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# A Nation at Prayer, a Nation in Hate: Apartheid in South Africa

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# Notes

## A Nation at Prayer, a Nation in Hate: Apartheid in South Africa

TAMARA RICE LAVE\*

Daniel Malan, a minister of the Dutch Reformed Church (DRC)<sup>1</sup> and former Prime Minister of South Africa, declared in 1948:<sup>2</sup>

Our history is the greatest masterpiece of the centuries. We hold this nationhood as our due for it was given us by the Architect of the universe. [His] aim was the formation of a new nation among the nations of the world. . . . The last hundred years have witnessed a miracle behind which must lie a divine plan. Indeed, the history of the Afrikaner reveals a will and a determination which makes one feel that

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<sup>1</sup> The term DRC could cause confusion, as noted below:

The Nederduitse Gereformeerde Kerk (Dutch Reformed Church) in South Africa originates from the Reformed Church in Holland and was brought to South Africa by the first white settlers in 1652. . . .

There are two other smaller Afrikaans-speaking Reformed churches in South Africa, namely the Nederduitsch Hervormde Kerk (founded in 1853) and the Gereformeerde Kerk (founded in 1859). Sometimes these churches are also referred to as Dutch Reformed and this causes confusion.

*Introducing the D.R.C.*, D.R.C. NEWSL., Dec. 1967, at 1.

To reduce confusion, this Note will refer to the Nederduitse Gereformeerde Kerk by its English abbreviation (DRC) and the other two Dutch Reformed Churches by their Afrikaans abbreviations (NHK & GK). The DRC has more liberal religious attitudes and is the largest of the churches, while the NHK is the most conservative of the three in terms of race relations. *Id.*; see also *Two Reformed Churches*, D.R.C. NEWSL., Dec. 1967, at 1.

<sup>2</sup> ALLISTER SPARKS, *THE MIND OF SOUTH AFRICA* 31 (1990).

Afrikanerdom is not the work of men but the creation of God.<sup>3</sup>

The year 1948 marks the birth of the repressive apartheid regime in South Africa. Apartheid, or "separate development," divided people solely on the basis of skin color. Those officially classified as black had few rights. They could not vote or choose whom to marry or where to live. Ironically, while this policy was developed by devout Christians and legitimized through some official Christian bodies, Christianity has also been instrumental in the opposition to apartheid and in its recent demise.

This Note will discuss the role of religion in the rise and fall of apartheid in South Africa. It begins with a look at how the DRC helped legitimize apartheid. It will then describe the DRC's use of theology in the development and perpetuation of apartheid. Finally, the Note will detail various religious critiques of apartheid and the DRC's responses to these critiques.

## I. THE ROLE OF THEOLOGY IN ESTABLISHING APARTHEID IN SOUTH AFRICA

### A. *Calvinism and the Notion of Being Chosen*

#### 1. *The Dogma and Its Manifestation in the Netherlands*

Many contend that Dutch settlers were predisposed to apartheid because of their Calvinist belief in predestination. According to John Calvin, God does not choose people for Heaven based on belief or actions, but rather God has selected certain people as blessed for no reason other than his will. As Calvin explains, "those whom God passes over he condemns; and this he does for no other reason than that he wills to exclude them from the inheritance which he predestines for his own children."<sup>4</sup> Thus, even the most devout believers could not be sure whether they were among the chosen. Despite the uncertainty, most agreed that faith, perseverance, "abstinence, sobriety, frugality, and moderation . . . [and abominating] excess, pride, ostentation, and vanity"<sup>5</sup> were to some degree signs of election.<sup>6</sup> The precise interpretation of Calvin's doctrine of predestination was a contentious issue in Holland dur-

<sup>3</sup> T. DUNBAR MOODIE, *THE RISE OF AFRIKANERDOM* 1 (1975).

<sup>4</sup> JOHN CALVIN, *INSTITUTES OF THE CHRISTIAN RELIGION* Bk. III, ch. 23:1 (John T. McNeill ed. & Ford Lewis Battles trans., 1961), [hereinafter *INSTITUTES*] quoted in MOODIE, *supra* note 3, at 23.

<sup>5</sup> *INSTITUTES*, *supra* note 4, at ch. 10:5, quoted in MOODIE, *supra* note 3, at 24.

<sup>6</sup> MOODIE, *supra* note 3, at 24.

ing the beginning of the seventeenth century.<sup>7</sup> At the Synod of Dort in 1618, the Dutch Calvinists officially chose as their dogma the conservative interpretation called "double predestination": God chooses some humans for salvation and chooses others for eternal damnation.<sup>8</sup>

The Dutch considered themselves among the elect due to their commercial and military success. When Jan van Riebeeck, the founder of the first Dutch settlement in South Africa, left on his epic voyage to South Africa, Amsterdam was the commercial center of the world. The United East India Company,<sup>9</sup> for whom Van Riebeeck worked, was the world's largest commercial conglomerate.<sup>10</sup> Its fleet consisted of six thousand ships and it employed approximately forty-eight thousand sailors.<sup>11</sup> Furthermore, in 1648 Holland defeated Spain to end a long and bloody war. This triumph catalyzed the nationalistic and religious passion of the Dutch. Initially, Holland had seemed likely to lose the war. Not only did she seem weaker than Spain, but also the low-lying country suffered from severe flooding during the war.<sup>12</sup> After persevering despite these obstacles, the Dutch often compared themselves to the ancient Hebrews, and saw themselves as reenacting the Exodus.<sup>13</sup> Jacobus Lydius, a seventeenth century Dutch Calvinist, explained an unexpected Dutch victory over the more formidable British military forces in 1688 as having "come about through the eternal covenant made between God and his children below."<sup>14</sup>

## 2. *The Development of Calvinism in South Africa*

Although the first settlers were aware of the idea of being chosen, it is unlikely that this is what first brought them to South Africa.<sup>15</sup> It was not until later, in the late 1800s, that the notion of their chosen status emerged as a well-established motivating factor in Afrikaner nationalism.<sup>16</sup>

<sup>7</sup> SPARKS, *supra* note 2, at 26-27.

<sup>8</sup> *Id.*

<sup>9</sup> The name of the United East India Company in Dutch was *Vereenigde Oostindische Compagnie*. *Id.*, at 25.

<sup>10</sup> *Id.*

<sup>11</sup> LEONARD THOMPSON, *A HISTORY OF SOUTH AFRICA* 33 (1990).

<sup>12</sup> SPARKS, *supra* note 2, at 25.

<sup>13</sup> *See id.* at 25-26.

<sup>14</sup> SIMON SCHAMA, *THE EMBARRASSMENT OF RICHES* 45 (1987) *quoted in* SPARKS, *supra* note 2, at 26.

<sup>15</sup> SPARKS, *supra* note 2, at 28.

<sup>16</sup> *Id.* at 28-29, 31.

a. *The First Settlers*

When Jan van Riebeeck founded the first Dutch settlement in 1652, he was employed not by the Dutch government but by the United East India Company. Van Riebeeck's mission was only to create a settlement that would provide fresh meat and vegetables for Company sailors passing by the Cape on their way to India; he was specifically ordered not to colonize, conquer, or employ the natives.<sup>17</sup>

Van Riebeeck arrived in 1652 with 163 men to run the settlement but was constantly pressured by the United East India Company to reduce the number to 100.<sup>18</sup> In 1656, Van Riebeeck terminated the employment of the first nine. As a form of compensation, he offered them land and a guaranteed market for their produce instead. These "free burghers" soon became involved in a conflict with the *Khoikhoi*<sup>19</sup> whose land they were taking. This conflict resulted in Van Riebeeck claiming title to the disputed *Khoikhoi* land by right of conquest.<sup>20</sup> Despite the fact that the Company no longer employed the "free burghers," it still desired to control their actions. Therefore, the Company placed many restrictions on the "free burghers" which were ignored as the "free burghers" moved even further away from the settlement and claimed more land for themselves.<sup>21</sup>

These first Dutch settlers were for the most part selected by the United East India Company from among the classes of the unemployed, unsuccessful, and uneducated. While they were not religious zealots, little doubt exists that they were familiar with the Calvinist doctrine of predestination, for in Holland, "[e]ven the lowliest of folk feared for their immortal souls in those pious days and went to church or joined great open-air congregations on Sundays, where they would have heard the fire-and-brimstone sermons."<sup>22</sup>

André du Toit asserts that the first Afrikaners did not view themselves as a "chosen people." Instead, he argues that "political mythmakers" re-wrote early Afrikaner history in the late nineteenth century to promote Afrikaner nationalism.<sup>23</sup> In any case, it is clear

<sup>17</sup> *Id.* at 38; THOMPSON, *supra* note 11, at 32.

<sup>18</sup> SPARKS, *supra* note 2, at 38.

<sup>19</sup> *Id.* The *Khoikhoi* were indigenous cattle herders. See *supra* note 17.

<sup>20</sup> *Id.* at 38-39.

<sup>21</sup> *Id.* at 39.

<sup>22</sup> *Id.* at 28.

<sup>23</sup> *Id.* at 28-29.

that the first settlers looked down upon the indigenous Africans, viewing them as in some ways not quite human. As one Wouter Schouten explained in 1665, "[a]lthough descended from our father Adam . . . [the *Khoikhoi*] yet show so little of humanity that truly they more resemble the unreasonable beasts than reasonable man. . . . Miserable folk, how lamentable is your pitiful condition! And Oh Christians, how blessed is ours!"<sup>24</sup>

b. *The Arrival of the British*

In 1799, 150 years after the earliest Dutch settlers,<sup>25</sup> the first British missionaries arrived in South Africa.<sup>26</sup> The Afrikaners hated these missionaries because the missionaries' policy of *gelykstelling*, or equalization, attempted to emancipate the slaves and produce a more egalitarian society.<sup>27</sup> The missionaries established schools and attacked the "unchristian" aspects of tribal life such as polygamy. These attempts to "improve" the indigenous Africans outraged the Afrikaners because they were a direct attack on what the Afrikaners considered to be their natural superiority over the blacks.<sup>28</sup>

In 1820, the first group of British settlers arrived in South Africa. They were the "lucky" five thousand chosen from among the ninety thousand who applied to be given free passage to, and a plot of land in, South Africa. Official reports had promised that the land was "well adapted to cultivation . . . [and] peculiarly fitted for cattle and pasturage."<sup>29</sup> But the settlers soon discovered that the reserved plots were unfit for cultivation.<sup>30</sup> The English govern-

<sup>24</sup> RICHARD ELPHICK, *KHOIKHOI AND THE FOUNDING OF WHITE SOUTH AFRICA* 195 (1985) quoted in SPARKS, *supra* note 2 at 29.

<sup>25</sup> Prior to 1689, there were only 600 Dutch landholders.

In 1689, several hundred French Huguenots who had originally taken refuge in Holland arrived at the Cape. German Protestant immigrants also came to the settlement. Calvinism and common habits brought these groups together in a few generations. Eventually they were to develop a hybrid language, a rough and unsophisticated tongue known as Afrikaans — the African language of white men. It resembled Flemish, but was identifiable as a separate tongue. Their word for farmer was Boer, and so they called themselves.

JIM HOAGLAND, *SOUTH AFRICA: CIVILIZATIONS IN CONFLICT* xxiv (1972).

In this Note, I use the terms "Boer" and "Afrikaner" interchangeably. I use the term "Dutch" mainly to refer to the original Dutch immigrants to South Africa.

<sup>26</sup> The British annexed South Africa in 1795, "wresting it from the flimsy hold of the [United East India Company]." SPARKS, *supra* note 2, at 45.

<sup>27</sup> *Id.* at 67.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 57 (quoting John Benyon in *THE 1820 SETTLERS: AN ILLUSTRATED COMMENTARY* 46-47 (Guy Butler ed., 1974)).

<sup>30</sup> *Id.* at 57.

ment had misled these settlers to use them to create a barrier between the Afrikaners and the blacks who were constantly battling each other for land and cattle. The English hoped that by encouraging settlement in the region, they could stabilize the area without having to send in a militia.<sup>31</sup>

After failing to profitably farm the barren land, some of the British settlers moved to Grahamstown where they returned to their former occupations, thus establishing Grahamstown as an urban area.<sup>32</sup> The farmers who stayed behind were able to incorporate the abandoned farms into estates which were large enough to successfully graze cattle.<sup>33</sup>

### c. *Rising Tensions*

Tension developed between the English settlers and the Afrikaners soon after the English arrived in the Cape and continued throughout the 18th century. Finally, in the early 19th century, the problems worsened. Lord Charles Somerset was the English governor of the Cape from 1814-1826 and introduced an Anglicization policy which included the relatively benign treatment of the blacks. Somerset even created a Circuit Court which was called the Black Circuit by Afrikaners and which adjudicated the complaints of Hottentot<sup>34</sup> servants against their masters.<sup>35</sup> These policies worsened the tensions between the English and the Afrikaners and created much hatred among the Afrikaners towards Lord Somerset.

In 1813, an Afrikaner named Freek Bezuidenhout refused to release a *Khoikhoi* laborer after his work contract expired, withheld his pay check, and retained his cattle.<sup>36</sup> The laborer filed an official complaint and Bezuidenhout was ordered to appear in court. For almost two years, Bezuidenhout refused, and when the Circuit

<sup>31</sup> *Id.* at 58.

<sup>32</sup> *Id.* at 61-62.

<sup>33</sup> *Id.* at 62.

<sup>34</sup> The Hottentots were what the European settlers called some of the *Khoikhoi*, a group of cattle herders. After losing their cattle to the Europeans through either bad trades or blatant plunder, the Hottentots had no choice but to offer their services to the Europeans. Although they were not enslaved as such, they became indentured servants and were not paid enough to ever really leave. Eventually, the *Khoikhoi* were decimated by smallpox. *Id.* at 83-84.

<sup>35</sup> MOODIE, *supra* note 3, at 3 (quoting F.W. REITZ, A CENTURY OF WRONG 92 (1900) ("It was not so much love for the native that underlay the apparent negrophilistic policy as hatred and contempt of the Boer.")).

<sup>36</sup> SPARKS, *supra* note 2, at 92.

Court came to town, he ignored their summons.<sup>37</sup> Because of his refusal to appear before them, the judges sentenced him to one month's imprisonment for contempt of court.<sup>38</sup> When soldiers went to arrest Bezuidenhout, he opened fire and was killed in the ensuing gun battle by a colored soldier.<sup>39</sup>

The Afrikaners were outraged by this perceived insult and instigated a rebellion that was quickly suppressed by the British. Five of the rebels were sentenced to death by hanging. After four of the ropes broke during the first attempt to hang the rebels, they were hanged one after another on the same rope.<sup>40</sup> Both the killing of an Afrikaner by a colored soldier and the shameful deaths of the convicted rebels further enraged the Afrikaners.<sup>41</sup>

Had these been the only incidents, perhaps peace could have been restored to the tense Cape Colony, but in the eyes of the Afrikaners, the indignities continued. Somerset brought in Scottish Calvinist ministers for the DRC churches and reserved all official posts for the English-speaking. After 1825, Somerset mandated that all official documents be written in English.<sup>42</sup> In 1828, Ordinance 50 ended the pass system for the *Khoikhoi* and freed slaves were placed on equal status with whites.<sup>43</sup> Finally, in 1832 slavery was abolished throughout the British empire. Although the British government promised to compensate fully those who had to free their slaves, it did not keep this promise.<sup>44</sup>

#### d. *The Great Trek*

The Great Trek was the Afrikaner's response to the English desire to promote English power and racial equality. Outraged, many Afrikaners opted to leave the Cape and establish their own nation where they could make the "necessary" distinction between racial groups. Anna Steenkamp, the sister of a leader of the *Trekkers* named Piet Retief, explained:

[I]t is not [the slaves'] freedom that drives us to such lengths, [i.e. taking the Great Trek], as their being placed on an equal footing with Christians, contrary to the laws of God and the natural distinction of race and religion, so that it

<sup>37</sup> *Id.* at 93.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 94.

<sup>41</sup> *Id.* at 92-95.

<sup>42</sup> MOODIE, *supra* note 3, at 4.

<sup>43</sup> SPARKS, *supra* note 2, at 83-84.

<sup>44</sup> MOODIE, *supra* note 3, at 4-5.



was intolerable for any decent Christian to bow down beneath such a yoke; wherefore we rather withdrew in order to preserve our doctrines in purity.<sup>45</sup>

The Great Trek proved an extremely hazardous undertaking. The *Trekkers* traveled in horse and buggy over uncharted terrain until they crossed the Drakensberg mountains north of the Cape. There, in February 1838, Dingane, the great Zulu king, reached an agreement with a group of *Trekkers* led by Piet Retief granting large amounts of land to the *Trekkers* for settlement. After signing the agreement, Dingane invited the Afrikaner diplomats to a celebration where his Zulu warriors, or *impis*, killed the Afrikaners.<sup>46</sup> Then, the Zulus attacked the unsuspecting families at the main Afrikaner encampment and slaughtered hundreds more *Trekkers* and their colored servants.<sup>47</sup>

Three months later, in April, an army of over 350 men tried to retaliate against the Zulus but failed.<sup>48</sup> On December 16, at the Battle of Blood River, the Afrikaners avenged the earlier massacre by slaughtering three thousand Zulu warriors while suffering only three injured soldiers of their own.<sup>49</sup> Afrikaners claim that before the battle they made a special covenant with God, pledging that if they were victorious, they would celebrate on that day each year as a tribute to God.<sup>50</sup>

The Great Trek eventually took on tremendous significance in South Africa. In 1938, the powerful *Broederbond*<sup>51</sup> and the Dutch Reformed Church obtained control of the centennial celebrations of the Great Trek to use the history of the Trek to catalyze national-

<sup>45</sup> DAVID HARRISON, *THE WHITE TRIBE OF SOUTH AFRICA* 14 (1981).

<sup>46</sup> SPARKS, *supra* note 2, at 112.

<sup>47</sup> *Id.*

<sup>48</sup> HARRISON, *supra* note 45, at 17.

<sup>49</sup> *Id.* at 17-18. Although Afrikaner history books claim that the squad that beat the Zulus was purely Afrikaner not everyone agrees. George Chadwick, a South African historian who sits on the Board of Trustees at the Museum attached to the Voortrekker Monument, contends that the force numbered around eight hundred, and it included English as well as black and colored soldiers. *Id.* at 17-18.

<sup>50</sup> SPARKS, *supra* note 2, at 112.

<sup>51</sup> The *Broederbond* is an elite organization comprised of successful Afrikaners that came into being in 1919. After going through a careful selection process, a few people are asked to join each year. Among other criteria, these candidates are judged on their religion and their commitment to Afrikanerdom. Many DRC ministers are members of the *Broederbond*.

Although the *Broederbond* is an underground organization, so that no one knows the identity of its members, it was very influential in the creation of apartheid in South Africa. It organized a large conference in 1944 which displayed Afrikaner art, gathered Afrikaner folk songs into one book, and generally promoted nationalism. See generally MOODIE, *supra* note 3, at 97-115; SPARKS, *supra* note 2, at 175-78.

istic fervor. They accomplished this goal by emphasizing the religious nature of the *Trekkers* and their strong stand against the mixing of races.<sup>52</sup>

The Great Trek was also characterized as a re-enactment of the story of the Exodus, in which the Afrikaners—the modern-day Israelites—had to escape from the oppression of the British Pharaoh. The indigenous Africans became the Canaanites of Biblical times.<sup>53</sup> The hardships that the *Trekkers* suffered along their strenuous journey legitimized theories of being chosen by God to be a separate people.<sup>54</sup>

As Rev. T.F. Dreyer pronounced, “God has willed that we must be a separate, independent people.”<sup>55</sup> Anyone who dared break the “pure race tradition” was a sinner.

#### e. *The War of 1881*

After the Battle of Blood River, the Afrikaners settled in Natal and established a republic.<sup>56</sup> Although they had successfully warded off the Zulus, their troubles were far from over. The new problem was the British decision to annex the territory. The Afrikaners refused to submit to British rule and trekked onwards to establish the Republic of the Orange Free State and the Transvaal Republic. For a short time they lived in peace, but then in 1877, under the “pretext of Afrikaner treatment of black Africans,”<sup>57</sup> the British decided to annex the Transvaal Republic. Despite the protests of several thousand Afrikaners, the British proceeded, leaving the Afrikaners with no choice but to submit or declare war against the British. They declared war.

On December 16, 1880, the Afrikaners renewed their covenant with God. “Each one of us, without instructions from the leaders, picked up a stone and threw it upon [a pile]. . . . as a memorial between ourselves and the Lord.” It was a renewal of the vow of

<sup>52</sup> THOMPSON, *supra* note 11, at 162.

<sup>53</sup> MOODIE, *supra* note 3, at 5.

<sup>54</sup> *Id.*

<sup>55</sup> THOMPSON, *supra* note 11, at 162.

<sup>56</sup> As Sparks explains:

Eventually they took two divergent routes, some heading due north into the Transvaal to get as far away from the British as possible, others curving around to the east across the Drakensberg and into Natal in order to establish a seaport so that they would not be dependent on the British colony for their few essential imports of coffee, sugar and gunpowder.

SPARKS, *supra* note 2, at 111; see also MOODIE, *supra* note 3, at 7.

<sup>57</sup> MOODIE, *supra* note 3, at 7.

Blood River.<sup>58</sup> Just as the Afrikaners had defeated the Zulus despite overwhelming odds, they won a similarly surprising victory against the British. These victories were seen as further evidence of the Afrikaners' special status. The idea of being chosen had, in fact, played a strong role in the Afrikaners' understanding of the war.<sup>59</sup> As Piet Joubert, Commandant General of the Afrikaners, said on February 27, 1881 after a battle in which 78 Afrikaners had defeated 700 British soldiers, "God's hand has become noticeable in the history of our nation as never before since the days of Israel."<sup>60</sup>

f. *The Anglo-Boer War*

But the Afrikaners' success was short-lived. In 1886, after gold was discovered in the Rand, the British again tried to take control of the young Boer republic. In 1895, Cecil Rhodes instigated raids into the Transvaal in order to assist in a coup against the Boer government of the Transvaal Republic. The raid and the revolution failed miserably. But the British treated the perpetrators leniently, thereby infuriating the Afrikaners.<sup>61</sup>

Even after the failed raid, the British did not pull back their troops. In 1899, the Afrikaners sent an ultimatum to the British threatening war unless British troops were withdrawn from the Transvaal within forty-eight hours and unless those on the high seas were sent back to England.<sup>62</sup>

The British did not heed the ultimatum and the Afrikaners declared war. Although the Afrikaners won the first three battles, they lost the war. British manpower supplemented by reinforcements from overseas overwhelmed the Boer army. The Afrikaners suffered tremendous casualties, losing over one-sixth of their population during a three year period. Of these, only about seven thousand were killed on the battlefield; the other approximately twenty six thousand people died in concentration camps set up by the British.<sup>63</sup>

Despite their setbacks, the belief that they were a chosen people persisted throughout the war. On December 16, 1900, a "public confession was made of the People's sin . . . [in which] . . . about

<sup>58</sup> See *id.* at 7-8 (quoting J.S. DU PLESSIS, N.D., PRESIDENT KRUGER AAN DIE WOORD 95).

<sup>59</sup> See MOODIE, *supra* note 3, at 8.

<sup>60</sup> SPARKS, *supra* note 2, at 115 (quoting F.A. VAN JAARVELD, THE AWAKENING OF AFRIKANER NATIONALISM 172 (1961)).

<sup>61</sup> THOMPSON, *supra* note 11, at 114-15.

<sup>62</sup> HARRISON, *supra* note 45, at 23.

<sup>63</sup> *Id.* at 8-10.

2,000 persons recognized and acknowledged that the Boer People had been unfaithful to the true Covenant—they had not celebrated the Day in proper fashion during the years of peace.”<sup>64</sup> Military debates among the Afrikaner commanders concerning surrender often centered on religion—not just the more pragmatic military analysis. Although they ended up losing the debate to those who stressed the overwhelming cost of continuing to fight, a strong contingent continued to argue that the war represented a covenant with God that had to continue, whatever the cost. “The war is a matter of faith. . . . Let us again renew our covenant with God. . . . The entire war has been a miracle, and without faith it would have been childish to commence the war.”<sup>65</sup>

Nor did the eventual loss of the Anglo-Boer war of 1899 undermine the Afrikaner conviction that they were a chosen people. If anything, this belief was intensified. The Afrikaners believed that like the suffering of the Hebrews in Egypt, their suffering revealed their uniqueness. They were comforted by the words of John Calvin, who said: “To suffer persecution for righteousness’ sake is a singular comfort. For it ought to occur to us how much honor God bestows upon us in thus furnishing us with the special badge of his soldiery.”<sup>66</sup>

President Paul Kruger wrote in a letter to General Smuts that he should not feel depressed by the defeat his army had suffered. Instead, he suggested that Smuts seek consolation in the book of Job. Kruger explained, “God chastises heavily, but it is not punishment. It is only to purify the People. . . . The Lord knows the time which He has set and at that time He shall come to lead and comfort His people.”<sup>67</sup>

## B. *The Dutch Reformed Church and Its Toleration of Racism*

### 1. *An Overview of the Dutch Reformed Church*

The Dutch Reformed Church was part of the first colony in 1652 at the Cape of Good Hope. For the first thirteen years, however, the settlers had no resident minister. For the administering of sacraments, the Afrikaners had to rely on DRC clergymen who were on their way to or from the East. Special laypersons called *ziekentroosters* were responsible for shouldering many of the other

<sup>64</sup> MOODIE, *supra* note 3, at 33.

<sup>65</sup> *Id.* at 34.

<sup>66</sup> INSTITUTES, *supra* note 4, at ch. 10:5, *quoted in* MOODIE, *supra* note 3, at 12-13.

<sup>67</sup> MOODIE, *supra* note 3, at 37 (quoting D.W. KRUGER, PAUL KRUGER 293-94 (1963)).

religious needs of the community. These "comforters of the sick" had a number of responsibilities, including conducting evening worship, delivering the Sunday sermon, and instructing the young in religion. While the first permanent clergyman was appointed to the Cape in 1665, by 1743 there were still only three permanent ministers in South Africa to attend to the religious needs of four thousand Afrikaners.<sup>68</sup> The dearth of clergy meant that families read and interpreted the Bible independently. This early independence still constitutes an important part of the DRC identity.<sup>69</sup> In 1824, after Britain took over the Cape, the DRC formed its own Synod, marking its independence from the mother church in Holland.<sup>70</sup>

## 2. *The First Missionaries*

Like other Churches in South Africa, the DRC's missionary efforts were different for blacks than for whites. Although this was in part related to the racial nature of South African society, the policy was also consistent with the contemporary theological belief of many Churches that different racial groups had different religious needs. Thus, DRC efforts aimed at black Africans were "mission work", while similar efforts aimed at whites were called "evangelism." While some missionaries supported Africans' rights, the majority looked upon the indigenous Africans as inferior. Many missionaries equated Christianity with Western civilization, and viewed the "heathen Africans" as "savages."<sup>71</sup>

## 3. *DRC Reaction to the Afrikaners' Racism*

Initially, the DRC in South Africa was internally color-blind. The divisions made by the Church concerned civilization, education and class, not race. From 1824 to 1853, the Church "officially ignored racial differences."<sup>72</sup> It was difficult, however, for the Church to maintain this position in light of the Afrikaners' prejudice. The Afrikaners reacted to the indigenous Africans with dis-

<sup>68</sup> J.M. CRONJÉ, *BORN TO WITNESS*, 12-13 (1982).

<sup>69</sup> E. BROWN, *A HISTORICAL PROFILE OF THE NEDERDUITSE GEREFORMEERDE KERK (DUTCH REFORMED CHURCH) IN SOUTH AFRICA* 8, 12 (University of Zululand Publications Series, Ser. III, No. 8, 1973).

<sup>70</sup> *Introducing the D.R.C.*, *supra* note 1, at 1.

<sup>71</sup> Willem Saayman, *Christian Missions in South Africa: Achievements, Failures and the Future*, in *CHRISTIANITY AMIDST APARTHEID* 28, 28-30 (Martin Prozesky ed., 1990).

<sup>72</sup> Johann Kinghorn, *The Theology of Separate Equality: A Critical Outline of the DRC's Position on Apartheid*, in *CHRISTIANITY AMIDST APARTHEID*, *supra* note 71, at 57, 58.

trust and often active dislike. Many thought of the Africans in animalistic terms. As one contemporary magistrate described:

According to the unfortunate notion prevalent here, a heathen is not actually human, but at the same time he cannot really be classed among the animals. He is therefore a sort of creature not known elsewhere. His word can in no wise be believed, and only by violent measures can he be brought to do good and shun evil.<sup>73</sup>

Afrikaners manifested their active dislike of the native population in many different ways. For instance, in 1857, a Scottish minister arrived at Stockenström in the Eastern Cape. Although at the time integrated services were common, the minister did the unthinkable of using a common communion cup. Fifty outraged Afrikaners in the congregation demanded separate cups. The minister refused, saying that there would be no division at the table of the Lord. Infuriated, the Afrikaners responded: "Well, you have the table, but we'll bring our own cup." Eventually these Afrikaners formed their own all-white congregation to avoid these problems.<sup>74</sup>

Subsequently, at the DRC Synod in 1857, the Church decided to tolerate segregated communion. Although they did not endorse the segregation, they felt they had to cater to those "weak" Christians who could not put aside their prejudice. The DRC stated that if, " 'on account of the weakness of some' the cause of the kingdom might suffer, then Christians from different races might be allowed to have separate communion services."<sup>75</sup>

The same "weakness" also motivated the DRC's decision at the Synod of 1857 to allow the creation of separate congregations. The Church stated clearly that it did not approve of this divisiveness, yet it could do little to fight it. In fact, by tolerating separate services, the DRC just reinforced the momentum towards complete segregation.

At the synod of 1857 things at last came to a head and it was decided that ' . . . although it was desirable that our members from the heathen be assimilated into existing congregations . . . 'some who are 'weak' (read: whites) had opposed this and, therefore, ' . . . impeded the propagation of Christianity among the heathen'. Thus, for the sake of

<sup>73</sup> MOODIE, *supra* note 3, at 29 (quoting a magistrate's report from Uitenhage in 1805, quoted in J.S. MARAIS, MAYNIER AND THE FIRST BOER REPUBLIC 73 n.61 (1944)).

<sup>74</sup> HOAGLAND, *supra* note 24, at 46-47 (1972).

<sup>75</sup> SPARKS, *supra* note 2, at 155.

reclaiming white support for mission work, the DRC decided that those Christians from the heathendom would henceforth '... enjoy their Christian privileges in a separate building.'<sup>76</sup>

In 1881, the DRC created the Dutch Reformed Mission Church (DRMC) to unite the new black congregations that had been created by the Synod of 1857. While many black congregations joined the DRMC, two black congregations chose to stay with the DRC. In any case, the DRMC was not an independent group as it still depended on the DRC for clergy and financial support.<sup>77</sup>

For a while, the DRC catered to the racist feelings of its congregations. Despite its own disapproval, the DRC found ways to justify the segregation that many of its Afrikaner members wanted. In the 1920s, however, it seemed that the Church might change its stance from one of passive acquiescence to one of active resistance. An important ecumenical conference was held in Bloemfontein in which the general mission committee stated that "co-operation" between whites and blacks was required for the good of the country. The use of such a word evoked possibilities of equality.

Despite the use of the word "co-operation", the committee also accepted the idea of segregation as long as blacks were separate but equal. After emphasizing the importance of blacks and whites working together, the committee stated that it was not Christian to put constraints on the progress of the blacks, yet concluded that this principle did not prohibit separation as long as all were treated fairly. The report concluded by returning to themes of equality by stating: "This conference, in obedience to the teachings and Spirit of Christ, emphatically emphasizes the divine dignity of natives as men and women created in the image of God. Thus they shall never be used as instruments to be exploited in order to enrich others."<sup>78</sup>

### C. *The DRC Takes an Active Role in the Creation of Apartheid*

These more egalitarian tendencies were short-lived. By 1935, the Church had shifted directions again. For instance, the mission policy of 1935, which was adopted by the Federal Council in 1935, stated:

<sup>76</sup> Kinghorn, *supra* note 72, at 58 (quoting HANDELINGEN VAN DE SYNODE 6:60 (1857) (trans.)).

<sup>77</sup> *Id.* at 59.

<sup>78</sup> *Id.* at 60 (quoting HANDELINGE VAN DIE FEDERALE RAAD 7:50 (1927) (trans.)).

The traditional fear among the Afrikaner of equalisation of black and white stems from his abhorrence of the idea of racial admixture and anything that may lead to it. On the other hand, the Church does not deny the native and the coloured a social status as honorable as they may be able to achieve. Each nation has the right to be itself and to attempt to develop and uplift itself. Thus, while the Church rejects social equality in the sense that the differences between races are negated in the normal run of things, the Dutch Reformed Church would like to promote social differentiation or cultural segregation.<sup>79</sup>

Thus, instead of remaining passive though disapproving, the Church became instrumental in legitimizing racism.

Many social factors help explain this shift. One important factor was the extreme poverty of the Afrikaners after the Anglo-Boer war. Poverty forced many to migrate to the cities where they often lived in racially mixed urban slums. In 1929, a U.S.-financed Carnegie Research Project showed that poverty had attained such vast proportions that one third of the Afrikaners lived below the subsistence level.<sup>80</sup>

A second factor was the rising European nationalism. While not inherently racist, feelings of pride and national identification often could provoke and promote racism.<sup>81</sup> Further, the then-current study of the "science" of racial distinction strongly supported policies based on racial distinction.<sup>82</sup>

A final factor was the social and historical impact of the DRC's ideological understanding of the historical significance of the Great Trek. To many, the Great Trek indicated that Afrikaners would suffer extreme hardship to escape racially liberal policies. Racial isolation thus constituted part of their historical legacy as Afrikaners.

All of these factors led the DRC to embrace the new mission policy of 1935. Nationalism could be understood to advocate an isolation of what was superior. Extreme poverty in racially mixed slums provided evidence of the negative impact of racial mixing. Finally, the Afrikaners could feel that by striving for social isolation, they were continuing their heritage as defined in the Great Trek.

<sup>79</sup> *Id.* at 61 (quoting *HANDELINGE VAN DIE FEDERALE RAAD* 8:99 (1935) (trans.)).

<sup>80</sup> *Id.* at 61.

<sup>81</sup> *Id.* at 61-62.

<sup>82</sup> *Id.* at 60-63.



### 1. *Revising History*

This shift towards legitimizing segregation continued in the late 1930s, as the DRC began re-defining its past. DRC theologians focused on the outcome of the 1857 and 1881 decisions that created separate communion and congregations, rather than on the Church's rationale of begrudging acquiescence. Thus what the DRC had initially accepted as a concession to human weakness was now embraced as God's will.<sup>83</sup>

These historical revisions were important in maintaining the cohesiveness of the Church tradition. In order to prove that the mission policy of 1935 was right and that the one of 1929 was wrong, Church history had to be understood to support the 1935 statement. Otherwise, the mission policy of 1935 could have been understood to reflect only the views of a minority and thus be revised at a later date. Due to the social forces described above, DRC theologians felt the need to be able to understand the 1935 policy as a mere extension of the 1857 and 1881 policies while the 1929 policy would now be understood as dissonant with the continuing tradition.

This revision had very powerful consequences. By combining the various DRC decisions, the resulting policy became immutable. It would now be almost impossible to argue for the DRC to take a more egalitarian stance. Johann Kinghorn explains that, "anybody who advocated the structural unification of the various DR churches, would have to face the question of whether the tradition of separate development since 1857 had been a sin."<sup>84</sup>

### 2. *The Church on the Cutting Edge of Racism*

The DRC began voicing this position loudly. Nine years before apartheid became national policy, the DRC was already professing the Biblical justifications for separation. In 1939, Rev. P.J.S. de Klerk wrote:

Equalisation leads to the humiliation of both races. Mixed marriages between higher civilized Christianized nations and lower nations militate against the Word of God. . . . This is nothing less than a crime, particularly when we take note of the very clear lines of division between the races in our country. The Voortrekkers constantly guarded against such admixture and because of their deed of faith the

<sup>83</sup> *Id.* at 59-60.

<sup>84</sup> *Id.* at 60.

[Afrikaner] nation was conserved as a pure Christian race up to this day.<sup>85</sup>

By 1942 the Church was actively campaigning for racial separation. Church leaders visited Prime Minister General Smuts to pressure him to enact legislation that would result in racial differentiation including forbidding racially mixed marriages and supporting segregated education, industries, and suburbs.<sup>86</sup>

## II. APARTHEID: THE OFFICIAL POLICY

In 1948, the National Party<sup>87</sup> came to power and declared its legitimacy based on religious grounds. God had willed the separation of nations, and had chosen the South African people as an elect group.

### A. *The DRC's Search for Theological Grounding*

The original DRC Mission Policy of 1935 accepted apartheid based only on tradition.<sup>88</sup> Once apartheid became the national policy, the DRC shifted from concentrating on influencing politicians to finding Biblical support for apartheid in order to entrench DRC support for the policy even more deeply.

<sup>85</sup> INSTITUTES, *supra* note 4, at ch. 3:61, quoted in Kinghorn, *supra* note 72, at 62.

<sup>86</sup> Kinghorn, *supra* note 72, at 63.

<sup>87</sup> Founded by Albert Hertzog in 1914, the National Party was formed around the principle of "South Africa first." This was an anti-imperialist slogan which differentiated the National Party from their opposition, the South African party. See generally MOODIE, *supra* note 3, at 70-89.

The leader of the South African party, Jan Smuts, a famous general in the Boer War, had supported the British in South Africa in both World Wars. The pillar platform of the National Party was white South African unity. Although the National Party recognized the English and Dutch as equals it envisioned "the supremacy of the European population in a spirit of Christian trusteeship," which meant "providing the Native with the opportunity to develop according to his natural talent and aptitude." *Id.* at 81 (quoting DANIEL W. KRÜGER, *SOUTH AFRICAN PARTIES AND POLICIES, 1910-1960*, at 71 (1960)).

<sup>88</sup> This is somewhat simplified. Not all DRC-affiliated Churches had accepted racial distinctions; the DRMC stated clearly that there was no Biblical basis for apartheid. There were even dissidents among the white members of the DRC. In 1949, Professor Ben Marais was the only member of the Northern Transvaal Synod who stated that no support could be found within the Bible for racial separation. G.C. Oosthuizen, *Christianity's Impact on Race Relations in South Africa*, in CHRISTIANITY AMIDST APARTHEID, *supra* note 71, at 101, 104-05.

There is dispute as to who used the word "apartheid" first. Dr. D.R. Malan, the prime minister who ushered in apartheid, used the almost unknown word in a speech to parliament on January 25, 1944. Yet Dr. S.J. du Plessis claimed that he voiced it first during the DRC Synod of 1929 as a guiding principle for racial division in the church's missionary work.

### 1. *Early Attempts*

In 1948, the Transvaal Synod accepted a report called *Racial and National Apartheid in the Bible* which was the first major exegetical attempt to ground apartheid in the Bible.<sup>89</sup>

First, the author of the report argued that although the Bible discusses the "unity of humanity," it also discusses "the division of humanity in races and nations as a deed of God." This division was natural and manifested itself in all aspects of life. Thus, God "graced those who obeyed this apartheid."<sup>90</sup> Second, the author claimed that the Bible implicitly but not explicitly supported the notion of trusteeship, of a stronger nation having a duty to take responsibility for a weaker one.

Although the paper sparked a bitter debate, it became the basis for future DRC statements. While it was later revised, the underlying arguments for the Biblical justification for apartheid have remained much the same.<sup>91</sup>

In 1950 at the People's Conference in Bloemfontein, which was attended by church members from all over South Africa, another paper was presented which used Biblical exegesis to support the concept of "Separate Development." The author of the paper claimed that while all individuals were equal within a certain nation, nations themselves were unequal. Some were chosen by God and others were not—an echo of Double Predestination. This concept provided a means for more moderate DRC members to support Afrikaner superiority without having to fully accept the racial creed of individual differences. It suggested that separate development was a necessity to allow each nation to be able to develop to its fullest while "eliminat[ing] . . . conflict and friction . . . [and] unhealthy and unequal competition between the more and less developed."<sup>92</sup> What emerged was "the theology of humanity as equal because of separation."<sup>93</sup> For many, this provided a resolution to the tension between apartheid as defined in 1948 and the Bible's emphasis on equality. Separate development emerged as a key justification for the continued practice of apartheid. It provided a seemingly non-racist religious justification for the DRC to continue supporting apartheid, and it ensured that some of the most nega-

<sup>89</sup> Kinghorn, *supra* note 72, at 64 (discussing *HANDELINGE VAN DIE NEDERDUITS HERVORMDE OF GEREFORMEERDE KERK VAN SUIDE-AFRIKA* 9:279-84 (1948)).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 64.

<sup>92</sup> *Id.* at 67 (quoting *DIE NATURELLEVRAAGSTUK* 5:20 (1950) (trans.)).

<sup>93</sup> *Id.* at 66.

tive aspects of individual racism did not emerge. Although the DRC was blind to black suffering and often indirectly legitimized it, the DRC never thought of itself as supporting, nor did it intend to support, racist policies.<sup>94</sup>

## 2. *Other Biblical Sources of Legitimacy for Apartheid*

Eventually, other Biblical justifications developed. Some DRC theologians claim that God willed the diversity of peoples, and will punish those who attempt to unify them. They cite the Tower of Babel as evidence of the consequences of "foolish" attempts to unify humanity against God's will.

Others cite the Biblical commandment to be fruitful and multiply as proof that God willed human diversity.<sup>95</sup> In addition some claim that the verse, "[w]hen the Most High gave the nations their inheritance, when he separated the sons of men, he fixed the bounds of the peoples according to the numbers of the sons of God"<sup>96</sup> proves the need for separate development in the homelands. For instance, in 1980, this verse was used in internal DRC arguments concerning mixed worship and other issues.<sup>97</sup>

## B. *The First Laws*

Almost immediately after coming to power, the National Party began its project of social engineering. First it enacted laws which forbade inter-racial marriage and inter-racial sexual intercourse.<sup>98</sup> The Group Areas Act of 1950 created different residential areas for different races. The Population Registration Act of 1950 classified all South Africans into particular racial groups. By the end of the 1950s almost all of South African society had been color-coded; entering the wrong bathroom or library constituted a punishable offense.<sup>99</sup>

## C. *DRC Support*

The DRC quickly gave its endorsement to specific apartheid laws. At the Synod of 1949, the DRC supported legislation that

<sup>94</sup> *Id.* at 66-68.

<sup>95</sup> See *Genesis* 1:28.

<sup>96</sup> *Deuteronomy* 32:8 quoted in ZOLILE MBALI, *THE CHURCHES AND RACISM* 191 (1987).

<sup>97</sup> MBALI, *supra* note 96, at 191.

<sup>98</sup> The Immorality Amendment Act expanded a law introduced in 1927 by General Hertzog (the founder of the National Party) forbidding sex between blacks and whites. Immorality Act, S. Afr. Stat. No. 23 (1949) discussed in HARRISON, *supra* note 45, at 170; see also Prohibition of Mixed Marriages Act 55 of 1949.

<sup>99</sup> See generally HARRISON, *supra* note 45, at 169-76.

banned inter-racial sex and marriage. As Dominee J.D. (Koot) Vorster, former moderator of the DRC Cape Synod, stated:

We felt very strongly that we had to preserve our identity, because that is a God-given right that every man has, the black man, the coloured, and the white. God created us differently, and it is to the honour of God that we must preserve that difference. We felt so strongly that we pointed out to people that God gave mankind Ten Commandments and one of them said Honour thy father and mother. That means it is not just a matter of being obedient to your parents. You must also honour your parents and preserve their identity too.<sup>100</sup>

Vorster also supported the Group Areas Act. Vorster even claimed that the Church initiated the idea. "It was very pointed and very clear that the Church wanted separate areas because we believed what the Americans say, 'Good fences make good neighbors.'"<sup>101</sup>

#### D. *DRC Disapproval*

But some elements of the DRC disagreed with the official DRC policy. The DRMC stated that nothing in the Bible justified apartheid. Moreover, even some white members of the DRC dissented. In 1949, Professor Ben Marais, a white member of the Northern Transvaal Synod, stated that no support could be found within the Bible for racial separation.

Also, the DRC resisted some more extreme elements of racial discrimination. For instance, the Native Laws Amendment Bill Clause 29(c), known as the Church Clause, proposed to prohibit "any meeting, assembly or gathering to which a native [sic] is admitted or which is attended by a native . . . without the approval of the Minister given with the concurrence of the urban local authority concerned, which approval may be given subject to such conditions the minister may deem fit."<sup>102</sup> This clause threatened the religious freedom of non-whites and undermined the Church's independence. The churches threatened not to recognize the clause as law, and thus it was never implemented.<sup>103</sup> The DRC's success in rejecting the Church Clause indicates its potential power to influ-

<sup>100</sup> *Id.* at 170.

<sup>101</sup> *Id.* at 171.

<sup>102</sup> Oosthuizen, *supra* note 88, at 109 (quoting Union of South Africa Laws Amendment Bill, 1957, Appendix G, p. 1133, col. 1).

<sup>103</sup> *Id.*

ence South African policy and makes its complicity in apartheid seem even more willful.

#### E. *Separate Development*

In 1958, when Dr. Hendrik Verwoerd, the mastermind of the earlier apartheid legislation, became Prime Minister, he attempted with the help of the DRC to make apartheid seem more morally defensible.

Verwoerd called his policies "separate development" or "positive apartheid." As Verwoerd explained, "separate development" meant that both black people and white people would have the opportunity to flourish in their own nations as God wanted.

Already in 1949, Daniel Malan had established a commission to study the feasibility of implementing apartheid. Five years later, the committee presented their findings in which they advocated the full development of the Bantu regions.<sup>104</sup> To do this, they emphasized that there had to be investment in creating alternative jobs and means to enhance agriculture. They suggested that industry be developed both inside and on the borders of the Bantustans.<sup>105</sup> They also advised that more land be added to the Bantustans. With these measures, the committee believed that the Bantustans could support nine million people by 1981. While six million blacks would still remain in South Africa, the committee hoped that this group would no longer pose a threat as they would no longer constitute a majority in the country.<sup>106</sup>

In 1959, the Minister for Native Affairs wrote the Promotion of Bantu Self-Government Act which gave the Bantu "the possibility of bringing to fullest fruition his personal and national ideals within his own ethnic sphere."<sup>107</sup> It was clear, however, that this bill was not going to accomplish even the suggested goals of the 1954 proposal. Although Verwoerd accepted the principles of this proposal, he decided it was too expensive and that the investment of private white capital would be disadvantageous to blacks. Indeed Verwoerd did very little to accomplish even the more minimal

<sup>104</sup> The apartheid government and many Afrikaners called black people "Bantus." This term denoted both the cultural and racial qualities of the people. See generally SPARKS, *supra* note 2, at 194; HARRISON, *supra* note 45 at 15, 291.

<sup>105</sup> The Bantustans, or homelands, are located on extremely poor land with few natural resources. Practically speaking, subsistence is impossible. The ensuing economic hardship forces many to leave the homelands to try to work in the cities or the mines. See generally SPARKS, *supra* note 2, at 211-12, 375; THOMPSON, *supra* note 11, at 191-94.

<sup>106</sup> See HARRISON, *supra* note 45, at 177-78.

<sup>107</sup> *Id.* at 177.

goals of the Promotion of Bantu Self-Government Act. From 1959-1965, only thirty five industries were developed employing 945 blacks.<sup>108</sup> In addition, ninety eight new industries were built in white areas bordering on black reserves. These "border industries" employed an additional thirty six thousand blacks.<sup>109</sup>

In reality, "separate development" was no different than apartheid. If anything its seeming moderation made it worse, since it sparked less criticism than apartheid. For instance, the pass-law system which restricted black movement in "white" South Africa seemed more legitimate when Afrikaners remembered that the blacks had homelands of their own in which they could move freely.<sup>110</sup> Also, in 1959, universities were forced to refuse admission of blacks because the government had already built tribal colleges for the blacks in their own nations.<sup>111</sup> The claim that separate development actually benefited blacks was able to appease the apprehensions or misgivings that many whites might have felt.

### III. USING RELIGION TO PERPETUATE APARTHEID

From the introduction of apartheid as a national policy, the Dutch Reformed Church used its leverage to strengthen the policy. It gave moral legitimacy to apartheid through the use of Biblical justification. But the Church did not just provide support for the policy, it also became politically intertwined with the National Party.

The Church and the National Party were so closely linked that the DRC was often called the "National Party at prayer."<sup>112</sup> As one cabinet minister said, "[w]hen the party is no longer in good standing with the churches, it will be finished."<sup>113</sup> Allan Boesak, the head of the South African Council of Churches (SACC), said more bluntly, "[i]n South Africa God is white and he votes for the Nationalists."<sup>114</sup> DRC ministers have even told people that not voting for the National Party constitutes a minor sin and a dereliction of duty to the Afrikaner nation.<sup>115</sup>

<sup>108</sup> *Id.* at 178.

<sup>109</sup> *Id.* at 178-79.

<sup>110</sup> See THOMPSON, *supra* note 11, at 193.

<sup>111</sup> *Id.* at 197.

<sup>112</sup> See, e.g., *Religious renounce 'Christian country' concept*, NEGOTIATION NEWS, Dec. 17, 1992, at 6.

<sup>113</sup> MBALI, *supra* note 96, at 81.

<sup>114</sup> ALLAN BOESAK, *THE FINGER OF GOD* 33 (1982) *quoted in* MBALI, *supra* note 96, at 193.

<sup>115</sup> HOAGLAND, *supra* note 25, at 18.

### A. *Church Publications Supporting the Government*

The DRC also continued to publish papers that legitimized apartheid. Yet, the DRC denied that these papers were politically motivated and claimed that they were not intended to support the National Party. It claimed to have no bias for or against apartheid. But this claim seems less plausible in light of the considerable political and economic support the DRC received from the government.<sup>116</sup>

#### 1. *The Ecumenical Synod and Race Relations*

In September 1958, the DRC published a twelve-point statement concerning race relations in South Africa. The Church stated that no race should be treated or considered superior, nor should the Church maintain an attitude that would distance different groups. But simultaneously the Church stated, "[i]n order to progress towards the unity of believers, the efforts of the younger Churches to achieve full ecclesiastical equality with older Churches should be encouraged."<sup>117</sup> This seemingly innocent statement in reality acknowledges and justifies the separation of churches as "younger Churches" clearly refer to the recently converted blacks and "older Churches" clearly refer to the Christ-loving Afrikaners. Even though the DRC claimed that the day will come when white and black churches will be equal, it is hard to imagine such a day since many of the "younger Churches" have already been around for over one hundred years.

At the 1958 Synod, the DRC also supported the government's legislation that prohibited interracial marriage. The Synod acknowledged the lack of exegetical support for this position but provided other reasoned justifications. "The well-being of the Christian community and pastoral care of the Church necessitate, however, that due consideration be given to the legal, social and cultural factors which affect such marriages."<sup>118</sup>

Further, the Church argued elsewhere that religious, social, cultural, and biological differences infringe upon the realization of true happiness. These factors might even prevent the relationship from becoming a union as defined in the Bible. Furthermore, the Church argued that nations as well as individuals were commanded

<sup>116</sup> See *infra* text accompanying notes 140-44.

<sup>117</sup> *Ecumenical Synod and Race Relations*, DUTCH REFORMED CHURCH MONTHLY NEWSL., Sept. 1958, at 1.

<sup>118</sup> *Id.*



to inhabit the earth. Thus nations should "jealously guard the spiritual and cultural treasures which they have acquired in the course of centuries."<sup>119</sup> By implication, racially-mixed marriages would be robbing the nations of their God-given treasures.

## 2. *Statement After the Sharpeville Riot*

On March 21, 1960, the African National Congress and the Pan-Africanist Congress organized a peaceful protest against the pass laws.<sup>120</sup> They told blacks to go to the local police station to be arrested for not carrying their passes. In the ensuing confusion sixty nine demonstrators were killed.<sup>121</sup>

The DRC did not respond immediately to the event. It was only in mid-April after many others had expressed their outrage that the DRC discussed the event in its newsletter.<sup>122</sup> The discussion was clearly intended more for foreigners than for local church members. The statement read:

The unqualified support and encouragement given to one particular section of the population only serves to surrender civilisation and Christianity (as represented by both White and Non-White) to the subversive activities of unscrupulous and irresponsible elements. . . . This necessarily creates the impression that everything done by the non-whites is justified, while every action by the lawful authority stands condemned in advance before world opinion. The slanted picture of South Africa presented by the world press over a long period is a vicious and dangerous game which may eventually be regretted by the nations of the West as much as by the handful of whites in South Africa.<sup>123</sup>

The DRC responded to criticism of the government by hinting at connections between the black demonstrators and communism; they were attempting to capitalize on the then-prevalent fear of communism in the West and align the black demonstrators and critics of the South African government with the communist

<sup>119</sup> *Synods Reject Discrimination*, D.R.C. AFR. NEWS, Oct. 1979, at 1, 3.

<sup>120</sup> See SPARKS, *supra* note 2, at 233. The pass laws required that "[e]very African over sixteen has to carry a passbook at all times. . . . The passbook contains the African's photograph, tribe, an identity number, the signature of his employer, which has to be renewed each month to prove that he is employed, and his tax stamps." *Id.* at 86-87.

<sup>121</sup> *Id.* at 233-35, 242-43, 258.

<sup>122</sup> *Statement on Riots*, DUTCH REFORMED CHURCH MONTHLY NEWSL., Mid-April, 1960, at 1.

<sup>123</sup> *Id.*

party.<sup>124</sup> The DRC then clarified its support of separate development. While they recognized that there might be detrimental effects to this policy, the DRC was clear that the benefits were greater. The ministers' statement said:

The Nederduitse Gereformeerde Kerk has made it clear by its policy and by synod statements in the past that it can justify and approve of the policy of independent, distinctive development, provided it is carried out in a just and honourable way, without impairing or offending human dignity. The Church has also accepted that this policy, especially in its initial stages, would necessarily cause a certain amount of disruption and personal discomfort and hardship, for example in connection with the clearing of slums. The whole pass system must be seen in this light.<sup>125</sup>

To its constituents, the DRC affirmed its responsibility to oppose those who were "trying to create chaos and confusion and . . . [were] retarding the promotion of the real interest of the non-whites." The Church promised that it would *continue* to "promote their highest interest by acknowledged and orderly means." The statement concluded that the Church could never support, despite "real or supposed grievances," the creation of disorder in South Africa.<sup>126</sup>

The message, then, was clear: foreigners should keep out or risk responsibility for promoting communism. Blacks should keep quiet; the Church would protect them. Finally, although separate development might have short term costs, in the long run, its benefits would outweigh its costs.

### 3. *The Soweto Riots of 1976*

On June 16, 1976, a demonstration by South African schoolchildren sparked some of the worst riots in South Africa's history. Thousands of black schoolchildren demonstrated against the government's mandate that half of their classes be taught in Afrikaans. After the police shot and killed one 13-year-old demonstrator,

<sup>124</sup> A few years earlier, 156 leaders of the resistance movement had been arrested and were charged with conspiring to overthrow the government under the influence of communist ideology. See SPARKS, *supra* note 2, at 241-42. Linking the black resistance movement to communism was an often used and effective tool for the government. See, e.g., HOAGLAND, *supra* note 25, at 142-45.

<sup>125</sup> *Statement on Riots*, *supra* note 122, at 2.

<sup>126</sup> *Id.* at 3.

chaos spread across the country. By February 1977, at least 575 had been killed, only five of whom were white.<sup>127</sup>

The DRC responded immediately to these riots by emphasizing the need for patience and by criticizing the use of violence. Rev. Hofmeyr explained that "[t]he riots were not basically a Black-White confrontation."<sup>128</sup>

Dr. Beyers Naudé, Director of the Christian Institute in South Africa and formerly a powerful DRC clergyman, criticized the government reaction as well as the role of the Church in South Africa.<sup>129</sup> In response, the DRC claimed that the Soweto riots were no "rising of the people" because the vast majority of blacks did not participate. Also, those who led the riot did not have the "maturity or judgment to plan and lead a 'people's revolt.'" They were merely "highly emotional [and] susceptible to incitement and ready for an exciting adventure coupled with genuine grievances about language medium."<sup>130</sup>

#### 4. Resettlements

The DRC supported the government's policy of forcibly transferring non-whites from white areas. Despite the pain of leaving land that had been theirs for centuries and the burden of being miles away from work, the DRC saw the moves as a positive development. Rev. A. M. Meiring, moderator of the General Synod of the DRC in the Transvaal, explained, "[s]uch a removal is welcomed as it forms part of the government policy to replace slums by efficient and tidy residential areas."<sup>131</sup>

The DRC continued to emphasize the positive nature of the resettlement. They claimed that it was a "sociological revolution," and that although the new houses built by the government were, "far from palatial . . . they are comfortable and spruce, and if the running water is cold, and the conveniences of a basic simplicity, a sense of new well-being will probably turn this sand into gold."<sup>132</sup> Although they acknowledged that not everyone was happy with the

<sup>127</sup> THOMPSON, *supra* note 11, at 212-13.

<sup>128</sup> *Riots in Black Residential Areas: Reaction of the Church*, D.R.C. AFR. NEWS, June 1976, at 1, 2.

<sup>129</sup> *Message to the Christians of Europe*, D.R.C. AFR. NEWS, Feb. 1977, at 1 (criticizing Dr. Beyers Naudé, *Message to the Christians of Europe*, BBC Broadcast, October 31, 1976).

<sup>130</sup> *Id.* at 2 (quoting Dr. Beyers Naudé, *Message to the Christians of Europe*, BBC Broadcast, October 31, 1976).

<sup>131</sup> *Plea for Higher Wages*, DUTCH REFORMED CHURCH MONTHLY NEWSL., Apr. 1960, at 1.

<sup>132</sup> *Housing Revolution*, D.R.C. NEWSL., Apr. 1966, at 1, 2.

resettlement, they explained: "The inevitable soreheads who complain about the quality of the housing are a marked minority."<sup>133</sup>

In 1984, in response to media criticism, members of the DRC visited both the town from which the blacks were being forcibly removed (Mogopa) and the town to which they were being resettled (Pachsdraai). These investigators reported the resettlement favorably. While acknowledging that there were conflicting estimates concerning the number of people who refused to leave, the DRC report used the estimate of the government.<sup>134</sup> The report notes that although the soil in Pachsdraai was of poorer quality than the soil in Mogopa, there was more land in Pachsdraai than in Mogopa.<sup>135</sup> In addition, the transferred people were compensated for the mineral rights to a diamond mine in Mogopa. These funds were regularly transferred and used to improve living conditions in Pachsdraai.<sup>136</sup>

The report continually emphasized the lawfulness and benefits of the resettlement. The visitors claimed that they saw no churches or schools in Mogopa. Nor, they claimed, was the water supply in Mogopa adequate.<sup>137</sup> Moreover, they claimed that it would be easier to provide Pachsdraai with essential services than it had been in Mogopa because Mogopa had been a black area in the middle of a white area which made it less likely to receive services from the government.<sup>138</sup>

In considering these observations, it is important to note that the DRC representatives visited Mogopa after many people had already left. Many houses had already been bulldozed and some claim that the water supply had been stopped by the government.<sup>139</sup> Thus, the DRC observations of Mogopa were made when Mogopa had been at least partially destroyed and not when it was still a living thriving community. Thus, it is not surprising that they found Pachsdraai a viable alternative to an almost destroyed Mogopa.

<sup>133</sup> *Id.* at 2.

<sup>134</sup> *Resettlement: Mogopa and Pachsdraai*, D.R.C. NEWSL., March-May 1984, at 2.

<sup>135</sup> *Id.* at 1, 2.

<sup>136</sup> *Id.* at 5.

<sup>137</sup> *Id.* at 3, 5.

<sup>138</sup> *Id.* at 3, 4.

<sup>139</sup> *Id.* at 2.

### B. *The Government's Support of the Church*

The Church also enjoyed the fruits of this relationship. DRC ministers often have had a lot of political control. They have driven government policy directly by appealing to the government as representatives of the Church and indirectly through their role and influence in the Broederbond.<sup>140</sup> Additionally, the DRC ministers are likely to head their local school board which gives them considerable power in shaping curriculum and deciding who should be hired to teach. In this way, their ideas are reinforced in the educational structure of the country.<sup>141</sup>

In an event called the Information Scandal, the DRC's Department of Ecumenical Affairs admitted that it had received secret government money to fund publications that claimed to offer a more objective view of South Africa.<sup>142</sup> The DRC stated unequivocally that the ecumenical office was not created by the Department of Information but was just an intensification of work they had always been doing, although prior to more intensive funding they only did so on a part-time basis. But in light of the critical importance of this period in South African history, the Church had decided that a full-time office was necessary.<sup>143</sup>

Initially, the Church claimed to have appealed to its own members to raise the necessary money. When their fundraising efforts were insufficient, they accepted the offer of funding from the Department of Information. While the Church had received government money in the past to pay for visitor programs, now the government specified that the donor had to remain anonymous. The Church later made a formal statement that it was an error to have accepted the money.<sup>144</sup>

<sup>140</sup> See HOAGLAND, *supra* note 25, at 47-48; see also Kinghorn, *supra* note 72, at 63; HARRISON, *supra* note 45, at 140-47, 170-72; see generally *supra* note 51.

<sup>141</sup> HOAGLAND, *supra* note 25, at 47; cf. HARRISON, *supra* note 45, at 199-201.

<sup>142</sup> The Information Affair was a large scale-propaganda plan to improve South Africa's image in the world. Dr. Eschel Rhoodie suggested and then implemented a plan where large amounts of money were spent buying favors from the foreign press and officials to ensure that they would portray a positive image of South Africa. The scheme cost the South African taxpayers millions of dollars and lasted from about 1973 to 1978. The subsequent scandal brought down then-Prime Minister Vorster and his apparent successor, Dr. Donnie Mulder. See HARRISON, *supra* note 45, at 227-46.

<sup>143</sup> *Ecumenical Department of the D.R.C. and the "Info" Funds*, D.R.C. AFRICA NEWS, August 1979, at 1.

<sup>144</sup> *Id.* at 2. In addition, it was also proven that government funds were used to establish two right-wing Christian groups to oppose the World Council of Churches and the South African Council of Churches. See *The Enemies Within: RWCG's*, CRISIS NEWS, Nov. 1988, at 9.

## IV. RELIGIOUS CRITIQUES OF APARTHEID

While the DRC was using the Bible to support apartheid and the National Party, other Christians were using the Bible to challenge South Africa's leaders. For every Biblical text the National Party cited to justify apartheid, these other Christians cited texts to undermine it.

A. *Challenging the DRC's Interpretation of the Bible*

In a letter to President Botha in 1988, Archbishop Desmond Tutu cited the Bible as supporting the notion that all are created in the image of God and that togetherness and fellowship are important.<sup>145</sup> Tutu elaborated on the Biblical foundations for togetherness. "Christ has effected reconciliation between God and us and amongst ourselves for 'He is our peace.'" <sup>146</sup> Tutu claimed that the apartheid policy of separating people by skin color violates the Bible in that it does not treat people as if they are created in the image of God, nor does it promote community.

Tutu also cited Biblical criteria for judging a nation: "[I]t would not be through observance of narrowly defined religious duties but by whether they had fed the hungry, clothed the naked, visited the sick and imprisoned."<sup>147</sup> Tutu suggested that South Africa had not met these standards. Instead of helping the poor, apartheid only imprisoned them in their misery.

B. *Religious Condemnation of Apartheid*

Eventually, many Churches concluded that apartheid was heresy and should be condemned. In December 1960, after the Sharpeville massacre<sup>148</sup>, South African members of the World Council of Churches (including the DRC) met to discuss race relations. They passed twenty-seven resolutions, which ranged

<sup>145</sup> Letter from Desmond Tutu to P.W. Botha (Apr. 8, 1988) in *CRUCIBLE OF FIRE* 157 (Jim Wallis & Joyce Hollyday eds., 1989).

<sup>146</sup> Desmond Tutu, *Afterword: A Christian Vision of the Future of South Africa*, in *CHRISTIANITY AMIDST APARTHEID*, *supra* note 71, at 233, 236 (quoting *Ephesians* 2:14).

<sup>147</sup> Letter from Desmond Tutu to P.W. Botha, *supra* note 145, at 159 (citing *Matthew* 26:31-46).

<sup>148</sup> The Sharpeville massacre occurred on March 21, 1960. Hundreds of blacks gathered peacefully to protest the pass laws. In the ensuing events, the police opened fire and sixty-nine people were killed and 180 were wounded. The bloodshed at Sharpeville caused many blacks to believe that change could not be achieved through peace and that armed resistance was the only way South Africa would ever change. It was in reaction to the Sharpeville massacre that the ANC also decided to renounce nonviolence because it seemed futile. In 1961, Nelson Mandela and other ANC leaders formed *Umkhonto we Sizwe*, the guerrilla arm of the ANC. See generally SPARKS, *supra* note 2, at 233-44.

from mere observations to directions for the future actions of the Church and many of which seem to oppose policies of segregation.<sup>149</sup>

For example, some resolutions criticized migrant labor and the low wages that non-whites received; other resolutions argued that there was no principled reason to prohibit non-whites from participating in parliament.<sup>150</sup> Some resolutions warned about the dangers of nationalism, and the responsibility the Church had to direct national movements to just ends. Most strongly, one resolution condemned apartheid within the Church. "No one who believes in Jesus Christ may be excluded from any church on the grounds of his colour or race."<sup>151</sup>

The delegates of the NHK, however, would not accept the official statement of the World Council of Churches. They rejected integration in any form and refused to support such radical resolutions. The DRC delegates of the Cape Province and Transvaal claimed that a policy of differentiation could be defended from a Christian perspective, and that separate development was the only realistic solution to the racial problems in South Africa.<sup>152</sup>

The conference ignited controversy in South Africa. One pro-government newspaper, *Die Transvaaler*, criticized the conference, saying, "the consistent application of these principles would lead to the complete collapse and disappearance of Christianity at the southern point of Africa."<sup>153</sup> Several parish councils of the DRC passed resolutions rejecting the conference resolutions and asking the DRC to withdraw from the World Council of Churches.<sup>154</sup> Even Prime Minister Verwoerd publicly voiced his disapproval but stressed that since delegates and not a Church Synod had sponsored the resolutions, "the voice of the churches ha[d] still to be heard."<sup>155</sup> In private, Verwoerd put pressure on the DRC to change its position, and by May 1961, the DRC and the NHK had resigned from the World Council of Churches.<sup>156</sup>

<sup>149</sup> *Outcome of Consultation*, DUTCH REFORMED CHURCH MONTHLY NEWSL., Jan. 1961, at 2.

<sup>150</sup> *Id.* at 3.

<sup>151</sup> *Id.* at 2.

<sup>152</sup> *Id.* at 3; see also *Conference Causes Controversy*, DUTCH REFORMED CHURCH MONTHLY NEWSL., Mar. 1961, at 3.

<sup>153</sup> See *Conference Causes Controversy*, *supra* note 152, at 2.

<sup>154</sup> *Id.* at 3.

<sup>155</sup> *Id.* at 1-2.

<sup>156</sup> See SPARKS, *supra* note 2, at 283-84.

Religious criticism of apartheid intensified in succeeding years. In 1968, the SACC labeled apartheid a "pseudo gospel in conflict with Christian principles."<sup>157</sup> In 1982, the Anglican Church and the World Council of Churches declared apartheid heresy.<sup>158</sup>

### C. *Liberation Theology*

#### 1. *Liberation Theology—An Overview*

Liberation theologians did not just criticize the apartheid regime theoretically; they believed that the lessons of the Bible should motivate more radical action. They focused not only on eternal salvation but also on improving conditions in the here-and-now.<sup>159</sup> "It is the truth that must be done, not only thought out."<sup>160</sup> The truth, according to Liberation theologians, is equality and justice.

The Spirit of the Lord is upon me, because he has anointed me to preach good news to the poor. He has sent me to proclaim release to the captives and recovering of sight to the blind, to set at liberty those who are oppressed, and to proclaim the acceptable year of the Lord.<sup>161</sup>

Like the Afrikaners, the liberation theologians also focus on the story of the Jews fleeing Egypt.<sup>162</sup> But to liberation theologians, the central message is the promise of freedom, not the notion of being God's "chosen" people. As God said to Moses from the burning bush,

I have seen the miserable state of my people in Egypt. I have heard their appeal to be free of their slave drivers. Yes I am well aware of their suffering. I mean to deliver them out of the hands of the Egyptians . . . [S]o come, I send you to Pharaoh to bring the sons of Israel, my people, out of Egypt.<sup>163</sup>

<sup>157</sup> THOMPSON, *supra* note 11, at 204.

<sup>158</sup> C.G. BAETA, *THEOLOGY AS LIBERATION* 8-9 (1983).

<sup>159</sup> SPARKS, *supra* note 2, at 286.

<sup>160</sup> BAETA, *supra* note 158, at 11 (citing *John* 3:21).

<sup>161</sup> *Luke* 4:18-19, quoted in BAETA, *supra* note 158, at 12.

<sup>162</sup> *Exodus* also provides one of the arguments the National Party cites in justification of apartheid. Afrikaners compare their flight from the English and their settlement in Africa with that of the Israelites. They see these similarities as providing evidence of their "chosen" status. See MOODY, *supra* note 3, at 5; see also text accompanying notes 4-14.

<sup>163</sup> *Exodus* 3:7-10, quoted in Mokgethi Motlhabi, *Liberation Theology: An Introduction*, in *LIBERATION THEOLOGY AND THE BIBLE* 1, 6 (Pieter G.R. de Villiers ed., 1987).



## 2. *Prominent South African Liberation Theologians*<sup>164</sup>

### a. *Beyers Naudé*

Beyers Naudé was a prominent Afrikaner DRC minister and member of the Broederbond, South Africa's elite underground fraternal organization. He was extremely well-connected and seemed destined to become prime minister of South Africa.<sup>165</sup> In 1963, however, Naudé resigned from the Church because of its stand on apartheid.<sup>166</sup>

Naudé divides his "conversion" process into three stages. First, as a student it never occurred to Naudé to challenge the Biblical basis of apartheid. Then between 1955 and 1957, he studied on his own and concluded that apartheid had no valid Biblical basis.<sup>167</sup> The second phase occurred when he visited the black areas and realized for the first time how apartheid affected people.<sup>168</sup> The third phase occurred after the massacre at Sharpeville in 1960, when Naudé concluded that he could "not allow this situation to continue any longer."<sup>169</sup>

At the root of Naudé's faith lies the idea of experience. Naudé believes that the message of the Bible is to be open to suffering, to identify with it, and to struggle to overcome it. One should not just write about hunger but should truly understand it. South Africans must, he believes, fight for their own liberation.<sup>170</sup>

Naudé was censored, defrocked, harassed, banned for seven years and placed under house arrest. Still, Naudé continued to fight to support the downfall of the apartheid regime.<sup>171</sup>

### b. *Archbishop Desmond Tutu*

Recipient of the 1984 Nobel Peace Prize and the first black Anglican Archbishop of Cape Town, Desmond Mpilo Tutu has been among the most visibly active Christians in South Africa. Tutu has held several positions within the Church, including asso-

<sup>164</sup> Other prominent South African theologians worth noting include Allan Boesak, moderator of DRMC and president of the World Alliance of Reformed Churches, and Frank Chikane, General Secretary of the SACC. See, e.g., *CRUCIBLE OF FIRE*, *supra* note 145, at 23-32, 41-62, 71-81.

<sup>165</sup> See SPARKS, *supra* note 2, at 284.

<sup>166</sup> *To Love When Others Hate: A Journey of Obedience to God, An Interview with Beyers Naudé*, in *CRUCIBLE OF FIRE*, *supra* note 145, at 103, 103-17.

<sup>167</sup> *Id.* at 104.

<sup>168</sup> *Id.* at 105.

<sup>169</sup> *Id.* at 106.

<sup>170</sup> *Id.* at 108.

<sup>171</sup> See *id.* at 108-10.

ciate director for the World Council of Churches and general secretary of the South African Council of Churches. As Archbishop of Cape Town, Tutu is the head of South Africa's Anglican Church.<sup>172</sup>

Archbishop Tutu has been an outspoken opponent of apartheid for many years. He has criticized apartheid in national and international forums, and has been criticized by many who accused him of abusing his religious position. Some of his critics dismiss him as a mouthpiece for the African National Congress and an advocate of Marxism. Yet Tutu has asserted that he is a theologian first. In a 1988 speech, he said:

I stand here before you as a church leader. Now that must take first prize for labouring the obvious. But is it so obvious? You would have thought that for reasonably intelligent people it would really be an insult to their intelligence to make this point. But my dear friends, you know that there are many in this land who proclaim loudly and incessantly that despite all appearances to the contrary, I really am a politician trying very hard to be an Archbishop and there is a concerted campaign to vilify and discredit us and often this campaign has thrown up some delightful stories.<sup>173</sup>

## V. EFFECTING CHANGE

In order to focus the ideological shift towards an emphasis on action, the progressive Church leaders had to develop a program. They had to address numerous questions: How does one actually change the situation in South Africa? What constitutes legitimate action and what does not?

### A. Sanctions

One of the strongest actions the liberation theologians supported was sanctions. They believed that bringing international attention to apartheid while crippling the South African economy could be a powerful instigator of change.

To many Christians, sanctions also offered the possibility of nonviolent change in South Africa. In 1985, the SACC sponsored a national conference in which they called for disinvestment and economic pressure to end apartheid. In the following year, the SACC adopted the Harare Declaration calling for comprehensive

<sup>172</sup> See generally SHIRLEY DU BOULAY, TUTU: VOICE OF THE VOICELESS 17, 210 (1988).

<sup>173</sup> Desmond Tutu, *Human Rights in South Africa*, MONITOR: HUMAN RIGHTS IN SOUTH AFRICA (Special Issue), 1988, at 35-36.

mandatory sanctions.<sup>174</sup> Finally, in 1988, Archbishop Tutu, Beyers Naudé, Frank Chikane and Allan Boesak went to the United States to appeal for financial sanctions. They explained, "[i]t is well known that we believe that, short of taking up arms, the application of various forms of economic and diplomatic pressure is the only way in which those outside South Africa can force the government to sit down and talk to our people."<sup>175</sup>

Not surprisingly, the government and more conservative Churches like the DRC condemned sanctions as immoral. Yet even Alan Paton, a famous South African writer and an opponent of apartheid, asked Archbishop Tutu:

I do not understand how your Christian conscience allows you to advocate disinvestment. I do not understand how you can put a man out of work for a high moral principle. It would go against my own deepest principles to advocate anything that would put a man—and especially a black man—out of a job.<sup>176</sup>

## B. *Defiance*

Another important idea supported by some in the struggle against apartheid was that in a state as unjust as South Africa, its laws need not, and indeed *should* not, be followed.

In June 1988, Desmond Tutu, Allan Boesak, Beyers Naudé and twenty two other clergy representing sixteen Christian denominations called on all Christians to boycott the October 26 elections in blatant defiance of the government's state of emergency restrictions.<sup>177</sup> They declared, "[t]he truth cannot be bound by unjust laws. By involving themselves in the elections, Christians would be participating in their oppression or the oppression of others."<sup>178</sup> They said that because the elections were not democratic, Christians should not participate.<sup>179</sup>

In 1992, the South African Council of Churches became even more aggressive. At a National Conference, it decided that since there could be no confidence in the state—especially the police—Christians had to demonstrate the illegitimacy of the regime.<sup>180</sup> In response to what Church leaders felt was a "deadlock occasioned

<sup>174</sup> *The Church and Sanctions: What Role for the Church?*, CRISIS NEWS, Dec. 1988, at 2.

<sup>175</sup> *Id.*

<sup>176</sup> *There is a Moral Argument Against Sanctions*, AIDA PARKER NEWSL., June 1990, at 20.

<sup>177</sup> THOMPSON, *supra* note 11, at 239.

<sup>178</sup> *Id.*

<sup>179</sup> DON'T VOTE SAY CHURCH LEADERS, *Crisis News*, August 1988 at 1-2.

<sup>180</sup> *See Churches say 'defy unjust laws'*, ANTI-APARTHEID NEWS, July-Aug. 1992, at 9.

by the government's unwillingness to accept genuine democratic processes,"<sup>181</sup> they urged disobedience of unjust laws.

Archbishop Tutu explained that while obedience to just laws provides the essence of a well-functioning society, no obligation exists to follow unjust laws. He stated:

When laws are unjust then Christian tradition teaches that they do not oblige obedience. Our Lord broke not just human law but what was considered more serious, He broke God's law in order to meet human need—as when He broke the law of the Sabbath observance (John 5:8-14). He . . . engaged in a defiance of that secular authority [Pontious Pilate] when He refused to answer his questions (Mark 15:3-5).

. . . We were mindful too of what the apostles said to the Jewish Sanhedrin, that obedience to God takes precedence of obedience to human beings (Acts 4:19, 5:29).

We accept wholeheartedly St. Paul's teaching in Romans 13—that we should submit ourselves to earthly rulers. Their authority however is not absolute. They themselves also stand under God's judgement as His servants. . . . The ruler is God's servant to do the subjects good (Rom. 13:4).<sup>182</sup>

South African Church leaders also suggested that white Afrikaners not join the South African Defense Force (SADF). Although South African law required that all eighteen-year-old males perform military service, one could refuse if the state approved of the individual's reason for refusing. If the person said he would not serve SADF because he was a pacifist then he would be required to do community service. If he refused to fight because he did not support the SADF then he faced up to six years in prison. Charles Bester was one of the few Afrikaner males who risked six years in prison. He explained, "I am fully aware that I am breaking the law of the land, and I have no guilt in doing so. After studying Christ's commandments and seeking God's calling in prayer, I personally cannot be obedient to this law and to God's calling."<sup>183</sup>

### C. Violence

After numerous non-violent efforts at changing South Africa, some progressive Church leaders became even more radical. In

<sup>181</sup> *Id.*

<sup>182</sup> Letter From Desmond Tutu to P.W. Botha, *supra* note 145, at 160.

<sup>183</sup> *6 Years Jail for Believer Who Cannot Serve Two Gods?*, CRISIS NEWS, Nov. 1988, at 12.

the face of a deeply entrenched evil that many refused to let die, some clergy members felt that no alternative remained but violence.

### 1. *The Kairos Document and Lusaka Statement*

Published in 1985, and signed by 150 people from South African Churches including some Afrikaners, the Kairos Document was one of the most radical statements South African liberation theologians had ever published.<sup>184</sup> It clearly articulated their condemnation of apartheid and the obligation Christians had to eliminate it.

The authors of the Kairos document claimed that a majority of South Africans view the government as tyrannical and that the Christian tradition supports the right to resist tyranny. Furthermore, Christians are responsible to fight for change. "Christians, if they are not already doing so, must quite simply participate in the struggle for liberation and a just society."<sup>185</sup> The Church's duty is not just to provide guidance but also to provide motivation.

The Lusaka Statement of 1987 developed these ideas even further. In this statement, the theologians claimed that the legitimacy of any government depended on whether it followed the Biblical imperative to do justice. Thus, the South African government was illegitimate because it failed to "do justice." Since the government's laws were those of a tyrant, Christians had a duty to remove the government from power.<sup>186</sup> "While remaining committed to peaceful change we recognize that the nature of the South African regime which wages war against its own inhabitants and neighbors compels the movements to the use of force along with other means to end oppression."<sup>187</sup>

### 2. *Criticism*

The Lusaka statement and Kairos Document sparked a lot of controversy. In response to the Kairos Document, the DRC cited *Romans* 13 as evidence that God insisted that humans obey the laws of their rulers. The DRC believed that the Church should not pro-

<sup>184</sup> See generally SPARKS, *supra* note 2, at 287-89 ("Kairos is a Greek word meaning 'moment of truth,' and the declaration about this Kairos in South Africa stands as the clearest and most comprehensive exposition of the new theology offered so far.")

<sup>185</sup> THE KAIROS DOCUMENT: CHALLENGE TO THE CHURCH - A THEOLOGICAL COMMENT ON THE POLITICAL CRISIS IN SOUTH AFRICA 48 (1986).

<sup>186</sup> Charles Villa-Vincencio, *When Violence Begets Violence: Is the Armed Struggle Justified?*, in CHRISTIANITY AMIDST APARTHEID, *supra* note 71, at 193, 200, 203.

<sup>187</sup> *Id.* at 193, 200.

mote disobedience. "Synod rejects the attempt of the Kairos Document to degrade the church to an arm of the revolution. Therefore Synod resolves that 'the congregations of the church should disassociate themselves from any attempt to politicize the activities of the church . . . or any participation in so-called civil disobedience.'" <sup>188</sup>

The Aida Parker Newsletter (APN), a conservative Christian publication, condemned the Kairos Document as "one of the most reprehensible publications ever produced in South Africa. . . . Simplistic, controversial, heavily reliant for its inspiration on doctrinaire Marxism, this displayed an irrational preference for revolution as opposed to gradual political reform."<sup>189</sup> It continued, "Kairos, in short, was saying that the Church backed cruelty, degradation and death. By any standards, this was a wicked, perverted and thoroughly evil 'theology.'" <sup>190</sup>

Many condemned the Lusaka Statement as anti-Christian. In a 1991 paper, scholars accused the Lusaka statement of being the root of much of the violence in South Africa.<sup>191</sup> They felt that at the time the Lusaka statement was written, non-violent options to end the conflict had increased chances for success. One Church delegate who did not endorse the Lusaka statement explained, "I could not vote for the implication that taking up arms is something in which one had no choice." Another dissenter said, "I could never again preach about forgiveness and love."<sup>192</sup>

Inkatha leader Mangusto Buthelezi, who objected to the Lusaka statement, explained, "[w]hen people lash out and kill because they are oppressed, to me that makes them the final victim of oppression and incapable of loving."<sup>193</sup>

### 3. *A Reaction to Criticism*

The authors of the Kairos Document anticipated much of this criticism and countered it in their discussion of the inherent bias in the definition of violence. They explained that what the whites

<sup>188</sup> *Kairos Document Rejected*, DRC NEWS, July-Dec. 1988, at 3.

<sup>189</sup> *SA's Gospel of Violence*, AIDA PARKER NEWSL., Aug. 1992, at 8.

<sup>190</sup> *False Prophets Teach Gospel of St. Marx*, AIDA PARKER NEWSL. FACTSHEET NO. 4, May/June 1991, at 3.

<sup>191</sup> See *id.* at 5; see also John Kane-Berman, *Churches and the 'whirlwind of violence'*, RACE REL. NEWS, Apr. 1991, at 5.

<sup>192</sup> *Id.*

<sup>193</sup> MANGOSUTHU G. BUTHELEZI, SOUTH AFRICA: MY VISION OF THE FUTURE 109 (1990). Yet, Buthelezi and his Inkhatha Freedom Party have been heavily involved in violence. See, e.g., THOMPSON, *supra* note 11, at 230.

do—the forced removals, the harsh work situations, the severe beatings—is at times called excessive, but never violent. Blacks, on the other hand, are called violent for throwing stones and killing collaborators.<sup>194</sup>

Archbishop Tutu noted that just-war theory had been used by the Church historically to support violence—most recently as a justification for fighting Hitler in World War II. Tutu believes that the condemnation by some Western Churches stemmed from racism: “[W]hen it comes to the matter of black liberation the West and most of its church suddenly begins to show pacifist tendencies.”<sup>195</sup>

According to Tutu, violence was chosen only when no other option worked.<sup>196</sup> As Charles Villa-Vicencio explains, “[I]f the Church is opposed to the armed struggle it has an obligation to provide an alternative means to set the oppressed people free.”<sup>197</sup>

#### D. *Focus on the DRC*

Initially, the DRC was unwilling to take this criticism seriously. To do so would have been to question some of its most fundamental teachings. Apartheid was not merely a political system affecting a country in which the DRC thrived; it was a system that could not have existed without the support of the DRC. Thus, even when the DRC became more critical of the government, it never went so far as to condemn apartheid as a system.

##### 1. *The Utter Incomprehensibility of Criticism*

Criticism from within the DRC at first seemed unfathomable. Afrikaners had been taught from infancy that apartheid reflected God's will. Not only did they consider it justified, but many felt that “separate development” gave black Africans a better chance to flourish. The Church never expressed any doubt because it gave such absolute support to the state.

Beyers Naudé described the total and complete support the Church had for the state. His words elucidate how difficult it was for any theologian to critique apartheid:

After four years of academic study, I continued with four years of theological study. During all those years, the ques-

<sup>194</sup> Villa-Vicencio, *supra* note 186, at 193 (quoting THE KAIROS DOCUMENT, *supra* note 185, at 31).

<sup>195</sup> *Id.* at 203.

<sup>196</sup> *Id.*

<sup>197</sup> *Id.* at 206.

tion of apartheid being Biblically unjustifiable never arose. Apartheid was simply taken for granted: The Bible supported apartheid, the Bible blessed it, and the Bible sanctioned it. And I never questioned this in any way critically, because I'd assumed that it was something that had been properly thought through.<sup>198</sup>

## 2. *The First Criticisms*

Yet as national and international condemnations of apartheid grew, the Church's attitude started to change. Already in 1961, a group of DRC theologians wrote a collection of essays that refuted apartheid on Biblical and moral grounds and criticized South African nationalism.<sup>199</sup> Ds. M.J. Redelinghuys wrote that Afrikaners had turned "Afrikaner nationalism and with it Apartheid, into an idol . . . [and] nationalism has become more important to us than the Lord Jesus Christ."<sup>200</sup>

## 3. *1986 Church and Society*

Later, in 1982, the Church appointed a commission to revise its 1974 policy which had embraced the separation of the races. The work was debated and then adopted by the General Synod of 1986. It was published as *Church and Society*, and stated that the DRC "is convinced that the application of apartheid as a political and social system which does injustice to people and which leads to one group being unjustifiably privileged above another, cannot be accepted on Christian ethical grounds."<sup>201</sup> The Synod also decided to open up public worship and membership to people of all races. Prof. J.A. Heyns, Moderator of the General Synod, stated clearly that the Synod had not been influenced by outside forces, but had come to its conclusions by considering the effects of apartheid.<sup>202</sup>

In addition, the DRC criticized many social policy issues—particularly labor issues. Equal pay for equal labor and a worker's right to join labor unions were advocated. While the DRC recognized the economic benefits of migrant labor, it also noted its negative effects, particularly the disintegrating effect on family life, and

<sup>198</sup> *To Love when Others Hate*, *supra* note 166, at 104.

<sup>199</sup> MOODIE, *supra* note 3, at 290; *see also* General Synod Dutch Reformed Church-October 1986: Extract from Resolution Register, DRC News, July-Dec. 1986, at 2, 3.

<sup>200</sup> M.J. Redelinghuys, *The Church in South Africa in Delayed Action! An Ecumenical Witness from the Afrikaans Speaking Church* 78, 97 (A. S. Geyser et al. eds., 1960).

<sup>201</sup> Kinghorn, *supra* note 72, at 71 (quoting CHURCH AND SOCIETY 2:47 (1986) (trans.)).

<sup>202</sup> *A Pastoral Word: Moderator DRC Church- Prof. J. A. Heyns- Accepted by Synod*, DRC News, July-Dec. 1986, at 4



concluded that migrant labor should be limited or eliminated.<sup>203</sup> This condemnation of migrant labor is significant because it implies a critique of the policy of black "homelands"—or Bantustans—which had been the primary source for migrant laborers and had been an important component of apartheid. Since the Bantustans did not have adequate resources to support their dense populations, a drastic change in migrant labor policies would have effectively doomed the existence of the artificial Bantustans.<sup>204</sup>

Although the DRC received much internal support for *Church and Society*, there was also some dissension. The statement created a schism within the Church as a small group of right-wing theologians split off and formed their own separate Church, the "Afrikaans Protestant Church." Most members of the DRC, however, remained loyal to the Church. Other opponents of the document formed the Dutch Reformed Association within the DRC to pressure the 1990 Synod to nullify the document.<sup>205</sup>

#### 4. *How Deep Was the Church's Critique?*

While this change in the DRC was significant, it was still limited. The DRC allowed blacks to be members, but did not join the white churches to the colored churches (the DRMC) or to the black churches. In the revised *Church and Society* statement of 1990, the Synod states that such a union would be ideal and states that efforts will be made to achieve this goal. It emphasized, however, the complications involved if the Church also wanted to consider the spiritual needs of all its members including their diversity of culture and language.<sup>206</sup>

In 1987, the DRC decided that although apartheid deserved condemnation, consensual differentiation in society was acceptable. "The General Synod of 1985 did not intent [sic] to pronounce judgment out of hand and in an unqualified manner on apartheid as a specific political policy. The Synod would have exceeded its

<sup>203</sup> *Id.* at 7.

<sup>204</sup> Under apartheid, blacks were forced to live in homelands called Bantustans that did not have adequate resources to support their dense populations, leaving blacks with little choice but to seek work as migrant laborers. Outlawing migrant labor would have effectively doomed the existence of the Bantustans. See *supra* text at notes 104-108.

<sup>205</sup> See Kinghorn, *supra* note 72, at 70; *Church and Society: Accepted by vast Majority-Rejected by Small Minority*, DRC News, July-Dec. 1986, at 11-12; *Standing Committee Appeals to Objectors*, DRC News, July-Dec. 1986, at 12. The efforts to nullify *Church and Society* at the 1990 Synod were unsuccessful as the 1990 Synod revised the document to more firmly oppose its past support of apartheid. See *Church and Society 1990: Implications For the Road Ahead*, DRC News, June 1991, at 1, 1-3.

<sup>206</sup> *Life and Work of the DRC*, DRC News, Nov. 1991, at 6, 9-10.

competency if it had condemned apartheid in an unqualified manner."<sup>207</sup>

Although the DRC condemned the apartheid policy as a whole, it still condoned differentiation based on race. In 1990, the DRC acknowledged that it had erred in judging apartheid too much on its theoretical justifications instead of judging it on how it functioned in society.<sup>208</sup> Its subsequent condemnation was based on its practical effect rather than on its theoretical justifications. Furthermore, the Church criticized the fact that under the apartheid regime the right to remain faithful to one's tradition "was extended to become a political ideology of apartheid as a system for the protection of the white minority's own interests to the detriment of others."<sup>209</sup> This too seems to imply that the DRC believed that apartheid *per se* was not a problem, but it was only the particular South African apartheid policy which became a problem.

The DRC also continued to maintain its opposition to violent change. Although the DRC admitted that it must try to identify injustice and remove it, violence would never be an acceptable means for doing so. "[T]he viewpoint that the present conflict in South Africa can only be solved in a military or violent manner, must be rejected with decisiveness, no matter by whom it is advocated."<sup>210</sup> Instead, they claimed, problems should be resolved in a "level-headed" peaceful manner.

## VI. THE FUTURE: CONSTITUTIONAL CHANGE AND THE CHURCH

In 1992, *A Declaration of Religious Rights and Responsibilities* (DRRR) was accepted by representatives from almost every South African religious group except for the mainstream Afrikaner Churches, who rejected the document because it did not elevate Christianity above other religions.<sup>211</sup> Those who signed the document hoped that the declaration would be attached as an appendix to the new South African Bill of Rights.

The DRRR was written at the National Interfaith Conference on Religion-State Relations organized by the World Conference on Religion and Peace — South African Chapter (WCR-SA). The pro-

<sup>207</sup> *General Synodical Commission's explanation of the decision on apartheid, open membership*, DRC NEWS, Jan.-June 1987, at 4.

<sup>208</sup> *Life and Work of the DRC*, *supra* note 206, at 10.

<sup>209</sup> Kinghorn, *supra* note 72, at 62 (quoting PHILIPPUS JACOBUS STEPHANUS DE KLERK, RASSEBAKENS (1939) (trans.)).

<sup>210</sup> *Task for Peace of the Church in South Africa*, DRC NEWS, Nov. 1991, at 6, 10.

<sup>211</sup> *Religious renounce 'Christian country' concept*, *supra* note 112, at 6.

ject was initiated as an attempt to allow religious communities to articulate their own needs and desires concerning the new constitution rather than relying solely on the opinions of legal scholars. As WCRP-SA chairperson Gerrie Lubbe explained, "the basic purpose of the project can be said to be one of stimulating democratic participation of religious groups and people in the drafting of a new South African constitution."<sup>212</sup>

The *DRRR* promotes respect for all faiths and encourages people to protest social injustice. The charter to the *DRRR* states that all religious communities shall be treated equally before the law.<sup>213</sup> The Document also states that religious communities should remain politically aware, "remain self-critical at all times and strive to eliminate discrimination based on gender, race, language or social standing in their own structures and among their members," and they must "critically evaluate all social, economic and political structures and their activities."<sup>214</sup>

One part of the *DRRR* was meant to be included as a separate appendix to the South African Bill of Rights. This document condensed many of the major points from the broader declarations. It stressed that people must have the right to freedom of conscience and religion, and that religious communities must both "criticize and challenge all social and political structures in terms of the teachings of their religion."<sup>215</sup>

## VII. CONCLUSION

In South Africa, the Bible has been used to justify both extreme oppression and freedom. The DRC helped legitimize apartheid, while other Churches have been instrumental in dismantling it. Many Church leaders have risked their lives to successfully fight for change. Now with many of the Churches, together with other religions, expressing an interest in the constitution-making process, South Africa could become a country that both allows freedom of religion and strives to create social justice through its religions. Now, with even the DRC promoting social change, the influence of Christianity in South Africa might for the first time become the positive one of fostering justice for all races.

<sup>212</sup> *Id.*

<sup>213</sup> *Id.*

<sup>214</sup> *Id.* at 7.

<sup>215</sup> *Id.*