

# **Catholic Church Submission**

**to the**

## **Truth and Reconciliation Commission**

**August 15 1997**

### Introduction

In September 1996, the Catholic Church made a submission to the TRC. It took the form of a 60-page book entitled "*The Catholic Church and Apartheid*" and basically outlined the role of the Catholic Church from the inception of constitutional Apartheid in 1948 to the inauguration of the State President in May 1994. The submission was acknowledged in a letter from the Research Department of the TRC dated October 7, 1996 and signed by Charles Villa~Vicencio. This submission represented a very broad outline of the Catholic Church involvement over the years. Since then we have received a letter from the TRC dated 29 May 1997 and signed by Commissioner Wynand Malan asking specific questions. This submission will deal with these specific questions asked by Mr. Malan and will act as a supplementary submission to the one sent last year.

### REFLECTING ON GROSS HUMAN RIGHTS VIOLATIONS OF THE PAST

*Given the prominence of references to morality and religion in the submissions of various political parties and amnesty applications, in which way, if any, did the theology and activities of your denomination contribute to the formation of the motives and perspectives of those individuals, or organisations and institutions responsible for gross human rights violations, either in upholding the previous system or in opposing it?*

This question is very broad and will act as an introduction to the second submission. The Catholic Church represents about 10% of the population of South Africa. If we take the figures of the recent Census to be hovering close to 38 million people, then the Catholic Church can lay claim to between 3.8 and 4 million members. Within this group we find the full spectrum of South African society. We have people on the right and perhaps even on the extreme right, and

we have people on the left and perhaps even on the extreme left. Within the ranks of our Church there are people from all political backgrounds and persuasions. We had those who fought to uphold apartheid and those who fought to rid the country of that terrible scourge.

The assassination of Chris Hani and the subsequent conviction of Janus Walusz for this horrific crime is a case in point. Both were members of the Catholic Church. Therefore, to interpret and assess the Catholic Church's resistance to, or complicity with, apartheid is almost impossible. How can one walk in the footsteps of those who lived at the beginnings of the apartheid era so as not to judge them by the insights gained after 40 years of struggle? Some writers describe the leadership of the Church during those years as prudent, moderate, realistic and cautious. Others /pp 1-2/ speak of the Catholic leaders as prophetic, uncompromising, giving clear and consistent opposition to apartheid and unconditional support to eradicating all forms of injustice.

It can be said that the Catholic Church viewed with dismay the coming to power of the National Party in 1948. Internally the Church was encountering her own difficulties. Her membership was predominately black and is to this day. The leadership was almost totally white, much less so today. Catholic ranks included all races, languages and classes, welded together in an uneasy unity borne not only of faith but also of the Church's minority status, the Latin rite and a general defensive mentality. The Nationalist Government, in its propaganda campaign, had identified three main enemies of the "volk": 'die swart gevaar, the Roomse gevaar and die rooi gevaar'. In 1948 the Catholic Church was guilty on two counts, and was to bear the brunt of many accusations about being wolves in sheep's clothing, with the apartheid state questioning whose kingdom was being served.

The Southern African Catholic Bishops' Conference (SACBC) was established in 1947, and in the subsequent decade and a half issued six pronouncements, four dealing with segregation and apartheid, two with the mission school situation arising out of the Bantu Education Act of 1953. Their first statement of 1952, while condemning racial discrimination, did not mention the term "apartheid". It reflects the paternalistic spirit of the day, maintains that most "non-Europeans" (a word commonly used at the time) are not yet ready for full participation in the social, political and economic life of the country, but must be allowed and encouraged to evolve towards such participation. It calls for patient and careful planning, justice and charity. A small beginning, but in those days it was enough to have the Bishops labelled as "kafferboeties". By 1957 there was a new urgency in the Bishops' style. They called apartheid "intrinsicly evil", and in 1960 and 1962 issued further strong and more comprehensive documents.

There was no direct support from the Bishops for the Defiance Campaign of 1957. Instead the leadership of the Church stressed the need for "the maintenance of

order" and "the use of peaceful means". While they did not condone violence they demanded that the "root cause of injustice and oppressive measures be removed".

The Bishops' "*Call to Conscience*" in 1973 again highlighted the evil of apartheid. In some ways this statement polarised the Church even more, and there were several occasions when people walked out of churches because of what the Bishops were saying.

There is no need to outline the entire history of the Catholic Church in this period. Suffice to say that at an early stage there was a growing awareness and condemnation in the Church of the evils of apartheid. The Church's teachings and Bishops' statements aimed at conscientising the public to the horrors of the apartheid system. Some people felt compelled to engage themselves in an active way against the system. At the same time it must be acknowledged that there were those in the Church who, throughout the apartheid era, supported this foul system. Common classifications were "the white affluent" and "the black affected". The /pp 2-3/ former languished in a situation of silent complicity while the latter became more aware of the injustices that were their lot in the country of their birth.

With hindsight it can be said that the Church did contribute to the creation of a culture of human rights, a culture of resistance, a culture of protest. At the same time, she condemned gross violation of human rights on all sides. However, looking back on history from the perspective of today, we recognise that more could have been done to protest the ongoing and systematic violation of human rights by the state apparatus.

In effect, there was a white church and there was a black church. The black people were totally opposed to discrimination even though many acquiesced in the face of the homeland system simply because it was imposed by the force of law. On the other hand, the majority of white Christians were in a dilemma because the apartheid system was set up to protect the privileges of white people. The leadership of the Church tended to address their criticism to the state and not to the white electorate. But the fact that the Church condemned the apartheid system encouraged those opposed to it to continue in their resolve to undermine it.

*The conflicts of the past have been described as a "holy war". With the benefit of hindsight, what was the contribution of your denomination in creating a climate or a justification for gross human rights violations to be committed?*

As has been said, the Catholic Church's condemnation of apartheid goes back to June 1952, when the Bishops made their first public statement on Apartheid, calling on the government to use Christian principles to solve the problems besetting the country. Individual Bishops, for example Bishop Hennemann of Cape Town, had voiced their opposition to apartheid even before that. The stand of the

Bishops won universal Church backing in 1965 during the Second Vatican Council, in the Church Document "*Gaudium et Spes*" (Hope and joy). It states:

*"Where citizens are oppressed by a public authority which exceeds its competence, they should not on that account refuse what is objectively required of them for the common good, but it must be allowed to them within the limits of the law of nature and the Gospel, to defend their rights and those of their fellow citizens against this abuse of authority."*

Inspired by the Second Vatican Council the Bishops became more and more vocal in their opposition to state violence. Strong protests became the order of the day, especially in the 1976 - 1978 era over Soweto and its aftermath (cf. examples from "*The Bishops Speak*" which is enclosed). Another example was the protests over the closure of the Catholic sponsored peoples paper "*The New Nation*" in March 1988. It has to be said that this unity of purpose was not always found at the level of some white clergy, where very often the alliance of altar and throne was upheld. On the one hand there were those who felt threatened by the political content of issues raised by the people and often sought refuge in the misconceived argument that the Church should not be involved in politics. In contrast, others working in affected areas found it hard to relate to a Church that divorced itself from the daily /pp 3-4/ reality of the people. Though there were exceptions, this division remained and indeed remains to this day, a thorn in the side for all those who not only worked towards a united country, but also a united Church.

In the 70's and 80's the Catholic Church found itself victim of attacks, from parish level to the headquarters of the Bishops' Conference in Pretoria. Six weeks after the bombing of the SACC headquarters in Johannesburg, the same fate befell the SACBC headquarters (October 12, 1988). The building was destroyed in an arson attack, which may have claimed the lives of 7 Church personnel had the fire reached the two primed limpet mines and other ammunition (grenades, etc.) left by the nocturnal intruders. Agents of the state have since been identified as responsible for this act. Numerous Church personnel were detained, tortured and deported, particularly in the 70's and 80's. At no stage in the conflict, from whichever side, did the Church support gross violation of human rights.

*In which ways, through acts of commission and acts of omission, did your denomination contribute to the conflict of the past?*

The complicity of the Catholic Church in the past is found in acts of omission rather than commission. However, there is a consistency in statements from as far back as 1948, condemning apartheid. [Please find attached supporting document 'The Bishops Speak'] At the same time there were many ways in which the Church neglected to resist apartheid. There were times when it was deaf to the cry of the poor, times when it was blind to the limitations of its own practices, times when it was more concerned with itself as institution rather than as servant of God's

people, times when it did not practice what it preached, times when it turned a blind eye to evil, times when it was more concerned with not having expatriates deported than with drawing attention to the wrongs being done. Silence in the face of ongoing and systematic oppression at all levels of society is perhaps the Church's greatest sin. This sense of guilt was expressed more clearly in a confession issued by the SACBC after its discussion of the Rustenburg Declaration in January 1991. The Bishops said:

*"The Declaration issued by the Rustenburg Conference has led us with considerable pain to examine our own history. So in welcoming this Declaration, we recognise that its message applies to our Church as a corporate body. We must admit with sorrow that although as a Church we have often spoken out against the sin of apartheid we are not innocent of all complicity in supporting or going along with it. So we ask forgiveness from all those, both within the Church and beyond, who have suffered from our actions, blindness and negligence in the past. We recommend to our members that they reflect upon the message of Rustenburg, pray over it and put it into effect. For our part, we re-affirm our commitment to remove all vestiges of apartheid in our institutions and procedures."*

Time and time again, statements were issued, but they seemed to make very little impression on the Government of the day. Neither would the Church throw its full **pp 4-5/** weight behind the international sanctions campaign. While understanding the call for sanctions, the Bishops, fearing a grave increase of poverty and unemployment, endorsed it only with reservations. History itself will be the judge.

*In which ways did you fail to live up to those principles of your faith which oppose human rights violation?*

A great deal of the christian gospel is synonymous with the promotion of human rights, and this is true also of the teaching of other world religions. The Catholic Church in South Africa failed to live up to the principles of its gospel faith, not so much by failing to proclaim them as by proving inadequate in communicating them and encouraging church members to live up to them. Admittedly this was a difficult task, because the average church member needed quite a degree of heroism to live up to the demands of the gospel in the face of the apartheid juggernaut. People had to consider their families and friends, their jobs and their freedom.

*In which ways did your church actively oppose (gross) human rights violations?*

In 1953 the hated Bantu Education Act was introduced and the Government removed all subsidies from Mission Schools so as to exercise a form of social control. The Church was deeply involved in education, particularly for black pupils. For these it ran 688 state-aided schools and 130 unaided schools, with an

enrollment of 111 000 pupils. This represented approximately 15% of the schools for black pupils at that time. The Bishops opposed this Bantu Education Act and decided to go it alone and try to run the schools independently through private fund-raising. However, they paid a high price. The next twenty years saw a gradual deterioration in the schools. There was never enough money to pay teachers proper salaries and maintain buildings, and so working conditions, morale and the academic quality of the education declined. However, the standard of education was probably no worse, and in some cases far better, than in the majority of so-called "community schools", and many parents made enormous sacrifices to get their children into the few remaining Catholic high schools that were the outstanding institutions of the time, at a high cost to religious congregations and dioceses. By 1973 there were only 367 black schools left.

In January 1976 the decision was taken to open Catholic schools to all pupils, and black pupils gradually began to appear in white schools. The government threatened at various times to deregister schools, and in the late 70s took away the meagre subsidies that were granted and attempted unsuccessfully to enforce a quota system. In all these disputes the Church continued to treat the issue as a religious one and refused to comply. It was only in mid 1991 that this battle finally ended. It must be admitted, however, that while black students were admitted to formerly white Catholic schools, not enough effort was made to open these white schools to black teaching staff.

If there was time one could tell the story of Catholic hospitals and clinics which ran parallel to those of the schools. In fact one could tell the story of dozens of **/pp 5-6/** institutions and associations which followed the same path. All experienced conflict with the government as a common denominator. One could speak about the Young Christian Workers, the Young Christian Students, the justice and Peace groups, the Catholic Nurses' Guild, to name but a few.

From the days of the early Church, Catholics have tended to believe that the seed of faith has to be watered by the blood of martyrs before it can germinate and grow. This has once again proved to be the case in South Africa. The growing commitment to justice within the Church has come about through those who have suffered and paid the price. Archbishop Hurley, as President of the SACBC, and Fr. Smangaliso Mkhathshwa, the Secretary General, had to appear in court. The Conference headquarters, as has been pointed out, was burnt down. Several priests were imprisoned and Fr. Mkhathshwa was tortured while in prison. Many Deacons and Church workers were detained, from wise, dignified, black gentlemen to young, white, idealistic youths. Religious communities were targeted, Bishops harassed, houses searched, documents seized ... the list goes on.

Fortunately the result was often the very opposite to what the state intended. The most ordinary Catholics who had very little idea about politics, social justice or the role of the Church in society were scandalised when "Father" was deported or "Sister" was imprisoned. The faithful and the local people generally knew these to be good people and so they reasoned their tormentors must be bad. Simple people may not have understood the debate about the illegitimacy of the South African government, to which the Catholic Church contributed. What they did realise from its actions was that it was a wicked government because it acted against the Church as well as against the people. One priest in prison did more to conscientise Catholics than a thousand sermons or statements. It is to all these dedicated Church personnel that Catholics and South Africa must pay tribute. They were living proof that resistance to evil is only effective when people are willing to sacrifice themselves for what is just and true and right.

Freedom of association was greatly curtailed, and so many local churches opened their parish halls to popular organisations to hold meetings. A significant number of Church personnel refused to be military chaplains or marriage officers of the state. The Church was part of the Standing for the Truth Campaign, and organised and participated in protest marches throughout the country. Many activists were given refuge on Church property, while others were helped to leave the country. No one quite knows the full story of the Catholic Church's opposition to human rights violations, but it was significant.

## REFLECTING ON THE PRESENT AND THE FUTURE: THE ROAD TO RECONCILIATION

*How can you contribute to the healing, reparation and rehabilitation of victims as well as perpetrators, at individual, community and national levels? Please be as specific as possible.*

Perception is a strange thing! Right or wrong, South Africans perceive issues, realities and situations very differently. There is not one single perception of the /pp 6-7/ past. Rather there exists a kaleidoscope of opinions and perceptions. If the nation does not perceive the past in more or less the same way then it is unlikely that the healing of that past will be perceived in more or less the same way. In this regard an objective understanding of what really did happen would help to dispel conflicting perceptions and move towards one acceptable and common history. The final TRC Report could play this role. However there would be need for a massive education programme around this report to have South Africans really own it.

When one assesses to date the work of the TRC, it is apparent from the amnesty hearings in particular and to a lesser extent from the human rights hearings, that

society has been marginalised to some extent from the process. Civil society can now point a finger at those bad people who committed such awful atrocities, putting the blame squarely on their shoulders and exonerating themselves from any complicity. This presents a major problem before we begin to talk of healing the nation. "They" and not "us" need healing is the perception. The lack of awareness verging on apathy by the majority of people of this country to what happened in the past will prove to be the greatest obstacle to the attempt to articulate a vibrant and practical process of healing.

As regards victims, some success has been achieved by the Catholic Church in providing group communication and counselling, such as in the Khulumani groups. We hope to investigate the possibility of increasing this service. As regards perpetrators we have no experiences to report. We are willing to investigate and try out possibilities. What we have said about caring for victims applies at community level as well as individual. We would be interested in associating ourselves with efforts at national level.

*The TRC must make recommendations on the prevention of human rights violations in the future. Do you have a contribution to make?*

In the new South Africa a number of bodies have been set up to safeguard human rights. Chief among these are the Human Rights Commission, Public Protector, Gender Commission, Youth Commission, Constitutional Court, Land Commission and Land Claims Court. It would seem that with the exception of the Constitutional Court, these bodies lack sufficient resources to carry out their work properly. Would it be possible for example to have a Public Protector in each province? It is fine to have bodies that protect human rights but it is also very important that people can access these bodies. An educational programme would help conscientise people. The Church will continue to promote human rights awareness throughout the country, through its many constituencies. This programme will be spearheaded by the justice and Peace Department of the SACBC. In addition, programmes of religious education in schools could contribute much to building up a culture of values in our youth, and here the Catholic Church can play an important role through its education network.

*The TRC can recommend anything which will promote national unity and reconciliation. Please give us your input in this regard. /pp 7-8/*

The Catholic Church from the inception of the TRC has been worried about the amnesty provisions. It is a major flaw that perpetrators do not have to ask for forgiveness nor make some form of restitution. At the same time it must be acknowledged that contrition cannot be forced. One is either contrite or one is not.

Justice should not be sacrificed in favour of political expediency. Perhaps the nation could take a step further in the journey towards national unity by creating

some form of trust where civil society could show restitution. There are millions of people and thousands of businesses that profited from apartheid. Should they not be willing to show some form of restitution? In this regard the Catholic Church would be willing to consider supporting what is termed a 'shame tax' which could be used to help survivors and their families. The TRC is in a position to make such a recommendation.

Of real concern is the perception that South Africa is fast becoming a moral wasteland. This is evident from the unacceptably high levels of crime and the breakdown of family and societal structures. One of the major contributions that the TRC can make is to initiate a process which will help all South Africans acknowledge that certain things are wrong and should not be tolerated or allowed to happen in society, in other words to restore a sense of right and wrong. Apartheid and other factors have almost destroyed traditional African values and indeed, traditional religious values that have guided different communities. Now as a nation South Africa finds itself with no common moral heritage, no common moral foundation on which the economy, society and even the new democracy can be built.

As the TRC draws to a close it could recommend that a body be set up to coordinate a campaign to promote a new morality for the common good in the country. This body could liaise with Church structures and other religions in South Africa so that they would become the active participants in the campaign. Just imagine a society where:

all postmen/women deliver mail,

all teachers teach and all students learn,

all companies and employers pay just wages,

all taxi drivers respect their passengers,

all business people make honest contracts,

most people could find employment,

people could go to bed, and walk the streets, without fear,

respect for life, and the dignity of the human person are paramount.

If this is what is needed then the Churches must play an active and vigorous role. In the 18 months of the TRC much truth has been established but little reconciliation has been achieved. The post TRC period must be one that builds on what the TRC has done in order to actively promote reconciliation and national

unity, and what we hope it will have done in calling for the healing of social morality.