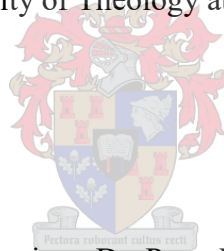


“*Ubuntu*” Justice and the South African Truth and Reconciliation Commission: A
Theological-Missiological Study

By

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This thesis presented in fulfilment of the requirements for the degree of Master of Theology
(Missiology) in the Faculty of Theology at Stellenbosch University.



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April 2022

Declaration

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Abstract

This study examines some of the missiological problems of the South African Truth and Reconciliation Commission (TRC), taking into consideration the theological and missiological concepts of forgiveness, reconciliation, and justice. The researcher introduced the *Ubuntu* Justice concept and further proposed the viability of the concept as a missiological framework with which to respond to the activities of the TRC. To respond to the main and subsequent research questions, the researcher used the qualitative research methodology, focusing on the literary review and the case study research approaches. The researcher explored the methodology and the goal of public hearings and used the “Gugulethu Seven” and the “PEBCO Three” cases to highlight the sacrosanctity of the truth, remorse, and forgiveness in the process of reconciliation. This inquiry found that as an African understanding and a strategy of upholding justice and maintaining peaceful relations, *Ubuntu* recognises the importance of the process of rehabilitating both the victim and the perpetrator. For the process of reconciliation to be genuine, the perpetrator must genuinely commit to treating the victim as an equal, affirming both the humanity and the dignity of the victim. The researcher established that the TRC cannot be said to be a victim-centred project. Rather, it was constituted to complement the elite political compromise of pre-1994 South Africa and to appease international on-lookers. We concluded that the victims’ perception of amnesty would be very much informed by the presence of other forms of justice. Equally, our manner of doing *Ubuntu* should be one that drives reparation, redress, and the transformation of social, political, and economic institutions that were complicit in perpetuating structural injustice. We found that the TRC’s manner of *Ubuntu* was Christianised, as victims were sometimes pressured into forgiving perpetrators without any form or commitment to redress. The researcher argues that in the context of socio-economic calamities that constrain and deface human dignity, the church’s missiological reflection of the poor must be liberative.

Opsomming

Hierdie studie ondersoek sommige van die missiologiese probleme van die Suid-Afrikaanse Waarheids- en Versoeningskommissie (WVK), met inagneming van die teologiese en missiologiese konsepte van vergifnis, versoening en geregtigheid. Die navorser het die Ubuntu Justice-konsep bekendgestel en verder die lewensvatbaarheid van die konsep voorgestel as 'n missiologiese raamwerk waarmee op die aktiwiteite van die WVK gereageer kan word. Om op die hoof- en daaropvolgende navorsingsvrae te reageer, het die navorser die kwalitatiewe navorsingsmetodologie gebruik, met die fokus op die literêre oorsig en die gevallestudienavorsingsbenaderings. Die navorser het die metodologie en die doel van openbare verhore ondersoek en die "Gugulethu Sewe" en die "PEBCO Drie" gevalle gebruik om die heiligheid van die waarheid, berou en vergifnis in die proses van versoening uit te lig. Hierdie ondersoek het bevind dat *Ubuntu* as 'n Afrika-begrip en 'n strategie om geregtigheid te handhaaf en vreedsame verhoudings te handhaaf, die belangrikheid erken van die proses om beide die slagoffer en die oortreder te rehabiliteer. Vir die proses van versoening om eg te wees, moet die oortreder hom opreg daartoe verbind om die slagoffer as 'n gelyke te behandel, wat beide die menslikheid en die waardigheid van die slagoffer bevestig. Die navorser het vasgestel dat die WVK nie as 'n slagoffergesentreerde projek gesê kan word nie. Dit is eerder saamgestel om die elite politieke kompromie van voor-1994 Suid-Afrika aan te vul en om internasionale toeskouers te paai. Ons het tot die gevolgtrekking gekom dat die slagoffers se persepsie van amnestie baie ingelig sal word deur die teenwoordigheid van ander vorme van geregtigheid. Net so moet ons manier van doen *Ubuntu* een wees wat herstel, regstelling en die transformasie van sosiale, politieke en ekonomiese instellings dryf wat medepligtig was aan die voortsetting van strukturele onreg. Ons het gevind dat die WVK se manier van *Ubuntu* gekersten is, aangesien slagoffers soms gedruk is om oortreders te vergewe sonder enige vorm of verbintenis tot regstelling. Die navorser voer aan dat in die konteks van sosio-ekonomiese rampe wat

menswaardigheid inperk en aantast, die kerk se missiologiese refleksie van die armes bevrydend moet wees.

Dedication

In loving memory of my beloved uncle

Johannes Khotso Ntlapo

(1 January 1954 – 20 October 2021)

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Abbreviations and Acronyms

AIJS	- African Indigenous Justice System
ANC	- African National Congress
CJS	- Criminal Justice System
CODESA	- Convention for a Democratic South Africa
GHRV	- Gross Human Rights Violations
HRV	- Human Rights Violations
IFP	- Inkatha Freedom Party
MK	- Umkhonto weSizwe
NP	- National Party
PAC	- Pan Africanist Congress of Azania
PEBCO	- Port Elizabeth Black Civic Organisation
PNURA	- Promotion of National Unity and Reconciliation Act
R&R	- Reparation and Rehabilitation Committee
SABC	- South African Broadcasting Corporation
TJ	- Transitional Justice
TRC	- Truth and Reconciliation Commission
UN	- United Nations
UDF	- United Democratic Front

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Chapter 1

Background of the Study

1.1. Introduction

Following the fall of apartheid rule, the post-apartheid South African government sought the “collapse of legislated identities ... [d]ivisive race or ethnicity” and other such characteristics in the national discourse, and to construct a sense of shared identity through equal rights and citizenship (Adam et al. 2000:51). It embarked on a journey of constructing a new nation embedded in the values of democracy, fairness, and human rights. Apartheid South Africa was a racial (white) political system which, according to Corrie (2007), gave birth to actions and attitudes that discriminated against peoples of other races. In contexts where racial oppression and discrimination continue unabated, people are consequently deprived of their identity and social interconnection is negatively impacted.

The South African Truth and Reconciliation Commission (TRC), like any other Truth Commission, is a mechanism of Transitional Justice (TJ), which is a necessity after a period of conflict, violence, and human rights abuses in a country. Through its Gacaca courts (transitional justice mechanism) albeit with its fair share of self-inflicted criticism of bias and partiality, Rwanda sought “a spirit of bringing about national peace, unity and reconciliation” (Kavuro 2011:4) after the notorious genocide, which transpired in that East-Central African country. Equally, Chapman and Van der Merwe (2008) argue that apartheid, as an era of the perpetuation of Gross Human Rights Violations (GHRV) of gargantuan proportions, managed to consolidate a legacy of social, racial, and political estrangement in South Africa. The TRC had to be constituted at once as an attempt to address these circumstances.

Introducing its significance to the envisaged just, peaceful and healing nation after a conflict-ridden era, Mbaya (2016:288) personifies the TRC to be “a midwife trying to help the mother

(South Africa) deliver a baby, a new nation”. As per its mandating legislation, the *Promotion National Unity and Reconciliation Act* (PNURA) (1995:4), the TRC was tasked with “establishing as complete a picture as possible of the causes, nature, and extent of the gross violations of human rights” which were inflicted during the apartheid rule. It should investigate among other things the “circumstances, factors, and context of such violations” (PNURA 1995:4). It was tasked to hold hearings, collect information from victims, and investigate the motives behind GHRV as avowed by the culprits (PNURA 1995:4). Its powers to give ear to the victims’ testimonies was an attempt at “restoring the human and civil dignity” of GHRV victims, i.e., compensation (PNURA 1995:4).

Gobodo-Madikizela (2004) co-testifies that when a culprit admits his evil doings, the victim’s pain is corroborated. Once this is done, the victim can confer forgiveness, a core value of the TRC, as part of the victims’ “process of becoming rehumanized ... claiming self-efficacy” (Gobodo-Madikizela 2004:128). A sentiment further emphasised by the TRC itself is that through these hearings, human rights violators are called to account, acknowledge, and take full responsibility for the crimes they had committed (TRC 1998). Forgiveness, the Commission further observes, is not equivalent to forgetting. Rather, when one forgives, one seeks “to forego bitterness, renouncing resentment, moving past old hurt and becoming a survivor rather than a passive victim” (TRC 1998: 116). Be that as it may, the TRC was not spared from challenges that threatened its very objective.

1.2 Problem Statement

Maluleke (2008:686) contends that the TRC’s ultimate objectives of restitution and restoration are about justice; they should therefore be incorporated, perceived rather as a “God sponsored objective”. He further charges that restitution in its fullest sense has everything to do with the “restoration of just relations between and among humanity, creation and God” (2008:686). The

African concept of *Ubuntu* in post-apartheid South Africa is, according to Matolino et al. (2013), employed as a principle of the reconstruction of the societal moral character and dislodging of social fragments. *Ubuntu*, which was introduced to the TRC, albeit not being policy, is ripe in analysing how the TRC itself responded to the issue of reparation and overall justice for the victims as well as forgiveness for those who perpetrated human rights abuses. In a divided and unequal society like South Africa, the concept of *Ubuntu* is expedient in assisting the nation to overcome its social challenges and amend broken human relationships, and this would subsequently ensure peace and stability.

In the light of the above views, this study will investigate the notion of *Ubuntu* in the context of Justice and how can it be a framework with which to engage and respond to some of the TRC's shortcomings. The study will also consider the missional character of the TRC during the process of truth-seeking and subsequently nation-building in post-apartheid South Africa, as well as its commissioners who were of clerical background. The study will explore the TRC's missional consequences in its activities and their contemporary missional inferences. The study will further enquire of Bosch's (2011) concepts of mission as a quest for justice and mission as liberation.

1.3 Research Question

Considering the problem raised above, this study will seek to address the following research question:

To what extent can "*Ubuntu*" Justice be used as a missional framework to better engage some of the shortcomings of the Truth and Reconciliation Commission in South Africa?

1.4 Research Sub-Questions

The study will further address the following sub-questions:

- i. What are the theological and missiological perspectives of forgiveness, reconciliation, and justice?
- ii. What missiological problems can be deduced from the reports and activities of the Truth and Reconciliation Commission?
- iii. What lessons can we draw from *Ubuntu* as a cultural form of justice and peace-making?
- iv. How can *Ubuntu* Justice be used as a framework to address some of the missiological and cultural challenges identified in the reports and activities of the Truth and Reconciliation Commission?

1.5 Aims / Objectives of the Study

The aim of the study is:

- i. To outline the brief history of the Truth and Reconciliation Commission.
- ii. To investigate theological and missiological perspectives of forgiveness, reconciliation, and justice that can be accumulated in the activities of the TRC and their contemporary consequence.
- iii. Enquire about some of the missiological problems that can be gathered from the TRC's reports and endeavours.
- iv. To outline a brief background of the concept of *Ubuntu* in its African context and its relationship to the Commission's contribution towards reconstructing a just and reconciled post-apartheid South Africa.

- v. To assess how the concepts of *Ubuntu* Justice can be utilised as a framework to address some of the missiological and cultural problems as far as they can be amassed from the Commission's report and activities.

1.6 Research Methodology and Approach

For this study, I have opted for the qualitative research method because the study focuses on people's experiences and tangible events which cannot be analysed quantitatively. This method is further preferred because when one reduces people's words and actions through quantitative means, one consequently separates oneself from grasping the human side of social interactions (Taylor et al. 2016). As such, as Walliman (2006) testifies, the qualitative research approach is inviolable when people and their lived experiences are a subject of exploration. Stanfield (2006) speaks to the restorative effect of the qualitative research approach in that it triggers healing and unites the researcher and the researched institution. The researcher is further introduced to and becomes appreciative of the context of the subject of research. As such, the study was approached through the archival study of the primary documents of the TRC, namely its report, especially the first volume, which focuses on *Ubuntu* and restorative justice.

The researcher also employs a literary review approach. The theoretical study approach involves engaging secondary data in the attempt to answer the posed research problem (Pondani 2019). In the process of analysing secondary data, Pondani (2019) notes that a theoretical study may involve critical engendering of empirical data of the secondary data as registered in the texts. Meanwhile, limited or no access to a full raw data repository poses a challenge to this aspect of this research approach (Weed 2005). To mitigate this factor, secondary research is advised to draw primary attention to the interpretations of raw data, as such interpretations impart what Weed (2005:12) terms "meaning in context", which is scarcely found in raw material. It is within this context that the researcher will also do a literary study

of secondary resources from scholars in the area of mission as a means to justice, mission as means to liberation as well as *Ubuntu* as a model for transformation and social justice. This was done through sources from academic journal articles, academic literature, and print media.

This study plans to critically engage some of the proceedings of the Commission as a case study. According to Creswell et al. (2007), the case study research approach entails a contextual descriptive analysis of the specific case for a holistic understanding of the researched institution. For Walliman (2006:46), this research strategy allows an “intensive investigation” of “exemplifying” and contrasting cases that set the scene for responding to the research question. For this study, the researcher uses the “PEBCO Three” and the “Gugulethu Seven” cases to analyse critically the Commission’s amnesty hearings through the *Ubuntu* Justice perspective. For this purpose, the Commission’s final report as well as the episodes of its proceedings as prepared and reported by the South African Broadcasting Cooperation (SABC) will be examined.

1.7 Literature Review

Scholars at the outset lament that the very interim constitution that resulted in the TRC was itself problematic. The final subsection, according to Maluleke (1997:326), not only deputised reconciliation to the granting of amnesty but was in fact “a clause mainly about amnesty and not reparation”. Furthermore, the TRC was disjoined into two parts, the amnesty committee and sundry. According to Mamdani (2000), the amnesty committee’s focal point was those who carried out GHRV and the rest of the commission focused on victims. The decisions of the committee on amnesty, Mamdani (2000) further charges, were mandatory largely on the Commission and government itself. Whereas the decision of the “core” Commission were mere recommendations. This disparity, one seeks to argue, is perhaps an antithesis of the intrinsic “victim-centralism” character of a commission of this nature.

Bubenzer (2009) observes that during the Convention for a Democratic South Africa (CODESA) dialogue, criminal responsibility towards GHRV became a subject of debate. The National Party (NP) and the then-government sought a “blanket” approach to amnesty. The amnesty proposition is, according to the Commission, a typical feature of a negotiated political settlement, a responsibility which was later transferred to the Commission to administer (TRC 1998). Nonetheless, Nelson Mandela’s African National Congress (ANC) believed that this proposition was, firstly, inconsistent with the envisioned human rights culture (Bubenzer 2009). Bubenzer (2009:12) also observes that it was believed that such an approach would undo the solidification of the envisioned democratic dispensation, “which demanded recognition of and reconciliation with the legacy of the past”. Nonetheless, in what may be seen as an interesting development, senior leaders of the NP, ANC, and the Inkatha Freedom Party (IFP) did not apply for amnesty. Instead, the spotlight was on what Maluleke (1997) may term as “foot-soldiers”. It is on these grounds that scholars problematise the amnesty provision: it failed to prosecute the political elite and the consortium that commissioned GHRV.

With regard to reparations, the committee on reparation recommended R23 023 per annum as compensation and the responsibility of the President’s Fund (TRC 1998:94). The TRC cites this as an “adequate” restitutive and restorative intervention that would, among other things, discourage future perpetration of GHRV (TRC 1998:93). Both the government and the TRC suffered enormous criticism for the delay of the payment of victims, who were finally disbursed in 2003 (Lindahl 2010:29). There exists a heated yet necessary debate, an imbalance if you will, on the issue of amnesty and reparation. Acknowledging the fact that it was intended to recommend compensation for victims, a recommendation that could either be accepted or rejected by Parliament, the Commission continued to grant immediate amnesty to perpetrators of human rights abuses (TRC 1998). Indeed, victims had to wait whilst their oppressors were being granted what the TRC terms “immediate freedom” (TRC 1998:106). Scholars again

problematise the form of reparation to “clearly identifiable individuals” (Koopman 2016:98), since racial prejudice and divisions could not be individualised. It is charged that racism dismembered communities and unbalanced family relations, and therefore “to address their grievances required reparations for communities, not for individuals” (Mamdani 2002:54). It is for this reason that the Commission does not escape criticism: it overlooked the victims of forced removals, those who were jailed for contravening pass laws et cetera. This has dire implications since it could be a stumbling block to genuine reconciliation in South Africa.

When it first landed in Africa, colonialism adopted distorted and destructive measures “to achieve total occupation and exploitation” (Murove 2014:41), and thereby made Africa an involuntary subordinate to colonial values and moral systems. One seeks to speculate that the African Indigenous Justice System (AIJS), as prompted by Elechi and colleagues (2010), did not escape colonialist-supported manipulation in its quest of what Volf (1996:57) would term “ethnic cleansing”.

It is for the above-mentioned reasons that introducing “*Ubuntu*” Justice as a new theory befits a historical African cosmological understanding of justice. In traditional villages of South Africa, this is expressed perhaps through the dispute resolution college, known as *Imbizo* among AmaZulu (Mbaya 2010), *Inkundla* for AmaXhosa (Murithi 2006), and *Pitso* to Basotho (Letseka 2015). It is worth noting that traditional leaders exercise political power over traditional communities, i.e., *ilali* (village), *isithili* (region) (Netshitomboni 1998). Therefore, *Imbizo/Pitso* is called by either a King/Queen or a Chief in consultation with his/her counsellors or advisors, also known as *Amaphakathi* among AmaXhosa and *iziNduna* to AmaZulu.

Mbaya (2010:370) teases out these forums (commonly held at the traditional leader’s residence) as “African structures of participation” that are embedded in the principle of uttermost communal participation, cooperation, and unanimity on pertinent issues with which

a particular African community is confronted with. Schoeman (2012:21) equally suggests that these forums are underpinned by the *Ubuntu* ethic, which sets the tone for “collective responsibility” for lived conflicts. Schoeman (2012:22) further indicates that because of African traditional societies’ “strong sense of group identity”, conflicts are not individualised but shared by the entire community.

At this stage, it is important to entertain Ulvestad’s (2012) suggestion of differentiating between communalism and communitarianism as they correspond in their nature. Communalism is said to be “centred on the ethnic group where allegiance lies with them than [sic] the wide community” (Ulvestad 2012:26). In contrast, communitarianism is better expressed in concentrated, self-governing societies as a philosophy of responsibility of one to the rest of the community and where familism is stressed (Ulvestad 2012). Mnyaka (2003) notes that in the African belief system, the behaviour of individualism is rejected and is regarded as inhumane. Narrowing it to a person, Mnyaka (2003:150) further contends that a person could be regarded as “*akanabuntu*” (translated to be lack of *Ubuntu*) when such behaviour is observed. So for this study, the term “communal” is employed to emphasise interconnectedness as expressed in African traditional communities, which distance themselves from sectarian and individualistic behaviour.

In ascertaining justice in the African context, which they believe to be embedded in *Ubuntu*, Elechi et al. (2010) contend that rehabilitation of the victims, reintegration of the offenders back into society, and the return of the communal relationships which were dislodged because of the conflict are the objectives of African justice. In conjunction with the aim of justice, the victims, offenders, and the community which takes part in the African native justice system are “reminded about the dangers of bearing grudges and the importance of reconciliation with one’s adversaries, repentance, empathy, forgiveness and apology” (Elechi et al. 2010:74), which would secure maximum restoration, resocialisation, and tranquillity. It is perhaps against

its power to establish law and to restore that provokes Letseka (2015:544) to declare *Ubuntu*, a concept he terms an “African communal justice and fairness”, to be equal to justice.

Furthermore, it is because of its conciliatory character that Schoeman (2013) argues that the African grasp of justice is the antithesis of the West-sponsored retributive justice system. This is driven by the individualistic theory and practice that characterises the West. In contrast, here, the communality of the traditional African society is again overemphasised, for it is the critical basis through which *Ubuntu* is realised. For the TRC, its understanding of its constitutional contribution would be equivalent to a “commitment for a respect for human life and dignity and for the revival of *Ubuntu*” (TRC 1998:126). This restorative endeavour is that which would subsequently seek the redress of “socio-economic inequalities” that are a “legacy of systematic, institutionalised denial of access to resources and development opportunities on grounds of colour, race, and sex” (TRC 1998:109).

The term “*Ubuntu*” Justice is perhaps consistent with African thinkers’ view on the “viability of traditional African epistemologies for modern conceptions of political ideas and governance” (Letseka 2015:545). It is for this reason that “*Ubuntu*” as communal justice cannot be simply set aside as a framework for engagement as South Africa remains one of the most unequal nations post-1994. Indeed, in South Africa, *Ubuntu* was and is still relied upon in such a way that it becomes a foundation upon which a just society would be built. In the post-colonial and apartheid settlement, *Ubuntu* has been advocated for in all spheres of society, as a narrative of “return” or restoration, to distinguish it “as an antithesis to the dehumanisation of colonialism and apartheid” (Matolino et al. 2013:199). Moreover, Mbaya (2010:373) suggests that *Ubuntu* is adopted or is preferred because of its power to “embrace” not only those belonging to an African society but also those of other races, for them to also enjoy the “African hospitality” that is characterised by interdependent lived experience, “brotherhood”.

It is of no interest to the study to do a hermeneutical exploration of the concept of justice. The study, nevertheless, would observe that there are several biblical texts, in both testaments, where God is demonstrated as a God of justice and love, who strives to produce tranquil relations between God and humans, as well as between humans and other humans.

This study introduces *Ubuntu* Justice as a new concept and an attempt to address the gaps in the activities of the TRC from a missiological viewpoint. Additionally, the *Ubuntu* Justice concept is introduced as a relevant missiological principle and a convenient concept in our discourse as it synchronises one's conduct in relation to the other. The critical argument in this study is God's consciousness of the powerless. For justice calls for utmost responsiveness, consideration, and consciousness about the deprivation of the other. It is of importance to note that previous research focused on the history and limitations of the TRC. This study therefore seeks to investigate the missional dimension of the TRC's proceedings using the *Ubuntu* justice system as a missional framework.

1.8 Potential Impact

This study is hopeful and will show how the African concept of *Ubuntu* can be blended with the prevalent modern concept of justice to cultivate a moral and ethical South Africa. It will be appreciated by South Africans of diverse races and cultures in understanding the communality as expressed by *Ubuntu*. Furthermore, *Ubuntu* is communal justice and therefore should not be perceived to apply only to one ethnic group or rendered by one racial group to another but to apply to all because we are human. It will further assist the Church in its response to the concept of Mission as a quest for justice, and mission as liberation. It further proposes an effective response in the wake of common racial discrimination, gender-based violence, brutal killing of women and children, corruption, and other prevalent social ills.

1.9 Chapter Outline

Chapter 1 introduces the reader to the background, the world, and the focus of the study. It further introduces the research problem, followed by the research question, the research methodology, and approach, as well as research objectives or aims. It comprises the literature review, rationale, and the impact of the study.

Chapter 2 introduces the reader to the Truth and Reconciliation Commission. It reflects critically on the legislation that led to its establishment, its leadership, as well as its aims and objectives. Furthermore, various committees and their activities are critically discussed.

Chapter 3 is an inquiry into the theological and missiological perspectives of forgiveness, reconciliation, and justice. Furthermore, the chapter focuses on and discusses Bosch's (2011) concepts of "mission as the quest for justice" and "mission as liberation".

Chapter 4 discusses the missiological problems that can be deduced from the Truth and Reconciliation Commission's reports and activities. To this effect, the chapter considers the "PEBCO Three" and the Gugulethu Seven practical cases as a case study.

Chapter 5 introduces and discusses the concepts of *Ubuntu* and *Ubuntu* Justice in the African context. It further discusses the *Ubuntu* concept as the African cosmological understanding of justice.

Chapter 6 deals with the *Ubuntu* justice as a framework to address some of the missiological and cultural problems that can be deduced from the TRC's report and activities.

Chapter 7 is the reflection on all that has been discussed in previous chapters and their implications for contemporary South Africa in terms of, among other things, the prevalent structural inequality, imbalanced racial relations, and restorative justice. It then concludes.

Chapter 2

The Historical Context of the Truth and Reconciliation Commission

2.1 Introduction

A historical milieu is critical when an institution is a subject of research. This chapter gives a brief background on some of the Gross Human Rights Violations- engendering policies of apartheid. It further discusses the background of the TRC, its powers, and duties through reflecting on each of its committees relying mostly on the legislative framework, as well as their methodology, for public hearings. The chapter further highlights some aspects of the mandate of the committees and turning points that will further shape the argument of this study.

2.2 A brief background of human rights violations in South Africa

Mubangizi (2004) would not be drawn into defining human rights, but he nonetheless describes human rights in two distinctive proportions, namely one being fundamental or basic rights and the other being natural or common rights. Basic or fundamental rights refer to rights that “must not be taken away by any legislation or Act of the state” (Mubangizi 2004:2). For instance, basic rights are usually incorporated into “the bill of rights” (Mubangizi 2004). Natural rights are those rights “belonging to all men and women by virtue of their human nature” (Mubangizi 2004:2). The global inter-governmental organisation known as the United Nations (UN) reports that human rights are “fundamental freedoms [that] allow us to fully develop ... They are based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection” (cited in Mubangizi 2004:3). This brief yet informative description illustrates the fundamental and intrinsic value of human rights, which were compromised in South Africa.

A generic definition of the term apartheid is “apart-ness” or “separate-ness” and refers to the systemic racial repression and white supremacy employed by the National Party (NP) during its administration from 1958 to 1994 (Beck 2000). It is of importance to note that the apartheid system was a system to further advance *Afrikanerdom*, the fragile *Afrikaner* nationalism. Gobodo-Madikizela (2003:144) suggests that this policy intervention was informed by the NP’s ultimate objective of “racial, cultural, and political purity ... [A] society based on *apartheid* – literally, separateness”. The *Afrikaner* nationalism paradigm was entrenched and perpetuated in and through social institutions such as the churches, the economic and education systems, labour, and the media, thereby constituting an organic driving force in the advancement of the cause (Spence et al. 2011). Nonetheless, research notes two distinctions of the system, namely “petty” and “grand” apartheid (Beck 2000).

The grand apartheid refers to the racially repressive laws that characterise one’s daily life: segregation in hospitals, burial lands, business, work, schools, et cetera (Beck 2000). Grand apartheid is the introduction and implementation of racial repression related to land and political rights (Beck 2000). Beck (2000) further believes that the apartheid framework was an extension of the 1913 and 1936 Land Acts to make way for the establishment of ten independent homelands where African South Africans would later be relegated, resulting in the deracination of millions. Apart from racial areas’ segregation, the definition of where whites, blacks, coloureds, and Indians would live, the right to vote and hold civil office rested with whites only (Beck 2000).

The Group Areas Act of 1950 necessitated the enforcement of physical racial segregation, resulting in black South Africans being forcefully removed from urban areas to the so-called homelands (Mubangizi 2004). Consequently, they were allowed access into the urban settlement reserved for white South Africans as migrant labourers, and this movement was also regulated by pass laws (see Mubangizi 2004; Welsh et al. 2011). The pass laws, as Welsh et al.

(2011) testify, were established to serve, among others, three purposes: to limit the flooding of black South Africans into “white areas”, to attach blacks to white employers, i.e., farmers; and to establish a low-waged and well-oiled labour machine for the mining and farming sectors. At the age of 16, all black South Africans were required by law to possess a “reference book” which encapsulated the holder’s particulars, such as the identity of their employer (Welsh et al 2011). Failure to produce the document when required was a criminal offence punishable by imprisonment or a fine (Welsh 2011).

Another brutal policy of racial oppression implemented by the nationalist government was the infamous Bantu education. “I would rather see South Africa White and poor than to see it rich and mixed” (cited in Thobejane 2013:1). These are said to be the words of the then Native Affairs minister, Mr. Hendrick Verwoerd, in 1953, when he was cooking the establishment of the inferior Bantu Education system aimed at black South Africans. Verwoerd’s statement was a final seal in ascertaining that “black people in the country remained hewers of wood and drawers of water” (Thobejane 2013:1).

A racially discriminatory education policy, as Thobejane (2013) believes, meant a segregated education system that would be retained at the institutional level through having distinctive education departments for each of the ethnic groups represented in the country. As such, the Bantu education in South Africa championed “hierarchical views of society and fostered an ideological consciousness of superior-inferior, master-servant, and ruler-ruled structure” (Thobejane 2013:2) between and among all ethnic groups of South Africa. For black South Africans, the Bantu education system betokened an inadequately trained and insufficient human resource by means of restricted resources, learning and teaching materials of inferior standard, classroom shortages, and the inexistence of libraries and laboratories (Vally et al. 2002).

There were a vast number of other pieces of legislation, such as the prohibition of mixed marriages Act, which prohibited marriage between whites and people of other races (Mubangizi 2004). Lastly, the Terrorism Act provided for immediate detention without appearance in court (Mubangizi 2004). Indeed, the highlighted racial policies are but a few cases taken from a litany that brought so much strain and further invited resistance from its victims, a resistance to which the government welcomed with deadly force, such as killings, arrests, abductions, torture, and banning. The Sharpeville massacre (1960); where sixty-nine black demonstrators, including women and children, were killed while protesting pass-laws; is one example of such apartheid villainism (Faku-Juqula 2014). By then, the apartheid state had successfully enforced its model of law and order; however, amidst the Soweto uprising in 1976, it failed, as “[B]lack resistance had become more formidable than before ... a protest culture pervaded the black population of South Africa” (Faku-Juqula 2014:20).

2.3 The Establishment and Mandate of the Truth and Reconciliation Commission

As previously alluded to, the TRC was commissioned because of an act of Parliament called the Promotion of National Unity and Reconciliation Act 34 of 1995, the Act herein. According to this act, the commission was entrusted with promoting “national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past” (RSA 1995: 6). It was tasked with granting amnesty to perpetrators based on full disclosure of truth concerning politically motivated GHRV actions (RSA 1995). The TRC was, lastly, to compile an extensive report detailing all its activities, findings, and further recommend preventative measures as far as future human rights atrocities are concerned (RSA 1995).

2.4 The Structural Framework

Archbishop Desmond Tutu was appointed as Chairperson of the Commission and Dr. Alex Boraine was appointed the Vice-Chairperson. Other commissioners were appointed, namely

the Rev. Dr. Khoza Mgojo, the Reverend Bongani Finca, Ms. Hlengiwe Mkize, Ms. Sisi Kampepe, Mr. Dumisa Ntsebeza, Adv. Denzil Potgieter and others (TRC vol. 1, 1998). The TRC was headquartered and had a regional office in Cape Town and had additional regional offices in East London in the Eastern Cape province, Johannesburg in the Gauteng province, and Durban in the KwaZulu-Natal province (TRC 1998).

2.4.1 The Constitution of Statutory Committees

As per the mandating Act, the Commission was divided into three committees responsible for the Human Rights Violations (HRV), another for Amnesty (AC), and another for Reparation and Rehabilitation (R&R) of the victims. These committees, their duties, and powers will be discussed in turn.

2.4.1.1 The Human Rights Violations Committee

Apart from having the right to document claims and grievances of gross human rights abuses, the committee on human rights violations was charged with instituting “inquiries” about systemic oppression through collecting information, receiving evidence, and ascertaining facts on such human rights atrocities from individuals, institutions, and organisations (RSA 1995). It is common cause that this committee was active across the country, famously known for holding public hearings, and was chaired by Desmond Tutu. Among other things, it was responsible for public awareness, victims’ hearings (public), institutional and subject-matter hearings i.e., women and children (TRC 1998). It would further recommend or refer a victim (with proof of victimhood) to the Reparation and Rehabilitation Committee (R&R) once it established that indeed one suffered human rights abuse (RSA 1995).

2.4.1.2 The Amnesty Committee

Constituted mostly by legal minds from within South Africa, thus chaired by a (retired) judge, the amnesty committee was responsible for considering amnesty applications and the

subsequent granting of amnesty to perpetrators of politically driven human rights violations (TRC vol. 1 1998). It provided the perpetrators with an opportunity to submit written submissions and further appear before them to make verbal submissions. It had the powers to grant amnesty without any hearing when there was no evidence of HRV and further had powers to grant or deny amnesty based on the evidence and its findings without any further consultation (RSA 1995). It is of importance to note that as per the TRC's mandating Act, a person granted amnesty would not be liable for criminal prosecution for the crimes for which they were granted amnesty (RSA 1995). This seeks to illustrate that by being granted pardon, they were exonerated from all criminal accountability concerning that GHRV act. It is of interest to further note that most of the TRC's duties rest upon this committee as it has a litany of responsibilities and stringent powers compared to the two other committees.

2.4.1.3 The Reparation and Rehabilitation Committee

Upon gathering information and uncovering the "identity, fate and whereabouts of victims, and the nature and extent of the harm suffered by them" (TRC 1998:285), the committee on reparations would recommend to the President on suitable reparation framework, an attempt at restoring their social and human dignity. The reparation and rehabilitation aspect of the Commission further deals with victim referrals from both the HRV and Amnesty committees (RSA 1995). Importantly, it had powers to recommend institutional transformative measures as an attempt to create a balanced, just society and further come with an appropriate precautionary framework on how to impede future GHRV (TRC 1998).

2.5 Convention for a Democratic South Africa (CODESA) and Amnesty

As has been established previously, the amnesty proposal was, albeit disputable at the time, a central point of departure of the NP during the "talks about talks" that a negotiated settlement would emerge. The establishment of the TRC, which had the powers to grant amnesty was the

sacrificial “price that the liberation forces had to pay to secure a peaceful transition to majority rule” (Gibson 2004:9). For the victims or survivors of apartheid, amnesty would be the ultimate price to pay for the perpetrators’ exposé (TRC 1998). So, the whole political agreement between the government and the ANC during CODESA meant that cases of human rights violations would be kept away from the Criminal Justice System (CJS). It is against this fact that commentators such as Sarkin (2004) lament impunity because even those who committed lethal crimes either elected not to apply for amnesty or blatantly disdained the Commission. The “missed opportunities” to co-operate with the Commission were, as Sarkin (2004) reports, mostly perceived as deleterious to South Africa’s process of restoration. Be that as it may, commentators might find consensus on the probability that if it were not for the amnesty provision (tied with full disclosure), the fate of the “PEBCO Three”, for instance, would have never been established.

The legislative backbone of the amnesty provision is found in the “postamble” or concluding remark of the (Interim) Constitution of the Republic of South Africa adopted in 1993 (TRC 2003). It is prescribed in that legal framework that to drive and further advance the “reconciliation and reconstruction” project at hand, “amnesty shall be granted in respect of acts, omissions, and offences associated with political objectives and committed in the course of the conflicts of the past” (TRC 1998:3). It is of importance to note that being the first of its kind, a Truth Commission to grant amnesty, the Commission (TRC 2003:83) accepts that it “set sail in uncharted waters”, that is, without domestic or inter-continental precedents to guide the committee on amnesty.

2.6 The Methodology of Public hearings

Holding public hearings was integral to the work of the TRC, as they speak to the very objective of the Commission of striving for solidarity among and between South Africans (Verdoolaege

2008; TRC 1998). Verdoolaege (2008) reports that the habitual language employed by the Commission was legal, the hearings and the concepts resembled a court of law. She further highlights that the political narrative of nation-building further framed the language of the Commission (Verdoolaege 2008).

The second narrative noted by Verdoolaege (2008) is the “mandarin-intellectual narrative” which rejected an interpersonal conception of reconciliation but rather perceived and positioned reconciliation as a national project. Wilson (2001) extols that this visible shift, the move for a more abstract conception of reconciliation, is sacrosanct in-so-far as to know who and what was to be restored. Informed by the postamble of the interim constitution adopted in 1993, it was clear that “it was the ‘people of South Africa’ who were to be reconciled” (Wilson 2001:107). Consequently, after this change in perspective, reconciliation contributed to the development of a national “single psyche, a collective conscience which is the repository of a collective memory” (Wilson 2001:107).

The religious-redemptive narrative, the third paradigm, sought a “substantive notion of reconciliation as a common good, defined by forgiveness and redemption” to the omission of retaliation (Wilson 2001:109). Championed by mostly Tutu and others, this redemptive perspective of reconciliation sought not only state reconciliation but also interpersonal reconciliation (Wilson 2001).

Throughout the amnesty hearings, Kraft (2014) testifies, the amnesty applicants followed a three-pronged model of giving testimony. The first aspect was the descriptive “episodic narrative” of the crimes committed, and these were underpinned by peculiar “facts” (Kraft 2014:39). The applicants further gave evidence during detailed questioning by the lawyers representing the victim and/or their families as well as the “evidence leader” within the amnesty committee (Kraft 2014). The third aspect included the liberty of victims or their families to

confront their oppressors, and this gesture is suggested to be “an accompanying opportunity to begin reconciliation” (Kraft 2014:39). Although research appreciates this fact, it is argued that the Commission made minimal attempts to test the applicants’ testimonies to gather the truthfulness of such narratives (Phakathi et al. 2008).

Furthermore, an important factor was the issue of memory, where amnesty applicants were showing “limitations and distortions of memory” (Kraft 2014:45) to such an extent that they exclude critical information or simply forget events that they were party to. Failure in memory, commentators convict, is often employed as a method of evading questions or a way to “rationalize contradictory evidence” (Sarkin 2008:104). These memory exercises, as would be expected, had rather deleterious effects, especially when the applicant could not recall, mostly, intrinsic information about the event(s) in question (Kraft 2014). Nonetheless, the Commission organised informal physical encounters, conversations between the victims and the applicants of amnesty, which were transformed to be, among other things, a platform to deal with certain survivors’ needs (Phakathi et al. 2008).

2.7 What about the Truth: A fact-finding Mission?

Immediately when one comes across the term “truth”, one is reminded of the TRC’s “Truth, the road to reconciliation” mantra. Indeed, it is of importance to investigate the Commission’s understanding of or objectives about the truth.

Driving the narrative that the TRC was not reconciliation oriented, Fullard and Rousseau (2008) argue that the Commission’s resources, i.e., human and capital, were dedicated to “truth seeking and the question of responsibility” for the pre-1994 injustices. To further drive this view, they find against the scholarly perception of the hearings as the centre of evaluating the TRC. They rather reflect on the important work of statement-taking, for instance, a process that

reflects no preoccupation with the subject of reconciliation but hearing and documenting people's lived experiences (Fullard et al. 2008).

In the context of a transitional setting, Sarkin (2004), defines the truth as the awareness and the acknowledgment of gross human violations of the past. It is held that an "official" acknowledgment as contemplated in the TRC (report) for instance, plays a significant psychological role in the recognition of "a 'truth' which has long been denied" (Hayner 1994: 608). Shore (2009) warns nonetheless that Truth Commissions may have been an effective intervention in dealing with the injustices of the past, but they remain without a clear-cut definition of truth. To this effect, Hayner (1994) testifies that truth commissions should neither be viewed nor sought as fact-finding machinery. Shore (2009) draws and appreciates the contextual nature of each Truth Commission; the context determines the truth relevant, elicited rather as per the aim of that Truth Commission. As such, the study will now rely on various kinds of contextual "truths" sought by the TRC as considered in Shore (2009).

The first truth is the "factual or forensic" truth which is embedded on the charge of the Commission to formulate an extensive report detailing its "activities and findings, based on factual and objective information and evidence" (Shore 2009:79) that was gathered or brought to its attention during the life of the Commission. This aspect of the truth was compensated by amnesty. A "personal and narrative" truth is noted as the second conception of truth persuaded by the HRV aspect of the Commission as narrated by the victims and survivors, and the redress for this notion of truth was reparation through the Reparation and Rehabilitation Committee (R&R) (Shore 2009). Thirdly, the "social and dialogical" truth was generated from the institutional and special hearings where the system of apartheid was honestly debated with a view to understanding the roles played by different sectors in paddling or resisting apartheid (Shore 2009). The "healing and restorative" truth expressed through the R&R, lastly, is centred

on the “acknowledgment and affirmation of the victim’s pain to restore their dignity and to rebuild” a once-divided nation (Shore 2009:81).

The Commission readily concedes that the truth might not lead to reconciliation, however, it notes that without the truth, the possibility of genuine reconciliation exists not (TRC 1998). It further reflects that it is not possible for a Commission that had a limited life and resources to achieve reconciliation on its own given historic repression, segregation, and enormous divisions (TRC 1998). This may perhaps be illustrated by the equivocal responses from both the victims and perpetrators themselves. Victims’ responses ranged from being in support to rejecting amnesty applications; from viewing the very underlying principles of amnesty with disdain and to a certain extent, embracing them (TRC 2003). They sometimes got frustrated with what they would perceive as non-disclosure on the side of applicants to the welcoming of the very facts presented by the perpetrators, indeed, from being antagonistic to embracing, offering forgiveness, and perhaps reconciling with their oppressors (TRC 2003). Reconciliation in the context of South Africa, according to the TRC (1998), requires the imagination of reconciliation beyond the TRC. As a result, the reconciliation projects require citizens to work tirelessly to achieve the envisaged goal, interpersonal and national reconciliation.

2.8 Remorse and Forgiveness

It is common cause that the legislation that led to the establishment of the TRC did not require remorse as a requirement for amnesty. Rather, full disclosure was to be compensated by the granting of amnesty. Nonetheless, commentators such as Baron (2015) lament that the very exclusion of repentance and remorse (as a requirement) in the amnesty provision invited a well-fragmented reconciliation between the perpetrators and their victims. Accordingly, for a society to be truly restored and glued in unity, there should exist a “type of reconciliation ... a change of heart through the showing of remorse and repentance” and these need to take shape through

the perpetrator's future actions (Baron 2015:171). Indeed, this is embedded in the worldly understanding or the assumption that forgiveness is to be rendered only when signs of contrition and attempts at reparation are self-evident (See Kobe 2014, Baron 2015). Although not all victims were willing to forgive, it should be appreciated that through its hearings, the TRC opened a door, the possibility of forgiveness (Gobodo-Madikizela 2002).

In the context of transitional justice, Gobodo-Madikizela (2002) prays that for the process of validation of the victim's painful experience to be itself valid, the apology must convey an expedient emotion of remorse. Importantly, the expression of genuine remorse is transformative because it not only civilises the perpetrators but also dramatically converts their "evil from the unforgivable into something forgiven" (Gobodo-Madikizela 2002:8). During the Commission's hearings, it is noted that an expectation of remorse lingered inevitably (Kobe 2014). For some perpetrators, remorse was beneficial because it meant an attempt at being baptised in the cleansing power of the victims' forgiveness and being "freed" from the yoke of their gloaming past (Gobodo-Madikizela 2002).

2.9 Towards Reconciliation

Reconciliation has been noted to be a contested concept in academia and other spheres of society. Nonetheless, De Gruchy (2002) describes four intertwined genres in which we speak of and about reconciliation. The first is the theological way and refers to the reconciliation between God and humans and its meaning in the context of communal relations (De Gruchy 2002). The second would be the interpersonal way which refers to the relation between and among individuals (De Gruchy 2002). The social way, the third, refers to reconciliation between estranged communities and groups of people, i.e., ethnic antagonism largely characterised by a wave of violence. The fourth and the final genre is the political conception

of reconciliation, for example, the national reconciliation project of South Africa (De Gruchy 2002).

It is of importance to emphasise the inter-relation of these conceptions of reconciliation. For instance, post-apartheid South Africa had a duty not only to drive the national reconciliation project but to further affirm relations between and among estranged ethnic groups (De Gruchy 2002). So, reconciliation is a method of addressing and overwhelming historic estrangement and antagonism, and equally a method of “relating to the ‘other’ in the present, and a goal that is always ahead of us in the future” (De Gruchy 2002:27).

2.10 Regarding Reparation

It is argued that the importance of reparation is to uphold “a sense of justice among victims”, undergirded by a normative conviction that victims ought to be compensated for the harm inflicted on them (van der Merwe et al. 2018: 303). Importantly, the undertaking of reparation, as a peace-building mechanism, stands as insurance of “reduction in the likelihood of conflict recurrence, thus contributing to the development of sustainable peace” (van der Merwe et al. 2018: 303). In the case of the TRC, victims needed to be acknowledged as individuals who suffered (contextual) injustice of gargantuan proportions and as a collective, precisely as part of a previously targeted collective (van de Merwe et al. 2018).

The TRC responded to the issue of reparation in two ways namely, monetary reparation to the benefit of the individual victims and non-monetary reparation to the effect of the entire society. As such, non-monetary reparations are easily available to all i.e., visual redress (Daly 2003). However, monetary redress to victims of HVR has proven problematic and raises the following question: who were the real “victims”? According to the mandating legislation of the TRC, a victim (or their families) was one who suffered (narrowed) HRV, namely murder, abductions,

intensive ill-treatment, and torture associated with a political objective during the apartheid minority rule (TRC 1995).

This narrowed understanding of victimhood is a point on which scholars and commentators prefer to discredit. Scholars petition that the Commission's narrowed mandate meant the exclusion of other racial human rights violations that took place in the overall colonial project (Daly 2003). Through its HRV hearings, the Commission heard an individual's narrative and experience of GHRV, and if the claim was corroborated with concrete evidence to the satisfaction of the Act, that person would be regarded as a victim worthy of "monetary" reparation (Daly 2003). Therefore, for one to be considered for reparation, one must have appeared before the TRC. Quantitatively so, it is noted that the HRV collected twenty-one thousand statements, of which two thousand met the threshold and appeared before the HRV aspect of the Commission (van der Merwe et al. 2018). However, this number is lambasted to be an "under-representation" of enormous proportions of the people who surpassed the victimhood criterion (van der Merwe et al. 2018: 308).

2.11 Conclusion

This chapter considered the background of gross human rights violations regarding the brutal policies of the apartheid system of governance. It related the apartheid system as a fundamental curve in strengthening and advancing *Afrikanerdom*, a philosophy of separateness. The chapter attempted to present a brief background of the Truth and Reconciliation Commission by considering the Human Rights Violations, Amnesty, Reparation and Rehabilitation committees of the Commission, the committees' mandates. Furthermore, some critical basic concepts that can be deduced from the work of the TRC were critically examined.

Chapter 3

A Theological and Missiological Perspective of Forgiveness, Reconciliation, and Justice

3.1 Introduction

This chapter explores the theological perspectives of forgiveness, reconciliation, and justice. Bosch's (2011:410, 443) theories of "mission as the quest for justice" and "mission as liberation" will be given due consideration. The *Kairos* Document, the Belhar Confession, and the Rustenburg Declaration are used to further support and as an attempt to grasp the (South African) church's understanding and response to God's mission particularly in times of injustice.

3.2 Theological Perspective of Forgiveness

Vorster's scholarly analysis of forgiveness suggests that such analysis should be preoccupied with or ponder on how forgiving could better address and even fracture the cycle of brutality (Vorster 2009). A theological perspective on forgiveness is important, for it calls into question the challenges of inequalities, power relations, unremorseful perpetrators, reparation, responsibility, and contrition to name but a few (Denton 2018). It is of importance to note that the Christian understanding of the concept of forgiveness is not only contested but also contextual (Forster 2020). Issues of identity, theological beliefs, and present-day social experience contribute to how Christians themselves understand forgiveness (Forster 2020).

The Christian understanding of forgiveness is derived from the Judeo-Christian scriptures and has been accepted to refer to inter-related concepts such as atonement, mercy, confession, restoration, reconciliation et cetera (Musekura 2010). This understanding is embedded in the need for a solution to sin, guilt, and reconciliation between God and humanity and among

humans themselves (Musekura 2010). Furthermore, both the Old and the New Testament introduce their readers to a “merciful, compassionate, and just God” (Musekura 2010:26), who works tirelessly and patiently in redeeming his fallen yet exalted humans. The God of the biblical narrative offers forgiveness as an attempt to draw humans closer into communion (Musekura 2010).

According to Vorster (2009), before it becomes an act expressed by humans, forgiveness resonates from God’s willingness to forgive. In other words, human beings can forgive because God is a forgiving God. Whilst arguing that forgiveness is the “gift from God”, further confirmed in the sacrificial, salvific nature of Christ’s cross, Möller (2015:2) suggests that the objective of forgiveness is conciliation. Vorster (2009) submits that through this event of self-sacrifice, Christ forestalled God’s judgment on humanity, and humans were now finally more deserving of God’s justification. As an event of reconciliation, the cross further reveals what Möller (2015:3) terms “explicit theodicy” that itself dramatically uncovers the love for the perpetrator “to the extremity of the cross”.

Jones (1995) postulates that Christian forgiveness requires our “death” taking the form of the death and resurrection of Christ. As we part-take in this “dying and rising” act of Christ “we die to our old selves and find a future not bound by the past” (Jones 1995:4). He further notes that the act of “dying and rising” resonates from the Christian exercise of baptism, which is an illustration of “dying to old selves and living into the promise of an embodied new life” (Jones 1995:4). The Rustenburg dialogue (1990) concludes that God’s forgiveness cannot be appropriated away from legitimate repentance and practical restoration. It is of importance to further discern that Christian forgiveness can only make absolute sense when it is embedded in God’s “demand that we change and begin to seek God’s justice in society” (De Gruchy 2002:171).

It should be noted that God created humans so they could live in relations of inter-solicitude (Vorster 2009). This relationship is better indicated in God's creation of humans "as the image of God" (Vorster 2009:371). Arguing from a Reformed theological perspective, Vorster (2009:371) reports that the *Imago Dei* "teaches the inherent human dignity of all people" that should be upheld by fellow humans and expressed in social systems alike. Secondary to that, Christian forgiveness is a quest for holiness which can only be realised through the act of the Christian community (Vorster 2009). This seeks to point out that humans can only learn to encapsulate forgiveness when and if they form part of the larger body of Christ. Volf (1996) posits that forgiveness is the bridge between two contrasting practices namely, "exclusion" and "embrace". It is for this reason that "being made in the image of God" qualifies humans to be "persons in relationships rather than disengaged and disembodied objects that exist as discrete entities" (Marumo 2019:2). The creation narrative(s) therefore is sacrosanct in the ongoing quest of understanding the root of fellowship (Marumo 2019).

3.3 Theological Perspective of Reconciliation

There is a wide yet similar range of understandings of reconciliation in the Christian community of faith. For instance, Solomons (2017:6) reports on- three layers of a Christian understanding of reconciliation. For him, reconciliation in the Christian realm is first understood to be "reconciliation with God following alienation" (Solomons 2017:6). The second layer of a Christian understanding of reconciliation is reconciliation by way of "being one with Christ in the body of Christ" (Solomons 2017:6). The third layer would be the "ministry of reconciliation through the Holy Spirit in Church and in Society" (Solomons 2017:6).

Some scholars are convinced that a Christian perspective of reconciliation cannot be imagined away from the "particular life of the God who Christians confess" (Katongole et al. 2008:42).

De Gruchy (2002:45) argues that Christian imagination of reconciliation encompasses “the sum of what Christians believe about God’s saving work in Jesus Christ”. Amid a shattered world, the Christian worldview is unequivocally shaped by the “life and preaching of Jesus” (Katongole et al. 2008:42). De Gruchy (2002) submits that the Christian understanding of reconciliation is rooted and illustrated in Paul’s theology (of justification) when describing God’s redemptive work. It is against this background that it may be argued that God is the grand narrator and the “subject or agent of reconciliation” (De Gruchy 2002:52).

Reconciliation, according to Volf (1996:11) requires the mastering of the “politics of the pure heart” whose major qualifier is God’s gift of “genuine” repentance. Furthermore, emphasising the need for repentance, coupled with regret, the authors of the *Kairos Document* charge that it would be a blatant disdain for Christianity to plead for reconciliation and tranquillity in the face of existing injustices, and in a better word, “sin” (Leonard 2010). In the Christian language, to be reconciled with God, one ought to “make a turnabout of a profound moral and religious import ... [recognise] that one has sinned” (Volf 1996:113). Indeed, when one unhypocritically “turnabout”, one withstands “the seductiveness of the sinful values and practices ... [A]and [lets] the new order of God’s be established in one’s heart” (Volf 1996:116). It is against this theological backdrop that in the South African context, theologians, and other commentators feasibly claim that with unequal distribution of wealth still intact it would be impossible to “speak of the reconciliation of black and white” (De Gruchy 2002:36).

It is therefore credible for the *Kairos* theologians to postulate that in situations of injustice, “no reconciliation is possible ... without justice ... no forgiveness and no negotiations are possible ... without repentance” (Leonard 2010:16). An absolutist approach to reconciliation according to this argument is dislodged for God and the devil, or what is good and evil will never be reconciled (Leonard 2010). Besides, an absolutist approach to reconciliation would be a naive call to the oppressed to accept the injustices as their fate and thereby be “accomplices

in our own oppression” (Leonard 2010:16). The kind of reconciliation about which the *Kairos* dialogue jogs our memory is a God-based “genuine” reconciliation that is embedded in the principle (s) of justice, repentance, love, and truth (Leonard 2010:16).

Barth (1956) describes reconciliation as the restoration, restitution, and even resumption of a fellowship that was at the brink of collapse. Illustrating it by way of a covenant, he asserts that reconciliation would mean the perpetuation, reinstatement, and upkeeping of that covenant relationship in the “face of an element which disturbs and disrupts and breaks it” (Barth 1956:22). Covenant in a theological sense would be the “framework within which reconciliation, healing, and wholeness is to be understood and within which it becomes a reality” (Thesnaar 2010:99). From a Calvinist perspective, disobedience and rebellion are taken seriously as malicious sins which resulted in the fall of mankind (van Buren 1998). It is for this reason that the descendants of Adam need God’s reconciliation, for they stand accused before God and as a result, they are slaves to the malediction and the punishment of death (van Buren 1998). Calvin believes that for as long as we remain apart from Jesus Christ we stand as active enemies perhaps to the otherworldly Kingdom (van Buren 1998).

Contextualising the background of the “doctrine” of reconciliation in simple terms, Zaw (2020) holds that sin entered the world when Adam became disobedient and roguish against God resulting in calamitous sin. Sin would be the transgression of “the divine command or breaking the universal covenant” (Zaw 2020:27). Due to sin, a colossal estrangement between God and humanity occurred; this relationship would later be restored through God’s gift of reconciliation through Christ Jesus (Zaw 2020). The restoration of God and humanity’s relationship was possible only through the death and resurrection of Jesus (Zaw 2020). Indeed, the reconciliatory activity of God through Jesus meant the removal of “distortion to creation”, which was engendered by sin (Zaw 2020). Accordingly, reconciliation in the Christian community could be summed up to illustrate a “process of overcoming alienation through

identification and in solidarity with ‘the other’, thus making peace and restoring relationships” (De Gruchy 2002:51). Appreciating its interpersonal potential, De Gruchy (2002:46) posits that reconciliation relates to Christian belief about the “triune God and our understanding of human and social existence”.

3.4 Theological Perspective of Justice

The biblical position of the concept of justice has been researched, and it is the most reliable word used in the Bible to “speak about what ought to be done ... [to] render each other what each is due” (Wytsma 2013:9). Wytsma (2013) is of the view that the Christian perspective of justice is further based on the *Imago Dei* presupposition, which gives all peoples non-negotiable dignity and absolute worth; justice would therefore imply fairness, peace, and prosperity. Birch (1991) suggests that *Imago Dei* presupposes a God who is the foundation of the care of every individual’s right. Further to that, Birch (1991) submits that a God of justice should be understood in the context of the broad covenant arrangement.

Accordingly, to those who have suppressed and manipulated the rights due to others, God’s justice would be perceived as “judgement” tantamount to God’s activity to hold those people accountable (Birch 1991). The Belhar Confession (1986) noted that God reveals himself as one who craves peace and justice on earth. He is a “God of the destitute, the poor and the wronged” (Belhar Confession 1986:2). In Birch’s view, the God of justice is not only biased towards the “poor and afflicted” but remains “active to redress inequalities” when, for instance, the needs of the poor are not met, and their rights are refused (1991:156).

The Christian understanding of justice is further understood along the perimeters of love. Christians are of the belief that “God is justice as God is love” (Forrester 1997:205). Forrester (1997) believes that as and when Christians get to experience God, they get to experience and learn the meaning of justice and love (Forrester 1997). It is for this reason that Christians are

convinced that their understanding of justice and love comes from God who embodies these attributes (Forrester 1997). They might be distinct concepts, but Christians are additionally convicted that in cases “where justice is denied love is certainly denied” (Newbigin 1995:97).

3.5 Mission as the Quest for Justice

Bosch (2011) observes that to resolve the mystery between evangelism and social duty, one is to differentiate between two separate “mandates”. These injunctions are the “commission to announce the good news of salvation through Jesus Christ” and the call for Christians to a “responsible participation in human society, including working for human well-being and justice” (Bosch 2011:413). He further proposes that where evangelism has been a success, it then bears “fruits” in the form of social justice” (Bosch 2011:416). Nonetheless, from the West-sponsored latter-day missionary movement, McIlroy (2011) observes an imbalance. He argues that, for that movement, preoccupation was with what Bosch (2011) may call the “primary” duty of evangelism, i.e., proclamation, and for a long time there existed “no parallel movement of Christians seeking to bring about an improvement in access to justice” (McIlroy 2011:182).

Newbigin (1995:97) is nevertheless convinced, that God’s preoccupation is the “cause of the exploited peasants”, and a true church of God could choose only one side: that of the peasantry. He controversially points out that the church can be neither a “neutral arbitrator” nor a reconciler between colliding sides for “any talk of salvation apart from action for the liberation of the exploited is false” (Newbigin 1995:97). The church is to follow in the footsteps of both God and Christ, who are already found on the side of the poor and take critical positions in the fight against repression and for a just society (Leonard 2010). Consequently, informed by the God-and-evil- irreconcilability principle, the *Kairos* dialogue calls on the Church to oppose evil and subsequently disembark injustice, and suppression and not learn to live parallel with it (Leonard 2010). The Rustenburg narrative (1990) contributes that in situations of injustice

in the economic, political, social, and other systems, a God of justice would call for the development of a just, compassionate, all-cooperative economic (and other) system. This is so because reconciliation and forgiveness in the socio-political and economic context is possible only among equals (Goba 1987).

The neutrality of the church's narrative, as Newbigin (1995) rightfully suggests, is driven by the exploitative, ruling elite to intensify their exploitative ways over the slaved class. In the biblical narrative, the psalmist, together with the prophets, talks of salvation regarding real, tangible historic events, i.e., salvation from repression and disease (Newbigin 1995). Against this background, the Christian version of "to know the Lord" means "doing justice and mercy in concrete situation" (Newbigin 1995:97).

3.6 Mission as Liberation

According to Bosch (2011), liberation theologies (except for feminist theologies) resonate from the third world as a revolution against the exploitative, oppressive, and exclusionary practices of the Western powers. Indeed, such theologies arise in objection to the Western church's ineffectiveness in the struggle for an end to systemic injustice (Bosch 2011). Nevertheless, individuals and missionary forces saw a need to address social imbalances, but they did so away from questioning what Bosch (2011:443) calls "societal and political macrostructures".

Liberation theologians stress a theological reflection and mission practice that embodies the incomplete "business of liberation" (Methula 2014:108). It has been established that since the genesis of liberation theology in Latin America, liberation theologians were and are still uncompromising on the vexed phrase, "preferential option for the poor" (Buffel 2015:350).

Perhaps it is for this reason that when appreciating its "counter-hegemonic" outlook and its contrast to popular "progressive theologies" that advance the narrative of the privileged, Bosch

(2011:449) prefers to introduce liberation theology as “theology “from below””. Possibly, liberation theology would be the answer to Botha’s (2010:193) lamentation for “a need for a contextual theology emerging from the poor, speaking to their miserable situation of destitution”. Liberation theology is primarily preoccupied with the question of “knowing on which side God is” and the question of hegemonic power structures “which exploits and destroys the powerless” (Bosch 1991:450).

For Klaasen and Solomons (2019:20), theologies of liberation are perpetuated by those they prefer to describe as “the poor who occupy the space at the margins”. The poor, the homeless, women, widows and migrants would be coupled as the poor (cf. Klaasen et al. 2019; Kgatle 2019). The *Kairos* discourse rightfully argues that the poor are those who are still fighting for their liberation (Leonard 2010). Bosch (2011) is of the view that the West (or any other oppressive and unjust system) would not support a struggle to dislodge the root cause of injustice. As such, Bosch (2011:445) suggests that those who suffered unjust practices had no choice but to “take their destiny in their own hands and liberate themselves through a revolution”. This was a protest against the West-sponsored quasi-developmental project and in contrast, for them, liberation meant a “clean break, a new beginning” (Bosch 2011:445).

Conceivably, it is against this background that it is suggested that the poor are now the centre of *bona fide* missiological determination. For they dominate “the hermeneutical key that unlocks the value of our humanity” (Klassen et al. 2019:20). According to Bosch (2011:446), God’s partiality towards the poor is illustrated in that the “poor are the first ... on which God’s attention focuses”. This divine option leaves the Church with no divergent option of its own but to stand in solidarity, in *camaraderie*, with the poor, for they are theology’s “new hermeneutical locus” (Bosch 2011:446). The *Kairos* theologians themselves position the church on the side of the poor and the oppressed, for “that is where the majority of its members are found” (Leonard 2010:31). This partiality is further affirmed by Jesus, who was affirmed

by the Spirit, who preached the good news to an audience of undisputed material poverty (Kgatlle 2019). Nonetheless, research points out that the whole of this narrative leaves the question of how the church should relate to the poor unanswered, particularly “whether the church is of the poor, for the poor or with the poor” (Klaasen et al. 2019, Bosch 2011:446).

Bosch (2011) suggests a change in narrative, from the poor needing the church to the church needing the poor. This, he says, is a result of the fact that, through the mission of liberation, the destitute have now found and endorse themselves independently of the extent that they “were no longer objects of mission; they had become its agents and bearers” (Bosch 2011:446). It can be argued that through liberation theologies, the poor have since been moved from being submissive recipients of handouts to being mobile contributors and “interlocutors in theological reflection” (Buffel 2013:240).

3.7. Conclusion

In conclusion, this chapter explored the distinct yet interrelated concepts of forgiveness, reconciliation, and justice in their theological contexts. The Belhar Confession and the *Kairos Document* proved to be progressive documents of their time and further gained much attention for their liberation outlook cutting across denominational realms. Clear deposits in the reconciliation discourse, all documents vehemently dismiss any elements promoting “cheap” reconciliation. According to these confessional documents reconciliation will not be possible in South Africa unless the scourge of political, economic, and structural oppression is lifted. This chapter proposes that reparation in the context of conflict will be the key that unlocks the door of forgiveness and reconciliation. The church is further called to unite following the example of the Trinity, for justice and reconciliation will never be realised where the church, as the herald of the ministry of reconciliation, is divided. The unity of the church is described

as that which ought to go beyond cultural and other diverse identities and reflect the unity of the body of Christ.

Chapter 4

The Missiological Problems in the activities of the TRC: The “Gugulethu Seven” and the “PEBCO Three” Cases.

4.1 Introduction

In this chapter, the missiological problems that can be deduced from the TRC’s and others’ scholarly literature are discussed. The “Gugulethu Seven” and the “PEBCO Three” cases are assessed to illustrate these problems. The chapter relies on the South African Broadcasting Corporation’s (SABC) Special Report programme aimed at broadcasting the Commission’s activities to examine the perpetrators’ conflicting accounts during the TRC hearings and to highlight the role of the amnesty hearings in the reconciliation process. The chapter examines the critical contribution of the amnesty hearing in divulging the truths about the “situation of death” that engulfed the apartheid-South-African socio-political landscape. The chapter is a further inquiry about the encounters between the perpetrators and their victims, important in that such encounters were transformed into a room for asking for and rendering forgiveness.

At this point, it is of importance to mention a few background points about the “askari” office since it plays a prominent role in both the “Gugulethu Seven” and the “PEBCO Three” cases. In Kelly (2012), it is pointed out that a person earned the title “askari” when one had previously been part of the liberation movement but later defected their loyalty to the apartheid state through consent or by force. On the other hand, Taylor (2021) claims that in its quest of maintaining the status quo, the apartheid security system established notorious institutions such as the Vlakplaas to abduct operatives of the ANC and the Pan Africanist Congress of Azania (PAC) and use deliberate torture as a peculiar mechanism to convert them into informants or askaris. Previously employed to gather crucial and sometimes “classified” information on the liberation movements, torture now meant the terrorisation of “an individual into changing their

mental disposition towards the state” (Taylor 2021:6). The TRC (2003) itself found that the askaris were generally effective since they were privy to Umkhonto weSizwe (MK) structures. As such, they served three purposes, to identify potential suspects, infiltration, and to give evidence on behalf of the state amid trials (TRC 2003).

4.2 The “Gugulethu Seven”

On 3 March 1986, the 23-year-old Mandla Mxinwa, Jabulani Miya (23), Zanisile Mjobo (21), Zola Swelani (22), Themba Mlifi (30), Christopher Piet (23), and Zabonke Konile were gunned down in an open field in Gugulethu (TRC 1998). Besides other gunshot wounds, all seven youths were shot in the head (TRC 1998). Members of the police force who were at the scene were, Thapelo Mbelo, Warrant Officer Barnard and McMaster, Charles Brazzelle, John Sterrenberg, Johan Kleyn, Andre Grobbellar, Dolf Odendal, Stephanus Brits, and Riaan Bellingan (TRC 1998). In justifying this mass murder, the police contended that the young combatants were “known terrorists who had been killed during a legitimate anti-terrorist operation” (TRC 1998:451). The security police further allege that the murder was a pre-emptive measure “to prevent these terrorists from attacking a police bus ferrying senior policeman to the nearby Gugulethu Police Station” (TRC 1998:451). This is while the families are convinced that these combatants were counter ambushed and executed (SABC 1997).

4.3 The Amnesty Hearing

Mbelo and Bellingan’s testimonies before the TRC’s amnesty committee are the most prominent. They present two contradictory portrayals of what had happened. This so while the TRC had to face the dilemma of having to make sense of these two contradictory claims as well as versions presented by the security policemen (SABC 1997). It is against this background that the researcher seeks to comprehensively assess each in turn. In addition to being contradistinctive accounts, both Bellingan and Mbelo’s testimonies are important

because they ultimately encompass statements of what may be perceived as un/remorseful forgiveness.

4.3.1 Thapelo Mbelo

One of the key testimonies in the “Gugulethu Seven” case was that of Thapelo Johannes Mbelo, a member of the security branch. He narrates that he was ordered to infiltrate a group of young people and in Crossroads, Cape Town, he learned that “comrade” Chris (Piet) was the “commander” of the group (Mbelo 1997). The purpose of the infiltration was to “establish as to whether they were doing all the attacks that were in Crossroads” (Mbelo 1997). However, since the group grew suspicious of him, he retreated, and Eric Maluleka and Jimmy Mbane were sent to infiltrate the group further (Mbelo 1997). Elsewhere, it is argued that whilst they had arms in their possession as means to lure these freedom fighters, Maluleka and Mbane claimed to be “commanders from exile” (TRC 1998:452). It is after their introduction to the “commander” Piet that they got to the bosom of the “Gugulethu Seven” (TRC 1998).

According to Mbelo (1997), in the early morning of the 3 March 1986, they were called into a meeting in which his commander Bellingan, Kleyn, and other members of the security police and Vlakplaas askaris were present. It is in this meeting that, he claims, they were given a picture of an “extremely dangerous” and armed kind and told that they needed to be “very careful” (Mbelo 1997). In that briefing (in fact, throughout the Gugulethu mission), Mbelo (1997) further claims that there was no instruction of apprehension. The language used was that these young men had to be “eliminated” and that “they had to be taken out”, that “they had to be swept”; words that imply killing (Mbelo 1997). This illustrates that the plan was not to arrest the Gugulethu combatants. They were made to believe that these combatants were going to attack a police bus, that they were armed, and as a result, each of the security policemen was “prepared to shoot before being killed” (Mbelo 1997). To illustrate this point further, Mbelo

(1997) gives evidence that when one of the “Gugulethu Seven” cadres approached them raising both his arms as a sign of surrendering, he was nonetheless ordered to kill him.

About the killing he committed, like most of the askaris, he believed that he was merely “following instructions from those in command” (Mbelo 1997). According to him, what made a “good cop” in the apartheid regime was taking orders and executing them “without asking questions” (Mbelo 1997). He nevertheless believed that:

“What I have done has hurt a lot of people and I request the parents and the family members who lost all their beloved ones to please pardon me and the country at large”
(Mbelo 1997)

Concluding his testimony, Mbelo (1997) had this to say to the families of the “Gugulethu Seven”: “I would plead for forgiveness from the parents and the families, and I am prepared to meet them one by one to ask for forgiveness if they allow me, thank you”.

4.3.2 Rian Bellingan

Meanwhile, Bellingan denies most of Mbelo’s testimony and submits that the shooting only took place when one, the attempt to arrest fell flat, and two, that the police felt threatened (SABC 1997). He further denies the version of the families (and Mbelo) that he and his colleagues counter-ambushed the combatants. He admits nonetheless that he could have given the order to shoot to kill (SABC 1997). It is only when the legal representative of the families Brent William evoked the TRC’s question of responsibility that Bellingan took responsibility for the orders he gave. This is whilst the nature of those orders remains unknown (SABC 1998). He is captured claiming that:

“I, Rian Bellingan, take full responsibility for everybody who cooperated with me, the askaris, Mbelo. Also, responsibility for those seniors, who today are

saying there was nothing wrong, they did not know me. Today, I accept full responsibility for this whole operation” (Bellingan 1997).

4.4. The Perpetrator -Victim Confrontation

A confrontation between Mbelo (his preceding wishes) and the families of the “Gugulethu Seven” took place on the sidelines of the Commission. The mothers of the “Gugulethu Seven” were present: Mrs. Eunice Miya, Mrs. Irene Mxinwa, Mrs. Konile, Mrs. Cynthia Ngewu. They have previously been engaged and petitioned the TRC, the Human Rights Violations committee to get to the bottom of the truth about their sons’ death.

While addressing the families in isiXhosa and shedding elements of self-reproachment, Mbelo alludes to his consciousness of the fact that some of the families or family members might not be ready or willing to forgive him for the excruciating pain he has put them through (SABC 1997). In his statement of forgiveness to the victims, he is captured saying that:

“I am asking for the parents of those children who were there on that day. I ask them for forgiveness from the bottom of my heart” (SABC 1997).

Speaking in isiXhosa, a visibly distraught Mrs. Ngewu, the mother of Christopher Piet, responds and further expresses her loss, saying that “*ndiva buhlungu kuba ke ibingumntana ebendiphangelela ke la mntana*” (SABC 1997). This expression can be directly translated to mean that Mbelo’s actions have deprived her of a breadwinner. This statement further summarises the general feeling and state of devastation and deprivation of the “Gugulethu Seven” families. Mrs. Cynthia Ngewu is further captured responding to Mbelo’s request for forgiveness:

“I forgive you my child although I know this will not bring my child back from the grave. It will serve no purpose not to forgive you, God will punish me for that. As the Bible says, we should forgive those who sin against us” (SABC 1997).

4.5 The Port Elizabeth Black Civic Organisation

According to commentators, the Port Elizabeth Black Civic Organisation (hereinafter PEBCO) was an affiliate of the United Democratic Front (UDF), which was seen as the “internal wing” of the then-censored African National Congress (ANC) (Kelly 2012; Sanders 2006). The PEBCO was formed in 1979 to among other things organise through “mass protest and participation” (Kelly 2012:3). Formed against a background of utter poverty, drought, unemployment, lack of services in black townships, the PEBCO was formed to further focus on the alleviation of the living conditions of the people (Kelly 2012). As such, the poor masses were the backbone of the PEBCO, for it relied on the destitute “will and participation in organised mass rallies and protests” (Kelly 2012:3).

Meanwhile, the UDF played an integral part in the struggle against apartheid as it filled what Houston terms “the instrumental vacuum” left by the then-banned ANC, the Pan Africanist Congress of Azania (PAC), and the “destruction” of the Black Consciousness Movement (BCM) (cited in Kelly 2012:4). Possibly, the UDF became very much active in the Eastern Cape, where Port Elizabeth is situated (Kelly 2012). As an extension of the UDF, the PEBCO affiliates were thus considered crucial political driving forces in the struggle against apartheid, qualifying them to be viewed as a threat to the government of the day (Kelly 2012).

4.5.1 The “PEBCO Three”

Sipho Hashe (General Secretary), Champion Galela, and Qaqawuli Godolozi (President) were the three activists and leaders of the PEBCO; their deaths were later known as the “PEBCO Three”. The trio is known to have fought for freedom in various magnificent ways and, as a result, the contemporary Nelson Mandela local government is quoted to have said the following about Hashe:

“[Hashe] Had a strong passion for youth activism and played a behind-the-scenes-role while he was under house arrest for five years after his release from Robben Island, energising the students to activism” (cited in Kelly 2012:5).

In the same vein, Godolozzi is said to have been a young and enthusiastic leader who “played a prominent role in organising consumer boycotts” (Kelly 2012:5). Through these tranquil protests, Godolozzi pompously contributed to the struggle and further illustrated “the lengths him and the people he led were willing to go to for their freedom and equality” (Kelly 2012:5). Meanwhile, the apartheid security police were plotting otherwise about the fate of the PEBCO leaders, whose blood would later be a further contribution to the notorious blood bath which had characterised the South African socio-political landscape.

4.5.2 The Abduction

Hashe, Galela, and Godolozzi were abducted at the Port Elizabeth airport by the security police of that area through false pretence. Accordingly, on 8 May 1985, the trio took to the airport to meet a Khazimile Botha, whom they were persuaded was with the British consulate, a fellow who was supposedly “sympathetic” to their liberation protest (Mamasela 1998; Kelly 2012). This telephonic persuasion was nonetheless staged and turned out to be a pretext to get them out of their houses and into abduction (Kelly 2012). Upon abduction, they were taken to an abandoned Post Chalmers police station near Cradock, where they were torture-executed, and their fate remains unknown (TRC 1998).

4.5.3 The Amnesty Hearing

It is of benefit to point out that Elizabeth Hashe, Rita Galela, and Mrs. Godolozzi, the widows of the “PEBCO Three”, had previously shared their apartheid experiences with the Human Rights Violations (HRV) Committee of the TRC. About her husband’s apparent demise, Rita Galela is quoted to have said the following:

“I would like them to confess and state why they killed my husband and would like to know who the perpetrators and murderers of my husband so that we can be able to reconcile. If we have washed our hands, we will be glad, we’ll reconcile ... We don’t want their disappearance to remain indefinitely. At least the truth must come” (cited in Kelly 2012:8).

Meanwhile, Mandisa Dukumbana, Hashe’s daughter, was captured on the side-lines of Roelf Venter’s amnesty hearing, claiming the following:

“We need to know what happened to him [Hashe], who is responsible, where did they bury him. So that we can pick up the pieces and give him a decent burial. That is all we need from him [Venter]” (SABC 1998).

It is observed that during his testimony, while not being specific on how he was going to assist them and how much he was willing to offer the families, Mamasela “offered to share some of the little money he had made with them” (SAPA 1998). In response, the mother of Qaqawuli Godolozzi, Mrs. Benedicta Godolozzi, nonetheless extolled that “I came here to find the truth, not to look for money” (SAPA 1998).

4.6 The missing gap: Full disclosure and Reconciliation

Kelly (2012) asseverates that the concerns raised by the victims of the above-named cases in their statements “cuts to the heart” of the Commission and its objective or perhaps the link between full disclosure and reconciliation. Moreover, these appeals are a further demonstration of a collective consciousness that only the truth would bring some form of closure and healing.

Further to the above, in 1996 the TRC received amnesty petitions from the members of the Port Elizabeth security police apparatus, namely Gideon Nieuwoudt, Hermanus Du Plessis, Harold Snyman, Johannes van Zyl, Gerardus Lotz, Johannes Koole, Gerhardus Beeslaar, and lastly the askari Peter Mogoai (TRC 1998; SAPA 1998). They sought amnesty for their participation in

the events that led to the demise of the trio (TRC 1998). In his own words, van Zyl significantly points out that the purpose of the PEBCO operation “was to remove the three activists from society” (SABC 1998). The former security policeman Gideon Nieuwoudt testified that van Zyl shot Hashe, that Lotz shot Galela and he, Nieuwoudt shot Godolozzi (SABC 1998). Nieuwoudt’s testimony seeks to drive an understanding that the death of the “PEBCO Three” was a “clean killing”, denying that they were assaulted before that (SAPA 1998).

He nevertheless admits that he placed the deceased on top of a pile of wood, poured diesel over them, and then lit the fire, burning the bodies to ashes (SABC 1998). The next morning, they collected the ashes and deposited them into a black bag (SABC 1998). Following an order from van Zyl to destroy evidence of what he had done, Nieuwoudt emptied the bags into the Fish River (SABC 1998). According to some of the security policemen, the PEBCO activists “had to be killed because they posed a danger to the state through their involvement in the underground operation of the African National Congress” (IOL 2007). Nevertheless, in what would be viewed as an attempt to discredit the askaris’ testimonies, the security policemen testified that the Vlakplaas askaris took part only in the abductions, not the questioning and subsequent murder (Bubenzer 2009).

On the other hand, former Vlakplaas operatives Joe Mamasela, Johannes Koole, and Peter Mogoai’s accounts are in sharp contradiction. For instance, the former Vlakplaas askari Mamasela confirms that they were wholly involved in this operation. He acknowledges that the PEBCO trio was assaulted and tortured as they were being questioned by Lotz, Nieuwoudt, and van Zyl (Mamasela 1998). Mamasela, who had now turned state-witness, describes the assault which led to the subsequent death of the trio as “the most brutal ... It was a dehumanising experience” (Mamasela 1998 & SAPA 1998). He further testifies that “in all my experience in this hell hole (referring to Vlakplaas) I have never heard of a clean killing” (Mamasela 1998 & SAPA 1998). This logic suggests that the narrative of “clean killing” is

driven by the white security policemen “to appear honest and decent gentlemen” (Mamasela 1998 & SAPA 1998). Meanwhile, Mogoai testifies that whilst his hands and legs were tied, Hashe was asked whether he was prepared to “tell the truth”; Hashe refused (SABC 1998). According to Mogoai, this defiant attitude earned him immediate physical violence by all those who were present in the room (himself included) including the visibly angry, emotional, and frightening white people (SABC 1998).

Accordingly, in painting a clear picture of each of the policemen’s roles in the assault, Mamasela (1998) describes Koole as a “vicious bull terrier” who held on Hashe as he strangled him while Nieuwoudt beat him with an iron pipe on his head several times. Citing victimhood at the hands of the white security police and describing himself as “a prisoner of war of these people”, Mamasela declined to apply for amnesty. He was, however, willing to cooperate with the TRC in its obvious quest for the “truth” about what happened to Hashe, Galela, and Godolozzi (Edelstein 2001). Indeed, Mamasela’s testimony might be seen as progressively communicating a clear picture of what had happened to these activists.

As would be noted, the bone of contention, in this case, is whether the “PEBCO three” murder was clinical or torture execution. It is certainly evident, as can be deduced from Mamasela and Mogoai’s testimonies, that these activists were indeed assaulted, and the trio subsequently succumbed to the injuries inflicted. This is further illustrated by the fact that these inconsistent accounts were the basis of the refusal of amnesty. Thus, the Amnesty Committee of the TRC refused amnesty for the security policemen citing “lack of full disclosure” as the core reason for such a verdict (Bubenzer 2009:66).

Du Plessis was denied amnesty with regards to giving the order for the kidnapping, the subsequent manslaughter, and his role in plotting to commit murder (IOL 2007). Gerhardus Beeslaar was also denied amnesty for Hashe’s abduction and assault while Koole was refused

amnesty for the abduction as well as the assault on Hashe and Godolozzi (IOL 2007). Snyman was the only member of the Port Elizabeth Security police to be granted amnesty (IOL 2007). Meanwhile, the former member of the liberation movement turned state agent, Peter Mogoai was granted amnesty for the abduction of the trio, assault on Godolozzi and Hashe (IOL 2007).

One seeks to suggest that the obvious missiological implications of both the cases would be the relationship between full disclosure and reconciliation. This, however, should not be misunderstood as suggesting that full disclosure translates to reconciliation. It is rather suggested that full disclosure is a progressive driving force in the process of reconciliation in post-conflict situations. This approach is, according to Solomons (2013:99), preferred because it “seeks freedom for the oppressed and the oppressor”.

According to Volf (1996:266), trials, amnesty hearings, in this case, presuppose “finding out what happened and meeting out justice”. Volf (1996:267) further reports that Jesus rejected the power of violence and endorsed “the power of truth”. Volf (1996:267) adds that the truth is otherworldly, that the truth is the “power from a different world”, and the tool of this power is “witness”. Therefore, those who witness to the truth have an “obligation to tell it the way it was, to point to the truth, not to produce the truth” (Volf 1996:267). Those who witness to the truth are, in accordance with Volf’s (1996) dialectic, unswayed by persuasive external forces; they battle to win the war against tendencies of manufacturing the truth. Indeed, to be a witness translates to strife, to be engaged rather in the “self-effacing and non-creative work of telling the truth” (Volf 1996:268).

Confession in the process of reconciliation is, according to Stott (2017:19), “a rare Christian grace”. Examining what he terms “the dynamics of reconciliation”, Conradie (2013:36) argues that by “a confession of guilt”, the perpetrator accepts responsibility for the atrocities committed and admits to “moral indebtedness to the victim”. Daye discovers that in the process

of truth-telling, “the party in the wrong stands ‘naked’ before the narrative of its unjust action and asks for forgiveness” (cited in Conradie 2013:36). As Mogoai was giving evidence on how Godolozzi was helplessly screaming when he was being violently bulldozed by the white security policemen, the widow of Godolozzi could be seen leaving the gallery sobbing and attended to by the TRC’s psychological personnel (SABC 1998). The expression of emotions demonstrates that Mogoai’s manner of telling the truth managed to touch and change Mrs. Godolozzi. If it were to be persuaded, the transformative effect of truth-telling has the potential of closing an extensive grieving period and opening a door of imminent closure. It is against this background that the widows of the “PEBCO Three” were sympathetic to his amnesty application for “he told the truth that they needed” (Kobe 2014:64). In the case of the white security policemen, the widows were vehemently against them being granted amnesty.

During Mbelo’s encounter with the parents of the “Gugulethu Seven”, it is evident that his truth acknowledged and corroborated the families’ previously denied truth, that the young men were ambushed in the line of duty, in their words, “working for freedom” (SABC 1998). During the encounter, Mbelo was to, according to Mrs. Ngewu (1998), accept the stones thrown at him even though some are not meant for him, and like Jesus, he should accept those on behalf of his colleagues. Likening him to Jesus might be an indication that Mbelo’s truth had a liberating effect on these families which would later liberate Mbelo himself. It can be said that Mrs. Ngewu was pointing to her transformation and the promise of internal healing from the consequential effects of colonialist apartheid (DeYoung 2012).

Important about forgiveness and reconciliation is Krog’s (2008:357) observation that reconciliation “can not take place without it fundamentally changing the life of the one that forgave as well as the forgiven one”. Consistent with this view is Mrs. Cynthia Ngewu’s (1998) characterisation of the encounter, that it was a platform to exterminate the historical “burden we are carrying inside so that we can feel at peace”. Therefore, the meeting was an attempt at

liberation for both the perpetrator and his victims; the murder of their sons was acknowledged and accounted for. Mbelo, on the other hand, received the gift of forgiveness and was subsequently reconciled with those he had wronged.

It is of benefit to note that Mogoai gave a statement of forgiveness to the TRC. In what could be viewed as a sincere seeking of forgiveness, Mogoai asked to be forgiven not only by the widows of the “PEBCO Three” but equally by the whole of the oppressed peoples. According to Conradie (2013:37) seeking forgiveness may be interpreted as the perpetrator’s desire “to continue with and restore a healthy relationship with the victim and with community/society within which both are situated”. Mogoai’s statement of forgiveness may be interpreted as a pang of hunger for that social restoration. Be that as it may, Conradie (2013) believes that the restoration of the relationship would only be possible through the victims’ forgiveness. The victim should profess a corresponding desire to restore the relationship (Conradie 2013). Kobe (2014) notes that the “PEBCO Three” widows did not accept Mogoai’s apology. This is a further illustration that an expression of remorse by perpetrators of GHRV does not translate to a right to forgiveness (Kobe 2014). Forgiveness rests with the victims.

Conradie (2013:67) might argue that the reason the widows of the “PEBCO Three” withheld forgiveness was that “experiences of harm that was done can never be undone”. It is within this context, Conradie (2013) continues, that there shall remain a “deficit”, and reconciliation can only occur when that deficiency is forgiven by the victim. To what extent can this “deficit” hinder reconciliation? Addressing this deficiency is, according to Vellem (2013), an absolute necessity for reconciliation. As a lesson to the South African discourse, Vellem (2013:114) continues by saying that the historic failure to address this “deficit” is quickly “becoming toxic in our relationship because of our unresponsive attitude to the continuous disembowelment of the victim”. How do we address these inconsistencies? As the forgiven, how do we further

appreciate the victims' gift of forgiveness? Attempts at answering these questions will be entertained in the succeeding chapters.

4.7 The Missiological Problems Derived from the TRC's Handling of the Cases

I have previously noted that the PEBCO activists' wives had objected to amnesty for the white security policemen because they felt there was no "full disclosure" on their part. The study will now focus on the missiological questions that are elicited by full disclosure, genuine repentance of perpetrators as well as reconciliation in the above-discussed cases. This part of the chapter will further improvise some possible reasons behind the lack of "full disclosure" which further inform the absence of genuine remorse which consequently hammers the reconciliation process.

4.7.1 Full disclosure

Conradie (2013:33) argues that for the process of reconciliation to continue unabated, there is a need for the wrongdoer to "acknowledge some form of involvement in the violation of the rights of the victim". However, because of fear of the consequences and unwillingness to compromise their chance at amnesty, some perpetrators were engaged in "self-defence" and legitimised or downplayed their part in the whole affliction (Conradie 2013). It should therefore come as no surprise that some perpetrators, such as Niewoudt, while in the platform meant for truth-telling, pointed fingers at others as though his role in the whole "PEBCO Three" operation was not "blame-worthy".

One readily concedes with the assumption that the Commission provided the perpetrators (and indeed the victims) a "safe" environment through which the perpetrators would speak "truthfully" (Mbaya 2016:290). As previously noted, unlike other hearings, the amnesty hearings resembled a court of law. Kubai (2016:6) speculates that in line with court procedures the applicants took an oath by putting their hands on the Bible and openly purported to "tell

the whole truth and nothing but the truth”. This, according to Kubai (2016:6), implies that the “truth can be partially told”. Now the reconciliation process requires what Conradie (2013:33) terms the “internal process”, which excavates the perpetrator’s recognition of the harm he or she has done. This process gives birth to the perpetrator admitting responsibility for the wrongs committed and further admitting to “moral indebtedness to the victim” (Conradie 2013:34). To counter superficial confession, a genuine confession should be coupled with emotional shame and sincerity and, it should be specific (Conradie 2013). Therefore, those who are engaged in genuine confession should be conscious of it being “an exercise in name-giving” (Conradie 2013:37).

4.7.2 Genuine Remorse

According to Kraft (2015:360), the first reason for the perpetrators not to show visible signs of remorse are that they thought of themselves as having committed crimes of “obedience” and as “agents” carrying out “plans” on behalf of the state. It might be argued that Bellingan’s statement of apology for instance lacks “the sincere self-condemnation for the harm caused by the wrongdoing” (Weisman 2005:4). He is asking for unconscious forgiveness because the attorney representing the families had evoked or reminded him of the Commission’s “moral responsibility” provision. This dramatically shifts Bellingan from a direct perpetrator to being a “supporter” because it allowed him an opportunity to examine his conduct in “upholding and supporting the apartheid system” (TRC 2003:592). Indeed, the family representative’s persuasion of Bellingan would not be a foreign phenomenon in the whole of the TRC. His persuasion of Bellingan is equivalent to asking him whether he was “sorry”. The subsequent apology is evidence of a coerced statement of accountability, for it lacks the emotion of sincere remorse, which Conradie (2013:35) argues to be “crucial for healing to take place”.

Secondly, perpetrators saw their (violent) intentions as “good” because they were “acting on ideology” (Kraft 2015:360). While they chose to be part of destructive measures and obey their superiors’ orders, violent perpetrators “also act in accordance with their own set of beliefs that form a cogent ideology” (Kraft 2015:360). Therefore, the subscription to such an ideology becomes the “most powerful” peddler of such destructive etiquette (Kraft 2015:360). It can be argued that these white security policemen subscribed to the fragile white superiority complex, the *Afrikanerdom* ideology and its suppression of communism, the “*swart gevaar*” *modus operandi*, which then informed their violent suppression of those who held contrary or “inferior” views, the black South Africans.

It is of importance to note that the low-ranking security policemen and the *askaris*, who appeared for the killings of the “PEBCO Three” and “Gugulethu Seven” had previously cited fear for their lives and pressure from the authorities. Verwoerd (2001:231) posits, nonetheless, that the fact that there was “presence of risks and threats do not count as exculpatory excuses”. The security policemen and the *askaris*, according to Verwoerd’s (2001) logic, committed the crimes willingly. Put in his words “... putting self-preservation above moral duty is in no way predetermined, inevitable and inescapable. One can be pressed to do it, but one cannot be forced to do it, and thus one cannot shift the responsibility for doing it on to those who exerted the pressure ... It shows it for what it is in the end - a choice” (Verwoerd 2001:231).

It can be said that Mbelo’s audience was empathetic to his plea for forgiveness because instead of presenting himself as a victim, he understood the depth and the effects of his “choices”. Payne (2004) might argue that due to the political dynamics of the time, the Gugulethu mothers understood him on the basis that he had little to no choice but to kill. Mrs. Irene Mxinwa corroborates this by saying that she understood him to say that he committed the crime “because he was working for the system” (TRC 1998). The extent to which Mrs. Mxinwa understood the political dynamics is further escalated by the consciousness of the fact that “he

did it to his brother(s) like Cain killed his brother, Abel” (TRC 1998). Indeed, the use of the words, “*wayengena kunceda, kwakunzima kuye*” (he could not help it, it was hard for him) (TRC 1998), demonstrates that the mothers could relate to his conundrum and that they “could not be certain that they would have made a different choice in his circumstances” (Payne 2004:119). One dares to argue that this negotiation would not be possible if Mbelo had not shown unequivocal emotions of remorse and shame. The unremorseful conduct of their commanders, on the other hand, can be translated to an inherently privileged clique determined to remain within the ranks to maintain the system of apartheid through the barrel of a gun (Payne 2004).

4.7.3 The Problem of Institutionalising Reconciliation

One seeks to argue that a missiological inquiry on the TRC’s handling of the “Gugulethu Seven” and the “PEBCO Three” cannot be detached from Lephakga’s (2015) assessment of the TRC. Lephakga’s (2015:149) argument is that the Commission was established to gratify the global forces and to further “ratify the elite compromise reached at the informal and formal negotiations”. Furthermore, its overall objective should be understood against the background of the “neo-liberal” negotiations between the African National Congress (ANC), the National Party (NP), and the South African corporate sector, which would later lead to the “obscuring [of] the systemic character of apartheid” (Lephakga 2015:149). For Lephakga (2015), the unceremonious cooking of the *Promotion of National Unity and Reconciliation Act* (PNURA) and its subsequent adoption was not accidental.

The TRC had previously warned that reconciliation is both a goal and a process. In its quest for reconciliation and national unity, however, it is found to have demonstrated the same “inherent dangers of wanting the goal so much as to force the process” (Barry 2006:702). Barry (2006:702) observes that when a perpetrator’s confession, coupled with forgiveness, was

received with forgiveness on the part of the victims, the TRC's actors translated this to be "evidence that reconciliation and healing were taking place". If there was no demonstration of the above, the TRC's commissioners ran at a loss and characterised this as a "contrary spirit" which has entered the fore to undo the "peaceful process of reconciliation" (Barry 2006:702).

According to Wilson, victims who expressed the emotions and language of bitterness and vengeance were set aside as "an ugly intrusion on a peaceful, healing process" (cited in Barry 2006:72). The incapability of the TRC's commissioners to quell inescapable emotions of vengeance and anger whenever they emerged from the hearings would be submitted as evidence that the TRC sought to satisfy forces external to it (Barry 2006). Further to this, as a means to drive further the local and global perception of a healed and reconciled nation, the Commission instead gave ear to and broadcasted those cases which "followed the predictable ... [A] near-miraculous capacity to heal and transform" (Barry 2006:707).

It is argued that there exists within survivors an "anti-amnesty" sentiment for they want to see those who violated them tried and justice rendered through the courts (Hamber et al. 2000). According to Hamber et al. (2000:39), there also exists an expectation that the human rights violators be compelled to "contribute materially toward the reparation and rehabilitation of victims". By imposing its understanding of justice, by consequence, the TRC neglected "the way social cohesion depends upon shared normative ideas about justice" (Hamber et al. 2000:40). The whole TRC project, according to this logic, could have heeded the individual survivors' claims to retributive justice because "this is their understanding of justice" (Hamber et al. 2000:40). Nonetheless, this should not be viewed as a call to revenge or vengeance; rather, it seeks to demonstrate the importance of equal acknowledgment of sentiments that come with victimisation (Hamber et al. 2000).

To deny feelings of anger and vengeance could be an ultimate denial of the “human response to domination and marginalization” (Shore 2009:166). Hamber and colleagues (2000:40) posit that this exercise, heeding others’ claim to retributive justice, is necessary because forgiveness and reconciliation would only take place when and if the “desire for revenge is legitimised and understood”. Meanwhile, some scholars argue that vengeance is the compelling force behind the resistance of the oppressed and demands for change (Shore 2009). Willa Boesak fathoms a “constructive” form of vengeance which “cries out to God to deliver the oppressed from bondage, that confronts unjust political authorities, and speaks truth to power” (cited in Shore 2009:166). Away from the sinful, destructive, social-relationship-breaking vengeance, Boesak believes that vengeance calls for “justice through punishment, vindication, correction, compensation and, ultimately, redemption” (cited in Shore 2009:166).

This is so while the casualties of the brutal apartheid state view the TRC process of amnesty as an exoneration of perpetrators, as they “managed to shield themselves from moral judgement” (Phakathi et al. 2006:125). It is credible to speculate that the supporters of liberation movements, most victims, were not awake to the TRC’s contribution to the envisaged “reconciled” South Africa. It is possible that they were found unconscious to the fact that the TRC was consolidating the overall objective of the pre-1994 negotiated settlement. They were indeed desensitised to the institutional struggle of reconciling and recuperating the Nationalist Party (NP) apartheid government and liberation forces “as both innocent victims and morally compromised perpetrators” (Bowsher 2020:53).

As noted above, primarily, the challenges of the TRC as an institution emanate from the amnesty provision, which not only guaranteed immediate amnesty but further translated into a situation of “impunity” as Mamdani (2002) suggests. This raises questions about whether the South African transitional justice mechanism was about social justice at all. If not arrested, Magara (2016) warns, such institutional problems shall remain an utmost obstacle in the

process of rendering justice in post-conflict situations. As a result, this derails the process of reconciliation and the development of peaceful relationships.

According to Lephakga (2015), the church was never involved in the negotiation process, but reconciliation, its theological concept, was employed to sanction the compromise reached by the political and economic powerhouses. As an instrumental social reality, the church was left with no divergent choice of its own but to confirm the elite compromise (Lephakga 2015). Some scholars such as Kubai (2016:3), might stress that the religious actors were adopted into the process so that they may contribute to religious South Africa's system(s) of "meaning-making and meaning-interpretation" in the process of shaping post-1994 social values. Some may argue, nonetheless, that the TRC was never intended to be a religious phenomenon (Shore 2009).

Maluleke (1997:69) cautions against the "spiritualization" of the TRC on the basis that some of its commissioners were Christian elite. Maluleke (1997) adds that the likes of Archbishop Tutu and Rev. Mgojo were not appointed by the churches, nor were they appointed to serve the principles of the church. Rather, they were appointed by then-President Nelson Mandela in line with the provisions of the PNURA (Maluleke 1997). Furthermore, the appointed "Christian actors" were adopted into the process to confirm the PNURA's disastrous legislative formula, amnesty as means to reconciliation and reconstruction, which favoured the perpetrators, thereby compromising victims' claims to justice (Shore 2009). Other scholars, such as Boesak and DeYoung, stretch it further and argue that the inclusion of reconciliation in the Commission was never "intended to allow reconciliation to confront the country with the demands of the Gospel but to blunt the progress of radical change and transformation" (cited in Lephakga 2016:2). Stevens (2008:34) concludes that the "hegemonic ideological discourse on which the TRC was premised" (the compromise as contemplated above) resulted in the TRC's constrained impact.

4.8 Conclusion

This chapter introduced the study's case studies, namely the "Gugulethu Seven" and the "PEBCO three" execution-like murders. This chapter relied mostly upon the TRC's final report and the SABC's Special Report on the Truth and Reconciliation programme presented by Max du Preez to shed light on the contradictions in the narratives in the TRC's pursuance of the truth. Such sources of information assist in the examination of the relationship between full disclosure and reconciliation. In both cases, it is the askaris who bring some form of truth about both the operations. The TRC thus uses their testimonies before the Amnesty Committee to make sense of what had happened to these freedom fighters. This is whilst the white security policemen deny such testimonies and opt for clinical execution and not torture execution as is the case with the "PEBCO Three". It is clear from the testimonies presented that the purpose was to eliminate these activists without lawful apprehension of any kind. Statements of forgiveness and victim-perpetrator encounters receive much attention when highlighting the (un)remorsefulness of certain perpetrators of Human Rights Violations (HRV). While the "Gugulethu Seven" and the "PEBCO Three" fitted into the TRC's negotiation of a healed nation at some point, both situations pose missiological problems considering the sacrosanctity of full disclosure and remorse in the process of reconciliation in post-conflict situations.

Chapter 5

Introducing *Ubuntu* Justice

5.1 Introduction

This chapter deals with the concept of *Ubuntu* in its African definitory context. The chapter explains how African spirituality can be argued to be the founding building block of the African philosophy of interconnectedness. The chapter further examines *Ubuntu* as a philosophy of morality. The *Ubuntu* Justice concept will be introduced and ultimately demonstrated: in African traditional communities, justice is hypothetically and practically rooted in *Ubuntu*. This chapter will demonstrate that *Ubuntu*, as the African cosmological understanding of justice, involves the process of restoring both the offended and the offender's human dignity. It seeks to restore that which was previously overindulged, misappropriated, or seized through violent, chauvinistic, or other ways. The institution of *Ubuntu* and its influences on the TRC's quest for racial, ethnic, and ultimately national unity agenda in post-1994 South Africa will be methodically demonstrated.

5.2 Defining the *Ubuntu* Concept

Ubuntu is defined in various forms by various scholars, but they nonetheless generally hold that *Ubuntu* is an African ethical concept which underscores an African way of life. According to Gumbo (2014:67), *Ubuntu* is the “Bantu characteristic of relationships, and Bantu means people”. Bantu occupy “almost a third of Sub-Saharan Africa and speak over 400 Bantu (indigenous) languages” (Gumbo 2014:67). Further, the Bantu are found in African countries such as Nigeria, the Republic of Congo, Rwanda, Angola, Malawi, Namibia, Zimbabwe, South Africa, Botswana among other many African countries, and this elucidates “the diverse forms in which *Ubuntu* is found in many societies throughout Africa” (Gumbo 2014:67). This further explains the fact that *Ubuntu* expressions are found in diverse indigenous languages (Gumbo

2014). To narrow it down, scholars argue that *Ubuntu* is the southern African philosophy for humanness that is “often used to encapsulate sub-Saharan moral ideals” (Metz 2017). For some, *Ubuntu* encapsulates the quality of being human, which means acting with maximum respect, compassion, kindness, care towards fellow human beings (Murove 2014). For Mucina (2020:6), *Ubuntu* is a “philosophical and ethical system of thought, from which definitions of humanness, togetherness, and social politics of difference arise”.

Scholarly definition of *Ubuntu* is, for instance, well encapsulated by the sub-Saharan indigenous languages’ proverb “*motho ke motho ka batho ba bangwe*” (Tswana), “*umuntu ngumuntu ngabantu*” (Zulu)” (Gumbo 2014:67). An English direct translation would be “a person can only be a person through others” (Gumbo 2014:67) or “I am because we are” (Vellem 2010:316). According to Bhengu, “*Umuntu ngumuntu*” (a person is a person) indicates that “each person has a self-defining value” (cited in Eklund 2008:5). In addition, “*ngabantu*” (through other persons) is an affirmation that as an individual, one cannot be detached from one’s context and what would make the individual whole as an autonomous being (cited in Eklund 2008:5). As such, *Ubuntu* is a day-to-day challenge by the other to practically “achieve self-fulfilment through a set of collective social ideals” (Mokgoro 1997:3) According to Abaunza (2013:13), the fact that this proverb is focused on “mutual aid as a condition” to the welfare of an individual or a group highlights the African “value of interdependence”.

Stuit (2013:54) contends that such humanity interconnectedness is tantamount to acknowledging that all persons are actually “p priori tied together and as a result of these ties they are collapsed into each other”. Desmond Tutu explains the degree of this complex “tie” to mean “what dehumanises me, inexorably dehumanises you” (cited in Stuit 2013:54). Bhengu demonstrates this “tie” as expressed in an ordinary Zulu community:

“When someone greets another person, we say *sawubona, ninjani* (good morning or good afternoon or good evening, how are you?). ‘How are you’ is used in a plural sense because it is believed that a person is a social being. Therefore, we don’t say *unjani* in a singular sense. The person would respond and say *siyaphila singezwa nina*, meaning ‘we are well, what about you?’ Again, this is in a plural sense” (cited in Eklund 2008:17)

Ubuntu is associated with striving “to realise your higher, human nature ... Through other persons ... [P]rizing communal or harmonious relationships with them” (Metz 2017). Scholars in African thought believe that this harmony or communion has everything to do with “identifying with and exhibiting solidarity towards others” (Metz 2017). The *camaraderie* that *Ubuntu* signifies is empathy, to “stand in the shoes of the other”, standing in unity with the poor, the wronged, and the social expellees (Koopman 2018). To embody *Ubuntu* is to possess a cooperative outlook, the “sense of togetherness” with the other (Metz 2017). Desmond Tutu affirms that a person who embodies *Ubuntu* is “open and available to others, affirming of others, does not feel threatened that others are able and good” (cited in Schoeman 2012:19). According to Nussbaum, *Ubuntu* translates to an awareness of our “natural desire to affirm our fellow human beings and to work and act towards each other with the communal good in the forefront of our minds” (cited in Vellem 2010:319). In Elistiam (2015:4), when prompted to answer about his/her understanding of the concept, one respondent claims that “*Ubuntu* can’t be defined, but speaks for itself in action”. Conceivably, when one neglects to act in fulfilment of the basic values and principles of *Ubuntu* i.e., humanness, one is considered to have failed to observe *Ubuntu*.

5.3 African Spirituality and *Ubuntu*

According to Abaunza (2013), the Western method of reconciliation for instance would have not sufficed in South Africa. The first reason is that the “western cultures are low-context cultures” whilst the African cultures are “high-context cultures” (Abaunza 2013:17). In a high-context cultural society, persons are “part of other people’s life in the community ... [B]e part of other members of the community’s lives” (Abaunza 2013:17). As such, those belonging to a high-context cultural society are obliged to “treat people as an extended family” (Abaunza 2013:18). In a low-context cultural community individualism takes precedence over interdependency (Abaunza 2013:17). It is for this reason that high-context cultural proponents can be considered invasive or rude by their Western counterparts (Abaunza 2013). Therefore, the African understanding of inter-dependence and inter-connectedness is in sharp contradiction with the Western cultural belief system (Abaunza 2013). It is against its “different conceptualisation of the world” that the Western world would not be able to fully comprehend or translate *Ubuntu* (Eklund 2008:18).

Eklund (2008:18) observes that *Ubuntu* is embedded in what one terms the African “traditional sociocentric” religion. Such religion’s presence in all corners of society is consistent; therefore, *Ubuntu* and what it means about community and communal life is a matter of religion (Eklund 2008). Africans are a religious people. Bringing one’s readers to this reality, Ramose points out three interconnected proportions of the *Ubuntu* worldview, which when combined translate into a determined struggle for cosmic harmony (cited in Eklund 2008:19).

The first proportion is the living, and the second the dead, the ancestors who continue to “live in an unknown world to those left behind but affect the living” (Eklund 2008:19). It is against this background that the imperativeness to appease and remember (not worship) the ancestors is launched (Eklund 2008). The third proportion is future-looking, those who are not yet born.

According to this logic, while they are not yet born, they are nonetheless counted among the present (Eklund 2008). According to Mbiti, the vision of the world in the proportions as explained above is “anthropocentric” in that “human is at the very centre of existence” (cited in Eklund 2008:19). This central position is nonetheless concretised by all in existence i.e., external gods, plants, and animals (Eklund 2008). For Mbiti, this balance is very much important for maintaining wholeness; therefore, “to destroy or remove one category is to demolish the whole existence” (cited in Eklund 2008:19).

Masango (2006) registers that African spirituality shapes *Ubuntu* because of its esteemed belief that human beings are created in the image and likeness of God. Elsewhere, Vellem (2010) argues that this belief is the basis through which each person’s *Isidima/Serithi* (human dignity) is established and affirmed. Understanding of African spirituality is sacrosanct because it “forms values and good character in a person” (Masango 2006:931). It is on this basis that African children are shaped at a young age to respect elders and villagers, and most importantly, it is through this knowledge that *Ubuntuism* becomes central to their life (Masango 2006). Consequently, the elders’ wisdom and advice become an integral part of the village’s conflict resolution process (Abaunza 2013). The wisdom and knowledge of this crop would be one of the contributing factors in maintaining the village’s decorum or development (Abaunza 2013). According to Schoeman (2013), *Ubuntu*, like any other form of African knowledge, is orally communicated from one generation to the next, from elders to children. Masango (2006:937) argues that the transmissive act of intellect and wisdom is an African attempt to create the “world of humanness (*Ubuntu*) among other people”.

It would then be credible to suggest that as she/he grows up with this knowledge, the African child becomes awake to the interconnected, communitarian relations, relations that affirm not only theirs but others’ *Isidima*. Netshitomboni (1998:6) for instance observes that even if one commits a transgression, villagers are reminded of or awakened to the “cornerstone of respect

for human dignity” that “*um[u]ntu akalahlwa*”; that there is no dustbin for a human being. What could be referred to as the Nguni idiom sums up the collective attempt at securing the supposed transgressor’s right to *Isidima* (Netshitomboni 1998). Netshitomboni (1998:8) further observes that even after one’s death and irrespective of status, the community that one belongs would suspend “serious” labour as means of respect to one’s human dignity. Biko (1998:27) argues that existing together is “a deliberate act of God” which seeks to consolidate a joint and harmonious “community of brothers and sisters”. Furthermore, this divine act, according to Biko’s logic, is critical as we navigate the solutions to vast life problems.

5.4 Ubuntu Moral Theory

According to Akamonye (2019:190), *Ubuntu* as an ethic is formulated against the background of “anamnesis”. Moreover, it includes not only the living but also those who have passed, the “living dead” (Akamonye 2019:190). Akamonye (2019:190) further alludes to its capability of consolidating “into one continuous relationship all the beings of the community and fusing together in the present, the past and future realities”. This relationship of the whole community is demonstrated through the reserving of totemic objects and deeply rooted respect for rivers, mountains, and pieces of nature (Akamonye 2019). This entrenched respect signals the “solidarity” among humans and the natural world, and further seeks to illustrate that people’s identity is deeply entrenched in the natural world (Akamonye 2019). Accordingly, Akamonye (2019:190) proposes that *Ubuntu* as an ethic demonstrates the “relatedness of all beings in a network of life”. Such a “symbiogenetic” narrative seeks to demonstrate that “behavioural patterns are to be defined in terms of the relatedness of all things” (Akamonye 2019:190).

Letseka (2015:547) posits that in general terms a “humane ethic begins with a commitment to the idea that humanness is good – that human nature has worth”. Koenane et al. (2017) argue that *Ubuntu* as a “normative moral theory” regards morality as a locomotive force through

which we endorse fellow humans' well-being away from existent sectarian, ethnic, and racial differences. As such, irrespective of race or ethnicity, persons demonstrate interactive patterns “which can be judged either as displaying or lacking humanness” (Koenane et al. 2017: 267). Therefore, person ‘A’ can become a person, for one’s actions are accepted by society as “good” (Koenane et al. 2017:267). Whereas person ‘B’ can be referred to as a “non-person” because their conduct reflects that which is against the social conception of *Ubuntu* (Koenane et al. 2017:267).

According to this logic, there are people whose behavioural traits reflect humanness and people whose actions are in sharp contradiction with what is regarded as humane. Furthermore, the non-personhood categorisation, according to Mluleki Mnyaka and Mokgethi Motlhabi, does not take the intrinsic human dignity of that person but is a further emphasis of the fact that “one contributes to the definition of oneself through everything one does” (cited in Manda 2007:37). This further demonstrates that one’s “identity and social status goes hand in hand with one’s responsibility or sense of duty towards or in relation to, others” (cited in Manda 2007:37). Mnyaka and Motlhabi are quoted further to have said:

“The statement that someone *akangomntu* or *akanabuntu* demonstrates that it is the community that defines a person, and it is also the community that can judge whether one has attained full humanity or not ... To say a person *akangomntu* is to say that one lacks inner state of being, lacks feelings of *sympathy* for others” (cited in Manda 2007:37).

Khumalo (2017:29) nevertheless calls for the re-definition of *Ubuntu* and its application “as an ethical concept instead of a cultural practice” so that it can engage pertinent social ills. According to Khumalo (2017), *Ubuntu* ethics applies to one because one is human. As such, *Ubuntu* is ethnic-blind, *Ubuntu* is culture-numb, *Ubuntu* applies to a racially diverse

community and should not be perceived as a philosophy applicable only to those of African descent. Letseka coins the concept “*Ubuntu* conduct” as a matter of emphasising “the all-important concept of moral disposition” associated with the *Ubuntu* moral hypothesis (cited in Koenane et al. 2017:267). Furthermore, the coined “*Ubuntu* conduct” also encompasses the failure to act when it is morally justified to act (Koenane et al. 2017). Ogude (2019) postulates that it would be naive to think of *Ubuntu* as an overall medicine to our (historical) socio-political ills. Ogude (2019) nonetheless suggests that we should accept *Ubuntu* as a driving force through which engagement and discourse can take place by underscoring our symbiotic nature despite what our history teaches us.

5.5 The Criticism of *Ubuntu*

According to Koopman (2018), there is a scholarly protest on the notion of *Ubuntu*. One of the contestations derives from *Ubuntu*’s “emphasis on communality”, which “paves the way for collectivism, for oppression of the individual by the group” (Koopman 2018). According to this view, *Ubuntu* is seen as a threat and a subsequent suppressor of differing views, the raising of critical reviews, and autonomous elections because one must tread within the confines of the group. For Abaunza (2013:16), general accord “risks the honesty of individual experiences and self-preservation”. The prejudicial attitude towards “otherness” would be associated with the *Ubuntu* community’s over-valuing of kinship or blood relations (Koenane et al. 2017). It is against this conformity and anti-otherness that conflict and tautness would eventually be witnessed (Koenane et al. 2017).

Furthermore, Koopman (2018) posits that *Ubuntu* communities’ indiscriminating, “blind” allegiance to the collective and its lack of introspective review is a threat to democracy. Democracy is believed to be founded on the presumption “of critical enquiry, room for difference and disagreement, and tolerance amid a plurality of positions” (Koopman 2018).

Consistent with this is another Western-sponsored criticism as observed by Abaunza (2013). She notes that there exists an “insecurity as to whether or not *Ubuntu* really works in a multiparty democratic system” (Abaunza 2013:18). This, according to Abaunza (2013), is evident when one observes *Ubuntu* and its consensus presupposition. Consensus is argued to be inconsistent with “creativity” and the development of new thoughts (Abaunza 2013). This is since Western civilisations are welcoming of contrary perspectives, and as a result, a child is nurtured at an early age towards creativity and developing their own thoughts and ideas (Abaunza 2013).

Ubuntu stands in contradiction to Western methods of reconciliation, for example, and this is so because of the Western world’s underlying values of creativity, change and, individuality (Abaunza 2013). In the face of change, Westerners see *Ubuntu* as some form of hindrance to South Africa’s improvement, for “it preserves some form of control and influence” (Abaunza 2013:19). Furthermore, in what can be seen as an argument for strengthening independent or contra-group thought, Stuit (2013:55) suggests that the “sense of calculation” does not close on *Ubuntu*. However, in some cases, it proves to be a requirement because it opens the door for the recognition of the fact that “to aim for harmonious social outcomes is indeed hard work” (Stuit 2013:55). Those involved must be awake to the inevitability of the “conscious negotiation” of pertinent divergent interests (Stuit 2013:55).

Some within the scholarly community choose to distance themselves from contemporary inclinations of *Ubuntu* because they believe that it has been abused for either personal, political, religious, legal, nationalist, or other exclusionary agendas (Stuit 2013). Christopher Marx even criticises *Ubuntu*’s inclusion in the South African national unity project and classifies it as an “Africanist version of integral nationalism” (cited in Stuit 2013:57). Marx is of the view that the “patriarchal and tribal associations” of the concept translate to an “Africanist” alteration of “the logic of community formation through nationalism” (cited in Stuit 2013:53). This is a view

that Koenane and Olatunji (2017) would contest. They argue that the primary values that *Ubuntu* encompasses or advocates for are values “which are shared across cultures” (Koenane et al. 2017:263). In a nutshell, people of different cultures know about care, forbearing, compassion, respect hospitality, et cetera, which *Ubuntu* encompasses (Koenane et al. 2017). *Ubuntu* can be linked to the Nguni proverb deeply rooted in Southern Africa, but the *Ubuntu* philosophy can never be said to be exclusive to the Nguni Southern Africans.

Elsewhere in the study, I have alluded to Matolino and Kwindigwi’s (2013) lamentation that the political powers’ abuse of *Ubuntu* has revolutionised the concept to the extent of it becoming or being perceived to be the “project of the elite”. However, Koenane et al. (2017) allege that the so-called “project of elitism” can never be separated from matters of “good” governance. In fact, according to this crop of academics, *Ubuntu* is a code “through which good governance should be promoted” (Koenane et al. 2017:271). As a matter of principle, on issues of governance, the *Ubuntu* dialogue quickens “public participation, which encourages accountability in politicians” (Koenane et al. 2017:271). They are further persuaded that *Ubuntu* calls each member of society to be responsible and further cultivates such members to (strive towards) better citizenship (Koenane et al. 2017).

Critiques of the African concept of *Ubuntu* argue that the concept should not be “romanticised” as though it is a “uniquely African” idea (Koopman 2018). They further object that *Ubuntu* is not effective in solving African social ills and that *Ubuntu* failed to “redeem” the African continent (Koopman 2018). This scholarly protest further notes that amid a rich idea such as *Ubuntu*, Africa remains an epitome of active violence and bloodbath, autocratic regimes, deficiencies of various proportions, and poverty (Koopman 2018). Scholars admit that African political leaders have rebelled against the demands of the African humanitarian and philosophical values, hence the widespread political blunders (Akamonye 2019). It is for this

reason that *Ubuntu* is at most associated and later dismissed together with the African narratives of return (Akamonye 2019).

A gender imbalance in the *Ubuntu* worldview is not left without notice. Abaunza (2013) observes that like the Rwandan Gacaca system, the *Ubuntu* justice system has continuously been led by an all-male “Council of elders”. To this effect, the *Ubuntu* traditional justice system “has always been patriarchal, where women have not been able to take a more active role in the system or access positions of power” (Abaunza 2013:15). She properly observes that in the South African context, *Ubuntu* was (and still is) viewed as an underlying philosophy of “reconstruction and liberation” of the oppressed (Abaunza 2013:15). Nonetheless, it seems like the liberation of South Africans is somehow disconnected from the liberation of women, and as a result, there are patriarchal aspects of *Ubuntu* that displace women’s growth (Abaunza 2013).

It is of significance to suggest that the “disappearance” of *Ubuntu* would never be detached from the calamitous legacy as sponsored by the colonialist program, cultural globalisation and the influence of modernity on traditional African culture (Eliastam 2015). Velle (2010:320) argues that the anger and self-hate that Africans have subjected one another to (in the form of xenophobia, for instance) is a “psychotic” self-brutalism which reveals “an inferiority complex engendered among Africans for many centuries”.

5.6 Conceptualisation of *Ubuntu* Justice

Letseka (2015:545) observes that a large proportion of South Africa remains “rural, communal and very traditional”. It is against this background that *Ubuntu* as a notion of justice would be better understood. As previously mentioned in the introductory chapter, the African traditional justice system would be demonstrated through an assembly such as *Imbizo* or *Pitso*, or *Lekgotla* which was epitomised by the utmost fairness. According to Mazrui, *Ubuntu* Justice has three

duties. The first duty is to protect the innocent, the second duty is the compensation of the offended and the third is the “sense of shame the community instils in offenders” (cited in Keevy 2009:29).

According to Letseka (2015:549) “justice is perceived as *Ubuntu* fairness; doing what is right and moral in indigenous African society”. Keevy (2009) contends that *Ubuntu* is the basis of the African traditional justice system, which “ensured social control, unity, and cosmic harmony in African societies”. Furthermore, *Ubuntu* as an African cosmological understanding of justice is demonstrated through the Africanist sense of broad-based, public consultation and discourse, interdependence, and the consciousness of the need for accord on matters of moral dispute (Letseka 2015). Within such a “group solidarity” context as epitomised by African traditional societies, consensus, restorative justice, and reconciliation are of paramount importance (Keevy 2009). According to this argument, it is here that the African emphasis on unit or community becomes crucial because “there is no *Ubuntu* without community” (Letseka 2015:549).

Koopman (2018) argues that the proportion of communality as found in the philosophy of *Ubuntu* involves avoiding stumbling blocks that seek to deform unity, peace, and tranquillity. Koenane et al. (2017:271) observe that *Ubuntu* Justice is “more a corrective” than it would be a punitive measure. Centred around restorative justice, *Ubuntu* Justice is preoccupied with bringing the perpetrator and the wronged together as means of reconciling them (Koenane et al. 2017). Consistent with this view, Koopman (2018) would then contend that *Ubuntu* as a restorative form of justice is preoccupied with “the redress and restoration of a balanced knocked askew”.

It is important to emphasise that punishment is foreign to the indigenous justice system, as it seeks no custodial prisoner but a prisoner of shame (Keevy 2009). As such, a guilty verdict

translates to ostracisation and ridiculing of the guilty party to the extent that the offender is “regarded as a non-person” or “outcast” (Keevy 2009:29). Until such an offence is pardoned and one’s status restored, the offender shall remain an outcast who is prohibited from participating in the community and its activities (Keevy 2009). Furthermore, the *Ubuntu*-maintained African indigenous justice system presupposes some form of collective responsibility and shame, which is argued to be “an effective deterrent for potential offenders” (Keevy 2009:30). Nevertheless, it is argued that since the African traditional form of justice is concerned with communal survival, this form of justice does not assure important human rights for individual persons and outsiders (Keevy 2009).

5.7 *Ubuntu* and the Truth and Reconciliation Commission

The role of the *Ubuntu* discourse in the TRC can be traced back to what came to be known as the “postamble” of the South African interim constitution of 1993 (TRC 2003:3). According to this constitutional foreword, to deal with and overcome the divisions of apartheid, “there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *Ubuntu* but not for victimisation” (TRC 2003:3). This African traditional value, according to the TRC, is a vital source of restoration and healing (Doxtader et al. 2007). Valuing its “conciliatory undertones”, Sigenu et al. (2017) argue that *Ubuntu* was rallied to effectively succour the TRC and South Africa in its quest of consolidating harmonious and cooperative relations among peoples of various races and ethnic backgrounds.

Some scholars speculate that *Ubuntu* is condensed or even rephrased in that it is the critical “respect for common humanity” (as the root of reconciliation) found in the interim constitution (Stuit 2013:46). Stuit (2013:46) suggests that the incorporation of *Ubuntu* in both the TRC’s amnesty provision and the *Promotion of National Unity and Reconciliation Act* (PNURA) is a demonstration of “how firmly entrenched in South African awareness the authors presume, or

perhaps desire *Ubuntu* to be”. Research has established that several documents of the Commission are indeed preoccupied with this “constitutional claim”, the “need for *Ubuntu*” (Gade 2017:30).

Gade (2017) is of the view that the Commission fails to define *Ubuntu* and the worth of its employment. To illustrate this, Gade (2017) critiques the TRC’s amnesty committee for parading the *Ubuntu* discourse without arguing its significance, thus becoming its adoptive and unarticulated concept of persuasion. Furthermore, some might argue that the TRC exploited the concept because it is a source of “inspiration” to the majority of South Africans (Doxtader et al. 2007:91). The National Unity and Reconciliation legislation is not left without criticism for creating “reparation and *Ubuntu* as the opposite of victimisation – both in the sense of “making victims” and “being victims” (Stuit 2013:49). According to Stuit (2013:49), this might be seen as an unwitting or witting attempt at compelling the “victims” to abandon “their claims to reparation”. This is so whilst the “perpetrators” have access to instant protection for “retaliation is located on the negative side of the binary construction” (Stuit 2013:49).

Ubuntu nevertheless became a critical expression in the proceedings of the TRC. Such an expression is reflected in the process of truth-telling, a show of contrition on the part of the perpetrator, and the willingness to forgive on the part of the victim. It is found that Tutu referenced *Ubuntu* when commending victims who forgave (Gade 2017). Gade (2017) is nevertheless critical of Tutu for what one senses to be his usage of *Ubuntu* to provoke victims into forgiving. However, there might be positives: Bongani Finca, a commissioner in the Human Rights Violations (HRV) committee, suggests that the work of the commission was made possible by those victims and perpetrators who, in some cases, approached it “holding this *Ubuntu* already in their hearts” (cited Gade 2017:38). He, nonetheless, admits that some perpetrators approached the TRC for the sole purpose of exoneration from criminal accountability, and for him, such people were not led by *Ubuntu* (cited in Gade 2017:38).

One important example is Mrs. Ngewu's statement which highlights the role of *Ubuntu* in the process of reconciliation. After meeting her son's killer, Thapelo Mbelo, Mrs. Ngewu, the mother of Christopher Piet, had this to say about reconciliation:

"This thing called reconciliation ... If I am understanding it correctly ... If it means this perpetrator, this man who has killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back ... then I agree, then I support it all" (Krog 2008:356).

Krog (2008:356) argues that Mrs. Ngewu's logic "spells out the full complex implications" of *Ubuntu* "and the role of reconciliation in it". Mrs. Ngewu's logic seeks to demonstrate that in the process of killing Christopher Piet, Mbelo was not left unharmed either, for he "robbed himself of his humanity" (Stuit 2013:79). Mrs. Ngewu's gesture of offering Mbelo an attempt at restoration by rendering him the forgiveness for which he is now pleading further implies that "her own humanity can, at least partially, be restored as well" (Stuit 2013:79). Mrs. Ngewu's manner of doing *Ubuntu* is awake to the fact that "her own humanity, as well as its restoration, is deeply caught up with the actions of the policeman" (Stuit 2013:79). Therefore, by killing Ngewu's son, Mbelo not only failed to take into cognisance Piet's humanity but further committed a transgression against the humanity of everyone involved, forfeiting his own humanity in the process (Stuit 2013:80). However, Mrs. Ngewu's statement for Stuit (2013:81) is less underpinned by *Ubuntu*; rather, he sees it as being "constitutive of what *Ubuntu* came to signify in the context of the TRC process".

Meanwhile, Mnyaka (2003) rhetorically asks the following: is it not the time for *Ubuntu* to be demonstrated to those who seek forgiveness? He rightly believes that *Ubuntu* provides "room" for forgiveness and that "not to have capacity for forgiveness would be to lack *Ubuntu*" (Mnyaka 2003:152). As previously alluded to that in the context of the TRC, this tie, the

expression of a close association of *Ubuntu* and forgiveness, to which Tutu stands accused, should be avoided. This caution is primarily sponsored by Netshitomboni's (1998:10) argument that *Ubuntu* qualifies confession as a critical "basis for forgiveness and tolerance". Thesnaar (2010:100) also feeds into the narrative by saying that "confession and sincere remorse" are principal to the process of forgiveness.

It is against this background that a contrary question is launched: how is forgiveness possible if the TRC faced the critical submission that "we do want to forgive but we don't know whom to forgive" (Tutu 1999:92) by the victims of the lethal racial system of apartheid? This question might be resonating from those victims whose offenders refused to appear before the TRC, the lack of full disclosure by those perpetrators who came forth, to the cumulative lack of remorse of the white community. Forgiveness would not be possible if "previous" oppressors still believe and drive a narrative that the apartheid system of white political and economic supremacy "did not unreservedly enrich all whites and impoverish blacks" (Thesnaar 2010:101). This "lie", as characterised by Thesnaar (2010:101), is so perpetuated as means of releasing the economic powers that be from the political and moral responsibility of restoring all victims.

5.8. Conclusion

In this chapter, the *Ubuntu* concept was explored from an African traditional point of view. Several scholarly definitions of what *Ubuntu* is were examined and a culminative basis "*umuntu ngumuntu ngabantu*" was explored from a Sub-Saharan perspective. *Ubuntu* as a moral theory and a theory of being was debunked from the generic narratives of return. The chapter further examined the role of *Ubuntu* in the South African Truth and Reconciliation Commission from the South African interim constitution's perspective. Furthermore, the role of *Ubuntu* in the TRC's hearings is critically illustrated through the encounter between Mrs.

Ngewu and Thapelo Mbelo. A multi-field critique of *Ubuntu* was examined to the extent of producing an overarching contemporary question: Is *Ubuntu* relevant? Scholars do accept the criticism that *Ubuntu* (mis)usage is contaminative to the perspective of the discourse. However, some scholars share almost the same sentiments that *Ubuntu*, when practised from the African traditional system's perspective, is still viable to assist in solving the calamities with which our society is faced. What can be deduced from the *Ubuntu* discourse is that as a philosophy of interconnectedness and humanness, it is still feasible in addressing issues of justice, reconciliation, and equilibrium.

Chapter 6

Ubuntu Justice as a Missiological Framework

6.1 Introduction

This chapter is a cumulative inquiry about the activities and subsequent legacy of the Truth and Reconciliation Commission (TRC) considering *Ubuntu* Justice as a missiological framework. The chapter serves as a response to the cultural, theological, and missiological gaps or problems that can be deduced from the activities of the TRC. Although the focus of the chapter is not to address every challenge identified by scholars in the activities of the TRC, the chapter serves as an attempt to address some of them as outlined in the previous chapters of the study. The chapter also reflects on the influence of the Christian worldview on the presentation of *Ubuntu* in the post-1994 context by dealing briefly with the issue of forgiveness. The chapter also deals with the question of the reparation policy of the TRC to respond to the culminating problem of reparation in the *Ubuntu* Justice system and its implications for the process of reconciliation. The discussion will focus on issues related to the African worldview and culture, forgiveness and reconciliation, reparation, equity, and justice.

6.2 The evolving framework of *Ubuntu* as a theological and missiological concept

This part of the chapter is by no means a theological exploration of *Ubuntu*. Rather, it seeks to appreciate the fact that there are elements and principles of *Ubuntu* that are consistent with those of the Christian faith. Boesak (2013) correctly observes that “ubuntu is not a biblical but an ancient one”. Boesak (2013) nonetheless argues that *Ubuntu* boils down to the logic “that humans have been created for togetherness”. It is within this context that the theological conceptualisation of *Ubuntu*, according to Mashau and Kgatle (2019:5), presupposes inter-human accountability and the upholding of the scriptural instruction “to love one’s neighbour as oneself”. It is against this vantage point that this crop of scholars suggests that “God

expect[s] humanity to advance community well-being whilst protecting the rights of the socially marginalised and the powerless” (Mashau et al. 2019:5). One’s relationship with God, as per this logic, is conditioned by one’s communal relations (Mashau et al. 2019).

Membe-Matale (2015:274) argues that as a “transformative spirit” that connects one to the other and a philosophy that drives one to serve the common good, *Ubuntu* should be detached from practical elements of discrimination and exclusion. A developing theology of *Ubuntu* is embedded or is defined by scripture, for instance, Acts 4:32-35, which is, according to Membe-Matale (2015), a diversion from the practical elements of greed and selfishness. Greed, as per Membe-Matale (2015), drives the culminative system of inequality, where the destitute are thought to be the property or objects to be utilised to the advantage of the well-off. So, a system that perpetuates inequality would be a total negation of God’s plan for humans (Membe-Matale 2015). *Ubuntu* would therefore serve as an affirmation of security without the fear of imminent insecurity because in the *Ubuntu* environment no one is left behind (Membe-Matale 2015). Regarding the church of God, Membe-Matale (2015:275) claims that it is an inheritor of God’s ability to embrace. Secondly, its manner of embracing should be inclusive of all, even the ones she terms the “problem people” (Membe-Matale 2015:275). Further to this, the church’s ability to embrace should be coupled with the inherited “wisdom to understand that all people are enriched by God, are in fellowship with God” (Membe-Matale 2015:275).

In post-1994 South Africa, as argued in Dreyer (2015:193), the “doctrine of ubuntu” has demonstrated the “capacity to translate itself into a strategic impetus for replacing colonial humanism on which the fragmenting notion of separate development of races was founded with a decolonial one premised on restoring authentic sociality through the dictum: ‘I am because you are’”. It is against this background that the development of a change-driven theology of *Ubuntu* will indeed need to reflect on issues of reconciliation and human dignity and further “be prophetic in addressing social ills” (Mashau et al. 2019:5).

A responsible theology of *Ubuntu* would, firstly, be preoccupied with the question of “memory, shame and guilt of the past, enabling liberation for all God’s people and creation” (Mashau et al. 2019:5). Second, such a theology should tackle the “denial of the dignity and sanctity of people which leads to issues of identity and belonging” (Mashau et al. 2019:5). It should further address the commercialisation and privatisation of supposed essentials such as land, water, and knowledge (Mashau et al. 2019). In conclusion, Mashau et al. (2019:5) propose that such a theology of *Ubuntu* would speak to the “affirmation of the lived experiences and cultures”. Arguing for an understanding of *Ubuntu* as a black liberatory force, Kobe (2021:5) proposes that *Ubuntu* should “untangle itself from the colonial project of post-1994 that advances Western Christian spirituality through Ubuntu”. Moreover, to prevent the perpetuation of what she calls the “spirituality of racism”, Kobe (2021:5) insists that “Ubuntu must be studied outside Christianity, so that Ubuntu can manifest itself as it continues to exist in the language, culture and spirituality of the Bantu speaking people”.

6.3 Reparation and *Ubuntu* Justice

Mugumbate and Nyanguru (2013) rightly point out that as per *Ubuntu* jurisprudence, crimes committed by an individual on another tend to go beyond the perpetrator and the victimised. One’s deleterious actions, according to Mugumbate et al. (2013:96), have profound “implications to the people among whom the perpetrator of the crime comes from”. Akinola et al. (2018) also allude to the notion that a civil disobedient individual transforms one’s group into a civil disobedient group. This philosophy is further extended to “disgruntled individuals” who, according to Akinola et al. (2018:100), “transforms his or her group into disputing one”. This logic can be documented to demonstrate that the categorisation of perpetration is not limited to an individual. Perpetration rather stretches to the whole community of which the perpetrator is a member. Further to this, Rampke (2016:22) assumes that the community or the

group does not escape “blame and responsibility” because of the belief that it had let the conflict continue unabated.

The *Ubuntu* Justice system, according to Mugumbate et al. (2013), is characterised by punishment and remedial methods that would, in the end, reconcile the estranged parties. Punishment, Mugumbate et al. (2013) add, emanates from the African belief of “an avenging spirit”. Moyo (2021:76), on the other hand, argues that the African experience of *Ubuntu* presupposes that “punishment and redemption exist here on earth”. The punishment given to perpetrators would be “applied with care” as “the offender remains a member of the family, who is expected to contribute to the community’s well-being in the future” (Elechi et al. 2010:80). This logic might be perceived as a negation from the previous scholars’ argument that punishment is foreign to the African community life.

Scholars have attempted to produce answers to the question of what should be done to atone for wrongdoings on earth. Vellem (2013) confirms the reconciliatory undertones of African jurisprudence, and he provides *ukuhlawula ityala* (reparation) as one example of this fact. For Vellem (2013:115), *Ukuhlawula* is an appropriate settlement even in cases where consequences of the transgressors’ actions constitute “permanent damage”. Vellem (2013) adds that while the penalty would not be stretched to the equivalence of the damage caused, the penalty would, nonetheless, translate to the deletion of the transgression. Thus, the acceptance of guilt and the culminative “settlement” is, according to Rampke (2016:22), an African rehabilitative struggle for the “integration of the offender rather than their exclusion from society”. Apart from commensurateness with the offence, Elechi et al. (2010:81) contend that “fines” should “also be such that the offender can also reasonably afford”. Scholars argue that the victims entertain and accept reparation on the belief that “*unyawo aluna mpulo*”, that a victim is a potential offender who might require forgiveness (Netshitomboni 1998).

On the other hand, Vellem (2013) argues that reparation cannot be limited to finances. Moyo (2021) gives forms of *ukuhlawula* which range from the returning of the land, redistribution, forgiveness, and reconciliation among other things. Consistent with this is Nabudare's (2005) contention in favour of reburials. In *Ubuntu* communities, reburials can better contribute to the healing process of those whose sons, husbands, wives et cetera were killed during situations such as apartheid (Nabudare 2005). Nabudare (2005:14) further states that African reburial rituals such as "*umbuyiso*" (the return of the deceased soul from the wilderness) play an important role in providing "communities the means of collectively witnessing the truth regarding the past, together mourning with dignity and then finally laying their beloved to rest in ways that restore moral order and social cohesion in the community". Rituals of such nature, Nabudare (2005:14) concludes, facilitate the African community's healing from "dysfunctional behaviours resulting from the ungrieved loss and answers to questions about why the death occurred". It is of sacrosanctity to note that the rituals and strategies employed differ from one community to the other.

Battle (2000) observes that there were relatives of the murdered forces who were petitioning the TRC to assist them in getting back their remains from the security police so that they may give them a proper burial. Mpolweni-Zantsi et al. (2007:195) affirm that it is of importance in African traditional societies "for one to be buried near one's ancestors". This mandatory gesture, according to Mpolweni-Zantsi (2007:195), would be perceived as a culminative attempt at "safeguarding the channel of communication between the deceased and the ancestors. The belief is that the ancestors will protect the deceased person" (Mpolweni-Zantsi et al 2007:195). Battle (2000:180) argues that the "bringing home" of the "lost" back into the ancestral realm is "the way in which harmony between the generations is restored and maintained".

Basing his argument on Mbiti, Chachine (2008:168) reports that the “returning” and the subsequent “appraisal” of the dead confirm a “social matrix of justice” which appreciates “that to relegate those who have died to the realm of insignificance may be seen as the most unjust act of ingratitude one may commit”. Such a relegation would mean that the dead, who were previously part of the communal life are now discarded off from the “religious” bond of this interconnectedness and continuous existence (Chachine 2008). In the context of South Africa, where a lot of people perished in the struggle against colonialism and apartheid, “veneration of the ancestors is particularly poignant” (van Breda 2019:444).

This worldview, according to Battle (2000:180), should not be seen or even cancelled as “a belief in “spirits””. It should rather be accepted as an African philosophy of life which “knows something of the fundamental connectedness of all life” (Battle 2000:180). Remembering, in the African worldview, is salvific and liberatory. As such, the struggle for one’s unification with one’s ancestry through reburial rituals speaks to the “negation of the consequences of the powers that refuse to acknowledge their dead victims” (Nabudare 2005:14). Consistent with this view, Nabudare (2005:14) concludes that the denial of perpetrators to acknowledge their victims should not only be convicted but must further be “challenged if survivors are to make sense of their losses and the social fabric is to mend”.

Ramose observes that apartheid instigators might have “strategically relied on *Ubuntu* to avoid taking responsibility for their crimes” (cited in Kamga 2018:629). They, as per this logic, tapped into African thinking to sanitise themselves from the responsibility of reparation. According to Ramose, the apartheid instigators’ manner of negotiating single-handedly informed the post-1994 narrative which transferred reparation to the Mandela government as “a joint and manageable project to be completed under the notion of ‘nation building’” (cited in Kamga 2018:629). It is against this background that Ramose convicts the post-1994 misrepresentation of *Ubuntu* for having escaped the raw interpretation of the concept, i.e.,

compassion, social cohesion, kindness (cited in Kamga 2018:629). It is against this background that Gwaunza dispassionately characterises the use of *Ubuntu* in the TRC-era to have benefited the “unrepentant white supremacists who kept the economy and their social privilege that were stolen during long years of apartheid” (cited in Mpetsheni 2019:52). He further believes that if it was anything close to being an organic philosophy, the TRC’s *Ubuntu* “became a philosophy of surrender, a weapon of the weak and a toxic idea that reconciled the poor victims to their poverty and their loss in the game of life” (cited in Mpetsheni 2019:52).

Dladla reasons that the post-1994 institutional work of *Ubuntu* was primarily developed away from “*Abantu*” (cited in Kobe 2021:5). “*Abantu*”, as per this logic, would be “the Bantu speaking people whose philosophy it is” (Kobe 2021:5). Dladla further observes that post-1994 *Ubuntu*, as an institutional project, was driven without “*Isintu*” (cited Kobe 2021:5). The importance of *Isintu* is stressed in this context because it is the “culture which is the basis for the philosophy of Ubuntu” (Kobe 2021:5). Dladla charges, therefore, that *Ubuntu* as introduced post-1994 was a further entronement of “the epistemologies initiated at the conquest of the indigenous people of South Africa in the unjust land wars of colonisation” (cited in Kobe 2021:5). Mpetsheni (2019) contends that the Bantu’s unwitting or witting perpetuation of an *Ubuntu* philosophy which would subsequently benefit their oppressors was tantamount to self-crucifixion of inscrutable proportions. Consequently, Mpetsheni (2019:53) proposes that this “view” of *Ubuntu* requires liberation because it amounts to “a domesticated and badly manipulated version of Ubuntu”. One would further add a further demonstration that like reconciliation, *Ubuntu* was not employed to transform or restore the lives of the oppressed people but was adopted to drive further the pre-1994 elite sectarian project.

Kamga (2018:629) argues in line with the misinterpretation of *Ubuntu* to serve an ulterior or a sectarian program and postulates that “there was reliance on a prescription as if wrongdoings of the past were no longer relevant because they occurred a long time ago”. This perception,

Kamga (2018:629) contends, overlooks African communitarian jurisprudence, which recognises that “prescription does not matter, as time cannot delete the truth”. Social equilibrium, according to this logic, is generated once the transgression has been “extinguished” and this philosophy is not constrained or influenced by generational dynamism (Kamga 2018:629).

What would be the response of our discourse to the African communal perception of the other section of society, which holds that we should “let bygones, be bygones” away from justice? Battle (2000) cautions unsuspecting sectors of our society that the “let bygones, be bygones” rhetoric does not exist in the African worldview. This is so because to Africans, memory is justice and the call to remember is salvific, redemptive, and indeed liberatory (Battle 2000, Vosloo 2017). Vosloo (2017) acknowledges the existence of the language of forgetting, but he nevertheless points to the deleterious consequences of such a language in situations laced with recollections of past injustice. According to Vosloo (2017:14), the dialect of forgetting should be utilised and claimed along healing lines and not “as an alibi to forget or erase the past, since the past remains in the present”.

6.4 Contrasting Communitarian Forgiveness and Christian Forgiveness: An African Missiological Perspective

It is at this stage that one would insist on contrasting the understandings of forgiveness in *Ubuntu* communities and in Christian orthodoxy. It is of importance to note that scholars argue that in the African worldview, forgiveness and reconciliation can never be separated as is the case in the Western Christian Orthodox (see Krog 2008, Oelofsen 2015). Forgiveness, according to Oelofsen (2015), begins “the process with opening the possibility for a relationship, while reconciliation is the necessary subsequent move in becoming more fully human”. Krog (2008:357) observes that the Christian understanding of forgiveness presupposes that “I forgive you, because Jesus has forgiven me”. The Christian understanding

of forgiveness, according to Krog (2008), presupposes that the “reward” of forgiveness is heavenly and is detached from things earthly. Consistent with this logic, Krog (2008) teases two possibilities in Christian orthodoxy. In the first instance, one can reconcile without forgiving, and secondly, one can forgive without being reconciled (Krog 2008).

In interconnected communities, on the other hand, *Ubuntu* becomes the “virtue on the part of Africans to forgive and reconcile (*intethelelo*)” (Moyo 2021:59). The African worldview of *Ubuntu*, as Breed and Semanya (2015:5) confirm, “propels the idea of forgiveness ... with its social value of compassion [and] helps one not to engage in any form of revenge”. For Krog (2008:357), an African interconnected community’s perception of forgiveness would mean that “I forgive you so that you can change/heal here on earth, then I can start on my interconnected path towards healing”. It is against this vantage point that Oelofsen (2015:327) echoes that the African understanding of forgiveness is “therapeutic” in that it is meant not only for the survivor but also the perpetrator’s well-being. She argues that forgiveness is “for the good and ‘emotional health’ of the collective self (or society)” and further overcomes the “resentful reactive attitudes” which have the potential of reversing both the victims’ and beneficiaries’ psycho-social healing process (Oelofsen 2015:327).

African communal forgiveness is the will to “start a relationship, to give a person another chance to have a relationship and through that relationship to become part of the collective communal self” (Oelofsen 2015:327). Consistent with this view, Krog (2008:357) alludes to the fact that the struggle of African interconnected forgiveness is to work “towards achieving full personhood *on earth*”. Interestingly, an African understanding of forgiveness presupposes an earthly “invitation to the wrongdoer to come back into the moral fold” (Oelofsen 2015:327).

In response to the “invitation” into the “circle of forgiveness”, the perpetrator must vow “to treat the victim as an equal in the future, and this requires that she takes responsibility for the

harms done through trying to compensate the victim for those harms as a way of showing remorse” (Oelofsen 2015:327). Krog (2008:358) affirms that this “circle of forgiveness” would only come to a close “when the perpetrator tries to restore his own wholeness (want to change) and through that restores the wholeness of society (actively contributing to produce a better society)”. It can be contrarily argued that the “circle of forgiveness” would be undermined by perpetrators who respond to such forgiveness with a lack of remorse and show no interest in pursuing healthy and equal relationships with those they have wronged (Oelofsen 2015). Forgiveness is therefore “therapeutic” if it surpasses its quest “to make both more fully human, to be able to instantiate the ideal of personhood as collective self” (Oelofsen 2015:373). Further to this, forgiveness is considered “therapeutic” when *Ubuntu* (the invitation into moral collective being) excels in equipping those who benefited from the pre-1994 structural oppressive system with “strength and wisdom to gear up for building up peace and healing to those affected by social injustices” (Breed et al. 2015:5).

Some scholars critique Tutu’s interpretation of *Ubuntu* about forgiveness. Kobe (2021) understands Tutu’s message of an *Ubuntu*-induced forgiveness and reconciliation to mean that black South Africans, victims, are called to reconcile with their oppressors away from any form of justice. According to this view, Tutu’s conscious or unconscious understanding of *Ubuntu* “constrained black South Africans at the TRC to choose forgiveness and to be generously forgiving than seeking revenge and making demands for retribution” (Kobe 2021:4). Further to this, scholars argue that *Ubuntu* according to Tutu was vying or even compelling victims to “recognize the humanity of the perpetrators” (Murithi et al 2007:80). It is for this reason that in Kobe (2021) this manner of doing *Ubuntu* is characterised as Christianised. One, it is embedded in the Christian gospel, and two, it stresses the compassion and hospitality undertones (Kobe 2021). An understanding of *Ubuntu* that encourages the oppressed to forgive without any form of justice being directed at them is, according to Kobe (2021:4), “violent

towards Ubuntu itself'. Kobe (2021) seems to propose an understanding of *Ubuntu* that advances the liberation of the oppressed away from Tutu's manner of doing *Ubuntu*. Accordingly, Kobe (2021) believes that Tutu's manner of doing *Ubuntu* does not attempt to unshackle the oppressed people's pain and suffering.

6.4.1 The Relationship between Communitarian Reconciliation and Equality

Nabudare (2005) introduces and encapsulates the principles that characterise African ethos-based reconciliation. He first argues that reconciliation in *Ubuntu* communities "requires the creation of a consensus about the existence of the conflict" (Nabudare 2005:17). Secondly, reconciliation is not institutionalised to prevent the inadequacy of such institutions and rules to address such a conflict (Nabudare 2005). Rather, reconciliation is perceived to be a "creative and a flexible human activity that is undertaken for the sake of humanity as a shared community" (Nabudare 2005:17). Consistent with this view is Schoeman's (2013) argument that in its struggle of correcting the wrongs done to persons and communities, *Ubuntu* justice does not account for judicial legislation and processes.

Reconciliation, according to Nabudare (2005:17), requires accountability and acknowledgment of the atrocities committed. Indeed, one needs to recognise the conflict, accept responsibility for the wrongs done, and be willing to be part and parcel of the quest for solutions (Nabudare 2005). Nabudare (2005:18) further claims that the African manner of doing reconciliation is informed by the principle of transforming the "conflict into a nonconflictual situation for the good of the larger humanity". Reconciliation, as per this logic, is not regarded as a substitute to conflict but its resolution into congruence (Nabudare 2005). Nabudare (2005:18) concludes that reconciliation in the *Ubuntu* community requires the performance of a ritual, in his word the "explicit public verbalization" which would proclaim the dissolution of the conflict of those involved.

To whom should the apartheid atrocities be attributed? This question emanates from Oelofsen's (2013) analysis of the South African racial reconciliation project in the post-1994 situation. Oelofsen (2013:75) contends that while there exists a consensus that indeed atrocities did take place, there is nevertheless insufficient "agreement with regards to who (if anyone) ought to be attributed responsibility for these harms". For Oelofsen (2013:75), the South African reconciliation project should first entertain the question of attribution so that reparations can take place. It is argued that the reconciliation project is undermined by some within our society who do not regard themselves as liable for the wrongs of apartheid's structural oppression (Oelofsen 2013). This benefactors' attitude, therefore, is a continuous struggle against being held accountable for the victims' restoration or reparation (Oelofsen 2013). This is so whilst the victims uphold the need for them to issue "reparations as a necessary condition for reconciliation" (Oelofsen 2013:75).

It can be said that according to an African communitarian view, apartheid and other crimes like it "involve collective or shared responsibility on the part of some groups" (Oelofsen 2013:75). Elsewhere, one had argued and pointed out the structural oppressive nature of the Nationalist apartheid and that white South Africans as a group and white persons as part of that clique ought to take responsibility for the atrocities caused (Oelofsen 2013). Oelofsen (2008) nonetheless cautions against fashioning collective responsibility along racial lines, for doing so would further entrench the already visible racial animosity and divisions.

In the South African context, collective responsibility can nevertheless be employed as a framework with which to hold groups accountable for apartheid's atrocities in such a way as to avoid entrenching racial tension and attitudes of animosity (Oelofsen 2008). One would argue that the collective responsibility phenomenon cannot be detached from racialism, for structural oppression remains racial. Indeed, while she argues that collective responsibility

cannot be centred around race alone, Oelofsen (2008) correctly points out that whites are beneficiaries of apartheid and blacks are those who ought to lay claim to reparation.

Moyo (2021) mentions that the TRC's language did not take into cognisance the "social trauma", as well as the continuous effects of inequality emanating from structural repression. As a result, such rejection of the appreciation of the apartheid-sponsored cultural as well as the structural damage has, according to Moyo (2021:59), given birth to "social polarization, yielding uncompassionate public sentiments: *So, it happened. Get over it*". In the same vein, those who had suffered the historical scourge of structural inequality are still contesting contra "the historical structures that continue to undermine their well-being, arguing instead for improved life and relations" (Moyo 2021:59). Reconciliation is, according to DeYoung (2012:19), radical in that it goes "to the roots of injustice". DeYoung (2012:19) further charges that "reconciliation is revolutionary", and in the spirit of radical transformation, reconciliation presupposes the abolishment of the "status quo and attempt to replace it with a qualitatively different one". For this to happen, according to DeYoung (2012:19), "the reconciliation process must be embraced by both the colonized and the colonizers".

Scholars argue that the transformation of structures and individuals among other aspects plays a significant role in the traditional justice system. Elechi et al. (2010) appreciate the African traditional justice system for its communitarian, transformative, and restorative outlook in conflict resolution. They consequently document that the radical change of structures implies "the monitoring of justice structures with the goal of identifying economic and political impediments to community connection and harmony" (Elechi et al. 2010:80). This philosophy emanates from their observation that the so-called "troublemakers" are mostly those who are excluded from economic, political, and social participation (Elechi et al. 2010). To curb such thinking, Elechi et al. (2010:80) propose the liberation of persons and communities "caught in the web of conflict". According to this logic, the conflict will remain unless individual persons

and communities are liberated “from the social conditions that precipitate conflict” (Elechi et al. 2010:80).

The Pauline missiological perspective of reconciliation gives no room for discrimination, and it is extended to those among the oppressors and colonisers (DeYoung 2012). The consequential effects of colonialism and indeed apartheid are, according to DeYoung (2012), not limited to the oppressed; the system injures those within and the beneficiaries of such a system of oppression. Systems of injustice seem normal to those who benefit from them and as such, “true reconciliation, through the cross of Jesus, will affect the lives of the privileged” (DeYoung 2012:20). True reconciliation presupposes that the colonisers leave their positions of privilege and power and be joined with the colonised (DeYoung 2012:20). According to DeYoung (2012:20), reconciliation would be a culminative invitation for “just and full equality between persons that requires a change in personal, economic, and power relationship[s]”. One would thus argue that reconciliation cannot live beside injustices.

Moreover, van der Merwe and Chapman (2006) argue that the overall challenge to the Commission’s contribution to the work of justice relied on its attempt at addressing and overcoming the socioeconomic legacy as sponsored by the apartheid system. Stevens (2008:32) maintains that due to its preoccupation with the production of a “national archive”, the TRC’s form of disclosure suppressed the sacrosanctity of “addressing the macro-economic consequences of the systematized, socio-politically entrenched oppression of apartheid”. Arguing from a human rights perspective, Saunders (2008:63) reasons that the TRC’s preoccupation with the healing of the soul of the nation was at the “expense of repairing its material body; the material agony of damaged bodies”. The TRC’s manner of facilitating reconciliation, according to Saunders (2008), meant that the healing of the individual victims was replaced with or even sacrificed for the nation’s. It is for this reason that Murithi (2009:225) hypothesises that the work of reconciliation in South Africa remains “fragile”. Such

fragility would emanate from the fact that the majority of South Africans live below the poverty line and this, according to Murithi (2009), is an obvious threat to the consolidation of the reconciliation project.

Ngubane and Makua (2021) argue that as a shared value of the “abantu” (people), *Ubuntu* justice in the social context embraces equality which encourages equal access to opportunities, equity which stimulates interdependence, and fairness which presupposes the equal sharing of wealth for the survival of all. As such, the *Ubuntu* philosophy remains compromised in situations where there exist no equal respect and recognition (Ngubane et al. 2021). On the one hand, Doma (2021:9) argues that even the transfer of political power from the white Nationalists to the black African National Congress (ANC) “could not serve as remedy for decades of marginalization and oppression suffered by the majority in the hands of the minority”. Hani (1991) imagined social harmony in post-1994 South Africa considering redistribution of wealth and resources. This, Hani (1991) cautions, should not be interpreted to be “vulgar equalization”. Rather, it should be seen as a South African social justice mechanism that ensures that people have equal access to food, shelter, proper education, equal medical and essential services (Hani 1991).

6.4.2 *Ubuntu* reparation, Equity, and Justice

As previously established, *Ubuntu* Justice is restorative, so one would obviously argue that in the communitarian sense, reparation connotes “a sense of return” (Doxtader 2004:25). For Doxtader (2004:25), such a sense would be the cumulative struggle to undo the injustice of the past “in the name of restoring individuals and communities to a prior condition”. Consequently, Doxtader’s logic (2004) entices individuals and groups to appreciate the imperativeness of reparation. He aptly believes that it is through such undertakings that a divided society would be transformed into a unit that perpetuates common and collective good (Doxtader 2004).

While he observes that the “claim for desert” is not the basic assumption of *Ubuntu* Justice, Chachine (2008:169) contends, nonetheless, that such a claim becomes historically sacrosanct “when imbalances are redressed, since one cannot deal with the present without taking the past into account”.

According to Mpetsheni (2019:39), *Ubuntu* presupposes “*ingqibelelo*” (wholeness) and that an *Ubuntu*-induced society ought to be “an environment of fulfillment, where humanity and non-human beings live together in harmony and with dignity”. Such an environment, Mpetsheni (2019:39) adds, ensures that “the needs of the people are addressed in order to promote their dignity. Issues of power are addressed in such a way that there is justice, equity and equality”. In the context of undeserved disease, unemployment, abandonment, an African understanding of Justice “promotes life and adequate human relationships; and injustice is the opposite, all that which dehumanizes or reduces social existence” (Chachine 2008:169). Mpetsheni (2019:76) takes it further and proposes that in the context of homelessness, joblessness, and landlessness, a communal philosophical approach is necessary for superseding the prevalent European-sponsored modernism, which sanctions and “throws people into “individualism””.

Ramphela says that, unlike divisive systems, *Ubuntu* speaks to the “wholeness of being”, which confirms “human interconnectedness that binds us together as equal members of the human race” (cited in Mpetsheni 2019:76). Interestingly, Ramphela concludes that our struggle for “*ingqibelelo*” (wholeness) strengthens the liberatory resolve against the legacy of political and socio-economic relegation of black South Africans to the margins by white structural powers (cited in Mpetsheni 2019:76). Such a resolve, in restorative lenses, is better justified by a collective and wilful attitude “to see historical deprivation and inequality as a common problem that demands the struggle for a future in which things can be made otherwise” (Doxtader 2004:32). This resolve is further driven by Gathogo (2019:313), who neatly documents that in a communitarian context, *Ubuntu* can never live simultaneously with “*ubulwane*”

(contradiction of *Ubuntu*). In other words, *Ubuntu* does not thrive in situations of domination, oppression, exclusion, corruption, and poverty.

We have unequivocally established that *Ubuntu* is an “African understanding of person, where the individual is conceived as attaining the idea of himself or herself in terms of his or her continuing engagement within the web of social relationships” (Chachine 2008:73). It is in considering this researched perspective that we should reflect on the following questions: what about the humanity of the beneficiaries who downplay the importance of reparation but readily aspire to a reconciled South Africa? For how long should the enduring black Africans extend the “*umntu akalahlwa*” (there is no dustbin for a human being) olive branch? Is it the expectation of our discourse that Africans will continue to extend to their “*iindwendwe*” (visitors) turned colonisers (and countrymen) *Ubuntu* with its rich communitarian conceptual network of compassion, respect et cetera? These questions are rhetorical and indeed informed by the communitarian struggle for the equality of all and a special bias towards the politically, socially, and economically dominated forces.

Our point of departure is driven by the African understanding of equality with its insistence on the employment of measures to ensure that the poor are equal to the better “others”, both formally and substantially (Netshitomboni 1998). “This form of *Ubuntu*”, for Netshitomboni (1998:13), “is done with the spirit of sharing since it is considered inhumane not to share”. On *Ubuntu* economics, researchers argue that the morality of an *Ubuntu*-induced economic system lies upon its meeting the supposed human needs (Chachine 2008). The people, according to this philosophy, are the bedrock of such an economic system, and this “other”-considering economic system informs the harmonious relationship among community members (Chachine 2008). For it to be considered *Ubuntu*-just, an economic system should be organised along a “distributive principle that prioritises sharing and preservation of life above individualistic accumulation of wealth” (Mwipikeni 2018:332). Such an economic system has the potential of

affirming *isidima somntu* (people's dignity) and consequently sponsoring the harmonious social system as envisaged.

We have already established that *Ubuntu* is a product and respects African spirituality: the interconnectedness of the living, the living dead and yet to be born. Further to this is the appreciation by the living to live to the expectations of those who lived before ourselves and those yet to be born (van Breda 2019). One may argue that such rootedness is the driving force behind the present Africans' sense of responsibility to see to it that justice is done, that the death of their now-ancestry was not in vain. This leads us to the question: what can be said about the beneficiaries of colonialism and apartheid? Scholars such as van Breda (2019:444) implore those who benefited from the oppression of the indigenous peoples of this land "to engage in critical discourse with our ancestors and find mindful ways to contribute to the undoing of the harm they have done". If such invitations to doing justice were to be heeded, we add, it would mean the rehumanisation or the restoration of not only "*abantu*" but the beneficiaries of oppression as well.

6.5 Conclusion

In this chapter, we have attempted to respond to the question of *Ubuntu* as a theological and missiological concept. *Ubuntu* as a theological and missiological concept is predominantly linked to God's vision of harmonious relationships. The chapter has demonstrated that reparation as a principle of *Ubuntu* Justice has the potential of transforming fractured social relationships. Further to this, the chapter contrasted African and Christian understanding of forgiveness concerning the activities of the Truth and Reconciliation Commission of South Africa. The chapter has established that the TRC's manner of doing forgiveness was influenced by Christianity. Scholars have critiqued the TRC's approach to forgiveness and *Ubuntu*, prompting the "decolonisation" of *Ubuntu* itself. If it is to respond to the situation of the

defaced masses, *Ubuntu* needs to be detached from the Western interpretation of the concept, which seeks not liberation but further subjugation of the African peoples.

Chapter 7

Summary and Conclusion

7.1 Introduction

In this chapter, we will attempt to consolidate all that was argued in each of the chapters. We bring some of the most important arguments that lead us to the recommendations and later the concluding arguments.

7.2 Reflection

In the first chapter, the background of this inquiry was introduced and explained. We made a brief introduction to the context in which the South African Truth and Reconciliation Commission (TRC) was established. We argued that the TRC was constituted to give the victims a “platform” where they would relay their experiences of the apartheid system. Scholars argue that those whose voices were silenced were now given an opportunity to air and describe the physical, emotional, and psychological consequences of the racial system. It was further established to afford the perpetrators an opportunity to acknowledge their heinous deeds and the pain they have afflicted, as well as to corroborate the victims’ truth. The assumption was that once their pain and suffering was corroborated, the victims would confer forgiveness to the perpetrators. It was, moreover, an envisaged transitional justice mechanism that would contribute to the process of unmarrying the nation from the history of racial segregation and oppression towards the building of a “new” or just South Africa.

Chief of the TRC’s responsibilities was reparation, which speaks to the restoration of the victims to their original state before suffering at the hands of apartheid. Doing justice to the victims translates to the restoration of the victims’ dignity and identity, which were previously denied by the apartheid state. It is for this reason that one has attempted to use the African concept of *Ubuntu* as a framework that would better respond to the issue of restitution and

restoration in post-1994 South Africa. It is within this context that we pose the question of the extent to which *Ubuntu* as an African cosmological understanding of justice can be employed as a missiological framework to better respond to the challenges of the TRC. To this, we added that we seek to demonstrate the missiological and theological perspectives of forgiveness, reconciliation, and justice. Further to this, one sought to explain the missiological challenges that can be deduced from the activities and the report of the TRC. We further saw the need to investigate some of the lessons that can be drawn from *Ubuntu* as an aboriginal strategy to maintain peace and justice. We also introduced the concept of *Ubuntu* Justice as a missiological framework to better address some of the cultural and missiological problems that can be found in the activities and report of the Commission.

Chapter One attempted to gather what has been examined and written about the TRC. We explained, for instance, that the TRC was established by the Convention for a Democratic South Africa (CODESA) negotiations. This is where the political elite, the National Party (NP) and the African National Congress (ANC), reached a compromise that a truth commission be established and given the power to grant amnesty to perpetrators of gross human rights violations who came forward. This led to one committee of the Commission, the amnesty committee, having absolute powers to grant or deny amnesty. This is so while the reparation provisions remained unclear and; an impression was therefore created that amnesty (sought by perpetrators) was principal and reparation (sought by victims) was secondary. Scholars argue that the provision of reparation to individuals was inconsistent with the apartheid character as a form of structural oppression. So, scholars insist that the manner of doing reparation should be shifted from individual victims to the community.

Scholars argue that *Ubuntu* is an African concept that is rooted in the values of interconnectedness, fairness, and hospitality, and is mainly practiced in rural forums, which are mainly held at the traditional leader's residence. This is where all parties are encouraged to

participate and find common ground on issues facing the community through dialogue. *Lekgotla* or *Inkundla* is designed to ensure that the victims, as well as the perpetrators, are rehabilitated and further necessitates the restoration of previously broken social relationships. Scholars have thus distanced the *Ubuntu* Justice from the Western understanding of justice. It has been established that the African perspective of justice is restorative while the West believes in retributive justice. Scholars link *Ubuntu* to God's justice, which is preoccupied and biased toward the poor and the destitute. Consequently, we propose *Ubuntu* Justice as a missiological framework because it synchronises people's relationships with one another through its values of mutual respect, hospitality, equality, reconciliation et cetera.

In the second chapter, we defined "apartheid" based on human rights as defined by the multi-governmental force, the United Nations (UN). Thus, that chapter shows how the apartheid system deprived the black population fundamental human rights and freedoms through its segregationist policies. The chapter then gave a brief background of the TRC and its statutory committees and explained how these committees were going to contribute to the TRC fulfilling its mandate of establishing a full picture of human rights violations in South Africa during its mandate period. We examined the *modus operandi* of the human rights violations committee, the public hearings, and their contribution to the TRC's quest for the truth.

What about the truth? We rhetorically ask this question to determine the kind of truth(s) that the TRC sought. Towards answering this question, we immediately establish that the TRC invested its resources in uncovering the truth about Gross Human Rights Violations (GHRV) during the apartheid era. Some scholars further assert that the TRC was more preoccupied with the truth than it was interested in the subject of reconciliation as far as the public hearings were concerned. This, an "official" acknowledgment of the victims' suffering, is sacrosanct in the process of transitional justice. Three kinds of truth(s) emerge from the TRC's activities. Firstly, the "factual or forensic" truth which would result in the formulation of its report, the "personal

and narrative” truth which is the truth according to the victims, and lastly the “healing and restorative truth” which is preoccupied with the corroboration of the victims’ truth.

On the question of public hearings, we briefly dealt with the relationship between remorse and forgiveness. We immediately observe that remorse was not a prerequisite for amnesty, but perpetrators had a duty to fully disclose their role in the atrocities committed. Some scholars discredit this approach, arguing that it would have adverse consequences for the reconciliation project. Remorse is, according to certain scholars, important in the context of post-conflict because it has the potential of transforming both the victims and perpetrators into social-constructive forces. While we conceded that the concept of reconciliation remains contested within and without academia, we observed four ways in which we speak of reconciliation as prompted by De Gruchy (2002), that we have the religious, interpersonal, social, and political perspectives of reconciliation. In the final part of the chapter, we contended that reparation is chief in any process of reconciliation or peace-building. For this process not to be undermined, the perpetrators’ acknowledgement of the pain caused should be coupled with the willingness to restore the victims.

In the third chapter, we dealt with the theological and missiological perspectives of reconciliation, forgiveness, and justice. The Christian perspective of forgiveness derives from the immediate need to counter sin. The Christian understanding of forgiveness is believed to resonate with God’s willingness to forgive and God’s vision of reconciliation between God and humanity and among humans. The Christian doctrine of reconciliation has its roots in the belief that through the event of the cross, Jesus restored God’s gift of reconciliation. In the South African context, the *Kairos* theologians argue that there can be no reconciliation without justice, for God’s reconciliation does not live parallel to injustice. Reconciliation is an outcome of the acknowledgement of sinning and is the commitment to restitution and justice, among other things. The Christian perspective of justice refers to what should be done and is based on

the *Imago Dei* presupposition, which provides for absolute equality, dignity, and worth. Further to this, the Belhar colleagues characterise God's justice as being biased towards the poor and argue that God is preoccupied with the process of alleviation.

We explained mission as the quest for justice as prompted by Bosch (2011), who argues that proclamation alone is not enough. Rather, evangelism should strive for social justice as prompted by Jesus whose gospel was unequivocally advocating the plight of the poor. Lastly, we deal with Bosch's (2011) mission as liberation and explain that liberation theologies in general rise in protest to Western theologies' incapability in addressing injustices. So, liberation theologies charge at injustice with the belief that God is on the side of the poor, unlike Western theologies which allow hegemonic and supremacist practices to continue unabated. Therefore, the poor are at the center of missiological determination because of the belief that Jesus' gospel was preached and gained momentum in a context of material destitution.

In chapter four, the "Gugulethu Seven", as well as the "PEBCO Three", cases were examined to identify the missiological problems that emerge in these two cases. Of interest to this study in the Gugulethu narrative is Thapelo Mbelo's and Rian Bellingan's testimonies before the TRC amnesty committee and Mbelo's encounter with the parents and families of the Gugulethu activists. In the PEBCO narrative, our interest was the plea of Galela's wife and Hashe's daughter, which summarise the families' plea for full disclosure of what had really happened to the three PEBCO activists. When combined, both cases raise or lead us to an enquiry about the relationship between full disclosure and reconciliation. In the case of the "PEBCO Three", we observed that the bone of contention was whether these activists were killed clinically, or torture executed. The white security policemen argued for clinical murder without torture while the askaris Mamasela and Mogoai, for instance, argued to the contrary, detailing the torture

that these activists endured before dying. The TRC rejected the white security policemen's testimonies because of a lack of full disclosure.

Upon examining these cases, one then reaches the conclusion that while it does not guarantee reconciliation, full disclosure is sacrosanct in the process of reconciliation. Full disclosure is an attempt at healing and restoring both the victim and the perpetrator; it is an attempt at liberation. We then discover that genuine remorse is also important in the process of reconciliation. We further argued that genuine remorse is the antithesis of blame-shifting. To be embraced by a victim, the perpetrator should position him or herself not as a victim of circumstance but acknowledge responsibility.

This argument led us to question the institutionalisation of the reconciliation project in South Africa. For scholars, the institutionalisation of reconciliation cannot be detached from the elite political compromise reached by the National Party (NP) and the African National Congress (ANC). To demonstrate this view, scholars argue that since it had to present a South Africa committed to national unity, the TRC was not able to handle victims who called for retributive justice. Therefore, the TRC failed to consult or consider the victims whose wish was to have their oppressors tried through a court of law, thereby denying them their autonomous understanding of justice.

In chapter five, we introduced the concept of *Ubuntu* Justice by defining *Ubuntu* in the context of African communitarian society. Scholars opt for a definition of *Ubuntu* as the philosophy of interconnectedness with rich framework of reciprocity, equality, sympathy, et cetera. Further to this is the scholarly position that *Ubuntu* is based in the African religion, which believes in the interconnectedness of the living, ancestry, the yet to be living and the natural world. The importance of appeasing of the ancestry then come into existence because of the belief that displeasing one element of the interconnected community translates to destroying all of life.

We then conceptualise *Ubuntu* Justice as practised in South African rural settings, where its primary duty is to protect the innocent, provide reparation to the victims, and install a sense of shame in the offenders.

Views of scholars on *Ubuntu* into the TRC were discussed as follows: some scholars argue that the adoption of *Ubuntu* into the TRC, considering its conciliatory suggestion, managed to effectively assist it in the quest of rebuilding a united South Africa. Other scholars, however, hold that *Ubuntu* was adopted to shift the focus away from reparation at the expense of national unity. Further, some scholars charge that the very adoption of the concept of *Ubuntu* was not aimed at victims but was a further manipulation of the concept as a matter of justifying amnesty. Meanwhile, other scholars argue that *Ubuntu* influenced the TRC processes, especially when victims chose to forgive the perpetrators. They forgave, according to this view, because in their manner of doing *Ubuntu*, was conscious of their interconnectedness with the perpetrators and not forgiving would not be of advantage because their humanity is tied to that of the perpetrators. Furthermore, to forgive meant liberation for them and an invitation for the reconstitution of the moral self for the perpetrators.

In the sixth chapter, we attempted to explain the changing framework of *Ubuntu* as a theological and missiological concept. We first observe that as a theological concept, *Ubuntu* presupposes inter-human accountability and closeness for God-created human beings to live together interdependently. In other words, to “satisfy” the communal God, one must maintain good communal relations with other humans and strive for the common good while distancing oneself from practices that normalise systems of domination and discrimination. Thus, the theology of *Ubuntu* is a theology that affirms and embraces the other. It follows that we expand on the relationship between *Ubuntu* jurisprudence and reparation to perhaps deal with the issue of victimhood, among other things. It is clearly argued that victimhood is not limited to an individual but is extended to the whole community. Equally, perpetration is not limited to an

individual, but such a perpetrator transforms one's society into a community of perpetrators. Therefore, reparation, we fathom, cannot be central to one victim but should also be extended to the community. To this effect, we implore the community of perpetrators to acknowledge and act decisively and commit themselves to *intlawulo* (reparation), return that which was immorally acquired to the community of victims (or survivors) towards restoration, healing, reconciliation, and justice.

7.3 Recommendations

When judging its fairness, Gibson (2002) attempted to investigate the victims' response to amnesty. He establishes that the victims' attitudes to amnesty are based on "whether other forms of justice are present" (Gibson 2002:553). Important when introducing and accomplishing other forms of justice, i.e., redistributive justice, is that they compensate the intrinsically unjust amnesty provision (Gibson 2002). It is within this context that one would recommend that in the process of restorative justice, other forms of justice must receive equal attention. A critical or an economic-instrumentalist perspective of the TRC, for instance, would be transformed if victims were compensated (and timeously), whether such compensation is considered adequate or not. Reparation, as per *Ubuntu* Justice, should be done in a way that affirms human interconnectedness, equality, and sustainability.

We have previously observed the use of *Ubuntu* by the beneficiaries of apartheid to evade the question of redress. It is against this background that we add the call for the decolonisation of the concept of *Ubuntu* to better reflect its aboriginal qualities. The decolonisation of *Ubuntu* would further ensure that it is not perceived as morality that is supposed to be unleashed by the colonised to the colonisers or as means of conforming to their lived experience, which is largely sponsored by the legacy of colonisation. A decolonised *Ubuntu* would not leave injustice unchecked, for its initial responsibility is to revolt and transform systems of subjugation.

Mpetsheni (2019:250) argues that as it stands, the South African economic system is arranged in a manner that “negates and denies life”. Mpetsheni (2019:250) further observes that such a system “contributes to brokenness and effacement of *umntu*”. The post-1994 economic system remains unequal, with most (black Africans) unemployed, poor, and living in squalor, notwithstanding the black political elite’s struggle to rearrange the economic order through small and large-scale economic policies (Mpetsheni 2019). Related to this is the question of land and the debate of land expropriation without compensation, which preoccupies the South African discourse. Nombembe (2018) captures Thembeke Ngcukaitobi as saying that in its terms of reference, the TRC sought to instill a human rights culture, but it simultaneously excluded “land as a fundamental human rights violation on its own”.

We have previously established that land to Africans means dignity and wealth, and its loss subjected Africans to displacement and the loss of dignity and identity. Therefore, land-expropriation-without-compensation-proposed policy should, according to Mpetsheni (2019:254), receive much attention, for it carries with it “the potential to bring relief to the poor and restore the broken and effaced *umntu*”. Simply put, if such a policy is implemented along the values and principles of *Ubuntu*, it would translate to the lifting of the economic burden from many of “our people”. Elsewhere, we have argued that such a policy has the potential to reverse the gains of the 1950 Group Areas legislation and the notorious 1910 Land Act which rendered black South Africans landless, non-persons in the land of their birth.

In line with Bosch’s (2011) thought of mission as the quest for justice and liberation, one would propose a theology that is in constant dialogue with the situation of the poor and the marginalised. Such a theological or missiological intervention should be designed to liberate the poor rather than maintain or propagate their lived *status quo*. A missiological interaction with the poor should be transformative as it seeks to divorce them from the shackles of displacement and poverty. It follows that in the post-TRC South Africa, our theology should

also focus on Zacchaeus and that our gospel should provoke a repentant Zacchaeus. Our manner of doing missiology and theology should incite a compensative Zacchaeusan character, willing to compensate those he had previously defrauded. While stating the case of the oppressed, our theology should equally embrace the oppressor. This injunction propels a missional theology that accepts and extends “care” to individuals by virtue of being created in the image of God (Soares et al. 2017:2).

7.4 Conclusion

The establishment of the South African Truth and Reconciliation Commission brought with it several scholarly opinions, some positive and some critical. How the TRC generally dealt with the victims of gross human rights violations would become the central point for scholarly reflection. Some scholars and indeed the general commentary appreciated the platform provided to relay the victims’ experiences of apartheid. What was to be done to transform the lives of the most downtrodden victims would later be a talking point. The TRC is then put under the spotlight for having subjected the justice program secondarily to the reconstruction of a reconciled South Africa. We established that the reconciliation program would be rendered inadequate where injustice is still rife and where the lives of the victims of the brutal system of apartheid remain as they were.

We introduced the concept of *Ubuntu* Justice to respond to such a dichotomy and argued that as an African understanding of equality, *Ubuntu* Justice is expedient in addressing some of the problems amassed from the activities of the TRC. Furthermore, in the post-TRC South Africa, *Ubuntu* should be the bedrock of the attitudes and policies that remain to be adopted in an attempt to restore the dignity of the disadvantaged people of South Africa. The initial goal of *Ubuntu* Justice is reconciliation, and reconciliation can only happen in situations of remorse, forgiveness, and the willingness to treat the “other” as an equal along social, political, and

economic lines. To this effect, for the reconciliation project to gain momentum in line with *Ubuntu* Justice, we conclude that there is a need for a total transformation of the economic systems to the benefit of all. Its implementation would then translate into the alleviation of poverty, which is primarily caused by inequality.

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