

Civility in Our Conversations about Race and Culture

BY JUDGE MARY I. YU

Can we talk about race? Can we genuinely engage our friends, neighbors, and colleagues in a serious conversation about race and culture without inflicting pain or guilt upon one another? Can you recall the last conversation you may have had about the topic and how it ended?

Our temptation may be to politely decline or avoid at all costs any discussion on the state of race relations or the impact of multi-cultural growth in our community because of our fear of being misunderstood. We worry about not being heard or perhaps we dread discovering what someone's "true" opinions might be about the topic. We wonder who we can trust with our stories or honest questions.

But as lawyers and leaders in our community, should we be afraid of the conversation just because it is difficult? The fact is, we are becoming a multi-cultural and multi-racial community. Recent events involving police use of force in minority communities have called into question the integrity of our criminal justice system. The need for the discussion could not be more timely or important. Dare we try?

The principles underlying the practice of civility can guide us into the conversation and dictate the rules of the discussion. As noted in *Bar News* articles by Paula Lustbader and Stella Rabaut, civility is more than politeness; "civility is courage with kindness." The practice of civility permits us to listen with our hearts to the experiences of others; to comprehend the feeling of alienation and of being an outsider. Civility calls us to step outside of our own lived experience and to engage in a sincere exploration of another through the simple art of listening before speaking. Civility challenges us to reflect



©ISTOCKPHOTO.COM/GISELE

and ponder upon what we have heard before making a judgment. Civility calls us to a state of compassion and empathy.

An active and civil engagement about a difficult topic such as race would also permit us to reveal our own biases, share our unfamiliarity of traditions and practices, and expose our ignorance of certain facts without causing personal pain to another. And when we inadvertently cause pain to another, civility requires an apology and a request to rewind and start over. At the same time, the practice of civility also requires vulnerability; it means that some of us must take the risk of sharing the pain of being on the receiving end of bigotry, both real and perceived, with the hope that the listener might better understand its impact.

Finally, the practice of civility requires patience and restraint: patience in having to repeat what has been said by others so many times before and in having to share once again; and restraint from reacting at an emotional level to what we think we heard.

You might ask yourself, "Why bother? It sounds like a lot of work! So why even have the conversation?" We need to have the conversation because of our unique role and function in a democracy and the pressing need to restore faith in our system of justice. Despite the colossal progress we have made towards achieving equality for all across this nation, there still exists a massive racial chasm that gets exposed through high-profile cases in our criminal justice system, or even by remarks made by a Supreme Court justice.

In their 2010 study *Justice in America: The Separate Realities of Black and Whites*,¹ Mark Peffley and Jon Hurwitz offer a rigorous examination of how the different realities of African Americans and European Americans influence the respective perceptions of

justice and the legal system. These scholars offer extraordinary insight into how the radically different experiences of African Americans and whites explain the polarized views of our legal system and whether they believe justice will be delivered fairly. The conclusions are troubling and offer a compelling reason to get engaged in a conversation about race. Frankly, in order to better understand the lived experiences of one another, we must wade into the muddy waters of having a candid conversation about the topic. We must "bother" with listening and learning about the many forms of racial injustice experienced by communities of color and find ways we can move forward together.

As lawyers, we are responsible for maintaining a system of justice that is not only fair in its application of the law, but that is also perceived as fair by the broader community. We stand in a unique position to explore and address the specific "systems" or institutional practices that directly impact how members of minority communities experience or perceive our courts and what we do, particularly in our criminal justice system. The discussion cannot and should not be delayed; the restoration of confidence in our system of justice needs to be the focus of conversation in our personal and professional lives. We *can* talk about race and we *can* do it with civility. 

This series produced in association with:



Judge Mary I. Yu has been on the King County Superior Court since 2000. She is the Washington State Superior Court Judges' Association representative to the Judicial Division of the

American Bar Association; a member of the Superior Court Judges' Association Civil Law and Procedure Committee (chair from 2005–2008); and past-president of the Judge Dwyer American Inn of Court, Seattle Chapter.

NOTE

1. Peffley, Mark and Hurwitz, Jon, *Justice in America: The Separate Realities of Blacks and Whites*, Cambridge University Press, 2010.