



Restoring the Captives

A Christian Study and Action Guide to
Michelle Alexander's *The New Jim Crow*

Leader's Guide





Restoring the Captives:
Christian Study and Action Guide to Michelle Alexander's The New Jim Crow: Mass
Incarceration in the Age of Colorblindness

Revision 2.1

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WHY:

1. To be educated about the social problems raised by Dr. Michelle Alexander.
2. To act on these issues with the hope of impacting individuals and social systems.
3. To reflect on these challenges spiritually, and to explore historical and spiritual sources comparing restorative and retributive principles of justice.

HOW & WHAT:

- Combine reflections on (1) Michelle Alexander's *The New Jim Crow* and other issues related to the American criminal justice system (e.g. violent crime and not just non-violent drug charges; privatized prisons; drug decriminalization); (2) historical and spiritual sources for comparing restorative justice and retributive justice; (3) practical steps for political advocacy.
- Leader: print out the beginning handout section of each session, for each person, and review the leader's notes

WEEK TOPIC

1 *Book Discussion Ch.1: Criminality, Scapegoating, Retribution vs. Restoration*

Goal: Understand the psychology of criminalizing the 'other' and the Southern Strategy in U.S. politics; introduce the difference between restorative and retributive justice

Sources: Which god do we imitate? Compare the Greek myth of Zeus punishing Prometheus and men, with the Hebrew myth of God exiling Adam and Eve from the garden.

Action: Find out trends in incarceration levels in your State. Or, find out the intentions of the Attorney General in the federal Department of Justice about federal drug policy and prosecution.

2 *Book Discussion Ch.2: The Lockdown*

Goal: Understand police overreach, Supreme Court rulings, police militarization, and the role of the prosecutor

Sources: Compare Jewish law with the Code of Hammurabi. Jewish law requires healing of damages, built upon the equal value of human life (Exodus 21:18 – 30; Leviticus 24:17 – 22). The Code of Hammurabi requires retribution, and human lives are not valued equally.

Action: Know your rights vis-à-vis the police; write to the White House about de-militarizing the police.

3 *Book Discussion Ch.3: The Color of Justice*

Goal: Understand how the law has made implicit racial bias acceptable in police interactions, prosecutors' treatment of offenders, and jury selection

Sources: Compared Jewish law to other Western laws. Jewish law on criminal justice involves not torturing or pressuring the accused (Leviticus 24:17 – 22). Western law codes involve applying torture because of the presumption of guilt.

Action: Write your political representatives to abolish mandatory minimums and three strikes laws.



4 *Book Discussion Ch.4: The Cruel Hand*

Goal: Understand the challenges of ex-felon reintegration in employment, benefits, fees and fines; consider ways that the Jewish law protected the vulnerable

Sources: Compare modern forms of residential segregation to the Jubilee principle in Jewish law. In Jewish law, God restores the dignity of the indebted and dismantles caste systems (Leviticus 25:1 – 55).

Action: Write your political representatives to abolish disqualifications from benefits.

5 *Book Discussion Ch.4 Recap*

Goal: Consider other challenges related to reintegration related to housing, the job market, and the financial system; understand how caste systems pose a moral and spiritual problem

Sources: Review from last week – comparing modern form of segregation to the Jubilee principle in Jewish law, where God restores the dignity of the indebted and dismantles caste systems (Leviticus 25:1 – 55).

Action: Consider practical ways to prevent poor and vulnerable communities from being trapped in opportunity and wealth inequality.

6 *Some Problems with Prisons*

Goal: Understand how the growth of prisons, especially privatized prisons, poses a political and moral problem.

Sources: Comparison of views about human nature, and whether human nature can be healed/completed (Isaiah 59).

Action: Write your congressional representatives about privatized prisons.

7 *Consider Drug Regulation vs. Criminalization*

Goal: Understand how drug decriminalization has worked in other countries.

Sources: Further comparison of views on whether human nature can be healed/completed (Isaiah 53).

Action: Become familiar with various arguments for drug regulation.



SESSION ONE: CRIMINALITY, SCAPEGOATING, AND RETRIBUTION VS. RESTORATION Leader's Notes

Leader: The Main Idea

Discussing *The New Jim Crow* will bring up three major questions. First, do we have a racialized caste system? Michelle Alexander argues that we do, and that's why she calls it a 'new' Jim Crow. The old Jim Crow was a legalized way of discriminating against black people. The new Jim Crow has some of the same characteristics.

Second, we have to face the link between racial distance and the perception of criminality. They are mutually reinforcing. The more 'other' someone is to you, the more you see them as a threat.

Third, when we think about putting people in the criminal category, we have to ask whether retributive or restorative justice is more moral.

Part One: Criminality and Racial Perceptions

Note to leader: This is an important introduction. Allow people to sit with the discomfort of the quotations and facts.

1. What are your thoughts about the perceptions of criminality? (open responses)
2. Why do we need to discuss the perception of criminality as a racial thing?
 - a. Because the image of criminality has always been forced upon the African-American community.
 - i. First, during slavery, it looked like being shackled like prisoners in chain gangs. Why? Because criminals in England and Europe were shackled in chains.
 - ii. Second, during Jim Crow segregation, it was being hung on trees. Why? Because criminals in Europe were hung.
 - iii. Now, as Michelle Alexander argues, that continues in the form of stereotyping and implicit bias. The 'War on Drugs' and 'getting tough on crime' was coded language for 'African-Americans are criminal,' without having to use explicitly racial language. But it shows up explicitly in other ways.
 1. Dylann Roof, the 21 year old white male who shot 9 African-Americans in Charleston, SC said to them, 'I have to do it. You rape our women and you're taking over this country.' Notice he had to attribute criminality to the black community to make them less than human.
 2. Police officers often have an implicit bias about black people being more criminal.¹
 - b. So when you have the chance to enforce laws in a lopsided way, to confirm your own racial bias about the criminality of black people, you do.
3. Why do I cite drug use statistics?
 - a. Because we'll be talking about the so-called 'war on drugs' in coming weeks. Michelle Alexander explains how the 'war on drugs' had racial motivations and effects. In the U.S., drug use has for a long time been stereotyped to certain ethnic groups, as the quote from Drug Policy shows.
 - b. Reference the documentary *The House I Live In*, which goes through this history. Watch the trailer: <https://www.youtube.com/watch?v=QsBDvxy5qQY>. Ty Burr of *The Boston Globe* says, "I'd hate to imply that it's your civic duty to see *The House I Live In*, but guess what – it is."
4. Thinking about criminal justice is a *spiritual discipline*:

¹ Chris Mooney, 'The Science of Why Cops Shoot Young Black Men' (Mother Jones, Dec 1, 2014; <http://www.motherjones.com/politics/2014/11/science-of-racism-prejudice>); German Lopez, 'How Systematic Racism Entangles All Police Officers – Even Black Cops' (Vox, May 7, 2015; <http://www.vox.com/2015/5/7/8562077/police-racism-implicit-bias>). But a formal study done by psychologists shows that good training of police officers does reduce bias: 'Across the Thin Blue Line: Police Officers and Racial Bias in the Decision to Shoot' (American Psychological Association, Journal of Personality and Social Psychology, 2007, Vol.92, No.6; <http://www.apa.org/pubs/journals/releases/psp-9261006.pdf>)



- a. 'The abuse of justice in prisons continues to repose on the lazy, unreflecting belief on the part of the general public that prisoners deserve nothing better. [The] degradation of prisoners degrades all of us because it is in the name of all of us that they suffer their penalties... People [may be] too lazy to think through the consequences of strong emotions.'²
5. In what other ways have wealthy white people told poor white people that their problem was black (and brown) people?
 - a. Bacon's Rebellion: White indentured servants and enslaved Africans revolted against the governor in Virginia. The powerful white class passed the Virginia Slave Codes of 1705 which made slavery by race more pronounced, made it illegal for any black person to carry a gun, or strike a white person, or even employ a white person. 'But for those with eyes to see, there was an obvious lesson in the rebellion. Resentment of an alien race might be more powerful than resentment of an upper class. Virginians did not immediately grasp it. It would sink in as time went on.'³
 - b. Rupert Murdoch: Owner of Fox News, Wall Street Journal. He is a rich white person who stirs up a politics of fear, especially among poor whites, by reporting on 'crime.'

Part Two: Which God Do We Imitate?

Note to leader: I over-prepare you with the notes below. Please read through all the notes for your own preparation. It's important to hit the main points, but think through which questions might be especially important to discuss with your group.

The main idea here is that Zeus acts with retributive justice, and the God of the Bible acts with restorative justice. There are actually two different moralities embodied here. The four guiding questions are designed to help us see this dynamic. Notice the flow of the questions and how I think the discussion can happen. NOTE: If you have non-Christians, and especially people not excited about literary analysis, you might just want to give the interpretations up front about the difference between retributive and restorative justice.

Guiding Question #1: In the Greek creation story, how does Zeus respond to Prometheus, and to men?

6. Who are these characters? In Greek mythology, there were the titans, and the gods were their children who overthrew them. Prometheus is one of the titans. Zeus is king of the gods. Athena is goddess of wisdom. Hephaestus is the god of the forge (a blacksmith).
7. To punish men, what does Zeus do? He makes Pandora, a woman. She becomes the mother of all other women. What will women do to men, according to the poem? Cause trouble for men. Why is that seen as appropriate? Because men cause trouble for the gods.
8. To punish Prometheus, what does Zeus do? Zeus chains him to a rock pillar and has an eagle come tear out his liver every day. The eagle represents Zeus; it's his symbol. Prometheus is immortal, so he regenerates his liver. But it's a long torture. Why is that seen as appropriate? Not sure exactly, but it seems like Zeus retaliates! He says, 'You insulted me and hurt me, so I will insult you and hurt you.'
9. Needless to say, this is a very low view of women!
10. So if we were to model our justice system off of Zeus, what would we do? We might use torture. We would inflict pain on people because they inflict pain on us. This paradigm is retributive justice.

Guiding Question #2: Why does Adam blame Eve?

11. Does Adam own up to what He's done?
 - a. Not at first. Adam tries to be evasive by shifting the blame from himself to Eve ('this woman') and God Himself ('you gave me'). This reveals something very important about what sin has done in him and continues to do in us.

² Michael Ignatieff, 'Imprisonment and the Need for Justice', *Theology*, 95/764 (1992) p.98

³ Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Company, 1975), p.270



12. Isn't Adam's perspective sinful?
 - a. YES. It is already skewed by the fact that he ate from the Tree, and freely, without any compulsion. He thinks he can define good and evil properly.
 - b. Notice that the effect of sin is that he thinks he is good, while Eve and God are evil. In reality, he is just shifting the blame. He has no one else to blame but himself.
 - c. Did Adam believe what he was saying? Is there anything that God could have said that would have made him confess the truth? Is this pointing to the need for God to diagnose human nature, sin? Eve is a little closer to repenting than Adam.
 - d. It seems like Genesis is cautioning men against blaming women for things. Genesis shows that Adam is shifting the blame.
13. Victim blaming is also tied to feeling shame, which Adam and Eve felt. Feel ashamed? Blame someone else for it.
 - a. Like in the case of rape, some men don't take any responsibility and instead blame women for dressing alluringly
 - b. In the case of racism, some people don't take any responsibility (personally and systemically) and instead blame African-Americans for absent fathers and broken families. See 'Victim Blaming' in Wikipedia (https://en.wikipedia.org/wiki/Victim_blaming)
 - c. Cain felt ashamed of himself and blamed his brother Abel, then killed him, and then blamed God (Gen.4:1 – 16). This is important because the pattern of sin repeats from one generation to the next. It is part of the argument of Genesis that human nature has indeed become corrupted.
 - d. But God doesn't allow us to just blame others. He sees through our excuses and defenses. He calls us forward into truth and responsibility and right relationship with Himself and others.
14. Part of the problem of racism in the U.S. is the psychology of criminality. Once we think we can blame people for something, anything, they fall into another category for us, the 'criminal' category, which is something less than human.
 - a. The notorious Stanford Prison Experiment – although it is not a good example for how to run a psychology experiment! – by psychologist Philip Zimbardo suggested this. The 2015 movie about the experiment shows the dynamics well. In the experiment, some students were asked to play guards and others were asked to play prisoners. Dr. Zimbardo played the warden, and didn't hold 'guards' accountable for abusing 'prisoners.' The 'guards' started abusing the 'prisoners.' Racism is similar. There is often no accountability, and you really start believing in the criminality of 'the other.'

Guiding Question #3: How does God relate to Adam and Eve once they had sinned?

15. First, He asks questions! Why do you think God asks questions? Doesn't He already know the answers?
 - a. Knowledge isn't the issue. Relationship is. Asking questions makes Adam and Eve step back into the relationship. Hence, we see that God cares about the relationship, and His way of dealing with human sin already shows that.
 - b. Illus: Have you ever seen parents ask their children questions, even when they know the answers? It's because parents want their children to tell the truth and confess. Or sometimes parents want their kids to be on the same page. 'Okay, tell me your version of the story...'
 - c. God cuts through their excuses and blame-passing.
16. Second, God seems to treat the serpent differently from Adam and Eve. How so? Why?
 - a. He pronounces doom on the serpent, straightaway, but he does not render that kind of judgment on people.
 - b. Ultimately, this is about Jesus being born of a woman, taking human nature to heal it and defeat the serpent. Jesus will share his victory with us. See Romans 16:20, 'The God of peace will soon crush Satan under your feet. The grace of our Lord Jesus be with you.'
 - c. Why did Adam name Eve in 3:21?
 - i. Well, if Eve means 'mother of living'... Because of God's prophecy that Eve will be the mother of the 'seed of the woman' who will bring true LIFE back to humanity.
 - ii. Adam blamed her before (3:12) but now God has made him look to her as an agent of blessing and redemption.



- iii. Adam and Eve are looking in hope to God's future work, His coming champion who will undo the work of the enemy.
 - iv. Application: What really helps human beings repent? Hope in God's restoration! Not fear.
17. Third, God pronounces what the *consequences* are on Eve and Adam. Yes, these are punishments in the sense that they are consequences, but God did not have to ADD THEM ON, on top of the intrinsic nature of the choices.
- a. Key Analogy: If my kids, who are young children, lock me out of the house, their life is going to be harder!! Their sin would be their own consequence. Adam and Eve have tried to cast God out of the world. Now God has to enter back in, in a way that is loving to human beings. He has to heal human nature itself.
 - b. Quote: 'The reason that 'sin' leads to 'death' is not at all (as is often supposed) that 'death' is an arbitrary and somewhat draconian punishment for miscellaneous moral shortcomings. The link is deeper than that. The distinction I am making is like the distinction between the ticket you will get if you are caught driving too fast and the crash that will happen if you drive too fast around a sharp bend on a wet road. The ticket is arbitrary, an imposition with no organic link to the offense. The crash is intrinsic, the direct consequence of the behavior. In the same way, death is the intrinsic result of sin, not simply an arbitrary punishment.' (N.T. Wright, *The Day the Revolution Began*, p.86)
 - c. The woman – who bears human life – will have difficulty in child birth; also, she – who comes from the man – will be alienated from the man
 - i. 'Desire' is interpreted variously. Many Jewish rabbis interpret it to mean sexual desire, but many other scholars view this term as involving more than that. It is a relational desire, to find her identity in her husband, or a man in general. Notice that in Gen.4:7, sin's desire is for Cain; and that desire is certainly not sexual!
 - ii. The Jewish commentators are almost unanimous in saying that 'he shall rule over you' is from the fall, not from creation.
 - iii. The phrase, 'I shall increase your pain in childbearing,' attributed to God should not be read as God actively inflicting pain upon every birthing mother. Instead, God had to withdraw from creation and close off access to the garden and the tree of life (see below), for humanity's own good. In so doing, God was put at a distance from His own creation. Everything having to do with producing life becomes painful and difficult, including childbearing. Adam and Eve displaced God from creation and that means He implicitly increases the pain of childbearing.
 - d. The man – who comes from the ground – will be alienated from the ground; although he was supposed to spread the garden, he will spread unwanted thorns and thistles as well
 - i. Thus the natural world is not what it was meant to be. We lost the power to shape it and bring forth the life that God intended. Nevertheless, we are still dependent on it but affected by it in ways that God did not intend (e.g. disease and sickness, inability to calm nature, etc.)
 - ii. And work is not what it was meant to be. It is 'toil' (3:17). Not the enjoyment of the spreading of garden life.
 - e. What is God doing to the man and the woman? Is He punishing them, or causing them pain just because they caused Him pain? I don't think so. Let's consider the last question.

Genesis, Guiding Question #4: Why does God not want Adam and Eve to live forever in 3:22?

18. Is God somehow jealous of them? Is He punishing them?
- a. It may seem that way, especially when we think of humans as 'knowing good and evil' like God.
 - b. But 'knowing good and evil' basically means 'determining good and evil.' Humans will now compete with God to *determine* what good and evil are.
19. What would happen if they ate from the tree of life?
- a. According to Genesis 3:22 – 24, the tree of life makes people live forever. However, it appears that the tree of life would have sealed humanity in whatever state they were in. After the fall, human beings were in a dying, corrupted state. This is why God expels human beings from the



garden. He doesn't want to deny humanity something good. He wants to protect them from something bad. He wants to prevent human beings from becoming dying beings, corrupted *forever*. Notice that in 3:22, God doesn't even complete His thought. He chokes on His own thought, the thought that humanity would be forever corrupted.

- b. SO THEY FORCED GOD TO CLOSE THE DOOR. We are very used to thinking that it's the other way around. That God wanted to *further* punish Adam and Eve. He didn't. God was choosing the lesser of two bad options. Because HE LOVED US.
- c. It's really significant that the earliest Christians thought this way. The earliest writing theologian outside the New Testament, Irenaeus, bishop of Lyons, who said this in around 185 AD:

'Wherefore also He drove him out of Paradise, and removed him far from the tree of life, not because He envied him the tree of life, as some venture to assert, but because He pitied him, [and did not desire] that he should continue a sinner for ever, nor that the sin which surrounded him should be immortal, and evil interminable and irremediable. But He set a bound to his [state of] sin, by interposing death, and thus causing sin to cease, putting an end to it by the dissolution of the flesh, which should take place in the earth, so that man, ceasing at length to live to sin, and dying to it, might begin to live to God.'
(Irenaeus of Lyons, *Against Heresies* 3.23.6)

- d. Clement of Alexandria (c.150 – c.215 AD), a teacher at a Christian school in Alexandria, Egypt, makes these statements, not about the fall in particular, but about God's character and actions in general:

'Wherefore I will grant that He punishes the disobedient... for correction; but I will not grant that He wishes to take vengeance. Revenge is retribution for evil, imposed for the advantage of him who takes the revenge. He will not desire us to take revenge, who teaches us to pray for those that spitefully use us. [Mt.5:44]' (Clement of Alexandria, *Stromata* 1.8) 'But as children are chastised by their teacher, or their father, so are we by Providence. But God does not punish, for punishment is retaliation for evil. He chastises, however, for good to those who are chastised, collectively and individually.' (Clement of Alexandria, *Stromata* 7.16)

- e. See also Methodius, bishop of Olympus (died circa 311 AD), who agreed:

'In order, then, that man might not be an undying or ever-living evil, as would have been the case if sin were dominant within him, as it had sprung up in an immortal body, and was provided with immortal sustenance, God for this cause pronounced him mortal, and clothed him with mortality... For while the body still lives, before it has passed through death, sin must also live with it, as it has its roots concealed within us even though it be externally checked by the wounds inflicted by corrections and warnings... For the present we restrain its sprouts, such as evil imaginations, lest any root of bitterness springing up trouble us, not suffering its leaves to unclothe and open into shoots; while the Word, like an axe, cuts at its roots which grow below. But hereafter the very thought of evil will disappear.' (Methodius of Olympus, *From the Discourse on the Resurrection*, Part 1.4 – 5)

- f. Athanasius of Alexandria (298 – 373 AD), the advocate for the Nicene Creed and opponent of the Arian heresy, first to name the New Testament as it currently stands, said:

'For the Word, perceiving that no otherwise could the corruption of men be undone save by death as a necessary condition...' (Athanasius of Alexandria, *On the Incarnation* 8.1)

- g. Gregory of Nazianzus (329 – 390 AD), whom the Orthodox church calls 'the Theologian' in appreciation for his work in the Nicene-Constantinopolitan Creed (and they only share that title with the apostle John 'the Theologian' and Simeon 'the New Theologian'), agrees:



'Yet here too he makes a gain, namely death and the cutting off of sin, in order that evil may not be immortal. Thus, his punishment is changed into a mercy, for it is in mercy, I am persuaded, that God inflicts punishment.' (Gregory of Nazianzus, *Oration 45*)

- h. Maximus the Confessor (580 – 662 AD), the great Byzantine theologian and commentator on Gregory of Nazianzus, says,

'The phrase, "And now, lest he put forth his hand and take from the Tree of Life and live forever," providentially produces, I think, the separation of things that cannot be mixed together, so that evil might not be immortal, being maintained in existence by participation in the good.' (Maximus the Confessor, *Ad Thalassios*, Question 44.5)

- i. Here is a Jewish reflection on Genesis 3 from a book outside the Bible:

'God did not make death,
Neither does He have pleasure over the destruction of the living.
For He created all things that they might exist,
And the generations of the world so they might be preserved;
For there was no poison of death in them,
Nor was the reign of Hades on the earth.
For righteousness does not die.
But the ungodly summoned death by their words and works;
Although they thought death would be a friend, they were dissolved.'
(*Wisdom of Solomon* 1:13 – 16).

- j. Main Point: So God is actually exercising mercy. Death is a *consequence*, and *intrinsic punishment*, but not an additional, extrinsic *punishment added on to make the act seem so much worse*. It is also a protection. *So it is a mercy*.
 - i. When God spoke about the pain of childbirth and of work in the garden, God was simply declaring what they had done. Because He loved them, He had to respect their choice to put distance between creation and God. They had turned away from the source of life, God, so everything they do that involves bringing forth life is now laced with pain and sorrow. God had given Adam and Eve the ability to partially exile Him from the world. So the curses are God just describing what's going to happen. *He is not adding something extra just to make them pay for sinning*.
 - ii. (again) Key Analogy: If my kids, who are young children, lock me out of the house, their life is going to be harder!! Their sin would be their own consequence. Adam and Eve have tried to cast God out of the world. Now God has to enter back in, in a way that is loving to human beings. He has to heal human nature itself.
 - iii. Is death the final word? No. God's true solution to death is to undo the reason for it: the corruption of human nature. This is why the Jews alone developed the sense that we are not just souls trying to escape the bad physical body, but that we are both soul and body seeking to be fully reunited. See Isa.25:6 – 8; 53:8 – 10; Ezk.37; Dan.12:1 – 3; Job 19:25 – 27.
 - iv. Does God call Adam and Eve to participate in their own restoration and the restoration of others? It seems like it.
 - 1. How was God going to defeat the evil serpent? Through a child of Eve. So they have to resume their marriage and who God made them to be, the first parents.
 - 2. Who passed down this story? The story portrays it as if Adam and Eve passed it down, though the generations. Passing down the story kept hope alive. It led to the idea of the Jewish Messiah, and for Christians, Jesus. This is the first happy ending story.
- k. (optional) And even the gateway God sets up at the garden will be fulfilled in Jesus. Two angels.



- i. Notice also that the two cherubim appear again over the lid of the ark of the covenant in the Tabernacle of Israel.
 - ii. What did this symbolize? That God stood at the threshold of heaven and earth in the midst of the Tabernacle/Temple. Israel was on the earthly side of that threshold. God was on the other side. And God stood to meet them there. He wanted to communicate with them and keep relationship with them and all humanity.
 - iii. What happens to the presence of God at this threshold? Does God always stay there? No. In John's Gospel, two angels in white sat at his tomb, one at where Jesus' head had been, one at where his feet had been (Jn.20:12). So Jesus was the new threshold of heaven and earth, in his own body. He is the person in whom God came to earth and lived among us. That completes the image that John was painting of Jesus being the dwelling place (he tabernacled among us; Jn.1:14) of God.
 - l. So this rupture between heaven and earth was not a permanent act. God always intended to overcome this rupture. He always intended to be the human champion and defeat evil, to clothe us with his own cleansed human nature, and to regain for us immortality!!
20. (optional) Why does God reclothe them in animal skins?
- a. They were more durable than fig leaves! This was a practical act.
 - b. Whose blood was contaminated and unclean now? Human blood.
 - c. Were animals corrupted creatures? No. They were innocent.
 - d. So God was clothing them with innocent life.
 - e. This was a prophetic act. God would reclothe them with human innocence one day, when He would come and wear humanity and cleanse it, in Jesus, and allow us to wear Jesus' new humanity.
 - f. This established the principle of sacrifice – the sacrifice of the innocent animal 'covers' (Hebrew word *kippur* is translated *to cover, to atone*) the shame and guilt of the human. The life in the blood probably also leaked into the ground, symbolically saying that this innocent life will help sustain humanity's guilty life on the land. This seems to be why God accepted Abel's sacrifice of animals, but not Cain's sacrifice of agriculture in 4:1 – 15.
21. (optional) How do we interpret God's action in sending Israel into exile, and then restoring them?
- a. Note: Moses, in Deuteronomy 28:63, uses a Hebrew word which indicates that God is 'pleased' to punish Israel through the exile, but the Hebrew word has the meaning of 'being content to' let the exile happen. There is a stronger word in Hebrew which could be used. It is significant that the biblical authors do not use that one.
 - b. Other biblical writers speak of the restoration on the other side of exile as delighting God's heart:
 - i. 'Who is a God like You, who pardons iniquity and passes over the rebellious act of the remnant of His possession? He does not retain His anger forever, because He delights in unchanging love.' (Micah 7:18)
 - ii. 'It will no longer be said to you, 'Forsaken,' nor to your land will it any longer be said, 'Desolate'; but you will be called, 'My delight is in her,' and your land, 'Married'; for the LORD delights in you, and to Him your land will be married. For as a young man marries a virgin, so your sons will marry you; and as the bridegroom rejoices over the bride, so your God will rejoice over you.' (Isaiah 62:4 – 5)
 - iii. '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 18:23)
 - iv. 'If you will indeed stay in this land, then I will build you up and not tear you down, and I will plant you and not uproot you; for I will relent concerning the calamity that I have inflicted on you.' (Jeremiah 42:10)
 - c. There were also precursors of Israel's exile and restoration in the life of David
 - i. 'For we will surely die and are like water spilled on the ground which cannot be gathered up again. Yet God does not take away life, but plans ways so that the banished one will not be cast out from him.' (2 Samuel 14:14)
 - ii. 'He also brought me forth into a broad place; He rescued me, because He delighted in me.' (2 Samuel 22:20)
 - d. This pattern is important because it speaks of God's larger purpose in restoring all humanity from exile.

Part Three: Two Lessons in Closing That We'll Continue to Reflect On

(1) We have to ask, 'Are we going to choose retributive or restorative justice?' If we believe in a God, we have to ask whether that God is retributive or restorative. If we are Christians, we always have to keep in mind that although we might impose consequences on some people, God seeks to restore us with our own partnership, so we need to do the same. God does not delight in punishing, so we cannot either. He delights in restoring (Lk.15), and so must we.

(2) This is especially important when we try to confront the psychology of racism. Within racism is the suspicion that other people (and in the U.S., black and brown people) are more 'criminal' than others. We think some people are irredeemable. But God seeks to restore all. That's why I think racism is an emotional and spiritual issue.

One practical application is to rethink our sentencing system to be restorative, not retributive. Read below <http://www.vera.org/sites/default/files/resources/downloads/european-american-prison-report-v3.pdf>



Resources:

- Benjamin L. Corey, "Justice Broken: How a Poor Theology of the Cross Created America's Broken Justice System," *Patheos*, Jan.27, 2014; <http://www.patheos.com/blogs/formerlyfundie/broken-justice/>
- Timothy Gorringer, *God's Just Vengeance: Crime, Vengeance, and the Rhetoric of Salvation* (1996)
- My list of resources: <http://www.newhumanityinstitute.org/resources/curriculum.tnjc.htm>



SESSION TWO:
BOOK DISCUSSION OF *TNJC* CHAPTER 2: THE LOCKDOWN
Leader's Notes

Introduction, Personal Question: How Close to Home?

Have you, or has anyone you know, been harassed by the police?

Overview

Recall Session One: In chapter one, Dr. Alexander talks about the rise of the system of mass incarceration as a racial caste system. Since our nation's founding, African Americans have repeatedly been controlled through white supremacist systems of racial and social control which appear to die, but are reborn in new forms. Time and again those who benefit from racial hierarchy have exploited our nation's racial divisions, stereotypes, and anxieties for political or economic gain—typically by pitting poor and working class whites against poor people of color. We ended last week by talking about the 'Southern Strategy' which was used by Nixon, Reagan, and then Clinton to win votes from working class whites in the South by playing on racial prejudice. The 'War on Drugs' was coded language that played on racial prejudice.

We also explored the question of which God do we imitate. Additionally, since the Bible has been influential in many areas of life, including criminal justice, we covered the origin story of sin and crime. We saw that the God of the Bible's justice is restorative, not retributive. In other words, that God seeks to restore every person.

In chapter two, Dr. Alexander talks about law and policy changes during the War on Drugs, especially during Reagan's presidency.

Optional: If you want to listen to a portion of the audiobook on youtube (<https://www.youtube.com/watch?v=nVcQEJ9mSc>). Otherwise: discuss the first page of this document, which is a summary of what Alexander presents.

- Police overreach in Bostick's case: 11:40 min mark. It is about the police boarding a bus and 'randomly' searching for drugs in people's bags. Police overreach.
- 'It Pays to Play': 30:51 min mark to the 39:02 min mark. Talks about the federal government giving financial incentives to local police forces for drug related policing. 43:30 min mark: federal subsidies to local police is not well publicized. They can retain and use cash, cars, and homes seized in the drug war. 50:00 min mark: The anti-drug unit in Oakland CA was called 'a wolf pack.'
- The idea that property could be guilty of a crime and can be seized by the police: 54:56 min mark to 1:00:05.
- The role of the prosecutor: 1:06:36 onward. The prosecutor has a lot of power in plea-bargaining. Prosecutors promise to bring lesser charges in exchange for people plead guilty to lesser offenses, cooperating with law enforcement, and snitching. 'Only three years in prison' for minor drug offenses. Other developed countries impose no more than 6 months in jail, if at all, for a first time offense. In the U.S., it could be up to 10 years.

Part One: Legal History Regarding the War on Drugs, from Alexander, *TNJC* ch.2

1. Notice that many of these laws were passed while Ronald Reagan was President, from 1981 – 1989. How does that relate to the 'Southern Strategy'?
 - a. Refer back to the session 2 handout on the coded racial language in politics.
 - b. The lesson for us is we have to call out 'dog whistle politics' that has coded language designed to appeal to racists. So yes, tired as we all may be from hearing this, race played a major role in the motivation and execution of the 'war on drugs.' I don't know how to assess all the factors, so I don't feel the need to say that it was the 'dominant' or 'most important' factor. I'm perfectly happy to grant other factors. But race cannot be overlooked.
2. Policing:
 - a. Notice Supreme Court Justice Thurgood Marshall dissented in the case *Florida v. Bostick*. He was the only African-American justice on the Supreme Court. If there were more African-Americans on the Supreme Court, would that have made a difference? Probably so!!



- i. Recall that Bostick was the African-American man who was on the bus when police stopped the bus randomly, and then saw him and asked to search his bag. He said yes, without knowing that he could have said no. He did have some drugs in his bag, so he was arrested. The Florida State Supreme Court had ruled that most people giving 'consent' to police under those circumstances weren't really giving consent, because they would think they're legally bound to obey a direct order.
 - ii. The U.S. Supreme Court reversed the Florida court's decision. But Marshall dissented. He said that police searches are arbitrary, rarely result in finding actual drug traffickers, and are intimidating and intrusive.
 - iii. This suggests that having token minorities in positions of power is not always enough to make a difference.
- b. A University of Washington 2002 study of drug-law enforcement in Seattle, a racially mixed city, concluded 'that the Seattle Police Department's decisions to focus so heavily on crack, to the near exclusion of other drugs, and to concentrate its efforts on outdoor drug markets in downtown areas rather than drug markets located indoors or in predominantly white communities, reflect a racialized conception of the drug problem.'⁴
- c. (Note: I try to save this for session 3) Matthew Fogg, a former US Marshal, and DEA agent of 32 years, said (see the 2 minute video from Brave New Films where Matthew Fogg is interviewed: <https://www.youtube.com/watch?v=8ImeWd5gFT0>):

"We were jumping on guys in the middle of the night, all of that. Swooping down on folks all across the country, using these sorts of attack tactics that we went out on, that you would use in Vietnam, or some kind of war-torn zone. All of the stuff that we were doing, just calling it the war on drugs. And there wasn't very many black guys in my position. 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 call us 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."⁵

This will raise the question: Why has racial bias been tolerated? We will explore that next week!

- d. Police incentives to profit
- i. There is the legal fiction that a car or a house can be guilty of a crime. So a woman whose husband is in his car with a friend carrying drugs is likely to lose her husband and their car!
 - ii. A similar thing happened in Ferguson, MO with regards to the city's financial incentive to use the police force to generate income for the city: "Whites comprise 29% of the population of Ferguson but just 12.7% of vehicle stops. After being stopped in Ferguson, blacks are almost twice as likely as whites to be searched (12.1% vs. 6.9%) and twice as likely to be arrested (10.4% vs. 5.2%)." Lest anyone contend that blacks inherently merit greater police attention than whites, the report offers another statistic. "Searches of black individuals result in discovery of contraband only 21.7% of the time, while similar searches of whites produce contraband 34.0% of the time... The report goes on, "[A] Ferguson court employee reported that the bench routinely starts hearing cases 30 minutes before the appointed time and then locks the doors to the building as early as five minutes after the official hour, a practice that could easily lead a defendant arriving even slightly late to receive an additional charge for failure to appear." The lawyers of Arch

⁴ Ibid, p.126 – 127 citing Beckett, Nyrop, Pfingst, Bowen, "Drug Use, Drug Possession Arrests, and the Question of Race: Lessons from Seattle," *Social Problems* 52, no.3 (2005)

⁵ John Vibes, "DEA Agent Speaks Out: We Were Told Not to Enforce Drug Laws In Rich Communities," *Free Thought Project*, March 10, 2015; <http://thefreethoughtproject.com/dea-agent-drug-laws-intentionally-rich-communities/>.



City Defenders specialize in representing the indigent and the homeless. They noticed that many of their clients had multiple warrants on minor charges issued by municipal courts in Ferguson and the other 80 municipalities in St. Louis County that have their own courts and police. “They didn’t just have one case, they had 10 cases,” says Thomas Harvey, the organization’s 44-year-old executive director. The warrants too often precluded the clients from securing shelter and services, and access to job programs. The lawyers sought some remedy in the issuing courts.’⁶

- iii. Police who go to court get/got overtime pay.⁷ They go to court for any ticket that is contested, or any time they have to serve as a witness.

e. Militarization of the police:

- i. Queue up John Oliver’s segment on police militarization (from 6:12 min mark, to the end, for about 9 minutes – sometimes I start the session with this segment):
http://www.slate.com/blogs/browbeat/2014/08/18/john_oliver_on_ferguson_missouri_and_police_militarization_video.html
- ii. SWAT team abuse example: Consider the case of Alberta Spruill, who was 57 years old, lived in Harlem, worked for the city of NYC, and was described by friends as a “devout churchgoer.” “On May 16, 2003, a dozen NYC police officers stormed her apartment building on a no-knock warrant, acting on a tip from a confidential informant who told them a convicted felon was selling drugs on the sixth floor. The informant had actually been in jail at the time he said he’d bought drugs in the apartment, and the target of the raid had been arrested four days before, but the officers didn’t check and didn’t even interview the building superintendent. Before entering, police deployed a flash-bang grenade, resulting in a blinding, deafening explosion. Alberta went into cardiac arrest and died two hours later. The death was ruled a homicide but no one was indicted.” Then, “Manhattan Borough President C. Virginia Fields held hearings on SWAT practices in NYC. According to the Village Voice, “Dozens of black and Latino victims – nurses, secretaries, and former officers – packed her chambers airing tales, one more horrifying than the next. Most were unable to hold back tears as they described police ransacking their homes, handcuffing children and grandparents, putting guns to their heads, and being verbally (and often physically) abusive. In many cases, victims had received no follow-up from the NYPD, even to fix busted doors or other physical damage.” In 1972, there were just a few hundred paramilitary drug raids per year in the U.S. By the early 1980’s, there were three thousand, by 1996, thirty thousand, and by 2001 there were forty thousand.’⁸
- iii. Another example from 2008: William Lawrence helped start the SWAT team in Davis County, Utah in the northern suburbs of Salt Lake City. He watched that SWAT team kill his own son-in-law. ‘Basically, I felt betrayed by my profession,’ he said.⁹ Now William Lawrence is fighting the militarization of the police. When someone close to us is hurt (even killed) by being thrown into the ‘criminal’ category, it has a different impact on us than someone distant from us.

3. Prosecution:

- a. The impact of mandatory minimums is that judges lose the ability to have discretion based on what they see of the support system around the defendant. Judges would sometimes have given lighter sentences or different sentences (go to rehab). Now, judges don’t have that
- b. Prosecutors have the power to plea bargain.

⁶ Michael Daly, ‘Ferguson Feeds Off the Poor: Three Warrants Per Year Per Household,’ *Daily Beast*, August 22, 2014; <http://www.thedailybeast.com/articles/2014/08/22/ferguson-s-shameful-legal-shakedown-three-warrants-a-year-per-household.html>

⁷ Maria Cramer, ‘Police Overtime Pay Under Scrutiny,’ *Boston.com*, February 19, 2011; http://archive.boston.com/news/local/massachusetts/articles/2011/02/19/overtime_pay_for_police_appearance_in_court_under_scrutiny/; Mary McCleary, ‘Police Officers Make Big Bucks for Court Appearances,’ *Opportunity Ohio*, August 9, 2010; <http://www.opportunityohio.org/police-officers-make-big-bucks-for-court-appearances/>

⁸ Michelle Alexander, *The New Jim Crow*, p.75 – 76

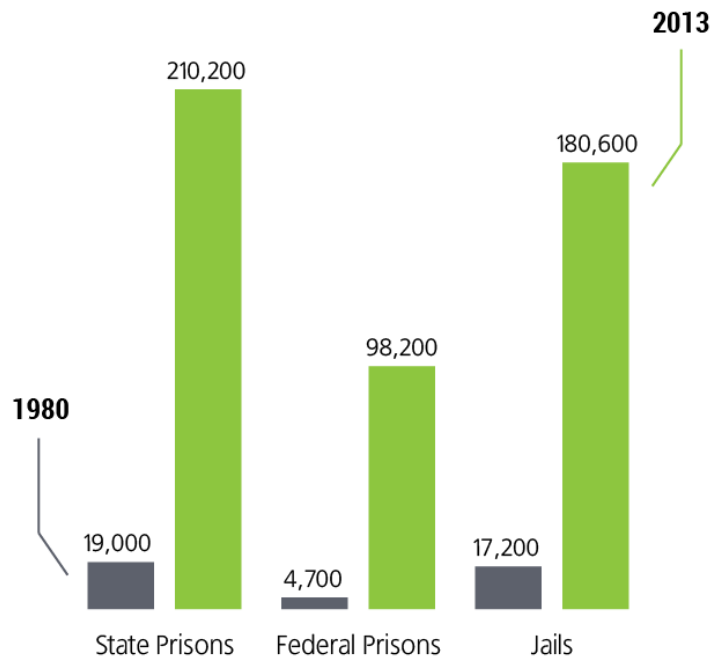
⁹ Karen Foshay, ‘When the SWAT Team You Founded Kills Your Son-in-Law,’ *Aljazeera America*, March 19, 2015; Brian, 36, had a mental breakdown after fighting with his wife. He barricaded himself in his truck and threatened suicide. William Lawrence was by that time the former sheriff. He watched as the SWAT team escalated the situation, bringing in snipers, military hardware, tear gas, and flash grenades.



- c. Consider the case of Erma Faye Stewart in Hearne, Texas. “On Nov. 2, 2000, Erma Faye Stewart, then 30 and a single mother of two, and Regina Kelly, then 24 and a single mother of four, were arrested as part of a major drug sweep in Hearne, Texas. As reported by “Frontline,” the 27 individuals arrested in the sweep was indicted by a single informant later proven to be unreliable. All but one of the 27 are African-American. Both women proclaimed their innocence and were given public defenders who offered them little guidance and insisted that they plead guilty – Stewart’s lawyer reported not remembering Stewart, despite signing her plea agreement. Kelly and Stewart were both told that if they did not agree to a plea bargain, which amounted to probation, they would face “five to 99 years.” With a bail of \$70,000 and two small children at home, Stewart took the deal and was sentenced to 10 years probation. But after a five-month wait for the trial to begin, the state’s case fell apart. Everyone that didn’t take a plea bargain, including Kelly, was found not guilty. Stewart, on the other hand, fell into destitution because of the plea bargain – unable to secure food stamps or federal education money, unable to vote, evicted from public housing and forced to pay a \$1,000 fine and court fees on a minimum-wage salary. Kelly and Stewart’s stories are far from isolated incidents. In the United States, almost 95 percent of all felony convictions are secured without a jury. They are settled via a plea bargain — a unique facet of American law that allows the prosecutor to offer a reduced sentence in exchange for defendants waiving their rights to a jury trial and pleading guilty to the charges presented.” (<http://www.mintpressnews.com/bargain-new-report-highlights-unfairness-drug-plea-agreements/174762/>).
4. Sentencing for drug-related offenses
 - a. Here is the federal Drug Enforcement Agency website: <http://www.dea.gov/druginfo/ftp3.shtml>. There is a chart which explains drug sentencing. But it might be more informative to compare these sentences over time, and compared to other countries. See below.
 - b. To see the increase of people serving time for drug-related offenses, and the change from 1980 to 2013, see <http://www.sentencingproject.org/template/page.cfm?id=128>:



Number of People in Prisons and Jails for Drug Offenses, 1980 and 2013

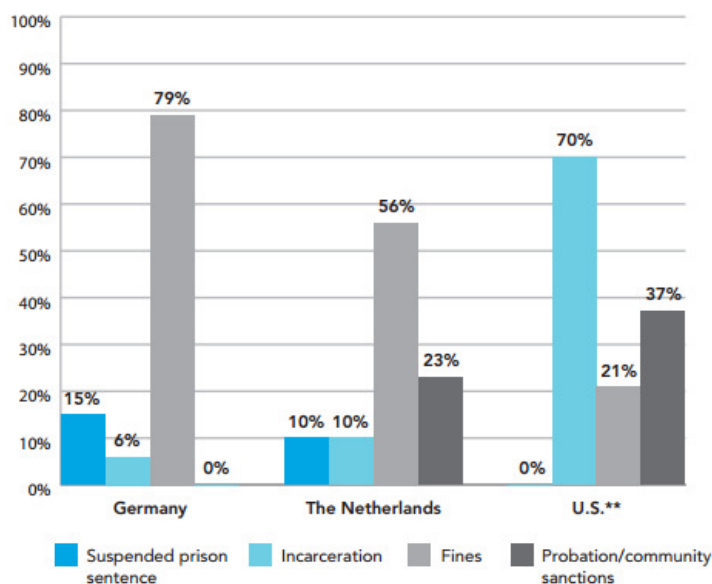


Sources: Carson, E.A. (2014). *Prisoners in 2013*. Washington, D.C.: Bureau of Justice Statistics; Mauer, M. and King, R. (2007). *A 25-Year Quagmire: The War on Drugs and its Impact on American Society*. Washington, D.C.: The Sentencing Project; Glaze, L. E. and Herberman, E.J. (2014). *Correctional Populations in the United States, 2013*. Washington, D.C.: Bureau of Justice Statistics.



- c. What do you feel is a reasonable response to those in possession of drugs currently defined as illegal? To those currently selling drugs that are currently defined as illegal?
- d. The following chart (from Vera Institute for Justice; *Sentencing and Prison Practices in Germany and the Netherlands: Implications for the U.S.*, October 2013; <http://www.vera.org/sites/default/files/resources/downloads/european-american-prison-report-v3.pdf>) compares Germany, Netherlands, and the USA on penalties for drug crimes:

Figure 2. Comparison of German, Dutch, and American sanctioning practices*



*Year of data varies by country: Germany—2010, The Netherlands—2004, and U.S.—2004

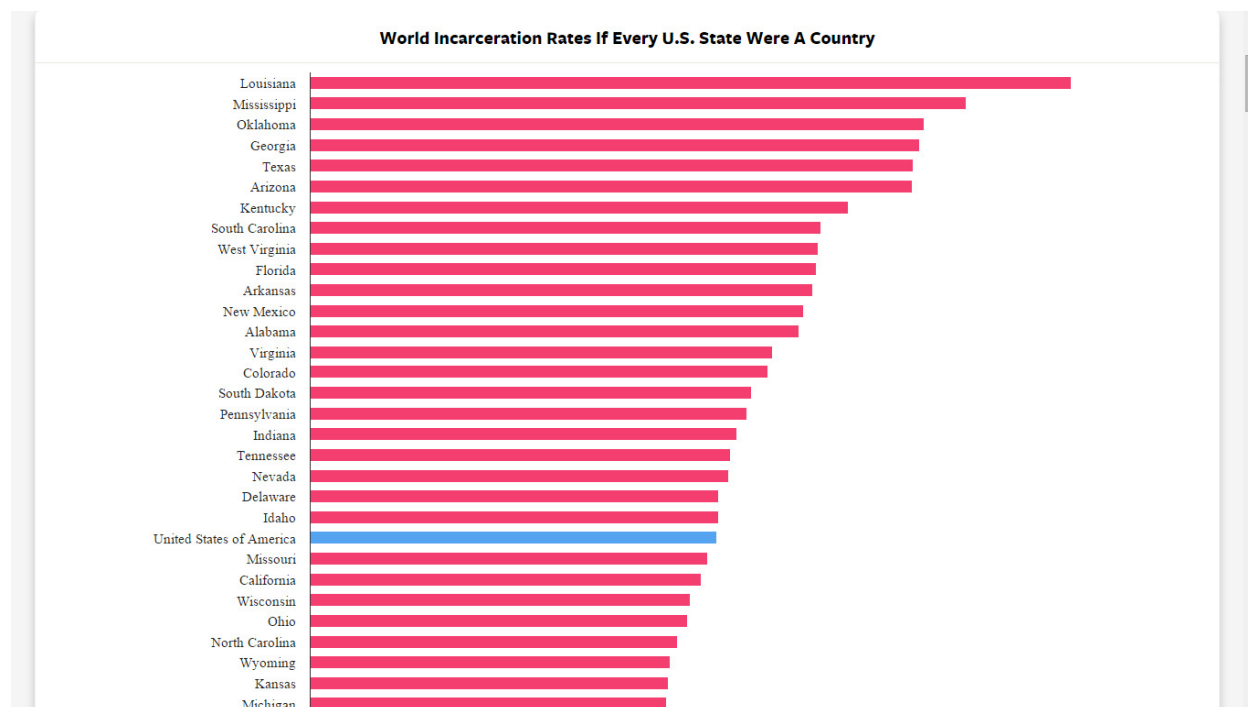
**U.S. data does not add up to 100 percent because combinations of sentences are possible

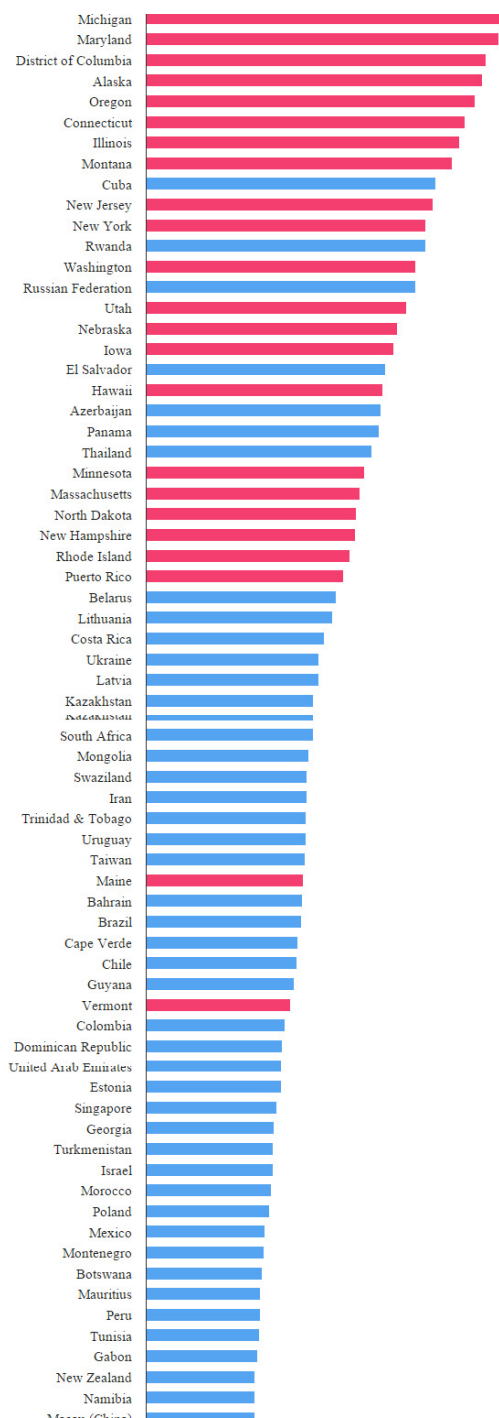
Data source for Germany: Dünkel, 2013 ("Not Suspended Prison Sentence" included in "Incarceration" category)

Data source for the Netherlands: van Kalmthout and Hofstee-van der Meulen, 2007 ("Non-conditional Prison Sentence" included in "Incarceration" category; "Transactions" included in "Fines" category; "Task Penalties" and "Penal Measures" included in "Probation/Community Sanctions" category)

Data source for U.S.: Petteruti and Fenster, 2011 ("Control of Freedom" included in "Probation" category; "Community Service" included in "Probation/Community Sanctions" category)

- e. The *Justice Policy Institute* also has collected a cross-country comparison of sentences: <http://www.justicepolicy.org/uploads/justicepolicy/documents/sentencing.pdf>. See page 4.
- f. If Southern States in the U.S. have more racial prejudice, are more people incarcerated there? Yes. Check this out: <http://www.prisonpolicy.org/global/>. I've taken screen shots here:





- g. From 'Fair Sentencing Act' on *Wikipedia*: 'The Fair Sentencing Act of 2010 (Public Law 111-220) was an Act of Congress signed into law by U.S. President Barack Obama on August 3, 2010. Similar bills were introduced in several U.S. Congresses before its passage in 2010. The law reduced the disparity between the amount of crack cocaine and powder cocaine needed to trigger certain United States federal criminal penalties from a 100:1 weight ratio to an 18:1 weight ratio and eliminated the five-year mandatory minimum sentence for simple possession of crack cocaine, among other provisions. Courts had also acted to reduce the sentencing disparity prior to the bill's passage. The Anti-Drug Abuse Act of 1986 implemented the initial disparity, reflecting Congress's view that crack cocaine was a more dangerous and harmful drug than powder cocaine.'



In the decades since, extensive research by the United States Sentencing Commission and other experts has suggested that the differences between the effects of the two drugs are exaggerated and that the sentencing disparity is unwarranted. Further controversy surrounding the 100:1 ratio was a result of its description by some as being racially biased and contributing to a disproportionate number of African Americans being sentenced for crack cocaine offenses. Legislation to reduce the disparity has been introduced since the mid-1990s, culminating in the signing of the Fair Sentencing Act.'

- h. Three strikes laws: There are two court cases that are important here.
 - i. *Lockyer v. Andrade*, decided with *Ewing v. California* (2003). Andrade's third strike involved thefts of children's videotapes worth \$153 which he intended as Christmas gifts for his nieces. In affirming the conviction, the U.S. Supreme Court upheld the California law in 2003 and he is now serving a sentence of 50 years to life.
 - ii. The case of Santos Reyes took Andrade's 2003 verdict as determinative: In Dec 2003 a federal appeals court in SF upheld a 'three strikes' sentence of 26 years to life for Santos Reyes, whose third strike in California involved trying to take the written portion of a driver's license test for his illiterate cousin. The court ruled that Reyes' claim of cruel and unusual punishment had been foreclosed by a previous ruling on the law by the U.S. Supreme Court. Reyes admitted his perjury in filling out the license application, stating that his cousin needed the license in order to work as a roofer. The conviction followed two previous offenses, one for a juvenile burglary conviction in 1981 and another for an adult robbery conviction in 1987. Reyes had been offered a four-year prison term if he pled guilty, but chose to go to trial, believing he could demonstrate that he had not understood what constituted perjury when he took the exam. At the time of his sentencing in 1998, Reyes was married and had children ages 1 and 3.
 - iii. It seems to me that the 'three strikes' rule at the very least strips judges of the discretion that they used to have, and violates the 'cruel and unusual punishment' clause of the Eighth Amendment. It's another form of 'mandatory minimums' that are just too blunt of a legal instrument.

Part Two: Inspirations for Retribution or Restoration

- 5. Read the comparison between the Babylonian Code of Hammurabi and the Jewish law. For non-Christians, I'm not asking you to take this text as authoritative, but as influential. This is one of the most influential ideas in the Jewish and Christian tradition: equal human rights. Now the context is important. How do the two law codes compare? They are roughly contemporary.
 - a. The neighbors of the Israelites had these attitudes that your punishment for a crime depended on your victim. 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 is. If rich, you're punished hard. If poor, you can just pay some money.
- 6. 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.
- 7. (optional, *if it comes up*) It also brings up the question of capital punishment. Why did the ancient laws use capital punishment?
 - a. It's a very good question, and one part of the answer is that prisons require a certain kind of technology and a certain kind of state funded by taxes. The culture of the Israelites was partly nomadic and partly farming, with simple technology and no state to begin with.
 - b. So think of island cultures or nomadic cultures, and what kind of realistic options they had. They either exiled their criminals (also found in the Jewish law as excommunication), or executed them.
 - c. We can express our preference for imprisonment rather than capital punishment, given our forms of technology and government, without snubbing our noses at other cultures which did use the death penalty. I don't think we are necessarily 'more civilized' than other cultures when we allow racial bias in sentencing, or imprison people the way we do.



8. Also, the Jewish law used the principle of *proportionality for each action*.
 - a. For each injury, there is a principle that the punishment would not go beyond the injury. So the 'eye for eye' principle handles each action separately.
 - b. Compare this to *Harmelin v. Michigan* (1991), where SCOTUS upheld a sentence of life imprisonment for a defendant with no prior convictions who attempted to sell 672 grams of crack cocaine. In Michigan at the time, the only other criminal act that warranted life imprisonment was murder. Is a first time drug trafficking offense *proportional to murder*???
 - c. Contrast that to our 'three strikes law,' for example
9. The Jewish law also 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, which reads:

²² If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman's husband may demand of him, and he shall pay as the judges decide.

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 If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him.

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.¹⁰

- b. Notice that the Jewish law treats each action separately, even when done by the same person. The three strikes law basically comes to a character-based conclusion by labeling a person 'criminal' after three felonies.
 - c. So it's possible that if someone deals drugs to my kids, that the consequence I could name is perhaps some jail time, but more importantly, renunciation from drug dealing and becoming a motivator speaking in public schools against drug use.
10. (optional) If this brings up questions about the treatment of slaves in the Bible, I'd recommend summarizing <http://nagasawafamily.org/exodus.21.01-36.sg.pdf>. My key points there:
 - a. Basically, the word 'slaves' did not mean in the Bible what it meant in American history. God commanded Israel to never kidnap or abduct someone into slavery (Ex.21:16). That means no forced enslavement. God commanded Israel to help runaways wherever they wanted to (Dt.23:15 – 16). That means people could leave enslavement. You assumed if they ran away, things were bad enough. Also, any permanent damage to a slave like a chipped tooth or damaged eye was grounds for the slave to go free (Ex.21:27).
 - b. John Chrysostom, archbishop of Constantinople from 397 – 407 AD, said while preaching on Ephesians 6:5 – 9, 'Think not, [Paul] would say, that what is done towards a servant, He will therefore forgive, because done to a servant. Heathen laws indeed as being the laws of men, recognize a difference between these kinds of offenses. But the law of the common Lord and Master of all, as doing good to all alike, and dispensing the same rights to all, knows no such difference.' (<http://www.newadvent.org/fathers/230122.htm>)
11. (optional) If this brings up questions about women in the Bible, I'd recommend summarizing <http://nagasawafamily.org/article-pentateuch-theme-women-part1.pdf> and <http://nagasawafamily.org/article-pentateuch-theme-women-part2.pdf>.

¹⁰E.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.'



- a. Basically, the impression people get of the Old Testament laws is that it's patriarchal. For example, in the divorce laws of Dt.24:5, husbands can divorce their wives for certain reasons. But can wives divorce their husbands?
- b. But we have to understand the language. Hebrew is like Spanish. The language and the pronouns are gendered. So if you say 'those guys,' you say, 'ellos.' If you say 'those women,' you say, 'ellas.' If you say 'those guys and girls,' or 'that group and I don't know their gender,' you use the word 'ellos.' But it's called the inclusive masculine form.
 - i. Jesus in Mark 10:12 interprets the divorce law of Dt.24:1 – 4 by talking about wives also divorcing their husbands. So he reads it as the inclusive masculine form. There are other reasons to take that as the general rule.
 - ii. If you want to argue that one instance is the exclusive masculine form, referring to only men and not women, then you have to make a special argument from the context. But generally, all the laws that are written in the masculine form should be taken as including women, not excluding them. So the laws speak of parents having authority over their children, but it's not just fathers over daughters.

Part Three: Action Steps

12. Action: We can encourage our representatives to repeal mandatory minimum sentencing. Judges used to have discretion about giving lighter sentences for first time offenders, or if they see that the defendant has a supportive community (like family, church, advocates) that will help with rehabilitation, school, employment, and character development. That's what gave prosecutors so much power. Let's write to our congresspeople to repeal mandatory minimums and 'three strikes laws.' Follow proposals from groups like *Families Against Mandatory Minimums* (www.famm.org). You can go to the FAMM website, click on the button 'Get Involved' or 'For Lawmakers' and see how they track the bills going through Congress, and write your Congressperson.
 - a. Federal Level
 - i. See this article by Sarah Childress, "Feds to Reconsider Harsh Sentencing for Drug Offenders," *PBS*, April 9, 2014; <http://www.pbs.org/wgbh/pages/frontline/criminal-justice/locked-up-in-america/feds-to-reconsider-harsh-prison-terms-for-drug-offenders/>
 - b. State Level: Massachusetts. As of June 2015, Senator Sonia Chang-Díaz (D-Boston) and Representative Mary Keefe (D-Worcester) have filed an omnibus bill backed by our coalition to improve Massachusetts' systems of criminal justice, end mass incarceration, and re-invest in our communities through job and educational opportunity expansion. It's called the Justice Reinvestment Act (SD1874/HD3425). A coalition of 130 community groups called Jobs Not Jails rallied to support a part of the Act, on overturning mandatory minimum sentencing and reforming bail protocols. See:
 - i. Jobs Not Jails website (<http://jobsnotjails.org/jni/>)
 - ii. Article about Massachusetts reconsidering mandatory minimums (<http://www.mcan-pico.org/news/jobs-not-jails-hearing-report-back>)
 - iii. Article "4 Things To Know About The Mass. Debate On Mandatory Minimum Sentences" (<http://www.wbur.org/2015/06/10/mandatory-minimum-sentences-primer>).
13. Action: Let's write to our congresspeople to repeal 'three strikes laws.'
 - a. Leader: research your state and any movements to repeal three strikes laws in your state. Examples:
 - i. California: [http://ballotpedia.org/California_Proposition_36_Changes_in_the_Three_Strikes_Law_\(2012\)](http://ballotpedia.org/California_Proposition_36_Changes_in_the_Three_Strikes_Law_(2012))
 - ii. Delaware: <http://www.delawareonline.com/story/opinion/contributors/2015/03/27/long-past-time-repeal-three-strikes-law/70564530/>
14. Action: Let's write to President Obama to continue demilitarizing the police



- a. You can go to this web page, <https://www.whitehouse.gov/blog/2015/05/18/why-president-obama-taking-steps-demilitarize-local-police-forces>, scroll down to the bottom, and email the White House using the email icon
 - b. 'Better late than never. Crossed off the Army-surplus distribution list now are tanklike vehicles, grenade launchers, bayonets, camouflage uniforms, and -- were these really included to begin with? -- armored aircraft and ships. Departments will have to justify the need for other kinds of equipment, including explosives and mine-resistant ambush protected, or MRAP, vehicles.'¹¹
15. Action: The Black Body Survival Guide trains black people to know their rights in relation to the police. In light of the Sandra Bland police incident in 2015, this is especially important:
<http://www.theblackbodysurvivalguide.com/>

¹¹ Editorial Board, 'Obama Demilitarizes the Police,' *Bloomberg View*, May 20, 2015; <http://www.bloombergvew.com/articles/2015-05-20/obama-demilitarizes-the-police>



SESSION THREE:
BOOK DISCUSSION OF *TNJC* CHAPTER 3: THE COLOR OF JUSTICE
Leader's Notes

Introduction, Personal Question: Are You Biased?

NOTE TO LEADER: Before this week's session, please email out the link to the Harvard Implicit Bias Test: <https://implicit.harvard.edu/implicit/user/agg/blindspot/indexrk.htm>. Tell people that it's not something you're asking them to share. It's just for personal reference. It also helps us understand how implicit racial bias exists, even among well-intentioned people, and how it might play out among the police, prosecutors, and so on. We're going to see how the law and the Supreme Court allows for implicit racial bias.

Overview

Recall Session One (lesson from Genesis 3): We learned that God's justice is restorative, not retributive. He didn't 'retaliate' against humanity, even though there were consequences because when children lock their parents out of the house, everything is harder. In our day and age, there may be consequences that we impose on some people, but if we are following the God of the Bible, this God seeks to restore, so we need to seek to restore. God does not delight in punishing, so we cannot delight in punishing. We must delight in restoring.

That's important because in parallel with that, Dr. Alexander talks about the rise of the mass incarceration system as a racial caste system. In chapter two, Dr. Alexander talks about law and policy changes during the War on Drugs, especially during Reagan's presidency but including Bill Clinton's. Now in chapter three, we're going to look at how the implicit and unspoken racial bias of police officers, prosecutors, judges and sentences were all made legally okay.

Content Questions

1. (Optional) Listen to the audiobook reading of *The New Jim Crow* chapter 3, from the beginning to the 11:30 min mark. That translates to p.97 – 102 in the book. What reactions do you have?
2. *City of Los Angeles v. Adolph Lyons*
 - a. Notice Thurgood Marshall's dissent once again.
 - b. This protected the LAPD, and all police departments, from being sued on the use of potentially lethal force. This is perhaps why the BlackLivesMatter movement started, because it has to be a matter of changing public opinion now, since the police cannot be challenged in court.
3. *McClesky v. Kemp*
 - a. So as long as the prosecution doesn't say, 'I believe the death penalty is appropriate because he's black,' the death penalty is acceptable. So the implicit or non-verbal racial bias is accepted in court.
 - b. This starts to overturn the principle of *Yick Wo v. Hopkins*, where the Fourteenth Amendment was supposed to ensure the equal application of justice.
4. *Armstrong v. United States*
 - a. Plea bargaining is unfair because it is actually coercion of the defendant. The story of Erma Faye Stewart illustrates how the plea-bargaining system has a racially biased effect.¹² According to the Eighth Amendment of the U.S. Constitution, Stewart had a right to a speedy trial by her peers. But after a month in jail, as a single mother, she was desperate to get out of jail to care for her

¹² Stewart's story can also be found on Frontline, "The Plea," *PBS WGBH*, June 17, 2004; I also included it as part of the previous session: "On Nov. 2, 2000, Erma Faye Stewart, then 30 and a single mother of two, and Regina Kelly, then 24 and a single mother of four, were arrested as part of a major drug sweep in Hearne, Texas. As reported by "Frontline," the 27 individuals arrested in the sweep was indicted by a single informant later proven to be unreliable. All but one of the 27 are African-American. Both women proclaimed their innocence and were given public defenders who offered them little guidance and insisted that they plead guilty – Stewart's lawyer reported not remembering Stewart, despite signing her plea agreement. Kelly and Stewart were both told that if they did not agree to a plea bargain, which amounted to probation, they would face "five to 99 years." With a bail of \$70,000 and two small children at home, Stewart took the deal and was sentenced to 10 years probation. But after a five-month wait for the trial to begin, the state's case fell apart. Everyone that didn't take a plea bargain, including Kelly, was found not guilty. Stewart, on the other hand, fell into destitution because of the plea bargain – unable to secure food stamps or federal education money, unable to vote, evicted from public housing and forced to pay a \$1,000 fine and court fees on a minimum-wage salary. Kelly and Stewart's stories are far from isolated incidents. In the United States, almost 95 percent of all felony convictions are secured without a jury. They are settled via a plea bargain — a unique facet of American law that allows the prosecutor to offer a reduced sentence in exchange for defendants waiving their rights to a jury trial and pleading guilty to the charges presented." (<http://www.mintpressnews.com/bargain-new-report-highlights-unfairness-drug-plea-agreements/174762/>).



young children. She had inadequate support from a public defense lawyer. So she accepted the plea bargain and was branded a drug felon even though the entire case of Hearne, TX was later thrown out.

- b. Stewart's story is not an isolated incident. Amazingly:

'In the United States, almost 95 percent of all felony convictions are secured without a jury. They are settled via a plea bargain — a unique facet of American law that allows the prosecutor to offer a reduced sentence in exchange for defendants waiving their rights to a jury trial and pleading guilty to the charges presented.'¹³

- c. What about this Eighth Amendment right to a speedy trial? Prosecutors are essentially threatening you with the uncertainty of facing a higher mandatory sentence for drug related crimes, so you can plead guilty to a lesser charge. You therefore 'voluntarily' waive your Eighth Amendment rights. Michelle Alexander, in a NY Times article, writes,

'If everyone charged with crimes suddenly exercised his constitutional rights, there would not be enough judges, lawyers or prison cells to deal with the ensuing tsunami of litigation. Not everyone would have to join for the revolt to have an impact; as the legal scholar Angela J. Davis noted, "if the number of people exercising their trial rights suddenly doubled or tripled in some jurisdictions, it would create chaos."'¹⁴

- d. Do defense attorneys have an incentive to have the defendant plead guilty? Yes because they're overworked. It will reduce their caseload. Prosecutors and defense attorneys are known to reach agreements even before talking to their clients. And defendants often are not well informed, so their lives are really in the hands of the system.

- i. This was written by lawyers in the Harvard Law Review, taking responsibility for this problem: 'I'd like to divide this intellectual failure into two components. First, lawyers have failed properly to catalog, appreciate, and interrogate the negative costs of how we police and how we jail. Second, we have failed to scrutinize the purported benefits, both because of a bizarre undertheorization of the amount of harm actually caused by what we popularly call "crime" and because of a scandalously underdeveloped account of whether caging humans leads to less "crime." In order for the legal system to unleash police on poor communities such that the United States came to imprison black people at a rate six times that of South Africa during the height of Apartheid, it was necessary for popular culture and legal culture to develop and nurture serious intellectual pathologies. So deeply have these pathologies captured the legal elite that the wholesale normalization of this brutality has become arguably the chief daily bureaucratic function of most of us who work in the system.' (<http://harvardlawreview.org/2015/04/policing-mass-imprisonment-and-the-failure-of-american-lawyers/>)

- ii. See also:

http://www.slate.com/articles/news_and_politics/crime/2015/10/police_and_prosecutors_condemning_mass_incarceration_ignore_their_own_role.html

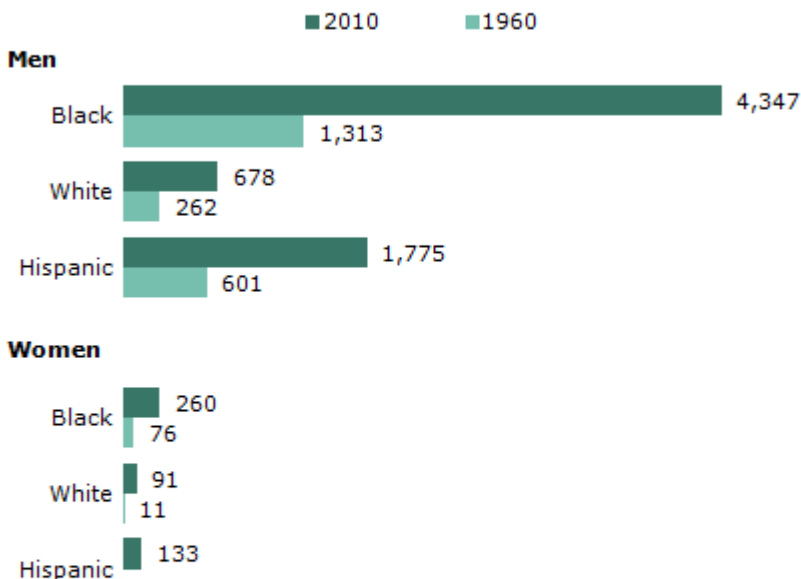
5. The cumulative result is a discrepancy in incarceration rates by race. This is from the Pew Research Trust:

¹³ Frederick Reese, "No Bargain: New Report Highlights Unfairness of Drug Plea Agreements," *Mint Press News*, December 10, 2013

¹⁴ Michelle Alexander, "Go to Jail: Crash the Justice System," *New York Times*, March 11, 2012

Incarceration Rates, 1960 and 2010

Inmates per 100,000 U.S. residents



Note: Incarceration rates are for total prisoners in local, state and federal correctional facilities. Total prisoners includes persons under age 18. Hispanics are of any race. Whites and blacks include only non-Hispanics. In 2010, whites and blacks include only those who reported a single race. Asians, Native Americans and mixed-race groups not shown. A figure for Hispanic women in 1960 is not shown due to small sample size.

Source: For 1960, Pew Research Center analysis of Decennial Census data (IPUMS); for 2010, Bureau of Justice Statistics data <http://www.bis.gov/content/pub/pdf/cpus10.pdf>

PEW RESEARCH CENTER

This chart shows how incarceration has increased in general. It also shows that the *proportion* of black people (as part of the overall population) imprisoned under the ‘new Jim Crow’ is actually slightly more (and worse) than when the old Jim Crow system was in place. The Civil Rights Movement succeeded in pushing back the old Jim Crow when the Civil Rights Acts of 1964 and 1965 were passed. But incarceration rates are worse now than before.

6. To sum up, how has the system worked so unfairly against blacks? Alexander argues that it happens in two steps
 - a. First, grant law enforcement extraordinary discretion about who to stop and search and how, ‘thus ensuring that conscious and unconscious racial beliefs and stereotypes will be given free rein.’
 - b. Second, close the doors to the courtroom if you want to sue the criminal justice system for operating in a racially discriminatory way.
7. The legal history shows that at one time, in *Yick Wo v. Hopkins* (1886), the Supreme Court recognized that equal treatment under the law is required by the Fourteenth Amendment, and differences in the way a law is carried out is unconstitutional. But during the war on drugs, the law and the courts have decided that police can police different communities differently, that prosecutors can treat different defendants differently, that sentences can be handed down differently, and that jurors can be interviewed and evaluated differently.
 - a. All of the implicit racial bias in people at every stage of the criminal justice process is now deemed to be ok!! As long as no one says something racist, racism is okay.



- b. (Optional) One chink in the armor of government agencies is noted by Cheryl K. Chumley, “Federal Court Rules SWAT Teams Aren’t Exempt from Lawsuits” (*Washington Times*, August 28, 2014), ‘SWAT teams beware: Innocent victims can sue. That’s the ruling of the U.S. Second Court of Appeals in New York, issued in a case of a homeowner whose constitutional rights were infringed by a police raid that resulted in the killing of a man. Ronald Terebesi said Connecticut SWAT members forced their way into his home in 2008, looking for a drug suspect. Police had a warrant and while they were only seeking for “a small amount of drugs meant only for personal use,” they used stun grenades and shot Mr. Terebesi’s friend a half dozen times — ultimately killing him, court filings indicated, Mediaite reported. Mr. Terebesi sued, claiming the police used excessive force, especially since there were no guns in the home. Mr. Terebesi won his lower court case, but police appealed, claiming immunity. Now the appeals court found that Mr. Terebesi at least has the right to sue. The U.S. Supreme Court, meanwhile, has previously ruled that government officials can’t be sued for civil damages, unless their conduct violates the constitutional rights of individuals. The appeals court ruled: “The plaintiffs presented evidence indicating that all of the defendants understood that the warrant was for a small amount of drugs meant only for personal use. The basis for the officers’ entry, in other words, was related to an offense that was neither grave nor violent,” Mediaite reported.’ Ronald Terebesi is white. His friend who was shot, Gonzalo Guizan, appears to be white as well (a black and white picture was available on line). Later, five towns in Fairfield County pooled resources and paid \$3.5 million to compensate the victim’s family (Mario Anzuoni, “Connecticut Cops Pay \$3.5 Million After Killing Unarmed Man in SWAT Raid,” Reuters, February 21, 2013).
- c. Recall in Session One, when we studied Genesis 3 and mentioned the Stanford Prison Experiment, and how criminals are the most despised group of people in the U.S. because it’s ‘okay’ to despise them. It’s easy to treat them as inhuman. God never treats people as inhuman. That brings us to the last thought. Let’s look at Scripture. I’ve been calling our attention to the Jewish law because, even though God was still preparing people for Jesus and this wasn’t the full disclosure of his heart, we do see some very important things.

Leader: This is important background information, especially for a skeptical audience.

- Drug use is higher in the white community than among blacks. That is incomprehensible since most people sent to prison on drug charges are black.
 - ‘People of all races use and sell illegal drugs at remarkably similar rates. If there are significant differences in the surveys to be found, they frequently suggest that whites, particular white youth, are more likely to engage in illegal drug dealing than people of color.’¹⁵
 - ‘The National Household Survey on Drug Abuse reported in 2000 that white youth aged 12 – 17 are more than a third more likely to have sold illegal drugs than African American youth. Thus the very same year Human Rights Watch was reporting that African Americans were being arrested and imprisoned at unprecedented rates, government data revealed that blacks were no more likely to be guilty of drug crimes than whites and that white youth were actually the most likely of any racial or ethnic group to be guilty of illegal drug possession and sales... White youth have about three times the number of drug-related emergency room visits as their African American counterparts.’¹⁶
 - As of a report released in March 2015, white men and heroin use: The number of heroin overdoses quadrupled from 1,842 in 2000 to 8,257 in 2013—with a significant boost among people between the ages of 18 and 44, particularly white men.¹⁷ This is because Oxytontin is a synthetic heroin, and...

¹⁵ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2011), p.99 cites U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Services Administration, *Summary of Findings from the 2000 National Household Survey on Drug Abuse* (Rockville, MD: 2001) reporting 6.4% of whites, 6.4% of blacks, and 5.3% of Hispanics were current illegal drug users in 2000; Alexander also cites 2 other studies from 2007 saying the same thing. But two 2006 and one 2003 study shows that white adolescents are more likely than their black counterparts to use illegal drugs.

¹⁶ Alexander, p.99

¹⁷ Edwin Rios, “White Men Are Overdosing on Heroin at a Record Rate,” *Mother Jones*, March 9, 2015



- When we include LEGAL, PRESCRIPTION drugs like Vicodin and Oxycontin, we again see a discrepancy between perception and reality by race. A TIME magazine article from 2011 summarizes a study: ‘The study, which was published Monday in the *Archives of General Psychiatry*, controlled for variables like socioeconomic status because rates of severe drug problems tend to be greater amongst the poor. Despite this, Native American youth fared worst, with 15% having a substance use disorder, compared to 9.2% for people of mixed racial heritage, 9.0% for whites, 7.7% for Hispanics, 5% for African Americans and 3.5% for Asians and Pacific Islanders.’
- Of course, where do white people buy illegal drugs? From other white people. Not black people. So why haven’t policemen camped out next to white fraternities??? Or helicoptered into mansions owned by white people???
- The discrepancy is not because the black community is more violent.
 - ‘Violent crime rates have fluctuated over the years and bear little relationship to incarceration rates – which have soared during the past three decades regardless of whether violent crime was going up or down. Today violent crime rates are at historically low levels, yet incarceration rates continue to climb.’¹⁸
 - ‘In the federal system, homicide offenders account for 0.4 percent of the past decade’s growth in the federal prison population, while drug offenders account for nearly 61 percent of that expansion... As of September 2009, only 7.9 percent of federal prisoners were convicted of violent crimes.’¹⁹ State prison data is harder to interpret and varies state by state.
 - And the most important part is how many people are under correctional control outside of prison. ‘Of the nearly 7.3 million people currently under correctional control, only 1.6 million are in prison.’²⁰ Those outside the walls of a cell are the people who are second-class citizens in our society, often without voting rights, access to public housing benefits and food stamps, and much less desired for a job.

8. Remind people of the comparison between the Babylonian Code of Hammurabi and the Jewish law. See notes in Session Three of this curriculum.
 - a. Jewish law held that every human life was of equal value. You weren’t punished for a crime based on how rich or poor your victim was.
 - b. Jewish law held that each action needed a proportional punishment. You didn’t stack crimes up like in the three strikes law. Nor would a first time offense for drug trafficking get the same punishment as murder (life imprisonment).
 - c. Jewish law was based on the principle of restorative justice, where the victim could name a compensation, up to the limit of proportionality. The victim’s needs for restoration was more important than a strict retributive principle.
9. What about the issue of self-incrimination and judicial torture?
 - a. Most Western peoples starting from Greece and Rome used torture in the courtroom. It’s called judicial torture. Especially for slaves and servants, but sometimes for everyone. That’s similar to the issue of plea bargaining today, because the accuser makes you choose which accusations you want to plead guilty to. It’s a form of coercion and self-incrimination and in a sense there is a threat of torture in the form of the sentence.
 - b. Jewish law prevented torture. Bringing an accusation against someone required two witnesses and the accused person could not be one of them. This rabbi Dr. Warren Goldstein of South Africa says, ‘*Jewish law’s rejection of judicial torture is unique in Western civilization, especially because it is so ancient.*’ ‘The law against self-incrimination relates to the accused’s vulnerability.’²¹ And ‘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

¹⁸ Alexander, p.101

¹⁹ Alexander, p.101

²⁰ Alexander, p.101

²¹ Rabbi Dr. Warren Goldstein, *Defending the Human Spirit: Jewish Law’s Vision for a Moral Society* (New York: Feldham, 2006), p.237, 240



principle... 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.’²² This is why one of the Ten Commandments is to not bear false witness against your neighbor. You’ve got to tell the truth and find the truth in a legitimate way.

- c. This is still important because the effect of mandatory minimums is to be coercive towards the accused person. The prosecutor gets to choose what charge to bring against the accused, and the accused is pressured to plea-bargain, pleading guilty to the lesser offense. It’s a way to apply pressure to the accused so they ‘voluntarily’ give up their Eighth Amendment right to a trial by a jury of their peers.

10. What’s the point of looking at the Old Testament?

- a. If you aren’t Jewish or Christian, you don’t have to take this text as authoritative, but it’s important to take it as influential. The idea of universal human dignity comes from Judaism and Christianity. It’s important to ask yourself where you think human dignity comes from.
- b. It’s to show that when you compare the Jewish law with its neighbors, you see that you can’t really explain the Old Testament as a product of its times. You have a real argument that it wasn’t written by human beings alone. I think there was someone else involved!!
- c. Again, it’s not the full picture of the heart of God, as shown in Jesus. But God was training His people and preparing them to appreciate Jesus. It’s to show that there are definite ways that we have NOT moved ‘beyond’ the Old Testament. There are still things it has to teach us. And Jesus will show us even more.

11. Actions: Once again, this is why it’s important to take some action steps:

- a. Policing:
 - i. Implicit racial bias training for police officers has been shown to make a difference!
 - ii. Body cameras worn by police officers have been shown to make a difference when they deal with routine stops, checks, and use force when they need to.
- b. Prosecutors:
 - i. Put public pressure on elected city prosecutors
 - ii. Check the Families Against Mandatory Minimums website (famm.org). See the previous session’s notes for some instructions
- c. Supreme Court:
 - i. We don’t influence the Supreme Court directly. This is why the Black Lives Matter movement has been important. We need to have a change in general public awareness, and then perhaps changes legislation, representation, and then finally Supreme Court justices.

²² Ibid, 264 – 265



SESSION FOUR: HOW TO RESTORE DIGNITY Leader's Notes

Introduction, Personal Question: Know Someone?

Have you ever known someone who was released from prison, who tried to find a job? What was that experience like?

Overview

This is a study and action group. We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. She's explained why the war on drugs has resulted in the mass incarceration of black and brown people, especially black men. Even though more drug abusers are white. Why? Because, as we learned in chapters 2 and 3 of her book, the legal system has quickly eroded civil rights protections of the Fourth, Eighth, and Fourteenth Amendments. So we no longer have protection from police searches and seizures in a meaningful sense (Fourth Amendment). People are pressured to give up the right to be tried by a jury of our peers by intimidating prosecutors with big mandatory minimum sentences (Eighth). They've been subject to cruel and unusual punishment like a life sentence for trafficking drugs, or even possession of a large quantity of drugs, even on a first time offense (Eighth). The federal prison system is at 40% overcapacity, so just imagine what that's like for prisoners and correctional officers (Eighth). And blacks are not given equal justice with whites (Fourteenth). Now we're going to talk about how the nightmare continues after they finish their prison sentences. What is reintegration like?

At the same time, we've been learning that the God of the Bible upholds a restorative justice, not a retributive justice, as shown in Genesis 3. He didn't 'retaliate' against humanity, even though there were consequences because when children lock their parents out of the house, everything is harder. In our day and age, there may be consequences that we impose on some people, but we always have to keep in mind that God seeks to restore, so we need to seek to restore. God does not delight in punishing, so we cannot delight in punishing. We must delight in restoring. Then we learned in Leviticus 25 that God prevented a caste system from forming. He made His people Israel to be a people who restore one another to the garden land. Now we're going to see how God restored people into community back then, again, to prepare them for Jesus.

We'll divide this Session into two parts. In part 1, we'll look at the facts about how challenging reintegration is. In part 2, we'll look at how God taught the Israelites some principles about reintegration.

Content Questions, Part 1

1. Take turns reading paragraphs. You can focus first on Housing and Work. Gather thoughts, feelings.
2. Housing
 - a. During Jim Crow, it was legal to deny black people housing based on race, by lying about whether your apartments were available, or through restrictive covenants for certain neighborhoods where you had to agree to sell your house to a non-black person. Then, the U.S. ensured residential segregation after WW2 through the G.I. Bill by giving federal subsidies to white flight to the suburbs, and then built everything else on top of it: unequal school systems, drawing unfair political districting lines, deciding to run garbage trucks' routes to landfills through poor neighborhoods, laying down roads and highways to physically separate black communities off, or encroaching on their land for 'redevelopment.'
 - b. The idea of 'Housing First' has been shown to work for the homeless or drug addicted. You don't have to be clean first in order to get housing. But giving people housing first has been shown to (a) help people get clean, and (b) be more cost effective, since prevention is actually cheaper than policing and punishing.
3. Work
 - a. Now I think working with children might be an area that needs to discriminate on hiring based on criminal background. But how many fields is that relevant for? Even people who want to be self-employed as landscapers, contractors, gardeners, manicurists, and barbers are sometimes denied professional licenses because of past convictions or arrests.



- b. 'This is the area that's really tough because the types of jobs ex-convicts can get don't pay that much. They might even lose money by having to pay for buses and trains and taxis to get to work.
 - c. We're going to check out <http://bantheboxcampaign.org/>.
4. Debt
- a. Child support payments and interest on them accumulate while you're in prison!
 - b. This really traps people. We'll see a contrast with God's heart. In the Jewish law, when people finish their term of service and go free, God's people are commanded to help them out.
5. Voting Rights
- a. President Obama, in his visit to a federal prison in July 2015, called for a bunch of changes in our criminal justice system. One of them was giving back the right to vote to people who had done their time.²³
6. All of these penalties and limitations after imprisonment is like ongoing, 'invisible punishment.' Alexander calls it that in ch.5 on p.186. The main question is whether the system is designed to re-imprison people. It definitely seems to be.
- a. Recidivism rates
 - b. Dr. Alexander doesn't talk about the privatization of prisons. But that's a big deal, as now there are gigantic private prison companies whose purpose is to make money off imprisonment. Not only do they want to keep their beds filled, they also get prisoners to be a labor force making computer parts, making women's lingerie, or being a call center, for as low as 17 cents an hour.
 - c. In the next chapter, Dr. Alexander talks about how most new prisons are built in rural white areas. So those areas get to count new population, even though the prisoners (mostly black and brown people) don't get to vote.
 - d. Dr. Alexander closes the chapter by talking about the personal and family cost of having someone in your family be imprisoned or an ex-convict. She talks about silence or lying. Stress on black men from youth is another consequence. Many feel like the system isn't fair and isn't worth it. So they embrace criminality or wear saggy pants because that's a prison uniform. We have to be mindful of the cost to families and communities, not just to individuals. This is from the NY Times (show the graphics – they are helpful):

'In New York, almost 120,000 black men between the ages of 25 and 54 are missing from everyday life. In Chicago, 45,000 are, and more than 30,000 are missing in Philadelphia. Across the South — from North Charleston, S.C., through Georgia, Alabama and Mississippi and up into Ferguson, Mo. — hundreds of thousands more are missing. They are missing, largely because of early deaths or because they are behind bars. Remarkably, black women who are 25 to 54 and not in jail outnumber black men in that category by 1.5 million, according to an Upshot analysis. For every 100 black women in this age group living outside of jail, there are only 83 black men. Among whites, the equivalent number is 99, nearly parity. African-American men have long been more likely to be locked up and more likely to die young, but the scale of the combined toll is nonetheless jarring. It is a measure of the deep disparities that continue to afflict black men — disparities being debated after a recent spate of killings by the police — and the gender gap is itself a further cause of social ills, leaving many communities without enough men to be fathers and husbands... The disappearance of these men has far-reaching implications. Their absence disrupts family formation, leading both to lower marriage rates and higher rates of childbirth outside marriage, as research by Kerwin Charles, an economist at the University of Chicago, with Ming-Ching Luoh, has shown. The black women left behind find that potential partners of the same race are scarce, while men, who face an abundant supply of potential mates, don't need to compete as hard to find one. As a result, Mr. Charles said, "men seem less likely to commit to romantic relationships, or to work hard to maintain them." The imbalance has also forced women to rely on themselves — often alone — to support a household. In those states hit hardest by the high incarceration rates, African-American women have

²³ Leon Neyfakh, "In Sweeping Speech, Obama Calls for Enfranchising Felons and Limiting Solitary Confinement," *Slate*, July 14, 2015; http://www.slate.com/blogs/the_slatest/2015/07/14/obama_calls_for_fundamental_criminal_justice_reforms_in_major_naacp_speech.html



become more likely to work and more likely to pursue their education further than they are elsewhere.’²⁴

Content Questions, Part 2

1. Read the Leviticus 25 passage. Recall that it follows the principle of equal human dignity in Leviticus 24. It shows what happens if you design institutions and policies around that principle, and how to balance economics and freedom. What happens every jubilee year? (5 minutes)
 - a. In addition to a Sabbath year every seven years (25:3 – 7), the land gets an extra year of rest (25:8 – 12, 20 – 28).
 - b. People return to their land (25:13 – 19)
 - c. People return to their land even if it was sold to another; it is redeemed (25:23 – 28)
 - d. Houses in cities are limited, so they can be redeemed within one year of sale, whereas houses in unwallled villages are treated as part of the land (25:29 – 34)
 - e. People who fall into poverty are to be sustained (v.35) with no interest loans (v.36 – 38)
 - f. Israelite people who become servants go free in the jubilee (25:39 – 44), or are redeemed by a kinsman or even himself (25:45 – 55), which means the servant had possession and right to his own monetary wealth.
 - g. Do you think this is fair? How come you had to give the land back?
 - i. Practically speaking, how did people depend on land? Land was wealth and sustenance. Land was also work.
2. In Israel, how did God care about children and grandchildren who aren’t here yet? (5 minutes)
 - a. A father could not sell his children or their labor as slaves or servants. He had to work to pay off his own debts himself.
 - b. A child or grandchild could not inherit all the advantage or disadvantage that parents and grandparents could pass down!
 - c. Illus: Wayne Grudem is a very popular white American Calvinist theologian who argues that there should not be any tax on any inheritance.²⁵ Taxes on inheritance only kick in on families that have more than \$1 million. I find it hard to agree with Grudem on this and other topics.
 - d. If land to the Israelites was both the foundation of WEALTH and the obligation/opportunity to WORK, then what can we see in God’s heart? God was providing both.
3. How did God set Israel up to be like Adam and Eve? (5 minutes)
 - a. God placed Adam and Eve in the _____ (garden) of Eden. God was placing Israel in another _____ (garden) land.
 - b. God as a father to Adam and Eve gave them an inheritance: the entire _____ (land) of creation. God as a father to Israel was giving them an inheritance: the promised _____ (land).
 - c. God set up Adam and Eve in the garden to experience His Sabbath rest. He sets Israel up in a new garden land to experience His Sabbath rest, in the form of every seventh day, seventh year, and fiftieth year (which is the seventh seven-year period).
 - d. God made Adam and Eve to bear His image, and part of that was to pass on an inheritance to their children, which would be a portion of the _____ (land). God made Israel to bear His image and pass on an inheritance to their children, which would be a portion of the _____ (land). So every jubilee year, *every Israelite family got a chance to be like God* and make sure that children and grandchildren got their inheritance: a portion of the _____ (land).
 - e. What did those who accumulated land and advantage gain when they had to give land back to the rightful families? *They got a chance to be like God: to bring people out of debt slavery and give them an inheritance in the garden land.*

²⁴ Justin Wolfers, David Leonhardt, and Kevin Quealy, ‘1.5 Million Missing Black Men,’ *New York Times*, Apr 20, 2015;

<http://www.nytimes.com/interactive/2015/04/20/upshot/missing-black-men.html>

²⁵ Wayne Grudem, *Politics According to the Bible* (Grand Rapids, MI: Zondervan, 2010), ch.9; see my critique of Grudem at <http://economicdiscipleship.com/2011/10/04/wayne-grudems-misuse-of-scripture-in-politics-according-to-the-bible/>



4. Action: Sign the Ban the Box Campaign²⁶ for fair hiring for ex-convicts. 'Momentum for the policy has grown exponentially, particularly in recent years. There are a total of 18 states representing nearly every region of the country that have adopted the policies – CA (2013, 2010), CO (2012), CT (2010), DE (2014), GA (2015), HI (1998), IL (2014, 2013), MD (2013), MA (2010), MN (2013, 2009), NE (2014), NJ (2014), NM (2010), OH (2015), OR (2015), RI (2013), VT (2015), and VA (2015). Seven states—Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, Oregon and Rhode Island—have removed the conviction history question on job applications for private employers, which advocates embrace as the next step in the evolution of these policies. Federally, the U.S. Equal Employment Opportunity Commission (EEOC) endorsed removing the conviction question from the job application as a best practice in its 2012 guidance making clear that federal civil rights laws regulate employment decisions based on arrests and convictions. To support your state and local efforts to enact a fair-chance policy, check out NELP's Fair Chance – Ban the Box Toolkit, which provides a step-by-step guide for advocates on how to launch a "ban the box" campaign.' Ex-felons now have health insurance because of the ACA.²⁷ But many other legal restrictions are still in place.²⁸ See <http://www.abacollateralconsequences.org> to see restrictions by state.
5. Action: Reenfranchise ex-convicts with voting rights: See DrugPolicy.org to see drug laws and treatment by state.

²⁶ Michelle Natividad Rodriguez and Nayantara Mehta, "Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies," *National Employment Law Project*, Jul 1, 2015; see <http://www.nelp.org/publication/the-fair-chance-ban-the-box-toolkit/>

²⁷ Michael Ollive, "Ex-Felons Are About to Get Health Coverage," *The Pew Charitable Trusts*, April 5, 2013

²⁸ Lorelei Laird, "Ex-offenders face tens of thousands of legal restrictions, bias and limits on their rights," *ABA Journal*, June 1, 2013



SESSION FIVE: GOD DISMANTLES CASTE SYSTEMS Leader's Notes

Leader: Give Overview

This is a study and action group. We're reading through Michelle Alexander's book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. This is Session Five. You'll recall that Dr. Alexander's argument is that the criminal justice system produces a racial caste system. A caste system is where people are basically socially stuck. We are going to see how God dismantles caste systems.

We'll look at a beautiful chapter in the mysterious book of Leviticus to see more about how God dismantled caste systems in Israel, as He prepared them for Jesus. There is a 2 page print out of Leviticus 25 which should serve as a reminder of what we covered last week, and a 4 page printout of actions that we'll discuss this week. There is a lot of material this time, so we're going to try to stick to a time budget. We'll spend 5 minutes in individual study of the passage, then discuss it for about 15 minutes. Then we'll spend 45 minutes looking at actions that we might take – individually and systemically – as we understand some principles from this passage. We're not going to become experts in law and economics. But I'm giving you more stuff because I want us to appreciate just how radical this word from God was for Israel, and still can be today.

Content Questions

1. Introduction: Watch Elizabeth Warren's speech *Why Black Lives Matter* (Sep 28, 2015; <http://www.vox.com/2015/9/28/9408329/elizabeth-warren-black-lives-matter>) from 15:25 min mark for about 10 minutes.
2. Remind people of the Leviticus 25 passage. Recall that it follows the principle of equal human dignity in Leviticus 24. It shows what happens if you design institutions and policies around that principle, and how to balance economics and freedom. What happens every jubilee year?
 - a. While Leviticus 25 covered many cases of non-criminal offenders, it did cover – in part – how to restore ex-offenders. (10 minutes)
 - b. God made Adam and Eve to bear His image, and part of that was to pass on an inheritance to their children, which would be a portion of the _____ (land). God made Israel to bear His image and pass on an inheritance to their children, which would be a portion of the _____ (land). So every jubilee year, *every Israelite family got a chance to be like God* and make sure that children and grandchildren got their inheritance: a portion of the _____ (land).
 - c. What did those who accumulated land and advantage gain when they had to give land back to the rightful families? *They got a chance to be like God: to bring people out of debt slavery and give them an inheritance in the garden land.*
3. Read through the last section, 'Give Reparations to the African-American Community.' That last part might generate a lot of good conversation. Keep in mind a few things: (1) The things we just talked about (labor, land ownership, finance) goes beyond what many scholars have suggested. (2) In 1992, the U.S. gave reparations to the Japanese-American survivors of the internment experience during World War II: a check for \$20,000 per person. (3) Other things have been attempted for Native Americans (paid college tuition, free health care, etc.), although one can criticize those efforts for not being comparable to the loss of land. (5 minutes)

Break up into three groups. Each group take one section below. Please read through the section. For 15 minutes, discuss among yourselves how you can see the vision of Leviticus 25 applied to the issue (labor, land ownership, finance). Give a 3 – 5 minute presentation on your topic to the other groups. (30 minutes total)

4. Reduce residential segregation, increase affordable housing and livable spaces
 - a. Housing First is a helpful movement and organization. They put forward a case that when people have housing, other good things happen: stability and peace of mind, reduction of alcohol and substance abuse, employment.



- b. Glance at the HUD website (<http://portal.hud.gov/hudportal/HUD>).
 - i. Note George Romney's efforts, when he was Secretary of HUD under Nixon, to tie funding to diversity goals.
 - ii. More recently, HUD gave a \$1.75 million grant to help justice-involved youth find jobs and housing. Public Housing Authorities (PHAs) and nonprofit legal service organizations will address the challenges justice-involved individuals face when trying to find work and a place to call home. Under the Juvenile Reentry Assistance Program (JRAP), funded through DOJ's Second Chance Act funds, HUD and DOJ are teaming up to help young Americans who've paid their debt to society rehabilitate and reintegrate back into their communities. JRAP funding was awarded to Public Housing Agencies who have a partnership with a nonprofit legal service organization with experience providing legal services to juveniles.
 - c. Consumer Financial Protections Bureau (<http://www.consumerfinance.gov/>)
 - i. Read this article: 'Hudson City Savings Bank to pay \$27 million to increase access to credit in Black and Hispanic neighborhoods it discriminated against,' Sep.24, 2015; (<http://www.consumerfinance.gov/about-us/blog/hudson-city-savings-bank-to-pay-27-million-to-increase-access-to-credit-in-black-and-hispanic-neighborhoods-it-discriminated-against/>). 'Today, the Consumer Financial Protection Bureau (CFPB) and the Department of Justice (DOJ) have filed a complaint alleging that Hudson City Savings Bank violated the ECOA by engaging in unlawful redlining from 2009 to 2013. The complaint alleges that Hudson City redlined by locating its branches and selecting mortgage brokers nearly all outside of majority-Black-and-Hispanic neighborhoods, among other actions. In other words, it intentionally discouraged potential borrowers from equal access to credit in majority-Black-and-Hispanic neighborhoods in New Jersey, New York, Connecticut, and Pennsylvania.
 - d. It is also possible that increasing the supply of housing in cities for the wealthy will help middle and lower income people. Read Emily Badger, 'The poor are better off when we build more housing for the rich,' Washington Post, February 15, 2016; <https://www.washingtonpost.com/news/wonk/wp/2016/02/12/the-poor-are-better-off-when-we-build-more-housing-for-the-rich/>.
5. Finance
- a. Center for Responsible Lending (<http://www.responsiblelending.org/>) CRL is affiliated with Self-Help, a nonprofit community development lender that creates ownership and economic opportunity. Self-Help has provided \$6 billion in financing to 70,000 homebuyers, small businesses and nonprofits and serves more than 80,000 mostly low-income families through 25 retail credit union branches. CRL is a nonprofit, nonpartisan research and policy organization dedicated to protecting homeownership and family wealth by working to eliminate abusive financial practices.
6. Conclusion:
- a. Now we don't live in this part of the biblical story, but we can learn some things about God and be inspired. *God fights against caste systems. When we fight against a caste system like the racial caste system that Michelle Alexander talks about in The New Jim Crow, we are truly being like God.*
 - b. Moving ahead to Jesus, where we do enter the biblical story, we learn even more about God. Jesus came, lived, died, and was raised from death in order to bridge the gap between *God and humanity*. That is the ultimate separation, but God was always fighting to overcome it. And as part of his mission, Jesus extends his presence farther than just Israel (Mt.28:16 – 20). He calls us to be even more generous than the ancient Israelites were (Mt.6:19 – 24), to depend on God for food and clothing even more than them (Mt.6:25 – 34), to forgive debts even more often than they did (Mt.6:14 – 15), and to honor the least person and sacrifice for her/him (Mt.18:1 – 14; 19:13 – 30). Then, living this out, Paul said that there is no Jew nor Greek, slave nor free, male nor female, for we are all one in Christ Jesus (Gal.3:28; Col.3:11). *In other words, because Jesus*



loves every single person, and receives every single person, there can be no caste system. When we fight against a racial caste system, we are being like Jesus.



SESSION SIX: SOME PROBLEMS WITH PRISONS Leader's Notes

Overview

This is a study and action group. We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. And we've looked at the problems with policing, prosecution, sentencing, and reintegration. She didn't actually talk about prisons, I think because she wanted to focus on constitutional law and civil rights. We're going to look at the question of privatized prisons which is a little broader.

We'll divide this Session into two parts. In part 1, we'll look at some facts about prisons. In part 2, we'll look at a comparison between two traditions: the Norse myth-story and the Hebrew story.

Part One: Origins and Trends

1. What do you think about the interaction between mental health and prisons?
 - a. It's alarming. Journalist Matt Ford has an article in *The Atlantic*, "America's Largest Mental Hospital is a Jail" which is important reading. During the 1980's, there were a lot of cutbacks in mental health funds and public housing and other services, which led to 'streams of apparently deranged people living on the streets.' Many unfortunate people 'ended up in the mental institution of last resort: America's jails and prisons.'²⁹
 - b. How many people does that affect? 'At least 400,000 inmates currently behind bars in the United States suffer from some type of mental illness—a population larger than the cities of Cleveland, New Orleans, or St. Louis—according to the National Alliance on Mental Illness. NAMI estimates that between 25 and 40 percent of all mentally ill Americans will be jailed or incarcerated at some point in their lives.'³⁰
2. Is it wrong for prisoners to do work for a small amount of money? Isn't it better than them doing nothing?
 - a. I can imagine ways that prisoners can be trained to budget, save, plan, and so on. So if people are genuinely prepared to leave the prison, that is their best interest and the best interest of society. But that's not the case here.
 - b. The main problem comes when private prison companies which operate for profit get into the business. For-profit companies have no interest in rehabilitation. They profit from recidivism.
3. Listen to John Oliver's segment *Prison*, 4:25 min mark to 14:30 min:
<https://www.youtube.com/watch?v=Pz3syET3DY>
 - a. As an Action Item, can we go to one of these stores (Whole Foods, Malmart, etc.) and ask them about their practices?
4. What are the incentives for privatized prisons?
 - a. Yes, technically, slavery is permitted by the 13th Amendment ... in prisons.
 - b. In addition to the motivations listed above, another is: to grow their political influence

'Private prison companies have been the target of countless lawsuits over their rampant corruption, mistreatment of inmates, and inhumane conditions which have even led to the death of prisoners. Because the corporations are profit-driven, they have an incentive to cut corners on the care of their inmates and detainees to save money. [...] While several states including New York and Illinois have banned private prisons, it's a tough battle for lawmakers to take up because of the massive amount of money the corporations pour into politics... Activist groups have long criticized the growing political influence of the private prison industry — the National Institute on Money in Politics found that GEO contributed \$6,051,178 to Republican, Democratic and third party candidates over the past 13 years. GEO and Corrections Corporation of America together have spent nearly \$25 million on lobbying efforts since 1989. The corporations exert their influence on lawmakers in both statehouses and in the U.S. Capitol, especially those with

²⁹ Matt Ford, "America's Largest Mental Hospital is a Jail," *The Atlantic*, June 8, 2015

³⁰ Ibid



influence on the immigration debate. A recent report found that private prison corporations spent \$11 million over six years to lobby Congress to keep immigrants in detention centers.³¹

5. What has been the history of prison labor? It's very tied to – yes, you guessed it – racism. If possible, watch the 2016 documentary *The 13th*, by Ava Duvernay, about the Thirteenth Amendment. The U.S. permitted slavery as part of the penal system, which means that slavery just changed its form.

'Prison labor has its roots in slavery. After the 1861-1865 Civil War, a system of "hiring out prisoners" was introduced in order to continue the slavery tradition. [It was called convict leasing.] Freed slaves were charged with not carrying out their sharecropping commitments (cultivating someone else's land in exchange for part of the harvest) or petty thievery – which were almost never proven – and were then "hired out" for cotton picking, working in mines and building railroads. From 1870 until 1910 in the state of Georgia, 88% of hired-out convicts were Black. In Alabama, 93% of "hired-out" miners were Black. In Mississippi, a huge prison farm similar to the old slave plantations replaced the system of hiring out convicts. The notorious Parchman plantation existed until 1972.'³²

6. Who else benefits from prison labor?
 - a. States

'At least 37 **states** have legalized the contracting of prison labor by private corporations that mount their operations inside state prisons. The list of such companies contains the cream of U.S. corporate society: IBM, Boeing, Motorola, Microsoft, AT&T, Wireless, Texas Instrument, Dell, Compaq, Honeywell, Hewlett-Packard, Nortel, Lucent Technologies, 3Com, Intel, Northern Telecom, TWA, Nordstrom's, Revlon, Macy's, Pierre Cardin, Target Stores, and many more. All of these businesses are excited about the economic boom generation by prison labor. Just between 1980 and 1994, profits went up from \$392 million to \$1.31 billion. Inmates in state penitentiaries generally receive the minimum wage for their work, but not all; in Colorado, they get about \$2 per hour, well under the minimum. And in privately-run prisons, they receive as little as 17 cents per hour for a maximum of six hours a day, the equivalent of \$20 per month. The highest-paying private prison is CCA in Tennessee, where prisoners receive 50 cents per hour for what they call "highly skilled positions." At those rates, it is no surprise that inmates find the pay in federal prisons to be very generous. There, they can earn \$1.25 an hour and work eight hours a day, and sometimes overtime. They can send home \$200-\$300 per month.

- b. Investors, and then Consumers

'Thanks to prison labor, the United States is once again an attractive location for investment in work that was designed for Third World labor markets. A company that operated a maquiladora (assembly plant in Mexico near the border) closed down its operations there and relocated to San Quentin State Prison in California. In Texas, a factory fired its 150 workers and contracted the services of prisoner-workers from the private Lockhart Texas prison, where circuit boards are assembled for companies like IBM and Compaq. [Former] Oregon State Representative Kevin Mannix recently urged Nike to cut its production in Indonesia and bring it to his state, telling the shoe manufacturer that "there won't be any transportation costs; we're offering you competitive prison labor (here)."³³

7. Why is it important to know about California's experience with prison expansion?
 - a. Racism is again part of the equation. Rural mostly white counties accept the sight of prisons filled with minorities in their counties. They also benefit politically by a non-voting population that

³¹ Kira Lerner, "Bernie Sanders To Introduce Legislation Abolishing Private Prisons When Congress Reconvenes," *Think Progress*, August 20, 2015; see also Michael Cohen, "How For-Profit Prisons Have Become the Biggest Lobby No One is Talking About," *Washington Post*, April 28, 2015

³² Vicky Pelaez, "The Prison Industry in the United States: Big Business or a New Form of Slavery?" *Global Research*, March 31, 2014

³³ *Ibid*



- favors them in districting! Isn't that the same debate the founders had at the Constitutional Convention? That's why black people were counted as 3/5 of a person, but couldn't vote. Wow.
- b. Shady debt-financing is part of the equation. We saw in Leviticus 25 one instance of the Bible's criticism of interest rate lending. This kind of debt-financing helped the prison boom. Notice also that the 1980's was an era of deregulation.
8. What do you think about the comparison between Germany and the U.S.?
- a. It's fascinating that Germany has a restorative model of prisons, especially after WW2. As a side note to a much more complicated question, 'the republican German constitution of 1949 represents the establishment of a specifically Christian state... that commits the state to active support of Christian teachings such as in public education' (Wikipedia, https://en.wikipedia.org/wiki/Constitutional_references_to_God). Although this view is rejected in German constitutional practice, what's important to me here is that the influence of Christianity is towards restorative justice in Germany's criminal justice system.
 - b. Scandinavian countries use restorative criminal justice practices.³⁴
 - c. New Zealand runs its juvenile justice system in a restorative way. They studied the Christian Amish response to the suicidal man who shot school children and then himself. They also combined that with the Maori custom and legal principle that responsibility is collective, not individual.³⁵
 - d. If people have time, encourage them to listen to Daniel Reisel, "The Neuroscience of Restorative Justice" (TED talk, Feb 2013).
9. Who is calling for change in prisons?
- a. Bernie Sanders, in his presidential campaign in 2015 – 16
 - b. The Center for Church and Prison in Boston, MA (<http://www.churchandprison.org/>)
 - c. The American Civil Liberties Union (<https://www.aclu.org/issues/mass-incarceration/privatization-criminal-justice/private-prisons>)

Part Two: God Takes a Restorative Approach to Human Evil (Isaiah 59:1 – 21)

At the same time as we've looked at the problem of our retributive system, we've looked at how we might envision a restorative system. We've looked at how the Hebrew Bible upholds a restorative justice, not a retributive justice. The God portrayed in the biblical story did not delight in punishing, but in restoring. God's response to the fall, and then His care for equal human dignity, and care for Israel in a new garden land, all show aspects of that. Now we'll see how a poet with prophetic hope named Isaiah – probably the greatest poet of the Hebrew Bible – engages this theme.

1. In Isaiah, the God of the Bible is interested in the rehabilitation of people, not just punishing them or making them prove themselves. Does that surprise you?
2. In the Norse story, we have an example of a god (or gods) who does not get involved to help human beings very much. Why would there be wisdom in letting human beings prove themselves? Why would there be drawbacks, if you were someone hoping for second chances?
 - a. Wisdom in letting human beings prove themselves
 - i. Prove it to me. I don't just take you back. Prove you've changed or are capable of changing.
 - ii. Meritocracy of trust protects you if you're innocent
 - b. Drawbacks if you were hoping for second chances
 - i. How much sacrifice is enough? Odin suffered for a long time, and almost died! Maybe he did die, sort of. Is that what I have to go through?
 - ii. Why should people trust you now? When you were born, people welcomed you because you had a blank slate. When you come out of prison, you don't have a blank slate.

³⁴ Max Fisher, "A Different Justice: Why Anders Breivik Only Got 21 Years for Killing 77 People," *The Atlantic*, August 24, 2012; and Erwin James, "The Norwegian Prison Where Inmates Are Treated Like People," *The Guardian*, February 24, 2013; and Johnathan Kana, "How Scandinavian Prisons Model a Redemptive Sense of Punishment," *Think Christian blog*, October 8, 2013

³⁵ The Youth Court of New Zealand, <http://www.justice.govt.nz/courts/youth/about-the-youth-court/overview-of-principles-and-process>



3. In the biblical story, how does God get personally involved? If God had said that He was just going to isolate people and forget about them, how would that feel different to you than what He says here?
- STATE: The previous chapter, Isaiah 58, is a famous statement where God called Israel to do justice and not just religious ceremonies. The issues that get brought up there include: housing the homeless; clothing the naked; paying workers fairly and on time; giving them time off to rest on the Sabbath. Here, notice that God sees that He needs to do something more than just give commands. He needs to personally come down and show up.
 - What kinds of injustices are being perpetrated?
 - Violence in the streets (v.3)
 - Bribery and lying in the court (v.4)
 - Transgression and denying God, oppression and revolt (v.13)
 - What elements of this passage suggests that God is retributive?
 - It sounds retributive: 'According to their deeds, so He will repay, Wrath to His adversaries, recompense to His enemies; to the coastlands He will make recompense.' (v.18) That sounds like God is just going to pay people back for what they've done.
 - But wait. He's just said that no one has done justly, and that there was 'no man' and 'no one to intercede' (v.16). If everyone gets what he or she deserves, and no one is on God's side, how does anyone survive?
 - Notice that in v.17, God Himself will come, and be righteousness, salvation, vengeance, and zeal. He will uphold His own standards, and deliver people. He will be truly human, human the way He's always envisioned it.
 - So people *do* get what they deserve: They get God. God gives us Himself. That means He purges out of us the sin and injustice, because that is what we deserve. And that means He gives us Himself, because He is what we deserve. God's wrath is against our sinfulness and injustice. God's love is for us as persons. If people keep resisting God and pursuing injustice, they will become addicted to something that won't be available to them, like an alcoholic who wants alcohol where it's not available.
 - STATE: The apostle Paul, in Romans 11:26 – 27, does NOT use this translation of Isaiah 59:20, which is taken from the Greek translation of the Hebrew Bible – called the Septuagint translation. Instead, Paul bypasses the Greek translation and goes back to the Hebrew original (or what I assume is the original). So he says,

Isaiah 59:20 'The deliverer will come from Zion,
He will remove ungodliness from Jacob,' declares the LORD [quoted by Paul in Romans 11:26]

He does NOT say:

Isaiah 59:20 'A Redeemer will come to Zion,
And to those who turn from transgression in Jacob,' declares the LORD.
 - What's the evidence that God reverses sin and injustice?
 - Verse 20: He removes sin from them! He doesn't just change His mind about punishing them. This is not a legalistic forgiveness. It's about changing them. He will *remove ungodliness* from Jacob, that is, sinfulness from His people.
 - Verse 21: He changes how people speak. The Israelites had lips that spoke falsehood, tongues that muttered wickedness (v.3). They were 'speaking oppression and revolt, conceiving in and uttering from the heart lying words' (v.13) and 'truth has stumbled in the street' (v.14). But God promises that the Spirit that rests on himself (or the Messiah) will be on them, and God's words will be in their mouths (v.21).
 - To see how Jesus fulfilled this, and brought about change, see below.
4. Did God need to be personally involved in order to solve this problem?
- The Bible seems to be talking about human nature here. So can human nature be changed or healed?



- i. If human nature is just the product of evolution, then won't competition, and sometimes ruthless competition, be okay?
 - ii. If human nature is not just physical, but also spiritual, then won't we need a spiritual source of change, too?
 - iii. For more examples of how to talk about human nature from a Christian perspective, see: resources on the New Humanity Institute blog site:
<https://newhumanityinstitute.wordpress.com/sharing-jesus/>
- b. Illus: Dr. Daniel Riesel gave a February, 2013 TED talk called *The Neuroscience of Restorative Justice*, about studying the brains of psychopathic murderers. Dr. Riesel says that the brains of offenders are further damaged especially by solitary confinement, and imprisonment when not accompanied by other humanizing, relational activities:

'It is ironic that our current solution for people with stressed amygdalas is to place them in an environment that actually inhibits any chance of further growth. Of course, imprisonment is a necessary part of the criminal justice system and protecting society... [But] because our brains are capable of change, we need to take responsibility for our actions, and they need to take responsibility for their rehabilitation.'

To reduce reoffending rates, and reimprisonment, Dr. Riesel recommends restorative justice practices:

'One way such rehabilitation might work is through restorative justice programs. Here, victims, if they choose to participate, and perpetrators, meet face to face in safe, structured encounters. The perpetrators is encouraged to take responsibility for their actions. The victim plays an active role in the process. In such a setting, the perpetrator can see, perhaps for the first time, the victim as a real person with thoughts and feelings and a genuine emotional response. This stimulates the amygdala, and may be a more effective rehabilitative practice than simple incarceration. Such programs won't work for everyone. But for many, it could be a way to break the frozen sea within.'

However, we face a challenge in embracing this option: our own thirst for retribution. Riesel says:

'Finally, I believe we need to change our own amygdalas. Because this issue goes to the heart not just of who [a murderer] is, but who we are. We need to change our view of Joe as someone wholly irredeemable. Because if we see [a murderer] as wholly irredeemable, how will see himself as any different?'

Another neuroscientist, Pascal Boyer, also argues that the human brain seems to respond to 'karmic justice' as a principle. That is, men and women seem wired to believe in retributive justice on the cosmic level. Journalist Casey Luskin writes a fairly readable summary of Dr. Boyer's argument:

'Humans are pattern-seekers from birth, with a belief in karma, or cosmic justice, as our default setting.'

Karmic retributive justice! This brain wiring suggests why the most deeply philosophical forms of ancient Hindu and ancient Greek cosmology alike agreed about cycles of karma, reincarnation, and the principle of retribution. That view of the world just makes more sense to us intuitively. It also concurs with the more natural observations of how the world works: in endless cycles and circles.

Another journalist connects this neurological wiring for karmic justice to our taste for literature, both mythic and modern. When people 'get what they deserve' in a story, it touches a certain part of our brains:



'Indeed, it appears that stories exist to establish that there exists a mechanism or a person—cosmic destiny, karma, God, fate, Mother Nature—to make sure the right thing happens to the right person. Without this overarching moral mechanism, narratives become records of unrelated arbitrary events, and lose much of their entertainment value. In contrast, the stories which become universally popular appear to be carefully composed records of cosmic justice at work.

'In manuals for writers (see "Screenplay" by Syd Field, for example) this process is often defined in some detail. Would-be screenwriters are taught that during the build-up of the story, the villain can sin (take unfair advantages) to his or her heart's content without punishment, but the heroic protagonist must be karmically punished for even the slightest deviation from the path of moral rectitude. The hero does eventually win the fight, not by being bigger or stronger, but because of the choices he makes.

'This process is so well-established in narrative creation that the literati have even created a specific category for the minority of tales which fail to follow this pattern. They are known as "bleak" narratives.'³⁶

Consider what (at least some) neuroscience is telling us about ourselves: Restorative justice practices work better than retributive justice practices in reducing criminal behavior. We see that empirically. We also understand why: Our amygdalas produce more healthy brain cells when we are in constructive relationships with others. And yet the 'default setting' (said tentatively) of our brain is karmic retributive justice! At least with some wrong-doers, and people we feel unable to trust, we simply desire to punish them. We isolate them in massive prisons. We put them out of our sight. We stop caring about them. Often, when they get out of prison, we continue to penalize them by denying them voting rights, food stamps, public housing eligibility, many types of employment, and relief from indebtedness. So 'we need to change our own amygdalas,' as Dr. Daniel Reisel says.

5. Why is this important for us in our study of *The New Jim Crow*? Because once we call someone a criminal, it's really easy to forget about them, and dehumanize them. Then we don't think about sharing or showing God's grace to them.
 - a. Currently, federal prisons are 40% overcapacity – does that bother us?
 - b. Jesus believed that the captive and the oppressed are everyone. We are captive in our own bodies to the oppression of sin. Paul said the same thing in Romans 7:25. Our human nature has become corrupted. Jesus came to heal us of that. That's why in the passage right before this one, he went through the temptation experience. He was showing that he was going to be victorious over every temptation. Then he was going to conquer sin by dying and killing the thing in himself that shouldn't be there. Because it shouldn't be in us either. And in his resurrection, he comes back as a healed, new humanity. He shares himself with us by his Spirit.
 - c. If Jesus entered into our deepest captivity and prison, how much more are we called to enter into the captivity and prisons of others, not in the sense of committing a crime or sinning, but to understand and support and be an encouragement?
 - d. Illus: Let me tell you just one story of how Jesus has touched people on the other side of the drug trade. Colombia in South America has long been known for its drug cartels, supplying the U.S. and other countries. Medellin, its second largest city, is the violence capital of Colombia. For a long time, there were '3,000 homicides a year in Medellín alone, by knife, machete, pistol, machine gun, grenade, and bomb.'³⁷ In Medellin stands Bellavista Prison. It is filled with 'terrorists, guerrillas, paramilitaries, bad cops and soldiers, narcotraffickers, common criminals and sicarios (killers for hire).' Once, inmates played soccer with a severed human head. And at one point, there were 60 deaths a month as rival groups fought it out among their cardboard and

³⁶ Nury Vittachi, 'Scientists Discover That Atheists Might Not Exist, and That's Not a Joke,' *Science 2.0*, July 6, 2014; http://www.science20.com/writer_on_the_edge/blog/scientists_discover_that_atheists_might_not_exist_and_thats_not_a_joke-139982

³⁷ Deann Alford, "New Life in a Culture of Death," *Christianity Today*, February 1, 2004



wood cubicles. Then in January of 1990, the prison guards walked off the job to protest the daily violence. A massive riot broke out among the inmates. The Colombian army was called in. 'But days into the standoff, Oscar Osorio, a Bellavista convict who became prison chaplain, gathered a handful of Christian volunteers associated with [a Christian ministry called] Prison Fellowship International. Singing hymns and carrying white flags, Osorio and his volunteers marched in procession through the prison gates.' They weren't sure if they would make it out alive. Entering the prison was like Jesus entering our world, and offering to enter our lives. Osorio found the prison's PA system was still working, so the chaplain preached. He called for repentance. The inmates laid down their weapons. And the riot was over, just like that. Not only that, a huge spiritual revival broke out in Bellavista Prison. Three hundred Christian inmates gathered as prayer partners. Prisoners began surrendering their weapons to Oscar Osorio and his team. But I want to make sure you know more details of the story, because it's not that Oscar and his team just showed up one day. He had been working in the prison for three years – arriving at 8 a.m. and spending the entire day inside with the prisoners. In fact, Christian ministry there went back to 1976. So now, people's lives are being deeply transformed by Jesus. Prisoners now in love with Jesus have even requested transfers to other dangerous prisons in order to go talk about Jesus there. Bellavista Prison now has a pastoral training program and is a missionary sending agency!³⁸ So that team of Colombian Christians demonstrated the love of Christ. Because they were walking with Jesus as he entered into places of darkness, in our world and in our hearts, to set us free from sin so we could be God's people.

6. Application:

- a. We need to think of the church as a community of rehabilitation and restoration.
 - i. 'In his 2000 thesis, *The Significance of Christianity in 'Reforming' Prisoners*, Arthur J. Bolkas reported on his research designed to determine the level of transformation in the lives 45 inmates and 15 former prisoners. Positively, the study concluded the following: Christian prisoners/ex-prisoners believed that being a Christian made a qualitative difference to life in prison, offering essential hope, meaning and purpose in life, a positive outlook, and productive use of time. Christianity provided a different way of life, with new morals, values, and a renewed sense of self that helped overcome guilt and generally enhanced relationships. Belonging to a religious group provided practical and moral/spiritual support, which assisted prison adjustment and personal security. Moreover, Christian inmates had more self-control and tolerance/respect (than they ordinarily would) for authorities and others, resulting in fewer institutional rule violations. (Bolkas, 2000)' However, Christian inmates sometimes are stigmatized by staff and fellow prisoners. And going from prison to release and into a church context can feel like a hard cultural shift.³⁹
- b. We need to advocate for at least the option of restorative justice over retributive justice.
 - i. 'According to Howard Zehr, retributive justice is when "crime is a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules" (Zehr, 1990). On the contrary, restorative justice is when "crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions that promote repair, reconciliation, and reassurance" (Zehr, 1990). Fundamental to restorative justice is holistic healing that involves different facets of human relationships and connections. For John W. De Gruchy, restorative justice implies justice that is "reconciliatory." "Reconciliation," he argues, "is, indeed, an action, praxis and movement before it becomes a theory or dogma... Reconciliation is properly understood as a process in which we become engaged at the heart of the struggle for justice and peace in the world" (De Gruchy,

³⁸ David Miller, *The Lord of Bellavista* (Evangel Publishing House, 1999); Jeannine Bourbon, "God at Work in Colombia," message given at the Heart-Cry for Revival Conference, April 2006

³⁹ George Walters-Sleyon, "Studies on Religion and Recidivism: Roxbury, Dorchester, and Mattapan," *Trotter Review*: Vol.21: Issue 1, Article 4, (July 21, 2013), p.35; http://scholarworks.umb.edu/trotter_review/vol21/iss1/4/



2002). Restorative justice reconciles the offender and the offended in the presence of the community for the healing of all parties.⁴⁰

- c. We need to find meaningful ways of guarding prisoners' rights, and opposing private prisons.
 - i. The Human Rights Defense Center is currently doing a Campaign for Prison Phone Justice. That's a small part of the overall problem, but it's a start. Check <https://www.humanrightsdefensecenter.org/action/>.

⁴⁰ Ibid, p.37 – 38



SESSION SEVEN: CONSIDER DRUG REGULATION VS. CRIMINALIZATION Leader's Notes

Overview

This is a study and action group. We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. She's explained why the war on drugs has resulted in the mass incarceration of black and brown people, especially black men. Even though more drug abusers are white. Why? Because, as we learned in chapters 2 and 3 of her book, the legal system has quickly eroded civil rights protections of the Fourth, Eighth, and Fourteenth Amendments. So we no longer have protection from police searches and seizures in a meaningful sense. Implicit racial bias is legal in policing, prosecution, and sentencing. Reintegration carries tons of hardships. We also looked at some problems with private prisons. During this session, we'll look at the big question: drug regulation vs. criminalization. If you have the time, please read the 2011 Report of the Global Commission on Drug Policy and the full article about Portugal.

Content Questions, Part 1

1. Are Christians surprised that we might advocate for drug de-criminalization?
 - a. It might be because they think that the laws should embody morality. But why then do we de-criminalize alcohol? Alcohol is far more destructive to our bodies as marijuana, if not more so. We regulate it, and strictly, but it's not a criminal issue.
 - b. Drug *dealing* might still be considered a predatory, other-harming activity. Especially among minors, or where children are present.
2. In Scripture, is there a difference between actions that are primarily other-harm and actions that are primarily self-harm?
 - a. What are actions that are primarily other-harm?
 - i. Murder, rape, theft.
 - b. What are actions that are primarily self-harm?
 - i. Suicide
 - ii. Consensual sex outside of God's vision of marriage. Paul says in 1 Corinthians 6:18, 'Every other sin that a man commits is outside the body, but the immoral man sins against his own body.'
 - iii. Intoxication or substance addiction
 - c. Note: It's true that self-harm eventually does harm others, like when a person becomes so addicted that their loved ones suffer. But that depends on whether they have loved ones. It's also true that other-harm involves some form of self-harm, because you can grow accustomed to violence, sear your conscience, and wire your brain in ways that are detrimental. So you can damage your own human nature. But we are talking about what is primary.
3. How does the government factor into other-harm and self-harm?
 - a. To stop or deter other-harm. In Genesis 9:1 – 7, God sanctions some form of principled retribution for human life to deter violence. And in Romans 13:1 – 7, Paul seems to repeat that principle and applies it to the government.
 - b. Self-harm is primarily a health issue. We don't imprison people who attempt suicide. We send them to the hospital. We get help to addicts.
4. Recall from Session 1 how we learned that when black people are drug addicts, white people call them culprits. But when white people are drug addicts, white people call them victims. So we call it an 'opioid crisis' nowadays. And that's good, but we should have done that all along. Empathy and identification with the offender makes the difference between treating an offender with restorative justice or retributive justice.
5. What about the economic issues, like who gets to profit from legalized drugs? Who gets to make them?
6. In November, 2016, Massachusetts (where I live) voted to decriminalize recreational marijuana on a direct ballot vote. Personally, I would have liked to see a provision to prohibit companies from outside of Massachusetts for 2 – 4 years, and another provision to help people who were imprisoned for breaking past marijuana laws to set up marijuana businesses. Give them a head start! It's only fair. If you live in a State that is now decriminalizing marijuana, you might want to lobby for that kind of law.



Content Questions, Part 2

1. Why is it costly to help others out of a broken condition? To bring them 'well-being' and 'healing' (53:5)?
 - a. Because you have to get up close and personal
 - b. Because you have to care enough to feel really disappointed and discouraged if people mess up again
 - c. With physical diseases, you run the risk of catching the disease, if you become a care-giver
 - d. With mental illness, you run the risk of being misunderstood or emotionally taxed
2. According to Isaiah, what is the condition of those who need the help of the Servant?
 - a. Suffering
 - b. Confused, in their perception of themselves and the Servant who came to help
 - c. Lots of boundary crossing, shown by words like 'transgression,' which means 'to cross a line'
 - d. Internally messed up, shown by words like 'iniquity,' which refers to a condition
 - e. Diseased, and in need of healing and well-being (shalom)
 - f. What is this condition? It is the Bible's description of sin. Sin is a disease that infects human beings.
3. If God had said, 'Just overcome it yourself,' how would that feel? How would that be different than God sending this 'Servant' to help?
 - a. The portrait of suffering people here seems pretty dire.
 - b. Many belief systems involve a god who basically says, 'Just overcome it yourself, and I'll judge you at the end.' Is that fair? Is a god who does that morally qualified to be our judge?
 - c. Does it matter which version of v.10 was the original? Well, the second version seems more positive in terms of a portrait of God. And it makes a stronger case for the Servant taking on a 'wound' of some sort, on behalf of those he came to help.
4. Did this happen? Did the Servant actually change anyone's life?
 - a. This is why Christians believe that Jesus was resurrected from the dead, to be a new humanity for us, so he can give us spiritually a new human nature that he shares with us. The apostle Paul said to the Corinthian church, 'If Christ has not been raised, your faith is worthless; you are still in your sins' (1 Cor.15:17).
 - b. Illus: Back in 2002, Denzel Washington was in a movie called John Q. Denzel played John Quincy Archibald, who is the father of a young son, Michael. Michael has a defective heart, and John's health insurance policy will not cover the surgery. So John gets a gun and takes the hospital hostage. His gun is actually empty, but no one knows that except him. Along the way, he actually becomes friends with all his hostages. He even gives advice to some of them. Quite funny. Towards the end, John has his son brought to the operating room. He puts one bullet into the empty gun, revealing to everyone that he had only ever planned to kill himself. He persuades the surgeon to take his heart and put it into his son, Michael's body. Now in the movie, there is a plot twist. At the last minute, a helicopter flies in a woman who had been killed in a car accident. She was a match for Michael, so John doesn't have to kill himself. Michael gets a new heart after all. But in the biblical story, there was no plot twist. In our story, we have a defective heart. Jesus comes into our world, into our humanity, to be our heart transplant donor. He alone could take on the same human nature that has the defect. He resisted the defect throughout his life, never letting it draw him into sin. He killed the defect through his death. He raised up a new human heart in himself in his resurrection. In this life, we are in the process of receiving Jesus' new heart, by his Spirit living in us. When God looks at us, He sees our faults, yes. But He sees our need.
 - c. Illus: Here is what Irenaeus of Lyons said about Jesus. Irenaeus was the first writing theologian outside of the New Testament. He lived 130 – 202 AD. 'Therefore, as I have already said, He caused man (human nature) to cleave to and to become, one with God... For it behooved Him who was to destroy sin, and redeem man under the power of death, that He should Himself be made that very same thing which he was, that is, man; who had been drawn by sin into bondage, but was held by death, so that sin should be destroyed by man, and man should go forth from death. For as by the disobedience of the one man who was originally moulded from virgin soil, the many were made sinners, and forfeited life; so was it necessary that, by the obedience of one man, who was originally born from a virgin, many should be justified and receive salvation... God recapitulated



in Himself the ancient formation of man, that He might kill sin, deprive death of its power, and vivify man; and therefore His works are true.' (Irenaeus, *Against Heresies* 3.18.7)

- d. Christians do believe that Jesus has a positive impact on us.
 - i. It's not that people who follow Jesus become 'perfect' in this life. But we do become more like him. That positive difference stacks up when you put people together.
 - 1. Think of Dr. Martin Luther King, Jr. and Mother Teresa.
 - 2. Christians led non-violent resistance movements all across the 20th century. See my presentation *The Role of Jesus in Revolution and the Pursuit of Justice*, on the NHI website: <http://nagasawafamily.org/article-role-of-jesus-in-revolution-&-pursuit-of-justice-w-ppts.pdf>
 - 3. See Dr. Robert Woodberry, 'The Missionary Roots of Liberal Democracy,' *American Political Science Review*, May 2012; I've put a pdf copy on the NHI website: <http://newhumanityinstitute.org/pdf-articles/article-Robert-Woodberry-MissionaryRootsOfLiberalDemocracy.pdf>
 - ii. But didn't Christians also make big mistakes? Yes, but Christians also point to Jesus as our objective standard. So we know Christians are making mistakes when we become less like Jesus. What are the objective standards for morality for atheists? Others? If you have no objective standards for moral conduct and virtue of character, how can you identify when you make a mistake?
- e. So God is restorative!
- 5. If this passage can be a paradigm, what does it mean to be a 'servant' to others?
 - a. Be involved in their lives
 - b. Create contexts for people to engage with you as they pursue healing and growth: recovery, education, training
 - c. Consider the Jesus story: Jesus stepped out of heaven to earth, wrestled with the human nature he put on, and carried it to cleanse and heal it, for us