

No Justice, No Peace! A Restorative Perspective

by Ted Lewis, Duluth, MN (published in the Duluth weekly Reader, Aug 20, 2020)

As protests have spread across our nation during the first half of the summer of 2020, the powerful chant, “No Justice, No Peace,” has been spreading as well. In the wake of racist violence from police, triggered anew by the killing of George Floyd, it was understandable to increasing numbers of people that something had to change. If there was ever to be real peace, it had to stem from real justice.

This has not been the only chant, of course. “Black Lives Matter” is still a center-piece slogan for the majority of protests, even as protests have spread internationally among groups expressing solidarity. What I would like to explore in this article is how the phrase “No Justice, No Peace,” with its potential for varied meanings, can invite protesters to think more deeply about the way they define both justice and peace.

Is there an agreed upon meaning for “No Justice, No Peace”? Does it mean we want better systems to replace unjust systems? Does it mean we want justice as retribution against wrongdoing? Does it mean we want fair processes that engage all sides? Might it mean that if justice isn’t happening, then don’t count on peace happening either? What is clear is the slogan’s multivalent character: it can hold multiple meanings that may or may not harmonize together.

Those who say “No Justice, No Peace,” are certainly in good company. Desmond Tutu, who laid the groundwork for South Africa’s Truth and Reconciliation process in the 1990s, described how in the Apartheid system “there is no peace because there is no justice. There can be no real peace and security until there is first justice enjoyed by all inhabitants of this beautiful land.”

Pope Francis, before an audience of children at the Peace Factory in 2015, echoed Tutu’s sentiment in the same context of prizing equity for all people. When human rights are not equally upheld, he stated, “society is unjust. It does not follow the rule of justice, and where there is no justice, there cannot be peace.” This quote, along with Tutu’s, implies a desire for both justice and peace to be positive realities in society.

One of the earliest uses of “No Justice, No Peace” helps us to see the complexity of meanings associated in the phrase. In December of 1986, a group of white male young adults assaulted three black men whose vehicle had stalled in Howard Beach, Queens, which is east of Brooklyn, NY. The incident resulted in the death of one black man. When legal proceedings indicated elements of race-based negligence, pressures mounted from the black community for better justice.

Outrage and mourning related to both the racism of the incident and of the justice process understandably led to numerous marches, including one through the Howard Beach neighborhood. The largest one brought together over 4000 black protesters in Manhattan who marched 30 blocks down Fifth Avenue to the Greenwich Village home of Mayor Edward Koch.

In that context, veteran activist Sonny Carson promoted the slogan, "No justice! No peace!" with these qualifying words: "No peace for all of you who dare kill our children if they come into your neighborhood . . . We are going to make one long, hot summer out here . . . get ready for a new black in this city!" (Source: "Black Leaders Say Charges Just a Start" by Patricia Hurtado, *Newsday*, Long Island, NY, February 12, 1987, page 26.)

Carson's statement reflects a sequential "if...then..." usage of the phrase. This is reinforced in an interview he had with *The New York Times* where he said he hoped the slogan would emerge as a rallying cry for his cause. "You don't give us any justice, then there ain't going to be no peace. We're going to use whatever means necessary to make sure that everyone is disrupted in their normal life." (New York Times, NY, July 6, 1987, page 35.)

Predictably, "No Justice! No Peace!" gained momentum and popularity in the wake of the Los Angeles race riots of 1992, ignited by the acquittal of four white police officers in the Rodney King beating. As the smoke rose on our TV screens, we all watched the enactment of Carson's logic: since there was no justice in our city, there will be no peace in our city. The multivalence of the phrase cuts both ways. If there is not a positive unfolding of justice and peace, then in their absence there will be a negative unfolding of both.

While we might decry the burning and destruction of the Rodney King riots, it is important to complexify this situation of "no peace." A study of targeted white-owned businesses that were burnt down can show how deeper, race-related economic tensions can exasperate communities of color when their pleas for systemic change have previously fallen on tone-deaf ears. As John F. Kennedy said in 1962, "Those who make peaceful revolution impossible will make violent revolution inevitable."

Disturbances of the Peace

Similar to Carson, Dr. Martin Luther King Jr. also understood how it was necessary to disrupt the normal course of things to stimulate social change. Civil protests are designed to disturb the 'peace' in service of a greater peace. "We who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with" (Letter from a Birmingham Jail, 1963).

This perspective allowed Dr. King, in his 1967 Stanford University speech, to view riots as the “language of the unheard” despite the fact that they are also “socially destructive and self-defeating.” In this light, “Certain conditions continue to exist in our society, which must be condemned as vigorously as we condemn riots.” By ignoring root causes, history is bound to repeat itself as we are now seeing in 2020.

King was sympathetic to the emotional energy that caused riots, understanding how the same energy finds its ‘voice’ through planned protest. “There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of injustice where they experience the bleakness of corroding despair.” King was asking white moderates to “accept our legitimate and unavoidable impatience” (Birmingham Letter). This sentiment could apply to both rioting and protesting.

Whereas President Trump spoke of rioters and protesters in Minneapolis as a single force in order to delegitimize peaceful demonstrations, King distinguished them with respect to legitimacy. Nevertheless, he understood their *intersectionality*. Both are responsive to the systemic disregard for muted voices of the past. In this complexity, he developed his theory of nonviolent civil disobedience as a constructive (though indeed, disruptive) force for social transformation.

King helps us to see two kinds of peace. In his *Letter from a Birmingham Jail* he explained how the white moderate, devoted more to ‘order’ than justice, “prefers a *negative peace* which is the absence of tension, to a *positive peace* which is the presence of justice.” Justice here is not simply an outcome from a legal process, typically viewed as retributive justice; it speaks broadly and economically of a distributive justice, one that delivers life and liberty for all.

The irony is that those who simply want the security of civil order more than the presence of justice will tend to label protesters as the source of the problem. Protesters are identified as instigators, the real “disturbers of the peace.” A ‘law and order’ response would get rid of them, since protesters give rise to the tensions. King, on the other hand, advocated a “disturbance of the peace” against the status quo, against systemic injustice, to awaken people to a fuller and equitable justice.

Asad Haider, in his insightful *Viewpoints* article “No Justice, No Peace” (June 4, 2020), recognizes the value of King’s delineation of positive and negative peace. If people are truly committed to the long-haul in the movement for genuine social change, the insistence of predicating peace on justice makes good sense.

“No justice, no peace” is a slogan which represents the intransigent pursuit of justice, against all the forces of containment wielded by the state, against the voices of the white moderates who would blame protestors for the violence of the

police, and against all those who fail to grasp King's lasting message that a politics of overcoming injustice is a politics of revolutionary change.

To sum things up thus far, we can understand how "No Justice, No Peace" can have a strong *conditional* meaning which functions somewhat as a threat. "If you don't deliver justice, then don't count on us to keep the peace." But, from King's approach, the phrase can have a wider and longer-range meaning. I can imagine him saying, "As long as injustices remain in society, we will not stay quiet. We will continue to disturb the peace until we see true transformation."

Rather than viewing justice and peace as either rising or falling together, I see King as offering a more *intersectional* meaning. In 1967 he went to California to show solidarity with anti-Vietnam protesters held in the Santa Rita prison. Joining anti-war activity with civil rights activism, he said, "I see these two struggles as one struggle. There can be no justice without peace and there can be no peace without justice." He not only said that war and racism can't be separated; justice and peace can't be separated either. *They inform each other.*

King's dual commitment to peace and justice led him to consider how the tactics or means of protest had a direct effect on the ends of protest. In other words, *how* you protest deserves a lot of consideration. "I believe in this method because I think it is the only way to reestablish a broken community....We adopt the means of nonviolence because our end is a community at peace with itself" (King, "The Quest for Peace and Justice," Nobel Lecture, 1964).

A Restorative JustPeace Perspective

King's view of justice, similar to what one finds in Jewish and Christian scriptures, makes no division between criminal justice and wider social justice. This would include racial justice, too. All injustices are intersectional. It does no good to simply have a fair and just legal process when issues of poverty and racism severely restrict the distribution of life and liberty for all. All virtues and values are also intersectional, birthing new terms such as *JustPeace*.

The Ferguson unrest of 2014 and 2015 revealed how the institutional failures of distributive justice cannot be separated from the legal failures of retributive justice. A host of wider injustices were named throughout the unrest, including how income from escalating court fines was the second-largest source of revenue for Ferguson in 2013. The emotional response to the officer's acquittal is best seen against the backdrop of a justice system that held a heavy hand over poor and black communities. Consequently, police and community relations became increasingly strained, setting the stage for a downward spiral of polarization and micro-aggressions.

That was six years ago. The same tensions help us understand the reaction to the murder of George Floyd. Understandably, most people of color and white progressive communities want the justice system to work fairly, but, here's the rub, work fairly *for them*. Traditional (punitive) justice is designed for winners and losers. Like sports, it is built for competition. We want justice 'done' to those who caused race-based harms, and we want perpetrators of racist systems to be ousted.

This issue is more complex than just wanting justice to be done. Deep histories of trauma, both generationally and individually, can be stirred by interactions with the justice system. When a black person's fight-or-flight response to a police encounter is construed as "resistance to arrest," the tensions and mistrust that are already there are compounded. And when disempowered people 'lose' when an offending party is acquitted, it gives the community one more traumatic setback.

But what if there was a form of justice that aimed at helping people on all sides of the equation to be winners? What if there was a justice process that ended up strengthening rather than weakening police and community relations? What if a unified process brought healing to victimized parties *and* meaningful accountability to offending parties, yet in a way that helped both sides reintegrate into a community that addressed root causes?

One of the sad realities of our justice system is that it is so thoroughly in the hands of professionals who are far removed from local communities that deserve more ownership in resolving matters. The same could be said, for example, of the way hospitals, for decades, controlled the birthing experience, removing it from family and midwife-based empowerment. When people say they want 'justice done,' they often don't realize they expect professionals to handle things in which communities could have greater involvement.

Restorative justice may not have all of the answers to heal divided communities, but it does promise community empowerment. It offers a new paradigm of addressing harm that has major implications for building stronger communities. A restorative circle process was used in Seattle after a police officer fatally shot a First Nations wood carver in 2010. Street protests ensued, and tensions escalated over time as the victim's family experienced multiple episodes of disrespect from the police.

Eventually, at the request of the victim's brother, Seattle police leaders agreed to participate in a 3-hour restorative circle with family and community members. According to facilitator Andrea Brenneke, "By choosing an action following the shooting, but symbolic of the underlying tensions, we found a portal through which to explore the deeper rifts and ongoing conflicts between the Seattle Police Department, the family, and the community."

During the meeting the chief of police shared regrets and sadness for the harm done and for the broken trust experienced in the Native community. This encounter, along with follow-up meetings, served to replace alienating litigation processes that are costly and time-consuming. It also led to new reforms where the police discovered and addressed patterns of excessive force. (Source: “A Restorative Circle in the Wake of a Police Shooting,” by Andrea Brenneke, *Tikkun*, February 1, 2012.)

Justice and Peace Will Kiss Each Other

Just as King distinguished a positive peace from a negative peace, here we see a *positive justice* that is distinct from the traditional and often abstract *negative justice*. This positive alternative, rather than reducing justice to establishing blame and administering punishment, aims to restore wholeness to the community. Restorative justice, in the words of Navajo Judge Robert Yazzie, seeks to have “life come from it.” It is measured by the positives delivered to all involved.

We see this same positive thrust in the way the Hebrew and Christian Bibles present justice in harmony with other virtues: mercy, love, truth, trust, etc. Psalm 85 speaks how “love and faithfulness meet together; righteousness and peace kiss each other.” Righteousness, closely aligned with justice, is best understood as ‘making things right.’ Altogether, the blending of these relational virtues in a *JustPeace* matrix leads to *shalom*, the restoration of social order. The New Testament emphasizes how justice is seeded by “peacemakers who sow in peace” (James 3:18).

This brings us full circle to the relationship between justice and peace. Restorative justice, by focusing more on broken relationships than broken laws, includes peace-building elements in the very means of justice. In short, it recognizes that if peace is not a key part of justice, justice will not bear the fruit of peace. Hence the term, *JustPeace*. By creating space for listening, trust-building, empathy, apology and reparation, harming and harmed parties find new strength to coexist with each other.

How, then, does restorative justice relate to King’s advocacy of nonviolent direct action? For one, both peacemaking dialogue and peacemaking civil disobedience value the ‘conversation’ created in spaces that inevitably involve dissonance and discomfort. In the midst of clashing narratives, either between two parties or two visions of society, there is the hope of a shared narrative that dispels the enmity between sides and strengthens relationships for future coexistence. Ideally, *shift happens*.

Restorative justice, therefore, can be viewed within a full spectrum of peacemaking strategies. While mostly known as an alternative process for resolving casework through dialogue, restorative justice also seeds deeper social transformation. Fania Davis, in her 2019 book *The Little Book of Restorative Justice and Race: Black Lives, Healing, and US Social Transformation*, makes a strong case for integrating the healer

impulse to guide resolution processes through dignifying dialogue, and the warrior impulse to build better societies where racial justice and equity are normative.

We all know that violence tends to produce more violence. We know that hurt people hurt people. Aggravated assault leads to more aggravation. We know that repeated injustices upon a traumatized group of people will result in forceful reactions. No one wants to be hurt again. In the midst of these cyclical patterns, there is a genuine cry for justice.

The bottom line in all of this is...what *kind* of justice? Do we want a justice that vindicates one group over another and perpetuates more tensions, or do we want a justice that deeply addresses those tensions and transforms the future? Non-retributive justice will naturally expand the discussion into social and economic justice. By thinking more deeply about the kind of justice we want, we are drawn into thinking more deeply about the means of justice, and the meanings we give to the phrase, “No Justice, No Peace.”

If our slogan is simply a conditional statement whereby the absence of “negative justice” (punitive) will lead people to produce the absence of “negative peace” (civil disruption), I fear that the same old clashing patterns between empire and insurrection will dance their way toward a greater loss for everyone. But if we have the moral imagination to seek a “positive peace” that is intersectional with a “positive justice,” I believe we can interrupt those imperial-rebel patterns, and find saner ways to build a beloved community.

That kind of peace-building will likely involve “disturbances of the peace” as King taught us. And it certainly will not be popular with either security-seeking moderates (who want negative peace at the expense of justice) or confrontation-seeking demonstrators (who want negative justice at the expense of peace). There is a nonviolent, peace-informed way to create “good trouble” (as John Lewis taught us) that still prizes a justice that brings life.

I have no advice as to whether or not we keep using the slogan, or whether we add qualifying words or punctuation. My hope is that people who want to see systemic change will grapple with the various meanings of the phrase and think more deeply about how their actions align with the meaning they choose. But I will say this in closing: whether in protest or in resolution processes, our greatest challenge is to find better ways to weave justice and peace together.

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