

What's Love Got to Do with It?

1. Fania E. Davis

DR. MARTIN LUTHER KING JR. DEFINES JUSTICE as “love correcting that which revolts against love.”

Dr. King made this visionary and audacious declaration at the first mass meeting of the Montgomery Improvement Association at the Holt Street Baptist Church on December 5, 1955, just days after the arrest of Rosa Parks. It was the meeting where Rev. Ralph Abernathy put forward the resolution to initiate the Montgomery bus boycott. The church was located in a black working-class section of the city. Both the sanctuary and the basement auditorium were filled, and an overflow crowd outside listened via loudspeakers. Many reporters, photographers, television crews, and black leaders were present. The meeting opened with two hymns, “Onward Christian Soldiers” and “Leaning on the Everlasting Arms.”

King then delivered an address that included this definition of justice as love correcting that which revolts against love. He later recalled his thoughts before the address: How could I make a speech that would be militant enough to keep my people aroused to positive action and yet moderate enough to keep this fervor within controllable and Christian bounds? I knew that many of the Negro people were victims of bitterness that could easily rise to flood proportions. What could I say to keep them courageous and prepared for positive action and yet devoid of hate and resentment? Could the militant and the moderate be combined in a single speech?



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RJOY (Eleanor Cooney)

For the restorative justice movement to grow strong, it must recall its past, like the Sankofa bird.

Is Dr. King's definition of justice context-bound? Or is it a universal definition of justice that withstands the test of time? Is it relevant today, or is it bound by the particulars of place and circumstance?

At first blush, on a personal level, this definition of justice bears no resemblance to the justice I pursued in my lifetime as an activist and civil rights lawyer. Love seems to have had little to do with my warrior-activist pursuits, whether as a militant black student fighting against racism and in support of the Black Panthers in the 1960s, or as a socialist fighting the evils of capitalism, or as a black woman fighting to save my sister Angela Davis from a legal lynching based upon fabricated charges of murder and conspiracy to murder a Marin County judge in the 1970s.

We were at war. Our relentless pursuit of social, racial, and economic justice in those days had nothing to do with love. It was us versus them. Or so it seemed.

And this continued through the 1980s after I became a civil rights lawyer fighting all-out civil rights wars in the courtroom against employers and on behalf of clients who were victims of employment discrimination.

What does love have to do with the hypermasculinist, hyperrational, aggressive, warrior-like personal qualities I was compelled to cultivate in order to be successful in these pursuits?

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The New Jim Crow

MOVING TO THE PRESENT DAY, THIS DEFINITION of justice as love correcting that which revolts against love appears to have little to do with our existing horrific and retributive paradigm of criminal justice. It has little to do with our rapidly expanding—or more appropriately, metastasizing—prison industrial complex, which has trapped the largest number of prisoners in the history of humanity. It has little to do with the death penalty or with the recent execution of Troy Davis. Nor, for that matter, with the execution of Lawrence Russell Brewer, a white man executed in Texas on the same day as Troy Davis, for the hate crime of dragging to death a black man, James Byrd, thirteen years ago.

It has little to do with the appallingly racialized justice described by civil rights advocate and litigator Michelle Alexander in *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. She tells us that today, more African Americans are incarcerated, or on probation or parole, than were enslaved before the Civil War began. And that, as of 2004, more African American men were disenfranchised (due to felon disenfranchisement laws) than in 1870, the year the Fifteenth Amendment was ratified, guaranteeing black males the right to vote. A black child born today is less likely to be raised by both parents than a black child born during slavery. And Alexander teaches that the recent disintegration of African American families and communities is due in large part to the mass imprisonment of black parents and their children and the constant cycling from their communities to prisons and back again.



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Healing Walls: Victims' Journey

3049 Germantown Avenue

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The Healing Walls project brought together men in a Pennsylvania state prison, their loved ones, crime survivors, and victims' advocates to explore the complicated journey of dealing with the aftermath of violence. Healing Walls: Inmates' Journey (on this Tikkun issue's cover) deals with feelings of remorse and atonement for crimes committed. Healing Walls: Victims' Journey (above) focuses on the absence of loved ones and

changes in identity that survivors of crimes experience. The complex and at times difficult dialogue that evolved in the process was captured in an independent movie, Concrete, Steel, and Paint.

Further, a large majority of African American men in some urban areas have been labeled felons for life (nearly 80 percent in the Chicago area) and are part of a growing undercaste permanently relegated by law to a second-class status. They can be denied the right to vote, automatically excluded from juries, and legally discriminated against in employment, housing, access to education, and public benefits, much as their grandparents and great-grandparents were during the Jim Crow era.

What does love have to do with this searing and heartrending picture of the justice we know today?

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A Lofty but Utopian Vision?

ARE WE THEN TO CONCLUDE THAT DR. KING'S DEFINITION of justice as love correcting that which revolts against love is a lofty but ephemeral and utopian vision, bearing little relationship to the way things are? A time-bound definition that is not true for us today?

Addressing this first on a personal level, about fifteen years ago, I reached a point in my life as warrior-lawyer-activist when I became so burnt out and starved for spiritual sustenance that, through a series of synchronistic events, I ended up shutting down my law office and then found myself apprenticing to a South African traditional healer. Intuitively, I realized I was out of balance and needed an infusion of more feminine, healing, and spiritual energies in my life to re-equilibrate. Thus I imagined I would never return to the law and to the hyper-rational, hyper-masculinist, bellicose qualities I was required to cultivate as a trial lawyer.

But after receiving my Ph.D. in African Indigenous studies, I started practicing law again by default because I could not find any way to do this healing work on a remunerative basis. However, with the experiences in Africa, I was beginning to sense that law and spirituality, and justice and love, are not the polar, irreconcilable opposites I once conceived them to be. I could be a lawyer *and* a healer—a healer of the social body.



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Restorative Justice for Oakland Youth (RJOY)

Fania E. Davis (at right) engages with students at Restorative Justice for Oakland Youth's Castlemont Peacebuilding Academy, summer 2011.

Dr. King's definition of justice actually foresaw and prophesied this shift in my personal journey. But the shift that Dr. King foretold is not at all limited to my own story of transformation; it is the story of the evolution of justice itself.

In the last three-and-a-half decades, a new paradigm of justice has emerged on the historical stage—a justice that seeks not to punish, but to heal. A justice that is not about getting even, but about getting well. A justice that seeks to transform broken lives, relationships, and communities rather than damage them further. A justice that seeks reconciliation rather than a deepening of conflict. A justice that seeks to make right the wrong rather than adding to the original wrong. A healing justice rather than punishing justice. A restorative justice rather than retributive justice. This new but ancient justice is none other than love correcting that which revolts against love.

Not long after I re-entered the practice of law after returning from Africa, I learned about restorative justice from Ronnie Earle, former District Attorney for Travis County (Austin) Texas, at a retreat with Peter Gabel and the Project on Integrating Spirituality, Law, and Politics. Listening to Ronnie provoked an epiphany and marked a climax in my own years-long movement toward wholeness, integrating the warrior, healer, and lawyer within me. Now I could be all these things at once. This led me to co-create Restorative Justice for Oakland Youth in 2005. Our mission is to promote a cultural shift from punitive responses to youthful wrongdoing that add to harm to restorative responses that heal and repair it.

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Restorative Justice's Promise

AS THE LATE CULTURAL HISTORIAN THOMAS BERRY NOTED, if we are to move into a viable future, we must reinvent what it means to be human. That is our historical imperative. Ultimately, I think restorative justice can help midwife a new evolutionary shift of the species into what Berry calls the Ecozoic Era: an era in which humans will no longer be entranced with ways of being and thinking that create domination, discord, and devastation, but will be present upon the earth in mutually enhancing ways—ways that bring about healing and wholeness and holiness with one another and with all of creation. My dream is that restorative justice might help move us from an ethic of separation, domination, and extreme individualism to an ethic of collaboration, partnership, and interrelatedness. In this sense, I would say this movement is more subversive than any of the revolutionary movements in which I have been involved since the 1950s. All previous social justice movements have kept us trapped in discordant, binary, either-or, right-wrong, and us-versus-them ways of being present to one another and to the earth.

On the civil rights plane, restorative justice also has remarkable potential to push back the New Jim Crow of mass incarceration which, due in no small part to Michelle Alexander's ground-breaking work, is increasingly being recognized as the major human rights challenge of our era.

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Pitfalls

HAVING DONE THIS WORK NOW FOR SEVERAL YEARS, however, I have observed that we are generally perceived as—and too often behave as—a white movement. This is an enormous challenge, raising grave questions as it does about our future as a movement and about our ability to fulfill its extraordinary promise. We clearly have what it takes on technical levels to offer effective and healing alternatives to racialized mass incarceration. The question is whether our movement has the will to meet this historic challenge.

If you google restorative justice and race you will find little or nothing. There is a wonderful blossoming and veritable creative explosion of essays, books, and articles written on restorative justice in the last two-and-a-half decades, but not even a handful address race, or the Civil Rights Movement and restorative justice, or mass incarceration and restorative justice, or disproportionate minority contact—the overrepresentation of youth of color in the juvenile justice system—and restorative justice.

I believe we have not learned from the history of the peace, women's, and environmental movements' initial failures to intentionally engage issues of race. I believe we have forgotten our recent historical roots. We have forgotten who we are. Restorative justice is an heir not only to the victim's rights, feminist, mediation, prison abolitionist, and Mennonite movements, but it also has its spiritual roots in the Civil Rights Movement—in nonviolence, ahimsa, satyagraha, truth-telling, engaging the enemy with compassion, consistent with Dr. King's and Mahatma Gandhi's visions of justice. While several historical antecedents converged to give rise to the restorative justice movement, the Civil Rights Movement was a principal contributor, having a defining impact on its thrust and spirit.

Dr. King's definition of justice foreshadows restorative justice. His core vision of creating the beloved community is closely akin to the relationship and community building that is at the heart of all restorative practices. His Riverside speech, challenging America to engage its enemies—at that time Ho Chi Minh and the Viet Cong—and listen to one another's stories anticipates the profound encounter and truth-telling themes of restorative justice.

When Dr. King declared at the 1963 March on Washington, “I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave-owners will be able to sit down together at a table of brotherhood,” he foresaw the Coming to the Table project in Virginia and the Welcome Table project in Mississippi—two contemporary restorative justice initiatives designed to heal historical harms of slavery and Jim Crow. The Virginia program literally brings together descendants of slaves and slave owners, in some cases from the same blood line, to engage in racial healing dialogue. Dr. King also prefigured the restorative and racial healing work being done by the DeWolf family and growing numbers of allies in connection with the Traces of the Trade project.

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Sankofa, Race, and Restorative Futures

IF WE ARE TO FULFILL RESTORATIVE justice’s extraordinary potential we must not forget our roots—either our deep indigenous roots and values that relentlessly remind us of the sacred bonds of our interrelatedness, or our more recent civil rights roots that resolutely remind us of the centrality of race in any effective U.S. social transformation movement.

We as restorative justice practitioners and allies must be intentional about impacting racial disparities as we create and implement programs, whether in schools, communities, or the justice system. We also need to craft program evaluation strategies that keep an eye on and measure impact on racial disparities.

To remain vigilant within our own ranks and to model the race-conscious changes we want to see in the world, we must embed unlearning racism components and tutorials on the New Jim Crow and school-to-prison pipeline in all our standard restorative justice trainings, be they victim-offender mediation, family group conferencing, or peacemaking circle trainings. We need to think and talk more about the subject, write about it, and hold study circles and symposia on it.

As Dr. Kenneth V. Hardy notes, the moral question of our time is whether we will choose to promote healing or jailing. Indeed, our historic task is to challenge and provide alternatives to our culture’s overreliance on racialized strategies of mass punishment and incarceration. Through advocacy and well-researched studies, we need to influence policy makers to redirect resources from incarcerating to healing and educating. And we must also be mindful and practice noticing whenever punitive or racialized ways of being rear their head both in our thoughts and daily interactions. So much of what we do, if we are to be effective, involves practicing mindfulness and being the change we want to see in the world. If we are not modeling what we are teaching, then we are teaching something else.

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What Love Has to Do with It

WHEN DR. KING ADDRESSED THE OVERFLOW audience at the Holt Street Baptist Church in Montgomery, Alabama, in December 1955, history was being made in two ways. First, as is well-known, the occasion marked the inauguration of the Montgomery bus boycott that ultimately changed the world. Secondly, and less well known, that evening marked the early glimmerings of humanity’s historic shift toward a new vision of justice, foretelling the emergence of the restorative justice movement some twenty years later, another movement that is also destined to change the world.

And what does love have to do with this new but ancient justice? Everything.

Author Information

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