

**Religion in South Africa's Truth and Reconciliation  
Commission**

Alternative approach to transitional justice?

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April 2018

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Title of thesis Religion in South Africa's Truth and Reconciliation Commission – Alternative Approach to Transitional Justice?		
Discipline Religion, Conflict and Dialogue		
Type of thesis Pro-Gradu - thesis	Month and year April 2018	Number of pages 65
Abstract		
<p>The South African Truth and Reconciliation Commission was established as an official government body to create national reconciliation after apartheid. It provided an arena for the perpetrators and victims to try to understand each other and their actions. Even though the Truth and Reconciliation Commission is studied from various perspectives, the role of religion in it as a transition process has not received much attention.</p> <p>This study is a critical analysis, which examines the role of religion in South Africa's Truth and Reconciliation Commission. The analysis is supported with the theories of conflict resolution and transitional justice by using the Truth and Reconciliation Commission's reports as primary sources and the previous academic study as secondary sources. The very little investigation of religion that has been conducted in the multidisciplinary field of transitional justice, justifies the relevance of the study.</p> <p>The study begins with an overview of the role of religion in conflict resolution and peacemaking. Reconciliation and truth commissions as mechanisms of transitional justice are examined and analyzed before moving onto the brief historical overview of South Africa and apartheid. The role of religion in the history of South Africa is explained to support historical the perspective of the study. The role of Religion in the Truth and Reconciliation Commission is analyzed from several different perspectives to support the argument that religious connotations took place during the Commission's existence.</p> <p>The results show that religion and especially Christianity played a significant role in the Truth and Reconciliation Commission's work. Main reasons for it appear to be the religious historical and cultural notions of the society, and the role of religious leaders as commissioners. The Truth and Reconciliation Commission relied strongly to the ideas of reconciliation and forgiveness which guided its work and eventually swayed religious influence to take place. States that choose reconciliation as an approach to transition to democracy often tend to have strong involvement of religious communities in their society.</p> <p>Even though conflict resolution theories take religion into account, it is very much an underutilized topic in the transitional justice field. With the theoretical ground and the case established, the study shows the importance of understanding religion in conflict resolution and reconciliation processes.</p>		
Keywords South Africa, Truth and Reconciliation Commission, Transitional Justice, Religion, Reconciliation		
Place of storage Helsinki University Library, Library of the Central Campus, Theology		
Other information		

HELSINGIN YLIOPISTO

Tiedekunta Teologinen Tiedekunta		
Tekijä Sanna Julia Talikka		
Työn nimi Religion in South Africa's Truth and Reconciliation Commission – Alternative Approach to Transitional Justice?		
Oppiaine Religion, Conflict and Dialogue		
Työn laji Pro-Gradu - tutkielma	Aika Huhtikuu 2018	Sivumäärä 65
Tiivistelmä		
<p>Apartheidin jälkeen perustetun Etelä-Afrikan Totuus- ja sovintokomission tavoitteena oli luoda kansallista sovintoa vuosia jatkuneiden ihmisoikeusrikkomusten jälkeen. Totuus- ja sovintokomissio antoi sekä apartheidin ajan uhreille, että rikoksentekeijöille paikan yrittää ymmärtää toistensa tekoja, sekä niiden taustoja. Vaikka Totuus- ja sovintokomissiota on tutkittu useasta eri perspektiivistä, uskonnon rooli osana komissiota sekä siirtymäkautta ei ole saanut paljon huomiota.</p> <p>Tämä tutkimus on kriittinen analyysi uskonnon roolista Etelä-Afrikan Totuus- ja sovintokomissiossa. Konfliktinratkaisuteoriat sekä siirtymäoikeuden teoriat tukevat analyysia, jonka ensisijaisena aineistona on käytetty Totuus- ja sovintokomission raportteja. Toissijaisena aineistona on käytetty aiempaa akateemista tutkimusta. Uskonnon roolin vähäinen tutkimus monialaisessa siirtymäoikeudessa antaa perusteet aihepiirin merkityksellisyydelle sekä tutkimuksen ajankohtaisuudelle.</p> <p>Tutkimus alkaa analyysillä uskonnon roolista konfliktinratkaisu- ja rauhanprosesseissa. Sovintoa ja totuuskomissioita tarkastellaan erillisinä sovintoprosessin mekanismeina ennen siirtymistä Etelä-Afrikan apartheidin historiallisen kontekstin katsaukseen. Aiheen merkityksellisyyden vuoksi, uskonnon roolia Etelä-Afrikan historiassa käsitellään omassa kappaleessaan. Uskonnon roolia Etelä-Afrikan Totuus- ja sovintokomissiossa analysoidaan useasta eri näkökulmasta tukemaan väitettä, jonka mukaan uskonnolliset konnotaatiot olivat esillä Komission työssä sen olemassaolon aikana.</p> <p>Tulokset osoittavat, että uskonnolla ja erityisesti kristinuskonnolla oli merkittävä rooli Totuus- ja sovintokomissiossa Etelä-Afrikassa. Keskeisimmät syyt tähän vaikuttavat olevan uskonnolliset käsitykset yhteiskunnan historiassa ja kulttuurissa, sekä uskonnollisten johtajien keskeinen rooli Komission työssä. Totuus- ja sovintokomissio tukeutui vahvasti sekä sovinnon että anteeksiannon aatteisiin, jotka ohjasivat sen työtä ja toivat esiin uskonnon vaikutuksen. Uskonnolla on tapana jo ennestään vaikuttaa vahvasti yhteiskunnissa ja valtioissa, jotka valitsevat sovittelun siirtymävaiheen lähestymistapana.</p> <p>Vaikka konfliktinratkaisuteoriat ottavat uskonnon roolin huomioon, siirtymäoikeuden alalla ei tätä olla vielä hyödynnetty. Tämä tutkimus osoittaa, kuinka tärkeää uskonnon roolin ymmärtäminen ja huomioinen konfliktinratkaisu- sekä sovintoprosesseissa on.</p>		
Avainsanat Etelä-Afrikka, Totuus- ja sovintokomissio, siirtymävaiheen oikeus, uskonto, sovinto		
Säilytyspaikka Helsingin yliopiston kirjasto, Keskustakampuksen kirjasto, Teologia		
Muita tietoja		

## **Table of Contents**

1. Introduction
    - 1.1. Background
    - 1.2. Methods
    - 1.3. Relevance to Religion, Conflict and Dialogue
  2. Conflict resolution and transitional justice
    - 2.1. Role of religion in conflict resolution
    - 2.2. Transitional justice – from conflict to democracy
      - 2.2.1. Reconciliation as a mechanism of transitional justice
      - 2.2.2. Truth Commissions
  3. Historical framework of South Africa and apartheid
    - 3.1. Role of religion in South Africa
  4. Truth and Reconciliation Commission of South Africa
    - 4.1. Role of Religion in the TRC
      - 4.1.1. Ubuntu theology
      - 4.1.2. Commission's Daily Work and Structure
      - 4.1.3. Religious leaders in the TRC
      - 4.1.4. Idea of Forgiveness
      - 4.1.5. Truth Telling
      - 4.1.6. TRC Report on Religion
    - 4.2. Criticism towards the TRC
    - 4.3. Two decades after the TRC
- Conclusion

# **1. Introduction**

## **1.1. Background**

My personal interest towards South Africa directed me while searching for a topic for this thesis. After spending holidays around the Cape Town area and later a six-month university exchange at the University of Stellenbosch, my interest and curiosity towards this beautiful country with a difficult and extraordinary history and societal problems, grew. One of my courses at the University of Stellenbosch, Transitional Justice in Africa, presented me a whole new approach to conflict resolution and peacebuilding, which influenced the topic of this research. With strong interest in conflict, peace and mediation, researching the Truth and Reconciliation Commission (TRC) became quite evident in the context of South Africa. Many times, while in South Africa, I found myself wondering how a country that has gone through the deepest waters has been able to rise above the history and become the African continent's leading economy and, above all, a worthy example of successful reconciliation and transition to democracy. On the other hand, South Africa is one of the most unequal countries in the world – This can be experienced just by turning your head to the other side of the road while wondering around the streets in Cape Town. South Africa is still a country where people do not have equal opportunities and where for example quality housing and education is not guaranteed for everyone.

The TRC has been researched and analyzed to great extent – from compiling its mandate up until the reparations and retributions promised in the final TRC report. However, many of these analyses have often left out the critical examination of the role of religion. The common consensus seems to be that religion played a significant role and contributed positively to the whole process of the TRC mostly through the influential religious leaders involved in the process. The TRC showed that religious leadership and language can play a positive role in contemporary conflict resolution, which has traditionally been perceived as a political process.

This study examines the significance of religion in the TRC – how religious undertones were visible during the years of the Commission's existence and how it shaped the outcome of reconciliation. Theories of conflict resolution and transitional justice are used to support the argument of the need to take religion into consideration in peacemaking processes. Religion has role in international and especially internal conflicts while religious communities and leaders have the power to contribute to the outcome of the conflict.

Nevertheless, the role that religion and especially Christianity played in the TRC displays a deficiency in transitional justice theories. Starting from the late 20<sup>th</sup> century, conflict resolution theories have recognized the importance of the religious actors and faith communities in peacebuilding. However, transitional justice theories are missing the religious dimension. Transitional justice theories, which can be said to fall under the bigger umbrella of conflict resolution theories, do not distinguish or discuss the role of religion in the transitional justice processes.

The lack of the examination of religious actors in transitional justice processes justifies the topic of this study. The inclusion of religious actors and traditions in a transitional justice process, where a variety of emotions from anger and hatred to forgiveness and healing are visible, is important. Especially if religion plays a significant role on the society and has historical meaning for the country. In South Africa, religion and faith communities played a role already when the missionaries arrived in the country, when apartheid laws were implemented and when the resistance movement to end apartheid arose from the civil society. Therefore, the core argument of the study is that even though it was not obvious for religion to play a role in the political legal process of the TRC, it was adopted to the procedure as a habit. The causes for this are in the historical context of the country as well as in the importance of religions for the society at large. With the support of conflict resolution and transitional justice theories in relation to the case of South Africa, this study shows the importance of the understanding of religious actors in conflict analysis and peacebuilding.

Reconciliation and truth commissions as mechanisms of transitional justice are in the core of this study as the TRC was a truth commission and its mandate stated reconciliation as its main goal. States that choose reconciliation as their approach to transitional justice often tend to have strong involvement of religious communities. In addition to South Africa, examples can be drawn from Brazil where religious communities conducted an underground inquiry to the truth, and in Chile where the Catholic church was active in investigating abuses under the Pinochet dictatorship<sup>1</sup>. However, reconciliation does not necessarily presuppose religious connotations even though traditionally it has evoked a religious meaning<sup>2</sup>. Arguably, this has detracted conflict resolution mechanisms to see reconciliation as a possible goal of peacemaking.

In this study, the Truth and Reconciliation Commission is referred to as the TRC or the Commission, depending on the language used in each sentence and chapter. Other abbreviations

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<sup>1</sup> Daniel Philpott, ed., *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice* (Notre Dame: University of Notre Dame Press, 2006), 5.

<sup>2</sup> Megan Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (Farnham: Ashgate Publishing Limited, 2009) 108.

are used only after the name of the organization or party is opened and explained the first time it appears in the text. People who suffered from apartheid are both victims and survivors of the oppression. However, I continue using the word “victim” in this study when referring to people who experienced wrongdoings during the years of racial oppression. The word victim is chosen to keep the text and flow simple and easily understandable, not to belittle people’s experiences.

The introductory chapter continues with the overview and evaluation of the methods and the topic’s relevance to religion, conflict and dialogue. Chapter two introduces the theoretical background – religion in conflict resolution and transitional justice theories. Transitional justice’s meaning, aims and mechanisms will be described concentrating on reconciliation and the truth commissions as transitional justice mechanisms. The third chapter provides a brief historical overview of South Africa to set the perspective of the research. The role of religion in South African history and during apartheid will be elaborated further to understand the linkage to the TRC’s religious undertones. Chapter four is the main critical analysis of the study and focuses on the TRC itself. It answers questions such as what the South African Truth and Reconciliation Commission was, what it entailed and how it was carried through. The TRC’s uniqueness compared to its predecessor as well as its perceived success will also be in the scope of the analysis. The role and significance of religion throughout the existence of the Commission is in the focus of the chapter four. The role of religion is examined in different sub chapters through several aspects of the Commission’s daily work and ideologies. These include the *ubuntu* theology, the Commission’s daily work and structure, religious leaders in the TRC, how the TRC report acknowledges the religious dimensions of the Commission and the concepts of forgiveness and truth telling. Remarks on the TRC are presented from both sides – TRC as a positive phenomenon as well as the criticism that the Commission has received. Before the final conclusions of the study, chapter 4 provides a brief evaluation of the TRC’s success after two decades of the end of its mandate. Finally, the study is concluded with main findings and suggestions for further research.

## **1.2. Methods**

The study is a critical textual analysis on the role of religion in the South African TRC as a transitional justice process. It discusses the role of religion in the whole bigger picture of transitional justice using the South African TRC as a case study. As mentioned in the introduction, I have chosen South Africa as a case for this study due to personal interests. Transitional justice theories are chosen due to their close connection to reconciliation and truth commissions. The initial assumption about the lack of the analysis of religion in transitional

justice theories got validation as the research continued. Therefore, the inclusion of transitional justice theories supports the main argument.

The analysis is based on two types of sources; primary sources and secondary sources. There are three primary sources from which two are different volumes of the TRC report: Volume one, which is an introductory volume that contains key concepts and debates within the Commission and provides the basic rationale for its work. Second is the Volume Five, which is the final volume of the originally published series of the report. It presents the conclusions reached by the Commission as well as recommendations, analyses and findings. In addition to the reports, the third primary source in the study is Megan Shore's book, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation*. Shore has written the most throughout work considering the role of religion in the TRC focusing on multiple dimensions on how religion was visible in the Commission's work. Further notions of religion in the TRC by other scholars have predominantly been smaller chapters in bigger contexts when examining the whole TRC as a process. Or, studies of the connection of reconciliation to different religions.

Secondary sources are mostly scholarly sources from various academic fields – political science, theology and conflict resolution to mention a few. In addition to these I have used statistics, magazine articles and biographies to support the arguments.

### **1.3. Relevance to Religion, Conflict and Dialogue**

This thesis has been written as a part of Religion, Conflict and Dialogue Master's program. The interdisciplinary program seeks to understand the role of religion in conflicts – can religion be an accelerator to the conflict and on the other hand, how religious groups and leaders could contribute and promote the mediation of the conflict to achieve sustainable, long lasting peace. If religion plays a part in people's lives and in the society, it is most likely to influence the conflict as well. Either by fueling the conflict or resolving it, or in many cases both. As several scholars have remarked, religion can contribute constructively to a theory of conflict resolution and the practice of diplomacy<sup>3</sup>.

Several changes in world's societies in recent years have involved religion to a degree that cannot be avoided. Religious activity can be said to have roared back into the public life. Religions have been associated with a variety of social encounters during the 21<sup>st</sup> century – ideologies of transnational movements, identities of political parties, rhetoric of political leaders and even the motivation of devastating acts of terrorism have all been linked with religions. In a global society, religion plays a role in many other ways than just as part of

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<sup>3</sup> Shore, *Religion and Conflict Resolution*, 1.



traditional customs and thinking. Religious voices can be used to speak for moderation, justice, environmental protection and to facilitate the understanding of globalization in multicultural environments. In other words, religions can help to ease cultural difficulties in multicultural societies through shared values. Traditional values that are often associated to religions, such as honesty, justice, forgiveness, are arguably necessary ingredients to maintain any society. On the other hand, religion can in extreme cases foster the ideas of rebellion to reject globalization and raise even violent methods to do so.<sup>4</sup>

The role of religious leaders is critical when talking about conflict resolution. Religious leaders can serve as an essential bridge between different groups in conflict or in contrast, exacerbate it<sup>5</sup>. The debate shows that the role of religious leaders and the elite is complex and multifocal, and therefore it needs to be researched and taken into consideration in the context of religion, conflict and dialogue. The South African TRC is an excellent example when it come to the role of religious leaders in conflict resolution due to the amount of religiously affiliated actors in the Commission. Therefore, it is important to analyze the topic from South Africa's perspective, which will be done later in this research.

Religion and conflict studies is an interdisciplinary field that includes dimensions of international affairs, international law and social psychology. We could argue that all the aspects described above meet in the study of the TRC. Therefore, this justifies the study of religious significance of the TRC in relation other fields as well. As it is stated and analyzed later in this research, religion and especially Christianity played a significant role throughout the history of South Africa. Therefore, religion also became an integral part of the TRC. This set-up gives an interesting and fruitful start for a student of Religion, Conflict and Dialogue to research the role of religion further in this arguably one of the most well know truth commissions. Studying how and why religion was part of the reconciliation process is in in the core of the whole master's study program.

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<sup>4</sup> Shore, *Religion and Conflict Resolution*, foreword.

<sup>5</sup> Timothy D. Sisk, ed., *Between Terror and Tolerance: Religious Leaders, Conflict and Peacemaking* (Washington D.C.: Georgetown University Press, 2011), 1-2.

## 2. Conflict resolution and transitional justice

It has been estimated that after the year 1945 there has been at least 250 different conflicts around the world which have perpetrated to serious human rights violations, such as war crimes, genocide and crimes against humanity<sup>6</sup>. Today in 2018, the number of conflicts in the world is rising for the first time after the World War II<sup>7</sup>. These numbers justify the importance of the academic study of conflict resolution. This chapter sets the context of the study from a theoretical perspective. The ambivalent relationship between religion and conflict is be pondered and the role of religion and its dimensions in conflict resolution and peacemaking are be presented. The study moves on to the transitional justice theory as part of peacemaking process, focusing on one of its main mechanisms; reconciliation. Questions whether religion has been taken into consideration in transitional justice process are observed to justify the need to study religion as an important part of the peacemaking process. In addition to the study of reconciliation and its role in transitional justice, the role of truth commissions in achieving national healing and in easing the transition to democracy is also analyzed. To create a throughout understanding of the South African TRC and the role of religion in it, it is important to understand the aims and goals of reconciliation and the concept of truth commissions from a theoretical perspective.

### 2.1. Role of religion in conflict resolution

Religion plays an important role when describing and defining societies and countries. Even though the causes of the conflict would be political or economic, religion is many times implicated as a fueling force for violence. Consequently, the analysis quickly turns into analyzing the so called religious conflicts and religion becomes an easy factor to blame. However, religions often have much deeper part and role in conflicts than only as the driving power of violence. These roles need to be taken into careful consideration when analyzing international and internal conflicts. Therefore, the chapter discusses the emerge of conflict resolution as an academic field and how the role of religion came along. Religions and faith groups need to be taken into consideration when talking about conflict resolution and peacemaking because religion is a pervasive social institution that resonates with people in many levels of the society.

International conflict resolution emerged as an academic field after the World War II. By the 1960's, international conflict resolution appeared as a growing, interdisciplinary field

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<sup>6</sup> Anna-Katariina Loukola, "Siirtymävaiheen oikeuden mekanismit: Totuuskomission rooli totuuden etsinnässä, demokratiaprosessissa ja yhteisön eheyttämisessä" (Master's Thesis, University of Helsinki, 2013), 1.

<sup>7</sup> Anu-Elina Lehti, "Tekoäly valtaa uusia alueita: osaa jo ennakoida konflikteja," *Kauppalehti*, March 1, 2018, <https://www.kauppalehti.fi/uutiset/tekoaly-valtaa-uusia-alueita-osaa-jo-ennakoida-konflikteja/abCtsUqn>.

of study and the idea that political conflict could be resolved with non-violent, mutually agreeable solution developed<sup>8</sup>. However, recognizing the role of religion in international conflict resolution emerged in academics only in the late 20<sup>th</sup> century. Religion, however, is an important factor when defining characteristics of different countries and societies in conflict<sup>9</sup>. Lee Marsden, researcher of the role of religion in international politics, states that despite the centrality of religion to many of the world's inhabitants, the strict separation of church and state enabled a state centric international relations discipline to ignore religion<sup>10</sup>. He continues that "religion was identified as an impediment to a pacific world order."<sup>11</sup> In other words, religion was wanted to be left aside on its own. In the 1990s, religious conflict resolution started to emerge and the linkage of religious traditions, such as scriptures, teachings and historical memory of peacebuilding to conflict resolution were recognized. The notion that religious actors – individuals, movements and organizations – have always been involved in resolving conflicts developed. It was noted that if religious traditions and teachings can encourage violence, the same traditions could be applied to the conflict resolution process<sup>12</sup>. Nevertheless, religion and spirituality can also offer dynamic and vital resources for conflict resolution and peacebuilding, which was realized already in the anticolonial movements of Mahatma Gandhi and Abdul Ghaffar Khan<sup>13</sup>.

Samuel P. Huntington, an American political scientist, published a controversial article, which was later published as a book *The Clash of Civilizations? The Debate*<sup>14</sup>. Huntington took a new position on the role of religion in the emerge of conflicts. His main thesis is that conflicts occur because of conflicting political and cultural identities, such as history, language, culture and most importantly, religion. Huntington's work can be seen as a reflection of its time, when conflicts in Yugoslavia, Israel and Palestine as well as on the African continent were ongoing and religion and cultural differences played a significant role in them. *The Clash of Civilizations'* message resonated with a Western audience especially in the aftermath of the of the 9/11 attacks in 2001 in the United States. International security and international relations specialists who had consistently ignored religion quickly realized that they could no longer afford to do so, and the discipline started a new engagement with religion<sup>15</sup>. We could argue

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<sup>8</sup> Shore, *Religion and Conflict Resolution*, 10-13.

<sup>9</sup> Cynthia Sampson, "Religion and Peacebuilding," in *Peacemaking in International Conflict: Methods and Techniques*, ed. I. William Zartman (Washington, D.C: United States Institute of Peace, 2007), 274-275.

<sup>10</sup> Lee Marsden, "Religion and Conflict Resolution: An Introduction," in *The Ashgate Research Companion to Religion and Conflict Resolution*, ed. Lee Marsden (London, New York: Routledge, 2016), 2, <https://www.routledgehandbooks.com/doi/10.4324/9781315613505.ch1>.

<sup>11</sup> *Ibid.*, 2.

<sup>12</sup> *Ibid.*, 3-4.

<sup>13</sup> Sampson, "Religion and Peacebuilding," 273.

<sup>14</sup> Samuel P. Huntington, *The Clash of Civilizations? The Debate* (New York: Foreign Affairs, 1996), 1-25.

<sup>15</sup> Marsden, "Religion and Conflict Resolution: An Introduction," 3.

that Huntington started the conversation how to include religion and faith communities into international conflict resolution as his article was published in the same around the same time as religion started to emerge in international conflict resolution. He also brought the dilemma of religion and conflict to a wider audience. Even though Huntington's position towards religion and conflict was that religions are the causes of conflicts, it appears that the discussion which arose from his article expanded to the conversation of how religions can be exploited in peacemaking processes.

Religion often plays a significant role in political conflicts, but more as an outcome rather than as a reason for conflict to emerge. In most of the conflicts in today's world the causes are in the ruptured political system or in the lust for power<sup>16</sup>. However, religion has almost always been present in successful conflict resolution processes but not in a systematic way<sup>17</sup>. R. Scott Appleby, the director of the Joan B. Kroc Institute for International Peace Studies and the Professor of History at the University of Notre Dame, addresses the ambivalent relationship between religion and violence and recognizes the potential of religion in conflict resolution in his book *The Ambivalence of the Sacred: Religion, Violence and Reconciliation*<sup>18</sup>. His argument is that religious peacemakers have an important role in resolving conflicts and should therefore receive greater support from local and international parties involved. Appleby addresses two principal questions on the role of religion in peacemaking: First, why some religious actors choose the path of violence while others seek justice through nonviolent means and work towards reconciliation. Second, what might be gained by involving the non-violent religious militants in peacebuilding<sup>19</sup>. Even though religious actors may have aggravated violence in some parts of the world, peaceful resolutions to conflict have also been brought through the active involvement of religious actors. Appleby uses South Africa as an example, where the Dutch Reformed Church supported the apartheid system and still played an active role in the reconciliation process. Such examples paved the way for a more serious engagement of religion in peacebuilding, rather than being the divisive factor.<sup>20</sup> The role of the Dutch Reformed church during apartheid will be analyzed more thoroughly later in this study to gain a deeper understanding of the historical context before moving on to the role of religion in the TRC.

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<sup>16</sup> Lehti, "Tekoäly valtaa uusia alueita: osaa jo ennakoida konflikteja."

<sup>17</sup> Shore, *Religion and Conflict Resolution*, 16.

<sup>18</sup> R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence and Reconciliation*. (Lanham, MD; Rowman & Littlefield Publishers, 2000).

<sup>19</sup> *Ibid.*, 19-21.

<sup>20</sup> *Ibid.*, 34-40.

Megan Shore, professor at the King's University College in London Ontario, Canada, sums down three main reasons why religion should be taken into consideration in conflict resolution in her book *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation*. Firstly, religion is popular around the world and continues to be an important aspect in the lives of many people. Even political leaders show religious commitment. Second reason is the global resurgence of religion, which has significant implications to international politics. Mixing of politics and religion undermines the political mythology of liberal modernity and secularist processes. Thirdly, changing nature of international conflicts necessitates consideration of religion as a tool for the resolution.<sup>21</sup> Based on Shore's remarks, we can argue that the political atmosphere at given time influences how much people rely on religion. During difficult political and economic times when societies are surrounded by uncertain atmosphere, spirituality can be seen to give comfort and hope of a brighter future for many.

Carnegie Commission's report on Preventing Deadly Conflict<sup>22</sup> gives five reasons why religious leaders and institutions give advantage to dealing with conflict situations. Religious institutions can create a message that resonates with their followers, they have a long-standing and pervasive presence on the ground with well-developed infrastructure that connects local, national and international offices. Religious leaders and institutions have the legitimacy for speaking out on crisis issues and religion provides traditional orientation to peace and goodwill.<sup>23</sup> The deep historical roots that many religious institutions and faith organizations have can arguably be linked to these reasons. Religions have been part of people's lives for centuries and the traditions that are passed from generation to another are deeply rooted in the supporter's ideologies.

Religion is a pervasive social institution and religious actors can be effective in a great number of peacebuilding activities in societies. Cynthia Sampson, writer and editor in the areas of religion and environment, expands the role of religious actors in peacemaking in her article "Religion and Peacebuilding" in an edited book *Peacemaking in International Conflict: Methods and Techniques*<sup>24</sup>. Her examples of religious conflict intervention roles are grouped into four broad categories. The first one is religiously motivated advocates, who support one or the other side of the party (primarily the weaker) but are not necessarily part of that party.

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<sup>21</sup> Shore, *Religion and Conflict Resolution*, 20-24

<sup>22</sup> Carnegie Corporation of New York, *Preventing Deadly Conflict: Final Report* (Carnegie Corporation of New York, 1997), [https://www.carnegie.org/media/filer\\_public/b2/0e/b20e1080-7830-4f2b-9410-51c14171809b/ccny\\_report\\_1997\\_ccpdc\\_final.pdf](https://www.carnegie.org/media/filer_public/b2/0e/b20e1080-7830-4f2b-9410-51c14171809b/ccny_report_1997_ccpdc_final.pdf).

<sup>23</sup> *Ibid.*, 114.

<sup>24</sup> Sampson, "Religion and Peacebuilding," 273.

Therefore, advocates can promote their ideas to wider audience outside of the conflicting parties' lines. Advocates often concentrate on transforming unjust social structures and restructuring broken relationships. The second category is intermediaries, who often focus on bringing the parties together and often concentrate on fact finding, peace-process facilitation, conciliation and mediation. The third group is observers, who's main task is in their physical presence that is intended to discourage violence, corruption and human rights violations. Religious observers have for example often participated in monitoring the legitimacy of elections, such as in Zambia in the 1991 national election. The fourth and final group, and arguably the most important group in preventing violence to erupt again, is educators. Educators play a role in each stage of the conflict and lay the groundwork of conflict transformation, whether in the classroom or on the field. Preparation is the key for successful educators: how to provide means to step away from the conflict and promote democracy and living diversity.<sup>25</sup>

As we have seen from the previous text, the role of religions in conflict resolution might have been underestimated. Hence it is important to advocate the role of religion in peacemaking. Religious actors can use multiple ways in influencing societies and communities through their daily operations as their messages echoes in the minds of people belonging to the faith groups. Religion has the power to understand the uncertainty of the holy. Even though religion can promote both hatred and intolerance, it can also encourage the willingness to live, explore and honor difference. Religion can provide an extensive communications network that transcends state boundaries. Religion often has a strong role in the civil society through which it can contribute to peacebuilding. As Lee Marsden has stated, "Religious conflict resolution is not a panacea but an under-utilized aid in the desire to make and sustain peaceful solution to conflict"<sup>26</sup>. This quote leads us to the analysis of transitional justice theories and the involvement of religious actors in the processes, which we can soon see, is an under-utilized and almost non-existent.

## ***2.2. Transitional justice – from conflict to democracy***

Transitional justice is a relatively new academic field even though its mechanisms have been in use for decades. Although the field was originally appropriated by lawyers and legal scholars, it has managed to attract scholars from various disciplines such as international relations, anthropology, conflict studies and politics. Due to the growing interest towards transitional justice over the past three decades, the discipline has grown to an interdisciplinary field with

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<sup>25</sup> Sampson, "Religion and Peacebuilding," 280-293.

<sup>26</sup> Marsden, "Religion and Conflict Resolution: An Introduction," 5.

its own body of literature and research. Transitional justice has become popular subject to teach around the world in different universities for both undergraduate and postgraduate students.<sup>27</sup>

Even though transitional justice has gained popularity among several academic fields, there is no single theory that would cover and explain the field in a confined manner. Due to the lack of confined transitional justice theory, several scholars have tried to develop a theory around the topic. Many of the scholars share the basic theoretical link to such theories as of transition, transformation, justice or reconciliation. It is jointly argued that transitional justice measures contribute to transforming societies and establishing a new normative benchmark of justice, which is based on human rights and serves as a ground for new democracies.<sup>28</sup>

Transitional justice is a concept and a process which includes political, legal and cultural instruments that can strengthen, weaken or accelerate the transition of a regime from conflict to democracy. There is no promised outcome of reconciliation and therefore transitional justice can either foster or hamper the process.<sup>29</sup>

The establishment of the International Military Tribunal at Nuremberg and the various de-nazification programs after the World War II mark the starting point for the transitional justice concept<sup>30</sup>. The term transitional justice itself came to use in the 1980's and 1990's during the democratization process of Latin America, particularly with the first truth and reconciliation commissions in Chile and Argentina. As the demand for transitional justice mechanisms grew at the beginning the 1990's, vetting and lustration processes, trials and reparation policies were issued in the Eastern Europe, the Balkans and the sub-Saharan Africa<sup>31</sup>. When the apartheid ended in South Africa, massive democratization process in Eastern Europe had started and Rwanda suffered from a genocide in 1994. The need to prevent perpetrators to commit mass atrocities again and to secure a peaceful transition from a regime to democracy was topical. As a result, The Rome Statute for the International Criminal Court (ICC) was established in 1999. It set legal standards for criminal justice and reparation procedures in response to the massive human rights violations and crimes against humanity<sup>32</sup>.

Since the establishment of the concept, transitional justice has reached out to powerful international allies. Organizations such as the United Nations (UN), the European Union (EU), the Organization for American States (OAS), the African Union (AU) and the World Bank have

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<sup>27</sup> Anja Mihr, "An Introduction to Transitional Justice," in *An Introduction to Transitional Justice*, ed. Olivera Simic (New York: Routledge, 2017), 1-2.

<sup>28</sup> Mihr, "An Introduction to Transitional Justice," 20-21.

<sup>29</sup> *Ibid.*, 1.

<sup>30</sup> Charles Manga Fombad, "Transitional Justice in Africa: The Experience with Truth Commissions", Hauser Global Law School Program, New York University School of Law, 2017, accessed 22 March, 2018, [http://www.nyulawglobal.org/globalex/Africa\\_Truth\\_Commissions1.html#\\_edn1](http://www.nyulawglobal.org/globalex/Africa_Truth_Commissions1.html#_edn1).

<sup>31</sup> Mihr, "An Introduction to Transitional Justice," 7.

<sup>32</sup> *Ibid.*, 1-8.

stated a clear link between transitional justice and the societal and democratic development in their reports<sup>33</sup>. The UN Guidance Note of the Secretary General defines transitional justice as a “full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”<sup>34</sup> Transitional justice incorporates both judicial and non-judicial instruments and mechanisms that must be in conformity with international legal standards. These instruments include for example prosecution initiatives, truth-seeking, reparations programs, institutional reform or an appropriate combination of thereof. Different guiding principles of the note take into consideration political context, ensuring women’s rights, child sensitive approach, ensuring the victim centrality, combining different transitional justice mechanisms and engaging in effective coordination and partnership.<sup>35</sup> However, the note never mentions the role of religious organizations or leaders and how the role of religion in the conflict area should be taken into consideration when starting the transition process. Closest confluence of church and transitional justice according to the note is in the cooperation and partnership between UN and non-UN actors, such as aid-agencies, non-governmental organizations (NGO)’s and private foundations.

The aims of transitional justice differ depending on the context. However, according to the International Center of Transitional Justice<sup>36</sup>, certain features such as the recognition of the dignity of individuals, the redress and acknowledgement of violations and the aim to prevent human rights abuses from happening again are constant in the transitional justice processes. Other complementary aims may include establishing accountable institutions to support the process, making access to justice for the most vulnerable in the society, ensuring the involvement of marginalized groups, respecting the rule of law, facilitating peace process, promoting durable conflict resolution and advancing the cause of reconciliation<sup>37</sup>. Despite the diversity of aims linked to transitional justice, the process’ objectives are to include all parties involved in the conflict or dictatorship – victims, perpetrators and bystanders – regardless of their political or social status, religion or ethnic background<sup>38</sup>.

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<sup>33</sup> *Ibid.*, 9.

<sup>34</sup> United Nations, “Guidance Note of the Secretary General: United Nations Approach to Transitional Justice,” March 2010, accessed March 20, 2018, [https://www.un.org/ruleoflaw/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf).

<sup>35</sup> *Ibid.*

<sup>36</sup> Established in 2001, International Center of Transitional Justice helps societies to find accurate strategies to focus on the rights of victims in dealing with legacies of massive human rights abuses and achieve sustainable peace. More information on <https://www.ictj.org>.

<sup>37</sup> “What is Transitional Justice?” International Center for Transitional Justice, accessed March 20, 2018, <https://www.ictj.org/about/transitional-justice>.

<sup>38</sup> Mihr, “An Introduction to Transitional Justice,” 2-4.



Transitional justice can be split into two distinct categories, retributive and restorative justice. Retributive justice is based on prosecutions, holding criminals accountable and being punished for their crimes. Retributive justice can take place through domestic courts, special ad-hoc tribunals, international tribunals or hybrid domestic tribunals that employ international personnel and rely on international cooperation but concentrate on the happenings in a single country. Retributive justice is perceived to break the cycle of violence and to prevent the return of the perpetrators and therefore avert the repetition of abuses. However, relying on the retributive justice might ignore the feeling of the victims as the concentration is highly on perpetrators. Retributive justice does not take into consideration the long-term peacebuilding, as the criminal tribunals are unable to stop any ongoing conflict. The western tradition tends to promote the retributive model of legal justice.<sup>39</sup>

Restorative justice aims to restore the broken relationship of the victim and perpetrator by focusing on their respective needs within the broader community. Restorative justice focuses not only to the healing of the victim but to the healing of the whole community and nation. These actions are encouraged to be carried out with the use of truth commissions. Other characteristics of restorative justice include high degree of public participation, lack of professional legal representation, voluntary process which is based on agreement and emphasizing reconciliation and social harmony. As it can be comprehended, the key difference between retributive and restorative justices is the notion on reconciliation. However, the limits between these two types of justices are often blurred in practice and different elements from both are often combined in transitional justice and conflict resolution<sup>40</sup>. It appears that there is a lack of clear distinction between retributive and restorative justices in practice.

There are diverse approaches how transitional justice has been tried. The approaches include both judicial and non-judicial mechanisms and can be narrowed down to four different strategies: First is trials and prosecutions, a judicial approach which includes prosecution of perpetrators of human rights violations domestically, internationally or by other special court. Second is truth commissions, the most popular and widely used method. Truth commissions are non-judicial bodies that try to investigate the pattern of past abuses through truth telling and public hearings. There are several dimensions connected to truth commissions that will be elaborated in the becoming subchapters and later in the context of South Africa as well. Third is lustration and/or vetting, which aims to purge the public service of corrupt, abusive or incompetent officials. Lustration and vetting attempt to promote accountability and

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<sup>39</sup> Wendy Lambourne, "Transitional Justice and Peacebuilding after Mass Violence," *International Journal of Transitional Justice*, Vol. 3, (January 2009) 30, Doi: 10.1093/ijtj/ijn037.

<sup>40</sup> *Ibid.*, 31.

democratization of the new government. Fourth is institutional reform of institutions that have been responsible of the past abuses by alteration of laws and constitutional reforms. The institutions in this context are often police, military and security services.<sup>41</sup> In addition to these approaches there are various measures such as apologies, reparations, compensations or memorials to deal with the past. All the measures include acknowledgement, which can be carried out in several ways – initiating public debates, producing films and documentaries of the past, publishing literature, introducing past wrongdoings and historical facts in school textbooks, conducting scientific research and allowing researchers access to archives, media involvement, or naming victims and alleged perpetrators. One way to acknowledge the past is by memorials, where people can go and respect the past and learn about the past.<sup>42</sup> In the case of South Africa, the District Six museum in Cape Town is a good example of an educative memorial site, which recognizes the past abuses and pays respect to the victims.

In recent years, transitional justice has progressively involved the local communities by encouraging, employing, and appropriating ‘indigenous’ norms, ‘traditional’ mechanisms, and healing rituals to repair the communities affected by mass atrocities<sup>43</sup>. There are several reasons why local transitional justice has been promoted. Firstly, the transitional justice toolkit cannot be universally applied to all cultures, countries and societies. Secondly, community participation is inevitable part for transitional justice to work. Thirdly, there is a need for more efficient and less costly justice mechanisms than international tribunals or national trials. Fourthly, traditional mechanisms are a step further from the state centralized justice and therefore comes closer to people. And finally, transitional justice is becoming more and more people centered and responsive to victims and community’s needs.<sup>44</sup> Local transitional justice can take many different forms depending on the culture and society. Examples of different ways of implementing transitional justice on a grassroots level are for example *gacaca* courts in Rwanda, *magamba* spirit healers in Mozambique and *mapo oput* ceremonies in Uganda. Now when the indigenous norms, traditions and cultures have received the interest of scholars and academics in terms of transitional justice, one could assume that religion would also be taken into closer consideration. However, still very little transitional justice mechanisms deal with religions, even though it has been recognized that religion does play a big role in conflicts and peacemaking. This appears as a major blind spot in transitional justice.

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<sup>41</sup> Fombad, “Transitional Justice in Africa: The Experience with Truth Commissions.”

<sup>42</sup> Mihr, “An Introduction to Transitional Justice,” 2-4.

<sup>43</sup> Lars Waldorf, “Local transitional justice – customary law, healing rituals, and everyday justice,” in *An Introduction to Transitional Justice*, ed. Olivera Simic (New York: Routledge, 2016), 157.

<sup>44</sup> *Ibid.*, 157-158.

Only a few scholars have researched and explored the role of religious actors in transitional justice processes. One of them, Daniel Philpott, Professor of Political Science at the University of Norte Dame, sees that religions have played a key role in developing and spreading a paradigm of transitional justice, and especially reconciliation. This is reasonable since reconciliation has deep religious roots. Philpott recognizes that religious actors across the world have sought to shape transitional justice both at the level of official policy and in civil society through trauma healing, conflict resolution, reconciliation practices, and other forms of peace building in communities.<sup>45</sup>

Religious actors have been involved in shaping official transitional justice policies, especially when the chosen mechanism has been truth commissions. Truth commissions are closely linked to reconciliation, which is often the desired outcome of the transition. Shaping and influencing the transitional justice processes by religious actors has happened in two significant ways. Firstly, by lobbying and speaking out publicly to investigate the past abuses through truth commissions. Secondly, by shaping the actual functions of the truth commission by the selection of commissioners, acting as a commissioner themselves and by providing logistical support and counselling throughout the process.<sup>46</sup> Especially the latter took place in the South African TRC, which will be analyzed later in this study. However, majority of the thinkers and doers promoting the concept of reconciliation in transitional justice have predominantly been Christian<sup>47</sup>. One can raise a question whether reconciliation is primarily a Christian paradigm that is deeply rooted in the Christian narrative and how does reconciliation fit with other faiths.

Religious places are however taken into consideration when talking about transitional justice and especially reparation measures. Restoring Armenian churches in Turkey, Buddhist temples in Cambodia and synagogues in Germany after wars and genocides can be directly linked to The Hague Convention from 1948 and state obligations to restore and acknowledge past wrongdoings. The Rule 150 of The Hague Convention on Reparations from 1948 implies that the responsible state is obliged to make full reparations for the injury caused by the internationally recognized wrongful act.<sup>48</sup>

Dr. Wendy Lambourne, Deputy Director of the Centre for Peace and Conflict Studies at the University of Sydney, points out that to support peace building through transitional

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<sup>45</sup> Philpott, "What Religion Offers for the Politics of Transitional Justice," in *Rethinking Religion and World Affairs*, ed. Timothy Samuel Shah, Alfred Stepan, and Monica Duffy Toft (New York: Oxford University Press, 2012), 7.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., 12.

<sup>48</sup> Mihr, "An Introduction to Transitional Justice," 4-5.

justice, attention needs to be paid to the psychosocial processes, socioeconomic condition and political context<sup>49</sup>. If so, we could pay closer attention to the role of religion as well. We can argue that religion influences the socioeconomic conditions as well as the political contexts, especially in the non-secular states. However, religion has often been left out from the discussion. If the international community needs to hold multiple contradictory perspectives to western view of justice, as Lambourne suggests<sup>50</sup>, religion and not only Christianity should also be taken into closer consideration. If measures of transitional justice must consider each country's particular historical, geographical and economic circumstances<sup>51</sup>, adding religion to the list would possibly provide a more uniform and broader transitional justice process. This would eventually lead to a more peaceful transition, which again is the core of transitional justice.

We now have an understanding what transitional justice entails, what are its aims, measures and mechanism. As we have seen, transitional justice is an interdisciplinary field that offers a broad spectrum of different mechanisms to carry out the peaceful transition from war or dictatorship to democracy. Even though religions play a significant role in conflicts and peacemaking, the role of religion in transitional justice processes is underutilized. It appears that transitional justice has not reached the interest of theologians, even though it has gained popularity among several other academic disciplines. However, religious sites are taken into consideration in terms of reparations, but many other mechanisms lack the dimension and influence of faith based actors. According to a few scholars, religious actors have shaped transitional justice processes, but it has mostly happened in terms of truth commissions that are closely linked to the goal or aim of reconciliation. This leads the study to the next chapters which aim to explore reconciliation as a mechanism of transitional justice and the use of truth commission as tools to achieve national reconciliation.

### **2.2.1. Reconciliation as a mechanism of transitional justice**

As the transitional justice field has expanded, reconciliation has gotten more attention. There is still confusion among the meaning of reconciliation that sometimes tends to have exaggerated hopes and aims<sup>52</sup>. Reconciliation may seem like a simple concept, however, it relies highly on the context where it is used when it comes to defining reconciliation and its endless nuances. In this subchapter, the basic ideas, aims and structures of reconciliation are presented together

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<sup>49</sup> Lambourne, "Transitional Justice and Peacebuilding after Mass Violence," 47.

<sup>50</sup> Ibid., 48.

<sup>51</sup> Fombad, "Transitional Justice in Africa: The Experience with Truth Commissions."

<sup>52</sup> Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York, NY: Routledge, 2011), 182-183.

with its connection to religion. Idea of reconciliation as an ‘empty universal’ is also touched upon in addition criticism towards reconciliation. Reconciliation combines theology and politics in practice as well as theory in the context of transitional justice. Therefore, reconciliation can be seen to have the closest link to religion out of all the mechanism. The states that choose reconciliation as their approach to transition often tend to have strong involvement of religious communities in their society<sup>53</sup>.

Reconciliation is the ultimate goal of conflict resolution. Reconciliation - settlement, understanding, resolution - refers to restoring broken relationships and learning to live non-violently in radical differences<sup>54</sup>. Ideally, reconciliation prevents the use of past violence as an excuse to a new conflict, breaks the cycle of violence, consolidates peace and supports new democratic institutions<sup>55</sup>. Reconciliation is a long-term process, which seeks its goal in long-lasting peace among the counterparts, which may be nations, ethnic groups or individuals. It is important to distinguish individual and national or political reconciliation. Truth commissions are powerful tools to advance reconciliation on a national level. However, as forgiveness, healing and reconciliation on an individual level are deeply personal processes, reconciliation becomes much more complex.<sup>56</sup>

In practice, reconciliation is not an isolated act but more a process to reach democratic society and leave tyranny and violence behind. The process is difficult, unpredictable, usually long and requires constant changes in attitudes from the people involved in it. Changes in attitudes could be for example moving towards tolerance instead of revenge or joint commemoration instead of separate partisan memorials.<sup>57</sup> Reconciliation does not happen overnight and it might even take decades for the outcomes of reconciliation processes to become visible to wider audience.

Even though the goal of reconciliation is important, the process of reconciliation plays even bigger and more significant role. The goal is something important to aim to and perhaps a future aspiration of the state of the relationships but the process is a way of dealing with the things they are at that specific moment<sup>58</sup>. Each society must find their own path to reconciliation and it cannot be imposed from outside. As the archbishop, Desmond Tutu has stated about reconciliation, “Examining the painful past, acknowledging it and understanding it, and above

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<sup>53</sup> Philpott, *The Politics of Past Evil*, 5.

<sup>54</sup> Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution* (Cambridge: Polity Press, 2011), 246.

<sup>55</sup> David Bloomfield, Teresa Barnes and Luc Huyse, eds., *Reconciliation After Violent Conflict: A Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance, IDEA, 2003), 19, <https://www.idea.int/sites/default/files/publications/reconciliation-after-violent-conflict-handbook.pdf>.

<sup>56</sup> Hayner, *Unspeakable Truths*, 183.

<sup>57</sup> Bloomfield, Barnes and Huyse, *Reconciliation After Violent Conflict*, 19.

<sup>58</sup> *Ibid.*, 12.

all transcending it together, is the best way to guarantee that it does not – and cannot – happen again.”<sup>59</sup>

*Reconciliation After Violent Conflict: A Handbook* has categorized three stages of reconciliation. First stage is “replacing fear by non-violent co-existence”. This requires will from people not to violently harm each other and to consequently build a safe environment to live in addition to good communication. This stage encourages political leaders, communities, NGO’s and religious institutions to take responsibility to initiate or sustain programs for liberating communication. Second stage is “building confidence and trust”, which applies to both victims and offenders. The stage entails believing that humanity is present in everyone and that the acknowledgement of humanity is the ground for mutual trust. This eventually leads to a sustainable culture of non-violence. Third stage, “towards empathy”, is the stage of willingness to listen the reasons for the hatred from those who caused the pain and for the offenders to listen to anger and bitterness of those who suffered from their actions. According to the handbook, this can be achieved through truth commissions and through truth telling. It is important to notice that the process of reconciliation is not linear and it cannot be put into strict sequences. Therefore, the stages described above do not always follow each other logically and can mix and match in the process. However, they are essential ingredients for long lasting reconciliation.<sup>60</sup>

Trauma and brutality are often involved in reconciliation, which need to be acknowledged and dealt with before going forward in the process. It is psychologically important for the victims to be able to tell about their personal experiences and suffering. Telling gives an opportunity for the victims to realize that they are not alone with their experiences and that the misery they had gone through was not a private matter but a social experience. It is especially important for individuals, when the ones who are heard the most are often the ones in power. Victims receive the feeling that their suffering is acknowledged and they feel valued and respected by the society.

Even though reconciliation may sound like an ideal process to achieve peace, create understanding between victims and perpetrators and rebuild nations, it has its subjects of criticism as well. Reconciliation, which is difficult to define, has become too much of the ultimate goal of conflict resolution and the need for transformation of social relations has been left aside<sup>61</sup>. Reconciliation can also be conceptualized as an ‘empty universal’; vague, yet powerful societal ideal. Almost anything can be reconciliation, or its definition can be modified

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<sup>59</sup> Ibid., foreword.

<sup>60</sup> Ibid., 19-21.

<sup>61</sup> Adrian Little and Sarah Maddison, “Reconciliation, Transformation, Struggle: An introduction,” *International Political Science Review*, Vol. 38(2) (2017) 145–154, DOI: 10.1177/0192512116681808.

by the context. The vagueness and indeterminacy of reconciliation as a concept makes it possible to be accepted as social ideal, which political groups can interpret according to their needs. Therefore, reconciliation does not essentially stand for social harmony and truth telling. It is rather a tool to create collective action and political creativity.<sup>62</sup> The question whether reconciliation after severe human rights abuses is even possible plays a relevant role in the analysis. As reconciliation requires truth telling and forgiving, the process would not be complete without these actions. However, no one can force the victim to forgive the perpetrator or the perpetrator to apologize for their justified actions. This appears as a complex issue, especially as reconciliation is in the core of peacebuilding and the ultimate goal of conflict resolution.

Religious actors can be seen to provide cultural foundation for peace by using their knowledge of the myths, beliefs and people's feelings shared in their religious culture<sup>63</sup>. Religious actors can also have a role in distinguishing genuine reconciliation and imitators of it<sup>64</sup>. Reconciliation is highly personal and maybe even a spiritual process that cannot be put into a time frame. Reconciliation cannot therefore be demanded or forced. Religious leaders are also self-assured to promote peace-related values and forgiveness, which for example lie deeply in the teachings of Christianity. However, questions such as which religious actors and how should they play a role in formulating political forgiveness are raised when discussing about reconciliation as a tool of transitional justice. Why to involve leaders or influencers of one group to the peacemaking process, if for example minority religions are left outside?

### **2.2.2. Truth Commissions**

Truth commissions have become dominant processes to examine when theorizing reconciliation<sup>65</sup>. States have a variety of ways to respond to past abuses. These include for example punishing perpetrators, establishing the truth, repairing damages, paying respect to the victims and reforming institutions to prevent further abuses<sup>66</sup>. However, truth commissions have recently become a popular choice around the world to break the cycle of violence and prevent future abuses.

But why to run truth commissions instead of prosecuting the perpetrators and why truth commissions have become the popular choice in terms of transitional justice? Tuomas Forsberg

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<sup>62</sup> Judith Renner, "A Discourse Theoretic Approach to Transitional Justice Ideals: Conceptualising 'Reconciliation' as an Empty Universal in Times of Transition," in *Critical Perspectives in Transitional Justice*, ed. Nicola Palmer, Phil Clark and Danielle Granville (Cambridge: Intersentia Publishing, 2012), 51-57.

<sup>63</sup> Appleby, *The Ambivalence of the Sacred*, 169.

<sup>64</sup> *Ibid.*, 203.

<sup>65</sup> Renner, "A Discourse Theoretic Approach to Transitional Justice Ideals," 51-57.

<sup>66</sup> Hayner, *Unspeakable Truths*, 8.

and Teivo Teivainen discuss this in their article *Past Injustice in World Politics: Prospects of Truth Commissions like Global Institutions*<sup>67</sup>. Prosecutions can be conducted only in a very limited manner if procedural justice is adhered to and one may have to apply laws retrospectively. Prosecutions may also represent and emphasize “victor’s justice” being subjective towards the stronger party. Victor’s justice is a situation in which justice is carried out on other party’s own basis, applying different rules to judge what is right or wrong. Prosecutions are expensive, time consuming and criminals may be able to escape the system if evidence has been destroyed. Taken an example of Rwanda – the country suffered from a genocide in 1994 where nearly million people died and still in 2004, ten years after the genocide 125,000 people were waiting for a trial.<sup>68</sup> Using alternative approaches to past violence would broaden the guilt-oriented approach of criminal courts. Therefore, truth commissions are prospective forums to deal with past violence or other kinds of injustices. In the most severe human rights violations it is often impossible to carry out a normal judicial case.<sup>69</sup> We can even argue that forgiveness, which is promoted by truth commissions, might have a greater healing factor for the victim to cope with the past atrocities.

Truth commissions are often created as an aftermath of military dictatorship or civil war. Widely acknowledged definition<sup>70</sup> of the truth commissions contains four common characteristics in them: First, it is an official body that focuses on the relatively recent past so that victims and perpetrators are still alive. Secondly, it investigates the pattern of abuses that have political significance over a certain period. Thirdly, it is a temporary body and finally, it is officially monitored, authorized or sanctioned by the state. Truth commissions aim to investigate the past to determine the full extent of past abuses through truth-telling and public hearings<sup>71</sup>. Different aims and dimensions of truth commissions include for example holding perpetrators of past violence accountable, consolidating democratic transition, memorialization, truth telling and trust seeking and making institutional proposals to avoid future human rights abuses. One justification or reason to set up a truth commission is to establish an accurate record on country’s history and to find the truth of the happenings<sup>72</sup>. It is typical for truth commissions to arrange a great number of victim’s interviews that account the

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<sup>67</sup> Tuomas Forsberg and Teivo Teivainen, ”Past Injustice in World Politics: Prospects of Truth Commissions like Global Institutions” (Helsinki: Crisis Management Initiative ry, 2004).

<sup>68</sup> Tuomas Forsberg and Teivo Teivainen, ”Past Injustice in World Politics: Prospects of Truth Commissions like Global Institutions,” 10-11.

<sup>69</sup> *Ibid.*, 6.

<sup>70</sup> Presented by several scholars of transitional justice and truth commissions, such as Shore, Forsberg & Teivainen, Hayner, Verdoolaege. All of them are cited in this study.

<sup>71</sup> Bloomfield, Barnes and Huyse, *Reconciliation After Violent Conflict*, 19-21.

<sup>72</sup> Shore, *Religion and Conflict Resolution*, 75.



patterns of abuses and therefore a record of the history of the time<sup>73</sup>. Justice, democratization and reconciliation have been pronounced as possible aims of truth commissions<sup>74</sup>.

Up to today, truth commission have been set up in about forty countries. The first truth commission took place in Uganda in 1974<sup>75</sup>, but the first major truth commission was the National Commission on the Disappearance of Persons that worked during 1983-84 in Argentina<sup>76</sup>. Commission in El Salvador in 1992 made truth commissions widely accepted mechanisms for dealing with the past<sup>77</sup>.

Truth commissions provide an alternative to the post World War II tradition of prosecuting the perpetrators. They are often viewed as the flexible and more practical option to deal with complexities and most likely the best option to confront the past and establish the truth. These are some reasons why truth commissions are distinguished among political leaders and organizations such as the United Nations. Moreover, truth commissions approach to justice, especially the South Africa's Truth Commission's approach, has been so unconventional that it has been studied as an example of transitional mechanism that radically redefined the existing protocols of post conflict justice<sup>78</sup>.

Even though the four characteristics of truth commissions are widely accepted and referred to by several scholars of the field, the definition is still somehow insufficient. The definition is criticized by being too wide, simple and missing some key elements. Hence, there is still no single, broadly accepted and mutually agreed definition of what constitutes as a truth commission nor that it always promotes reconciliation<sup>79</sup>. However, the intention of the truth commission seems to be a factor that also defines them. The intention of addressing the past to change policies, practices and relationships in the future and to pay respect to those affected by the abuses<sup>80</sup>. It appears that due to the vague definition of truth commissions together with reconciliation as an empty universal idea, states perceive these transition mechanisms as attractive options to carry the transition from dictatorship to democracy and to deal with the past abuses. Arguably, with these mechanisms there is space for each country to shape the transition process to fit their own society, traditions and culture.

## **Conclusion**

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<sup>73</sup> Hayner, *Unspeakable Truths*, 20.

<sup>74</sup> Forsberg and Teivainen, "Past Injustice in World Politics," 17.

<sup>75</sup> Hayner, *Unspeakable Truths*, xi.

<sup>76</sup> Forsberg and Teivainen, "Past Injustice in World Politics," 15.

<sup>77</sup> Shore, *Religion and Conflict Resolution*, 29.

<sup>78</sup> *Ibid.*, 27-30

<sup>79</sup> Hayner, *Unspeakable Truths*, 10-11.

<sup>80</sup> *Ibid.*, 11.

We have now learnt that the conflict resolution field as well as transitional justice as an academic study came to existence in the aftermath of the World War II. Scholars of conflict resolution and peacebuilding have recognized the importance of the role of religion in the process, which can be seen as a result of the religiously influenced conflicts in the Balkans and in the African continent in the late 20<sup>th</sup> century. However, the effect of Samuel Huntington's article, *The Clash of Civilizations*, cannot be underestimated when talking about why religion gained popularity among the academics of conflict resolution and peacebuilding. It has been recognized that religion influences societies and nations through traditions and history and provides traditional orientation for peace and goodwill, which resonates with people in crisis.

As Conflict resolution theories are more organized and arguably more developed, transitional justice field is finding its form among several academic disciplines. We could argue that the interest towards transitional justice has not reached theologians yet, as religion is clearly underutilized factor in transitional justice mechanisms. However, one of the two transitional justice categories, restorative justice, can be said to have some religious undertones as we combine it with reconciliation and truth commissions. Reconciliation is a powerful goal to achieve, yet it can also be vague and undefined goal. Truth commissions are widely used in different contexts of the aftermath of the conflict to achieve peace. However, together with reconciliation they also appear as an empty universal which on the other hand attracts states to implement them. Without a clear definition of how reconciliation should be achieved or how truth commissions should be implemented, the states have the power and freedom to fit these two to their own traditions and cultures which arguably results as a better outcome.

### 3. Historical framework of South Africa and apartheid

To understand societies in the present day, it is important to understand the geographical history of the area and the history of the nation. By understanding the causes and consequences of the historical phenomena, we can understand and reflect happenings in today's world to the past. South Africa has a rich history that could be explored in the length of ones' lifetime. However, this chapter present the major historical events that are important to distinguish when examining apartheid and the transition to democracy. Even though the historical overview starts from the point when the settlers arrived in the Cape, it is not to belittle or undermine the importance of the history before that time, but to keep this part of the study in a reasonable length. After the historical overview, the following subchapter explores the role of religion in the history of South Africa and especially during apartheid. The church played a significant role both in implementing apartheid and in the struggle against it. Therefore, it is important to gain a throughout knowledge of the religious history of the area as it influenced the work of the TRC as well.

South Africa is a multiethnic society with various languages, religions and cultures within the country's borders. To be able to analyze the TRC and post-apartheid transition to democracy, it is inevitable to have a brief understanding of the history of the country. This chapter gives a brief overview of the history of South Africa from the beginning of the colonial era to the time when apartheid became legally institutionalized tool for segregation. The complex and difficult race relations will be touched upon but cannot be studied more thoroughly in this short framework.

As several other countries in the African continent, South Africa also has a history of colonialism. To understand the roots of apartheid, we need to go back in the history and observe the position of the colonialist and their political desires. Even though the history of the area had begun long before the white settlers reached the Cape peninsula, the history of racial oppression, domination and resistance is said to have started at that point.<sup>81</sup>

The colonial history of South Africa started in 1486 when Bartholomeus Dias arrived at the Cape of Good Hope and a decade later European Nations began to use the Cape area for trade purposes<sup>82</sup>. Merchants from the Netherlands arrived in the Cape Peninsula in 1652 bringing along their world's greatest trading company, the Dutch East India Company. Thus, the modern South Africa can be said to begun as a by-product of the venture of the Dutch

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<sup>81</sup> *Apartheid the Facts* (London: Idaf Publications, 1991), 11.

<sup>82</sup> Elina Hankela, "The church must become the people of Soweto: Manas Buthelezi's existential-Christocentric understanding of the church" (Master's thesis, University of Helsinki, 2003), 8-9.

merchants. The foothold of the Dutch in the area strengthened as people from the Netherlands were transported to the Cape as settlers in the following decades. Initially, the Dutch East India Company did not envision the use of slave labor in the Cape settlement. Nevertheless, the Cape settlers soon followed the company's orders from other parts of the world and started to transport slaves from Dahomey and Angola to South Africa. The Dutch East India Company quickly became dependent on slave labor making the Cape a slaveholding society.<sup>83</sup>

The British reached the Cape in 1795, which led to conflicts between the Dutch settlers as the Cape quickly became overpopulated by the time's standards. These clashes between the Afrikaners and the British later culminated in the Great Trek in 1830's and 1840's, when about 15 000 Afrikaners left the Cape and moved towards the hinterlands of the country. The Dutch settlers started to call themselves "Afrikaners", a Dutch word for "Africans", to distinguish themselves from other European settlers, mostly the British. Afrikaners identified themselves with their own language, religious affiliation, history and social networks. The British immigrants separated themselves from the Afrikaners, loathed their culture and language as well as their achievements.<sup>84</sup>

The discoveries of mineral wealth in the 1860's started a period of unrest in the area. This period came to an end with the Anglo-Boer War in 1899, when the British rule was established to all territories of the country.<sup>85</sup> The rapid industrialization of the South African economy and the rise of the mining industries created a structure that already shaped the division between the white and black workers; white workers received supervisory roles with high wages and relatively good living conditions with opportunities to advance in their work. Meanwhile, black workers received the low paid jobs and were subjected to harsh living conditions. Racial segregation and discrimination became characteristic for the mining industry. Black diamond diggers were excluded from owning or trading diamonds, and were liable to imprisonment if found at the mining camp without a pass signed by their master.<sup>86</sup> Even though the mining industry created a greater inequality in the country, it also brought incredible prosperity to the white-English-speakers which later boosted the country's economy<sup>87</sup>.

At the beginning of the 20<sup>th</sup> century, the Afrikaner population started to strengthen its control over the state and the black population. The Afrikaners gradually started to eliminate

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<sup>83</sup> Leonard Thompson, *A History of South Africa*, (New Haven: Yale University Press, 1990), 31-36.

<sup>84</sup> Toyin Falola, *Key Events in African History: A Reference Guide* (Westport, Conn.: London, Greenwood Press, 2002), 197-199.

<sup>85</sup> *Apartheid the Facts*, 12-13.

<sup>86</sup> Thompson, *A History of South Africa*, 110-122.

<sup>87</sup> Falola, *Key Events in African History*, 200.

British government's legal power to intervene in South African affairs. However, tensions in the system intensified during the World War II when South Africa fought together with Britain and its allies. This disappointed many Afrikaners. During the war time, the economy of South Africa expanded and diversified letting the black people to enter the labor market more freely. This also effected the wages of the black people in a more positive way compared to the white minority.<sup>88</sup>

Despite some of the positive changes that the black people experienced under the wartime, the election of the radical Afrikaner National Party to power in 1948 strengthened the racial segregation again. The government classified people into four racial categories: white, black, colored and Indian. The white minority controlled the government and enjoyed the highest standard of living in the whole African continent when the black majority remained in hindrance by every standard of living. This legally institutionalized segregation became known as apartheid.<sup>89</sup>

In 1948 after winning the elections, the Afrikaner National Party officially implemented apartheid (separateness)<sup>90</sup>. Apartheid is a policy or system of segregation or discrimination on grounds of race, and the term is closely linked to South Africa – According to the Merriam Webster's definition, the term has a strong linkage to the discrimination against the non-European groups in the Republic of South Africa<sup>91</sup>. The exclusion of the majority was one of the main themes during apartheid when the minority white population was superior to the majority black population. Apartheid was institutionalized and a set a of laws was created to codify and continue the existing domination of the minority, which had started already during the colonial period. Every aspect of people's lives was regulated according to the population group they were assigned to: who they could marry, where they could live and work, go to school or even be friends with.<sup>92</sup>

The first law under the apartheid legislation was the Prohibition of Mixed Marriages Act in 1949, which was followed by the Immorality Act in 1950. These laws prohibited marriages and sexual relationships between racial divisions that were defined by the Population Registration Act. Population registration Act categorized people to one of the four racial groups based on their appearance, known ancestry, socioeconomic status, and cultural lifestyle. As it can be seen, despite the looks or the ancestry of the people, the government had the final word

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<sup>88</sup> Thompson, *A History of South Africa*, 154-157.

<sup>89</sup> William Beinart, *Twentieth-century South Africa* (Oxford, New York: Oxford University Press, 2001), 202.

<sup>90</sup> Falola, *Key Events in African History*, 201.

<sup>91</sup> "Apartheid," Merriam Webster Dictionary, accessed April 16, 2018, <http://www.merriam-webster.com/dictionary/apartheid>.

<sup>92</sup> *Apartheid the Facts*, 13-17.

in deciding which racial group people fell into. Even though the Mixed Marriages Act was revoked in 1985, marriages and other relationships between races remained difficult due to the Group Areas Act, which required couples to have permits in order to live together.<sup>93</sup>

Distribution of land and economic resources had a big role in the apartheid system. Distribution of land and economic resources secured the wealth and power to stay in the hands of the white minority. Government also eliminated the so called 'black spots' from countryside areas owned by the white people. This restricted the ways how the black people could work and farm. Education was compulsory only for the white children and even universities were not allowed to accept black students without special permission from the cabinet minister. 'Whites Only' signs started to appear around public places: taxis, ambulances, benches, busses, parks, churches, restaurants, cafes and hotels.<sup>94</sup> These are only a few examples of the various laws that were implemented to ensure the idea of separateness.

After following the laws of apartheid for decades, the black population reacted towards the ideology with protests. Protests became a defining character of the liberation movement during the twentieth century. The antiapartheid struggle reached an international level, which eventually involved people of all races, religions, and ideologies to pursue the common goal to stop racial segregation.<sup>95</sup> Unofficially, apartheid ended in February 1990 after Nelson Mandela, an anti-apartheid revolutionary and later a politician of the ANC party was released after 27 of imprisonment. However, the first democratic elections in South Africa were held in April 1994 and democracy was officially introduced to the nation. The ANC won the elections with majority vote and the leader of the party, Nelson Mandela, was inaugurated as president of South Africa in May 1994.

### **3.1. Role of religion in South Africa**

In a country with such a variety of different ethnic groups and cultures, there is no single story about religion<sup>96</sup>. The rich diversity of different South African religions cannot be understood without taking into consideration the country's geographical, political, cultural, and historical concept. We can use an example of the San people, the nomadic hunter gatherers of Southern Africa, whose religion owed a great deal to their geographical location. Rock art, caves and spiritual symbolism play a big part in their religious culture whereas socio-political factors, such as the rise of merchant capitalism that have affected Christianity in the country seem to

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<sup>93</sup> *Apartheid the Facts*, 17.

<sup>94</sup> Thompson, *A History of South Africa*, 194-197.

<sup>95</sup> Falola, *Key Events in African History*, 203.

<sup>96</sup> Martin Prozesky and John de Gruchy, ed., *Living Faiths in South Africa* (London: Hurst and Company, 1995), 1-3.

have played no part in shaping the San religion. On the other hand, Islam came to South Africa directly because of political and economic factors, and its history has not been shaped much by the geography of the continent. It is also evident that the arrival of the Europeans, the Dutch and the British, started the Europeanisation of Southern Africa which affected the religions of the area through different cultural concepts.<sup>97</sup> Religion in South Africa is a dynamic force with a very extensive following compared to for example rather secular western European societies. It is undoubtedly true that the faiths in South Africa have been greatly affected by political and economic factors and vice versa<sup>98</sup>.

The missionary movement is an important factor in the shift to Christianity by the indigenous people and has affected the religious field of South Africa extensively. The first wave of the settler Christianity has been said to have taken place when the Dutch and later the British arrived in the Cape. The first Dutch reformed congregation was established in Cape Town in 1665 and the Anglican Church arrived in Cape Town as the church of the British colonial authorities. Second strand in the development of Christianity in the area took place with the arrival of the missionaries. John de Gruchy calls missionaries as the servants of colonialism due to the element of missionaries having an important role in the process of colonization<sup>99</sup>. Stephen Munga points out that several African scholars have criticized missionary work because of its close ties to colonial policies. However, many also recognize its achievements: Missionary workers have contributed to the infrastructure of the villages by building schools and hospitals which served for the education and health of the people.<sup>100</sup>

There is an agreed consensus of the division of the two main churches in South Africa – Afrikaner churches and English-speaking churches. Even though many religious groups, such as Roman Catholics, Lutherans and smaller indigenous faiths are left out from this categorization, the division is widely accepted and reasonable. It helps to understand the bipolarity of the religious field regarding apartheid.<sup>101</sup>

The arrival of the Afrikaner Church has been said to have started the church history in South Africa. One can also argue that the birth of the Dutch Reformed Church (DRC) influenced the rise of apartheid to a certain degree. Regarding the role of the DRC in apartheid, President Nelson Mandela pointed out that the “policy was supported by the Dutch Reformed Church, which furnished apartheid with its religious underpinnings by suggesting that

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<sup>97</sup> Prozesky, and de Gruchy, *Living Faiths in South Africa*, 3-4.

<sup>98</sup> *Ibid.*, 12.

<sup>99</sup> John de Gruchy, “Settler Christianity” in *Living Faiths in South Africa*, ed. Martin Prozesky and John de Gruchy (London: Hurst and Company, 1995), 28-29.

<sup>100</sup> Stephen I. Munga, “Beyond the Controversy: A Study of African Theologies of Inculturation and Liberation” (PhD diss., Lund University, 1998), 233.

<sup>101</sup> Hankela, “The church must become the people of Soweto,” 13.

Afrikaners were god's chosen people and that blacks were subservient species. In the Afrikaner's worldview, apartheid and the church went hand in hand."<sup>102</sup>

The Afrikaner churches have been said to be the breeding ground for Afrikaner nationalism, as they offer educated leadership and a spiritual setting for Afrikaner traditions to live by.<sup>103</sup> Even though the DRC officially rejected racism, it promoted separate development among races<sup>104</sup>. The DRC developed a religious dimension of the state, "Afrikaner civil religion", which central idea is that Afrikaners are God's chosen people and are fated to maintain their distinct culture and therefore their mission in South Africa. Afrikaner nationalism can be defined as a "civil religion based on a doctrine of creation, history, culture and calling, designed to uphold the Afrikaner people in their struggle for identity, survival, and power, against all odds".<sup>105</sup>

During the 1920's, the question of racial segregation started to predominate the political and church circles among Afrikaners – in 1927, a conference sponsored by the DRC took place with the agenda to discuss the black representation in the parliament. Most of the Afrikaner representatives supported the segregation especially among the DRC. This marked the start for the period what later became known as apartheid.<sup>106</sup> After the National Party came to power in 1948, the DRC perpetually supported all the apartheid laws appointed by the government, even though some individual members spoke against them. Significant aspects of apartheid originated within the Afrikaans Reformed Churches. Some members of the DRC have even claimed that the church laid down the principles of apartheid, not the National Party. The DRC, however, was not the only Christian denomination that supported racial segregation.<sup>107</sup>

Even though apartheid was perceived as a promotion of Afrikaner Churches' theology, it was not until the Group Areas Act and Bantu Education Act when the Afrikaner and English churches were directly confronted by apartheid policies. Because both Afrikaner and English churches received much needed government funding to run their congregations and schools, the churches were tied to follow the government restrictions. In terms of the Group Areas Act, white and black congregation members were not allowed to mix socially. Leaders of the English-speaking churches strongly opposed these laws even though they were rarely implemented. Shore calls the situation of the churches being caught in between laws – Laws

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<sup>102</sup> Shore, *Religion and Conflict Resolution*, 39.

<sup>103</sup> Hankela, "The church must become the people of Soweto," 13.

<sup>104</sup> Ibid., 14.

<sup>105</sup> Shore, *Religion and Conflict Resolution*, 48.

<sup>106</sup> John de Gruchy, "Christianity in Twentieth Century South Africa", in *Living Faiths in South Africa*, ed. Martin Prozesky and John de Gruchy (London: Hurst and Company, 1995) 89-90.

<sup>107</sup> Ibid., 92.



that prohibited interaction between races and on the other hand church teachings that obliged them to minister all races and respect one's dignity.<sup>108</sup>

Christianity was not only seen as a supporter of apartheid but also as a challenger of the system. All the Christian churches did not support the apartheid policies and in fact some are said to have been the voices of protest from within Christianity. Black people did not remain passive and it was not until apartheid became an official policy when the black resistance and black consciousness started to rise – black churches emerged to symbolize the quest for liberation and the upsurge of the churches was closely linked to the liberation movement.<sup>109</sup> De Gruchy describes the heart of black consciousness being the will of black people to take the initiative into their own hands and direct their own struggle for freedom. Black people saw that the white liberals who had spoken on behalf of the blacks could not truly represent the oppressed.<sup>110</sup>

Three different groups constitute the Black Churches: the black mission church, the historic black churches and the African Indigenous Churches/African Independent Churches. These three differ from each other in many ways, but are predominantly black in membership, led by blacks and bonded by the struggle against racial segregation.<sup>111</sup> The movement was inspired by developments similar those in the United States at the time, as black students started to respond to the intensification of apartheid<sup>112</sup>. The remarkable growth of African Independent churches was and still is an indicator of the importance of religion in South African's day-to-day life<sup>113</sup>.

If black consciousness was a counter philosophy to apartheid, black theology could be called as counter theology. Black theology criticized white man's religion in the South African context and offered a different way of understanding the bible<sup>114</sup>. Allan Boesak, one of the first black theologians of South Africa shaped the methodology of black theology and paved the way towards liberation. Boesak describes black theology as follows:

Black Theology is a theological reflection of black Christians on the situation in which they live and on their struggle for liberation. Blacks ask: What does it mean to believe in Jesus Christ when one is black and living in a world controlled by white racists? And what if these racists call themselves Christians also?<sup>115</sup>

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<sup>108</sup> Shore, *Religion and Conflict Resolution*, 46.

<sup>109</sup> *Ibid.*, 48-49.

<sup>110</sup> de Gruchy, "Christianity in Twentieth Century South Africa," 99.

<sup>111</sup> Charles Villa-Vicencio, "Mission Christianity," in *Living Faiths in South Africa*, ed. Martin Prozesky and John de Gruchy (London: Hurst and Company, 1995) 47-49.

<sup>112</sup> de Gruchy, "Christianity in Twentieth Century South Africa," 99.

<sup>113</sup> Alex Boraine, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (Oxford: Oxford University Press, 2001), 267.

<sup>114</sup> Munga, *Beyond the Controversy*, 238.

<sup>115</sup> Hankela, "The church must become the people of Soweto," 17.

Two significant events around the rise of black theology and black liberation movement took place in the 70's: the student uprising in Soweto in 1976 and Lutheran World Federation (LWF) meeting in Dar es Salaam in 1977. The Soweto uprising rapidly spread across the country and as a result many young radicalized black people were forced into exile. International pressure on South Africa started to increase. A new generation of black leaders with strong church connections arose from the student uprising, which marked a new phase of church involvement in the struggle against apartheid.<sup>116</sup> At the LWF meeting the South African black theology movement representatives argued that the stage had been reached where church had to reject apartheid as a heresy<sup>117</sup>. The escalation of resistance later overtook the 'apartheid as a heresy' debate, and the church struggle turned into liberation struggle. Desmond Tutu and Allan Boesak played significant roles as leaders in the absence of recognized black political leaders during the liberation movement. As international pressure towards South Africa increased, churches had to take a stronger stand towards apartheid.<sup>118</sup> In 1990, National Conference of Church leaders issued the Rustenburg declaration which completely rejected apartheid.

The church has clearly played a significant role in the history of South Africa as well as in the liberation struggle against apartheid. Therefore, the role of churches and the significance of religions, especially Christianity, in the reconciliation process were expected when the TRC took place later in the 90's.

### **Conclusion**

We now have comprehended a brief historical overview of South Africa from the arrival of the settlers to the period of apartheid and realizes the significance of religion in the society. Christian influence started already during the missionary movement which paved the way for Christianity to become one of the biggest religions in South Africa. It is apparent that religion, especially Christianity and the DRC, influenced the rise of apartheid and the black theological movement was a driving force to challenge the unjust system. The next chapter continues to analyze the role of religion but from the perspective how it was visible in the work of the TRC.

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<sup>116</sup> de Gruchy, "Christianity in Twentieth Century South Africa," 102-103.

<sup>117</sup> Ibid., 105.

<sup>118</sup> Ibid., 107.

## 4. Truth and Reconciliation Commission of South Africa

*“In South Africa, we have travelled a long way down the road of reconciliation, but our journey is not yet over. Reconciliation is a long-term process and it must – and will – continue for many years to come”*

-Archbishop Desmond Tutu<sup>119</sup>

After apartheid ended, South Africa was in a transition process to bring democracy to the country. The idea was to include all the citizens as part of the society, to seek justice for the ones suffered during apartheid as well as understanding to the both sides of the conflict. Justice and reconciliation were key themes during this transitional period. The themes articulated goals and identified means that combined in Archbishop Desmond Tutu’s image of the rainbow people of God.<sup>120</sup> When talking about reconciliation in post-apartheid South Africa the TRC is in the heart of the process. The TRC played a central role in the transitional period and has been acknowledged widely around the world as a successful way to deal with trauma of the past, yet still being criticized by some scholars and citizens of South Africa. The following chapters examine the mandate that the TRC was given, what its three different sub committees entailed and why it was unique compared to truth commission prior to its time. The subchapter are analyses of the role of religion in the TRC, which is explored through six different categories – *Ubuntu* theology, the Commission’s daily work and structure, religious leaders in the TRC, the TRC report’s stance on religion, ideas of forgiveness and truth telling. Criticism and the debate whether the TRC is alleged as success after twenty years of its mandate is presented in short to conclude the bigger chapter of the analysis of the TRC.

The TRC Report Volume One describes the reasons why truth commission was chosen as a route to transition. Even though some support the idea of having the post-World War II type of Nuremberg trial option, this was not the path that South Africans wanted to take. Nuremberg option was not an option since there was no one to receive victor’s justice, as neither the state nor the liberation movement defeated one another. South Africa did not either have the resources, time, money and personnel, to set up such operation. Therefore, Nuremberg option would not have resulted as a peaceful transition. One of the core reasons behind the choice of truth commission was that the country needed to come in terms with its history. People

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<sup>119</sup> David Bloomfield, Teresa Barnes and Luc Huyse, *Reconciliation After Violent Conflict: A Handbook*, foreword.

<sup>120</sup> Francois du Bois and Antje du Bois-Pedain, ed., *Justice and Reconciliation in Post-Apartheid South Africa* (Cambridge, UK, New York: Cambridge University Press, 2008), 2.

needed to remember the past to prevent it from happening again, painful experiences and wounds needed to be opened in order to be healed again. Understanding and remembering the past are also inevitable to establish a culture of respect for human rights. Hence, the founding Act of the TRC calls for “the need for understanding but not for vengeance, a need for reparation but not retaliation, a need for *ubuntu* but not for victimisation.”<sup>121</sup>

The idea to establish a truth commission to carry out the transitional process in South Africa first came from the African National Congress (ANC), Nelson Mandela’s presidential party. However, all the parties in the government did not support the idea of the TRC. The Commission faced strong criticism from the National Party, Inkatha Freedom Party and the security forces. The groups were worried that the TRC would undermine national unity and become a hunt against the Afrikaners as it was originally the ANC’s idea.<sup>122</sup>

Alex Boraine, lawyer and the Deputy Chair of the TRC describes the starting phases and the ideology behind the Commission in his book *The Country Unmasked*<sup>123</sup>. He argues that transparency, accountability and truth are essential to any nation that wants to consolidate democracy. Therefore, blanket amnesty and criminal trials were unacceptable and unworkable ways to create democracy and the need to find another way to deal with the past urged to be established.<sup>124</sup> Also, having a separate legal system would not have been able to cope with the sorting out of human rights violations. This would have been costly, time consuming, and results mostly uncertain.<sup>125</sup>

The TRC was set as an official government body and an arena for the perpetrators and victims of apartheid to listen and try to understand each other and their actions. The fact that the Commission was established by democratically elected parliament and not by the president was unique compared to previous truth commission around the world<sup>126</sup>. Testifying, complaining, apologizing, venting one’s rage, expressing one’s grief, disappointment or despair, were practices that took a central position in the proceedings of the TRC<sup>127</sup>. The TRC was called into existence in the Promotion of National Unity and Reconciliation Act No. 34 of 1995 and the mandate was said to promote national unity and reconciliation in a spirit of understanding by

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<sup>121</sup> “Volume One: Truth and Reconciliation Commission of South Africa Report” (1998), 5-8, <http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf>.

<sup>122</sup> Boraine, *A Country Unmasked*, 44-45.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid., 2-7.

<sup>125</sup> Terttu Laaksonen, ”Anteeksiantamiseen perustuva sovinto. Etelä-Afrikan Totuus ja sovintokomissio sovintoprosessina” (Master’s thesis, University of Helsinki, 2012), 55.

<sup>126</sup> Boraine, *A Country Unmasked*, 270.

<sup>127</sup> Annelies Verdoolaege, *Reconciliation Discourse: the Case of the Truth and Reconciliation Commission* (Amsterdam, Philadelphia: John Benjamins Publishing Company, 2008), 2.

- a. establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;
- b. facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;
- c. establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them;
- d. compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission contemplated in paragraphs (a), (b) and (c), and which contains recommendations of measures to prevent the future violations of human rights.<sup>128</sup>

The TRC consisted of three subcommittees: The Human Rights Violations Committee (HRVC), the Amnesty Committee and the Committee of Reparation and Rehabilitation. The HRVC had a mandate “to enquire into systematic patterns of abuse, to attempt to identify motives and perspectives, to establish the identity of individual and institutional perpetrators, to find whether violations were the result of deliberate planning on the part of the state or liberation movements and to designate accountability, political or otherwise, for gross human rights violations.”<sup>129</sup> Two of the most important tasks of the HRVC were to initiate the statement taking process, which included taking testimonies from apartheid victims and their close ones, and to organize public hearings where the victims could tell their stories<sup>130</sup>. The HRVC gained by far the most popularity and media coverage compared to the other subcommittees.

The Amnesty Committee was granted the power to decide who could receive amnesty. This required the submission of an amnesty application and the fulfillment of the strict criteria: the act needed to be politically motivated, occurred between 1 March 1960 – 10 May 1994, application needed to be submitted by 30 December 1997 and the perpetrator needed to give a full disclosure of the happenings. The total number of application received by the deadline was 7127.<sup>131</sup>

The Committee of Reparation and Rehabilitation had many responsibilities. The committee needed to consider the matters referred to it by the HRVC and the Amnesty

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<sup>128</sup> Promotion of National Unity and Reconciliation Act No. 34 of 1995, South Africa. <http://www.justice.gov.za/legislation/acts/1995-034.pdf>.

<sup>129</sup> “Volume One: Truth and Reconciliation Commission of South Africa Report” 277.

<sup>130</sup> Verdoolaege, *Reconciliation Discourse*, 11-16.

<sup>131</sup> “Volume One: Truth and Reconciliation Commission of South Africa Report” 267-275.

Committee, gather evidence relating to the identity of the victims and investigate the extent of harm the victims had suffered. Making recommendations to the president how to proceed with the rehabilitation of the victims and on the creation of institutions conducive to a stable and fair society were also part of the Reparation and Rehabilitation Committee's work.<sup>132</sup>

Fanie du Toit, executive Director of the Institute for Justice and Reconciliation and honorary associate professor in the Department of Political Studies at the University of Cape Town, points out that the TRC was "...the first institution in African history (and, arguably, in the world) to bring victim testimonies to the fore so strongly, thus introducing perspectives into the public domain that had seldom been heard before, and furthering the social inclusion of often marginalized individuals."<sup>133</sup> These aspects can arguably relate to the reasons why the TRC is perceived a successful example of a truth commission: people who felt neglected to by the society due to the apartheid laws got a chance to tell about their experiences and their version of the truth. The TRC managed to compile two key messages to the public, which can be seen as the most important contributions of the Commission to the post-apartheid reconciliation. The first message was clear condemnation of the United Nations that apartheid was indeed a crime against humanity and the second message was that human rights were violated on all sides of the conflict.

The TRC was unique in many ways compared to its predecessors for example in Chile, Argentina or El Salvador. The transparency of the TRC required active participation from several civil society groups – churches, opposition parties and the government. The TRC also had a power of subpoena, to invite people to testify in court. The power of subpoena was one of the main advantages of the TRC – apparently, many cases would not have been gone through without the power of subpoena. Several drafts of the Commission are available to any person or organization for free. The way of choosing the commissioners, public hearings, and several workshops and conferences that were arranged throughout the country resulted in a widespread participation. The proceedings of the TRC were open to public and media covered them for all the people in the world to see. Letting media and camera crews attend to the open hearings was an outcome of the debated discussion among the commissioners. After consulting several non-governmental organizations about the effect of the cameras on victims the commission decided to allow them at the hearings. The general view of the NGO's was that the stories the victims are telling are stories that the whole country should hear. In addition to the TV broadcasts and articles in the newspapers, the TRC's hearings were aired in the radio. This was extremely

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<sup>132</sup> "Volume One: Truth and Reconciliation Commission of South Africa Report," 285.

<sup>133</sup> Fanie du Toit, "A broken promise? Evaluating South Africa's reconciliation process twenty years on," *International Political Science Review*, 38, No. 2, 175, <https://doi.org/10.1177/0192512115594412>.

important taking into consideration that not all people in South Africa can read or write. Radio was the main source of information for many people and it reached even the most remote areas from where people were not able to travel to the hearings.<sup>134</sup>

The extensive media coverage that the TRC received also made the victims feel that their suffering was acknowledged and they felt valued and respected by the society. Hearing the truth and confession from the perpetrators was also an important part of the whole healing process for the victims<sup>135</sup>. Overall, one of the accomplishments of the TRC is that it brought broader societal phenomenon that was linked to apartheid to the public conversation. These include for example the role of media, legal administration, socially influential organizations and their accountability and responsibility in the system.<sup>136</sup>

Amnesty was an important part of the Commissions work as well as one of the most far-reaching unique features of the TRC. The topic of amnesty has a vital role in theorizing transitional justice and it was an important part of South African TRC's work. Even though many countries have passed amnesty laws, referring to specific events in history, war crimes or crimes against humanity, South Africa's approach was unforeseen.<sup>137</sup> As explained earlier in this study, amnesty was possible to receive in exchange for truth and needed to be applied for. This included a written and detailed version of the information regarding the human rights violations as well as a hearing at the Amnesty Committee. Those gross human rights violations, which were politically motivated and committed between 1960 and 1994 would only be considered for amnesty.<sup>138</sup>

The TRC has been thanked for the progress that it has brought to the post-apartheid South Africa and for the way it has dealt with the past and concentrated on the future. Many scholars see that it was psychologically important for the victims to tell about their personal experiences and suffering under apartheid. By telling the stories out loud victims realized that they were not alone with their experiences and that the misery they had gone through was not a private matter but a social experience. In addition to individual reconciliation between the victims and perpetrators, the TRC also helped to bring a certain kind of national reconciliation.<sup>139</sup> Most scholars agree that the TRC succeeded in achieving national unity among the people of South Africa, even though the participation of the white people in the TRC was rather small. It has been said that due to the work of the Commission the white minority

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<sup>134</sup> Boraine, *A Country Unmasked*, 270-272.

<sup>135</sup> Verdoolaege, *Reconciliation Discourse*, 16-18.

<sup>136</sup> Forsberg and Teivainen, "Past Injustice in World Politics," 6-25.

<sup>137</sup> Agata Fijalkowski, "Amnesty" in *An Introduction to Transitional Justice*, ed. Olivera Simic (London: Routledge, 2016), 115-119.

<sup>138</sup> Boraine, *A Country Unmasked*, 275-276.

<sup>139</sup> Verdoolaege, *Reconciliation Discourse*, 16-18.

now sees the past in a different light<sup>140</sup>. People of different colors started to see each other as civilians of the country, who have a common history and who need to work together to build their solidarity and nation<sup>141</sup>. Many South Africans also wanted to see their truth commission as a model for the whole world, because they considered their society a microcosm of the international society<sup>142</sup>. Arguably, this idea and feeling might have been born and fed from Tutu's idea of the rainbow nation.

Altogether, the commission gathered the testimonies of about 21,000 people from 1996 to 1998. It granted amnesty to 1,200 people and turned down more than 5,000 applications. Taken the numbers into consideration, the TRC succeeded quite well. The Commission did not solve all the problems in South Africa, but the experience was positive. As the one of the founding fathers of the commission, Desmond Tutu has stated about the TRC: "Without it we could not have been able to leave the past behind and create a new start for our country."<sup>143</sup>

#### **4.1. Role of Religion in the TRC**

As we have learnt from the previous chapters, the role of religion in transitional justice has not been studied by many scholars. Neither has the role of religion in the TRC. Megan Shore, professor at King's University College in London Ontario, Canada, has written the most throughout work considering the role of religion in the TRC. Other notions of religion however have come up as smaller chapter in bigger contexts when examining the whole TRC process. Therefore, the role of religion has not been analyzed as much as it could have been, compared to how visible it was in many different parts and stages of the Commission.

Because the TRC was officially a political process, it was not obvious that religion would play a noteworthy role in it<sup>144</sup>. However, the term reconciliation itself is religiously loaded and even asks for religious content<sup>145</sup>. As we have discussed in the previous chapters, in practice South Africa has never been a secular society, even though the government adopted a secular permanent constitution in 1996<sup>146</sup>. In the following sub chapters, the role of religion, especially Christianity, is analyzed from different angles. The analysis starts with *ubuntu* theology and its influence on the TRC through Desmond Tutu's interpretations will be

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<sup>140</sup> Forsberg and Teivainen, "Past Injustice in World Politics," 18.

<sup>141</sup> Verdoolaege, *Reconciliation Discourse*, 16-18.

<sup>142</sup> Forsberg and Teivainen, "Past Injustice in World Politics," 7.

<sup>143</sup> *Ibid.*, 5.

<sup>144</sup> Shore, *Religion and Conflict Resolution*, 59.

<sup>145</sup> Hugo van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa" in *Religion & Reconciliation in South Africa: Voices of Religious Leaders*, ed. Audrey R. Chapman and Bernard Spong (Philadelphia: Templeton Foundation Press, 2003), 283.

<sup>146</sup> Constitution of the Republic of South Africa, 1996, Government of South Africa. Chapter 2, section 15, accessed March 13, 2018, <https://www.gov.za/documents/constitution-republic-south-africa-1996>.



examined. The chapter will move on to the religious undertones of the Commission's structure and daily work to follow with the examination of the religious leaders' roles in the TRC. How Christian language and ritual came forward during the Commission's lifetime through ideas of forgiveness and truth telling are also pondered. The TRC Report's stance on religious characteristics and practices in the Commission concludes the analysis.

#### 4.1.1. Ubuntu theology

The concept of *ubuntu* had a significant role during the whole existence of the TRC. Even though *ubuntu* is not a religious or political philosophy, it has undertones from both. *Ubuntu* translates to English as "I am what I am, because of who we all are<sup>147</sup>." However, the definition of *ubuntu* has been explained from several scholar's and influential leaders such as Desmond Tutu's perspectives, but the clear landscape of different ideas about *ubuntu* is still lacking<sup>148</sup>. When talking about the TRC and the role of religion in its work, Tutu's ideas and interpretations of *ubuntu* are in the center of attention. More detailed analysis of Tutu's role as a religious leader in the TRC will be presented later in the analysis.

*Ubuntu*, according to Tutu, is the basic concept of African humanism. In Africa, and especially in South African tradition, *ubuntu* defines people's mutual interaction and existence as one of the conditions for taking care of each other. Ubuntu is an ideal space that must also deal with negative connotation of human existence, such as achieving abrupt, self-interest, destruction, and all the sins that separate man from God.<sup>149</sup> *Ubuntu* theology could be the source of reconciliation with the substantive idea that human is human through other people. In Tutu's Ubuntu theology, human identity is defined in the image of God and therefore apartheid makes no theological sense, because it denies that humans are created as the image of God<sup>150</sup>. The goal of *ubuntu* theology is to create an approach of reconciliation where race or cultural differences no longer define power. People are inevitably connected to each other because of their humanity. A person with Ubuntu is hospitable, kind, noble, sympathetic, and has a good self-esteem and understanding of belonging to a greater entity. *Ubuntu* allows people to see more

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<sup>147</sup> Judith Rich, "Embracing the Spirit of Ubuntu," *Huffington Post*, August 22, 2012, [https://www.huffingtonpost.com/dr-judith-rich/ubuntu\\_b\\_1803189.html](https://www.huffingtonpost.com/dr-judith-rich/ubuntu_b_1803189.html).

<sup>148</sup> Christian B.N. Gade, "What is Ubuntu? Different Interpretations among South Africans of African Descent," Department of Culture and Society, Aarhus University, accessed March 13, 2018, [http://pure.au.dk/portal/files/48387009/What\\_is\\_Ubuntu.\\_Different\\_Interpretations\\_among\\_South\\_Africans\\_of\\_African\\_Descent.pdf](http://pure.au.dk/portal/files/48387009/What_is_Ubuntu._Different_Interpretations_among_South_Africans_of_African_Descent.pdf).

<sup>149</sup> Sasu Rauhala, "Anteeksiantaminen Rauhan Praktisena Syllogismina Desmond Tutun Ubuntuteologiassa" (Master's thesis, University of Helsinki, 2017), 34.

<sup>150</sup> Michael Battle, *Reconciliation: The Ubuntu Theology of Desmond Tutu*, (Cleveland: The Pilgrim Press, 1997), 5.

than the separating boundaries between them and how one appreciates the others depends on their own attitude.<sup>151</sup>

As it can be seen from explanation of *ubuntu* and *ubuntu* theology, these concepts and ideas have a close relation to the work of the TRC. Ubuntu theology as a source of reconciliation and on the other hand its goal to create an approach to reconciliation can be seen in the Commission work. *Ubuntu*'s idea of understanding and belonging to a greater community could be a goal of the whole TRC – to unite South Africans and create mutual understanding between races and people from different backgrounds. Of course, these ideas are not always linked to religious teachings or faith, but if the lessons come from well-respected Archbishop Desmond Tutu, a religious tone should be taken into consideration.

#### **4.1.2. Commission's Daily Work and Structure**

The most profound impact of religion in the work of the TRC was seen through the shaping of the implementation of the Commissions mandate<sup>152</sup>. During the negotiations prior to the establishment of the Commission, religion was not included in the mandate and the TRC was not intended to be a religious process<sup>153</sup>. Because of the new secular constitution, the international community and particularly western policy makers, who at that time struggled with the ethnic conflict in the Balkans, expected the TRC to follow the same liberal approach and to leave religion aside<sup>154</sup>. However, South Africans did not follow the expectations.

The religious character of the TRC started already when a special service for appointing the commissioners was held at St. George's Cathedral in Cape Town. Boraine, one of the commissioners, agrees that even though the service was the Commission's common decision, it was definitely Tutu's suggestion to do so. The whole event was full of religious undertones: reading of sacred texts by Buddhist, Christian and Muslim communities, silent moments to reflect the challenge of searching the truth and working towards reconciliation, lighting candles and the commissioners responding, "I will" to the words of dedication read by the congregation<sup>155</sup>. It is argued that having the event at Christian church and singing hymns related to Christian faith excluded other faiths, even though some Buddhist and Muslim texts were also read. It has been said that it diminished the value of the Commission's work and created embarrassment among people who did not belong to any faith group<sup>156</sup>. On the other hand, we

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<sup>151</sup> Laaksonen, "Anteeksiantamiseen perustuva sovinto," 49.

<sup>152</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 272-273.

<sup>153</sup> Shore, *Religion and Conflict Resolution*, 61.

<sup>154</sup> *Ibid.*, 59.

<sup>155</sup> Boraine, *A Country Unmasked*, 266.

<sup>156</sup> Boraine, *A Country Unmasked*, 267.

can argue that church provided a safe and peaceful and even festive place to appoint the commissioners.

Churches and religious NGO's provided logistical assistance in terms of providing office space for administrative work and arranging venues for public hearings<sup>157</sup>. Gross human rights violations hearings were often organized with the assistance of local churches and communities, who helped the Commission to facilitate and implement effective undertakings<sup>158</sup>. In remote areas, churches might have been the only places where a great number of people could gather indoors. Local church leaders also provided trauma counseling for people who attended the hearings to help them deal with the experience of the TRC<sup>159</sup>. In situations like this, we can suppose that the people who received counselling from church leaders also accepted that the person helping has a religious background and have recognized their religious affiliation. If the Commission did not have the means and conditions to provide trauma counselling, we can argue that it was good that someone took initiative in helping the people attending the hearings with providing support.

Later when the Commission's work was ongoing, hymns and prayers became a regular part of the hearings. So regular that opening prayer became part of the unwritten protocol<sup>160</sup>. The initiative often came from the attendees, which is an example of how religion and faith played a big role in people's daily lives<sup>161</sup>. The first HRVC hearing started with a Xhosa-Christian mission hymn, and many of the media reporters missed this overly Christian opening<sup>162</sup>. Boraine gives an example of a hearing in a small township called Boipatong, where 48 people, many of them women and children, were massacred in 1992. Before the hearing started and the commissioners walked in to the hall, people who had gathered at the venue started signing a well know hymn. According to Boraine's experience, this moment was filled with light and hope. He sees the moment as an example of how religion has given security and comfort to people.<sup>163</sup> However, Boraine is known of being openly Christian and therefore his views may differ a lot from people not belonging to Christian denominations. These Christian rituals, symbols and metaphors, such as Tutu wearing the clerical robe and singing hymns, started to dominate the Commission and its daily routines<sup>164</sup>.

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<sup>157</sup> Shore, *Religion and Conflict Resolution*, 63.

<sup>158</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 272.

<sup>159</sup> Shore, *Religion and Conflict Resolution*, 63.

<sup>160</sup> *Ibid.*, 68.

<sup>161</sup> Boraine, *A Country Unmasked*, 269.

<sup>162</sup> Antjie Krog, *Country of My Skull* (Cape Town: Random House South Africa, 1998), 37.

<sup>163</sup> Boraine, *A Country Unmasked*, 268.

<sup>164</sup> Krog, *Country of my Skull*, 66.

For people of Christian faith these rituals and symbols that were visible throughout the daily work of the Commission might not seem unusual or peculiar. However, focusing exclusively on Christianity and its norms and rituals, Muslims, Jews and people of other faiths did not feel welcomed at the proceedings. The ‘Christianization’ of the TRC process was criticized for leaving out minority religious groups. Because the process was alleged as overly Christian, very little people spoke about reconciliation at all in the Muslim communities.<sup>165</sup> On the other hand, as so many people at the HRVC hearings who partook or testified were Christians and gained strength and healing from the atmosphere, Christian nature became inevitable. It became even futile to fight against the Christian influence.<sup>166</sup> This contradicts with Tutu’s idea of a rainbow nation, where people from all ethnic and faith groups live in harmony.

#### **4.1.3. Religious leaders in the TRC**

The role of religious leaders played more significant role in the whole broader process the Commission that was arguably expected when compiling the mandate. When President Nelson Mandela appointed 17 commissioners to the TRC on December 1995, approximately one third of them had religious backgrounds and came from faith communities. Four of the commissioners were ordained ministers and represented Christian organizations, Dr. Alex Boraine was named as deputy chair and Desmond Tutu as the chairman, both recognized and respected Christian leaders in South Africa. Two other high profile Christian leaders, Reverend Bongani Finca and Dr. Khoza Mgojo, as well as Hindu human rights lawyer and South African leader of the multi-faith World Conference of Religion and Peace, Ms. Yasmin Sooka, were appointed as commissioners. The director of research, Charles Villa-Vicencio, also had a strong Christian background as a theology professor and former head of the department of religious studies at the University of Cape Town. Furthermore, a significant number of the 300 TRC staff members had noticeable Christian backgrounds.<sup>167</sup>

While the TRC’s activities were bounded by the legislation, the interpretation of the mandate was freer and its proceedings were fundamentally altered. This gave the Commission the ability to engage victims and wrongdoers in an empathetic manner to promote forgiveness and regret. Hugo van der Merwe’s interviewees in his essay in an edited book *Religion & reconciliation in South Africa: Voices of Religious Leaders* thank the TRC especially for providing a more humane and approachable face of the work of the Commission.<sup>168</sup> Arguably,

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<sup>165</sup> Shore, *Religion and Conflict Resolution*, 70-71.

<sup>166</sup> *Ibid.*, 71.

<sup>167</sup> *Ibid.*, 61-62.

<sup>168</sup> van der Merwe, “The Role of the Church in Promoting Reconciliation in Post-TRC South Africa,” 272-273.

this would not have happened without the presence of the aforementioned religious influencers in the Commission, who by nature understand forgiveness through the Christian tradition.

An overt religious character exemplified by Desmond Tutu, has been both criticized and thanked for his role in the Commission. Boraine, Tutu's fellow commissioner, states that "I don't think that commission could have survived without the presence and person and leadership of Tutu"<sup>169</sup>. The whole religious character of the TRC was well demonstrated in Tutu's personality and appearance – wearing the ecclesiastical dress, offering prayers and the use of Christian metaphors, which became normal within the work of the TRC<sup>170</sup>. Tutu was a household name long before the TRC and through his presence rather than performance he became an icon in South Africa. Antjie Krog, journalist and poet who has written and reported extensively on the work of the TRC has also highlighted the role that Tutu had for the whole reconciliation process. In her book, *Country of My Skull*, she states that the whole process of the TRC is unthinkable and impossible without Tutu<sup>171</sup>. Tutu's language is the most important tool through which he guides people and drags them along the process<sup>172</sup>. We can argue that Tutu gave his face for the Commission and that the whole process would have been very different without his presence. If Tutu had not been in such an important role on the Commission, the role of Christianity might not have been so visible.

#### **4.1.4. Idea of Forgiveness**

Forgiveness can be said to have religious origins as well as biblical perspective. It is a theologically resonant term in Christian tradition. As discussed in the previous chapter, the core of the TRC was in forgiveness and moving forward as a one nation. Forgiveness is an interpersonal process where ruptured human relationships are restored<sup>173</sup>. However, despite forgiveness' religious origins, it should not be restricted to the spiritual realm.

Forgiveness is not the same as reconciliation or settlement, nonetheless an important part of the process. Through forgiveness people can move towards truth and reconciliation. Reconciliation again is a condition for forgiveness because without reconciliation, forgiveness becomes passive. Without reconciliation, forgiveness is a condition that cannot achieve the truth<sup>174</sup>. Therefore, forgiveness and reconciliation go hand in hand and fulfill each other's aims and needs. Forgiveness and reconciliation are both for example needed to build real trust. In

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<sup>169</sup> Shore, *Religion and Conflict Resolution*, 268.

<sup>170</sup> *Ibid.*, 266.

<sup>171</sup> Krog, *Country of My Skull*, 152.

<sup>172</sup> *Ibid.*

<sup>173</sup> Mark R. Amstutz, "Restorative Justice, Political Forgiveness" in *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice*, ed. Daniel Philpott (Notre Dame: University of Notre Dame Press, 2006), 154.

<sup>174</sup> Rauhala, "Anteeksiantaminen Rauhan Praktisena Syllogismina Desmond Tutun Ubuntuteologiassa," 20.

communities where conflicts have not been dealt with in an appropriate way, new conflicts are easier to evolve when argumentative issues arise<sup>175</sup>.

In the TRC, forgiveness played a vital role in achieving nationwide healing. Forgiveness has a strong religious connotation and is part of Christian tradition. Forgiveness is for example asked in one of the most well know Christian prayers, the Lord's Prayer, where the reader asks the God to forgive their sins. Many analysts have linked the emphasis on forgiveness and restorative justice in the TRC to the influence of the religious community<sup>176</sup>.

However, there are also problems with forgiving. Forgiving is morally so close to forgetting that people think that it does not meet the moral demands of justice. The idea of forgiveness is not properly understood, forgiveness always includes remembering and the wrongdoer must recognize his or her misconduct for the process to start. Finally, forgiveness has been criticized for compromising victim's moral values. Nevertheless, forgiveness could have broader understanding in word politics.<sup>177</sup>

Even though we discussed the interlinkage between forgiveness and reconciliation earlier in this study, a question whether national reconciliation really requires forgiveness between victims and perpetrators can be raised. Alternatively, reconciliation may be a prerequisite for interpersonal forgiveness<sup>178</sup>. In the TRC Report Volume Five the commissioners state in the conclusion that "Reconciliation does not necessarily involve forgiveness. It does involve a minimum willingness to co-exist and work for the peaceful handling of continuing differences."<sup>179</sup> Based on this, one can argue that the religious connotation of forgiveness did not contribute to the outcome of the Commission as much as it affected single hearings and individuals. Idea of forgiveness and its relation to Christian practices might have given comfort and something familiar to relate to for the victims, but its role in the official process was not as important as it seems. However, when forgiveness was visible in the process, it has been criticized for being too much of Tutu's idea of it. For example, Jews saw that even though forgiveness is part of their tradition, Tutu's idea of it was too tolerant and too short on accountability<sup>180</sup>. Therefore, the TRC left no room for other concepts of forgiveness than Christian concept, or Tutu's concept.

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<sup>175</sup> Laaksonen, "Anteeksiantamiseen perustuva sovinto," 86.

<sup>176</sup> Audrey Chapman, "Perspective on Reconciliation within the religious community," in *Religion and reconciliation in South Africa : voices of religious leaders*., ed. Chapman, Audrey R., Spong, Bernard, (Philadelphia: Templeton Foundation Press 2003), 288.

<sup>177</sup> Audrey Chapman, Bernard Spong, ed., "*Religion and reconciliation in South Africa : voices of religious leaders*" (Philadelphia: Templeton Foundation Press 2003), 12-13.

<sup>178</sup> Ibid., 12.

<sup>179</sup> "Volume Five: The Truth and Reconciliation of South Africa Report," (1998), 438.

<http://www.justice.gov.za/trc/report/finalreport/Volume5.pdf>.

<sup>180</sup> Shore, *Religion and Conflict Resolution*, 71.

#### 4.1.5. Truth Telling

As truth in many cases is subjective, to meet the challenges of transitional justice a society should investigate, establish and publicly disseminate the truth about past historical atrocities<sup>181</sup>. One of the central paradigms of reconciliation is that it requires truth telling<sup>182</sup>. Truth played a central role in how the TRC understood the reconciliation process. The truth was the only possible starting point for dealing with human rights violations during apartheid and a way for perpetrators to seek amnesty. The truth was an integrative and unifying element for individuals and needed to reach a wider South African audience<sup>183</sup>.

To analyze the work and nature of truth commissions, one needs to define and conceptualize truth and truth telling, and what the commission is seeking. Albie Sachs, an anti-apartheid activist and former judge on the Constitutional Court of South Africa has developed four categories of truth that help to understand the truth in the context of the TRC – microscopic, logical, experiential and dialogical truths. Microscopic truth is detailed and focused. It narrows down the field to a particular frame and excludes all variables. Logical truth is generalized, objective and impersonal whereas experiential and dialogical truths are connected personal experiences by living through a specific period and interchange between people. Sachs continues that there is no single correct way to define the truth that was sought at the TRC hearings, because everyone experienced it and the time of apartheid in different ways.<sup>184</sup> One could argue that most of the TRC hearings and stories of truth had most likely the closest connection to experiential truth.

The HRVC hearings especially had a religious narrative in them. The narrative can even be called a religious-redemptive paradigm, where the act of truth telling contained a healing power that transformed revenge and bitterness. The HRCV hearings therefore became a symbol of mediation.<sup>185</sup> Truth seeking and truth telling are something that many people have experienced in their own faiths and churches. Therefore, the theme resonated with many victims who came to the hearings<sup>186</sup>. Hearings empowered victims and survivors by legitimizing their personal and in many cases religious narratives<sup>187</sup>. This ended up fostering the idea that

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<sup>181</sup> Agata Fijalkowski, "Truth and Reconciliation Commissions," in *An Introduction to Transitional Justice*, ed. Olivera Simic (London: Routledge, 2016), 100.

<sup>182</sup> Renner, "A Discourse Theoretic Approach to Transitional Justice Ideals," 51-57.

<sup>183</sup> Laaksonen, "Anteeksiantamiseen perustuva sovinto," 86.

<sup>184</sup> Albie Sachs, "Different Kinds of Truth: The South African Truth and Reconciliation Commission," in *Experiments with Truth: Transitional Justice and the Process of Truth and Reconciliation*, ed. Okwui Enwezor (Berlin: Hatje Cantz Publishers, 2003), 53-54.

<sup>185</sup> Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge, New York: Cambridge University Press, 2001), 109-110.

<sup>186</sup> Boraine, *A Country Unmasked*, 268.

<sup>187</sup> Shore, *Religion and Conflict Resolution*, 174.

Christian discourse was exclusively a victim's discourse and had very little connection and effect to material compensations. However, as hearing the truth especially in the cases of the HRVC hearings was painful and difficult, having the religious discourse to lean on to could be seen as comforting when victims were listening the perpetrators stories.

TRC had no working definition for truth or truth telling during its time. It wasn't until the publication of the final report in 1998 when the commission gave a definition of truth in the context of the TRC. These four truths described in the report are fairly similar to Sachs's definition of truths: factual or forensic truth, personal and narrative truth, social truth and healing and restorative truth.<sup>188</sup> Based to the Final Report, the commission also recognized the complexity of the concept of truth and how it emerged in different hearings stories of victims and perpetrators.

#### **4.1.6. TRC Report on Religion**

Even though the TRC report does not elaborate the role of religion in the commission's work, they do discuss interesting points concerning the role of religion in relation to reconciliation and religious based nationalism. Volume five also contains a Minority Position of one of the commissioners who decided to withdraw from the process, one of his reasons being the inclusion of religion into the Commission's work. The TRC report Volume One describe the difficulty of understanding the meaning of reconciliation on a national level. The dangerous confusion between Christian understanding of reconciliation and the political notion of reconciliation is highlighted as problematic in the report.

The TRC Report Volume five expresses a standpoint on the role of faith communities in the chapters 'Reparations and Rehabilitation Policy' and 'Findings and Conclusions'. The report agrees that Christianity as the dominant religion of South Africa did promote the idea of apartheid in various ways, for example through theological teachings and by appointing ministers to congregations based on their race. Therefore, faith communities should also be involved in the rehabilitation programs to promote reconciliation within communities. The report recommends local authorities to arrange culturally appropriate ceremonies in close co-operation with faith communities.<sup>189</sup> However, Boraine points out that there is very little evidence how this recommendation was put into practice but recognizes the special responsibility of faith communities<sup>190</sup>. Even though it is important to include faith communities to the reconciliation work around South Africa, it becomes controversial as people who do not

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<sup>188</sup> "Volume One: Truth and Reconciliation Commission of South Africa Report," 110-114.

<sup>189</sup> *Ibid.*, 89-252.

<sup>190</sup> Boraine, *A Country Unmasked*, 182.



belong to faith communities can be isolated from the healing process. If the emphasis is too much on religious communities and their values, people who do not belong to them can feel left out. Maybe the suggestion should be more universal, not focusing on the faith communities but to people as part of any community.

However, the report's suggestion to implement the reparations process and meet the victims' needs is that the cooperation and partnership should include all different societal and communal stakeholders<sup>191</sup>. Including all communal stakeholders especially in relation to reparations process is important or the reparations to reach the right victims.

The report takes a rather bold stance, when describing how religious based nationalism contributed directly to the religiously inspired conflict. However, the term religious-based nationalism is not defined clearly in the report's context, and therefore its meaning remains unclear for the reader. Religious based nationalism created suspicion, distrust and strife within the communities that contributed to the conflict and therefore religious communities should take responsibility for their actions in this regard<sup>192</sup>. The use of the term religious-based nationalism is interesting taking into consideration the judicial nature of the whole TRC. The term does not come up in the first volume of the TRC report either. Presenting the idea that faith-based organizations and especially Christianity contributed to the idea of apartheid and should therefore take responsibility of the reparations, is understandable. However, one could argue that as the commission's work went on and the impact of religion became more and more significant in the healing process as well the term religious-based nationalism came to use. In this context, religious-based nationalism could also be seen with positive connotation through which the whole nation can experience healing and reconciliation.

Wynand Malan, a commissioner who decided to withdraw from the process of compiling the final TRC Report<sup>193</sup> submitted a Minority Position to the Volume Five<sup>194</sup> where he in addition to other issues, discusses the role of religion in the TRC process. Malan presents his concerns about the role of religion in the commission and points out that applying religious frames to any phenomena should not be underestimated<sup>195</sup>. He argues that religion is often dogmatic and absolutist by nature and therefore it is hard to include religion in reconciliation processes where most of the issues are not black and white but on the grey area. He also contends that the TRC Act itself did not ask the commissioners to deal with morality or ethics. However, as the religious connotations became present in the Commission, questions of

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<sup>191</sup> "Volume Five: Truth and Reconciliation Commission of South Africa Report," 252.

<sup>192</sup> Ibid., 252.

<sup>193</sup> Ibid., 457.

<sup>194</sup> Ibid., 436.

<sup>195</sup> Ibid.

morality and ethics started to rise. He points out that the Commission chose to take this moral-ethical approach as a default in its public statements and that in some cases the Commission relied more on these factors rather than corroborative evidence<sup>196</sup>. In other words, in Malan's views the Commission did not fulfill its judicial mandate. Even though the rest of the Commission accepted Malan leaving the process of compiling the Final Report, their response to his Minority Position states it to be inappropriate for a commissioner to host personal opinions and subjective views<sup>197</sup>. The response does not however comment Malan's stance on the role of religion chapter in the Commission.

As identified, the hearings of the TRC quickly started to resemble a church service rather than a judicial proceeding. The TRC Final Report has even stated that this resemblance was not a coincidence and that the TRC administration intentionally aimed at creating an environment that would foster ceremonial practices<sup>198</sup>. Singing hymns and lighting candles to remember the victims became accepted practices that provided a sacred context where Christian sentiments took place<sup>199</sup>. Therefore, the TRC challenged the dominant conflict resolution approach that does not traditionally play a role. As we discussed in the previous chapters considering transitional justice theories, the lack of religious dimensions in them supports the argument of the TRC challenging traditional conflict resolution approaches.

## **Conclusion**

Legal processes have limitations – they provide an important framework in which interaction can happen in a society but they can only go so far<sup>200</sup>. And as we have seen from the previous, the TRC was not a usual legal process, which arguably was lacking many definitions and clarifications on how to act. However, legal processes especially in a transition from conflict to democracy reflect the society where it is carried through. Without the input of religious figures, the TRC process would have been very different. While the draft and mandate of the TRC were essentially political, influence of faith based organizations and churches contributed to the Commission's work in a positive way and created a more victim centered approach<sup>201</sup>.

We have now analyzed the role of religion from several aspects that were visible in the Commission's work. The role of religion in the TRC can be narrowed down to the role of Christianity, as it has proven to be the most influential faith in the South African context. We

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<sup>196</sup> Ibid., 440.

<sup>197</sup> Ibid., 458.

<sup>198</sup> Ibid., 3.

<sup>199</sup> Shore, *Religion and Conflict Resolution*, 67.

<sup>200</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 272-273.

<sup>201</sup> Ibid., 270-271.

can conclude that Christianity had an impact on the Commission's work and it can be observed from many different levels. We have seen that religion was visible already when compiling the mandate of the TRC and when appointing the commissioners. Arguably, the mandate and the whole process of the TRC has been influenced by the *ubuntu* theology, which is deeply rooted in South African philosophy and way of living and thinking. Many of the religious connotations came from the religious characters and people who were attached to the Commission – as commissioners or outside spectators and operations supporters. One could argue that having a great percentage religiously affiliated people as Commissioners, especially Archbishop Desmond Tutu, allowed the *ubuntu* theology, religious discourses of forgiveness and truth telling enter the originally judicial process. We can argue that the strong history Christian traditions that were customary and even comforting for people, allowed praying and singing hymns to become a regular part of the Commission's hearings. However, the Christian atmosphere left out other religions. We have analyzed how the official TRC report agreed that Christianity had an influence in the implementation of apartheid and therefore it was natural for Christianity to have a part in the TRC process. However, the report itself leaves the analysis of right and wrong Christian influence to outsiders, even though Wynand Malan wanted to come forward with his concerns when relating religions to judicial process.

Before moving onto the criticism towards the TRC, one can raise a question whether a strict court type process with no understanding, vetting, crying, apologizing and forgiving would have suited for South Africa. It appears that religious connotations quite quickly became well accepted within the work of the TRC and no further complains were made during its existence. No systematic evidence has shown that trials, tribunals and legal punishment would lead to a peaceful society. What is known is that it is a mix of legal, political and historical measures that can influence leveraging trust among victims and victimizers.<sup>202</sup>

#### **4.2. Criticism towards the TRC**

Despite its perceived success, the TRC has received a fair amount of criticism as well. In the following, the main areas of criticism such as the Commission being perpetrator friendly leaving victims needs aside and not having a clear definition for reconciliation, are be presented. Most of the criticism towards the role of religion in the TRC is in relation to the concept of forgiveness and its connection to amnesty, the interpretation of reconciliation, as well as the overly Christian representation among the commissioners.

The amount of different political parties in the TRC, how it elected its commissioners as majority of them being ANC minded, as well as from Christian faith, and how it left out the

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<sup>202</sup> Mihr, "An Introduction to Transitional Justice," 11.

throughout investigation of ANC's human rights violations have been in the core of criticism towards TRC<sup>203</sup>. The TRC also failed to call into account any of the apartheid time politicians who contributed to the implementation and continuity of the system<sup>204</sup> and did not settle the issue of the responsibility of the political leadership during apartheid<sup>205</sup>.

Although the Commission managed to clarify several incidents in the history of apartheid, it failed to establish a shared framework of the history of the time<sup>206</sup>. The Fundamental questions about the justification of the apartheid system and the struggle against it were left out from the process<sup>207</sup>. The TRC condemned apartheid as an inhuman, but is the systematic condemnation of apartheid enough to process all the crimes against humanity? The TRC also failed at investigating apartheid policies as human rights violations, because it was not included in the mandate. Therefore, the mandate should have been broader. These for example, are some of the most profound questions why there are several interpretations on TRC's success to reconcile.

The TRC process has also been perceived as perpetrator friendly from the victims' side as it did not include sufficient punishment for the wrongdoers. Many victims felt that they did not receive any personal justice because perpetrators were set free without any compensation. The TRC sought to consider the rights of the victims, but the victims were often disappointed as the perpetrators rarely took responsibility for their actions. It is also debatable if the perpetrators got away with taking too little responsibility of their actions, as amnesty conditions of amnesty were not strict enough. For many victims, the amnesty provision was a fundamental rejection of their right to legal alternative. The implication that the Commission would grant forgiveness based on the disclosure of the truth without compensation for the victim undermines the victim's right to refuse forgiveness<sup>208</sup>. On the other hand, the way that the perpetrators had to confess their crimes in public ended up being psychologically and socially a hard and traumatizing task<sup>209</sup>. Having to confess in front of the whole country when the TV-cameras are recording is a punishment on its own way, however one may argue if that is enough. Victims also felt that they were sometimes obliged and responsible to publicly announce their forgiveness for their perpetrators<sup>210</sup>.

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<sup>203</sup> Verdoolaege, *Reconciliation Discourse*, 19-21.

<sup>204</sup> Laaksonen, "Anteeksiantamiseen perustuva sovinto," 80-90.

<sup>205</sup> Forsberg and Teivainen, "Past Injustice in World Politics," 18-19.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 273.

<sup>209</sup> Verdoolaege, *Reconciliation Discourse*, 19-21.

<sup>210</sup> Shore, *Religion and Conflict Resolution*, 69-70.

It has been debated that reconciliation should not have been started in the early stages of postwar reconstruction, because traumatized people are not yet ready for such undertaking<sup>211</sup>. However, it is hard to measure when is the right time to start the reconciliation process. In South Africa, the TRC was started only a year after Mandela was elected as a president and ANC became the biggest party in the parliament. The almost immediate start of reconciliation might seem to be too soon, which could have caused more trauma to the people suffered from apartheid<sup>212</sup>. However, as we have learnt from the previous chapters, reconciliation is highly personal and maybe even a spiritual process that cannot be put in to a time frame. Reconciliation cannot therefore be demanded or forced. Therefore, it is impossible to have the process in a time frame that suits for the whole country's citizens. We can also raise a question, whether it is even possible to achieve reconciliation in the course of the TRC, during two and a half years of operation.

People working with the TRC criticized it for being authoritarian in its internal operations<sup>213</sup>. This led to questioning of the Commission's ability to promote open participation and empowerment in a situation where the historical authoritarian rule wanted to be left behind. However, as the TRC was a political process, authorities are needed to assure the fulfillment of the mandate. On the other hand, the TRC has been criticized for lessening many emotions from something that should have been more legal and technical process<sup>214</sup>. When it comes to the role of religion in the TRC's internal operations, some see it not being Christian enough and other see it as being too Christian. The TRC has been criticized for not leaving room for other religions than Christianity or other African traditions, and even in extreme cases no room for other Christianity than Tutu's<sup>215</sup>.

It is debatable if promoting national unity, as the name of the act states itself, happened during the life of the TRC. Through the public hearings victims realized that they were not alone with their experiences and that the misery they had gone through was not a private matter but a social experience. People from different racial groups started to see each other as civilians of the country, who have a common history and who need to work together to build their solidarity and nation. However, we can also argue that victims had an obligation or even responsibility to tell the stories out loud and announce their forgiveness for their perpetrators publicly<sup>216</sup>. Without public speaking, forgiveness would never have taken place and

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<sup>211</sup> Ramsbotham, Woodhouse and Miall, *Contemporary Conflict Resolution*, 248.

<sup>212</sup> Verdoolaege, *Reconciliation Discourse*, 21.

<sup>213</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 276.

<sup>214</sup> Shore, "Religion and Conflict Resolution", 69.

<sup>215</sup> Ibid., 71.

<sup>216</sup> Ibid., 69-70.

reconciliation would have stagnated. There are many opinions about the true integrity and reconciliation of the TRC, and while we are viewing and analyzing the achievement of national unity, we should look at the country's political and social situation today<sup>217</sup>.

Scholars have criticized the lack of clear definition of reconciliation in the TRC and even the Final Report of the Commission stretches five different levels of reconciliation<sup>218</sup>. The National Unity and Reconciliation Act of July 1995 did not clearly define reconciliation, especially who would be reconciled, which remained as one of the main uncompleted tasks of the TRC<sup>219</sup>. It has been hard to distinguish whether reconciliation was ultimately supposed to be individual or national. As the result of not resolving the difference in viewpoints on reconciliation, the commissioners and staff of the TRC often pursued very different approaches to reconciliation. At times, more political and judicial concept of reconciliation was reflected but often Tutu's religious understanding of reconciliation trumped other views<sup>220</sup>. Judith Renner sees that there is no obvious reason why the TRC should provide a universally valid template for reconciliation<sup>221</sup>. She argues that the term 'reconciliation' itself particularly vague and flexible and can be interpreted in many ways depending on the context. Some scholars also argue that reconciliation is something that cannot be institutionalized because it should happen between individuals on a personal level<sup>222</sup>. The South African TRC, however, was a political institution that was born out of a political compromise reached during a power-political stalemate. Therefore, the TRC assumed that public hearings and truth telling were liberating and contributed to the national psyche of South African people after the years of repression during apartheid legislation<sup>223</sup>. But why the South African TRC did not include more traditions and customs to foster reconciliation already in its mandate? Now the traditions, such as the role of religion became part of the commissions daily routines and work by accident, which did not please all secularists. Or maybe the role of Christianity would have been understood and perceived better if it would have been discussed as a cultural way to include local transitional justice to the process.

The twinning of religion and law created moral dilemmas in the way that the TRC approached certain issues<sup>224</sup>. Christianity has therefore been criticized for impeding justice due to its incompatibility with the legal process. And Christianity in this context being the

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<sup>217</sup> Loukola, "Siirtymävaiheen oikeuden mekanismit," 68.

<sup>218</sup> "Volume One: Truth and Reconciliation Commission of South Africa Report," 107-110.

<sup>219</sup> Wilson, *The Politics of Truth and Reconciliation in South Africa*, 100-101.

<sup>220</sup> Audrey R. Chapman, "*Religion and reconciliation in South Africa: voices of religious leaders*," ed., Audrey R. Chapman and Bernard Spong (Philadelphia: Templeton Foundation Press 2003), 12.

<sup>221</sup> Renner, "A Discourse Theoretic Approach to Transitional Justice Ideals," 51-57.

<sup>222</sup> Verdoolaege, *Reconciliation Discourse*, 20.

<sup>223</sup> Renner, "A Discourse Theoretic Approach to Transitional Justice Ideals," 51-57.

<sup>224</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 273.

particular Christianity that was promoted by the Tutu and Boraine. For example, the legal process of amnesty and religious concept of forgiveness were combined which created confusion among the victims<sup>225</sup>. And even though forgiveness does not presume religious meaning, it has traditionally evoked religious connotations. As the TRC was essentially supposed to be a political and legal, not spiritual instrument, the combination of amnesty and forgiveness in the same context left the people disordered which direction the Commission aims to go – punish the perpetrators or create moral healing with religious connotations of forgiveness. The twinning of religion and law might have provided additional aid for the victims who were ready to forgive the perpetrators. However, for the ones who opposed amnesty could have perceived it as a rejection of their moral sense of injustice<sup>226</sup>. This appears as undermining the wounds of the victims as well as creating confusion of the objectives of the TRC. Several scholars see that despite the TRC's mandate as judicial and political instrument, the Commission got carried away with the undertones of Christianity that came to determine the work of the Commission<sup>227</sup>.

### **4.3. Two decades after the TRC**

It has now been twenty years now since the series of Final Reports of the TRC were published with the Commission's conclusions, analyses and recommendations. Today's South Africa remains extremely unequal with some of the highest murder and violent crime rates in the world. Unemployment rate is high and joblessness especially among the youth is a serious issue. The dissatisfaction of the people has been seen in student demonstrations around the country in 2016 and the latest water crisis in the Western Cape area is stretching people's reliance towards the government and diminishing its credibility. These issues can arguably be linked to the aftermath of reconciliation and nation building, when looking at it from a broader perspective. As reconciliation is a long-term process, which aims to consolidate peace, leave violence behind and aim towards democratic society, one could argue that the issues can be associated with successful reconciliation. We conclude the analysis of the TRC in this study with a breakdown of how the Commission's work is perceived after twenty years of its existence. It is often difficult to conclude and analyze the success of reconciliation, since its significance may be more visible only in the longer run. However, the next chapter will present an overview of Dr. Fanie du Toit's ideas on the success of reconciliation. In addition, the latest South Africa Reconciliation

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<sup>225</sup> Ibid.

<sup>226</sup> van der Merwe, "The Role of the Church in Promoting Reconciliation in Post-TRC South Africa," 274.

<sup>227</sup> Shore, *Religion and Conflict Resolution*, 122.

Barometer from the year 2015 conducted by the Institute for Justice and Reconciliation is used as a source when analyzing the critical measures of reconciliation and social cohesion.

Dr. Fanie du Toit discusses the reconciliation process after two decades has passed in his recently published article “A broken promise? Evaluating South Africa’s reconciliation process twenty years on”. He aims to analyze if and why South Africans feel disappointed about the reconciliation and how justified the citizens of the country are to feel disappointed about reconciliation, which played a central role in transition after apartheid. However, it is arguable if it is important to receive justification to feel something. As we know, people who lived under apartheid have their own personal experiences as well as own truths of what happened. Why would someone’s disappointment need justification when there are as many ways to be disappointed as there are people? Du Toit discusses the two main arguments to understand the public sentiment about reconciliation in contemporary South Africa. The first argument is what reconciliation promised to deliver to the people, especially at the beginning of the transition<sup>228</sup>. This argument especially refers to the leaders of the country and how they have succeeded in building a successful, more equal society. Second argument refers to how majority of South Africans evaluate reconciliation after two decades of the first democratic elections<sup>229</sup>. Discourse of disappointment has emerged among South Africans and many seem to feel let down by the country’s reconciliation process.

Because during its time, the TRC was generally accepted as a successful institution by South Africans, the citizens of the country also expected post-apartheid leaders to build a just society over time. However, as it can be read daily from South African newspapers, corruption in the government has come to the way of building a better and more equal country. The trust towards the parliament, political leadership and public officials has decreased significantly over the last decade<sup>230</sup>. Du Toit points out that “South Africa is not led in ways that are fair and transparent, and that the political leaders care more about themselves than about ordinary citizens.”<sup>231</sup> This is something one can also hear in regular daily conversations between or with South African people. Corruption can also be linked to the disappointment towards the reconciliation process among South Africans; citizens question their leaders’ commitment to reconciliation’s promises of justice and fairness<sup>232</sup>. It can be argued that the leaders of South Africa have thought that reconciliation is over and out. However, the citizens still remember the TRC’s promises, which is not surprising taking into consideration the oppression from the

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<sup>228</sup> du Toit, “A broken promise,” 170.

<sup>229</sup> Ibid.

<sup>230</sup> du Toit, “A broken promise,” 179.

<sup>231</sup> Ibid.

<sup>232</sup> Ibid., 180.



government for decades during apartheid.

As it can be seen from SARB survey<sup>233</sup>, the inequality in the country is still one of the highest in the world, poor remain poor and rich become even richer. SARB is an annual public opinion survey, which is dedicated to critical measurement of reconciliation and social cohesion and it is conducted by the Institute of Justice and Reconciliation.

Du Toit sees growing inequality as one of the key aspects of the disappointment towards reconciliation. This again, goes back to the feeling of lack of justice after reconciliation. Du Toit also asks a question why aforementioned corruption and inequality have increased to the level they are now after 20 years of democracy and where is the responsibility. He questions if fundamental design faults in the peace process and the implication of reconciliation can be seen as some of the reasons for it. One can argue that the government led reconciliation should have continued for a longer period and maybe inequality and corruption could have been tackled with that. Nevertheless, this is just an assumption.<sup>234</sup>

Surprisingly, only 57,3% of the respondents to the SARB survey see that TRC was a good foundation for reconciliation and on average 69,7% see the need for future reconciliation in South Africa. However, most South Africans who responded to the survey agree that reconciliation remains impossible as long as the one who were disadvantaged under apartheid remain poor. Following conclusion can be drawn from these results: Majority of South Africans value the importance of reconciliation but also attach certain undertones of redistributive justice to it.<sup>235</sup> Arguably, people have started to aim to reduce the socio-economic imbalances and are aiming to receive their social and economic rights after the traditional type of reconciliation has been carried through. This need for redistributive justice is something that the Black Economic Empowerment laws are for example trying to influence.

Even though the TRC act itself was called “the national unity act”, national unity seems controversial when looking at the society and with who do people interact with in their daily lives today. The SARB survey’s some of their key findings were that South Africans primarily associate with their own race and language groups. However, majority (71%) of the survey respondents believe that it is important to strive for the creation of a united South African nation.<sup>236</sup> The respondents seem to believe in unified nation but the actions might not act in favor of it.

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<sup>233</sup> “South Africa Reconciliation Barometer: National Reconciliation, Race Relations and Social Inclusion,” Institute of Justice and Reconciliation, 8 December 2015, accessed March 24, 2017, <http://www.dac.gov.za/sites/default/files/reconciliation-barometer.pdf>.

<sup>234</sup> du Toit, “A broken promise,” 178-180.

<sup>235</sup> “South Africa Reconciliation Barometer.”

<sup>236</sup> “South Africa Reconciliation Barometer.”

South Africa still has issues that need to be tackled to reach reconciliation. These are for example issues of economic inequality and land ownership. The South African government has indeed speeded up the process of the land reform, which was one of the promises of the ANC when it came to power in 1994. The core of the idea is to distribute the land ownership more equally and hence strengthen the country's economy and create more jobs. The Land Reform Process is carried out through three different areas: restitution, redistribution and land tenure reform. Now, majority of the privately-owned land is owned by the white minority as the land was expropriated from the black people during apartheid.<sup>237</sup> The prolonged and complex Land Reform issue is a good example of how the influence of apartheid still reaches today's society – the societal structures from apartheid times are heavy and strenuous to break even after two decades of operation of the new constitution.

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<sup>237</sup> Embassy of Finland in Pretoria, South Africa, has written an article about the current state of the Land Reform, which inspired the author of this study to this conclusion of the status of reconciliation.  
<http://www.finland.org.za/public/default.aspx?contentid=374018&nodeid=36354&culture=fi-FI> .

## Conclusion

Religion plays a vital role in conflict resolution. As the study shows, the recognition of religion in conflict resolution is quite recent even though conflict resolution as an academic field dates to the end of the World War II. However, there is a growing body of literature that recognizes the importance of religion in peacebuilding. We can argue that the trend of including role of religion into peace processes is growing as the conflicts influenced by extremist movements continue. Religion is at the heart of our understanding of societal structures, cultural patterns and history, which all influence conflicts and therefore conflict resolution as well.

The aims to theorize the multidisciplinary transitional justice field do not take religion into consideration much when it comes mechanisms. Only in repairing historical and religious sites. The role of religion in the vague theoretical field of transitional justice is studied only by a few scholars, and those scholars see that religions can shape transitional justice policies when the chosen mechanisms are reconciliation and truth commissions. The influence is seen in the official policy level as well as on the civil society level. However, because the transitional justice toolkit cannot be universally applied to all cultures and societies, local community participation has gained more attention. Therefore, one could assume that religion would gain more interest as it is closely connected to local communities and their traditions. However, the approach has failed to address the importance of religion in transitional justice. The interdisciplinary asset of the field of transitional justice should be used to carry out deeper analysis of the role of religion in transition process. Now, religion is an underutilized field in both conflict resolution and transitional justice fields.

As the restorative justice aims to restore the broken relationship, healing of the community and emphasizes reconciliation and social harmony, it is evident that the South African TRC falls under the restorative justice category, rather than retributive justice. If South Africa would have chosen a different path that would have leaned towards retributive justice, we can argue that there would not have been room for religion to have an influence in the process. Hence, its influence would have been very limited.

If the role of religion in conflict resolution is a rather new field, only a few scholars have devoted their studies to the role of religion in TRC. It is evident that religion, and especially Christianity, contributed to the TRC much more than the Commission's mandate ever stated. The goal of the Commission, to achieve reconciliation, already has a religious undertone as reconciliation in transitional justice is often connected to religion. Historical reasons supported the use of religion in multiple ways during the Commission's existence – even though South Africa is a secular country, religious groups have influenced the rise and fall

of apartheid which made the inclusion of religion to the TRC a natural continuum. As the Commission's mandate did not take a stance towards the use of religion in the process, the religious notions were created by the people who attended the hearings and found comfort from Christian traditions. The Archbishop Desmond Tutu's role as the chairman of the Commission cannot be belittled in the analysis. Before the start of the Commission, Tutu was already a popular figure among South Africans and it was natural for people to follow his example at the hearings when it came to praying and conducting other religiously associated traditions. Forgiveness has strong religious origins and biblical perspective and it is a theologically resonant term in Christian tradition. As forgiveness was one of the core principles for South Africa to move forward as uniform nation, it appeared as a Christian idea of forgiveness and therefore contributed to the TRC's work.

It appears that the TRC challenged the dominant conflict resolution approach by making the hearings more like church services where religion does not traditionally play a role. Even though this might not have contributed to the broader aim of national reconciliation, it is vital to recognize the importance that religious traditions brought to the victims – they brought comfort and something familiar to rely to, when going over the painful happenings in the past. Even though the role of Christianity is not spared from criticism, we can still argue that religion is among the most important factors that contributed to the success of the TRC. Especially through the idea forgiveness and through the actions of religious leaders as commissioners.

Because the TRC is perceived as a positive phenomena and a success, Christianity and the role of religion should arguably be taken into consideration when setting up future commissions. Especially, if a country has as strong religious background as South Africa has. Because there is no widely accepted framework or definition for truth commissions as a mechanism of transitional justice, it would be relevant to add religious dimensions to the work of a commission if it fits to the society and context of the country.

It appears that South Africa has reached reconciliation to a certain degree. However, several issues reflecting from the times of apartheid still need to be solved. These are for example the economic inequality and Land Reform Process. Apartheid is still visible in the societal structures in South Africa, and are heavy and strenuous to break. Therefore, reconciliation is not totally over in all areas of the society.

As the chosen method for this study was a critical textual analysis, there are some limits with the method which I understand. Interviewing the people who took part in the TRC hearings would arguably have given a deeper analysis of the role of religion in the process and how the attendees perceived it. Therefore, further research should be undertaken to investigate the role of religion from the victims' perspective. How they experienced the role of religion in the

Commission's hearings, was it comforting or uncomfortable and do they see it as an initial part of the process or something that evolved throughout the Commission's existence.

Even though the TRC and reconciliation in South Africa are widely researched from several angles, I believe that there are still areas to examine. After all, the TRC was a milestone after the decades of oppression when human rights violations from over the years were examined. It is hard to imagine how South Africa would be today if there was no TRC. As the Land Reform Process shows, all the dimensions of the South African society are not yet reconciled. Therefore, it would be interesting to set the current issues to a wider reconciliation perspective and reflect the state of reconciliation in South Africa through the current Land Reform Process. A further study with more focus on reconciliation and its relation to Land Reform is therefore suggested. Question whether economic reconciliation has taken place is also something for future research to consider.

This study shows the importance of understanding religion in conflicts, peacebuilding and especially reconciliation processes. The role that Christianity played in the TRC is indisputable, therefore, the role of religion in other reconciliation processes should be studied more in the future. Even though the TRC had its flaws and failures, we can still argue that it was an important undertaking in the period of transition in South Africa.

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