



A Long Repentance

Exploring Christian Mistakes
about Race, Politics, and Justice
in the United States

**A Blog Series and Guide
for Small Group Discussion
or Personal Reflection**



THE ANÁSTASIS CENTER
FOR CHRISTIAN EDUCATION & MINISTRY

Sangwon Yang & Mako A. Nagasawa

*A Long Repentance:
Exploring Christian Mistakes About Race, Politics, and Justice in the United States*

Revision 1.2

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A Publication of *The Anástasis Center for Christian Education and Ministry*

The Anástasis Center for Christian Education and Ministry is a Christian education organization dedicated to resourcing Christian leaders and churches with curriculum and training on restorative justice and healing atonement to holistically teach and proclaim the healing of humanity in Jesus Christ. Founded by Mako A. Nagasawa in 2014, and previously called New Humanity Institute, the team creates curriculum that brings the story of Jesus into dialogue with modern movies, songs, and art; early Christian understandings of human nature into dialogue with trauma studies and neuroscience; and Christian restorative justice into dialogue with ethnic studies, political science, and law.

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Introduction

Often, people talk about issues of race and justice in the United States as issues of ‘justice and injustice.’ Sometimes we launch into debates about ‘the proper role of government.’ But is that the original framework from which these issues were asked and debated?

The purpose of the blog post series called *A Long Repentance: Exploring Christian Mistakes About Race, Politics, and Justice in the United States* is to remind our readers that these issues began as Christian heresies. Since Christians enacted and institutionalized what we believe to be heretical ideas, they were very destructive and harmful, then as now. And we bear a unique responsibility for them. As a result, we believe we must engage in a long repentance. We must continue to resist the very heresies that we put into motion. Thus the title of this blog series, *A Long Repentance*. The journey is long and challenging. It may be impossible to see the end. But along the way, it is also inspiring and sometimes breathtaking.

We also encourage you to explore this booklet, *A Long Repentance: A Study Guide*, for further reflections and discussion questions.

The blog posts may be found on:

- The Anástasis Center website: www.anastasiscenter.org/study-action-guides
- Our old blog site, of the New Humanity Institute: www.newhumanityinstitute.wordpress.com

Blog Post #1: Introducing John Winthrop and Roger Williams

Questions for Discussion

1. As we begin these reflections on the role of Christian faith in colonialism, justice and injustice, and our political culture today, let's make this somewhat personal.
 - a. How have you and your family experienced 'a sense of place'? Are there places that you have affection for? Like a neighborhood park, the house of friends or relatives, a local YMCA, a public library, etc.
 - b. How have you and your family experienced dislocation by not having 'a sense of place'? Like if your family moved around because you were a military family, or because of immigration, or a job change, or gentrification, or being placed on a reservation, or totally unfamiliar faces.
2. What do you think about how John Winthrop and Roger Williams each treated Native Americans and their 'sense of place'? Which do you find to be a faithful enactment of Christian Scripture?
3. Periodically, *A Long Repentance* will re-present at least these two Christian traditions, which flow out of real positions that those Christians held.
 - a. Have you heard of this contrast before?
 - b. What would it mean today if Winthrop was wrong and Williams was right?
4. What does this comparison mean for the sense of identity, history, and community for white Americans? For white American evangelicals? Can you feel pride and patriotism connected to Roger Williams?

Blog Post #2: John Winthrop and Roger Williams on Native Americans

Questions for Discussion

1. What did you learn here about the differences between John Winthrop and Roger Williams?
 - a. What are the major differences?
 - b. Did it surprise you to read about the major disagreement between Christians at the founding of the American colonies?
2. Who do you think was reading the Bible more accurately? John Winthrop or Roger Williams? And why?
3. Many Protestants have this view of church history: (1) Jesus, (2) Paul, (3) the New Testament gets canonized, and then (4) Martin Luther and John Calvin get back to the Bible.
 - a. Did it surprise you to learn about how Christians before the Protestant Reformation and the Age of Colonialism interpreted Genesis 1 as God giving land-wealth to all people in common?
 - b. Does it surprise you to learn how theology has contributed to American history? It is undervalued by secular approaches to history.
4. Was the idea wrong that the American colonists, and then the United States, formed a covenant with God?
 - a. Even though the Boston Puritans believed in a ‘national covenant,’ the ‘Founding Fathers’ of the Constitution generally did not. Yet,
 - b. ‘New England Puritans followed English precedent and consistently viewed their whole society as standing in covenant with God. Since the head (magistracy) and heart (clergy) of society participated together in the covenant of grace, New Englanders did not doubt that the society they constructed was also a sacredly covenanted community.
5. What does repentance mean here?
 - a. Does repenting mean that you only lose?
 - b. What do you gain by repenting?

Blog Post #3: The Catholic Doctrine of Discovery

Questions for Discussion

1. Did the rulings and reasoning of the Oneida Nation vs. City of New York case surprise you? If so, why? If not, why not?
 - a. Do you know of any other incidents in American law when the Doctrine of Discovery was cited?
 - b. Leader's note: review other instances when the Doctrine of Discovery was cited.
<https://doctrineofdiscovery.org/>
 - i. White v. University of California (2014)
 - ii. Ottawa v. Logan (2009)
 - iii. Onondaga Nation v. New York (2012)

2. Please review footnote #2, reproduced here:

“The “doctrine of discovery” became formalized into American law in the early 19th century by Chief Justice John Marshall in *Johnson v. M’Intosh* (1823). Johnson had inherited land purchased from the Piankeshaw tribes, but McIntosh claimed the same land, having purchased it under a grant from the United States. It is important to note that Justice Marshall had financial stakes in the case, and refused to recuse himself. The case was raised on who had the official title to the land and the right to sell the land. The Doctrine of Discovery was used to say that the United States was the lawful owners of the land, having inherited it from the British Empire. Chief Justice Marshall noted, “On the discovery of this immense continent, the great nations of Europe... as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession. ... The history of America, from its discovery to the present day, proves, we think, the universal recognition of these principles.” (John Marshall, *Johnson v. M’Intosh*, 21 U.S. 543, 5 L.Ed. 681, 8 Wheat. 543 (1823))

- a. Do you think the incorporation of the Doctrine of Discovery into American law was a fair and just process? Or had legal justification? Why or why not?
3. What is your reaction to the Papal declaration called *Dum Diversas* of 1452?
 - a. Does this history of Christian partnership in colonization and slavery surprise you? Why or why not?
 - b. On what grounds do you think Pope Nicholas V made these declarations?
 - c. How do you understand his reasoning?
 - d. What would all the consequences be if Pope Nicholas V was wrong?
 - e. Below are some moments in Roman Catholic history that are significant to keep in mind:

In 1537, Pope Paul III, in *Sublimus Dei*, repudiated the substance of the Doctrine of Discovery:

“We... consider... that the Indians are truly men and that they are not only capable of understanding the Catholic Faith but, according to our information, they desire exceedingly to receive it... Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and that they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and have no effect.”

But unfortunately, the Spanish and Portuguese kings, who were already invested in colonialism, refused to support the Pope's position.

In 1992, Pope John Paul II went to Santo Domingo, Dominican Republic on the 500th anniversary of Columbus' landing and begged forgiveness for the sins of the Church in the Spanish Conquest. On March 12, 2000, he knelt at the Holy Doors of the Vatican during the year-long event called the Great Jubilee, he begged forgiveness for Catholics who had trampled 'the rights of ethnic groups and peoples, and [for showing] contempt for their cultures and religious traditions.'

4. Have any Christian groups repudiated the Doctrine of Discovery?
 - a. The Episcopal Church (2009)
 - b. The Christian Church (Disciples of Christ)
 - c. The World Council of Churches
 - d. The New York Yearly Meeting of the Religious Society of Friends
 - e. The United Methodist Church
 - f. The Presbyterian Church USA (PCUSA)
 - g. The Evangelical Lutheran Church of America (ELCA)
 - h. Specific Catholic groups: Sisters of Loretto, Romero Institute, Original Nations
 - i. Non-Christian groups: The United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organisation's Convention 169

Blog Post #4: How “Race” Emerged from Colonialism

Questions for Discussion

1. What is your initial reaction to the information provided in this post?
 - a. Were you surprised? Is it believable? Is it helpful in your understanding of race?
2. Race replaces geography. Can you relate to associating a place of origin with your own identity?
 - a. If so what are some examples?
 - b. Illustration: Recently when I (Sang) visited my old college campus, I was greatly distraught by the fact that one of my favorite dorm buildings was demolished, rubble and dirt being the only remains of Edmonds Hall. Maybe I was too sentimental, but that particular building and I had a long history; it was the first building I entered as an admitted student before my freshman year, I visited my sister there during my freshman year, where I lived with my friends my sophomore year, where I met my wife for the first time, where we had our first kiss, where we found live-long friends, and had deep long conversations over New Hong Kong take-out. Edmonds Hall was the physical embodiment of my college experience because so many of my college stories started or ended in Edmonds Hall. It felt strange to see the campus without Edmonds. Although I still carried the memories of college in my mind, it still felt like a part of my college experience was demolished along with the building. Does my reaction to the demolition of my old dormitory seem extreme?
3. Race “indicates” actual intelligence. In the post, we explain how racial stereotypes about intelligence and morality originates from the “distorted theological” identity for race.
 - a. Why do most Americans consider it more sophisticated or “rational” to conjugate the verb “to be” as: I *am*; you *are*; he/she/it *is*; we *are*; you *are*; and they *are*? Why isn’t it just as “rational” to conjugate it as I *be*; you *be*; he/she/it *be*; we *be*; you *be*; and they *be*? Is it because the former is “white” and the latter is “black”? Yet which makes more sense when you look at it?
 - b. By the same token, why does it feel more sophisticated to say “to dine on beef” than to say “to eat cow”? Because in 1066, the Normans invaded England, and set up French as the dominant language of government and the upper class. To this day, the French words (like “to dine on beef”) sound more sophisticated than the original English words (like “to eat cow”) because of that history.¹ The powerful say that certain characteristics of other people are “irrational,” “less rational,” or “less sophisticated.”
 - c. What are some other racial stereotypes used for high or low intelligence?
4. What are your thoughts on the history of Christian faith in America, and the methodologies of evangelism adopted by priests and missionaries like José de Acosta and Alessandro Valignano?
 - a. How can we as the church acknowledge this history, and repent of its sins?
 - b. Note that it wasn’t just the Popes who believed in using racial categories, but all kinds of representatives of the Catholic Church, and later the Protestant Church.
5. The next time you hear that Christians have been ‘complicit’ with racism in the Americas, what would you say? On one level, sure. But on a deeper level, Christians *directly and causally built up* the ideology of race. ‘Complicit’ implies someone else did it, and we played along. We would highly encourage all participants to read Willie James Jennings’ *The Christian Imagination* for more information on this topic!

¹ Alan Massie, “In Everything We Say, There Is An Echo of 1066,” *Telegraph UK*, October 13, 2012; <https://www.telegraph.co.uk/history/9606163/In-everything-we-say-there-is-an-echo-of-1066.html>. See Barbara A. Sasso, “In Code Switching: Celebrating Cultural Dialects in American Speech,” *Yale-New Haven Teachers Institute*, 2015, <http://teachersinstitute.yale.edu/curriculum/units/2015/2/15.02.10.x.html> on how to teach the history of the English language in a way that is relevant to modern debates about English, Ebonics, Spanish.

6. (If this comes up) Can “race” be redeemed or must it be dismantled? How much of my personal “identity” should I put in my “race”?
- a. Race is important to consider because under colonialism, people’s experiences were shaped by what “race” they were perceived as. In the U.S., we will probably always have to talk about race because so much of our history has been shaped by it.
 - b. But my (Mako’s) belief is that people should go back to reflecting on their ethnicity and not race. Reasons:
 - i. “Whiteness” has not always included the Irish, Italians, Greeks, Jews, Poles, Russians, etc. Before the early 1900’s, it included Arabs. But today, Arabs would not be included in “white.” For the most part, “whiteness” was expanded so segregation could be turned against other minority groups.
 - ii. There was even a legal attempt to define “white” in the Supreme Court – and you can be the judge of whether it was successful.
 1. In 1922, in *Ozawa v. United States*, a Japanese man who was applying to become a citizen argued that because he wasn’t “black,” he should count as “white.” The Supreme Court declared that he was not eligible for naturalization, on the grounds that he was not “Caucasian.” (from Wikipedia: “Takao Ozawa filed for United States citizenship under the Naturalization Act of 1906 which allowed only “free white persons” and “persons of African nativity or persons of African descent” to naturalize. Ozawa did not challenge the constitutionality of the racial restrictions. Instead, he claimed that Japanese people were properly classified as “free white persons”.)
 2. Then in 1923, an Indian man named Bhagat Singh Thind argued before the Supreme Court that he was “Caucasian,” which he was, technically, and should therefore qualify as “white.” But in *United States v. Bhagat Singh Thind*, the Supreme Court said that “whiteness” was a matter of common sense, and that while Thind did qualify as Caucasian, he “obviously” was not “white.”
 3. So “white” meant “whatever we want it to mean!”
 - iii. Biblically, the Greek term *ethne* refers to what we would call ethnicity.
 - iv. Even when it is hard to be sure what your “ethnicity” is, especially if you are black or white and you’re not sure how to get that information for sure, it could be personally meaningful to have *possibilities* in mind.
 1. People of the same race don’t always have warm feelings towards people in the same racial group. Different groups of people had different histories of immigration, enslavement or other experiences, which is often related to ethnicity. So having an awareness of that is important.
 2. Pressing into the details of ethnicity helps us with modern arguments. For example, scholars estimate that up to 20% of people taken from what was at the time called the Kingdom of Kongo in West Africa were Catholic (what it today northern Angola, southern Gabon, and western Democratic Republic of the Congo and Republic of Congo). This is why we find Catholic faith among the African slaves who revolted in the Stono Rebellion in South Carolina, 1739. This means:
 - a. The immoral justification that “slavery brought Christian faith to Africans” is factually wrong, and not just immoral.
 - b. It’s likely that Africans shared their Christian faith with other Africans. Africans didn’t just learn Christian faith from Europeans.
 - c. It’s possible that there was an early form of “liberation theology”
 3. Pressing into the details of ethnicity helps us understand Christian missionary history. Understanding how Christian faith became part of Egyptian history, Ethiopian history, Irish history, French history, and so on, is really important.

Blog Post #5: Why Americans Believe in the Illusion of Meritocracy

Questions for Discussion

1. (If this comes up) Who was John Locke? Was he really that influential on the U.S.?
 - a. He drafted a constitution for the Carolina colonies that would have made the document unamendable.²
2. What are some ways you see how Locke's understanding of 'labor' working within a racial hierarchy?
 - a. Who defines what 'labor' looks like?
 - b. What does 'improvement' look like?
 - c. Illustration/Example: Laura Ingalls Wilder, in her *Little House on the Prairie* book series, has a white pioneer say about Native Americans:

'Lands knows, they'd never do anything with this country themselves. All they do is roam around over it like wild animals. Treaties or no treaties, the land belongs to folks that'll farm it. That's only common sense and justice.' (Laura Ingalls Wilder, *Farmer Boy*, chapter entitled 'Pa Goes to Town').

This is one reason the Association for Library Service to Children renamed the Laura Ingalls Wilder Award to be the Children's Literature Legacy Award.³

- d. Note that sustainable agriculture is something we really need to care about.⁴
 - e. White Americans have accused various other groups of being 'lazy.' For example, in the early 20th century, there was the popular 'Sambo' character used to portray black people as lazy, carefree, and irresponsible.⁵ Or, there was a caricature of Mexican people as lazy, even though Mexican people work harder than American people.⁶ What do you think motivates that stereotype?
3. Before John Locke, Christians read Genesis 1 and understood that God gave planet Earth to human beings in common. In blog post 2, footnotes 7 and 8, we listed some quotes. Here they are again. As you read these, let them sink in. How serious do you think John Locke's discrepancy is?

The Epistle to Diognetus (2nd century), ch.5, says that Christians "have a common table, but not a common bed."

Basil of Caesarea (329 – 379 AD) said, "That bread which you keep belongs to the hungry; that coat which you preserve in your wardrobe, to the naked; those shoes which are rotting in your possession, to the shoeless; that gold which you have hidden in the

² Sanford Levinson, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It)* (Oxford: Oxford University Press, 2006), p.21

³ Constancy Grady, 'Laura Ingalls Wilder's Little House Books Are Beautiful. They Are Also Filled With Racism.' *Vox*, June 26, 2018; <https://www.vox.com/culture/2018/6/26/17502346/laura-ingalls-wilder-award-little-house-books-racism> says, 'But as the ALSC recognized on Monday, Wilder's books aren't just lovely and gripping. They aren't just detailed descriptions of what it's like to lay railway track or blow up a pig's bladder like a balloon and throw it around. They're also racist, riddled with depictions of American Indians as violent "savages" and with minstrel shows.' The *Little House on the Prairie* books were published between 1932 – 1943 and since then have been immensely popular with children and young adults.

⁴ Johannes Meier, 'Beating the Big Dry,' *Plough*, May 2019; <https://www.plough.com/en/topics/justice/environment/beating-the-big-dry>

⁵ Andrew Kaczynski, Chris Massie, and Nathan McDermott, 'Homeland Security's Head of Community Outreach Once Said Blacks Turned Cities to 'Slums' with 'Laziness, Drug Use and Sexual Promiscuity', *CNN*, November 16, 2017; <https://www.cnn.com/2017/11/16/politics/kfile-jamie-johnson-dhs/index.html>

⁶ Lacey Young and Mari Hall, 'The Lazy Mexican: A Damaging Stereotype That's Far from the Truth,' *Montana Kaimin*, May 3, 2017; http://www.montanakaimin.com/opinion/the-lazy-mexican-a-damaging-stereotype-that-s-far-from/article_8ef41c22-3034-11e7-95b9-83d270d08b2d.html writes, 'According to the Organization for Economic Cooperation and Development, the average Mexican worked 2,246 hours in 2015, exceeding all other countries involved in the study. The average American worked 1,790 hours that same year.'

ground, to the needy. Wherefore, as often as you were able to help others, and refused, so often did you do them wrong.”

Gregory of Nyssa (c.335 – c.395 AD), *Fourth Homily on Ecclesiastes*, demonstrated this remarkable understanding of Genesis 1: “You condemn a person to slavery whose nature is free and independent, and in doing so you lay down a law in opposition to God, overturning the natural law established by Him. For you subject to the yoke of slavery one who was created precisely to be a master of the earth, and who was ordained to rule by the creator, as if you were deliberately attacking and fighting against the divine command... What price did you put on reason? How [much money] did you pay as a fair price for the image of God? For how [much money] have you sold the nature specially formed by God? [For] God said, ‘Let us make man in our image and likeness.’”

Compare Augustine, City of God, 15 – 17, comments on Paul’s view of Genesis. He adds that humanity’s dominion, the status of slavery, is as it is, because of a punitive reason. It’s by way of God’s punishment of the disobedience in the garden. God didn’t intend it that way, but it is that way punitively. So it’s a justification of what currently is. Augustine, perhaps unintentionally, says that those not chosen by God as “less than.”

Ambrose of Milan (340 – 397 AD) said, “When giving to the poor, you are not giving him what is yours; rather, you are paying him back what is his. Indeed, what is common to all, and has been given to all to make use of, you have usurped for yourselves alone. The earth belongs to all, and not only to the rich... You are paying back, therefore, your debt; you are not giving gratuitously what you do not owe.”

John Chrysostom of Constantinople (340 – 407 AD) said, “Are not the earth and the fullness thereof the Lord’s? If, therefore, our possessions are the common gift of the Lord, they belong also to our fellows, for all the things of the Lord are common.”⁷

Thomas Aquinas (1225 – 1274 AD), the greatest of Roman Catholic medieval theologians, said, “In cases of need, all things are common property. There is no sin in taking private property when need has made it common.”

These quotes demonstrate the Orthodox and Catholic stance on Genesis 1, that God gifted the earth to all human beings in common, before they did any work or technological development. It confirms that John Locke’s view of Genesis 1, and all Protestants who followed him, were specifically following a Protestant error. John Locke effectively reversed them by believing that there was no sin in taking what was held in common, or even privately! Christians before colonialism believed in human rights before property rights. John Locke believed in property rights before human rights.

4. (If this comes up) How do we understand the story of biblical Israel taking the land from the Canaanites? Puritans in New England quoted Deuteronomy and Joshua as they warred against Native Americans. Doesn’t that raise the question of potential hypocrisy? Here are some short summary points in response:
 - a. Big picture point #1: Throughout the Bible, God was aiming to undo the evil in human nature. Jesus perfected a new human nature in a human way. That means Jesus needed to have a real childhood and infancy. That means Jesus needed a family and a people and a place. Then God wanted partners for Jesus because God always works with human partners.
 - b. Big picture point #2: Biblical Israel was a multi-ethnic faith who invited others to join them. They were not just genetically related to Abraham and Sarah. So for example,

⁷ All are cited in Charles Avila, *Ownership: Early Christian Teaching* (Eugene, OR: Wipf and Stock, 1983).

Caleb (one of the two lieutenants of Moses, with Joshua) was a Canaanite (Num.32:12; Gen.15:19); many other people came out of Egypt with the Israelites and became part of them (Ex.12:38); when Israel came into the land, some Canaanites joined them, like Rahab (Josh.5) and the Gibeonites (Josh.9 – 11). So people were invited to join Israel. It was not about ethnic cleansing or genocide.

- c. The Canaanites were opposed to Israel and practiced child sacrifice, as far as we can tell. That means the more they were defeated, if they kept their religion and culture, they would keep sacrificing children.
 - d. When Israel came into the land, they attacked three military fortresses: Jericho, Ai, and Hazor. Those three cities were not civilian cities. Archaeology tells us this. Recall that some Canaanites chose to join Israel instead of fight against them.
 - e. The language of 'kill every man, woman, child, and animal' is hyperbole; it's exaggerated victory talk. Today, we say, 'We wiped the floor with them; we annihilated them; we destroyed them' in sports games or even in battles. This kind of hyperbole was common in the Ancient Near East. If we allow ourselves hyperbole, we need to allow it for others. It's clear that in Joshua, Israel did not kill women and children or wipe out everyone in an ethnic cleansing because the earlier part of the story says he 'left no survivor' (Josh.10:40) and there were 'no Anakim left' (Josh.11:22). But a few chapters later, they are still there (Josh.14:12; 15:13 – 15).
 - f. See this page: <https://www.anastasiscenter.org/gods-goodness-israel>.
 - i. A long analysis, with sources footnoted, is *The Troubling Acts of God: The Destruction of the Canaanites*.
 - ii. A shorter paper covering more biblical material broadly is *The Troubling Acts of God in the Old Testament: Noah's Flood, Sodom and Gomorrah, the Egyptian Firstborn, the Destruction of the Canaanites*.
5. What are some ways in which we still exemplify the 'white people' as the norm or the standard for what is 'proper'? Consider the following example as you answer the question.

In the early 20th century, Ivy League schools felt they had too many Jewish students. So they broadened their admissions criteria to include 'extracurricular activities' to reduce the number of Jewish students and admit more white Americans.

'By 1926, Harvard moved away from admissions based strictly on academics to evaluating potential students on a number of qualifiers meant to reveal their "character."

When the faculty formally approved the report eight days later, Lowell was further elated, for they also approved measures making the admissions process even more subjective. In particular, the faculty called on [the Committee on Admissions chairman] to interview as many applicants as possible to gather additional information on "character and fitness and the promise of the greatest usefulness in the future as a result of a Harvard education." Henceforth, declared the faculty, a passport-sized photo would be "required as an essential part of the application for admissions."

Elite colleges also began to use legacy admissions during this period — giving preference to children of alumni — in order to maintain a predominantly Protestant student body, Karabel explains.⁸

Many white Americans maneuver the definition of 'merit' when reminded of Asian-American achievement. They de-emphasize objective measures like GPA and SAT scores, and include subjective factors like 'leadership' as important.

⁸ Peter Jacobs, 'Harvard Is Being Accused Of Treating Asians The Same Way It Used To Treat Jews,' *Business Insider*, December 4, 2014; <https://www.businessinsider.com/the-ivy-leagues-history-of-discriminating-against-jews-2014-12>

'Specifically, [Frank L. Samson, assistant professor of sociology at the University of Miami] found, in a survey of white California adults, they generally favor admissions policies that place a high priority on high school grade-point averages and standardized test scores. But when these white people are focused on the success of Asian-American students, their views change.

The white adults in the survey were also divided into two groups. Half were simply asked to assign the importance they thought various criteria should have in the admissions system of the University of California. The other half received a different prompt, one that noted that Asian Americans make up more than twice as many undergraduates proportionally in the UC system as they do in the population of the state.

When informed of that fact, the white adults favor a reduced role for grade and test scores in admissions -- apparently based on high achievement levels by Asian-American applicants. (Nationally, Asian average total scores on the three parts of the SAT best white average scores by 1,641 to 1,578 this year.) When asked about leadership as an admissions criterion, white ranking of the measure went up in importance when respondents were informed of the Asian success in University of California admissions.

"Sociologists have found that whites refer to 'qualifications' and a meritocratic distribution of opportunities and rewards, and the purported failure of blacks to live up to this meritocratic standard, to bolster the belief that racial inequality in the United States has some legitimacy," Samson writes in the paper. "However, the results here suggest that the importance of meritocratic criteria for whites varies depending upon certain circumstances. To wit, white Californians do not hold a principled commitment to a fixed standard of merit."

Samson raises the idea that white perception of "group threat" from Asians influences ideas about admissions criteria -- suggesting that they are something other than pure in their embrace of meritocratic approaches.

He adds: "While the principle of fairness may be a driving concern in people's attitudes towards policies such as affirmative action, social welfare, and fair housing, the malleability of white respondents' attitudes towards the importance of university admissions criteria in response to racial considerations indicates that public opinion about the importance of such criteria is anything but fair, at least if the definition of fairness entails a procedural fairness by which all groups should be subject to the same procedural process, i.e., same weighting of admissions criteria, when determining whether an individual should be admitted to a prestigious public university system, an opportunity that will significantly shape that person's life outcomes."⁹

6. Is the United States of America a meritocratic society or country? Why or why not?

⁹ Scott Jaschik, 'Meritocracy or Bias,' *Inside Higher Ed*, August 13, 2013; <http://www.insidehighered.com/news/2013/08/13/white-definitions-merit-and-admissions-change-when-they-think-about-asian-americans>

Blog Post #6: The Illusion of Meritocracy in Housing, Part 1

Questions for Discussion

1. One principle in the social ethics of the Old Testament is that people are treated equally under the law. For example, ‘There shall be *one standard* for you; it shall be *for the stranger as well as the native*, for I am the LORD your God.’ (Leviticus 24:22) This is one of the influences on the Fourteenth Amendment: ‘equal treatment under the law.’ With that principle in mind, how would you critique the actions you just read about?
2. It may be surprising to learn that Nazi German lawyers studied America’s policies in the 1930’s, before the U.S. entered World War II. Let’s look at that in more detail.

(From part 1, footnote 9) It is true that FDR had to win support from Southern politicians, who wanted racist policies. But it wasn’t just because of the American South that the New Deal was enacted in the way it was. “Such views were held not only by crude southern demagogues, but by the president of the United States himself. In a document from 1939 (first published by this author more than 10 years ago), President Franklin D. Roosevelt was reliably quoted by a friendly senator as boasting, “We know that we do not have any Jewish blood in our veins.””¹⁰

America’s housing policies before and after the New Deal can be described as an apartheid system of segregation. Of course, we know about how white Americans displaced Native Americans, and created reservations. But also, black folks in previous decades had been ‘confined to the most dilapidated housing in the least desirable sections of the cities to which they fled. In densely populated destinations like Pittsburgh and Harlem, housing was so scarce that some black workers had to share the same single bed in shifts.’¹¹ Many whites had set up restrictive covenants, which ‘were clauses written into deeds that outlawed African-Americans from buying, leasing or living in properties in white neighborhoods, with the exception, often explicitly spelled out, of servants. By the 1920s, the widespread use of restrictive covenants kept as much as 85 percent of Chicago off-limits to African-Americans.’¹²

- a. In light of these legal but unconstitutional practices, do you think it is accurate to call the American housing market ‘a free market’?
 - b. Is the ‘free market’ a ‘free to be racist market’?
3. We often think of government-funded housing projects. But what has been the role of government-funded insurance policies for financing housing?
 - a. Note that before there was government stabilization of mortgage financing (also in part 1, footnote 4), ‘in 1911 – 1914, the average down payment for (new and existing) single-family houses in 22 cities was almost 68 percent of the purchase price, and 46 percent of homes were acquired debt free.’ What do you think of the ‘free market’ in mortgage loans without government interference?
 - b. Why do you think these types of government funded housing programs are not as well known as, say, food stamps or public housing?

¹⁰ Rafael Medoff, “Book Review Was Hitler Inspired by Racist American Laws?”, *Haaretz*, March 29, 2017; <https://www.haaretz.com/life/books/was-hitler-inspired-by-america-s-race-laws-1.5452180>

¹¹ Isabel Wilkerson, “The Long-Lasting Legacy of the Great Migration,” *Smithsonian Magazine*, September 2016; <https://www.smithsonianmag.com/history/long-lasting-legacy-great-migration-180960118/>

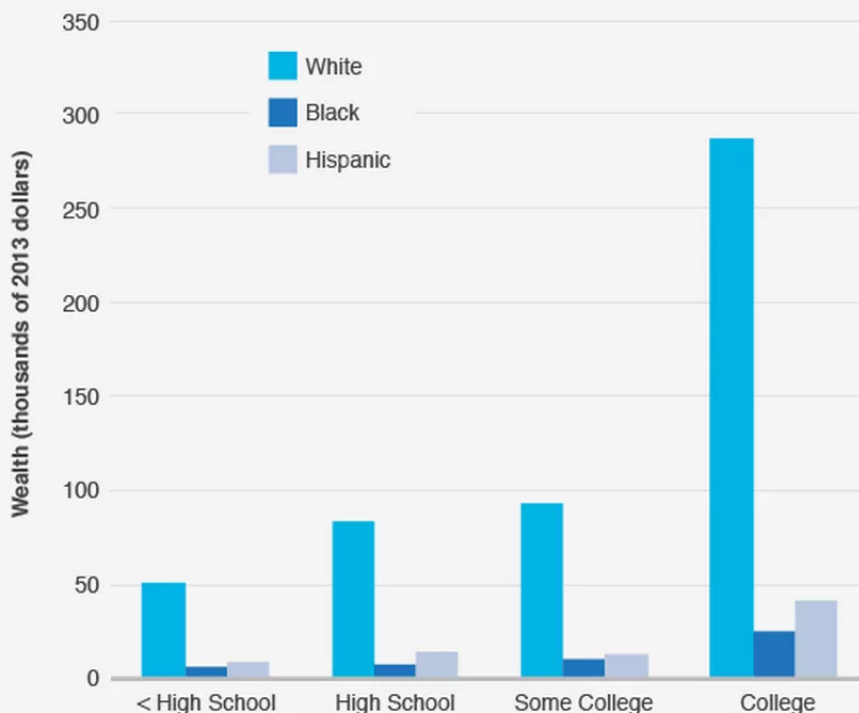
¹² *Ibid*

Blog Post #7: The Illusion of Meritocracy in Housing, Part 2

Questions for Discussion

1. Describe the differences between Michaela’s family’s experience, and Brian’s.
2. Michaela’s grandfather and grandmother were able to buy a house. Do you think that their house made a million dollar difference in the life of their family? Why or why not?
3. What are your reactions, both emotional and intellectual, to the graph which closes out the post?

Median Wealth By Race & Education (2013)



Dēmos

Source: Federal Reserve

4. Why is it possible for someone like Michaela to say, “I worked hard to achieve everything I did,” and for someone like Brian to also say, “But the system does not treat everyone fairly. In fact, someone could work just as hard as you, but achieve almost nothing”?
5. Recall that Brian’s parents and grandparents paid their taxes to fund this affirmative action program for white suburbs, as did all African-American citizens of the U.S. Also recall the biblical principle of equal treatment under the law (e.g. Leviticus 24:22), which is expressed in U.S. law as the Fourteenth Amendment of the Constitution. If you could locate all the descendants of African-Americans who applied for the GI Bill, and offer them a zero percent loan from the Federal Reserve Bank, what dollar estimate per person would you make available?
6. (optional) Didn’t the Fair Housing Act of 1968 and the establishment of the Department of Housing and Urban Development make bank redlining illegal?

- a. Bank redlining was made formally illegal, even though it keeps happening.¹³
- b. When people try to sue banks, it's a steep uphill battle that they seldom win anything substantive.¹⁴
- c. Also, banks deployed the reverse strategy: predatory lending. From the late 1970s, when foreclosures in black communities first began to rise,¹⁵ bank lenders bet that black homebuyers would default on their mortgages.
- d. Banks continued and expanded these practices until the financial crisis of 2008–09 disproportionately devastated black and brown homeownership and retirement savings.¹⁶

	White (median household)	Black (median household)
2005	\$134,992	\$12,124
2009	\$113,149	\$5,677

- e. 2009 - present: The Federal Reserve Bank's quantitative easing policy kept housing prices artificially inflated, rewarding boomer homeowners but penalizing communities of color and asset-poor, already indebted millennials.¹⁷ Generations later, wealth leveraged by homeownership is still the number one reason why white people have so much wealth, and black people do not, as pointed out above.

¹³ Aaron Glantz and Emmanuel Martinez, "Kept Out: For People of Color, Banks Are Shutting the Door to Homeownership," *Reveal News*, February 15, 2018; <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>. In May 2015, Associated Bank settled for \$200 million for redlining in Chicago and Milwaukee. In September 2015, Evans Bank in New York settled with the State of New York for \$825,000, and Hudson City Savings Bank settled with the Department of Justice for \$33 million for redlining in New Jersey, New York, and Pennsylvania. Redlining is alive and well, just quieter and more subtle.

¹⁴ When Countrywide-now- Bank-of-America was caught under President Bush's watch, the nation's second-largest bank agreed to pay virtually nothing. "Victims of the Countrywide scheme will divvy up the \$335 million, with some getting a few hundred dollars and others getting several thousand. That amounts to an average of roughly \$1,700 per borrower." As Reuters, "Countrywide Exec Gets \$28 Million from Bank of America," *Reuters/CNBC*, August 5, 2010; <https://www.cnb.com/id/23841122/> pointed out in March of 2008, "Bank of America said it has agreed to pay \$28 million to Countrywide Financial Chief Operating Officer David Sambol to induce him to run the merged companies' consumer mortgage operations. The amount, which vests over three years, is 37 percent higher than the \$20.4 million that Bank of America Chairman and Chief Executive Kenneth Lewis was compensated in 2007 to run the second-largest U.S. bank." In other words, to one white man, Bank of America paid \$28 million. To those 200,000 people of color who lost their homes because of that same man's racial discrimination, Bank of America spread out \$335 million, or about \$1,700 each.

¹⁵ Keeanga-Yamahitta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill, NC: The University of North Carolina Press, 2019). Mark Whitehouse, "Black Poverty Is Rooted in Real-Estate Exploitation," *Bloomberg*, June 17, 2019; <https://www.bloomberg.com/opinion/articles/2019-06-17/how-housing-finance-enriched-whites-at-expense-of-black-borrowers> writes, "There was the FHA scandal of the 1970s, in which indiscriminate federal lending and outright corruption enabled speculators to sell inner-city homes to blacks at inflated prices, resulting in widespread foreclosures."

¹⁶ Jamelle Bouie, "The Crisis in Black Homeownership," *Slate*, July 24, 2014. <https://slate.com/news-and-politics/2014/07/black-homeownership-how-the-recession-turned-owners-into-renters-and-obliterated-black-american-wealth.html>.

¹⁷ Mike Shedlock, "Ben Bernanke—The Father of Extreme US Socialism," *FX Street*, March 4, 2019. <https://www.fxstreet.com/analysis/ben-bernanke-the-father-of-extreme-us-socialism-201903040305> summarizes an article by David McWilliams, "Quantitative Easing Was the Father of Millennial Socialism," *Financial Times*, March 1, 2019; <https://www.ft.com/content/cbed81fc-3b56-11e9-9988-28303f70fcff> writing, "Fed chairman Ben Bernanke's "cash for trash" QE scheme drove up asset prices and bailed out the baby boomers. The cost of course, was pricing millennials out of the housing market. Unorthodox policy penalizes the asset poor. What assets do millennials have? Hardly any. Instead they are saddled with mountains of student debt which, thanks to President George W. Bush, could no longer be discharged in bankruptcy. The Bankruptcy Reform Act of 2005 would have better been called the Debt Slave Act of 2005. Then, when the Great Financial Crisis hit, the Fed came along bailed out the banks, bailed out the bondholders, bailed out Fannie Mae, and bailed out the asset holders in general, leaving millennials mired in debt unable to afford a house."

Blog Post #8: The Illusion of Meritocracy in Schooling, Part 1

Questions for Discussion

1. As discussed in the blog, how does residential segregation fuel the unequal school systems?
2. Have you seen teachers caught between seeking jobs in serving students in poorer school districts, and working in better paying school districts? How have they navigated that?
3. Do you think the current school system is just according to the Fourteenth Amendment, our constitutional commitment to treat people equally under the law? Why or why not?
4. (if this comes up) Is education a fundamental legal right? Detroit students and teachers took their case to court, saying that literacy, especially, was a fundamental right. They were protesting schools being under-resourced. U.S. District Judge Stephen Murphy III said there was no right to literacy.¹⁸ How do we argue against this?
 - a. Fairness to Tax-Payers: Citizens are legally required to pay taxes for public schools.
 - b. Parents Are Legally Required to Send Kids to School: So they should get something back, like substantive education and adequate preparation for state-wide tests.
 - c. The U.S. Constitution: The Sixth Amendment guarantees you the right to a speedy and public trial. How can the Constitution guarantee this if it doesn't also guarantee basic education to all its citizens, and probably English as a common baseline language?
5. Why should children inherit all the advantages and disadvantages that their parents could give them? This question is important because many who claim that the U.S. is a 'meritocracy' refuse to answer the question of what children have done to 'deserve' everything their parents give them.
 - a. Leviticus 25. Children will not inherit all the advantages and disadvantages that their parents hand them, because God says, 'You are all My children.' God presses the jubilee button to re-gift the garden land back to its original family boundaries.
 - b. Ezekiel 18. A child shall not inherit the consequences of the parent's sins.
6. In both the Old Testament and New Testament, there is a concern for the well-being of children.
 - a. In Genesis 1 – 11, there is a hope that a future child will fulfill the "seed of the woman" prophecy of Genesis 3:14 – 15, and be God's champion to defeat evil. So there was a concern to protect children.
 - b. In Genesis 12 – 50, the story culminates in Joseph, who became advisor to Pharaoh in Egypt, and became God's partner to build a garden in Egypt, a representation of the garden of Eden which humanity lost. With that power, he fed people in the entire region during a seven year drought. The Bible points out that Joseph especially took care of the 'little ones' of Israel (Gen.43:8; 45:19; 46:5; 47:12) and the 'little ones' of Egypt (Gen.47:24).
 - c. When God brought Israel into a new garden land, He declared that He would regift the garden land to all of His children, the people of Israel. He declared a 'jubilee year' every fifty years, which was an economic reset button (Lev.25). All the land went back to its original family boundaries. People were released from debt-servitude and debt-bondage, so they could return to their ancestral land. This meant that God prevented children from inheriting all the economic advantages and disadvantages that they possibly could. In every generation or two, God intervened to declare His love for each of His children.
 - d. When Israel was in exile from the garden land, and served under Babylon, the Hebrew prophet Daniel became the advisor to the King of Babylon. His policy advice was to 'show mercy to the poor' (Dan.4:27).

¹⁸ Lori Higgins, 'Literacy Is Not a Fundamental Right, Rules Judge in Case Against Michigan,' *Governing*, July 5, 2018; <https://www.governing.com/topics/education/tns-literacy-detroit.html>. Jacey Fortin, "Access to Literacy' Is Not a Constitutional Right, Judge in Detroit Rules," *The New York Times*, July 4, 2018; <https://www.nytimes.com/2018/07/04/education/detroit-public-schools-education.html> includes pictures of the school's physical deterioration

- e. When Jesus was a child, even an infant, the existing king sought to kill him, so his family was forced into refugee status (Mt.2). He identified with the vulnerable.
 - f. Jesus expanded the boundaries of God’s loving concern from just Israel to the whole world. Within that concern, Jesus expressed surprising personal care for children (Mt.19:13 – 15; Lk.18:15 – 18). The New Testament writings show a concern for economic equality and community (2 Cor.8:9 – 15; 1 Jn.3:16 – 18). The New Testament sees failure to give to the poor as theft from them (Mt.18:18; Lk.19:1 – 10; Eph.4:28; Jas.5:1 – 6).
 - g. After considering these biblical passages on the care of children, how does our system of education, built on top of a racially segregated residential system, compare?
7. Christian emphasized education from early on, and Christian rulers offered public education:
- a. Alexandria, Egypt: Alexander the Great built the city and the library. Christians started a school there, benefiting from the library, and developed an early form of braille.
 - b. Gondishapur Academy, Persia (376): Christians founded a monastery in Gondishapur before 376. It was likely combined with the Christian School of Edessa in 489 when it moved from Edessa to Gondishapur/Nisibis.
 - c. Emperor Theodosius II in Constantinople (425) started the first state university in the world, the School of All Sciences (*pandidakterion*)
 - d. After the Gothic invasion of Western Europe, Irish monks and monasteries spread across Western Europe and re-educated people with Christian and classical texts. (See Thomas Cahill, *How the Irish Shaped Civilization*)
 - e. Emperor Charlemagne (reigned 768 – 814) started public schools for literacy, which led to the Carolingian Renaissance. The University of Paris was chartered in 1200.
 - f. King Alfred in England (reigned 871 – 886) trained all free young men in literacy, resulting in literary and legal achievements. Oxford University appears in the 1100’s, Cambridge in 1209.
 - g. Martin Luther criticized parents who don’t teach their children to read by saying, ‘I shall really go after the shameful, despicable, damnable parents who are not parents at all but despicable hogs and venomous beasts devouring their own young.’
 - h. The Old Deluder Satan Act of 1647 in Massachusetts started the first public school in America, funded by taxes.
8. What arguments can we make to other Christians, to care about funding public education more fairly?
- a. Constitutional – Legal
 - i. 14th Amendment: equal treatment under the law
 - ii. A house and a zip code stack up privileges or underprivileges for children, which they did not earn. A house and a zip code are the single biggest factor for kids to get a good education. In technical terms, fighting for more equal housing is not a violation of ‘substantive justice’ for adults. It is a fight for more ‘procedural justice’ for children. (Some conservatives argue that the law should promote ‘procedural justice,’ having a fair response to people’s actions – good or bad. So they believe the law should not try to address economic inequalities, and what house you’re able to afford is a mark of working hard in a system that rewards work fairly. For adults, that is. The problem is that housing is part of procedural justice for children.)
 - b. Biblical
 - i. The argument from Leviticus 25 and Ezekiel 18 that children should not inherit the consequences of their parents’ sins, or misfortunes.
 - ii. How can people grow in relationship with God if they can’t grow as people? Isn’t education important to your children? Then why not other children?
 - c. Emotional
 - i. Do these people’s lives matter to you?
 - d. Pragmatic
 - i. It costs less to educate a child than incarcerate an adult. It costs less to educate a child than to provide homeless services and emergency room care to a struggling adult.

Blog Post #9: The Illusion of Meritocracy in Schooling, Part 2

Questions for Discussion

Leader: If you and your group members have the time, take the Harvard Implicit Bias Test online, before you convene the group. It takes 10 minutes. <https://implicit.harvard.edu/implicit/Study?tid=-1>. You don't need to discuss it with each other, although you certainly could. It's just something that will help each person be aware of what "implicit bias" is, and how it might affect a teacher, a police officer, a nurse or doctor, etc. serve people from different communities.

1. Have you ever been disciplined in the American public school system? Or seen someone else disciplined?
 - a. How was the discipline administered in your (or that person's) school experience?
 - b. Did you ever witness "misconduct" that was caused mainly by a misunderstanding?
2. How have you seen school funding levels affect the way schools handle discipline?
 - a. In terms of what facilities were available in the school building?
 - b. In terms of cultural and implicit bias training given to teachers?
 - c. Physical activity helps a lot of kids regulate themselves, but having coaches depends on funding. Extracurriculars like music and language isn't typically funded as a first priority.
 - d. Cognitive emotional delays and therapeutic methods
3. Should cultural competency and implicit bias training be required for professionals in the school systems? Why or why not? Are they required in your school district or state?
4. Is your state more punitive or more constructive when dealing with disciplinary issues in schools?
 - a. Can you do a little research on your state or your school district?
5. Brian said, "Can you really maintain that white students today face more discrimination than students of color? On the issue of learning opportunities, that's not true. Nor is it true on the issue of school discipline. We Americans like to claim that the school system is "meritocratic." We claim that schools treat kids fairly. But in light of all this evidence, can you honestly say that our school system is actually fair?" How would you respond to Brian?
6. Recall that in Leviticus 25, God instituted His "no child left behind" practice. He started the "jubilee year" principle every fifty years, where He regifted the garden land to all of His children. This was an element of "fairness," since God prevented children from inheriting this basic advantage or disadvantage from their parents. Keep in mind that land was Israel's basic form of wealth, work, schooling, peace of mind, etc. How does that compare to our modern day practices with our nation's children?
7. In future posts and discussions, we will discuss other ways to actively combat the school-to-prison pipeline, such as "restorative justice" practices. It may be challenging to just be learning without doing something to remedy the situation. But hold on. We'll get there.

Blog Post #10: The Illusion of Meritocracy in Policing, Part 1

Questions for Discussion

1. What have your experiences been with the police?
2. Do you know any police officers personally? What is that relationship like?
3. Do you think your answers to questions 1 and 2 have been affected by what you look like or where you live?
4. What do you think about the corruption and misconduct cases narrated in the blog?
 - a. What do you think about the quote from Matthew Fogg, the retired Chief Deputy U.S. Marshall who was quoted in the beginning of the post?
 - b. Consider the testimonies and lawsuits filed by police officers against police departments.
 - c. Do you agree that police departments violate the Fourteenth Amendment when they don't protect their black and brown citizens equally as white citizens?
5. Did you know the Fourteenth Amendment comes from the Jewish and Christian tradition on equal human rights? Compare and contrast the Code of Hammurabi and the Jewish Law. If you are not a Christian, you can still appreciate this text as influential. How do the two law codes compare? And in the U.S., to which are we closer, in practice?

<p style="text-align: center;">The Code of Hammurabi <i>Persons Unequal, Retributive Justice</i></p>	<p style="text-align: center;">The Jewish Law: <i>Persons Equal, Restorative Justice</i></p>
<p><i>The Code of Hammurabi</i> comes from Babylon about 1754 BC, about 400 years before Moses. Despite the difference in time, Moses and the Israelites probably would have been aware of law codes like this.</p>	<p><i>The Jewish Law:</i> Jewish tradition holds that this was given by God to Moses while Israel was in the wilderness. It takes the form of case law examples based on the Ten Commandments, so principles need to be reasoned out.</p>
<p>Code of Hammurabi: ¹⁹⁷ If a man has broken another man's limb, his own shall be broken. ¹⁹⁸ If a man has destroyed an eye or a limb of a <i>poor man</i>, he shall pay one maneh of silver. ¹⁹⁹ If a man has destroyed an eye or a limb of <i>the servant</i> of another man, he shall pay one-half of a mina. ²⁰⁰ If a man has made the tooth of another to fall out, one of his own teeth shall be knocked out. ²⁰¹ If the tooth be that of a <i>poor man</i>, he shall pay one-third of a maneh of silver.</p> <p>Judging from use of 'one third of a maneh of silver,' the amount seems non-trivial and perhaps</p>	<p>Leviticus 19 ¹⁸ You shall not take vengeance, nor bear any grudge against the sons of your people, but you shall love your neighbor as yourself; I am the Lord.</p> <p>Leviticus 24 ²² There shall be <i>one standard</i> for you; it shall be <i>for the stranger as well as the native</i>, for I am the LORD your God.</p> <p>'An eye for an eye' is a principle in Exodus 21:23 – 25 and Leviticus 24:17 – 23 that Jewish rabbinical commentators interpret as <i>not</i> retributive. It is an outer limit of proportionality for cases of bodily harm, meant to represent proportional financial compensation (<i>Talmud BavaKamma</i> 83b – 84a) or, in some cases, lashes (<i>Makot</i> 1:1). They actually reason that because of the possibility that the</p>

<p>significant for a poor person, but not enormous either.¹⁹</p>	<p>offender is already blind: One cannot blind an already blind man! So they believe that the ‘eye for an eye’ is meant as proportional compensation: If you blind someone’s eye, <i>you</i> become his ‘second eye.’²⁰</p>
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- a. How do they compare in time? These law codes are roughly contemporary.
- b. How do they compare in their view of people?
 - i. In the Babylonian Code of Hammurabi, clearly people are not equal. You are punished for a crime based on how rich or important your victim as. If rich, you’re punished hard. If poor, you can just pay some money.
 - ii. The Jewish law, by contrast, treats everyone equally. Including foreigners and servants. This is astounding because no one else did this!! Even today, our legal system allows for very different outcomes in how laws play out. It allows for implicit racial bias to police, prosecute, and sentence people differently according to race.
- c. Is our American criminal justice system more like the Code of Hammurabi or the Jewish Law? Why?

¹⁹ Converting to present dollars is difficult, but as points of comparison, within the Code, one-third of a maneh of silver was the compensatory worth of a slave fatally gored by an ox, the penalty for causing the death of a pregnant slave girl, the penalty a creditor would have to pay if he wrongfully seized collateral from a debtor, and the payment a poor man would have to pay his wife to divorce her.

²⁰ This restorative justice reading is reinforced by these facts: (1) In Exodus 21:18 – 19, just before this example of bodily harm, the offender must care for the injured victim until he is ‘completely healed.’ (2) In Exodus 21:22 and 30, financial compensation is named there, too. (3) In Leviticus 19:17 – 18, the law instructs Israelites to ‘not take vengeance.’ ‘The Torah’s command to love one’s neighbor is put in parallel with a prohibition against taking vengeance upon one’s neighbor,’ such that these commands are mutually interpreting. Darren W. Snyder Belousek, *Atonement, Justice, and Peace: The Message of the Cross and the Mission of the Church* (Grand Rapids, MI: Eerdmans, 2012), p.408 says, ‘In fact, the text gives us parallel sets of contrasting parallels. Taking these separate, we see the contrasts: in the first set, hating a neighbor in one’s heart (A) contrasts with reproving one’s neighbor (B); in the second set, taking vengeance upon a neighbor (A’) contrasts with loving one’s neighbor (B’). Taking these together, we see the parallels: hating one’s neighbor (A) is parallel with taking vengeance upon one’s neighbor (A’) – and both are prohibited; likewise, reproving one’s neighbor (B) is parallel with loving one’s neighbor (B’) – and both are commanded. Repaying harm for harm and injury for injury in due measure, while following the rule of the law (lex talionis), does not fulfill God’s intent for his covenant people. Not retribution but reproof fulfills the righteousness that God wills; not hate but love is the holiness that God desires.’ The entire book is an argument that God’s justice is not retributive but restorative, and reparative. (4) God anticipated Israel’s exile from the garden land and loss of political sovereignty (Dt.27 – 28; cf. Ex.20:4 – 6), reenacting Adam and Eve’s exile from their garden land (Gen.3:20 – 24); and Israel would not be able to enact capital punishment while being ruled by another nation; so the principle of restoration and compensation was important to establish from the start. Therefore, Jewish law was victim-oriented and restorative, not primarily retributive in nature.

Blog Post #11: The Illusion of Meritocracy in Policing, Part 2

Questions for Discussion

1. What do you think about the so-called “War on Drugs”?
2. What do you think of the disproportionate impact on people of color?
 - a. This might involve you or someone within your circle of family and friends. Please share personally if you feel comfortable.
 - b. Also, recall the quote from former U.S. Marshall and DEA agent Matthew Fogg, from the last post: “So when I would go into the war room, where we were setting up all of our drug and gun and addiction task force determining what cities we were going to hit, I would notice that most of the time it always appeared to be urban areas. That’s when I asked the question, well, don’t they sell drugs out in Potomac and Springfield, and places like that? Maybe you all think they don’t, but statistics show they use more drugs out in those areas than anywhere. The special agent in charge, he says ‘You know, if we go out there and start messing with those folks, they know judges, they know lawyers, they know politicians. You start locking their kids up; somebody’s going to jerk our chain.’ He said, ‘they’re going to callus on it, and before you know it, they’re going to shut us down, and there goes your overtime.’ What I began to see is that the drug war is totally about race. If we were locking up everybody, white and black, for doing the same drugs, they would have done the same thing they did with prohibition.”
3. How has the “War on Drugs” and other elements of mass incarceration eroded our constitutional rights?
 - a. 6th and 14th Amendments
 - i. *Purkett v. Elem* (1995) was decided 7 – 2. Rehnquist (Reagan), O’Connor (Reagan), Scalia (Reagan), Thomas (Bush 1), Souter (Bush 1), Ginsburg (Clinton). About 30% of black men are already ineligible for jury service for life because of the legal status attributed to their criminal background. And in many previous cases, the Supreme Court had already upheld convictions of black defendants by all-white juries in situations where the exclusion of black jurors was obvious. But *Purkett* went a step further. The prosecution used ‘jury shuffling’ to reduce the number of black jurors, and used different questions of juror candidates based on race. But as long as race was never explicitly stated, the Court upheld whatever reason the prosecutors gave for not selecting a particular juror. In *Purkett*, the prosecutor used the following explanation for why he struck black jurors from being empaneled:

‘I struck [juror] number twenty-two because of his long hair. He had long curly hair. He had the longest hair of anybody on the panel by far. He appeared not to be a good juror for that fact... Also, he had a mustache and a goatee type beard. And juror number twenty-four also had a mustache and goatee beard... And I don’t like the way they looked, with the way the hair is cut, both of them. And the mustache and the beards look suspicious to me.’ See Michelle Alexander, p.122, citing *Purkett v. Elem*, 514 U.S. 765, 771 n.4 (1995) Stevens, J., dissenting and quoting prosecutor
 - b. 8th Amendment: Right to trial by a jury of your peers, vs. plea bargaining
 - i. Compare Jewish Law with other cultures’ legal history, on the subject of judicial torture. Is plea bargaining a form of judicial torture?

Western Law	Jewish Law
<p><i>Ancient Greece:</i> ‘In the fourth century BCE, Aristotle listed five different ways to prove guilt that may be used in legal proceedings and he included torture among them. In general, torture was used by the Greeks only when it came to the testimony of slaves and, in certain situations, foreigners.’²¹</p> <p><i>Ancient Rome:</i> ‘Early Roman law is similar to Greek law in that it also limited torture to slaves... The institution of torture...was eventually expanded to include free men... Between the second and fourth centuries the institution was expanded to include new types of people and situations. The various emperors had the power to authorize torture for new cases and were responsible for expanding the institution of torture in Roman law.’²²</p> <p><i>Pre-Modern and Modern Europe:</i> Roman law experienced a revival in Europe in the twelfth century, which included torture. ‘By the sixteenth century a substantially similar law of torture was in force from the Kingdom of Sicily north to Scandinavia, from Iberia across France and the German Empire to the Slavic East. Well into the eighteenth century the law of torture was still current everywhere, and it survived into the nineteenth century in some corners of central Europe.’²³</p> <p><i>England:</i> ‘According to available records, between 1540 and 1640 the Privy Council or the monarch ordered torture in eighty-one cases. Many of these cases involved political crimes, such as treason; but more than a quarter involved ‘ordinary’ crimes such as murder, robbery, burglary and horse stealing.’²⁴</p>	<p>‘Jewish law has never authorized judicial torture. In fact, judicial torture of an accused would serve no purpose in Jewish law because even voluntary confessions are inadmissible as evidence [because of the two eyewitness requirement of Deuteronomy 17:16; 19:15]... <i>Jewish law’s rejection of judicial torture is unique in Western civilization, especially because it is so ancient.</i>’ ‘The law against self-incrimination relates to the accused’s vulnerability.’²⁵</p> <p>‘Jewish law’s criminal law paradigm is based on the Biblical verse, “And the congregation shall save” [Num.35:25]. According to the Talmud, this verse establishes a principle, in terms of which one of the key responsibilities of any criminal court is to protect the interests of the accused by finding legally acceptable ways to “save” him from conviction.’²⁶</p>

- c. Are there other ways you’ve seen how race and racial bias contributed to the mass incarceration of black and brown people?
- i. Do you think there have been successful ways to call the impact of racial bias in criminal justice into question?
 - ii. Michelle Alexander, *The New Jim Crow*, p.114 says as evidence of the impact of McCleskey, consider the Georgia Supreme Court decision in 1995:

‘[The Court held] that 98.4 percent of the defendants selected to receive life sentences for repeat drug offenses were black required no justification... To date, not a single successful challenge has ever been made to racial bias sentencing...’

4. If you’re wondering what is the difference between restorative justice versus retributive justice, hold on for next time. We will discuss in the next post.

²¹ Rabbi Dr. Warren Goldstein, *Defending the Human Spirit: Jewish Law’s Vision for a Moral Society* (New York: Feldham, 2006), p.225

²² Ibid, p.226 – 228

²³ Ibid, p.230, quoting John Langbein, *Torture and the Law of Proof*, 3

²⁴ Ibid, p.234

²⁵ Ibid, p.237, 240 italics mine

²⁶ Ibid, p.264 – 265; also, ‘Under ancient Jewish law, if a suspect on trial was unanimously found guilty by all judges, then the suspect was acquitted. This reasoning sounds counterintuitive, but the legislators of the time had noticed that unanimous agreement often indicates the presence of systemic error in the judicial process, even if the exact nature of the error is yet to be discovered. They intuitively reasoned that when something seems too good to be true, most likely a mistake was made.’ See Lisa Zyga, “Why Too Much Evidence Can Be a Bad Thing,” PHYS.ORG, January 4, 2016; <http://m.phys.org/news/2016-01-evidence-bad.html>

5. What is implicit bias? How does it work? How does it impact people?
 - a. If you and your group members have the time, watch this 2.5 minute video put together by the New York Times:
<https://www.nytimes.com/video/us/100000004818663/peanut-butter-jelly-and-racism.html>.
 - b. Take the Harvard Implicit Bias Test online, before you convene the group. It takes 10 minutes. <https://implicit.harvard.edu/implicit/Study?tid=-1>. You don't need to discuss it with each other, although you certainly could. It's just something that will help each person be aware of what "implicit bias" is, and how it might affect a teacher, a police officer, a nurse or doctor, etc. serve people from different communities.
 - c. See this free online training on implicit bias hosted by the Kirwan Institute for the Study of Race & Ethnicity at Ohio State University. It includes a module on what individuals and organizations can do to address implicit bias:
<http://kirwaninstitute.osu.edu/implicit-bias-training/>
 - d. Have you seen implicit bias in yourself? Others? (This might require some vulnerability. Leaders, if you are using this study guide in a group setting, use your discretion about whether to ask people to share. However, please do say that implicit bias is important, simply because of how the brain works: Our brains always find it helpful to make patterns. Skin color becomes one of those patterns that our brains perceive. That's why police officers and other people involved in the criminal justice system, for example, need to have regular positive encounters and exposure to people of color, not to mention trauma processing resources available. It offsets the personal experiences and media exposure they might have.)

6. Do you believe that the criminal justice system is "meritocratic?" Why or why not?

Blog Post #12: The Illusion of Meritocracy in Policing, Part 3

Questions for Discussion

1. What are the various theories about why the violent crime rate rose?
 - a. 'Black culture' which came with the Great Migration from the South to the North and West
 - b. The culture of violence in the South, also tied to Scots-Irish American culture, which victimized black Americans but also affected their behavior
 - c. Lead poisoning due to leaded gasoline in our cars
 - d. Drugs and gang violence
 - e. Other?
2. What are the theories of why the violent crime rate fell?
 - a. Better policing, like the "broken windows" style of policing
 - b. Switching to unleaded gasoline in our cars
 - c. The "War on Drugs" was effective, along with mass incarceration
 - d. Other?
3. Which of these theories do you find has the most evidence?
4. When we look at other countries and their crime rates, what do we find? Why is it important to compare crime rate rise and decline with other countries?
5. One possible objection that could be raised is that violent crime in the U.S. rose in 2015 and 2016, although it fell again in 2017 and 2018.²⁷

"Violent crime, including homicides, rose for the second consecutive year in 2016, driven by increases in a few urban centers including Baltimore, Chicago and Las Vegas, according to F.B.I. data released Monday."²⁸ This article offers two important reminders to its readers. On the one hand, (1) "What's going on? No one really knows. And if someone says they do know, you ought to be deeply suspicious. It's too early to tell anything." On the other hand, (2) "But one theory that has gained traction of late is that violence has increased as police legitimacy has been questioned after the fatal police shootings of unarmed African-Americans... in cities where police departments treat citizens with disrespect and engage in brutality, residents will eventually stop cooperating with the police, which will diminish officers' ability to solve crimes. The result, according to the argument, is that the most violence-prone people in a particular area will be free to continue committing crimes with little fear of arrest."

Having read this post and the previous two blog posts about crime, does the 2015 – 16 violent crime spike in Chicago, Baltimore, Charlotte, and St. Louis fit with what the blog posts have discussed?

6. How are narratives of crime used to characterize communities of color? Or valorize white people in some way?
7. What do you think believing in a God of restorative justice vs. a God of retributive justice makes a difference? Note that the next blog post will be about that.

²⁷ German Lopez, "After 2 Years of Increases, the US Murder Rate Officially Fell in 2017," *Vox*, September 24, 2018, <https://www.vox.com/2018/9/24/17895572/murder-violent-crime-rate-fbi-2017> and John Gramlich, "5 Facts About Crime in the U.S." *Pew Research Center*, January 3, 2019, <http://www.pewresearch.org/fact-tank/2019/01/03/5-facts-about-crime-in-the-u-s/>.

²⁸ Timothy Williams, "Violent Crime in U.S. Rises for Second Consecutive Year," *New York Times*, September 25, 2017, <https://www.nytimes.com/2017/09/25/us/violent-crime-murder-chicago-increase-.html>.

Blog Post #13: Restorative Justice Over Meritocratic-Retributive

Questions for Discussion

1. Brian asks, ‘So how do you justify your definition of “justice”?’ Leading up to that, he says, ‘On a strictly human level, that question is raised by comparing cultures, but it cannot be answered by comparing cultures. It cannot be answered by philosophy. It has to be answered theologically. Otherwise, your notion of justice isn’t really “justice.” It’s just power and your desire to impose your opinion on other people.’ Do you agree or disagree?
2. If you had the choice of living in a restorative justice culture or a retributive justice culture, which would you choose to live in? Why?
3. Ultimately, does the question come back to what kind of God is God? As in, is there really a God? And is God’s justice restorative or retributive?
4. What do you think of Jonathan Edwards’ sermon *Sinners in the Hands of an Angry God*?
 - a. How does that portray a God of retributive justice?
 - b. How might the phrase “the iron first in the velvet glove” describe a certain kind of church?
5. How did the Christian leader Athanasius of Alexandria, Egypt understand the Christian God to be restorative?
 - a. What do you think of how Athanasius explained the biblical story of the fall and God’s response to it?
 - b. What do you think of how Athanasius explained Jesus restoring human nature?
6. Describe the symbolism of fire in the Bible, according to this blog post.
 - a. How is divine fire restorative?
 - b. Why is it easy to mistake divine fire for being only retributive?
7. It is our observation that earlier generations of Christians believed quite firmly that God is restorative in His justice.
 - a. How else could you justify your definition of “justice”?
 - b. Does this leave you with questions to follow up on later?

Blog Post #14: Restorative Justice in Housing

Questions for Discussion

1. This blog post explored three heretical beliefs that distorted early Christian teaching and impacts ‘housing’ and care for the poor. Let’s recap them. The ‘curse of Ham’
 - a. What was the ‘curse of Ham’? Who was it about? Who did it affect?
 - b. Have you heard about it before this?
 - c. Consider another passage from the Bible. How is the ‘curse of Ham’ reconcilable or not with this passage?

“The son will not bear the punishment for the father’s iniquity, nor will the father bear the punishment for the son’s iniquity; the righteousness of the righteous will be upon himself, and the wickedness of the wicked will be upon himself... Do I have any pleasure in the death of the wicked,’ declares the Lord God, ‘rather than that he should turn from his ways and live?’” (Ezekiel 18:20, 23)

- d. Would you agree or disagree with this statement: ‘The ‘curse of Ham’ stigmatized black people especially – and maybe people of color in a general sense – as if God just wanted to keep punishing people for some weird reason. In some sense, this is why white people treated black people worse than registered sex offenders. They were either forced to be slaves or were totally unwelcome in the community. People were considered already guilty of not just a crime, but being irredeemably criminal.’
2. John Calvin
 - a. What did John Calvin teach about working for low wages? Why did he teach this?
 - b. What impact did Calvin’s teaching have on ‘charity’ or ‘welfare’ practices?
 - c. How did Calvin contribute to meritocratic-retributive justice being the primary form of justice people experience in the U.S.?
3. John Locke
 - a. What did John Locke teach about creation in Genesis 1 as ‘wealth in common’?
 - b. How did Locke contribute to meritocratic-retributive justice being the primary form of justice people experience in the U.S.?
 - c. How did John Locke contribute to the idea of ‘private property’ being the best arrangement?
4. What stands out to you about how Germany’s housing system? How does it compare with the U.S. housing market?
5. Describe the pattern in the biblical story of God providing ‘housing’ for people initially, as a gift.
 - a. Eden (Genesis 2)
 - b. Israel’s Jubilee (Leviticus 25)
6. Should housing be considered a ‘civil right’? Why or why not? How about parks and green space? Clean water? Public libraries? Etc.
7. Can you describe a social system where some basic level of housing is provided as a gift? How would that system work?

Blog Post #15: Reparations and the Key Question in Restorative Justice

Questions for Discussion

1. What is the main argument here?
 - a. The myth of meritocracy blinds us to the truth. White Americans tend to believe that the U.S. is a meritocratic society. Therefore, they are blind to all the ways we have had a big government system, from social welfare to technology to jobs.
 - b. The corollary: When White Americans do accept big government, they tend to call it 'nation-building' when the government builds up white America, even at the expense of black America. But they call it 'favoritism' or 'special favors' or 'reverse racism' when government programs build up black America.
 - c. Consider: Slavery in colonial America took big government programs to enforce. At the State level, there were state militias and gun regulations to prevent guns from falling into the hands of black people. At the federal level, there were programs like the Fugitive Slave Act by which you could recover 'property' that ran to another State.
2. Who else proposes that reparations can be given for housing discrimination?
 - a. Richard Rothstein, *The Color of Law*
 - b. Ta-Nehisi Coates, "The Case for Reparations," *The Atlantic*
3. What kind of conservative is Michaela? What kind might she become? Meaning:
 - a. Libertarian? No. She seems to recognize that it's hypocritical.
 - b. Small government conservatives? Not any more. If she acknowledges the role of government in innovation through the military and science research, and providing jobs outright and through the tax code, then she can't really be for 'small government.'
 - c. Fiscal conservative? Maybe – not enough info
 - d. Family values, social conservative? Maybe – not enough info
 - e. Strict constitutionalist, law-and-order conservatives? Maybe – she seems open to arguments from the 14th Amendment
 - f. Economic nationalist? Maybe – she seems sympathetic to Brian's argument about citizens having obligations towards one another
 - g. White nationalist? No – her caution about blaming immigrants and her friendship with Brian (who is black American in these dialogues) suggest she is not a white nationalist
4. Why is the above question important for conservatives today? Because it's unclear what principles the Republican Party adheres to.
 - a. It's hard to say Republicans can honestly be 'libertarian' and 'small government conservatives' because of the history. Instead, they may be using those ideological labels whenever they want to conveniently avoid raising taxes on the wealthy or funding programs they think are inefficient. They fund the military but not 'New Deal' social programs, 'Great Society' racial justice policies, and 'Green New Deal' climate change programs.²⁹
 - b. It's very hard to say Republicans are 'fiscal conservatives.' Republican President Reagan grew the deficit through massive military spending while cutting taxes. Republican President Trump gave a massive tax cut to corporations and the wealthy and increased the deficit by \$1.2 trillion.
 - c. It's hard to say Republicans are 'family-values, social conservatives' given the Trump era:
 - i. Trump himself was credibly accused of sexual assault by dozens of women.
 - ii. Trump has been married three times and is accused of cheating on his wife Melania when she had just given birth to their son Baron.
 - iii. During the Clinton Presidency, Newt Gingrich was Speaker of the House. He said he was a Catholic, yet began his second marriage with an adulterous affair during

²⁹ Jonah Goldberg is a good example: Goldberg, "Today's Conservative Divide Pits Anti-State against Anti-Left," *National Review*, January 24, 2010; <https://www.nationalreview.com/2020/01/conservative-divide-anti-state-against-anti-left/> says, "If I may show my cards a bit, outside foreign policy, I'm very libertarian at the national level, mostly libertarian at the state level, and pretty communitarian at the local level. Letting people live the way they want to live where they actually live, so long as basic civil rights are respected, has always struck me as the best way to maximize happiness and democratic accountability." Goldberg tends to underestimate his (our) own dependence on the warfare state, exaggerate the "inefficiencies" of the welfare state, be optimistic about "basic civil rights [being] respected," and have no answer for the question of how government policies carried out white wealth-building while denying black.

- his first marriage, and began his third marriage with an adulterous affair during his second marriage.
- d. It's hard to say Republicans are 'strict Constitutionalist, law-and-order conservatives' given the Trump era:
- i. Republican Congressmen Chris Collins and Duncan Hunter had been indicted for crimes yet were re-elected to office in 2018. Collins was indicted for insider trading and lying to the FBI;³⁰ Hunter for illegally using campaign funds for personal expenses.³¹
 - ii. The Government Accounting Office says Trump broke the law by withholding aid to Ukraine in 2019.³² Trump repeatedly called the independent media 'the enemy of the people,' jeopardizing the lives of journalists, and threatening the 1st Amendment. Trump expressed a desire to ignore the 'birthright citizenship' clause of the 14th Amendment.

³⁰ Justin Miller, Justin Glawe, Victoria Bekiempis, "Republican Rep. Chris Collins Arrested for Insider Trading With His Son and Lying to FBI," Daily Beast, October 28, 2018; <https://www.thedailybeast.com/chris-collins-new-york-congressman-charged-with-insider-trading>

³¹ "Two Indicated GOP Congressmen Win Re-Election," Daily Beast, November 7, 2018; <https://www.thedailybeast.com/two-gop-congressman-facing-indictments-win-re-election>

³² Tyler Olson, "GAO Says Trump Administration Broke Law by Withholding Ukraine Aid," *Fox News*, January 16, 2020; <https://www.foxnews.com/politics/gao-says-trump-admin-broke-law-ukraine> notes that the Office of Management and Budget (OMB), directed by Trump, claimed that "the President has narrow, limited authority to withhold appropriations under the Impoundment Control Act of 1974 [and that] OMB [therefore] told GAO that it withheld the funds to ensure that they were not spent 'in a manner that could conflict with the President's foreign policy.'" However, "the law does not permit OMB to withhold funds for policy reasons." Emily Cochrane, "Watchdog Says Trump Administration Broke Law in Withholding Ukraine Aid," *The New York Times*, January 16, 2020; <https://www.nytimes.com/2020/01/16/us/politics/gao-trump-ukraine.html> writes, "'Faithful execution of the law does not permit the president to substitute his own policy priorities for those that Congress has enacted into law," the G.A.O. wrote. "The withholding was not a programmatic delay." The impoundment law limits a president's power to withhold money that has been allocated by Congress, requiring that he secure approval by the legislative branch if he wishes to do so."

Read the following on the history of the police in the U.S.:

Dr. Victor E. Kappeler, Associate Dean and Foundation Professor of the School of Justice Studies at Eastern Kentucky University, writes:

“The birth and development of the American police can be traced to a multitude of historical, legal and political-economic conditions. The institution of slavery and the control of minorities, however, were two of the more formidable historic features of American society shaping early policing. Slave patrols and Night Watches, which later became modern police departments, were both designed to control the behaviors of minorities. For example, New England settlers appointed Indian Constables to police Native Americans (National Constable Association, 1995), the St. Louis police were founded to protect residents from Native Americans in that frontier city, and many southern police departments began as slave patrols. In 1704, the colony of Carolina developed the nation's first slave patrol. Slave patrols helped to maintain the economic order and to assist the wealthy landowners in recovering and punishing slaves who essentially were considered property.”³³

Journalist Olivia B. Waxman includes some other early models of American policing:

“Policing in Colonial America had been very informal, based on a for-profit, privately funded system that employed people part-time. Towns also commonly relied on a “night watch” in which volunteers signed up for a certain day and time, mostly to look out for fellow colonists engaging in prostitution or gambling. (Boston started one in 1636, New York followed in 1658 and Philadelphia created one in 1700.) But that system wasn’t very efficient because the watchmen often slept and drank while on duty, and there were people who were put on watch duty as a form of punishment.

Night-watch officers were supervised by constables, but that wasn’t exactly a highly sought-after job, either. Early policemen “didn’t want to wear badges because these guys had bad reputations to begin with, and they didn’t want to be identified as people that other people didn’t like,” says Potter. When localities tried compulsory service, “if you were rich enough, you paid someone to do it for you — ironically, a criminal or a community thug.”

In cities, increasing urbanization rendered the night-watch system completely useless as communities got too big. The first publicly funded, organized police force with officers on duty full-time was created in Boston in 1838. Boston was a large shipping commercial center, and businesses had been hiring people to protect their property and safeguard the transport of goods from the port of Boston to other places, says Potter. These merchants came up with a way to save money by transferring to the cost of maintaining a police force to citizens by arguing that it was for the “collective good.” [...]

For example, businessmen in the late 19th century had both connections to politicians and an image of the kinds of people most likely to go on strike and disrupt their workforce. So it’s no coincidence that by the late 1880s, all major U.S. cities had police forces. Fears of labor-union organizers and of large waves of Catholic, Irish, Italian, German, and Eastern European immigrants, who looked and acted differently from the people who had dominated cities before, drove the call for the preservation of law and order, or at least the version of it promoted by dominant interests. For example, people who drank at taverns rather than at home were seen as “dangerous” people by others, but they might have pointed out other factors such as how living in a smaller home makes drinking in a tavern more appealing. (The irony of this logic, Potter points out, is that the businessmen who maintained this belief were often the ones who profited off of the commercial sale of alcohol in public places.)

³³ Victor E. Kappeler, “A Brief History of Slavery and the Origins of American Policing,” *Eastern Kentucky University Police Studies Online*, January 7, 2014, <https://pisonline.eku.edu/insideloook/brief-history-slavery-and-origins-american-policing>

At the same time, the late 19th century was the era of political machines, so police captains and sergeants for each precinct were often picked by the local political party ward leader, who often owned taverns or ran street gangs that intimidated voters. They then were able to use police to harass opponents of that particular political party, or provide payoffs for officers to turn a blind eye to allow illegal drinking, gambling and prostitution.

This situation was exacerbated during Prohibition, leading President Hoover to appoint the Wickersham Commission in 1929 to investigate the ineffectiveness of law enforcement nationwide. To make police independent from political party ward leaders, the map of police precincts was changed so that they would not correspond with political wards.”³⁴

Do an internet search on “police misconduct” in the city or region where you live. What comes up?

Check to see if the police department where you live has a police commissioner appointed by the mayor or city council. In other words, is your police department under civilian control?

Some police departments require their officers to live in the area they serve. Some have a desire to have the police department roughly reflect the racial demographics of the population they serve. What

<p align="center">The Code of Hammurabi <i>Persons Unequal, Retributive Justice</i></p>	<p align="center">The Jewish Law: <i>Persons Equal, Restorative Justice</i></p>
<p><i>The Code of Hammurabi</i> comes from Babylon about 1754 BC, about 400 years before Moses. Despite the difference in time, Moses and the Israelites probably would have been aware of law codes like this.</p>	<p><i>The Jewish Law:</i> Jewish tradition holds that this was given by God to Moses while Israel was in the wilderness. It takes the form of case law examples based on the Ten Commandments, so principles need to be reasoned out.</p>
<p>Code of Hammurabi: ¹⁹⁷ If a man has broken another man’s limb, his own shall be broken. ¹⁹⁸ If a man has destroyed an eye or a limb of <i>a poor man</i>, he shall pay one maneh of silver. ¹⁹⁹ If a man has destroyed an eye or a limb of <i>the servant</i> of another man, he shall pay one-half of a mina. ²⁰⁰ If a man has made the tooth of another to fall out, one of his own teeth shall be knocked out. ²⁰¹ If the tooth be that of <i>a poor man</i>, he shall pay one-third of a maneh of silver.</p> <p>Judging from use of ‘one third of a maneh of silver,’ the amount seems non-trivial and perhaps</p>	<p>Exodus 21 ¹⁸ If men have a quarrel and one strikes the other with a stone or with his fist, and he does not die but remains in bed, ¹⁹ if he gets up and walks around outside on his staff, then he who struck him shall go unpunished; he shall only pay for his loss of time, and shall take care of him until he is <i>completely healed...</i> ²⁸ If an ox gores a man or a woman to death... the owner of the ox shall go unpunished. ²⁹ If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death. ³⁰ <i>If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him.</i></p> <p>Leviticus 19 ¹⁸ You shall not take vengeance, nor bear</p>

³⁴ Olivia B. Waxman, “The History of Police in America and the First Force,” *Time*, May 18, 2017, <http://time.com/4779112/police-history-origins/>

<p>significant for a poor person, but not enormous either.³⁵</p>	<p>any grudge against the sons of your people, but you shall love your neighbor as yourself; I am the Lord.</p> <p>Leviticus 24²² There shall be <i>one standard</i> for you; it shall be <i>for the stranger as well as the native</i>, for I am the LORD your God.</p> <p>‘An eye for an eye’ is a principle in Exodus 21:23 – 25 that Jewish rabbinical commentators interpret as <i>not</i> retributive. It is an outer limit of proportionality for cases of bodily harm, meant to represent proportional financial compensation (<i>Talmud BavaKamma</i> 83b – 84a) or, in some cases, lashes (<i>Makot</i> 1:1). They actually reason that because of the possibility that the offender is already blind: One cannot blind an already blind man! So they believe that the ‘eye for an eye’ is meant as proportional compensation: If you blind someone’s eye, <i>you</i> become his ‘second eye.’³⁶</p>
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1. Notice that, in most cases, the Jewish law used the principle of *restorative justice*.
 - a. That is, the victim was expected to name a compensation amount that is proportional to the emotional or physical injury, according to Exodus 21:22 and 29 – 30.
 - b. The law regulated the upper limit the victim would request. The principle of proportionality for each action was respected. This is different from American criminal law which is based on more strict retributive logic, where someone who commits an injury should immediately suffer themselves regardless of what the victim requests. The state demands that someone suffer. This is a carry-over from a medieval English view that a crime was committed against the monarch, not your neighbor per se.³⁷
 - c. What would the role of police be in a system that emphasized restorative justice, instead of retributive justice? (Note: We will explore this in future posts, too.)

³⁵ Converting to present dollars is difficult, but as points of comparison, within the Code, one-third of a maneh of silver was the compensatory worth of a slave fatally gored by an ox, the penalty for causing the death of a pregnant slave girl, the penalty a creditor would have to pay if he wrongfully seized collateral from a debtor, and the payment a poor man would have to pay his wife to divorce her.

³⁶ This restorative justice reading is reinforced by these facts: (1) In Exodus 21:18 – 19, just before this example of bodily harm, the offender must care for the injured victim until he is ‘completely healed.’ (2) In Exodus 21:22 and 30, financial compensation is named there, too. (3) In Leviticus 19:17 – 18, the law instructs Israelites to ‘not take vengeance.’ ‘The Torah’s command to love one’s neighbor is put in parallel with a prohibition against taking vengeance upon one’s neighbor,’ such that these commands are mutually interpreting. Darren W. Snyder Belousek, *Atonement, Justice, and Peace: The Message of the Cross and the Mission of the Church* (Grand Rapids, MI: Eerdmans, 2012), p.408 says, ‘In fact, the text gives us parallel sets of contrasting parallels. Taking these separate, we see the contrasts: in the first set, hating a neighbor in one’s heart (A) contrasts with reproving one’s neighbor (B); in the second set, taking vengeance upon a neighbor (A’) contrasts with loving one’s neighbor (B’). Taking these together, we see the parallels: hating one’s neighbor (A) is parallel with taking vengeance upon one’s neighbor (A’) – and both are prohibited; likewise, reproving one’s neighbor (B) is parallel with loving one’s neighbor (B’) – and both are commanded. Repaying harm for harm and injury for injury in due measure, while following the rule of the law (lex talionis), does not fulfill God’s intent for his covenant people. Not retribution but reproof fulfills the righteousness that God wills; not hate but love is the holiness that God desires.’ The entire book is an argument that God’s justice is not retributive but restorative, and reparative. (4) God anticipated Israel’s exile from the garden land and loss of political sovereignty (Dt.27 – 28; cf. Ex.20:4 – 6), reenacting Adam and Eve’s exile from their garden land (Gen.3:20 – 24); and Israel would not be able to enact capital punishment while being ruled by another nation; so the principle of restoration and compensation was important to establish from the start. Therefore, Jewish law was victim-oriented and restorative, not primarily retributive in nature.

³⁷E.g. Sean McGlynn, ‘Violence and the Law in Medieval England,’ *History Today*, April 4, 2008; <http://www.historytoday.com/sean-mcglynn/violence-and-law-medieval-england> notes, ‘The monarch, in his role as the supreme judge, was expected to employ whatever violence was necessary in pursuit of social stability and safety for his subjects.’ For example, rape was considered ‘an offence against the king’s peace.’

