

The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation

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Integrating Racial Justice and Restorative Justice

As I learned more about restorative justice, the large number of books, papers, and essays on the subject was astonishing. Not surprisingly given my lifelong journey as a racial justice activist, I was particularly interested in exploring the intersection of racial and restorative justice. A Google search, however, turned up not even a handful of publications addressing race, whiteness, the civil rights movement, mass incarceration, or the overrepresentation of persons of color in the criminal justice system. Nor had there been any conferences or other gatherings on the subject. The restorative justice movement appeared to have no racial justice consciousness!

The following overview of the nature and history of race and racism in the United States sheds light on why the restorative justice community has failed to address race. This chapter also urges us to see restorative justice as a social movement, not solely as social services, and concludes with reflections on the importance of race in the restorative justice movement and of healing in the racial justice movement. Though we are seeing glimmers of change, racial justice and restorative justice are often perceived as opposites. In archetypal terms, one invokes the warrior and the other, the healer. If we are to be as transformative as possible, however, whether as racial justice or restorative justice advocates, we must transcend the binary and integrate warrior and healer.

Race and Racism in the United States

The United States is a nation born in the blood of the enslavement of Africans and genocide of Native Americans. It is founded on white supremacy, the bedrock belief that the white race is inherently superior to the black race. Yet race has no biological or genetic basis; the nation deliberately constructed this pseudoscientific notion to justify slavery's unspeakable terrors. "White" people

and “black” people are historico-social inventions. Neither the people nor designations existed before slavery.

Race is not real, but racism is very real. We are a nation that is loath to confront and be honest about the meaning of slavery, genocide, lynching, segregation, mass incarceration, and the unremitting torrent of racist abuse against communities of color. Though slavery was legally abolished in the nineteenth century, as were convict leasing and Jim Crow in the twentieth, the racial terror and white supremacy at their essence live on today in the form of racialized mass incarceration and police brutality. They live on when the forty-fifth president calls Confederate monuments “beautiful,” refers to El Salvador, Haiti, and African countries as “shitholes,” and creates a false moral equivalence between violent Ku Klux Klanners and Neo-Nazis on one hand and protestors acting in self-defense on the other. The centuries-long failure to confront this history dooms us perpetually to repeat it. Our failure to reckon with the past precludes our ability to take collective responsibility, transform relationships and social structures, and finally put the past behind us.

Americans are socialized to reduce racism to individual expressions of prejudice and overt acts of bigotry. Yet racism in the United States is three-dimensional: structural, institutional, and individual.... *Structural racism* is the normalization and legitimization of white supremacy, enacted from the nation’s beginnings, by vast historical, governmental, cultural, economic, educational, institutional, and psychological forces, all working in concert to perpetuate racial inequality. These forces collude to create an absolute system of unequal power that privileges white skin and disadvantages black skin, a system that persists undiminished in potency through time. Structural racism cannot easily be located in any particular practice or institution because it saturates and pervades all: “it reinforce[s]. . . effects of multiple institutions and cultural norms, past and present, continually producing new, and re-producing old forms of racism.”

Institutional racism involves the ubiquitous practices and policies within schools, workplaces, financial establishments, housing, hospitals, the justice system, and other private and governmental institutions that, intentionally or not, produce outcomes that consistently advantage whites while disadvantaging people of

color. Examples are policies resulting in redlining, the school-to-prison pipeline, mass incarceration, police killings, and enduring disparities in life spans, health, and wealth.

Individual racism encompasses the explicit or implicit racial bias that plays out in interpersonal spheres. Though in the Trump era we see a burgeoning of overt racism (e.g., an increase in hate crimes), contemporary individual racism mostly manifests as implicit bias occurring when a person rejects stereotypes on conscious levels yet holds onto them on unconscious levels. Implicit bias is more insidious than explicit bias because it drives our behavior while we are completely unaware. For example, “shooter studies” show police tend to be quicker to associate blackness than whiteness with guilt and consequently are more likely to make split-second decisions to use deadly force against blacks than whites.

In general, more than 85 percent of all Americans view themselves as unbiased, yet studies show that most Americans have implicit bias. One study found that 80 percent of whites and 40 percent of blacks have a prowhite bias, consistently showing blacks are associated with such negative stereotypes as bad, lazy, aggressive, and unpleasant. When historically marginalized people have implicit bias, it is often referred to as internalized oppression.

The common view that a black individual expressing antiwhite sentiment can be just as racist as a white individual expressing antiblack animus is mistaken. Because it is backed up by nearly four hundred years of structural and institutional power, antiblack racism is more potent and virulent by several orders of magnitude; there is no comparison.

Restorative justice exists within and is informed by racist structures, institutions, and individual bias. Structural racism is not something present-day white people chose or created. They benefit from it, however, and are responsible for changing it, because the status quo is racism. Good intentions notwithstanding, doing nothing about racism necessarily reproduces it; to fail to take action is to be complicit.

Restorative Justice as a Social Movement

I have always viewed restorative justice as a social movement—a loosely organized but sustained collective effort comprised of a range of individuals and groups seeking to transform social structures, institutions, and individuals. Healing interpersonal harm requires a commitment to transforming the context in which the injury occurs: the socio-historical conditions and institutions that are structured precisely to perpetuate harm. This commitment may mean viewing restorative justice as not only healing individual harm, but also as transforming social structures and institutions that are themselves purveyors of massive harm. Not adopting a more expansive view runs the risk that restorative justice offers a quick fix, addressing symptoms but not underlying causes. This is not unlike a gardener who, though devoted to the well-being of the individual plants, ignores the health of the soil. The skilled gardener tends to both plants and the larger ecosystem. The success of restorative justice depends on seeing ourselves not only as agents of individual transformation, but also as drivers of systems transformation.

Significantly, restorative justice actually arises out of and is heir to a number of social movements, including the victims' rights, feminist, mediation, prison abolitionist, and peace movements. It shares a special kinship with the civil rights movement and its spiritual grounding in principles of nonviolence, ahimsa, satyagraha, truth-telling, and engaging the enemy with compassion. Restorative justice is consistent with Dr. King's vision of justice as "love correcting that which revolts against love."

Race and Social Movements

The lack of racial justice consciousness within the restorative justice community is the direct result of structural and institutional racism and part of an entrenched historical pattern: with the exception of movements initiated by people of color, all social movements in the United States have started out virtually all-white and have failed to engage issues of race, particularly in their early decades. The racist and elitist biases of the women's movement, for instance, were exposed and denounced by Sojourner Truth, Frederick Douglass, and, later, the Third World Women's Alliance, Angela Davis, and Black Lives Matter. We are now seeing

change. The historic 2017 Women's March carried a consistent message, albeit only after women of color intervened, that current social issues, in addition to equal pay and reproductive rights, are *all* women's issues—e.g., mass incarceration, police killings, transphobia, Islamophobia, xenophobia, the environment and water, the occupation of Palestine, and economic justice. The victims' rights movement is also changing. Crime Survivors for Safety and Justice, Common Justice, and others are challenging racial stereotypes that portray persons harmed as white people and persons causing harm as people of color. These transformations in the women's and victims' rights movements signal the emergence of a more intersectional consciousness and heightened awareness about racial and social justice within activist spaces.

We see a similar pattern within the restorative justice movement. In 2011, a small group of restorative justice practitioners and I gathered, discussed the troubling whiteness of the restorative justice movement, and resolved to take action. This culminated in the first national restorative justice conference (2013) featuring race and restorative justice as the theme and a dialogue between racial and restorative justice advocates. In the years since, convenings, research, publications, and curricula increasingly address racial inequity. A dramatic embodiment of this transformation was the 2017 national conference, cohosted by Restorative Justice Oakland Youth (RJOY; Oakland, CA), which centered historically marginalized voices in the areas of race, gender, gender expression, age, class, religion, and incarcerated and immigration status. It is no coincidence that much of the transformative impulse originated from Oakland, the birthplace of the Black Panther Party, an iconic racial and social justice organization founded in 1966. Today, some fifty years later, Oakland is a flourishing restorative justice site where people practice restorative justice through a social and racial justice lens while honoring its indigenous roots.

Race Matters in Restorative Justice Practice

Restorative justice risks losing relevance if we, as practitioners, do not become more skillful at identifying, navigating, and transforming racial harm. Structural racism pervades all our institutions, meaning race matters whether we work in schools, criminal justice, the workplace, or the community. Further, the 2015 US Census projects that more than half of all children under eighteen will be

members of racial minorities by 2020 and, by 2044, white Americans will no longer constitute the majority. Yet, by every measure, stark racial inequities persist.

Given the nation's changing demographics and persistent, if not deepening, racial disparities, a restorative justice approach that ignores these inequities will be perceived as uninformed and uncaring, if not irrelevant and racist. Failing to acknowledge and take action to address racial injustice allows living legacies of slavery, genocide, and segregation to persist. With the heightened awareness of police terror against people of color and the resurgence of white hate crimes, we are having a dramatic lived experience of this truth.

Healing Matters in Racial Justice Movements

Just as restorative justice advocates have historically ignored race, racial justice activists, including myself in the past, have disregarded the need for healing on individual and collective levels. This is beginning to change, however, Grace Lee Boggs, one of the nation's great freedom fighters, left a legacy of radical social activism inspired by spirituality. Another celebrated freedom fighter, Ella Jo Baker, believed that movement leaders could not critique elitism and hierarchy in society while emulating these same values in their movement organizations and personal lives. This theme is picked up by today's black youth activists, who are less binary, and more loving and compassionate, in their ways of being present to one another and the Earth than earlier generations.

This is perhaps most clearly evident in the Black Lives Matter (BLM) network, emerging after the 2012 death of Trayvon Martin and rapidly spreading with the 2014 killing of Michael Brown. BLM's guiding principles include a commitment to "restorative justice," working "lovingly...[to] nurture a beloved community," and "practicing empathy...justice, liberation, and peace in our engagements with one another." They aim to elevate historically marginalized voices, particularly those of queer, trans, undocumented, and disabled brothers and sisters, and create "extended families and 'villages' that collectively care for one another," especially the children. These beautifully expressed principles demonstrate a heightened awareness of the importance of doing the internal work of transforming self while transforming the world.

While these laudable aspirations express the views of BLM's founding leadership and not necessarily those of the totality of this decentralized movement, they are a far cry from my experience as someone involved in successive waves of activism from the 1960s through the 1990s. Then, the words *love*, *empathy*, and *nurturance* were not only absent from our lexicon, they were disdained. Hypermasculinity, hyperrationality, militance, toughness, and "revolutionary rage" were exalted. Spirituality was taboo, violative of fundamental Marxist and dialectical materialistic tenets. I tried to hide my spiritual, meditative, and yoga practices in those days, but comrades who managed to discover them made me the butt of jokes and ridicule.

As participants in the peace movement during the Vietnam War, my peers and I did not cultivate peace in our relations with one another. Though public proponents of equality, we created hierarchies within our organizations. Our male cisgendered leaders were sexist, too often relegating women to the sidelines. We were socialized in modernist, colonized ways of thinking, being, and knowing, espousing either/or, right/wrong, and other binaries that create division instead of wholeness. Though we verbally affirmed the need for collective strategizing, leadership, and action, in actuality we were often individualistic and ego-based in our interactions, leading to internecine conflict that, spurred on by agents provocateurs, sometimes became lethal.

Today, the BLM movement, including groups like Black Youth Project 100, leads the way in this emerging trend toward more relational, holistic, and creative approaches to activism and helps to catalyze dramatic anti-racist transformations throughout the nation. However, a commitment to radical healing (e.g., self-healing, trauma healing, community healing, trans-racial healing, and healing historical harms) is largely still missing from most racial and social justice projects.

Healing is so important for us in this nation. We have historically sought injustice with varying degrees of success. We succeeded in abolishing slavery, yet the racial terror that was the essence of slavery survived and continued with the convict leasing system, Jim Crow, and lynching. Though we passed laws to abolish these aftermaths of slavery, they remain today, having morphed into racialized mass incarceration and police terror. Indeed, even the affirmation that black lives

matter is not new. During the 1800s, the abolitionist symbol was a black man on his knees in chains with writing circling over his head: “Am I Not a Man and a Brother?” This was a catchphrase abolitionists used again during the struggle around the Supreme Court’s Dred Scott decision in the mid-1800s. During the civil rights era at the Memphis Sanitation Strike in 1968, “I AM A MAN!” signs again sought to affirm black humanity. Today, BLM echoes the same theme, albeit with a heightened consciousness around gender and gender expression. Similarly, the Black Panther Party’s ten-point program issued more than fifty years ago called for decent housing, income, health care, and education, and an end to police violence, mass incarceration, and unemployment. These very demands were made during the Reconstruction era. They continue to resonate today.

We have reached a historical point in this country where it is clear that if we do not seek both justice and healing, injustice will keep replicating itself ad nauseum and we will find ourselves intoning the very same social justice demands generation after generation. Taken together, restorative justice as a movement conscious of racial justice and social justice as a movement conscious of restorative justice offer a way forward.

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