

The Case for a Racially-Conscious, Culturally Competent Restorative Movement

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Despite the considerable gains of the civil rights movement and the symbolic achievement of electing its first non-white President, the United States continues to be characterized by racial disparities in most important outcomes, as well as a widening perceptual divide in regard to what causes and maintains those disparities (Drake, 2014). Nowhere are these tensions and inequities more evident than in the schools, where the “school to prison pipeline” has become part of the popular lexicon, and in the criminal and youth justice systems, which continue to incarcerate more people per capita than any country in the world (World Prison Brief 2018). The data in both contexts are unambiguous.

The Unjust Justice Systems

School discipline¹

The School-to-Prison Pipeline (STPP) refers to the national trend of criminalizing youth instead of educating them. Exclusionary discipline policies such as suspensions, expulsions, and school-based arrests are often used to address even the most minor infractions: a five-year-old “threatening” to shoot a classmate with a pink Hello Kitty bubble gun (ABC News 2013), a seven-year-old chewing his strawberry breakfast bar into the shape of a gun and saying “bang bang” (Petri 2013) or a thirteen-year-old giving another student her prescription-strength ibuprofen (Clarke 2010).

Importantly, though suspension rates in middle schools and high schools have risen dramatically since the early 1970s, the increase has been almost exclusively for Black, Latino, and American Indian students. Black students, in particular, have experienced the highest increase, doubling in rate from 12% to 24%, compared to just a 1% increase for white students. As a result, the Black/White gap that was

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roughly 6% in the 1970s has grown to more than 24%. The change in the number of Latino suspensions is also notable, not only because the suspension rates for this group have also almost doubled (12% compared to 6% in the 1970s) but also because Latino and white suspension rates were almost indistinguishable in the 1970s (Losen and Martinez 2013). The racial disparities become even more pronounced when boys are examined separately. A nation-wide analysis shows that the 30% suspension rate for black boys in middle and high schools is three times higher than that of their white peers (Losen and Martinez 2013).

While suspensions purportedly increase safety and academic achievement, a major study concluded that “higher suspending schools reap no gains in achievement, but ... have higher dropout rates and increase the risk that ... students will become embroiled in the juvenile justice system” (Losen and Martinez 2013, p. 20). According to this study, a single suspension in 9th grade doubles the drop-out rate from 16% to 32% and triples the chance of juvenile justice involvement within a year. Additionally, the authors argue that suspensions likely decrease safety in schools and communities because they increase student disengagement, diminish trust between students and adults, and remove students from adult supervision for extended periods (Losen and Martinez 2013). The American Pediatrics Association found the research findings sufficiently compelling that it called for pediatricians to urge schools to avoid suspensions except as a last resort (American Academy of Pediatrics 2013).

Law enforcement and courts²

Though not all states and cities track racial disparities in police stops and use of force, those that do so show a consistent pattern. In New York City, blacks were 12 times more likely than whites to be stopped by police using physical force and 40 times more likely to be stopped by having a gun drawn (Ogletree 2010). In Illinois, police search requests yielded contraband for 25% of black drivers compared to 33% of white drivers, despite the fact that police requested searches of vehicles driven by black drivers at a 57.5% higher rate compared to vehicles driven by white drivers (IDOT 2017). Similarly, in Los Angeles, the black stop rate is twice as high per 10 000 residents than the white rate, and, when stopped, black drivers are 127% more likely to be frisked, 76% more likely to have their vehicle searched, and 29% more likely to be arrested, compared to stopped white drivers, even though the frisk yield rate is 42% *lower* for blacks and consensual vehicle searches of black drivers are 37% *less* likely to uncover weapons, 24% *less* likely to uncover drugs, and 25% *less* likely to uncover any other contraband (Ayres and Borowsky 2008). If frisk and search requests were motivated solely by probable cause – rather than by intentional profiling or implicit bias³ – the rates of uncovered contraband should not differ across racial groups. Indeed, this is the exact pattern that emerges when vehicles are searched as a result of dog sniffs rather than officer discretion. In Illinois, for example, dog sniffs led to searches at practically identical rates for white and non-white drivers and yielded contraband at almost identical rates: 64.3% for white drivers and 60.1% for non-white drivers (IDOT 2017).

In addition, studies show black and Latino men are significantly more likely than their white counterparts to be incarcerated when judges have broad discretion in sentencing, as in less serious crimes such as larceny and drug possession. For example,

according to a Florida study, black defendants were 47% more likely to receive a jail sentence and 24% more likely to receive a prison sentence than whites, after controlling for crime type and criminal history (Warren, Chiricos, and Bales 2012). Altogether, black men are imprisoned at a rate 6.5 times higher than white men (Sabol, West, and Cooper 2009), and one in three black men can expect to spend time in prison during his lifetime (Lyons and Pettit 2011).

The war on drugs is especially insidious. Though studies consistently fail to show meaningful race-group differences in either drug use or trafficking, a vastly disproportionate number of black and Latino men are not only locked up for significant periods but also upon release are forced into a subclass, often legally disenfranchised and deprived of voting, public housing, education, employment, and other citizenship rights (Alexander 2012; Fellner, Walsh, and Smart 2000).

The Restorative Potential

Restorative justice is defined as “a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future” (Tony Marshall, in Braithwaite 2000, p. 115). Whereas conventional approaches to justice typically seek to determine which law/rule was broken, who broke the rule/law, and which punishment would be just and proportional to the rule/crime, restorative approaches focus on identifying the harm to both persons and community and, to the degree possible, repairing that harm through making amends (Zehr 2015). De-emphasizing the reliance on a professionalized class (judges in the courtrooms, deans and vice-principals in the schools) to discern how justice should be applied, restorative justice is designed to be dialogue-based and, ideally, created and operated by the community in which the harm took place. Thus, those who are harmed, those who did the harm, and those who are impacted by what happened⁴, are brought together for the purpose of mutual understanding and, eventually, voluntary agreements designed to repair harm and address unmet needs (Lyubansky and Barter, 2019).

Despite its long roots in many indigenous communities, the contemporary restorative justice (RJ) movement is not yet 50 years old. Especially in the United States, the supporting evidence is still more anecdotal than research-based, but the empirical base is growing. In schools, restorative approaches have generally reduced suspensions and expulsions, decreased disciplinary referrals, improved academic achievement, and decreased violent and serious acts (Lewis 2009; Sumner, Silverman, and Frampton 2010). Similarly, in their review of the criminology research, Sherman and Strang (2010) found that RJ reduces repeat violent offending, diverts offenses from criminal justice, reduces victim post-traumatic stress, increases victim and offender satisfaction, reduces victim desire for violent revenge, reduces criminal justice costs, and decreases recidivism when compared to incarceration.

The compelling case studies and the growing empirical evidence have been a potent combination, and the excitement about the movement’s potential continues to grow. Already, restorative justice has emerged as the leading alternative to incarceration as a response to crime, as the primary alternative to school suspensions as a response to school discipline issues, and as an increasingly viable strategy for

organizations and businesses to work through internal conflicts that often result in staff turnover, disruptive and unproductive factions, and lower efficiency and productivity. As a result, the RJ movement has experienced rapid growth across the country, especially in the schools where entire school districts (and many individual schools) have either already transitioned or are in the process of transitioning from punitive to restorative discipline.

The restorative movement's growth can potentially transform how communities think about and operationalize justice. As such, some see it not only as a potentially better response to harm and conflict broadly but also as a possible way of eliminating or vastly reducing the racial disparities in the school discipline and criminal justice systems. Focusing on the restorative justice movement's potential to address racial injustice, the purpose of this chapter is to: (i) outline the concerns of the movement's current trajectory in relation to racial justice, (ii) propose a philosophical direction for the movement to embrace, and (iii) describe the potential benefits of white-designated spaces that are aligned with this philosophical orientation.

Restorative Concerns

Although restorative practices have been shown to not only reduce overall suspension rates but also reduce disproportionate suspension rates for African American students (see Davis, Lyubansky, and Schiff 2015, for review), without awareness and attention to power dynamics generally and racial bias specifically, schools and organizations are likely to replicate, rather than reduce, existing power dynamics, including racial disproportionality.

Inequitable Access

Because both gatekeepers and facilitators are more likely to come from backgrounds of relative privilege in terms of education, financial resources, gender, race, and ethnicity, they are more likely to hold color-blind ideologies and implicit biases that disproportionately impact less privileged groups and affect their decisions regarding who can and cannot appropriately engage in and benefit from restorative practices. As a result, courts, schools, and other institutions may set up gatekeepers or various gatekeeping policies that either intentionally or unintentionally make restorative practices more accessible to some than to others. (Lyubansky and Shpungin 2015).

Biased facilitation

Even when access to restorative responses is equitable, RJ facilitators who are not aware of how their social location (i.e. race, gender, adult status) impacts their words and actions may inadvertently speak or act in ways that reinforce racial stereotypes and/or maintain existing power dynamics. This phenomenon of implicit bias – a bias in judgment that operates without intentional control and, frequently, without

conscious awareness – has been well documented in a variety of contexts. Perceptions of race (and other identity markers) have been empirically shown to significantly affect the behavior of police officers, attorneys, judges, and juries, as well as teachers, health care providers, landlords, salespeople, and many other professionals (Staats 2014). Unless formal training and supervision are developed to minimize such a likelihood, there is every reason to believe that RJ facilitators will similarly act in ways that unintentionally favor some groups over others.

Systemically biased agreements/outcomes

One of the benefits of restorative justice is its ability to respond to the specific needs and concerns of those who are involved and impacted. Rather than being bound by legislation (e.g. minimum sentencing laws) and legal precedent, restorative processes typically have the freedom to take into account a variety of factors such as reciprocal harm, social history/context, and available resources to determine how to best repair the harm in each particular situation. While this allows participants to have considerably more voice and agency than in conventional justice approaches, it also creates conditions for agreements reached in one restorative process to be vastly different from agreements made in another, even if the type of harm (e.g. fighting in school with no resulting injuries) is virtually similar. While such differences are not inherently unjust (i.e. if those who were harmed feel “restored” and everyone is satisfied that their need for future safety is addressed), they may potentially result in systemic bias in which those who are part of one particular social identity group are consistently treated more leniently than those who are part of another.

Co-option by mainstream values

A final concern, which I believe is even more likely to disrupt the restorative movement’s effectiveness in reducing racial disparities, is that the movement may be co-opted by mainstream values and policies. Writing more than 20 years ago, about mediation, restorative justice pioneer Howard Zehr warned that “within the hierarchical and coercive structures of criminal justice, alternative sanctions may result in something not only different than intended but also worse than what they were designed to fix” (1995, p. 208). Zehr argued that just as progressive alternatives of the time, such as house arrest, electronic monitoring, and community service offered “new technologies of punishment” that could “widen, deepen,” and strengthen the net of social control, so could victim–offender reconciliation programs and other restorative practices (1995, p. 208).

Almost 25 years later, the danger of co-optation is not so much a hypothetical possibility as a present reality. Already there is evidence that some schools are using restorative practices to strengthen compliance and social control rather than to facilitate connection, belonging, and engagement (Reimer 2018). To the degree that the restorative movement becomes identified with this philosophy, it will (understandably and justifiably) become perceived by communities of color (and other marginalized groups) as something against their interests, despite the restorative movement’s critiques of exclusionary punishment and the criminal justice system.

Which Restorative Justice?

With the rapid growth of the restorative movement over the past decade, we have seen the emergence of an increasingly diverse body identifying with the movement and claiming membership within it. While such diversity of values and motivations speaks to the broad appeal of the movement and creates conditions for innovation and systemic change, it also challenges the integrity of the movement in the sense that individuals with vastly different values and guiding principles are associating with the movement and laying claim to its mission and future direction. As such, any discussion relating to the role and potential of restorative justice (in this case, as an approach to decrease racial disparities in school discipline and criminal justice) must start with the question: Which restorative justice?

A movement this large and this diverse can be divided and categorized in many different ways. To that end, I see three types of restorative justice vying for influence in the US landscape: (i) a gentler kinder method of gaining compliance from others, (ii) a set of skills and techniques that individuals can learn to deploy to work through interpersonal conflicts, and (iii) a systemic response designed to challenge existing power hierarchies and provide a more democratic, community-owned way of responding to conflicts and acts of injustice. Within the first two types, there is also a tension between those who see their restorative efforts as part of an internal set of values and principles that they carry with them from one context to another and those who see restorative justice as a professional role that is useful in a particular context (e.g. a school) and limited to that context in practice. From my perspective, all of these restorative justice conceptualizations have value, but only the third has the potential to contribute to a more racially equitable society.

For such a systemic restorative challenge of power hierarchies to be possible, it is not enough for the movement to criticize existing institutions; it must also develop the consciousness to understand how structural racism operates and the interpersonal skills necessary to work with individuals from different cultural/racial/ethnic backgrounds and diverging identities. This philosophical orientation, often described as “cultural competence”, has been embraced by both the helping professions and the corporate world, sometimes with mixed results. The academic literature on cultural competence is fraught with inconsistencies and contradictions and I am aware of no objective criteria for a “culturally competent” professional. Nevertheless, cultural competence’s influence and contributions are undeniable, and I contend that it is essential for the restorative movement to adopt its insistence that individuals be recognized and acknowledged not only as human beings and unique individuals but also as racial, ethnic, and cultural beings.

In some important ways, restorative justice is, by principle, more culturally competent than the dominant justice systems currently in place. This is the case because when restorative justice is approached systemically, the resulting justice systems often seek to return and maintain the conflicts in the communities where they originated. Since it can be assumed that these communities are more likely to have the cultural knowledge and experience necessary to understand the cultural meaning and origins of the acts that took place and handle the conflicts with more sensitivity

to culture-specific values and traditions than community outsiders, these kinds of community-owned restorative justice approaches can be seen as culturally competent practices.

At the same time, not all communities have retained or developed this cultural knowledge, and given the historical harm and the continuing evidence of racial prejudice and bias, a justice movement that fails to acknowledge and take measures to address racial inequity is likely to be accurately perceived as uninformed, uncaring, and unjust and bound to create conditions for racial inequity to continue, regardless of the cultural membership or the benevolent intentions of those involved⁵.

The reality of racial bias is not, in itself, a justification for a racial-conscious approach. Certainly many (usually more conservative) policymakers and social commentators have argued for the exact opposite. Charles Murray, a fellow at the conservative think tank American Enterprise Institute, articulated this point of view back in 1984 in *Losing Ground: American Social Policy, 1950–1980*:

My proposal for dealing with the racial issue in social welfare is to repeal every bit of legislation and reverse every court decision that in any way requires, recommends, or awards differential treatment according to race... We may argue about the appropriate limits of government intervention in trying to enforce the ideal, but at least it should be possible to identify the ideal: Race is not a morally admissible reason for treating one person differently from another. Period.”

Murray’s argument is philosophical, not empirical. I, therefore, initially respond in kind, before turning to the existing empirical data which informs my position.

In the United States (and many other global contexts) individuals who are perceived to be white enjoy many unearned benefits. Among these (see Lyubansky and Hunter 2014, for review of contemporary racial inequity in the United States) is the privilege to be seen and judged primarily (or even exclusively) on the basis of one’s individual behaviors and attributes⁶. Despite this reality (or perhaps because of it), the last decade has seen the rise of the so-called “color-blind” ideology (Apfelbaum, Norton, and Sommers 2012), in which the more racially conservative (and often white) portions of society assert that the most moral and effective response to racial inequities is to treat all people the same regardless of their race or ethnicity and otherwise “not see color.”

This approach, while appearing benign, in practice renders people of color invisible and maintains racial inequities by denying and invalidating structural injustices, interpersonal racial slights against people of color, and pervasive unearned advantages and privileges afforded to those who are white and male (McIntosh 1998). While people of color and others with marginal identities are often aware of the racial, gender, and other forms of micro-aggressions⁷ directed at them and other like them, members of dominant groups are less likely to have such awareness because they have the privilege of shutting themselves off from the realities of racial inequality (Anderson 2014). In this way, the intersection of unacknowledged privilege and a commitment to color-blindness often leads to a denial or minimization of the symbolic meaning that members of marginalized groups attach to daily micro-aggressions,

such as a store clerk placing change on the counter instead of into the hand of a black customer, or an employee expressing surprise about a black colleague's excellent vocabulary. For the white person, every action is an individual one that should be evaluated on its own merits; for persons of color, it is part of a painful 400-year history.

Indeed, if the various racial dynamics are not recognized and addressed, any attempt at a restorative dialogue pertaining to the situations describe above is likely to deteriorate and leave one or more of the participants feeling harmed by the process (see Lyubansky and Barter 2011). For example, in many white-dominated spaces, those who see themselves as racial outsiders will often choose to hold back important parts of the truth, because there is simply not enough perceived safety to do otherwise. At the same time, as explicit racism is becoming less socially acceptable in some politically progressive spaces, many white individuals are increasingly hesitant to engage racial dynamics for fear that their concerns or points of view might be perceived as racist or otherwise socially inappropriate.

However, even when the conflict does not, on the surface, appear to be related to race, those who identify with racially marginalized groups are often aware (in ways that those who are part of the dominant racial group are not) of the many ways that race impacts their professional opportunities and general well-being. As a result, a restorative process that either directly or implicitly discourages members of non-dominant groups to bring up racial, gender, or other forms of discrimination or, in some way, invalidates such claims through gatekeeping, the actions of the facilitator or any other response by the restorative system is likely to be perceived as only partially restorative at best and potentially even destructive.

While I am not aware of empirical studies that have examined the impact of color-blind ideology on restorative practices specifically, a number of studies have linked color-blind attitudes with various expressions of racial prejudice (e.g. Neville, Lilly, Duran, Lee, and Browne 2000) and with the promotion of interracial tension and inequality (Neville, Awad, Brooks, Flores, and Bluemel 2013). As Plaut, Thomas, and Goren (2009) concluded in their study of how the diversity beliefs of white employees impacted the psychological engagement of their minority co-workers, "Paradoxically, emphasizing minimization of group differences reinforces majority dominance and minority marginalization." Finally, in the context of restorative justice, it is especially noteworthy that psychotherapists' level of color-blindness was inversely related to their capacity for empathy with black clients, but had no such impact with white clients (Burkard and Knox 2004).

A Systemic, Culturally Competent Restorative Framework

The theoretical framework of cultural competence is difficult to define and some of its aspects are contested even by its most enthusiastic supporters. To begin with, the use of "culturally competent" as a way of describing either practitioners or their approach suggests that there are objective criteria and a threshold for determining who meets it. In practice, the criteria are widely contested and, especially in our

rapidly changing world, it is more useful and more accurate to conceptualize cultural competence as a lifelong pursuit rather than as an objectively-determined end-point. In the context of restorative justice, I will focus on two particular aspects of competence: Awareness and procedural fairness.

Three dimensions of awareness

There are three dimensions of awareness and competence that are often articulated in the psychotherapy/counseling literature (see Sue et al. 1998) that I believe have relevance for restorative justice: (i) awareness of own assumptions, values, biases, and historical experiences, (ii) awareness of the diversity of experiences and world-views of culturally different individuals, and (iii) awareness of culturally-appropriate facilitation strategies and techniques.

Awareness of the self. Of the three dimensions of awareness, I consider the awareness of the self to be foundational, as it is here that those who are interested in justice can learn to recognize and eventually cognitively override their own prejudices and biases. It is here, as well, that we gain awareness of our own cultural background and experiences and how those individual experiences and cultural and racial socialization inform our attitudes and values, including those that relate to conflict and justice. Finally, it is here that those of us who are perceived as white can unpack the various ways we have directly and indirectly benefited from interpersonal and structural racism. Though we cannot always refuse such benefits, it is particularly when we are unaware of our privilege that we are most likely to create unintentional harm across racial lines and are least likely to take responsibility and make amends for harm we might have unintentionally done.

Though whiteness is just one of many forms of privilege, it has arguably received the most attention from both activists and scholars and, therefore, provides a window into the privilege discourse. As someone who is usually perceived as white, I have come to understand that those of us who benefit from whiteness must be willing to engage in the work of examining our roles in histories of oppression and harm and understanding the impact of racial injustices on both the targets and beneficiaries. When white practitioners process these issues consciously and collectively, not to create shame but with the shared goals of individual and collective transformation, it:

1. Reduces the burden for people of color to educate their white colleagues,
2. Improves white people's ability to engage and respond to racial injustice in both white and mixed spaces (circles, organizations, classrooms) in ways that are less self-conscious and more self-aware, as well as more knowledgeable, and with more integrity.
3. Increases awareness of other forms of privilege, including privilege associated with gender, sexual orientation, religious affiliation, and socioeconomic status.
4. Creates conditions for cross-group trust and understanding in racially diverse spaces.

There is no shortage of written materials, videos, and workshops designed to support this kind of inner work. Rather than summarizing or reviewing it, the last section of this chapter will describe what such work might look like when done utilizing restorative principles and methods.

Awareness of cultural/racial others. Earlier in this chapter, I asserted the importance of acknowledging racial and cultural differences. Here, I propose that in addition to acknowledging them, it is useful to have some understanding of the role that such differences might play in people's lives, both as important context for understanding the conflicts and as a way of creating conditions for more restorative outcomes. A comprehensive discussion of cultural differences (e.g. eye-contact, conversational distance, time orientation, communications styles) is beyond the scope of this chapter and probably beyond reasonable expectations for so-called "culturally competent" practice, but it is essential to at least have some awareness of the ways that trauma, racism, poverty, immigration status, and group stereotypes impact the lives of racial and ethnic minorities. Though it is just one of many ways that such impacts can be experienced, stereotype threat provides a relevant window into how group differences might play out in a restorative process.

Stereotype threat is a term used to describe the cognitive process in which members of a stigmatized group underperform on a task, relative to their ability, due to fear that they will confirm a negative stereotype associated with their ingroup (Steele, Spencer, and Aronson 2002). The basic phenomenon is that in situations in which stereotypes about one's identity group are relevant or salient, individuals bear an extra cognitive and emotional burden not borne by those to whom the stereotypes do not apply (Aronson, Fried, and Good 2002). Importantly, Good, Aronson, and Harder (2000) demonstrated that one does not need to believe or endorse the stereotype in order to feel this burden. The mere awareness of the stereotype is sufficient to experience performance-disruptive apprehension and anxiety about the possibility of conforming to a negative stereotype either in the eyes of others, in one's own eyes, or both (Aronson et al. 2002).

While almost everyone belongs to at least one marginalized group⁸, several factors have been shown to play a role in "stereotype vulnerability" (Aronson, Fried, and Good 2002), including group membership, strength of group identification, and stereotype knowledge. To date, more than 300 experiments on stereotype threat have been published in peer-reviewed journals (Stroessner and Good 2011). While none (to my knowledge) have examined stereotype threat effects specifically in the domain of restorative justice, findings in other domains suggest that stereotype threat is likely to be manifest in a variety of different circumstances (Stroessner and Good 2011).

In US-based studies, several stigmatized groups, including African Americans, Hispanics, women, and those with a low socioeconomic background, have been found to underachieve on academic and intellectual tasks (for review, see Stroessner and Good 2011). While a restorative process may not seem particularly academic or intellectual, its emphasis on communication may nevertheless trigger similar insecurities and anxieties in those who are part of groups that are stereotyped as inarticulate.

Notably, in some circumstances, stereotype threat can also adversely impact white and male participants. For example, in a US study examining interracial communication, Tatum (2009) found that white participants exhibited a higher rate of speech

disfluencies and recalled fewer details of the partner's statements when the topic was race-related. An even more direct effect is described by Frantz, Cuddy, Burnett, Ray, and Hart (2004) who found that white participants expressed more implicit bias on the Implicit Association Test when they were led to believe that the test was diagnostic of racism. Similarly, Koenig and Eagly (2005) found that men who were told that a test of the ability to decode nonverbal cues measured social sensitivity and produced better scores for women performed worse on the test than when they were told that it measured information processing.

The consequences of unrecognized and unaddressed stereotype threat can undermine the restorative process, both by limiting the self-expression of some participants and, perhaps even more importantly, by devaluing the process and disincentivizing future participation. Moreover, as Link and Phelan (2001) suggested:

To the extent that stigmatized groups accept the dominant view of their lower status, they are less likely to challenge structural forms of discrimination that block opportunities they desire. Further, direct discrimination reinforces the belief among stigmatized groups that they will be treated in accordance with the stereotypes and therefore reinforces processes like...stereotype threat.

Awareness of facilitation strategies. In the previous section, I argued the necessity of facilitators engaging in the work of knowing themselves as racial and cultural beings. While most of this work needs to be done independently of the facilitation process, it is also important for restorative systems to weave this self-awareness and cultural sensitivity into the fabric of the process itself so that such explorations are a standard component of not only facilitator education and materials but of the ways that we engage in the facilitation of conflicts. What is critical is that those of us engaged in restorative justice work understand that though "color-blindness" (or ethnic-blindness, religious-blindness, GLBTQ-blindness, disability blindness, gender-blindness, age-blindness, etc.) might be intellectually seductive, the data suggest it is likely to be unproductive and even destructive, creating unintended biases in their facilitation and contributing to pain rather than restoration for some participants.

The Restorative Circles model developed by Dominic Barter and colleagues in Brazil (Lyubansky 2017), provides one example of how a restorative system can support this kind of facilitator awareness. In the RC model, facilitators are encouraged to prepare themselves by responding to the following question before engaging in either the Circle itself or in the preparatory meetings that precede it: "Do you hold any ideas, thoughts, images or beliefs that may prevent you from seeing the humanity of everyone involved?" By speaking freely about their worries, fears, assumptions, and pre-dispositions about themselves and others while an informed co-facilitator or colleague listens non-judgmentally without giving advice, criticism, or reassurance, summarizing instead the essence of what was said and the essential needs underneath, the biases and worries of the facilitator can be brought into awareness, examined, and, if necessary, addressed, so that they do not unintentionally leak out when the restorative process gets underway.

Finally, it is meaningful to track whether RJ facilitators and others associated with the community's restorative system are truly representative of the community

itself in regard to race, gender, education, and other characteristics that are valued by the community. Thus, in a school-wide restorative system, the RJ facilitators/circle-keepers would ideally include not only social workers and deans but also teachers, administrators, and various other school staff, including cafeteria workers and custodians, as well as students: (i) from all grade levels, (ii) in both remedial and college-bound tracks, (iii) with and without a history of disciplinary problems, and (iv) who more or less proportionally resemble the student body demographically. To the extent that the above does not occur, it is potential feedback that those in a particular under-represented groups may have less interest and less investment in the school's restorative culture and, therefore, may have less satisfying experiences in a restorative process. Through this lens, such feedback provides an opportunity to more fully understand these students' experiences with the restorative system, especially in terms of their unmet needs, and partner with those students to create a system in which they feel more included. In this way, the restorative system can respond with strategies designed to address the unmet needs and, thus, become more inclusive and more restorative.

Procedural fairness: Uniting standardization and customization⁹

The goal of procedural fairness is not necessarily to treat everyone the same but rather to be fair and transparent in our treatment of all parties. In this context, fairness consists of: (i) treating all participants with respect and dignity, (ii) guaranteeing that like cases are treated alike, and (iii) ensuring that all those directly affected have a voice in the process (Maiese 2004). This can be accomplished by *standardizing systemic components* of the process while simultaneously *increasing customized supports*.

For instance, one way to standardize systemic components is for the facilitator to offer the same warm greeting, glass of water, and type of seat to all participants, regardless of their conflict role (e.g. victim, offender), occupational/social role (e.g. police chief, protester), group membership (e.g. white professor, Maori student), or age (teenager, elder)¹⁰. However, this process would necessarily be customized in the case of a participant in a wheelchair. The idea is to *standardize in relation to role and status* and *customize in relation to individual needs*.

Similarly, the questions asked in the preparation and restorative meetings can be standardized, while offering customized supports to help increase safety, clarity, and buy-in of specific participants, based on individual needs (rather than status or role). While this may seem intuitive, many restorative processes make clear distinctions between those who are identified as offenders and other participants. Thus, the *identified offenders* are often asked, both in the preparation and restorative conferences, to talk about how their actions have *impacted others*, while the remaining participants are asked to speak to how *they have been impacted*. This sends the unintended message that when we harm others we are not negatively impacted, and that the official harmers hold 100% of the responsibility for what happened. My experience in facilitating Restorative Circles is quite the opposite: I find that when we ask the same question to all participants (e.g. What is important to you about what happened?) they are likely to speak to co-responsibility as well as co-victimization.

Though it is not possible to anticipate ahead of time every individual need that might arise, common individual needs include language interpretation, age-related

supports, disability accommodations, and individualized safety plans. Importantly, while the victim-centered movement provides an excellent blueprint for individualized supports and accommodations that can increase meaningful (as opposed to tokenized) participation in restorative practices, these individualized accommodations would address power and privilege much more effectively if they were actually offered to participants based on individual need, regardless of their identified role in the process (Shpungin 2014).

All that said, when power discrepancies are evident, facilitators or circle-keepers may need to support those with less structural power in order to create conditions that maximize both participation and restoration. For example, those who feel unsafe might benefit from the presence and participation of a support person while particular others may be asked to speak through a representative, participate via teleconference from another location, or have other limits to their participation (e.g. Braithwaite and Daly 1994). Ideally, the exact form of either support or constraint would have been established previously by a community process that can then be invoked and, if necessary, tweaked to accommodate particular cases. Regardless, transparency and facilitator support during the preparation stage are necessary so that participants can make informed choices about their own participation.

Over years of facilitating Restorative Circles, I have helped create traditional accommodations and safety arrangements for participants in multiple roles (e.g. placing a table between two youths who were worried they would get into a physical fight and having a signal when one of them needed a break). As an illustration of less common, individualized supports that spanned across the power and privilege continuum was a Circle that included some business owners, community members, police officers, and youth. Since a contested act of harm – and its possible real-world legal consequences – was being discussed, my co-facilitator and I supported the signing of an official statement by the State’s Attorney ensuring that no criminal charges would be filed based on anything revealed in the Circle. While this “reverse-Miranda” statement helped put the youth and community members at ease, the business leaders asked everyone to sign an additional statement promising that no civil charges would be pressed against them related to anything that was revealed in the Circle. This illustration aims to demonstrate that safety may need to be addressed for both perpetrators and receivers of harm, for both people with more and less structural power. When such individually-based accommodations are offered, there is increased truth-telling, expression of regret, and accountability – which may have especially powerful effects when coming from those with more structural power – and result in more restorative outcomes for all.

The Benefits of “White”-Designated Restorative Spaces

In most contexts, “white”-designated spaces are the antithesis of anti-racism work. Historically, such spaces were imposed by Jim Crow and intended to protect the interests and well-being of the white ruling class by keeping non-whites out. Today, spaces that are explicitly designated as “white” are still often worrisome, if not actually threatening, to those deemed non-white, as there is reasonable concern that, even with the best intentions, whiteness left to its own devices will seek to affirm and

maintain its own privileges and interests, to the detriment of non-whites. These are legitimate concerns, and I don't wish to minimize them. At the same time, "white"-designated spaces can also serve an essential role in anti-racism efforts. I make this assertion based on three beliefs: (i) white individuals engaged in anti-racism work need to have their own spaces to process their experiences in order to be able to stay engaged in their anti-racism efforts, (ii) white individuals are also adversely impacted by racism and their socialization into a racial hierarchy and also need to engage in their own healing process, and (iii) as is often articulated by communities of color, those who see themselves as white need to do their own anti-racism work, rather than relying on people of color to teach them and/or keep them accountable. I'll examine and elaborate on each of these in turn.

White spaces as safe spaces

Derided by some for their so-called "white fragility," references by white Americans to a "lack of safety" (in cross-racial dialogue) seem to be on the rise, not only in terms of so-called "anti-racism" and "diversity" work but sometimes even in terms of disagreeing with a non-white colleague, a fear of expressing an idea in a way that inadvertently offends someone, or just fatigue with yet another conversation about diversity. While a white-only space would not eliminate such fatigue, it could be a place where it could be brought up and discussed, not as a way to justify taking a break or not engaging in the work for other reasons but as the appropriate place to name and receive empathy for the struggle, be in the company of others having similar experiences, and identify and create strategies for self-care that allow us to keep doing the work that needs doing. Similarly, such spaces could also allow would-be white allies to share and examine their own racist ideas and actions, not to celebrate or even accept such ideas but to make visible what is typically too shameful to bring up, especially in multiracial spaces.

White spaces as healing spaces

White people have also been hurt by white supremacy. This pain is sometimes manifested as shame or guilt, other times as anxiety or defensiveness. Sometimes, it is manifested as privilege, because that's often what happens when we internalize the fiction of the inferiority of the marginalized and the meritocracy of the majority. While these harms are not comparable to those experienced by people of color (and therefore often inappropriate to mention in multiracial spaces), many white people are also carrying trauma from both their family of origin and from generations past. White people have their own healing to do and, for the most part, they ethically have to do most of this work away from people of color.

White Spaces as Accountability Spaces

No matter how long we might have been at it, all white people need to have space to examine their own beliefs and actions, both in their private and public lives. Because racism itself is fluid, adapting to the different social realities of the time, so must our

own inner and outer anti-racism work be flexible and adaptive. There is no possibility of mastering an anti-racist consciousness, but white people can and should support each other in identifying expressions of privilege and racist ideology, rather than relying on people of color to teach them and/or keep them accountable. Importantly, accountability is conceptualized differently in a restorative context than in most other activist contexts. Rather than holding others accountable through “calling out” racist behaviors, extracting apologies through shaming, and, if necessary, excluding perpetrators from further participation, a restorative pursuit of accountability more typically involves a mutual commitment to stay in dialogue for the purpose of examining our own beliefs and biases and understanding our impact on others. While those unaccustomed to restorative justice might view a dialogical approach to accountability as “soft” or insufficient, it is not unusual for individuals to report that such dialogue is more difficult even than long-term incarceration. In the words of one such participant, Michael, “I think it’s one of the toughest things I’ve ever done. Prison’s not been easy but it has been easy compared to that.” (Walters 2015, p.14).

Conclusion

As restorative justice becomes increasingly mainstream, there is corresponding increasing pressure to either ignore or replicate existing power hierarchies. How the restorative justice movement responds to this pressure will go a long way in determining whether restorative justice will be a truly revolutionary force for racial justice or just a slightly more gentle method of maintaining social control.

In its ideal form, restorative justice is a community response. As such, restorative efforts require collaboration with a wide range of allies, including those with divergent world-views and ideologies. It is tempting to approach those collaborations with a color-blind lens. It is certainly tempting to avoid the racialized dimensions of justice on the grounds that they are too controversial or too deeply entrenched. Such conflict avoidance might be logical in a right-wrong, win-lose paradigm but is at odds with restorative principles, which urge us to move toward conflict with the goals of understanding it and finding ways to move forward that work for all involved. It is not only racial justice but also economic justice, gender equity, marriage equality, and other social justice efforts that could benefit from restorative principles, but such collaborations are only possible if those who identify with the restorative movement are themselves willing to move toward conflict, including both internalized and interpersonal racialized conflict, restoratively. But willingness is not sufficient. We must also engage in the hard work of expanding our personal awareness and consciousness and creating the infrastructure necessary to implement this philosophical orientation on a systemic level.

Notes

- 1 A more detailed version of this section can be found in Lyubansky and Barter (2019).
- 2 A more detailed version of this section can be found in Lyubansky and Hunter (2014).

- 3 “Implicit bias” refers to unintentional preferences that lie beneath the level of awareness that nevertheless consistently show up in a variety of laboratory and real-world studies (e.g. Schneider, Zaslavsky, and Epstein, 2002). The Implicit Association Test (e.g. IAT, Greenwald, McGhee, and Schwartz, 1998) is the most widely used instrument used to study implicit bias.
- 4 When necessary, this includes those in the community who have either formal or informal roles to maintain safety and well-being.
- 5 Gavrielides. (2014) has similarly argued that if RJ doesn’t pay attention to racial inequality, it will soon have to face its demise.
- 6 A typical example is that a white person late for an appointment is more likely to be judged as an individual, while a black person late for an appointment is more likely to be seen as representing the ill manners and poor attitudes of “black people”.
- 7 This term was originally coined to describe “brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color” (Sue et al. 2007), but has since been extended to describe experiences of all marginalized groups
- 8 Marginalized groups vary from one global context to another but may include race, ethnicity, immigration status, gender, sexual orientation, religion, and socioeconomic status or specific combinations of the above.
- 9 A more detailed version of this section can be found in Lyubansky and Shpungin (2015).
- 10 Even this basic example may need to be modified based on the cultural context. For instance, in some communities, it may be offensive to offer seats to young people before their elders. If that is the case, the elders may be seated first, while the standardization of systemic components is done by making sure that there are sufficient chairs for all participants, regardless of age, and that the chairs are sufficiently similar that chair type does not connote some kind of status or role as “offender,” “victim” or “witness”.

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