

CLOSING THOUGHTS

Lesson Plan: Change the Conversation About Justice

Based on the article of the same title⁵⁰⁶ by Rabbi Rachel Mikva, PhD

Goals

- To expand students' thinking about justice by introducing four different kinds of justice
- To use both familiar Bible stories and Biblical legal passages to discuss the four kinds of justice
- To apply all four kinds of justice to discussions about contemporary society

Target Population

- Middle school students through adults

Procedure

1. Start by asking the group what it means for something to be just. Get a few ideas on the table. Probe to see whether there is more than one way to define justice.
2. Use any educational technique you like to get the group on board with the definitions of the four kinds of justice. This may include reading the definitions together and taking clarifying questions, giving each student one of the four and having them teach each other, an introductory lecture, or boiling the group's ideas down to the four types; whatever works for your setting and timeframe. The handout "Goals of Four Types of Justice" is included for your use. Ask for an example from modern life of each type of justice.
3. Put before the group the familiar Bible stories of Joseph, Jonah, and Sodom and Gomorrah. Check for understanding of the details of the story, then ask what types of justice each story highlights. Again, depending on setting and time, this may be done with the whole group or with three smaller groups that report back to the larger group.
4. To move from story to law, place before the group Ex. 23:1-11 and ask them to identify which kind(s) of justice play out in each verse or cluster of verses.
5. Share with students the following definition of justice, the primary definition from Merriam-Webster online: justice is "the process or result of using laws to fairly judge and punish crimes and criminals." Discuss which of the four forms of justice are included in this definition. What seems to be missing? What would they want to change about our justice system so that all four kinds of justice were represented? Have them go back to their original four examples. Are there times when two forms of justice seem to be at odds with each other? In these instances, how do we decide which to favor?

⁵⁰⁶ <http://www.tikkun.org/nextgen/change-the-conversation-about-justice-by-rachel-mikva>

GOALS OF FOUR TYPES OF JUSTICE

Retributive Justice

- Punish someone who has done something wrong.
- Make other people think twice about doing the same wrong.
- Prevent the person from doing other things wrong.

Restorative Justice

- A person who has caused harm to others takes responsibility for it.
- Repair the harm done to someone.
- Rebuild relationships between someone who has done harm and the people harmed.

Procedural Justice

- Ensure an equally fair process for everyone involved, no matter how rich or poor, powerful or unimportant they are.
- As long as the process is trustworthy, it matters less what the end result is.

Distributive Justice

- Provide for the diverse needs of everyone in a society by distributing resources fairly.

Exodus Chapter 23

¹ You must not carry false rumors; you shall not join hands with the guilty to act as a malicious witness:
² You shall neither side with the mighty to do wrong — you shall not give perverse testimony in a dispute so as to pervert it in favor of the mighty — ³ nor shall you show deference to a poor man in his dispute.

⁴ When you encounter your enemy's ox or ass wandering, you must take it back to him. ⁵ When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless raise it with him.

⁶ You shall not subvert the rights of your needy in their disputes.

⁷ Keep far from a false charge; do not bring death on those who are innocent and in the right, for I will not acquit the wrongdoer. ⁸ Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right.

⁹ You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

¹⁰ Six years you shall sow your land and gather in its yield; ¹¹ but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves.

(א) לֹא תִשָּׂא שְׂמֵעַ שׁוֹא אֶל־תִּשֶׁת יָדְךָ
עַם־רָשָׁע לְהִיֵּת עַד חֶמְסִים: (ב) לֹא־תִהְיֶה
אֲחֵרֵי־רַבִּים לָרַעַת וְלֹא־תִעָנֶה עַל־רַב
לְנֹטֵת אֲחֵרֵי רַבִּים לְהִטֹּת: (ג) וְדַל לֹא
תִהְדָּר בְּרִיבוֹ:

(ד) כִּי תִפְגַּע שׁוֹר אֲבִיךָ אוֹ חֲמֹרוֹ תֵּעָה
הַשֵּׁב תְּשִׁיבֵנּוּ לוֹ: (ה) כִּי־תִרְאֶה חֲמֹר
שׁוֹנֵאֵךְ רֹבֵץ תַּחַת מְשָׁאוֹ וְחִדַּלְתָּ מֵעֹזֵב לוֹ
עֹזֵב תֵּעֲזֹב עִמּוֹ:

(ו) לֹא תִטֹּה מִשְׁפַּט אֲבִינֶךָ בְּרִיבוֹ:

(ז) מִדְּבַר־שֶׁקֶר תִּרְחַק וְנָקִי וְצַדִּיק
אֶל־תִּהְרַג כִּי לֹא־אֶצְדִּיק רָשָׁע: (ח)
וְשָׁחַד לֹא תִקַּח כִּי הַשָּׁחַד יַעֲוֶר
פְּקֻחִים וְיִסְלַף דְּבַר־יְצִדִיקִים:

(ט) וְגַר לֹא תִלְחָץ וְאַתֶּם יַדְעֶתֶם
אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים הֵייתֶם בְּאֶרֶץ
מִצְרַיִם:

(י) וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת־אֲרָצְךָ
וְאַסַּפְתָּ אֶת־תְּבוּאָתָהּ: (יא) וְהַשְּׁבִיעַת
תִּשְׁמַטְנָה וְנִטְשָׁתָה וְאָכְלוּ אֲבִינֵי עַמְּךָ
וַיִּתְרֶם תֹּאכַל חֵיֶת הַשָּׂדֶה כַּוְרֵתֵעֶשֶׂה
לְכַרְמֶךָ לְזִיתֶךָ:

Exodus Chapter 23 Facilitator's Guide

Ret = Retributive Res = Restorative P = Procedural D = Distributive

P ¹ You must not carry false rumors; you shall not join hands with the guilty to act as a malicious witness: ² You shall neither side with the mighty to do wrong — you shall not give perverse testimony in a dispute so as to pervert it in favor of the mighty — ³ nor shall you show deference to a poor man in his dispute.

(א) לא תשא שמע שוא אל־תשת ידך עִס־רָשָׁע לְהִית עַד חָמָס: (ב) לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לָרַעַת וְלֹא־תַעֲנֶה עַל־רַב לְנִטְת אַחֲרֵי רַבִּים לְהִטָּת: (ג) וְדַל לֹא תִהְדָּר בְּרִיבוֹ:

P/Res ⁴ When you encounter your enemy's ox or ass wandering, you must take it back to him. ⁵ When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless raise it with him.

(ד) כִּי תִפְגַּע שׂוֹר אִיבְךָ אוֹ חֲמֹרוֹ תֵּעָה הַשֶּׁב תְּשִׁיבֵנּוּ לוֹ: (ה) כִּי־תִרְאֶה חֲמֹר שֶׁנֶּאֱדָר רֹבֵץ תַּחַת מִשְׂאוֹ וְחִדְלָתָ מֵעֹזֵב לוֹ עֹזֵב תַּעֲזֹב עִמּוֹ:

P ⁶ You shall not subvert the rights of your needy in their disputes.

(ו) לֹא תִטֶּה מִשְׁפַּט אֶבְיָנָךְ בְּרִיבוֹ:

Ret ⁷ Keep far from a false charge; do not bring death on those who are innocent and in the right, for I will not acquit the wrongdoer. ⁸ Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right.

(ז) מִדְּבַר־שֶׁקֶר תִּרְחַק וְנָקִי וְצַדִּיק אֶל־תִּהְרַג כִּי לֹא־אֲצַדִּיק רָשָׁע: (ח) וְשֹׁחַד לֹא תִקַּח כִּי הַשֹּׁחַד יְעוֹר פְּקָחִים וְיִסְלַף דְּבָרֵי צַדִּיקִים:

P/Res ⁹ You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

(ט) וְגֵר לֹא תִלְחָץ וְאַתֶּם יָדַעְתֶּם אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם:

D ¹⁰ Six years you shall sow your land and gather in its yield; ¹¹ but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves.

(י) וְשֵׁשׁ שָׁנִים תִּזְרַע אֶת־אֲרָצְךָ וְאַסְפָּתָ אֶת־תְּבוּאָתָהּ: (יא) וְהַשְּׁבִיעֵת תִּשְׁמְטָנָה וְנִשְׁשָׂתָה וְאָכְלוּ אֶבְיָנֵי עַמְךָ וְיִתְרָם תֹּאכְלוּ חֵיט הַשָּׂדֶה כְּכֹתֵעַשָׂה לְכַרְמְךָ לְזֵיתֶךָ:

Notes

- Verses 4 and 9 are not perfect examples of restorative justice, which would focus more on making the injured party whole by enabling the guilty party to take responsibility. They could be considered restorative insofar as they are geared towards repairing relationships—between you and your enemy in verse 4, between you and the stranger in verse 9.
- Verse 7 seems to be retributive justice in the context of procedural justice. In order to make sure that no one is prosecuted falsely (procedural), a harsh penalty (retributive) is placed on someone who levies a false charge.