

The church and transitional justice: A comparative ethical approach

by

Johannes Lodewicus van der Merwe

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Synopsis

The study uses 'transitional justice' to explore the role of the Dutch Reformed Church in South Africa during processes of societal change and compares it with the Chilean Catholic Church during processes of societal change in Chile.

A descriptive approach to Christian ethics is applied, and transitional justice is used as a theoretical instrument by means of which the comparison with the Chilean Catholic Church is systematised and focussed. Despite not applying the conventional normative approach to Christian ethics it seeks to contribute to the discipline by investigating the structure of Christian communities' engagement in processes of political transition. The study is inductive in the sense that it uses transitional justice as an instrument by means of which to identify emerging themes.

Transitional justice is a useful instrument as it encompasses both judicial and non-judicial elements. The Chilean Catholic Church was chosen due to a number of reasons. The first is historical proximity: the Chilean totalitarian regime came to an end shortly before the end of apartheid regime of South Africa. The second is key socio-political correspondences, including importantly that Chile instituted a national truth and reconciliation commission from which South Africa drew much inspiration.

Both churches utilized their structures in order to serve a struggling community. The difference came when the Dutch Reformed Church chose for the upliftment of a single ethnic group, namely the Afrikaner, and the Chilean Catholic Church kept the whole Chilean society in view. A second differing and defining factor was the Dutch Reformed Church aligning with a political party and a political ideology. In the context of the Dutch Reformed Church the focus on a single ethnic group lead to the development of an ideology based on the idea that the Afrikaner was predestined by God to bring God's light to Africa. The idea of predestination later developed into a pseudo-gospel where the members of this group believed that racial differentiation was a prerequisite for salvation. The pseudo-gospel, in the Dutch Reformed Church later influenced the church's comments on and suggestions regarding legislation such as mixed marriages, border control, geographical settlement and voting rights. The ecclesial reflection of the Chilean Catholic Church, on the other hand, resulted in a church focused on ministering to the

needs of a greater society struggling under a dictatorship. The community suffered abductions, unfair labour practices, poverty, torture and harsh living conditions. The Chilean Catholic Church ministered to these needs by establishing offices around the country rendering free social, welfare and judicial services. The Chilean Catholic Church further endeavoured to bring opposition parties into talks to end the time of the military dictatorship.

Key terms

Dutch Reformed Church

Democratic South Africa

Transitional Justice

Chile

Chilean Catholic Church

Apartheid

Pinochet

Religion and politics

Church and politics

Dutch Reformed Church General Synod

Political transition

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Abbreviations

ADL	Algemene Diensgroep Leiers
AHC	Academia de Humanismo Cristiano [Academy of Christian Humanism]
AKG	Algemene Kommissie vir Gemeentebediening
AKLAS	Algemene Kommissie vir Leer en Aktuele Sake
ANC	African National Congress
APK	Afrikaanse Protestantse Kerk
ASK	Algemene Sinode Kommissie
CCC	Chilean Catholic Church
CCDH	Comisión Chilena de Derechos Humanos [Chilean Commission on Human Rights]
CI	Christian Institute
CNPDHJ	Comisión Nacional Pro Derechos Humanos Juveniles [Pro Junior National Human Rights Commission]
COPEDU	Comité de Defensa de los Derechos del Pueblo [Committee for the Defence of People's Rights]
DDR	Demobilization, disarmament and reintegration programmes.
DINA	Dirección de Inteligencia Nacional [National Intelligence Directorate]
DRC	Dutch Reformed Church
Ds.	Dominee [Reverend]
FASIC	Fundación de Ayuda Social de las Iglesias Cristianas [Social Aid foundation of Christian Churches]

FSAW	Federation for South African Women
GK	Gereformeerde Kerk [Reformed Church]
NCTR	National Commission for Truth and Reconciliation in Chile
NG Kerk	Nederduits Gereformeerde Kerk [Dutch Reformed Church]
NGKA	Nederduits Gereformeerde Kerk in Afrika
NGSK	Nederduits Gereformeerde Sendingkerk
NHK	Nederduits Hervormde Kerk
LMS	London Missionary Society
MK	uMkhonto we Sizwe
PAC	Pan Africanist Congress
RCC	Roman Catholic Church
SACC	South African Council of Churches
SANC	South African Native Congress
SANNC	South African Native National Congress
SERPAJ	The Chilean Servicio de Paz y Justicia [The Chilean Service of Peace and Justice]
TEPA	Teachers Educational and Professional Association
TRC	Truth and Reconciliation Commission
VK	Voortsettingskomitee
VP	Verenigde Party [United Party of the Smuts government]
WCC	World Council of Churches

CHAPTER 1

Research design

1. Research question

This study uses ‘transitional justice’ as theoretical instrument by means of which the role of the Dutch Reformed Church (DRC) in South Africa in processes of societal change is analysed and compared with selected elements of the role played by the Roman Catholic Church in Chile (referred to as the Chilean Catholic Church, or CCC, throughout the study) during processes of societal change in Chile. The DRC is the focal point of the study, and transitional justice is the theoretical instrument by means of which the CCC is used to highlight significant elements of the role of the DRC.

The study commences with an exploration of transitional justice, and the subsequent formulation of a working definition of transitional justice to be employed as a lense through which the actions of the DRC and CCC are described during times of societal transition. This enables the researcher to delimit the study temporally in an academically responsible manner, and provides a theoretically sound way in which to identify the ways the DRC and CCC will be compared. This chapter is thus followed by an exploration of the role of the DRC in the apartheid regime and the CCC during the Chilean totalitarian system, with chosen foci the result of the particular theoretical contours of the concept transitional justice. After a detailed discussion the study continues by comparing and ultimately contrasting the roles played by the DRC and the CCC towards, during and at the demise of the totalitarian systems both churches encountered. This enables the integration of the data already provided and illustrates the particular dynamics of transitional justice in South Africa by comparing it with Chile. In the final chapter, contrasting practices identified with regard to the CCC are used as basis for identifying potential priorities for the DRC.

Through the lens of transitional justice, the role of the DRC in South Africa is explored in a comparative descriptive manner in order to understand why the church made specific choices, to further understand how the DRC amended the political policies it maintained.

2. Research objectives

The aim of the study is to comparatively investigate the role of churches in political transitions. This is done by comparing the actions of the DRC during the apartheid regime

with that of the CCC during the authoritarian rule of Pinochet. The comparison aims to highlight similarities and dissimilarities between the DRC and CCC regarding their influence on the political dispensation during the apartheid regime and the Pinochet authoritarian rule. Transitional justice is used as a lens through which the similarities and dissimilarities of the DRC and CCC will be described. From these similarities and dissimilarities the study aims to identify certain areas that might be strengthened or addressed in crafting a constructive public role for the DRC in post-apartheid South Africa.

3. Research method

3.1 A descriptive approach to Christian ethics

At first it is important to highlight the approach to Christian ethics in terms of which the study finds its framework of theological reference. The two frameworks of Christian ethics that will be outlined are: normative Christian ethics and descriptive Christian ethics.

M.L. Stackhouse (1995, p. 11), places modern day Christian ethics as a necessity to social life because of the historic influence Christianity had in the shaping of the spiritual and social life of our contemporary world. Stackhouse further argues that, should Christian ethics fade into oblivion, society is faced with civil collapse. From Stackhouse it is clear that Christian ethics played a normative role in the shaping of society and should therefore always be accounted for in social studies. S.J. Hollenbach (1996, p. 72) shows how the normative influence in Christian ethics originated when Hollenbach describes the development of Christian ethics as an intellectual discipline reflecting on the revelation rooted in a God who transcends all history, never changes and made Himself discoverable to humanity. He continues to state that Christian ethics should always be ready for fresh discoveries of God's gifts of freedom and reconciliation. N.L. Geisler (1989, pp. 22-25) outlines the normative framework of Christian ethics by categorising the field under the following headings: a.) Christian ethics is based on God's will; b.) Christian ethics is absolute; c.) Christian ethics is based on God's revelation; d.) Christian ethics is prescriptive and e.) Christian ethics is deontological. Geisler explains under the above-mentioned headings that Christian ethics is a divine command, something we ought to

do. He furthers this point by showing since God's moral character does not change, moral obligation flowing from His nature are absolute. According to Geisler Christian ethics are based in the revelation of God in His nature and in scripture. He then shows how rightness is prescribed by a moral God and is therefore prescriptive. Finally ending of his definition of Christian ethics by showing how ethics are duty centered and therefore deontological. D.E. de Villiers (1978, pp. 121-150) supports Geisler in his definition of Christian ethics as normative, because of Christian ethics' nature that reflects upon the will of God, which was crystallized in Jesus Christ, who are only acknowledged by Christians as God.

Descriptive ethics, on the other hand, fits in the greater field of philosophical study regarding the concept of ethics. In the field of Christian ethics the notion of description rather than a normative prescription is contested. This is due to the nature of Christian ethics rooted in a God who does not change and made his will known to humanity. Descriptive and normative Christian ethics need not stand in tension opposite one another.

After his reflection on the normative character of Christian ethics Hollenbach continues delineating Christian ethics by stating that Christian ethics should also be busy with recognizing new moral insights through inquiry into new dimension of experience and from traditions outside that of the Christian community, in the light of the Biblical story we know (Hollenbach, 1996, pp. 72-73). Here Hollenbach describes a more descriptive approach to the nature of Christian ethics.

Rose highlights the descriptive nature of Christian ethics when he states

The object of Christian ethics is the nature of the human being whose life and activity are at issue. Its primary concern is with the right conception of humanity. When Christian ethics sets about reflecting on human action, it therefore entertains what at first seem to be unoriginal questions about what it means to be a human being and what makes us the kinds of creatures we are (Rose, 2014, p. 192).

The reflection described through the lens of descriptive Christian ethics is not one of good versus evil, but one where the church, in all its complexity should ask: What do we see, and what does what we see ask when shining the light of Christ on it? Rose describes this as painting the picture of reality.

Now, in undertaking this portrait, Christian ethics is indeed assisted by various ethical theories that help it to accurately depict and respond to a given moral situation. So Christian moral reflection, as promised, does not require a blanket dismissal of the guidance that ethical theory can provide. Such tools will provide ethicists a kind of guidance without which their moral vision will be unfocused and confused. Yet those ethical theories must always be employed in an ad hoc and unsystematic fashion, and only after we have an appropriately theological view of the situation in which we are involved. For the real "rules of life," Wittgenstein says, "are dressed up in pictures. And these pictures can only serve to *describe* what we are to do, not *justify* it." (Rose, 2014, p. 194).

From the above mentioned it is clear that descriptive and normative Christian ethics can stand next to each other. A social situation can be described through a Christian ethical process and later find normative conclusions regarding the situation. This study is concerned with a description of ethical issues during the time of apartheid in South Africa and the DRC's role (not asking what was right and what was wrong), compared to the description of the role the CCC played during the authoritarian rule of Pinochet.

Finally the study will move to understand the DRC's responsibility in continued transitional justice processes as part of the political system of South Africa. The DRC in South Africa played an integral part in historical developments that eventually necessitated the process of transitional justice. Now the DRC has the responsibility to support transitional justice in order to heal the pain the church caused, as well as nurturing congregants who are suffering in various ways because of this transition. D.F. Ottati supports the ongoing description when Ottati reflects on the reformed tradition in theological ethics. Ottati shows that the reformed tradition in theological ethics is a dynamic tradition, one that continues to develop and therefore renders all interpretation as provisional (Ottati, 1996, p. 50).

It is needed to give theological clarity regarding certain concepts used in the study. The concepts hope, reconciliation and forgiveness refers to a specific theological interpretation in this study. Hope is used as a concept relevant to the current time and context and not as only an eschatological reality. Hope is used as a future perspective that implies current action in a specific social context. The concept hope makes it possible to have

perspective on the current social situation because the current situation does not describe the sole existence of the society. Hope therefore creates a continuing connection between future and current reality in which Christ's influence has effect (Heyns, 1986, pp. 125-127). Reconciliation has to do with the separation between people and the stumbling blocks in overcoming the separation. Reconciliation implies the repair of the social relationship between all people, because of Christ's death having effect on all (Heyns, 1986, pp. 113-114). Forgiveness stems from the forgiving act found in the actions of Jesus Christ, during his replacement of the guilty humanity, on the cross. Because of the forgiveness received by the action on the cross, believers have the command to partake in forgiveness. Forgiveness implies the crystallization of Jesus' forgiveness and repair in the current context. There should be a burning ambition in the saved person and the saved church community to eradicate the consequences of separation between God and the *kosmos*. Forgiveness implies the repair of creation to the state as was God's intention at the time of creation (Heyns, 1978, pp. 282-288).

3.2 Literature review

The study's first section comprises of a literature review. Both transitional justice and Christian ethics are vast fields of study and focused literature searches resulting from the literature overview will ensure that time is used efficiently. A proficient system will fix the scope of literature and classify the literature in categories as the study requires. The second step is the filtering of information. There are two basic method of filtering: a.) systemic filtering, and b.) hermeneutical filtering. Both filtering methods are explored:

Systemic filtering: a) A clear research question exists before the literature study is launched; b) a central collection of literature is identified which creates the framework for the study. The relevant literary sources has to comply with a specific set of criteria to be included; c) the advantage of this method is that it can easily be published as academically accountable, and d) the disadvantage is that this process is incompatible with the fields of humanities and social sciences. This is because these fields do not have rigid fields of study and the research question may evolve as the research continues. Systemic filtering hinders researchers from following any new leads resulting from an ongoing study. Finally,

systemic filtering is very dependent on databases and any shortcomings or restrictions within a database will hinder this filtering method (Boell & Cecez-Kecmanovic, 2010, pp. 129-132).

Hermeneutical filtering: a) Filtering using this method consists of the development of a process through interpretive understanding; b) questions evolving during the research may receive attention; c) this method focuses on the influence of the movement between the separate areas of which the study consists, as well as the framework within which the study is conducted; d) the focus does not fall on the classification of literature, but on the in-depth understanding of what is being read. The following diagram explains this process:

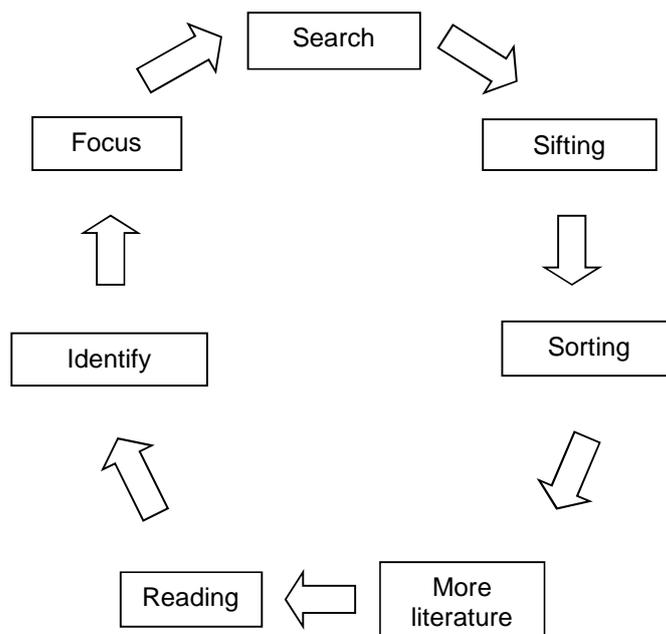


Figure 1: Hermeneutical circle (Boell & Cecez-Kecmanovic, 2010, p. 134)

e) the hermeneutical method differentiates between literature according to the following categories: Articles, peer reviewed articles, books, chapters in books, journals etc. Articles are recommended as introductory literature because of its accountable information regarding a specific field; f) filtering and sorting of information happens at the same time

by using different databases, different key words, by focusing on specific periods of time, making use of interdisciplinary study and recognising the role of language and culture; g) during the reading of the literature a vocabulary list is developed with field specific words in order to search more thoroughly, and h) new ideas, fields and questions will develop during this method (Boell & Cecez-Kecmanovic 2010, pp. 132-142).

From the aforementioned, it is clear that both the systemic filtering method as well as the hermeneutical filtering method hold advantages for this study. As this study is interdisciplinary, conducted within the framework of the academic humanities, the hermeneutical filtering method will be used.

3.3 Comparative study

The DRC and its role in the apartheid regime within the South African context and the CCC during the Pinochet regime will offer points of departure. The term 'transitional justice' will be the tool used to compare these two churches. Comparison makes the interdisciplinary study possible because the same set of parameters identified within the transitional study scope can be applied to both churches.

A comparative study is sensitive to a research method replicated in all the areas of comparison. Within this study, as seen in the two different periods under study of the DRC and the CCC, a discrepancy regarding the timeframe is evident. The difference in time will be outlined in the exploration of the term transitional justice and qualified, to indicate why it still remains an academically responsible study.

4. Research motivation

Both the DRC and CCC were influential in the development and maintenance of their respective governments' legal and political institutions. In the case of the DRC this relationship is evident since the church's inception in the Cape colony during the 17th century (Brown, 2002, p.12-14; see Ritner, 1971, p. 15; see Ndiaye, 1992), and with the CCC the formal church state relation is clear with the 1833 Portalian constitution affirming

the *patronato* (patronage relation between church and state) (Fleet & Smith, 1997, pp. 36-37).

Both denominations at one time represented the greatest number of members of the ruling party. Similarities such as clerical representation within the government, ministering to influential government individuals, ministering to a great number of the ruling political party members, a public voice and active participation in social welfare, amongst other things, created a common base from which each church's conduct can be compared with the other.

South Africa has a violent and socio-politically unjust past, represented dramatically by the apartheid regime. Apartheid started officially in the 1960s and ended in 1994 (TRCR^a, 1998, p. 1). Predating Chile's current rule was the military junta of General Augusto Pinochet, dating from 11 September 1973 to 14 December 1989 (USIP, 1991, pp. 6-17). The junta was responsible for many tortures, killings, kidnappings and disappearances. Thus both Chile and South Africa share the legacy of a history filled with violence and unjust practices. Furthermore, the Truth and Reconciliation Commission drew inspiration from Chile's National Commission for Truth and Reconciliation. (TRCR^a, 1998, p. 15, 70, 111). Finally, a comparative study can give historical insight and prophetic guidance to the DRC so that the Church may be true to its ministerial calling in a society that continually increases in diversity.

5. Motivation for choosing the CCC

5.1 Chile

The first noteworthy facet of the transition in Chile is the means by which the Pinochet government surrendered and president Aylwin's administration took power. The transformation was not, like in the case of a coup, a military triumph, but a negotiated transition. These types of negotiated transitions have the disadvantage that the new democratic government is often weak and perceives itself with little room to manoeuvre. In such a transition the military keeps playing a regulatory role in the new government, such was the case in Chile.

The Truth and Reconciliation Commission in South Africa and the Commission of Truth and Reconciliation of Chile share similarities in one respect: both commissions were mandated to search for the truth regarding specific incidents, with the ultimate aim of promoting and attaining national reconciliation. This mandate employed the search for truth as a method to facilitate national reconciliation and was not restricted to the use of juridical prosecution. By collecting different pieces of information to create a veracious version of the past, these commissions endeavoured to bring insight to civil society, believing that it would engender the hope of a new future. Numerous individuals, victims, human rights organisations, professional bodies and political parties joined in narrating the past, in order to create a truthful recollection of their history (Battle 2006, p. 210). Thus, first Chile and then South Africa possessed commissions faced with a similar task, providing an ideal point of comparison.

5.2 The Roman Catholic Church in Chile

In order to understand the relevance of the CCC as comparison partner a short review of the CCC's developmental history within the Chilean political context is needed.

From the time Chile became a republic, 18 September 1810, the country was to a large extent governed by laws made in joint venture by the CCC and the government (Pimstein, 2008, p. 897). The early twentieth century saw heightened social transformative activity within the CCC. Through these actions, the CCC played an integral role in the establishment of the Chilean Workers Federation in 1909, a voice long awaited by the Chilean people (Adriance, 1992, pp. 51-55). The Christian Democratic Party, established in 1957, was one of the most influential bodies the CCC used to resist a Marxist regime. In 1962, during an assembly of bishops, it was decided to support Eduardo Frei, leader of the Christian Democratic Party, as presidential candidate, an endorsement made public in a pastoral letter condemning communism and promoting the Christian Democratic Party as an alternative. The Christian Democratic Party did not, however, win the campaign, resulting in the Catholic Church losing favour and being labelled as an organisation that did not provide enough aid to the poor (Adriance, 1992, pp. 51-62).

Most Christian denominations in Chile regarded the Pinochet military coup as an answer to their prayers (Kenneth, 1986, p. 461). Soon after Pinochet's victory, he began to demonstrate his brutal style of rule. According to the Pinochet regime, only the military was capable of guiding the people towards what was religiously sanctified and morally acceptable. Initially, the CCC was hesitant about entering the political scene and taking a stand against the Pinochet regime. After the Pinochet junta came to power, the CCC declared that they promoted a political process of democracy and peace (De Souza, 2007, p. 9). The CCC did eventually state their opposition to the inhumane actions under the Pinochet regime, as evidenced after the death of a priest named André Jarlan (Hagopain, 2006, p. 8). According to the military, the death was an accident which took place while military forces were quelling unrest in the Santiago area. A stray bullet penetrated a wall and killed the priest. Enrique Palet, representative of the *Vicaría de la Solidaridad*, the CCC's human rights desk, was not convinced that this account was true (Peerman, 1984, p. 974-975). This enlarged the divide between the CCC and the Pinochet regime, resulting in the CCC becoming a much greater stumbling block for Pinochet. Within the CCC, two philosophical viewpoints were developed: an internal, military Catholic tendency, where leaders struggled with the question of obedience to authority, as directed by God, and a critical Catholic tendency, in accordance with Vatican II pronouncements condemning the actions of Pinochet. This resulted in Pinochet aligning with Evangelical Protestant groups, promoting them as a way of punishing the CCC. In 1975, the differences between Pinochet and the CCC were driven to an extreme. One of Pinochet's ministers, Sergio Fernandez, went so far as to say that the CCC was one of the three greatest stumbling blocks on the road to peace in Chile (Kenneth, 1986, pp. 459-466).

The relationship between the CCC and the Pinochet regime deteriorated to such an extent that Pinochet declared the *Vicaría de la Solidaridad* to be "more communistic than the communists" (Bowers, 1988, pp. 52). This led to church property, clergy and meetings being constantly attacked by the Pinochet forces (Bowers, 1988, pp. 51-52).

As is clear from the above reflection the CCC has an intertwined history with the different political forces during the political development of Chile. From the brief historical overview it is clear that the CCC chose to play an active part in the political scene during the different dispensations and can therefore be studied as a church serious with the political situation

of the day. The DRC and CCC therefore share a developmental history closely connected with the ruling political party in their separate contexts, as well as the choice of each church to play an active part within the political sphere.

6. Limitations

The following limitations were encountered:

Language – Neither the CCC nor the DRC uses English as its language of preference. In the case of the CCC, much of the relevant literature is in Spanish and in the case of the Dutch Reformed Church, its largest collection of literature is in Afrikaans. However, the researcher is fluent in English as well as Afrikaans and thus easily bridges the language issue regarding the DRC's literature. Regarding the CCC, a considerable period has gone by since the Spanish-language sources were first published, with the result that much of the literature has been translated for the benefit of the international community. The international community produced its own literature while Chile was under surveillance and studied by many institutions that made their findings public in English. There are sufficient English sources to enable a responsible study to be conducted.

Distance – Although Chile and South Africa are geographically remote from each other, the distance between the two countries has very little influence on the study. Due to the availability of resources in electronic format, housed within international databases, literature can be used regardless of its place of origin. Due to the nature of the Roman Catholic Church as international organisation, the church itself can be studied and relevant sources accessed from any country.

Time – Although a considerable amount of time has elapsed since both South Africa and Chile saw the dawn of transitional justice, the process has not drawn to a close in either country. In fact, it is precisely because of this period of time that it is possible to compare, evaluate and suggest what the past reveals.

Terminology – It is not the aim of this study to fully develop a new concept of transitional justice. The concept of transitional justice as developed in the field of law is utilised as a tool with which to execute a project in the field of Christian ethics that utilises a descriptive

approach. The vast amount of research conducted on transitional justice should be sufficient to accomplish this goal. Employing a concept from another field of study will thus not hamper, but enhance what Christian Ethics can attest to when observing the world in which Christians find themselves. The focus will still remain on the theology of Christian ethics.

7. Relevance

Many studies of the role played by the DRC in relation to the apartheid regime exist. National and international academics have all highlighted the role of the DRC during apartheid from many different angles and still more can be said about the topic. Examples of such studies are (1) Coetzee, MH, 2010. Die 'kritiese stem' teen apartheidsteologie in die Ned Geref Kerk (1905-1974): 'n Analise van die bydraes van Ben Marais en Beyers Naudé, (2) Serfontein, JHP, 1982. Apartheid, change and the NG Kerk and (3) Ngcokovane, C, 1989. Demons of apartheid. Many others exist, as evidenced by the bibliography of this study.

The relevance of this study emanates from the role the DRC plays in a society and its members' experience of the political transition. Transitional justice is the concept used to guide a society from totalitarian rule to one of just representation and to repair and rectify past injustices. No other study has focused specifically on the DRC and the part it should take in transitional justice because of its apartheid affiliation. A society in political transition, of which the DRC's members are all part, cannot go unnoticed by the church.

A second point of relevance is the comparative nature of the study. The role of the Dutch Reformed Church in the development, enactment and demise of apartheid will be evaluated against that of another church, the CCC, which experienced and had to navigate its own path within a totalitarian regime. No other study of its kind exists, in which the actions, policies and theology of the Dutch Reformed Church are compared to that of the Roman Catholic Church, specific to the Chilean context. This comparative study will create a standard against which the actions of the Dutch Reformed Church can be

evaluated and suggestions for responsible participation within the field of transitional justice can be generated.

This study finds further relevance in the call of Dutch Reformed Church members to the Dutch Reformed Church as organisation at the General Synod of 2013 to give guidance and pastoral support to members who are still burdened with the effects of the church's participation in apartheid. Guilt, racial prejudice, accountability towards God, identity and many other issues are causing members to experience difficulties within the new democracy.

CHAPTER 2

A definition of transitional justice

1. Introduction

The aim of this chapter is to explore the concept of transitional justice. After an initial exploration the study will develop a working definition of transitional justice that will enable the researcher to compare and, where necessary, contrast the role of the DRC during apartheid with the role of the CCC during the totalitarian political regime.

Roht-Arriaza describes transitional justice as follows:

that set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and that are aimed directly at confronting and dealing with past violations of human rights and humanitarian law (Roht-Arriaza, 2006, p. 2).

Transitional justice is a dynamic concept and no single definition can fully describe what the procedures that fall under this rubric encompass, whether relating to aims or accomplishments. As Roht-Arriaza's description indicates, it is clear that transitional justice is a polysemic term. When applied to different situations it will take on different forms, resulting in different processes and ending in different outcomes. Therefore, each unique situation will lead to processes of transitional justice with unique characteristics. P. Lundy and M. McGovern aim to better describe this dynamic nature when they state that

transitional justice is a field of inquiry and practice that is concerned with the various judicial and non-judicial approaches to dealing with the legacy of human rights violations in societies emerging from conflict and/or an era of authoritarian rule (Lundy & McGovern, 2008, p. 267; see Philpott, 2008, p. 94).

Transitional justice comprises a number of interrelated policies and processes, centred on the impact of law, rehabilitation and reintegration. The outcomes of transitional justice may, in turn, consist of any of the following: a) the reparation of governing justice; b) the development of judicial prosecution so as to break with a culture of lawlessness and impunity; c) the rehabilitation and redistributive support of victims with the aim of repairing their human dignity; the concomitant redesign of structures and restructuring of institutions; d) social and political reconciliation; e) the construction of a national identity

and f) the reinterpretation of the past based on a shared narrative including all parties (Lundy & McGovern, 2008, p. 267). The most recent addition to transitional justice is the non-judicial focal points: a) education reform; b) memorials and c) cultural foci (Gready, 2008, p. 41).

Rosemary Nagy further explains transitional justice by noting that

it entails an insistence against unwilling governments that it is necessary to respond to egregious violence and atrocity. The international community provides fragile new governments with important financial, institutional and normative support for reckoning with the past, attending to the needs of victims, and setting the foundations for democracy, human rights and the rule of law (Nagy, 2008, p. 275).

From the aforementioned description of transitional justice it is clear that relevant processes include organisations, structures and individuals in social, economic and political spheres. There are no persons or organisational body, in whichever capacity, and no sphere of life excluded by the definitions of transitional justice supplied. After looking at transitional justice in greater detail, a final definition will be provided in order for the study to progress with a specific scope and well-defined parameters.

2. Exploring transitional justice

The introduction indicates the complexity of transitional justice. Not only do scholars proffer numerous definitions, but transitional justice in itself contains a great number of judicial and non-judicial facets. Paul Gready (2008, p. 41) makes an effort to harness the juridical and non-juridical character by relating the juridical aspects to the prosecution of offenders, gathering of truth and institutional reform, and the non-juridical aspects to those areas that comprise educational reform, a concern for memorials and the acknowledgment of different cultures.

2.1 The judicial character

In the aftermath of an autocratic dictatorship or autocratic regime, internal armed conflict, cross-border armed conflict or minority rule suppressing or disregarding majority participation, the following social aspects become relevant: a) politics, b) morality and c) justice. During such periods of conflict, a great number of human rights violations take place and societies are left shattered. The effects of such disruptions lead scholars and institutions to dedicate themselves to studying and understanding what precisely occurs during such periods of transition and how societies may evolve from their fractured past to a phase of peace and justice. In the past, therefore, the judicial and political aspects of justification received widespread academic attention, research and resources (Sriram, 2007, p. 583-585). Judicial justice is seen as one of the key areas for successful transformation. Reform of the local judicial sector, training of local judges, the formulation of new military policies and the reorganisation of all security forces were at the forefront of research. Bosire (2006, p. 4) reflects on the judicial character of transitional justice and notes that

[p]rosecutions are considered the mainstay of justice. By their punitive nature, prosecutions can help restore the primacy of the rule of law and make it clear that its breach carries consequences. The punishment of criminals is one way to provide “effective remedies” to victims, and primarily that obligation falls on domestic courts. In cases where the domestic judiciary is unwilling or unable to prosecute, internationalized judicial processes can constitute an alternative resort.

Bosire further notes that, although prosecutions serve the judicial aspect of transitional justice well, such procedures are not without their limitations. Prosecutions can be lengthy, costly and cannot serve larger groups, ethnic groups or communities that have been wronged. The one on one victim perpetrator relation in a judicial process makes no room for the collective experience of bigger groups (Bosire, 2006, pp. 4-5). This shortcoming is remedied by a transitional justice process known as truth telling or storytelling. These processes will receive treatment in the following description of the non-judicial character of transitional justice.

The support given to countries experiencing periods of transitions involve the building of courts, revision of local legislation and the prosecution of perpetrators as the most important priorities. Funding is to a large extent allocated to the general maintenance of law and order and to human rights organisations. The judicial aspects of transitional justice occupied such a central role that all negotiation processes and programmes incorporated judicial facets (Lundy and McGovern 2008, pp. 265-267). An example would be the arenas in which perpetrators of crimes committed under the sway of the former regime were provided with the opportunity to confess and receive amnesty (Khazanov and Payne, 2008, pp. 413-415).

J. Elster (2004, pp. 166-187) explains that within the judicial character sphere of transitional justice theorists emphasise the need for a legal and political accountability process to facilitate democratic transition. In the transitional justice arena, allowing wrongdoings to go unpunished would be considered a form of blackmail (Méndez, 1997, p. 4). If transitional justice truly is to serve the victims of an unjust system these victims should be granted the space to tell their stories and explanations must be obtained from the perpetrators of violence and human rights violations. Allowing victim and perpetrator to speak is a politically sound practice without which the resolution of conflict cannot be attained (Simpson, 2008).

In more recent studies devoted to transitional justice, it became evident that mere judicial justification would not be sufficient to encourage a social phase in which peace and communal reconstruction would prevail. A non-judicial facet, focusing on the reformation of education, memorialisation and cultural sensitivity developed and would have to be emphasised.

2.2 The non-judicial character

The non-judicial character of transitional justice focuses on education, memorialisation and culture sensitivity. With regards to culture, Gready shows that one of the greatest necessities for reparation and reconciliation is the creation of a discursive space for witnessing. The South African Truth and Reconciliation Commission is an example of a cultural locus that allowed artists, musicians, film makers, writers, philosophers and even

cartoonists, to draw inspiration from and reinterpret the witnessing they observed (see Gready, 2008, pp. 41-42). Through their reinterpretation of the situations associated with the Truth and Reconciliation Commission the South African community could begin to tell a new story about the past, a story that rose from a meta-narrative and which created its own, original metaphors (Gready, 2008, p. 42). The value of culture lies with its ability to embody the message of transitional justice as well as providing the means of questioning this message, in order to stimulate and facilitate live debate. Culture has the added ability to allow people to focus on grey areas in society, to prompt difficult questions and highlight taboo issues (Gready, 2008, pp. 43-44).

Further building on Gready's cultural focus is John Inazu's perspective on the act of personally motivated forgiveness, striking harmony with the aspect of personal witnessing, as highlighted by Gready. Inazu is convinced that juridical prosecution in itself offers no answer to the cycle of social violence; in fact, it may even add to the cycle. The counterpoint to a cycle of hatred and revenge lies with forgiveness, since true forgiveness is a non-violent action and may thus achieve an end to a cycle of violence and vengeance. Through forgiveness, one is liberated from the consequences of what wrong was done to you. If personally motivated forgiveness is not possible, human actions will always be guided by the injustice suffered and an individual will never be free from its psychological effects (Inazu, 2009, pp. 310-312).

There is a caveat to the prerequisite of forgiveness in transitional justice. Should the ability to forgive be made a condition of juridical prosecution, it would imply that the compensation and restoration a victim receives, place that person under a moral obligation to forgive. Should the victim choose not to forgive, they may now become a perpetrator themselves. If transitional justice reparation is only left to compensation the transitional justice process will once again lack sustainability and impact, because compensation can only produce a partial restoration, given that the damage to personal dignity is often felt on a more personal level. In addition, compensation might solve problems of a material nature, but forgiveness sets a person free from the damage and injustice done to relationships. A perpetrator cannot mend a relationship simply by repaying their victim; each act of forgiveness by a victim, therefore, carries with it neverending value and consequence (Inazu, 2009, pp. 312-314). Ultimately, forgiveness

is more complex than an individual exoneration of the soul. Rather, forgiveness must further entail: a) a public forum where the exoneration is heard; b) a group character, given that where more than one person has been wronged, more than one can forgive; c) a judicial restoration and forgiveness that will lead to personally motivated forgiveness and d) likely political forgiveness (see Inazu, 2009, pp. 309-317).

2.3 Setting parameters for a transitional justice process

Referring to the judicial and non-judicial nature of transitional justice in working towards responsible parameters for transitional justice processes, Bosire (2006, pp. 4-6) makes the point that the judicial and non-judicial character should never stand as opposites, disjointed from one another. Transitional justice entails both judicial and non-judicial elements.

To help clarify the transitional justice process parameters, Nagy (2008, pp. 275-289) asks the following three questions: first, when should a period of transitional justice begin and what is the right moment to join this process; second, who will be the focal point of the transitional process, and finally, what incidents will be addressed by the transitional justice process? Nagy further explains what appropriate answers should entail: transitional justice must focus on the time of transition from an oppressive regime to one that is liberated. The emphasis must be placed on a rupture with the past. Nagy warns against a one-dimensional, simplistic definition of transition as a mere governmental exchange. This hinders the ability to address other atrocities (Nagy, 2008, pp. 280-281). Also, in answering the question about who transitional justice is concerned with, Nagy once again starts with a warning. Nagy cautions against the tendency to see transitional justice as a process limited to developing countries. The ways in which developed countries, NGO's and donors define transitional justice do not allow the concept to be applied to democratic countries, where oppression and misconduct are taking place on other levels and in different areas. Nagy shows that transitional justice is concerned with such misdeeds as war crimes, genocides, kidnapping, sexual crimes and torture; however, due attention to structural violence, gender inequality, damage to property and ill-treatment of children should never be considered less important (Nagy, 2008, pp. 284-286). Finally, with

regards to the necessary time frame, Nagy argues that artificial time frames in which certain perpetrators can act with impunity will lead to superficial reparations (2008, pp. 286-287). Scholars such as Lundy, McGovern, Inazu, Gready and Sriram would agree with Nagy that transitional justice would not be an answer to a society in transition if this form of justice only referred to judicial law and the implementation of judicial law as sole transitional justice process.

2.4 Advantages of the transitional justice process

Transitional justice has a specific focus on practical processes, guiding people, structures and systems from violence to peace. Great caution is taken to avoid abstract, theoretical ideas. The core of transitional justice revolves around people, their rights and the public manifestation of those rights.

A trustworthy, equitable and effective transitional justice programme can have the following positive outcomes: a) restoration of the judiciary, b) juridical retribution to counter a culture of impunity, c) compensation and restoration of the dignity of survivors of conflict, d) reformation of governing institutions, e) social and political reconciliation, f) the development of a collective national identity, g) reinterpretation of the past by means of a shared narrative (Lundy & McGovern, 2008, p. 267), h) a renewed attention to victims' rights and i) continued resistance to glib solutions that negate the effects of the past (McGrattan, 2009, p.165). Transitional justice has numerous unique outcomes due to its concerns with the immediate socio-political context.

2.5 Disadvantages of the transitional justice process

Two major pillars of transitional justice are *market development* and *democratising* (Sriram, 2007, p. 582). Although these two pillars were designed to facilitate transition and produce stability, they more regularly have the opposite effect. This is the first possible disadvantage of transitional justice. A second reason why such a form of justice often has a destabilising effect is that a great part of the injustice it seeks to address has been suffered on a very personal level, for which no official governmental, economic, or social

retribution programme can provide the remedy. A third disadvantage is that transitional justice creates a divide between victim and perpetrator. The prosecution of perpetrators leads to a situation where members and followers endeavour to protect a figure of attachment, which may lead to further factions forming. Fourthly, transitional justice programmes are greatly influenced and even controlled by the World Bank, United Nations and the United Kingdom's Department for International Development (see Lundy & McGovern 2008, p. 265). This leaves very little room for the judicial framework of the specific context to play its part. The very culture and character of the place where transition is needed, is often negated (Sriram, 2007, pp. 586-589; Nagy, 2008, pp. 275-276). Lundy and McGovern (2008, p. 266) state very clearly that any transitional justice programme, process or structure developed outside the context in which it will be utilized, is already inherently flawed. Any policy undertaken immediately leads to questions of local accountability, local legitimacy and local participation. It is not enough if the community is only involved in the final step of the implemented process. Finally, the retelling of past events has the danger of turning the story into a personal account, a managed recollection for its own benefit, in which participants transform and reinterpret history to create a selective identity, in this way deciding which communities are represented and what forms of social interaction are honoured (Gready, 2008, p. 44).

3. Requirements of transitional justice

To maintain a responsible and transparent transitional justice process, certain requirements need to be met. In addition, these transitional justice requirements will supply the common foundation on which a comparative study can be launched responsibly. If all the requirements are met in the different contexts to be compared, a case can be made for fair comparison and justified similarities or differences. The requirements for a transitional justice process will enable the study to produce a responsible comparison between the DRC and the CCC in the light of transitional justice, a comparison that churches will be able to use as transitional justice agents. Adhering to these requirements makes it possible, in turn, for the transitional justice field of study to utilize the results of the comparison in successive transitional justice studies. This explains

the necessity of requirements in order to facilitate a responsible interdisciplinary study, after which each separate field can have access to research results utilizable in the specific field.

3.1 Contexts

P. Pham and P. Vinck (2007, pp. 232-233) describe the increasing focus placed on taking the local context into account regarding cultural factors, economic factors and political factors, as well as the ongoing disregard of these factors. Arriaza and Roht-Arriaza (2008, pp.152-153) agree with Pham and Vinck and describe politics in transitional justice as local politics. A national level initiative should have a regional aspect or component. Independent initiatives arising from local levels are an integral part of the post-armed-conflict justice landscape.

Pham and Vinck continue by making the point that for any transitional justice process to have contextual credibility, consultation regarding the following is of the utmost importance: a.) a community's needs and perceptions; b.) attitude towards peace and justice; c.) a measurement of the actual impact and effect of transitional justice mechanisms. The transitional justice process that takes the context into account and develops transitional justice from within, Pham and Vinck calls evidence based transitional justice (Pham & Vinck, 2007, p. 234). Arriaza and Roht-Arriaza (2008, p. 153) reinforce the point that taking the local context into account, a.) sheds light on local power dynamics; b.) is less prone to large scale patronage and corruption; c.) addresses a spectrum of culpabilities which do not lend themselves easily to treatment by criminal law.

3.2 Conflict

Through understanding how conflict developed, a much clearer and more responsible picture is attained of the situation where transitional justice must have an impact. The development of conflict can have a horizontal and vertical character. Vertically, conflict develops from an organised state apparatus to an unarmed civil society, and horizontally

conflict arises between neighbours, with various levels of state control or sanctioning (Arriaza and Roht-Arriaza, 2008, p. 154).

3.3 Transitional justice exercises

Arriaza and Roht-Arriaza (2008, pp. 157-163) identify the following transitional justice exercises which are utilized in order to restore post-conflict countries: a.) truth commissions - truth commissions are officially sanctioned, of limited duration, fact finding bodies presenting a report in order to avoid a reoccurrence of conflict.; b.) national and international trials - national and international trials see international and hybrid courts being set up because local justice is either unavailable or untrustworthy; c.) national reparations programmes and other reparation efforts - reparation programmes can be one of the most tangible of a government's recognition of victims' dignity and rights. Reparations can be materialistic or symbolic, individual or collective. B. Hamber, L. Sevchenko and E. Naidu (2010, p. 398) add memorialisation to the list, explaining that it is fundamental for societies recovering from trauma and atrocities. Memorialisation can accommodate large numbers of people over long periods of time and can be initiated both by communities and governments.

Healing the community is not a necessary result of truth telling, justice, reparation programmes or distribution. The reparation of a community's torn fabric, where oppressor and oppressed, enemies and friends, need to live alongside one another, is a context-specific exercise that may involve rituals, religious practice, public discussions, apologies, vetting, punishment and/or reparation (Arriaza and Roht-Arriaza; 2008, pp. 163-164).

3.4 Qualitative requirements

Here focus is placed on the collection of textual data through interviews and/or observations of individuals and/or groups of people. Methods of achieving this goal include interviews, group discussions, individual observations, participant observations and direct observations. The result is the ability to identify complex social structures, social identities and religious influence, something a questionnaire survey cannot achieve. The

drawback of a qualitative contribution is that the emphasis falls on a very small representative base and so the findings cannot be applied to the general public and might give a misrepresentation of the greater community (Pham and Vinck, 2007, p. 234).

3.5 Quantitative requirements

Numerically measurable data acquisition is done through structured interviews with numerical coding and has the following advantages: a.) theoretically, results can be replicated through repetition of the same protocol; b.) measurements of precision and error can be estimated through statistical techniques; c.) systematic error can be detected; d.) a large number of individuals can be detected; e.) analysis usually takes less time; f.) complex concepts and associations can be tested statistically and hypotheses examined. Limitations within quantitative data collection is that the data are limited to the questions asked. There is no room to adjust questions to participants' responses and therefore it is very important to understand the social contexts in which the questions are asked (Pham and Vinck, 2007, pp. 234-235).

3.6 Limitations

Understanding the limits of transitional justice mechanisms safeguards against causing greater harm, wasting money, wasting time, losing credibility and transitional justice becoming a redundant affair. E. Daly (2008, pp. 23-24) identifies one such pitfall in transitional justice as the sometimes overemphasised reliance on truth. The problem Daly highlights is not intrinsically bound up with the concept of truth but with the promises made in addition to the truth and reliant on the truth attained. Daly asks if all can be given what is promised if the truth of past injustices is disclosed. Daly warns governments and calls on them not to regard truth as, idiomatically speaking, the brief 'fling' of a transitional moment, but, instead, to regard truth with the seriousness and commitment of a 'long-term' relationship.

With regards to the role of memory in justice processes, it should be noted that remembered accounts and written histories are always highly contested. Not making an

effort to understand the contestation can have a harmful effect and achieve the opposite result from what transitional justice would like to attain (Hamber and Sevcencko & Naidu, 2010, pp. 398-400).

Another limitation, listed as an advantage, concerns the complexity of civil society and the local context. Because of local diversity, a concept such as justice may never be established to all role-players' content. One such an example is faith based communities deriving their idea of justice from their distinct sacred writings. Societies can further disregard international justice guidelines as ill-suited to the local context, resulting in very little to no external support and resources (Boesenecker and Vinjamuri, 2011, pp. 346-347).

A concept increasingly associated with transitional justice is that of forgiveness. R. Saunders shows how dangerous this notion can be. Saunders explains that forgiveness may not be compatible with justice, does not substitute for reparation, may enable perpetrators to continue their misdeeds without discomfort and does very little for victims' positions being taken seriously (Saunders, 2011, p. 120).

Bosire (2006, pp. 20-29) mentions four more limitations to the field of transitional justice. The first is that the definition of concepts such as truth, victim, perpetrator, crimes and contexts determine the scope the transitional justice process will work with. These definitions may exclude other areas where unjust actions took place. Bosire mentions the Truth and Reconciliation Commission in South Africa as one such an example stating that

the narrow definition of violence the truth commission adopted excluded structural violence, in turn ensuring that a broader group of beneficiaries of apartheid—the white population—was not held accountable. A “victim” was defined as the individual (and immediate family thereof) on whom “gross violations of human rights” were perpetrated, which may have resulted in “physical or mental injury, emotional suffering, pecuniary loss or a substantial impairment of human rights.” Underlying the perpetration had to be a political motive. By using this definition, the Truth and Reconciliation Commission ignored the political motive of the apartheid system, effectively acknowledging

“only those violations suffered by political activists or state agents,” which excluded entire victimized communities (Bosire, 2006, p. 20).

Secondly Bosire (2006, pp. 23-25) places focus on amnesties. Amnesties deny the victims in the transitional justice process the right to redress and continued application of amnesty can be seen to entrench impunity. Bosire again reflects on the Truth and Reconciliation Commission in South Africa as an example, noting that

A number of cases have amnesties conditioned, in principle, on a number of factors, chief among them truth-telling. However, given past experience, it is unclear the extent of prosecutions that can result from cases of denied amnesty, given the weakness of the state. In South Africa, leaders of the transition popularized the “truth for amnesty” exchange with a promise that those denied amnesty for political crimes would be prosecuted afterward. With the apartheid government controlling the security forces, such a compromise resulted from necessity. However, many assert that there has been a de facto blanket amnesty in South Africa as the first conviction for a person. A denied amnesty was issued in February 2004, and, according to some observers, the particular case was chosen because of ease of prosecution rather than because it would serve to illustrate any patterns of abuse. There continue to be speculations of further “reopening” of the amnesty process; in other words, hearing more cases that were not brought forth by the deadline of the Amnesty Committee of the Truth and Reconciliation Commission to determine whether to grant amnesty. Some observers fear that this move will further entrench impunity, as it seems to be prioritizing not prosecuting those whose amnesties were denied, but rather extending even further amnesty to those who may have not received it the first time (Bosire, 2006, p. 24).

A third limitation transitional justice contends with is the demobilization, disarmament and reintegration programmes (DDR). Bosire (2006, p. 25-26) explains how these programmes are central to the security of any post-conflict situation and a prerequisite to transitional justice specifically, because they influence the willingness of victims and witnesses to collaborate. DDR’s further focus on the necessity of former combatants that

need to be rehabilitated and presented with adequate incentives to join civilian life. Incomplete, ineffective and badly designed DDR's have the negative outcome of creating an increasingly unsecure environment in turn effecting such spheres as the political capacity of a new regime to consider prosecution. Bosire names the following two countries as examples:

In both Sierra Leone and Liberia, former combatants have been re-recruited into the conflicts. In Côte d'Ivoire and Guinea, combatants have cited incomplete and/or disappointing DDR programs as part of the reason for their re-armament (Bosire, 2006, p. 25).

The fourth limitation noted by Bosire lies within the concept of reconciliation. Once again the specific definition given to the concept 'reconciliation' will play a deciding part regarding the design of the transitional justice process. Many transitional justice processes have reconciliation as part of their main core and therefore will take shape around the specified definition. Bosire again reflects on South Africa's Truth and Reconciliation Commission as an example, stating:

A key difficulty that confronts efforts toward the establishment of civic trust is the blurred distinction between the political project of reconciliation and localized, culture-specific, interpersonal reconciliation. In South Africa, part of the difficulty of assessing the TRC's contribution to reconciliation stems from the lack of clarity about the meaning of the term. Restoring interpersonal relationships and bringing healing (individual reconciliation) can be a distinctly different undertaking from a political project of establishing state institutions with a respect for rule of law and human rights that ensures co-existence (national reconciliation) (Bosire, 2006, p. 28).

4. Religion and transitional justice

Religion and social justice are not mutually exclusive concepts. Transitional justice has been influenced by religion due to clergy taking part in the development of its concepts and procedures, religious themes becoming part of the transitional justice requirements

and religious bodies facilitating transitional justice processes. Conversely, transitional justice has equipped religious institutions to take part in healing society, brought religious bodies together in working together for a common purpose, and gave religion a vehicle to meet its obligation of aiding society in its struggles and strife. What follows is an exploration of the impact traditional justice and religion has had and continues to have on each other.

4.1 Religion and society

De Gruchy (1986^b, pp. 25-26) explores the influence society can have on a religious group's crystallization and interpretation of their convictions, sacred writings and the application of their convictions. Turning to theology, De Gruchy states that responsible theological thought cannot escape the interpretation of the message in a specific historical and cultural context different from those in which the original parts were conceived. Understanding the value of dialogue between theology and social sciences, it is possible to discern the following advantages: a.) it will help theology remain concrete; b.) it will help theology maintain a self-critical position; and c.) the sociology of knowledge may help us to discover the way, and to what extent, a particular set of beliefs have been shaped by the local context.

It will be irresponsible to disregard De Gruchy's point regarding the influence of context on scripture and vice versa when we refer to transitional justice. Regarding the number of religious role players in both Chile and South Africa, the very fact of a socially influenced religion and vice versa makes for a multi layered social and religious construct. Religious institutions may vary in their interpretation and application of the influence, but will never remain untouched by the context.

Being influenced by society does not imply that one is an influential social player. Numerous organisations experience social influence but are rarely noticed by society. In order to discern religious groups in Chile and South Africa that possessed social influence, Philpott differentiates between two main points of focus: a.) The public theology of the religious group and the fundamental role it played regarding the group's influence in transitional justice. Examining major social role players showed that they all shared a

public theology of reconciliation. Although the policy of reconciliation does not exclude punishment and accountability, punishment and vengeance are not the focal point. b.) Such public role players must show a great institutional independence from the state. The independence must be especially visible during the time of oppression (Philpott, 2012, pp. 153-155).

Having considered the influence religious themes may have on transitional justice, it should be noted that there is another significant part religious organisations can play in transitional processes, this being the area of volunteering infrastructure to facilitate transitional justice processes, the gathering and widespread publication of relevant information, the custodianship of documents and material and the administration of a vast partnered network structure. In regard to ascertaining the truth about incidents of injustice, Philpott made a comparative study of fifteen countries and found that the very focus on truth telling could be ascribed to religious influence. In ten of the fifteen countries in which the focus fell on truth telling, religious organisations were the deciding factor in the gathering of information (Philpott, 2009, pp.178, 182).

Christians who previously argued that they should not be engaged in political action have come to recognize that public protest against what is wrong in society is a Christian responsibility (De Gruchy^b, 1995, p. 71).

The preceding comments demonstrate clearly that religion, religion in the main and the Christian church, in particular, are influenced by social processes and have the responsibility to take part in those processes. If an effective and just transitional process is the aim, religion must be taken serious as one of the major role-players. The reasons for this participation are apparent: a.) a religious society interprets and acts from the religious conviction when interpreting social processes and the proper response to the situation; b.) religion aids transitional processes on many levels and may therefore not be omitted in a study regarding transitional justice; c.) religion and the Christian church serves the very people who are part and in aid of transitional justice, who needs to understand the transition and finally understand their role within the transition; d.) transitional justice works with themes intrinsic to the Christian faith and the church, themes such as truth, repentance, forgiveness, reconciliation and justice. The Christian community has much

value to add when these themes are developed and implemented towards healing of a nation; and e.) social forces, including transitional justice, play a great part in the understanding of religious convictions. Social forces influence the development of religious symbols and the crystallization of religious convictions. Dirkie Smit (1995, p. 3) explains Christianity's and the church's role in transitional processes as follows:

The Christian church has naturally been in the business of truth and reconciliation, and guilt and forgiveness from its beginnings. This is our job, the industry we work in. This is the reason for our existence. This is why we should know something about these things by this time from our long and wide experience.

Philpott goes on to support Smit's argument, explaining that the key to a healthy restoration of relationships is to ascertain, collect and verify the truth. In the cases of Chile and South Africa, religion influenced transitional justice from the collection and verification of stories to the creation of a state-funded commission promoting transition. True knowledge of the past promotes the dignified rehabilitation of citizens. It also furthers a public recording of the past and suffices as proof to hold perpetrators legally accountable. Finally, such knowledge calls on the new powers not to repeat historically unjust practices, but to be just and accountable. Truth suffices as the motivation for democracy and brings reconciliation between oppressor and victim (Philpott, 2009, p.176).

In the case of South Africa, the Afrikaner became a race separated from society due to the creation of a pseudo-gospel, where salvation is subjected to racial segregation. The segregation not only came from the DRC, but from the National Party implementing race segregation and discrimination. In the South African context Philpott's reconciliation will be between different races and especially between the Afrikaner and society. During the rule of Pinochet in Chile, it was not one race against the other, but those supporting the authoritarian military rule against the rest of society. Kidnappings, assassinations, wrongful labour practices and poverty were some of the atrocities of the times. Philpott would promote truth to heal a ruptured society and ruptured families because of Pinochet's actions.

4.2 The importance of understanding the role of religion in processes of transitional justice

In his exploration of the role of religion in society, De Gruchy highlights the fact that the attempts of analysts who incorporated religion, have been very superficial. Very little has been done to determine the motivation and beliefs behind the formal religious structures (De Gruchy^b, 1986, p. 23).

Secondly, De Gruchy highlights points out that great parts of religious beliefs are portrayed in symbols. Symbols can range from crude artefacts to sophisticated systems, but it is the symbols themselves that have a powerful transformational effect regarding commitment and behaviour. These symbols are seldom not influenced by society; they are formed by cultural forces, are social constructions of reality and attempts to understand what is experienced and perceived (De Gruchy^b, 1986, pp. 24-25).

An adequate understanding transitional justice will thus not be possible if there is no real inquiry in the part religions play in this intricate social phenomenon. Daniel Philpott takes this idea further when he explains why it is of the utmost importance to understand the role religion has played and should play in the arena of transitional justice. He explains that, during the process of transitional justice, society mainly focuses on the judicial aspects of transition. Liberal human rights organisations and activists promote the notion that transitional justice is meant to punish the oppressor and rehabilitate the oppressed. Members of the liberal human rights school are sceptical towards concepts such as reconciliation and pardon because these concepts, within a religious context, are closely associated with amnesty, exoneration, lessening of punishment and the omission of repentance (Philpott, 2012, p.150).

Although the liberal human rights school maintain the aforementioned critique against religious influence in politics and especially human rights, Philpott states that it is these contested religious systems that performed ground-breaking work in the founding and development of what is known today as human rights. Judaism and Christianity played an integral intellectual part in the foundation of human rights. Thus religion works with the reconciliatory dimension of human rights, alongside the liberal human rights school which works with its judicial side. Unfortunately, the liberal human rights school endeavours to

place reconciliation outside the judicial scope of transitional justice, therefore disqualifying it from the process. Religion, on the other hand, sees reconciliation as equal in stature to the judicial when it pertains to transitional justice. Members of religions approach reconciliation as an integral part of just law, and place great focus on the concept of forgiveness in the process of reconciliation. Forgiveness is an integral part of restoring distorted relationships and societies. If the focus of transitional justice is to repair and realign these relationships and societies, then the reconciliatory dimension is of the utmost importance. Within this reconciliatory understanding of transitional justice, there is sufficient room for punishment, but it is punishment with the aim of the reintegration of perpetrators, instead of abstract secular revenge (Philpott, 2012, p.152).

In South Africa and Chile the pinnacle of punishment with the aim of reintegration began with the truth and reconciliation commissions of each country. Here oppressor and the oppressed had space to share their stories, to ask forgiveness, to repent, to accept an apology and start the healing of a separated society. In both cases the state reimbursed victims financially and investigated atrocities thoroughly.

4.3 Religious bodies and transitional justice

The presence of religion in processes of transitional justice played a significant role in making reconciliation a mandatory part of South Africa's and Chile's transitions. With regard to both Chile and South Africa, religion's quest for reconciliation had an influence on the interpretation and application of transitional justice on governmental and civil levels. On a civil level religious groups rendered services such as trauma counselling, conflict management, reconciliatory processes in different societies, juridical services, social services, basic food and housing services and other support (Aguilar, 2006, pp. 261-265; Philpott, 2012, pp. 153-154).

On the level of official policies regarding transitional justice, religion influenced commissions to choose between methods such as truth commissions or trials, policies regarding rehabilitation and compensation took into consideration religious opinions, and the practice of apologetics, forgiveness and memorials had religious influence. The case of the Truth and Reconciliation Commission in South Africa is an example of the

importance of religion in processes of transitional justice. In the Truth and Reconciliation Commission's structure, religious officials would sit as commission members, religious groups would supply logistics for commission meetings, give support to those who testified during the hearings and, while in the field, endeavoured for the collection of information in locating victims. A world-renowned example is the role of Archbishop Desmond Tutu during the Truth and Reconciliation Commission's hearings in South Africa (Philpott, 2012, pp. 153-154; Aguilar, 2006, pp. 268-271).

Not only does religion impact on society, but religion itself derives its symbols, understanding of itself and the application thereof, frameworks and metaphors from the context in which it is practised. In order to understand religion's part in transitional justice, the context and the influence of the juridical concept, derived from society, on religion must be taken into account.

5. Towards a working definition of transitional justice

After exploring the concept of transitional justice in the section above, it is clear that certain aspects need to be closely examined for the formulation of a working definition of transitional justice. This study will use the definition of transitional justice as described by Lundy and McGovern (2008, p. 267) who state that

transitional justice is ... concerned with the various judicial and non-judicial approaches to dealing with the legacy of human rights violations in societies emerging from conflict and/or an era of authoritarian rule

This working definition of transitional justice enables reflection on the judicial processes that the DRC and CCC influenced in relationship with the different ruling parties. This allows, furthermore, the judicial implications of their involvement in times of oppressive rule and societal transition to be highlighted. The definition also incorporates the non-judicial aspect of transitional justice, which makes it possible to incorporate the religious function and character of the DRC and CCC. The definition further enables reflection on specifically human rights violations within the complexities of structural, economic and political transformation that exists in such a transition.

This tension between the judicial and non-judicial aspects of this working definition of transitional justice is noted and the application of the judicial aspect will only be taken into account where a judicial process in transitional justice applies to the DRC or CCC, and where the DRC and CCC influenced judicial processes during the time under study. The question if religion, church and thus the DRC and CCC, must have judicial influence in transitional justice processes falls outside the scope of the study. The emphasis will clearly be mostly on the role of these churches in non-judicial elements of processes of transitional justice.

Establishing whether the South African political context and the Chilean political context where part of a transitional justice process certain elements must be present. The mentioned elements are: a.) focus on the local context; b.) understanding conflict; c.) qualitative need; d.) the quantitative need; e.) transitional justice exercises and f.) understanding transitional justice's limits. In South Africa and Chile the DRC and CCC respectively, are rooted in local contexts. Both churches work among the people in the specific countries; their activities are concentrated in specific regions and ultimately operate on the level of individual community parishes. When we examine the activities of these churches on the parish and organisational level, it becomes apparent that the churches are attempting to have an influence in their local communities, thereby complying with the 'local context' requirement of transitional justice.

Being contextually active in ministering to people who are victims of conflict, being present in the time of political conflict, endeavouring for peace as a part of the church's nature, given all these factors, both the DRC and the CCC have an in-depth working knowledge of conflict, how it is present in society and the effect of the conflict on the church. As will become evident in subsequent chapters, the DRC played an integral part in creating and dissolving the apartheid conflict and the CCC was one of the greatest forces against the Pinochet conflict. Given the brief period after the time of conflict, each country has delivered a vast amount of qualitative and quantitative research for this study to utilize. Focusing on transitional justice exercises, it is clear from the Truth and Reconciliation Commission in South Africa and the National Commission on Truth and Reconciliation in Chile that there are processes actively working towards transitional justice in each country.

As discussed above, Nagy (2008, pp. 275-289) uses three questions to set the parameters of a transitional justice process. The following three questions develop the parameters that will suffice as support for the justified qualification of research objects in transitional justice; applying these requirements to the DRC in South Africa and the CCC in Chile looks as follows: first, when should a period of transitional justice begin and what is the right moment to join this process; second, who will be the focal point of the transitional process, and finally, what incidents will be addressed by the transitional justice process? Using the perspectives detailed by the transitional justice definition, this study will attempt to answer Nagy's questions, with the aim of outlining the specific time frame of the DRC and the CCC under study. With reference to the requisite timeframe, this study will describe developments up until the time of authoritarian rule, the time of the ruling party and what happened after the authoritarian rule was unseated. Within South Africa this time span will be the development of the DRC and state relations since inception up until 1960 and from 1960 to 1994 as the time of authoritarian rule called apartheid. Within Chile the time span will begin at the time of the Portalian rule in 1833 and the relation it had with the CCC and 1973 to 1989 as the time of authoritarian rule under the Pinochet junta.

In order to avoid applying the concept of transitional justice to compare incommensurate timeframes, a proviso needs to be added. The specific frame of comparison between the two churches begins with their role in the final authoritarian rule or dictatorship before transition to a democratic regime. The period of transitional justice ends with each country's truth and reconciliation report. The comparison will be preceded by a short historical description of how each church developed contextually. Chapter 5 will consist out of the integration of the comparison between the DRC and the CCC. Because of transitional justice that continue far beyond a specific cut off date, the last part of the study will not compare the DRC with the CCC. Chapter 6 will utilize the descriptions from the studied period to suggest different actions the DRC can take in its continued efforts to play a part in the political sphere of the country. It is not the aim of chapter 6 to duplicate the CCC's actions in the DRC context or to use the CCC to depict DRC future conduct. Chapter 5 gives the result of the descriptive comparison, from which the study moved into a further step where the DRC takes from the comparative study insight in order to be transitionally active in the current societal context.

Finally the activities of the DRC, only as documented in the minutes of the General Synod and not focussing on the regional synods, circuits, or individual congregations, will be further examined to determine if the church played an active role in the country's transitional justice during the last twenty years. The second question, regarding the subjects of transitional justice will be answered by discussing the DRC and CCC as institutions, their formal policies, practices and relationships with and during the rule of the two authoritarian regimes under study. The third question, relating to the incidents examined, will be answered by examining the DRC's formal policies supporting and opposing apartheid through the time period identified. The policies as well as their outcomes will be mentioned. The CCC will be discussed in the same manner.

In the light of the chosen transitional justice definition, sanctioned by the requirements for transitional justice processes and facilitated by the qualifying question of Nagy, the comparative study of the DRC in South Africa and the CCC in Chile is deemed a just study. Once again reiterating the point that the period for both churches under study conclude with the reports tabled by each country's truth and reconciliation commission. Continued conversation with the DRC will be in the light of issues described during the specific time of comparison and not as an open ended relation with the CCC.

6. Concluding remarks

From the outset, the exploration of the concept of transitional justice uncovered numerous definitions. The complexity of the concept is demonstrated by the many different academics within the field of transitional justice studies, whose works highlight different aspects of this form of justice. Understanding this complexity underscores the necessity of a comprehensive transitional justice definition in order for the study to responsibly navigate the transitional justice scene. Yet it is clear that transitional justice harbours the potential to function as a lens through which elements of the role played by die DRC during the apartheid regime can be compared with those of the CCC during the Pinochet authoritarian regime in Chile.

The detailed exploration allowed this study to take note of the twofold character of transitional justice in its judicial and non-judicial character. Drawing on Roht-Arriaza

(2006, p. 2), J. Elster (2004, pp. 166-187), Méndez (1997, p. 4) and Lundy and McGovern (2008, pp. 265-267) and other transitional justice experts, it became clear that the judicial character of transitional justice is the one most apparent in all instances of transitional justice. It is clear that the judicial character of transitional justice was the main drive behind transitional justice processes in the early stages of the development of the field. A later development in the field of transitional justice concerns its non-judicial character. Scholars such as Inazu (2009, pp. 310-312) and Gready (2008, pp. 41-42) explain that there are areas of violation in oppressive regimes that the judicial character of transitional justice cannot remedy. The non-judicial character of transitional justice incorporates themes central to the nature of the church. Themes such as reconciliation, forgiveness, healing and peace are, according to Smit (1995, p. 12) the very topic the church has years of experience in, which is why it should be playing a leading role. Understanding the twofold character it became clear that for a study involving churches, which are non-judicial entities, the non-judicial character of transitional justice would supply an entry point for a responsible interdisciplinary study.

Building on the earlier description of the requirements for transitional justice the study is able to utilize the need to be contextually relevant, understanding conflict, utilizing reputable transitional justice processes, the need for qualitative and quantitative reflection and understanding the limitations of transitional justice as a safeguard guiding a responsible study. The combined requirements of Arriaza and Roht-Arriaza (2008, p. 154), Pham and Vinck (2007, pp. 234-235), E. Daly (2008, pp. 23-24), Hamber and Sevcencko & Naidu (2010, pp. 398-400), Boesenecker and Vinjamuri (2011, pp. 346-347), Saunders (2011, p. 120) and Bosire (2006, pp. 20-29) create a sound transitional justice lense in order to have a responsible comparative study. When these requirements are utilized to identify transitional justice processes within the church contexts, it furthermore makes the aforementioned context accessible to the study of transitional justice, thus paving the way for further interdisciplinary study.

The questions posed by Nagy (2008) aimed at delineating a transitional justice process enables the study to focus on specific entities and safeguards the study from an overly broad, undefined scope, while setting a specific time frame prevents the study from being

overburdened by time and identifying specific incidents so that responsible comparison can take place.

A conceptually coherent study cannot be conducted without taking note of the limitations to the study and the field of study. Bosire (2006, pp. 1-2) and G. Lamb and H. Van der Merwe (2009, p. 7) group the limitations to transitional justice into four major categories: a.) the definition of transitional justice concepts; b.) the definition of the term reconciliation; c.) the complicating nature of amnesty to transitional justice and d.) demobilization, disarmament and reintegration (DDR) programmes' successes and failures. Furthermore, the study takes note of the disadvantages of practising transitional justice. Sriram (2007, p. 582), Lundy and McGovern (2008, p. 266) and Gready (2008, p. 44) show how the very democratization and economic empowerment transitional justice seeks to promote can be detrimental to the process. This makes the study sensitive to the fact that all processes need to be scrutinized before implementing, that short-sighted and overly eager implementation of transitional justice processes can have a contrary effect.

Finally, scholars such as De Gruchy^b (1986, pp. 24-25), Aguilar (2006, pp. 261-265), Philpott (2012, pp. 153-154) and Smit (1995, p. 3) develop the argument that transitional justice and religion has co-influenced one another and therefore must be studied in relation to each other and made accessible to both fields. Religion and therefore the church has a responsibility towards the society it serves to explore and employ transitional justice processes.

The following chapter will utilize these preliminary results in order to navigate the DRC's role in South Africa and the part the CCC played in transitional justice processes.

CHAPTER 3

Churches in unjust political systems: The need for transitional justice in South Africa and Chile

1. Introduction

The DRC has its own developmental history which led to its support for apartheid. This is a painful story the DRC is required to tell, if it wishes to heal from its legacy. Tiryakian (1957, pp. 388-390), working on the influence of remembering and reminding, explains how the threat of the British from the south and groups from the north, during 1898-1901, provided early reasons for the DRC to move in the direction of embracing segregation and later apartheid. There were no ties left with the Netherlands, the motherland. This made people feel threatened, isolated and vulnerable. The early Afrikaners found themselves adrift in the wilderness, devoid of any point of reference, with the burden of forming their own communal identity.

Smit (1995, p. 4) supports Tiryakian's focus on the action of remembering and reminding. An integral part of a church's character is to remember, remind and confess; this is how the Gospel is spread. Thus it is the responsibility of the church to remember the apartheid regime, to remind yourself of those you conveniently want to forget, to confess the wrong, produce the right path and guide its healed members into a new society. It is not possible for different groups to share a path before each acknowledges their story, assumes accountability and works endlessly to rectify the misdeeds of the past, so as to create possibilities for the future. Remembering the past must be an on-going action because the challenge of reconciliation will always be present. Liese van der Watt, an artist, writes that the healing of apartheid will be an event over many generations. Through her art, van der Watt tells how older generations remembering the past can help younger generations to own that past, to transform that past and to create a new future. To negate a past full of pain and mistakes is no answer for new generations who want to take up their role and place in society, especially within a specific culture. The challenge is to guide a younger generation to form a new dialect that tells something of the past, while using the good aspects to brighten the future (Van der Watt, 2005, pp. 23-35).

This chapter focuses on the role that the DRC played during apartheid, and it is compared to elements of the role of the CCC during periods of authoritarian rule and oppression. The first section lists the situations leading to the requirement of transitional justice. Following this discussion, a comparison is drawn between the DRC and the CCC, in

accordance with the requirements of transitional justice. The role of the churches in assisting and opposing authoritarian rule will be categorized according to: a) external dynamics; b) internal dynamics; and c) official positions. This delineation of the needs of transitional justice and the comparative analysis will, in the concluding chapter, allow for the development of a framework providing suggestions regarding transitional justice participation.

2. The DRC and apartheid

2.1 *The early history of the DRC: 1652-1902*

The DRC has an interwoven relationship with different regimes in the history of South Africa. In order to understand the background from which the DRC entered the Apartheid regime, it is imperative to give a broad account of the DRC's development in the country after 1652. With such an explanation, a vivid picture of the political climate, tensions, frustrations, philosophies, ideologies and theologies dominating the church's choices are sketched. It would be a mistake to think that apartheid was contemplated, germinated and implemented within a single regime.

In 1652 the Dutch colonists rooted the Reformed faith on the foot of Africa. The East India Company (see Ndiaye, 1992) used the Cape as a halfway house and made sure that all personnel docking there received spiritual nurturing by either the *Nederlandse Hervormde Kerk* or the *Gereformeerde Kerk*. The Church in Amsterdam took responsibility for decision-making with regard to the colonial church. In the absence of ordained clergy, local church-related work was done by caregivers (Ritner, 1971, p. 15), commanders and governors of the *East India Company*, supported by sermon compilations and other regulatory literature (Brown, 2002, p.12-14).

The British took charge of colonial rule in the Cape during 1806 (see Johnson, 2010), and so the Dutch influence in the Cape church diminished. Preachers and clergy from the Scottish Presbyterian Church were called and the church in the Cape experienced a great Anglo-Saxon influence. Relationships between the British powers and the Dutch settlers, later to be known as the Afrikaner (see Giliomee, 2003) (known as the Voortrekkers after

leaving the Cape), deteriorated and Rev. D van der Hoff gave the Afrikaners the courage to separate from the Cape Church. One reason for the fracture was the demand of the Afrikaners to persist in associating with the Dutch Reformed faith, rather than the Saxon influence brought by the British. At times, the *Nederduits Hervormde Kerk* was also called the Cape church, but another group disapproved of the humanistic influence in the *Nederduits Hervormde Kerk* and formed the *Gereformeerde Kerk*. This group associated with the Dordrecht teaching as the true reformed faith and the character of the *Gereformeerde Kerk* was developed around it. Later, the Cape Church referred to itself as the *Nederduits Gereformeerde Kerk* (Dutch Reformed Church) (Brown, 2002, pp.12-14).

2.2 The DRC and the emerging apartheid ideology: 1824-1974

Until 1824 the DRC in the Cape adhered to the Netherland Reformed Church, enforced by the local governing bodies. The relationship between the Cape church and state was described by T.N. Hanekom (in Ritner, 1971, p. 18) as follows:

No other Church was tolerated (the Lutherans were accepted at the end of the 18th century), so that all employees of the company and early residents had to belong to the only recognised Church, the Reformed Church... Where the government appoints and removes ministers; when the taxes of the citizens were appropriated to support the Church; when Church membership is a requirement for... government services—where such a policy is implemented, it is practically unthinkable that the opinions of Church and people would take root and grow separately.

During 1824 the first synod on South African soil took place. Four major influences on the development of the DRC regarding the current racial, political and economic conditions may be distinguished from this point onwards: (1) the development of separate church structures – a pragmatic separation between the original members (Christians of European descent) and people that became members through mission programmes; (2) the establishment of a theological seminary in Stellenbosch 1859; (3) the Great Trek (see Preller, 1988) – where the Voortrekkers separated from the DRC authorities in the Cape;

and (4) the Freedom wars of 1872-1884 and 1899-1902 (see Pretorius, 2009) (Coetzee, 2010, pp. 14-16). These major influences played a great part in the formation of the societal structure that would later become known as apartheid.

The development of separate church structures

A differentiation emerged between the people of European descent, who had been accustomed to the Western Church for a long time, and people that became Christians as a result of mission work (Ngcokovane, 1989, pp 39-42). Although not part of the DRC's official policy, a *tweestroombeleid* [two track policy] developed. At the synod of 1857, a decision was taken that Word and Sacrament 'may' be ministered in separate locations due to the weakness of some members. This was a regulation only to be used as a last resort (Skeen, 1962, pp. 2, 6, 8). The synod of 1880 made the exception into a rule and so the *Nederduits Gereformeerde Sendingkerk* [Dutch Reformed Mission Church], a different denomination, was created. The policy of separation resonated in the DRC's *Sendingbeleid* [Mission Policy] (Crafford, 1982, pp. 464-465; KB, 1939b, p. 24) of 1935 and was further developed in *Ras, Volk en Nasie* (1974) (Ngcokovane, 1989, p. 42; Coetzee, 2010, pp. 14-15).

The document *Ras, Volk en Nasie* (1974) specifically stated that the DRC had the obligation to reflect upon racial relationships on a continuing basis. *Ras, Volk en Nasie* continues to highlight the importance of the reflection being done in light of Gods' word. *Ras, Volk en Nasie* uses the term 'ras' as a biological description, 'volk' as a racial description and 'nasie' as a political description. These three concepts were used to differentiate when reflecting on racial issues in the light of the Word. The document continues to explain that racial relations are complex all over the world and that the South African context on racial relation issues are nothing new. *Ras, Volk en Nasie* (1974) states that when reflecting on a problem such as racial problems from scripture, true and tested methods should be used when reporting. Scripture must be interpreted scientifically responsible in order to guard against misinterpretation and wrongful use of Scripture for ideological justification (RVN 1974).

The establishment of a theological seminary in Stellenbosch

In 1859, a theological seminary was established, with the appointment of two local ministers, John Murray and N.J. Hofmeijr, who would push the state of affairs into a distinct theological direction. Before 1859, the theological orientation of the church in the Cape was predominantly influenced by the orthodoxy in Amsterdam. With the appointment of Murray, influenced by the reformed orthodoxy in the Scottish church, and Hofmeijr, influenced by the *regsinnige stroom* [liberal stream] in Utrecht, the DRC in the Cape reacted against the then-current, liberal Dutch influence. Although Murray and Hofmeijr were open to modernistic ideas, they were critical of the neo-Calvinism introduced by the Vrije Universiteit of Amsterdam. The presence of distinct theological streams added to the tensions already present (Coetzee, 2010, p. 15).

The Great Trek

In 1834, the Voortrekkers left the Cape, moving north to evade British rule and thus creating a great divide between itinerants and the church authorities in the Cape colony. The DRC synod of 1837 reprimanded those that took part in the Great Trek and called for its members to adhere to colony rule. The synod demonstrated its lack of compassion for, and insight into the motivations for The Great Trek (Ritner, 1971, p. 32-33; Coetzee, 2010, pp. 15-16).

The Afrikaner who participated in the Great Trek was depicted as a person with a rifle in the one hand and a Bible in the other. The influence of the Bible and the Voortrekkers' sixteenth century Calvinistic inheritance played a central role in the development of the Afrikaner-psyche, providing a source of purpose, destiny and mission. From the Old Testament the Afrikaner derived the motifs of God's sovereignty, God's providence, obedience to His covenant, the belief that they constituted a new Israel and the belief in coherence of church, state and community (Ritner, 1971, p. 25).

The implication of the Freedom wars of 1872-1884 and 1899-1902

During these wars, it became evident that the Cape church still held sympathy for the members in the North. The DRC aligned with their Northern members and, in doing this, associated with the Afrikaners. The association became more evident during the 1903 synod and so the impact and stronghold of the Cape colonial authority over the DRC started to decline (Coetzee, 2010, pp. 16-17, see Ngcokovane, 1989, pp. 30-35; see Pretorius, 2009).

After the aforementioned influences played out in the lives of the Afrikaners, they found themselves embroiled in a tremendous socio-economic crisis. White farmers that were not financially able to weather all the challenges, flocked to the cities or neighbouring farms, looking for work. This created an immense social crisis that the state and DRC could not solve. The first signs of the DRC involving itself with the poor whites' predicament were women federations and action groups establishing food kitchens and other social services (during the early 1920s), needed to address the problems of the poor whites. They spoke out against miscegenate relationships between lower-class people, racism, poverty and the exploitation of women; these federations and action groups were noteworthy. Both the *Federale Sendingraad* [Federal Mission Committee] and the *Federale Armsorgraad* [Federal Committee for the Poor] played a critical role in the drafting of the 1935 mission statement. The official statement by the DRC and its view on missionary work became the cultivating ground for apartheid thought in the DRC. The mission statement promoted segregation as the only way to achieve the social and economic wellbeing of whites (Coetzee, 2010, pp. 31-33). During the 1930s and 1940s, the Afrikaner experienced the threat of being assimilated to both the British and native populations. The DRC exerted pressure on the government to pass laws protecting and advancing white culture, which would ensure that Afrikaners retain their ethnicity and their national self-sustaining survival (Ritner, 1971, p. 140-143).

One of the first laws the DRC asked the National Party to pass, in 1937, called for a restriction on mixed marriages. The *Federale Raad* [Federal Committee] of the DRC requested further legislation during 1938 and 1939 in favour of separate suburbs and such laws were passed in 1948 with the rule of the National Party (Du Toit et al. 2002. p.57).

During the late 1940s, the DRC commissioned a group to report on the Afrikaners' socio-economic and ecclesial-religious state. Following this report, a publication (1947) entitled *Kerk en Stad* [Church and City] was published. According to the report, racial segregation was of the utmost importance if the Afrikaner wanted to survive socially and economically. After 1948, the DRC found a partner in the National Party promoting the wellbeing of the Afrikaner, and at stages the church pressured the state to make laws in order to further this ideal (Coetzee, 2010, pp. 32-33). Thus it is clear that apartheid had the economic improvement of one race at the cost of others as one of its goals (Posel, 1991, pp. 25-45).

3. The development of apartheid ideology

To better understand why apartheid thought reached so many people and became a system people lived and died for, the term 'apartheid ideology' must be further examined. This will be followed by looking at the policies the ideology was grounded on and supported by in order to receive the support of so many people.

Using apartheid ideology as an example, it is clear that ideology refers to much more than an administrative system with laws and policies. Ideology incorporates the importance of the way in which certain convictions are grounded, sanctioned and supported (consciously and unconsciously) to reach a large audience (Kinghorn, 1986, pp. 86-116). The legitimizing of the ideology then influences the way its supporters perceive their own lives and the world around them. An ideology becomes a philosophy of existence. In the case of apartheid ideology, supporters believed that the differences between people were a much greater force than the similarities; the only way to structure society, therefore, was in accord with the differences (Coetzee, 2010, p. 34).

Apartheid ideology had another characteristic, which made it much more lethal, this being called a 'pseudo-gospel' (Engelbrecht, 1968^a, pp. 1-2; Naudé, 1964, p. 8). In this respect, apartheid became something that not only governed moral life, but a 'gospel' that was believed in. The gospel of Jesus Christ was replaced by nationalism (Singh, 1964, pp. 7-8). Supporters believed that Scripture taught that the only way for coexistence of racial groups was by being divided. The 'pseudo-gospel' (Naudé, 1966, pp. 4, 6) developed into a soteriology where the only way for Afrikaner nationals to become holy and receive

sanctification was through apartheid. The Afrikaners believed that God called them specifically and they viewed the Great Trek as their own exodus, in fulfilment of this calling (Feddema, 1964, pp. 1-2).

The supporters of apartheid grew in conviction as the Pakt government (see Visser, 2001, pp. 22-24) and later the National Party government improved the political and economic conditions of the Afrikaners (see NGKA, 2013). Apartheid was further used to rationalize segregation due to cultural differences and the danger of conflict that could occur should races be allowed to intermingle; thus no sport, social, or cultural events were allowed to be racially mixed. Finally, apartheid also enabled the protection of personal and racial identity. Because of the injustices suffered under British imperialism and the great number of black people, apartheid was thought to be necessary to retain and conserve identity for current and successive generations. Thus it was of the utmost importance to keep churches, schools and certain geographical areas racially divided (Coetzee, 2010, pp. 35-36).

3.1 Theological justification of apartheid

From the DRC's concern for the socio-economic survival and improvement of the Afrikaner came an urgent necessity for placing the relationship between European and non-European races on a sound basis (DRMC, 1953, p. 4). Scripture was used to sanctify apartheid, making it a spiritual norm to pursue and so sanctifying the activities and expansion of apartheid as service to and work for the Word of God (Feddema, 1964, pp. 1-2).

Apartheidsteologie [Apartheid theology] was developed and published in a number of works such as: (1) *Koers in die krisis* (Part I: 1935, part II: 1940, part III: 1941), (2) *Die Gereformeerde Vaandel* (1933), and (3) *Ras, volk en nasie en volkereverhoudinge in die lig van die Skrif* (1974). A great number of intellectuals of the day influenced the development of apartheid theology. In 1947, the DRC accepted a report containing so-called Scriptural proofs of apartheid. The following verses were quoted: (1) Genesis 1:28; 9:1 and Acts 17:26 were used as cultural commandments where the separation between cultural groups was made mandatory by God; (2) Genesis 11:1-9 and Acts 2:6,8,11 where

God calls different nations with their own language, history, Bible and church, just as is the case in South Africa; (3) Genesis 11, 15:19, Amos 11 and Acts 17:26 stated that God gave each race its own geographical area; (4) Philippians 3:4f provided the outline for national apartheid (Coetzee, 2010, pp. 38-40; ASK, 2007, pp. 6-9).

Until this stage in history, it is safe to conclude that apartheid stemmed from a socio-economic concern for the Afrikaner people. In order to address this concern, the state developed political and economic segregation. In order for apartheid to fully develop and have a lasting effect, this concept was developed into an ideology. Recognizing the state's efforts as honourable and necessary for the improvement of Afrikaners, the DRC aligned its teachings and dogma with that of state policy in order to give apartheid 'gospel' status, governing the lives of Afrikaners to such an extent that they believed that the only means to achieve true spiritual salvation was through apartheid (Engelbrecht, 1968, pp. 1-2; Ritner, 1971, pp. 144-145).

The theological justification of apartheid explained that the differentiation between races was a divine act by the grace of God:

Al wat hiermee beoog word is om aan te toon dat die rasseverskille ontstaan het, nie deur sondige mensewerk wat ongedaan gemaak moet word nie, maar deur Gods werk en daarby nie Gods gewone skeppingswerk nie, maar Gods straffende werk wat tegelykertyd toning van Sy genade is en as sodanig geëerbiedig moet word, dit wil sê dat ons as mens nie doelbewus die verskille moet probeer ongedaan maak deur eiewillige denasionalisering, nivellering en verbastering nie (Du Preez, 1955, p. 21). [The only aim is to show that racial differences did not come to be through evil human activities that should be undone, but God's reprimand simultaneously showing His grace and should be honoured accordingly. Thus stating that men should not deliberately attempt to nullify the differences through denationalization, annulment and miscegenatio.]

The theological justification of apartheid developed along the lines of two major areas: a.) theological justification of apartheid practiced within civil society and b.) theological justification of apartheid practised within the church/faith community (Du Preez, 1955, pp.

5-48). With Scriptural backing, the Afrikaner understood apartheid as obedience to God and all efforts to maintain and develop apartheid as service to His kingdom. Thus, the pragmatic apartheid policies and the theological apartheid support made for an ideology to live and die by (Feddem, 1964, pp. 1-2).

Apartheid ideology and theology must be understood against the broader context of South African political and economic development. The development of Afrikaner politics and Afrikaner economics underwent different stages as the governments administering the country changed. Since virtually all of the DRC's members were Afrikaners, this development found its way into the church and saw the church react to the challenges. The actions of the church cannot be fully comprehended without an understanding of the politics and economics of the time.

Two major areas impacted by apartheid ideology were the political and economic spheres. Each of these areas of influence found its way into the DRC because of the influence the church had on the Afrikaner people (Ngcokovane, 1989, pp. 35-36.)

Political apartheid - As early as 1883, John X. Merriman convinced the government in the Cape to grant black people limited self-governance in geographical areas appointed to them. Before Merriman, Theophilus Shepstone, Secretary of *Naturellesake* [Secretary of Native Affairs] (1848-1875), convinced the colonial government in the Natal region to place black people in reserves with restricted self-governance. Cecil John Rhodes, prime minister from 1890 to 1896, sanctioned the Glen Grey Act of 1894 restricting black people to the reserves with limited self-governance. The conditions this act imposed did not support self-sustenance and so black people had to sell their physical labour to mines and other industries. From 1909-1971, numerous segregation acts and addendums were accepted and implemented. Areas influenced by segregation acts were: a.) political rights; b.) urbanization rights; c.) the African Reserves; d.) other African affairs; e.) Asian affairs; f.) employment; g.) housing; h.) education; i.) foreign affairs; j.) defence; k.) publications and media; and l.) immigration (Posel, 1991, pp. 1-114).

Economic apartheid - Apartheid thought not only limited the interaction between different races, but restricted the access of certain groups to national resources in order to benefit white people (Posel, 1991, pp. 53-54), a policy supported by the DRC. Economic

separation did not develop from apartheid although it was taken over and incorporated into it. Economic separation stemmed from colonialism, slavery, Dutch imperialism, British imperialism and Afrikaner imperialism (Kingham, 1990). Laws were passed restricting black people to 8% of the South African land, thus depriving them of a means of self-subsistence. This forced black people to do migration work within white areas and so enough black labour for white enterprises was secured (Posel, 1991, 53-58).

After the signing of the *Vrede van Vereeniging* [Peace of Vereeniging] in 1902, a new constitution was drawn up for the South African Union and sanctioned in England during 1910. This constitution made no provision for black rights (Cavendish, 2002, p. 65). The British retained a great deal of equity and influence in South African mines, causing Afrikaners to grow poorer and more militant. 1914 saw this tension brought to a head in the killing of approximately 100 striking Afrikaner mine workers. General Christiaan de Wet, a rebel leader at the time, rallied the militant Afrikaners but the resultant uprising was contained. On 2 January 1922, a strike of 75-90% of all Afrikaner mineworkers took place, involving two parties: (1) those Afrikaners who wanted to claim a republic and (2) the communists who wanted to overthrow the capitalistic system. Further violence erupted as Afrikaners saw the strike as a means of survival against the competition of black labour. The unrest became so intense that General Jan Smuts feared a civil war and mobilized all armed forces to end the conflict. After 214 people died and the government released legislation protecting white labour, the tensions felt by Afrikaners subsided (Visser, 2001, pp. 1-22).

Black economic suppression was extended by three more laws passed in the 1930s. These laws stated the following: (1) The Representation of Blacks (Natives) Act of 1936 stated that black voting rights be removed from the general voter's roll to a separate one. (2) The Development Trust and Land Act of 1936 gave government the right to increase the geographical area for black occupation to 13, 6%. (3) The Black (Native) Law Amendment Act of 1937 restricted black people from owning land in white areas (Posel, 1991, pp. 33, 40-45; Coetzee, 2010, pp. 27-29).

The *Armblankevraagstuk* [Poor white predicament] (see Willoughby-Herard, 2007; see Duff, 2011) developed as a consequence of the Anglo-Boer War, an international

economic crisis in 1929 and the depression that followed coupled with one of the country's severest draughts during the 1930s. The Afrikaners underwent a rapid urbanization and unschooled Afrikaners with their farm background and education restricted to farm schools [*plaasskole*] were ill equipped to be anything more than basic level labourers in the industrial surroundings (Kingham, 1986, p. 52).

The Pact political party that took over rule in South Africa in 1924, initiated incentives and laws in order to improve the whites' socio-economic standing. The incentives and laws had the following results: (1) Employers employing whites were awarded state contracts. (2) Industries were threatened that should they not employ whites, sharp taxes on imports (protecting industry) would be eased. (3) White labour was given opportunities to receive training and skills development. (4) Through the Wage Act of 1925, the government was permitted to replace unschooled black labour with semi-schooled white labour for a minimum wage. The Carnegie report (1932) overemphasized the poverty of the whites, while the coloured and black persons' living conditions were even worse. This report stated that it was more important to address the white socio-economic challenges, because such redresses would eventually, in effect also lead to the improvement of the socio-economic situations of coloured and black persons. Many influential institutions and organisations, including the DRC (Vosloo, 2011, pp. 9-14), took note of this report. With the National Party inaugurated as ruling party of South Africa during 1948, the strategy to alleviate white poverty intensified (Coetzee, 2010, pp. 31-32; see Posel, 1991, pp. 53-54; see Serfontein, 1982, p. 60).

During the 1920s to the 1940s, the poverty of Afrikaners became the motivation for a fund known as the *Reddingsdaadbond* [Rescue fund]. Contributing to the efforts of this fund, the DRC vigorously helped needy Afrikaners (Serfontein, 1982, p. 60).

4. The DRC and the emerging apartheid state: 1905-1974

In 1904 the four synods of the DRC decided to establish a *Federale Raad* [Federal Committee] which could oversee certain joint ventures, concerns and confessions of the DRC. The *Federale Raad* was instituted in Pretoria on 5 March 1907 (Crafford, 1982, p. 464). Against the political backdrop of white supremacy and the view of white people as

the carriers of Christendom to the black heathens, the *Federale Raad* called a commission, the *Kommissie vir Naturellesake* [Commission for Native Affairs] (Crafford, 1982, p. 464) to life. This commission had to organize conferences on racial coexistence and report to the *Federale Raad* of the DRC. D.D.T. Jabavu, representing the sentiments of black people, stated that the DRC had established itself as an anti-native church through the wording of the 1911 Church Organisation Act (see Meiring, 1921).

The first conference held by the *Kommissie vir Naturellesake* took place on January 1923 (Crafford, 1982, p. 464). The conference was applauded by white and black leaders for its positive climate and promotional role with regard to the relationships between different races. Constructive suggestions were made for the improvement of the native people's living conditions, unfortunately still bound by the parameters of segregation. In 1926, Hertzog's *Naturelle-wetsontwerp* (native legislation concept) was published for commentary. The concept legislation covered *Naturelleraadswetsontwerp* [Native Council Legislation], *Naturelle Grondwysigingswetsontwerp* [Native Land Amendment Legislation] and *Kleurlingregtewetsontwerp* [Coloured Rights Legislation]. Rev. H.P. van der Merwe, Moderator of the Cape Synod, reacted to the draft legislation by calling for differentiation in society on the grounds of moral and ethical issues and not because of physical appearance, colour or race. Rev. J.W.L. Hofmeyr, mission secretary of the Cape Synod, commented that if the church avoided political involvement, it would be more objective and better equipped to handle racial situations, as well as being in a better situation to condemn racial tensions under white people. P.G.J. Meiring, editor of *De Kerkbode*, agreed with Hofmeyr and asked that those people who were the subjects of the legislation be represented in the discussions. The *Kommissie vir Naturellesake* called an interdenominational conference in Bloemfontein (September 1926) where the Hertzog legislation was discussed. A positive climate prevailed throughout the conference, with members reiterating that racial tensions should be resolved in a civilized, Christian manner (Du Plessis, 1939, pp. 27-30). However, the conference concluded that the betterment of black people in exclusion from white people would not conflict with Christian beliefs if the improvements were undertaken in a fair manner (Coetzee, 2010, pp. 43-44).

A similar conference was held in 1927, but brought a turn in the good relations after it was made public that bishops of the Church of the Province and some chiefs of the black

people commented negatively on certain aspects of the *Naturellewetsontwerp*. In the background, the state formed its own commission called the *Suid-Afrikaanse Instituut vir Rassebetrekkinge* [South African Institute of Race Relations] and began to organize their own conferences on racial issues. The institute took over the conferences from the DRC, a move that church leaders experienced as negative. The *Kommissie vir Naturellesake* stated in their report to the *Federale Raad* in 1933 that due to the unrest under natives and coloured people and the prevailing, political climate, the commission would not take any further initiatives in the racial situation of the country. During the *Federale Raad's* meeting of 1935, the *Kommissie vir Naturellesake* reported that all conferences on the promotion of racial relationships had been taken out of the hands of the church and that there was a need for a unified racial policy by the DRC (Coetzee, 2010, p. 45).

At the mission conference of the DRC in the Free State in 1927, the need for a mission policy stipulating the church's responsibility to the native people regarding religion and socio-economics was addressed. On 23 May 1934, the *Kommissie vir Naturellesake* called a meeting in Bloemfontein with representatives of the DRC, the *Sendingkerke* [Dutch Reformed Mission Churches] and *Stofberg-Gedenkskool* in order to form a subcommittee commissioned to draft the formal mission statement of the DRC that would qualify the church's position on the racial situation in South Africa. The draft of the mission statement (KB, 1939b, p.24) was tabled at the *Federale Raad* meeting of 1935 and presented to the four different DRC synods, which accepted the statement as the official mission policy of the DRC (Coetzee, 2010, pp. 46-47).

The 1935 *Sendingbeleid* [Mission Policy] reflects the lines by which the racial policy of the DRC developed as well as the basis from which apartheid ideology and apartheid theology were constructed. Although the mission statement declared that all souls belong to God, its strategy was still developed along the line of racial segregation. Crafford (1982, p. 465) writes:

Dit is duidelik dat die kerk se sendingbeleid geformuleer is in lyn met die ontwikkeling van afsonderlike kerke soos dit vanaf 1857 die praktyk was. Tog is groot klem gelê op die opvoeding, ontwikkeling, en regte van anderskleurige volkere. Die beleid stel egter duidelik die beginsel van afsonderlike

ontwikkeling in eie volksverband. [It is clear that the church's mission policy is in line with the development of segregated churches as was the practice since 1857. Still, the focus lies on education, development and the rights of other races. The statement states clearly the principal of development according to race specific segregation.]

Key statements, philosophies and policies of the statement will be mentioned.

4.1 *The Sendingbeleid [Mission Policy] of 1935*

Setting the stage, the introduction of the statement declares that white believers (especially the DRC and the Afrikaner) are constituted (by interpreting Mathew 18:19) the chosen instrument of God to bring the light of the gospel to the heathens in the southern corner of dark Africa. A number of articles were published in *Kerkbode* to explain the *Sendingbeleid* to members of the DRC. The first of these articles explained the purpose of the *Sendingbeleid* as follows:

Die Kerk is diep daarvan oortuig dat die God in Sy wyse raad dit so beskik het dat die eerste blanke inwoners van hierdie suidhoek van Donker Afrika manne en vroue sou wees van diepe godsdienstige oortuiging, sodat hulle en hul nageslagte die draers van die lig van die evangelie na die heidense nasies van hierdie vasteland kon word, en beskou derhalwe dat dit die besondere voorreg en verantwoordelikheid van die Ned. Geref. Kerk van Suid-Afrika is – by uitnemendheid – om die evangelie tot die heidene van hierdie land te bring (KB, 1939b, p.24). [The church is deeply conscious that the God in His wisdom willed it that the first white citizens of this southern part of dark Africa shall be men and women with deep religious convictions, in order for them and their generations to be the carriers of the gospel light to the heathen nations, and therefore see this as a privilege and responsibility of the Dutch Reformed Church in South Africa.]

The DRC's racial differentiation was accepted as God-given and deduced from Acts 17:26, acknowledging with the same scripture that all souls belong to God (Coetzee, 2010,

p 48). Deducing its viewpoints from Scripture, the *Sendingbeleid* statement outlines six methods of mission to the heathens and the implications of these methods. These methods are: (1) Spreading the Gospel – The Gospel needs to be preached in order to gather souls for the Kingdom of God. The native people should receive their own church in order to develop into a self-sustainable faith community. Christianizing the native people does not mean denationalization, but rather the Christian separation of their cultural and racial traditions. (2) According to Acts 1:8 appropriate labour sectors must be identified. (3) The DRC must take hands with state organisations and other churches (guarding against organisations and churches with a different approach to the natives) working on native race issues. (4) Development and education should first crystallize among Christian believers, and the native and coloured persons should develop in such a way that they can exist in a self-sustaining manner. Therefore, natives must receive instruction in both official languages (Afrikaans and English). (5) With regards to social development, all forms of racial mixing are condemned and the DRC promoted spiritual and cultural segregation to the benefit of all. (6) Economically, the natives and coloured people should develop in such a way that they become respectable Christian races. It is the responsibility of the stronger, white people to act as facilitators and caretakers for the weaker natives and coloured people in order for them to reach this goal (Crafford, 1982, pp. 464-465; KB, 1939b, p. 24).

From the aforementioned mission methods and their development, certain lines of thought resonating with apartheid ideology can be identified: (1) The Afrikaner is seen as the chosen instrument of God to perform His work in dark Africa (KB, 1939b, p.24). Thus the Afrikaners distinguish themselves from native people, religiously, economically and politically on the ground of their divine ordination. (2) In the statement, references to the DRC and the Afrikaner people are used interchangeably, so that the calling of the DRC in dark Africa became the calling of the Afrikaner people. (3) The idea of divine ordination is brought in relation to geographical land possession. Different territories for different races will prevent natives from denationalizing (Coetzee, 2010, pp. 51-59). It was through the successful implementation of this missionary statement that three black daughter churches were established, showing the policy's provision for structural and moral, racial policies (Serfontein, 1982, p. 63). In *Die Gereformeerde Vaandel* terms such as

segregation and apartheid are used to give practical guidance by which each race can develop their own culture and enjoy their lifestyle without recognising the equality of races. Even the establishment of native churches was in order to steer clear of mixing races. Not yet scripturally legitimized, apartheid was promoted as not contrasting with the will of God. (4) The reservation of work for white people is promoted against the policy of natives' economic self-actualisation. (5) Interracial marriages were prohibited because of all the social evils it would cause. The mission statement regarded mixed marriages as bringing civil degradation. (6) The disciplining and education of the natives were developed along the parameters of segregation in order for native and coloured people to become self-regulating. (7) The development of native churches must take place with segregation as foundation. (8) Regarding the economic development of the native people, the mission statement used the term 'guardian' to explain the position white people must assume. Being the guardian, the white race is regarded as superior and the black race as inferior on an economic level, therefore white people have the responsibility of guardianship. This logic developed the policy of *voogdy- en trusteeskap* [guardianship] (Kinghorn, 1986, p. 51) within the DRC. A.B. du Preez (1955, p. 47) explains the DRC's guardianship as:

[o]ns verantwoordelikheid as 'n Christelike voogdyskap vir die minderbevoorregte rasse in ons land te aanvaar en daarom nooit aan enige geestelike apartheid kan dink nie (our responsibility to accept Christian guardianship for the disadvantaged races in our country and therefore never be able to think of a spiritual segregation/apartheid)

(9) The pastoral concerns of the DRC focused solely on the socio-economic and political standing of white people. Finally, these practical arrangements of segregation and the influence of Nazi valuation by race, shifted the differentiation from religious and cultural differences to biological differences; thus cultural segregation became racial segregation (Coetzee, 2010, pp. 51-59).

From the beginning of the 1940s, the DRC, by means of the *Federale Raad* and *Federale Sending Raad*, placed continued pressure on the government of the day to align itself with the racial policy of the church. During 1942-1943 the FSR negotiated with the government, on three separate occasions, for legislation regarding divided suburbs, mixed marriages,

racial entwining, separate universities and influx control. The *Federale Armsorgraad* and *Federale Sendingraad* handed the *Minister van Naturellesake* [Minister of Native Affairs] a memorandum demanding that the DRC's racial policy become part of the formal government policy and not only an opinion statement. Although the Smuts government was sympathetic to Afrikaners, nothing came of the demands of the DRC. This might be one of the principal reasons why the Smuts regime fell in 1948 and the National Party, with its dedication to white supremacy, came to power (Posel, 1991, pp. 45-47).

The National Party, under Strydom, strengthened its popularity by implementing the apartheid policies that the DRC developed in favour of the Afrikaners. The National Party regime and DRC became so intertwined that the *Nederlandse Hervormde Kerk* asked if the DRC could still be called 'Church' (Engelbrecht, 1966, pp. 1-2). The United Party's (Smuts government) racial policy was too liberal for the Afrikaner and for that reason they lost control of the country. According to the National Party and the DRC, the declassification of racial separation, which God Himself created, would lead to the demise of Christianity in South Africa (Coetzee, 2010, pp. 69-73).

4.2 Significant church conferences

A number of conferences held between 1935 and 1950 played an important role in the relationship between races in South Africa and the DRC's position on racial issues: (1.) The first was the World Sunday School conference of 1940. The conference was held in Durban and organisers applied for the segregation laws to be set aside during the conference for free cross-cultural dialogue to take place. The DRC of Transvaal accepted the invitation on condition that its representatives would be accommodated with definite distinction from other races and not shamed in public. The possibility of racial equivalency was too great a threat and no other synod accepted the invitation. (2.) During 1942, the Christian Council of South Africa, organised a multi-racial conference at Fort Hare without inviting the DRC. Individual clergy from the DRC were invited on an unofficial basis and contributed positively to the conference. Decisions made at the conference opposed the DRC policy, in asking for more interracial dialogue and multicultural worshipping opportunities (Coetzee, 2010, pp. 62-77.)

(3.) The People's Congress of 1944 was organised by the FAK and DRC clergy played a significant role in delivering papers regarding the racial issue in South Africa. The results of the conference were published in *Op die Horison* [On the Horison], a missional journal; the conference called for the implementation of apartheid rule as understood by Afrikaners, given that all other forms of social organisation had failed. This only broadened the gap between the DRC and the English churches. The three reasons for the implementation of apartheid were that it was scripturally sanctioned, scientifically founded and stemmed from the experience the Afrikaner had had with the natives through the years. This conference was the preamble to the 1944 synod of the DRC of Transvaal which formulated apartheid regulations that were to be upheld by the DRC, its members and the Afrikaner people. (4.) Another Afrikaner people's congress took place in 1947 with 700 participants, of which 250 were ministers. From the outset, the focus fell on the racial situation and discussions made it clear that racial apartheid had to be implemented in all areas of daily life. This was the only way to prohibit conflict of interests and the mixing of races and for each culture to promote its own biological and cultural values. Whites and non-whites needed to be separated geographically, economically and regulatory. It was decided that a proper study of the racial situation, headed by the DRC, should be made and that a formal racial policy must be presented to the Afrikaner people. (5.) The conference on social evil, held in 1949, was attended by 515 dignitaries from across the nation and once again concluded that the call for equality by English churches and black leaders should be prohibited because hearkening to it would mean the end of Christian civilisation in South Africa. The conference thanked the government for legislation restricting mixed marriages and racial contamination. The conference reiterated the conviction that Scripture sanctified racial differentiation. Most of the conference decisions were policies already commonly accepted in the DRC (Coetzee, 2010, pp. 62-77.)

(6.) The conference of the Christian Council held in Rosettenville during 1949 housed 100 dignitaries from 25 church denominations, but no official DRC representatives were present. This was a desperate attempt by the English churches to speak to the government regarding the racial inequalities present during the period. A sense of desperation set in when the government refused to meet with English churches regarding this issue. Still, the conference called upon churches in a multi-racial environment to

proclaim that all people possessed human dignity, not because of their language and culture, but because of their humanity; further that no race or nation may be regarded as superior to the other and no race or nation were to see itself as the only people chosen by God, as that classification belonged to all Christian churches. The conference also decided that apartheid should be substituted with unity and that all races should receive the right to vote. The decision of the 1949 Rosettenville Conference (see De Gruchy, 2005, pp. 53-54) displayed the divide between the DRC and National Party on one side and the English churches and black society on the other (KB, 1950, pp. 34-35), (Coetzee, 2010, pp. 62-77.)

Continued national and international pressure for a formal discussion of apartheid and its foundations by the DRC and National Party government resulted in the document *Die Apartheid van die Nasies en hul roeping teenoor mekaar* (see Corrado, 2013) [The differentiation of the nations and their calling towards one another] tabled and accepted at the *Federale Raad* meeting of the DRC during 1947. Prof E.P. Groenewald developed the Scriptural justification of apartheid in this document and related it to all aspects of life. Through this document, the racial issue moved from a practical, socially organisational ideology to a scripturally based theology. This document was the foundation work for the later, official publication of the DRC on the racial issue entitled *Ras, Volk en Nasie en Volkereverhoudinge in die Lig van die Skrif* (see AS, 1974; Coetzee, 2010, pp. 77-78).

4.3 The DRC and apartheid legislation

Meeting the demand of the DRC, the National Party government passed several laws in order to officially promote apartheid. The DRC gave the new legislation its highest praise and welcomed the fact that the state now implemented what the church had already advocated for several years. The following legislation deserves to be mentioned:

- Act 29(c) of the *Wysigingswet op Naturelle-wetgewing* of 1957, according to which, non-whites could be restricted from attending a church service in a predominantly white area.

- Act 30 of 1950 called a population register into life. Through this register, each person in South Africa received an identification document and this information could be used to classify the population, thus helping with the practical implementation of apartheid and the arrangement of segregated facilities. This law had a detrimental effect on families and led to great trauma. Mixed racial families were forced to live apart in specific areas allocated to a particular race (Coetzee, 2010, p. 98; Horrell, 1971, pp. 9-12).
- Act 41 of 1950, the act on group areas, allocated different geographical areas for different races. With the act on the prevention of unjust squatting (*Wet op die Voorkoming van Onregmatige Plakkery – Wet 52 van 1951*) and the act on the reallocation of the natives (*Wet op hervestiging van die Naturelle – Wet 19 van 1954*) the forceful relocation of natives and the justified cleansing of suburbs were signed into law. On 9 February 1955, families were forcefully moved from Sophiatown and Martindale to Meadowlands. During the Cape synod of 1953, the state was thanked for the legislation on separate locations for races (ASK, 2007, p. 10; Coetzee, 2010, p. 99). During the 1920s, thousands of black people flocked to white areas because industrial development had taken place, and the black areas had high levels of unemployment. Act 54 of 1952 called for a labour bureau to manage this influx.
- Act 67 of 1952 amended the pass laws and stated that all black males should have a proof book administered by a central proof bureau. This law led to migration work, which had a detrimental effect on families and social structures (Horrell, 1971, 57-63).
- The act on the right to vote underwent numerous amendments until its final form in Act 30 of 1956, known as the *Wysigingswet van die Afsonderlike Verteenwoordiging van Kiesers in 1956* [Amendment Act of Separated Representation of Voters in 1956]. This act stated that only people who reached political and social maturity could be given the right to vote and at this stage the only race to qualify was the Afrikaner (Horrell, 1971, pp. 13-26; Coetzee, 2010, p. 101).

- Act 46 of 1959, the Act on Native Self-governance, *Wet op Bantoeselfbestuur*, stated that black people, in their designated locations, against their own national background, should develop to full, civil citizenship. This policy was accepted by the Transvaal synod of the NGSK in 1960 (Horrell, 1971, 26-28, 35-45, 85; Coetzee, 2010, p. 102).
- Act 47 of 1953, the legislation on native education, *Die Bantoe Onderwyswet*, stated that the education of the natives was the responsibility of the state. The state designed native specific educational curriculums that only focused on certain aspects of black communities and further supported apartheid. Black educational inferiority and substandard facilities doomed black people to working class status (Horrell, 1971, pp. 64-72; Coetzee, 2010, p. 103).
- Act 55 of 1949, the Act on Mixed Marriages, *Wet op die Verbod van Gemengde Huwelike*, prohibited marriages between white and black people. Act 21 of 1950, the act on intimate relationships between white and black people, or *Ontugwysigingswet*, condemned any sexual relationship between a white and a black person. On numerous occasions, the DRC thanked the government for these laws (ASK, 2007, p. 10; Coetzee, 2010, p. 104).

5. CCC and Chilean totalitarianism

This section explores the development of the relationship between the CCC and the Chilean state. Dating from the nineteenth century, the evolution of the CCC and its political relations with the state played a significant role in Chilean society. Understanding the church's internal evolution and political intervention may be simplified by dividing the era from 1860 to 1988 into five periods: (1) a period of extrication from the state, partial distancing from the Conservative Party, and incubation of progressive Catholic social tendencies (1860-1935); (2) a period of uneasy coexistence in the church between social Catholicism and traditional conservative tendencies (1936-1958); (3) an era of rapid development of new pastoral mechanisms in which the church began to play an active role as moral tutor and institutional support for social reforms (1959-1973); (4) a period in

which the church acted as surrogate opponent and provider of social services during severe political repression (1974-1982); and (5) the role of the CCC during Chile's transition to democracy (1983-1988) (Fleet & Smith, 1997, pp. 111-158).

The timeframe of developmental categories (1) and (2) falls outside the scope of this study and will only be referred to briefly in order to sketch a background from which categories (3) to (5) can be described in detail. Attention will be given to the effect of political involvement on the hierarchy of the church. Interventions from Rome and the shifts these interventions caused will be noted. The reaction of the bishops in general and certain key figures within the Roman Catholic Church and specifically the CCC will be explored. Important source literature will be reviewed. Finally, this section draws to a close by looking at the reactions from members of the CCC.

5.1 Chilean church-state developments: 1860-1920

A new chapter opened for the Roman Catholic Church in Chile (referred to as the CCC hereafter) when it achieved independence from a church-authorized Spanish monarch in 1818. The CCC and state enjoyed a generally harmonious relation in the decades that followed. The Portalian constitution of 1833 affirmed the union of church and state, refused to recognise the civil rights of other religions and reaffirmed the *patronato* [patronage relation between church and state]. Although not acknowledging the CCC as the country's official religion, the *patronato* gave the state authority to approve bishop appointments and regulate other administrative decisions in exchange for public subsidies (De Souza, 2007; Fleet & Smith, 1997, pp. 36-37).

The erosion of the CCC's monopoly on religion began in the mid-nineteenth century, with the arrival of foreigners involved in mining and commerce. Some of the first law amendments made during 1844 allowed non-Catholics to be legally married. The autonomy of the CCC came to an end in 1865 when all denominations were granted the right to worship publicly and to establish religious schools. As anticlericalism escalated during the 1860s, the clergy responded by aligning with the Conservative Party. The Liberals and Rebels, consisting of bankers, industrialists, professionals, blue- and white-collar workers, opposed the Conservative Party and, as such, the CCC. During the 1870s

and 1880s, Liberals and Radicals dominated legislature, passing laws that required clerics to stand trial in civil courts, making civil marriage mandatory, removing cemeteries from exclusive CCC control, and placing civil records in the hands of the state. There were those CCC officials, Archbishop Valdivieso (1845-78) and Archbishop Casanova of Santiago (1878-1908), who thought the CCC's ties to the Conservative Party injured the Church's cause and who sought to make peace with the Liberal Alliance (Smith, 1982, p. 75-76).

In 1918 the Vatican contributed to the situation when Pope Benedict XV appointed Crescente Errázuriz, nephew to former Archbishop Valdivieso and friend of Liberal Party leader Arturo Alessandri, as archbishop of Santiago. Although Errázuriz was in favour of church-state union, he accepted formal separation in order to avoid confrontation with anticlerical forces. Arturo Alessandri came to power as president in 1920, but resigned in 1924, due to conflict with Congress. Alessandri agreed to resume the presidency the following year if a new constitution re-established a presidential, rather than parliamentary, system and provided for full religious freedom. The Vatican secretary of state, Pietro Gasparri, met with Alessandri during his exile and agreed to formal separation between church and state on the following conditions: (a) continued public legal standing for the CCC; (b) indemnification for its confiscated properties; (c) abrogation of the *patronato*; (d) continued religious instruction in public schools; and (e) no constitutional recognition of atheism. The final version of the constitution met Rome's demands; once the Vatican's position became known, no cleric dared to oppose it and the new constitution was approved overwhelmingly by the September 1925 plebiscite. This course of action brought important benefits to the CCC. With the *patronato* set aside, Rome acquired a freer hand in CCC affairs. Eight new dioceses were created between 1925 and 1929, doubling the number of bishops (Stewart-Gambino, 1992).

In July 1934 the secretary of state in Rome, Eugenio Pacelli, issued a letter which stated that no political group could represent the CCC and that church members could associate with any political party. Pacelli further encouraged Chilean Catholic Action programmes in support of social issues. Archbishops Valdivieso, Casanova and Errázuriz worried openly about workers and their families, their low wages and living standards and their estrangement from the CCC. The Catholic Action groups were designed to address these

social problems. Jesuit priest Fernando Vives was among the first to assist Catholic Chileans in social matters. The Vatican gave its support to the Catholic Action groups in Chile, seeing how the groups deepened the faith of pious Catholics, while simultaneously attracting workers and other popular elements that had drifted away from the Catholic Church through the years (Fleet & Smith, 1997, pp. 40-41).

5.2 The uneasy coexistence of older and newer forms of Catholicism: 1935-1958

During the period of 1935 to 1958, a progressive social Christian party, *Falange Nacional*, emerged from the ranks of the Conservative Party. The *Falange Nacional* [National Falange] showed rigorous commitment to social justice by means of which the party attracted a great number of Catholic Action activists, a large number of priests and a few sympathetic bishops. Catholic Action activities were the CCC's principal instrument of social impact. These activities were strongly Catholic in both constitution and appearance, with a strong anti-communist focus and vocal in their calls for social change and reform. Social Catholics were happy with the direction in which the movement's social engagement tended and it gained the further support of both progressive and conservative Catholics (Fleet & Smith, 1997, pp. 42-43).

During 1938, a communist supported *El Frente Popular* [Popular Front] government was elected and created a potentially explosive situation with the *Falange Nacional*. Bishop José Maria Caro subverted a political crisis by issuing a letter that helped legitimate the new government and furthermore reminded Chilean Catholics of their obligation to obey the duly elected government, promising the CCC's cooperation in promoting the common good. Following the 1938 election, the CCC reaffirmed the freedom of Catholics to join any political party that respected the church and, continuing into the 1940s, the CCC defended the rights of workers to form unions, receive just salaries and live in adequate housing. The CCC attributed social problems to personal moral failings whereby they avoided critically reflecting on economic and social policies (Fleet & Smith, 1997, pp. 44-46).

During the 1950s, the CCC's social impact on society grew more progressive. Membership of the Catholic Action organisation grew to an estimated 57 000 members in Santiago and more than 100 000 members nationwide. Catholic Action activists increasingly ventured away from parishes to schools, farms, factories and professional circles where they mingled with the people they wished to influence. This strategy afforded the church a more effective presence where its influence was weak. At the same time, the Radical Party suffered a noticeable decline and the maverick Ibáñez government (1952-1958) failed to deliver the needed structural reforms, thus creating a political vacuum. *Falangista* Eduardo Frei and the Christian Democratic Party took advantage of the situation and rapidly filled the void (Aman, 1988, p. 766). Frei's popularity escalated during the 1950s and in 1958 he was the favoured candidate in that year's presidential election. It was on the basis of Frei's popularity that the new *Partido Demócrata Cristiano* [Christian Democratic Party] was built. In early 1957, the *Falange* elected fourteen candidates to the Chamber of Deputies and two to the Senate, its best showing ever. In July 1957 the *Falange* joined with social Christian Conservatives and other socially minded Catholics to create the Christian Democratic Party (Fleet & Smith, 1997, pp. 47-48).

5.3 The CCC as moral tutor and institutional support for reform: 1958-1973

The CCC enjoyed a time of revitalization during the period of 1958-1973. The CCC, with the support of European and North American Catholic Churches, updated its pastoral programmes and strategies through which the church established itself as moral tutor and provider of social services. Each of these capacities brought the church enhanced vitality and visibility (Fleet & Smith, 1997, p. 49).

Frei was elected president in 1964 and many of the CCC's lay activists assumed positions within his government. In 1967, Frei's Revolution of Liberty stalled and the CCC was once again caught in the same wrenching debate over the government's performance. This situation continued into the Allende era, making it difficult for the church to resist or moderate the polarization of the country as a whole. This specific period can be divided into three stages: (1) pastoral renovation (1958-1962); (2) close association with the

Christian Democratic Party (1962-1967); and (3) attempts to maintain internal unity and play a moderating role in society (1967-1976) (Fleet & Smith, 1997, p. 49).

The advances of Marxism in Latin America, especially Chile, during the late 1950s and 1960s, and the Cuban Revolution and its devastating effect on the Cuban Church gave Chilean Catholic leaders the needed, additional incentive for proceeding with reforms and social initiatives. One of the first orders of business was for the bishops to reorganise. Santiago's slums on the northern, western and southern side saw new parishes established due to migrants settling there in great numbers. Foreign missionary priests and sisters staffed these parishes and had access to foreign resources, which in turn strengthened reformist tendencies. Radio broadcasts, followed by visits to local schools, factories, neighbourhood centres and social clubs, became the mode through which new programmes and materials were distributed. During a three month period of heightened focus, more than 300 000 of Santiago's population were reached. Close to 13 % of the city's population responded to CCC programmes focusing on basic beliefs, Catholic social teaching and the serving of Mass (see Smith, 1982, pp. 114-118; Fleet & Smith, 1997, pp 49-50).

In 1961, the social Christian faction was strengthened through the election of Raúl Silva Henríquez, at that time the director of the major relief agency of the CCC, *Caritas Chile*. Henríquez was friend and ally to social Christian bishop Manuel Larraín of Talca, which enabled Henríquez to quickly become a leading force within the Episcopal Conference and spokesperson for the Church as a whole. The popularity of Frei and the Christian Democrats further legitimated the spread of social Christian ideas. Frei was the perfect secular carrier for social Christian ideas because of his technical competence and unshakable personal integrity. The concepts and positions of an enlightened minority was brought into the social and political mainstream due to Frei, thus enhancing their prestige and influence within the church and the political arena (see Aguilar, 2006; Fleet & Smith, 1997, p. 50).

Pastoral change in Chile was accelerated by the Second Vatican Council's (1962-1965) endorsement of work for justice, decentralized Roman Catholic Church structures and a larger role played by laity in its ministries. During the early and mid-1960s, bishops also

began to call for structural reform and backed it up with social programs of their own. The work of the CCC was closely associated with the Christian Democratic Party due to a number of bishops who had studied with party leaders during the 1920s and 1930s or had known each other from Catholic Action circles. Simultaneously issuing letters and statements, the Catholic Church also developed other organisations aimed at attacking the cause of poverty. Financial support from abroad helped the CCC create housing cooperatives, laity training programmes, slum-dweller organisations and trade union federations. This enhanced social involvement amplified the CCC's vitality and influence (Sanders, 1970, pp. 285-299).

Even though the CCC enjoyed broad influence under Frei, this was also a time that hurt the CCC. Due to the Church's association with the Christian Democratic Party, many of its lay activists traded their apostolic commitments for positions in Frei's government, robbing Catholic Action of some of its most valuable cadres. The number of seminary students decreased from 176 to 150 between 1960 and 1963, seeing Catholics who had worked for the Church finding a more attractive alternative in the Christian Democratic Party (Fleet & Smith, 1997, p.52).

Progressive intellectuals, dissident labour and peasant activists, and half of the Christian Democratic Party's youth sector grew impatient with the pace of reform under Frei's government. In 1967, the people's grievances became noticeable as the Christian Democratic Party's economic and political fortunes declined. During the 1967 municipal election the decline of the Christian Democratic Party was evident and this led the bishops to conclude that the Christian Democratic Party was merely a secular political force and that a more neutral political stance would be better for the CCC in the likely event that a right- or left-wing candidate would win the next presidential election (Fleet & Smith, 1997, pp. 52-53).

Beginning in late 1967, bishops began taking up the role of nonpartisan moral tutors, focusing on the importance of democratic institutions and nonviolent methods of conflict resolution. In the month preceding the 1970 election, the bishops expressed the need for further initiatives in housing, employment and education, acknowledging in effect the failure of Frei's government in this regard. Irrespective of Chile's increasingly agitated

political circumstances, the Chilean Catholic bishops were remarkably constructive in the month preceding the 1970 election. Cardinal Henríquez and Bishop José Manuel Santos of Valdivia issued statements reaffirming the CCC's neutrality and urging the CCC's personnel to avoid partisan involvement (Fleet & Smith, 1997, p. 53-54).

During Allende's presidency (1970-1973), the bishops maintained a nonpartisan moral-tutorial role through timely statements urging respect for constitutional procedures and by attempting to moderate conflict at critical junctures. Despite the CCC's efforts, polarization intensified and ended in military intervention. The CCC suffered division as radical Catholics attempted to throw the CCC's weight behind Popular Unity parties and policies, eventually leading to a withering effect on sacramental participation and on the vitality of many base communities. The CCC's relationship with the political order during Allende's presidency can be divided in four stages: (1) the transition following the September election; (2) early prosperity and success; (3) economic decline and developing political crisis; and (4) final crisis (Fleet & Smith, 1997, pp. 54-55).

Cardinal Henríquez stated that the Popular Unity government enjoyed the support of the Church and that socialism contained important Christian values. In May 1971, a declaration was published by the bishops implying that some forms of socialism were compatible with Christianity and this was done in the wake of Pope Paul VI's release of an apostolic letter in which he discussed Marxism in more nuanced, less negative, terms. Due to increased state subsidies, Catholic schools and universities were able to offer more scholarship aid to the poor. The government could not keep up with the economic reform and its economic policies ran into trouble in mid-1972. Tensions escalated into street demonstrations and strikes by shopkeepers and professionals, at times developing into violent clashes with pro-government forces. The intensity of this conflict caused the bishops, at three different occasions, to warn against violence, political sectarianism and fratricidal war, to no avail. The bishops were challenged by radical priests and religious militants belonging to the Christians for Socialism organisation. Christians for Socialism militants saw neutrality in the current political struggle as illusory. The Christians for Socialism's tactics amounted to a frontal challenge of the CCC's tricorn components: (1) the non-specificity of its social teaching; (2) the universal scope of Church membership; and (3) episcopal authority. After ignoring requests to cease and desist, the bishops

formally condemned the Christians for Socialism movement and forbade priests and nuns from participating in it (Fleet & Smith, 1997, pp. 56-57).

The bishops' first formal criticism of the Allende government came as a Unified National Curriculum, for use in public, private and Catholic schools, was proposed after Allende's congressional election in March 1973. Allende abandoned the proposal in order to avoid confrontation, only to face an abortive military uprising in late June. In attempting to alleviate conflict, Cardinal Henríquez arranged a personal meeting between Allende and the Christian Democratic Party's president, Patricio Aylwin. Two such meetings took place but had no effect. In hindsight, the Allende years were costly to the CCC as the percentage of Catholics active in religious organisations declined during the period from 1970 to 1973. Many base communities became highly politicised and partisan political issues found its way into Bible study groups, leading to clashes between opposing sides. Although Allende honoured religious freedom, the intense social struggle made it difficult for the Catholic Church to escape or deflect destructive political tensions (Fleet & Smith, 1997, pp. 58-59).

5.4 The CCC as surrogate for resistance to authoritarianism: 1973-1982

During September 1973, a military coup saw Chile once again changing governments and policies. During the first three years of military rule, the bishops avoided confronting the new government; instead, the hierarchy moved quickly after the coup to establish social service organisations in the form of relief to Chileans facing joblessness, malnutrition, arrests, imprisonment, despair and torture (Frenz, 2008, pp. 251-252). These programs by the CCC developed and sustained a critical mass of resistance that would later give rise to a united opposition movement (Fleet & Smith, 1997, p. 59).

As the CCC became an increasingly crucial dispenser of social services, the voice of the hierarchy grew hesitant on the subject of morality. On 13 September 1973 the bishops released the first public statement since the coup. They decried the spilling of the blood of civilians and soldiers and expressed their trust in the patriotism and selflessness of the military, asking citizens to cooperate so that institutional normality could be restored. In the ensuing months, six of the thirty active bishops expressed their individual support for

the coup. Aman shows how Evangelicals and Catholics saw the coup as a form of divine intervention:

It is wrong, however, to believe that there was substantial religious opposition to the Pinochet regime in 1973. The initial response of religious leaders to the coup was highly favourable, and the welcome was ecumenical. In fact, religious leaders played a part in the events. On September 9, 1973, an ecumenical gathering took place in Santiago in which the participants asked for 'un milagro de la paz.' The military action two days later was accepted by them as the response they had prayed for. This widespread initial approval by religious leaders, however, soon broke down in the face of the regime's brutal repression of opposition, which in turn led to the military's disillusionment with religion; criticism by Catholic leaders was especially resented. (Aman, 1986, p. 461)

Aman further shows that Evangelical and Catholics joined in prayer to pray for a new regime. Days before the coup such a prayer service took place and thus the coup was interpreted, at the time, as a prayer answered. Aman writes:

Evangelicals and Catholics had gathered for a prayer service two days before the military coup to ask for deliverance from Allende's Socialist government, and they regarded General Pinochet's new regime as the divine response to their prayers. In fact, only after more than a year did the hierarchy of the Catholic Church begin—and at first hesitantly—to protest against the state's new repressive measures (Aman, 1988, p. 767).

A great number of the bishops dwelled in the provinces where repression was either less severe or less visible and believed that personal articulation of public concerns would have greater effect than confronting the military commanders. Only in 1974, as repression systemically spread to the smaller cities and rural areas did the bishops criticise the regime's abuses. In the letter *Reconciliation in Chile*, the bishops lamented the climate of insecurity and fear in the country and expressed concern over interrogations which included physical or moral constraints. The bishops still managed to include and affirm

their confidence in the good intentions and good will of their new government (Fleet & Smith, 1997, pp. 60-61).

Realising that the oppression of Pinochet would not be short lived, a great number of organisations and relief initiatives facilitating the documentation of human rights abuses, support for political victims and their families and providing relief came into being. The *Agrupación de Familiares de Detenidos Desaparecidos* [Association of family of the disappeared] (AFDD) and *Agrupación de Familiares de Ejecutados Políticos* [Association of family of the politically executed] (AFEP) were among the first such organisations. CCC support made the development and growth of these organisations sustainable. The *Comité Pro Paz* [Committee for Peace] (CPP) (Torrens, 1989, p. 270), established in 1973, was an ecumenical body and protector of the AFDD and AFEP. In January 1976, the CPP was replaced by *Vicaría de Solidaridad* [Vicariate of Solidarity] (Barahona de Brito, 1997, p. 113; Torrens, 1989, pp. 270-271).

From the outset, Cardinal Henríquez was a thorn in the military's side, as one of the first voices to publicly call for the restoration of political freedom and normal judicial processes. Cardinal Henríquez formed the Cooperative Committee for Peace in Chile (COPACHI) in joint relation with the Lutheran Rev. Helmut Frenz, bishop of the Evangelical Lutheran Church in Chile and various Jewish leaders (Frenz, 2008, p. 252). COPACHI's mission was to provide legal and other forms of assistance to people dismissed from their jobs, to those who had been detained and to their families. Because of COPACHI, the military took an immediate dislike to Cardinal Henríquez and was suspicious of his ties to Frei and the Christian Democrats. The military viewed COPACHI as disloyal and subversive, being the very reason for international protests against the military. Without avail the Junta sought to persuade the Vatican to reassign Cardinal Henríquez. COPACHI programmes provided people with safe havens in which the shared concerns, intellectual exchanges and experiences coordinated future activities, but the Catholic Church paid for its efforts in this regard. COPACHI compiled reports of missing persons, cases of torture and arrests through local churches and its own provincial offices, often being harassed by the authorities. After COPACHI helped obtain asylum for members of the Movement of the Revolutionary Left (MIR) in 1975, the government pressured the sponsoring churches to disband the organisation, which they did, but Cardinal Henríques immediately responded

with the forming of the *Vicaría de Solidaridad* [Vicariate of Solidarity] in January of 1976 (Fleet & Smith, 1997, pp. 61-63; Barahona de Brito, 1997, p. 115, 158; Brown, 1987, pp. 10-24). The *Vicaría de Solidaridad* became such a problem for Pinochet that he called the organisation more communist than the communists themselves (Aman, 1988, pp. 767-768).

After all sympathies and ties were severed with the Pinochet government in the late 1970s, the CCC spoke against all of the regime's atrocities (Philpott, 2012, p. 155). The *Vicaría de Solidaridad* announced a 15 year period in which it would speak out against the Pinochet regime, keep detailed records and publicized the findings of all human rights abuses and atrocities (Barahona de Brito, 1997, p. 115, 158; Brown, 1987, pp. 10-24), later playing a mediatory role to unite opposition (Fleet & Smith, 1997, p. 115-116).

The *Vicaría de Solidaridad* was the protector of organisations such as (a) *Fundación de Ayuda Social de las Iglesias Cristianas* [Social Aid foundation of Christian Churches] (FASIC) known for psychological rehabilitation work; (b) *The Chilean Servicio de Paz y Justicia* [The Chilean Service of Peace and Justice] (SERPAJ) and *Comisión Chilena de Derechos Humanos* [Chilean Commission on Human Rights] (CCDH) that was responsible for promoting truth and justice between opposition parties; (c) the *Comisión Nacional Pro Derechos Humanos Juveniles* [Pro Junior National Human Rights Commission] (CNPDHJ), formed in 1978, which united youth from different opposition parties; (d) the *Comité de Defensa de los Derechos del Pueblo* [Committee for the Defence of People's Rights] (COPEDU), formed in 1980, an organisation supporting those that were accused of terrorism, and (e) the *Academia de Humanismo Cristiano* [Academy of Christian Humanism] (AHC), an academic institution which studied and documented human rights abuses (Barahona de Brito, 1997, pp. 112-114).

The reports, news, articles and public writings by the *Vicaría de Solidaridad* and the CCDH became one of the most important resources for the international community. The data the *Vicaría* accumulated played an integral part in the later truth and reconciliation process (Collins, 2009, pp. 69-70). What made the *Vicaría* such a competent organisation was the fact that it had offices in 58 of the 63 provinces. In 1988 the FASIC had 128 committees in 63 provinces and the CCDH was founded in 1984 with 60 offices in Santiago and 20

offices in other provinces, developing to cover all 63 provinces by 1988 (Barahona de Brito, 1997, pp. 115-116).

The *Vicaría de Solidaridad* was critical towards the Pinochet government, but was also an important mediator between the Chilean society and international sympathisers. Between 1973 and 1974 organisations in Chile received 16 million US dollars from European and North American Catholic organisations. The *Comité Pro Paz* received a donation of US \$2 million from the World Council of Churches. Between 1976 and 1979, organisations supporting human rights in Chile received another US\$67 million of which the *Vicaría* received US\$8 million from Protestant groups (Barahona de Brito 1997, pp. 117-118). The total amount of non-state financial resources of the CCC during 1960-1973 amounts to US\$ 91,503,777. This amount breaks down as follows: (a) West Germany US\$ 13,833,805; (b) other West European Catholic Church organisations US \$1,953,362; (c) U.S.A. US \$ 65,882,996; (d) Canada US \$212,363; (e) West German Government US \$ 3,095,784; (f) U.S. Government US\$ 3,652,650; and (g) Chilean Church US \$2,872,817 (Smith, 1979, p.113).

1976 was a year during which the Episcopal Conference spoke more critically of the government's policies, commenting on labour union attacks, attacks on public figures close to the CCC and personnel of the CCC itself. These were not random attacks, but coincided with the government's new *Dirección de Inteligencia Nacional* [National Intelligence Directorate] (DINA). Anti-regime activists became the focal point of forceful interrogation and exemplary punishment. Early in 1977, Pinochet announced that he would remain in power indefinitely, dissolved all political parties and closed down the Christian Democratic Party's radio station. In answer to the government's threat, the bishops issued ongoing statements calling for amnesty for political exiles and denouncing the government's harassment of clergy and continued refusal to provide information on those who had disappeared (Fleet & Smith, 1997, p. 64).

Unexpectedly, Pinochet became more conciliatory, allowing dissident magazines to circulate, relaxing restrictions on political debate and finally announcing a timetable for phasing out military rule and restoring democratic institutions. Although the CCC reacted positively to these changes, the Church remained critical of Pinochet's economic policy.

In mid-1978, Pinochet abandoned his conciliatory attitude by refusing to disclose information on disappearances and renewed his efforts to undermine Cardinal Henríquez's position in the CCC. Pinochet announced a plebiscite for September 1980 to approve a new authoritarian constitution extending his presidency for another nine years. For the plebiscite to be fair, bishops called for equal access to media for all parties and respect for the privacy of conscience. As it turned out, opposing parties had very few opportunities to convey their views to the public; furthermore, none of the opposing parties could find common ground and therefore Pinochet's regime had very little opposition, seeing him triumph in the plebiscite. Thus the moral tutorial role that the CCC sought to exercise failed to produce change in government policies and orientation (Fleet & Smith, 1997, pp. 65-67).

Through the work of the *Vicaría de Solidaridad*, the CCC managed to play a decisive role as a provider of social services and as a staging ground for political participation (Collins, 2009, pp. 69-70). At its peak, the *Vicaría* employed between 350 and 400 administrators, lawyers, doctors and social workers. In 1976, the *Vicaría* started labour offices for people who lost their jobs due to political reasons and penal offices to assist those who were victims of government repression. The bi-weekly and monthly newspapers, reporting on civic responsibility, *Solidaridad* (Vicaria's publication) and the *Mensaje* (a Jesuit publication) (Torrens, 1989, p. 271) went to press during the late 1970s and was read by approximately 30 000 people in the mid-1980s. The popular sector department managed a network of nutritional programmes and employment organisations that assisted more than 700 000 people between 1976 and 1980 (Barahona de Brito, 1997, pp. 115-116; Fleet & Smith, 1997, pp. 66-67).

Irrespective of the difficult political climate, the CCC enjoyed a time of revitalization. Vocations to the priesthood that averaged 112 per year during Allende's reign rose to 895 during 1982 and involvement in CCC organisations rose by more than seven percent. Their social activism helped the CCC to recapture the affection and faith of cultural Catholics with leftist political views. On the other hand, the CCC angered members who supported the military rule, causing bishops to worry that the CCC's openness to members of all political or ideological persuasion was being compromised. In order to address this issue, after the 1980 plebiscite, bishops made an improved attempt to reach pro-regime

Catholics and Cardinal Henríquez invited Pinochet to take part in the Eucharistic Conference being held at the Temple of Maipú. In another symbolic move to restore church-state relations, Cardinal Henríques agreed to celebrate a Te Deum mass marking the reopening of the presidential palace (La Moneda) and the inauguration of the new constitution, and in 1981 he announced cutbacks in the operations of the *Vicaría* (Fleet & Smith, 1997, pp. 68-69).

Cardinal Henríquez's moderation towards the end of his term was disappointing to some Catholics but applauded by others. In his final two years, preparing for retirement, Cardinal Henríquez continued speaking on the themes he had addressed for years: the need for genuine reconciliation, the importance of determining the fates of victims and responsibilities in cases of human rights violations and the urgency of restoring democracy and adopting policies that would alleviate the suffering of the poor (Fleet & Smith, 1997, pp.69-70).

CHAPTER 4

Churches and opposition to unjust political systems: The demand for transitional justice in South Africa and Chile

1. Introduction

During the totalitarian regimes of South Africa and Chile the DRC and CCC displayed distinctly different approaches. Initially, the DRC sanctioned apartheid and only later reflected on the credibility of the regime. The CCC held a critical stance towards the Pinochet regime and played a leading part in the opposition.

The DRC's journey during the time of apartheid and the part the church played in the demise of the regime will be reviewed below. The journey of the DRC from receiving criticism for apartheid, turning against the apartheid regime and the church's part in the TRC are highlighted. The journey of the CCC will be examined by concentrating on the reactions of the bishops towards the Pinochet regime, the actions of different groups within the church during the time of Pinochet and finally the role the CCC played during the NCTR.

Surveying these two different journeys, it is clear how churches can become entangled in a political system, finding it very hard to exit such a relationship. It further becomes evident that churches can play a leading role in the political sphere, and finally it shows that even though once part of an oppressive regime, a church may still play a significant role in changing society after transforming itself.

2. Criticism against and turning away from apartheid: 1960-1990

2.1 From Sharpeville to the Synod of Reconciliation

In 1960, as a new decade dawned, neither the state nor the DRC could have foreseen what would take place. Dr H.F. Verwoerd announced that South Africa, by means of a plebiscite, had the opportunity to become a republic. British Prime Minister Harold McMillian gave his famous 'Winds of Change' speech, on 3 February 1960, in parliament. The change in the political climate led to increased criticism of apartheid and culminated in the events around Sharpeville on 21 March 1960. Police shot and killed 69 black people in the uproar and wounded another approximately 180 people. This incident placed South Africa on the international agenda, which resulted in the visit by R.S. Bilheimer,

representative of the World Council of Churches (WCC), during 18 April 1960 (Du Toit et al., 2002, p. 54).

Bilheimer's visit climaxed in the organisation of a conference with local churches, discussing the following five topics: (1) The factual situation in South Africa. (2) The Christian understanding of the Gospel for relations among races. (3) An understanding of contemporary history from a Christian standpoint. (4) The meaning of the current emergency in South Africa. (5) The witness of the Church with regard to justice, mission and co-operation. This conference came to be known as the Cottesloe conference and took place during 7-14 December 1960. The 86 attendees consisted of six World Council of Churches delegates and 80 representatives of member churches in the country. Dr F.C. Fry, delegate from the World Council of Churches, chaired the conference. At the end of the conference, a number of decisions that achieved a majority vote of 80% were released to the press. These decisions can be summarised as follows: (1) All forms of racism should be rejected, but an agreement could not be reached about apartheid. (2) The wealth of a country should be enjoyed by all racial groups permanently living in that country. (3) The church in general must preach hope to white South African people in their uncertainty and to black South African people in their frustration. (4) The church cannot deny membership on the principle of colour or race. (5) The restriction on mixed racial marriages has no Biblical grounding. (6) Black society is suffering great social burdens and trauma due to migration work. (7) The greatest part of the black community were paid less than the minimum allowance. (8) Every citizen of a country must enjoy the right to own property as well as the right to take part in the governing of the country. The character of this declaration was directly opposed to the policy of the National Party and the DRC (Du Toit et al., 2002, p. 57; ASK, 2007, pp. 12-19).

Every attendee hoped that the Cottesloe conference would bring a turning point in the DRC's policy over racial issues. After Cottesloe, the DRC published their own declaration on the conference, mentioning that they compassionately took note of the needs of the different races and that a policy of differentiation from Christian conviction, was reasonably possible. The remaining conference attendees were saddened by this declaration and relationships between the DRC on the one side and the English church and black leaders on the other, deteriorated even more (Coetzee, 2010, pp. 114-115).

Reactions to the declaration of the Cottesloe conference were intense and resulted in the resignation of both the Cape and Transvaal DRC from the World Council of Churches (Hofmeyr, 1991^b, p. 291). It was declared that the World Council of Churches had humanistic, modernistic, cosmopolitan, socialistic and collectivistic tendencies that the DRC could not associate with and that it further promoted an atmosphere of equality between all races (Coetzee, 2010, pp. 115-116).

Irrespective of all the tensions and criticism from the DRC regarding the Cottesloe report, it was the reaction of Dr Verwoerd that would set the stage and dictate the manner in which the DRC would support the report. In Dr Verwoerd's New Year's message of 1961, he reiterates that formal reaction from the DRC, regarding Cottesloe, had yet to be provided. No representative of a formal assembly of the DRC had as yet published a final opinion regarding the report. Posel (1991, p. 243) states that Broederbond [Brotherhood] members occupying top positions in the DRC used their position to discredit the Cottesloe findings. The Transvaal Synod of the DRC followed Dr Verwoerd's direction and rejected the declaration of Cottesloe. Amid the criticisms and pressure, the Cape Synod of the DRC (9 November 1961) decided to institute a commission specifically to study racial issues. The result of this commission's work was that the question, 'What is the DRC's opinion on the racial tension in South Africa?', remain on the agenda of the DRC (Du Toit et al, 2002, p. 56-58).

The decision of the Cape Synod of 1961 initiated a process that would continue through the following two synods of 1965 and 1969, finding its way to the General Synod of 1970 where it was decided that the DRC had to give a formal elaboration of its view on racial relationships. This synod named a special commission to focus on the following areas: (1) Race in the light of Scripture as well as mixed marriages. (2) The church and the ecumenical relationships. (3) Church, society and the state. (4) Church and mission. The report was tabled at the General Synod of 1974 and finally accepted as the formal policy of the DRC on the racial issue of South Africa. The report was published in March 1975 under the title *Ras, Volk en Nasie*. This was sent to the international community as the formal policy of the DRC on the racial issue in South Africa and the international community was asked to comment on the policy (Du Toit et al., 2002, p. 58-66; Coetzee, 2010, p. 124).

The political climate in which *Ras, Volk en Nasie* appeared, was one in which the white population was satisfied with segregated development while black people's dissatisfaction grew drastically. During 1976, a clash between police and black citizens, comparable to the earlier conflict in Sharpeville, took place in Soweto. However, the severity of the clash was much more intense, seeing 700 black people killed and spreading to all the black townships. The international community responded with disgust to *Ras, Volk en Nasie*, leading to the *Reformierter Bund* in Germany and the Swedish Federation of Protestant Churches severing their ties with the DRC in 1982. The international community agreed that the DRC was sanctioning an unjust political system (Du Toit et al., 2002, pp. 66-70).

The DRC found herself in a furnace of dissatisfaction. A major turn of events occurred when the General Synod of 1982 decided that *Ras, Volk en Nasie* should be reviewed and preparing for tabling at the General Synod of 1986. This decision was preceded by the following acts: (1) *Die Getuienis* [The witness] in *Die Kerkbode* of 5 November 1980. *Die Getuienis* (Serfontein, 1982, p. 270) was the conviction of eight theologians which called the DRC to intersession, introspection and thought regarding three aspects: (a) the illumination of loveless and racist attitudes; (b) solidarity with everyone cast in economic disadvantages and situations of suffering and need due to social practises; (c) a form of church unity where religious people with shared convictions create a form of visible unity. The goal of this document was to stimulate debate about the complex problem of racial relations. (2) *Stormkompas* [Storm compass] (Serfontein, 1982, p. 271-274) followed and reiterated the danger of an isolated church that could become irrelevant to the homeland situation. 44 new statements were poised to give new direction to the DRC. *Stormkompas* was in line with the Cottesloe report and gave life to a theological conference during 18-21 January 1981 at the University of Pretoria, with the title: *Die kerk in die tagtigerjare* [The church during the 1980s]. (3) The *Ope brief* [Open letter] (Serfontein, 1982, p.275-278) was published in *Die Kerkbode* on 9 June 1982 and was in agreement with the Cottesloe report. The goal of this letter was to make the dialogue more accessible to the general member. The letter consisted of three sections covering (1) the reconciliation and unity of the church, (2) the prophetic calling of the church and (3) a confession before God. During the 21st gathering of the General Meeting of the World Assembly of Reformed Churches, it became clear that the DRC would come under fire when Dr Allan Boesak

was asked to open the meeting with a paper on racism. The meeting classified racism as a sin and so the DRC's membership of this body was terminated. The expulsion took effect at the end of the meeting on 27 August 1982 (Du Toit et al., 2002, pp. 70-80).

Dr Allan Boesak furthered the opinion of the World Assembly of Reformed Churches through the channel of the *Dutch Reformed Mission Church* and the *Dutch Reformed Mission Church* decided to declare a *status confessionis* on 1 October 1982. The formal *status confessionis* tabled, accused the DRC of theological misconduct and ideology due to the church's apartheid sanctioning. The Confession of Belhar called the DRC to self-investigation and a public confession. The *status confessionis* was tabled at the *Dutch Reformed Mission Church* Synod of 6 October 1982 in Belhar and accepted by the meeting. The confession came to be known as the Confession of Belhar, and all the people suffering under apartheid found a mouthpiece through this confession (Du Toit et al., 2002, pp. 80-82).

Finally, during the General Synod of 1986 the DRC disregarded apartheid and developed the publication *Kerk en Samelewing* [Church and Society] to explain the church's new course of theological interpretation. This was a significant time in the DRC's relation with the apartheid ideology, but the struggle was far from over. *Kerk en Samelewing* received sweeping criticism and the General Synod of 1990 would revise the document. (Du Toit et al., 2002, pp. 228-229).

2.2 Criticism from South African societal actors

The DRC was criticised for its support of the apartheid regime and experienced a new wave of criticism for distancing itself from the apartheid regime. The church had to endure a long time of criticism and conflict before it was willing to set apartheid aside and heed a new course. This section explores the criticism against the DRC and its support for the apartheid ideology. Because of the numerous sources of criticism, the section will first focus on the non-religious community followed by criticisms from the religious community, subdivided by the timeframe pre-1948 and post-1948.

Criticism from non-religious bodies

British imperialism gave rise to the first wave of criticism against segregation when the British government signed the *Vrede van Vereeniging* (1902) with the Afrikaners, although the majority of the black people supported the British during the war of 1899-1902. The strategy to sign over rule to a minority group allowed Britain to obtain continued economic prosperity from the mining industry. Black leaders were disillusioned and voiced their concerns. The South African Native Congress, at that time largely restricted to the Cape colony, experienced a revival and received widespread support. The *Iswe Labantu* newspaper was the mouthpiece of the South African Native Congress, in which black leaders criticised British imperialism and, later, the laws of oppression. With the declaration of the concept constitution during the formation of South Africa as a Union, black leaders realised what the legislation held in store for them. *Iswe Labantu* published criticism of this legislation and prominent leaders such as Dr Rubusana, A.K. Soga, Tengo Jabavo and the Malay doctor Abdurahman protested continuously and with sharp disregard, but to no avail. The efforts of black opposition were crippled due to black people not being unified. After the black opposition gathered that the concept constitution would be tabled in Britain's parliament, these forces unified and called on W.P. Schreiner to represent them in Britain. Without a proper chance to plead their cause, the black leaders had no influence on changing the concept legislation and Britain (19 August 1909) accepted the constitution for the unification of South Africa without amendments. The final date for Unification was set on 31 May 1910 (Odendaal, 1984, 206; Coetzee, 2010, pp. 240-244).

In the Union of South Africa, the black population took note of the decision made against them and used this to encourage greater unity amongst black people. During a national conference in Bloemfontein, held in January 1912, the criticisms by black people were given force by the suggestion of Pixley ka Seme (organiser of the conference) that an organisation should be founded to unify and represent all black people in South Africa (Meredith, 1997, p. 43). This led to the birth of the South African Native National Congress. The organisation was founded by a unanimous vote and John Dube became the first president of the South African Native National Congress. The South African Native National Congress conferred with the *Minister van Naturellesake* [Minister of Native

affairs] on numerous occasions, discussing the laws of oppression and the social situation of black people these laws created. The value of the South African Native National Congress became even more apparent when it gave rise to stronger organisations such as the African Native Convention (1918) and the African National Congress (1923) (Davenport, 1987, p. 293).

With the publication of concept legislation in July 1926, developed by Hertzog, leaders in the ANC realised the oppressive influence it would have and reacted critically to the legislation. Black political leaders such as David Jabavu and leaders of the ANC such as J.B. Marks and Moses Kotane argued that the country belonged to all people born locally, including, by implication, black South Africans. They further called for the right to vote and equal political representation. Black leaders experienced the force of discrimination when black representation was removed from the voting role in the Cape Province, a right they had held for more than 80 years (Walshe, 1982, pp. 111-113).

One of the first public demonstrations against segregation took place during 1940, when transport costs from Alexandria to Johannesburg were increased beyond the livelihood of most people. Further attempts to increase transportation costs resulted in more demonstrations during 1942, 1943 and 1944. A second area that the African National Congress focused on (1943) as an immediate threat to black people was the pass laws. A public demonstration of more than 20 000 was organised to oppose this particular legislation. Approximately 60 illegal strikes took place between 1942 and 1944 in the Witwatersrand area, because it was the only way black labourers could make themselves heard. Authorities attempted to prevent mass action through negotiations and unions therefore became a mighty force. With the working and living conditions of mineworkers becoming unbearable, these workers formed the Black Mineworkers union in 1946. After a failure to negotiate better paid leave, salaries and family housing, a strike of over 70 000 mineworkers from 12 mines was called. This strike escalated into violence and 12 people died, with a further 1 200 wounded. This also meant the end of the Black Mineworkers Union. Because the African National Congress's efforts produced very few results, youth members criticised the African National Congress as an organisation that yielded to oppression, refused to dirty their hands and only benefitted a small group of people. These young black leaders called for a youth league within the party and their request was

granted during the annual meeting of the African National Congress in Bloemfontein, held in 1943. The Congress Youth League was formally established on Easter Sunday of 1944 in the Bantu Men's Social Centre in Eloff Street, Johannesburg. This development within the African National Congress gave the party new momentum and a much greater voice during the time of National Party rule (Gerhart, 1979, p. 50).

After 1948, with the inception of the National Party government, apartheid legislation was already in place. This legislation made it very difficult for black leaders and organisations to articulate their protests and if they did, they met with legal action. Because of these difficulties, the only way black people could make themselves heard was through mass action. Examples of such actions were the Defiance Campaign, Rivonia (see Rathbone, 2013, pp. 158-168), Sharpeville, the black consciousness movement and the Soweto uprisings (see Simpson, 2011) (Coetzee, 2010, p. 253). It is in the interest of this study to look at the severity of each protest and the partners involved in the action. A brief overview of each of these episodes follows.

The African National Congress, the Franchise Action Committee and the South African Indian Congress launched one of the greatest mass action protests on 26 June 1952, known as the Defiance Campaign. The campaign began in the Witwatersrand and Port Elizabeth areas, where black people were arrested because they left their allocated areas without the proper documentation. In addition, 52 black leaders were arrested because they disregarded the *klokreël* [bell rule] in the Johannesburg area. Numerous arrests followed as black people disregarded apartheid legislation as part of the protest. In the spirit of the Defiance Campaign, oppressed women gathered, calling for a body to represent their needs within the struggle. A multi-racial organisation, the *Federation of South African Women*, was founded in 1954 with leaders such as Ida Mtwana, Ray Alexander and Helen Joseph (see Cane, 2008, pp. 575-590; Coetzee, 2010, pp. 254-257).

During the early 1960s, the Pan Africanist Congress mobilised youths in the Vereeniging region to disregard the pass laws and this led to the tragedy of Sharpeville on 21 March 1960, during which 69 people were shot dead and another 178 injured. The incident at Sharpeville not only gave rise to local criticism, criticism by the international community

was galvanised by this event and the incident was widely condemned. After Sharpeville, criticism of the apartheid government took on more aggressive and violent measures (De Gruchy^a, 1995, p. 447; Coetzee, 2010, pp. 258-259).

Towards the end of 1961, Nelson Mandela urged armed resistance. Receiving the needed authority, uMkhonto we Sizwe (MK) [Spear of the Nation] was established with Nelson Mandela as its head. Going underground, his mission was to strategize and sabotage important focus areas and events, such as the one on 16 December 1961 (a very important religious day for white Afrikaners at the time). From this time onward, many anti-apartheid activists left the country to receive military training abroad, returning as competent guerrilla fighters. A property near Krugersdorp called Travallyn was bought and used as an ammunition production plant and an arsenal. Lilliesleaf, an estate in Rivonia was used for meetings and for the strategic planning of Operation Mayibuye. Tactical forces of the South African police launched a strike on the Lilliesleaf farm on 11 July 1963, during which they arrested numerous black leaders mentioned in the confiscated documentation. These arrests led to the lengthy Rivonia trials. After this incident, most black leaders were either demoralised or imprisoned and a great deal of the opposition energy was lost. The African National Congress and Pan African Congress were banned from South Africa after Unification (Ellis, 2011, 657-677; Coetzee, 2010, pp. 259-261).

The black consciousness movement focused on opposing apartheid on a more intellectual and psychological level. The Black People's Convention, founded in 1972, aimed at liberating their people on a psychological and physical level through economic cooperatives, literary campaigns, health projects, cultural activities and labour unions. Steve Biko, a leader and prominent role model for this movement, refrained from military action and ventured to restore self-esteem to black people. The movement acted against the ideology of white superiority and attempted to remedy the black inferiority complex that existed (Coetzee, 2010, pp. 261-263).

Children in Soweto added their voices to the criticism of apartheid when they reacted against the substandard schooling they received. Verwoerd developed *Bantoe Onderwys* [Native education] in support of white supremacy. The uproar was fuelled by a decision, sanctioned by deputy minister of education, Andries Treurnicht, that maths and social

sciences were only to be taught in Afrikaans, even though the educators were not Afrikaans proficient. The frustration within the black community and schools reached breaking point on 16 June 1976, when angry youth took to the streets of Soweto with posters of protest while singing liberation songs. Hector Pieterse, a 13 year old school child, was fatally wounded and this led to total chaos across several informal settlement communities. In the end the uprisings sparked by the Soweto incident took an estimated 700 lives and injured another 4 000 people (Simpson, 2011, pp. 415-436; Coetzee, 2010, 263-267; Du Toit et al, 2002, pp. 66-70).

Criticism from ecumenical bodies and other denominations

The first criticism of segregation came by way of the London Missionary Society, who reported on the separation strategy of the colonial church. The tension between the London Missionary Society and the Afrikaner churches was a result of British imperialism. The DRC was depicted as a church with a race driven ecclesiology. After Unification, black people started mistrusting the English churches because of Britain's decision to give the country to a minority group (Coetzee, 2010, p. 270-271).

After 1948, one of the first noteworthy sources of criticism was that of the Presbyterian Church of South Africa, who, during their general meeting in 1948, disagreed with the course the National Party government was taking regarding racial issues. The Methodist Church followed in September 1948, with their critique stating that race should never be a dividing factor in any governmental issues. The Congregational Assembly and Baptist Union gave their support to the mentioned criticism. The Baptist Union went further and stated concern for the bitterness apartheid would create amongst those on the receiving end. Finally, the Episcopal Synod of the Church of the Province (1948) added their voice to the choir of criticism by identifying with the Lambeth Conference which stated that Christianity could not condone any separation on the basis of race (Coetzee, 2010, 271-275).

The Anglican missionary, father Trevor Huddleston writes in his book *Naught for your comfort* (1956) about the devastating effect of the apartheid legislation on his black congregants in Sophiatown. The Cottesloe conference of 1960 (Du Toit et al., 2002, p.

57; ASK, 2007, pp. 12-19), became known as one of the most prominent sources of criticism against the apartheid government. The conference, initiated by the World Council of Churches, allowed local and international criticism of apartheid to be heard. During 1952, the Roman Catholic Church added their voice to the critics of apartheid by writing eight pastoral letters on the racial issue in South Africa (SACBC, 1952-1966, pp. 1-7). The Christian Institute (CI), established on 13 August 1963, was critical towards South African Christians and the DRC's inability to be a prophetic voice against racism and apartheid (Naudé, 1966, pp. 4, 6). The Christian Institute gave moral support to those taking part in the struggle and launched studies on Christianity in a racial context. The Christian Institute received criticism and the question was asked if the institute had any right to intrude upon the arena of the church and the political system of the day. Such criticism and disregard came from members of the DRC, one opposing voice was that of Dr J.D. Vorster (Naudé, 1965, p. 16; Pienaar, 1966, pp. 8-10).

In 1966, the World Council of Churches called a conference with the focus on Church and Society in Geneva; this stimulated a fruitful theological debate regarding social issues. During this year the South African Council of Churches instituted a body to contemplate what being God's witness to Christian unity in South Africa meant (Hofmeyr, 1991^b, p. 292). The body formulated a statement called *Message to the people of South Africa* (1968), a six page document later termed *The Message* and sent to all Afrikaans and English clergy. *The Message* showed how apartheid and separate development was contrary to the gospel of Jesus Christ. With the publication of the *Message to the people of South Africa*, apartheid was finally rejected as theologically and morally bankrupt (De Gruchy^b, 1986, p. 234). *The Message* gave rise to serious criticism from the government when Prime Minister John Vorster warned 600 clergy that 'the cloak you carry will not protect you'. After the *Message*, the South African Council of Churches experienced an influx of black church leaders and the once white body became a multiracial structure (Coetzee, 2010, pp. 278-281).

The World Council of Churches called a meeting on the combating of racism in Notting Hill during 1969, during which a *Program to Combat Racism* (PCR) was formulated. The World Council of Churches endorsed this programme during its general meeting in Canterbury (1969). The PCR stated that racism was not only to be opposed in the church

but also on the levels of politics, economics and social society. The PCR was implemented during 1970. The South African Council of Churches was disturbed that the World Council of Churches called upon militant intervention in the combating of racism. Irrespective of the motion of the South African Council of Churches, the World Council of Churches approved funding to military opposition against racism and apartheid. The World Council of Churches placed the South African Council of Churches and other English churches in a serious predicament, because the apartheid government now saw member churches of the World Council of Churches as part of the terrorist movement (Coetzee, 2010, pp. 281-284).

Black Theology and its development helped the black person to understand his/her worth in the sight of God. This emancipated a people once oppressed by white superiority (Coetzee, 2010, p. 285). The *Kairos* document added another significant voice to the criticism of apartheid. The document stated that it was idolatrous to use religion in order to sanction apartheid. Prophetic theology should support the oppressed and empower them through God's word, contrary to the church's current theology. *Kairos* stated:

Once it is established that the present regime has no moral legitimacy and is in fact a tyrannical regime certain things follow for the Church and its activities. In the first place the Church cannot collaborate with tyranny. It cannot or should not do anything that appears to give legitimacy to a morally illegitimate regime. Secondly, the Church should not only pray for a change of government, it should also mobilize its members in every parish to begin to think and work and plan for a change of government in South Africa. We must begin to look ahead and begin working now with firm hope and faith for a better future. And finally the moral illegitimacy of the apartheid regime means that the Church will have to be involved at times in civil disobedience. A Church that takes its responsibilities seriously in these circumstances will sometimes have to confront and to disobey the State in order to obey God (Kairos, 1986, pp.1-30).

The *Kairos* document was mainly drafted by black theologians in the Johannesburg-Soweto area and directed at black Christians taking part in the freedom struggle (De

Gruchy^b, 1986, pp. 235-240). It was duly noted that not all who supported the document had the courage to act upon it (Coetzee, 2010, pp 285-287).

The state received numerous letters from different churches and organisations condemning apartheid and the actions taken against their leaders. On 29 February 1988, 25 church leaders addressed a letter to President PW Botha stating their aversion to the apartheid laws. The letter stated:

We are deeply distressed at, and protest to you in the strongest of terms at the restrictions that were placed last week on the activities of seventeen of our people's organisations, on the Congress of South African Trade Unions and on 18 of our leaders.

Another of these letters, written by Archbishop Desmond Tutu on 8 April 1988, said:

I am distressed that during the interview with you, which I had requested for the sole purpose of appealing to you to exercise your prerogative to commute the death sentence of the so called "Sharpeville Six" and which you then used as an occasion for haranguing me about the Church leaders and our petition, you appeared to stick loosely to facts (De Gruchy^b, 1988, pp. 68-87).

From these letters, it was evident that the state and churches were corresponding about apartheid, but these communiqués were never ones of compromise and salvation, but indications of rival distrust and policy legitimization.

Criticism from the family of Dutch Reformed Churches

The first criticism from within the Dutch Reformed Mission Church came during the 19th century when honourable Teske stated that Act 226 of the DRC violated church unity. From this point onwards until the inception of the National Party government, criticism from the Dutch Reformed Mission Church was very limited, due to their dependence on the DRC for material support (Coetzee, 2010, p. 287).

After 1948 the Teachers Educational and Professional Association (TEPA), a Cape-based teachers union, asked the Circuit of Wynberg if the policy of apartheid had any Christian

grounding. During their meeting in October 1948, the circuit stated that they could not find any grounds in Scripture for the justification of race apartheid. The voice of the Dutch Reformed Church in Africa added their voice to the criticism in 1975 by mouth of Rev. E.T.S. Buti, chair of the church. During the synod of 1975, the Dutch Reformed Church in Africa voiced criticism of apartheid by deciding to function independently of the DRC; the DRC would have no constitution over the NGKA. Furthermore, the synod stated that ministers should be able to move from the Dutch Reformed Church in Africa to the DRC in the same way they moved from the DRC to the Dutch Reformed Church in Africa. Finally, clergy in service of the Dutch Reformed Church in Africa should have membership with the Dutch Reformed Church in Africa and not simultaneously be a member of a DRC. Leading up to the synod of 1975, a committee of 8 people was appointed by the Dutch Reformed Church in Africa to examine racial issues in the light of Scripture. This was in reaction to the committee called by the DRC, which drafted *Ras, Volk en Nasie en Volkereverhoudinge in die lig van die Skrif* (Coetzee, 2010, pp. 287-294).

Criticism from within the Dutch Reformed Church

From as early as the 19th century, the DRC had documented criticism against segregation and apartheid thought. During 1857, Rev. Huet published his book titled *Eén kudde, één Heer* [One flock, one God], a book which caused a great deal of debate. Later, Huet's book was said to create anger and confusion, proof that his voice was one of the first against the thinking that would later develop into the apartheid regime (Coetzee, 2010, p. 311).

The period from the early 1920s until the late 1930s yielded the next noteworthy voice against apartheid thought in the form of the Du Plessis trial. Johannes du Plessis was accused of false teaching after he decided to follow the Utrecht theological school rather than the neo-Calvinistic school. Du Plessis' major objection was that any person remotely associated with modernism was denied any position on the seminary staff. Du Plessis had a particular interest in historical criticism and hermeneutics that ran counter to fundamentalism. After the voice of Du Plessis was silenced, apartheid thought and theology could continue unchallenged (Kinghorn, 1986, pp. 55-58; Coetzee, 2010, p. 312).

One of the greatest voices against apartheid was that of Dr Ben Marais. Marais voiced his first criticism against the theological justification of apartheid in an article published in *Die Kerkbode* of 10 April 1940. In a variety of articles widely published in *Die Kerkbode*, *Op die Horison* [On the Horison] and in his book *Kleur-krisis en die Weste* [Colour crisis in the West], he explained that theological justification could not be granted to apartheid thought. During a conference in Pretoria in 1947, he explained his objection to apartheid thought as follows: segregation should only be allowed in extreme instances, with the condition that no race will be discriminated against. Marais was convinced that the coming of Christ condemned the differentiation between races. According to Marais, any segregation or differentiation between races should receive continual focus with the aim of achieving unity. Focusing on the mission statement, Marais stressed the fact that black people should receive the Gospel irrespective of objections, bias, and limitations. Preaching the Gospel to black people should bring them hope so that they do not seek refuge from their appalling circumstances anywhere else. Marais explains that the system of trusteeship might work if black people possessed property and could truly build a sustainable future. Marais saw the future of the country as one geographically divided, but without any prejudice, every race receiving an equal share in an equitable future (Coetzee, 2010, pp. 368-370; see Ngcokovane, 1989, pp. 50-53).

Criticism after 1948: After the Cape Synod of 1949, Professor B.B. Keet added his voice to that of Marais in an article published in *Die Kerkbode* in which he commented on the theological justification of apartheid as tabled before the Transvaal Synod of 1948 and the Cape Synod of 1949. Keet called for the objective interpretation of Scripture, meaning that Scripture would not be bound by practice, but that practice would be highlighted from Scripture. Keet asked the DRC to explain how it was possible that only the DRC derived apartheid from Scripture. Mixed marriages were a further focus of Keet. He commented that people were all of one blood and that there were other more important terms for marriage. Keet rejected racial separation on the grounds of Galatians 3 and Colossians 3. In his dialogue, Keet acknowledged that, although breaking walls of separation would be difficult, it still remains an ideal that he refused to surrender (Keet, 1949^a, pp. 1004-1005; Keet, 1949^b, pp. 1046-1048; Keet, 1949, pp. 1086-1087; Keet, 1949^d, pp. 1137-1138).

During the 1950s, the voice of Professor P.V. Pistorius resonated with the current criticisms, when he objected to the exegetical method used to support apartheid from Scripture. He further criticised the government and the Afrikaans-speaking church that conspired together to safeguard the position of power the Afrikaners currently enjoyed. Pistorius wrote a book published in 1957 named *Die trek is verby* [The Trek is finished], in which he condemns the unity between the DRC and Afrikaner groups (Pistorius, 1957; Coetzee, 2010, pp. 315-316).

C.F. Beyers Naudé, a distinguished student of B.B. Keet, became the first director of the Christian Institute, established in August 1963, after the Cottesloe consultation failed (Hofmeyr, 1991, p. 292; ASK, 2007, pp. 21-23). Dr Beyers Naudé demonstrated his criticism against the apartheid regime by his continued support for the Cottesloe report, irrespective of the DRC's acknowledgement of this report (De Gruchy^a, 1986, p. 29; Coetzee, 2010, p. 316).

Prof. W.D. Jonker added a more theological voice to the criticism of apartheid when he reflected on the DRC's mission statement in a book called *Die Sendingbepalinge van die Nederduits Gereformeerde Kerk van Transvaal* [Mission Requirements of the DRC in Transvaal]. In this publication, Jonker's main focus was on the unity of the body of Christ, and he shows that the only condition for membership to the church should be that of faith. Jonker further emphasised that no one congregation or denomination should rule over another. Thus, the DRC is not allowed to govern over another church and the way the DRC held the Dutch Reformed Mission Church from independence should not be allowed. Finally, Jonker stated that missionaries must be members of the church they serve and should not have dual membership. Thus churches must be free to call whomever they wanted and the person called should stand under the authority and discipline of the church served (Jonker, 1962, pp. 1-59).

At the end of the 1970s, criticism against the apartheid regime became an unstoppable force. A great contribution to the momentum was the critical reflection on *Ras, Volk en Nasie en Volkereverhoudinge in die lig van die Skrif* by J.A. van Wyk, J.J.F. Durand and W.S. Vorster. The above mentioned three theologians demonstrated that the authors of *Ras, Volk en Nasie en Volkereverhoudinge in die lig van die Skrif* held preconceived ideas

that influenced their theology; they further demonstrated how hermeneutics were inconsistently employed. Flip Theron published a doctoral thesis on the unity of the church, a unity which apartheid disregarded. P.G.J. Meiring and H.I. Lederle collected numerous articles on church unity in order to stimulate the dialogue. Creating further momentum was the publications of eight professors in a piece entitled *Hervormingssondaggetuienis* [Reformation Sunday witness]. In this document they called on the DRC to play an active role in the re-establishment of loving relationships between the citizens of the country. They further called for church unity among denominations and joint worshipping (KB, 1980, 5th November).

Stormkompas (published in 1981) added to the force of the *Hervormingssondaggetuienis*. This book showed how the DRC sacrificed its credibility through its close association with the National Party and *Broederbond*. The conclusion of this publication contained 44 statements indicating that the church should be a new society founded on Scripture and not on blood, race, culture, geographical area, language, classes or professions. Certain statements specifically directed to the DRC and Afrikaners may be highlighted. The first set of statements reflects upon the role of the church in society:

- a.) 2. The church is a community of people which is neither built on, nor arises from material factors such as blood, soil, culture, language, class or profession. It is a totally new community in which differences and diversity are sanctified and put to the service of God and of each other;
- b.) 6. Because of the role of the Nederduits Gereformeerde Kerk (NGK) in the political and social maturation of the Afrikaner, the church is too closely identified with the syndrome of Afrikaner unity. By this means Afrikaner unity is often elevated by the church over church unity;
- c.) 9. At the moment it is not the NGK which in SA is standing in the forefront of church efforts towards reconciliation between population groups, but rather those very churches which are often labeled by the NGK as "foreign" or even hostile towards SA;
- d.) 12. True reconciliation between population groups in SA cannot take place without a deep recognition and admission of guilt by all believers towards each other. The NGK ought to take the lead in this regard to confessing in humility and a spirit of repentance

for the injustice which has been committed over a long period by whites against blacks (Stormkompas, 1981, p.1).

A second set of statements reflects on the current DRC structures of the time still facilitating racial divide and not promoting reconciliation.

e.) 13. The fact that some NGK church councils still close their church doors to believers of other colours, points to a sinful refusal by Christians to accept each other as reconciled people - regardless of all differences that might exist in human terms; f.) 16. The existence of separate NG Churches for different population groups, has developed into an artificial and ideological separation of people. This enforced separation of people on the grounds of race and colour is in essence based on the conviction of the fundamental irreconcilability between people and is as such in conflict with the Gospel; g.) 20. The white NGK has, sociologically speaking, become a middle class church which defends the status quo, and particularly the group interests of the Afrikaner. Missionary work is for some church members therefore only acceptable if it does not affect that interest, but promotes it (Stormkompas, 1981, pp. 1-2).

Finally the statements culminate in prescribing the actions of the DRC with regard to racial segregation and the church's official theological position on the apartheid political system.

h.) 35. It is time that the NGK said clearly that the policy of apartheid in South Africa has many harmful consequences, in spite of the good intentions of the authorities about allowing population groups to develop separately. The church needs to state clearly that the Christian cannot support this policy without question; i.) 36. The dealings of the South African government in race relations over the past 33 years must, to a great extent, be attributed to the Afrikaner and his church. The NGK has failed in this respect, to proclaim the full consequences of the Christian message with reference to, among other things, the hurtful consequences of the Group Areas Act, large-scale relocations of people, and the Biblically unjustifiable Mixed Marriages Act. It was often other churches in South Africa which took a lead on this point by raising a prophetic

voice on behalf of God's justice and; j.) 38. The NGK must prepare its members for the fact that the white man clearly cannot forever exercise control over South Africa. Thus, it will have to teach them, in a Christian way, how they should live and act as Christians in a minority situation. The church will have to make its members realise that even as a minority group, they have an extremely important contribution to make not only in South Africa, but in Africa as a whole (Stormkompas, 1981, p. 3).

Shortly after *Stormkompas*, David Bosch added his voice to the criticism of apartheid when he stated that the dogma of segregation of the DRC was a false doctrine. In due course, *Die Opebrief* (9 Junie 1982) followed, in which 123 clergy of the DRC signed a letter in protest against apartheid:

We, ministers and ordained of the NGK, state as our conviction that genuine reconciliation in Christ between individuals and groups is the greatest single need in the Church and so also in our country and society. We believe that the Church of Jesus Christ in South Africa has a particular contribution to make in this connection by (1) giving ever more explicit expression to reconciliation and the unity of the church, and (2) by exercising its prophetic calling in respect of society.”

This letter stated that there was no scriptural grounds for apartheid in the church or society. The letter further stated that although diversity could not be denied, unity enjoys priority within the Christian community:

1.2.5 that members of the one Body of Christ accept one another as brothers and sisters without questioning one another's Christianity, concern themselves with each other's welfare, esteem the other higher than oneself, bear one another's burdens, show mutual love in word and deed and intercede for one another in prayer (Serfontein, 1982, pp.275-278).

During the Rustenburg Conference of 1990 (ASK, 2007, pp. 53-56), ecumenical and other churches focused favourably on the DRC when Willie Jonker publicly repented of the part the DRC played in the implementation and upholding of apartheid ideology. The DRC published its confession in the document called *Die verhaal van die Ned Geref Kerk se*

reis met apartheid, in order to break with a system dominating the church from the 1930s onward (ASK, 2007).

3. The DRC at the TRC

3.1 *The creation of the TRC*

According to Battle (2006), the political negotiations in South Africa became so intense that neither the apartheid regime nor the opposition regime would have been victorious; this state of deadlock led to the democratic elections of 1994, finally resulting in the creation of the Truth and Reconciliation Commission. The political conflict in South Africa created a social divide resulting in a great deal of distrust and instability during the time of transition. A peace agreement was not an option, given that one party could still prosecute the other once the agreement lapsed. This is why it was important to find a method which could address the injustice of the past, while preserving the sensitive nature of the new democracy. The Truth and Reconciliation Commission as transitional justice process was developed to fill this void.

In accordance with Article 34 of the Interim Constitution⁵ of 1995, in favour of the *Promotion of National Unity and Reconciliation* legislation, the Truth and Reconciliation Commission was created with the mandate of

providing a pathway, a stepping stone, towards the historic bridge of which the Constitution speaks, whereby our society can leave behind the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and commence the journey towards 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 (TRCR^a, 1998, vol. 1, p. 48).

On 17 May 1995, the *Promotion of National Unity and Reconciliation* was sanctioned and the Truth and Reconciliation Commission received constitutional legitimacy. On 29 October 1998, the final report of the Truth and Reconciliation Commission was handed to President Nelson Mandela. For approximately three years, the Truth and Reconciliation

Commission travelled the country on a quest to come to terms with the past, allowing truth to be heard and bringing healing to people. The Truth and Reconciliation Commission did not regard this as their only responsibility, but further explored the important aspect of perpetrator reintegration into society. Should the therapeutic restoration of perpetrators of injustice not be part of the healing process, it could lead to a situation where these perpetrators continue their illegal conduct, perpetuating the inhumane philosophies of the past. The Truth and Reconciliation Commission also had the responsibility of rehabilitating perpetrators to the point where they could function as productive members of society. Incarceration as a means of dealing with offenders is seldom effective and, in many instances, leads to the creation of martyrs, as exasperated people only become more set in their ways of thought and praxis (Allen and Allen, 2000, p. 464).

One of the ways the Truth and Reconciliation Commission used to collect the information needed to reconstruct the truth was through public hearings. These hearings were designed to shed light on the different spheres of personal and public life affected by the apartheid regime. One section of the Truth and Reconciliation Commission focused on institutions that supported the apartheid regime, institutions that benefited from the apartheid regime and institutions that suffered under the regime. Members of these institutions had the opportunity to offer their testimony, confess their guilt, promise their commitment to a harmonious future and receive compassion and compensation for their losses. These sessions were divided into the following categories: a) business and labour, b) faith communities, c) the legal community, d) the health sector, e) prisons, f) the media, g) mandatory military service, h) children and youth, and i) women (TRCR^b 1998, vol. 4, p. 1-321).

3.2 The DRC's submission

No fewer than forty one faith communities tabled a report to the Truth and Reconciliation Commission. Over the course of three days, the impact of apartheid was examined on the basis of the testimonials provided by members of these faith communities. Of the three Afrikaans sister churches (the DRC, the Nederduits Hervormde Kerk (NHK) and Gereformeerde Kerk (GK), the DRC was the only denomination to table a report at the

Truth and Reconciliation Commission, significant in that the DRC promoted apartheid for a very long time. Although other faith communities prospered from apartheid, it was the DRC, in particular, that sanctified and promoted apartheid, participated in the state's structuring and implementation of apartheid policies, refrained from correcting the state's harmful ways and ultimately cultivated an identity that avoided any form of accountability. Dr Freek Swanepoel, moderator of the DRC's General Synod at the time, November 19, 1997, tabled a report in which the DRC acknowledged that it had misled its congregants regarding the theological justification of apartheid (Meiring, 2003, p. 250). This report further acknowledged that the DRC favoured the concerns of her own members over those of persons not affiliated with the church. Further acknowledgement followed regarding the role the DRC played in encouraging structural violence, one example of this violence was the military chaplain service. Chaplains were predominantly chosen from the three Afrikaans Reformed churches, thus ensuring the promotion and maintenance of the apartheid policy amongst military personnel. Each person conscripted received a copy of the New Testament, inscribed with a personal message by P.W. Botha, president from 1984 to 1989. Deeper levels of injustice were revealed when it became evident that pastoral services rendered to soldiers promoted apartheid, those opposed to it being silenced by the chaplain service. The greatest number of chaplains were members of the DRC (TRCR^b, 1998, vol. 4, p. 67) and through its relationship with the South African government, the DRC controlled the ministry to military personnel. In addition, the chaplain service was seen as promoting white superiority, resulting in many human rights violators finding a home in the DRC. The state further used the DRC as propaganda mouthpiece, an example of which involves the condemnation of groups with perceived communistic characteristics. Only in 1986 did the apartheid policy of the DRC formally come under question (TRCR^b, 1998, vol. 4, pp. 59-67).

Dr Freek Swanepoel, in the report he tabled at the Truth and Reconciliation Commission, did not give much attention to the misdeeds of the DRC during apartheid. His focus was on the DRC's willingness to take part in the healing of the country. From his report it is evident that the DRC played an integral role in the apartheid regime. The Truth and Reconciliation Commission, on the other hand, declared the DRC accountable for and part of the engineering of apartheid, its development, implementation and maintenance,

as well as housing numerous members who supported apartheid in their personal capacity. The Truth and Reconciliation Commission addressed the accountability of all faith communities with specific reference to the DRC as follows: The Christian community in South Africa was responsible for the promotion of apartheid in the following ways: a) by giving Biblical sanctification to apartheid, especially through the DRC; b) by instituting and maintaining congregations by way of race differentiation; c) by dividing pastors in English-language denominations by race, and d) by the use of the chaplain service, in particular by the DRC, to promote its own theologies and opinions (TRCR^b, 1998, vol. 4, pp. 91-92).

Swanepoel unequivocally declared the DRC's willingness to take part in the healing and reconstruction of the country (FCH, 1997). The DRC was called not only to confess its wrongful past, but because of the healing, forgiving and acquitting nature of the church, to take part in all the facets involved in the healing of the nation (Smit, 1995; Chaudary, 2010). The DRC bears the responsibility for the political framework that was developed through its teachings as well as the obligation to create and facilitate a new political dispensation. The Truth and Reconciliation Commission's focus on reintegration of perpetrators was already established; it was precisely in this sphere that the DRC was set to operate.

In their study, Alfred and Marietjie Allan concentrate on the Truth and Reconciliation Commission as a therapeutic tool, demonstrating how the Commission contributed to the healing of perpetrators in the following ways: a) perpetrators had a chance to share their own story with their victims and the public, which in turn had a healing effect, and b) the disclosure of information about the past helped perpetrators to deal with the trauma of their own past. Allan and Allan caution, however, that through processes like the Truth and Reconciliation Commission's framework, perpetrators used to dealing with past trauma in other ways, could experience psychologically shattering effects, thus resulting in more destabilising of the psyche (2000, pp. 473-474). From what the Truth and Reconciliation Commission reported, and the research of Allan and Allan shows, it is clear that the DRC itself functioned as a perpetrator and through its teachings created many other perpetrators of human rights abuses. The Truth and Reconciliation Commission did, in fact, shatter many of the frameworks church members used to deal with apartheid trauma; an example of such disruption would include the previously held understanding

that the death of children who died as a result of political violence and/or military operations, could be understood as a necessary sacrifice, in service to God, a position maintained by the DRC (Engelbrecht, 1968^a, pp. 1-2; Naudé, 1964, p. 8; Singh, 1964, pp. 7-8)

3.3 Limitations

After the momentous work of the Truth and Reconciliation Commission in South Africa, acknowledging the shortcomings and limitations of the commission is necessary. South Africa is still greatly in a mode of transition. Despite numerous transitional justice processes, one of the greatest challenges still remains: the divide between rich and poor. Extreme poverty still persists and is the root economic cause of conflict in South Africa (Lamb and Van der Merwe, 2009, p. 8). Land distribution is another skewed aspect transitional justice will have to address (Lamb and Van der Merwe, 2009, p. 8).

In the report titled *Overpromised, underdelivered: Transitional justice in sub-Saharan Africa*, written in request of the International Centre for Transitional Justice, Lydiah Bosire sheds light on the limitations and causes in sub-Saharan African countries. Bosire writes:

[We can attribute] many of the difficulties encountered in the implementation of transitional justice measures to the weakness of state institutions. Transitional justice measures in Africa continue to be laden with high expectations, notwithstanding the mitigating realities of institutional deficiencies, poor leadership, poverty, and the chasm between the government and the people... Despite the façade of various institutions erected by the elite, the African states are described as mostly weak, poorly institutionalized, and characterized by government inefficiency and patrimonialism; citizenship—i.e., individuals with discrete, political agency—hardly exists in a context where group interests often override the individual; and, despite all appearances, civil society is also extremely weak (Bosire, 2006, pp. 1-2).

Bosire extends the argument about the weak African state and its challenge to transitional justice by explaining how and why African states get weakened. When transitional justice and the religious system understands these challenges they can be taken into account when working with transitional justice processes.

The condition of the state can be partly attributed to the lack of coherence between the legal state (the post-colonial nation-state) and the sociological nation (the ethnic groups), a function of colonial heritage; the conflict and/or repression preceding the transition, which can further deplete the capacity of state institutions; and the nature of the transition itself and its associated compromises. While the precise sources of challenges to transitional justice in Africa should be empirically examined, the weakness of the African state offers a possible preliminary explanation: measures may not have their intended outcomes (such as combating impunity or advancing reconciliation) if the assumptions underlying the implementation of such measures (such as a coherent, legitimate state, an independent civil society, and citizens with political agency) do not hold... (ibid.)

Bosire makes specific reference to the following countries in this case study: Burundi, the Democratic Republic of the Congo (DRC), Ghana, Liberia, Rwanda, Sierra Leone, and South Africa (Bosire, 2006, pp. 1-2).

Exploring the limitations of transitional justice in South Africa, Bosire sites examples from South Africa for three of the four limitations. The three limitations Bosire (2006, pp. 20-29) identifies in the South African transitional justice process are: a.) the definition of concepts used to describe the transitional justice process limits the scope of the process; b.) the definition of the term reconciliation and c.) the granting of amnesties. South Africa saw the granting of two such acts that preceded the work of the Truth and Reconciliation Commission. G. Lamb and H. Van der Merwe (2009, p. 7) explains how the release of Nelson Mandela anticipated negotiations to release political prisoners in exchange for amnesty:

This agreement, called the Groote Schuur Minute, led to the enactment of the Indemnity Act of 1990, which provided for temporary amnesty for individuals,

mainly ANC members, accused of political violence. The Further Indemnity Act of 1992 followed this, allowing members of the National Party security forces to receive amnesty through a wholly secretive procedure. The Further Indemnity Act of 1992 was passed despite ANC and international scorn.

This is one example of how many untold stories of the apartheid regime there still are.

4. The CCC and Chile's transition to democracy

The important and major role that the CCC played in the emergence and protest of a unified opposition movement cannot be overlooked. The CCC was the only body to successfully challenge the government's legitimacy long before an opposition emerged as a viable alternative. In uniting the opposition, the bishops played an intricate role in the country's re-emerging social and political character, allowing activists to develop an alternative to the regime, uniting around moderate positions that most Chileans and key political and military elites could support. The impact of the CCC can be described by distinguishing the actions of the bishops from that of the broader Catholic community (Fleet & Smith, 1997, p.114).

4.1 The CCC's bishops

While still emphasising the need for human rights, social justice and a dialogue that would permit a return to democratic rule, the bishops retreated from their active opposition role of the 1970s to a role of mediation between the government and its critics (1982-1989), in an effort to reconcile Chileans of all political persuasions. Public statements and agenda were phrased in such a way that all Catholics could associate with them, thus constituting one of several forces pushing for greater unity and moderation. This contributed to a climate of compromise and reconciliation in which electoral consultations could take place and the results honoured. This timeframe can be divided into three stages: (1) the first period of initial attempted retreat (1982-1983); (2) a subsequent period of attempted mediation (1983-1986); and (3) a third period of retreat and informal mediation (1986-1989).

The first period of initial attempted retreat

Although the bishops wanted to pursue a better church-state relationship after the 1980 plebiscite, they maintained a cautious stance, in order to have less confrontational dealings with the regime. This stance was due to pressure from Rome, as well as their own concern for church unity, the re-emergence of political opposition parties inactive for more than a decade, and massive political protests that erupted in May 1983. Ultimately, however, it derived from the bishops' own adherence to Catholic social teaching (Fleet & Smith, 1997, p. 115).

Pressure from Rome through papal nuncio, Msgr. Angelo Sodano, supporting Pope John Paul II's efforts to pull the CCC back from political involvement, and Sodano's preference for theological and ecclesial conservatism, prompted the bishops to play a much more conservative role than they had under Cardinal Henríquez and following the moderating turn he took towards the end of his office. Juan Francisco Fresno replaced Raúl Silva Henríquez and pacified conservative bishops. In 1982, a pastoral letter, circulated by the bishops, acknowledged that some Catholics were leaving the church, the number of dissident Catholics were growing, a popular church was emerging and the faith lives of some Catholics had become politicised, all factors resulting from the CCC's political involvement in recent years. The letter confirmed the bishops' determination to retreat from the political sphere, to contain politically active clergy and communities, and to begin emphasising the themes of dialogue and reconciliation (Fleet & Smith, 1997, p. 116).

Odd as it may seem, Fresno retained most of Henríquez's advisors and pledged his continued support to *Vicaría de Solidaridad*, *Vicaría de Pastoral Obrera* and *Academia de Humanismo Cristiano*, which were objects of government harassment. Letters and statements from the Episcopal Conference reiterated the previous year's concerns, but with a greater focus on traditional religious and ecclesial themes. Bishops could not completely retreat from the political scene because of Catholic social doctrine which regarded torture and other human rights violations as immoral, maintained that the poor should not be disproportionately burdened with the social cost of economic policies, that workers had the right to belong to trade unions and that democracy was the most

appropriate form of political organisation of the day. Progressive and conservative bishops affirmed these principles and the need to defend them publicly. This public defence caused the military regime to regard the CCC as meddling in matters in which they had no competence and legitimating the enemy's image (Fleet & Smith, 1997, p. 166).

The government reacted through intimidation and harassment of CCC personnel, as well as *Vicaría de Solidaridad* personnel and programmes. During March of 1983, three Irish priests were expelled for taking part in protest marches and hunger strikes. Pinochet banned television stations from airing reactions on the incident by the CCC, censoring even the Church's own station. From May to October 1983, Chile saw monthly protests against the Pinochet regime, recurring at sporadic intervals until August 1986, fuelled by an economic recession and sharp drop in GDP. Bishops were cautious in dealing with the protests, calling them legitimate expressions of popular frustration and dissent, while continuing to denounce the provocations, threats, violence, intransigence and excessive repression on both sides. Although most protests were peaceful, some resulted in violent confrontations and the government reciprocated by killing 35 people, injuring 170 more and arresting another 3,415 people during the months of June, July and August of 1983 (Fleet & Smith, 1997, pp. 117-118).

Pinochet used these incidents to depict opposition forces as parties of chaos and his regime as one of order. Pinochet's temperament made any form of concession difficult, but the CCC was the most respected national body and its criticism could not be dismissed so easily. Catholic activists welcomed the protests as a sign that the regime was about to collapse and therefore showed very little interest in the call of the bishops for moderation and dialogue. The short-sightedness of these activists in not understanding the magnitude of unrest the protests created among middle- and lower-class Chileans, undercut the bishops' efforts to bridge the gap between government and critics. These activists gave the protests a Catholic flavour, resulting in Pinochet's dismissal of church leaders and their calls for moderation (Fleet & Smith, 1997, p. 119).

A period of attempted mediation

With the Pinochet regime not interested in a relationship with the CCC, the bishops spent the following years attempting to mediate between reasonable elements on both sides. Early initiatives included a sponsored dialogue with the Minister of the Interior Sergio Onofre Jarpa in 1983 and the brokering of the National Accord in 1985. Archbishop Fresno was one of the first people Jarpa made contact with. The CCC's influence and auspicious presence made it easier for people to meet and talk about their differences. So Jarpa met with leaders of the newly formed Democratic Alliance on more than one occasion, using as venue Archbishop Fresno's residence or the offices of the papal nuncios. Unfortunately, Jarpa's credibility was undermined by continued attacks on leaders of the Democratic Alliance and the CCC; these attacks made the bishops close ranks and continue to call for change. Not complying with Jarpa, Pinochet regarded the CCC as part of the opposition and they were hit with a new round of attacks by security forces and parliamentary groups. During September 1984, a French-born priest, André Jarlan, (Peerman, 1984, p. 975) was shot and killed at his home in Santiago's La Victoria while reading the Bible. Later that same month, a CCC in Punta Arenas was firebombed, the seventh church attacked that year. In early November, Pinochet's government condemned a meeting of bishops with Chilean exiles in Rome and, after the government declared a state of siege, Archbishop Fresno's petition to permit the CCC's annual *semana social*, could not be published. Head of the *Vicaría de Solidaridad*, Father Ignacio Gutiérrez, was refused access to Chile after visiting his native country of Spain; this was part of the regime's strategy to weaken the Catholic hierarchy. The reason no dialogues were making headway was because the opposition did not acknowledge the 1980 Constitution. Also, Pinochet's response that there was no one he had to talk to because no one represented anyone, contributed to the impasse (Fleet & Smith, 1997, pp. 120-122).

March 1985 saw meetings held at Archbishop Fresno's residence. During these meetings a National Accord with opposition parties was planned and developed, in order to present the Pinochet government with a coherent interlocutor. After months of deliberation and countless meetings, a document was drafted calling for the immediate normalisation of political life, the holding of direct presidential elections and changes to other aspects of

the Constitution, the procedure for amending the Constitution and the powers of Congress and the council of state. The document also contained principles that would guide social and economic policies in a post-military period. The National Accord on the Transition to Full Democracy was signed in late August 1985 by representatives of the National Union movement, the Liberal Party, Republican Party, National Party, the Briones Socialists, the Christian Left and two smaller socialist parties. Although the Almeyda Socialists and Communists spoke favourably of some of the document's content, they were unwilling to sign it because the document did not call for Pinochet's immediate ousting. The Pinochet government disregarded the initiative and questioned the credibility of the bishops to facilitate such an accord; none the less, the National Accord was more successful than the talks with Jarpa (Fleet & Smith, 1997, pp. 123-124).

Because of Pinochet's rejection of the National Accord, many Catholics saw Fresno as too weak a leader and a failure to the cause. Very few members of the Catholic community understood that Cardinal Fresno's role was not one of public critic and opposition voice, but as mediator between opposition parties to create a unified force against the regime. During 1986, with bishops continuing public criticism of violence on both sides, many Catholic clergy as well as Cardinal Fresno ordered Catholic bishops and pastoral agents to cease collaborating with opposition parties in their *poblaciones* [population] and popular neighbourhoods. In Santiago, priests were told to deny the use of parish infrastructure for political or human rights work, but not everyone complied. This pullback by the CCC angered activists in their own ranks, feeling that this move by the church shifted political gravity to the right. These activists believed that the only way to reckon with Pinochet was to force him out, anything that hampered this action merely strengthened Pinochet (Fleet & Smith, 1997, pp. 128-129).

A third period of retreat and informal mediation

This period, which included an assassination attempt on Pinochet, the visit of Pope John Paul II to Chile in April 1987, the 1988 plebiscite and election of 1989, brought retreat and informal mediation on the part of the bishops. Moderates and some progressive bishops joined the retreat in order to avoid further church-state deterioration. From late 1986

onward, the bishops attempted to use the Church to mediate between opposing forces rather than against the government. This specific period had a tense beginning with progressive bishops Tomás González of Punta Arenas and Carlos Camus of Linares frequently denouncing the government to the media. In October 1986, a meeting was held in Chile where bishops discussed Chileans losing their faith because the CCC did not protest with enough force about the government's misconduct, especially in the case of the Dutch priest who was forced to leave the country and three French priests who were expelled without anybody seeing them off at the airport, while Msgr. Sodano was televised attending a banquet in honour of Pinochet (Fleet & Smith, 1997, pp. 129-130).

Opposition parties aligned to face Pinochet through the *vía electoral* and so the Democratic Christian Party elected Patricio Aylwin as its new president. Aylwin urged the opposition to accept the 1980 Constitution by explaining that the more objective provisions could be amended. What Cardinal Fresno was working for since 1983 came into being: a united opposition movement willing to negotiate a peaceful return to democratic rule (Fleet & Smith, 1997, p. 131).

With the papal visit of April 1987, the growing polarization within the ranks of the Catholic Church diminished and the social and political influence of the church was strengthened in the following months. The theme of reconciliation was the focal point of the pope's appearances during his five day visit to Chile. The visit made it possible for people to take to the streets again, making the government and CCC aware of the numbers of people and their common concerns. Within the CCC, the papal visit helped to diffuse the polarization that had been developing between bishops and united various factions, thereby strengthening their moral authority and public influence. In June 1987, bishops encouraged voter registration for the forthcoming plebiscite of 1988. Catholic activists in Santiago were instrumental in the decision of several remaining sceptical parties to finally endorse the registration and to establish an alliance to promote a 'No' vote (Fleet & Smith, 1997, pp. 132-133).

A social pact between entrepreneurs and trade unions in mid-1988 was one of the final episcopal initiatives contributing to democratic rule. The pact managed to reweave a

piece of social fabric between left and right, as well as between employer and worker (Fleet & Smith, 1997, pp. 133-134).

Patricio Aylwin emerged as the opposing presidential candidate due to the Democratic Christian Party's stance as the largest opposition party in Chile at the time of the 1988 plebiscite. In the months of campaigning, bishops maintained a neutral political position although most of them favoured a 'No' vote. Due to the CCC's policy that Catholics may associate with any political group, bishops could not use their place in the church and community to favour any political dispensation (Fleet & Smith, 1997, p. 134).

The less radical actions of the bishops helped move the transition process forward at key junctures. The Catholic Church's criticism kept the regime's legitimacy at minimal levels when there was no formal opposition strong enough to make the effort. Cardinal Fresno's National Accord brokered a broad, democratic consensus between opposition parties that would finally overcome Pinochet in the political arena he himself had fashioned. Most importantly, the bishops created an atmosphere of moderation and compromise that enveloped virtually all major players. In the long term, the encouragement of dialogue, reconciliation and compromise gave the opposition parties a favourable image that persuaded the political right and some military leaders that they could live with an opposition government (Fleet & Smith 1997, p. 135-137).

4.2 Responses from groupings in the CCC

The Catholic community played a notable role in the transition that took place in Chile. Groups of church members, associated with the CCC in different ways, made a contribution on national and local level. The groups can be sorted under 'practicing Catholics' and 'cultural Catholics'.

Practicing Catholics

Practicing Catholic elites - Practicing lay Catholics contributed the greatest number of leaders to the Christian Democratic Party, the Christian Left, MAPU and the Communist Party. Their Catholic identities and close ties to bishops granted the elites a space where

they became the spokespersons for the church in secular politics and guided the clergy's understanding of social and political conditions, thereby influencing and shaping episcopal positions on issues. It was the practicing Catholic elite that guided the Catholic bishops to call for a return to democratic rule before any opposition party existed that could fulfil the role. This group further facilitated the mediation meetings the CCC organised in order to align opposition forces. Cardinal Fresno, in writing the National Accord, had the help of two Christian Democrats namely Sergio Molina and José Zabala. Enrique Correa and José Antonio Viera-Gallo, close friends of many bishops, played a crucial role in negotiating an accord between the opposition and figures on the left. Christian Democratic economists, Alejandro Foxley and Rene Cortázar, facilitated the discussion between labour groups and business that resulted in the Social Pact of 1988 and they later served, with Molina, in President Patricio Aylwin's cabinet (Fleet & Smith, 1997, pp 138-139).

Practicing Catholics at local level are those members taking part in the sacraments and other rituals on a weekly basis, but who are not involved in other Church-sponsored activities, and organisational members that maintained the system. This group constituted at least 30 percent of the Catholic population, making them a passive carrier of Catholic values, a force to be reckoned with. Because of these great numbers, the Vatican entered the social and political climate in order to depoliticise the CCC and to restore its waning discipline and unity. The organisational members spanned both spiritual and social activities, including the combined rituals, study, prayer and involvement in social outreach programmes. From 1983 to 1986, local, organised and practicing Catholics took part in protests, strikes and demonstrations. Two movements that originated from the organisational group are the Sebastian Acevedo Movement against torture and the *Coordinadora de Comunidades Cristianas Populares* who organised a Way of the Cross during Passion Week, which would visit stations at which acts of repression against popular groups had been committed (Fleet & Smith, 1997, pp. 141-142).

Cultural Catholics

Cultural Catholic elites are nominal Catholics who ceased practicing their faith but retained attitudinal vestiges of their formation. Many leaders and intellectuals of the leftist parties

found refuge in the Catholic Church after the coup. The Catholic Church provided places for them in church agencies and church sponsored organisations. A number of left-wing intellectuals were taken in by the archdioceses of Santiago's *Academia de Humanismo Cristiano*, where they taught, did research and wrote on social and political issues. Trade unionists and social activists were absorbed by CCC-sponsored organisations where they enjoyed a protective space and access to resources without which they would not have survived psychologically or organisationally. These cultural Catholics were deeply affected by their reencounter with the church and some rediscovered their faith. Some developed a new appreciation for Christian values and some enjoyed influential relationships in the Episcopal Conference; later these ties would provide bishops with access to leftist political parties and to the opposition movement in general (Fleet & Smith, 1997, p. 139).

Local cultural Catholics, baptised Catholics who ceased practicing their faith, began working as volunteers in church-sponsored organisations, where they saw the CCC opening its doors to all without regard of their political affiliation or level of religious practice. Volunteers and recipients were once again touched by Catholicism and became a vital force in reintroducing into the church dimensions of working-class popular culture, called for by the Medellín and Puebla conference (Fleet & Smith, 1997, pp. 142-143).

4.3 The CCC at the NCTR

Throughout the National Commissions on Truth and Reconciliation's report it is evident that the CCC played a major role in the transitional justice of the country. What must be the greatest contribution the CCC made was the work done during the Pinochet regime that prepared for a time of transition, work that was utilized with the onset of the transition, work which is still having an effect.

The NCTR makes numerous references to the CCC and its work as counterweight to the tyranny of the Pinochet regime. The report begins by stating that

[s]oon after the coup d'état, a coalition of churches led by the Catholic Church established the Committee for Peace, which as of 1976 became the Vicariate

of Solidarity of the Catholic Archdiocese of Santiago. These successive organisations lent moral and legal assistance to thousands of victims of the political repression and to their families. They carefully documented every case which came to their attention and produced numerous and thorough reports on the overall human rights situation in Chile (USIP, 1991, p. 10).

The CCC received national acknowledgement of the part it played during the Pinochet years.

Numerous mentions are made by the NCTR regarding faith communities and churches who played a significant role during the Pinochet regime. The CCC was one of the churches, if not the most significant church, applauded for the part it had in opposing the Pinochet regime and supporting Chileans suffering under the junta. The NCTR report explains the CCC's contribution by focusing on two aspects. The report explains:

The only really significant reaction to this pattern of human rights violations came from the churches, since they had the means and the willingness to react. In this regard we should emphasize the work of numerous priests and ministers in protecting many people who were being pursued. A number of them were arrested or had to leave the country for such efforts. The Catholic Church's reaction was twofold: 1) in its teaching activity directed toward the whole community and, 2) in the concrete action of aid and protection to the victims of human rights violations. A number of religious groups were involved in this latter work.

a. Teaching activity of the churches, especially the Catholic church.

It was the Catholic church that did the most in this area. Starting in September 1973, it issued a series of statements and documents that reflected its stance of searching for ways in which Chileans could draw together and urging the necessity of true respect for human rights.

b. Specific action by the churches to aid and protect the victims of human rights violations were the creating of bodies such as the Committee of Cooperation

for Peace in Chile and National Commission for Refugees (USIP, 1991, pp. 606-608, 817-827).

On many occasions did the bishops issue public statements to confront the Pinochet government and to motivate the public to take action. This is a typical example of how the CCC informed the public and spoke prophetically against what the government was doing. Some of the statements are:

- Christmas message of the Permanent Committee of the Bishops, December 1977. In paragraph 6 the bishops said, "We would be profoundly grateful to the supreme government authority if, as a Christmas gesture, it were to grant an amnesty to all those who are serving their various sentences. We hereby express our gratitude and joy that some of our fellow citizens have had their sentence of internal exile revoked. Such gestures undoubtedly help overcome division and strife."
- Letter of the bishops of Chile "to Chileans far from their country, at Christmas time," dated December 25, 1977. In this document the bishops expressed their affection for those who were outside the country for various reasons, including "to avoid being jailed for political reasons."
- Letter from the Permanent Committee to the junta on the National Consultation (December 30, 1977). In this document the bishops rejected the formulations of those who divided the country into the "patriotic" and the "unpatriotic." They likewise rejected the conditions under which the consultation was to be held, and stated that it was important that the citizenry be able to have a say on important national issues.
- Letter of the Permanent Committee to workers for May Day (dated April 28, 1978). On that occasion the bishops said, "We would like you to be consulted and wish you could participate in the preparation and adoption of measures affecting you. Particularly when such measures are painful, they must be accepted and not imposed if they are to render their fruit."(USIP, 1991, p. 975).

Numerous more examples exist within the NCTR report of how the CCC aided society during the Pinochet rule, spoke prophetically against the regime, suffered under Pinochet's forces and made a process of transitioning possible. The work done by the CCC under the Pinochet rule gave Chile the means to have transitional justice developed and implemented.

Not all CCC clergy were critical of the Pinochet rule and in favour of a new regime. Raul Hasbun, appearing on Chile's Catholic University channel and teaching homiletics and moral theology at Santiago's major seminary, sympathised with Pinochet. During Pinochet's detention in London Hasbun flew there to baptize one of his grand-children and give spiritual comfort to the family. Husbun's remarks irritated many Chileans and colleagues of the church called for his removal from this television timeslot and chair at the seminary (Molineaux, 1999, pp. 11-12).

5. Concluding remarks

It is clear that the DRC in its journey to develop and support the apartheid regime had very little opposition up until 1960. R.S. Bilheimer's visit, the rejection of the Cottesloe report by the DRC and the National Party escalated the international community's awareness of apartheid.

At first it was international organisations such as the London Mission Society and local non-religious bodies such as the South African National Native Congress (which later became the African National Congress) that criticized the apartheid regime. Public demonstrations showed the upset and frustration of the black population towards the apartheid regime. On local soil, the first noteworthy criticism from a religious body was the Presbyterian Church of South Africa distancing itself from the course took by the National Party during 1948. Other religious bodies followed suit.

One of the first formal documents to condemn apartheid was the *Kairos* document in 1986. Drafted mainly by black theologians, it stated that using Scripture to sanctify apartheid was idolatrous. The state received numerous letters from the religious and non-religious

community condemning apartheid and the hardship their leaders experienced for their political stance.

From the family of Dutch Reformed Churches, the Dutch Reformed Mission Church reacted by stating that the policy of the DRC hindered church unity. The Dutch Reformed Church in Africa added its voice to the criticism of apartheid and decided to function independently from the DRC.

Finally, the DRC also experienced tension and criticism from within. The first formal criticism would come from Rev. Huet in his book *Een kudde, een Héér* [One flock, one God] in 1857. Voices such as Du Plessis, B. Marais, B.B. Keet, P.V. Pistorius, B. Naude, W.D. Jonker etc. Many publications followed in which various theologians developed critiques of apartheid and distanced themselves from the formal apartheid policy of the DRC. *Hervormingssondaggetuiens* [Reform Sunday witness], *Stromkompas* [Strom compass], *Die opebrief* [The Open letter] all leading to the Rustenburg Conference where W.D. Jonker publicly confessed the guilt of the DRC in apartheid and asking forgiveness for it. It should be noted that the DRC community did not, at first, associate itself with Jonker's confession.

With great pain and effort the DRC parted with apartheid. It is clear, however, that throughout the onset of segregation through to the development of apartheid, the DRC contained prophetic voices warning against this ideology. What distinguishes the church's response is the length of time that elapsed before is the time lapsed before the DRC began questioning segregation, apartheid and the part it played within the system.

The CCC, during the Pinochet regime, played a prophetic role. All that happened during the time of Pinochet's rule the CCC viewed from its religious point of view and kept society, national and international, informed as well as providing support to those suffering under the regime.

The CCC's role during the Pinochet regime shows two distinct characteristics, one of formal opposition to the Pinochet regime under Cardinal Henríquez and a time of mediation among opposition under Archbishop Juan Francisco Fresno. The influence of these two Chilean Catholic clergymen was supported by the greater church structure from Rome. At first, under Henríquez, the CCC developed many programmes and

organisations combating the effect of the Pinochet regime, commenting on the regime's activities and criticizing what was out of place. Under the guidance of Henriques, Pinochet experienced the CCC as an active threatening force.

The strong political role the CCC assumed under Henriques became a problem as members left the church because of political tension. Rome reacted by assigning Archbishop Fresno to take over from Henriques, who took a much more mediating approach to the situation. Fresno removed some of the political tension by shifting the focus of political and public involvement from church objection to opposition mediation and negotiation with the state. Fresno's contribution was noteworthy in that he brought opposing parties together to create a greater opposition front, rather than using the ecclesial character of the church as the opposing force.

During the time of Chile's NCTR, the role of the CCC was often mentioned in the report and celebrated numerous times. From rallying with other churches to form victim support groups, clerical involvement and the provision of prophetic voices, to the development of accords and mediation between opposing groups, the NCTR spoke favourably about the role the CCC played during the Pinochet regime.

It is clear that both the DRC and the CCC played significant parts during, respectively, the apartheid and junta regimes. The actions of the DRC and CCC were not that different if the initial choice of orientation towards the totalitarian regime is, for the moment, left aside. Endeavoured to as formal organisations, both supplied clergy and members to political parties, and both made public declarations on the church's formal stance towards the public policies.

The difference between the DRC's and CCC's actions stem from the CCC's relatively early choice to stand against the totalitarian regime. This resulted in the DRC becoming an entity who received criticism whereas the CCC was a source of criticism towards the oppressive regime. During the time of its support for apartheid, the DRC closed itself off from outside reflection as well as internal reflection.

Societies, organisations, other churches and individuals critical of the DRC's apartheid support were ignored, marginalized or silenced. The CCC reacted in the opposite way and rallied with any legitimate force that was willing to oppose the junta. The CCC

developed networks and new organisations in order to facilitate and manage any resources available in combating the effects of Pinochet's rule and the regime itself.

Only much later did the DRC start to experience internal turmoil too great to ignore. Only after years of international and local pressure did individuals in the church start to question the church's support for apartheid, only then did clergy and leading members publicly denounce apartheid causing the General Synod of 1986 to finally disregard apartheid.

Thus the role of the DRC was first to legitimize and uphold apartheid and only later did it move to discredit the ideology. However, the DRC did not head an active campaign to uproot apartheid or to remedy its effects. The move away from apartheid remained an internal dynamic with specific declarations, as will be evident in the coming chapters. The CCC, by contrast, played an active part in aligning itself with the suffering community, using its infrastructure to combat the effects, while commenting and prophetically reflecting on what was happening during the junta and finally facilitating a joint force that would successfully counter the Pinochet regime.

CHAPTER 5

Churches and political change: The dynamics of transitional (in)justice in South Africa and Chile

1. Introduction

The discussion above makes it evident that the DRC and the CCC experienced political effects and so required transitional justice in three different categories. The first concerns external dynamics, where the church met with role players outside the church structure. These are areas such as church and state relations, relations with other churches and the influence of the church on legislation. The second category relates to internal dynamics, where clergy, members and church organisations played a role. Further mention is made of church asylum, expulsions and the effect on ecclesial life. The third category is that of official positions, with the focus on official teaching and policies, church publications and archives and church involvement in national truth and reconciliation commissions.

The role of DRC and of the CCC within these three categories will highlight the role each played in the respective regimes. The comparison will sketch a clear picture of the two churches and how they reacted to political uncertainty and engaged with transitional justice

2. External dynamics

2.1 Church and state

The DRC was brought to African soil by the Dutch settlers who established a trading post and later a colony in the Cape. The church was mainly governed by the Netherland Reformed Church and administered by state employees in the colony up until 1824, when the first synod took place in the Cape. From this point onwards, state authority over church administration was greatly influenced by British imperialism, the Great Trek (see Preller, 1988), a seminary in Stellenbosch, and the wars of 1872-1884 and 1899-1902 (Coetzee, 2010, p. 15; Ritner, 1971, pp. 32-33; Ngcokovane, 1989, pp. 30-35). The Afrikaner people and members of the DRC suffered severely under British Imperialism (Kinghorn, 1986, p. 52; Coetzee, 2010, pp. 35-36). They became a people stripped of identity, politically negated, economically oppressed and finding themselves caught up in a social dilemma. The Afrikaners became a people desperate for emancipation and went to extremes in order to achieve this.

Political and economic emancipation as well as elevation through apartheid found its way into the DRC due to the fact that the church members were mostly Afrikaners (see NGKA, 2013). The DRC's great concern for the Afrikaners' severe social problems, poverty and degradation, moved the church to enter the sphere of economic and political apartheid. Stemming from the poor white predicament (see Willoughby-Herard, 2007; see Duff, 2011), emancipation and development of the Afrikaners as a nation were at first the only concern of the church, but this ideal soon became one implemented by depriving other races of essential rights, in order for Afrikaners to prosper (Posel, 1991, pp. 53-54). The DRC answered the pastoral call of its people and would do everything in its power to serve the Afrikaner, this service being viewed as a divine act (Serfontein, 1982, p. 60).

Although formal church-state collaborations ended during the nineteenth century, the affairs of each remained intertwined until the late twentieth century. In order to fully understand the context in which the DRC made its choices, it is necessary to reiterate certain governmental and social key points. After the majority of black people taking part in the Freedom Wars aided the British, they felt betrayed when the British signed over rule of South Africa to a minority Afrikaner nation with the *Vrede van Vereeniging* (1902) (Cavendish, 2002, p. 65; Coetzee, 2010, pp. 27-29) and the Constitution of the Union of South Africa (1910). In further disregard of black people and to the benefit of whites, the Pakt Government implemented incentives for using white labour. The Carnegie Report (1932) highlighted the dire socio-economic situation of the white population without referring to other races (Vosloo, 2011, pp. 9-14). This report mobilised the government and the DRC to address the *Armblankevraagstuk* [Poor white predicament] (see Willoughby-Herard, 2007; Duff, 2011).

The DRC began acting vigorously in response to the social and political situation of the Afrikaner people. The church made a continued appeal to the state for aid in the elevation of the Afrikaner. When the Smuts government failed to adhere to this call, the DRC helped the National Party come to power, a party that incorporated the DRC's racial view for the betterment of the Afrikaner race (Posel, 1991, pp. 45-47; Engelbrecht, 1966, pp. 1-2). With the inauguration of the National Party in 1948, many church members and clergy became part of the formal regime structure. This resulted in a situation where the one's sentiments were identical to the other. As the implementation of apartheid grew more intense, the

DRC received much criticism for their part within the regime (Du Toit et al., 2002, p. 54). At first the DRC aligned with the National Party regarding the criticism against apartheid, but the DRC was too responsive to these criticisms for the liking of the National Party. After numerous letters and declarations by individual members of the DRC, it became evident that the church was reinvestigating the apartheid policy, much to the dislike of the National Party. These events climaxed with the Rustenburg Conference (see TRD, 1990), where it was publicly confessed that the DRC was wrong in supporting apartheid (ASK, 2007, pp. 53-56):

As representatives of the Christian Church in South Africa, we confess our sin and acknowledge our part in the heretical policy of apartheid which has led to such extreme suffering for so many in our land. We denounce apartheid, in its intention, its implementation and its consequences, as an evil policy, an act of disobedience to God, a denial of the Gospel of Jesus Christ and a sin against our unity in the Holy Spirit.

As with the DRC, the CCC played a significant role in the early development of social structures and the character of society. During 1860 to 1925, the Roman Catholic Church and Chilean government's relationship can best be described by the concept *patronato*. The CCC existed as patron to the government, giving the government authority in the election of church leaders and other administrative decisions, while the government on its part subsidised church actions (Abbott, 1966, p. 289). Within this relationship, the CCC had very little room to comment on and criticise the current government. A further dilemma was that members of the Catholic Church associated participation within the CCC as support for the current Conservative Party government. In order for the CCC to restore autonomy, formal separation from the government was inevitable (Bruno-Jorfre, 2013, pp. 703-705).

The first steps towards church-state separation took place when Arturo Alessandri called for a new constitution that reinstated a presidential rather than a parliamentary governing system and allowed for freedom of religion. With the new constitution of 1925 approved, the *patronato* was set aside and the government's ties with the CCC were broken, Rome acquiring a freer hand in CCC affairs. Eight new dioceses were created between 1925

and 1929, doubling the number of bishops (Fleet & Smith, 1997, pp 38-39). In 1934, Rome added weight to the church-state separation by issuing a pastoral letter declaring that CCC members may associate with any political party as long as the party respected the church. Therefore, the CCC represents no specific political party and supports programmes that address social issues for the benefit of the entire society (Bruno-Joffre, 2013, pp. 703-704).

These social programmes gave rise to Catholic Action groups who made it their mission to influence the public sector and who favoured the Frei government. Frei was elected president during 1964 and many Catholic lay activists assumed positions in his government. In 1967, Frei's Revolution of Liberty stalled (Aman, 1988, p. 766), and the CCC was once again caught up in the same wrenching debate over the government's performance. This situation persisted into the Allende regime, making it difficult for the CCC to resist or moderate the polarization of the country as a whole (Fleet and Smith, 1997, pp. 54-55). The Allende regime marked another difficult time for the CCC. After the Allende government failed to deliver on its promises, radical Catholics tried to establish their own political policies by shifting their support to Popular Unity parties and policies (Fleet and Smith, 1997, pp. 54-55). A military coup, in September 1973, ended the Allende regime and Augusto Pinochet became Chile's new leader (Ransom, 2013, p. 11). At first, the coup was declared a divine intervention by the CCC, but this association did not last and on 13 September 1973, the CCC distanced itself from the Pinochet government by speaking out against the spilling of blood (Frenz, 2008, pp. 251-252; Quigley, 2002, p. 13).

It is evident that both the DRC and the CCC faced challenges in maintaining church identity and respecting state structures. The impact of the aforementioned circumstances cannot be negated when light is shed on actions and policies each church later promoted. The relationship each church shared with the regime of the time gave rise to specific church structures and influenced the relations with other denominations and faiths.

2.2 Church organisational structures and relations with other churches

The former ties of the colonial church (which became the DRC) with the mother church in Amsterdam were broken with British imperialist influence on the Cape, beginning in 1806. British occupation urged the Cape church to bring formal church governance to South African soil and so the first synod took place in 1824, after which the Afrikaner church became known as the *Nederduits Gereformeerde Kerk* [Dutch Reformed Church]. The relationship between the Afrikaners and the Cape church began to deteriorate as the English brought in Presbyterian clergy to take over the ministry. Finally, Rev. Van der Hoff gave a group of Afrikaners, a group who became known as the Voortrekkers, the courage to secede from the Cape church (Brown, 2002, pp.12-14). The church that took part in the Great Trek experienced isolation, witnessed a struggling Afrikaner nation and reacted to the calling to answer the plea for hope. The Voortrekkers, during and after the Great Trek, continued with the Reformed faith and later established ties with the Reformed Church in the Netherlands (Ritner, 1971, p. 18).

After the first synod in 1824, the DRC, and, by implication, the Afrikaner, experienced a time of alienation, survival, adaptation and development. In 1834, a group of Afrikaners left the Cape and the Great Trek took place. Families and friends experienced alienation as did the community of believers (the church) who broke all ties with the Cape church. The Great Trek was an effort to survive and keep an individual identity intact. The conditions during the Great Trek added physical survival to the situation, just as acutely as cultural and religious survival (Pretorius, 1988). Concurrently with these social and religious shifts taking place, the first theological seminary was established in Stellenbosch during 1859. This brought new tensions as John Murray and N.J. Hofmeijr steered away from the liberal theology of Amsterdam to a theology with a more orthodox and cultural character (Coetzee, 2010, p. 15).

With the theological tensions appearing in the DRC, a second divide began to develop between Christians of European descent and Christians converted through local missions. This development became known as the *twee-stroom beleid* and paved the way for the establishment of the Dutch Reformed Mission Church in 1880. The decision taken by the

synod of 1957, which would later become a rule sanctioned by the synod of 1980, reads as follows:

De Synode beschouwt het wenschelijk en schriftmatig, dat onze leden uit de Heidenen in onze gemeente opgenomen en ingelijf, overal waar sulks geschieden kan; maar waar deze maatregel, ten gevolge van de zwakheid van sommiges de bevordering van de zaak van Christus onder de heidenen, in de weg zoude staan, de gemeente uit de heidenen opgerigt, of nog op te rigten, hare Christelijke voorregten in een afsonderlijk gebouw of gesticht genieten sal (HSNGK, 1957, p.80). [The Synod views it attainable and Scripturally based that our members from the heathens, be taken in and made part of our congregations overall; but where such a rule, due to frail faith of some, would hamper the ministry of the gospel of Christ to the heathens, the congregation developed and developing from the heathendom may enact its Christian privileges in a separate building or institute.]

The Dutch Reformed Mission Church would be a denomination on its own (Ngcokovane, 1989, p. 42; Coetzee, 2010, pp. 14-15). With this move, the DRC attained the ability to remove a great deal of the issues regarding the ministry to other races from the agenda.

During the early twentieth century, the DRC experienced a time of stability, during which the church could focus on fresh concerns. The DRC was fully aware that it could not remain uncommitted towards other ethnic groups and that the church had a divine obligation to minister to them. In an effort to reflect on this issue the DRC, by mandate of the *Federale Raad*, appointed a commission to examine the racial relations of the time. The *Kommissie vir Naturellesake* hosted a number of conferences on how to improve conditions amongst the other races. The *Kommissie vir Naturellesake* reflected critically on the Hertzog *Naturelle* legislation of the time. The DRC saw the church as the best body to deal with racial issues, but the government formed its own committee on racial issues called the *Suid-Afrikaanse Instituut vir Rassebetrekkinge* and removed the entire issue from the church's agenda (Coetzee, 2010, p. 45).

As the DRC and the South African state endeavoured to structure their relationship with and responsibilities towards other ethnic groups, the international community certainly took note of their actions. The transformation in the DRC towards separation in worship

and later segregation in society did not go unnoticed. The first to comment was the London Mission Society (Odendaal, 1984, p. 217) who inveighed against segregation and apartheid thought in the late 1800s and early 1900s, but did not have any audience with the DRC due to British imperialism (De Gruchy^c, 1986, pp. 1-15). In 1948, the Presbyterian Church, Methodist Church, Baptist Union, Congregational Assembly and The Church of the Province added their voices to the criticism of the racial policy of both the National Party government and the DRC. The Roman Catholic Church made their criticism known in 1952 by publishing eight pastoral letters (SACBC, 1952-1966). The Christian Institute, under direction of Beyers Naudé, remained a multiracial organisation working on the racial issues of the country. As an ecumenical body, the Christian Institute gave protection to all who opposed apartheid (Naudé, 1966, pp. 4, 6). The World Council of Churches entered the apartheid dialogue with the visit of R.S. Bilheimer during 1960. He called the Cottesloe conference, a conference compiling a report on the racial situation in South Africa. The thrust of the report was aimed directly against the racial policy of the National Party and the DRC view on the racial situation in the country (Du Toit et al., 2002, p. 57; ASK, 2007, pp. 12-19). The Cape and Transvaal Synods were so angered by the Cottesloe report that they resigned their membership with the WCC (Hofmeyr, 1991^b, p. 291).

With the publication of *Ras, Volk en Nasie* (1974) and the criticism of the international community, *Die Reformierter Bund* in Germany and the Swedish Federation of Protestant Churches broke their ties with the DRC in 1982. Expulsion from the World Assembly of Reformed Churches followed in the same year (Du Toit et al., 2002, pp. 70-80). The DRC aligned with the National Party government and promoted apartheid legislation, not faltering in the face of external pressure, expulsions and condemnation.

By contrast, the CCC took a different approach to the ruling regime and chose not to formally associate with a ruling party. With a pastoral letter from the secretary of state in Rome, Eugenio Pacelli (1934), stating that no political party could represent the CCC and that all Chilean Catholic members may associate with any political party that respects the church (as translated by Fleet and Smith from *Boletín de la Acción Católica de Chile*, 2 September 1934, pp. 525-529), the stage was set for the Catholic Church to become a social role player (Fleet and Smith, 1997, p. 39). This statement made it possible for the Catholic Church to act in the interest of society and no members of the church could claim

that the church was promoting a specific political ideology. This was much easier said than done, because a great number of Catholic Church clergy had ties with different regimes or were sympathetic towards them, thus giving church programme a recognisable flavour. Only at a later stage (1973-1980s) did the Vatican begin replacing clergy and could a difference be observed at parish level. After the replacement of clergy, Catholic Action groups were established and enjoyed support all the way to the Vatican (Smith, 1982, pp. 283-356).

Throughout the period of the CCC's activities, regardless of the prevailing regime, the CCC could draw on its vast international network. Between 1958 and 1973, it was especially the North American and European Catholic Church (Fleet and Smith, 1997, p. 49) who supported the CCC and under the Pinochet government, the CCC received support from the West European Catholic Church, World Council of Churches and other Protestant groups (Barahona de Brito, 1997, pp. 117-118). This imposing network made the CCC a much greater force to be reckoned with than the DRC. Not only did the CCC receive financial aid from other church denominations, but they worked closely with other denominations and faith groups to aid the people of Chile. One example was the Cooperative Committee for Peace in Chile (COPACHI) which was jointly formed with the Lutheran Rev. Helmut Frenz, bishop of the Evangelical Lutheran Church in Chile and Jewish leaders (Quigley, 2002, p. 13). Another such an organisation was the *Comité Pro Paz*, an ecumenical organisation established in 1973 (Barahona de Brito, 1997, p. 113; Torrens, 1989, pp. 270-271).

The CCC utilised its structures to form networks with other institutions and faith groups, managing to create a system so great that the Pinochet government could not suppress it. The role the CCC played became an external dynamic structure and one of, if not the, greatest forces Pinochet had to reckon with during his military rule. This enabled the CCC to exert its strength in the non-judicial as well as the judicial arena.

2.3 Church and legislation

In the early 1940s, with a formal policy on racial issues and relationships, the DRC turned to the state for the implementation of the church's racial policy. The *Federale Raad* and *Federale Sendingraad* of the DRC called on the Smuts United Party government to enact legislation regarding divided suburbs, prohibition of mixed marriages, prevention of racial entwining, separate universities and influx control (Kinghorn, 1986, p. 87; KS, 1947; Posel, 1991, pp. 45-47). The United Party government did not heed the DRC's call and because of this lost popularity and, eventually, governance of South Africa to the National Party, which was willing to adhere to the DRC's racial policy demands (Coetzee, 2010, pp. 69-73). During the first part of the National Party's rule, the state became a force governed by the DRC (Boesak, 1973, pp. 5-7).

Before the National Party assumed power, the DRC ventured into the territory of segregation legislation. During the period of 1910 to 1948, the DRC influenced more than 49 segregation acts (ASK, 2007, p. 10; Coetzee, 2010, p. 99; Horrell, 1971, 57-63). After the National Party took over the reins of government, it showed its commitment and support to the church by implementing a great number of apartheid legislations, called for by the church in a much earlier period, legislation that included the act allowing for a population register, the act on separate geographical areas, the act on influx control, the act on separate voter rolls and separate representation, the act on native self-governance and native education, and the act on the restriction of mixed marriages (ASK, 2007, p. 10; Coetzee, 2010, p. 104). The DRC furthered its influence on governance, policy and legislation by promoting church clergy for government vacancies. Through these appointments the church had a sympathetic ear in the government and the government had a channel through which they could communicate with the masses of Afrikaners and be heard with divine authority (Kinghorn, 1986, pp. 86-116).

The CCC was not as intertwined with the state as the DRC on the drafting of legislation, but the CCC too had members and clergy taking official governmental positions and a government that involved itself in church affairs. During the nineteenth century, the CCC and the Chilean state had the *patronate*. Not formally acknowledged as the state church, the CCC nevertheless had formal ties with the regime, received funding from the state

and was subjected to the state's approval regarding the appointment of clergy. This relationship resulted in the CCC supporting the state's endeavours and the state being influenced by church thought. A clear example was that a law amendment in 1844 was needed for non-Catholics to be married (see Guerra, José Guillermo, 1929, *La Constitucion 1925*, Balcells, Santiago, translated by Fleet and Smith, 1997, p. 37).

The CCC and the Frei government also shared a close connection because of the number of clergy and state employees who studied together during the 1920s and 1930s. This resulted in many of the Catholic Action group personnel moving from the action groups to state employment, resulting in a skill drain among the members of the Catholic Action group. During the 1960s, the Democratic Christian Party's favour declined and the CCC sought to take a more neutral stance and not align itself with a formal political party (see CTD, 1988, pp. 13-14). During the Allende regime, the CCC reacted on legislation reforming public education, and which had a negative influence on Chilean Catholic schools, and so the national curriculum was abandoned (Fleet and Smith, 1997, pp. 52-53).

During the Pinochet regime, the CCC commented on the different policies of the day, the way these policies was carried out and what just legislation should look like. The most significant role the CCC played with regards to legislation was the facilitation of the National Accord. Archbishop Fresno worked with opposition parties to create a joint force to oppose the Pinochet regime. The National Accord on Transition to full Democracy was signed in August 1985, and became one of the greatest forces against the Pinochet regime (CTD, 1988, pp. 18-19).

2.4 Comparison

Understanding society has been one of the most contested scholarly endeavours. What to include and what to discard has been the focus of numerous dialogues, the founding of different schools of thought and the result of many triumphs and mistakes. Religion is one of those highly contested concepts when it comes to sociological studies. De Gruchy (1986^b, pp. 22-26) argues that many interpreters of society remain ignorant of the great role and influence of religion in society. He reiterates Roy Enquist's statement that

Western society's secular bias has made it virtually impossible for it to understand the values of any modern society which is resolutely religious.

Regarding the role of the external dynamic in the development of the character of both churches, the initial emphasis falls on the beginning of the DRC and the CCC's humble origins, development and participation in their separate contexts. It is with the voices of De Gruchy and Enquist that this study pays closer attention to the role these churches played in their societies during the time of authoritarian rule. It is clear that both the DRC and the CCC had governmental ties within the country during the relevant periods. There was a strong governmental influence on the DRC where government officers would be responsible for certain clerical work at times of clerical absence. After Dutch rule gave way to British control, the DRC and her Afrikaner congregants suffered economically, politically and socially. The DRC's main focus became the struggling Afrikaners, making it a church that concentrated on the wellbeing of a single ethnic group.

In the case of the CCC, the church provided the government with a certain authority within a relationship of patronage and the government amplified the voice of the church. The government had a say over church leadership and supported the church financially. The CCC separated from the patronage relationship when it was declared that no single political force could represent the church. During the Pinochet government, the church first thought of the coup as a prayer answered, but soon distanced itself from the government because the CCC could no longer associate with the government's actions. Thus the CCC showed a tendency to distance itself from regimes in order to serve a global society. The DRC took the opposite approach and distanced itself from the United Party government because it had narrowed the ethnic scope of its ministry to a single race within authoritarian rule. Describing the two churches, and judging from their relation to the state, it seems that the DRC possessed an ethnic-centred development and ministry whereas the CCC displayed a social-centric development and ministry.

De Gruchy would agree with the fact that each of the churches reacted against human suffering and supported the oppressed. Within the Christian faith it is the responsibility of the church to speak and act on behalf of those too weak or powerless. The church takes part in political transitions once it is discovered that neutrality is impossible and that the

Kingdom of God requires a committed position. The way in which the church takes its stand differs from that of secular society in that the church communicates with pastoral sensitivity. The church should be an influence struggling for justice in a non-violent way and if force is needed, should ensure that it is applied in a moral manner (De Gruchy^a, 1988, p. 47). The distinction between the two churches is the DRC's concern for only a single group in society and the CCC's perspective in supporting humanity.

In the early stages of these developments, neither one of the churches intended harm by what they were doing. They both believed they were adhering to a divine responsibility (Engelbrecht, 1968^a, pp. 1-2; Naudé, 1964, p. 8; Fleet & Smith, 1997, pp. 40-41). The reinvention of the DRC's and CCC's identity outside the governmental relationship would determine how each of them would address political, economic and social issues in the future. The CCC formed an identity as a church with no favouritism to any political orientation (Fleet & Smith, 1997, pp. 40-41) and the DRC formed an identity as a church for a specific ethnic group, the struggling Afrikaner and everyone who associated with the Afrikaner culture (Ritner, 1971, p. 140-143).

The result of these new identities were that the CCC could gain perspective on a society, identifying needs of all who suffered while the DRC evaluated society from the stance of only one sufferer and identified anyone or anything that would contribute to this suffering as a potential threat. It was precisely the DRC's new identity, as church for the suffering Afrikaner, that marked a return to state affairs. The DRC would utilise all possible avenues to support and develop the struggling Afrikaner (Kingshorn, 1986, p. 52; Vosloo, 2011, pp. 9-14; Coetzee, 2010, pp. 31-32).

What should not be lost from sight, is the great contrast between the development of a young church, the DRC, against the actions of a much older church, namely the Roman Catholic Church. The DRC had gone through a time of disassociation and association in the light of British colonialism (see Kingshorn, 1990; Posel, 1991, pp. 53-58), the first synod of 1824 (Coetzee, 2010, pp. 14-16), the Great Trek of 1834 (Ritner, 1971, p. 32-33) and the formation of the theological seminary in Stellenbosch in 1859 (Coetzee, 2010, p. 15). These different stages had a great influence on the identity formation of the DRC. It is evident that during the formation of the political climate of the country the DRC had very

little support from existing church structures, governing bodies and networks. The DRC was in a process of core establishment when the political climate made an impact on the church.

The CCC on the other hand had the support of the Vatican (see Fleet & Smith, 1997, pp. 38-39), which kept a close eye on the development of the church. The Roman Catholic Church had a very set ecclesial nature and a settled operational structure. Thus, the planting of the Roman Catholic Church in Chile posed very little challenges regarding church identity and church operational procedure and a greater emphasis could be placed on how to penetrate society within the specific political climate. One of the challenges faced by the CCC was the way in which clergy associated or disassociated with the different political transformations and what the responsible role of the CCC was to be during these times (see Fleet & Smith, 1997, p. 37).

The DRC strongly associated with all that bettered the Afrikaner's socio-economic and socio-political situation and thus the DRC, with the church's strong and formal Afrikaner character, were developing formal structures and governing bodies focused on preserving the Afrikaner culture, tending to a bruised group and developing them into a nation that saw itself as proud and glorious (see NGKA, 2013). When the Smuts government did not show any support for this cause, the DRC empowered the masses to bring the National Party government to power. This political shift brought many DRC clergy and members into influential governmental and political positions (Engelbrecht, 1968^b, pp. 18-19). Because of this intertwined relationship, the DRC developed into a cultural church, directing the state to, once more, empower the Afrikaner. The National Party government and DRC legitimated each other's actions and so created a closed circuit of pollination (Posel, 1991, pp. 45-47). The CCC, on the other hand, had formal governing structures in place that were much older and at a distance from the Pinochet regime. The Vatican played a major role in directing the CCC's thought and actions during the time of oppression. On orders from Rome, the CCC was kept out of the political race and was guided towards the responsibility not only towards members of the church, or members of a certain ethnic group, but towards the responsibility of the CCC regarding society (Aguilar, 2003, p. 716; Fleet and Smith, 1997, pp. 49-50).

A further advantage the CCC enjoyed was the vast international structure of the Roman Catholic Church, which meant that clergy with political associations and sympathies could be moved around within the church structure. The CCC, as with the DRC, had clergy sympathetic to the regimes of the time and who provided the church's activities with a political flavour (Fleet & Smith, 1997, p. 37), but the Roman Catholic Church's diocesan system made it possible for the Vatican to move clergy supporting the CCC's agenda into office, while others could be moved through formal church channels without too many questions or resistance. The vast international span of the Roman Catholic Church made the CCC a very powerful international communicator. Through the Catholic channels, the international community was informed of what was happening in Chile. The wide network of Catholic organisations and action groups in Chile reported on Pinochet's movements and so there was very little Pinochet could keep hidden from the public and international eye (Torrens, 1989, p. 271).

The DRC, conversely, turned to the National Party regime to strengthen their structures. Many DRC activities were state funded and the DRC had great influence on the flow of information through their relationship with the state. One such an example was the publication titled *Pro Veritate*, a publication in which strong criticism was published of the apartheid regime, banned by the Minister of Justice on 19 October 1977 (Hofmeyr, 1991^b, p. 292). The DRC was not intimidated by other church bodies. The church resigned from the World Council of Churches because of the council's racial policy (Hofmeyr, 1991^b, p. 291). The DRC did not follow the course the international church organisations wanted it to take and maintained the regime's policy concerning racial issues (Du Toit et al., 2002, p. 57; ASK, 2007, pp. 12-19).

The CCC could steer through difficult times much more responsibly, in a guided and transparent manner, because of a well-established organisational structure, a vast international network and an active guide in the form of the Vatican. The CCC endeavoured to shine as much light as possible on the social issues of the day, published as widely as possible to keep the public and international community up to date, served as many people as possible during the struggle and kept political favouritism out of the church structure as much as possible (see Torrens, 1989, p. 271; see Collins, 2009, pp. 69-70).

In contrast with the CCC, the DRC had to undergo core development in a time of political and economic unrest. Without senior governing bodies and settled church structures, the DRC developed as an organisation around a specific racial group, namely the Afrikaner. As was the case with the CCC, the DRC endeavoured to serve the needy, publishing on events and policies and corresponding with the international community, the only difference being that the DRC did this for the sake of one racial group. The needs of the Afrikaner became the agenda of the DRC, and using all means possible, the church joined forces with the National Party to fulfil its calling. The DRC shunned any other body or organisation that did not support its cause and the state aided the DRC in this regard.

The DRC gave favour and credibility to the National Party the moment the party implemented the laws long proposed by the church. Thus the church gave the apartheid legislation its first official sanction. Members understood the government's implementation of the church's proposed laws as a confirmation that the DRC was taking the correct approach and that the state was following divine guidance. After the initial implementation of apartheid laws by the government and sanctification of its actions by the DRC similar procedures happened with more ease and with greater support in the years to come.

The support the DRC gave the apartheid regime had one of its severest consequences through the segregation and apartheid legislation. This is also one of the areas that caused the DRC to lose the most credibility and accountability the moment the apartheid regime was classified as unjust. For a regime which a church had helped engineer to fall, implies that the church must evidently be flawed as well. To regain public credibility and accountability, to be a church that takes reality into account, it is vital that these flaws be remedied.

The CCC also experienced a time when the church and state were so intertwined that it would have been very difficult to get a clear picture of their distinct actions. Early on in the existence of the CCC, the church moved away from a formal church-state relationship. From this point onwards, the CCC commented on the legislation of the day, but played an insignificant role in developing legislation and policies. Only in the time of the Pinochet regime did the CCC once again play an active role in developing the National Accord. This

was done in a facilitation capacity and opposition parties were called upon to engineer the accord. Thus the CCC acted as the mould, forming opposition parties into one shape.

There was a stage where both the DRC and the CCC used their available avenues to promote clergy to governmental positions in order to have greater influence over the regime of the time. In the end, the difference between the DRC and the CCC lies in the fact that the CCC commented on the legislation of the day and scrutinised its legitimacy, whereas the DRC, advocating certain pieces of legislation, sanctified this legislation and so placed it beyond questionability.

3. Internal dynamics

3.1 Church clergy, members and organisations

The historical literature of the DRC makes it apparent that various clergy, members and organisations played a significant role with regards to segregation and later apartheid. With the release of the Hertzog *Naturelle-wetsontwerp* (1926), the DRC criticised the legislation at the hands of Rev. H.P. van der Merwe (head of the Cape Synod), Rev. J.W.L. Hofmeyr (mission secretary of the Cape Synod) and P.G.J. Meiring (editor of *De Kerkbode*). They called for social differentiation on the grounds of moral and ethical issues, highlighting that the church was best equipped to handle racial issues objectively and called for representation of the very people the legislation was concerned with (Du Plessis, 1939, pp. 27-30).

The *Federale Raad* of the DRC called the *Kommissie for Naturellesake* (Crafford, 1982, p. 464; Crafford, 1982, p. 464) to look specifically at the church's relationship with and responsibility to other ethnic groups. Another noteworthy establishment was the *Federale Armsorgraad* (Coetzee, 2010, pp. 31-33), a board that examined the situation of the poor and suffering Afrikaner people. After the 1935 mission statement, it was clear where the DRC was heading regarding racial relationships in South Africa. Prof. E.P. Groenewald provided the theological justification with the document *Die Apartheid van die Nasies en hul roeping teenoor mekaar*. The work of prof. E.P. Groenewald would climax in the publication, *Ras, Volk en Nasie*, accepted as the formal position of the DRC on the racial

issue in South Africa during 1974. With his work, Prof. E.P. Groenewald gave the apartheid ideology the substance to become a pseudo-gospel that the Afrikaner would live and die by (Engelbrecht, 1968^a, pp. 1-2; Naudé, 1964, p. 8).

There were also those clergy who opposed apartheid ideology and never aligned themselves with the DRC's support of the state's policy. Names such as Ben Marais, Beyers Naudé, B.B. Keet, P.V. Pistorius, W.D. Jonker, P.G.J. Meiring (Coetzee, 2010, pp. 368-370; Ngcokovane, 1989, pp. 50-53; Keet, 1949a, pp. 1004-1005; Pistorius, 1957; Hofmeyr, 1991, p. 292; ASK, 2007, pp. 21-23; De Gruchy^a, 1986, p. 29; Coetzee, 2010, p. 316) and many others did their best to be a prophetic voice. The DRC community did not receive the criticism and prophetic guidance with an appreciative heart. Many anti-apartheid clergy were decommissioned, framed as heretics, accused of betraying the Reformed faith and removed from office. Byers Naudé is one of the most well-known DRC clergy who had to serve outside the church, since his criticism of apartheid within the DRC was not welcomed.

In their search for a forum in which comments and criticism of the apartheid regime could be tabled, new organisations and publications followed. One such an example was the Christian Institute, in which Beyers Naudé played a great part, and from which the international community could learn what was happening in South Africa. The Christian Institute made it possible to stimulate conversation, produce papers on relevant and taboo issues and learn how other denominations and religions thought about the apartheid regime. These organisations were the voice proclaiming at the door of the church and the state asking if what was being taught was truly humane (Naudé, 1964, p. 8; Naudé, 1966, pp. 4, 6; Jonker, 1962, pp. 1-59).

Like the DRC, the CCC had clergy and members who guided and misled the church. Many influential clergy can be named in the history of the CCC but it is the way in which Catholic clergy were managed that needs to be underscored. The Vatican has the prerogative to place and remove clergy as they see fit. During the oppression in Chile under numerous regimes, the Vatican removed and replaced clergy in order to better serve Catholic ideals (Fleet and Smith, 1997, pp. 50-52; Fleet & Smith, 1997, p. 37).

One of the CCC's greatest contributions to the transitional justice process in Chile was the managing of numerous organisations and activities that served the greater society. Laity served in these organisations and participated in these activities, but very seldom took part in their governance. The CCC called specific clergy to specific dioceses in order to maintain a firm hold on the running of events. One such an example dates from 1982, when Archbishop Juan Francisco Fresno (Brown, 1985, pp. 537-538) replaced Cardinal Henríquez, steering the CCC in a new course. Archbishop Fresno (see Mullan, 2004) played a mediating role between opposition parties, where Cardinal Henríquez had a more aggressive, oppositional approach to the regime. Without his mediation there would not have been a force strong enough to oppose Pinochet. Through mediation, the National Accord came to be; this document was a broad consensus between opposition parties (Manuel, Reardon, Wilcox, 2007, pp. 91-94). This accord made the opposition noticeable. Some of the most noteworthy organisations are as follows:

- *Comité Pro Paz* - The Catholic Church established the *Comité Pro Paz* (CPP) in 1973, after it became evident that Pinochet's reign would not be short-lived. This ecumenical organisation was the protector of the *Agrupación de Familiares de Detenidos Desaparecidos* (AFDD) and *Agrupación de Familiares de Ejecutados Políticos* (AFEP), organisations that assisted Chileans suffering under the Pinochet regime. In January 1976 the CPP was replaced by *Vicaría de la Solidaridad* (Barahona de Brito, 1997, p. 113; Torrens, 1989, pp. 270-271).
- *Vicaría de Solidaridad* - The *Vicaría de Solidaridad* was one of the Catholic Church's greatest movements against the Pinochet government. Cardinal Henríquez (see GIC^a, 1999, pp. 93-94) called the *Vicaría* to life in order to protect human-rights organisations, collect data relating to human-rights violations, offer support for families of those mistreated under the government and the channelling of international financial aid (Quigley, 2002, p. 12-15). The gathering and protection of information regarding the accounts of human-rights violations made the *Vicaría* and thus the Catholic Church one of the major role players in the design and functioning of a transitional justice program. It was through the mediating role of the *Vicaría* that human rights became the focal point of the Christian Democratic

Party (Barahona de Brito, 1997, p. 118). The *Vicaría de Solidaridad* (Aguilar, 2003, pp. 726-728) was an easily accessible structure with offices in 58 of the 63 provinces, opening its doors to members of any political affiliation. The *Vicaría de Solidaridad* was the base of a number of aid organisations, which Chileans could reach through the *Vicaría's* offices. In funding these organisations, the *Vicaría* played an enormous role, channelling an estimate of US\$91,503,777 of which only US\$2,872,817 was from local funds. The international community had an accountable structure in the Catholic Church who administered the funds to make a tremendous difference from national legislative level to local sustenance needs (Smith, 1979, p.113).

Members of the CCC associated in different ways with the above mentioned organisations, supported these organisations in distinct ways and did not necessarily share the same convictions regarding the involvement of the CCC in the country's social situation.

Practising and cultural Catholics - The CCC did not enter the arena of national politics blindfolded, but was guided by the practising Catholics who influenced the Episcopal Conference in its reactions to the Pinochet regime. It was the practising Catholics who guided bishops in their call for a return to democratic rule long before any opposition existed that could take on this role. On a local level, the practising Catholics consisted of 'sacramentalists' and the 'organisationists'. Combined, these two groups represented approximately 30 percent of Catholic members, one of the reasons the Vatican moved to depoliticise the CCC. Sacramentalists were those members taking part in the sacraments and other rituals on a weekly basis, but did not take part in any organisational agencies. The organisationists were those members who went beyond the spiritual to incorporate social aspects. Organisationists took part in strikes, demonstrations, ran feeding schemes as well as presenting programmes and initiatives to show the regime's atrocities and to keep the public informed (see Silva, 1991).

CCC agencies and church sponsored organisations prepared Catholic citizens, who played an important role in Chile's transition on both national and local level. These cultural Catholics' experience in the Catholic Church structure gave them a better

appreciation for freedom, human rights and dignity, community and solidarity. A second advantage the Catholic Church experience gave cultural Catholics was the skill needed to work with Catholic elites, meaning that cultural Catholics could extend trust or make concessions with greater confidence as the elite were creating the new political climate. The CCC's support for democracy resurfaced in key junctures right through until the 1988 plebiscite, thus playing a great part in bridging gaps between opposition groups and easing anxieties of former regime supporters beginning to look beyond Pinochet (Fleet and Smith, 1997, p. 158).

3.2 Asylum and expulsion in the church

Through their support for apartheid, the DRC became a place where persons in favour of the regime found a home. From within the DRC, apartheid activists found divine motivation and sanctification. Thus the church became a place of asylum for all who thought society was to be governed by segregation and expelled all who did not agree.

It is not clear how many people and clergy left the DRC due to its apartheid support. There is no documentation regarding expulsions and it is possible that clergy resigned without the documentation of opposition to the church's regime support. This was the reply of the DRC archive.

After COPACHI helped gain asylum for members of the Movement of the Revolutionary Left (MIR) in 1975, the government pressured the sponsoring churches to disband the organisation, which they did, but Cardinal Henriques immediately answered with the forming of the *Vicaría de Solidaridad* in January of 1976 (Barahona de Brito, 1997, p. 113; Torrens, 1989, pp. 270-271).

Following the 1973 coup, leftist leaders and intellectuals found refuge in the Catholic Church and church sponsored organisations. From here these people contributed towards democracy by working in church organisations and publishing on the social and political context. Trade unionists and social activists were absorbed by Catholic Church sponsored organisations where they enjoyed a protective space and access to resources without

which they would not have survived psychologically or organisationally (Barahona de Brito, 1997, pp. 112-114; Barahona de Brito, 1997, pp. 115-116).

3.3 Ecclesial life

With the renunciation of apartheid ideology, a stable, ecclesial society came to a fall. Many members left the DRC with great pain, disillusionment, regret, resentment and distrust. In the end the DRC discredited its theology in such a way that regaining public trust seems almost unattainable (see NGKA, 2013).

It is clear that each context in which a church finds itself results in a very specific view of the church's calling within that context and members associate in different ways around this understanding. As was the case with the CCC during the Pinochet regime, two different groups, namely the Practising Chilean Catholics and the Cultural Chilean Catholics could be distinguished. Through the practising CCC members, the church influentially contributed skill and labour to government as well as formed a forceful base willing to take a stand for the convictions of the church. Within the group consisting of the cultural CCC members, the church created a space where non-Catholic and nominal Catholics could find a place of self-worth and discover value (see Silva, 1991).

3.4 Comparison

It is clear that the CCC felt all the hardships of the Pinochet regime and understood membership tension, disorientation and desperation during a time of uncertainty. What remains very clear throughout was that the CCC continued to promote an open door policy and endeavoured to serve the whole community. In the end, even though the CCC did experience times of triumph and times of disappointment, its theology of relief for the whole of society created a community which continued to believe in the doctrines of the church.

As discussed above, it must be reiterated that one of the reasons the CCC could maintain perspective was due to its international structure. The magnitude, abilities and possibilities of the CCC was amplified by this structure and made the CCC a greater organisation than

a merely local church. The CCC, being part of the international Roman Catholic Church, had the advantage of a structure vast enough to retain clergy who disagreed with the church's policy regarding the regime of the time. Clergy, being sympathetic towards the Pinochet government, could be moved without alienating them from the church. Key figures such as Cardinal Henríquez could easily be moved as the church saw fit. The vast structure of the Roman Catholic Church further facilitated the flow of funding, information and other support. Because of the vast international structure and support of the Roman Catholic Church, the Chilean Church did not have to fear for its existence in the face of a regime that might oppose it.

In the case of the DRC, a much smaller church, members of the clergy understood how vulnerable the church would be if the state took position against it. Clergy in the DRC saw in the continued existence of the church their own survival. The DRC did not possess the infrastructure or capacity to give the same scope to its clergy regarding occupation and personal preference. During the apartheid era, if clergy were not aligned with the DRC's policy on state-sanctioned apartheid, it meant that they had to distance themselves from the church and their livelihood. This was too great a threat and many clergy remained part of the stream because this was a way to support their families. Those clergy that opposed the apartheid regime had to leave the church, find a new community of believers and suffer alienation and resentment. Their families suffered and paid a great toll.

The CCC generated organisations, structures and support groups to help the people of Chile overcome the trauma of the regime. The church opened the human rights violation scene to the world. The DRC on the other hand reprimanded any organisation not aligned with the apartheid regime. Vacancies in the state were filled via association with the DRC and other secret organisations (Posel, 1991, p. 243). The church was very secretive regarding its relationship with the government. The flow of information and the media was controlled by the government. The DRC made use of underground organisations to further its ideals and strengthen its hand (see Ngcokovane, 1989). In Chile, clergy, organisations and programmes suffered numerous attacks as the government enforced its new *Dirección de Inteligencia Nacional* (DINA), but in answer to these attacks, the bishops issued ongoing statements calling for amnesty in favour of political exiles and denouncing

the government's harassment of clergy and continued refusal to provide information on missing persons (Aguilar, 2003, pp. 724-726; Fleet and Smith, 1997, p. 64).

Within this section, it is apparent that the CCC used its clergy, programmes and organisational structure to disclose the Chilean situation to the international community, to facilitate aid and its responsible management, to stimulate debate, to support the suffering community and to keep clergy safe within the church, although they might have different opinions. The DRC, on the other hand, blocked the flow of information, alienated clergy that did not agree with the regime, made use of secret organisations to influence the public sphere, took part in the appointment of people in influential positions and refrained from taking part in too much debate regarding their policy and actions.

The difference between the DRC and the CCC lies with the ability of the Roman Catholic Church, being international in scope, to move clergy within the system. The Roman Catholic Church could move influential clergy into prominent positions within the church without great effort. The Roman Catholic Church could draw on an international skill set to facilitate church-related projects. The DRC alienated clergy such as Beyers Naude who did not agree with the church's political policy.

Religion, and its crystallization in the various churches, denominations and theologies, played out in a context where the believers or practitioners were fully engulfed by what was happening in society around them. Religious people interpret and understand their religion from within a context that gives formation to paradigms. De Gruchy (1986^b, 233) points out that the sociological context will have an effect on a religious group's understanding of ecumenism, the way religious material are understood and the course religious debates regarding society will follow. De Gruchy highlights how the struggle against apartheid in South Africa did not remain a church-state struggle, but resulted in an internal struggle as well, as these different paradigms and the result of their application influenced thinking about society.

Theology answers to the situations and challenges of society in many different ways. Depending on the given situation, a certain theological concept or structure may develop to address this. In facing a new threat, theology can also develop a new form of application if needed. When examining the situation in South Africa during the apartheid years, one

can see how this influenced the type of theology that was more generally practised and the methods more commonly utilised in the field of theology. De Gruchy (1993, 201-210) highlights the different theological schools achieving precedence as: a.) confessional theology; b.) black theology; c.) African theology; d.) prophetic theology; and e.) feminist theology.

4. Official positions

4.1 Church policies and teachings

A major theological preconception of the Afrikaners resulted in the notion of a race apart from other races and not a race among other races. T. Salemink and B. van Dijk (1989, p. 11-12) write:

Na de Grote Trek is het theologisch racism vooral de afspiegeling van een superioriteitsgeloof van de boeren, in hun dubbel strijd tegen de oorspronkelijke bevolking en tegen de liberale Engelsen. [After the Great Trek, racist theology was the result of a superior faith complex by the Boere/Afrikaners, due to their double struggle against the native people and the liberal British.]

The principle of a faith superior to all others became the reference point from which all other theological, political, social and economic issues would be judged. This idea of superiority spilled over into the conviction that the Afrikaners were a nation called through God's election and predestined. Ritner (1971, pp. 27-28) writes:

The trekking boers thought of themselves as a new Israel being led as the pastoral children of Abraham in search of prosperity and peace, or as the followers of Moses going to a promised land. The British played the role of Pharaoh, the blacks were the children of Ham who were cursed by God, and were to be treated like Canaanites. They assumed the Providence of God and had a powerful trust in His leadership as long as they remained faithful to Him and kept His covenant. The notion of being a chosen people became the dominant motif of the Trek.

One of the earliest policies, guided by the superiority of the Afrikaner, within the DRC, must have been the decision to work among and support the poor white people (Coetzee, 2010, pp. 31-33). This policy guided DRC social activities, fuelled the DRC's policy of segregation and kept most of the DRC's members content (Ritner, 1971, pp. 101-103). One of the greatest dangers in the DRC's journey with apartheid occurred when the policy of apartheid became an ideology and pseudo-gospel. The Afrikaner people and members of the DRC believed that the only way to salvation and sanctification of the Afrikaner was through race segregation (Engelbrecht, 1968, pp. 1-2; Ritner, 1971, pp. 144-145). Thus, this ideology became more than a social structure, it became the way in which people viewed their very existence, their value, their salvation and their eternal future.

At first, apartheid was a form of practical segregation in order to retain and protect racial identity (Ritner, 1971, p. 140-143; Coetzee, 2010, pp. 31-33). This policy developed from a fear of Afrikaner extinction. The *Volkskongres* of 1944 stated that the only answer to the imminent threat was a policy of total territorial separation (Ritner, 1971, pp. 147-148).

As the years progressed and apartheid ideology became more prominent in society and in the DRC, local and international criticism encouraged the need to express apartheid in a much more formal, dogmatic and confessional manner. The necessity for apartheid's justification then opened the way for the development of a Scriptural grounding of apartheid ideology. Understanding their nature and identity in light of the Scriptures and Reformed tradition, the DRC knew they would have to support apartheid with Scripture for it to have any enduring credibility and authority. The first such attempt was made in 1947 when the following Scriptures were acknowledged as giving evidence of apartheid: Mandatory separation between cultural groups were derived from Genesis 1:28 and 9:1 and Acts 17:26; this interpretation was brought closer to home when Genesis 11:1-9 and Acts 2:6,8,11 were used to explain how God called different nations with their own language, history, Bible and church, as was the case in South Africa. Geographical segregation was derived from Genesis 11 and 15:19, Amos 11 and Acts 17:26 and Philippians 3:4f was used to delineate the general outline of apartheid (ASK, 2007, pp. 6-9; Coetzee, 2010, pp. 38-40).

Now the DRC members and the Afrikaner nation had something to live and die by. The extent of apartheid policy in society and in the DRC can be detected in the words of Roelf Meyer, during a publication in *Pro Veritate* 1973, where Meyer states:

Laat ons ons waaragtig voor God verootmoedig en tot Christus bekeer, vanaf ons Blanke koninkryk, wat ten koste van die Swartman opgerig word, en Sy Koninkryk in Suid-Afrika bevorder (Meyer, 1973^b, p. 25).

Focusing on racial moves in the political arena, the DRC did have criticism on the Hertzog *Naturelle-wetsontwerp*, however it became evident during the interdenominational conference of 1926 that the DRC was comfortable with separation when the conference stated that racial separation was not opposed to Christianity as long as no discrimination existed (Du Plessis, 1939, pp. 27-30). On the action of the state forming its own commission for native affairs, the DRC called for a unified declaration by the four synods through the *Federale Raad* on the church's understanding and responsibility regarding the native people. The *Sendingbeleid* (Mission statement) of 1935 developed and outlined the way in which the DRC would handle native affairs and develop further thought regarding native relations. The *Sendingbeleid* (Mission statement) shows how the DRC reflected on its responsibility from the conviction that segregation was acceptable (Crafford, 1982, p. 465). It is clear that the DRC did not regard the native people as part of the same community, but as a distantly removed mission field that should be Christianized and then transformed to understand religion and worship as was acceptable in the DRC tradition.

The DRC's policies supporting segregation and later apartheid escalated to the point where the DRC formally requested the Smuts government and the later National Party government to pass specific laws aiding the church's social prerogative. After the Smuts government did not adhere to the DRC requests, a shift in political power took place and the National Party, sympathetic to the DRC, gave immediate attention to the concerns of the DRC (Engelbrecht, 1966, pp. 1-2). Many of the DRC positions became national law through its relationship with the National Party. The DRC had racial segregation at the core of its policies and teaching. Reacting to an aspect of the general society where races could intertwine, the DRC developed official standpoints. Areas such as mixed marriages,

joint worship services, housing and land ownership, labour, education, governmental representation and voting privileges were governed by means of segregation (Horrell, 1971, pp. 9-12, 13-26, 26-28, 35-45, 57-63, 64-72, 85; ASK, 2007, p. 10).

Finally, the DRC understood that no policy would stand firm and endure if not taught from the Word of God. The first such attempt came in 1947 when Scriptural proof was accepted by the DRC sanctifying apartheid (ASK, 2007, pp. 6-9). Segregation and later apartheid was qualified on the level of: a.) cultural separation as mandated by God (Genesis 1:28; 9:1 and Acts 17:26); b.) God calling different nations with their own language, history, Bible and church (Genesis 11:1-9 and Acts 2:6,8,11); c.) God allocating geographical areas to each nation (Genesis 11, 15:19, Amos 11 and Acts 17:26), and d.) guidelines for national apartheid (Philippians 3:4f) (ASK, 2007, pp. 6-9). Racial differentiation was seen as a divine creation act (Du Preez, 1955, p. 21).

During the 1950s and 1960s, the CCC focused on Catholic social teachings, administering mass and concentrating on basic beliefs (Fleet & Smith, 1997, pp. 49-50). The period 1962-1967 saw the second Vatican Council's endorsement for a larger number of laity in its ministries, decentralization of the CCC and a greater emphasis on actions aimed at achieving justice (Fleet and Smith, 1997, pp. 50-52). After 1967 and into the 1970s, the CCC had a policy of nonpartisan, moral tutors, focusing on democratic institutions and methods of nonviolent conflict resolution. Issues such as housing, education and employment were on the agenda of the CCC (Fleet and Smith, 1997, pp. 54-55). The CCC suffered polarisation due to political rebels attempting to shift church weight behind political agendas, but the CCC could regain credibility due to the policy of political neutrality it had in place (Fleet and Smith, 1997, pp. 40-41).

During the transition from the Allende government to the Pinochet dictatorship, the CCC experienced a time of turmoil. Tensions escalated between the policy dictating that no political party represented the CCC and that any member of the CCC may associate with whichever party they supported, without concern for clerics who were still sympathetic towards and had ties to the different regimes. These ties and sympathies gave congregational activities and clerical teachings a very specific political flavour (Fleet and Smith, 1997, p. 115). In an attempt to aid this problem, the Vatican replaced pro-

conservative clergy with clergy favouring a liberal presence (Fleet and Smith, 1997, p. 37). Catholic bishops and clergy played an important role in commenting on the regime of the time, maintaining social intervention and mediating between opposition forces. Pastoral letters such as *Reconciliation in Chile* were published by the bishops in order to inform the community, international and local, as well as being an opposition voice the Pinochet regime had to take note of (Fleet and Smith, 1997, pp. 60-61).

Cardinal Raúl Silva Henríquez became the leading voice during the Pinochet regime, calling for the restoration of democratic rule. He was the founder of many organisations to address social and political atrocities of which the *Vicaría de Solidaridad* was the best known. At its peak, the *Vicaría* employed between 350 and 400 administrators, lawyers, doctors and social workers (Aguilar, 2003, pp. 715-731). The *Vicaría* was also responsible for the administration of approximately US\$ 91,503,777 non-state aid. Cardinal Henríques did not limit his work to the Catholic Church, but called on ecumenical bodies together with leaders from different faiths. The Cooperative Committee for Peace in Chile (COPACHI) was one such an organisation and later dissolved into the *Vicaría* (Barahona de Brito, 1997, p. 113; Torrens, 1989, pp. 270-271).

During the years between the coup in 1973 to the elections of 1988, the teachings of the bishops evolved through different stages. From 1973 to 1976, the CCC condemned the bloodshed and called for citizens to cooperate. At first, the CCC saw the Pinochet government as the answer to a prayer (Aman, 1988, p. 767). From 1976 to 1982, the CCC became more public in their criticism of the Pinochet government. The CCC was a major partner in supplying social services and relief programmes during the Pinochet regime (Aguilar, 2003, pp. 712-714). The leaders of the CCC influenced the focus and delivery of the bishops' teachings. At first the bishops taught on political opposition and the atrocities of the regime, in such a way that the Catholic Church became an adversary of the Pinochet government. Later the teaching commented on moral violations, but with a much greater traditional and episcopal focus (Fleet and Smith, 1997, pp 138-139; see Silva, 1991).

The progressive criticism of the Pinochet regime made pro-regime Catholics angry because the church was compromising the doctrine that members of the Catholic Church may associate with any political group. During the period from 1982 to 1989, Rome took

note of tensions within the CCC and began forcing the church to retreat from political opposition to social support, mediation and working for church unity (Fleet & Smith, 1997, p. 115). Later, Rome became the place where Chilean exiles and bishops could meet and strategize regarding the way forward in Chile (Fleet and Smith, 1997, p. 116). The visit of Pope John Paul II, in April 1987, brought the Vatican's support for the social struggle in Chile home. Many Catholics, torn by the church's politicizing experienced a renewed Catholic consciousness (Fleet and Smith, 1997, p. 166).

4.2 Church publications and archives

The DRC published their development of segregation, apartheid thought and the apartheid ideology widely, and so formulated a public image and opinion of why the apartheid course of action was taken and how this process would be in the interest of church members and Afrikaners. Publications such as *Koers in die krisis* (Part 1 - 1935, part II – 1940, part III – 1941) and *Die Gereformeerde Vaandel* – 1933 developed the idea of segregation and apartheid, finally providing Scriptural grounding and official approval in the publication *Ras, Volk en Nasie* – 1974 (AS, 1974; Ngcokovane, 1989, p. 42). These publications found their way into the international community and became an important source from which criticism of apartheid dogma could be structured.

Op die Horison was the mouthpiece of the *Federale Sendingraad* (1942) in which apartheid thought and policy were communicated. *Die Kerkbode* was used to educate the DRC's members on the practical implications of the church's segregation theology. One such an article was published in *Die Kerkbode* after the plebiscite of 28 February 1947. It declared that representation of Indian people on the council of Durban could not be allowed because "heathens" should not be allowed to govern over the Christian Afrikaner. In 1982, *Die Kerkbode* used the idea of Israel's ordination as God's people (Deuteronomy 14:2) to interpret the Afrikaner's position in Africa as an instrument of the Calvinistic Christian faith and lifestyle (Coetzee, 2010, p. 50).

Although the DRC, with the aid of the apartheid regime, kept publications, the media and other communication outlets under strict control, publications opposing the apartheid regime and the DRC's apartheid theology saw the light, although only temporary. During

1960, a publication called *Vertraagde aksie* [Delayed Action] was published containing the collected criticisms of Marais, Keet and Pistorius. The Methodists called on the DRC to listen to this criticism, because it was in favour of the nation (Coetzee, 2010, pp. 315). *Pro Veritate* was another independent Christian monthly magazine in which reflections on the political climate were published. Although, they received countless condemnations, the editors of *Pro Veritate* kept on looking at the racial situation of South Africa in the light of the Word of God (Meyer, 1973^a, pp. 1-4).

One of the Catholic Church's most enduring contributions to the political arena and transformation process in Chile was through its literary output. The Catholic Church commented on social change, supported and criticized the government and reported on government misconduct through pastoral letters, official statements, compilations of various reports, social correspondence through the church newspapers *Solidaridad* and *Mesaje*, and recorded international aid, while giving the international community insights into what was happening in Chile through the CCC archive (Torrens, 1989, p. 271). The CCC became an unparalleled archive documenting state terror (Collins, 2009, p.3). Pope John Paul II, during his visit to Chile in 1987, made an official call to the Catholic Church in Chile to exploit, reclaim and gather information and facts concerning the social and political activities in Chile (Philpott, 2009, p. 193)

A number of pastoral letters commented on the situation in Chile. *Reconciliation in Chile* was the first pastoral letter published after the coup, lamenting the climate of insecurity and fear in the country and expressing concern over interrogations which included physical or moral constraints (Fleet and Smith, 1997, pp. 60-61). In 1982, another pastoral letter announced a shift in the Catholic Church approach to the political and social climate in Chile. The bishops acknowledged the damage of politicisation to the church and stipulated how the Catholic Church should depoliticise. Letters and statements from the Episcopal Conference reiterated the previous year's concerns, but with a greater focus on traditional religious and ecclesial themes (Fleet & Smith, 1997, p. 64).

4.3 Church involvement in national truth and reconciliation commissions

The Truth and Reconciliation Commission was the flagship of the South African transitional justice process. With a unique mandate to uncover truth and facilitate reconciliation, the commission also became an international affair. The dealings and effects of the Truth and Reconciliation Commission was followed globally.

During the Truth and Reconciliation Commission, the DRC tabled a report acknowledging its part in the implementation and promotion of the apartheid regime (FCH, 1997). In no other way did the DRC formally support or facilitate the Commission's work.

The National Commission on Truth and Reconciliation (CNCTR) was called into life by President Patricio Aylwin on 25 April 1990 (Philpott, 2009, p.193). The archives kept by the CCC became one of the greatest sources of data the commission exploited. The archives kept by the CCC became a valuable and trustworthy accountability partner to the alternative version of what happened, as declared by the Pinochet government. The CNCTR was the first body of its kind to receive a mandate not only to recover the truth of past atrocities but to search for potential strategies of national reconciliation. The committee interpreted this mandate as uncovering, researching and documenting the truth as closely as possible to facilitate reconciliation. The committee did not engage in strategic reconciliation planning or implementation of reconciliation projects (Chapman and van der Merwe, 2008, p.12).

4.4 A comparison

A comprehensive description of the developmental stages of the DRC and CCC in the era before the political transition and concomitant need for transitional justice, is clearly necessary. In particular, the situation that necessitated the period of transitional justice and the planning of that process, must be analysed by comparing the development of both denominations within their respective historic context. In the early Cape church, the only policy of separation was made on the grounds of faith. This was between the baptised and non-baptised, as well as the use of the Eucharist with other races. The moment a slave was baptised that person received freedom (Ritner, 1971, pp. 46-50). With the Great

Trek and the new seminary in Stellenbosch, theological attitudes changed (Ritner, 1971, p. 32-33; Coetzee, 2010, p. 15). Towards the end of the nineteenth century and well into the twentieth century, the DRC ministered to a people regarded itself in terms of religious superiority, racial predestination and a missional calling to “Dark Africa” (as stated in the 1935 Dutch Reformed Mission statement). It is apparent that the DRC privileged a specific racial group and from this perspective developed the policy and teaching that would best suit this group.

The CCC did not steer clear of party politics. Many clergy ministered and taught in such a way that support for a specific dispensation could be derived from their teachings, as the DRC did. Radical CCC members tried to use church authority to gain support. The DRC managed to rally membership support to such a level that a new political party, namely the National Party, could take over political rule and the church further intermingled with the state to such an extent that the church helped formulate legislation. Having the church promote a specific attitude could mean substantial support. Writing in the Chilean context, Aman makes the point:

The most attractive way to "use" religion is as a source of legitimation. Religion is of special value when political force requires legitimation since its statements are not verifiable, and for practical purposes not disputable. Obviously, if a regime can convince its citizens that God approves of, perhaps even has a stake in, a particular political system, it will have tremendous internal strength. (Aman, 1986, p. 460).

This was precisely what the DRC and the National Party managed to do, and what the Vatican managed to steer clear of with the policy that CCC members may associate with any political party as long as the party honoured the church. Easier said than done, at least this policy gave the CCC formal grounding to avoid and restrict political participation. The distinction between the DRC's and CCC's choices regarding party politics would later become a focal point of the transitional justice lens and one of the reasons why the two churches' transitional justice processes differed so greatly.

Over the course of apartheid history, the congregants of the DRC faced severe economic challenges, feared the possibility of cultural assimilation to colonial British and native

populations, were forced to compete in an unschooled labour market and attempted to manage a rapid urbanization rate. The church responded to these difficulties. A policy of Afrikaner development emerged. During the Pinochet oppression the CCC identified similar notions within the Chilean context, but reacted differently to them. The CCC supported an ecumenical policy and cooperated with other churches and religions in order to combat social dilemmas, thus steering clear of a notion of superiority. The CCC laboured to serve Chilean citizens who suffered under the regime of the time, in contrast to the DRC who worked for a single race suffering during the pre-apartheid regime. The DRC acted from a moral high ground of religious superiority and racial predestination, while the CCC served all who were willing to come to them for help. The CCC made their moral and juridical policies public and criticised regimes from that specific perspective. What became evident from the transitional justice lens is that both of these churches were concerned with their local context. It was in the identification and definition of the local context that the difference in focus developed.

Their belief that they were participating in their own exodus, on the way to their promised land, filled Afrikaners with determination and whatever opposed this vision was considered a violation of the will of God. To steer clear of any confrontation or racial assimilation, the policy of segregation was formulated. This policy was developed and implemented both in the church and in broader society. J.H.B. Serfontein (1982, p. 63) writes:

The policy of the Nederduits Gereformeerde Kerk towards racial and political matters reads like a blueprint of the policies of the National Party government.

With the belief that God predestined the Afrikaner and the DRC prophetically showing the way, a major issue developed in the DRC's policies and teaching: the pseudo-gospel status given to apartheid. This manner of sanctification, with the Afrikaner's view of being chosen as the Israelites of the Old Testament were elected, required a nation with the sense of a divine mission. As S.R. Ritner (1971, p. 151) concludes:

Thus, not surprisingly, the Afrikaner drive for self-preservation provided the impetus for the formulation of the apartheid concept. The issue was the

survival of Afrikanerdom, but Afrikanerdom physically and racially intact and unsullied.

All that was needed to demonstrate that racial differentiation was a Godly, creational act, and the Afrikaner a predestined race with a superior faith, was Scriptural support. Scripture was explored and proof was obtained that God intended cultural separation, called races to have their own language, history, Bible and church, allocated each race to specific geographical areas and gave an administrative plan to maintain separation. In the end, it may be concluded that both the CCC and the DRC responded with their policies and teachings to a suffering society. The DRC acted from a policy of religious superiority, racial predestination and a divine mission in order to safeguard its culture, future and faith. Policies and teachings were formulated accordingly and the DRC used the state to legitimate these policies and teachings. The CCC served a society stricken by dictatorship, poverty, kidnapping, and unfair dismissals, and taught on these very aspects. Although there were times when the separation of the CCC and the political sphere became blurred, it was swiftly rectified by the Vatican in order to keep the church out of the political sphere while ministering to society.

As is clear from the points mentioned above, both the CCC and the DRC understood the importance of the written word. Both parties used their official publications to instruct, caution and condemn.

During the political periods experienced by the respective countries, a difference between the two churches concerns the fact that the CCC used their publications to broadcast the Chilean situation to the entire world. Reporting on the actions of the Pinochet government, the local community as well as international audience were kept up to date on what happened and the Pinochet government managed to hide very little. The DRC, on the other hand, used its publications to promote the church's views and create support for the apartheid regime. The publications monitored the flow of information very carefully. The international community had very little to learn from the DRC's publications regarding the political situation of the country.

In the case of the CCC, the church promoted as many publications as possible to create a truthful account of what happened during the Pinochet years. The DRC limited publications, controlled information and kept as much information undivulged as possible.

During the time of transition the CCC's embrace of the non-judicial character of transitional justice became a great and reliable source of information regarding the actions of the Pinochet government when it came to the recollection and reconstruction of what happened during his reign. The CCC kept the Pinochet government accountable by listing its violations, describing atrocities, maintaining databases, recording interviews, publishing pastoral letters and recording as much as possible on paper. The DRC's publications, during the time of apartheid and transition, sketch a very blurred picture of the apartheid regime. Very little of what took place, such as the church's direct or indirect involvement and relationship with secret societies, can be gleaned from the church's publications and archives.

Fortunately, the turn of the apartheid tide was better documented and many of the letters, declarations and confessions surfaced where they could not be suppressed (see Kairos, 1986; see Serfontein, 1982, pp. 275-278; Smith, O'Brian Geldenhuys & Meiring, 1981; Du Toit et al., 2002, pp. 80-82). Other publications and churches created opportunities for DRC clergy who opposed the apartheid regime to state their case.

Had the DRC used its widespread membership to document, catalogue, collect and conserve information regarding the time of apartheid, we would have had a much clearer picture of how apartheid looked. In the end, given the position the DRC took in the apartheid regime, they operated in a manner thought most effective at that point in history.

In the aftermath of the oppressive political systems, in the process of transitional justice, the difference between the DRC and the CCC with reference to the commission reports, also affects the credibility of the different churches. Due to the fact that the CCC documented the Pinochet activities so thoroughly and made it known to the international community, the CCC became a trustworthy partner when it came to the processes of commissioning and writing the report. With regard to the DRC, the church's part in the apartheid regime jeopardised the church's ability to be part of initial transitional justice processes initiated by the government, discredited all clergy and documentation until the

truth could be established from outside the church. Although there were DRC clergy on the commission, they did not function in their capacity as DRC clergy.

This resulted in the DRC having no authority and so the church could not play a significant part in the entire process of the Truth and Reconciliation Commission, whereas the CCC gained credibility as institution and caretaker of the community.

5. Demands of transitional justice

From the evaluation between the DRC and the CCC, it is clear that both played a part in the juridical story of the countries in question's past. Whether religious organisation should even be a part of a country's juridical process, is not an apposite question. Given that both the DRC and CCC were involved in the local political and economic context, it must be asked how this past involvement affects the present. If this involvement is taken into account, do the two churches have a responsibility to the juridical nature of their context? Where do the boundaries of religious organisations lie when the juridical sphere of a society is considered and how does a religious organisation make amends for past wrongs? The focus given by the transitional justice lens highlights areas of obligation in the transitional justice process.

Having been part of the juridical sphere of a regime, the specific organisation has the responsibility to play a transitioning role within that domain. With specific reference to the DRC, because the church assisted the apartheid regime, its transitional focus should emerge from this area. For the DRC it is possible to play a constructive role in the juridical sphere of transitional justice by investigating a part to play in the following: a.) funding juridical processes; b.) taking part in restorative justice; c.) using its own resources in distributive justice; d.) motivating members to take an active part in the juridical responsibility South Africans citizens have in their society; e.) generating a better understanding of the implications of the church's actions on the juridical sphere of the past and the prolonged effects we experience now; and f.) publicly acknowledging juridical wrongs of the past. In light of the CCC it is clear how valuable church participation can be within an oppressive system, while taking part in the transition, but also after democratization has taken place. The CCC, although they also experienced times when

the boundaries between state and church became blurred, remained active agents for the welfare of an entire society. Promoting a society's juridical justice and not that of a specific group or religion allows the church to gain credibility, remaining accountable and bearing fruit. Thus the DRC still has an opportunity and an obligation to be accountable to society and a juridically active institution.

Continuously uncovering the truth of the apartheid past and placing it in the public domain, confers the ability to use that very truth to write a new juridical metanarrative. The DRC has the responsibility to uncover all the truths of all parties affected by the church's part in the apartheid regime.

In the methodological section, this study demonstrated that the non-judicial sphere of transitional justice poses difficulties of identification and demarcation. This is also a process that may take a long time to complete. Within this sphere, the transitional justice processes focus more on the reformation of education, memorialisation and cultural sensitivity (Gready, 2008, pp. 41-42; Inazu, 2009, p. 310-312). Within this sphere, transitional justice works with themes closely associated with the core of the Christian faith and so relevant to the DRC. Concepts such as reconciliation, forgiveness, truth, healing, memorialisation, culture, context are concepts to which the church can bring decades of expertise. It is within this transitional justice sphere that the DRC must play a leading role.

The CCC played a significant part in the non-judicial aspect of transitional justice by capturing the stories of people suffering under the Pinochet government and so the CCC kept familial memories alive, gave martyrs reason to hope comforted families who had dead or missing loved ones. This helped to curb the course of hatred, as described by Inazu, in order for a new future to be written (Inazu, 2009, pp. 312-314). By using its international relationships, the CCC created a network of willing partners who took part in the restoration of a nation. Understanding the culture of the time and the specific context, the CCC could render social services that people needed. Clergy could minister to specific groups and tailor healing processes, reconciliation models, and opportunities of forgiveness to suit a society or specific group of people best. Making these services available to the whole public gave the CCC credibility, indicating that the church is serious

about the people, members and non-members. Thus the CCC worked to better Chilean society and so Chile as a whole.

The DRC has the opportunity to become a major transitional justice role player if the church fully understands, accepts and reacts to the non-judicial sphere of transitional justice. Taking note of the CCC, the DRC can play a major part in the following areas: a.) Listening, documenting and telling the stories of Afrikaner people who believed they served the state and their God honestly; b.) promoting responsible citizenship; c.) creating public memorabilia acknowledging the past and breaking from a wrongful path in order to communicate that it is possible to transform and once again have value in society; d.) actively taking part in the transformation of education, by whichever resource possible; e.) mobilizing members to start transformation within their communities, families and private home; f.) showing greater accountability towards other Christian churches in order to refrain from making the same mistakes as in the past; g.) develop relationships with other churches and religions with specific focus on what is better for the greater public; h.) communicating a much greater public awareness that societies activities does influence the church, the church do take it into account and allow itself to be influenced by societal events; and i.) taking personal accountability to facilitate the healing and reintegration of apartheid perpetrators into society.

The DRC now has the opportunity to take part in what Nelson Mandela confessed to the Free Ethiopian Church of Southern Africa during an address in 1982. Mandela applauded the Free Ethiopian Church of Southern Africa for their unparalleled contribution in the fight against apartheid. Although Mandela was well aware that he was not speaking about all the churches he had the following to say:

One thing that we must say unequivocally is that the church in South Africa cannot afford a retreat to the cosiness of the sanctuary tempting as it may be in these confusing and challenging times. The church in our country has no option but to join other agents of change and transformation in the difficult task of acting as a midwife to the birth of our democracy and acting as one of the institutions that will nurture and entrench it in our society' (Mandela, 1992).

6. Concluding remarks

The ties between the DRC and the CCC and their respective governments, date from the beginnings of both churches. During the DRC's early years state officials would take over church activities in the absence of clergy and the CCC experienced a situation in which the state dictated who would become office bearers.

Similar to initial church-state influence, a great chasm developed when church state relations were severed and the DRC chose to focus on the struggling ethnic group known as the Afrikaners, while the CCC chose to focus on the community, without favouring a specific ethnicity. This difference would give the CCC the ability to move within society, whereas the DRC's choice restricted it to the favour of one group and later the promotion of a single group's views. Both churches thus endeavoured to minister to the oppressed; the definition of what the 'oppressed' constituted, lay behind the difference in method and action between these two churches.

Regarding clergy and membership, once again similarities exist between the DRC and the CCC in that both churches supplied clergy and members to governmental positions. Both churches had influential governmental role players in their structure and took advice from them. Both churches experienced the loss of members who could not associate with the church's political views. The difference is that the CCC made use of these people and supplied office bearers in order to stop an oppressive regime, where the DRC did the same, but in order to support and uphold an oppressive regime. By the time the DRC decided to denounce apartheid, the structures supporting transition did not make use of the DRC as official institution, because the church's participation in apartheid had destroyed its credibility.

Furthermore, both churches developed organisations and bodies in order to more successfully accomplish its work. The *Federale Armsorgraad* and *Vicaría de Solidaridad* are examples of the respective churches developing and actively taking part in the social situation of its members. The difference becomes evident when it is taken into account that the DRC did this, for the most part, for the Afrikaner while the CCC did it for Chilean society.

It was with the official teachings and policies that the DRC had a much more officially enshrined position regarding the apartheid regime than the CCC had regarding Pinochet's junta. The CCC did reflect within pastoral letters and teachings of the bishops on the regime's activities of the day and the church policy about those activities, but never developed a theology around it. The DRC developed a theology so strong that it later developed into a pseudo-gospel. The church gave Biblical sanctification for the regime and later Afrikaners believed that salvation was only possible through segregation. The DRC supplied suggestions to legislation on numerous issues. This area of involvement was one which had the greatest and most devastating effect.

Considering publications and archive material, the CCC showed how the role of the church within this sphere made a groundbreaking difference. During numerous investigations, it would be the publications by the CCC and its archives, which created an alternate depiction of history from that maintained by Pinochet, which kept Pinochet accountable for much more than his administration acknowledged. The DRC, on the other hand, kept very little and recorded even less of existing relations during the apartheid regime. The value of the CCC documentation and the absence of the same in the DRC became evident during the NCTR and TRC hearings where the CCC played a valuable role in giving an accountable version of the past, as opposed to the DRC's tabling only a single report, reflecting very little on the apartheid era.

Thus it is clear that both churches in their onset had people and their nurture at heart. The choice of a single ethnic group against that of a society brought the difference in how the sincere actions, methods and ministry of the two churches finally differed and affected the part they were to play in transitional justice.

CHAPTER 6

The way forward: The continued need for enacting transitional justice in South Africa

1. Introduction

From the descriptive comparison in the previous chapters the study alerted to elements in the DRC's role in transitional justice. These are elements such as a.) memorialisation, collection and curations of historical data, b.) training in social and economic viability for the society by congregation members and pastoral care for members still struggling to cope with reconciliation and societal change. These elements are utilized to delineate the DRC future responsibility in the transitional justice process current in South Africa.

After twenty years of democracy in South Africa, transitional justice is still pointing out areas of apartheid misconduct. The DRC has in its nature as local church and supporter of the apartheid regime, the obligation to be part of transitional justice processes for as long as South African society is struggling with the ramifications of apartheid.

This chapter focuses on the decisions, policies and role of the DRC since the democratization of South Africa, based on parameters determined by the proposed working definition of transitional justice. As this study only focuses on the DRC as organisation constituted in the General Synod, only General Synod documentation will be scrutinized. Activities and programmes on regional, circuit and individual level will not come under study, but will only be mentioned where the General Synod gave assignment towards the broader structure of the DRC. The General Synod of 1986 denounced apartheid and the General Synod of 1990 reaffirmed the decision, but the focus will be on the General Synod of 1994, known as the General Synod of Reconciliation, where President Nelson Mandela addressed the general assembly. The final year of General Synod documents to be included is the General Synod of 2013, the most recent General Synod at time of study.

The sections in the General Synod document relating to the DRC's part in apartheid and transitional justice processes in the country at the time of each synod will be interpreted within the very same structure as the part the DRC played during the development, enactment and demise of the apartheid regime, these are: (1) external dynamics, (2) internal dynamics and (3) official positions. Finally these interpretations will be developed to suggest how and where the DRC should still take part in transitional justice. The interpretation will be developed in four different areas of responsibility to better highlight

the DRC General Synod's obligation towards the greater structure of the church and how the General Synod should serve the greater structure in transitional justice. The areas of responsibility are: (1) organisational responsibility, (2) structural responsibility, (3) member responsibility and (4) pastoral responsibility. Finally, the study will take note of the many challenges and difficulties the DRC will encounter when taking part in transitional justice. Understanding the pitfalls and challenges will give the DRC a better chance at developing successful processes and cultivate greater credibility within this sphere. In The General Synod of the DRC should be analysed within the hermeneutical frame used to explore the role of the DRC in the development, enactment and eventual demise of apartheid.

To achieve this, the same parameters defined by P. Pham and P. Vinck (2007), Arriaza and Roht-Arriaza (2008) regarding the requirements of transitional justice processes will be applied to this section. First, the local context remains that of the DRC and the church's role in South Africa. Second, the literature in the official publications of the General Synod's minutes will address the quantitative and qualitative need. Third, the church's own definitions of transitional justice concepts will be noted. Fourth, ways of exercising transitional justice will be examined, and fifth and finally, the limitations within the General Synod's description and handling of transitional justice must be mentioned.

2. Post-apartheid positions

2.1 Kerk en Samelewing

This document originated at the 1986 General Synod and was the newly official statement of the DRC on its stance towards the apartheid regime. The document would be revised at the 1990 General Synod and presented as the final policy of the DRC's new course in light of racial actions within South Africa. In order to understand the choices the DRC made towards transitional justice, closer evaluation of this document is needed.

The General Synod of the DRC compiled this document to communicate the theological change of course initiated during the General Synod of 1986. The major part of the document reflects on the new qualification of concepts needed to justify why the DRC should apologise for apartheid and thus had to make the course change. In the first

chapter the emphasis falls on: a.) the Word of God as the sole provider of guidance to the DRC, b.) understanding the unique nature of the church in Jesus Christ and how that affects the church's character and c.) understanding what the Work of God teaches regarding people and their relation with each other (KSA, 1990, pp. 1-32). The second chapter focuses on: a.) the DRC and the church context of South Africa; b.) the DRC and church membership; c.) the mission of the DRC within South Africa and d.) the DRC and society (KSA, 1990, pp. 33-46).

It is within the section referring to the DRC and its relation to society that the DRC tables its acknowledgement for the part played in apartheid.

Die Ned Geref Kerk erken egter dat hy te lank die beleid van apartheid op grond van bogenoemde oorwegings te abstrak en teoreties, en daar ook te onkrities beoordeel het. Die Ned Geref Kerk het nie genoegsaam oor daarvoor gehad dat apartheid as stelsel onder andere ook in sy stryd teen integrasie 'n ideologiese en etnosentriese basis gekry het nie. Die reg en vryheid om aan die eie kulturele erfenis getrou te bly, is tot 'n politieke ideologie van apartheid uitgebou as 'n sisteem vir die beskerming van die eie belange van die blanke minderheid ten koste van dié van andere. Liefde vir die eie het meermale die vorm van rassisme aangeneem en daaraan is wetlike en strukturele uitdrukkingsvorme gegee (KSA, 1990, p. 39). [The DRC acknowledges that he, for too long, judged the policy of apartheid on aforementioned reasons and therefore dealt with it in a too abstract and theoretical and thus too uncritical manner. The DRC did not give sufficient recognition to the fact that apartheid as policy, in its endeavour against integration, had developed into a political ideology and so developed an ethnocentric basis. The right and freedom to adhere to one's own cultural heritage, was developed into the ideology of apartheid as a system for the protection of the white minority, to the detriment of others. Love for one's own took on the form of racism and was given judicial and structural legitimization.]

The document *Kerk en Samelewing* further sheds light on the Biblical justification of apartheid by stating:

Terwyl die Ned Geref Kerk deur die jare ernstig en volhardend gesoek het na die wil van die Here in sy Woord vir ons samelewing, het die kerk gefouteer deur toe te laat dat gedwonge afsonderlikheid en skeiding van volke in sy kring selfs as 'n Bybelse eis gesien is. Die Ned Geref Kerk moes hom al baie vroeër duidelik van dié siening gedistansieer het, en erken en bely sy versuim (KSA, 1990, p. 39). [While the DRC, throughout the years, sincerely and with perseverance asked for the will of God in His Word regarding society, the church faltered by letting forced segregation and separation of ethnic groups be seen as a Biblically sanctified practice. The DRC should have, much earlier, distanced itself from such a policy and therefore acknowledge and confesses its disregard to do so.]

The final part of this specific section gives an indication to the new theological school of thought and how the DRC evaluates the social, economic and political situation in South Africa; this was at the time of publication in 1990. The document states as follows:

Die Ned Geref Kerk wil dit duidelik stel dat hy alle vorme van diskriminasie en die onderdrukking van mense veroordeel en van harte begeer dat almal vry sal wees, sal deel in die voorregte van hulle vaderland en billike en gelyke geleenthede sal ontvang om voorspoed en rykdom te verwerf (KSA, 1990, p. 40). [The DRC wants to state unreservedly that they condemn all forms of discrimination and suppression of people and from its essence desires that all men must be free, able to share in the privileges of their fatherland and receiving just and equal opportunities to gain prosperity and wealth.]

Kerk en Samelewing was the official position of the DRC transitioning from an apartheid supporting church towards a church working for the prosperity of the whole society. This can be seen as one of the greatest transitional justice processes within the DRC's own structure.

From the exploration of the General Synod document, it becomes apparent that the transition initiated during the General Synod of 1986 and crystallized in the publication of the final draft of *Kerk en Samelewing* [Church and Society] accepted at the 1990 General Synod was not easy.

2.2 *The General Synod of 1994*

The General Synod of 1990 tabled a report about the establishment of peace as a responsibility of the DRC in South Africa (HAS, 1990, p. 492). Following the report, the General Synod requested the *Algemene Kommissie vir Leer en Aktuele Sake* (AKLAS) [General commission on policy and relevant matters] to further develop the policy for the promotion of peace in South Africa and table it at the General Synod of 1994. In the agenda of the 1994 General Synod, the report, *Die Vredestaak van die Kerk* [The peace assignment of the church] was tabled (AAS, 1994, pp. 98-101).

The report used as background the responsibility of the church to preach the Biblical peace message of Jesus Christ, by being an example of peace and continued intercession for the authorities, all political parties and organisations. The persistent endeavour for peace consisted of: a.) continued preaching and pastoral care, aimed at achieving a holy lifestyle; b.) a call on all members to adhere to the commandment of love in praxis; c.) a warning to heed the danger of forgetting the responsibility to seek peace in times of political conflict; d.) a recommendation that the DRC should, at all times, state clearly that they did not identify with a specific political dispensation and e.) that more should be done to mobilize peace loving members into active peace making members (AAS, 1994, pp. 98-101).

The General Synod of 1994 reacted to this report by calling upon all ministers to minister to their congregants and proclaim the message of holy living and adherence to the brotherly love commandment. A second point was for all Christians in South Africa to repudiate a civil religion favouring groups and rather endeavour for a faith resulting from the Gospel of God's grace in Jesus Christ. In a third point, the General Synod called upon all members to refrain from any political thought which places one group above and to the detriment of another. Finally, the General Synod motivates all church boards and members to become part of the responsibility the church has to strive for peace, and to play a practical role in remedying the attitude between different ethnic groups in our country (AAS, 1994, p. 101).

During the General Synod meeting of 1994, the provisional AKLAS received two proposals regarding the transition in South Africa. The first was that the General Synod calls upon

AKLAS to speedily tend to the members of the DRC and give guidance regarding the political transition in South Africa so the church and its members may have better insight in this difficult process, and to play a greater renewing, reconciliational and rebuilding part (HAS, 1994, p. 377). This proposal was accepted and AKLAS was commissioned with the responsibility. The second proposal concerned the proposed truth commission. The General Synod once again asked for AKLAS to be given the responsibility to study the proposed Truth Commission and to act accordingly. AKLAS once again received the commission (HAS, 1994, p. 377).

In the decision register of the General Synod of 1994, the DRC gave the aforementioned proposals official sanction (HAS, 1994, p. 586, 596). Furthermore, the DRC reiterated its dedication to the declaration made in *Kerk en Samelewing* in 1990, which stated that the church is not allowed to propose political structures to the authorities, but will evaluate each in the light of Biblical norms (HAS, 1994, p. 587).

Clearly, the DRC had created for itself a place in the political transition of the country. The church made specific callings on the ministers, church boards and members regarding reconciliation in the country. Although there are no formal processes resulting from the report, the notion that the DRC must be active in the healing of the country, as well as producing a specific model of brotherly love as the attitude between ethnic groups, is obvious.

A shift in theological policy does not occur without criticism and confrontation. Within the DRC, this was especially clear from the criticism that followed the publication of *Kerk en Samelewing*. Although it is not the aim of the study to evaluate the criticism the DRC had to deal with during its political policy shift, it serves the purpose of the study to understand the hurdles involved when the DRC had to make choices regarding transitional justice.

Born from criticisms against the 1986 and 1990 versions of *Kerk en Samelewing* and the confession at Rustenburg, was the *Voortsettingskomitee* (VK) [Continuation committee], a committee functioning outside the organisation of the DRC. On 1 December 1990, a mass meeting in Pretoria took place where Rev. J.E. Potgieter, prof. P.J. Kleynhans and Dr A.P. Treurnicht reacted strongly against the confession of Rustenburg regarding the DRC and its apology for apartheid. As a result of this mass meeting, the VK was called

into being. After many failed conversations the General Synod's 'Algemene Sinodale Kommissie' (ASK) (General synod commission), decided to table a report of the VK in the agenda of the 1994 General Synod, with the view of acting according to the stipulations of the report. The memorandum supplied by the VK states that the theological presentation in *Kerk en Samelewing* (1986 and 1990) was unbalanced. Further questions arose about the theological grounding and Scriptural use in the two versions of *Kerk en Samelewing*. The memorandum further alluded to the many organisations and institutions created out of protest, of which the emergence of the Afrikaner Protestantse Kerk (APK) [Afrikaner Protestant Church] was the most painful. The APK was born on 27 June 1987 in Pretoria, and comprised mostly of angered DRC members. Finally the VK made the following proposals: a.) the General Synod acknowledges the unrest about the 1990 General Synod statement referring to apartheid and will give attention to this unrest in a responsible manner; b.) the General Synod decides to revise its decision regarding apartheid and the promotion of political models to the authorities as stipulated in *Kerk en Samelewing* (1990) and c.) the General Synod will clearly indicate if it still associates with the statement made in *Ras, Volk en Nasie* that a political model built on group-specific development regarding different ethnic groups can in principle be sanctified by Scripture, always governed by the ideal of brotherly love.

The General Synod of 1994 reacted to the memorandum of the VK in the following way: a.) the General Synod acknowledges the memorandum and thanks the VK for its supposed attitude of reconciliation within the memorandum; b.) the General Synod voices its regret about the persisting uncertainty, disappointment and disoriented attitude after the instatement of *Kerk en Samelewing* in 1986 and its amendment in 1990; c.) the General Synod is concerned about its angered members and wishes to walk a pastoral path in order to maintain them, but the General Synod also reiterates that *Kerk en Samelewing* is a Biblically just reflection on society and not a document that will be taken into revision continually, and d.) the General Synod calls upon the VK to reflect their policy regarding apartheid not only within its own meetings but to engage with other denominations in order to gain greater perspective (HAS, 1994, pp. 372-375, 578).

2.3 *The General Synod of 1998*

During the General Synod of 1998 AKLAS tabled its document, *Ned. Geref. Kerk en die oorgang na 'n nuwe Suid-Afrika* (DRC and the transition to a new South Africa) in answer to the commission received at the General Synod of 1994, to assist church boards and members in the difficult process of political transition present in South Africa. The report comprised twelve pages in summary and investigated a number of topics. It noted how evident the social transformation of South Africa was, with changes particularly occurring on the political level. This transformation would extend to all citizens and was aimed at meeting basic needs through job creation, land reformation, the development of human resources, economic development and the democratisation of the state. This democracy would be organised along liberal, non-racial lines. Mechanisms would be introduced to right the wrongs of the past, to achieve reconciliation and to gauge the depths of the moral crisis in South Africa.

The effects of this transition on the DRC was explored against the backdrop of increasing modernisation and secularisation, and the waning social influence of the DRC. The DRC was experiencing a loss of identity, legislation touching on public morality was liberal in nature, church members were negatively affected by affirmative action, and the church itself was declining financially. The DRC and its members faced a further challenge in the demand for the church to acknowledge its past while its ecumenical isolation was breaking down.

In addition, the report discussed the effect of this transformation on congregants of the DRC, referring to the pervasive negative attitude among members about the new South Africa. Members were withdrawing from public life, concentrating on their own culture instead. Social relationships with the DRC were weakening. Members experienced uncertainties over moral questions and social policies and were struggling with their personal Reformed identity, while the diversity among members was increasing.

A responsible approach to the new South Africa would require the DRC to have a clear sense of what it would mean to be a church of Christ in the new South Africa. The DRC should inspire its members to fulfil their Christian calling within the new South Africa. The DRC should equip its members to have a servant nature within the new South Africa. The

DRC must play its public witnessing role in a new and practical way (AAGA, 1998, p. 11-21).

In the minutes of the General Synod of 1998, the synod accepted the following recommendations regarding the above mentioned report. Their decisions consisted of the following: a.) the document will be circulated to churches in order to be utilized as a discussion document pastorally guiding members in the time of transition; b.) it is the choice of the DRC as first priority to be church of Jesus Christ; c.) the General Synod commits the DRC to continued service within society without appraisal of people; d.) the General Synod called upon its members to be serious about their Reformed faith, understanding that they should take action precisely where God placed them in society; e.) the General Synod calls upon members of the DRC to play a constructive role in the rebuilding of society; f.) the General Synod commissioned the *Algemene Kommissie vir Gemeentebediening* (AKG) to develop guidelines for the pastoral guidance of members who experience the transition in South Africa as negative; g.) the General Synod commissioned the ASK to develop methods through which the DRC could deliver public witnessing, and h.) the General Synod commissioned AKLAS to conduct a study regarding the inter-faith movement as is evident in South Africa in order to give guidance to regional synods concerning religious identity, positioning and witnessing of the church and its members in society (HAS, 1998, p. 518).

With the development of this statement and the decisions regarding the statements made by the General Synod, the scene for the DRC participation within the transitional justice processes in South Africa was set.

The second commission AKLAS received at the General Synod meeting of 1994 was to report on the proposed Truth Commission. Between the 1994 General Synod and the 1998 General Synod the internationally known Truth and Reconciliation Commission took place. The report developed by AKLAS was handed over to the ASK which acted accordingly. The ASK reported on its relation with the Truth and Reconciliation Commission as follows: a.) In April 1995 the ASK identified commissioners they thought should be part of the Truth and Reconciliation Commission of which none were chosen. Prof. P.G.J. Meiring, proposed by Dr Desmond Tutu, became part of the Truth and

Reconciliation Commission's committee taxed with reparation and rehabilitation. b.) The ASK calls for the commission to let truth triumph, called upon congregations to pastorally support those affected by the Truth and Reconciliation Commission's work, promised the ASK continued prayer and communicated their disappointment because almost no members of the Afrikaner church community were represented on the Truth and Reconciliation Commission. c.) The ASK, after many deliberations, decided in October 1996 not to make a presentation at the Truth and Reconciliation Commission, but did develop a document to reflect on the DRC's role in apartheid. This publication was called *Die Nederduits Gereformeerde Kerk se reis met apartheid, 1960-1994, 'n getuienis en 'n belydenis* [The DRC's journey with apartheid, 1960-1994, a witness and confession]. This document was put together by Dr Fritz Gaum and published in August 1997 by Hugenote publishers, Wellington. d.) In October 1997 the Truth and Reconciliation Commission formally called upon the DRC to appear at the commission's faith society hearings. The ASK decided to commission Dr Freek Swanepoel with the representation and speech mainly focusing on the church's reconciliational role and responsibility in the future (HAS, 1998, p. 23-24).

2.4 The General Synod of 2002

The AKG received a commission from the ASK at the 1998 General Synod to reflect upon a pastoral process to help church members who suffer with and are negative towards the political transitions within South Africa. This report, titled *Riglyne vir pastorale begeleiding aan lidmate wat ontwikkelinge in die huidige samelewing negatief ervaar* (AAS, 2002, pp. 149-150) [guidelines for pastoral guidance to members who experience the developments in society negatively] was added to the Agenda of the General Synod of 2002. At this point it is important to look at the time that had passed since democratization in 1994 and the first official attempt to pastorally guide members. It is noteworthy that the DRC only reflected on a possible pastoral strategy after eight years, following the rupture of the church and the establishment of the APK. Clearly, the period of time that elapsed before the church developed a practical, workable policy, is far too great.

The AKG's report presents the following pastoral strategy: a) A narrative, pastoral perspective must be developed – according to this view, all people possess a 'story' and Christians mostly employ Biblical metaphors to relate their specific story. b) In telling their story, people should be enabled to rewrite their narrative in a manner that will promote faith development and transform their relationship with God. c) This process should be one of hermeneutics, in which the horizon of a person's particular story is placed over the Biblical narrative to develop a novel paradigm with new possibilities. The following themes can facilitate these conversations: telling one's own life's story, discussing the persons understanding of God, having conversations about the person's view of the church as the body of Christ, about the calling of the church, the person's own view of his/her identity and calling as believer, enquiring about the opportunities a new dispensation can have, using Biblical themes such as spiritual growth, repentance and sin, and discussing a person's normative conception of reality. (AAG, 2002, pp. 149-150). The General Synod of 2002 accepted the report and asked that it be circulated to regional synods, circuits and congregations as fast as possible (AAG, 2002, pp. 150).

The General Synod of 2002 acted upon its prophetic calling and thanked the government for the way in which they handled the land reformation and calls upon the greater DRC to, where possible, take part in the land transformation by giving of their own surplus (HAS, 2002, pp. 549-550). A further prophetic reflection came on the church-state relationship where the General Synod of 2002 declared the democracy like any other political model is fallible, can't be uplifted to infallibility, acknowledges the advantages of a liberal democracy and calls members to participation as citizens (HAS, 2002, pp. 550-551).

Noticeably within this General Synod, the Truth and Reconciliation Commission and the topic of apartheid were not specific points on the agenda. The impression given is that the DRC dealt with these issues and that they are part of a history now left behind. In the General Synod's commentary regarding land reformation and the church-state relation the DRC seemingly took up its obligation to be a prophetic voice.

2.5 The General Synod of 2004

In the minutes of the General Synod meeting of 2004, under the heading *Nuwe Staatkundige Bedeling* [New Political Regime] the DRC again commits itself to take part, from a biblical vantage point, in the public discourse aiming towards a better life for all in South Africa. Further the DRC sees itself as the first to model biblical values as citizens of South Africa. The DRC used its new interpretation of Biblical values as the rationale for a more inclusive approach to South African diversity. It is the opinion of the General Synod that a shared Christian vision is needed for effective and responsible participation of the church in social issues. The DRC accepts the charter of Human Rights as stipulated by the Constitution of South Africa, in accordance with Biblical principles. However, the interpretation and application of the Human Rights charter would be subject to a Biblical framework of ethics. The General Synod will endeavour to work with local and provincial legislators as closely as possible and confirms that moral regeneration is only possible in Jesus Christ. Finally the General Synod commissioned a study to help members understand and act as responsible citizens of South Africa (NAS, 2004, pp. 10-11).

In the minutes of the General Synod of 2004, the DRC once again examined land reform and thanked the state for the way in which they dealt with land reform. The General Synod called on congregations to play a pastoral role so that issues of land reform can be dealt with responsibly. The General Synod commissioned AKLAS to prepare a report on the contextual theology of land and land ownership (NAS, 2004, p. 18).

The Truth and Reconciliation Commission reports were noted at the General Synod of 2004. The General Synod called upon the *Algemene Diensgroep Leiers* (ADL) (General Service group leaders) in partnership with ecumenical partners to study the report and make recommendations about what the report requires. The General Synod called upon all congregants to become part of the Arts and Reconciliation Festival in March 2005.

2.6 The General Synod of 2007

During the General Synod of 2007, the DRC again discussed the land reformation act and its implementation in South Africa. The General Synod took the following decisions

regarding land reformation: a.) As stated during the General Synod of 2002, the DRC is in favour of land reform; b.) the General Synod thanks farmers for the role they play in the food, labour and housing sector, as well as the stability they bring to the rural areas; c.) the General Synod is concerned about the number of land reformation projects that did not deliver productive/profitable outcomes; d.) the General Synod calls on the government to swiftly finalize land reformation and to implement just governance in order for the transformation to be effective; e.) the General Synod calls on the government to spare no effort in the safety and security issues experienced on farms; f.) the General Synod called on congregations to play a pastoral role between people and communities so as to foster a society of acceptance, respect and reconciliation; g.) the General Synod decided to pray for people who suffer because of land reform and the security issue on farms and h.) the General Synod commissioned the *Taakspan: Grond- en Landelike Hervorming* (Team for land and rural reform), in partnership with ecumenical bodies, to work jointly on this effort (HAS, 2007, p. 100)

In the General Synod of 2007, specific mention was made of economic need and justice in South Africa, in a report titled *Nood en Genesing* (need and healing) (AAS, 2007, pp. 358-380). Part of this report was a study group responsible for examining economic viability, who tabled their findings under the title *Profesie oor Profyt* (Prophecy about profit) (see AAS, 2007, pp. 360-370). The General Synod made the following decisions: a.) the General Synod acknowledges that economic globalization has done very little to help the poor and might even have had the effect of increasing the divide between rich and poor; b.) the General Synod is saddened by the cutting of funding in the social welfare sphere of the country and c.) the General Synod is critical towards the increasing consumer mentality in society (HAS, 2007, pp. 112-114).

In the report *Profesie oor Profyt* mention is made of the different areas in which the DRC is active, regarding social economic transformation (AAG, 2007, pp. 364-366). The question should be raised whether the DRC's part in the following areas are part of the church's effort to be active in transitional justice, while seeing the areas as outcomes of previous misconduct from which a transition should be made, or whether the church regards the issues as a result of current economic tendencies, thus not being part of transitional justice, but part of the church's own conviction to help those in need.

Nevertheless, the areas of participation will be noted and are as follows: a.) the DRC as an official part in the welfare structure of the country. Approximately R600 million are channelled through the DRC of which only 20% are state subsidies, and b.) the *Parlementêre Lessenaar* [the Parliamentary desk]. This allows churches to take part in the development of legislation of the National government (AAG, 2007, pp. 364-366).

2.7 The General Synod of 2011

During the General Synod of 2011, the meeting took note of the great lack of reconciliation still evident in the South African context and calls on all the ministries of the church to make reconciliation a greater focus of their work (HAS, 2011, p. 107).

Once again the General Synod reflects on land reform and commits itself to the following: a.) the General Synod agrees that land reform is needed; b.) the General Synod thanks its members in the farming community who made great psychological and political paradigm shifts in order to contribute to the land reform of the country; c.) the General Synod calls upon government to enact a revised land reform act in favour of all participatory parties; d.) the General Synod commits itself to keep the state accountable to reconciliatory justice in all state practices; e.) the General Synod is not convinced that the repossession of agricultural land will change the economic situation of the poor and f.) the General Synod called upon the church at large to pray for land reform in the country (HAS, 2011, p. 107-108).

2.8 The General Synod of 2013

The General Synod of 2013 brought the whole issue of apartheid and reconciliation back to the table of the DRC. The General Synod commented on the notion that a great deal of church members were still upset about apartheid, the transition within the country and the part the DRC played within this context. The report titled *Die NG Kerk en Apartheid* (the DRC and apartheid) (see AAG, 2013, pp. 249-251) originated during the regional synod meeting of West and Southern Cape in 2007 at Goudini. A group of DRC members stated that the DRC apologized to the world for its part in apartheid, but not yet to its own

members. Responding to this grievance, the executive committee of the Wes- en Suid-Kaapland regional synod developed the specific report and later sent it to the executive committee of the General Synod and so it came to be part of the Agenda of the General Synod of 2013. The document reflects on the following aspects: a.) the DRC already confessed its part in apartheid and acknowledges that the effects of apartheid are still present in South Africa; b.) after stating that the DRC already apologized to the previously disadvantaged due to apartheid the focus falls on those presumed to be the people benefitting from apartheid. The document recognizes that:

- *Terwyl die kerk bewus is daarvan dat bevoordeling van blankes groot afmetings aangeneem het, is ons ook onder die indruk daarvan dat daar 'n groot skadukant aan hierdie bevoordeling was. Die bevoorregtes van apartheid se beskouinge oor mense, asook hulle verwagtinge ten opsigte van 'n sekere lewenspeil het destyds toenemend geskoei geraak op die ongelykhede, ongeregtheid en bevoordeling wat gepaardgegaan het met die politieke bedeling van apartheid. 'n Sondige meerderwaardigheid is in baie gevalle gekweek en versterk. In vele situasies is daar sonde gedoen deur die miskenning, vernedering en misbruik van mense. Die sondaars het daarin gely dat hulle skuldig was voor God. Baie mense het ook na die ontbloting van hierdie vergrype met diep skuldgevoelens en vernedering geworstel. Mense verkeer ook steeds in innerlike stryd om aan hulle rassevooroordele te ontkom. Diepgewortelde rassevooroordele en agterdog maak dit ook vir baie mense uiters moeilik om aan te pas in die nuwe demokratiese bedeling* (AAS, 2013, p. 249) [While the church is deeply under the impression that white people benefited greatly during apartheid, the church also acknowledges a shadow-side to this privilege. The beneficiaries of apartheid's view of humanity, as well as their expectations of a certain lifestyle were increasingly developed around injustice, unfair privilege and irregularity associated with the political dispensation of apartheid. A sinful superiority was cultivated and strengthened in many instances. Many sinful deeds were conducted through misconduct, humiliation and disregard of people. The sinners

suffered in that they now stand guilty before God. Many people, after the uncovering of the misconduct, struggled with feelings of guilt and humiliation. Many people still are in great inner turmoil about abandoning their racial preferences. Deep rooted racial prejudices and suspicion are the results of people struggling to fit into the new democratic dispensation.]

- *Baie lidmate is vanweë hulle ontnugtering met die NG Kerk se teologiese onderskrywing van apartheid van hulle kerk, en dus hulle geestelike tuiste, vervreem. Baie lidmate het selfs in diep geloofskrisisse beland. Die dwaling van die kerk het dus ernstige negatiewe gevolge ingehou vir mense se verhouding met God, vir gelowiges se verbondenheid aan die geloofsgemeenskap en vir die geloofwaardigheid van die Evangelie* (AAS, 2013, p. 249); [Many church members are, because of their disillusionment with the DRC's theological policy of apartheid, alienated from their church and spiritual home. Many members developed crises of faith. The heresy of the church had serious negative repercussions for the people's relationship with God, for believers' relation to the community of believers and for the credibility of the Gospel.]

c.) forced military service greatly affected white males, and had the result that men could not develop careers, which in turn had disastrous results on an economic, spiritual and emotional level. Reflecting on the trauma of forced military service the report stated:

Die trauma, ontberinge, blootstelling en verliese wat gepaardgegaan het met die opleiding en operasionele ontplooiing van soldate, strek veel verder as wat ooit bereken kan word. Ten spyte van die werklikheid dat daar ook positiewe verhale en uitkomst in mense se lewens binne hierdie geskiedenis was, is die kerk deeglik bewus van die verreikende skadelike gevolge van hierdie stelsel (AAS, 2013, p. 249); [The trauma, anguish, exposure and loss that accompanied training and operational deployment of soldiers, stretches further than can ever be determined. Despite the reality that there are positive stories and results within people's lives concerned with this part of history, the church is acutely conscious of the diverse damages the system brought.]

d.) the church recognises that during the deconstruction of apartheid and the democratization of the country many people who were the previous beneficiaries of apartheid struggled and suffered because of what was done wrong during the previous regime. The church acknowledges that although justification should take place, it does not negate the right of the previously benefitted to still have access to work, study bursaries for their children, etc., as experienced in the current regime; e.) the DRC acknowledges that as church it made grave mistakes because of interpreting Scripture through a lens of its own importance; f.) regarding the question of who should receive the blame for the mistakes of the church, the document states that all who was part of the church at the time of apartheid stand guilty; g.) the church acknowledges that because it consists of people and given the fallibility of human nature the church understands that it can never be guaranteed not to make mistakes; h.) the church is called to undertake its responsibilities towards the reconstruction of the country in the following manner:

- *Ons is oortuig dat Jesus Christus, die Hoof van die kerk, van ons vra om in hierdie tyd in Suid-Afrika deel te neem aan die heling van ons land. Ons glo dat heling moet fokus op die eenheid van die kerk, versoening tussen mense en die najaag van geregtigheid vir al God se mense. Om dit te verwesenlik, sal baie gedoen moet word om die skade en ongelykhede van die verlede aan te spreek en te herstel. Ons glo egter dat die foute van die verlede en die kragtige boodskap van die evangelie ons oproep tot die vorming van nuwe gewoontes wanneer ons saam met mekaar en ander soek na Sy wil (AAS, 2013, p. 251). [We are convinced that Jesus Christ, the Head of the church, asks of us, in these times, to take part in the healing of South Africa. We believe that healing should focus on the unity of the church, reconciliation between people and the acquisition of justice for all God's people. To make this happen, much shall have to be done to adress the inequality and damage of the past. We believe that the mistakes of the past and the powerful message of the Gospel calls us to the formation of new habits as we endeavour together to find God's wil.]*

- *Ons wil deur die bevordering van 'n verantwoordelike Skrifbeskouing en -hantering, sensitiwiteit vir die voortgesette nagevolge van apartheid, die najaag van geregtigheid sonder aansiens des persoons, die bevordering van 'n gesonde christelike mensbeskouing, en die bevordering van versoening en eenheid met ons susterskerke verdere beslag gee aan die heling van ons land. Ons is ook daartoe verbind om met ywer die nuwe lewe in Christus te verkondig as 'n lewe van geregtigheid vir alle mense. Ons sal dit biddend doen dat Hy ons sal bewaar van dwaling en die najaag van enige ander belang as die koms van sy Koninkryk (AAS, 2013, p. 251) [We want to, through the promotion of a responsible use of Scripture, work for the healing of our country by means of promoting justice without giving offence, developing a responsible Christian view of humanity and the continued seeking of reconciliation with our sister churches. We are further committed to confess the new life in Christ as one of justice for all mankind. We will do this in prayer, so that He will protect us from heresy and the acquisition of any other priorities apart from the coming of the Kingdom.]*

i.) ending the document with a word of motivation that in and through Christ there is new life and hope (AAS, 2013, p. 249-251).

The General Synod of 2013 did a thorough study about the land reform act's effect on the members of the church, society and the environment (see AAS, 2013, pp. 242-248).

The General Synod called upon government to deal with land reform quickly and in a reconciliatory manner. To the previous synod sections of 2013, the land reform report added the concerns of members who wanted to know how the church could support the land reform act, how members were expected to act to help government in the land reform process, and how the church could pray in a structured manner for both farmers and the government. (AAS, 2013, pp. 242-243). Noticeable is the way in which congregants question whether the church is acting in accordance with Scripture when it supports a state-sanctioned process not deemed to be fair.

3. Interpretation

3.1 External dynamics

Through *Kerk en Samelewing* 1986 and 1990, the DRC placed itself in a prophetic capacity in relation to the National Government. From *Kerk en Samelewing*, it is clear that the DRC would not promote any political party or political model, but would evaluate each on the basis of Biblical principles. This point was further strengthened at the 1994 General Synod when the church received severe criticism in the form of the VK, but realigned itself with the theological course as developed in *Kerk en Samelewing*. The official theological stance of the DRC, as described in *Kerk en Samelewing*, would be reiterated in many different forms through the different General Synods, but would not be amended again.

The General Synods of 1994 and 1998 took note of the Truth and Reconciliation Commission, and called upon congregations to pastorally support those affected by the hearings. After a failed attempt to be represented on the Truth and Reconciliation Commission, the DRC at first decided against tabling any report. The DRC did develop the document *Die NG Kerk se reis met apartheid, 1960-1994, 'n getuienis en belydenis* [The DRC's journey with apartheid, 1960-1994, a witness and confession], as its public statement regarding the church part in apartheid. Following a formal request by the Truth and Reconciliation Commission, the DRC did speak at the Commission in 1997. Later, the General Synod of 2004, merely noted the TRC report and commissioned a subcommittee who, in a joint ecumenical venture, investigated the findings and recommendations of the commission. There was no further reference made about taking part or supporting the Truth and Reconciliation Commission after the commission did not employ any of the commissioners proposed.

The 2002, 2004, 2007 and 2013 General Synods once again highlighted their prophetic calling towards the state authority, aligned itself with the charter of Human Rights and stated that its implementation carried the DRC blessing as long as it adheres to Biblical scrutiny.

A development in the DRC to further its prophetic relationship towards the state was the establishing of the *Parlementêre Lessenaar* [Parliamentary desk] (AAS, 2007, p. 364)

providing a gateway through which the church could still play a role in legislative development in relationship to the National Government.

The DRC's welfare contribution was not specifically developed or structured to deal with transitional issues but still affected previously disadvantaged areas of society. In the time leading up to the 2007 General Synod, the DRC channeled approximately R600 million to welfare in the country, of which only 20% consisted of state subsidies (AAS, 2007, p.364).

The General Synod reiterated in meeting after meeting, (during 2002, 2004, 2007, 2011 and 2013), that it supports the land reformation act and understands that it is needed in South African society. The General Synod then requested the government to handle the process of land redistribution responsibly and in a reconciliatory manner. Finally the General Synod committed itself to pray for the members of the church who were affected by land reform. In the report on land reformation tabled at the 2013 General Synod, the DRC seriously questioned the government's handling of the process and the misconducts surrounding the process.

During the 2011 General Synod, it was noted that the DRC should be more vigilant in its involvement concerning reconciliation in South Africa.

3.2 Internal dynamics

The first effort of the General Synod to help the DRC give form to its new theological direction as set out in *Kerk en Samelewing* [Church and Society], was through the report tabled at the 1994 General Synod called *Die Vredestaak van die Kerk* [The Peace mission of the church]. After listening to this report, and because of the concern of the General Synod of 1994 to provide guidance to its members, circuits and regional synods about the political transition in the country, the General Synod commissioned AKLAS to develop a discussion document to be utilized in helping the church and its members gain further insight in this difficult process of political transition and to play a greater renewing, reconciliatory and constructive role (HAS, 1994, p. 377). Although outside the scope of this study, it may be asked how effectively the work which AKLAS did in this regard, influenced the greater DRC in all its manifestations.

The document titled *Die Nederduits Gereformeerde Kerk en die oorgang na 'n nuwe Suid-Afrika* [The DRC and the transition to a new South Africa], tabled at the 1998 General Synod, was a further, more detailed attempt to develop a strategy to facilitate the church and its members in the political transition of the day. This document was a more extensive study conducted to understand transitions and why they were so difficult, the effect of the transition on members of the DRC and finally the manner in which members and the church should take part in the transition.

Riglyne vir pastorale begeleiding aan lidmate wat ontwikkelinge in die huidige samelewing negatief ervaar (AAS, 2002, pp. 149-150) [Guidelines for pastoral guidance to members who experience the developments in society negatively] was a third document intended to help the church and its members with the transition within South Africa. After the General Synod of 2002 accepted the pastoral guidance framework developed by the AKG (AAG, 2002, p. 150), the framework was to be utilized by the greater church structure. This framework was meant to guide DRC members who struggled with the political transition in South Africa or held a negative attitude towards the transitions taking place. It should be mentioned that, once again, the General Synod only called upon the greater church structure to utilize the document, but had no contingencies in place to see that it did not go to waste. A second noteworthy aspect is the period that passed since the beginning of the political transition and the eight years that elapsed before the DRC produced a document with a practical focus.

Land reform was another aspect of the great transitional process in South Africa the DRC did take note of. The General Synods of 1994, 1998, 2002, 2004, and 2007 took note of another major transitional process in South Africa, that of land reform. The 2002 General Synod went so far as to call upon churches where there was abundant land, to use that in a prophetic action and share this land with the less fortunate (HAS, 2002, pp. 549-550). During the General Synod of 2011, it became evident that the land reform act was a much more pressing issue and so the synod called a research team to make a report on land reform at the following synod meeting. The General Synod of 2013 witnessed the report titled *Grondhervorming, Landelike ontwikkeling en Landbou* (AAS, 2013, pp. 242-248) [Land reform, rural development and agriculture]. In this report, the church criticises the government's handling of land reform and the misconduct surrounding the issue, but more

importantly, it noted that members were questioning the church's credibility when it was supporting a state initiative perceived to be unjust.

The ADL was commissioned by the General Synod of 2004 to develop a process for Christian people, and thus DRC members, to become active players in the South African society.

The General Synod of 2004 reiterated the pastoral responsibility of the DRC towards its members. At this moment, however, with regard to land reform, the synod called for the mobilization of its members to become active Christian citizens. Again there was no practical implementation prescribed, a calling for congregations to act in a practical manner, thereby placing the accountability on the individual churches themselves.

During the General Synod of 2013, the issue of the DRC's involvement in apartheid flared up. This time it was church members who felt that the DRC had apologized to everyone but them. The document titled *Die N.G. Kerk en Apartheid* [The DRC and Apartheid] (AAS, 2013, pp. 249-251) was developed, indicating that the DRC was not finished with its journey from apartheid. *Die N.G. Kerk en Apartheid* [The DRC and Apartheid] explored how the DRC had wronged its members in promoting apartheid and reflected upon the continued ill effect it was having. It is lamentable that it took the DRC 19 years to turn to its congregants and ask them forgiveness. This raises the question whether the commissions of all the other synods in 1994, 1998, 2002, 2004, 2007 and 2011, had reached the greater structure of the DRC at all. *Die NG Kerk en Apartheid* [The Dutch Reformed Church and Apartheid] (AAS, 2013, pp. 249-251) was once again only given as a discussion document in order to help congregations and members deal with the political transition in South Africa and the part played by the DRC during the apartheid regime. The vital pastoral question should be asked what had happened to all the other instances where the General Synod called upon the greater church structure to pastorally tend to its flock regarding apartheid and political transition, if the need for such a document arose 19 years after the transition to democracy.

3.3 Official policies

With the publication of *Kerk en Samelewing* [Church and Society] in 1986, revised in 1990, the DRC began readjusting its apartheid policies, impervious to the magnitude of the task. Through *Kerk en Samelewing* [Church and Society] the DRC directed the future policies of the DRC. The DRC was intensely criticised, but made a historically significant choice when the church reiterated its commitment to *Kerk en Samelewing* at the 1994 General Synod. With great sadness the DRC took note of members terminating their membership because of their distaste for the new theological course, but the DRC remained committed to its new course, understanding that its members, circuits and synods needed to be guided through the transition occurring within the country.

During the General Synod meetings of 1994, 1998, 2002, 2004, 2007, 2011 and 2013, the General Synod supported land reform as a necessary process in the transition of South Africa. It is significant to note the attitude of the members, published by a sub-commission, towards the church positive position towards land reformation in the light of the current governments handling of this issue. The survey showed how members questioned the church credibility because of its policy regarding land reform.

4. The way forward

The preceding chapters have shown how faith communities can and should contribute to transitional justice. The CCC provides a clear example of participation on different levels of the transitional justice process. The study will now proceed to examine the DRC's part in the on-going transitional justice narrative of South Africa. This will be followed by a recommendation on the part the DRC should play in the transitional process in South Africa, a transition that is yet to be completed.

Describing the areas of possible contribution, Boesenecker and Vinjamuri's framework of norm makers, norm adaptors, norm facilitators and norm reflectors will be used (2011, pp. 353-364). The norm framework will feature in four identified areas of the DRC resulting from this study. These areas are: a.) Organisational responsibility; b.) Structural responsibility; c.) Membership responsibility and; d.) Pastoral responsibility.

Within this section the concept 'norm' is used not to describe the most ideal of a situation or dispensation, but as that specific object, concept or reality that was the main or one of the main agents for the specific outcomes under study. Thus norm is not a specific defined concept of ideals, but rather the compiled name for that chosen to become the focal point.

4.1 Organisational responsibility

Organisational responsibility constitutes the very level on which the apartheid regime's policies and theologies were first sanctioned and later condemned. Here the DRC is examined from the constituting character of its General Synod. The body which prescribed the official policies and dogmatic convictions that, in turn, became normative to the identity of the DRC may be described as the norm makers. It is the specific policies and teachings sanctioned at this level which developed the DRC's apartheid character.

Within faith based communities, such as the DRC, faith doctrines rather than international human rights law underpin their approach to transitional justice (Boesenecker & Vinjamuri, 2011, p. 353). In the comparative segment, it was shown how the CCC, through publishing pastoral letters, provides an example of how a faith based community can reflect on current day activities through the norms of the church. In the South African context, the DRC can contribute to the establishing of sound and just norms and before making a contribution as a prophetic, public voice by reflecting on current issues by meditating on Scripture. Members of the DRC, other Christians, and the general public will have stimulated thought and discourse through such publications. Attitudes and reactions will be influenced by such reflections and the DRC will once again be able to contribute to the construction of an image of a true Christian citizen, motivating contextually relevant faith and activating positive, contextual concern.

During the General Synod of 1986 and the General Synod of 1990, the DRC renounced its support for apartheid ideology and developed its own new theological position as communicated in *Kerk en Samelewing* [Church and Society], 1990 (KSA, 1990, pp. 1-46). This was a momentous step in realigning the church for the transition in South Africa.

The church requires a second function if it is to be a relevant and active partner in the social transition and ensuing transitional justice processes in the country. This requirement consists of the formulation of a clear conception of the transition that should be occurring and the implications, for transitional justice, of this transition. Without understanding the character of transitional justice, its requirements, limitations, advantages and disadvantages, no organisation can provide guidance regarding such processes. With the onset of the transition in 1994, the General Synods of 1994 and 1998 should have explored this political process in depth to understand the part the DRC could and should play in the political and social transition of South Africa.

If the DRC understood the two-fold character of transitional justice, the church would have realised that the non-judicial character of transitional justice is the very field where the church can and should play a leading role. If the non-judicial character was fully explored, the DRC could have taken up a leading role in society once again, even if this role was restricted to its members.

After the exploration of the DRC's historical situation and the path that led to apartheid, as well as the context of the CCC, there are certain comments to be made. It is commendable that the DRC endeavoured to minister to people that were suffering politically, economically and socially, as did the CCC. The point on which the CCC and the DRC deviated lies with the focus the DRC placed on a single ethnic group, while the CCC remained in service to the community. Within the South African context, the DRC did eventually confess its ethnocentric theology and diversified its theological scope to focus on the South African community; this took great courage and favourably aligned the church for transitional justice.

Faith based communities have the ability to address the local context when they formally engage the transitional scene. Although the DRC can be described as a perpetrator in the story of apartheid, it remains a socially valuable organisation active within a local context, experiencing the transitional process with its members. The DRC is deeply rooted in different communities across the country. As official organisation, the DRC can utilize this broad base and identify shortcomings in current transitional programmes, while pointing out areas where transitional justice mechanisms are still needed. In addition, the church

can participate in the transition of perpetrator organisations towards once again becoming active contributors. It would be irresponsible for the to remain a bystander, observing transitional justice unfolding in a context the church deeply understands, filled with persons it listens too, walks with and for whom it cares.

The DRC should act upon what Boesenecker and Vinjamuri describe when they delineate the priorities of faith based communities: a.) faith based communities act independently from international organisations and are in partnership with local groups and grass-root efforts; b.) faith based communities bring a well defined concept of justice, accountability, reconciliation and restorative justice to the context in which they work (Boesenecker & Vinjamuri, 2011, pp. 353-354). As organisation, the DRC can act upon the call for memorialisation in the aftermath of oppressive rule. Because the church understands the great value of symbols and rituals, as seen in the practice of baptism, holy communion, Easter, Lent, Advent, Pentecost, Ascension, Christmas and the richly symbolic decor of buildings and places of worship. The value of such contributions is explained by Naidu (2010) who states that the value of memorialisation lies with the advantage that great numbers of people can be part of the process. As organisation, the DRC can play a major role in creating such places of memory, each with a distinct focus. As was the case with the CCC, the archives kept by the church sufficed as a source of accountable memory when it came to the Pinochet trials. Services, gatherings, the issuing of public apologies, demonstrations of accountability and an active participation in society, can become official church activities. Types of memorialisation can include specific foci such as members who lost children through military service, people wanting to atone for activities under government orders, mourning the loss of spiritual identity after all that was done in the Name of God was later condemned as sin. The DRC as organisation has the responsibility to unearth and promote opportunities for memorialisation.

4.2 Structural responsibility

Structural responsibility refers to the grouping of Dutch Reformed Churches in geographically organised synods and local circuits. Through this structure, the DRC can have a reach beyond the scope of a single church, collectively participating in activities

with the advantage that its influence can filter down to individual congregations and their members.

As norm adapters, the DRC needs a sound organisational declaration of its political policy as seen in *Kerk en Samelewing* [Church and Society], thereby producing a structural effect. Norm adapters operate at the interface of the local and international, seeking to adapt the international accountability norm to fit with local political constraints and culture (Boesenecker and Vinjamuri, 2011, pp. 355-356). This is the point of contact where transitional justice language, concepts and processes are translated and related so that churches and members understand what is happening and further understand their part in making what is happening a success.

The CCC demonstrated its part as norm adapter when they rallied international aid, made their structure available to manage international aid, rendered needed services to the whole community and not only its own members, gave members the chance to associate with a political dispensation of their choice and volunteered its infrastructure to serve transitional justice processes.

Because of all the DRC congregations, the DRC has a vast and influential structure. As norm adapter, this structure can play a vital role in mobilizing members to become part of the transition and the transitional justice processes already active in the community. One such example is the local museums or houses of memory. These are places portraying a community-specific piece of history. The DRC can contribute to the creation of such houses of memory by providing materials for and motivating communities to make use of them. Psycho-social community intervention focuses on healing past trauma as a community project. Because the DRC congregations exist within a local context, they will be well aware of areas where healing, reconciliation and reconstruction still need to take place. Not only in the community at present, but within the Afrikaner community at large, the DRC has a psycho-social role to play. Trauma resulting from parents losing children to military service, a service once holy. Individuals acting in accordance with the apartheid regime, serving wholeheartedly only to learn that those efforts are null, void and unjust. It is the responsibility of the DRC to uncover as many psycho-social themes and tend to

them. This activity will help safeguard a future generation from the transmitting of psychological problems due to lack of closure and clarity.

This is the stage where the DRC can join hands with the education sector, with ventures alleviating inequality and promoting social development from the ground upwards. The DRC needs to show its members that transitional justice concepts, themes and language can contribute to their quality of life, that they do not exist solely to punish and repress previous wrongs.

Examining the requirements for transitional justice indicates that the DRC is perfectly aligned to adhere to these requirements and thus to be a significant role player. The requirement of local contexts speaks to the very nature of the DRC structure: each congregation ministers to its local contexts. The DRC boasts renowned scholars and professional members who should have explored the nature of conflict and served its greater structure with such knowledge. The quantitative and qualitative needs could have been met by utilizing the extensive membership database and accessing willing members who take part in church activities. The General Synod should have commissioned a body to go to regional synods and circuits, identifying transitional justice processes active within the context and endeavoured to become part of such practices.

An important lesson from the CCC in transitional justice can be derived from how the CCC used its structure to facilitate different processes. The *Vicaría de Solidaridad* was one of the most effective forces in creating a defensive during and after the Pinochet regime. Through the structures of the CCC and the administration of the *Vicaría*, the international community had access to what was happening in Chile, could contribute financially and know that their monetary donations was appropriately used, was kept informed about what was happening in the country and developed a literary archive that was used to keep the Pinochet regime accountable to crimes they did not want to confess. Furthermore, the *Vicaría* had a structure of professional people devoted to helping members of the public with their judicial and non-judicial issues. The DRC, through its extensive national network has the ability to form connections and develop overarching structures in the transitional justice process. The DRC has shown its ability to effectively use such a system through the national network invested in welfare. The DRC has the capacity to create a body such

as the *Vicaría* to tend to the social, economic, emotional and psychological needs of citizens and members struggling to adapt, as reported by the General Synod of 2013. The DRC structure should endeavour to form networks with external institutions in order to serve areas of transition, or to contribute to such processes.

Church publications and archives are two further areas where the DRC can take profit from the direction taken by the CCC. The CCC used its two newspapers to illuminate the situation in Chile and guide the public. They developed an archive which would later be utilized in keeping the Pinochet regime accountable for misdeeds they had committed, and which they did not want to confess. Through the DRC's *Die Kerkbode* [The Church herald] (the DRC's official newspaper), the church should allow its prophetic voice to be heard, as stated in the various General Synod documents. Official research concerning transitional justice processes and church perspectives on these procedures can be communicated through *Die Kerkbode*. There are many transitional justice processes in the fields of memorialisation, the uncovering of truth, and the recollection of the past that could become a valuable fund if archived correctly. The DRC's members and the narratives of their experiences under the apartheid regime constitute a valuable part of Afrikaner history and the church has the structures to collect and curate such a history, a history the value of which might be contested in other spheres.

4.3 Membership responsibility

The DRC's membership responsibility refers not to the pastoral care of members, but the active collection of what members can offer to the process and locally contextualised field of transitional justice. In its membership responsibility the part of norm facilitators can be developed (see Boesenecker and Vinjamuri, 2011, pp. 359-361). Norm facilitators take international transitional justice norms and introduce such norms to a local context in short and medium term participation. Serving members through internationally acclaimed programmes that have been shown to have great success bestows credibility on the organisation responsible for the programme while enabling international partners to serve in a favourable, local context. Two international examples are the collection of stories and the creation of memorialisation.

'Collection', in this context, refers to the stories, literature, memorabilia and any other pieces of history members want to submit in order for them to feel that their part in history is not negated. The DRC can play an active part in disclosing further details about the past through member recollection, and promote a new narrative which members *symbolically* write themselves.

The DRC can create safe environments where members can begin to take part in the greater transitional justice process without feeling exposed or condemned because of their ethnicity and the role Afrikaners played in apartheid. Contextualising and buffering international programmes, objectives and outcomes could result in a discursive space where the deeds perpetrated by members of their ethnic group without feeling that they betray who they are, a place where they can feel angry at the role players without an audience applauding, struggle to understand where they fit in without being pushed aside.

The DRC can bless Afrikaners and the broader South African society by creating a safe space where members can enjoy their own transition, feeling it within their being and surfacing with a new story.

Within the requirements of transitional justice, the extensive membership base of scholars and professional people in the church should have played a large part in research to understand conflict and contribute to qualitative and quantitative data collection.

As seen in the actions of the *Vicaría*, the members and skills within a specific church is very important. The DRC has brilliant scholars, professional members and willing bodies who, correctly organised, could be a momentous force where they are applied. Members struggling with psychological and emotional issues resulting from apartheid involvement can be ministered to by members from within the organisation itself. Lawyers, entrepreneurs, accountants and others are able to support, develop and train members of the public and their own congregations in social and economic viability. Properly developed, the membership force of the DRC could be a transforming factor of note.

4.4 Pastoral responsibility

The pastoral responsibilities of the DRC include dealing with members who are struggling to come to terms with apartheid activities, who may harbour apartheid sympathies, or who may be in need of regaining social esteem. Such members require help in creating a positive, future-oriented view of the current context, while playing an active part in realising this future vision.

The DRC has the ability to play a leading role as norm reflector. Norm reflectors focus on the local context and almost organically mirror the cultural identity of the context. Norm reflectors have little to no connection with international role players (Boesenecker & Venjamuri, 2011, pp. 361-363). Because of the apartheid stigma attached to the Afrikaner very little attention is given to the supposed perpetrators of apartheid. The DRC has the responsibility to play a leading role in the restoration of an ethnic group. The DRC can play a norm facilitating role and protect a people who also have stories of victimization, pain, suffering, loss and disillusionment, stories the outside community might insensitively disregard because of their apartheid involvement. The DRC can create an environment where members can voice claims of unfair treatment in public society without feeling that it is the Afrikaners' turn to be on the receiving end. This is also the area in which the DRC can endeavour to highlight the role that British suppression played in the formation of Afrikaner thought about society, self and country.

It is within this sphere that the DRC must conduct responsible pastoral programmes that are not burdened with the anticipation of accepting guilt, apologising and reparation, but which focus on restoring citizens who can meaningfully contribute to society, while vigilantly refraining from creating martyrs.

The pastoral responsibility of the DRC dovetails with the requirement to understand transitional justice's limitations. Through the different General Synods the DRC called upon its greater structure to pastorally guide its members concerning the transition in South Africa. Although the General Synods saw many papers on this issue, General Synod's call, in 2013, for the DRC to apologise and tend to its own members struggle' and pain with the political transition is a particularly egregious example of how calls made to the greater church structure did not have much effect. A new pastoral plan is required,

one drawn up according to official guidelines, organized on a national level and executed, maintained and evaluated by the broad structures of the church.

5. Challenges in enacting the transitional justice arena

The first difficulty in joining the transitional justice arena is identified by Philpott (2011, p. 153) who explains that if a religious body wants to participate in enacting transitional justice, it should function autonomously from the state and have a very clear public reconciliation theology. From this description, it is evident that any religiously based organisation that once shared an intertwined relationship with a regime in the process of transition, will find it difficult to gain credible access to the transition of the country. This applies to the case of the DRC and National Party who developed apartheid into a regime. Philpott (2009, p. 195) paints the picture of churches and specifically the DRC in South Africa during the apartheid years when he concludes:

In South Africa, too, churches' political theology of reconciliation was bolstered by their autonomy from the state. Not all churches: The leadership of the Dutch Reformed Church, sometimes called 'the National Party at prayer', continued to associate itself closely with the apartheid state up until its final demise.

A second difficulty is identified by Jon Elster (2004) when he sheds light on the term 'perpetrator'. This issue originates when individuals or groups act upon an organisation or society's mandate, being convinced that the organisation or society is right. As was discussed in chapter three, the DRC promoted an ideology from which members understood their calling, their identity and their salvation. Any action in accordance with the faith teaching of the DRC was seen as a divine act and obedience to God's will. This resulted in numerous DRC members becoming active apartheid practitioners and, in turn, apartheid perpetrators.

A comprehensive delineation of the concept of the perpetrator is necessary if we are to understand the obstacles such individuals face to meet the demands of transitional justice.

Jon Ester (2004, pp. 137-143) differentiates between seven types of perpetrators, categorized into groups:

Group 1 – This group comprises the opportunistic, the uncertain and the malicious. They are motivated by the promise of acquisition. Opportunists seek materialistic gain, the uncertain are looking for psychological gain by appearing important in the eyes of others and the malicious enjoy witnessing the demise of others.

Group 2 – This is the group of joiners. They are motivated by the fear of materialistic loss. It is important to notice that the fear of materialistic loss is not the same as the desire for materialistic gain. The loss of a career is much greater than the desire to build one.

Group 3 – The fanatic and principle driven perpetrator. These perpetrators are motivated by consequences. These consequences do not spring from individual motivation as in group 1. The principle perpetrator will do a course adjustment if the purposes promoted is found to be unfit or not worth working for. The fanatic will persevere until all the demands of a specific cause are met.

Group 4 – The ignorant. This group is unique in that they do not have any motivation for being part of a system. They tag along.

Jon Elster (2014, p. 142) explains that the perpetrators most commonly found in an autocratic regime can be classified as joiners and the ignorant. The glue that binds these people is the principle driven perpetrator. The fanatic perpetrators are the architects and motivators of oppressive regimes. The opportunist and malicious demonstrate a parasitic tendency within the regime.

The reason for citing Jon Elster's perpetrator classification is because of the emotional attributes he associates with each perpetrator, a serious topic the DRC should take into account when tending to its congregants. Elster associates the following emotions with the specific perpetrators: a.) The joiner presents emotions of anger and indignation; b.) the fanatic presents hate; c.) the malicious presents hate as well; d.) the opportunist presents disregard; e.) the uncertain present disregard and; f.) the ignorant presents disregard. In the case of the joiner and the uncertain, emotions originate from what was done, with the other types of perpetrators emotions originate from the essence of the person (Elster, 2004, pp. 142-143). It is clear from the description given by Elster that the DRC may have members and clergy comprising all the various types of perpetrators. This heightens the complexity regarding participation in transitional justice.

The third difficulty identified by Elster is that of guilt. Guilt can burden a society, organisation and individual to such a degree that it is impossible to exist if the status quo is not changed. Thus rationalization, justification and apology become the mechanisms perpetrators use to create an alternative culture of victimization. The alternative culture is an effective tool to hinder transitional justice (Elster, 2004, p. 241).

CHAPTER 7

Conclusion

The origin of the study has a personal conviction at its core. The DRC needed guidance in its role as church in the local context, for the people of a democratic South Africa. While exploring the sphere of churches involved in political systems and political change, a clear research question replaced the personal motivation of the study. The research question prompted the study to explore the dynamics of transitional justice by focusing on the role of the DRC in South Africa in processes of societal change and comparing it with selected elements of the role played by the CCC during processes of societal change in Chile.

As was explained, the DRC is the focal point of the study, and a comprehensive exploration of transitional justice the theoretical instrument by means of which the CCC is used to highlight significant elements of the role of the DRC. Thus the study focuses not only on specific periods of time within transitional justice, but explores the socio-contours that brought about the need for transitional justice, the transitional justice process itself and the practices of transitional justice which remain long after the political systems have changed. It became clear from the literature review that transitional justice remains a valuable and necessary process long after a political transformation has taken place.

Through the development of South Africa, first as a colony, then a union (1910) and later a republic (1960), the DRC played a significant role. In the political development of the country, during the days of United Party under Smuts, the National Party and the eventual democratization of the country (1994), the DRC had a significant part to play. It has been the aim of this study to better understand the DRC's role during these different times in order for the DRC to once again play its prophetic and ministering part.

In order to understand and evaluate the choices made, policies enforced and theology developed, it was decided to undertake an interdisciplinary, descriptive and inductive study within the field of Christian ethics. The interdisciplinary nature made it possible to use the concept of transitional justice in an analysis of the role of the church in processes of political transition. It falls within the field of Christian ethics as the study makes use of churches and their role in processes of social transformation and it is inductive in method, given that the study seeks to identify emerging themes from a comparative approach.

Chile had a totalitarian regime that came to an end shortly before the apartheid regime of South Africa and the former developed a national truth and reconciliation commission from

which South Africa drew much of the inspiration for its own commission. The CCC was chosen to be the comparative partner, because it is the church with the greatest representation in Chile during the time of study. The comparative nature of the study made it possible to review the actions of the DRC against a similar organisation, identifying similarities and differences. This evaluation presents the building blocks from which aspects within the DRC can be evaluated and new propositions developed.

The dynamic nature of the concept of transitional justice made it necessary for the study to develop a very specific definition, therefore that of Lundy and McGovern (2008, p. 267) was chosen, who state that

transitional justice is a field of inquiry and practice that is concerned with the various judicial and non-judicial approaches to dealing with the legacy of human rights violations in societies emerging from conflict and/or an era of authoritarian rule.

Transitional justice was understood to comprise two characteristics, a judicial and non-judicial nature. At first the field of transitional justice was dominated by judicial processes and outcomes, but later incorporated the non-judicial nature due to the very personal effect transgressions have on human nature, something judicial processes do not remedy. The non-judicial nature of transitional justice focuses on memorialisation, reformation of education and cultural sensitivity. Exploring this sphere in more detail, it became evident that religion played a great role in transitional justice and that transitional justice utilizes themes strongly associated with religion. Concepts such as reconciliation, hope, forgiveness, restoration, healing and many others are the primary concern of the DRC and therefore constitute a sphere in which the church should play a leading role. Religion not only supplied concepts to transitional justice; many influential religious people and clergy developed transitional justice processes and worked within the field. Thus it is clear that the DRC, as an ecclesial institution, had a responsibility to be involved in transitional justice, even before taking into account the DRC's part in apartheid and the responsibility to remedy resulting there from.

The working definition of transitional justice required that one reflect not only on processes of political transition, but also on the events and contexts that necessitated transitional

justice. I therefore employed a comprehensive understanding and usage of the concept. After the exploration of the role the DRC played in the development, enactment and demise of the apartheid regime, contrasted to the role of the CCC during the Pinochet regime, it became clear that the two churches did not differ as much in the onset of their action towards the respective political regimes and their sincere concern for society. Both churches utilized their total structure in order to serve a struggling community. The difference came when the DRC chose to strive for the upliftment of a single ethnic group, namely the Afrikaner, while the CCC kept the entire Chilean society in view. The DRC explored all avenues to help the Afrikaner recuperate after the British oppression and spared no cost in doing this. The CCC, on the other hand, helped an oppressed society and also refused to baulk at any obstacle. A second difference of defining importance between the DRC and the CCC emerged when the DRC aligned with political parties and a political ideology in order to better the Afrikaner, whereas the CCC maintained an ecclesial reflection on the politics of the day, at times with help from Rome; this approach enabled the church to sidestep a political war and pursue, instead, its role as prophetic commentator and socially active organisation. It is because of this difference that the CCC could become an integral role player in the transition of Chile and the transitional justice processes of Chile. The DRC, however, was seen as one of the perpetrators and thus had no public credibility as became evident when the TRC did not consider any involvement of the DRC in the administration of the TRC.

The General Synod documents under study depict a clear picture of a church and its members who have not yet accomplished the transition from apartheid to democracy (1994). In the most recent General Synod meeting (at the time of study), that of 2013, the assembly once again took note of its members' struggles with issues such as leadership credibility within the church, their own accountability towards God for transgressions once committed in the name of the very same God, guilt toward society, guilt towards individuals wronged during apartheid and ethnic identity, to name but a few sources of contention. Nineteen years have passed since the birth of democracy and DRC members feel that they have not been ministered to in such a way that the part they had in apartheid through the guidance of the church has been healed, reconciled, forgiven and that they can now be re-dignified.

It is because of the aforementioned situation resulting from the DRC's involvement in apartheid that this study endeavoured to search for and develop recommendations in order to facilitate the healing of old political ideologies and preconceived ideas, while allowing members to become accustomed to the new South Africa and finally experiencing a newly found sense of worth in the new South Africa. The DRC should initiate and actively govern processes in organisational, structural, membership and pastoral areas of the church. It is not enough to call on the broader church structure to tend to the problem; it is not enough to develop new policies and declarations for the greater church structure to consider. If the problem of apartheid and the transition from its legacy remain as evident as the 2013 General Synod documents confirm, it is serious enough for the DRC to have a specialized and focused unit to effect reconciliation, reparations, healing, forgiveness and repentance within their own organisation. As with the *Vicaria* of the CCC, the DRC should have a specialized force working throughout the country, in all congregations, over an extended period of time.

In its capacity as institution and assembly of believers, the DRC has a responsibility to work progressively towards the reintegration of perpetrators into a society to which they can once again make a positive contribution. In order to better describe the DRC's responsibilities, it is necessary to look at a definition of a perpetrator. This definition sheds light on the accountability of the institution and the individual members sorting under the institution. The definition of a perpetrator can be a) an institution, b) members of an institution in their private capacity, but convinced by the institution's policies, c) members of an institution who willingly accept the institution's wrongful actions and teachings, and d) the relational responsibility and accountability between a member and the institution or organisation to which they belong. In the Truth and Reconciliation Commission's report there is no qualification of the perpetrator in this specific regard when examining the story of the DRC. This study will only make an appraisal of the DRC as institution and the institution's accountability.

Taking into account the Truth and Reconciliation Commission's report and the DRC's declaration of its investment in the country's healing, it needs to be asked whether the church has honoured its commitment. What is the DRC's role in contemporary attempts at reconciliation? How did the DRC contribute to the transitional justice process? What, at

present, is the church doing to further the social integration of past perpetrators? The DRC committed itself to transitional justice through the report tabled at the Truth and Reconciliation Commission (see McGrattan, 2009, p. 164). Did the DRC comply with its report?

The health of the country and the congregants of the DRC should be a pressing issue on the church's agenda. It is, therefore, important for the DRC to make sure of its part in transitional justice and its responsibility within the process. The church must have a clear sense of the outcomes it seeks to attain, the necessary participants and the timeframe in which this should all be accomplished.

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