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R Drew Smith

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R. DREW SMITH, PH.D.

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ABSTRACT

Today a sharp divide exists between Americans. Although they agree that racial harm occurred in this country’s history, they disagree about the extent of harm to be acknowledged and the means of repair to achieve justice and social healing. The United States’ history of (attempted) racial reconciliation includes initiatives by white Christians since the 1950s that formally acknowledged the sin of racism but mostly lacked corresponding political activism. The tensions and divergences between attitudinal and structural approaches to interracial cooperation that existed a half-century ago persist today. This article seeks to provide a broader, global perspective to the United States’ racial reconciliation by comparison with Rwanda and South Africa. These two countries have pursued formal expressions of remorse and acts of repair with social–healing benefits that could potentially be applied in the United States.

AUTHOR

The author is the Henry L. Hillman Professor of Urban Ministry and former Metro-Urban Institute Director at Pittsburgh Theological Seminary; a Co-convenor of Transatlantic Roundtable on Religion and Race; and holds a research appointment at the Institute for Gender Studies at University of South Africa. As a political scientist and Baptist minister, he works at intersections of Christianity and public life.

ESSAY

RACIAL-ETHNIC HARM AND HEALING: COMPARATIVE
NATIONAL MECHANISMS FOR SOCIAL REMORSE AND REPAIR

R. Drew Smith, Ph.D.[†]

ABSTRACT

Today a sharp divide exists between Americans. Although they agree that racial harm occurred in this country's history, they disagree about the extent of harm to be acknowledged and the means of repair to achieve justice and social healing. The United States' history of (attempted) racial reconciliation includes initiatives by white Christians since the 1950s that formally acknowledged the sin of racism but mostly lacked corresponding political activism. The tensions and divergences between attitudinal and structural approaches to interracial cooperation that existed a half-century ago persist today. This article seeks to provide a broader, global perspective to the United States' racial reconciliation by comparison with Rwanda and South Africa. These two countries have pursued formal expressions of remorse and acts of repair with social-healing benefits that could potentially be applied in the United States.

I. INTRODUCTION

The enormous personal and social costs of American racism have been outlined eloquently and in detail by a wide variety of leaders and commentators, but Americans are sharply divided about how far to go in acknowledging its harms and in pursuing repairs in the interests of justice and social healing.¹

[†] The author is the Henry L. Hillman Professor of Urban Ministry and former Metro-Urban Institute Director at Pittsburgh Theological Seminary; a Co-convenor of Transatlantic Roundtable on Religion and Race; and holds a research appointment at the Institute for Gender Studies at University of South Africa. As a political scientist and Baptist minister, he works at intersections of Christianity and public life.

¹ See Tom Infield, *Deep Divisions in Views of America's Racial History*, TRUST MAG., (Nov. 11, 2021), <https://www.pewtrusts.org/en/trust/archive/fall-2021/deep-divisions-in-views-of-americas-racial-history>.

A 2021 Pew Research Center study shows, for example, that while 90% of Americans believe racial equality has progressed in recent decades, only 42% of white respondents, as compared with 78% of black respondents, indicated “a lot more needs to be done” to ensure equality.² Further, only 22% of respondents identifying as Republicans, as compared with 74% identifying as Democrats, felt “a lot more need[ed] to be done” toward racial equality.³ There is agreement among respondents that racial harms have occurred and that helpful correctives have been pursued, but there is clear disagreement along racial and ideological lines about acceptable levels of societal costs in pursuing any necessary correctives.⁴

Demographic alignments on these issues (and their implications for building community) carry over into the American religious realm as well. According to a 2022 Public Religion Research Institute (PRRI) measurement of American attitudes on race—including on matters such as “the impact of discrimination on African American economic mobility, the treatment of African Americans in the criminal justice system, . . . and whether racism is still [a] significant problem today”—white religious groups scored highest on this “structural racism index.”⁵ White evangelicals scored highest of all at 0.64 correlation, and white Catholics and white mainline Protestants scored 0.55.⁶

This data stands against a backdrop of racial reconciliation initiatives by white Christians in the U.S. since the 1950s, including formal acknowledgments within white evangelical communions of their historical complicity with racism. The National Association of Evangelicals led the way in this regard during the 1950s.⁷ Much later, during the 1990s, the Southern Baptist Convention and the Pentecostal-Charismatic Churches of

² *See id.*

³ *Id.*

⁴ *See id.*

⁵ *See* PRRI, CREATING MORE INCLUSIVE PUBLIC SPACES: STRUCTURAL RACISM, CONFEDERATE MEMORIALS, AND BUILDING FOR THE FUTURE 2, 5 (2022), https://www.prri.org/wp-content/uploads/2022/09/PRRI-UNUM-Sep_2022_Racism-FINAL.pdf.

⁶ *Id.* at 5.

⁷ *See Human Rights*, NAT'L ASS'N OF EVANGELICALS (Jan. 1, 1956), <https://www.nae.org/uman-rights/>; *see, e.g., Prejudice and Racism 1990*, NAT'L ASS'N OF EVANGELICALS & NAT'L BLACK EVANGELICAL ASS'N (Jan. 1, 1990), <https://www.nae.org/prejudice-and-racism-1990/>.

North America were among the first of the predominantly white evangelical denominations engaging in these formal acknowledgements.⁸ Nevertheless, these evangelical racial confessions remained largely disconnected from engaging in public policy advocacy supporting equal rights and opportunities.⁹ Instead, evangelical reconciliation efforts responded to the race problem largely as a matter of broken fellowship between racial groups that could be corrected by confessing past wrongs and integrating blacks more fully into the ecclesiastical life and structure of their denominations.¹⁰

The present discussion examines tensions and divergences between attitudinal and structural-systemic approaches to interracial cooperation and alliance. Although focusing on theoretical frameworks of specific evangelical responses to racial problems, the lack of receptivity to structural-systemic racial correctives by white Christian communions within the United States in general (as suggested by the PRRI data)¹¹ will be examined as well.

The following analysis also places United States frameworks of racial accounting within a broader global perspective by comparing United States approaches to racial repair and healing to approaches within two highly instructive contexts of historic racial-ethnic conflict—Rwanda and South Africa. What is of interest in these cases, and throughout the present discussion, is the potential social-healing benefits of formal expressions of remorse and acts of repair.

II. AMERICAN CHRISTIAN ACCOUNTINGS OF RACIAL HARM

American Christianity's immersions in race and racism have been longstanding and systematic, dating to the earliest involvements of European explorers and immigrants in the "New World" and evidenced in multiple ways throughout its complicities with the conquests of indigenous

⁸ See Salim Muwakkil, *Churches and Racial Reconciliation*, CHI. TRIB. (July 26, 1999, 12:00 AM), <https://www.chicagotribune.com/news/ct-xpm-1999-07-26-9907260070-story.html>.

⁹ See *Human Rights*, *supra* note 7.

¹⁰ See, e.g., CURTISS PAUL DEYOUNG ET AL., UNITED BY FAITH: THE MULTIRACIAL CONGREGATION AS AN ANSWER TO THE PROBLEM OF RACE 41–74 (2003) (providing illustrations and critiques of this approach).

¹¹ See PRRI, *supra* note 5, at 5.

peoples and the enslavement of African peoples.¹² The synergy and symbiosis between the spiritual and social intentions of white Christians in early America were captured in statements by some of the most prominent Christian leaders of those times.

New England Puritan Clergyman Increase Mather articulated Puritan assurances about the divine favor and purposefulness accorded the Puritan cause in the following terms:

That the Heathen People amongst whom we live, and whose Land the Lord God of our Fathers hath given to us for a rightfull [sic] Possession, have at sundry times been plotting mischievous devices against that part of the English Israel which is seated in these goings down of the Sun, no man that is an Inhabitant of any considerable standing, can be ignorant.¹³

Two hundred years later, sentiments along these lines continued to be expressed in support of slavery. A pastoral letter written by a southern Presbyterian minister in 1863 contended that “[t]he providence of God . . . had transplanted [slaves] from their own land of darkness and degradation, where nature is not propitious to civilization and mental development[] to . . . this home of light and liberty, and, infinitely above all, of a pure Christianity.”¹⁴ It went on to promote slavery as the “most favorable condition of the black man.”¹⁵ During the century-long segregation era after the end of slavery, many white Christians engaged in a

¹² See generally Mary Battle et al., *New World Racism*, LOWCOUNTRY DIGIT. HIST. INITIATIVE, https://ldhi.library.cofc.edu/exhibits/show/africanpassageslowcountryadapt/introductionatlanticworld/new_world_racism (last visited Mar. 3, 2023); The Pluralism Project, *First Encounters: Native Americans and Christians*, HARV. UNIV. (2020), https://pluralism.org/files/pluralism/files/first_encounters-_native_americans_and_christians_0.pdf; Marcus W. Jernegan, *Slavery and Conversion in the American Colonies*, 21 AM. HIST. REV. 504, 504 (1916).

¹³ INCREASE MATHER, A BRIEF HISTORY OF THE WARR WITH THE INDIANS IN NEW-ENGLAND (1676): AN ONLINE ELECTRONIC TEXT EDITION 6, 9 (Paul Royster ed., Univ. Neb.-Lincoln 1676), https://digitalcommons.unl.edu/libraryscience/31/?utm_source=digitalcommons.unl.edu/libraryscience/31&utm_medium=PDF&utm_campaign=PDFCoverPages.

¹⁴ James A. Lyon, *Slavery, and the Duties Growing out of the Relation*, 16 S. PRESBYTERIAN REV. 1, 2 (1866).

¹⁵ *Id.* at 10.

robust defense of segregation, including through the frequent referencing of scriptures thought to support the practice.¹⁶ A favorite passage used for this purpose was Acts 17:26: “[H]e made all nations to inhabit the whole earth, and he allotted the times of their existence and the boundaries of the places where they would live.”¹⁷ Although not all white Christians accorded sacred value or legitimacy to racist teachings that came into prominence within their respective contexts, those perspectives were widespread and empowered nonetheless—and even where not actively embraced within white Christendom, they rarely were actively opposed.¹⁸

White Christian opposition to ingrained and systematized, ecclesiastical, and societal racism began emerging into clear view by the 1950s, gaining some of its most high-profile expression through the newly formed National Council of Churches (NCC).¹⁹ Established in 1950, the NCC was a more denominationally expansive and social justice-oriented replacement of the pre-existing Federal Council of Churches (FCC).²⁰ With America’s racial problems deepening and thickening across decades of draconian segregationist practices, and those practices increasingly being exposed through journalistic, scholarly, and cultural platforms (especially via black expressions), the NCC committed to stepping beyond white church silences on America’s enduring racial crisis.²¹ In a 1952 “Statement on Churches and Segregation,” the NCC characterized American segregation practices as “diametrically opposed to what Christians believe about the worth of men” and called on Christians to “stand against it.”²² The NCC also worked through its “Commission on Religion and Race” in its social policy activism

¹⁶ See, e.g., MICHAEL O. EMERSON & CHRISTIAN SMITH, *DIVIDED BY FAITH: EVANGELICAL RELIGION AND THE PROBLEM OF RACE IN AMERICA* 34–36 (2000).

¹⁷ Acts 17:26 (New Revised Standard).

¹⁸ See generally EMERSON & SMITH, *supra* note 16, at 31–49 (2000) (analyzing historical and sociological dimensions of white Protestant racism from 1800–2000); ANTHEA BUTLER, *WHITE EVANGELICAL RACISM: THE POLITICS OF MORALITY IN AMERICA* (2021) (noting the procession from evangelicalism’s racist history to its late-twentieth century minimizations of racial harms).

¹⁹ See generally JAMES F. FINDLAY, JR., *CHURCH PEOPLE IN THE STRUGGLE: THE NATIONAL COUNCIL OF CHURCHES AND THE BLACK FREEDOM MOVEMENT, 1950–70* (1993) (detailing treatments of NCC racial justice activism).

²⁰ See *id.*

²¹ *Id.*

²² *Id.* at 14.

and collaborations. The Commission's work included its substantial involvement with the 1963 March on Washington, advocacy on social justice legislation such as the 1964 Civil Rights Act, and civil rights organizing during the 1960s throughout the South.²³ By the late 1960s, the NCC was engaging in systematic civil rights and community organizing in Northern contexts through an entity founded in 1967, which became the "Interreligious Foundation for Community Organizing."²⁴

Evangelicals generally lagged behind mainline Protestants in responsiveness to racial problems. The largely white National Association of Evangelicals (NAE) broke the ice on this within American evangelical circles, issuing a statement on race in 1956 declaring that discriminatory racial practices "in many, if not all, sections of [the U.S.]" violated the teachings of Christ.²⁵ Instead, it argued that the teachings of Christ emphasize the "inherent worth, and intrinsic value of every man, regardless of race, class, creed or color," and it advocated for "every legitimate means to eliminate unfair . . . practices" to be pursued by the NAE.²⁶ This "legitimate means" clause was qualified, however, by the phrase: "we deplore extremist tactics by any individual or organized group[]." ²⁷

What may have qualified as "extremist tactics" for liberal Protestants during the 1950s through 1970s would have included violent tactics or renunciations of constitutional governance and rule within the United States. Apparently, however, the NAE was criticizing even non-violent protest strategies given that they issued this statement while a direct-action civil rights protest was beginning in Montgomery and reissued it again in 1963, a year that produced the March on Washington and a pivotal civil rights protest in Birmingham. This pattern of rhetorical condemnations of racism, theoretical promotions of reform, and sustained opposition to

²³ *Id.* at 11–75 (focusing on NCC leadership strategies for overcoming societal and denominational opposition to their racial justice activism); James F. Findlay, *Religion and Politics in the Sixties: The Churches and the Civil Rights Act of 1964*, 77 J. AM. HIST. 66, 67–78, 88–92 (1990).

²⁴ *Interreligious Foundation for Community Organization: Records, 1966–1984*, SCHOMBERG CTR. FOR RSCH. IN BLACK CULTURE (1999), <https://www.nypl.org/sites/default/files/archivalcollections/pdf/scmmg330.pdf>.

²⁵ *Human Rights, supra* note 9.

²⁶ *Id.*

²⁷ *Id.*

concrete measures and actions aimed at achieving social change has allowed many conservative churches to appear to support positive social change while remaining tied to policies and structures that undermine possibilities for progress. To the extent politically conservative churches were pushed toward lending a degree of support to racial reforms during the 1950s and 1960s, it was generally in this rather aloof, if not contradictory, way.

In 1990, the NAE and the National Black Evangelical Association (which split from NAE in 1964) jointly issued one of the first of this new generation of formal statements on race.²⁸ The statement, while not a binding, officially endorsed resolution, was intended as a step toward reconciliation between white and black evangelical churches. Among the issues it addressed were the need: (1) for whites to confess the racism of American society throughout its history and in all of its institutional and ideological manifestations; (2) to admit that racism is a sin for which whites must collectively repent; (3) to “remove the institutional barriers which hinder progress for blacks and other people of color”; and (4) to “work to make restitution and repair as soon as possible.”²⁹ The document, which largely reflected the thinking of the black churchmen around the table, produced very little concrete follow-through other than a series of task force meetings between the leadership of the two organizations and the initiation of a racial awareness Sunday that has been observed each year by the member churches.³⁰

Southern Baptists, who have a number of churches active in NAE circles, adopted their own resolution on racism at the Convention’s sesquicentennial meeting in 1995.³¹ This far-reaching resolution admitted to the Convention’s complicity, since its beginnings, in the following: (1) the practice and defense of slavery; (2) the Convention’s opposition to black civil rights initiatives; (3) the “intentional[] and[] unintentional[]” exclusion of blacks from worship, membership, and leadership in Southern Baptist churches; and (4) ”distort[ions]” of Scripture by some Southern Baptists in

²⁸ *Prejudice and Racism 1990*, *supra* note 7.

²⁹ *Id.*

³⁰ *See id.*

³¹ *Resolution on Racial Reconciliation on the 150th Anniversary of the Southern Baptist Convention*, S. BAPTIST CONVENTION (June 1, 1995), <https://www.sbc.net/resource-library/resolutions/resolution-on-racial-reconciliation-on-the-150th-anniversary-of-the-southern-baptist-convention/>.

support of racial prejudice and discrimination.³² It went on to condemn racism in all forms as a “deplorable sin,” “repudiate” slavery as a “historic act[] of evil” that “plagues our culture today,” apologize to African-Americans for perpetuating racism, repent of racism, and commit to eradicating racism “from Southern Baptist life and ministry.”³³ Nevertheless, Andres Tapia pointed at the time to “rumblings among black Southern Baptists and members of the NBEA that structural changes . . . stalled” within the two venues, with white church leaders within the contexts going back to “business as usual.”³⁴

Racial reconciliation between American Pentecostal churches began in earnest in 1992 when the all-white Pentecostal Fellowship of North America’s Board of Administration voted to “pursue the possibility of reconciliation with our African American brethren.”³⁵ Subsequently, four meetings were held over the next two years between key black and white Pentecostal leaders, leading up to a major conference between black and white Pentecostal churches in Memphis held in October 1994.³⁶ The conference, entitled “Pentecostal Partners: A Reconciliation Strategy for 21st Century Ministry,” attracted 3,000 delegates who unanimously approved a “Racial Reconciliation Manifesto” and voted to replace the all-white Pentecostal Fellowship of North America with a new interracial fellowship called the Pentecostal and Charismatic Churches of North America (PCCNA).³⁷ The organization then established a board of directors containing equal numbers of blacks and whites, selected an African-American to be Chairman of the Board, and went on in 1998 to initiate an official organizational journal whose focus and title is “Reconciliation.”³⁸ The manifesto itself was also impressive in its confession of the racial sins of white Pentecostal Christians. It condemned racism as a sin that has “hindered . . . spiritual development and mutual sharing among

³² *Id.*

³³ *Id.*

³⁴ Andres Tapia, *Racial Reconciliation: After the Hugs, What?*, CHRISTIANITY TODAY, Feb. 3, 1997, at 54, <https://www.christianitytoday.com/ct/1997/february3/7t2054.html>.

³⁵ Vinson Synan, *Memphis 1994: Miracle and Mandate*, RECONCILIATION, Summer 1998, at 15.

³⁶ *Id.* at 14, 15.

³⁷ *Id.* at 15, 18.

³⁸ *Id.* at 18.

Pentecostal-Charismatic believers for decades,” it confessed the harm white church “participation in the sin of racism” has brought to “generations born and unborn,” and it pledged opposition to racism “within and without the Body of Christ” including “all forms of personal and institutional racism.”³⁹ The manifesto also pledged to appeal throughout the various constituencies of their fellowship for “logistical support and intervention as necessary in opposing racism,” and it pledged its allegiance to the model of evangelism, justice, holiness, renewal, and reconciliation embodied in their common mother church, the Azusa Street Mission.⁴⁰ Nevertheless, as historian David Daniels notes, black Pentecostals have registered a number of concerns, including that psychological rather than institutional definitions of racism have dominated the PCCNA conversation, financial resources have remained disproportionately under the control of white PCCNA churches, and reconciliation initiatives have not evolved toward specific actions.⁴¹

In most of these instances, white conservative church responses have been noticeably divorced from the racial justice and social change strategies characteristic of mainline Protestant responses. For example, data from a 1987 Times Mirror Corporation survey on “The People, Press, and Politics” showed that only 38% of white Evangelical Protestants were strong civil rights supporters.⁴² In another indicator of late-twentieth century evangelical attitudes on race, data from the 1992 National Election Study shows only 13% of a sample of American evangelicals (which included both white and the comparatively small number of black evangelicals) supported “gov[ernment] aid [for] black rights.”⁴³

Nevertheless, neither liberal Protestants nor conservative Protestants escape Martin Luther King, Jr.’s criticisms of a Christian failure to see that

³⁹ Bishop Ithiel Clemmons et al., *Racial Reconciliation Manifesto*, RECONCILIATION, Summer 1998, at 17.

⁴⁰ *Id.*

⁴¹ Telephone interview with David Daniels, McCormick Theological Seminary (Nov. 1999).

⁴² GEORGE GALLOP, JR. & JIM CASTELLI, *THE PEOPLE’S RELIGION: AMERICAN FAITH IN THE 90’S 188–90* (1989).

⁴³ JOHN C. GREEN ET AL., *RELIGION AND THE CULTURE WARS: DISPATCHES FROM THE FRONT* 283 tbl.14.7 (1996).

black people require “not only love but also justice.”⁴⁴ Drawing on assessments initially made in his famous 1963 “Letter From a Birmingham Jail” (and addressed specifically to white liberal Christians), King stated that for white Christians to proclaim that they “love Negroes[] [and] have many Negro friends” and yet falter in demanding justice for Negroes was inadequate as a response to the race problem.⁴⁵ “Love that does not satisfy justice is no love at all,” said King.⁴⁶

King’s criticisms of reconciliation efforts that emphasize interpersonal bridge-building more than structural reform serve as a helpful social and theological reference point for evaluating the substance and seriousness of not only initial twentieth century Christian efforts at racial reconciliation, but also twenty-first century Christian positionings in the face of growing demands for structural-systemic racial justice responses and repair.

In the months prior to King’s 1968 assassination, he had begun placing a stronger emphasis on poverty and was organizing a national Poor People’s Campaign in response to American economic inequities.⁴⁷ The Campaign’s strategic center was a mass protest gathering planned for the National Mall in Washington accompanied by an ongoing tent-city-style occupation of the Mall,⁴⁸ as well as a set of reparations-like demands King referred to as an “[E]conomic [B]ill of [R]ights.”⁴⁹ Those demands included \$30 billion targeted at fighting poverty, guaranteed full employment and income, and the construction of 500,000 affordable homes each year.⁵⁰ King had begun laying the foundations for his economic rights and restructuring agenda several years earlier through promotions of what he referred to as the “Bill of Rights for the Disadvantaged.”⁵¹ Outlining this Bill of Rights in speeches he made at the 1964 Democratic and Republican conventions and in his

⁴⁴ MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY? 95 (1968).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ SYLVIE LAURENT, KING AND THE OTHER AMERICA: THE POOR PEOPLE’S CAMPAIGN AND THE QUEST FOR ECONOMIC EQUALITY 1–2 (1st ed. 2018).

⁴⁸ *Id.* at 139–40, 171.

⁴⁹ MARTIN LUTHER KING, JR., SHOWDOWN FOR NONVIOLENCE, LOOK, Apr. 16, 1968, at 67.

⁵⁰ *Poor People’s Campaign Concept Paper*, KAIROS CTR. FOR RELIGIONS, RTS. & SOC. JUST., <https://kairoscenter.org/poor-peoples-campaign-concept-paper/> (last visited Jan. 31, 2023).

⁵¹ MARTIN LUTHER KING, JR., WHY WE CAN’T WAIT 151 (1964).

1964 book *Why We Can't Wait*, King's proposed Bill of Rights called for governmental expenditures of \$50 billion over ten years on educational, housing, and employment assistance for impoverished Americans earning less than \$3,000 annually (irrespective of race) and for families making less than \$3,000 annually to "receive direct payment to reach \$3000."⁵² King justified these measures by highlighting the nation's systematic social and economic oppression of African-Americans and regarded such measures as "a settlement in accordance with the accepted practice of common law."⁵³ King was assassinated before he could fully implement his hoped-for mobilization around this economic rights agenda—including the envisioned 1968 mass protest gathering on the National Mall—and, in any event, he never received nearly the same amount of support for an economic rights agenda that had been mobilized around a civil rights agenda.⁵⁴

Although white support for economic structural responses to racial injustice and injury remains low, recent polling data from YouGov does confirm a modest increase in white receptivity toward economic reparatory responses, with white support for the idea of reparatory cash payments increasing from 6% in 2014 to 28% in 2021.⁵⁵ The study showed much stronger white preference for non-cash reparatory measures than for cash payments, with 52% supporting a memorial, 47% supporting a memorial on the National Mall, and 39% supporting an official apology.⁵⁶

As of 2022, however, there has been limited progress by the U.S. government in the direction of official apologies, memorials, or reparations payments in response to historical social injustices and injuries African-

⁵² LAURENT, *supra* note 47, at 104.

⁵³ MARTIN LUTHER KING, JR., *supra* note 51, at 151.

⁵⁴ See, e.g., LAURENT, *supra* note 47, at 8, 10.

⁵⁵ Peter Moore, *Overwhelming Opposition to Reparations for Slavery and Jim Crow*, YOUGOV AMERICA (June 2, 2014, 9:26 AM), <https://today.yougov.com/topics/politics/articles-reports/2014/06/02/reparations>; *National Poll of President Biden's First 100 Days*, U. MASS. AMHERST, <https://polsci.umass.edu/sites/default/files/RaceBLM100Crosstabs.pdf> (last visited Mar. 2, 2023).

⁵⁶ Moore, *supra* note 55; Ashley V. Reichelmann & Matthew O. Hunt, *How We Repair it: White Americans' Attitudes Toward Reparations*, BROOKINGS INST. (Dec. 8, 2021), <https://www.brookings.edu/blog/how-we-rise/2021/12/08/how-we-repair-it-white-americans-attitudes-toward-reparations/>.

Americans endured through enslavement and segregation.⁵⁷ Comparisons between the United States and two other nations whose governments and citizens have wrestled with the relationships between remorse, repair, and reconciliation have much to suggest about improving those relationships.

III. TOWARD RACIAL HEALING: A COMPARATIVE NATIONAL POSTSCRIPT

In 1994, after serving twenty-seven years in prison for leading resistance against racially oppressive apartheid rule, Nelson Mandela was elected South African president and a new multiracial democracy was officially launched within South Africa.⁵⁸ That same year, a horrible tragedy was unfolding further north on the African continent as longstanding ethnic grievances within Rwanda erupted into a spate of genocidal violence that took the lives of approximately one million Rwandans.⁵⁹ With 1994 signaling new beginnings within South Africa and social catastrophe within Rwanda, it certainly seemed at the time that South Africa was on better footing than Rwanda to address its respective deep-seated conflicts.

Surprisingly, Rwanda has far outpaced South Africa in its progress toward social healing and unity, due in no small part to the breadth of the Rwandan people's commitment to accounting for the atrocities of 1994.⁶⁰ It is important to note that while interethnic violence in Rwanda achieved epic proportions with the 1994 genocide, ethnic hostilities between Rwanda's two main Hutu and Tutsi ethnic groups extended back to at least

⁵⁷ Allen J. Davis, *An Historical Timeline of Reparations Payments Made from 1783 Through 2023 by the United States Government, States, Cities, Religious Institutions, Universities, Corporations, and Communities*, U. MASS., <https://guides.library.umass.edu/reparations> (Jan. 23, 2023).

⁵⁸ *Constitutional History of South Africa*, CONSTITUTIONNET, <https://constitutionnet.org/country/south-africa> (last visited Feb. 1, 2023).

⁵⁹ Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations, *Rwanda: A Brief History of the Country*, U.N., <https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml> (last visited Feb. 1, 2023).

⁶⁰ See REPUBLIC OF RWANDA NAT'L UNITY & RECONCILIATION COMM'N, RWANDA RECONCILIATION BAROMETER 39 (2010) [hereinafter RWANDA 2010 RECONCILIATION BAROMETER], https://www.nurc.gov.rw/fileadmin/Documents/Others/RWANDA_RECONCILIATION_BAROMETER_2010.pdf; REPUBLIC OF RWANDA NAT'L UNITY & RECONCILIATION COMM'N, RWANDA RECONCILIATION BAROMETER 62 (2015) [hereinafter RWANDA 2015 RECONCILIATION BAROMETER], https://www.nurc.gov.rw/fileadmin/Documents/Others/Rwanda_Reconciliation_Barometer_2015.pdf.

the 1950s and included massive displacement and numerous deaths.⁶¹ The magnitude of the 1994 violence, however, prompted definitive high-level action, and in November 1994, the International Criminal Tribunal for Rwanda (ICTR) was established through a United Nations Security Council resolution.⁶² By the time the ICTR closed out its work in December 2015, it had prosecuted ninety-three persons and sentenced sixty-one, including the former prime minister, Defense Ministry chief of staff, and Army chief of staff.⁶³ Nonetheless, the ICTR was widely criticized, especially for prosecuting so few people at such a high operating cost (more than \$2 billion⁶⁴) and for its bureaucracy, elongated trials, and lack of attention to reparations.⁶⁵

With hundreds of thousands of genocide suspects imprisoned and awaiting trial, and with ICTR jurisprudence supplemented mainly by conventional Rwandan courts that had tried only 1,292 genocide suspects by 1998, the Rwandan government turned to a traditional system of community-based courts with deep roots in Rwandan culture.⁶⁶ Historically, these traditional courts, known as *gacaca*, utilized local elders in resolving minor civil disputes related mainly to matters pertaining to property, inheritance, and marital relations.⁶⁷

By 2005, the Rwandan government established a network of more than 12,000 of these *gacaca* courts that presided over almost two million genocide-related cases through 2012, with 65% resulting in conviction.⁶⁸

⁶¹ Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations, *supra* note 59.

⁶² *Rwanda: International Tribunal Closing Its Doors: Governments Should Bring Remaining Genocide Suspects to Justice*, HUMAN RIGHTS WATCH (Dec. 23, 2015, 2:50 AM), <https://www.hrw.org/news/2015/12/23/rwanda-international-tribunal-closing-its-doors>.

⁶³ *Id.*

⁶⁴ Alastair Leithead, *Rwanda Genocide: International Criminal Tribunal Closes*, BBC NEWS (Dec. 14, 2015), <https://www.bbc.com/news/world-africa-35070220>.

⁶⁵ *Rwanda: International Tribunal Closing Its Doors: Governments Should Bring Remaining Genocide Suspects to Justice*, *supra* note 62.

⁶⁶ Leslie Haskell, *Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts*, HUMAN RIGHTS WATCH (May 31, 2011), <https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts>.

⁶⁷ *Id.*

⁶⁸ *Id.*; *Rwanda 'Gacaca' Genocide Courts Finish Work*, BBC NEWS (June 18, 2012), <https://www.bbc.com/news/world-africa-18490348>.

Sentences ranged from extended jail time with hard labor to release back into communities to assist with the rebuilding process.⁶⁹ Critics have pointed out, however, that *gacaca* courts fell “well short of international legal standards,” particularly with respect to the training and impartiality of judges and access by defendants to legal representation.⁷⁰ Nevertheless, details derived from court testimonies provided many Rwandans, individually and collectively, with information about the genocide that proved critical to closure and moving forward.⁷¹

South Africa also initiated a national truth-telling process with the 1995 launching of a Truth and Reconciliation Commission (TRC).⁷² The TRC, established by an Act of Parliament and chaired by Archbishop Desmond Tutu, centered upon detailing apartheid-era human rights violations through public testimony from victims and perpetrators.⁷³ Testimonies received in these often-televised hearings were to provide a basis for charges against perpetrators, amnesty for the perpetrators who fully disclosed their crimes, and reparations and rehabilitation for victims.⁷⁴

By the time the TRC concluded its work in 2003, more than 2,000 persons had testified before the Commission and more than 7,000 persons had petitioned for amnesty.⁷⁵ Although only 849 persons succeeded in their amnesty petitions, the vast majority of those denied amnesty were never tried for their offenses.⁷⁶ The TRC was roundly criticized for permitting so few grievances to be heard and for facilitating a national process where

⁶⁹ *Rwanda ‘Gacaca’ Genocide Courts Finish Work*, *supra* note 68.

⁷⁰ *Id.*; See also Haskell, *supra* note 66.

⁷¹ *Rwanda ‘Gacaca’ Genocide Courts Finish Work*, *supra* note 68.

⁷² *Truth and Reconciliation Commission (TRC)*, SOUTH AFRICAN HIST. ONLINE, <https://www.sahistory.org.za/article/truth-and-reconciliation-commission-trc-0> (last visited Feb. 1, 2023).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Mary Kay Magistad, *South Africa’s Imperfect Progress, 20 Years After the Truth & Reconciliation Commission*, THE WORLD (Apr. 6, 2017 1:45 AM), <https://theworld.org/stories/2017-04-06/south-africas-imperfect-progress-20-years-after-truth-reconciliation-commission>.

⁷⁶ *Id.*; TRC, *supra* note 72.

apologies from perpetrators—aimed at eliciting forgiveness from victims—seemingly served as substitutes for accountability.⁷⁷

The Rwandan and South African governments varied in their degree of commitment to reparations as a response to victims' insistence on accountability for historical wrongdoing. In South Africa, President Mandela's successor, Thabo Mbeki, authorized a one-off \$4,000 payment to 18,000 persons who applied for reparations.⁷⁸ In Rwanda, the post-genocide government established in 1996 a Genocide Survivors Assistance Fund to which it committed a 6% allocation from the annual national budget while also requiring from every public and private sector employee through 2008 a 1% contribution from gross annual salary.⁷⁹

For all the good accomplished in the two countries' efforts to account for the past, there were obvious limitations within each national approach and noticeable differences between the two countries in the extent of collection of evidence, punishment for crimes, and reparations to victims. Not surprisingly, the wider scale and scope of Rwanda's efforts compared to South Africa's fueled greater confidence among Rwandans than South Africans in their nation's ability to overcome its past.

According to Reconciliation Barometer surveys administered in South Africa (2017) and Rwanda (2010 & 2015), there was quite a contrast between the two countries in how citizens viewed reconciliation efforts.⁸⁰ Ninety-six percent of Rwandans, but only 56% of South Africans, indicated their nation had made good progress toward reconciliation.⁸¹ Eighty-five

⁷⁷ See Pearl Boshomane, *20 Years After the TRC Hearings South Africa's Pain Persists*, SUNDAY TIMES (Apr. 10, 2016), <https://www.timeslive.co.za/sunday-times/opinion-and-analysis/2016-04-10-20-years-after-the-trc-hearings-south-africas-pain-persists/>.

⁷⁸ Ereshnee Naidu-Silverman, *What South Africa Can Teach the U.S. About Reparations*, WASH. POST (June 25, 2019, 6:00AM), <https://www.washingtonpost.com/outlook/2019/06/25/what-south-africa-can-teach-us-about-reparations/>.

⁷⁹ Emmanuel Sehene Ruvugiro, *Rwandan Reparations Fund Breaks Ground But is Still Not Enough, Say Victims*, JUSTICEINFO.NET (Mar. 17, 2019), <https://www.justiceinfo.net/en/40610-rwandan-reparations-fund-breaks-ground-but-is-still-not-enough-say-victims.html>.

⁸⁰ RWANDA 2010 RECONCILIATION BAROMETER, *supra* note 60; RWANDA 2015 RECONCILIATION BAROMETER, *supra* note 60; SA RECONCILIATION BAROMETER SURVEY: 2017 REPORT, INST. FOR JUST. & RECONCILIATION 22 (2017) [hereinafter SOUTH AFRICA RECONCILIATION BAROMETER], <http://www.ijr.org.za/home/wp-content/uploads/2018/03/IJR-Barometer-Report-2017-WEB-final.pdf>.

⁸¹ RWANDA 2015 RECONCILIATION BAROMETER, *supra* note 60; SOUTH AFRICA RECONCILIATION BAROMETER, *supra* note 80, at 22.

percent of Rwandans,⁸² but fewer than half of South Africans, reported they or persons close to them had personally experienced reconciliation.⁸³ Specific to economic metrics, 88% of Rwandans felt property looted or destroyed during the genocide had been compensated, while 70% of South Africans viewed black poverty and landlessness alongside white wealth as enduring effects of apartheid.⁸⁴ Also, 63% of South Africans felt reconciliation to be “impossible as long as people disadvantaged under apartheid continue to be poor.”⁸⁵

Although achievement of unity and common cause relies on many factors, it is important to note 96% of Rwandans, as contrasted with 80% of South Africans, said their national identity was an important part of how they see themselves.⁸⁶ Moreover, 94% of Rwandan respondents agreed with the statement, “Rwandans are now committed to fight . . . against anything that may again cause divisions and genocide,” compared to 68% of South Africans who believed it possible “to create one united South African nation” out of all its different groups.⁸⁷

Although many of the cases of racial–ethnic harm in Rwanda and South Africa were tried on an individual basis, the cases were part of a collective rubric of racial–ethnic grievance that advanced a collective cause. Rwanda and South Africa have overcome much since 1994. One wonders what impact more explicit accountings of collective racial harm and repair might have had (and may yet have) on race relations in the United States.

IV. CONCLUSION

The existence of legal structures with governmental backing to adjudicate collective racial–ethnic injury and reparatory actions within Rwanda and South Africa stands in stark contrast to the absence of such governmentally-backed structures within the United States. Formal mechanisms and

⁸² RWANDA 2010 RECONCILIATION BAROMETER, *supra*, note 60, at 39.

⁸³ SOUTH AFRICA RECONCILIATION BAROMETER, *supra* note 80, at 22.

⁸⁴ RWANDA 2015 RECONCILIATION BAROMETER, *supra* note 60, at 86; SOUTH AFRICA RECONCILIATION BAROMETER, *supra* note 80, at 26.

⁸⁵ SOUTH AFRICA RECONCILIATION BAROMETER, *supra* note 80, at 57.

⁸⁶ RWANDA 2015 RECONCILIATION BAROMETER, *supra* note 60, at xvi; SOUTH AFRICA RECONCILIATION BAROMETER, *supra* note 80, at 16.

⁸⁷ RWANDA 2015 RECONCILIATION BAROMETER, *supra* note 60, at 40, 45; SOUTH AFRICA RECONCILIATION BAROMETER, *supra* note 80, at 16.

2023]

RACIAL-ETHNIC HARM AND HEALING

505

procedures for admissions of wrongdoing, for assessments of social trust and healing, and for measurements and metrics of social harm and repair produced measurable benefits—and in direct correlation to the rigorousness of their procedures and metrics. These contrasts in national approaches to accounting for wrongdoing and facilitating social healing seem instructive for anyone concerned with peace and reconciliation—and especially for the United States in its efforts to address persistent racial-ethnic struggles within its context.

Actions U.S. churches have undertaken toward acknowledging racial harm and reforming institutional practices have been important and welcomed. Nevertheless, a fuller social healing likely remains largely out of reach without more concrete and systematic efforts to move beyond remorse to repair in response to “the years the locusts have eaten.”⁸⁸

⁸⁸ *Joel 2:25* (New Int’l).

