nationalism, which included the implementation of a rigid ideology and policy of apartheid, which lasted until 1994.[8]

Apartheid as an Official Policy

Malan remained prime minister until 1954 and was succeeded by J.G. Strijdom (1954–1958) and Hendrick Verwoerd (1958–1966), who were extreme separatists. With the NP firmly entrenched in governing South Africa by apartheid, systematic racism affected almost every aspect of life, including interpersonal relations, residential patterns, and social, economic and political organisation. An elaborate system of laws and regulations was implemented with the primary goal of separating the races. For example, in 1949 the Prohibition of Mixed Marriages made it illegal for whites to marry 'non-whites'. The following year, the Population Registration Act was passed, which meant that every person's race in South Africa had to be officially recorded. This was followed by the Group Areas Act, which created different residential areas for different races and controlled movement within the specified areas. In 1952 the Pass Laws were brought into effect. Blacks were forced to carry identifications, commonly referred to as passbooks, that included a picture, details of place of origin, employment record and encounters with police. No black person could leave the area or township where he or she lived to the city without a permit from the local authorities. Moreover, it was a criminal offence if a black's permit was not produced on demand.

One of the most controversial pieces of legislation in these early years of apartheid was the 1953 Bantu Education Act. According to Prime Minister Verwoerd, the architect of this act, the intention was to create a curriculum that

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[8]   Johann Kinghorn, 'The Theology of Separate Equality: A Critical Outline of the DRC's Position on Apartheid', in Martin Protzesky (ed.), *Christianity Amidst Apartheid: Selected Perspectives on the Church in South Africa* (London: Macmillan, 1990), pp. 58–9.

would suit the nature and requirement of the Bantu.[9] He stated, 'The Bantu must be guided to serve his own community above certain forms of labour … For that reason it is of no avail to him to receive training which has as its aim absorption in the European community while he cannot and will not be absorbed there'.[10] While Verwoerd's argument makes sense socially only within a racist ideological framework, the political consequences of the act were obvious – the act prohibited blacks from receiving an education that would allow them to aspire to positions they were not allowed to hold. In practice, this legislation virtually guaranteed that generations of blacks would be hamstrung by an education system geared to devalue black cultural expressions and to keep blacks 'in their place'.

Christianity as Supporter of Apartheid

A significant contributor to the theory of apartheid was Christianity, more specifically the Dutch Reformed Church (DRC), which was the dominant Christian tradition among the ruling Afrikaners in South Africa at that time.[11] The first president of democratic, post-apartheid South Africa, Nelson Mandela, explains in his autobiography that the apartheid 'policy was supported by the Dutch Reformed Church, which furnished apartheid with its religious underpinnings by suggesting that Afrikaners were God's chosen people and that blacks were subservient species. In the Afrikaner's worldview, apartheid and the church went hand in hand'.[12]

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[9] At times black South Africans were officially called 'Bantu' by the apartheid regime. The term 'Bantu' was coined in 1862 by the German linguist Wilhelm Heinrich Bleek (1827–1875) to describe a language group in southern Africa. See Bleek, *A Comparative Grammar of South African Languages*, part 1 (London: Trübner & Co., 1862).

[10] Quoted in Robert M. Price, *The Apartheid State in Crisis: Political Transformation in South Africa, 1975–1990* (Oxford: Oxford University Press, 1991), p. 31.

[11] I have not focused solely on the DRC in this study despite the fact it was the most influential Christian denomination during the apartheid era, and it was the religion that the architects of apartheid used to justify their racist system. Indeed, the DRC is not the only Christian tradition that can be held accountable for supporting and perpetuating apartheid. Other Christian denominations are also responsible, for they too did little to challenge the unjust system during the apartheid era. Furthermore, there are three streams of the Afrikaner Reformed Church in South Africa. The Nederduitse Gereformeerde Kerk (NGK)/DRC, the Neder Hervormde Kerk (NHK) and the Gereformeerde Kerk (GK). Each of these churches held different positions regarding apartheid. For example, the GK is very conservative and had been the most resistant to abandoning apartheid. For further discussion on the Reformed tradition in South Africa, see Jonathan N. Gerstner, 'The Christian Monopoly: The Reformed Church and Colonial Society under Dutch Rule', in Richard Elphick and Rodney Davenport (eds), *Christianity in South Africa: A Political, Social, and Cultural History* (Berkeley: University of California Press, 1997), pp. 16–30.

[12] Nelson Mandela*, Long Walk to Freedom: The Autobiography of Nelson Mandela* (New York: Little, Brown and Company, 1995), p. 111.

In fact, some members of the DRC have claimed that their church, not the National Party, laid down the principles and framework for apartheid.[13]

Christianity and Colonisation

In 1488 the Portuguese explorer Bartolomeu Dias had arrived at the most southwestern point of Africa, known as the Cape of Good Hope (the Cape), in his voyage to find an alternate route to the East for spice trading. At the Cape, Dias erected a limestone pillar, known as a *padrão*, which was adorned with a Christian cross. Martin Prozesky, the Unilever Chair of Comparative and Applied Ethics at the University of Natal in South Africa, observes that the *padrão* represented a 'revealing blend of three interests'.[14] It symbolised commercial interests, because the primary motive for the Portuguese expedition was commerce. It represented political interest because the Portuguese coat of arms was on the *padrão*, which was a symbol of Portugal's mark of discovery and claim to the land. And it signified religious interest because the cross marked the arrival of Christianity in the region. In other words, the *padrão* indicated how interconnected economics, politics and religion have been since the arrival of Europeans to the southern tip of Africa. It is this interconnection, Prozesky suggests, that provided colonisers with an ideological basis to seek economic and political control over the region, to create a system of racial segregation and domination over the blacks, and to make theological sense of not only their spiritual practices but also their activities as colonisers.

The first Christian church in present-day South Africa was erected by Portuguese Catholics who arrived with Dias in 1501. However, this church fell into ruins shortly thereafter.[15] The Christian Church became a permanent presence in South Africa with the arrival of the Dutch, followed by the French Huguenots

[13]   Lyn S. Graybill, *Religion and Resistance Politics in South Africa* (Westport, CT: Praeger, 1995), p. 2.

[14]   Martin Protzesky, 'Introduction', in Martin Protzesky (ed.), *Christianity Amidst Apartheid: Selected Perspectives on the Church in South Africa* (London: Macmillan, 1990), p. 1.

[15]   Although the Roman Catholic influence pre-dated Protestant influence in the Cape, few Catholics remained by the late seventeenth century, that is, around the time the Dutch and French Huguenots landed. In fact, the VOC actually forbade Catholicism in the region. As John de Gruchy notes, the early Roman Catholic Church remained predominantly white, even though blacks were integrated as a result of industrialisation, as blacks were forced off their land and sought work in the mines in the cities, and as the Catholic Churches proselytised them and met their material needs. The early Catholic Church hardly maintained separate churches for the blacks and whites, which was more out of custom than theological doctrine. By the mid 1990s Roman Catholics, consisting of both blacks and whites, constituted almost 9 per cent of the population in South Africa. See de Gruchy, *The Church Struggle in South Africa* (Grand Rapids: Eerdmans, 1979; expanded edition 2004), p. 1. Also see Villa-Vicencio, *Trapped in Apartheid*, pp. 35–6; and Barry Turner (ed.),

and other Europeans, who were fleeing from Catholic France because they were being persecuted in the late 1600s for their Protestantism. This group later became known as the Afrikaners. Virtually all of these early Afrikaners were associated in some form or another with the Protestant tradition, though the varieties of Protestantism varied widely. Still, most Afrikaners were affiliated with the DRC, the religion of the colonising majority. As a result, the DRC was the principal religion of the Afrikaners and the Cape Colony.[16]

The DRC grew out of a branch of the Protestant Reformation in Europe. Theologically, it is rooted in the teachings of the French reformer John Calvin (1509–1564). As with the German reformer Martin Luther (1483–1546), Calvin based his theology on the principle of *sola fides*, 'faith alone'. To Calvin, 'faith alone' meant that faith is a gift from God and that humans, being totally depraved, can be justified only by God, through faith in Jesus Christ. Consequently, salvation is solely an act of divine grace.[17] Unlike Luther, Calvin premised his soteriology on the doctrine of predestination, the most important, and the most controversial, theological principle in the Calvinist tradition. While there are a few variations within the tradition, the doctrine of predestination basically holds that God, being fully omniscient and fully omnipotent, not only knows the future, and thus knows in advance who will be saved, but God has in fact elected certain individuals for salvation. Based on a reading of John 15:16, Roman 8:30, Ephesians 1:4–6, and a number of other passages, Calvinists believe that individuals do not choose salvation; rather, salvation is determined for them. Only God, the Sovereign, has the will and power to make such a decision.[18] Likewise, many Calvinists, following Calvin's teachings in the *Institutes of the Christian Religion* (1537),[19]

Southern Africa Profiled: Essential Facts on Society, Business and Politics in Southern Africa (New York: St. Martins Press, 2000), p. 106.

[16] T.R.H. Davenport, *South Africa: A Modern History*, 3rd edn (Toronto: University of Toronto Press, 1987), pp. 22–46; Villa-Vicencio, *Trapped in Apartheid*, pp. 1–3; and de Gruchy, *The Church Struggle in South Africa*, pp. 1–3. For more detailed discussion on colonisation and Christianity in South Africa, see Comaroff and Comaroff, *Of Revelation and Revolution*; Elphick and Davenport, *Christianity in South Africa*; and Jane M. Sales, *The Planting of the Churches in South Africa* (Grand Rapids: Eerdmans, 1971).

[17] Gerstner, 'The Christian Monopoly', p. 16.

[18] John 15:16 'You did not choose Me, but I chose you…'. Ephesians 1:4–6 'For he chose us in him before the creation of the world to be holy and blameless in his sight. In love he predestined us to be adopted as his sons through Jesus Christ, in accordance with his pleasure and will – to the praise of his glorious grace, which he has freely given us in the One he loves'. Romans 8:30 'And those he predestined, he also called; those he called, he also justified; those he justified, he also glorified'.

[19] Calvin writes, 'In conformity, therefore, to the clear doctrine of the Scripture, we assert, that by an eternal and immutable counsel, God has once and for all determined, both whom he would admit to salvation, and whom he would condemn to destruction. We affirm that this counsel, as far as concerns the elect, is founded on his gratuitous mercy, totally irrespective of human merit; but that to those whom he devotes to condemnation,

also believe that God chooses individuals for damnation – this is often referred to as the doctrine of double-predestination.

Whether consistent with Calvin's own teachings or not, this 'neo-Calvinist' doctrine of predestination became one of the ideological frameworks used to justify racial segregation in South Africa.[20] In crude theological terms, the newly arrived whites considered themselves as God's elect, while they believed indigenous blacks to be destined for eternal destruction. Moreover, social structures were to reflect the natural order that God had chosen, which meant blacks were to be subservient to whites. Also, as a matter of holiness and purity, the early white settlers were instructed by pastors to avoid contact with the depraved blacks. From the outset, then, the focus of the early Christian church in the Cape Colony was on caring for the white Christian in his or her vocation.[21]

The London Missionary Society (LMS) arrived in the Cape Colony in 1795, the same year that Britain first occupied the Cape Colony. Sparked by the eighteenth-century evangelical missionary movements that were occurring in Europe, Christian missionaries arrived in the Cape to Christianise the heathen 'other' of the 'dark continent'.[22] Charles Villa-Vicencio observes that 'the missionary endeavour of the churches soon became part and parcel of the imperialistic dream'.[23]

In his socio-theological history of the churches in South Africa, Villa-Vicencio refers to the churches that originated in Britain as 'the English-speaking churches'. Villa-Vicencio explains that the title 'the English-speaking churches' is actually 'a misnomer', because the majority of members in these churches would consider one of the African languages as their first language. However, these churches have acquired this specific connotation in South Africa.[24] The designation encompasses the churches that primarily use English as the official language and have British roots. Thus this group is referred to as the English-speaking churches in historical and sociological accounts of religion in South Africa. These churches tend to be from the Protestant tradition, which consists of the Anglican Church (in South Africa it is also referred to as the Church of the Province of South Africa), the

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the gate of life is closed by a just and irreprehensible, but incomprehensible, judgement'. John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge (Grand Rapids: Eerdmans, 1959), ch. 19.

[20]   The Calvinist theology that supported apartheid and promoted the superiority of the whites is sometimes referred to as neo-Calvinist theology. See Douglas Johnston, 'The Churches and Apartheid in South Africa', in Douglas Johnston and Cynthia Sampson (eds), *Religion, the Missing Dimension of Statecraft* (Oxford: Oxford University Press, 1994), p. 182; and Price, *The Apartheid State in Crisis*, p. 13.

[21]   Gerstner, 'The Christian Monopoly', p. 16.

[22]   Comaroff and Comaroff, *Of Revelation and Revolution*, p. 43; and de Gruchy, *The Church Struggle*, p. 2.

[23]   Villa-Vicencio, *Trapped in Apartheid*, p. 3.

[24]   Ibid., p. 16.

Methodist Church of Southern Africa, the Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa.

The arrival of the European missionaries in the Cape in the early eighteenth century, which spawned the birth of the English-speaking churches, along with the quest for political and economic domination, changed the face of Christianity in the Cape. As a temporary presence in the Cape, the earliest white settlers were able to stay separate from blacks; except for the odd clash, there was very little contact between the two groups. However, the financial and political benefits of controlling the outpost were eventually realised, which resulted in the Dutch establishing a permanent colony in the Cape.[25]

By 1830 a group of Afrikaner settlers had moved beyond the boundaries of the Cape Colony into the hinterland in search of farmland. This group became known as the Boers, which is the Dutch word for 'farmer'.[26] The Boers, far removed from the emerging trading centres, but still holding on to old social conventions, eventually came into contact with black indigenous people that had been living on the land for centuries. To support themselves, the Boers expropriated land and animals from the black inhabitants and sought more efficient ways of farming, which included the incorporation of slave labour. Indeed, both indigenous blacks and those imported from the East Indies provided a relatively cheap means of upping production. This contact made confrontation (and conflict) with the blacks unavoidable, which was problematic for the Afrikaner settlers who were embedded in the DRC and entrenched in the belief that God ordained racial separation. They were no longer able to remain separate from the blacks, so they had to develop theological justification for this relationship. As Willa Boesak, author of the book *God's Wrathful Children* (1995), explains, 'the European culture associated black with evil, fear, and darkness – precisely the opposite of Christian purity, Christian fairness, and Christian light. The slaves' indelible blackness provided the visible proof that they were actually meant to serve white masters'.[27] The Afrikaner slave masters initially encouraged Christian beliefs and principles among the slaves, but discouraged their baptism, since slaves who became Christians could not be legally sold.[28]

Acting largely on the will of the missionaries and their supporters in Britain, the British government decreed in 1833 that slavery would no longer be permitted in any part of the empire.[29] Conflict between British and Afrikaner settlers ensued,

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[25] Once the British took control of the Cape Colony, a colonial permanent presence was established in the region. When the Dutch joined with other expatriates as Afrikaners, they became an independent group within the Colony. In effect, it was then that they became Afrikaners. Therefore I will refer to them as Afrikaners.

[26] Davenport, *South Africa*, pp. 49–52.

[27] Willa Boesak, *God's Wrathful Children: Political Oppression and Christian Ethics* (Grand Rapids: Eerdmans, 1995), p. 18.

[28] Gerstner, 'The Christian Monopoly', p. 18.

[29] Comaroff and Comaroff, *Of Revelation and Revolution*, pp. 119–25.

which resulted in the Great Trek of 1835 to 1843, or in Afrikaans, the *Voortrek*. An estimated 12,000 to 14,000 Afrikaners trekked north beyond British rule. They became known as the Voortrekkers, which in Afrikaans means 'those who move ahead' or 'forward traveller'. The Voortrekkers consisted primarily of Boers (or farmers) who were semi-nomads. The Boers who migrated with the Voortrekkers became known as Trekboers. The Voortrekkers left because of four interconnected issues. First, the Voortrekkers generally disagreed with the British abolition of slavery. Particularly for the Trekboers, though, who relied heavily on slave labour, abolition spelled an immediate financial crisis if they remained under British rule. Second, the Trekboers wanted not only to survive economically, they also wanted to develop. They required easy access to land and cheap labour, which meant going beyond British control to find these resources. Third, the British made English the official language of the Cape Colony, which the Voortrekkers adamantly rejected. Finally, the Voortrekkers wanted to preserve their doctrine of purity, which they considered at risk with the emergence of British rationalism and liberalism.[30]

The Great Trek had two immediate consequences for church–state relations. The first consequence was that lingering divisions within the DRC were pressed to the breaking point. The Voortrekkers disagreed with the DRC practice of integrating blacks into the tradition, albeit through the creation of separate churches. The DRC authorities opposed the Voortrekkers because they viewed the Great Trek as an act of rebellion against British rule. In much of the Calvinist tradition the government serves divine authority, for the government is under the sovereignty of God. A prevalent definition of sin in the Calvinist tradition is rebellion against God, including structures that are understood as following the will of God. Although a simplistic conflation of divine sovereignty with state authority may stretch the limits of the Calvinist doctrine on temporal authority, among many Afrikaners in the early nineteenth century, rebellion against the British government was rebellion against God's will.[31] In 1853 the Voortrekkers*,* now beyond the jurisdiction of the DRC, both geographically, politically and ecclesiastically, decided to form an independent church, the Nederduitsch Hervormde Kerk (NHK).[32]

The second consequence of the Great Trek was that the expropriation of land brought the Voortrekkers into direct conflict with the Zulus, the largest ethnic group in South Africa. This confrontations culminated on 16 December 1838 with the Battle of Blood River. A greatly outnumbered Voortrekker contingent

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[30]   See de Gruchy, *The Church Struggle*, pp. 18–20.

[31]   Davenport, *South Africa*, p. 86.

[32]   Ernie Regehr, *Perceptions of Apartheid: The Churches and Political Change in South Africa* (Scottdale, PA: Herald Press, 1979), p. 281. This marks the beginning of separations within the DRC. In 1959 the Gereformeerde Kerk (GK) separated further from the NHK to uphold the belief that God decreed separation of the races. In 1881, the Nederduitse Gereformeerde Sendingkerk (NGSK) was formed as a church for the 'coloured' population. Later, the Nederduitse Gereformeerde Kerk in Africa (NGKA) was developed as a church for Africans, and the Reformed Church in Africa (RCA) was a church for Indians.

of approximately 460 defeated more than 10,000 Zulu warriors. The importance of this victory was two-fold. First, the battle may be one of the most important contributions to Afrikaner nationalism and Afrikaner civil religion. Before the battle, the Afrikaners had vowed to God that if they were granted victory over the Zulus, which seemed unlikely given the overwhelming number of Zulu warriors, they would commemorate the event annually and build a church in remembrance. As a result, the conquest held deep religious significance for the Afrikaners, akin to the battles that God gave the ancient Israelites of the Hebrew bible. In fact, the Afrikaners became convinced that they were a chosen people because God had saved them certain defeat. They did not ascribe the victory over the Zulus to their superior armaments, but interpreted it primarily as a sign of God and a fulfilment of a covenant they made with God. Second, the Afrikaner belief that white predominance over blacks was God's will was solidified in winning the war. They believed that in doing God's will, God delivered them and gave them their freedom in the Promised Land.[33]

However, the 'Promised Land', the Cape, was under control of the British. This political reality eventually led to skirmishes between British forces and the Afrikaners. The stakes in these skirmishes were heightened in the late nineteenth century when the Cape experienced an industrial mineral revolution with the discovery of diamonds in 1870, followed by gold in 1886. This made South Africa the most powerful economy on the continent. The British and the Afrikaners vied for control over the mines, which in turn meant control over the black population.[34] The gold was buried deep within the earth's surface, and in order for the mines to be successful they required cheap labour, which was supplied by the blacks.

The result of this history is that an ambiguous relationship between Christianity and racial segregation existed. The Christian churches and missions controlled and operated the institutions that were the cornerstone of the society, such as the schools and hospitals, as well as looking after the social welfare of both whites and blacks.[35] Yet the Christian churches also treated the blacks as second-class citizens. Land, which had been previously controlled by blacks, had been appropriated by Christian settlers for farming, with cheap labour being supplied in the form of black slaves. Thus, while blacks were becoming Christians, they were not garnering any more political or social power; in fact the gap between the races widened.

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[33]   Although not identified at the time, Afrikaner nationalism and Afrikaner civil religion was initiated by the Great Trek, and fortified by the Battle of Blood River and the Anglo-Boer War. Price, *The Apartheid State in Crisis*, p. 14; and Moodie, *The Rise of Afrikanerdom*.

[34]   Allister Sparks, *The Mind of South Africa* (New York: Alfred A. Knopf, 1990), p. 46.

[35]   Richard Elphick, 'Introduction: Christianity in South African History', in Elphick and Davenport, *Christianity in South Africa*, p. 1.

Christianity and Official Apartheid Policy

When Malan became prime minister in 1948 his government made apartheid an official policy. This had two effects on the historical relationship between Christianity and apartheid. First, the passage of these apartheid laws put the churches in a difficult position. In particular, the Afrikaner churches at first had little problem with apartheid and apartheid laws. They saw it as a political expression of their own theology.[36] Indeed, they were part of the institutionalisation of apartheid, yet they had certain tenets that challenged racial segregation. Still, the churches, both the Afrikaner churches and English-speaking churches, were not directly confronted by apartheid until the passing of the Groups Areas Act and the Bantu Education Act. The enforcement of the Group Areas Act caused a crisis within the churches because it was illegal for blacks and whites to mix socially. In 1957 the government proposed to extend segregation to church attendance. This would have meant that if blacks attended white churches, the churches could have been held liable, which would have spelled significant losses in government funding or, worse, having leaders sent to jail. Leaders from the English-speaking churches, such as Archbishop Geoffrey Clayton, outwardly opposed this. Although the law was passed in a revised form, it was rarely implemented. Some churches had a multi-racial congregation during apartheid, however the vast majority of churches were segregated as a matter of social convention.[37]

The Bantu Education Act also forced the churches to respond because, at that time, the Christian churches were receiving government funding to run most of the schools. To contravene the act by disregarding racial segregation in the schools would have resulted in a loss of government funding, which was greatly needed to run the schools. The passage of these and other apartheid laws caused the churches, as Villa-Vicencio asserts, to be 'trapped in apartheid'.[38] In effect, the churches were caught between obeying the laws that forbade interaction between the races, and obeying church teachings, which obliged them to minister to all races and to respect the dignity of the human person. The dilemma of being trapped in apartheid meant that churches were limited in their ability to challenge or confront apartheid.

Second, the NP was a major factor in the 'Christianisation' of Afrikaner nationalism. The Malanites and the subsequent NP governments openly promoted Christianity, specifically the DRC, as a way to embed Afrikaner nationalism in an

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[36]   It was only in the 1970s that any significant dissent from apartheid began to be expressed, except for a few leaders like Beyers Naudé. For further information see Eugene M. Klaaren, 'Creation and Apartheid: South African Theology since 1948', in Elphick and Davenport, *Christianity in South Africa*, pp. 370–82.

[37]   John de Gruchy, 'Grappling with a Colonial Heritage: The English-speaking Churches under Imperialism and Apartheid', in Elphick and Davenport, *Christianity in South Africa*, p. 162.

[38]   Villa-Vicencio, *Trapped in Apartheid*.

institution of civil society. Many members of the NP government were active and influential members of the DRC. In fact, since the establishment of the Union of South Africa in 1910, every prime minister and president belonged to one of the Afrikaner churches.[39] To many Afrikaners, the DRC was the soul of the Afrikaner state. The veteran South African journalist Allister Sparks recalls, 'It is a jest that speaks not only of the fact that the vast majority of the party's supporters belong to the church, but even more of the extent to which the church has been involved in the formulation of party policy. It was a co-author of apartheid, some would say its initiator'.[40] Moreover, Marjorie Hope and James Young only slightly overstate the case that the NP viewed itself as a 'Christian theocracy'.[41] Somewhat more understated is the fact that at times some South Africans referred to the DRC as the 'National Party at prayer'.[42]

Douglas Johnston argues that the conflation between church and state in South Africa cannot be overlooked in peacebuilding in post-apartheid South Africa. The majority of Afrikaners professed to be members of the DRC, 'thus, the highly religious orientation of Afrikaner society all but required a theological basis to rationalize apartheid. The DRC not only provided that theology, it essentially provided the policy itself'.[43] It is not clear, however, which came first: whether it was first the existence of apartheid-like ideology and philosophy, then theological justification; or whether a theology based on racial segregation and superiority existed, followed by institutionalised apartheid. In either case, it is evident that the NP policy of apartheid was integrally connected to the DRC, and, furthermore, that if a transition to an inclusive democracy was going to occur, then the pro-apartheid Afrikaner churches and their segregationist theologies had to be addressed.[44]

Under the NP, Afrikaner nationalism could be achieved, which essentially meant ensuring Afrikaner supremacy in the political, economic and theological arenas. Robert Price, a political scientist at the University of California, Berkeley, attributes two closely related factors to the development of Afrikaner nationalism and apartheid. The first is the establishment of Afrikaner civil religion. The second is a 'collective obsession among the Afrikaner ethnic community – the maintenance of their group identity'.[45] Indeed, Afrikaner civil religion and the rise of Afrikaner nationalism worked in tandem to institutionalise apartheid in South Africa. Price is undoubtedly echoing an argument put by T. Dunbar Moodie, who, in his seminal book, *The Rise of Afrikanerdom: Power, Apartheid, and the*

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[39]   Johnston, 'The Churches and Apartheid in South Africa', p. 188.

[40]   Sparks, *Mind of South Africa*, p. 153.

[41]   Marjorie Hope and James Young, *The South African Churches in a Revolutionary Situation* (Maryknoll, NY: Orbis Books, 1981), p. 1.

[42]   Sparks, *Mind of South Africa*, p. 153.

[43]   Johnston, 'The Churches and Apartheid in South Africa', p. 187.

[44]   Kuperus, *State, Civil Society and Apartheid in South Africa*, p. 81.

[45]   Price, *Apartheid State in Crisis*, p. 14.

Afrikaner Civil Religion (1975), coined the phrase 'Afrikaner civil religion'.[46] Moodie explains that civil religion refers to the religious dimension of the state, which the DRC developed in conjunction with the NP.[47] Central to this is the idea that the Afrikaners are God's chosen people and are predestined to fulfil a particular mission in South Africa, namely to maintain their distinct culture. Using similar terms, John de Gruchy defines Afrikaner nationalism as 'a civil religion based on a doctrine of creation, history, culture and calling, designed to uphold the Afrikaner people in their struggle for identity, survival, and power, against all odds'.[48]

At the heart of Afrikaner civil religion is the story of the Great Trek. The Trek, Moodie writes, 'forms the national epic – formal proof of God's election of the Afrikaner people and His [sic] special destiny for them'.[49] Sparks also recognises the centrality of the Great Trek in the Afrikaner myth, calling it a 'sacred saga' for the Afrikaners.[50] It was, Sparks contends, a story that 'was revivified and sanctified and mythologized into the national epic of a divinely ordained people with a God-given mission to establish themselves as a nation in South Africa'.[51] Indeed, the Voortrekkers saw themselves as replicating the biblical Exodus story. Following the Exodus epic, just as the Israelites had been confronted by the heathen Canaanites as they fled from Pharaoh, the Voortrekkers fled British domination to be confronted by heathen blacks, for the most part the Zulus.

Christianity as Challenger of Apartheid

To be clear, not all of the Christian churches, including the Afrikaner churches and the English-speaking churches, remained trapped in apartheid. There were elements within each of these traditions that escaped the trap. Nor did all Christian churches, in their entirety, contribute to the implementation of apartheid policy. In fact there were voices of protest from within Christianity against colonisation and the unofficial racial separation, but a more organised protest occurred once apartheid became an official policy. Although blacks were systemically marginalised by this entire system of unjust and oppressive apartheid laws, they did not remain passive.

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[46]   Moodie, *The Rise of Afrikanerdom*.

[47]   Ibid., p. 296.

[48]   de Gruchy, *The Church Struggle*, p. 32.

[49]   Moodie, *The Rise of Afrikanerdom*, p. 3.

[50]   Sparks, *Mind of South Africa*, p. 109.

[51]   Ibid., p. 110.

Rise of Black Resistance and Black Consciousness

The 'Black Churches' were born out of the struggle for liberation from apartheid and were directly involved in the anti-apartheid struggle.[52] They were disillusioned by white churches that did not address their spiritual or political needs. According to Villa-Vicencio the black churches came 'to symbolise the black quest for liberation … The black churches differ from one another in a variety of ways, but in each case were born out of racial conflict and/or differentiation'.[53] Three groups constitute the 'Black Churches': the black mission church, the historic black churches, and the African Indigenous Churches, sometimes referred to as the African Independent Churches (AICs). The AICs broke away from the mission-founded churches because they objected to the dominance of white leadership and the lack of 'space' for 'African' understandings of the gospel. All are primarily black in membership, led by blacks, and bonded together in the struggle for liberation from racial oppression and a free African continent. In comparison to the mission-founded churches and the English-speaking churches, the AICs were far more willing to incorporate traditional African culture into their worship and doctrine. As Villa-Vicencio notes, this 'African church' was a 'direct response to the indifference of the institutional churches to black political concerns as well as a religious manifestation of the African nationalism that prevailed at the time'.[54]

In 1912, two years after the establishment of the Union of South Africa, the South African Native National Congress was founded by a group of black urban and traditional leaders who opposed the policies of the Union, particularly the laws that diminished rights of blacks and appropriated their land. Based on African nationalism, the aim of the Congress was to bring all Africans together, to unite against oppression, to defend their rights and freedoms, and to form a national organisation. The organisation was renamed the African National Congress (ANC) in 1923. The ANC became the largest anti-apartheid movement in South Africa and the most influential opposition to white rule. It is a political movement that has a historical connection to the Christian churches because Christian leadership was instrumental in founding it and providing necessary infrastructure.[55] Oliver Tambo, former President of the ANC, explained that the ANC 'has a long history of association with the Church. Our founders were churchmen and women'.[56]

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[52]   For a more detailed examination of the role of religion and Christians in the anti-apartheid movement, see Graybill, *Religion and Resistance Politics in South Africa*.

[53]   Villa-Vicencio, *Trapped in Apartheid*, p. 25.

[54]   Charles Villa-Vicencio, *Civil Disobedience and Beyond: Law, Resistance and Religion in South Africa* (Grand Rapids: Eerdmans, 1990), p. 41.

[55]   Elphick, 'Introduction', p. 1.

[56]   'The ANC and Religion', ANC Commission for Religious Affairs Website. Online, available at: www.anc.org.za/ancdocs/misc/anc_and_religion.html (accessed 7 January 2009).

A prime example of Christian involvement in anti-apartheid movements is the case of former ANC leader Albert Lutuli, a devout Christian who believed that his political activity was a result of his Christian faith. Lutuli writes, 'I am in Congress [the ANC] precisely *because* I am a Christian … My own urge, *because* I am a Christian, is to get into the thick of the struggle … taking my Christianity with me and praying that it may be used to influence for good the character of resistance'.[57] Another example is the case of Robert Sobukwe, an active member of the AICs who often quoted scriptures in his political speeches. Sobukwe founded the Pan-Africanist Congress (PAC) in April 1959, establishing it as the other prominent anti-apartheid political party. Once a member of the ANC, Sobukwe came to disagree with the ANC's multi-racial policy approach to governing South Africa, a position shared by the AICs. Unlike the moderate wing of the ANC, the PAC was not interested in power sharing with the whites; instead they focused exclusively on black empowerment and a policy of 'Africa for the Africans'.[58]

As racial oppression increased in South Africa with the implementation of apartheid laws, black resistance also began to organise. In 1949, the year after the NP came to power, the ANC adopted a 'Programme of Action' that called for strikes, boycotts and acts of defiance. Supported by the PAC, the 'Programme of Action' led to the Defiance Campaign of the 1950s, which was the beginning of a mass movement of resistance to apartheid. One of the acts of defiance was the Anti Pass Campaign where Africans protested the carrying of passbooks. This precipitated the notorious Sharpeville Massacre of 21 March 1960, when police officers opened fire on an unarmed crowd, which resulted in the killing of 69 blacks and the wounding of more than 180 people.

After the Sharpeville Massacre there was an increase in violence and protests throughout South Africa. The government declared a state of emergency, initially arresting many members of the PAC and the ANC, including Nelson Mandela, and subsequently banning both the PAC and the ANC in April 1960. Still, organised resistance on behalf of the blacks continued, which resulted in further violent responses from the government and police force. The confrontations continued to escalate throughout the 1960s and 1970s. By the early 1960s elements within the ANC had come to the conclusion that non-violent means had been exhausted. In response, some ANC loyalists formed *Umkhonto we Sizwe* (Spear of the Nation) in 1961 as the military wing of the ANC – Mandela was named the commander. Under the auspices of *Umkhonto we Sizwe*, these ANC members carried out armed attacks against strategic government targets.

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[57]   Quoted in Graybill, *Religion and Resistance Politics in South Africa*, p. 29. Italics in Graybill.

[58]   In 1896 the Order of Ethiopia in the Anglican Church, a forerunner of the AICs, issued a manifesto that proclaimed the policy of 'Africa for the Africans' as a platform on which to establish the 'African Christian Nation'. Cited in Villa-Vicencio, *Civil Disobedience and Beyond*, p. 26.

To fill the vacuum in black politics caused by the bannings, other resistance movements emerged in the late 1960s. The development of the Black Consciousness Movement, led by black students such as Steve Biko, created a network for young resisters to work together in the struggle for liberation. Although claiming to be resolutely 'African', leaders in the movement were inspired by the success of the civil rights struggle in the United States, the work of Dr Martin Luther King, Jr. and the black liberation theology of the African-American James Cone, especially his book *Black Theology and Black Power*, published in 1969.[59] Black Consciousness also found inspiration in liberation movements in neighbouring African countries, most notably in Rhodesia-Zimbabwe.

Groups associated with Black Consciousness met increasing opposition from the apartheid regime, and violent clashes ensued. In June 1976, students and teachers took to the streets in the Johannesburg township of Soweto to protest the government's enforcement of the Bantu Education Act. Once again, police responded to the protest by opening fire on an unarmed crowd on 16 June 1976, killing 360 people in what is known as the Soweto Riot. The following year Steve Biko was killed while in police custody. With rising tension and unrest in South Africa the government declared another state of emergency, which incited both national and international outrage at the apartheid government. Black leaders and anti-apartheid activist were jailed, forced into exile or disappeared into clandestine operations to continue the struggle. As a result, by the early 1980s, there was virtually no organised political activity to resist the apartheid regime.

Political Movements Banned, Churches Politicised

Elements of the Christian churches emerged in the 1960s and 1970s, the height of apartheid and anti-apartheid activism, to challenge the system. Indeed they mirrored the anti-apartheid activists, and at times became the most outspoken critics of apartheid. There was a definite void in South Africa with the political leaders and activists banned or exiled. Villa-Vicencio explains that black Christians were forced to bring their politics back into the churches because there was no other forum in which they were able to challenge the apartheid regime. In 1988 Villa-Vicencio wrote, 'This move has forced these churches to faces issues they had been content to evade or address only in principle'.[60] The church provided an alternative social location that was safe. With the political movements banned, the churches became politicised. As Douglas Johnston observes, within the anti-apartheid movement the churches struggled 'for organizational influence and voice. As other organizations and individuals opposed to apartheid were effectively nullified through banning orders and arrests, the churches gradually assumed a frontline

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[59]   James H. Cone, *Black Theology and Black Power* (Maryknoll, NY: Orbis Books, 1969).

[60]   Villa-Vicencio, *Trapped in Apartheid*, p. 89.

position in the defense of human rights'.[61] Despite being trapped in apartheid, it became clear that the churches often offered the only 'space' where those involved in the struggle to overthrow apartheid could meet and organise resistance.

As Tristan Anne Borer details in her study *Challenging the State* (1998), Christian activists and leaders were prominent organisers of protest marches and election boycotts, as well as key links to those banned at home and in exile.[62] For example, the Anglican priest Trevor Huddleston was one of the first leading anti-apartheid activists from within the Christian tradition. In 1955 he wrote *Naught for Your Comfort*, which describes his experiences in the townships of South Africa and in protests against the apartheid regime.[63] Beyers Naudé, a former moderator of the NGK, founded the Christian Institute in 1960.[64] The Christian Institute was established as a Christian response to Sharpeville and the ensuing conflict with the apartheid regime. Other white Christian leaders such as the Catholic Dominican Albert Nolan, the Jesuit Archbishop of Durban Dennis Hurley, and, later, the theologian Charles Villa-Vicencio became outspoken anti-apartheid critics. Prominent black Christian leaders, such as Anglican Archbishop Desmond Tutu, Reformed theologian Allan Boesak, and the Pentecostal pastor Frank Chikane began to take on quasi-political roles as critics of apartheid.

Part of the effectiveness of these leaders stems from the fact that religious institutions had maintained relative autonomy from the state under apartheid. Perhaps more than any other single institution in apartheid, the South African Council of Churches (SACC), which consisted of 20 member churches, including the large Presbyterian, Methodist and Anglican Churches, wielded a tremendous amount of social and political power. With a total membership of some 12 to 15 million in the 1970s, of whom 80 per cent were black, the SACC became a vocal critic of apartheid during the tenure of its first black general-secretary Desmond Tutu (1978–1985). Under the leadership of Tutu and his successors, Beyers Naudé (1985–1988) and Frank Chikane (1988–1995), the SACC became more Africanised, and with that, found itself open to charges that it had become a haven for black power. Indeed, during the early 1980s the SACC had strengthened contacts with the ANC and other exiled anti-apartheid groups in Africa, Europe and North America. The SACC, and along with other international institutions like the World Council of Churches, became the voice of exiled anti-apartheid leaders. In South Africa, these church organisations provided a forum for activists to meet in relative security and to draw international support for and attention to their work.

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[61]   Johnston, 'The Churches and Apartheid in South Africa', p. 190.

[62]   Borer, *Challenging the State*, p. 44.

[63]   Trevor Huddleston, *Not For Your Comfort* (Garden City, NJ: Doubleday, 1956).

[64]   For more information on Beyers Naudé and the Christian Institute, see Charles Villa-Vicencio and John de Gruchy (eds), *Resistance and Hope: South African Essays in Honour of Beyers Naudé* (Cape Town: David Philip Publishers, 1985).

Emergence of Contextual Theology

Clearly, Christianity in South Africa was never exclusively a private institution solely concerned with the spiritual well-being of individuals. Rather, Christianity, especially as practised in the so-called 'prophetic church' and the black churches, often maintained a potent political voice that advocated for democracy and provided institutional protection for opponents of the apartheid regime.[65] In South Africa, exposure of the plight of blacks and injustice of apartheid resulted in a process of 'conscientisation' and the realisation that a theology was needed to address the reality of apartheid – namely a theology that was contextually relevant and critical of political injustice. As a result, theologians worked to develop a theology from the perspective of the oppressed, primarily the blacks who suffered at the hands of the apartheid regime. The first organised effort on behalf of the Christian Church to challenge apartheid was the Cottesloe Consultation in 1961. South African member churches of the World Council of Churches gathered to examine the role of the churches in South Africa after the Sharpeville Massacre. Despite not being a complete success because the DRC withdrew, the most radical recommendation that emerged from Cottesloe was that there could be 'no objection in principle to the direct representation of coloured people in parliament'.[66] This was the beginning of the prophetic church in South Africa and the beginning of an articulation of a contextual theology.

On 25 August 1982, the World Alliance of Reformed Churches met in Ottawa, Canada, to hold a conference entitled 'Racism and South Africa'. The statement that was adopted by the General Council was one of the most profound declarations against apartheid by the Christian churches. The document reads, 'We declare with black Reformed Christians of South Africa that apartheid ("separate development") is a sin, and that the moral and theological justification of it is a travesty of the Gospel and, in its persistent disobedience to the Word of God, a theological heresy'.[67] Despite limitations and controversy with this declaration, the Reformed Church's affirmation that no one should be excluded from the church or

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[65] The 'prophetic church' is a designation used to identify theologians and churches that drew on European political theology, Latin American liberation theology and critical social theory to engage in political critique. This perspective is often referred to as 'contextual theology'. For an extended discussion of contextual theology, see, for example, Boesak, *God's Wrathful*; and John de Gruchy and Charles Villa-Vicencio (eds), *Doing Theology in Context: South African Perspectives* (Maryknoll, NY: Orbis Books, 1994).

[66] John de Gruchy and Charles Villa-Vicencio, 'Introduction', in John de Gruchy and Charles Villa-Vicencio (eds), *Apartheid Is a Heresy* (Grand Rapids: Eerdmans, 1983), p. xv.

[67] 'Appendix: Documentation', in de Gruchy and Villa-Vicencio, *Apartheid Is a Heresy*, p. 170.

vocations based on their race or colour was the most significant ecclesial response to apartheid since the Cottesloe Consultation.[68]

The most celebrated challenge against apartheid, and the most profound example of contextual theology, was the 1985 *Kairos Document.* A group of predominantly black Christians and theologians published this document, which outlined the injustices of apartheid in theological language. It began with a meeting of black people in the Soweto township. Although not all were from within the church, this group sought a theological response to the crisis of apartheid, a theological articulation of their experience of suffering under apartheid. The *Kairos Document* denounced apartheid and called the church to take immediate action. It received national and international support, and compelled the SACC to affirm the document, even though the document did not rule out the use of violence in the struggle against apartheid.

The political transformation that took place in 1994 with the first multi-racial democratic election led to new challenges for the Christian churches in South Africa. Because the churches had been such a powerful force under apartheid, they were one of the few institutions that had both the organisational capability and the infrastructure to assist in establishing and conducting a truth commission. However, the political mandate of the TRC reflected the ANC's working protocol that religion and politics operate in distinct spheres. In practice, the ANC kept Christianity from setting policy, even though there was a strong Christian influence in the Congress. With a similar approach, the TRC, as an institution sponsored by the state, seemed initially willing to permit elements of Christianity to have an influence on the proceedings; yet it was not supposed to be a religious institution or driven by religious concerns. At the outset of the TRC, though, the appointment of Archbishop Tutu as Chair and Alex Boraine as Deputy Chair of the TRC seemed to confuse matters – that is, the new government had created the conditions whereby the agenda of the TRC could actually be set by Christian leaders.

Conclusion

This chapter provided a historical overview of the relationship between Christianity and apartheid. First, I traced the rise of apartheid through informal separation of the races in the colonial period to the institutionalisation of apartheid with the rise of the NP to power in 1948. Next, I focused on the role Christianity played as a supporter of apartheid. I argued that Christian support of apartheid was rooted in a neo-Calvinist doctrine of election, which held that the Afrikaner population was God's elect, while the black African population had been chosen for a life of servitude and enslavement, without salvation. In addition, I argued that central national myths, such as the Great Trek, provided support for the belief that God had divinely appointed the Afrikaner to lead South Africa. This Afrikaner

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[68]   See de Gruchy and Villa-Vicencio, 'Introduction', p. xv.

exceptionalism, which I identified as Afrikaner civil religion, was institutionalised in the DRC, the most powerful Afrikaner Reformed church in South Africa. In the third section, I examined the role of Christianity as a challenger to apartheid. I noted that, while black churches such as the AICs had a long history of resisting white domination in South Africa, it was not until after the formal adoption of apartheid in 1948, and particularly after the Sharpeville Massacre in 1960, that the churches were able to mount widespread resistance against the government's racist policies. Furthermore, I argued that, as government forces cracked down on black leaders in the 1970s and 1980s, the churches in South Africa often provided cover and infrastructure for the black resistance movement and anti-apartheid activists. Finally, I concluded that Christianity was inevitably going to play a role in the TRC, for it was one of the few institutions that had the organisational capacity and the leadership – i.e. leadership that could bridge various communities in South Africa – to assist in conducting a truth commission.

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PART TWO
Evaluating the Role Christianity
Played in the TRC

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Chapter 4

The Role of Christianity in the Implementation of the TRC

The purpose of this chapter is to examine the ways that Christianity shaped the mandate of the TRC and in turn influenced the functioning of the process. To organise this discussion, I will first consider the influence of Christian actors on the TRC process. I will then examine how Christian language and ritual became an integral part of the public hearings led by Archbishop Desmond Tutu. And finally I will outline a number of the controversies that arose with the inclusion of Christianity in the process.

Because the TRC was officially a political process it was not obvious that Christianity should have been involved in the Commission. Domestically, many South Africans were unsure of the Commission's institutional affiliations and loyalties. For example, Cosmas Desmond, a former Catholic priest and Christian Institute employee, wondered at the outset of the Commission about the overtly religious and Christian nature of the TRC. He remarked, 'the question arises as to whether the TRC is an arm of the state or the church. Most church leaders, including Tutu, agreed that the new South Africa would be a secular state'.[1] In fact, Tutu also wondered about the religious nature of the TRC. In his post-TRC memoir, Tutu mused that 'the President must have believed that our work would be profoundly spiritual. After all forgiveness, reconciliation and reparations were not the normal currency in political discourse'.[2]

The TRC was also a process that had the attention of the international community, in particular Western leaders who were struggling to curb ethnic conflict in the Balkans by downplaying the religious differences between Muslim, Catholic and Orthodox populations. As a newly declared democratic state, South Africa had now allied itself with other liberal democracies, all of which were formally secular and generally suspicious of the involvement of religion in politics. Furthermore, due to economic pressures on South Africa to integrate into the global market, and because of the Western skittishness caused by a growing number of ethnic wars, South Africa found itself being encouraged by the West to become a liberal,

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[1]   Quoted in Piet Meiring, 'The *Baruti* Versus the Lawyers: The Role of Religion in the TRC Process', in Charles Villa-Vicencio and Wilhelm Verwoerd (eds), *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: University of Cape Town Press, 2000), p. 125.

[2]   Desmond Tutu, *No Future without Forgiveness* (London: Random House, 1999), p. 71.

secular state.[3] A fear among some Western academics and policy-makers was that, if the new South African government promoted one 'religion' – namely black Christianity and a type of Christianity associated with the prophetic churches – then it would have become a de facto state religion, creating a church–state arrangement similar to the one that existed under apartheid between the National Party (NP) and the Dutch Reformed Church (DRC).

Although the South African government had adopted a secular interim constitution in the 1993 transition,[4] and a secular permanent constitution in 1996,[5] South Africa was never a secular society. On the contrary, South Africans, both white and black, understood South Africa to be a Christian country, a country in which religion had played an important role in both the public and private realms, both in the founding of the country and in its transformation. According to the 1996 census, approximately 87 per cent of the South African population identified with a Christian tradition.[6] As a result, if there were going to be open and honest dialogue in the TRC, then religion was inevitably going to play a vital, yet controversial, role in not only the stories told but also in the administration of the process.

Christian Actors

From the shaping of the mandate to the functioning of the TRC process itself, there were a number of persons involved in South Africa's TRC who adhered to, or were associated with, the Christian tradition. According to Hugo van der Merwe, director of the Cape Town Centre for the Study of Violence and

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[3]   For further discussion, see Ebrahim Moosa, 'Tensions in Legal and Religious Values in the 1996 South African Constitution', in Mahmood Mamdani (ed.), *Beyond Rights Talk and Culture Talk: Comparative Essays on the Politics of Rights and Culture* (New York: St. Martin's Press, 2000), pp. 121–35.

[4]   Interim Constitution of the Republic of South Africa, Act 200 of 1993. Online, available at: www.info.gov.za/documents/constitution/93cons.htm (accessed 24 September 2008). See Chapter 3, Section 14.

[5]   Constitution of the Republic of South Africa, 1996. Government of South Africa Website. Online, available at: www.info.gov.za/documents/constitution/1996/index.htm (accessed 7 January 2009). See Chapter 2, Section 15.

[6]   Census of South Africa, 1996. For complete results, see Stats South Africa at: www.statssa.gov.za/census01/Census96/HTML/default.htm (accessed 7 January 2009). In fact, according to the 2001 census, South Africa remains a predominantly Christian country, with some 79 per cent of South Africans identifying with a Christian tradition. This census is relative to the timeframe of the TRC because the TRC was officially dissolved on 31 March 2001. See Government of South Africa, *South Africa Yearbook 2004/05*, ed. Delien Burger (Pretoria: South African Government Communication and Information System, 2005), p. 7. According to the 2001 South African census, 1.5 per cent of the population are Muslims, 1.2 per cent are Hindus, 0.2 per cent are Jewish, 0.3 per cent are African traditional, 0.6 per cent are other faiths, 1.4 per cent are undetermined and 15.1 per cent belong to no religion.

Reconciliation (CSVR), the most profound impact of religion on the TRC was 'through the shaping of the implementation of its mandate by particular religious leaders'.[7] Johnny de Lange, an ANC Member of Parliament and a participant in the formation of the TRC, echoes van der Merwe's claim.[8] De Lange recalls that during the negotiations prior to the establishment of the TRC, religion was not part of the equation. The TRC was not intended to be a religious process. In retrospect, he thinks that it was the manner in which the commissioners and staff members implemented the mandate that resulted in the incorporation of religion to the functioning of the TRC. As Priscilla Hayner notes, the mandate of most truth commissions is bound by legislation, but those directing the process shape the mandate and provide interpretation for its particular form and tone.[9] To be sure, South Africa's TRC is a prime example of a process with a political mandate and objectives, but was led by Commissioners who conducted hearings with a definite Christian form and tone.

On 16 December 1995, President Nelson Mandela appointed 17 commissioners to the TRC. Approximately one-third of these commissioners came from faith communities or religious leadership backgrounds, one-third were from health and mental health backgrounds, and the other one-third came from legal backgrounds.[10] Four of the commissioners were ordained ministers and represented Christian organisations. Tutu was assigned the role of chair of the TRC. Dr Alex Boraine, an ordained minister of the Methodist Church and former president of the Methodist Conference, was named deputy chair. Long before the TRC both men had become well-recognised and well-respected leaders in the Christian church in South Africa. Two other high-profile Christian leaders were appointed as commissioners: Reverend Bongani Finca, an Eastern Cape Church leader, and Dr Khoza Mgojo, the former president of the Methodist Church and president of the South African Council of Churches.[11] Another religious actor, Ms Yasmin Sooka, a Hindu, human rights lawyer and South African leader of the multi-faith World Conference on Religion and Peace, was also appointed as a commissioner.[12]

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[7]   Hugo van der Merwe, 'The Role of the Church in Promoting Reconciliation in Post-TRC South Africa', in Audrey Chapman and Bernard Spong (eds), *Religion and Reconciliation in South: Voices of Religious Leaders* (Philadelphia: Templeton Foundation Press, 2003), p. 272.

[8]   Personal interview with Johnny de Lange in Cape Town, South Africa, 27 November 2002.

[9]   Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2000), p. 213.

[10]   Lyn S. Graybill, 'South Africa's Truth and Reconciliation Commission: Ethical and Theological Perspectives', *Ethics and International Affairs*, 12 (1998), p. 46.

[11]   Tutu, *No Future without Forgiveness*, p. 71.

[12]   Alex Boraine, *A Country Unmasked* (Oxford: Oxford University Press, 2000), p. 79.

As we noted in the last chapter, the pool of potential candidates for Commission posts had been limited by the political realities of the 1970s and 1980s. In the face of government crackdowns and bannings, church leaders, such as Tutu, often emerged as anti-apartheid activists and quasi-political leaders. In the 1980s, for example, when the ANC was banned and many of its leaders were in exile, the United Democratic Front (UDF) was formed to challenge the NP. With little alternative, the church and religious leaders came forward as political leaders and spokespersons to fill the vacuum left by those forced into exile. Tutu was recognised as a leader for the UDF and the blacks in the struggle against apartheid. Respected by the whites, it is not surprising that Mandela chose Tutu to lead the process, as he had a hugely popular following within South Africa that crossed racial and political boundaries.

The four elected commissioners that were ordained ministers, and the religious advocate Yasmin Sooka, were not the only religious actors involved in the TRC. There were other high-profile Christians hired to high-level administrative positions in the TRC. Charles Villa-Vicencio, a theology professor and former head of the department of religious studies at the University of Cape Town, was appointed director of research. As noted in the previous chapter, Villa-Vicencio had written extensively on the role of religion in resolving the conflict in South Africa.[13] As director of research, he was in charge of editing and producing a final report for the TRC. There were 300 staff members hired by the TRC,[14] a significant number were prominent Christians. For instance, theology professor Piet Meiring and Archdeacon Mcebisi Xundu worked in varying capacities for the TRC. Both were respected leaders in the Christian church in South Africa.

After the commissioners had been appointed, it was decided that the work of the TRC was to be divided between four regional offices: Cape Town, Johannesburg, Durban and East London. At least one of the commissioners with a religious affiliation was allocated to each of the regional offices, except Cape Town. The Cape Town regional office was housed in the same building as the TRC National Office, where Archbishop Tutu and Alex Boraine were based, which meant that two Christian leaders were working from the Cape Town office. At the Johannesburg regional office, Sooka was appointed Deputy Chair of the Human Rights Violations Committee (HRVC); Reverend Mgojo was assigned to the Reparation and Rehabilitation Committee (RRC) at the Durban regional office; and Reverend Finca was assigned to the HRVC at the East London office, with the assistance of Archdeacon Xundu. The prominence of Christians in each regional office, and during the life of the TRC, gave Christianity a strong and public presence throughout the life of the Commission.

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13   Charles Villa-Vicencio, *A Theology of Reconstruction: Nation-Building and Human Rights* (Cambridge: Cambridge University Press, 1992); *Civil Disobedience and Beyond: Law, Resistance and Religion in South Africa* (Grand Rapids: Eerdmans, 1990); *Trapped in Apartheid* (Maryknoll, NY: Orbis Books, 1988).

14   Hayner, *Unspeakable Truths*, p. 319.

Apart from the highly visible TRC administration, Christian actors were vitally important members of the church groups and religious non-governmental organisations (NGOs) that were involved in the functioning of the TRC. At the beginning of the Commission, the South African Council of Churches (SACC) offered their assistance to the TRC since they believed the task to be undertaken by the TRC was so large that it required the support of church groups. In its journal *Ecunews*, the SACC stated that the Christian church 'offers a network that is second to none in its national structure and grassroots connections. Wherever the Commission may choose to go, the Church is already there'.[15] SACC member churches and other Christian organisations were indeed crucial to the success of the TRC since they had access to those people that the Commission planned to target. Through these institutions and organisations, the TRC was able to create an awareness of its mandate and publicise its work through an existing communication network.

Church groups and religious NGOs offered logistical support in terms of providing office space for administrative work and arranging venues for public hearings. Christian actors were trained as statement takers. They accompanied witnesses to hearings and sat with them as they told their stories. At times they offered counselling support. For instance, the SACC appointed a training officer to establish workshops and provide resources, in consultation with local church leaders and community workers, to provide trauma counselling to help people deal with the experience of the TRC.[16] Similarly, Anglican priest Fr Michael Lapsley, the former ANC chaplain who lost both hands and an eye when a letter bomb he received while in exile in Zimbabwe exploded in his hands, established the Institute for Healing of Memories in Cape Town to continue the work of the TRC. The main focus of this institute is to conduct workshops throughout South Africa so that people can tell their stories and cope with the psychological, spiritual and emotional affects of apartheid.

Christians made key inputs into the institutional hearings at the TRC, particularly in the faith community hearings. Institutional hearings were conducted in an attempt to address the broader social, political and economic environment of South Africa in which human rights violations occurred. Operating with the notion that injustice is often structural, these hearings were intended to open up a discussion of the roles that business, the legal system, the health system, the media, the prison system and faith communities played under apartheid. The faith community sessions lasted three days, from 17 to 19 November 1997, in East London. A total of 41 written submissions were presented to the Commission from various faith communities, and 27 accounts were given at the hearings. These were not only submitted by the Christian churches but also by representatives of the traditional African religions, Islam, Hinduism, Judaism, Buddhism, Baha'i, and religious NGOs and organisations, as well as by various individuals.

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15   'Truth and Reconciliation', *Ecunews*, 1 (1996), p. 9.
16   Ibid., p. 19.

The faith community hearings primarily examined the faith communities as agents, opponents and victims of oppression.[17] Although the relationship between religion and apartheid is much more complicated than the 'triune classification' of 'agent', 'opponent' and 'victim',[18] the self-examination by the faith communities was crucial. With a few exceptions, the churches and the other religious communities participated in the TRC process by offering statements in these hearings. The final report of the faith community hearings, prepared by the Research on Christianity in South Africa (RICSA), indicated that the Commission recognised the importance of transitioning religious institutions into a new political reality by providing them the public space to air their own experiences under apartheid. Yet the RICSA report laments that, for a number of organisations, the transition since 1994 has resulted in a disengagement from the democratic process. The report states:

> It must be observed that faith communities seem to have gone the way of the business sector in claiming that 'now society has changed' they can go on building-up their own institutions. Another reason for having faith communities as part of the TRC process, therefore, is to remind them that, like the business sector, they have a moral obligation to be involved in the transformation of a society they so profoundly affected.[19]

The examining of faith communities was deliberate on behalf of the TRC because faith communities needed to be held accountable for the various roles they played in supporting apartheid. Moreover, faith communities, including the dominant Christian community, played an integral role in both contributing to and challenging apartheid, which resulted in a moral obligation to be involved in the transition.

Despite secularising political pressures, both domestically and from abroad, Christian actors remained involved in the life of the TRC. From its inception to its conclusion, publicly identified Christian actors worked as commissioners,

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[17] *Truth and Reconciliation Commission, South Africa: Final Report*, vol. 1, p. 432. In this book, this text will be referred to as *TRC Final Report* or *Final Report*, followed by volume, paragraph (if applicable), and page number. The first five-volume report was released in 1998. See *Truth and Reconciliation Commission of South Africa Final Report*, 5 vols (Cape Town: Juta, 1998). The final volume, vol. 6, was released 21 March 2006. See *Truth and Reconciliation Commission of South Africa Final Report*, vol. 6. Parliament of South Africa Official Website. Online, available at: www.doj.gov.za/trc/report (accessed 7 January 2009).

[18] Audrey Chapman, 'Introduction: Religion and Reconciliation in South Africa', in Chapman and Spong, *Religion and Reconciliation in South Africa*, p. 6.

[19] 'Faith Communities and Apartheid: The RICSA Report', in James Cochrane, John de Gruchy and Stephen Martin (eds), *Facing the Truth: South African Faith Communities and the Truth and Reconciliation Commission* (Cape Town: David Philip Publishers, 1999), p. 17.

committee members, statement-takers and appeared as representatives of faith communities, witnesses, and survivors of apartheid. Although Christianity was not formally part of the legislation that laid the framework for the TRC, it was brought into the life and functioning of the TRC by the religious actors directing the process. As a result of the public presence and influence of Christian actors, the process became infused with certain elements of Christian thought and practice.

Christian Ritual

The fact that the TRC opened with a religious service in a Christian church may have set a precedent for Christian ritual to occur throughout the life of the TRC. A 'Service of Dedication' for the newly appointed commissioners was held in St George's Cathedral in Cape Town on 13 February 1996. Participants from both the political and religious communities were led in prayer and shared in readings from sacred texts of Buddhist, Christian, Muslim and Jewish traditions. There was a time of silence so people could reflect on the challenge of the upcoming TRC. Barney Beck, from the Western Cape Peace Centre, read a prayer from the Quaker tradition. An excerpt from it reads:

> Before You, in anguish and shame, we bring the polars [sic] of our society – oppressor and oppressed, victim and offender, and we pray for an end to the alienation, for healing and reparation … Merciful God, we confess that we never believed what had happened. We tried to escape from reality. We never really listened or heard. We allowed a wedge to be driven between us. Forgive. We pray for forgiveness.[20]

Each commissioner came forward to light his or her own candle from a peace candle and received an olive branch as a symbol of peace as they publicly accepted their position. The service ended with an address by President Mandela, a response by Tutu, and the singing of the new national anthem, '*Nkosi Sikelel' iAfrika*' (God Bless Africa).[21] To be sure, the prominence of Christian ritual at the opening of this process was a sign that Christian ritual was going to be a central part of the ongoing work of the TRC.

The South African journalist Antjie Krog, who covered the TRC for the South African Broadcasting Corporation (SABC), suggests that there were different kinds of rituals that occurred through the functioning of the TRC. One in particular stands out in Krog's mind, namely the possibility that the TRC served as a national ritual. Krog defines a ritual broadly as 'a highly condensed form of action

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[20] Piet Meiring, *Chronicle of the Truth Commission: A Journey Through the Past and Present – into the Future of South Africa* (Vanderbijlpark: Carpe Diem Books, 1999), p. 16.

[21] Boraine, *A Country Unmasked*, pp. 265–7; Meiring, *Chronicle of the Truth Commission*, pp. 16–17.

composed of metaphors and symbols, the essence of which is to focus the intimate attention of an individual or a group'.[22] Building on Krog's definition, we may see Christian ritual as a device that, through the use of symbols and metaphors, enables individuals to participate as a community in traditionally prescribed worship. If we use both Krog's general definition and the more specific definition of Christian ritual, then it is quite possible to see the TRC as a site of Christian ritualistic practice. For example the chair, Archbishop Tutu, adorned his clerical robes and crosses hung from many of the walls. To illustrate the point further, Krog maintains that, 'because it [the TRC] is chaired by an Archbishop and has four Christian ministers among its seventeen Commissioners, the Christian rituals have, in a sense, dominated the Truth Commission'.[23] In fact, throughout the process, Christian hymns were often sung, prayers to God were encouraged and shared, scriptures were read aloud and Christian language (with many references to the teachings of Jesus and his death) was invoked.

One of the primary sites of Christian ritual was at the public hearings of the HRVC. The HRVC had a mandate to collect accounts of human rights abuses. In total, 22,000 victim statements were collected, which identified 37,000 human rights violations.[24] After collecting these accounts and verifying as many as possible, 1,819 of them were retold in public hearings, known as the HRVC public hearings. Over the life of the TRC, 140 public hearings took place in 61 towns across South Africa, so that South Africa and the world would be aware of the human rights violations that occurred during the apartheid era.[25] The testimonies that were chosen for presentation at the public hearings were selected because they represented a cross-section of human rights abuses.[26]

In effect, the HRVC hearings created a forum in which South Africans came together and expressed their experience of apartheid. Both the way in which they communicated their experiences and the forum in which they did so often took the form of Christian ritualistic practice. Audrey Chapman has observed that 'the TRC process was infused with religious imagery and even something approximating religious ritual'.[27] From her experience of attending the HRVC

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[22]   Antjie Krog, 'The Truth and Reconciliation Commission – A National Ritual?', *Missionalia*, 26/1 (April 1998), p. 7.

[23]   Ibid.

[24]   Lyn S. Graybill, *Truth and Reconciliation in South Africa: Miracle or Model?* (Boulder, CO: Lynne Rienner, 2002), p. 8.

[25]   Ibid.

[26]   Compare Richard A. Wilson, *The Politics of Truth and Reconciliation* (Cambridge: Cambridge University Press, 2001), pp. 42–50, 133–4. Wilson raises an important concern regarding the possible political manipulations of statement-taking and statement selection. Since this topic does not deal directly with Christianity in the TRC, I will forgo further discussion of it.

[27]   Audrey R. Chapman, 'Truth Commissions as Instruments of Forgiveness and Reconciliation', in Raymond G. Helmick and Rodney L. Petersen (eds), *Forgiveness*

hearings, Lyn Graybill, author of *Truth and Reconciliation in South Africa: Miracle or Model?* (2002), has noted the obvious presence of religious ritual at the HRVC public hearings. She wrote in 1998 about the process, 'The hearings resemble a church service more than a judiciary proceeding'.[28] As the TRC *Final Report* indicates, this resemblance was no coincidence, for the TRC administration had intentionally created an environment that fostered practices that bore a resemblance to recognisable ceremonial practices.[29] Most of the public hearings opened and closed with a prayer; occasionally a litany of those who had died was read, and sometimes prayers would be said at various times throughout the proceedings. Lighting memorial candles and singing hymns and other religious songs were accepted practices. In short, the HRVC hearings provided a safe, if not sacred, context in which ceremonial movements and verbal expressions of Christian sentiments were able to take place. The TRC challenged the dominant approach to resolving conflict in that religion was not only accounted for, it had a dominant role to play in the HRVC proceedings; it helped create an environment that was similar to a church service.

The first public hearing from the HRVC was held on 16 April 1996 in the East London City Hall. Over four days of hearings, 33 people testified and 27 incidents of violations of human rights were examined.[30] From this first day the process was immersed in Christian ritual. Krog details the opening day of hearings in her poignant autobiographical account of the TRC, *Country of My Skull* (1999). She remembers that Archbishop Tutu led the proceedings, and was assisted by Alex Boraine and Bongani Finca. Finca opened the hearings with the famous Xhosa Christian mission hymn '*Lizalise indinga lakhoi*' (The Forgiveness of Sins makes a Person Whole) and Tutu followed by reciting prayers.[31] Then a candle that was adorned with a red cross was then lit as a symbol of reconciliation. In retrospect, Krog insightfully recalls these actions as a consecration of space – a crucial event, she argues, that was missed at the time by journalists and other media observers who were still preparing their equipment to broadcast the hearings.

After the dramatic opening Boraine invited the victims to come forward one at a time to tell their story of gross human rights violations. These testimonies were infused with Christian ritual in the form of hymns and prayers. On that first day of hearings in East London, one testimony seems to stand out in the minds of many of the people present. That was the testimony of Nomonde Calata. Her husband, Fort

and Reconciliation: Religion, Public Policy and Conflict Transformation (Philadelphia: Templeton Foundation Press, 2001), p. 275.

[28]   Graybill, 'Ethical and Theological Perspectives', p. 46.

[29]   The TRC report noted that 'all hearings were to have a ceremonial aspect'. *TRC Report*, vol. 5, ch. 1, p. 3.

[30]   Meiring, *Chronicle of the Truth Commission*, p. 23.

[31]   Antjie Krog, *Country Of My Skull: Guilt, Sorrow and the Limits of Forgiveness in the New South Africa* (New York: Three Rivers Press, 1999), p. 37.

Calata, was one of the Cradock Four. The Cradock Four were ANC-supporting activists who, on their way home from a political rally, had been abducted and murdered by the security police in June 1985. Committee Member Piet Meiring recalls the Calata testimony and describes how Nomonde was overwhelmed with grief: 'She ran short of words and uttered a long, agonizing cry'.[32] Boraine, the chair of this particular hearing, described this cry as 'a primeval and spontaneous wail from the depths of her soul'. 'It was', Boraine added, 'that cry from the soul that transformed the hearings from a litany of suffering and pain to an even deeper level'.[33] Krog also granted transformative meaning to this outburst. To Krog, the 'crying is the beginning of the Truth Commission – the signature tune, the definitive moment, the ultimate sound of what the process is about. She was wearing this vivid orange-red dress, and she threw herself backward and that sound … that sound … will haunt me forever and ever'.[34] Meiring recalls that after the cry, there was an awkward silence, which was broken only when Archbishop Tutu called for a break in the hearing. After the break, Calata was led back into the hall. Meiring remembers that 'Tutu surprised each and everyone by doing what had never been done before, but would be repeated frequently later during similar situations – by requesting the audience to stand up and sing a hymn'.[35] Everyone joined in singing the liberation song, '*Senzenina*' (What have we done?). Thus the precedent for singing freedom songs and hymns during the public hearings was set.[36]

Prayer was likewise brought into the public hearings at different times. Just as an opening prayer was part of the (unwritten) protocol, having been established only on the basis of Tutu's opening prayer at the initial meeting of the TRC, it was also quite common to conclude hearings with a prayer. This practice was affirmed as well by Tutu on the first day of hearings, when he closed with a short prayer, 'We give thanks to God for all of you [who testified]. All of your stories, stories that are going to inspire us and our people for many a long day'.[37] Moreover, throughout the life of the TRC, when awkward painful emotions

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[32]   Meiring, *Chronicle of the Truth Commission*, p. 24.

[33]   Boraine, *A Country Unmasked*, p. 162.

[34]   Krog, *Country Of My Skull*, p. 57.

[35]   Meiring, *Chronicle of the Truth Commission*, p. 24.

[36]   South African freedom songs and hymns were greatly influenced by the Christian tradition. The award-winning documentary *Amandla: A Revolution in Four Part Harmony* (2002), by director Lee Hirsch, tells the story of the importance of black South African freedom music in the struggle to end apartheid. Music was a form of social protest. One of the faults of this documentary is its almost exclusive focus on the political-economic bases of the songs, when in fact there is a strong Christian-religious foundation.

[37]   From the testimony of Nohle Mohape, Human Rights Violations Committee Hearings Transcripts 15 April 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/hrvtrans/hrvel1/mohape.htm (accessed 9 January 2009).

emerged, a commissioner would often recite a prayer or ask for a moment of silence. Arguably, it was in following the example of Tutu that a number of witnesses who gave testimony at the public hearings prayed and spoke in religious language.[38]

Controversy Regarding the Role Christianity Played in the TRC

We have seen that Christianity played a prominent role in the TRC. However, the Christian character of South Africa's TRC was not universally accepted. From the TRC's inception the Christian nature of the TRC was controversial. This debate ensued throughout the life of the TRC and continues today. This Christian emphasis has earned both praise and criticism, sometimes both from the same person. This section will highlight some of the key lines of criticism that have been raised regarding the Christian character of the TRC in the attempt to show that involving religion in a conflict resolution process is not without problems. I will engage and evaluate these criticisms in the following chapters.

The Christian nature of the TRC has been attributed largely to the influence of Archbishop Tutu. Boraine writes, 'The overt religious character exemplified by Desmond Tutu, the ecclesiastical dress, the offering of prayers, and the use of Christian metaphor was both positively and negatively received'.[39] Lyn Graybill observes that some South Africans felt that Archbishop Tutu's compassion and spiritual demeanour was a positive contribution to the life of the TRC. Yet, there were others who reproached him for the religious atmosphere he created in the hearings. Graybill explains that they criticise Tutu 'for his tearful outbursts, which have led some detractors to term the TRC the "Kleenex Commission"'.[40] Too many emotions detracted from what, some thought, should have been a more legal and technical process.

Richard Wilson, author of *The Politics of Truth and Reconciliation in South Africa* (2001), is critical of the role Tutu played in the TRC. He writes, 'For Tutu, forgiveness is not conditional upon the wrongdoer expressing remorse or asking for forgiveness, but is a duty incumbent upon all victims'.[41] Particularly with respect to amnesty in the TRC, the perpetrators did not have to show any remorse in order to be granted amnesty. However, at times when survivors spoke at the public Amnesty Committee Hearings, either to oppose the application or to tell their story, they would be asked if they forgave the perpetrators. As I will detail in Chapter 7, in

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[38]   I will deal with the use of Christian rhetoric and language in the public hearings in greater depth in Part Two of this book. At this point I am merely demonstrating how Christian ritual permeated the public hearings of the HRVC through language and metaphor.

[39]   Boraine, *A Country Unmasked*, p. 266.

[40]   Graybill, 'Ethical and Theological Perspectives', p. 46.

[41]   Wilson, *Politics of Truth and Reconciliation*, p. 120. Wilson cites Tutu, *No Future without Forgiveness*.

our discussion of justice, Wilson is primarily concerned with the Commission's emphasis on forgiveness and reconciliation and its delegitimisation of retribution and vengeance. Suffice it to say here, Wilson's criticism does raise important questions about the responsibility, or obligation, of victims, under the considerable sway of Tutu, to announce publicly their forgiveness of their perpetrators.

Reflecting on the TRC, Piet Meiring recalls the debate between the so-called '*baruti*' and the lawyers that emerged as a result of the strong religious presence.[42] The *baruti* refers to the pastors among the commissioners and committee members. To demonstrate the debate, Meiring shares a story from his experience of the TRC. He remembers a discussion between TRC Chair Tutu and Dr Fazel Randera, chief of the Johannesburg office, regarding the liturgical nature of previous hearings. Randera was wary of bringing religion, in the form of the hymns and prayers, like that which had occurred in previous hearings, into the Johannesburg proceedings. According to Meiring, Randera thought the process should be judicial. Archbishop Tutu conceded to Randera's wish because it was in Randera's jurisdiction. Meiring further recalls that the hearing in Johannesburg started with the secular tone that had been decided upon. However, as the hearing proceeded, Tutu became uncomfortable with this discourse, stopped the proceedings and began with a prayer. Fazel and his colleagues followed the Archbishop's lead, and from that point on the Johannesburg hearings were to start and close in a prayer. Meiring writes:

> This did not mean that the debate on the role that religion had to play during the process, or the religious trappings of the TRC, had been resolved. The four *baruti* (the pastors) among the TRC Commissioners and committee members, together with a number of colleagues, most of them staunch church goers, strongly identified with the Archbishop's sentiment in this regard. Others – the lawyers, the politicians and some of the academics serving on the TRC – sympathized with Fazel Randera.[43]

Meiring explains that the debate between the *baruti* and the lawyers primarily focused on how the Commission was to proceed. They could not agree on the religious nature of the proceedings, since the TRC meant different things to different people. Even within the groups of religious actors there was disagreement about the place of religious ritual in the TRC.

Others charge the TRC with being exclusively Christian, so much so that Muslims or Jews or people of other faiths or no faith tradition at all, did not feel welcome at the proceedings. For instance, the prominent Muslim theologian Farid

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[42]   Meiring, 'The *Baruti* Versus the Lawyers: The Role of Religion in the TRC Process', in Villa-Vicencio and Verwoerd (eds), *Looking Back Reaching Forward*, p. 123.

[43]   Ibid., pp. 123–4.

Esack denounced the 'Christianisation' of the TRC process.[44] He explains that the minority religious communities are not doing much work with reconciliation, 'in part because the TRC was seen as a very Christian process, so in the Muslim community nobody speaks about it'.[45] There was only one Muslim and one Hindu as Commissioners, and there were no Jews. Furthermore, the Jewish leaders indicated that, while forgiveness is part of their tradition, it did not correspond with Tutu's vision of forgiveness, which they saw as too lenient and far too short on accountability.[46]

The critics charge that Tutu's 'rainbow nation' of acceptance and liberation was the dominant, and therefore authorised understanding of Christianity at the TRC. Indeed, the RICSA report on faith communities flags the concern that not only were the faith community hearings dominated by the Christian tradition, but it was a certain type of Christianity. The report states:

> The symbols of the TRC in general are often alienating to those who do not share Christian convictions, and strongly so. The fact that these particularly hearings [Faith Communities] were held in a church with Christian symbols prominently displayed marginalized representatives of other faiths – as Farid Esack pointed out. Not only was the panel dominated by Christians, it was dominated by a particular brand of Christianity.[47]

The critics charge that there was no room for other conceptions of forgiveness or reconciliation. And there was no room for any other type of Christianity than that of Tutu's. Moreover, the concern is that any inclusion of other faiths was an afterthought

There were, however, critics who changed their minds in regards to the role Christianity played in the TRC. Fazel Randera, for example, recalls that, at the beginning of the TRC, he was actually against the Christian and religious nature of the HRVC. He initially held that the hearings should operate in a much more legal, judicial manner. However, as the hearings progressed, it became clear to Randera that the Christian nature was inevitable because so many of the people testifying at the Commission were Christian and they seemed to gain strength and healing from the Christian atmosphere. Randera concluded that it was futile to fight the Christian influence.[48]

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[44] John de Gruchy, *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002), p. 123.

[45] Interview with Farid Esack, recorded in Chapman and Spong, *Religion and Reconciliation in South Africa*, p. 243. For further information on Muslim perspectives on the TRC, see pp. 222–37.

[46] For Jewish responses, see Chapman and Spong, *Religion and Reconciliation in South Africa*, pp. 238–51.

[47] 'Faith Communities and Apartheid: The RICSA Report', p. 67.

[48] Personal interview with Fazel Randera, Johannesburg South Africa, 9 October 2002.

Boraine also recalls the sometimes tense debate regarding the embodiment of religion in the functioning of the proceedings. To demonstrate this controversial role of religion, he recounts the story about the 'Service of Dedication' to celebrate the appointment of the Commissioners at St George's Cathedral in Cape Town. Boraine explains that although he was critical of the Christian emphasis,

> There were many others who offered even sharper criticism than I did. Some felt that it excluded those from other faiths and thereby diminished the value of the Commission's work. Others who were of no particular faith felt embarrassed by the prayers and the singing of hymns and the occasional sermon at the end of the day's proceedings.[49]

The role of religious ritual in the TRC was not resolved during the life of the proceedings, nor has it been resolved today.

The role of Christianity in the TRC was challenged on two fronts, which represents rival versions of what is considered Christian: one that sees the TRC as not being Christian enough, and the other that sees it as being too Christian. On the one hand, the critique from within the Christian community, made by Christian scholars such as the black theologian Tinyiko Maluleke, held that the definition of forgiveness operating within the TRC was not Christian enough. Maluleke states that the TRC process 'appears to be a theology based on some political and legal hijacking of notions such as truth, reconciliation and forgiveness'.[50] He argues that, despite the fact the TRC's work appears theological, it should not be taken at face value because the emphasis is on national healing and amnesty, at the expense of the victim. Tuomas Forsberg, Director of the Finnish Institute for International Affairs, explains that one of the main problems with the concept of 'forgiveness', in the TRC, was its use in connection with amnesty. The incentive for perpetrators of gross violations of human rights to apply for amnesty was that no further legal action would be taken against them. He states that for some participants in the TRC, 'the Christian tradition of forgiveness provided strong justification for amnesty'.[51] In effect, truth-telling was exchanged for amnesty. If granted amnesty, the perpetrators of crimes were exonerated, and the possibility for forgiveness and reconciliation was provided.

On the other hand, critics of the role Christianity played in the TRC, such as Richard Wilson, believe that the definition of forgiveness within the TRC

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[49]   Boraine, *A Country Unmasked*, pp. 265–7.

[50]   Tinyiko Sam Maluleke, 'Dealing Lightly with Wound of my People', *Missionalia*, 25 (1997). Online, available at: www.geocities.com/missionalia/maluleke.htm (accessed 7 January 2009).

[51]   Tuomas Forsberg, 'The Philosophy and Practice of Dealing with the Past: Some Conceptual and Normative Issues', in Nigel Biggar (ed.), *Burying the Past Making Peace and Doing Justice After Civil Conflict* (Washington, DC: Georgetown University Press, 2001), p. 67.

was too narrow and exclusively Christian. Wilson claims that the prominence of forgiveness, under the guise of Christianity, was problematic. He argues that in post-apartheid South Africa there are competing understandings regarding the role of forgiveness and reconciliation. Wilson claims that 'Christian discourses on forgiveness advocated by TRC officials often swayed individuals at hearings, but they also clashed with the retributive notions of justice routinely applied in local townships and chief courts'.[52] Wilson suggests that a specific Christian notion of forgiveness, which emphasises redemption and reconciliation, was divergent from some of the traditional African ways of resolving conflict, which focused on retributive justice. As a result, revenge and vengeance were replaced by Christian notions of confession, forgiveness and reconciliation, which he suggests detracted from authentic reconciliation.[53]

Jorge Heine, the Chilean ambassador to South Africa from 1994 to 1999, challenges Wilson's claim that the Christian notion of forgiveness detracted the TRC process. Based on his experiences at the TRC, Heine writes,

> I could not help but reflect that this would have been unthinkable in many countries where the separation of church and state is taken seriously. Yet it seems to have worked in South Africa, where there is a great religious diversity but where the strongly Christian subtext of repentance and forgiveness that pervades the Commission's proceedings convey both the right message as to what reconciliation is all about.[54]

Heine thus argues that it was appropriate to bring the Christian notion of forgiveness into the TRC as South Africa is predominantly a Christian country. He concludes that the religious influence assisted in generating reconciliation and forgiveness, not detracted from it. This is in direct contrast with Wilson's criticism of the TRC's fervent emphasis on forgiveness. While Heine's final assessment may appear biased, or perhaps slightly naïve, because the consequences of incorporating religion are not cited, it remains clear that according to Heine, a religious, and particularly Christian, understanding of truth and reconciliation *helped* define the terms for the TRC.

As we have seen in this chapter, there were prominent Christian actors, rituals and concepts operating throughout the life South African TRC. Yet, the role of Christianity in the TRC process and the influence of Christianity on truth-telling and reconciliation often spawned tense debates. From an observer's perspective, these debates should act as reminders that any romanticising of the South African transition is simply sanitised myth-making. While Christianity played a vital role in the TRC, and undoubtedly contributed to a relatively peaceful transition,

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[52]   Wilson, *Politics of Truth and Reconciliation*, p. 129.

[53]   I will respond in detail to Wilson's criticism in Chapter 7. At this point, I am attempting only to outline some of the basic controversies.

[54]   Jorge Heine, quoted in Meiring, *Chronicle of the Truth Commission*, p. 130.

challenging questions about the role of Christianity must still be considered. One such question might consider how survivors may or may not have been persuaded to forgive perpetrators because of the Christian influence or because of Tutu's powerful stature as a leader of a Christian institution. Questions regarding the inefficacy of the Reparation and Rehabilitation Committee and the kind of language used by perpetrators at the Amnesty Committee hearings, which tended to exclude the symbolic and the metaphorical, remain relevant questions for those interested in the role of religion in conflict resolution. Consequently, the focus of the following three chapters turns to the influence of Christianity on the nature of truth-telling and reconciliation in the TRC, and the limits of Christian discourse in the pursuit of justice in post-apartheid South Africa.

Conclusion

This chapter examined the various roles Christianity played in the implementation of the TRC. First, I identified the roles Christian actors played in the shaping of the mandate and functioning of the TRC. I argued that not only were the contributions of high-profile Christian actors such as Archbishop Desmond Tutu and Alex Boraine vital to the success of the TRC, but other Christians, too, played important parts as statement-takers, local organisers and as auxiliary staff. Furthermore, churches and church organisations such as the SACC provided necessary facilities for statement-taking, hearings and office space as well as a ready-made communications network. Next, I demonstrated how Christian ritual entered into the process in the form of church-like services, the lighting of symbolic candles and the singing of religious songs. I argued that the inclusion of these 'Christian' practices was primarily due to Desmond Tutu's impromptu responses at the first hearings of the Human Rights Violations Committee. Whether intentional or not, this dimension of ritual worked to bring many South Africans together as a nation. In the final section, I noted that the inclusion of Christianity in the Commission challenged assumptions that some shapers and observers of the TRC had regarding the role Christianity should play in the process. Indeed, there were internal debates over the role of Christianity in the process – debates that we will address in the next three chapters.

Chapter 5
Truth and Truth-telling

Apartheid ruptured the moral order in South Africa by systemically oppressing the black population. There were two sets of laws that governed South Africa under apartheid, one for the whites and one for the blacks, which effectively denied all an active and equal role in the moral and political decision-making process in South Africa. According to the Act, the TRC was supposed to provide a 'historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence for all South Africans, irrespective of colour, race, class, belief or sex'.[1] Priscilla Hayner, one of the seminal thinkers in the area of transitional justice, explains that 'The most straightforward reason to set up a truth commission is that of sanctioned fact finding: to establish an accurate record on a country's past, and thus help to provide a fair record of a country's history and its governments much-disputed acts'.[2] In the case of the TRC, truth was supposed to lead to reconciliation, as the motto of the TRC suggested – 'Truth, the Road to Reconciliation'.

If political leaders in a country's transitional phase decide to establish an accurate record of abuses and gross humans rights violations through a fact-finding body, as was the case in the South African TRC, then one of the central conceptual matters facing this body is the nature of truth and truth-telling. While such concerns may evoke spectres of endless academic debate about knowledge and knowing in a post-modern world, the problem of truth and truth-telling is actually much more immediate in times of transition. Because transitional justice structures such as war crime tribunals and truth commissions tend to be established on liberal principles of justice and often supervised by international bodies such as the United Nations, it is virtually a given that an Enlightenment, legal understanding of truth will guide any quest for truth and limit the acceptable parameters of truth-telling. Yet, as we noted in Chapters 3 and 4, Christianity was a key element in South African society and had become a vital part of the TRC process. Especially at the outset, but even during the TRC process itself, it was not obvious that religion in general and Christianity in particular would play, or indeed should play, a role in either uncovering the truth or truth-telling.

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[1]   Promotion of National Unity and Reconciliation Act 1995, Act 95-34 (26 July 1995). Online, available at: www.doj.gov.za/trc/legal/act9534.htm (accessed 24 September 2008).

[2]   Priscilla Hayner, 'Fifteen Truth Commissions – 1974 to 1994: A Comparative Study', *Human Rights Quarterly*, 16 (1994), p. 607.

This chapter examines the role of Christian discourse in the TRC public hearings. In fact, this was one of the primary ways in which a version of Christianity, one deeply influenced by Archbishop Desmond Tutu, became an integral part of the TRC proceedings. In the Human Rights Violations Committee (HRVC) public hearings, for instance, victims and survivors recounted in their own words their experiences of human rights abuses – a number of them invoked Christian language and stories. In order to analyse the role Christianity played in truth-telling in the TRC, it is important to understand what truth and truth-telling means in terms of truth commissions, and more specifically what these concepts meant to South Africa's TRC. In this chapter, I will pursue the argument that truth-telling took on different forms and tones in the HRVC and the Amnesty Committee (AC) hearings, which led to the HRVC and the AC not only operating with different concepts of truth, but also authorising two legitimate truth-telling discourses. As I will develop throughout this chapter, the HRVC hearings became a quasi-religious venue that fostered a personal narrative version of truth-telling, one that was often infused with Christian language. These HRVC hearings stand in stark contrast to the AC hearings, which were essentially devoid of religious language. The AC hearings were conducted as a legal process and demanded a factual version of truth-telling as a way to obtain amnesty. The question that this chapter addresses is the extent to which Christian symbolic language functioned as a victim's discourse and fostered individual forgiveness and reconciliation, but not as an 'objective'-truthful discourse for perpetrators in the AC hearings. Tutu's version of Christian discourse, which arguably dominated the TRC, had its limits, and it is these limits, I will argue both here and in Chapter 7, which plague the victims as they seek reparations.

The Problem of 'Truth' and 'Truth-telling'

The contrasting truth-telling discourses that existed within the TRC may be a result of the fact that transitional justice is a relatively new and developing field in conflict resolution. Indeed, there is some confusion surrounding what a truth commission can actually accomplish. Michael Ignatieff, a human rights scholar who has written extensively on the Balkan crises, simply states, 'The past is an argument and the function of truth commissions, like the function of honest historians, is simply to purify the argument, to narrow the range of permissible lies'.[3] In the attempt to narrow the lies, a truth commission is only one step in a long process of remembering and dealing with the legacies of the past for countries experiencing a transition from authoritarianism to democratisation, from civil war to peace. Truth commissions make the useful contribution to open up, rather than close, the difficult history of these countries. Despite the fact that transitional justice emerged in the post-Nuremberg era and that the first truth commission

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[3]   Michael Ignatieff, 'Articles of Faith', *Index on Censorship*, 5 (1996), p. 25.

was held over 30 years ago, scholars are just now beginning to research and better understand this area. In 2003, Hayner stated that:

> the field of truth seeking as an official transitional mechanism is still relatively new. As more and more states begin to turn to truth commissions or similar bodies as a means to address a difficult past, researchers and academics are just beginning to understand the complexity and difficulties around this subject matter and to grapple with it seriously.[4]

One of the key conceptual issues raised by truth commissions is the defining of 'truth' and 'truth-telling'.

Truth and Truth-telling in Truth Commissions

As central as establishing the truth is for countries undergoing periods of transitional justice, defining of 'truth' and 'truth-telling' has been all but ignored in the writings that have emerged from the field. This is reflected in the fact that Hayner, the leading authority on truth commissions, fails to address or define these terms in any of her foundational works on truth commissions. This lack of definition suggests a fundamental weakness in the theoretical framework supporting truth commissions. To be sure, this is not just an academic matter; rather, it goes to the heart of a popular mechanism that more and more nations are using in their pursuit to deal with the past. To put it simply, truth commissions have emerged as an effective way of dealing with past injustices, yet they continue to operate without a clear definition of truth. This begs the question – what are these commissions seeking? On the whole, conflict resolution theorists hold that a commission's mandate and context will determine the focus of the truth commission and will elicit a version of truth that is appropriate to the objectives of the commission. In other words, 'truth' in truth commissions is highly contextual and ambiguous.

Hayner acknowledges that it is problematic to call this mechanism a truth commission. She suggests that 'the importance of truth commissions might be described more accurately as acknowledging the truth rather than finding the truth'.[5] Perhaps this mechanism could be called an 'acknowledgement commission' or a 'commission of inquiry', much like the Zimbabwean truth commission, which was entitled a 'Commission of Inquiry'. Such a commission could also be referred to as a historical clarification commission, like the Guatemalan 'Commission for Historical Clarification'. But the prevailing trend is to call for truth commissions, and Hayner provides the generally accepted working definition of the truth

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[4]   Priscilla Hayner, 'Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution and Prevention', in Paul C. Stern and Daniel Druckman (eds), *International Conflict Resolution After the Cold War* (Washington, DC: National Academy Press, 2003), p. 373.

[5]   Hayner, 'Fifteen Truth Commissions', p. 607.

commission, deficient though it may be. More than actually defining what truth is, establishing the truth through a truth commission becomes *acknowledgement* and *agreement* on what happened in the past, or as Ignatieff suggests, narrowing the range of lies.

Based on studies of previous truth commissions, it would appear that 'truth', in the truth commission context, refers to an historical account, or a recording, of the legacies of human rights abuses that occurred under a dictatorship, authoritarian or totalitarian regime. The events examined, the timeframe investigated, and the nature of the violence considered, differ from country to country. How countries decide to examine, investigate and limit their mandate inevitably makes truth a highly contextual matter. Universalising a definition of truth for transitional justice structures is therefore a tenuous, and in some respects a futile, exercise. André du Toit, a South African political scientist at the University of Cape Town, acknowledges this challenge of determining truth. He writes, 'As the term itself suggests, the constitutive principle of truth commissions must be tied up with some notion of "truth." However, here we need to tread with care. Truth is a dangerous word, often used loosely if not metaphorically'.[6] Therefore the question that emerges is whether 'truth' is the right term to use. Perhaps another word is appropriate when the truth is sought through the mechanism of a truth commission. For instance, when a person's story is being told, is this person not essentially storytelling? Yet in modern Western society, with its emphasis on scientific method and truthful confession, storytelling, despite having an honourable tradition, is most often associated with fibbing or exaggerating, or making up a story. As a result, 'storytelling' would not appear to be a useful term. Similarly, 'myth-making' might be an appropriate term insofar as myths are stories used to answer questions about the world. They tell of events from the past and are often considered sacred and truthful accounts of reality. Yet we have come to associate myths with untruths or fictions. As a result, 'myth' remains as untenable as 'story'.

For many theorists and practitioners of international conflict resolution, truth has been linked to remembering the legacies of the past. The concept of remembering and memory stems from the discussions and research following the Holocaust and the Second World War regarding what occurred in the ghettos, concentration camps and the villages where pogroms and genocides were carried out. From these discussions and this research, an immense body of work has emerged known as the 'politics of memory'. Through the work of the European research team of Alexandra Barahona de Brito, Paloma Aguilar and Carmen González-Enriquez and their book *The Politics of Memory: Transitional Justice in Democratizing Societies* (2001), the politics of memory has now become part of the growing literature in transitional justice. In the introduction to the book

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6   André du Toit, 'The Moral Foundations of the South African TRC: Truth as Acknowledgment and Justice as Recognition', in Robert I. Rotberg and Dennis Thompson (eds), *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000), p. 132.

they explain that 'the politics of memory is two things. Narrowly conceived, it consists of policies of truth and justice in transition (official or public memory); more widely conceived, it is about how a society interprets and appropriates the past, in an ongoing attempt to mould its future (social memory)'.[7] Memory, they assert, is socially, culturally, politically, psychologically and religiously bound. What is remembered is contingent on experience and the language used to express that experience. The reason why truth commissions are so important, they argue, is because re-working the past allows people to come to terms with it both during the transitions and long after the transitional policies have been implemented or forgotten.

In sum, truth-telling may come in different forms and serve varying purposes in post-conflict situations. Truth-telling may address the social need for knowledge to become acknowledgement. It may bring victims back into society by recognising their suffering. Truth-telling may provide a form of distributive or social justice. It may also lead to social awareness, the generation of collective memory and human solidarity, as well as psychological support. In other words, truth itself is rarely, if ever, the ultimate aim of truth-telling. Rather, truth-telling in a truth commission is a *process* that acknowledges past injustices, recognises the indignity suffered by victims, and brings together members of a society around a shared story, memory or narrative about the past.

Truth and Truth-telling in South Africa's TRC

By examining the primary sources of the TRC, specifically the Act and the *Final Report*, we can see one of the fundamental issues facing the TRC was the problem of determining what constituted truth and truth-telling in the proceedings, which is typical of truth commissions generally. According to the Act, the TRC had four primary objectives. It was to (1) establish as complete a picture as possible of the gross violations of human rights abuses that fell within the outlined time period, (2) facilitate amnesty in exchange for disclosure of the truth, (3) make known the fate of victims, and (4) compile a report of the findings. Through truth-telling the past would be uncovered, suffering acknowledged, and national reconciliation promoted. Due in part to the fact that the Act did not provide any direction in this regard, there were competing definitions of truth operating in the TRC. In fact, it

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[7]   Alexandra Barahona de Brito, Paloma Aguilar and Carmen González-Enriquez, 'Introduction', *The Politics of Memory: Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), p. 37. A more in-depth study of the politics of memory will take this study too far astray. Further information can be found in the following: Paul Antze and Michael Lambek (eds), *Tense Past: Cultural Essays in Trauma and Memory* (New York: Routledge, 1996); Jonathan Boyarin, *Remapping Memory: The Politics of Time Space* (Minneapolis: University of Minnesota Press, 1994); and John R. Gillis (ed.), *Commemorations: The Politics of National Identity* (Princeton: Princeton University Press, 1994).

was not until publication of the *Final Report* in 1998 that the TRC defined what it meant by 'truth'. The *Final Report* states that four notions of truth operated within the TRC. They were: factual or forensic truth, personal and narrative truth, social truth, and healing and restorative truth.[8]

First, factual or forensic truth met the goal of the TRC to prepare 'a comprehensive report which sets out its activities and findings, based on factual and objective information and evidence collected or received by it or placed at its disposal'.[9] The highly sophisticated Investigative Unit of the TRC, which had 60 trained investigators on staff, was charged with collecting accounts and testimonies of human rights violations. They were further tasked with corroborating their findings, that is, making sure 'what happened to whom, where, when and how' could be objectively and factually presented as evidence. The Act required the Commission to pursue this truth in two areas. The first was on the individual level, which entailed the collection and verification of individual incidents of human rights abuses. The second area was on the 'contexts, causes and patterns of violations'.[10] With this second area, investigators had to interpret data and draw inferences from a wide range of testimonies, which meant the Commission had to 'adopt a social scientist's approach – making use of the information contained in its database and from a range of secondary sources'.[11]

The second notion of truth was personal and narrative. This was based on providing an opportunity for victims and perpetrators to tell their own personal stories in the attempt to uncover facts about the past. These stories were collected and these personal accounts of truth were told through two venues, primarily the HRVC, and to a lesser degree the AC. The manner in which these truths were told in each of these Committees differed substantially. The primary focus of the TRC was the HRVC, which collected stories from the victims and survivors of human rights violations. Trained statement-takers travelled throughout South Africa so that victims and survivors could recall their own experiences of human rights violations in their own language. A number of these stories were given as testimony in the HRVC public hearings. In contrast, the AC focused on the perpetrators. Through public AC hearings, perpetrators were eligible for amnesty in exchange for disclosing the truth about human rights violations they committed. These 'narrative truths'[12] were recorded to create a national memory and fulfil one of the TRC objectives which was to create a national memory of the legacy of apartheid.[13]

The third truth, social truth, refers to the dialogue and discussion about the truth about South African apartheid. This truth was, the *Final Report* states, the

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[8]　　*TRC Final Report*, vol. 1, ch. 5, pp. 110–114.

[9]　　Ibid., p. 111.

[10]　Ibid., p. 112.

[11]　Ibid.

[12]　Ibid.

[13]　Alex Boraine, *Country Unmasked* (Oxford: Oxford University Press, 2000), p. 289.

nexus where the process and goals of the Commission merged. The truth was told in order to record the past in the attempt to understand the atrocities of apartheid. Citing Judge Albie Sachs, who was involved in the establishment of the TRC, the *Final Report* maintains that there is a distinction between factual truth and social truth, which Sachs calls 'microscope truth' and 'dialogue truth'.[14] Sachs explains that microscope truth 'is factual, verifiable and can be documented and proved. "Dialogue truth", on the other hand, is social truth, the truth of experience that is established through interaction, discussion and debate'.[15] South Africans, including political parties, public institutions and non-governmental organisations, were encouraged to participate in establishing social truth. The truth of the past was discussed in light of the transition from the apartheid past to a democratic and participatory South Africa

Finally, healing and restorative truth was, the TRC *Final Report* states, the 'kind of truth that places facts and what they mean within the context of human relationships'.[16] This notion of truth went beyond the recording of mere factual and objective truth to deal with truth that heals and repairs the damage of the past. Central to healing truth was acknowledgement and affirmation of the victim's pain in order to restore their dignity and to rebuild South Africa. By looking to the future, the Commission was generating a truth that would contribute to the reparation of the damage inflicted from the apartheid past. The presumption of this notion of truth is that there was healing and restorative potential through collecting truth in order restore human dignity in South Africa.

It is important to note here that the Commission's four notions of truth were based mainly on how each concept of truth was collected and deployed in the TRC process. The secondary sources reveal that in effect, truth was determined by the authority structures within the TRC. According to Mahmood Mamdani, a Ugandan political scientist at Columbia University and a noted critic of the TRC who observed much of the proceedings, the structure and the mandate of the TRC ultimately fostered a 'diminished truth'. Mamdani contends that the TRC mandate focused too narrowly on human rights violations. By focusing solely on these abuses, as defined by the Act, the TRC version of truth was established through 'narrow lenses' and reflected only a tiny minority, namely the perpetrators and victims of human rights violations.[17] As a result, those who benefited from apartheid were not held accountable. Moreover, victims of human rights violations that fell outside the TRC definition of gross violations of human rights did not have an opportunity to tell their stories. And perhaps most egregiously, according to Mamdani, the TRC failed to examine the systemic racism and discrimination of

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[14]   *TRC Final Report*, vol. 1, ch. 5, p. 113.

[15]   Ibid.

[16]   Ibid., p. 114.

[17]   Mahmood Mamdani, 'A Diminished Truth', in Wilmot James and Linda Van de Vijver (eds), *After the TRC: Reflections on Truth and Reconciliation in South Africa* (Cape Town: David Philip Publishers, 2000), p. 58.

the apartheid political and legal system. Thus, while the TRC was established in part to assist victims by providing a space for storytelling and personal narratives, the TRC allowed only a select number of stories to be brought forward at public hearings.[18] To Mamdani, then, the TRC only touched the surface of apartheid injustice and did little to rectify an economic system that unfairly benefited the wealthy whites who reaped profits through apartheid economic policies.

Insider-outsiders such as South African Antjie Krog and Brandon Hamber who observed the TRC flag concerns about the truth-telling component of the TRC. In her personal account of the TRC, Krog, who covered the TRC for the South African Broadcasting Corporation (SABC), wondered about the emphasis on truth in the TRC:

> Will a commission be sensitive to the word truth? If its interest in truth is linked only to amnesty and compensation, then it will have chosen not truth, but justice. If it sees truth as the widest possible compilation of people's perceptions, stories, myths and experiences, it will have chosen to restore memory and foster new humanity, and perhaps that is justice in its deepest sense.[19]

Krog's distinction between truth in pursuit of justice (i.e. in the form of amnesty and compensation) and truth in pursuit of individual perceptions, stories and experiences suggests that truth-telling has not only a healing and cathartic element, but it also has the capacity to create a new humanity. Brandon Hamber, however, cautions against such simplistic and idealistic interpretations. Hamber, a clinical psychologist who has studied the effects of conflict trauma in both his native home of South Africa and Northern Ireland, argues that victims suffering trauma rarely, if ever, follow a linear progression from full disclosure (truth) to healing (reconciliation).[20] Moreover, exposing wounds caused by violence and socio-economic marginalisation must be treated with tremendous care, which means that victims must have the space to tell their stories on their own terms, victims

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[18]   In the previous chapter, I noted that the Commission chose stories based on the principle that the hearings should present a wide range of abuses. This meant paring out accounts that did not fit the mandate of the TRC, which may have included criticisms of structural injustice and human rights violations that fell outside the prescribed guidelines of the TRC. I will pick up this issue in detail in Chapter 7.

[19]   Antjie Krog, *Country of My Skull* (New York: Three Rivers Press, 1998), p. 21.

[20]   Brandon Hamber, 'Does the Truth Heal? A Psychological Perspective on Political Strategies for Dealing with the Legacy of Political Violence', in Nigel Biggar (ed.), *Burying the Past: Making Peace and doing Justice after Civil Conflict* (Washington, DC: Georgetown University Press, 2001), pp. 131–48. There has been much research and debate conducted on the healing and cathartic benefits of dealing with the legacies of human rights abuses through the TRC. For two different perspectives, see Michael Lapsley, 'Confronting the Past and Creating the Future: The Redemptive Value of Truth-telling', *Social Research*, 65 (1998), pp. 741–58; and Gesine Schwan, 'The "Healing" Value of Truth-telling: Chances and Social Conditions in a Secularized World', *Social Research*, 65 (Winter 1998), pp. 25–40.

must have readily available access to counsellors to help them cope with their past, and victims must be able to re-enter society without being forced back into the conditions that created the trauma. According to Hamber, the TRC ultimately failed to provide this needed support at the individual level, even though the Commission did provide space for individual storytelling and counsellors were on staff. The failure was, he argues, due to the fact that the focus of the TRC ended up being 'national healing' (reconciliation), which he thinks is impossible for a nation, and not interpersonal reconciliation.

In fact, the structure of the TRC hearings contributed to uncertainty about what the truth was for – creating a shared narrative, interpersonal reconciliation, national reconciliation or perhaps even justice. For instance, the TRC used four different venues for truth-telling, each venue focused on generating one of the four notions of truth identified by the TRC *Final Report*. As I outlined in Chapter 2, the TRC had three Committees to fulfil its mandate, namely the HRVC, the AC, and the Reparation and Rehabilitation Committee (RRC). The TRC also conducted specific hearings, such as the Institutional Hearings and Special Hearings. From my observations, four versions of truth-telling were generated between the three Committees and the specific hearings, which corresponded with the TRC's four-notion definition of truth.

The first truth, factual and forensic truth, was most apparent in the truth-telling that occurred in the AC hearings. The AC was in charge of processing applications for amnesty. Perpetrators would disclose facts about human rights violations in which they were involved. These violations would be verified for their truth. The evidence would be examined and if the requirements outlined in the Act were met, the applicant could be granted amnesty based on the applicant's version of factual and objective truth-telling. The recompense for factual and forensic truth-telling in the AC was amnesty. In contrast to this first truth, which focused on the truth-telling of the perpetrators, the second truth focused on personal and narrative truth of the victims generated primarily through the HRVC. The HRVC was in charge of collecting accounts of human rights violations from victims and survivors. Victims and survivors would tell their stories and experiences, and their truth would be recorded as part of the compilation of human rights abuses of apartheid. The recompense for personal-narrative truth-telling in the HRVC was to be reparation. The third truth, social and dialogical, was generated through the truth-telling found in the Institutional Hearings and Special Hearings. Apartheid was discussed and analysed through truth-telling by the different public sectors and groups in order to understand the role these institutions played in apartheid. The final truth, healing and restorative truth, was most obvious in the RRC. Truth-telling in the RRC was sought in order to repair damage of the past, with the intention of healing and restoration.

The truth-telling generated from these four venues were not completely independent of each other; indeed, the different notions of truth could be found in more than one venue. For example, the HRVC sought personal and narrative truth, as well as factual and forensic truth. Moreover, the HRVC used the

Investigative Unit to verify and corroborate some of these personal stories, and they were recorded in the TRC database. However, the dominant truth generated through the HRVC was personal and narrative. Furthermore, despite the fact that the AC involved some aspect of personal narratives, it primarily sought factual and forensic truth through a more factual method of truth-telling. The distinction between the four different modes of truth-telling and corresponding versions of truth is not a chronological process in that most of these venues of truth-telling happened simultaneously, particularly the AC, HRVC and Institutional Hearings. The RRC, however, completed its work in 2003, despite the fact that the TRC officially ended in 1998 when the first five volumes of the *Final Report* were submitted to President Nelson Mandela.[21] It could not complete its work until after the HRVC and AC had completed the recording of accounts of human rights violations since the RRC's mandate was to make recommendations to compensate for the abuses. The different venues of truth-telling built on each other, and at times complemented each other, and as well contradicted each other.

Truth-Telling in the Human Rights Violations Hearings (HRVC) and Amnesty Hearings (AC): The Paradox of Truth

Mamdani has argued that 'the real power of the Commission was exercised through the work of its main body [the Human Rights Violations Committee]. That was the power to define the terms of the social debate, and in doing so, define the parameters of truth-seeking'.[22] While Mamdani's point is well taken, it is overstated. The HRVC did exert tremendous power in defining the terms of the debate, but the HRVC hearings were not solely responsible for the parameters of truth-seeking or, by extension, truth-telling. Both halves of the Commission's public hearings, the AC and the HRVC, worked in tandem to create a paradoxical, if not at times dichotomous, understanding of truth in the TRC. [23]

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[21]　As of November 2003 the South African government finalised the last phase of distributing reparations in accordance with the TRC recommendations. David Masango, 'Govt Makes Final Reparations to Apartheid Victims', *BuaNews*, 6 November 2003. Online, available at: www.buanews.gov.za/news/03/03111709461006 (accessed 9 January 2009).

[22]　Mahmood Mamdani, 'The Truth According to the TRC', in Ifi Amadiume and Abdullahi A. An-Na'im (eds), *The Politics of Memory: Truth, Healing and Social Justice* (London: Zed Books, 2000), p. 177.

[23]　By focusing on these two notions of truth and two modes of truth-telling, personal-narrative truth in the HRVC hearings and factual-forensic truth in the AC hearings, my intention is not to disregard the third and forth notions of truth as defined by the TRC final report. The rationale for focusing on the first and second notion of truth is that it is here where we can best examine the role Christianity played in truth-telling. The third notion, social dialogical truth was most prominently found in the Institutional Hearings. Christian discourse and story telling can be clearly found within these hearings, specifically the faith community hearings. However this does not demonstrate the tension of bringing religion

In examining both primary sources of the TRC in the HRVC and AC hearing transcripts and the secondary sources, I observed that the mandate of uncovering the truth of South Africa's past took on not only different forms, but also different tones in the public hearings. In effect, the public HRVC and AC hearings, which became the public face of the TRC, not only operated with different concepts of truth but also authorised, whether by informal prompting or by threatening criminal prosecution, legitimate truth-telling discourses. Although proponents of the TRC, such as Tutu, have been quick to note that these different meanings of truth were not mutually exclusive,[24] in practice, the HRVC hearings did become the place where a personal, religious-redemptive discourse was authorised, while the AC hearings became a sphere primarily restricted to legal-forensic discourse. As the following sections demonstrate, there was indeed a normative protocol built into each of the hearings, which in turn created a legitimate way of truth-telling for that particular hearing.

Human Rights Violations Committee Hearings

The ceremony convening the HRVC hearings set the tone for the rest of the committee's work. Chairperson Archbishop Tutu opened the hearing by lighting a candle of memory for those who had died during apartheid. A reader reciting a litany of their names accompanied this candle lighting. Everyone attending the hearing joined in singing the Xhosa hymn '*Lizalis' indinga lakho*' ('Let your will be done'). Then Tutu prayed:

> Oh God of justice, mercy and peace, we long to put behind us all the pain
> and division of apartheid together with all the violence which ravaged our
> communities in its name. And we ask you to bless this Truth and Reconciliation
> Commission with your wisdom and guidance as it commences its important work
> of redressing the many wrongs done both here and throughout our land … We
> ask that the Holy Spirit pour out its gifts of justice, mercy and compassion upon
> the Commissioners and their colleagues in every sphere, that the truth may be

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into a secular conflict resolution process because these are primarily accounts from the institutional churches. It is obvious that religion and Christianity would be involved from the title and nature of the hearings. Furthermore, the role of faith communities in the TRC is the subject of the book entitled, *Facing the Truth: South African Faith Communities and the Truth and Reconciliation Commission* (1999), edited by James Cochrane, John de Gruchy and Stephen Martin. The fourth notion of truth, healing and restorative, focuses on reparation for the damage done by the legacy of apartheid. This is primarily found through the truth-telling generated by the RRC, which completed its work in November 2003. There is very little data on this version of truth and therefore cannot be examined in the full depth as the other Committees.

24   Desmond Tutu, *No Future Without Forgiveness* (London: Random House, 1999), p. 33.

recognised and brought to light during the hearings; and that the end may bring
about that reconciliation and love for our neighbour which our Lord himself
commended. We ask this in the holy name of Jesus Christ our Saviour.[25]

By asking the Holy Spirit to help them reach the truth, Tutu explicitly linked
Christian discourse with truth-telling.

Tutu's authorisation of truth-telling via Christian discourse was further
legitimated in his opening remarks. He stated:

> We are charged to unearth the truth about our dark past, to lay the ghosts of the
> past so they will not return to haunt us and that will thereby contribute to the
> healing of the traumatised and wounded people … in this manner to promote
> national unity and reconciliation. For Christians it is a significant thing. Now
> the first hearing happened at Easter time, when we commemorate the victory
> of life over death, of light over darkness, of goodness over evil, of justice over
> injustice, of truth over lies, of laughter, of joy, of peace of compassion over their
> ghastly counter parts in the glorious resurrection of saviour Jesus Christ.[26]

The overt use of Christian language was an empowering mechanism for many
of the victims, for in telling their stories of human rights violations in their own
words, as the TRC encouraged them to do, they were free, if not prompted, to use
a religious, namely Christian, narrative to tell the truth. The Christian-religious
nature led to the HRVC hearings becoming a forum that was analogous to a church
service and fomented a version of truth-telling that invoked religious, specifically
Christian, discourse. According to Lyn Graybill:

> Storytelling is central to many faiths and an integral part of African tradition.
> The narrative element has made the HRVC hearings compelling … encouraged
> to tell their stories of pain and suffering in their own way, victims routinely use
> overtly Christian terminology and Biblical allusions to describe what happened
> to them and how they dealt with their loss.[27]

Religion and storytelling go hand-in-hand in South Africa, therefore it was
natural for some of the victims to invoke Christian and religious discourse in
their truth-telling.

It was also natural for religious ritual and ceremony to be integrated into the
HRVC hearings. As the TRC *Final Report* indicates, the resemblance of a church

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[25]   Ibid., p. 86.

[26]   Nohle Mohape, *Human Rights Violations Committee Hearings Transcripts* 15
April 1996, Official Truth and Reconciliation Commission Website. Online, available at:
www.doj.gov.za/trc/hrvtrans/hrvel1/mohape.htm (accessed 9 January 2009).

[27]   Lyn Graybill, 'South Africa's Truth and Reconciliation Commission: Ethical and
Theological Perspectives', *Ethics and International Affairs*, 12 (1998), p. 48.

service was no coincidence, for the TRC administration had intentionally created an environment that fostered practices that were similar to recognisable ceremonial practices. The *Final Report* states:

> All the hearings were to have a ceremonial aspect: the chairperson's opening remarks were often preceded by prayer, by the lighting of a memorial candle, by hymns or songs. When Archbishop Tutu presided, he wore his purple robes, lending his own special presence to the occasion. This religious aspect of the hearings was sometimes criticised, especially for its mainly Christian focus. It became clear, however, that this was not inappropriate in a country where a considerable majority of the population is Christian.[28]

In short, the HRVC hearings were intended as a safe, if not sacred, context in which ceremonial movements and verbal expressions of truth were able to take place. As a result, it was inevitable that this Christian atmosphere would influence the testimony of the victims.

The first HRVC public hearing was held in East London, in the Eastern Cape, on 16 April 1996 over a period of four days. This location was chosen because it was the area that had endured some of the worst repression by security forces during the resistance to apartheid. During these hearings 33 men and women came to testify, and 27 incidents of gross violations of human rights were examined.[29] Piet Meiring, a member of the HRVC, explains that the first day of hearings started quite formally because neither the chairperson nor the testifiers knew how to proceed. Meiring recalls, 'Gradually, however, the proceedings became more informal. There was no alternative, the dramatic events that were taking place, the emotions that were roused, could not be handled in a juridically correct, hyperformal tone'.[30] Following this first day, a general structure developed for the HRVC hearings. The hearing often opened with a prayer by a commissioner or another religious leader. The victim or survivor who was to give their testimony was welcomed and took an oath to tell the truth. The victim or survivor were usually asked to tell something about their background and family situation, followed by an opportunity for the victim or survivor to tell their story and talk about the human rights violations they experienced. At the end of their story, the committee members might pose questions in reference to the incident. The testifiers were often asked how the incident affected their personal life and what they requested of the TRC. The chair would conclude the hearing by thanking the testifier and expressing the Committee's hope that the request would be fulfilled – but there were never any guarantees.

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[28] *TRC Final Report*, vol. 5, ch. 1, p. 3.

[29] Piet Meiring, *Chronicle of the Truth Commission: A Journey Through the Past and Present – into the Future of South Africa* (Vanderbijlpark: Carpe Diem Books, 1999), p. 23.

[30] Ibid., p. 24.

Observers of the TRC such as Lyn Graybill (outsider) and insider-outsider John de Gruchy point out that victims were encouraged to tell their stories in their own way, and that victims often used Christian language and biblical stories in their truth-telling.[31] De Gruchy observes, 'For many victims their stories related to the Christian narrative of salvation history. In other words, through story-telling primary and secondary expressions of reconciliation made connections. Their stories were personalized cameos of lives shaped by faith, forgiveness and hope derived from the gospel but lived out amidst the social and political traumas of our time'.[32] The case of William Henry Little, who was injured in a bomb attack, supports de Gruchy's observation that redemptive suffering was a common trope used by victims who appealed to Christian narratives. In his testimony at the HRVC public hearings, Little states:

> Before I commence with my story I would like to take this opportunity of thanking God for his saving and sustaining grace, for having kept me, to enable me this morning to tell my story. You might observe that I am wearing white, I have not been chosen to represent the South Africa cricket side, but I represent the resurrection of my Lord in whom I believe. It shows that notwithstanding pain, notwithstanding sorrow, and suffering, that there can be hope, that there can be reconciliation and that there can be life.[33]

Little's statement bears a striking resemblance to Tutu's statements in the inaugural HRVC hearings. Indeed, both Little and Tutu looked to Christ's suffering and resurrection as a source of hope, reconciliation and life. Both invoked a redemptive suffering narrative as an empowered, liberating discourse.

In examining the transcripts of the HRVC public hearings, it is obvious that at times truth-telling was invoked in reference to the Christian narrative of Jesus' suffering on the cross. Some of the victims used Christian language to explain their suffering and give meaning to their pain. There are two compelling examples of victims who invoked a redemptive suffering narrative in their testimony. The first is Paul Manuel Williams, who received serious injuries during the St James Massacre. The St James Massacre refers to the attack on St James Anglican Church in Cape Town on 25 July 1993. While 1,400 people joined to worship, a group of armed men burst into the church and fired on the congregation leaving 11 people dead and over 50 wounded.[34] Williams testified at the HRVC hearings:

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[31]   Graybill, 'South Africa's Truth and Reconciliation Commission', p. 48.

[32]   John de Gruchy, *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002), p. 23.

[33]   William Henry Little, *Human Rights Violations Committee Hearings Transcripts*, 22 April 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/hrvtrans/heide/ct00802.htm (accessed 9 January 2009).

[34]   See Frank Retief, *Why Me Lord: The Truth about Trials* (Cape Town: Struik Christian Books, 1994). Retief was pastor of St James Church at the time of the massacre.

> For me it was important to come to terms with situation and you know the Bible teaches me that I must only love my neighbours but I must also love my enemies … I think for me the cherry on top is what Jesus said on the cross when he said 'Father forgive them for they know not what they are doing.' And I must have a loving spirit, I must have a forgiving spirit and I think that greatly helped me and assisted my in coping with my situation.[35]

Williams appealed to a Christian narrative of Jesus dying on the cross to empower him to forgive.

Likewise, Ramorakane Simon Mohajane, who was shot during the Sharpeville Massacre in 1960, drew on the story of Jesus on the cross in his testimony in the HRVC hearings. He expressed his ability to forgive his perpetrators based on the same redemptive suffering narrative. Mohajane explains that despite the pain and hardship he has experienced he has forgiven those who shot him. 'They shot me and I am used to this kind of life. But these people who did this to me I say to the Lord, Lord forgive them, they didn't know what they were doing'.[36] In effect, both Williams and Mohajane invoked the same Christian redemptive suffering narrative in their truth-telling, and both reveal how they were enabled to forgive and reconcile with their perpetrators. Other testifiers uttered prayers to God in thanksgiving for the opportunity to share their story, or prayers in petition for strength to tell their stories and heal their pain.

Based on these and other statements, John de Gruchy argues that 'story-telling is, in fact, the most appropriate genre for introducing the Christian understanding of reconciliation; it was also the primary form of discourse at the TRC'.[37] Bishop Frank Retief, Presiding Bishop of the Church of England in South Africa and pastor of St James Church at the time of the massacre, echoes de Gruchy's sentiment in his statement to the HRVC hearings. Retief testified, 'Even though we were not in a position to make any judgements about his guilt or otherwise at that time and nor were – were we saying he should be freed – but we simply want to express to him that the act of reconciliation on our part is genuine and real and is to this day simply because we are Christians'.[38] A particular Christian understanding of

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He chronicles his congregation's journey in dealing with the trauma of the massacre in this book.

[35] Paul Manuel Williams, *Human Rights Violations Committee Hearings Transcripts*, 25 April 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/hrvtrans/heide/ct00618.htm (accessed 9 January 2009).

[36] Ramorakane Simon Mohajane, *Human Rights Violations Committee Hearings Transcripts*, 25 April 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/hrvtrans/sebokeng/seb824.htm (accessed 9 January 2009).

[37] de Gruchy, *Reconciliation*, p. 23.

[38] Frank Retief, *Human Rights Violations Committee Hearings Transcripts*, 25 April 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/hrvtrans/heide/retief.htm (accessed 9 January 2009).

reconciliation and forgiveness was integrated into the HRVC hearings through the personal narrative of truth-telling that some of the victims used.

In practice, the HRVC hearings became a quasi-religious forum, which created a space for a Christian narrative. The HRVC is indeed illustrative of religious conflict resolution in that religion, specifically Christianity, was not only incorporated into the truth-telling aspect of the TRC, but it was considered 'appropriate' and encouraged. The TRC broke ground that no other truth commission or transitional process had dared to disturb: they sanctioned religious discourse as a legitimate mode of truth-telling that had both personal and political meaning.

Amnesty Committee Hearings

In stark contrast to the spiritually infused, victim-centred HRVC public hearings, the AC public hearings proceeded with a primarily factual-forensic mandate to uncover the truth of apartheid's violence through the voices of the perpetrators. Unlike the emotional testimonies that characterised the HRVC hearings, the AC hearings were basically devoid of emotion and religious language. The truth-telling generated by the AC hearings was influenced by the Committee's quasi-legal task of ensuring that applicants met the prescribed standards for receiving amnesty. If an amnesty application met the requirements laid out by the Act, the applicant would be protected from further legal action, including a civil or a criminal lawsuit. This meant that certain 'facts' had to be established using 'rules of evidence' and other court procedures, even though this 'legal' protocol was never explicitly spelled out in the Commission's mandate. Indeed, the AC provided an important truth about the legacy of apartheid, that of the perpetrator, yet it was one of the most controversial elements of the TRC. In spite of the controversy, it is unlikely that, without the amnesty incentive, facts about many killings and disappearances would have been disclosed. As it turned out, the AC hearings did lead to a number of exhumations and helped answer unsolved crimes.

Without question, the most controversial component of the TRC was the conditional amnesty provision. Based on an individual application, perpetrators had to meet four criteria.

1. They had to demonstrate that their crimes were politically motivated.
2. They had to show that the crimes were not committed for personal gain or malice.
3. They had to make a full disclosure of the details of the human rights violations they committed.
4. The crime had to have occurred within the specified time period.[39]

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[39]   Richard Lyster, 'Amnesty: The Burden of the Victims', in Charles Villa-Vicencio and William Verwoerd (eds), *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town, UCT Press, 2000), pp. 184–92; Ronald Slye, 'Justice and Amnesty', in Villa-Vicencio and Verwoerd (eds), *Looking*

The Act established that the Commission could examine violations that occurred only after 1 March 1960, the month of the Sharpeville Massacre occurred.[40] Initially, the Act set a cut-off date of December 1993, the date when an agreement was met with the political negotiations,[41] but it was later extended to 10 May 1994 to coincide with Mandela's inauguration.[42]

The justification for conditional amnesty was based on the belief that without this type of amnesty, the then-ruling National Party (NP) would not have relinquished power. The transitional government justified adopting individual amnesty since this would give perpetrators an incentive to disclose the truth. Without this truth, an important part of history would remain untold. Through the stories collected victims could learn what happened to loved ones, and possibly find where their loved ones remains were discarded or buried. The negotiators thus worked to establish a mechanism that balanced the NP's concerns over widespread prosecutions and the ANC's priority of reconciliation and reconstruction.[43]

The Act gave the AC its mandate, authority and responsibility. Although it appeared as though the AC was a judicial body, in actuality it was a quasi-judicial body with only administrative powers.[44] Chapter 2, section 3 of the Act states that amnesty will be granted 'to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act'.[45] The AC was a statutory body that had only administrative powers, yet it conducted itself as a legal body. According to the *Final Report*, 'due to the adjudicative nature of its functions, the Committee's procedures soon started to resemble a judicial process. This stood in complete contrast to the non-adversarial hearings of the other two Committees of the Commission'.[46] There was no precedent to follow in that no other truth commission had dealt with amnesty on a case-by-case basis like South Africa had. The legal profession directed the AC, thus influencing the quasi legal-judicial nature that it adopted.

Back, Reaching Forward, pp. 174–83; Linda Van de Vijver, 'The Amnesty Process', in James and Van de Vijver, *After the TRC*, pp. 128–39.

[40]   *TRC Final Report*, vol. 6, ch. 1, par. 1, p. 8.

[41]   Ibid.

[42]   For further discussion on the extension of the cut-off date, see Boraine, *Country Unmasked*, pp. 56–9.

[43]   Interim Constitution of the Republic of South Africa, Act 200 of 1993. Government of South Africa Website. Online, available at: www.info.gov.za/documents/constitution/93cons.htm (accessed 24 September 2008).

[44]   Martin Coetzee, 'An Overview of the TRC Amnesty Process', in Charles Villa-Vicencio and Erik Doxtader (eds), *The Provocations of Amnesty: Memory, Justice and Impunity* (Lawrenceville, NJ: Africa World Press, 2003), p. 182.

[45]   Promotion of National Unity and Reconciliation Act 1995, Act 95-34 (26 July 1995). Online, available at: www.doj.gov.za/trc/legal/act9534.htm (accessed 24 September 2008).

[46]   *TRC Final Report*, vol. 6, chs 1 and 5.

President Mandela initially appointed three judges to run the AC. Judge Hassen Mall was named chair, Judge Andrew Wilson was named vice-chair, and Judge Bernard Ngoepe was named the third member of the Committee. Sisi Khampepe and Chris de Jager, both lawyers, were the TRC commissioners appointed to assist the AC. As a large number of applications were submitted it became obvious that the Committee had to be increased, resulting in a total of 19 members. The TRC *Final Report* explains that 'Appointments to the Committee were made exclusively from the ranks of the legal profession: that is, its members were judges, advocates and attorneys'.[47] Although social scientists and non-lawyers could have benefited the Committee, the AC opted for a legal focus, explaining that 'the presence of non-lawyers might have increased the fears of those persons who were concerned that they might not receive a fair and impartial hearing'.[48] This, of course, is based on the assumption that only lawyers can be fair and impartial, and that non-lawyers will assume facts prior to hearing them, thus emphasising the centrality of a quasi-legal, factual-forensic truth-telling for the AC.

To be sure, the AC judges were not solely responsible for the tone of the AC hearings. Lawyers also played a key part. Yet as the *Final Report* states with some regret, 'lawyers tended to treat hearings as criminal trials'.[49] Lawyers represented the applicants, the victims and the TRC. The quasi legal-judicial procedure adopted by the AC shaped the version of truth-telling that occurred in the hearings. The application for amnesty followed a set procedure that was similar to a court of law. First, the allocated forms had to be filled out by applicants. Second, an investigation was conducted to examine the circumstances surrounding the application before accepting it as a legitimate application. Third, the application was submitted to the committee to determine whether the application was to be dealt with in 'chamber matters' or at a public hearing. In accordance with the Act certain applications could be dealt with in discretion and without a hearing, in 'chamber matters', which meant that after much research and investigation the application did not constitute a gross violation of human rights.[50] If a hearing were granted then it would be scheduled and subsequently held. Finally, a decision regarding amnesty would be delivered after the hearing and after parties concerned were notified. The decision was final; the only way to challenge it was to approach the High Court to review the decision.

The first application for amnesty was submitted on 1 January 1996, and the committee began its work in April 1996. By the end of the first year 197 applications had been received. When the AC completed its work 7,112 applications were received, which related to more than 14,000 incidents of human rights violations.[51] The vast majority of applications, 5,489, were dealt with in chamber. Public

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[47]   *TRC Final Report*, vol. 6, ch. 5, p. 85.

[48]   Ibid.

[49]   *TRC Final Report*, vol. 6, ch. 2, p. 35.

[50]   *TRC Final Report*, vol. 6, ch. 3, p. 36.

[51]   Ibid.

hearings were held for the remaining 1,626 applications. These were the most visible aspect of the AC. They were broadcast in the media via print, radio and television.[52] By the end of the AC's mandate, 849 applicants had been granted amnesty, while 5,392 had been refused. The remaining applications were either withdrawn, outstanding or duplications.[53]

Antjie Krog recounts that 'the amnesty hearings turned into quasi-trials and juridical procedures'.[54] Anyone giving evidence at the hearing had to do so under oath or affirmation. Usually the applicant's lawyer began with an opening address. The applicant would first testify, followed by witnesses the applicant wished to call. After the applicant and the applicant's witnesses had testified, the victims and survivors of the human rights violations in question were able to give evidence. Moreover, the Committee could call anyone believed to have had information of interest to the proceedings to testify. Following the testimony of the applicants, the victim-survivor, the various witnesses, and anyone who had been implicated in the testimony could rebut the allegations. Cross-examination by the legal representation of anyone who gave evidence was not only allowed, but it became a necessary element of the process. After all the evidence was presented the applicant or their legal representation would end the hearing by addressing the Committee.

From my research of the texts it is evident that the truth-telling that occurred at the AC hearings was factual and legal, most likely as a result of the quasi legal-judicial structure. The main condition for amnesty was the disclosure of the truth – objective truth. Accordingly, applicants would just list the facts of the event that was in question. The only justification for committing the act that needed to be met was that the crime was politically motivated. Because of both the amnesty for truth incentive and the lawyers and judges running the proceedings, an austere courtroom-like condition was created for perpetrator truth-telling in the AC hearings. In practice, the AC commissioners were uninterested in any of the psychological or spiritual struggles of an applicant, which, in the words of senior research analysts for the TRC Madeleine Fullard and Nicky Rousseau, 'silenced the more complex personal dimensions of their actions in favour of the political'.[55]

In analysing the transcripts of the AC hearings, it is evident that the focus in the AC is on factual truth-telling and gathering information that will make a strong case

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[52] *TRC Final Report*, vol. 6, ch. 2, p. 30. Access to AC hearing transcripts, in the English translation only, is available on the Internet. In this chapter I have quoted directly from these transcripts. Any errors are as a result of the initial transcription.

[53] *Amnesty Committee Hearings and Decisions*. Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/amntrans/index.htm (accessed 9 January 2009).

[54] Antjie Krog, 'The Choice for Amnesty: Did Political Necessity Trump Moral Duty?', in Villa-Vicencio and Doxtader, *The Provocations of Amnesty*, p. 118.

[55] Madeleine Fullard and Nicky Rousseau, 'Truth, Evidence and History: A Critical Review of Aspects of the Amnesty Process', in Villa-Vicencio and Doxtader, *The Provocations of Amnesty*, p. 210.

for amnesty. There is virtually no religious language used in these hearings, and there is very little emotion expressed. Three examples from the amnesty hearings demonstrate the legal tone and protocol that created a focus on factual truth-telling in the AC hearings. The first example comes from the very first amnesty hearing. It involves the case of Boy Diale, who had applied for amnesty for a murder he had committed in the mid 1980s. Diale had been convicted for the murder of Glad Mokgatle, acting chief of the independent Bafokeng tribe.[56]

During the mid 1980s the Bafokeng leader was in exile and Mokgatle was appointed acting chief by the government. The Bafokeng tribe held tremendous animosity towards Mokgatle's appointment – in fact, they publicly declared that they would not recognise Mokgatle's authority. Instead of an acting, government-appointed official, they wanted their chief back, and they wanted independence. In the transcripts from Diale's hearing, Diale describes in great detail the events that led to the murder of Glad Mokgatle. He explains that the original intention of the group he was with was to kidnap Mokgatle to gain possession of the keys to the Civic Centre. Diale explained that the keys symbolised control and power for the Bafokeng tribe. Mr Curin, the lawyer representing Diale, asked probing questions of Diale in an obvious attempt to demonstrate that the crime in question met the criteria for amnesty. Judge Wilson, acting on behalf of TRC, also focused on drawing out the facts. The following is one of these exchanges.

> MR CURRIN: Did you ever hear the leadership of the African National Congress call for the destruction and the killing of so-called collaborators?
> MR DIALE: In all the meetings that I have attended, you know, because of the struggle that we find ourselves in, they told us that it is important to eradicate the collaborators so that things can be clear in our township and in the whole country.
> JUDGE WILSON: Well, can you tell me, did you intend to eradicate this man? Did you go there intending to kill him? You were being asked about the policy in this regard.
> MR DIALE: It wasn't my intention to go and kill this man. We wanted to kidnap him so that he can give us the keys of the civic centre.
> JUDGE WILSON: And that had nothing to do with ANC policy, that was your own plan. Is that not so?
> MR DIALE: I can't say this didn't have any relation with the ANC, because we were working hand-in-hand with them.
> MR CURRIN: Just in relation to the question that was put to you, what in your view, in the workings that you did with the African National Congress, was the attitude of the African National Congress with regard to the control of this centre by the Government of Bophuthatswana?

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[56]   Boy Diale, *Amnesty Committee Hearings Transcripts*, 20 May 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/amntrans/phokeng/phokeng.htm (accessed 9 January 2009).

> MR DIALE: According to what I have realised, their intentions were that we should eradicate the Bantustans. And they wanted everybody to be incorporated into South Africa.[57]

From the transcripts of this hearing it is apparent that the purpose of much of the testimony and questioning is determining whether Diale met the criteria required for amnesty. Although only a small excerpt, this exchange was repeated in similar terms not only in the rest of Diale's testimony but also in many of the ensuing AC hearings.

Another exchange in Diale's hearing demonstrates that disclosure of the facts and truth was the primary, if not at times only, interest of the committee. At one point, Judge Ngoepe asks, 'will you please tell the Committee further, how did you take part? What actually did you do?'. Diale responds, 'My part, I was one of them. At that time we did not have weapons that can kill, except for the panga that was removed from Mr Glad. I used my fists and shoes on him'. Still not satisfied, Judge Ngoepe, the committee member representing the TRC, pressed Diale to describe his role in killing Mokgatle, not in why he killed him. Yet, Diale does not respond directly to Ngoepe's question. Instead, he focuses on providing justification for his actions – he attempts to explain why he did it. Uninterested in Diale's thought processes and his experiences of life under an imposed government official, Judge Ngoepe cuts short Diale's emotional justification. Judge Ngoepe, now obviously frustrated that Diale seems to be providing a commentary based on his experience, finally tells Diale to get to the point:

> JUDGE MGOEPE [*sic*]: It may be that the question was not put across to you, as I put it. My question was not why you assaulted him. My question was how did you assault him. What did you do? We need to know that. Did you chop him with a panga? Then go and pick up a stone and hit him on his head and he tried to run, you tripped him and then held him down and so on, et cetera? These are, however unpleasant it may be for you to say that, I'm afraid this is what should be done.
> MR DIALE: If it is a request from the Committee, I will have to state it clearly. I kicked him and I hit him with my fists and I strangle [*sic*] his neck. That's the part I took in the killing.[58]

In other words, Diale had to disclose just the details of the murder, the objective truth of the murder.

Only in the conclusion of Diale's testimony is there space for emotional and religious language, or language of forgiveness and reconciliation, and it is only in passing. Advocate Mpshe, Chief Leader of Evidence for the TRC, asks Diale what he hopes to achieve from the application.

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57   Ibid.
58   Ibid.

MR DIALE: Amnesty, Sir.

MR MPSHE: … of any effect to you emotionally, in other words?

MR DIALE: I don't understand the question?

MR MPSHE: … will it change your person, will it remove the bad past?

MR DIALE: Yes, I think the amnesty will do just that.

MR MPSHE: You want to be forgiven. By whom do you want to be forgiven?

MR DIALE: I want the deceased's family to forgive me about what I did. (Applause).

MR MPSHE: And if the family does forgive you, do you envisage or foresee some form of reconciliation between yourself and them?

MR DIALE: Yes, we are one tribe. There will be reconciliation.

MR MPSHE: Do you align or associate yourself with the spirit of reconciliation?

MR DIALE: Yes, it is like that.

MR MPSHE: Mr Diale, assuming that you are granted amnesty, which would mean or could mean that you are released back into the community, how do you think that kind of amnesty and release, how do you think it would impact on the tribe? Do you think it would contribute towards a process of reconciliation? What impact do you think it will make on the tribe?

MR DIALE: I think reconciliation will be strengthened because what we did, even if it is not a pleasant matter, it will bring about a situation whereby all the people with whom we were not in agreement in the past, we will get together. We will build the tribe with a new spirit. (Applause).

At first, Diale is taken aback by the opportunity to express himself, which is understandable given the previous exchanges between TRC officials. When he does begin to respond to the question of reconciliation, and a possible exchange is created between Diale and his victim's family, as well as between Diale and the community, his testimony is cut short. Having heard enough, Judge Mall concludes the hearing, 'Very well, thank you very much'. And with that, the testimony of Diale is completed.[59] There is no further room for public discussions of forgiveness or reconciliation, nor is there room for emotions, religion or spirituality.

Similarly, we can see in the testimony of David Tshikalange, our second example, that the AC hearing's focus on factual truth-telling was prioritised over a religious-redemptive version of truth-telling. In this high profile hearing, Mr Tshikalange, a former Vlakplaas security police member, applied for amnesty in the 1984 murder of Griffiths Mxenge, an ex-Robben Island convict and human rights lawyer. During an emotionally intense of part of the testimony, TRC Commissioner Sisi Khampepe reminds Tshikalange to tell the truth, no matter how difficult it might be:

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59   Ibid.

MS KHAMPEPE: Mr Tshikalanga [*sic*], you have repeatedly denied having see[n] anyone slitting Mr Mxenge's throat when you were being questioned by Advocate Mshe. During the Harms Commission you categorically stated that you saw Mr Nofomela on top of Mr Mxenge, holding a knife to his throat, at which point you turned away. Do you remember saying that?

MR TSHIKALANGE: I can believe that I said that.

MS KHAMPEPE: So you in fact know how Mr Mxenge's throat was slit open.

MR TSHIKALANGE: Yes, that – you see, this is – well, when I had to narrate that it was not a long time, in such a way that I had – it's so dreadful that sometimes I used to get worried considerably, in such a way that I couldn't just say what happened because it was difficult.

MS KHAMPEPE: Mr Tshikalanga, we must remind you that one of the cardinal requirements of you being granted amnesty is that you must be open to this Committee and disclose the truth, and nothing else but that.[60]

With this interjection by Commissioner Khampepe, Mr Tshikalange concludes his testimony by stating, 'Yes, I am trying to say whatever is true, although there might be other things that I have forgotten there [*sic*] and there. However, I am trying to put facts together truthfully'. By most accounts, Mr Tshikalange was attempting to disclose the facts of the crime in order to meet the amnesty requirements. In fact, he was eventually granted amnesty. The point here is that in the AC hearings there was virtually no space for emotional explanations of why the crime was committed or how the crime influenced a person's life. In Mr Tshikalange's case, the AC only wanted the factual truth of how Mxenge was killed, for as the TRC commissioner states, this was the cardinal requirement for amnesty.

The third example involves Dirk Coetzee, who, like Tshikalange, was a former member of the South African police force Vlakplaas. Coetzee, too, was before the AC applying for amnesty because of his involvement in the 1984 murder of Griffiths Mxenge. Coetzee's testimony exemplifies precisely the kind of truth that the commissioners seemed to be seeking:

DIRK JOHANNES COETZEE: … There was a short jerk and that was it. The four junior non-commissioned officers, Paul van Dyk, Jan, Sergeant Jan from Colonel Nick van Rensburg's branch, and the two Ermelo men, each grabbed a hand and a foot, put it onto the pyre of tyre and wood, poured petrol on it, and set it alight. Now, of course during – the burning of a body to ashes takes about seven hours. It is – and whilst that happened we were drinking and even having a braai [barbeque] next to the fire. Now, that I don't say to show our braveness, I just tell it to the Commission to show the callousness of it and to what extremes we have gone in those days. And a body takes about seven hours

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60   David Tshikalange, *Amnesty Committee Hearings Transcripts*, 5 November 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov. za/trc/amntrans/durban/coetzee1.htm (accessed 9 January 2009).

to burn to ashes completely, and the chunks of meat, especially the buttocks and the upper part of the legs, had to be turned frequently during the night to make sure that everything burned to ashes. And the next morning, after raking through the rubble to make sure that there was no big pieces of meat or bone left at all, we departed and we all went our own way.[61]

Coetzee's account of how he killed Mxenge is indeed cold, horrific and impersonal. Yet this was the factual truth that the AC hearings sought – it was enough to give Coetzee amnesty. Indeed, the perpetrators did not have to show any remorse for their actions, nor did they have to express any regret.

Also, unlike the HRVC hearings, the AC hearings were conducted in such a way they excluded audience response.[62] Ostensibly because the hearings were taking place in a court-like setting, the AC judges prohibited emotional expressions from the audience. Again, the first hearing provides a good example. In the following exchange, amnesty applicant Christopher Makgale has started to give reasons why he murdered Glad Mokgatle, when Judge Mall of the committee intervenes.

MR MAKGALE: We then started coming into the problems we had with the keys, because we knew that if we could get hold of those keys, we lock away all the crooks who were staying here. (Applause). The people who burgled or treat the people and came to share the money here, we as the Baphokeng, we didn't build these offices so that people could do any crookery in there. We build them for people like you, so that they can come to solve their problems of the Baphokeng tribe here. (Applause)
JUDGE MALL: Can I just intervene at this stage. I would like to please appeal to the public that this is a serious enquiry and not a mass meeting. Please, refrain from clapping, because it detracts us in the performance of our serious duty. I kindly appeal to you to restrain from clapping and expressing your feelings and your emotions. I understand you have strong feelings about what you are hearing here, but kindly realise that we have a solemn function to perform and we would like you to refrain from expressing your pleasure or delight or anger by clapping or making any kind of comment. I would very much appreciate it if you did not do it. Thank you.[63]

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[61] Dirk Coetzee, *Amnesty Committee Hearings Transcripts*, 5 November 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov. za/trc/amntrans/durban/coetzee1.htm (accessed 9 January 2009).

[62] Of course there are exceptions. For example, see Donald Shriver, 'Where and When in Political Life is Justice Served by Forgiveness?', in Biggar, *Burying the Past*, p. 24.

[63] Christopher Makgale, *Amnesty Committee Hearings Transcripts*, 20 May 1996, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov. za/trc/amntrans/phokeng/phokeng.htm (accessed 9 January 2009).

By asking the audience to refrain from expressing emotions, Judge Mall was establishing a precedent that continued throughout the life of the AC hearings. This precedent reinforced the idea that in this quasi-judicial proceeding truth and responses to truth-telling had to remain objective and dispassionate. Moreover, it established the principle that personal-narrative truth, which incorporated Christian discourse in the HRVC, was not an authorised mode of truth-telling for perpetrators. Indeed, the AC hearings made it clear that this discourse was not for perpetrators.

The exception for the usage of Christian language in the AC hearings occurred primarily when the victims would use it to tell their truth, thus reaffirming religious discourse as a victim's discourse. The testimony of Ginn Fourie is a case in point. Fourie's daughter Lyndi was killed in the Heidelberg Tavern Massacre. She introduced an exception to the impersonal fact-based testimonies of the amnesty hearing for the applicants of that massacre. Fourie states, 'I would like to address the Committee, Mr Chairman, but a bit more personally, I would like to address the gentlemen [perpetrators] before us and if you don't mind being onlookers whilst I do that'.[64] She continues in the personal, narrative truth-telling and invokes Christian discourse. 'I do forgive you because my High Command demonstrated to me how to do that by forgiving his killers'.[65] Fourie's use of Christian language in the amnesty hearings diverged from the objective, legal-judicial version of truth-telling that was expected of amnesty applicants and their witnesses.

Dawie Ackerman is another example of a victim invoking Christian language in the AC hearings. Ackerman testifies on behalf of his wife, who was killed in the St James Massacre. The following is an excerpt from his testimony:

> MR ACKERMAN: I want you to know that I forgive you unconditionally. I do that because I am a Christian and I can forgive you for the hurt that you have caused me, but I cannot forgive you the sin that you have done. Only God can forgive you for that and I plead with you, when God saved me, he gave me something that I can't explain and that is love. A love for people, all people to have what I have. I can't explain it, He just gave it to me. When I look at you and I think of your Commander I think it was Vusi, that has died in an accident, I can only think that he had died without Christ, you still have a chance and I appeal to you, to return to the faith of your parents. I understand that you were all brought up in Christian homes. I appeal to you to go back to your parents, to ask them for forgiveness too and that you would consider the Christian gospel, Christ as the

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[64] Ginn Fourie, *Amnesty Committee Hearings Transcripts*, 27 October 1997, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/amntrans/capetown/capetown_7heidel.htm (accessed 9 January 2009).

[65] Ibid.

mediator, the person that can forgive you from eternal sin. You are going to have to consider that and I appeal to you to do it. Mr Bembridge, thank you.[66]

Ackerman's personal-narrative is infused with Christian discourse. His impetus to forgive the perpetrators is based on his faith in God and his belief in the Christian tradition.

The Limits of Christian Discourse in Truth-telling in the TRC

The TRC was a political process, a conflict resolution mechanism, used to generate the truth about the apartheid past. Conventional wisdom in the field of international conflict resolution would suggest that religion – in this case Christianity – should remain absent from a political process. Indeed, religion was largely excluded from the quasi-legal AC hearings. Yet, a Christian discourse was clearly present in the HRVC hearings. It was a type of Christian discourse that Tutu instilled in the process, a discourse that focused on the therapeutic and spiritual assets of telling the truth, and invoking a narrative of forgiveness and reconciliation. The result of this paradoxical understanding of truth was that two contrasting, or dichotomous, versions of truth were generated by the HRVC hearings and the AC hearings. These contrasting versions reveal the limitations that accompany the incorporating of religion into a system of conflict resolution for which there is no precedence of how to deal with it. The two most obvious limitations were (1) Christian discourse became primarily a victim's discourse; and (2) the awarding of reparations to victims based on religious testimonies is difficult to translate into the supposed recompense of financial reparations.

Victim's Discourse

As I demonstrated above, the personal narrative version of truth-telling that was imbued with Christian language was not encouraged in the factual-investigative truth forum of the AC hearings. Graeme Simpson, Executive Director of Centre for the Study of Violence and Reconciliation in South Africa, acknowledges a similar tension. He explains that 'most of the legal and jurisprudential dilemmas presented by the TRC process are actually rooted in its own bi-polar roles of both a "fact-finding" and a quasi-judicial enterprise on the one hand, and as a psychologically sensitive mechanism for story telling and healing on the other'.[67] For amnesty,

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66   Dawie Ackerman, *Amnesty Committee Hearings Transcripts*, 11 July 1997, Official Truth and Reconciliation Commission Website. Online, available at: www.doj.gov.za/trc/amntrans/capetown/capetown_stjames.htm (accessed 9 January 2009).

67   Graeme Simpson, quoted in Charles Villa-Vicencio, 'On the Limitations of Academic History: The Quest for Truth Demands Both More and Less', in James and Van de Vijver, *After the TRC*, p. 23.

a purely fact-finding, quasi-judicial process of truth-telling could be justified because the conditions required that amnesty not be contingent upon repentance, reconciliation or healing. The conditions were purely legal and factual.

The psychologically sensitive mechanism, which Simpson identifies, is basically synonymous with the Christian discourse in the HRVC because both suggest a personal, individualistic mechanism of truth-telling. Through truth-telling in the HRVC hearings Christian discourse assisted some of the victims and survivors in that it gave meaning to their suffering, and helped them move towards forgiveness and reconciliation. In contrast, the perpetrators were encouraged to disclose the truth in a factual manner. The odd exception when Christian discourse would enter the AC hearings would be when victims testified.[68] Thus, it would appear that Christian symbolic language was primarily a victim's discourse, while legal-judicial language was primarily the perpetrator's discourse. Obviously this was a result of the fact that the outcome of the AC was that the perpetrators would receive amnesty and be exonerated from legal charges; the outcome would result in a legal dispensation.

On the personal-psychological level, Christian discourse provided strength to victims by assuring them that their suffering had transcendent meaning. On the political level, the HRVC not only provided a space for religious language, but it also encouraged victims to tell the truth through their personal narratives as a means of healing South Africa. However, the perpetrators, who in some sense could be considered victims in their own right, were not allowed to appeal to the emotional language. If this language provided psychological healing, it was not available to perpetrators.

In effect, the HRVC hearings broke ground that no other truth commission or transitional process had dared to disturb; that is, they sanctioned Christian discourse as a legitimate mode of truth-telling that had both personal and political meaning. For scholars interested in the role religion played in the TRC, this type of formal recognition is crucial.[69] Yet, the inclusion of religion may have unintended consequences. Indeed, this seems to be the case in the TRC. By allowing only victims to appeal to personal, emotional and religious language in truth-telling, the Commission denied perpetrators an opportunity for psychological healing and a public expression of their wishes to participate in the collective decision-making processes in a democratic South Africa.

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[68]   There are accounts of perpetrators who expressed remorse, such as the amnesty applicants for the murder of Lyndi Fourie and Amy Biehl, but these occurred outside of the formal HRVC or AC hearings. See Ginn Fourie, 'A Personal Account with Perpetrators', in Villa-Vicencio and Verwoerd (eds), *Looking Back, Reaching Forward*, pp. 230–238; Sindiwe Magone, *Mother to Mother* (Boston: Beacon Press, 2000); and Michael Henderson, *Forgiveness: Breaking the Chain of Hate* (Portland, OR: Arnica Publishing Inc, 2003), pp. 172–5.

[69]   See Russell Daye, *Political Forgiveness: Lessons from South Africa* (Maryknoll, NY: Orbis Books, 2004).

Reparations

The TRC considered it vital to provide victims with reparations since the granting of amnesty to perpetrators precluded the right to start civil and criminal claims against them. It was also thought that justice was traded for truth in granting amnesty, thus there needed to be adequate compensation for the victims of this violence, which was to translate into reparations. The challenge is to translate a truth-telling narrative that incorporates, firstly, God providing meaning to suffering, and secondly, faith inspired forgiveness and reconciliation, into financial reparation. It is much easier for the legal-judicial version of truth-telling to translate into amnesty, as well as financial and political reparations, than it is for a religious-personal version of truth-telling.

In theory, reparations were intended to be the recompense for truth-telling by victims, while amnesty was to be the reward (the 'carrot') for truth-telling by the perpetrators. The Act states that, 'when the Committee [on Human Rights Violations] finds that a gross violation of human rights has been committed, and if the Committee is of the opinion that a person is a victim of such violations, it shall refer the matter to the Committee on Reparations and Rehabilitations for its consideration'.[70] What is of interest for this discussion on the role of Christian discourse in truth-telling is that the limits of Christian discourse are revealed through the issue of reparations. This is revealed through examination of how the truth-telling narrative that incorporates religious and Christian discourse translates into secular compensation such as financial reparations, burials and memorials.

Alex Boraine suggests that one advantage of the TRC is that it attempts to facilitate 'inclusive truth-telling'. He explains that despite the specific and limited mandate of the TRC, 'its attempt to help restore the moral order must be seen in the context of social and economic transformation. These are two sides of a single coin. Truth-telling is a critical part of this transformation which challenges myths, half-truths, denials and lies'.[71] Inclusive truth in South Africa's transition refers to the two sides of the same coin: truth-telling that generates acknowledgement and agreement about the contested past, and generates social and economic transformations. We have seen that the truth-telling of the AC fostered factual forensic truth and the HRVC fostered personal-narrative truth. According to the TRC's four notions of truth, it follows that the RRC fosters healing and restorative truth. In terms of inclusive-truth, the RRC was responsible for the social and economic transformation.

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[70]   *TRC Final Report*, vol. 6, ch. 1, p. 93. Online, available at: www.stanford.edu/ class/history48q/Documents (accessed 9 February 2009). As previously mentioned, the TRC released the official five-volume final report in 1998. On 21 March 2003, volume 6 was released. The delay in this volume was primarily because it had to wait until the RRC had completed its work.

[71]   Boraine, *Country Unmasked*, p. 291.

The RRC was the third and least publicised committee of the TRC. It was given the mandate to make recommendations about reparation and rehabilitation for victims and survivors of gross violations of human rights in the attempt to rehabilitate and restore their human and civil dignity. Once the TRC had suspended its work in October 1998 the RRC became the most controversial aspect of the TRC process because reparations had not been fully accorded. The RRC was only in charge of making recommendations for reparation; the President's Fund, which was run by the President and Parliament, was responsible for implementing the recommendations and making payments to the victims and survivors of gross violations of human rights. One of the most important criticisms of the RRC is that the victims were re-victimised through this committee in that amnesty applicants knew almost immediately whether they received amnesty, whereas the victims witnessed their violators go free without having received any compensation.

When the RRC was first established under the Act, it was supposed to focus on providing rehabilitation and reparation for victims of human rights violations identified from the truth-telling gathered by the AC and the HRVC. Chapter 1 of the Act states that reparations, 'includes any form of compensation, *ex gratia* payment, restitution, rehabilitation or recognition'.[72] There was a range of reparation strategies. For instance, interim reparations were payments to victims of gross violations of human rights who where in urgent need of assistance as a result of their violation. Individual reparations provided a financial grant to each victim over a period of years to look after needs such as medical, education and housing. Symbolic reparations included things such as memorials, burials, monuments, naming of streets and days of remembrance. Legal and administrative interventions consisted of obtaining death certificates and dealing with outstanding legal matters related to the human rights violation. Community rehabilitations were to include the establishment of programmes and interventions in communities to help victims deal with the human rights violations. And institutional reforms included legal, administrative and institutional reforms to prevent reoccurrence of future abuses.[73]

Initially, reparations were intended to cover a variety of amends; however, they have become inextricably linked to financial compensation. On 21 March 2003, the sixth volume of the TRC *Final Report* was released five years after the initial report was presented to then-President Nelson Mandela. At the time of the *Final Report's* release, the RRC had processed and submitted 17,088 of the total 19,890 victim claims to the President's Fund.[74] As of 16 April 2003, the government had agreed to pay a 'once-off' Rand (R) 30,000 (£2,500) to the almost 20,000 victims and survivors. This totalled almost R660-million (roughly £56 million), and is in addition to the more than R50-million (£4 million) the government already paid out in interim measures to those identified by the TRC as needing urgent relief.[75]

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[72] Ibid.

[73] *TRC Final Report*, vol. 6, ch. 1, pp. 93–5.

[74] *TRC Final Report*, vol. 6, ch. 8, p. 165.

[75] Masango, 'Govt Makes Final Reparations to Apartheid Victims'.

The question remains: how does the religious, Christian narrative version of truth-telling that was present at the HRVC hearings, and was the symbolic language of the victims, translate into financial reparations? This is a question that has not been answered either by TRC leaders such as Tutu and Boraine or by scholars of religious conflict resolution.

While Christian discourse gave many victims a language with which to tell their stories, and it gave meaning to their suffering, there were indeed limits to this Christian discourse. In the case of the TRC, it was evident that it was not an acceptable discourse for perpetrators. It was further evident that this Christian narrative of forgiveness and reconciliation has not translated into promised financial reparations, leaving the victims with primarily symbolic reparations. Moreover, the *Final Report* states that reparations were to be 'a vehicle for reconciliation and healing'.[76] If reparations are to be both a vehicle of reconciliation and a way to compensate victims for the injustices they endured, then it is important to examine both reconciliation and justice in relation to the TRC – indeed, these are topics of the following two chapters.

Conclusion

In this chapter, I examined the role Christianity played in the truth-telling component of the TRC. I began with a discussion of how truth operates within truth commissions. I followed Michael Ignatieff's lead and determined that, at the minimum, truth commissions narrow the range of acceptable lies in a country. I then examined the concepts of truth and truth-telling in the TRC. I noted that the TRC had no working definition of either truth or truth-telling – and it was only in the *Final Report* that the Commission identified four types of truth that were in operation in the process. Next, I presented this chapter's central argument; that is, the two public hearings, the HRVC and the AC hearings, fostered two distinct versions of truth. Turning to the TRC transcripts to support my argument, I demonstrated the paradoxical nature of truth-telling in the TRC. On the one hand, the HRVC hearings empowered victims and survivors by legitimising their personal, and in many cases religious, narratives. This Christian discourse enabled their voices to become part of South Africa's collective memory. On the other hand, the AC hearings not only functioned as a means of granting legal amnesty and a new status to perpetrators, but it also helped restore a number of perpetrators to moral community and thus to the moral debate about the future of South Africa.[77]

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[76]   *TRC Final Report*, vol. 6, ch. 4, p. 137.

[77]   For example, take the case of Amy Biehl, a Fulbright student who was murdered in 1993 by Vusumzi Ntamo, Ntobeko Peni, Easy Nofemela and Mongezi Manqina. Since applying for and receiving amnesty in 1998, Easy Nofemela and Ntobeko Peni have worked for the Amy Biehl Foundation in South Africa. See www.amybiehl.org (accessed 9 January 2009).

In the last section of this chapter, I argued that one of the ongoing challenges in South Africa is how to translate a Christian truth-telling narrative into financial reparations. This will be a difficult challenge, I suggest, because transitional justice mechanisms tend to operate with a modern public–private distinction, which in effect de-politicises claims made through religious language.

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Chapter 6
Reconciliation

Reconciliation was a fundamental, though highly ambiguous, concept in the transitional process that brought South Africa from apartheid to democracy. The importance of reconciliation in the framing of this process became evident when the transitional leaders settled on the title 'Truth and Reconciliation Commission'. As we noted in the previous chapter, truth-seeking is central to all legitimate truth commissions – and it is always a complex undertaking in its own right, one full of political pitfalls and cultural nuances. In many respects, the transitional leadership in South Africa made the work of the Commission more complex by establishing a commission on the premise that reconciliation would be the complementary goal of truth-telling. This relationship between truth-telling and reconciliation was not only expressed in the title of the commission, but it was also widely publicised in the commission's slogan, 'Truth, the Road to Reconciliation'. Perhaps because of the widespread attention given to the South African TRC, truth and reconciliation in truth commissions have often been fused together, suggesting that there is an essential, interdependent relationship between the two. However, it does not necessarily follow that reconciliation must be, or indeed should be, a central component in a truth commission. Nor is there any indication in the cases of transitional justice processes that reconciliation will emerge from truth-telling. Prior to the South African commission, only Chile had attempted this twin approach, and even the Chilean leadership had to admit, after the conclusion of the commission, that this dual mandate was too difficult to achieve.[1]

Although reconciliation is sometimes identified as a general goal in transitional justice and peace processes, it is rarely tied to explicit objectives in these processes, let alone the focal point. Priscilla Hayner notes that 'the degree of emphasis on reconciliation as a goal of truth-seeking has varied greatly between commissions. Not all truth commissions have framed their work around this goal, neither have they presumed that reconciliation would naturally result'.[2] The South African TRC is, Hayner admits, the notable exception to the rule. Yet what reconciliation meant

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[1]   Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2002), p. 155; also see *Report of the Chilean National Commission on Truth and Reconciliation*. Online, available at: www.usip.org/library/tc/doc/reports/chile/chile_1993_intro.html (accessed 9 January 2009).

[2]   Priscilla Hayner, 'Same Species, Different Animal: How South Africa Compares to Truth Commissions Worldwide', in Charles Villa-Vicencio and William Verwoerd (eds), *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: University of Cape Town Press, 2000), p. 39. For example,

in the actual workings of the TRC was a point of contention from its inception, and remained so throughout the process.[3]

Perhaps the greatest contributing factor to the ongoing debate of this meaning is that, heading into the process, there was no consensus on the definition of reconciliation. Moreover, during the actual functioning of the process, there was no attempt to provide a commission-recognised definition of the term. From the outset, then, the concept of reconciliation in the TRC was highly contentious. Much of this ongoing debate has stemmed from the role that religion played in the TRC and the role religion played in shaping a version of 'reconciliation' or an operational definition of reconciliation in the TRC. Kader Asmal, a former legal apartheid activist and current Minister of Education in South Africa, observes that the 'overly Christian or religious emphasis on the idea of reconciliation' in the TRC caused much controversy.[4] Asmal's observations are consistent with the modern suspicion of religion that permeates secular politics and jurisprudence. Although reconciliation does not necessarily presuppose religious connotation, it has traditionally evoked religious meaning, which has resulted in conflict resolution mechanisms shying away from it as a goal. This reluctance is due in large part to the adoption of a political-realist, legal framework, which deems religion as irrelevant and thus unwanted in politics and jurisprudence. In the end, however, the TRC provided space for a religious version of reconciliation, which, the *Final Report* admits, created a 'dangerous confusion' between a religious understanding of reconciliation and a political understanding of that term.[5]

This chapter will examine the 'dangerous confusion' that developed between a religious, interpersonal version of reconciliation that focuses on individual reconciliation, and a political, national version of reconciliation, that focuses on reconciling all of South Africa. We will begin by examining the early stages of the TRC, when the groundwork was being laid and when reconciliation became an integral, though ambiguous, component in the process. In the second part of this chapter, we will outline the role that religion played in defining and conceptualising reconciliation in the TRC, particularly the emergence of the

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countries such as Argentina and Sri Lanka did not include reconciliation in their truth commission mandate. See Hayner, *Unspeakable Truths*, pp. 160–161.

[3]　　In fact, the meaning of reconciliation in the TRC still conjures up debate. See, for example, John de Gruchy *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002); Richard Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001); Audrey Chapman and Bernard Spong (eds), *Religion and Reconciliation in South Africa: Voices of Religions Leaders* (Philadelphia: Templeton Foundation Press, 2003); and Russell Daye, *Political Forgiveness: Lessons From South Africa* (Maryknoll, NY: Orbis Books, 2004).

[4]　　Kader Asmal, Louise Asmal and Ronald Suresh Roberts, 'Afterword', *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*, 2nd edn (Cape Town: David Philip Publishers, 1997), p. i.

[5]　　*TRC Final Report*, vol. 1, ch. 5, p. 108.

two streams of reconciliation, namely the religious-moral and legal-political. We will conclude with a rethinking of what reconciliation meant in this context. The general argument of this chapter is that, because apartheid had ruptured the relationship between whites and blacks, the transition from apartheid to democracy in South Africa had to entail the restoration of a moral human community. If truth-telling was supposed to act as a means of including all South Africans in a shared narrative, then reconciliation should be understood more properly as a moral process that restores relationships and fosters the moral community that was broken with apartheid.

Factors that Complicated an Understanding of Reconciliation

In examining the primary and secondary sources, I suggest that there were at least four interrelated issues that contributed to the confusion surrounding the concept of reconciliation in the TRC. The first issue was the initial introduction of reconciliation into the transition from apartheid to democracy, which occurred with the adoption of the Interim Constitution in 1993. In particular, the Constitution's postscript, entitled 'National Unity and Reconciliation', formalised the connection between amnesty and reconciliation without fully realising the consequences of focusing primarily on perpetrators, rather than victims. Secondly, there was no precedent, other than the Chilean truth commission, for South Africa to follow when incorporating reconciliation into the truth commission. South Africa could therefore only surmise how to conduct a process that successfully incorporated both truth and reconciliation. Indeed, the Commission was breaking new ground. The third issue was that reconciliation was not clearly defined or developed in the 1995 Promotion of National Unity and Reconciliation Act (the Act), which was the blueprint for the TRC. And finally, because reconciliation was not clearly defined, two competing streams, or understandings, of reconciliation, namely the legal and political, and the religious and moral, perpetuated the confusion regarding the concept of reconciliation in the TRC.

Postscript of Interim Constitution

The first contributing factor to the confusing concept of reconciliation in the TRC was a result of the postscript of the Interim Constitution. In 1992 the NP and the ANC agreed to elect a five-year interim 'Government of National Unity', led by a political coalition, to guide the transition from apartheid to democracy. This transitional government was in charge of drafting the new Constitution that would guide the country during this transitional period. When the Interim Constitution was passed in 1993, the shapers of the transition conferred the need to incorporate reconciliation when dealing with the past as a component of the postscript, which

laid the groundwork for what would eventually become the TRC.[6] The adoption of the constitution, with the postscript, committed both sides in principle to dealing with the past and to working towards national unity and reconciliation. However, the details were not fully negotiated at this point, nor had the truth commission been formally adopted or formally named the 'Truth and Reconciliation Commission'.

Truth commissions tend to choose names that are indicative of the mandate and goals of the process; the title tends to represent what the process hopes to achieve. For example, the 1974 Ugandan commission focused on people who disappeared during the country's civil war. It was entitled the 'Commission of Inquiry into the Disappearance of People in Uganda since the 25th January, 1971'. The title for the Ugandan commission even indicates the period of investigation.[7] Similarly, Argentina entitled its truth commission 'Comisión Nacional sobre la Desaparición de Personas' ('The National Commission on the Disappeared') (CONADEP). Argentina popularised the concept *desaparecidos*, the Spanish word for 'the disappeared', which refers to the thousands of people that vanished without a trace during the military junta of March 1976 and the subsequent military rule that continued until 1983. The CONADEP was formed in 1983 and focused on establishing the truth and the whereabouts of the disappeared. Neither of these examples included reconciliation in the title of the truth commission, nor was reconciliation central to their mandate. Furthermore, the term reconciliation was rarely used in Argentina's truth commission. According to Hayner, reconciling with perpetrators of torture and disappearances was 'firmly rejected' by many people in Argentina.[8] After Chile, South Africa was only the second truth commission to amalgamate both truth and reconciliation in the title.[9]

In 1990 Chile held the 'Comisión Nacional para la Verdad y Reconciliación' ('National Commission on Truth and Reconciliation'). The Chilean commission was decreed by then-president Patricio Aylwin, who replaced the repressive government of General Augusto Pinochet. The two fundamental objectives of this commission were truth and reconciliation. In the decree that established the commission, President Aylwin explained that, 'only on a foundation of truth will it be possible to meet the fundamental demands of justice and create the necessary

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6   This is quoted in full in Chapter 2 of this book. Interim Constitution of the Republic of South Africa, Act 200, 1993, ch. 15, section 251. Online, available at: www.info.gov.za/documents/constitution/93cons.htm (accessed 24 September 2008).

7   As I previously noted, this commission was problematic for a variety of reasons, not least of which was the fact that it was established by Idi Amin Dada to investigate the disappearance of people under his own regime. The results of this commission remain largely unknown.

8   Hayner, 'Same Species, Different Animal', p. 40.

9   Since the South African TRC there have been a number of countries that have used both truth and reconciliation in the title of their commissions, e.g. Peru, Timor-Leste and Sierra Leone.

conditions for achieving true national reconciliation'.[10] After the commission, in the *Final Report* that was issued in May 1992, Chile acknowledged that the expectation to achieve both truth and reconciliation had been over-lofty and 'arduous'.[11] To a certain degree, South Africa modelled the TRC on the Chilean commission.

In the case of South Africa, from the outset of the transition from apartheid to democracy, many of the transitional leaders, especially those representing the ANC, considered truth and reconciliation as significant elements in the process of confronting the past. The challenge to achieve both truth and reconciliation through a temporary transitional justice mechanism, and the reality of implementing this in the concrete, was perhaps not fully comprehended at the initial stages of the transition. One of the focal points in the negotiations between F.W. de Klerk and Nelson Mandela was how South Africa would deal with the past. From the early stages of the negotiations, the truth commission mechanism was presented as a way to reconcile South Africa in public discourse. In fact, as early as 1992 Kader Asmal proposed a truth commission for South Africa, with reconciliation as a key component.[12] However, according to Johnny de Lange, a member of the ANC who was involved in formulating the Interim Constitution, the decision to have a truth commission did not enter this early stage of the negotiations, despite being part of public discourse.[13]

Approximately five paragraphs constituted the postscript of the Interim Constitution, which laid the groundwork for the TRC. This was the first official document that acknowledged reconciliation as a key component in the transition in South Africa. The paragraph of the postscript that deals specifically with reconciliation states:

> This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future found on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.[14]

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[10]　*Report of the Chilean National Commission on Truth and Reconciliation*. Online, available at: www.usip.org/library/tc/doc/reports/chile/chile_1993_toc.html (accessed 9 January 2009).

[11]　Ibid.

[12]　Kader Asmal, 'Victims, Survivors, Citizens: Human Rights, Reparation and Reconciliation', *South African Journal on Human Rights*, 8 (1992), pp. 491–511.

[13]　Johnny de Lange, 'The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission', in Villa Vicencio and Verwoerd (eds), *Looking Back Reaching Forward*, p. 18.

[14]　Interim Constitution of the Republic of South Africa, Act 200, 1993, ch.15, sec. 251.

Two versions of reconciliation are identified: interpersonal reconciliation, which is 'between the people of South Africa', and national reconciliation, which is 'reconstruction of society' for all South Africans.[15] There is recognition of the multiple levels and meanings of reconciliation, yet no clear consensus on what reconciliation would mean in this transition.

Another complicating element in the postscript is that reconciliation is intrinsically connected to amnesty. It states, 'In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past'.[16] The only attempt in this postscript to define or explain reconciliation is the suggestion that reconciliation and reconstruction will be advanced through amnesty. The concept of amnesty was the most controversial aspect of the negotiation between the NP and ANC. Furthermore, de Lange recalls that the postscript had actually been added at the eleventh hour. Amnesty was a 'sunset clause' initiated as part of the political compromise to advert any stalling of the transition.[17] The result of this last minute addition of the postscript was the only reference to reconciliation, and here reconciliation was associated with amnesty.

According to the postscript, then, reconciliation was to be between the people of South Africa, and the mechanism to achieve this was amnesty. Almost immediately, this interconnection between amnesty and reconciliation was criticised as structurally problematic because amnesty was directed at the perpetrators and not the victims.[18] The amnesty-reconciliation formula appeared to favour the perpetrators over the victims, which in turn compromised justice for the victims. Richard Wilson argues that this presumed oversight on the part of the transitional leadership had serious social justice repercussions, since 'reconciliation meant amnesty for violators of human rights'.[19] In effect, the reconciliation-through-amnesty clause appeared to trump the rights of the perpetrators over the victims, thus further victimising the victims.

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[15]   Ibid.

[16]   Ibid.

[17]   de Lange, 'The Historical Context, Legal Origins and Philosophical Foundation', p. 22.

[18]   For example, see Tom Winslow, 'Reconciliation: The Road to Healing? Collective Good or Individual Harm', *Track Two*, 6 (December 1997), pp. 24–6; Trudy de Ridder, 'The Trauma of Testifying: Deponents' Difficult Healing Process', *Track Two*, 6 (December 1997), pp. 30–35; and the study conducted by Therese Abrahamsen and Hugo van der Merwe through the Centre for the Study of Violence Reconciliation (CSVR), entitled *Reconciliation through Amnesty? Amnesty Applicants' Views of the South African Truth and Reconciliation Commission.* Centre for the Study of Violence and Reconciliation Website. Online, available at: www.csvr.org.za/index.php?option=com_content&task=view&id=414 (accessed 9 January 2009).

[19]   Wilson, *Politics of Truth*, p. 99.

So what did reconciliation mean for the victims? In short, the issue of rights for the victims, and justice for the victims, was not addressed in the postscript. In retrospect, this was a glaring error on the part of the transitional leadership. To be clear, there is no indication from the vast body of literature on this issue that the authors intentionally disregarded the rights of the victims. Nor does it appear that they wanted to favour perpetrators over victims in transitioning to a new, more inclusive South Africa. A more reasonable conclusion would be that the framers of the TRC understood the Interim Constitution as neither definitive nor conclusive. There was no expectation that amnesty would lead to reconciliation, indeed the NP and the ANC focused on different concerns and anxieties. At the time, it was, for the negotiating parties, a forward-looking document that recognised the importance of bringing both victims and perpetrators into the moral community in order to reconstruct a society based on respect for human rights.

Based on this initial use of the concept of reconciliation, we can see that it was not well defined or developed at the onset of the transitional process. From the early stages of the negotiation, and the early stages of dealing with the past, reconciliation and its connection to amnesty remained highly controversial. Despite the controversial nature of the postscript, and lack of clarity in defining reconciliation, the postscript was the first articulation that reconciliation would play a role in the transition. Moreover, the postscript of the Interim Constitution became a standard text that South Africans would return to in the attempt to reconstruct South Africa.

Reconciliation and the Lessons from Chile

The second factor that contributed to the confusing conception of reconciliation in the TRC was that no other country had successfully achieved both truth and reconciliation. There was not a deep repository of cases on which to model the TRC. While official negotiations for the transition were occurring between the NP and the ANC, others within South Africa were considering what the transition in South Africa would look like. One group was the Institute for a Democratic Alternative for South Africa (IDASA), made up of a group of scholars and anti-apartheid activists, including Alex Boraine, the executive director.[20] IDASA was founded in 1986 to focus on what they considered the inevitable transition from apartheid to democracy in South Africa. Perhaps more than any other group, IDASA played a decisive role in the incorporation of reconciliation into the transition process. In the early 1990s, in anticipation of the negotiation and transition that

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[20]   Alex Boraine, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (Oxford: Oxford University Press, 2000), pp. 14–46. Boraine chronicles this development of the TRC and reconciliation in the title and mandate of the truth commission in his first-hand account of the TRC. This historical overview comes from Boraine's *A Country Unmasked*, and the book he edited with Janet Levy, *The Healing of a Nation?* (Cape Town: Justice in Transition, 1995).

was to take place in South Africa, the apartheid government un-banned political opposition parties, freed political prisoners and eased travel restrictions. These measures enabled members of IDASA to travel to several countries in Eastern Europe that had recently undergone transitions from dictatorship to democracy and had experimented with a variety of transitional justice initiatives. The purpose of these missions was to bring back insights from these experiences to shed light on the impending transition in South Africa.

In February 1994, IDASA hosted the first of two conferences in Cape Town that were participatory processes to discuss how South Africa would deal with the past. This first conference was entitled 'Dealing with the Past'. Representatives from countries that had undergone transitional justice initiatives in Eastern Europe and Latin America, and most significantly from Chile, came together to discuss their insights and experiences. André du Toit, a South African political scientist and a participant in the conference, observes that at that time it was not clear whether South Africa would have a state-sponsored truth commission.[21] The focus of this conference was on discussing potential options for South Africa to deal with its apartheid past. The general consensus of this conference was that a truth commission might provide the best option for South Africa.

In March 1994, Boraine resigned from his duties at IDASA to form a NGO entitled 'Institute for Justice in Transition'. The goal of this institute was to help South Africans deal with the apartheid past and to prepare for the possibility of a truth commission in South Africa. Due in part to Boraine's leadership, the Institute for Justice in Transition became a leading advocate for the incorporation of reconciliation in the truth commission in South Africa.

Despite growing momentum for the adoption of a truth commission in South Africa, the focus during the early 1990s was on the first democratic election, and the subsequent election of Nelson Mandela as the first democratically elected President of South Africa on 27 April 1994. It was not until Mandela took office that the possibility of implementing a truth commission became a reality. Following the inauguration of Mandela, Dullah Omar, a lawyer who had fought against apartheid, and a member of the ANC's National Executive Committee, was appointed Minister of Justice. Under this appointment Omar had the primary responsibility of implementing the truth commission in South Africa. Boraine, on behalf of IDASA, approached Omar with a sense of urgency that the truth commission should go ahead following the successful election, which had resulted in relatively little bloodshed.

Boraine recalls that the inclusion of reconciliation in the title of the truth commission was first proposed in this meeting. Boraine explains, 'I urged Omar not to call it simply a truth commission, because of the Orwellian overtones of the term, but rather to talk in terms of truth and reconciliation, in the hope that uncovering of the truth, which could lead to acknowledgement of that truth and

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[21]   André du Toit, 'The Task for Civil Society', in Boraine and Levy (eds), *The Healing of a Nation?*, p. 94.

accountability, would assist us in bringing about the elusive prize of peace and reconciliation'.[22] Boraine's concern was that the truth commission would be equated with the Orwellian Ministry of Truth, where the dissemination of news, information and the truth could be controlled and rewritten to suit a party's beliefs. He assumed that, by incorporating reconciliation into the title of the process, a contrived and controlled notion of truth could be averted. According to Boraine, Omar agreed almost immediately to incorporate reconciliation into the process. However, the final decision of naming the commission was up to Parliament.[23]

On 27 May 1994, only a month after the first democratic election, in an announcement to Parliament, Omar christened the truth commission the 'Truth and Reconciliation Commission'.[24] Accordingly, Parliament adopted the twin terms of truth and reconciliation in the title of the commission. With the title 'Truth and Reconciliation Commission', the process would now be held accountable to achieve not only truth but also reconciliation. As we saw in the previous chapter, defining truth and seeking truth in the transitional justice mechanism of a truth commission is no simple feat. Including reconciliation in the equation, a concept that is just as ambiguous as truth, determined that there were bound to be tremendous challenges and controversies. Boraine acknowledges that these were lofty goals and concludes, 'it may well be that the title promised more than we could ever hope to deliver'.[25]

Once the title had been given to the truth commission in Parliament, the South African government had agreed in principle to hold a commission. The immediate challenge became laying the groundwork for this commission and defining its mandate. The second conference to deal with the transition in South Africa, the follow-up to the 'Dealing with the Past' conference, was held in Cape Town in July 1994. This conference was hosted by Boraine's newly formed 'Institute for Justice in Transition', and was entitled 'The South African Conference on Truth and Reconciliation'. While the first conference gathered together international delegates to examine the transitional options available to South Africa, this second conference gathered delegates primarily from South Africa, with the exception of a small contingent of Latin American participants including Patricio Aylwin and José Zalaquett of the Chilean truth commission. It focused on what a South African truth commission should look like. Among those present at this conference were some of South Africa's new leaders. The group included Dullah Omar, Richard Goldstone (Justice of the South African Constitutional Court), Albie Sachs (a legal scholar and a member of the ANC national executive committee), and Frank Chikane (former secretary-general of the South African Council of Churches). In essence, these were the people who would shape the TRC.

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22 Boraine, *A Country Unmasked*, pp. 37–8.
23 Ibid.
24 Ibid., p. 40.
25 Ibid., p. 38.

Omar gave the keynote address at the conference. He outlined the movement within South Africa, led by President Mandela, to create a human rights culture and to deal with the past through a truth commission. Omar explained the proposal for this truth commission and what he and Parliament envisioned. He stated:

> I wish to stress that the object of this exercise is not to conduct a witch-hunt or to haul violators of human rights before court to face charges. It is a necessary exercise to enable South Africans to come to terms with their past on a morally acceptable basis and to advance the cause of reconciliation.[26]

Taking Omar's words at face value, it is evident that Omar himself did not think reconciliation would be *achieved* through the TRC. Rather, he understood reconciliation as a principle, and a truth commission would help *advance* such a principle, however imperfectly. In other words, for Omar, the inclusion of reconciliation was a moral ideal that would guide South Africans as they came to terms with their past and started the long road towards healing severed human relationships.

Based on a close reading of the conference proceedings, which were edited by Alex Boraine and Janet Levy, and published in a book entitled *The Healing of a Nation?*, it is apparent that defining reconciliation in concrete terms was not the emphasis of the conference.[27] The proceedings indicated that the participants offered no definitions of what reconciliation meant or might have meant to South Africa in the truth commission. In fact, much of the discussion surrounding the intention of the truth commission centred on the need to 'recreate moral order' that had been ruptured with apartheid in South Africa. For example, Albie Sachs envisioned that the TRC would work towards the 'moral and cultural reconstruction' of South Africa.[28] Likewise, Boraine concluded his remarks on the conference by drawing on the words spoken by Chilean President Patricio Aylwin during his presentation to the conference. Boraine first acknowledged the controversial nature of the truth commission, and then concluded that the conference had reached a consensus in that, quoting Aylwin, 'only the disclosure of the truth and the search for justice can create the moral climate in which reconciliation and peace will flourish'.[29] Only with the quest for truth and justice would a moral order, based on the respect for human rights, democracy and the legal system, be created. A society based on a social, political and economic justice would provide the space necessary for reconciliation to occur. Reconciliation had to be understood as the by-product

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[26]   Dullah Omar, 'Building a New Future', in Boraine and Levy, *The Healing of a Nation?*, p. 7.

[27]   Boraine and Levy (eds), *The Healing of a Nation?*

[28]   Albie Sachs, 'The Task for Civil Society', in Boraine and Levy (eds), *The Healing of a Nation?*, p. 106.

[29]   Alex Boraine, 'Conclusion', in Boraine and Levy, *The Healing of a Nation?*, p. 144.

of truth and justice, Boraine argued, for it is only through truth, justice and the recreation of the moral order that reconciliation may begin to transpire.

At the conference, the Chileans were regarded by the South Africans as especially important contributors to the formation of a truth and reconciliation commission. By the summer of 1994, Chile had concluded its Commission on Truth and Reconciliation and had begun to assess its effectiveness. As we may recall, Chile had approached its truth commission with the goal of establishing the truth about the Pinochet regime in order to promote justice and reconciliation.[30] José Zalaquett, a member of the Chilean truth commission, presented a moral argument for the inclusion of reconciliation in South Africa's process. He stated, 'specific measures to seek the truth, to do justice or to grant forgiveness and so on, are means or tools to advance the ultimate goal of building or reconstructing a morally just political order'.[31] The final report from Chile's commission acknowledges that it could only begin the process by establishing an account of the past, and thus the primary focus of the commission was on truth-seeking. With words that hardly inspire, the report concludes with a half-hearted nod to the future, 'We hope that truth will serve as the basis for reconciliation'.[32] For Chile, the Commission on Truth and Reconciliation was only one step in a long process of dealing with almost 20 years of human rights abuses.

There are at least four interpretations of Aylwin and Zalaquett's comments at the 1994 conference. First, their comments could have been interpreted as subtle advice to the South Africans to outline clear parameters and objectives for a truth commission. Second, their comments could have been advice to define the concepts of truth and reconciliation in the context of South Africa's truth commission. Third, these comments could have been a warning to South Africa not to expect too much from their commission. Finally, and most importantly, their comments could have been advice for South Africa to focus on the recreation of the moral order in their truth commission since, based on the Chilean experience, the conditions necessary for reconciliation were the establishment of the truth and the recreation of the moral order. The important discussions by influential South Africans, and the invaluable advice from the Chileans, regarding the reconstruction of the cultural, political and moral order of South Africa through the mechanism of the truth commission all but disappeared, and truth and reconciliation remained the primary goals of the South African TRC, thus adding to the confusion regarding the TRC's conception of reconciliation.

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[30] *Report of the Chilean National Commission on Truth and Reconciliation*, Introduction.

[31] José Zalaquett, 'Chile', in Boraine and Levy, *The Healing of a Nation?*, p. 46.

[32] *Report of the Chilean National Commission on Truth and Reconciliation*, part 4, ch. 4.

The Promotion of National Unity and Reconciliation Act

The third factor that complicated the TRC's understanding of reconciliation was the Promotion of National Unity and Reconciliation Act (the Act). The Act was based on the postscript of the Interim Constitution. The primary purpose of the Act was to establish the framework for the TRC, which meant outlining the mandate and operating principles of the TRC. Though the Act was supposed to define the TRC's key objectives, reconciliation was not defined or dealt with in any detail or substance. This lack of clarity contributed to the confusion and controversy surrounding reconciliation in the TRC.

The Act is where the operating definitions of both truth and reconciliation would be expected. Yet, such definitions are noticeably absent. According to Hugo van der Merwe, 'nowhere in the Act is the meaning [of reconciliation] given any real substance'.[33] For example, Chapter 1 of the Act, entitled 'Interpretation and Application', begins by defining key operational terms of the TRC. Terms such as gross violation of human rights and victims are defined, but there is no definition of truth and reconciliation, which is problematic because these are two key terms within the life of the TRC. Moreover, there is only one chapter in the Act, Chapter 2, that deals with reconciliation; it is entitled 'Truth and Reconciliation Commission'.

Chapter 2, section 3 states that the objective of the Commission 'shall be to promote national unity and reconciliation in the spirit of understanding which transcends the conflicts and divisions of the past'.[34] This promotion of national unity and reconciliation was supposed to occur by establishing a history of human rights violations, offering amnesty to perpetrators, recommending reparations, and compiling a report. This is the extent of the Act's explanation of how reconciliation will be promoted. Indeed, there are no details about what level of reconciliation will be sought, other than the vague call for national unity, which stemmed from the postscript of the Interim Constitution. The chapter continues to explain the different functions, powers and constitutions of the Commission. However, reference to reconciliation does not appear until the very last paragraph of this chapter. In this paragraph, the Act states that:

> when dealing with the victims the actions of the Commission shall be guided
> by the following principles … informal mechanisms for the resolution of
> disputes, including mediation, arbitration and any procedure provide by

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[33] Hugo van der Merwe, 'National and Community Reconciliation: Competing Agendas in the South African Truth and Reconciliation Commission', in Nigel Biggar (ed.), *Burying the Past: Making Peace and Doing Justice After Civil Conflict* (Washington, DC: Georgetown University Press, 2001), p. 88.

[34] Promotion of National Unity and Reconciliation Act 1995, Act 95-34 (26 July 1995). Online, available at: www.doj.gov.za/trc/legal/act9534.htm (accessed 24 September 2008).

customary law and practice shall be applied, where appropriate, to facilitate reconciliation and redress victims.[35]

Given that this is the last paragraph of the chapter, and that there is no further explanation as to how this reconciliation will occur, except through informal mechanisms, reconciliation appears more as an afterthought than as a primary goal of the TRC. Following a similar reading of the Act, Richard Wilson argues that the emphasis on informal mechanisms, whether NGOs or community groups, suggests that the authors conceived of reconciliation as a secondary outcome of the TRC, the primary outcome being amnesty.[36]

There is no mention of reconciliation in the remaining elements of the Act, in Chapters 3 to 7. Chapter 3 examines the investigation of human rights, Chapter 4 focuses on the amnesty mechanism and procedures, Chapter 5 deals with reparations and rehabilitation, Chapter 6 outlines the investigations that the TRC will undertake, and Chapter 7 explains the general provisions of the TRC. In fact, as Wilson has succinctly put it, 'Nowhere in these chapters did it say that the function of the TRC should be to reconcile anyone'.[37] The lack of definition or explanation in the Act resulted in different, and at times competing, versions of reconciliation operating within the life of the TRC.

In the TRC, reconciliation was treated like truth-telling insofar as there were no clear definitions or operating principles of either outlined in the Act. However, they differed in that the truth-telling component had at least two formal structures in which it would occur, the Amnesty Committee (AC) and the Human Rights Violations Committee (HRVC). Reconciliation had no formal structure, or forum, in which it could be generated, thus there was little institutional framework to advance national unity. Wilson adopts a somewhat cynical interpretation of the TRC's treatment of reconciliation. He suggests that the TRC leadership did not define reconciliation because the TRC would have been held accountable to that definition. He explains, 'defining what exactly was meant by reconciliation remained one of the great incomplete tasks of the TRC. This stemmed from a number of factors including the pragmatic realisation on the part of the Commissioners that if they defined a key objective, then they could be held accountable for not achieving it'.[38]

While there is an element of truth in Wilson's observation, his conclusion is far too dramatic and overwrought. For instance, it fails to factor in how, from the inception, reconciliation had been perceived by the shapers of the TRC. Perhaps the most obvious example comes from the title of the TRC Act itself, 'The Promotion of National Unity and Reconciliation', with an emphasis on the 'promotion'. Furthermore, the Act states that the object of the TRC is to 'promote national unity and reconciliation in a spirit of understanding which transcends

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[35]   Ibid.

[36]   Wilson, *Politics of Truth*, p. 100.

[37]   Ibid.

[38]   Ibid., p. 101.

the conflicts and divisions of the past'.[39] The Act does not assert that the TRC will achieve reconciliation; it maintains that the TRC will *promote* it. Moreover, Wilson's observation is somewhat overstated because the TRC could claim that it was never the intention to achieve reconciliation; it was only the promotion of reconciliation, as Boraine accurately indicates.[40] In his lengthy discussion on reconciliation in the TRC, Boraine claims, 'Reconciliation in South Africa is a process which started not only when enemies sat on opposing sides of a table but also when victims told their stories and perpetrators confessed their atrocities. It is a process which must continue long after the Commission has completed its task'.[41] Boraine clearly did not believe that the TRC would achieve reconciliation; it was only one step in a long process.

Yet, even with this interpretation of the Act, it is not clear what the new government of South Africa had in mind when it added reconciliation to the title. On the one hand, the attempt to avoid an Orwellian version of truth inevitably made truth and reconciliation the twin objectives in the commission. On the other hand, perhaps truth and reconciliation were only symbolic of the ultimate goal of building national unity. What is evident, however, is that the failure to define reconciliation before the TRC commenced resulted in two issues for the TRC. First, in public perception the focus was on evaluating the success of reconciliation. Second, an expectation that the end result would be that truth would lead to reconciliation. As the *Final Report* acknowledges, the 'debates within and outside the Commission demonstrated that the interpretation of this concept was highly contested'.[42] The result, then, was that without a clear definition in the process, a number of different versions of reconciliation developed.

Two Streams of Reconciliation: Religious-Moral Reconciliation and Legal-Political Reconciliation

Remarkably, reconciliation was not part of the legal constitution that eventually laid the groundwork for the TRC – the only legal element of the Commission was amnesty. The Act was where the other details of the TRC mandate were to be worked out, the place where reconciliation would be clarified. However, as we have noted, the Act failed to offer a definition or explanation as to what the concept of reconciliation meant to the TRC. As a result, the Commission had the freedom to interpret the TRC mandate, particularly in regards to the concept of reconciliation. Consequently, two different, and at times competing, streams of thought regarding reconciliation in the TRC developed, namely the religious, moral understanding of reconciliation and the legal, political understanding of

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[39]   Promotion of National Unity and Reconciliation Act.

[40]   Boraine, *A Country Unmasked*, p. 347.

[41]   Ibid., p. 377.

[42]   *TRC Final Report*, vol. 1, ch. 5, p. 106.

reconciliation. This is, I will argue, the final issue that contributed to the confusing concept of reconciliation in the TRC.

An awareness of the different streams of thought can be seen as early as July 1994 at the conference entitled, 'The South African Conference on Truth and Reconciliation'.[43] In his address to the conference, Judge Goldstone observed:

> On the one hand there is the vital legal underpinning of the Truth and Reconciliation Commission without which such a commission could not succeed and would not exist. On the other hand there are philosophical, religious and moral aspects without which the commission would be an empty legal vessel, which would do a great deal of harm and achieve nothing.[44]

Goldstone asserts that both streams of thought are important for the success of the TRC. He was optimistic that the mandate would become clearer as the TRC progressed, and that these two streams would eventually merge. However, this was not the case, particularly with the reconciliation component of the TRC. Without a clear definition of reconciliation, or a clear mandate of reconciliation, the interpretation of the concept was entrusted to the guidance of the commissioners.

As we saw in Chapter 4 of this book, religious actors, rituals and concepts were prevalent in the TRC, which in turn conveyed the notion that the process had a religious nature. Hayner observes that there 'is a striking difference when the TRC is compared to other commissions that generally have been regarded more as legal, technical or historical investigations, with very little suggestion of a process rooted in religious convictions'.[45] Hayner attributes this to the religious constitution of the Commission, particularly the commissioners, who made reconciliation a central element in the TRC, and who in turn adopted a religious understanding of reconciliation. Hayner writes:

> Part of the reconciliation focus that was so prominent in South Africa resulted from the religious overtones to its work. Archbishop Desmond Tutu's personal perspective, priorities, personality and moral authority created an emphasis on reconciliation heavily influenced by Christian values, an impression perhaps strengthened by the religious background of the Deputy Chair, Alex Boraine, and made explicit in the various church services that welcomed the Commission around the country.[46]

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[43]   The proceedings of this conference are found in Boraine and Levy, *The Healing of a Nation?*

[44]   Richard Goldstone, 'To Remember and Acknowledge: The Way Ahead', in Boraine and Levy (eds), *The Healing of a Nation?*, p. 120.

[45]   Hayner, 'Same Species, Different Animal', p. 41.

[46]   Ibid.

Indeed, when compared with other truth commissions, the South African TRC was exceptional in at least two respects – the TRC incorporated reconciliation as a central component and it was imbued with religious overtones. Hayner's assertion that reconciliation was prominent in the TRC because of the religious leadership is largely correct, especially given that Boraine, an ordained minister, introduced the idea of bringing reconciliation into the title and process in the first place. However, to assume that reconciliation must necessarily result in exclusively religious conceptions of reconciliation because of the religious backgrounds of the TRC leaders would be an incorrect conclusion. To Hayner's credit, she recognises this. Reconciliation is not only a religious concept; it is also used in the legal profession. In the TRC, non-religious, legal scholars, such as Dullah Omar, also supported bringing reconciliation into the process. To highlight the contrast, Jakes Gerwel, the former Director-General in the Office of the State President, asks the question whether reconciliation, in the TRC, was a holy grail or a secular pact.[47]

The debate about the concept of reconciliation in the TRC focused on whether the TRC was a religious, spiritual instrument or a political, juridical instrument. On the one hand, critics such as Dirkie Smit, Tinyiko Sam Maluleke and Richard Wilson emphasised that the TRC was suppose to be essentially a political and juridical instrument, not a religious or spiritual enterprise.[48] Dirkie Smit, writing at the time of the TRC, was clear in his assessment of the commission's mandate. He states, 'The TRC is after all a juridical and public instrument, not a spiritual and Christian instrument'.[49] These critics of the 'religious' nature of the TRC emphasised the fact that the TRC was part of a political negotiation and a legal constitution; therefore it should have a legal and political nature. Maluleke asserts that as the TRC progressed it became a political process that hijacked Christian notions of reconciliation and forgiveness.[50] Moreover, he charges, the religious and spiritual conception of reconciliation was problematic because it 'dealt lightly with the wounds' of the victims.[51]

According to Piet Meiring's assessment, the jurists and the ex-politicians within the TRC focused more on a general understanding of reconciliation. 'They were adamant', Meiring recounts, 'one had not to expect too much. Simply be glad

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[47]   Jakes Gerwel, 'National Reconciliation: Holy Grail or Secular Pact?', in Villa-Vicencio and Verwoerd (eds), *Looking Back Reaching Forward*, pp. 277–86.

[48]   Dirkie Smit, 'The Truth and Reconciliation Commission: Tentative Religious and Theological Perspectives', *Journal of Theology for Southern Africa*, 90 (March 1995), pp. 3–15; Tinyiko Sam Maluleke, 'Truth, National Unity and Reconciliation in South Africa: Aspects of the Emerging Theological Agenda', *Missionalia*, 25/1 (April 1997), pp. 59–86; Wilson, *Politics of Truth*.

[49]   Smit, 'The Truth and Reconciliation Commission', p. 13.

[50]   Tinyiko Sam Maluleke, 'Dealing Lightly with the Wounds of My People', *Missionalia*, 25 (1997). Online, available at: www.geocities.com/missionalia/maluleke.htm (accessed 7 January 2009).

[51]   Maluleke, 'Dealing Lightly with the Wounds of My People'.

if people let go of one another's throats, when the dust settles in the streets'.[52] Yet, he observed that those who advocated bringing religion into the TRC believed that 'to speak about these things invokes the deepest principles and convictions of one's faith'.[53] Desmond Tutu, Alex Boraine and John de Gruchy claim that by having religious actors lead the process, and by making reconciliation a focal point, it was only natural that the TRC would take on a religious disposition.[54] As de Gruchy explains, 'the TRC vision arose out of religious and specifically Christian conviction and was shaped by the Christian doctrine of reconciliation'.[55] The TRC focused on concepts such as justice, forgiveness, reconciliation and reparations, which, de Gruchy argued, had strong religious overtones. Tutu echoes de Gruchy's observation, when he muses that President Mandela must have expected that the TRC would take on a religious nature because the concepts the TRC were supposed to focus on were 'not the normal currency in political discourse … forgiveness, confession and reconciliation were far more at home in the religious sphere'.[56] Excluding amnesty, the concepts that the TRC focused on are indeed central to most religious traditions, and particularly to Christianity. Those who advocated having religion play a role in the TRC contended that reconciliation should be of a religious nature.

Different Versions of Reconciliation in the Functioning of the TRC

The four factors described above contributed to a confusing, and inevitably controversial, understanding of reconciliation in the TRC. A number of conceptions of reconciliation developed within the life of the TRC. These are evident in the key text produced from the TRC, the *Final Report*. The report summarises the life and functioning of the TRC, and it provides the definitive text for any examination into the TRC's self-understanding of reconciliation. For this reason, we will focus on the *Final Report's* analysis of how reconciliation functioned in the TRC. This section will be followed by an assessment of the different conceptions of reconciliation.

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[52] Piet Meiring, 'Reconciliation: Dream or Reality', *Missionalia*, 27 (August 1999), p. 242.

[53] Ibid., p. 243.

[54] Desmond Tutu, *No Future without Forgiveness* (London: Random House, 1999), pp. 71–7; Boraine, *A Country Unmasked*, pp. 360–361; de Gruchy, *Reconciliation*, pp. 41–3; and Meiring, 'The *Baruti* versus the Lawyers: The Role of Religion in the TRC Process', in Villa-Vicencio and Verwoerd (eds), *Looking Back Reaching Forward*, pp. 123–31.

[55] de Gruchy, *Reconciliation*, p. 41.

[56] Tutu, *No Future without Forgiveness*, p. 71.

The Final Report

In Chapter 5 of the first volume of the *Final Report*, the key concepts and operating principles of the TRC are defined. Acknowledging that the overall task of the TRC was to promote national unity and reconciliation, the *Final Report* asserts that there was no clear understanding of what this meant. As a result, the TRC did not have a straightforward definition of reconciliation. Rather, there were, the *Final Report* suggests, five levels of reconciliation that emerged within the life of the TRC. The first level is referred to as 'coming to terms with the painful truth'.[57] This is personal reconciliation for victims and perpetrators. Victims are able to reconcile human rights violations that they had experienced, or that their loved ones had experienced; perpetrators were able to reconcile themselves with human rights violations they committed. The second level is 'reconciliation between victims and perpetrators'.[58] In cases such as this, a forum is created in order for both parties to come together and deal with their mutually painful past. The third level is 'reconciliation at the community level', where communities that had previously been in conflict come together to reconcile their differences.[59] The fourth level is the 'promoting of national unity and reconciliation', which is reconciliation at a national level and the type of reconciliation actually mandated by the Act. The *Final Report* acknowledged that the Commission had a particularly difficult task in facilitating national reconciliation. The fifth and final level of reconciliation is identified as 'reconciliation and redistribution', which focuses on reparations and the redressing of inequalities.[60] This section of the *Final Report* merely explains the different versions, or different elements, that the TRC addressed. There was, however, no analysis offered.

Instead of examining the complex links between the different elements of reconciliation that operated within the TRC, the *Final Report* simply refers the reader to the fifth and final volume, Chapter 9. This chapter, entitled 'Reconciliation', identifies *three* levels of reconciliation that occurred, namely 'individual, communal and national reconciliation'.[61] Indeed, there is some confusion about reconciliation even in the *Final Report*. In the first volume of the *Report*, five levels of reconciliation are acknowledged. By volume five, however, only three are mentioned. Hugo van der Merwe attributes the reduced number in the final volume to a self-realisation on the part of the TRC of its limited capacity.[62] The chapter devoted to reconciliation examines the various elements of reconciliation that occurred in the TRC by citing incidences of reconciliation from testimonies given at the TRC hearings, and cited verbatim

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[57]   *TRC Final Report*, vol. 1, ch. 5, p. 107.

[58]   Ibid.

[59]   Ibid.

[60]   *TRC Final Report*, vol.1, ch. 5, pp. 106–10.

[61]   *TRC Final Report*, vol. 5, ch. 9, p. 350.

[62]   van der Merwe, 'National and Community Reconciliation', p. 86.

from the transcripts. This chapter also examines reconciliation that restores human dignity in the victims, followed by some restoration for the perpetrators. It recalls examples of forgiveness granted by victims to perpetrators at the HRVC hearings. The chapter further identifies cases of reconciliation between victims and survivors with perpetrators at AC hearings; as well, it recalls symbolic actions of restitution and reparation, some from amnesty applicants and some from participants at the institutional hearings of military conscription, faith community and the legal community. The chapter concludes with a look towards the future of a democratic South Africa. The way forward, the *Final Report* argues, requires national reconciliation through the creation of a culture of democracy and respect for human life, the recognition of the needs of children and youth, the bringing together of veterans, the dealing with a legacy of hatred, fear, guilt and revenge, and working towards reconciliation at a community level.[63]

The different versions of reconciliation seem to disappear in the chapter entitled 'Reconciliation' in the *Final Report*. This entire chapter is devoted solely to reconciliation, however personal and individual reconciliation seems to have fallen away. Moreover, discussions of community reconciliation, and reconciliation through redistribution and reparation are minimal. The *Final Report* identifies the difficult task in facilitating reconciliation, particularly national reconciliation, and explains that these difficult experiences 'highlighted the potentially dangerous confusion between a religious, indeed Christian, understanding of reconciliation, more typically applied to interpersonal relationships, and the more limited, political notion of reconciliation applicable to a democratic society'.[64] This dangerous confusion may refer to the concern of bringing religious, specifically Christian, notions of truth-telling and reconciliation into the TRC, a political process. This may be reflective of the realist, secularist approach to international conflict resolution that is suspicious of religion. The writers of the *Final Report* were obviously concerned with the 'dangerous confusion' between a religious understanding of reconciliation and a political understanding of reconciliation because they flagged it in volume one of the report; however, the concern is not developed or discussed any further. The *Final Report* highlights this confusion as dangerous, yet it fails to offer any substantial analysis regarding how these competing versions aided or thwarted the practice of reconciliation. In effect, only two elements of reconciliation are dealt with in detail in the *Final Report*, namely interpersonal, and to a lesser degree national reconciliation.

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[63] *TRC Final Report*, vol. 5, ch. 9, pp. 350–436.
[64] *TRC Final Report*, vol. 1, ch. 5, p. 108.

Three Assessments of the TRC's Conception of Reconciliation

The concept of reconciliation has been discussed and assessed by scholars and observers of the TRC because of the controversial role reconciliation played in the TRC, which to some extent is a result of the 'dangerous confusion' that a Christian notion of reconciliation brought to the process. Most of the definitions of reconciliation identified by scholars of the TRC mark the distinction between the religious, Christian conception of reconciliation, and the legal, political conception. In this section, we will outline the important work of Hugo van der Merwe and Brandon Hamber; Richard Wilson, a noted human rights scholar and critic of the TRC process; and Tristan Anne Borer, a political scientist who specialises in conflict resolution. The purpose of this section is to enter into dialogue with key assessments of the role reconciliation played in the TRC in order to rethink reconciliation as the recreation of the moral order.

The first assessment carried out by Hugo van der Merwe and Brandon Hamber starts with the argument that the TRC lacked a clear definition of reconciliation, both initially and during the process. The result, they maintain, is that 'very seldom is anyone in South Africa talking about the same thing when they refer to reconciliation'.[65] Consequently, van der Merwe and Hamber argue that five 'ideologies' of reconciliation can be found in South Africa, and these were mirrored in the functioning of the TRC. The first ideology is a 'non-racial ideology of reconciliation', which focuses on dispelling the racial identities that apartheid emphasised. In South Africa, this version of reconciliation is sought after in the creation of a 'rainbow nation'; that is, a point in time where race is no longer a defining characteristic. The second is 'an ideology of intercommunal understanding'. In recognition of the diverse communal constituency of South Africa, this definition attempts to reconcile community groups through communication and tolerance. 'Religious ideology of reconciliation' is the third. It is based on the religious teachings on forgiveness.[66] The fourth ideology is 'a human rights approach to reconciliation'. This type of reconciliation is envisioned through the rule of law that will prevent human rights violations from occurring. The final definition sees reconciliation as a means of building community. And through rebuilding individual relationships the community will be reconciled.[67]

According to van der Merwe and Hamber, these different ideologies of reconciliation were not only found in South African society but also in the life of

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[65]   Brandon Hamber and Hugo van der Merwe, 'What is This Thing Called Reconciliation?'. Online, available at: www.csvr.org.za/wits/articles/artrcbh.htm (accessed 10 January 2009).

[66]   For an in-depth discussion on forgiveness, see Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988), and Everett L. Worthington (ed.), *Dimensions of Forgiveness: Psychological Research and Theological Perspectives* (Philadelphia: Templeton Foundation Press, 1988).

[67]   Hamber and van der Merwe, 'What is this Thing Called Reconciliation?'.

the TRC. In the TRC, however, the differences became more prominent, and thus problematic, when different groups and participants in the TRC adopted different ideologies of reconciliation, which at times competed and conflicted with other ideologies. Indeed, these competing ideologies contributed to the confusion surrounding the TRC's conception of reconciliation. The ideology that a group adopts shapes the vision of reconciliation and the means used to perpetuate that particular conception of reconciliation. For example, the ANC adopted the non-racial approach to reconciliation, whereas the NP espoused the intercommunal approach, and NGOs were inclined to embrace community and human rights approach to reconciliation. In effect, each interest group maintained a different ideology of reconciliation, which meant that there was at times very little dialogue or commonality in the quest for reconciliation in the TRC. Van der Merwe and Hamber explain that initially the TRC adopted a 'strong' religious ideology rather than the non-racial ideology, which emphasised forgiveness and truth-telling. This approach was criticised by NGOs and political parties such as the PAC for 'being too lenient on perpetrators', that is, encouraging perpetrators to come forward and 'confess', and then be 'let off with amnesty'. In the TRC, the lack of a clear definition and integration of a number of ideologies of reconciliation caused both confusion and manipulation, which contributed to the conflictual conceptions. Rather than mediate or bring people together, the conflicting ideologies of reconciliation too often drove them further apart.

Richard Wilson echoes van der Merwe and Hamber's observation that the TRC operated with different conceptions of reconciliation that at times conflicted. Similar to van der Merwe and Hamber, Wilson identifies three conceptions of reconciliation that were operating in the TRC; however, he calls them 'narratives' of reconciliation. Wilson observes that these narratives can coexist and cross boundaries. At times in the TRC they became more prominent to certain sectional interest groups, thus causing different conceptions to be emphasised over others. He observes that the dominant view of reconciliation in the TRC 'was created through an amalgam of transnational human rights values and a Christian ethic of forgiveness and redemption', which he sees as fundamentally problematic.[68] In other words, for Wilson, the TRC was a quasi-judicial institution that mixed legal, political and religious genres in inappropriate ways, which resulted in confusion over the TRC's understanding of reconciliation.

The first narrative Wilson identifies is the 'legal-procedural' narrative. According to Wilson, this would be the more elite and orthodox understanding of reconciliation. He explains that this narrative of reconciliation was a judicial interpretation of the Act and closest to its mandate. It was dominant among the TRC lawyers and judges; in turn it was most prominent in the Amnesty Committee (AC).[69] Positivist in nature, this narrative of reconciliation tended to be immune

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[68]   Richard A. Wilson, 'Reconciliation and Revenge in Post–Apartheid South Africa', *Current Anthropology*, 41 (2000), p. 80.

[69]   Wilson, *Politics of Truth*, p. 104.

to values and political judgments; it was unconcerned if perpetrators showed guilt or remorse at the hearings. Wilson explains, 'Reconciliation did not really figure as a key concept in the hearings and operations of the Amnesty Committee. This was ironic considering that in the 1993 Constitution, amnesty was the main (and indeed the sole) instrument for achieving reconciliation'.[70] The implication of this legal-procedural narrative of reconciliation was that the victims' experiences were not considered central to the process. Vengeance was renounced and the right to punish by law withdrawn.[71]

The 'mandarin-intellectual' is the second narrative of reconciliation. This narrative represented the alliance between individuals in the Human Rights Violations Committee (HRVC) and the Research Unit, where intellectual leadership and government bureaucrats were most prevalent. This approach, Wilson writes, 'explicitly rejected an individually-oriented notion of reconciliation and leant towards a more abstract focus on the nation'.[72] This represented a shift from reconciling the 'people of South Africa', which was the emphasis of the Interim Constitution, towards focusing on national reconciliation. According to Wilson, this mandarin-intellectual narrative was a more abstract reading of the concept of reconciliation. Instead of focusing on individual reconciliation between victims and perpetrators, between social groups, or between classes and races, this narrative of reconciliation focused on reconciling the nation of South Africa. Wilson asserts that, with the exception of the academics and government bureaucrats, this was not widely accepted.

The final reconciliation narrative is the 'religious-redemptive'. This narrative, Wilson argues, 'pursued a substantive notion of reconciliation as a common good, defined by confession, forgiveness and redemption, and the exclusion of vengeance'.[73] In comparison to the other two narratives, it was the most populist. It was prevalent, Wilson notes, in the hearings of the HRVC, and advocated by the religious leadership, specifically Archbishop Tutu, and by members of the Reparation and Rehabilitation Commission (RRC). It sought not just reconciliation of the nation, but also reconciliation between individuals within the nation.[74]

Tristan Anne Borer, author of *Challenging the State: Churches as Political Actors in South Africa, 1980–1994*, acknowledges that the TRC's self-understanding of reconciliation, as depicted in the *Final Report*, as well as van der Merwe and Hamber's, and Wilson's definitions of reconciliation, operated within the TRC. Borer observes that reconciliation is a multidimensional concept and that different scholars use different phrasing. She asserts, however, that in the

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[70] Ibid., p. 105.
[71] Ibid., p. 106.
[72] Ibid., p. 107.
[73] Ibid., p. 109.
[74] Ibid., p. xix.

TRC there were two distinct and overarching categories, which basically led to the TRC adopting two primary models of reconciliation.[75]

The first model of reconciliation that Borer identifies is the 'interpersonal or individual reconciliation' model.[76] According to this model, reconciliation occurs between individuals, either between two people, most often a perpetrator and a victim, or to a lesser extent reconciliation occurs within oneself. The focus of 'interpersonal or individual reconciliation' is on reconciling victims and perpetrators of human rights violations, and it tends to adopt two forms, the religious paradigm and the medical/therapeutic paradigm. Borer associates terms such as 'healing, apology, forgiveness, confession, and remorse' with this model of reconciliation.[77]

The second model of reconciliation is the 'national unity and reconciliation' (NUR). To contrast this with the 'interpersonal and individual model', she associates terms such as 'tolerance', 'peaceful coexistence', 'rule of law', 'democracy', 'human rights culture', 'conflict resolution', 'transparency' and 'public debate' with the NUR model. It presupposes that 'former enemies are unlikely to agree with each other or even to get along very well. The best that can be hoped for in an NUR process is enhanced peaceful coexistence'.[78] This model is typically associated with a political paradigm that uses socio-political institutions and processes as units of analysis rather than individual people, such as victims and perpetrators.

So what is the upshot of all this work? The *TRC Final Report* initially identified five definitions of reconciliation that operated in the TRC. Van der Merwe and Hamber also identify five ideologies. Wilson identifies three narratives, while Borer amalgamates all the definitions into two overarching models. Though Borer's two models are not without problems, Borer's distinction seems to best represent the dominant models of reconciliation developed within the TRC because her two models encompass the different operating conceptions of reconciliation functioning in the TRC. For example, Borer's 'interpersonal and individual model' would encompass the TRC's first two levels of reconciliation, namely 'coming to terms with the painful truth' and 'reconciliation between victims and perpetrators'. This model would also encompass van der Merwe and Hamber's religious ideology, and Wilson's religious-redemptive narrative. Furthermore, Borer's second model, the NUR model, would encompass the TRC's last three levels of reconciliation, namely 'reconciliation at the community level', 'promoting of national unity and reconciliation' and 'reconciliation and redistribution'. Borer's NUR model would also include van der Merwe and Hamber's non-racial ideology and intercommunal

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[75]   Tristan Anne Borer, 'Reconciling South Africa or South Africans? Cautionary Notes from the TRC', *African Studies Quarterly: Online Journal for African Studies*, 8 (2004). Online, available at: http://web.africa.ufl.edu/asq/v8/v8i1a2.htm (accessed 10 January 2009).

[76]   Ibid.

[77]   Ibid.

[78]   Ibid.

ideology as well as Wilson's legal-procedural narrative and mandarin-intellectual narrative. In line with Borer, I also see two versions of reconciliation developing over the course of the TRC. I see a political version of reconciliation that focused on reconciling the nation, and a moral and religious, specifically Christian, version of reconciliation that focused on interpersonal and individual reconciliation.

In theory, the TRC had intended to examine five different notions of reconciliation; yet in practice, only two developed, and dominated, the functioning of the TRC. What appears to have happened is that the TRC, perhaps unwittingly, adopted the categories of modern liberalism, which make a fairly radical distinction between the religious and the political. As we noted in the previous chapter, the public-private/political-religious distinction is usually more representative of modern-liberal societies than of traditional South African conceptions of politics and religion. In fact, these categories were never distinct in South Africa, neither for the blacks nor the whites. On the one hand, as the distinction became more evident in the TRC process, the positive outcome was that these categories helped shape the public face of the TRC, not only for South Africans but also for the world. On the other hand, the detrimental outcome was that these categories were artificial constructs, which have been re-instantiated in the daily lives of South Africans since the TRC. Moreover, as mentioned in the previous chapter, when it came to reparations and national reconciliation, the public-private/political-religious distinction became a barrier instead of a facilitator of reconciliation. Therefore the focus was on examining the different conceptualisations of reconciliation that operated in the TRC.

Reconciliation in the TRC: Restoring the Moral Order

The *TRC Final Report* and the assessments by scholars such as van der Merwe, Hamber, Wilson and Borer focus on the different categorises and definitions of how reconciliation was conceptualised in the process. These assessments and distinctions are helpful, I would submit, insofar as they may be used as heuristic devices, which demand that we stop and evaluate how successful reconciliation has been in South Africa. However, approaches to understanding reconciliation are quite limiting, and for that reason tend to yield negative answers based on often-imported standards of reconciliation. We have seen how the TRC struggled to define reconciliation in the TRC. The TRC may have intended to adopt a broad definition of reconciliation, which corresponded to the five levels of reconciliation identified in the first volume of the *Final Report* under the heading 'Concepts and Principles'. Yet the political-legal reconciliation that focused on reconciling the nation, and religious reconciliation were more prominent in the functioning of the process.[79] Reconciliation is a long-term and ongoing process, which may never

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[79]   Borer, 'Reconciling South Africa or South Africans?'. This distinction is not unique; it can be traced back to the foundational document of the TRC, the Interim Constitution,

be fully completed. Moreover, how reconciliation is measured is difficult because there is no objective criterion to determine whether the people or the nation of South Africa have achieved reconciliation.

Moving Beyond Static Definitions of Reconciliation

Individual reconciliation   Individual reconciliation is difficult to gauge because it would at the very least require a number of personal interviews to determine if the TRC actually led to individual peace, or reconciliation, and if it was sustained over a period of time. Such a task was simply beyond the scope of the TRC mandate. There are examples of individual reconciliation from TRC hearings, such as Tim Ledgerwood, former conscript of the South African Defence Force and MK member who had been tortured by the security police. At the special hearing for conscription, Ledgerwood testified:

> The [Commission] has deeply affected my life in a short space of time that has elapsed since I first came to their offices here in Cape Town and told my story to one of the investigators. It has begun a healing process in all sorts of relationships in my family and has enabled me to begin on my own road to inner healing.[80]

To be sure, there are similar anecdotes surrounding the TRC. But the long-term, sustainable effects of this type of interpersonal healing and individual reconciliation would require systematic follow-up, most likely by psychologists or other social scientists, to assess the degree of reconciliation.[81] But even in such a study, determining what psychological standard actually merits a judgement of 'reconciled', or 'not reconciled', depends on many external factors related to the methodology of a study as well as the subjective responses from a representative sample of South Africans.

Interpersonal reconciliation refers to the coming together of at least two parties, namely the victims and perpetrators. The TRC provided a forum for victims and perpetrators to tell their truth and to participate in the creation of a new moral

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which identified both national and interpersonal reconciliation as twin goals of the TRC. Interim Constitution of the Republic of South Africa, Act 200, 1993, ch. 15, sec. 251.

[80]   *TRC Final Report*, vol. 5, ch. 9, p. 353.

[81]   For examples of studies that examine the success of healing and reconciliation after the TRC, see the research conducted by CSVR, in conjunction with Khulumani Victims Support Group. A particularly important text is 'Survivors' Perceptions of the Truth and Reconciliation Commission and Suggestions for the Final Report', online, available at: www.csvr.org.za/wits/papers/papkhul.htm (accessed 10 January 2009); also Christopher J. Colvin, '"We Are Still Struggling": Storytelling, Reparations and Reconciliation after the TRC', online, available at: www.csvr.org.za/wits/papers/papcolv.htm (accessed 10 January 2009).

community in South Africa. While there is no guarantee that reconciliation will follow truth-telling, the TRC did demonstrate that reconciliation between victims and perpetrators may stem from some element of truth-telling, which limits the range of lies that are told and thereby creates a foundation on which to build an inclusive South Africa. Remarkably, the TRC demonstrated this in spite of its structure, which actually, at times, tended to isolate victims and perpetrators. As I have argued in the previous chapters, the structure of the HRVC and AC hearings practically denied the opportunity for the two sides to come together. On the one hand, the HRVC hearings were the forum for victims to tell their stories in their language. The perpetrators were noticeably absent from these hearings. On the other hand, the AC hearings were for perpetrators. The only time that victims and perpetrators came together in the same space was in the AC hearings, when victims had an opportunity to testify at their perpetrator's hearing. But victim–perpetrator reconciliation was not formally facilitated in these AC hearings. As Richard Wilson recalls, 'reconciliation did not really figure as a key component in the hearings and operations of the Amnesty Committee … In over six weeks of amnesty hearings I attended, the word "reconciliation" was never mentioned by any member of the Amnesty Committee'.[82] Although Wilson's claim may contain some hyperbole, the fact of the matter is that the work of reconciliation had to be done mainly outside the formal structure of the TRC, on an ad hoc basis and often at the prompting of commissioners such as Pumla Gobodo-Madikizela, a trained psychologist. Indeed, some of the most widely celebrated examples of victim–perpetrator reconciliation in the TRC – cases such as Ginn Fourie, Linda Biehl and the wives of the Cradock Four – were initiated by the AC hearings, but the actual work of reconciliation took place outside of the official hearings.[83] These examples were the exceptions rather than the rule. In most cases, victims and perpetrators had little contact with each other outside the courtroom-like setting of the AC hearings.

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[82]   Wilson, *Politics of Truth*, p. 105.

[83]   Ginn Fourie has documented her journey to reconciliation with Letlapa Mphahlele, the APLA commander who gave the order to bomb the tavern where her daughter Lyndi was killed. It is available on the website of the foundation that was started by Fourie and Mphahlele. 'Lyndi's Death and the Post TRC Period' (April 2002), online, available at: www.lyndifouriefoundation.org.za/lyndi.html (accessed 10 January 2009). The initial meeting between the perpetrators of the tavern attack and Fourie, which occurred outside the TRC AC hearings, is recalled in Ginn Fourie, 'A Personal Encounter With Perpetrators', in Villa-Vicencio and Verwoerd (eds), *Looking Back Reaching Forward*, pp. 230–38.

The journey of reconciliation between Linda Biehl and the perpetrators of her daughter Amy, as well Nomonde Calata and Nyameka Goniwe, the wives of the Cradock Four, and the murderers of their husbands, are chronicled on the award-winning documentary *Long Night's Journey Into Day* (2000), directed by Frances Reid and Deborah Hoffman. The transcript of the documentary can be found online at: www.newsreel.org/transcripts/longnight.htm (accessed 10 January 2009).

National reconciliation　　There are at least three problems with the TRC's attempt to achieve national reconciliation. First, as we have noted, national reconciliation is problematic because it is difficult to know if a nation is ever reconciled. Second, national reconciliation presumes that there is a time in which reconciliation will be actually achieved, or there is a measurement that can be used to determine whether nations are reconciled. Finally, national reconciliation presupposes that we know what national unity and national reconciliation looks like.

Traditionally, the designation 'nation' implies certain shared components of a group of people, such as common language, cultural reference, a shared homeland and even race. These distinct components of nationhood were elevated in South Africa under apartheid; in effect, national identity became the identity of the two racial categories. Apartheid emphasised two distinct races, namely the whites and the non-whites, and it became the general classification in South Africa under apartheid. The result was that the racial distinctions became tied up with national identity. The 'white nation' consisted of the Afrikaners and the British, who had distinct national identities that had been at odds with each other. And within the 'non-white nation' there were numerous nation-races (tribes), such as the Coloureds, Zulus and Xhosa. There are at least 11 distinct nation-races in South Africa, which are represented in the 11 official languages of the country today. Each of these nations has their own language, cultural reference and, to some extent, racial identity. Does national reconciliation mean, then, that these nations (tribes) must give up their distinct national identities? Does it mean that black Africans, as a collective, must lose a politically robust identity that sustained them over their 40-year struggle against apartheid? Despite some claims that national reconciliation was achieved in South Africa,[84] insofar as there has not been massive bloodshed or a backlash of black retaliation against whites, there remains no objective standard by which to measure whether national reconciliation was achieved. Perhaps national reconciliation meant bringing together those who were for apartheid and those who were against it.

Religious reconciliation　　According to Alex Boraine and John de Gruchy, religious reconciliation was one of the important outcomes of the TRC. This type of reconciliation, they argued, was a predominantly Christian conception.[85] Despite their claim to the contrary, their own understanding of Christian reconciliation actually suggests that the TRC was unable to facilitate this version of reconciliation. For example, Boraine describes the Christian understanding of reconciliation as a gift from God; traditionally it is the covenant between God and an individual, with Jesus as the mediator. Boraine asserts that before this gift from God can occur, one must first reconcile with one's neighbour. He identifies 'a number of steps that take place in the reconciliation process: confession, repentance, restitution,

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[84]　For further discussion on the success of the TRC is generating reconciliation, see van der Merwe, 'National and Community Reconciliation', pp. 83–106.

[85]　de Gruchy, *Reconciliation*, p. 1, and Boraine, *A Country Unmasked*, pp. 360–61.

and forgiveness'.[86] However, if we are to assume that Boraine's definition of the process of reconciliation is correct, which to some degree it is, then Christian reconciliation was unable occur in the life of the TRC because the structure of the TRC did not allow space for repentance and restitution to occur.

Arguably, though, the confessional component of the TRC may have occurred through truth-telling. As we noted in the previous chapter, John de Gruchy suggests that 'story-telling is, in fact, the most appropriate genre for introducing the Christian understanding of reconciliation; it was also the primary form of discourse at the TRC'.[87] To be sure, there was space for a kind of confession through truth-telling. But particularly in the AC hearings, where repentance would have most likely occurred, there was no formal space for repentance. In fact, as we noted in the previous chapter, the language of repentance was prohibited in the AC hearings – the only sanctioned discourse was a legal-forensic one. Indeed, amnesty applicants did not have to show remorse. They did not have to repent for the human rights violations they had committed. Nor did they have to make an apology. Their amnesty was conditional only on telling the truth. And while the TRC did hold reparations hearings, there was no space for individual restitution. In short, restitution did not occur within the life of the TRC because the TRC was only able to make recommendations to the President's fund. The TRC had no power to grant reparations. Furthermore, the traditional social relationships presumed in Christian concepts of reconciliation are absent in the TRC. When the South African government was made the agent of restitution – or reparation – there was a risk that the conciliatory act of restitution removed responsibility from individuals. While government involvement may facilitate a kind of structural healing, it may also protect perpetrators. Hannah Arendt, in thinking about Germany's coming to terms with its Nazi past, identified the fundamental problem with such collective expressions of guilt: 'where all are guilty, no one is'. For Arendt, confessions of collective guilt are little more than whitewash and the best possible safeguard against identifying and pursuing perpetrators. Moreover, she argues that the larger the crime, the greater the excuse for doing nothing.[88] Indeed, the irony in South Africa is that the ANC government is responsible for making reparations on behalf of the offenders who sought to protect apartheid, in effect, standing in for the very individuals and system that the ANC struggled against for 40 years. So, according to Boraine's definition of Christian reconciliation, particularly with the repentance and reparations components, Christian reconciliation was bound to fail in the TRC.

Yet, assessing the role that religion played in the TRC process remains an important task, especially in regard to the question of whether the TRC's

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86   Boraine, *A Country Unmasked*, p. 360.
87   de Gruchy, *Reconciliation*, p. 22.
88   Hannah Arendt, *Responsibility and Judgment* (New York: Schocken Books, 2005).

understanding of reconciliation led to 'cheap reconciliation'.[89] The notion of cheap reconciliation in South Africa was first raised in the 1985 Kairos document, written when the South African Christian churches were struggling with ways to confront the political crisis of apartheid. In the Kairos document, the authors cautioned that reconciliation without 'justice' would lead to 'cheap reconciliation', a concept they borrowed from the German theologian Dietrich Bonhoeffer (1906–1945). In response to an uncritical, bourgeois German cultural-Protestantism that had fallen silent in the face of National Socialism, Bonhoeffer argued that 'cheap grace' demands little from the believer, other than the occasional church service or participation in religious holidays. Cheap grace is a comfortable grace, which calls neither the individual nor the status quo to transformation. Based on Bonhoeffer's work, some observers of the TRC have argued that cheap reconciliation is a kind of reconciliation that fails to address systemic issues of injustice like racism, land dispossession and social inequality. In the foreword of the TRC *Final Report*, Tutu acknowledges this challenge. He claims it is 'only on the basis of truth that true reconciliation can take place. True reconciliation is not easy; it is not cheap'.[90] It is important that the question of whether it was cheap reconciliation is followed by whether reconciliation leads to justice. Moreover it is helpful to the transition to a culture of human rights and inclusion of participants in the moral community. The TRC attempted to avoid cheap reconciliation, and work towards reconciliation that promoted justice, perhaps implicitly through the interjection of *ubuntu* into the process.

Ubuntu

Ubuntu is an ethic, or ideology, based on an African worldview and an interdependent anthropology. *Ubuntu* is derived from the Zulu and Xhosa languages and has no direct English translation. Archbishop Tutu explains that *ubuntu* 'speaks of the very essence of being human … it also means my humanity is caught up, is inextricably bound up in theirs'.[91] It can be translated from the Xhosa axiom, '*umuntu ngumuntu ngabanye bantu*' ('people are people through other people').[92] Archbishop Tutu led the interjection of the concept into the TRC.[93] Tutu's understandings of *ubuntu* 'combined African, liberationist, and traditional Christian elements', explains Michael Battle author of *Reconciliation: The Ubuntu*

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[89]   Miroslav Volf, 'Forgiveness, Reconciliation, and Justice: A Christian Contribution to a More Peaceful Social Environment', in Raymond G. Helmick and Rodney L. Peterson (eds), *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation* (Philadelphia: Templeton Foundation Press, 2001), pp. 34–6.

[90]   *TRC Final Report*, vol. 1, ch.1.

[91]   Tutu, *No Future Without Forgiveness*, pp. 34–5.

[92]   Lyn Graybill, *Truth and Reconciliation in South Africa: Miracle or Model* (Boulder, CO: Lynne Rienner, 2002), p. 32.

[93]   Ibid.

Theology of Desmond Tutu.[94] Indeed, *ubuntu* is central to Tutu's understanding of forgiveness and reconciliation, in what is sometimes referred to as Tutu's *ubuntu* theology.[95]

To be clear, Tutu was not solely responsible for interjecting the concept of *ubuntu* into the TRC. *Ubuntu* was first identified as an element in the transition from apartheid to democracy in South Africa in the postscript of the 1993 Interim Constitution. It stated, 'There is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization'.[96] The Interim Constitution recognised that peace in South Africa required reconciliation in the spirit of *ubuntu* insofar as there was no further victimisation. Furthermore the Act, which outlined the mandate and operating principles of the TRC, quoted verbatim the section containing the term *ubuntu*.[97] In short, *ubuntu* was a constitutive element of the TRC.

In the TRC process, then, there emerged an ethical principle: when you fail to engage all people in the moral conversation, then the nation is still divided. If there is no accountability, or in the words of the Kairos theologians, no 'justice', then the reconciliation is in fact cheap. The way the TRC sought to unite South Africa was through *ubuntu*, an approach to reconciliation that recognises a sense of duty that respects the mutuality of humanity and the moral community. Forgiveness and reconciliation, coupled with *ubuntu*, raised recognition of mutual humanity and expanded the moral community by insisting that, if one is damaged, then the entire community is damaged. The way to heal this was to work towards reconciliation through justice, and *ubuntu* became the facilitator.

Reconciliation as a Process of Restoring Moral Order

To conclude, then, we can see that there is a problem with measuring whether reconciliation occurred because there is no agreed upon conception of justice in the TRC. There are also no objective criteria that are widely agreed upon to determine whether anyone, let alone the nation of South Africa, has achieved reconciliation. In this respect, reconciliation remains subjective and ongoing. In the TRC, there was certainly no standard or definition of reconciliation by which we could measure its success.[98] To be clear, I am not suggesting that appeals to

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[94]   Michael Battle, *Reconciliation: The Ubuntu Theology of Desmond Tutu* (Cleveland: Pilgrim Press, 1997), p. 4; Graybill, *Truth and Reconciliation*, p. 11.

[95]   Battle, *Reconciliation,* p. 31.

[96]   Interim Constitution of the Republic of South Africa, Act 200, 1993, ch. 15, sec. 251.

[97]   Promotion of National Unity and Reconciliation Act.

[98]   This is in contrast to the work of James L. Gibson. His book entitled *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russell Sage Foundation, 2004), is a social scientific attempt to quantify the relationship between truth and reconciliation and measure the success of the TRC based on this criterion.

normative standards have no place in an assessment of the TRC and the ongoing struggles for social and economic justice in South Africa. My argument, rather, is that we should also examine reconciliation with a hermeneutical (or interpretative) approach, which includes continual questioning and reconsidering the 'process of reconciliation'. Within this perspective, the attempt to reconstruct South African society based on human rights, democracy, peaceful coexistence and equal development opportunities is enhanced by an appeal to the symbolic and moral category of reconciliation.[99]

It remains unclear what the TRC had in mind when it incorporated reconciliation into the process. The early concern that the religious and political streams of reconciliation would merge in the process, voiced by Judge Goldstone before the TRC commenced, did not come to fruition.[100] The lack of definition and operating principle of reconciliation in the TRC led to a focus on conceptualising reconciliation, rather than on creating a moral order based on justice. Whether reconciliation, religious or political, will help the transition in South Africa is dependent on the role of justice because there cannot be sustainable reconciliation without justice. As Chilean president Patricio Aylwin stated in the IDASA conference, a truth commission is about the 'right equilibrium' – balancing national reconciliation with truth, justice and amnesty on the one hand, and on the other hand balancing the rewriting of history, economic justice and creating a moral order.[101] Perhaps South Africa should have heeded his warning to focus on restoring the moral order, rather than to focus primarily on truth and reconciliation.

As early as 1994, at the 'Dealing with the Past' conference hosted by the Institute for Justice in Transition, Boraine advocated a different way of thinking about reconciliation. He promoted the reconstruction of the moral order based on economic justice. He stated, 'economic justice and restoration of moral order must be seen as the twin goals. The attempt to narrow the gap between the dispossessed, disadvantaged majority and the privileged few and the attempt to restore the moral order cannot be separated: the healing of the nation will require absolute commitment to both'.[102] For Boraine, the healing of the nation requires nothing less than justice and restoration of the moral order, which only reconciliation could generate.

Similarly, John de Gruchy challenged the use of the term reconciliation, when he stated that 'the word is so overloaded with ambiguity in some contexts and so emptied of significant meaning in others, that we may well wonder whether it remains a useful term in universal discourse'.[103] He noted that there are different

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[99] Interim Constitution of the Republic of South Africa, Act 200, 1993, ch. 15, section 251.

[100] Goldstone, 'To Remember and Acknowledge', p. 120.

[101] Omar, 'Building a New Future', p. 8.

[102] Boraine and Levy, *The Healing of a Nation?*, p. xvii.

[103] de Gruchy, *Reconciliation*, p. 25.

meanings and connotations in translating reconciliation into the 11 official languages in South Africa.[104] De Gruchy suggested that reconciliation 'is about restoring justice'.[105] He saw reconciliation as a process, central to the transition to democracy. It was necessary for the transformation and reconstruction of South Africa because it not only deals with social healing, such as 'alienation, enmity and hurt',[106] it works to restore humanity at the structural levels.[107]

In retrospect, it appears that the TRC was not simply focused on achieving truth or reconciliation; it was seeking truth in order to promote reconciliation in the attempt to create a moral order in South Africa. In the words of Aylwin, 'only the disclosure of the truth and the search for justice can create the moral climate in which reconciliation and peace will flourish'.[108] Reconciliation was not something that would simply occur and be achieved; it would be long-term and ongoing. The TRC could have begun the process of reconciling for South Africa, which would mean working towards a new moral order that was based on justice, human rights, respect for the law, democracy, peaceful coexistence and equal opportunities. Reconciliation would commence the structural changes necessary for restoring the moral community through truth-telling, which attempted to bring all voices and parties into the TRC. Reconciliation was a process that would restore, through *ubuntu*, the divisions created by apartheid. The process of working towards national unity and reconciliation would continue through the striving for justice, the substance that will reconstruct South Africa.

Conclusion

This chapter focused on reconciliation in the TRC. To begin, I examined four factors that complicated an understanding of reconciliation in the life of the TRC. I demonstrated that both the Interim Constitution of 1993 and the Act of 1995, which established the TRC, provided little guidance when it came to defining reconciliation. I noted that these central documents did, however, emphasise that the TRC would only *promote* reconciliation, not achieve it. In addition, I identified two streams of reconciliation in the TRC: a moral-religious stream and a legal-political stream. Next, I focused on various models of reconciliation. I concluded that Tristan Anne Borer's distinction between 'interpersonal or individual reconciliation' model and the 'national unity reconciliation' model provides a basic, yet analytically fruitful framework for understanding the various ways in which reconciliation was used in the TRC. I closed this chapter by arguing that, in spite of the many structural barriers in the Commission,

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[104] Ibid., p. 29.

[105] Ibid., p. 25.

[106] Ibid., p. 27.

[107] Ibid., p. 25.

[108] Quoted in Boraine, 'Conclusion', p. 144.

reconciliation ended up complementing truth-telling in the TRC. If truth-telling was an attempt to restore persons to a moral conversation or community, then reconciliation was an attempt to restore moral order and to set the conditions for the pursuit of justice.

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Chapter 7
Justice

This chapter is about justice and the TRC, arguably the most contentious subject relating to the Commission. On the one hand, the Commission stands as a monumental national success because it fostered a relatively peaceful transition from apartheid to democracy. On the other hand, the Commission stands as a missed opportunity to mete out long-awaited justice in South Africa. For instance, as we noted in Chapter 5, the 'truth' component of the TRC has not yet yielded the promised socio-economic reparations. Moreover, some critics have charged that the authorisation of a Christian discourse of truth-telling actually impeded justice. In Chapter 6, I showed how the competing definitions of reconciliation led to widespread confusion around the 'reconciliation' dimension of the TRC. Indeed, it remained unclear whether reconciliation was supposed to bring about the restoration of moral order, the restoration of legal justice, or perhaps both the moral order and legal justice, even though there were no wide-ranging legal mechanisms in place to make the legal justice possible. Other scholars, such as John de Gruchy, argued that reconciliation portended structural and restorative justice. Despite the fact that justice was not included in the title of the Commission, or even a part of the Commission's mandate, justice has remained, from the TRC's inception, one of the crucial themes associated with the Commission's work.

To limit our discussion, I will concentrate on justice as it relates to our examination of the TRC as a case study for religious conflict resolution. It is therefore not my intention to provide a complete picture of justice and the TRC, one that would necessarily include detailed discussions of justice in international law, political theory, systems of African tribal justice, and so on. To do so would simply be beyond the scope of this book. However, I will occasionally draw on literature from these perspectives to provide context for the discussion of the role that Christianity played in influencing concepts of justice operating in the TRC. Instead, I address four of the most crucial and enduring criticisms of the TRC and its pursuit of justice. The four topics I examine are (1) the tensions between Christianity and the legal and political mandate of the TRC, (2) the effects of emphasising the 'Christian' concepts of forgiveness and reconciliation over traditional African notions of justice as punishment and vengeance, (3) the apparent incongruity between the TRC's amnesty provision and punishment, and (4) the lack of attention paid to structural injustice and the promised, but not yet received, financial reparations. Moreover, at the core of this chapter is a fairly extensive treatment of both retributive justice and restorative justice. Retributive justice usually refers to a type of justice that is meted out through punishment, or

as Grotius formally put it, 'suffering harm for having done harm'.[1] By contrast, restorative justice is, as Desmond Tutu stated in the TRC *Final Report,* 'concerned not so much with punishment as with correcting imbalances, restoring broken relationships'.[2]

One of the most serious charges levelled against the TRC is that justice was 'compromised' or even 'sacrificed'. Whether the criticism of compromised or sacrificed justice stems from a charge of political expediency, negligent transitional leadership, or the strong-arm tactics of TRC commissioners such as Tutu, the point remains: many of those who suffered under the apartheid regime were not only denied their right to justice and civil suit recourse, but they continue to live in a socio-economic situation that unjustly favours those who benefited most under apartheid. In the many debates that have ensued from charges such as these, a series of interlocking dualisms has emerged – namely, religious versus legal justice; restorative versus retributive justice; systemic versus individual justice; amnesty versus punishment; and symbolic reparations versus socio-economic justice. These dualisms have often defined the terms of debate and at times polarised the ideological commitments of those involved in assessing the process. This polarising effect is, I want to suggest, most noticeable when interlocutors fail to embrace the inherent tensions in these dualisms, thereby entering into debate with a dichotomous either/or position. Consequently, my purpose in raising the following criticisms is not to choose between religion and politics; restorative and retributive justice; systemic and individual justice; amnesty and punishment; or symbolic reparations and socio-economic justice. Instead, I want to maintain the various tensions because I see both analytical and normative value in holding, for example, that justice consists of both restorative and retributive principles. In order to maintain this tension in our discussion, it is imperative that we provide a fair, yet critical assessment of the criticisms surrounding justice and the TRC. Accordingly, I identify four primary criticisms that not only challenge the success of the South African TRC, but also pose challenges for any project involving religious conflict resolution. I address each of the four in the form of a question: (1) Did the influence of Christianity impede justice because it was incompatible with the legal and political processes? (2) Did the TRC deny traditional African notions of justice as punishment by pursuing the 'Christian' concepts of forgiveness and reconciliation? (3) Did amnesty preclude punishment? And (4) did individual truth-telling and amnesty prohibit the pursuit of structural justice and reparations?

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[1]   Grotius, *De iure belli ac pacis* 2.20.I; in Oliver O'Donovan and Joan Lockwood O'Donovan (eds), *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100–1625* (Grand Rapids: Eerdmans, 2000), p. 81.

[2]   *Truth and Reconciliation Commission of South Africa Final Report*, vol. 1 (Cape Town: Juta, 1998), ch. 1, par. 36, p. 9.

Did Christianity Impede Justice because it was Incompatible with the Legal and Political Processes?

We saw in previous chapters that the role of Christianity in the TRC, and especially in the public hearings, remained uncertain throughout the process. Despite various concerns and objections about whether Christianity belonged in the TRC, commissioners rarely, if ever, dismissed them as politically motivated attempts to undermine the process or to gain power, even though this may have sometimes been the case. In many respects, the stakes were simply too high for such breezy dismissals, for behind much of the criticism there was the fundamental argument that, more than any other single factor, the inclusion of Christianity – and particularly the version of Christianity promoted by Desmond Tutu and Alex Boraine – impeded justice. Since this criticism challenged the credibility of the process, Tutu and other commissioners often had to defend the TRC against charges that the Commission was failing to carry out its legal and political mandate because the leadership had allowed religious language to dominate many of the proceedings, specifically the Human Rights Violations Committee (HRVC) hearings. While the magnitude of this criticism has perhaps waned since the hearings ended in 1997, it stands as an important point of departure not only for those interested in understanding how the inclusion of Christian discourse affected justice in the TRC, but also for those who consider religious conflict resolution a key component in achieving justice in times of political transition. To help develop a discussion of this criticism, I turn to three sources: Hugo van der Merwe from the Centre for the Study of Violence and Reconciliation (CSVR) in Cape Town; Richard Wilson, the director of the Human Rights Institute at the University of Connecticut, and author of the book *The Politics of Truth and Reconciliation in South Africa* (2001);[3] and the TRC *Final Report*.

Hugo van der Merwe observes that the decision to combine the legal process of amnesty with religious concepts of forgiveness and reconciliation created moral dilemmas that were, for the most part, recognised prior to the start of the TRC, but were largely ignored. According to van der Merwe, this led to a tremendous amount of confusion concerning the objectives of the TRC and what victims, in particular, were supposed to expect from the process. For example, rather than presenting and conducting the process as a legal one created by a political compromise, which in fact it was, the TRC leadership, and especially Tutu, emphasised forgiveness and reconciliation. In effect, this emphasis forced victims to think of the TRC in extra-legal terms. Van der Merwe writes:

> Victims are now faced with a morally and religiously sanctioned process of
> absolution. For victims who are ready to forgive, this may be an additional social

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[3] Richard A. Wilson, *The Politics of Truth and Reconciliation: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001).

aid in their healing process, but for those who oppose amnesty (or resent it being granted), it could well be seen as a rejection of their moral sense of injustice.[4]

To van der Merwe, then, because some victims felt undue pressure to forgive and to pursue reconciliation according to the religious sensibilities advocated by the TRC, the process too often failed to address the injustices that many victims had actually experienced.

With certain affinities to van der Merwe's argument,[5] Richard Wilson addresses the apparent inability of the TRC to achieve victim–offender reconciliation, which he identifies as a moral issue, or redress human rights violations, which he considers a legal matter. Wilson's thesis is that the mixing of religion (i.e. the religious-redemptive version of forgiveness and reconciliation) with the legal discourse of human rights basically undermined the TRC's task of rewriting history, fostering reconciliation and generating 'justice'. He writes:

> The TRC's position as a quasi-judicial institution allowed it to mix genres – of law, politics and religious [*sic*] – in particularly rich ways. This makes [the TRC] a fascinating case study in order to understand how human rights talk interacts with the wider moral and ethical discourse. However, I shall argue that the mixing of differing genres undermined the TRC's ability to carry out certain functions (such as writing an official history of apartheid) effectively. In particular, the TRC's liminal status facilitated a contradictory mixing of a narrow legalism and an emotive religious moralizing.[6]

Wilson acknowledges that, on the one hand, the religious-redemptive narrative of reconciliation gave meaning to some of the victims. Yet, on the other hand, the narrative encouraged the forsaking of punishment and revenge, which with the TRC's embracing of forgiveness left many victims feeling alienated from the TRC process.[7] Ultimately, Wilson argues, the TRC failed to address injustice because the religious-redemptive narrative, which guided the Commission, was unable to transform either emotions or broad socio-political structures.[8]

The TRC was itself wary of the central role played by Christianity in conceptualising justice. As we noted in Chapter 6, the *Final Report* acknowledged what it called a 'dangerous confusion' between a Christian and a political notion of unity and reconciliation that operated within the TRC.[9] The Christian understanding

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4   Hugo van der Merwe, 'The Role of the Church in Promoting Reconciliation in Post-TRC South Africa', in Audrey Chapman and Bernard Spong (eds), *Religion and Reconciliation in South Africa* (Philadelphia: Templeton Foundation Press, 2003), p. 274.

5   See Wilson, *Politics of Truth*, pp. 153–4.

6   Ibid., p. 20.

7   Ibid., p. xix.

8   Ibid., p. xx.

9   *TRC Final Report*, vol. 1, ch. 5, p. 108.

of reconciliation focused more on interpersonal relationships, the *Final Report* stated, while the political understanding of reconciliation focused more on social and legal dimensions, which were supposed to foster change in democratic political structures. According to the TRC's own assessment, the primary injustice that a Christian version of reconciliation could address was limited to individual wrongs, and only to a case-by-case basis. In the end, this final assessment was a far cry from the more grandiose hopes of national reconciliation that had accompanied the opening stages of the TRC. Furthermore, it recognised that any declaration of 'national reconciliation' is premature, if not completely empty, so long as there are serious political, social and economic injustices that remain unresolved.

To understand the concerns raised by van der Merwe, Wilson and the *Final Report*, we must address two underlying assumptions that could be attributed to their positions. The first is that in South Africa there existed a rigid distinction between religion and politics. This assumption would mean that victims, perpetrators and Commissioners were confused when religious discourse was invoked in the TRC because it was a political process that did not include religion. The second is that Christianity is fundamentally ill-suited to meet the demands of justice, whether it is attending to human rights violations, punishing offenders or redressing structural injustices – these matters of justice are more legitimately handled through legal and political processes. While it may be tempting for advocates of religious conflict resolution to ascribe these rather simplistic assumptions to van der Merwe, Wilson and the *Final Report* – particularly since they lend themselves to a general critique of secularist liberalism[10] – to do so would not only provide us with an inaccurate interpretation of their positions, but it would also divert us away from recognising the deeply rooted social and political transformations that were occurring in the days just after the fall of the apartheid government.

In the case of van der Merwe and the *Final Report*, the criticism that religion created confusion in the TRC must be understood within the larger context of the changing role of the churches in post-apartheid South African society, and the creation of a new political order. However, van der Merwe's argument sometimes fails to provide for this context. For instance, he contends that the 'amorphous twinning of religion and law created serious moral dilemmas in the way the TRC approached certain issues. A key example of this was the way in which Commissioners conflated the legal process of amnesty with the religious concept of forgiveness'.[11] While van der Merwe's analysis is accurate to a point,

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[10]   In Chapter 2, I pointed out that religious conflict resolution attempts to provide an alternative to secularist-realist theories of conflict resolution, which means many advocates of religious conflict resolution, for example Edward Luttwak, have strong critiques of thorough-going secularist diplomacy and conflict resolution. My point in raising this issue is that, while such assumptions are often embedded in Western-European international relations theory, international law and in foreign policy strategies, this is not necessarily the case in other parts of the world.

[11]   van der Merwe, 'The Role of the Church in Promoting Reconciliation', p. 273.

it must be recognised that the confusion in and around the TRC was *not* due to the fact that religious language and concepts were being introduced for the first time into South African political discourse. Rather, the confusion stems from the changing nature of South Africa's political and legal institutions. For many black South African Christians prior to the fall of the National Party (NP) in 1994, political resistance against unjust apartheid laws was rooted in religious symbols and narratives, especially the promises of God liberating the enslaved and the prophetic demands of justice. It was therefore not strange or confusing to the many victims who used religious language to describe their stories of injustice or their intention to forgive their perpetrators in the TRC. The confusion arose only when (a) scholars and legal experts were called upon to integrate these religious narratives into formal legal mechanisms, which were both new and based in part on liberal, rights-based theories of law; and when (b) certain victims sought the aid of the new South African legal system to protect their right to sue for damages and to seek punishment. Furthermore, the expectations associated with previous political-religious discourse, and the once-apartheid judicial system, were only just beginning to shift in South African society as a whole. Given this socio-political context, the confusion in the TRC should not be attributed solely or even primarily to a novel conflation of religious and political concepts in the Commission, but rather to a much larger societal uncertainty about the new role of religion and law in the lives of everyday South Africans.

Towards the end of the TRC, the social and political consequences of the institutional transition became a point of open concern for a number of contributors to the TRC and the *Final Report*. One of the most notable contributors to raise this concern was the Research Institute on Christianity in South Africa (RICSA). As we noted in Chapter 4, in our discussion of Christian actors in the TRC, RICSA was brought in by the Commission to issue a final report on the Faith Community Hearings, which it submitted in 1997. Somewhat paradoxically, the RICSA report lauded those churches and organisations that stepped forward to admit to their complicity in supporting apartheid ideology. Yet, it lamented that, for a number of organisations, the political transition had resulted in a disengagement from the political process. In the words of the RICSA report, which I quote again:

> it must be observed that faith communities seem to have gone the way of the business sector in claiming that 'now that society has changed' they can go on building-up their own institutions. Another reason for having faith communities as part of the TRC process, therefore, is to remind them that, like the business sector, they have a moral obligation to be involved in the transformation of a society they so profoundly affected.[12]

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[12] 'Faith Communities and Apartheid: The RICSA Report', in James Cochrane, John de Gruchy and Stephen Martin (eds), *Facing the Truth: South African Faith Communities and the Truth and Reconciliation Commission* (Cape Town: David Philip Publishers, 1999), p. 17.

To be clear, RICSA was not making the argument that the faith communities were first and foremost political institutions, but rather that the faith communities have a *continuing* role to play in the creation of a just South African society. Following the line of thought in the RICSA report, the confusion in the TRC and in South African society was not due to the introduction of a foreign religious discourse in the political and legal arena; on the contrary, it was due in part to the willingness of religious organisations to remove themselves from the process of building a just South African society. From RICSA's perspective, then, not only is Christianity compatible with political and legal processes, but a just society actually requires the participation of the churches and other religious actors.

In principle, Wilson would agree that religious actors have vital roles to play in the creation and maintenance of just societies, including modern secular societies. The question for Wilson, though, is what purpose does religious discourse aim to serve? In times of political transition, this question becomes even more acute, he suggests, as there are often few reliable indicators revealing what directions leaders and institutions want to take a country in. Wilson contends that, in the case of South Africa, the religious language of forgiveness and reconciliation became enmeshed in a political compromise (which resulted in the establishment of the TRC) that was supposed to help establish an ANC-led government – he calls this process the 'manufacturing of legitimacy'.[13] To Wilson, truth commissions serve a primary function for the bureaucratic elite; that is, they help manufacture legitimacy for newly created state institutions, and especially the legal system. In South Africa, where the just rule of law did not exist and where claims of injustice were most often rooted in cultural and religious norms, an appeal to abstract principles of law would never mobilise widespread support for the new state. Of course the government and the TRC leaders knew this, Wilson argues. Thus with no legal principle to invoke as a rallying point, the leaders of the TRC introduced the religious discourse of forgiveness and reconciliation as a mobilising, nation-building discourse.

This discourse of forgiveness and reconciliation functioned on two levels: first, it emphasised social stability and non-violence, which leaders of the 'New South Africa' could exploit as they attempted to maintain a democratic South Africa. It was a discourse that delegitimised civil resistance, even when this resistance was due to groups in the townships demanding punishment for prior human rights violations. Second, the language of forgiveness and reconciliation provided the new leaders with the means to consolidate power. Instead of adopting various systems of tribal justice, which would have meant a decentralising of political and legal power, the TRC adopted the broad and highly idealised 'African' approach called *ubuntu*, which promoted reconciliation, community building and restorative justice.

To Wilson, the conflation of religious discourse with a nation-building discourse signified a de-valuing and de-contextualisation of human rights. Against what he

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[13]   Wilson, *Politics of Truth*, p. 17.

calls 'procedural liberalism',[14] which holds to an overly legalistic and culturally detached understanding of human rights, Wilson contends that the pursuit of contextually oriented human rights should stem primarily from the experiences and stories of those whose rights have been violated. Furthermore, the pursuit of human rights demands that local systems of justice be respected, especially if these local systems of justice fall within the reasonable expectations of society at large. Indeed, it is the proper function of international law and human rights commissions, Wilson asserts, to provide broad guidelines and protections for local systems of justice as communities pursue justice on their own terms – as a corollary, international law and human rights processes fall outside their jurisdiction when they seek to impose thick, normative standards on matters such as justice, revenge and punishment. Wilson's concern with the mixing of religious discourse with political and legal discourses was that South Africa's new leadership had deemed social stability a higher social good than the individual right to retributive justice and to pursue perpetrators in the courts.[15] In effect, he argues, the inclusion of religion in the TRC silenced many voices that were demanding punishment, particularly in the townships. Wilson concludes that this nation-building strategy undermines not only accountability to the rule of law, which is the centrepiece of South Africa's new constitutional democracy, but also the 'breadth and depth of the democratisation process'.[16]

While Wilson's criticism raises a necessary caution about the dangers associated with including religion in transitional processes such as truth commissions, it actually runs the risk of overstating the case against the inclusion of religion. For instance, in making a strong argument for a decentralised, culturally relative understanding of human rights, he ends up de-valuing religious language, specifically the kind that prioritises forgiveness and reconciliation, to such an extent that appeals to religion must be viewed with a deep suspicion because of the larger political agenda of the TRC. Based on the premise that South African leaders appropriated religion as nation-building discourse, which, he claims, promoted

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[14]   Ibid. In late twentieth-century political thought, 'procedural liberalism' was often contrasted with the 'politics of difference'. The former corresponded to a political theory holds that justice must be blind in regard to race, class, nationality etc. (e.g. equal rights). The latter holds that each individual and community has a unique character, which must be respected in order to promote authentic public policy and justice. A middle position, which focused on multiculturalism, was introduced by the Canadian philosopher Charles Taylor, *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press, 1994). Others who have sought to find a way to mediate these trends in Western political theory include the liberal communitarian Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983); and the feminist Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (Oxford: Polity Press, 1992).

[15]   Wilson, *Politics of Truth*, p. 26.

[16]   Ibid.

centralised political power and cultural homogeneity, he thinks that religion in the TRC helped promote the 'social good' of social stability. The issue, as Wilson frames it, is what constitutes the higher social good, because social stability can be imposed and is susceptible to manipulation by political forces. Wilson contends that pluralism (i.e. respect for cultural differences) and democratic participation are higher goods than social stability. Accordingly, he believes that the South African and TRC leaders should have sought out local systems of justice, which were often based on retribution and vengeance, as a means to transition South Africa to a pluralistic society founded on democratic principles. The problem with Wilson's proposal, however, is that given the uncertain social and political climate of South Africa throughout much of the TRC, a decentralised transitional structure could in no way promise a pluralistic or democratic South Africa post-TRC. In fact, as I will develop in the next section, the TRC leaders rejected certain 'local' alternatives because these systems of justice fundamentally belied the principles of justice as participation and self-determination. Consequently, the Commissioners determined that, if pluralism and democracy were going to be central tenets of post-apartheid South Africa, then the most prudent option was to give priority to forgiveness and reconciliation.

Did the TRC Deny Traditional African Notions of 'Justice as Punishment' by Pursuing the 'Christian' Concepts of Forgiveness and Reconciliation?

A second and closely related criticism of the TRC is that certain Christian concepts, such as forgiveness and reconciliation, hindered justice because in embracing these Christian concepts, the TRC effectively denied local, African systems of justice. Once again, Richard Wilson has taken the lead in raising this criticism. He states:

> in post-apartheid South Africa there are various competing discourses and systems of values around justice and reconciliation. Christian discourses on forgiveness advocated by TRC officials often swayed individuals at hearings, but they clashed with the retributive notions of justice, which are routinely applied in local township and chiefs' courts.[17]

There are two general parts to Wilson's wide-ranging argument that demonstrate the criticism regarding the role Christianity played in compromising justice in the TRC. First, as we have just outlined, Wilson thinks that the TRC's forgiveness and reconciliation approach was imposed on many South Africans as an attempt to fashion a nation-building discourse and to centralise political power. The result of this imposition, he argues, was that the TRC failed to engage with local African justice structures, thereby alienating many communities who had already been

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[17]   Richard A. Wilson, 'Reconciliation and Revenge in Post-Apartheid South Africa: Rethinking Legal Pluralism and Human Rights', *Current Anthropology*, 41 (2000), p. 78.

marginalised under apartheid.[18] The second element of Wilson's criticism is that the Christian influence in the TRC led to the adoption of restorative justice rather than retributive justice.[19] To limit my response to Wilson's extensive argument, I will take each part of his argument in turn.

Disregarding Local Systems of Justice

Wilson draws on his experience in Boipatong, a township in the Gauteng Province of South Africa, to make his case that the TRC failed to recognise local systems of justice. In Boipatong, as well as other townships in South Africa, there exists a community court called the *imbizo* in the Zulu language (*kgotla* in Sesotho) that handles local disputes, including matters that range from business transactions gone wrong to cases involving adultery.[20] The *imbizo*, he notes, emerged in the late nineteenth century as an effort to decentralise self-governance in the wake of an urbanisation movement created by the Witwatersrand gold rush of 1886. This was an important development in the way justice was meted out in South Africa, Wilson argues, because the South African government actually recognised the relative autonomy of these various local systems of justice. By the 1970s, however, much of this autonomy had been eroded. Yet, in spite of state attempts to co-opt local courts, these local systems of justice remained an important part of the cultural identity of the townships. The township uprisings of the late 1970s, coupled with the state's subsequent decision to abandon its institutions in the townships, created space for the emergence of 'people's courts', which were initially supported through civic education programmes run by ANC-friendly organisations such as the South African National Civic Organisation (SANCO). By 1988 there were some 400 people's courts in the country. To many in the townships, these courts were considered revolutionary because they represented the first stages of a new system of African self-governance. As Wilson notes:

> these new revolutionary 'people's courts' were characterized by their delivery of instant and highly punitive redress. Their language of justice was not that of the liberal individual and of human rights, but the 'will of the people'. They showed a disregard for natural rights principles in favor of 'collective judgment', which was loudly proclaimed by a new group of young male political actors who began to operate independently of political movements and parties.[21]

With the impending fall of apartheid, there was growing expectation in many of the townships that apartheid injustices could now be punished in the local courts or according to local custom. But with the Interim Constitution in place in 1993, with

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[18]   Wilson, *Politics of Truth*, pp. 213–14.

[19]   Ibid., pp. 208–14.

[20]   Ibid., pp. 189, 215.

[21]   Ibid., p. 193.

the establishment of a permanent Constitutional Bill of Rights in 1996, and with national leadership fixated on maintaining social stability and national wholeness, this expectation was quickly diminished, Wilson notes, resulting in township resistance against what many understood as illegitimate institutions.

Given this context, Wilson draws a distinction between the *imbizo* approach to justice*,* which he refers to as 'popular justice', and the 'human rights commission' approach to justice, which he links with Christianity.[22] At the level of what he calls 'values-orientation', there are fundamental differences: the township court advocates looking backwards to retribution and punishment for harm done, and embracing the principle of *lex talionis*, in other words the principle of retribution or the concept of 'an eye for an eye'. In contrast, human rights activists and Christians look forward to rehabilitation, redemption and reconciliation.[23] Furthermore, there are differences when it comes to notions of equality. Wilson notes that 'equality of rights and moral worth is a key tenet of Christianity and human rights doctrines, but this principle is fundamentally rejected in *imbizo* procedures, where certain men assume the right denied to others (women, young unmarried men) to apprehend, try, sentence and punish'.[24] Because the TRC operated with an approach that coupled a human rights discourse of equality with a Christian discourse of forgiveness and reconciliation, the justice systems in the townships could play no part in either South Africa's transition (i.e. the TRC) or its assorted nation-building projects. To Wilson this was a mistake on the part of the TRC leadership. Despite certain abuses in these local courts, the TRC should have engaged these local structures, Wilson contends, because they had a history of mediating the conflicts of the apartheid era; as a result these local courts could have facilitated a less violent transition in a number of the townships, most notably Sharpeville,[25] and quelled vigilante violence stemming from groups such as PAGAD (People against Gangsterism and Drugs).[26]

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[22] Ibid., p. 209.

[23] Ibid.

[24] Ibid.

[25] Ibid., p. 214.

[26] PAGAD is a mixed-race organisation that was created in 1996 in the Western Cape, which contains Cape Town and a number of mixed-race townships. PAGAD sees itself as an alternative to, what they consider, an ineffective criminal justice system. Initially, this organisation sought to reduce the number of gang-related crimes, especially those of the most violent in nature. However, this organisation's tactics and mandate seems to have shifted. In 1998, PAGAD was linked to a series of bombings in and around Cape Town. Because PAGAD targeted 'American interests' (e.g. a McDonald's, a New York Bagel and a Planet Hollywood), and because of suspected links to Islamic extremists, it is now considered a global terrorist organisation by countries such as the US and the UK. For a brief discussion, see the CSVR paper by Bill Dixon and Lisa-Marie Johns, 'Gangs, PAGAD and the State: Vigilantism and Revenge Violence in the Western Cape' (May 2001), online, available at: www.csvr.org.za/wits/papers/papvtp2.htm (accessed 10 January 2009).

By now, it should be clear that Wilson's argument is a radical proposal for political decentralisation and a politics of difference. While I admire his courage in challenging much of the naïve conventional wisdom surrounding the TRC, I am concerned that he once again overstates his argument. In fact, Wilson himself seems to see this possibility when he cautions, 'of course, to just blame the TRC for everything that is wrong with South African justice would be misguided and unfair. The TRC must be seen in the wider context of state unification and centralization, the reform of criminal justice and the rise of new human rights institutions such as the Constitutional Court and Human Rights Commission'.[27] Yet, when it comes to making the case for inclusion of local justice, he does not seem to heed his own advice.

This is exemplified in Wilson giving the impression that these local systems were excluded primarily because the TRC wanted to protect the hegemony of an ANC-led government. This is simply an untenable argument. While there were attempts by the apartheid government to control some of these local systems of justice, for the most part the local police and magistrate (if there was one appointed) allowed these systems to operate as an unofficial parallel system for blacks. Wilson interprets this phenomenon positively, for he sees in the actions of local officials a genuine recognition of African systems of justice. What Wilson fails to capture, however, is that more often than not the NP-led government simply abandoned the townships because they were not worth fighting for. In practice, the NP adopted a kind of containment strategy whereby local systems of justice could exist, but only within the confines of the local black communities.[28] As Wilson himself indicates, but never develops, this isolation contributed to a local system of justice that was accountable to no one except the few patriarchs who ruled the courts. By the late 1970s, there were serious concerns *within* various black communities about abuses associated with the courts. In 1977 the South African Council of Churches (SACC) denounced these courts with statements such as this: 'these so-called "courts" have often resulted in barbaric public floggings … the ghastly actions of these "courts" cannot be condoned in our civilised societies'.[29]

Although the SACC was associated with white English-speaking churches, by 1977 the Council had publicly sided with the black liberation movement and was being led by a number of influential black pastors, including Desmond Tutu, who became general secretary of the SACC in 1978. As Willa Boesak notes, the issue of township justice was not raised simply by white liberal churchmen, but rather by black pastors concerned with the norms and values associated with such

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[27]   Wilson, *Politics of Truth*, p. 214.

[28]   For a discussion of government strategies, see Robert M. Price, *The Apartheid State in Crisis: Political Transformation in South Africa 1975–1990* (Oxford: Oxford University Press, 1991), pp. 190–219.

[29]   Quoted in John Hund and Malebo Kotu-Rammopo, 'Justice in a South African Township: the Sociology of *makgotla*', *Comparative and International Law Journal of South Africa*, 16 (1983), p. 205.

practices in the local justice courts.[30] Moreover, with reports surfacing in the early 1980s that many of the 'necklace murders' (i.e. fastening a gasoline-doused tyre around a victim's neck and setting it aflame) were actually linked to people's court punishments, black leaders such as Zwelakhe Sisulu, a high-ranking member of the United Democratic Front (UDF), began to condemn what these courts had now become. In a 1986 keynote address given at a conference in South Africa Sisulu stated: 'when bands of youth set up so-called "kangaroo courts" and give out punishments, under the control of no-one with no democratic mandate from the community, this is *not* people's power'.[31] The concerns raised by the SACC, the UDF, and others were therefore not linked primarily to political centralisation, but rather to the norms and values represented by these courts. Indeed, Sisulu, in the same speech in which he derided the people's court, affirmed the autonomy of local communities to create their own systems of justice through street committees and other organisations. The only caveat was that democracy should be at the centre of any system of justice, for the centrality of democracy meant accountability and the participation of all adult members in the community.[32]

With this historical grounding, it is quite simply inaccurate to argue, as Wilson does, that the TRC's rejection of these people's courts was due primarily, if not exclusively, to a political strategy of nation-building. To be clear, I am not suggesting that politics did not play a part in this decision – to the contrary, this was very much a political decision, with weighty political consequences. My point, rather, is that in choosing to exclude local forms of justice, the TRC leadership actually opted for a value set that encouraged widespread, voluntary participation. Although a number of African leaders chose not to participate in the TRC, this was a choice rooted in relative freedom. In contrast, had the TRC affirmed the system of justice in the people's courts, the TRC would have been legitimising the right of unaccountable men to silence women, to pronounce punishment *in absentia* and to mete out brutal corporal punishment. At stake here were not only political concerns but also a set of moral values.

My difficulty with this part of Wilson's argument can be summed up in the following way: on the one hand, he appears to be quite willing to embrace the inclusion of 'local justice' in the TRC, even though the system, in some cases,

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[30]   Willa Boesak, *God's Wrathful Children: Political Oppression and Christian Ethics* (Grand Rapids: Eerdmans, 1995), pp. 52–7.

[31]   Zwelakhe Sisulu, keynote address, National Education Crisis Committee, Second National Consultative Conference, 29 March 1986 (emphasis in original). Quoted in Price, *Apartheid State in Crisis*, p. 210.

[32]   Sisulu said, 'When disciplined organized youth, together with other older people participate in the exercise of people's justice and the setting up of people's courts; when these structures are acting on a mandate from the community and are under the democratic control of the community, this is an example of people's power'. Quoted in Price, *Apartheid State in Crisis*, p. 210.

had clearly run amok.[33] In fact, this argument is consistent with his belief that the individual right to retribution and punishment is an overriding 'social good', which in the case of South Africa would have meant the inclusion of local systems of justice in the TRC process. On the other hand, Wilson chides the TRC for adopting a hybrid human rights–Christian strategy that enabled many South Africans to tell their stories, and at the same time excluded others from enacting 'popular justice'. Ironically, in laying out his alternative vision of the TRC, Wilson ends up making a moral decision to legitimise non-democratic systems of justice in the name of the higher social good of 'participation'. Wilson criticises the TRC for making the political decision to exclude retributive justice and to invoke Christian discourse as a nation-building discourse. What Wilson fails to recognise, however, is that *his* proposal is both a moral and a political decision. To *include* non-democratic systems of justice in the pursuit of democracy is a moral decision as well as a political one – just as choosing to *exclude* non-democratic systems of justice in the pursuit of democracy is a moral and political decision. In South Africa, as Wilson rightly observes, appealing to abstract legal arguments would have never garnered widespread support for any vision of a 'New South Africa'. Given this context, then, Wilson's turn to retributive justice, such as the *imbizo* in the townships, would also have to be rooted in a moral discourse; for example, a discourse that invokes 'traditional African' or 'tribal' values as an authority.[34] Tutu, Boraine and other TRC leaders were keenly aware of the connection between moral values and politics in South Africa. Indeed, it led them to pursue a set of values in the Commission that prioritised forgiveness, reconciliation and, as we shall now discuss, restorative justice.

Restorative Justice in the TRC[35]

In his analysis of the TRC, the Canadian theologian Russell Daye observes,

> the most forceful and oft-repeated criticism of the TRC has come from advocates
> of retributive justice who feel that the best way to restore the dignity of victims

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[33]   Here I follow Willa Boesak, who points out that black theologians and pastors, such as Frank Chikane and Allan Boesak, had ascribed the brutal violence of the people's courts to a cycle of violence initiated by apartheid domination. See W. Boesak, *God's Wrathful Children*, p. 57.

[34]   One mistake that Wilson makes in his analysis is that he tends to reduce moral language to religious, and especially Christian, language. See Wilson's discussion of 'adductive affinities' in *Politics of Truth*, pp. 130–40.

[35]   It is not my intention in this section to enter into the vigorous theoretical and practical debates around restorative justice as a model for truth commissions or other transitional justice mechanisms – that task would require going well beyond the scope of this book. My concern here is limited to highlighting the ways in which the TRC appealed to religious and cultural moral values to facilitate what is now commonly called 'restorative justice'.

would have been to criminally prosecute human rights violators, and the best way to restore the dignity of South Africa's majority population would have been to try apartheid's leaders for crimes against humanity.[36]

At the core of retributive justice is the notion that injustice must be 'paid back'. In fact, the term retribution means 'giving back'. As Oliver O'Donovan has detailed in his book *The Ways of Judgment* (2005), the 'giving back' quality of retribution appears in the form of 'punishment', whether it is slapping, depriving of pleasure, inflicting physical beatings, imprisonment, maiming, killing, or a host of other penalties.[37] Moreover, O'Donovan argues, punishment is a part of every human society – it is not an 'optional extra'.[38] For O'Donovan, the fact that societies punish is not due to an evolutionary 'bite back' reaction or emotion, as J.L. Mackie has argued,[39] but rather a response to individual and structural wrongs. There is, in other words, a cognitive response in retributive justice whereby one identifies what the punishment is *for*. In this regard, retributive justice is always backwards-looking.

In contrast to retributive justice, restorative justice is, as Howard Zehr writes, 'a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible'.[40] Advocates of restorative justice view crime as 'a violation of people and relationships. It creates obligations to make things right'.[41] To put it another way, a criminal act is not simply the violation of a law, which in turn obligates a legal authority to pursue justice for a wrong committed. Rather, a criminal act affects the victim, the interpersonal relationship, the offender and the community.[42] The demand for justice, then, is not exclusively, or even primarily, a legal demand for punishment, but a moral demand that encourages participation of all involved. Accordingly, justice through the 'restorative lens' 'involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance'.[43] In contrast to the backwards-looking perspective of retributive justice, then, restorative justice is future-oriented.

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[36] Russell Daye, *Political Forgiveness: Lessons from South Africa* (Maryknoll, NY: Orbis Press, 2004), p. 115.

[37] Oliver O'Donovan, *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005), p. 101.

[38] Ibid., p. 103.

[39] J.L. Mackie, 'Morality and the Retributive Emotions', *Criminal Justice Ethics*, 1 (1982), pp. 3–9.

[40] Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2003).

[41] Ibid., p. 41.

[42] Howard Zehr, *Changing Lenses: A New Focus For Crime and Justice* (Scottdale, PA: Herald Press, 1990), pp. 181–5.

[43] Ibid.

Although there is little evidence to suggest that the framers of the TRC actually considered what they were proposing was a 'restorative justice' approach prior to the actual functioning of the TRC, it is evident that after the completion of the process, the TRC itself, as well as scholars evaluating the process, considered the Commission's concept of justice to be restorative.[44] For example, in the Foreword to the *Final Report*, Desmond Tutu acknowledged that the TRC had adopted a type of restorative justice. He writes, 'amnesty cannot be viewed as justice if we think of justice only as retributive and punitive in nature. We believe, however, that there is another kind of justice – a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships'.[45] According to most assessments of the TRC, the language of 'restorative justice' actually came quite late in the process. Thus despite not being a central concept throughout the hearings, the *Final Report* contains a rather detailed description of restorative justice – one can only assume that this was as much about future considerations as it was about understanding what took place in the TRC. Following a report that had been drafted by a South African legal review, the *Final Report* identifies restorative justice as a four-part process which:

a. seeks to redefine crime: it shifts the primary focus of crime from the breaking of laws or offences against a faceless state to a perception of crime as violations against human beings, as injury or wrong done to another person;

b. is based on reparation: it aims at the healing and the restoration of all concerned – of victims in the first place, but also of offenders, their families and the larger community;

c. encourages victims, offenders and the community to be directly involved in resolving conflict, with the state and legal professionals acting as facilitators;

d. supports a criminal justice system that aims at offender accountability, full participation of both the victims and offenders and making good or putting right what is wrong.[46]

In his criticism of the TRC, Richard Wilson argues that the concept of *ubuntu* was the primary way in which restorative justice entered into the TRC. On this

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44 For example, see *TRC Final Report*, vol. 1, ch. 5, par. 80, p. 125.

45 In the documents leading up to the TRC and throughout the functioning of the TRC, there is virtually no reference to restorative justice. The official language changes in the *TRC Final Report*, vol. 1, ch. 1, par. 36, p. 9. Much of the writing after the TRC refers to the Commission's approach as restorative justice. For example, Desmond Tutu, *No Future without Forgiveness* (London: Random House, 1999), pp. 45–60; Alex Boraine, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (Oxford: Oxford University Press, 2000), pp. 426–31; and Elizabeth Kiss, 'Moral Ambition Within and Beyond Political Constraints', in Robert I. Rotberg and Dennis Thompson (eds), *Truth v Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000), pp. 68–98.

46 *TRC Final Report*, vol. 1, ch. 5, par. 82, p. 126.

point Wilson is correct. This is evident in the *Final Report*, where Tutu remarks, 'we have trodden the path urged on our people by the preamble to our founding Act, which called on "the need for understanding but not for vengeance, a need for reparation but not retaliation, a need for *ubuntu* but not for victimisation"'.[47] In his book *No Future without Forgiveness* (2000), Tutu writes that *ubuntu* is 'characteristic of traditional African jurisprudence. Here the central concern is not retribution or punishment but, in the spirit of *ubuntu*, the healing of breaches, the redressing of imbalances, the restoration of broken relationships'.[48] The *Final Report* defines *ubuntu* as 'humaneness', which is often expressed metaphorically in *umuntu ngumuntu ngabantu* – 'people are people through other people'.[49] To discover the humanity that was lost in the imbalance of apartheid, Tutu believed that perpetrators had to be restored rather than punished. Like many advocates of restorative justice, Tutu fails to see the logic in punishment for its own sake, for in punishing the criminal there is an expectation that the wrongs have been righted and that there is a 'return'[50] to a just status quo. But South Africa was not a just society. The challenge then became how to promote social justice in South Africa. To the leaders of the TRC, retribution alone could never transform the unjust status quo in South Africa or address the moral dimensions of conflict.[51] These types of social transformations, the *Final Report* asserts, require moral responsibility that goes well beyond legal and political accountability. Moreover, the *Final Report* continues:

> Individual and shared moral responsibility cannot be adequately addressed by legislation or this Commission. What is required is that individuals and the community as a whole must recognise that the abdication of responsibility, the unquestioning obeying of commands (simply doing one's job), submitting to the fear of punishment, moral indifference, the closing of one's eyes to events or permitting oneself to be intoxicated, seduced or bought with personal advantages are all essential parts of the many-layered spiral of responsibility which makes large-scale, systematic human rights violations possible in modern states. Only this realisation can create the possibility for the emergence of something new in South African society. In short, what is required is a moral and spiritual renaissance capable of transforming moral indifference, denial, paralysing guilt and unacknowledged shame into personal and social responsibility.[52]

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[47] *TRC Final Report*, vol. 1, ch. 1, par. 3, p. 9.

[48] Tutu, *No Future without Forgiveness*, p. 51.

[49] *TRC Final Report*, vol. 1, ch. 5, par. 85, p. 126.

[50] O'Donovan points out that the term 'punishment' means 'return', deriving from an Indo-European root meaning 'exchange'. See O'Donovan, *Ways of Judgment*, p. 101.

[51] *TRC Final Report*, vol. 1, ch. 5, pp. 131–2.

[52] Ibid.

Due in large part to the amnesty component of the Commission, which we will address in the next section, the shapers of the TRC recognised the need in the Commission for a moral and spiritual dimension that would create a sense of accountability. In this respect, *ubuntu* offered an approach to justice that brought victims and perpetrators together, in moral community, to begin the long transformation process.

But concerns remain as to the origins of this restorative justice doctrine. Is it African, political, or Tutu's 'Christian' creation? As the *Final Report* acknowledges, the TRC's focus on moral and religious matters – such as forgiveness, reconciliation and *ubuntu*, as well as the Christian version of truth-telling that permeated the HRVC hearings – were strategies to restore moral community in South Africa. To Scott Appleby, a leading proponent of religious conflict resolution, this is a type of justice that rehabilitates and restores both victim and perpetrator, reintegrates both into the moral community, and encourages a new culture based on the respect for human rights, mutual responsibility and accountability.[53] In contrast, Richard Wilson sees the restorative justice doctrine as belonging to the intervening Christian narrative of forgiveness and reconciliation, which he argues was adopted by the TRC leadership to promote political centralisation and to mitigate dissent. Wilson further contends that *ubuntu* was used by Tutu to represent a 'romanticised vision of "the rural African community" based upon reciprocity, respect for human dignity, community cohesion and solidarity'.[54]

The *Final Report* was aware of this line of criticism, for it had been pursued on a number of occasions within South Africa during the hearings.[55] In fact, the *Final Report* acknowledges that both the Judaeo-Christian tradition and so-called 'African traditional values' maintain restorative dimensions at their belief systems, but ultimately affirms that the principles of restorative justice used in the TRC were first and foremost *ubuntu*.[56] As Lyn Graybill observes in her book *Truth and Reconciliation in South Africa* (2002), highlighting the 'African-indigenous' character of *ubuntu* is one way for defenders of the TRC to provide legitimacy to the Commission's process, which has been criticised for being both too 'Christian'

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[53]   Scott Appleby, *Ambivalence of the Sacred: Religion, Violence and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000), p. 199.

[54]   Wilson, *Politics of Truth*, p. 9.

[55]   Religious actors also raised this criticism in various contexts. See Tinyiko Sam Maluleke, 'Black and African Theologies in the New World Order: A Time to Drink From Our Own Wells', *Journal of Theology for Southern Africa*, 96 (November 1996), pp. 3–19; Tinyiko Sam Maluleke, 'Recent Developments in the Christian Theologies of Africa: Towards the 21st Century', *Journal of Constructive Theology*, 2/2 (December 1996), pp. 33–60; and also Boesak, *God's Wrathful Children*.

[56]   *TRC Final Report*, vol. 1, ch. 5, par. 84, p. 127. For more information regarding the religious and spiritual roots of restorative justice, see Michael Hadly (ed.), *The Spiritual Roots of Restorative Justice* (Albany: State University of New York Press, 2001).

and too 'Western'.[57] To be clear, it is not my intention to defend the TRC against such criticisms. However, as Graybill, Russell Daye, Michael Battle and numerous others have demonstrated, *ubuntu* does exist in African political culture – and it has often been the premise upon which poor non-metropolitan Africans have accepted amnesty.[58] This native understanding of *ubuntu* contradicts the claims made by Wilson about this concept. Indeed Wilson once called *ubuntu* a 'current invention'. As an advocate of religious conflict resolution, I would propose a far more ambivalent understanding of *ubuntu*; that is, regarding it as a concept that, while certainly open to romanticisation and to political manipulation, does speak to both the morality and politics of African peoples. Still, beyond this question of authenticity, there remain unresolved challenges associated with *ubuntu*. As we will see in the next section, perhaps the most important challenge is to understand both how *ubuntu* became linked to amnesty and what consequences this link has had for punishment of perpetrators in South Africa.

Did Amnesty Preclude Punishment?

A third criticism of the TRC's approach to justice concerns the amnesty component of the TRC and the failure to punish perpetrators. To some critics, such as Aryeh Neier, President of George Soros' Open Society Institute, and Diane Orentlicher, a law professor at American University and a human rights consultant for the UN, amnesty creates a culture of impunity that encourages further human rights violations because successful amnesty applicants are allowed to walk free with their crimes annulled.[59] Indeed, the Interim Constitution established that the granting of amnesty would preclude civil and criminal charges, effectively expunging the perpetrator's criminal record. This amnesty provision had a profound effect on the range of activities granted to the TRC. Because the framers of the TRC limited the Commission's jurisdiction to amnesty claims, retributive justice – i.e. punishment

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[57] Lyn S. Graybill, *Truth and Reconciliation in South Africa: Miracle or Model?* (Boulder, CO: Lynne Rienner, 2002), pp. 32–3.

[58] Michael Battle, *Reconciliation: The Ubuntu Theology of Desmond Tutu* (Cleveland: Pilgrim Press, 1997); Gunnar Thiessen, 'Common Past, Divided Truth: The Truth and Reconciliation Commission in South African Public Opinion', paper presented at the 'TRC: Commissioning the Past' conference, University of Witwatersrand, Johannesburg, 11–14 January 1999. Quoted in Graybill, *Truth and Reconciliation in South Africa*, p. 33. Also see Maluleke, 'Black and African Theologies in the New World Order', pp. 3–19.

[59] The most ardent critics regarding amnesty, and advocates for punishment of human rights violations, are Aryeh Neier, *War Crimes: Brutality, Genocide, Terror and the Struggle for Justice* (New York: Times Books, 1998), pp. 103–7; and Diane Orentlicher, 'Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime', *Yale Law Journal*, 100 (1991), pp. 2537–615. Ronald Slye examines these criticisms specifically in regard to the TRC in 'Amnesty, Truth, and Reconciliation: Reflections on the South African Amnesty Process', in Rotberg and Thompson, *Truth v Justice*, pp. 176–8.

– was a legal instrument that was never at the Commission's disposal, at least directly. Stripped of the power to punish, its harshest critics argue, the TRC thus became an institution of political pragmatism,[60] with justice being exchanged for amnesty and impunity.

According to Richard Wilson, the TRC leadership attempted to overcome the growing conflict between an imposed form of justice (namely restorative justice) and the more punitive, local forms of justice by introducing the African concept of *ubuntu*. The introduction of *ubuntu*, Wilson contends, was a way for leaders to justify amnesty and the TRC's emphasis on restorative justice. In the end, Wilson concludes, this situation created an artificial polarity 'between "African" *ubuntu*/reconciliation on the one hand and "Western" vengeance/retributive justice on the other'.[61] Because leadership often framed the Commission's mandate in terms of this polarity, the possibility of a middle position was closed down. Lost in this framing process, Wilson argues, was the possibility that 'the pursuit of legal retribution' was itself a 'route to reconciliation'. Moreover, Wilson contends, 'the constitutional right of citizens to due justice, to pursue civil claims against perpetrators, is taken away by amnesty laws, which preclude both criminal and civil prosecutions'.[62] For Wilson, then, the denial of civil claims and legal retribution that disallowed punishment resulted in nothing short of a compromised justice.

Indeed, from the outset of the TRC, the noticeable lack of punitive structures in the TRC process concerned survivors and victims of human rights abuses, including the families of Griffiths Mxenge and Steve Biko.[63] In the case that made international headlines, Steve Biko's widow, Ntsiki Biko, publicly expressed her opposition to amnesty and the TRC because she wanted her husband's killers to be prosecuted in a court of law, and she wanted the right to civil redress. Though perhaps most widely known around the world for her public castigation of the TRC, her most serious threat to the TRC process was the legal challenge she brought before the Constitutional Court of South Africa. Her primary argument

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[60]   See Wilson, *Politics of Truth*, p. 24. Wilson notes that amnesty not only erased the records of criminals, but it also indemnified the state and government officials from any claims.

[61]   Wilson, *Politics of Truth*, p. 11.

[62]   Ibid.

[63]   This was, for instance, the initial concern of Griffiths Mxenge and Steve Biko's family. For a discussion, see Amy Gutmann and Dennis Thompson, 'The Moral Foundations of Truth Commissions', in Rotberg and Thompson, *Truth v. Justice*, p. 26. Also see Tom Winslow, 'Reconciliation: The Road to Healing?', *Track Two*, 6 (December 1997), pp. 24–6. The Amnesty Committee of the TRC refused amnesty to the five former officers of the security branch who applied for it for the murder of Biko. The committee based its decision on the fact that killing of Biko was not an act associated with a political objective and the committee was not satisfied that the applicants had made a full disclosure of the truth, as required by the Amnesty Act. From the South African Government Information website, 'TRC Amnesty Decision on the Death of Steve Biko'. Online, available at: www.info.gov.za/speeches/1999/99218_0bb99999_10160.htm (accessed 11 January 2009).

was that the amnesty provisions violated South Africa's constitution and that the Commission had no legal authority to grant amnesty. Her challenge was summarily denied because the Court agreed with the government that offering amnesty was the best way to draw perpetrators and the truth of crimes out into the open.[64] For the Biko family and many other families of victims and survivors, the conclusion drawn from the court's decision was that there could be no justice with amnesty because the perpetrators could walk away unpunished.

As we outlined in the previous section, retributive justice is often contrasted with restorative justice because the former conceives of justice as punishing, whereas the latter conceives of justice as rehabilitating and restoring. Although these two theories of justice are often presented as incongruous, this is not necessarily the case. On the one hand, the distinction makes sense because restorative justice focuses on making amends for transgressions against individuals, whereas retribution focuses on transgressions against the laws of the state or nation.[65] On the other hand, this distinction does not account for possible complementarities, particularly in terms of what punishment, retribution and vengeance mean in a specific context. In redefining these concepts in light of restorative justice, which the TRC adopted, we can, I want to argue, understand what justice meant in the TRC and at the same time demonstrate that justice was not necessarily compromised.

Beyond Justice as Punishment

The TRC acknowledges that it had to rethink the concept of punishment in light of the amnesty component. As previously quoted, the *Final Report* states, 'Amnesty cannot be viewed as justice if we think of justice only as retributive and punitive in nature … If justice is seen merely as retribution, it becomes difficult to make the appropriate connections between amnesty and justice'.[66] Elsewhere the *Final Report* acknowledges that 'for many people, justice means that perpetrators must be punished in proportion to the gravity of their crimes. If one accepts, however, that punishment is not a necessary prerequisite for the acknowledgement of accountability, it is possible to see that qualified amnesty does contain certain of the essential elements required by justice'.[67] The *Final Report* thus implies that, instead of pursuing justice as legal retribution (e.g. incarceration or capital punishment), justice may well include a non-legal, social punishment in the identification of individual perpetrators, perpetrators publicly

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[64] For further discussion, see Nkosinathi Biko, 'Amnesty and Denial', in Charles Villa-Vicencio and William Verwoerd (eds), *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: University of Cape Town Press, 2000), pp. 193–8.

[65] Cf. O'Donovan, *Ways of Judgment*, pp. 101–10. O'Donovan argues that retribution can be enacted in various spheres, including the family.

[66] *TRC Final Report*, vol. 1, ch. 1, par. 36, p. 9.

[67] *TRC Final Report*, vol. 1, ch. 5, par. 55, p. 119.

explaining the circumstances surrounding the human rights violations, and the public acknowledgement of due reparations.

A good example of what the TRC *Final Report* suggests as non-legal punishment is the public declaration requirement of the amnesty provision. To critics such as Wilson, one of the primary dangers of conflating legal amnesty with religious-moral forgiveness is that the right of retributive justice – i.e. punishment – is denied to the victim and the community. The problem with this conclusion is that it remains too focused on the formal and categorical nature of amnesty and forgiveness. There is, however, also a social aspect to amnesty and forgiveness. Both amnesty and forgiveness take place in communities and are entwined in a network of social relationships. So although a perpetrator's criminal activities may have been legally wiped out through amnesty, there were certain social costs for perpetrators to pay. The principal cost of amnesty was that, before public audiences, perpetrators had to disclose the truth and admit to their responsibility for the crimes, for without this public confession there could be no amnesty. To Tutu, this was a type of social punishment, with the penalty being exposure and humiliation.[68] For many families of perpetrators, the delivery of the testimonies by those requesting amnesty at the public hearings was the first time they had heard about their relatives torturing, killing and committing other human rights violations. Because of the public dimension of the hearings, Tutu notes, the truth was out and some perpetrators were shunned from families and communities. This shaming and public acknowledgement represents a different way of thinking about punishment.

In a slightly different direction, the British theologian Nigel Biggar argues that common assumptions around 'criminal justice'[69] suffer from the mistaken belief that justice is primarily about retribution and the punishment of the perpetrator. To Biggar, justice is properly understood as vindicating the victim, which may well include various types of retribution, but in all cases is qualified by several kinds of peace. In an attempt to outline the basic elements of a teleological approach to justice, Biggar identifies three steps that focus on the victim: the *first* step is vindicating the victim. This step is achieved primarily through the recognition of the injuries suffered by the victim. By recognising the harm done, he argues, there is acknowledgement of the human dignity of the victim. To Biggar, the Human Rights Violations Committee hearings in the TRC stand as a prime example of how victims experience the dignity of being heard and understood. The *second* step is to provide material and psychological support to the victims to repair the

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[68]   Tutu, *No Future without Forgiveness*, p. 48. Tutu stays away from the term 'punishment', but instead uses the term 'penalty' to describe the social repercussions of amnesty confessions.

[69]   See Nigel Biggar, 'Making Peace or Doing Justice?', in Nigel Biggar (ed.), *Burying the Past: Making Peace and Doing Justice after Civil Conflict* (Washington, DC: Georgetown University Press, 2001), p. 14. It is a common practice to equate 'retributive justice' with 'criminal justice'. Biggar attempts to provide a less monolithic understanding of 'criminal justice'.

harm done, to the extent that this is possible. The *third* step entails seeking the truth about the harm done and establishing an accurate record of 'what happened, why it happened, and who was responsible'.[70] In the case of South Africa, the amnesty component helped establish this record, for without the 'carrot' of amnesty, there would have been no history of atrocities and thus no commonly shared story from which to build a just society. To critics who claim that the amnesty component compromised justice, Biggar correctly responds, 'Punishment is not an end in itself. Some of its purposes have been achieved by other means – the informal communication of public opprobrium, the protection of potential victims, and the repentance of some perpetrators'.[71]

Accountability and Impunity

Behind calls for the inclusion of retribution in the TRC there is the argument that amnesty fostered impunity. As Alex Boraine recalls, the challenges raised by impunity were a constant concern to the Commission. Initially, the issue of impunity was debated in the context of blanket amnesty. Boraine notes that the framers of the TRC rejected blanket amnesty precisely because it was equivalent to impunity, which would have the adverse effect of (a) creating a culture of fear that perpetrators may strike again, (b) undermining democracy, (c) cultivating vigilantism, and (d) destabilising an already uncertain social situation. To avoid impunity, the Commission opted for conditional amnesty, which included the requirements of disclosure and accountability.[72]

According to Elizabeth Kiss, a political ethicist and President of Agnes Scott College in the United States, accountability is one of the hallmarks of justice. She writes:

> Justice, whether retributive or restorative, demands full and fair accountability. In practices, such accountability is difficult to achieve in transitional situations like post apartheid South Africa. Nevertheless, despite the severe constraints of a politically imposed amnesty process, the TRC achieved a robust degree of accountability and reinforced the links between justice, accountability and truth.[73]

Tutu also recognises the importance of accountability in the amnesty process. He argues, 'It is also not true that the granting of amnesty encourages impunity in the sense that perpetrators can escape completely the consequences of their actions, because amnesty is granted only to those who plead guilty, who accept responsibility for what they have done'.[74] Tutu turns to the amnesty applicants

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[70] Ibid., p. 16.

[71] Ibid.

[72] Boraine, *A Country Unmasked*, pp. 258–99.

[73] Kiss, 'Moral Ambition within and Beyond Political Constraints', p. 78.

[74] Tutu, *No Future without Forgiveness*, p. 51.

who murdered Steve Biko as an example of the accountability requirement in amnesty. In their testimonies, Tutu recalls, they refused to accept responsibility for the role they played in his death – they never expressed their guilt. Because they refused to admit guilt, their application was rejected, thus leaving them open to prosecution and civil suit. Innocent people do not need amnesty, Tutu argues, so there is no need to offer amnesty to applicants who refuse to be accountable for their actions. Tutu concludes that while the TRC's strategy of limited amnesty may not have satisfied all of the critics' demands, it should not be saddled with the criticism that it fostered impunity.[75]

Along with perpetrator truth-telling and a confession of responsibility, there was another way in which the TRC attempted to promote accountability, that is, through a process of economic reparation.[76] Controversial from the outset of the Commission, the purpose of reparations, under the banner of the Reparation and Rehabilitation Committee, was to compensate for the compromise that was made with amnesty and contribute to justice for victims.[77] Tutu and the other Commissioners were well aware of the controversy surrounding amnesty and its potential for inciting social protest. Tutu writes, 'that is indeed a high price to ask victims to pay, but it is the price those who negotiated our relatively peaceful transition from repression to democracy believed the nation had to ask of victims. Our freedom has been brought at a very great price'.[78] In other words, the Commission recognised that social stability, respect for human rights, and the formation of a new democracy were being offered in exchange for amnesty – and the burden of this exchange had fallen largely on the backs of victims. To compensate victims for their courageous participation in this process, the TRC said, in Tutu's words, '"We acknowledge that you suffered a gross violation of your rights. Nothing can ever replace your loved one. But as a nation we are saying, we are sorry, we have opened the wounds of your suffering and sought

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[75]   Ibid.

[76]   Morton Deutsch and Peter T. Coleman (eds), *The Handbook of Conflict Resolution: Theory and Practice* (San Franciso: Jossey-Bass, 2000), p. 42.

[77]   The TRC recognises that no amount of reparation will make up for the losses suffered and human rights violations experienced under apartheid. However, the failure of the government to bring about social and economic changes raises the question of sacrificed justice. The *TRC Final Report* states, 'Although no amount of reparations could ever make up for the losses suffered by individual, families, and communities because of gross human rights violations, the nation has an obligation at least to try to transform abject poverty to modest security' (*TRC Final Report*, vo1. 5, ch. 5, p. 125). Elsewhere the *Final Report* reiterates, 'Victims of human rights abuses have suffered a multiplicity of losses and therefore have the right to reparation. Without adequate reparation and rehabilitation measures, there can be no healing or reconciliation. In addition, in the context of the South African Truth and Reconciliation Commission, reparation is essential to counterbalance amnesty' (*TRC Final Report*, vol. 5, ch. 5, p. 170). In advocating social justice in housing, education and healthcare, the TRC goes beyond mere symbolic justice.

[78]   Tutu, *No Future without Forgiveness*, p. 52.

to cleanse them; this reparation is as balm, an ointment, being poured over the wounds to assist in their healing'".[79] Tutu explains that some observers were critical of amnesty because they did not think that the negotiators had the right to choose this strategy, or this moral compromise – only victims have the right to do this. However, Tutu is quick to point out that many of the negotiators were victims themselves. They were speaking on behalf of victims. He explains:

> This is a position that was not arrived at lightly. It was something that caused a great deal of anguish, but it is clear even in the case of civil damages that had those applying for amnesty know that it might remove their criminal liability but not their civil liability, it is highly unlikely that they would have come forward at all. The carrot that drew them to the Truth and Reconciliation Commission would have been significantly diminished.[80]

In short, forgoing civil damages was part of the price to move South Africa forward; and reparations were to compensate to some degree the victims who would be most directly affected by the amnesty decision.[81]

Vengeance and Justice

In adopting the conditional amnesty provision, the TRC effectively prohibited vengeance as a legitimate response to apartheid crimes. As the Act indicates, vengeance was rejected because the framers believed that such a response would lead to further victimisation. However, a number of black theologians, including Tinyiko Sam Maluleke, have argued that vengeance could have and should have played a part in the peaceful recovery of black South African's identity. To these theologians, vengeance is a rational and just response to economic oppression, systemic racism and other social sins; that is, so long as it fosters the common good and preserves human dignity.

Willa Boesak, a black South African theologian and author of *God's Wrathful Children* (1995), recalls a poem by South African poet and social justice critique Mafika Pascal Gwala entitled 'The Big Jig':

> They tortured our black souls
> little knowing;
> By detention
> they had sent us on a Black holiday
> By assaulting us

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[79] Ibid., p. 57.

[80] Ibid., p. 54.

[81] Because the Reparation and Rehabilitation Committee could only make recommendations for reparations, ANC government was charged with the task to 'transform abject poverty into modest security' (*TRC Final Report*, vol. 1, ch. 5, par. 78, p. 125).

they were teaching us to hate;
By insulting us
they had told us never
to turn the other cheek.[82]

To Boesak, this poem complements what the Dominican Catholic Albert Nolan said about the situation in apartheid South Africa: 'God is angry, God is absolutely furious, about what is being done to the people in South Africa today … The anger of God has become visible for all to see in the anger of the people'.[83] The difficult question that Boesak raises is the extent to which God's wrath is manifested in human communities. As uncomfortable as an ethic of vengeance might be for the well-to-do, including well-to-do Christians, the reality of gross injustices often means that people are angry and seek to enact revenge. To deny these feelings, Boesak argues, is to deny the human response to domination and marginalisation. Moreover, he argues, vengeance is what compels the oppressed to resist oppression and to demand change. Referring to what he calls 'the Janus face of human vengeance', Boesak recognises that vengeance has a dual nature. On the one hand, there is a constructive form of vengeance that cries out to God to deliver the oppressed from bondage, that confronts unjust political authorities, and speaks truth to power. On the other hand, there is a destructive form of vengeance that further severs social relationships, pits neighbour against neighbour, and is ultimately sinful. With this Janus face of vengeance in mind, Boesak writes, 'the notion of vengeance conjures up the vision of revengeful black people who would like to destroy their former oppressors. Nothing is further from the truth. My assessment is that people at the grassroots level are very willing to forgive but not forget'.[84] Indeed, Boesak understands vengeance not in terms of people's courts, 'necklacing', or public floggings of unfaithful women, but rather in terms of the ethical demands of justice to name injustice and to restructure an unjust society. For Boesak, then, vengeance requires accountability and economic improvement – or to put it in other terms, vengeance demands justice through punishment, vindication, correction, compensation and, ultimately, redemption (which, in the language of social ethics, is the restoration of human solidarity).[85]

Martha Minow, the Harvard legal expert on truth commissions, also allows for constructive vengeance in the pursuit of justice. Similar to Boesak, Minow

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[82]   Mafika Gwala, 'The Big Jig', in Tim Couzens and Essop Patel (eds), *The Return of the Amasi Bird* (Johannesburg: Raven Books, 1982, reprint 1991), p. 349; cited in Boesak, *God's Wrathful Children*, p. 5.

[83]   Albert Nolan, *God in South Africa: The Challenge of the Gospel* (Cape Town: David Philip, 1988), p. 105; cited in Boesak, *God's Wrathful Children*, p. 4.

[84]   Willa Boesak, 'Truth, Justice and Reconciliation', in Russel Botman and Robin Petersen (eds), *To Remember and To Heal: Theological and Psychological Reflections on Truth and Reconciliation* (Cape Town: Human and Rousseau, 1996), p. 65.

[85]   Boesak, 'Truth, Justice and Reconciliation', pp. 67–8.

understands vengeance as a 'wellspring' that 'animates justice'.[86] Against a widely held assumption that vengeance is simply a violent, non-rational reaction, she argues that vengeance can be a moral response to wrongdoing. Moreover, in countries where there is a tradition of vengeance, a state-controlled retribution that controls proportionality in vengeance can help generate justice. She writes, 'retribution can be understood as vengeance of someone other than the victim and by principles of proportionality and individual rights. Retribution motivates punishment out of fairness to those who have been wronged and in direct proportion to the harm inflicted. Otherwise, wrongdoers not only inflict pain but also degrade and diminish victims without a corrective response'.[87]

If we follow Boesak and Minow, then the spectrum of how we think about vengeance must be broadened to include making amends for the wrongs of the past. To many, this understanding of vengeance may sound like 'retribution'. For example, Nigel Biggar, in outlining a theory of criminal justice, draws a distinction between retribution and vengeance. He writes, 'the point of this punishment is the vindication of actual victims, the protection of potential ones, and the reform of the perpetrators. Punishment necessarily involves the suffering of the perpetrator, but that is not its point; in other words, it is not vengeful'.[88] He continues, 'punishment's retributive character lies in its being a response to someone who has actually broken the law (and not being inflicted on an innocent for some utilitarian purpose); and insofar as the penalties that it imposes are designed, as far as possible, to annul the relative advantages unfairly seized in the criminal act and/or to express the community's opprobrium'.[89] For Biggar, the primary difference between vengeance and retribution is the ultimate purpose in punishment: the aim of vengeance, he asserts, is inflicting pain on the perpetrator, while the aim of retribution is victim vindication, protection against further violence, perpetrator reform, *and* social and economic restitution. Boesak and Minow do not make this same distinction between vengeance and retribution. Boesak wants to maintain vengeance – wrath – as a moral-theological response to injustice; that is, a response that compels Christians to participate in struggles for social justice. Minow sees the importance of embracing vengeance as a positive social response so long as it is governed by the rule of law. While Biggar may still want to uphold the distinction, if only for the sake of categorical clarity, the type of vengeance Boesak and Minow seem to be advocating fits squarely with the aims of Biggar's criminal justice theory and his understanding of retribution. As one who has worked in conflict mediation, I see the benefits of adopting a 'broad' understanding of 'vengeance'. Although I agree with Biggar's basic distinction between vengeance and retribution, I do so only within a certain context; that is,

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[86] Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998), p. 10.

[87] Ibid., p. 12.

[88] Biggar, 'Making Peace or Doing Justice?', p. 13.

[89] Ibid., pp. 13–14.

one in which vengeance is narrowly defined in terms of the *lex talionis*. In the case of South Africa, as well as in many other post-conflict situations, including Rwanda and hopefully soon the Sudan, vengeance has a much broader meaning than simply 'an eye for an eye' retaliation. If advocates of religious conflict resolution adopt this broader understanding of vengeance, then it is vitally important to follow Boesak, Minow *and* Biggar in upholding the necessity of justice pointing beyond mere retribution. For these thinkers, justice comes in the form of reconciliation, social solidarity and mutual accountability.

Did Individual Truth-telling and Amnesty Compromise the Pursuit of Structural Justice and Reparations?

As we recall from our discussion in Chapter 5, the TRC's approach to truth-telling was not without problems, nor was it beyond criticism. Mahmood Mamdani argues that while truth-telling can be an important element in a post-conflict situation, there are certain limits that must be acknowledged by all actors, from government leaders to witnesses. In the case of the TRC, however, these limits were, he contends, never fully discussed. To the contrary, TRC leaders often promoted 'truth leads to reconciliation' as a means to mobilise support for the Commission's work.[90] In no uncertain terms, Mamdani rejects the basic premise that truth alone brings justice. He states, 'No doubt the search for truth – understood as shared memory, history – is important in providing a durable basis for a political community. But truth alone cannot provide that basis. Unless it is joined to a form of justice other than punishment, the recognition of truth is likely to breed outrage in victims and fear in beneficiaries'.[91] Mamdani's concern is that if reconciliation becomes the goal of the process, then there *must* be *adequate* and *real* compensation to survivors, victims and their families.

At the core of Mamdani's criticism of the TRC is an appeal to re-examine the structural effects of apartheid – in other words, he wants to revisit questions about social justice. For Mamdani, matters of social justice must be included in formal truth-telling processes, for the victims' and perpetrators' stories make sense only within the socio-economic contexts in which the people of South Africa work and live. Yet social justice was not a formal issue to be taken up by the TRC. The Commission's mandate was limited to individual human rights violations. As a result, Mamdani argues, what emerged from the TRC was 'diminished truth'.

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[90]   For a social scientific analysis of responses to this slogan, see James L. Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russell Sage Foundation, 2004).

[91]   Mahmood Mamdani, 'Reconciliation without Justice', *Southern African Review of Books*, 46 (November/December 1996), online, available at: http://web.archive.org/web/20010715032454/www.uni-ulm.de/~rturrell/antho3html/Mamdani.html (accessed 11 January 2009).

Issues such as poverty, the effects of global capitalism on South Africa's working-class and black populations, and the social welfare system went largely ignored, he asserts. Other than the institutional hearings, which only lasted a few days and were not greatly publicised, there was little accountability demanded from those who benefited from apartheid. For Mamdani, then, the failure to look at the economic injustices of apartheid through a broader version of truth-telling meant that the structures that supported apartheid were never adequately identified. Moreover, those who benefited from structural injustice were never forced to make amends or even to transform the structures that provided disproportionate benefits to Afrikaners. To Mamdani, this ongoing injustice can only be overcome through a radical restructuring of the economic system and other socio-economic systems, such as land reform.[92]

This criticism of ongoing structural injustice is also linked to delayed financial reparations. The recompense for victims whose perpetrators walked free was to be reparations, both symbolic and financial. Now more than a decade after the fall of apartheid, and more than five years after the closing of the TRC, financial reparations have yet to be rewarded on any significant scale – though the former government of Thabo Mbeki still insists that it has plans to release monies and redistribute land in the near future.[93] In contrast, symbolic reparations were established early on and remain the primary reparations awarded by the government. Though virtually all critics recognise the value of symbolic gestures, albeit a limited value, the fact that the financial reparations have been delayed leads many critics to the conclusion that the TRC has actually compromised justice by failing to improve the socio-economic realities of the victims.

As Richard Wilson, Mamdani and many others have rightly noted, of the three committees that carried out the work of the TRC, the Reparation and Rehabilitation Committee was the weakest because it could only make recommendations and it had no money to award reparations to victims. As perpetrators went free, the victims were still waiting for financial reparations and real socio-economic change. To show the injustice of this situation, Wilson cites the example of the Khulumani Support Group, an organisation for survivors of apartheid human rights abuses who have challenged the TRC for failing to provide substantial financial reparations in

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[92]   Mahmood Mamdani, 'A Diminished Truth', in Wilmot James and Linda Van de Vijver (eds), *After the TRC: Reflections on Truth and Reconciliation in South Africa* (Cape Town: David Philip Publishers, 2000), p. 58.

[93]   For example, see the BBC report, Alistair Leithead, 'Payout for Apartheid Victims', from 2003, which explains government plans to mount a one-time payment plan, which was widely rejected in South Africa. Online, available at: http://news.bbc.co.uk/2/hi/africa/2950199.stm (accessed 11 January 2009). At the Reconciliation Day Speech on 19 December 2005, President Mbeki noted the tensions that still remain in South Africa as a result of this incomplete work. Thabo Mbeki, 'Reconciliation Day Speech', 19 December 2005, Department of Foreign Affairs of South Africa Official Website. Online, available at: www.dfa.gov.za/docs/speeches/2005/mbek1216.htm (accessed 11 January 2009).

exchange for their truth-telling.[94] He quotes from a Khulumani Support Group press release, published in 1999:

> The TRC has compromised our right to justice and to making civil claims. In good faith we came forward and suffered the retraumatisation of exposing our wounds in public in the understanding that this was necessary in order to be considered for reparations. We now feel that we have been used in a cynical process of political expediency.[95]

For survivors and families of victims, Wilson concludes, justice required more than merely telling the truth. It required compensation. Moreover, because the financial reparations have been put on hold, Wilson suggests that justice has also been put on hold. Wilson appears to hold out the possibility that justice was never a real consideration for the TRC since the commission could only recommend reparations – the real justice making with reparations was solely under the jurisdiction and discretion of the South African government.

Without question, the structural injustices of apartheid remained largely unaddressed, particularly in regard to economic disparities and land distribution. While I share Mamdani's concern for the lack of structural analysis and engagement on the part of the TRC, and I agree with Wilson and the many other critics who argue that delayed reparations have resulted in delayed justice, it is unclear to me how an already over-burdened Commission could have addressed these injustices as well. Ideally, the Commission should have been more proactive in targeting structural injustice; but given the political realities of South Africa in 1993 and 1994, a truth commission that focused on the structural injustices of apartheid was simply not a politically viable option.

In drawing this conclusion I do not necessarily want to conclude that justice was morally compromised by the political realities of South Africa. To the contrary, I maintain that the TRC actually met certain basic requirements of justice. In making this case, I follow the lead of André du Toit, a South African political scientist who specialises in transitional justice mechanisms. Du Toit states, 'The TRC's approach to transitional justice need not be construed as a moral compromise, sacrificing

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94   Khulumani Support Group acknowledges the interim reparations awarded by the government; but criticises authorities because the remaining financial reparations have not been forthcoming. They have launched lawsuits against the TRC, as well as an international lawsuit against 'corporations that continued to conduct business with the South African government during the apartheid era despite international restrictions on trade and sanctions. The lawsuit contends that these corporations aided and abetted the apartheid regime in carrying out its reprehensible policies, which resulted in myriads of gross human rights abuses'. 'Redress', Khulumani Support Group Website. Online, available at: www.khulumani.net/redress.html (accessed 11 January 2009).

95   Wilson, *Politics of Truth*, p. 22.

justice for the sake of truth and reconciliation'.[96] He explains that transitional justice calls for a different conceptualisation, or a re-conceptualisation, of justice because transitional contexts require a different understanding of justice than the one called for within currently existing liberal democracies.[97] An important part of this re-conceptualising of justice, du Toit suggests, is the fostering of new ways of thinking about the foundations of both truth and justice in transitional contexts. He writes, 'Consistent with justice itself, understanding the moral foundations of truth commissions may require different principles applied in fundamentally different kinds of historical circumstances, such as those of transitional justice'.[98] In other words, du Toit thinks that thick principles of justice, which tend to come in the form of retributive justice, are the wrong standards because it is the wrong time. A much more minimalist (or in Rawlsian terms 'general') conception of justice is initially required, namely justice as recognition. Once that basic requirement of justice is in place, then a country can carry on to enact a more specific conception of justice, i.e. one that addresses structural imbalances. Following du Toit, then, I would conclude that, now more than a decade after the first democratic elections, it is time to move to the next phase in the ongoing pursuit of justice in South Africa – namely the assurance that the basic rights of recognition and reparation remain as victims receive their just reparations and the poor black populations begin to achieve greater access to socio-economic opportunities.

Conclusion

This chapter addressed the topic of justice and the TRC by focusing on four primary criticisms of the Commission and its ability to generate justice. The first criticism was that Christianity impeded justice because it was incompatible with the legal and political processes. In response, I argued that this criticism fails to recognise that Christian churches, Christian organisations such as the SACC, and Christian actors had a long history of resisting the injustice of apartheid. The tension that appeared in the TRC over 'Christian' involvement in a political process was actually indicative of a larger social transformation taking place in South African society, which had yet to work out what role Christian churches and leaders would play in a democratic South Africa. The second criticism concerned the claim that

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[96] André du Toit, 'The Moral Foundations of the South African TRC', in Rotberg and Thompson, *Truth v Justice*, p. 123.

[97] Du Toit's arguments rests on a Rawlsian distinction between a 'general conception of justice', which emphasises equal distribution of liberty and opportunity, and a 'special conception of justice', which is a thicker, more politically advanced proposal for equal liberty, opportunity and socio-economic structure. The 'special conception of justice' can be addressed only once basic struggles for survival have ceased. See du Toit, 'The Moral Foundations', p. 125.

[98] André du Toit, 'The Moral Foundations', p. 124.

traditional African notions of justice as punishment had been disregarded in favour of 'Christian' forgiveness and reconciliation. In response to this criticism, which I associated with the work of Richard Wilson, I argued that the TRC did indeed reject local systems of justice, such as the *imbizo*, because these systems actually fostered anti-democratic politics, sexism and arbitrary, often brutal vengeance – in other words, the decision to exclude these mechanisms was rooted in principles of participatory justice. Accordingly, I rejected Wilson's conclusion that the TRC's rejection of 'local courts' was simply a power-politics strategy of legitimising the ANC led government. Third, I asked whether amnesty precluded justice as punishment. In response, I argued that, while retribution may play a role in transitional justice mechanisms, the TRC's decision to pursue conditional amnesty was a reasonable, but difficult, compromise made in the interest of long-term restorative justice. The fourth and final criticism concerned the lack of structural justice. I noted that this criticism is, in many ways, the most difficult for advocates of religious conflict resolution to address, for it is apparent that those who invoked a Christian discourse in the TRC have yet to receive promised financial reparations. In conclusion, I argued, with the help of André du Toit, that the basic requirement of justice as recognition was met in the TRC process – what many South Africans await is the structural justice that is requisite of a just, participatory society.

Chapter 8
Conclusion

This book began with two principal objectives: (1) to provide an analysis of the role that Christianity played in the TRC and (2) to highlight certain analyses that may be instructive to those who engage in international conflict resolution theory. In this final chapter, I use these two objectives to focus on the major issues that emerged in this study and consider prospects for future studies into the relationship between Christianity and the TRC. I will close by highlighting four general lessons for scholars and practitioners of conflict resolution.

Christianity and the TRC

In the field of international conflict resolution, as well as international relations (IR), the appropriate place of religion as a source for peacebuilding and IR theory remains a point of contestation, confusion and even exasperation. Since at least 1979, with the Iran hostage crisis, US political theorists have been acutely aware of the need to understand how religion serves as a motivating force in international relations. Because religion often became an issue for scholars, diplomats and politicians only in a time of conflict – such as the Balkan conflicts in the 1990s and the war on terror – there were good reasons to consider religion essentially as a source of violence. Contributing to this general perception is the post-Westphalian consensus that religion needs to be marginalised in international conflict resolution and IR. With religion a tertiary concern at best, and quite possibly a source of violence, scholars, diplomats and politicians are supposed to adhere to the rule of law, international conventions and a modern rights regime. As a result, proposals to bring about stability – the hallmark of post-Westphalian political realism – typically focus on balancing interest and power, establishing judicial order and implementing market reforms. And yet, in many places around the world religion continues to provide not just the bases for conflict, but it also serves as a source for peacebuilding structures that uphold the rule of law, embrace international conventions and promote human rights. As I stated at the outset, this book is based on the premise that if religion played a significant part in people's lives, and if religion played a part in fuelling the conflict, then resolving the conflict must at least account for the role of religion, for without this consideration, the resolution will fail to deal with the reality of the conflict and, furthermore, often miss the peacebuilding resources within the religious traditions themselves.

The South African TRC is an especially rich case study for religious conflict resolution because it was, for the most part, able to maintain the late-modern

tension between liberal political conventions and religious worldviews. To be clear, in this study I found little evidence to suggest that maintaining this tension was planned by South Africa's political leaders, the TRC commissioners or even Desmond Tutu, the chair of the TRC. In many respects, the Christian discourse and ritual that surrounded the TRC simply took place as crises arose, whether in public when TRC officials attempted to legitimate the TRC or in the hearings when victims recounted their stories of injustice. Regardless of whether TRC officials, and particularly Tutu, had designed the TRC with a religious component in mind, it is clear that by the time of the first public hearings in 1996, it was evident to the Commissioners that dealing with the legacy of apartheid not only meant establishing a new political culture for South Africa, it also meant attending to the spiritual and psychological scars created by apartheid violence. While the TRC could not adequately address all of the many issues facing post-apartheid South Africa, the TRC does stand as a defining point in South Africa's history – a point in which the history of apartheid abuse was laid bare, in which South Africa's apartheid past was denounced as evil and *from* which South Africans could begin the arduous process of creating new political and social structures.

In my original outline for this study, I followed the lead of the TRC framers – who promoted the Commission with the slogan, 'Truth, the Road to Reconciliation' – and chose to focus on the role of Christianity in truth-telling and reconciliation. However, by the time I had worked through the material on truth-telling and reconciliation, I realised that I would also have to consider the matter of justice in relation to Christianity since critics have rightly questioned whether the 'religious' (either Christian or *ubuntu*) emphasis on reconciliation denied some South Africans justice.

Undoubtedly, Christianity played its most public role in the TRC's Human Rights Violations Committee (HRVC) hearings, particularly in the truth-telling component. As the 'public face' of the TRC, the HRVC hearings empowered victims and survivors by legitimising their personal, and in many cases religious, narratives. It enabled their voices to become part of South Africa's collective memory. Moreover, the Amnesty Commission (AC) hearings, the quasi-judicial wing of the TRC, not only functioned as a means of granting legal amnesty and a new status to perpetrators, but they also helped create the conditions for an extended moral community in South Africa. Just a word of caution is in order here: the term 'community' runs a risk of becoming mere sentimentality, when in fact building a just South Africa from the bottom up is an arduous and at times conflict-ridden affair. To avoid this kind of sentimentality, political leaders and scholars must seek out and refer to actual cases of victims and offenders participating in the rebuilding of South Africa's society.[1]

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[1]   Take, for example, the case of Amy Biehl, a Fulbright student who was murdered in 1993 by Vusumzi Ntamo, Ntobeko Peni, Easy Nofemela and Mongezi Manqina. Since applying for and receiving amnesty in 1998, Easy Nofemela and Ntobeko Peni have worked

In spite of the successes, there were problems with the truth-telling component in the TRC. I argued that a Christian version of truth-telling – a religious discourse – was too easily dismissed as a private concern when issues such as amnesty, reparations and even national reconciliation came to the fore. In effect, the HRVC's authorisation of personal, religious narratives ended up fostering the idea that Christian discourse was exclusively a victim's discourse. Furthermore, a remaining challenge in South Africa is how to translate a truth-telling narrative, which is rooted in Christian notions of forgiveness and reconciliation, into financial reparations. While a religious discourse may have enabled some victims to participate in the creation of South Africa's apartheid history, it has had little effect when it comes to material compensation. The *Final Report* itself acknowledged that it was much easier for the legal-judicial version of truth-telling to translate into amnesty, as well as financial and political reparations, than it was for a religious-personal version of truth-telling to translate into criminal, social or economic justice for victims.

This finding could be further developed by asking difficult questions about other consequences of this victims' discourse. For instance, in some cases Christian discourse may have actually masked other processes that were at work in the TRC, particularly processes that related to business interests and the lack of attention given to HIV/AIDS. A particularly rich area of research that could stem from this finding concerns the voices of women. As I mentioned only in passing in Chapter 5, women were often the ones who were left behind to deal with the legacy of losing their husbands, sons or daughters to human rights abuses. In this book, I referred only generally to victims who used Christian discourse to make sense of apartheid violence. My abiding suspicion is that there were indeed differences in how Christian discourse was invoked by men and women, which may well be a contributing factor to delayed reparations.

The second area where Christianity played a prominent role in the TRC was in the reconciliation component. As a complement to truth-telling, reconciliation was never defined in the TRC process. In fact, it remained unclear throughout the life of the Commission whether 'reconciliation' meant interpersonal or national reconciliation, and whether it should be conceived of in legal-political or religious-moral terms. Tellingly, this lack of clarity was also cited by the *TRC Final Report*. In one of its most admonitory sections, the *Report* identified at least five different levels of reconciliation in the TRC process. In post-TRC discussions, scholars such as John de Gruchy sometimes equated reconciliation with restoring justice, specifically the restoration of a moral order that was ruptured by apartheid. By linking reconciliation with restorative justice, these scholars want to emphasise that 'reconciliation, whether at the interpersonal or national level, or by means of

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for the Amy Biehl Foundation in South Africa. See the Amy Biehl Foundation website: www.amybiehl.org (accessed 9 January 2009).

religious or political understandings, would never be achieved without justice'.[2] Following their lead, I concluded that the TRC could only initiate a 'process of reconciliation' in South Africa which was rooted in mutual recognition, a basic requirement of justice.

The final area in the TRC where Christianity played an important role was in the justice component. In Chapter 7, I analysed four of the most important and lasting criticisms levelled against the TRC and its pursuit of justice, specifically considering the criticisms that focused on the role Christianity played in the pursuit of justice in the TRC. The first criticism was that Christianity impeded justice because it was incompatible with the legal process of the TRC. I argued that much of the confusion around the relationship between Christianity and politics in the TRC should not be ascribed solely to the process itself, but rather to a more general transition that was taking place in South Africa. As I outlined in Chapter 2, Christianity had played an important role in resisting apartheid. But with the apartheid regime gone, a new understanding between Christianity and politics had to be forged. At the time of the TRC, this process was just underway in South African society. Consequently, instead of deriding the TRC for mixing religion and politics, I concluded that the role of Christianity in the Commission helped facilitate the transition.

The second criticism was that the TRC denied local African forms of retributive justice in favour of 'Christian' and Western concepts of forgiveness and reconciliation. I argued that the Commission's decision to exclude the 'people's courts' (*imbizo*) was indeed rooted in principles of justice and not crude political ambitions of nation building. By rejecting the local 'court' practices of necklacing suspected informants, publicly flogging unfaithful wives and sentencing the unsuspecting *in absentia*, the Commission chose to embrace the values of freedom, gender equity, due process, forgiveness and reconciliation. While these values were linked to Christianity and the Western tradition, they were also part of an African tradition of *ubuntu* and restorative justice.[3]

The third criticism was that amnesty precluded punishment and fostered impunity. I argued that the conditional amnesty provision in the TRC was a reasonable compromise given that the primary objective of the TRC was to record the history of South Africa's apartheid past. The alternative, blanket amnesty, was ruled out because it would have led to widespread disillusionment and suspicion among the majority black population. I argued that justice in this case was about the establishment of social solidarity and mutual accountability.

The final criticism was that the TRC's approach to truth-telling and amnesty prohibited the pursuit of structural justice and reparations. To respond to this criticism I concentrated on the expectations placed on the TRC. On the one hand, I pointed out that apartheid's victims continue to suffer under unjust socio-economic

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[2]   John de Gruchy, *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002), p. 25.

[3]   *TRC Final Report*, vol. 1, p. 126.

conditions. On the other hand, I contended that the criticism of the TRC for failing to attend to socio-economic justice was rooted in unrealistic demands. Given the limited resources at the disposal of the Commission and the unstable political environment in the mid-1990s, any attempt at achieving structural justice would have undermined the central objective of creating a history of human rights violations. Ultimately, I concluded that the TRC met a basic requirement of justice, namely justice as recognition.

The task that South Africa must now face is the demand for just distribution of wealth, just land reform and a just healthcare system suffering under the scourge of HIV/AIDS. Now more than a decade after the TRC began its work, it is time to move to the next phase in the ongoing pursuit of justice in South Africa – namely the assurance that the basic rights of recognition and reparation remain as the poor black populations begin to achieve greater access to socio-economic opportunities. A further area of study could be an examination of the role Christianity is playing in generating long-term justice in post-apartheid South Africa. Much of the work today needs to focus on deeper racial, social and economic reconciliation, the HIV/AIDS crisis, and creating just socio-economic conditions through concrete measures like land reform and the creation of employment opportunities.[4]

Lessons for Religious Conflict Resolution

While the TRC had many flaws, which should be taken with the utmost seriousness, we must not overlook the revolutionary work the Commission accomplished to help establish a democratic South Africa. To be sure, divisions remain in South Africa – the country remains radically divided along racial and class lines, and high crime rates and rampant unemployment, especially in the townships, still threaten to destabilise the country. Yet, as the 2004 elections would seem to indicate, South Africa has firmly established democratic structures as well as relatively secure areas in which civil society can operate without government interference. As a transitional justice mechanism, the TRC can be credited with fostering some of this success. Moreover, religion, because it played such an extensive role in this transitional process, should be recognised for the contributions it made to South Africa's transformation. Based on premises such as these, some advocates of religious conflict resolution, such as Russel Botman,[5] have turned to the South African TRC as a leading example of how a transitional mechanism can maintain religion as one of its central components. They are interested in how religion can

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4   Megan Shore, 'The Continuing Effect of Apartheid Violence: The Challenge Facing the South African Churches', *The Ecumenist: A Journal of Theology, Culture, and Society*, 45/3 (2008), pp. 16–21.

5   H. Russel Botman, 'Truth and Reconciliation: The South African Case', in Harold Coward and Gordon S. Smith (eds), *Religion and Peacebuilding* (New York: State University of New York Press, 2004), pp. 243–60.

make a positive, as well as negative, contribution. Indeed, I see this book as but an initial chapter in building what Appleby called a critical mass of case studies that might one day provide a reliable basis for a comprehensive typology of religious conflict transformation.[6]

In looking to South Africa's TRC as a case study in religious conflict resolution, I do not want to suggest that we should treat the TRC as a template that is applicable to every case where religion has played a part in fuelling conflict. This study needs to be seen as a first step in a much broader project of understanding the complex and ambiguous role religion can play in conflict resolution processes and mechanisms. Based on this study of Christianity and the TRC, I see at least four lessons that are particularly worthy of attention.

The first lesson concerns the influence of religion on the structure and administration of a transitional mechanism. In South Africa, churches provided much of the infrastructure for the hearings and witness statement recordings. Church leaders such as Desmond Tutu and Alex Boraine became the public faces and defenders of the Commission. Moreover, many of the HRVC hearings ended up becoming much more like church services than judicial proceedings. The basic lesson that comes from the TRC is that, in certain cases, religious actors and practices may be such an integral part of a people's national identity and civil society, that their inclusion in the process runs the risk of turning the process into a religious event. This possibility was largely unforeseen in the case of the TRC. As part of an overall transitional strategy, the inclusion of a religious dimension in the proceedings may be deemed a valuable practice in a particular context. But a definite confusion can arise, as it did in the TRC, when a transitional mechanism is established as a political process, but then becomes quasi-religious. To avert some of the confusion, I would suggest that at the outset of any conflict resolution mechanism where religion will play a significant role, it is imperative to establish basic guidelines for (1) the use of language around religion and the 'transitional vocabulary' of peacebuilding, human rights and democracy; (2) the selection of official hearing and meeting sites; and (3) the creation of protocols for such hearings and meetings. Those in international conflict resolution should have no illusions. The implementation of a transitional mechanism may vary widely from the guidelines outlined by the mechanism's mandate. At the minimum, though, these types of discussions may prepare transitional leaders, mediators and local personnel to assess challenges from political and religious actors who feel that their voices are being silenced by the mechanism's structure. In the case of the TRC, this realisation occurred largely after the Commission had completed its work.

The second lesson for religious conflict resolution involves the use of religious discourse in truth-telling. We saw in Chapter 5 how a Christian discourse functioned primarily as a victim's discourse in the HRVC hearings because it emphasised healing, forgiveness and reconciliation rather than legal

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6   R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence and Reconciliation* (Lanham, MD: Rowman & Littlefield, 1999), p. 212, n. 10.

and economic justice. Although religion aided many victims in telling their stories and making sense of their suffering, it has translated into virtually no financial compensation. In contrast, the legal-forensic language used at the AC hearings produced an almost immediate response from the new government. The lesson for advocates of religious conflict resolution is that, unless a process can guarantee adequate compensation to victims who use a religious discourse, then it may not be in the victim's interest to invoke religious narratives in their truth-telling. A similar lesson has emerged in studies analysing land tenure claims by indigenous populations in North America, where evidence of modern property law clashes with the oral and religious traditions of most tribes.[7]

The third general lesson concerns the objectives and scope of a transitional justice mechanism. As we discovered in our discussion of reconciliation, the 'reconciliation' component of the TRC created a tremendous amount of confusion because the term itself was never defined by the Act, which established the Commission, or by the Commissioners, who were charged with implementing the mandate. As the *Final Report* notes, the various types of reconciliation at work in the TRC created a great deal of confusion, especially when it came to issues such as forgiveness and amnesty. Transitional mechanisms, I would argue, tend to function best when they address specific issues and undertake manageable objectives. In the case of the TRC, when the Commission attempted to go beyond the basic and verifiable objectives of telling the truth and creating a history, there was, as Richard Wilson rightly argues, little evidence of success. For example, individual reconciliation took place largely outside the formal work of the Commission. Furthermore, national reconciliation is simply immeasurable. In short, the lesson for religious conflict resolution is that 'mandate overstretch' may actually detract from what transitional mechanisms do well, namely provide a minimal basis on which to rebuild a country and to refashion a political and moral framework.

The fourth and final lesson emerging from this study involves the role of religion in building a just society. As I pointed out in Chapter 7, the TRC was not established to mete out justice, but to 'bridge' the apartheid past with a democratic present and future.[8] Though controversial, restorative justice in the form of *ubuntu* provided a theory of justice that promoted community and an interdependent ethic of mutual recognition. Although many of the black churches and 'prophetic churches' had been active in resisting apartheid, the transition to a free and democratic South

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[7]   For an example, see Waziyatawin Angela Wilson and Michael Yellow Bird (eds), *For Indigenous Eyes Only: A Decolonization Handbook* (Santa Fe, NM: SAR Press, 2005). Also see Waziyatawin Angela Wilson and Eli Taylor Wahpetunwin, *Remember This! Dakota Decolonization and the Eli Taylor Narrative* (Lincoln: University of Nebraska Press, 2005), which attempts to retell struggle of the Dakota people through the life of the Dakota elder Eli Taylor.

[8]   *Interim Constitution of the Republic of South Africa*, Act 200 of 1993. Government of South Africa Website. Online, available at: www.info.gov.za/documents/constitution/93cons.htm (accessed 24 September 2008).

Africa marked the end of social and political involvement for many churches and other faith communities. The post-apartheid challenge, which was highlighted in a TRC report submitted by the Research Institute on Christianity in South Africa, is finding ways to reinvigorate an important part of South Africa's civil society. The lesson for religious conflict resolution is to think of transition in broader terms and not simply as a period in which a mechanism holds hearings. The participation of religion in transitional justice need not be framed only in terms of the mechanism, but in the ongoing pursuit for social justice, solidarity and peace.

Conclusion

In the end, the role of Christianity in the TRC was undeniably ambiguous. In my estimation, though, its inclusion in the process was a necessary step in a peaceful transition from apartheid to democracy. Despite the contradictions and controversies surrounding the Commission's work, the TRC stands as an example, however flawed, of a conflict resolution mechanism that found a religious dimension of a people vital to a successful transition. Indeed, religion need not be a 'conversation stopper', as the pragmatist philosopher Richard Rorty once asserted.[9] Rather, religion can and in some cases should be understood as a conversation facilitator. The challenge for conflict resolution theorists and practitioners is to determine, on a case by case basis, both the extent to which religion frames a people's reality and the extent to which modern transitional mechanisms such as truth commissions can embrace religion as an integral dimension of peacebuilding.

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[9]   Richard Rorty, *Philosophy and Social Hope* (London: Penguin, 1999), pp. 168–74.

Appendix
Chronology of Key Events

1488	Bartholomeu Dias, Portuguese explorer, arrives at Cape of Good Hope.
1501	First Christian church was erected by Portuguese Catholics.
1652	The arrival of Jan van Riebeeck and the Dutch East India Company to the Cape Colony.
1795	British take control of the Cape Colony.
	London Missionary Society is established in the Cape Colony.
1803	British return Cape Colony to the Dutch.
1805	British reclaim Cape Colony.
1834	Slaves are emancipated at the Cape Colony.
1835	Beginning of the Great Trek by Afrikaners into the interior.
1838	Battle of Blood River, Voortrekers defeat Zulus.
1867	Diamonds discovered.
1886	Gold discovered.
1899	The start of the Anglo-Boer War.
1902	Britain wins the Anglo-Boer War.
1910	Union of South Africa formed.
	Louis Botha becomes prime minister.
1912	South African Native National Congress formed. It later becomes the ANC.
1914	First World War. Botha and his deputy Jan Smuts, take South Africa to the war on the side of the British.
1914	National Party founded.
1924	Nationalist–Labour pact defeats Smuts's South African Party, General Barry Hertzog becomes first Nationalist prime minister.
1939	Jan Smuts replaced Hertzog as prime minister.
1948	National Party wins the general election on an apartheid platform.
	Daniel Malan, the chief architect of apartheid, becomes prime minister.
1949	The Prohibition of Mixed Marriages Act passed.
	ANC begin 'Programme of Action' and 'Defiance Campaign'.
1950	Population Registration Act and Groups Area Act passed.
1952	Pass Laws were brought into effect.
1953	Bantu Education Act passed.
1954	Malan resigns as prime minister. He is succeeded by J.G. Strijdom.
1958	Hendrick Verwoerd becomes prime minister.
1959	Pan-Africanist Congress founded.
1960	Sharpeville Massacre.
	State of emergency declared.

ANC and PAC banned.

Christian Institute formed.

1961 *Umkhonto we Sizwe* (Spear of the Nation), the military wing of the ANC formed.

Cottesloe Consultation held in Johannesburg. Christian churches challenge apartheid.

1964 Nelson Mandela sentenced to life in prison.

1976 Soweto uprising.

1977 Steve Biko, leader of the Black Consciousness Movement, is killed.

P.W. Botha becomes prime minister.

1978 Desmond Tutu becomes first black general secretary of the South African Council of Churches.

1981 Griffiths Mxenge murdered.

1983 P.W. Botha becomes president.

1985 Kairos Document signed by theologians.

Cradock Four are abducted and killed.

1986 Institute for a Democratic Alternative for South Africa (IDASA) formed.

1989 F.W. de Klerk becomes president.

1990 Nelson Mandela released from prison.

ANC and other political organisations are un-banned.

F.W. de Klerk and Nelson Mandela start negotiations.

1991 Start of multi-party talks.

De Klerk repeals remaining apartheid laws.

1992 Boipatong massacre.

1993 St James Church killings.

Amy Biehl murdered.

Heidelberg Tavern attacked.

New constitution drafted.

1994 25 January. Constitution of the Republic of South Africa (Act 200 of 1993) assented in parliament (this is commonly referred to as the Interim Constitution).

February. IDASA hosts conference entitled 'Dealing With the Past' in Cape Town.

March. Institute for Justice in Transition formed.

27–29 April. First non-racial democratic election. ANC wins.

9 May. Constitutional assembly is established to write the new Constitution for South Africa.

10 May. Nelson Mandela inaugurated as president.

27 May. Dullah Omar, Minister of Justice, announces to Parliament that the truth commission will be entitled 'Truth and Reconciliation Commission'.

July. Institute for Justice in Transition host conference entitled 'Dealing with the Past' in Cape Town.

1995   26 July. Promotion of National Unity and Reconciliation Act signed into law.

5 December. Truth and Reconciliation Commission formed.

1996   16 April. The first TRC public hearings begin in East London.

8 May. Constitutional Assembly adopts new South African constitution.

10 December. Constitution signed into law.

1998   28 October. TRC submits initial five-volume final report to President Nelson Mandela.

1999   2 June. ANC wins parliamentary majority in general election.

14 June. Thabo Mbeki is inaugurated as president.

2001   31 March. TRC dissolved.

2003   21 March. Volume six of the final report of the TRC is submitted to the president.

2004   14 April. ANC and Thabo Mbeki re-elected as president.

27 April. South Africa celebrates the tenth anniversary of the first democratic election.

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