

## BOOK REVIEW WITH A FOCUS

**Fania E. Davis, *The little book of race and restorative justice: Black lives, healing, and US social transformation*. New York: Good Books, 2019, 111 pp., ISBN: 978-1-68-099344-8 (ebk), ISBN 978-1-68-099343-1 (pbk).**

It seems rather surprising that although racial minorities (Blacks in the USA, Indigenous Peoples in Canada, etc.) have disproportionately endured the injustices of the 'justice' system and have often borne the major burden of justice errors and inequalities, race has not figured prominently and has not been a major topic in the ever growing literature on restorative justice. This handy book, published in the series *The little books of justice & peace building*, is therefore a very welcome and timely addition to the restorative justice library.

Chapter 2 ('Ubuntu: The indigenous ethos of restorative justice') as well as the book's frequent references to the African origins of restorative justice brought back memories of my personal conversion to restorative justice, half a century ago, following a guest professorship at the University of Abidjan in the Ivory Coast. In a paper I presented at a meeting on restorative justice held in Cape Town, in 2007, I briefly told the story of that conversion.

In the 1970s, while in the Ivory Coast, I decided to do a study of African homicide in order to gain a better understanding of the impact that culture has on the rates, the nature and the types of this universal form of human aggression. So with the usual diligence of an enthusiastic researcher, I carefully examined the national police records on criminal homicide during the previous ten years. Soon I noticed that there were few, if any, cases recorded in the rural areas and the small villages of the Ivory Coast. Could it be that the rural population in the country was much too peaceful to kill one another? 'Well, no!', I thought, and found another explanation.

I probed further into the possible reasons for such a flagrant discrepancy and soon realised that there were two, almost parallel, systems of justice operating in the Ivory Coast. One was the Western punitive system, inspired by the expiatory and retaliatory teachings of the Old and New Testaments, a system that was imposed on the Ivoirian population by the colonial power, France. The system used mainly a two-pronged weapon in its response to serious crime: death and imprisonment. The second was the Indigenous, tribal system, which used customary rules and traditions to solve conflicts and settle disputes of all kinds between members of the community. Dissatisfied with the Western system of punitive, retributive justice, and unable to comprehend why the state should steal the conflicts from their rightful owners (to use Nils Christie's now famous metaphor) while doing nothing to compensate the victim's family or to achieve reconciliation between the feuding clans, those victimised simply did not report the homicides to the police. Instead, they preferred to have the matter dealt with according to their norms and customs. The two elements of this Indigenous justice were compensation (for the death, injury or harm done) and reconciliation

aimed at restoring the peace disrupted by the offence and ensuring a future of harmonious coexistence.

And what a valuable learning experience for me that was! It revived in my memory a truly remarkable case that I came across when studying the history of capital punishment in Canada. This case happened in a British settlement in the Canadian North during the early days of the British colonial rule. It is the story of a native chief of one of Canada's Indigenous tribes whose son was killed by the son of the British Garrison Commander. Intent on showing the fairness and equality of British justice, the commander insisted that his son be executed in conformity with British law. The pleas of the victim's father fell on deaf ears. He offered to adopt the killer so that he may replace his slain son. He could not, despite his deep personal grief, understand the rationale for the death penalty, the wisdom of doubling the loss instead of trying to minimise it. He asked himself and the commander what purpose would be achieved by taking the life of the culprit. But to no avail. The Talion Law – a life for a life, an eye for an eye and a tooth for a tooth – had to be applied. And the so-called 'civilised' Western justice had to prevail, and did! The evident futility, cruelty and destructiveness of such punishment were not enough to persuade a dedicated military officer to bend the rules or to listen to the wisdom of the Indigenous chief, even if it meant sparing his own son.

The case convinced me, if any convincing was needed, that punishment is not and can never be the answer. It fortified my firmly held belief that there must be a better solution, a better response to harmful, injurious actions. It also confirmed and reinforced the lesson I had learnt earlier from the tales of cultural anthropologists who studied what Western scholars derogatorily called 'primitive societies': societies that escaped the influence of Judaism, Christianity and Islam and were thus not inspired or affected by the religious notions of expiation and penitence.

What I found remarkable was the quasi-universality of the historical evolution of social reaction to harmful and injurious acts. The reports of social and cultural anthropologists show that in every society they studied there was an evolution from private vengeance, to group vengeance, to a system of composition, which is the earliest form of restorative justice. Moving from vengeance to compensation was a normal progression because retaliation proved detrimental to the group.

Yes, Fania Davis' book brought back all those memories and many more. Early in the book, she explains her primary objective: to urge racial justice advocates to invite more healing energies into their lives and restorative justice advocates to bring more 'warrior' energies into theirs.

The book is divided into seven chapters. Chapter 1 relates the author's journey to racial justice and restorative justice. It provides an excellent summation of how life was for Black people in the Jim Crow South of the USA in the 1960s. The author readily admits that since her younger years she has been an activist in the Black student, Black nationalist, women's, prisoners', anti-imperialist, anti-apartheid, anti-war, anti-racial violence and socialist movements. After briefly telling her harrowing personal life story, she relates

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how she made the decision to go to law school, believing it to be the way to become a more effective agent of social transformation. She spent more than twenty-five years as a trial lawyer, specialising in employment discrimination litigation. A health condition led her to close her law practice and to pursue a PhD in Indigenous studies. She travelled to Africa to recover her Indigenous origins and to live with and learn from African traditional healers.

Shortly after returning from Africa and completing her PhD, she learnt about restorative justice – a justice that seeks not to punish but to heal. She quotes Kay Pranis’s description of restorative justice as justice that is not about getting even but about getting well; a justice that seeks to transform broken lives, relationships and communities, rather than shatter them further; a justice that seeks reconciliation, rather than a deepening of conflict; a healing justice rather than a harming justice. The author explains further how learning about this new but ancient justice marked a climax in her own years-long movement towards wholeness. How it provoked in her an epiphany, integrating her inner warrior with her inner healer and uniting the opposites within: fire versus water, solar versus lunar, and masculine versus feminine. Restorative justice allowed her to integrate these hitherto disparate parts.

The author goes on to explain that the primary purpose of her book is to invite restorative justice practitioners to cultivate a heightened racial justice consciousness and racial justice activists to embrace a greater healing consciousness. She believes that through what she describes as the coupling of ‘warrior’ and ‘healer’ attitudes, practitioners can develop a capacity to fulfil the promises of both the racial justice and the restorative justice movements. By so doing, they will be able to disrupt the school-to-prison pipeline, interrupt the ‘New Jim Crow’ of mass incarceration, transform the historical harm that drives present-day state-sanctioned police violence against people of colour, and, ultimately, take the next step on the evolutionary journey of reimagining what it means to be human.

Chapter 2 reviews the fundamentals of restorative justice, exposes its Indigenous roots and illustrates African-centred justice approaches. Through a critical race theory lens, Chapter 3 examines the nature of race and racism in the United States, the dearth of racial justice consciousness during the first forty years of the restorative justice movement, and the dynamic transformations currently under way. Chapter 4 addresses the school-to-prison pipeline and race-based restorative justice practices in schools, with examples from Oakland, California, and Denver, Colorado. Chapter 5 addresses the origins of the American punishment system in slavery, its afterlife in the form of racialised mass incarceration, and how prison activists and restorative justice practitioners are responding to it. Chapter 6 envisions a home-grown restorative justice-based truth and reconciliation process to transform police violence against African Americans. Chapter 7 reviews the unprecedented truth-telling efforts bubbling up across the USA today, outlines the evolution of the author’s notion of justice over her life’s journey, and concludes with an exhortation to activists and restorative justice practitioners to live and work at the intersection of healing and activism.

This little book, as brief as it is (111 pages), has quite a lot to recommend it. For those unfamiliar with or seeking some historical and factual information about the notion and practice of restorative justice, it provides an excellent concise introduction to both, particularly to their historical origins in African cultures. For the initiated proponents (or opponents) of restorative justice, it provides an eloquent plea for an adequate and badly needed substitute for the current punitive criminal justice system, resulting as it does in American mass incarceration and over-representation of Blacks and other racial minorities in penal institutions. In this Covid-19 era, where in the USA systemic racial injustice and 'Black Lives Matter' have become front page news and hot political issues, thanks to the George Floyd case and other publicised killings of Black victims at the hands of law enforcement officers, this book is a very timely reminder of the persistent injustices perpetrated against members of racial minorities. Equally, it serves to remind those who are fed up with the classical justice system and its seemingly unshakeable structural racism that a more humane and civilised justice paradigm does readily exist, a paradigm that offers a viable alternative to the current vengeful, retaliatory and destructive criminal justice system.

All in all, I recommend this informative and easy-to-read book to the widest readership possible, hoping that it will sensitise many of them to their implicit biases and to their conscious or subconscious racism. It is hoped that this will render them more accepting and supportive of the current political and social movements aimed at reducing the inequities, the disparities and the prevailing discriminatory practices of our current criminal justice systems. So let me end this book review by reproducing, in her own words, what the author herself describes as her dream of the future of restorative justice:

My dream is that restorative justice, as a worldview inspired by Indigenous insights and as a medium of holistic change – on intrapersonal, interpersonal, intragroup, intergroup, and systems levels – might help move us from an ethic of separation, domination, and extreme individualism to one of collaboration, partnership, and interrelatedness. (93)

May I join her by saying amen!

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