

Welcoming the New Kid

Session 4:

Cheering for New Kids: Can We Redirect the School to Prison Pipeline?

Part One: What is the School to Prison Pipeline?

Article 1:

Amanda Ripley, 'How American Outlawed Adolescence' *The Atlantic*, November 2016

One Monday morning last fall, at Spring Valley High School in Columbia, South Carolina, a 16-year-old girl refused to hand over her cellphone to her algebra teacher. After multiple requests, the teacher called an administrator, who eventually summoned a sheriff's deputy who was stationed at the school. The deputy walked over to the girl's desk. "Are you going to come with me," he said, "or am I going to make you?"

Niya Kenny, a student sitting nearby, did not know the name of the girl who was in trouble. That girl was new to class and rarely spoke. But Kenny had heard stories about the deputy, Ben Fields, who also coached football at the school, and she had a feeling he might do something extreme. "Take out your phones," she whispered to the boys sitting next to her, and she did the same. The girl still hadn't moved. While Kenny watched, recording with her iPhone, Fields wrenched the girl's right arm behind her and grabbed her left leg. The girl flailed a fist in his direction. As he tried to wrestle her out of her chair, the desk it was attached to flipped over, slamming the girl backwards. Then he reached for her again, extracting her this time, and hurled her across the classroom floor.

The other kids sat unmoving, hunched over their desks. The teacher and the administrator stood in silence. As Fields crouched over the girl to handcuff her, Kenny tried to hold her phone steady. Her legs were shaking and her heart was hammering in her chest. If this was really happening, she thought, someone needed to know about it—someone, apparently, outside that room. "Put your hands behind your back," Fields ordered the girl, sounding excited, out of breath. "Gimme your hands! Gimme your hands!"

Finally, in an unnaturally high voice, Kenny blurted: "Ain't nobody gonna put this shit on Snapchat?" The administrator tried to quiet her down, saying her name over and over, but she would not be silenced. "What the fuck?" she said, her voice rising further. "What the fuck?" Then she hit the Post button on her phone's Snapchat app.

Videos taken by Kenny and other students ended up online, and the story went viral that night. The girl who was thrown was black, like Kenny, and the footage of her being flung across the classroom by a white police officer inflamed debates about race and law enforcement. Hillary Clinton tweeted that there was "no excuse" for such violence, while the singer Ted Nugent praised Fields for teaching a lesson to "a spoiled, undisciplined brat."

After Fields handcuffed the girl, another deputy arrived to escort her out of the classroom. She would be released to her guardian later that day. Then, according to Kenny, Fields turned to her. "You got so much to say?," Fields asked. "Come on."

Kenny did not speak. She got up and put her hands behind her back.

The next day, the principal called the incident "horrific," and the school-board chair said it represented an "outrageous exception to the culture, conduct, and standards in which we so strongly believe." Richland County Sheriff Leon Lott, who oversees the officers at Spring Valley, said he was sickened by the videos and was investigating his deputy's actions. He added in passing that Niya Kenny had been arrested for "contributing to the chaos." None of the other officials mentioned her name.

Kenny's case did not receive much attention from officials because it was not unusual. Her arrest was based on a law against "disturbing school," a mysterious offense that is routinely levied against South Carolina students. Each year, about 1,200 kids are charged with disturbing school in the state—some for

yelling and shoving, others for cursing. (In fact, the girl who was thrown from her desk was charged with disturbing school too, though the public uproar focused on the use of force.) State law makes it a crime to “disturb in any way or in any place the students or teachers of any school” or “to act in an obnoxious manner.” The charge, which has been filed against kids as young as 7, according to the American Civil Liberties Union, is punishable by up to 90 days in jail or a \$1,000 fine.

At least 22 states and dozens of cities and towns currently outlaw school disturbances in one way or another. South Dakota prohibits “boisterous” behavior at school, while Arkansas bans “annoying conduct.” Florida makes it a crime to “interfere with the lawful administration or functions of any educational institution”—or to “advise” another student to do so. In Maine, merely interrupting a teacher by speaking loudly is a civil offense, punishable by up to a \$500 fine.

In some states, like Washington and Delaware, disturbing-school laws are on the books but used relatively rarely or not at all. In others, they have become a standard classroom-management tool. Last year, disturbing school was the second-most-common accusation leveled against juveniles in South Carolina, after misdemeanor assault. An average of seven kids were charged every day that schools were in session.

Each year in Maryland, Florida, and Kentucky, about 1,000 students face the charge. In North Carolina, the number is closer to 2,000. Nationwide, good data are hard to come by. Some states, like Nevada and Arizona, do not track how many times juveniles are charged with this offense. (In Arizona, a court official would tell me only that the number is somewhere between zero and 5,375 arrests a year.) But figures collected by *The Atlantic* suggest that authorities charge juveniles with some version of disturbing school more than 10,000 times a year. This number does not even include older teenagers who are charged as adults.

Over the years, judges around the country have landed on various definitions of disturbance. In Georgia, a court concluded, a fight qualifies as disturbing school if it attracts student spectators. But a Maryland court found that attracting an audience does not create a disturbance unless normal school activities are delayed or canceled. In Alabama, a court found that a student had disturbed school because his principal had had to meet with him to discuss his behavior; an appeals court overturned the ruling on the grounds that talking with students was part of a principal’s job.

Just this summer in New Mexico, a federal appeals court upheld a school police officer’s decision to arrest and handcuff a 13-year-old who had repeatedly burped in gym class, ruling that “burping, laughing, and leaning into the classroom stopped the flow of student educational activities, thereby injecting disorder into the learning environment.” The decision reads like an *Onion* article, albeit one that goes on for 94 pages.

When teenagers talk back, scream obscenities, or otherwise behave badly, adults must call them out and hold them accountable. That’s how kids learn. In time, most kids outgrow their delinquent ways. Police and policy makers who defend these laws say they make classrooms safer. But the laws have also been used to punish behavior that few reasonable people would consider criminal. Defiance is a typical part of adolescence, so putting teenagers in jail for swearing or refusing to follow an order is akin to arresting a 2-year-old for having a meltdown at the grocery store. It essentially outlaws the human condition. And the vagueness of the laws means they are inevitably applied unevenly, depending on the moods and biases of the adults enforcing them. In South Carolina, black students like Kenny are nearly four times as likely as their white peers to be charged with disturbing school.

[...]

“America generally loves crime and punishment—this idea that punishment somehow corrects behavior, that it teaches kids a lesson,” says Jenny Egan, the Maryland public defender. In reality, the more involvement kids have with the legal system, the worse their behavior gets. Kids who get arrested and appear in court are nearly four times as likely to drop out of high school, Gary Sweeten found. But most people in the chain of decision making—from the state lawmaker to the teacher to the principal to the school police officer to the prosecutor—do not realize how much damage their actions can do, Egan says: “I don’t think a majority of people in the system understand what it does to a child to put him in handcuffs and take him to court—at the very moment when he is trying to figure out who he is in the world.”

Kids facing disturbing-school charges in South Carolina are typically offered punishment outside the court system, such as community service. If they've already taken this option in the past—or if they've been convicted of other charges on top of disturbing school—they can be incarcerated or placed on probation, a layer of surveillance that boosts their chances of getting re-arrested for things as trivial as missing a day of school. In many juvenile cases, judges will make parents a party to the case, meaning that they are legally bound to report a child who comes home after a court-ordered curfew or violates any other probation condition.¹

Article 2:
Department of Extended Learning Time, Afterschool and Services
Out of Harm's Way Final Report: 2009 – 2010
August 19, 2010

'As a society, there are many things that we are still learning about youth violence in our communities. However, there are some things that we know. The report "Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense" (July 7, 2010, Justice Policy Institute) details the following unsettling facts:

- 14 – 34 percent of children have experienced at least one traumatic event;
- As many as 9 in 10 youth in the justice system have experienced a traumatic event, yet few such youth are identified as traumatized, and fewer receive appropriate treatment or placement;
- Children are twice as likely as adults to be victims of serious violent crime and three times as likely to experience simple assault;
- 13.4 percent of female adolescents report having been sexually assaulted;
- 35 – 46 percent of adolescents report witnessing violence;
- Youth of color are more likely to experience violence than their white counterparts (46.1 per 1,000 in the population versus 42.1, respectively).

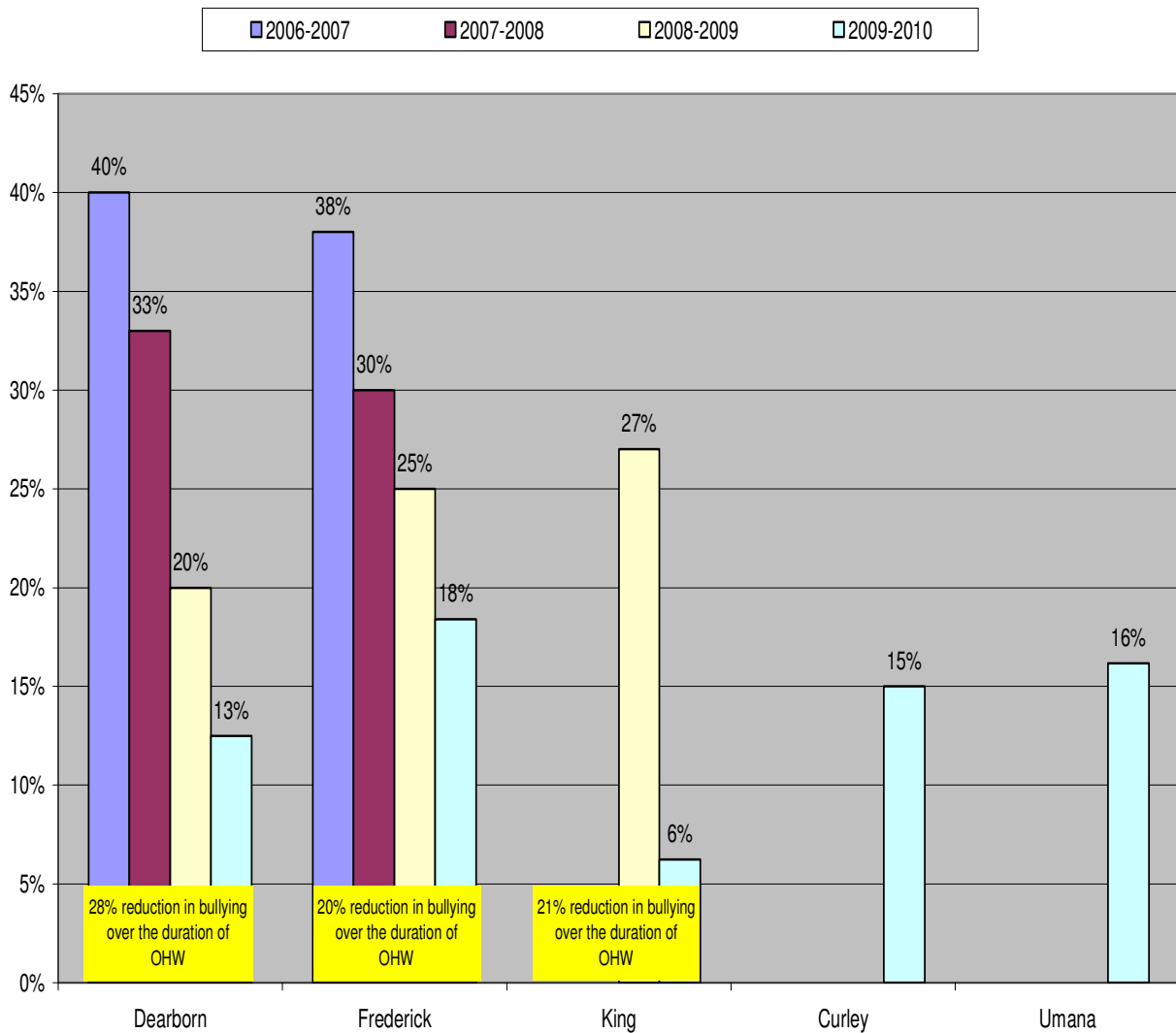


The facts regarding the prevalence and details of youth violence are widely acknowledged, however, the identification of a strategy to comprehensively and systemically reduce violence is a continual subject of debate. In Boston, youth violence and gang activity are on the rise (Boston Indicators Project) and leaders from all sectors of the city are looking for answers. Out of Harm's Way (OHW), an initiative of the United Way of Massachusetts Bay and Merrimac Valley and the Department of Extended Learning Time, Afterschool, and Services (DELTAS) of Boston Public Schools (BPS), has proven to be a potential vehicle to stem the tide of violence in the city.²

¹ Amanda Ripley, 'How America Outlawed Adolescence,' *The Atlantic*, November 2016

² Department of Extended Learning Time, Afterschool and Services, *Executive Summary, Out of Harm's Way Final Report: 2009 – 2010*, August 19, 2010

Percentage of OHW School Students Who Reported Being Bullied (2006-2010)



Note: The DELTAS program started at the Dearborn and Frederick in 2006, then included the King in 2008, and then the Curley and Umana in 2009.

Unfortunately, DELTAS' proposal was not accepted by the Boston Public School District.

Article 3:
Beth Hawkins, 'The Power of Restorative Justice in the Classroom'
***U.S. News & World Report*, April 8, 2016**

'The public charter school is located in the impoverished New Orleans East district, where Hurricane Katrina all but completed devastation wrought by decades of blight. A large number of Sci Academy's students are trauma survivors; many show up for high school years behind.

Despite such formidable challenges, 98 percent are accepted into college before they graduate. To accomplish this feat, Sci Academy's staff have thought long and hard about discipline and culture.



In the fall of 2013 and the spring of 2014, a number of New Orleans schools came under community pressure to find a balance between the high suspension rates and the culture of high expectations. A team of Collegiate staff, including teachers, took on the work of researching positive discipline practices and visiting programs where it was working. They got a grant from a nonprofit dedicated to improving school quality to pilot a homegrown system, as well as assistance from The Micah Project, a faith-based local effort to staunch violence and the incarceration of the city's youth.

Results were dramatic and quick. In 2015, the suspension rate dropped to 12 percent [from 56 percent]. System-wide, GPAs rose from 2.08 to 2.33 and attendance from 87 percent to 92 percent. Most impressive, the GPAs of Sci Academy students suspended at least once rose from 1.64 to 2.14. That's after one year. School systems that have had time to refine the practices suggest greater gains are possible. Denver Public Schools, nationally recognized as a leader in restorative justice, has reduced suspensions by a third since 2010.

The Oakland Unified School District has had restorative justice in some schools for a decade. Absenteeism in middle schools with the programs is down 24 percent, ninth grade reading proficiency has doubled, high school dropout rates are down 56 percent and graduation up 60 percent. Part of the formula is not letting discipline interrupt learning. When a Sci Academy student has disrupted the classroom or had conflict with another student, the first stop is now the Positive Redirection Center, a space always staffed by two adults.

After students fill out a questionnaire with sections labeled, "Own it," "Fix it" and "Learn from it," they get help framing and rehearsing a conversation with the school community member they harmed. When Sci Academy students stay in the center for more than a couple of hours, they continue their work on a bank of computers that classroom teachers keep current. Center staff can administer exams. Nor does a referral to the center mean a student has to sit out sports and other extracurricular activities, like it does in most places.

One student who was a frequent visitor in the fall started the winter quarter with a 4.0 GPA and kept his place on a team roster. "He gets to still feel like he can be the all-star member of the basketball team," says Dukes. "He's not on the outside because he struggles." If the process ended there – and many schools don't go that far with their restorative justice – it wouldn't be nearly as effective, says Cornelius Dukes, Sci's dean of positive redirection. The adult who initiated the redirection has 24 hours to close the loop by seeking the student out and asking what he could do differently.³

³ Beth Hawkins, 'The Power of Restorative Justice in the Classroom,' *U.S. News & World Report*, April 8, 2016

Article 4:
Allan MacRae and Howard Zehr, 'Righting Wrongs the Maori Way'
***Yes! Magazine*, July 8, 2011**

'During the 1980s, New Zealand faced a crisis familiar to other Western nations around the world. Thousands of children, especially members of minority groups, were being removed from their homes and placed in foster care or institutions. The juvenile justice system was overburdened and ineffective. New Zealand's incarceration rate for young people was one of the highest in the world, but its crime rate also remained high. At the same time, New Zealand's punitive approach was also in part a "welfare" model. Although young people were being punished, they were also being rewarded by receiving attention. Yet they were not being required to address the actual harm they had caused.

Especially affected was the minority Maori population, the indigenous people of New Zealand. Maori leaders pointed out that the Western system of justice was a foreign imposition. In their cultural tradition, judges did not mete out punishment. Instead, the whole community was involved in the process, and the intended outcome was repair. Instead of focusing on blame, they wanted to know "why," because they argued that finding the cause of crime is part of resolving it. Instead of punishment ("Let shame be the punishment" is a Maori proverb), they were concerned with healing and problem-solving. The Maori also pointed out that the Western system, which undermined the family and disproportionately incarcerated Maori youth, emerged from a larger pattern of institutional racism. They argued persuasively that cultural identity is based on three primary institutional pillars—law, religion, and education—and when any of these undermines or ignores the values and traditions of the indigenous people, a system of racism is operating.

Maori leaders pointed out that the Western system of justice was a foreign imposition. In their cultural tradition, the whole community was involved in the process. Because of these concerns, in the late 1980s the government initiated a process of listening to communities throughout the country. Through this listening process, the Maori recommended that the resources of the extended family and the community be the source of any effort to address these issues. The FGC [Family Group Conference] process emerged as the central tool to do this in the child protection and youth justice systems.

In 1989 the legislature passed a landmark Act of Parliament. The Children, Young Persons and Their Families Act totally revamped the focus and process of juvenile justice in New Zealand. Although it did not use this terminology until later, the New Zealand legal system became the first in the world to institutionalize a form of restorative justice. Family Group Conferences became the hub of New Zealand's entire juvenile justice system. In New Zealand today, an FGC, not a courtroom, is intended to be the normal site for making such decisions.⁴

Guiding Questions

1. Guiding questions to Article 1: Amanda Ripley, 'How American Outlawed Adolescence,' The Atlantic, November 2016 (these suggested questions are especially designed for youth, but I thought they were relevant to people of any age) :
 - a. What is a zero tolerance policy? Does/did your school have one? Do you think it is an effective way to create a successful school environment? What are the positives and/or negatives of this approach?
 - b. Do you think that harsh punishment for even small infractions is a good way to deter young people from committing more serious crimes? Explain why or why not.
 - c. Do you think that once kids get in trouble with the law they will get in trouble again through adolescence and into adulthood? Explain why or why not.
2. Guiding questions to Article 2: Department of Extended Learning Time, Afterschool and Services, Out of Harm's Way Final Report: 2009 – 2010.

⁴ Allan MacRae and Howard Zehr, 'Righting Wrongs the Maori Way,' *Yes! Magazine*, July 8, 2011

- a. Does seeing violence or being the victim of violence encourage more violence?
 - b. What are other ways kids see violence? What do you think the impact is?
3. Guiding questions to Article 3 and 4: Beth Hawkins, 'The Power of Restorative Justice in the Classroom,' U.S. News & World Report, April 8, 2016 and Allan MacRae and Howard Zehr, 'Righting Wrongs the Maori Way,' Yes! Magazine, July 8, 2011
 - a. What is 'restorative justice' in the classroom setting? How does it play out?
 - b. Why does it seem effective?
4. Compare the costs of both approaches, generally speaking. Who pays what?

Part Two: The Value of Deep, Personal Involvement

Isaiah 59:1 – 21

Hope in the Hebrew Bible

^{59:1} Behold, the LORD'S hand is not so short that it cannot save;
Nor is His ear so dull that it cannot hear.
² But your iniquities have made a separation between you and your God,
And your sins have hidden His face from you so that He does not hear.
³ For your hands are defiled with blood
And your fingers with iniquity;
Your lips have spoken falsehood,
Your tongue mutters wickedness.
⁴ No one sues righteously and no one pleads honestly.
They trust in confusion and speak lies;
They conceive mischief and bring forth iniquity.
⁵ They hatch adders' eggs and weave the spider's web;
He who eats of their eggs dies,
And from that which is crushed a snake breaks forth.
⁶ Their webs will not become clothing,
Nor will they cover themselves with their works;
Their works are works of iniquity,
And an act of violence is in their hands.
⁷ Their feet run to evil,
And they hasten to shed innocent blood;
Their thoughts are thoughts of iniquity,
Devastation and destruction are in their highways.
⁸ They do not know the way of peace,
And there is no justice in their tracks;
They have made their paths crooked,
Whoever treads on them does not know peace.

⁹ Therefore justice is far from us,
And righteousness does not overtake us;
We hope for light, but behold, darkness,
For brightness, but we walk in gloom.
¹⁰ We grope along the wall like blind men,
We grope like those who have no eyes;
We stumble at midday as in the twilight,
Among those who are vigorous we are like dead men.
¹¹ All of us growl like bears,
And moan sadly like doves;
We hope for justice, but there is none,
For salvation, but it is far from us.
¹² For our transgressions are multiplied before You,
And our sins testify against us;
For our transgressions are with us,
And we know our iniquities:
¹³ Transgressing and denying the LORD,
And turning away from our God,
Speaking oppression and revolt,
Conceiving in and uttering from the heart lying words.
¹⁴ Justice is turned back,

Hope in Norse Myth

'The Norse culture, like many ancient ones, wasn't a democracy, but a meritocracy. You had to work for your blessings from Odin; they weren't just handed down freely. In tale after tale, men had to literally and metaphorically bleed themselves in order to attain their aims and transform into warriors — the only type of man who had a chance at accompanying the Allfather to Valhalla.'⁵

⁵ Jeremy Anderberg, 'Viking Mythology: What a Man Can Learn from Odin' (*The Art of Manliness* website, May 28, 2018) summarizing the Norse poems *The Poetic Edda*. Online: <https://www.artofmanliness.com/articles/viking-mythology-odin/>; last accessed May 30, 2018

And righteousness stands far away;
For truth has stumbled in the street,
And uprightness cannot enter.
¹⁵ Yes, truth is lacking;
And he who turns aside from evil makes himself a prey.

Now the LORD saw,
And it was displeasing in His sight that there was no justice.
¹⁶ And He saw that there was no man,
And was astonished that there was no one to intercede;
Then His own arm brought salvation to Him,
And His righteousness upheld Him.
¹⁷ He put on righteousness like a breastplate,
And a helmet of salvation on His head;
And He put on garments of vengeance for clothing
And wrapped Himself with zeal as a mantle.
¹⁸ According to their deeds, so He will repay,
Wrath to His adversaries, recompense to His enemies;
To the coastlands He will make recompense.
¹⁹ So they will fear the name of the LORD from the west
And His glory from the rising of the sun,
For He will come like a rushing stream
Which the wind of the LORD drives.
²⁰ 'A Redeemer will come to Zion,
And to those who turn from transgression in Jacob,'
declares the LORD.
[*He will remove ungodliness from Jacob,*
(the version quoted by Paul in Romans 11:26)]
²¹ 'As for Me, this is My covenant with them,' says the LORD:
'My Spirit which is upon you,
And My words which I have put in your mouth
Shall not depart from your mouth,
Nor from the mouth of your offspring,
Nor from the mouth of your offspring's offspring,'
says the LORD, 'from now and forever.'

Historical and Cultural Background

- *Norse Myth*: The *Poetic Edda* is a collection of poems in Old Norse. The oldest existing copy we have is the Codex Regius, written in the 13th century in Iceland. The leading gods are Odin and Frigga, Thor and Loki, etc.
- *Isaiah*: A poetic preacher who lived around 800 BC, in the Southern Kingdom of Judah (after the nation Israel split into two kingdoms). He is among the 'Hebrew prophets' who put their hope in God to bring about a worldwide change through the Jewish Messiah (final king). The oldest existing copy we have is the Great Isaiah Scroll from among the Dead Sea Scrolls, dating from between 350 BC – 100 BC.
- *The Redeemer*: The title comes from Israel's history of needing a champion from God who would rescue and deliver them out of the hand of a foreign power, so they could live under God's reign. The note at verse 20 reflects a subtle but fascinating difference in ancient manuscripts.

Guiding Questions

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?
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?
4. Did God *need* to be personally involved in order to solve this problem?

Part Three: Action Steps

1. Do a little research on your state or your school district. Is your state more punitive or more restorative when dealing with disciplinary issues in schools?
2. Should cultural competency and implicit bias training be required for professionals in the school systems? Why or why not? Are they required in your school district or state?

Leader's Notes

Part One: What is the School to Prison Pipeline?

1. Guiding questions to Article 1: Amanda Ripley, 'How American Outlawed Adolescence,' *The Atlantic*, November 2016 (these suggested questions are especially designed for youth, but I thought they were relevant to people of any age)⁶:
 - a. What is a zero tolerance policy? Does/did your school have one? Do you think it is an effective way to create a successful school environment? What are the positives and/or negatives of this approach?
 - b. Do you think that harsh punishment for even small infractions is a good way to deter young people from committing more serious crimes? Explain why or why not.
 - c. Do you think that once kids get in trouble with the law they will get in trouble again through adolescence and into adulthood? Explain why or why not.
 - d. Consider Ta-Nehisi Coates' observation:

'I came to see the streets and the schools as arms of the same beast. One enjoyed the official power of the state while the other enjoyed its implicit sanction. But fear and violence were the weaponry of both. Fail in the streets and the crews would catch you slipping and take your body. Fail in the schools and you would be suspended and sent back to those same streets, where they would take your body. And I began to see these two arms in relation - those who failed in the schools justified their destruction in the streets. The society could say, "He should have stayed in school," and then wash its hands of him.

It does not matter that the "intention" of individual educators were noble. Forget about intentions. What any institution, or its agents, "intend" for you is secondary. Our world is physical. Learn to play defense - ignore the head and keep your eyes on the body. Very few Americans will directly proclaim that they are in favor of black people being left to the streets. But a very large number of Americans will do all they can to preserve the Dream. No one directly proclaimed that schools were designed to sanctify failure and destruction. But a great number of educators spoke of "personal responsibility" in a country authored and sustained by a criminal irresponsibility. The point of this language of "intention" and "personal responsibility" is broad exoneration. Mistakes were made. Bodies were broken. People were enslaved. We meant well. We tried our best. "Good intention" is a hall pass through history, a sleeping pill that ensures the Dream.'⁷

2. Guiding questions to Article 2: Department of Extended Learning Time, Afterschool and Services, *Out of Harm's Way Final Report: 2009 – 2010*.
 - a. Does seeing violence or being the victim of violence encourage more violence?
 - b. It's important to recognize that children might be coming to school having observed domestic violence, or being a victim of it. The impact of that is:

'There is substantial evidence indicating that children who witness domestic violence (DV) have psychosocial maladaptation that is associated with demonstrable changes in the anatomic and physiological make up of their central nervous system. Individuals with these changes do not function well in society and present communities with serious medical, sociological, and economic dilemmas.'⁸

⁶ Some of these suggested questions come from PBS Learning Media NY, FRONTLINE: Prison State | School-to-Prison Pipeline: <http://ny.pbslearningmedia.org/resource/fl32-soc-psjuvexperts/prison-state-school-to-prison-pipeline/>

⁷ Ta-Nehisi Coates, *Between the World and Me* (New York, NY: Penguin Random House, 2015), p.33

⁸ Areti Tsavoussis, Stanislaw P. A. Stawicki, Nicoleta Stoicea, and Thomas J. Papadimos, 'Child-Witnessed Domestic Violence and its Adverse Effects on Brain Development: A Call for Societal Self-Examination and Awareness,' *Frontiers in Public Health*, October 10, 2014; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4193214/>

- c. It's also important to recognize that children come to school having watched violence on TV or in video games. The impact of that is:

'The purported effects of media violence have been studied and analyzed for at least 50 years. According to a history of the topic compiled by the Canadian Media Awareness Network, researchers in 1956 asked 12 children to watch a violent cartoon while another dozen viewed a non-violent cartoon. As the kids played together afterward, those who had watched the violent cartoon were considerably more likely to hit other children and break toys.'⁹

Also:

'The Virginia Tech Research Division showed students several non-violent movies, followed by super-violent movies. Results indicated violent films can increase hostile behavior.

The University of Alabama conducted a similar study and obtained similar results. The results also indicated the aggressive behavior didn't occur just after viewing, but remained with the individuals for "quite some time." The study concludes with a caution for parents that immature and/or aggressive children should not have access to violent films.

The Macquarie University Children and Families Research Centre found that children who watch violent movies are more likely to view the world as an unsympathetic, malicious and scary place and that this stimulates aggression. It also suggests children are more likely to exhibit combative behavior while becoming desensitized to violence. Reportedly, the MRI brain scans of children who have viewed film or television violence had a similar look when compared to those who have violently acted out.'¹⁰

- d. STATE: Given the impact of violence on us, even in our brains, I think it's important to explore restorative justice in the classroom.
3. Guiding questions to Article 3 and 4: Beth Hawkins, 'The Power of Restorative Justice in the Classroom,' *U.S. News & World Report*, April 8, 2016 and Allan MacRae and Howard Zehr, 'Righting Wrongs the Maori Way,' *Yes! Magazine*, July 8, 2011
- What is 'restorative justice' in the classroom setting? How does it play out?
 - Why does it seem effective?
 - The authority figures, like teachers and principals, facilitate a conversation and process involving students. They do not view disruption as only an offense to them.
 - The students get a chance to articulate how they are impacted by violence or other disruptive behavior by their fellow students. They are encouraged to own the process, too. It teaches them social skills that will stay with them outside the classroom as well.
 - It may have neurological benefits. According to neuroscientist Daniel Riesen in his TED Talk, 'The Neuroscience of Restorative Justice,' bringing offenders back into relationship encourages them to grow emotionally, by empathizing with their victims. Physiologically, the amygdala, which seems to impact empathy, is stimulated in those encounters.
 - STATE: American culture is individualistic. This seems to be why our first instincts in dealing with offenders of any sort is to restrict their individualism: take away their freedom to move around (incarceration); take away relationship (isolation); etc.

⁹ Tom Jacobs, 'This Is Your Brain on Violence,' *Pacific Standard*, January 4, 2008; <https://psmag.com/this-is-your-brain-on-violence-8f466bce8co8#.hrfa7jwkv>

¹⁰ Dale Archer, 'Violence, the Media, and the Brain,' *Psychology Today*, September 2, 2013; <https://www.psychologytoday.com/blog/reading-between-the-headlines/201309/violence-the-media-and-your-brain>

Restorative justice requires us to think more communally and relationally, because the basic idea is that there is a relationship that we're trying to restore. It's where we *reassert* relationship and insist that we live in a relational fabric. It's intriguing that the Maori people of New Zealand had a process that can be called restorative justice.

Part Two: The Value of Deep, Personal Involvement

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.
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?
 - a. 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.
 - b. What kinds of injustices are being perpetrated?
 - i. Violence in the streets (v.3)
 - ii. Bribery and lying in the court (v.4)
 - iii. Transgression and denying God, oppression and revolt (v.13)
 - c. What elements of this passage suggests that God is retributive?
 - i. 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.
 - ii. 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?
 - iii. 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.
 - iv. 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.

- d. 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.

- e. What's the evidence that God reverses sin and injustice?
- i. 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.
 - ii. 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).
 - iii. 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?
- a. 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. Reisel 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.’¹¹

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 *public education and the opportunity gap*? Because once we call someone undeserving, 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.

¹¹ 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