

CONVERSATIONS ON RESTORATIVE JUSTICE

A talk with Fania Davis

Albert Dzur*

Fania Davis is a longtime social justice activist, civil rights trial attorney, restorative justice practitioner, writer, professor, and scholar with a doctorate in indigenous knowledge. She is the author of *The little book of race and restorative justice: Black lives, healing, and US social transformation* (2019) (see book review in this issue of the journal). For decades, she has been active in the civil rights, Black liberation, women's, prisoners', peace, anti-racial violence and anti-apartheid movements. She is Founding Director Emerita of Restorative Justice for Oakland Youth (RJOY). Her honours include the Ubuntu award for service to humanity, the Dennis Maloney award for excellence in youth restorative justice, World Trust's Healing Justice award, the Tikkun (Repair the World) award, the Ella Baker/Septima Clark award, the Bioneer's Changemaker award, and the Ebony POWER 100 award. The *Los Angeles Times* named her a New Civil Rights Leader of the 21st Century.

1 Early memories of racial terror and injustice

Dzur: When did the concept of restorative justice first become appealing to you? You have written that you shifted from being a 'warrior-lawyer-activist' to being a 'lawyer and a healer of the social body'. What sparked this change?

Davis: I tell the whole story in my *Little book of race and restorative justice*. I was born in Birmingham, Alabama, which was the citadel of US racial apartheid. In fact, South Africa actually studied places like Alabama and our system of segregation to construct its own. Apartheid was only in existence since 1948, while we had had these systems of racial apartheid in place since the very beginning of this nation. South Africa learned a lot from the United States about laws, practices, and systems of racial domination.

I was born in the late '40s, and I was raised in the early '50s and '60s. During those times, Birmingham was the centre of a lot of social ferment and turmoil. Both the racial terror, which was just everywhere, as well as the rising movement against racism, they were both happening at the time I was growing up. I actually lived in a neighbourhood called Dynamite Hill, because of the frequency of bombings of families in my neighbourhood. Birmingham was known as Bombing-

* Albert Dzur is Distinguished Research Professor, Departments of Political Science and Philosophy, Bowling Green State University, USA.
Contact author: awdzur@bgsu.edu.

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ham. I was essentially born into racial terror. But I was also born into the movement, the rising freedom movement that was very active at the time.

Our earliest memories were of bombs, dynamite blasts going off in our neighbourhood. Never affecting us directly, praises be, but those are my early childhood memories. Some of the first words that I learned to read were 'coloured' and 'white', because there were signs everywhere. Our church was firebombed because we had interracial discussions. The lawyer across the street - whom I really looked up to because he was a great warrior against segregation, working with Thurgood Marshall, the first Black US Supreme Court justice, to bring down the walls of segregation in schools and housing and education - his home was bombed three times, and there was an attempted bombing a fourth time. He took to sitting on his porch with a shotgun to protect his family from the racial terrorists. My father was part of an armed patrol of fathers in the neighbourhood to protect our families as well. Growing up in this kind of environment and then, in some ways, the loss of my two girlfriends to the 1963 Birmingham Sunday school bombing, set me irretrievably on a path of being a warrior for justice.

Even when I left Alabama, my husband and I were victims of police violence, like so many millions of other Black people. My husband was shot and almost killed - a bullet went into his arm and came out just two millimetres from his spine. Thank goodness he has no permanent injuries. Both of us could easily have been killed. We were charged by the authorities with attempted murder of police officers, but a very brave judge dismissed the charges and said that the police were violating our rights. They had no business invading our home in the first place, and they were doing it because of our political activism and solidarity with the Black Panthers. It took us a few years to win that battle. Just months later, my sister Angela Davis was targeted for a legal lynching because of her radical political activism. If she had been convicted of capital murder, kidnapping, and conspiracy charges, she would have been executed. She would not be alive today. Thanks to a massive international solidarity movement, her life was spared. These kinds of experiences filled me with rage against injustice.

After my sister's trial and acquittal, I became a trial lawyer to fight racism in the courts. I continued my activism in the streets. I did that for about 25 years and then became ill. And I knew through dreams and synchronicities that it was the rage that was consuming me. I knew I was being invited to bring more healing, spiritual and creative energies into my life. I found a PhD programme that allowed me to study in Africa with traditional healers. So I did that for about seven years and came back to this country and discovered restorative justice.

Dzur: Was there a particular programme or person that came your way when you came back to the US?

Davis: When I came back to the US, I looked for jobs that would allow me to do this more healing type of work. I wasn't able to find anything, so kicking and screaming, I had to return to my law practice. I was not a happy camper. But my

first case involved an African client who was an initiated man from the Nuba tribe in the Sudan.

Dzur: What does that mean, ‘initiated man’?

Davis: It has to do with rites of passage. In traditional cultures and indigenous cultures, you experience these initiations at different stages during your lifetime. When you’re born, you have ceremonies welcoming you into the world and naming you and identifying who you are and what your purpose is. Then, when you’re coming into manhood or womanhood you experience another rite of passage. You might also experience a rite of passage to be initiated into elderhood. Also, at any point in time, one may be called to be initiated into the mysteries of spirit and of healing. I was initiated, for example, as a healer in the Zulu tradition in the 1990s.

My client, a university professor, had warrior marks on his face; he also wore really long hair, warrior locks, what we in this country call dreadlocks. He was Islamic, and his course of study and research was to shatter and deconstruct false, stereotypical notions of Islamic terrorism. Because of this, he was denied tenure. We sued. This was a violation of his constitutional rights – he had been denied tenure for impermissible reasons, having to do with his religion, nationality, and race. We won. That was my first case when I got back, and I was able to educate the jury about ancient cultures and indigenous healing, so that felt good.

Perhaps more importantly for me personally, when I returned to the practice of law I was invited to a conference where I learned about restorative justice from the district attorney of a large county in Texas. He had been targeted by white nationalists, but kept winning re-election because he was using restorative justice, and this led to decreased crime in the area. It was amazing for me to hear about this justice that heals. It allowed me to integrate and synthesise the warrior in me and the healer in me. Up until that time I felt they were very different inner qualities, if not opposites.

2 The challenge of making legal cultures more restorative

Dzur: When you come back from Africa, you’re not a happy camper. In your writings about the legal world, you describe it as ‘hyperrational, hypermasculinist, and bellicose’. This is not a fertile ground for restorative justice. I’m curious what you think about ways that legal culture can shift in the direction of more restorative qualities?

Davis: That legal culture – the oppositional nature, the combative nature, the adversarial essence of our justice system – is being experienced as very harmful by lawyers, by judges. That’s why there has been this hunger for some decades already for alternative dispute resolution – whether mediation, diversion, and arbitration to some extent, although these alternatives don’t challenge the fundamental assumptions of our adversarial system. Even so, with therapeutic jurisprudence and collaborative law, there’s been this whole blossoming of

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alternatives to our adversarial justice system that we've been seeing over the decades. Judges are tired of the revolving door of the same defendants coming in, especially when it comes to young people. There's a real openness to and hunger for finding more effective ways of doing justice.

Dzur: Do you see this as generational? Do you think younger lawyers might be more inclined to be experimental?

Davis: I think you find it across the board, although this tendency to want to find more healing, less combative, and less damaging ways of doing justice is more pronounced among young people. But I see it in older generations as well. I'm almost 74. There are so many 'lawyer refugees' or 'recovering lawyers' in my generation. The disaffection and disillusionment with respect to our adversarial law system that harms people who harmed people – presumably to show harming people is wrong – is a transgenerational phenomenon.

Dzur: Restorative justice is a kind of refuge or outlet for people who want to work differently in the law.

Davis: Yes, absolutely. Some people do this sort of justice work from the inside. I know lawyers who are reimagining law practice in ways that are more restorative. Their relationship with their clients, for example, is no longer the 'I'm the boss, I'm the expert and you just follow what I say' style. They are devising new ways of practising that seek to avoid reliance on these systems of domination, these hierarchies of power.

Dzur: That's interesting that clients might seek them out because they have this different attitude and approach.

Davis: Yes. There is a book called *Transforming justice: lawyers and the practice of law* (Silver, 2017). There are so many books now that seek to popularise and educate people about non-adversarial approaches to the law such as collaborative law and therapeutic jurisprudence as well as transformative and restorative justice.

Dzur: So you don't think that an adversarial and, in your words, 'hyperrational, hypermasculine, bellicose' culture is necessarily part and parcel of legal systems. It can be changed.

Davis: Well, I think our legal system needs to be completely reimagined and re-envisioned.

Dzur: It's going to take a lot of work.

Davis: Just like policing in this country. It's not a matter of tinkering with it or repairing or patching it up. It's really a matter of releasing and rebuilding anew. These systems are so bound up with and so deeply rooted in systems of domination and oppression. Since the very beginnings of this nation, all our systems have been steeped in white privilege, white supremacy, and racial terror,

whether it's educational institutions, health institutions or policing, or the criminal justice system. White supremacy and terror are totalising. Nothing, no one has been left untouched.

In other words, it's not just the trial by combat, not just the adversarial nature, it's also the extremely oppressive nature of these systems. They were born in the blood of genocide, land theft, slavery, slave trade, colonialism, racial capitalism, and heteropatriarchy. They have been marked from the beginning. So for these reasons, we need to release and completely reimagine systems of justice.

3 Community justice: restorative justice for Oakland youth

Dzur: In 2005 you co-founded RJOY. Can you talk about what motivated you to do this?

Davis: I had been in Africa for some years, during the course of my seven-year PhD programme, and had learned a little bit about the reconciliation work that was going on, especially in South Africa. I was there not long after the Truth and Reconciliation Commission had finished its work. I dreamt of doing peacemaking work in the post-conflict zones of Africa after I got my PhD. I took a couple of trips to Africa to explore some possibilities but none of those ever panned out. It wasn't in the cards.

I was frustrated because I really wanted to go back to Africa. Then a friend of mine said, 'Fania, Darfur is Oakland'. She meant that there is so much conflict here in our own backyards, in Black communities, and this peacemaking work is needed here as much as it's needed in conflict zones in Africa. She added, 'If you're able to do restorative justice successfully in Oakland, the world will take notice.' A light bulb went off for me; I had an epiphany.

And that shifted my gaze away from being so obsessed with Africa. I did a restorative justice training with Kay Pranis, a leading theoretician and practitioner of peacemaking circles. Peacemaking circles are rooted in Tlingit Tagesh traditions. She came and we did a four-day training. It was well-attended, with 40 to 50 people there: judges, lawyers, district attorneys, public defenders, community people, students, a really wonderful diverse group. And there was so much excitement following that training. We did another training that was focused on restorative justice to address youth gang violence, because we were having a lot of those issues here in Oakland. And then, after that, people said, 'Oh yeah, this work sounds great; this approach is wonderful, we can really help our communities and our children. Let's create a programme where we can put these principles into practice.'

I was seeing what was going on with our youth. I grew up as a child in the time, as I said, of racial terror and, in some ways, I felt that the current conditions were even more harmful to our children than back in the 1960s in Birmingham, Alabama.

Dzur: Can you explain what you mean? Why do you think that is so?

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Davis: Because our children, and especially our young Black men, are demonised, stereotyped, dehumanised and criminalised. They're not being viewed as human beings, really, whether we're talking about police and justice systems, but also school systems.

They are forced to encounter many different causes of trauma, whether it's police violence in their neighbourhoods, or gun violence, or gang violence, or sexual abuse, or losing parents to incarceration or to violence, or losing friends every day. Some 17-year-olds have been to more funerals by the age of 17 than I have in my entire lifetime as a 74-year-old. Polls show that too many of our young people don't expect to live past their 20s. Then there is the way that, as you walk down the street as a young Black man, people will cross the street to get away from you, convinced that you're going to hurt them in some way. Suicide is the leading cause of death for young Black men. I have the reaction of a mother; I want to protect and care for and nurture our children. I want to stop the demonising, the dehumanising and the harming.

Dzur: RJOY is community-based and has been deliberately organised from the community out rather than originating as a school or city programme. Can you talk a little bit about that decision and why that's important to you?

Davis: That's important because, for me at least, restorative justice is about shifting the locus of power of the justice project from systems and professionals to communities and ordinary people. I was a community organiser for many years, as well as an attorney. There was no question in my mind: I wanted to create an organisation rooted in the community, not in any system.

I wanted this to be a community-based organisation that promoted restorative rather than punitive responses to youthful wrongdoing, whether in schools, communities, or in the justice system. An organisation that partners with systems but retains its autonomy; an initiative that is community-led, not dominated by systems.

Dzur: That's tricky because the school system and city government have resources and power that communities don't have. How did you work that out?

Davis: Really good question. We negotiated that at first by just starting a volunteer programme in a small school. Nobody knew that we were doing this. Not the school district nor the school superintendent. We started very small. We planted this tiny seed, and we cultivated, nurtured and nourished it.

And very quickly it began to bear fruit, to have good results in terms of lowering school violence and school fights, increasing academic outcomes, lowering suspension rates. That's really important in interrupting the racialised school-to-prison pipeline – interrupting the way we're criminalising instead of educating our children, the way we use schools to enlarge the prison-industrial complex. The whole landscape of schools has become prisonised. Public schools, particularly in urban communities of colour, look like prisons, with police and wand searches and security checks. When children violate the rules by engaging in ordinary adolescent behaviour like having a milk fight in the cafeteria, that

behaviour is criminalised as assault and children are arrested. Children are arrested for writing on a desk because that is defacing public property. Children are arrested for having temper tantrums even at the age of six, because that is assault. Normal childhood behaviours are criminalised.

Our initial pilot programme at this small school, where hardly anybody knew what we were doing, got really good results in terms of keeping kids in school and interrupting the school-to-prison pipeline. Keeping kids in school is the strongest protective factor against adult incarceration.

Dzur: That effectiveness might have sold other principals on the project.

Davis: That's exactly what happened. We also had University of California, Berkeley Law do a study on all these amazing outcomes, which we could hardly believe ourselves. And then word started to get out, and we got some funding from the city. There was some organising by students, and then the school district and principals were knocking on our door, 'We want a programme like that'. And the school district said, 'We're going to make this official policy'. The difference is we started something on our own without any funding from the city, without any funding from the school district, and we set the standards and created the mould without interference from government systems.

Dzur: You just did it and it was effective, and that built up more credibility and more resources. I'm curious, as this becomes a known quantity as an effective programme, how does it avoid being part of the bureaucracy? How does it keep its roots in the community?

Davis: That's tricky too, and it's a dance, and you're constantly negotiating the power differentials. Adherence to restorative justice values was really important – values of radical respect, radical relationality, radical responsibility. And having that strong grounding in community instead of in systems and bureaucracies is absolutely essential.

Dzur: Through, say, use of volunteers? Is that how you connect to the community? By people who are coming into the schools from outside, to do this work?

Davis: Yes. Originally, staff implementing these programmes were RJOY employees, community employees, not school employees. But after it began to expand, the school district put its money where its mouth was and developed a budget, hired us to do training and hired staff of its own. We were involved in the training of the first cohort, the first generation of restorative practitioners in many scores of schools. Keeping that connection, that lifeline to community is super important because that's the whole essence of restorative justice, as I said: to move the source of power and shift this source of power from systems.

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4 Broadening the impact of community programmes

Dzur: There are two conventional academic criticisms that I hear when I talk about programmes like this. One is that this is small potatoes. The big problems are race and policing and white supremacy, and what does this little school project have to do with that? Criticism number two is that programmes create insiders who are really involved but squeeze out most other members of communities. How would you address these criticisms?

Davis: I share in some of those criticisms actually. As a person who has been a racial justice activist for decades, it's important to me that I practise restorative justice in a way that not only helps transform individuals and individual lives but also in a way that helps to transform entire systems. That means that when we start a programme, we are consciously and deliberately and strategically seeking to interrupt the racialised school-to-prison pipeline and to interrupt mass incarceration. We are very deliberately seeking to change systems and create beautiful, empathetic, loving and kind relationships amongst individuals, in classrooms and in schools. It's important too that RJOY deliberately organised to create systems change within the whole district. To shift public policy in our city.

Dzur: This becomes a kind of pedagogical process as well as a justice process. In the sense that the students who are involved in it have a chance to expand their own thinking about what justice is.

Davis: Yes, it is pedagogical in that sense. It's a relational approach and it's a justice systemic approach. RJOY has been very critical of the restorative justice movement in this country, because it has historically been limited to the realm of interpersonal healing and transformation.

In effect, the restorative justice movement in this country for at least three decades was pretty much all white and had no racial justice or social justice consciousness. It was practised and it was viewed as a social service and not as a social movement, a social service that helps individuals but had no intentional impact on systems of domination, systems of harm. Restorative justice practitioners are said to be healers of harm, but if you're only looking at harm between individuals and you're completely ignoring the colossal, massive and relentless harm that systems of domination in this country cause, then you're missing so much. You're myopically focused on the individual plant and doing nothing about the toxicity of the ecosystem in which the plant grows.

Dzur: This gets to the question of how you manage to be a successful programme on the inside of a school, as well as have a social movement impact on the wider community?

Davis: How do we do it? We just do it. I don't mean to say that it's easy. It's very complicated. Intention is important. Practising restorative justice through a racial justice lens is essential. We look at data, for example. How many of the 200 people who have been arrested or 500 people who have been suspended from

these schools where we are working have been Black? Usually, Black students are suspended at three to four times the rate of their white counterparts for the same transgression. And once we start intervening with our programmes to lower racial disparities, we continue to follow the data to see that it's making a difference. Is using a restorative approach when children engage in wrongdoing rather than a punitive approach (where kids can be arrested), is that reducing the disparities? We look back at the data.

That's important, because a lot of people prior to RJOY just did this work in schools and weren't really focused on the racial justice impact of their work. We are very intentional and strategic about practising restorative justice through a racial justice lens and in ways that honour its indigenous roots, and we have been very influential across the nation in this respect. We're known for practising restorative justice in that way. That means we also educate our children about social and racial justice. Our children go and speak at conferences, so they learn and share not only about restorative justice but also about racial justice.

Dzur: And it's fair to say that the students have some ownership of the process in the schools?

Davis: That is critical for us. We want these marginalised voices to be at the centre, to know they that they're being listened to, so that they feel that their voices are not just mechanically listened to but listened to in a deep way that is nurturing to them, so they feel that we think they're important and they begin to develop their own self-confidence.

Dzur: I'm curious about how you might talk with the teacher or the principal who's a little reluctant and who says, 'I don't think kids should have this kind of responsibility. They're kids. I think adults need to be in charge of these peacemaking circles'. What do you say to that sort of reluctant professional educator?

Davis: At one school, there was a lot of bullying going on. The school spent tens of thousands on experts and trainings that made no difference. But when there was a restorative justice process where youth were consulted and asked, 'What do you think needs to be done?', they came up with a creative strategy that worked and made a difference. Also, we don't just let the children run off and do what they want to, unsupervised. There's a balance of structure and freedom.

There are a lot of reluctant educators, and not just reluctant but resistant or oppositional folk – either sitting on the fence or hardcore resisting. The way that we were able to address this was to just focus on doing this programme, this approach in the best way that we knew how and to focus on those positive outcomes that will inevitably arise when we practise restorative justice with fidelity. Then, one teacher sees, 'Oh your classroom is so quiet. Your grades are so much better this year.' When they see results, those fence-sitters will come down off the fence. Sometimes the resisters, when they see the results, will also join, but sometimes they'll never join. The point is, we don't want to spend all our

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energy on the resisters or on the fence-sitters; we want to focus on making it the best possible programme, because that will be the greatest influencer.

5 Restorative justice through a racial justice lens

Dzur: Let's shift gears. You've said the racial justice lens is something that restorative justice has only recently started to take up. One question is whether there's a place for restorative justice in questioning what counts as a crime, thus having some leverage on decriminalisation, on the so-called war on drugs? Do you see a way that restorative justice, by taking up this racial justice lens, can do more to address some of these critical elements in the prison-industrial complex?

Davis: When it comes to the war on drugs, although restorative justice strongly advocates for decriminalisation and non-carceral responses to all violations, I can't identify many programmes specifically focused on this. However, many other international organisations, social justice organisations and racial justice organisations have been successfully working on decriminalisation to the degree that now about 20 states have decriminalised marijuana. Internationally, the UN is doing a lot of work around that too. And activists have been working on mass incarceration. We have some new laws that are addressing the disparities in punishment. Black people use drugs at the same rate as white people, and yet our sentences are six times greater. That's been taken up by coalitions that include racial justice and anti-mass incarceration activists as well as restorative and transformative justice activists.

Dzur: This gets to a kind of thorny issue. If you're concerned about the overuse and the racialised use of prison, how do you connect restorative justice to these issues? In the US, not a whole lot of offences that could have a prison term attached to them seem to get handled by restorative justice procedures. I'm curious what your thoughts on that are.

Davis: I don't know if there's truth to that. I've heard the assertion that restorative justice widens the net and pulls in people for graffiti and things like that, which would normally only produce a ticket or a citation. But there's no support for the notion that most restorative justice programmes in this country are being used for really minor misdemeanour-type cases. In Oakland that's certainly not the case. The restorative conferencing programme for young people here is intentionally designed to divert youth of colour, particularly Black youth, from incarceration. That's the whole point. This is a programme inspired by New Zealand's family group conferencing approach. New Zealand has virtually rendered youth incarceration obsolete through restorative justice – that's what we wish to do here too. Baltimore's community conferencing is similar to Oakland's. Brooklyn's Common Justice programme diverts assault, arson, burglary, robbery, and other cases involving violence from the justice system. Growing numbers of additional jurisdictions around the country are diverting felonies through restorative justice.

Even in schools, where we are slashing suspension rates, that's a significant step towards decarceration, because studies show that if a young person is suspended even once by the ninth grade, they are three times as likely to be incarcerated. And once they're incarcerated as a youth, then that's a very strong predictor of them being incarcerated as an adult. Also, if they are suspended once by ninth grade their chances of dropping out of school increase. Dropping out of school is a huge predictor of adult incarceration – if you look at the prison populations all over the country, 75 per cent of the inmates are high school dropouts. We use restorative justice to disrupt that pattern. In the schools, that's an upstream intervention and, like I said, that's no small potatoes. There are all kinds of other cascading negative outcomes when our children are suspended, end up in detention and then, as adults, end up in prison. Their children have higher rates of PTSD and anxiety, and they're going to be suspended more and arrested, and it just snowballs transgenerationally.

Dzur: So restorative justice can make a dent if you're concerned about prison populations.

Davis: Absolutely, yes, if we're concerned about interrupting racialised mass incarceration.

Dzur: Are there other ways that restorative justice might take up a racial justice lens?

Davis: It used to be that restorative justice training didn't mention implicit bias or white privilege or white supremacy. Incorporating that into trainings and coaching and having conferences that feature dialogue between racial justice activists and restorative justice activists is important, as is writing literature on the subject. When I first became aware of restorative justice in 2002, because of my background, the first thing I did was Google 'race and restorative justice'. I found at most two articles. And that was a time when the restorative justice literature was just burgeoning, with so many books and articles.

Dzur: I completely agree. What's striking to me now, though, is how central restorative justice has become to racial justice activism. Last week in one of my classes, we read a Black Lives Matter position paper in which restorative justice featured prominently. Are you surprised that restorative justice is a part of that movement, given the previous gulf between racial and restorative justice you have just noted?

Davis: I think, in part it is because of the fact that more people of colour are involved as facilitators and participants and there's more consciousness about restorative justice and communities of colour. This is relatively recent. Without tooting my own horn, it was really my non-profit organisation, RJOY, and other practitioners in Oakland, the birthplace of the Black Panther party, who were viewed as thought leaders pushing the transformation of the restorative justice movement in this direction. Also, restorative justice, rooted in indigenous worldviews, is often synonymous with healing; I think the young people in the

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Black Lives Matter movement understand – far better than earlier generations of activists – that we need both healing and justice.

Dzur: Restorative justice can also be seen as white and wimpy – to put it crudely – unlike abolition. And that’s why I was really struck by seeing it as having such a prominent place. It’s no longer seen as white and wimpy.

Davis: That’s right. I think you’re spot on.

Dzur: But now I think we need to step up. Now that it’s mentioned as a way forward, it actually has to be put into place.

Davis: Absolutely. I speak a lot at universities. In this George Floyd era, this era of multiple pandemics and of racial reckonings, many universities are wanting to become anti-racist institutions. And some will say we want to become anti-racist and health-promoting institutions. Students, who have usually been leading the charge in these universities, have been calling for all kinds of racial justice demands: more professors of colour, more students of colour, support services for students of colour, and curricular transformation to reflect the true histories and centrality of the struggles of Black people in these histories. These students, who are very racially justice oriented, will also say, ‘We need healing, we need restorative justice on this campus’.

Dzur: It’s a part of the toolbox now.

Davis: Yes, that is increasingly the case.

6 Restorative justice and the racial reckoning: engaging grass-roots truth-telling and reparations movements

Dzur: What is on the horizon for restorative justice? Are there underdeveloped issues or problems to which you think more restorative justice thinkers and practitioners should turn their attention?

Davis: The new frontier for restorative justice is not new, really, but has to do with how restorative justice can advance this historic racial reckoning that’s going on in this country today. How can restorative justice help with truth-telling? How can restorative justice advance collective accountability, including the reparations movement, which has grown very big in this country? How can restorative justice impact all of the calls for truth and reconciliation? There are hundreds of reparation initiatives in this country, and they’re increasing in number. Every time I look at my Google alert there’s another call for truth and reconciliation.

Dzur: These are community-based projects.

Davis: Some are community-based. Lots of universities, public and private, are doing truth-telling and reparations and wanting to become anti-racist institutions. There are churches and seminaries that are doing it. There are local

municipalities that are doing it. There are statewide reparations initiatives and truth and reconciliation initiatives. There is national legislation. It is happening at every level. And it's not the kind of truth and reconciliation process that we saw in South Africa, which was a singular, homogeneous, top-down, centralised process that was controlled by and managed by the newly formed ANC government. Of course, the difference was that the South African government at that time was a liberatory, post-apartheid government. In the US, instead of having a top-down, centralised, expert-dominated, systems-dominated process, we're seeing these initiatives, whether reparations or truth processes, bubble up at the grassroots level and also at the statewide level.

Dzur: Are they networking? Are they learning from each other?

Davis: That's one of the things that I am very interested in. How can we network and learn from each other and share resources and share and exchange knowledge? And I think it's critical that we not rely solely on systems-dominated reparations and truth processes, because these systems are the very systems of domination from which we are trying to get released. We don't want to put them in charge. We can't do the same thing while hoping for a different result.

Dzur: It's a double-edged sword because they're so useful in broadening the reach and impact of an initiative, but they're toxic in the ways that you're suggesting.

Davis: Exactly. So again, not dominating communities but sharing power in these processes is really important. Restorative justice values and processes can be very useful here. There is the radically inclusive and democratic nature of restorative justice. For instance, with peacemaking circles, we intentionally seek to draw out and hear the wisdom of every participant no matter their positional power. In circles we do with youth, the voice of that 12-year-old is just as important as the voice of the police chief.

Dzur: This gets to something in one of your writings: you call restorative justice one of the most subversive social movements you've been part of. And you've been part of some pretty subversive social movements!

Davis: I say that because restorative justice challenges me personally, to show up, to be the best version of who I can be. We are called to bring forth the best version of who we are, all of us, when we are in circles. We create this space where we are called to embody values of respect, openness, kindness or empathy. It really invites us to transform ourselves and transform those systems of domination that live inside ourselves. We're not just fighting those punitive systems outside but the punitive systems internalised within.

It asks us to really learn how to be present to one another in ways that bring healing instead of in ways that cause further injustice and further harm. Our culture is a culture of harm: we know very well how to harm ourselves, our communities, our families, our bodies, our waters, our earth. We're good at harming. For me, restorative justice – especially practised through a social justice

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lens and in ways that honour its indigenous roots – challenges us to reinvent the way we are present as human beings to one another and to the earth.

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