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## **Ancient Law Codes to School Discipline: Is it Justice for All?**

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“That the strong might not oppress the weak.”<sup>1</sup>

### **Introduction**

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The biggest issue that I have with my current Social Studies curriculum is relating the significance of ancient history to today. The gap that I would like to bridge is to connect what we are learning about the early forms of law codes to our current school discipline system. Students will connect their understandings of how the beginning ideas of justice were first developed in civilizations to how justice is, or is not, served in schools. I would like to add a Social Justice layer into this unit by having students decide what causes students to misbehave at school and how we handle discipline in schools. My unit will show students how discipline in schools can potentially lead to the school-to-prison-pipeline and what this does for our larger community. My ultimate goal is to have students not only understand the significance of the law codes and serving justice, but also find ways to answer the essential question, what is justice and is it represented equally for everyone? As part of the standards, my students will use their historical interpretation skills that asks them to, “understand and distinguish cause, effect, sequence, and correlation in historical events, including the long-and short-term casual relationships”, as well as, “explaining the sources of historical continuity and how the combination of ideas and events explains the emergence of new patterns.” They will critically analyze the positive and negative outcomes of discipline at their school.

### **Demographics**

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Castillero Middle School in San Jose, California, offers a unique experience for the 6<sup>th</sup> -8<sup>th</sup> grade students. Students have the choice of learning or mastering an elective in band, choir, orchestra, drama, and even digital photography. This opportunity is open to students both in the direct neighborhood, and those that

travel a longer way by bus. As a result, we serve a diverse population at Castillero that includes a majority Hispanic or Latino (33.6%) and White (38.6%), Asian (16%), two or more races (5.7%), Filipino (2.3%), African American (2.1%), and American Indian or Alaska Native (0.2%).<sup>2</sup> Of those students, (33%) are qualified as low socioeconomic and (12%) are English Learners.<sup>3</sup> There is a disparity among the data represented in the demographics for discipline. The 2016-2017 data of the rate of suspensions among students by race is Hispanic or Latino (58%), White (26.1%), two or more races (4.3%), Asian (8.7%), Filipino (2.9%), and African American (0.0%). Last year, one of our school wide goals was to improve the test scores in Language Arts and Math, particularly for the sub groups that include English Learners. If this is our goal, we need to start questioning why students, especially Hispanic and Latino, are being suspended at a much higher rate than their population represents. This was one of the main inspirations for me to create this unit. I feel that this unit will not only deepen the understanding of the Social Studies content, but also challenge students to critically analyze our school wide discipline system, explore why students misbehave, and hopefully alleviate the rate of suspensions and discipline issues through restorative justice.

## Content Objectives

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### The Law Code of Ancient Mesopotamia

Hammurabi's Law Code was a set of laws that was established for one of the world's first largest empires in Ancient Mesopotamia, or current day Iraq. King Hammurabi was able to conquer the independent city-states and felt that the gods appointed him king to implement, "justice to prevail the land, to destroy the wicked and the evil, that the strong might not oppress the weak."<sup>4</sup> To maintain control over his vast empire and serve as a just ruler, Hammurabi created one of the earliest sets of law codes. This is where we get our famous, "an eye for an eye, a tooth for a tooth" saying. This code was unique because it was the first code that was created based on the idea that a person is innocent until proven guilty. During this time in Mesopotamia, social justice is defined as, "any aspect of crime or punishment, for anyone who is considered 'wronged' in any circumstance."<sup>5</sup> The code had different outcomes based on your social class. It also protected those who had a lower status in society, such as women who were abused by their husbands.

### Origins

In 6<sup>th</sup> grade, we are exploring how and why civilizations rise and fall. The significance of the law codes originates from events in history preceding King Hammurabi. In 4000 B.C.E in Mesopotamia, humans settled in one area and people developed independent city-states. This was a critical part in human history. Before, humans were nomadic and constantly on the move to hunt and gather their food. Farming significantly changed how humans lived and developed. Now, people could stay in one place. As a result, populations grew and the first civilizations formed. The people who lived there sustained their own economy in independent city-states by growing crops. Each city-state had their own government and could consist of a population anywhere from 5,000-20,000 people. Archaeologists believe that some city-states may have had their own walls for protection.<sup>6</sup> City-states also had their own ruler who ruled with divine order. The rulers gained their power from the gods, and used this as the premise for the beginnings of justice.

Each person had their own role in society, and the laws protected them. The initial law codes were established in response to complaints from the people. They were focused on, "first, oppression by royal officials, and

second, natural disasters demanding repair of the infrastructure (canals, buildings) and/or remission of agricultural taxes.”<sup>7</sup> The kings were not seen as gods, but ruled with the divine. Their role was never questioned and the king claimed that he was ordained by the gods, Anu and Enlil, to establish, ‘justice within the land’ and, ‘stop the mighty exploiting the weak.’<sup>8</sup> The kings wanted the people to be protected and established this through the laws.

In the early developments of civilizations, the Sumerians were the first to invent a writing system in 3200 B.C.E. called, cuneiform. Cuneiform contained 1,200 characters. These characters represented, “names, physical objects, and numbers.”<sup>9</sup> The system of writing was used to record poems, hymns, letters, and law collections.<sup>10</sup> Although only scribes, typically wealthy men, could read and write, the public would orally share these writings and had open access to all of them. Archaeologists have discovered clay tablets that recorded each court case and decision using the law codes. Rulers “issued decrees on all sorts of problems, specific or general, and by the late third millennium B.C.E., these decrees were being gathered together into ‘law-codes’.”<sup>11</sup> We fortunately have records of these early codes because they were inscribed onto clay tablets in cuneiform. Social justice was included in the preamble of these codes, and it was an important part of civilizations as they were thriving in the city-states and learning to live in one area of growing populations. The first idea of justice during this time, is defined as

The concept of “social justice” in Mesopotamia can refer broadly to any aspect of crime or punishment, for anyone who is considered “wronged” in any circumstance. Justice does not only apply to the poor or marginalized, although these groups (often represented by vulnerable individuals such as widows and orphans) are often highlighted as most susceptible to abuse and therefore most in need of protection; even the worst of criminals were offered protection in various circumstances.<sup>12</sup>

Later, in 1792 B.C.E., Hammurabi would replicate this law code, especially after conflict erupted in his new unified empire from the once independent city-states.

### **The Law Codes in Practice**

During this time, the family unit was an important part of civilization. As people now lived in one empire, rather than the city-states, they still respected the idea of the family. The king gained his respect from establishing the role as the father. The people typically treated each other with equal respect and the laws were created from case by case decisions of confrontations where people felt that they had been treated unjustly. Relationships in society were an important part of daily life and were a driving force in creating the law codes.<sup>13</sup> The earliest codes were used specifically for regulating prices, remitting debts and unpaid taxes, suppressing crime and violence, answering complaints, and protecting defenseless.<sup>14</sup> Most of the complaints from the people that prompted cases to determine the laws came after oppression by royal officials and natural disasters. On a typical day, the king would hear appeals from citizens and decide on their compensation or send it to the courts. The king’s main role was to act as a mediator and either send his officials to take action, or restrain someone from abusing their power. Later, with the use of a post system, the king could address more issues from all different areas of the empire.<sup>15</sup>

### **Significance of the Law Code**

The significance of the code was to protect the citizens from people abusing their power. Citizens, even those who were enslaved for labor, had the right to question or voice their complaints to the king when they felt that they were being treated unfairly. Hammurabi describes the significance of his code in his epilogue:

I have written these very special words of mine on this stone;  
I have set them together with the image of me, the king of justice....  
so that disputes may be settled in the land,  
so that decisions may be made in the land,  
so that the oppressed may be treated properly....  
Let any man oppressed, anyone who has a complaint,  
come before this statue of the king of justice  
and let him have the message on the stone read aloud,  
and let him listen to the treasured words I have written,  
and may my stela resolve his complaint....  
let this stela explain to him the customs and traditions,  
the social problems I encountered  
and the decisions I have taken for the community.<sup>16</sup>

The king felt that this type of system would maintain order among the civilization, especially the larger empire. Hammurabi wanted his law code to protect the people and stability in his empire. The law code did in fact maintain order and justice among the people in Mesopotamia. It also led to the more important premise of developing a civilization. The law codes helped the kings develop,

an extensive system of public works involving irrigation systems, road networks, temples, and public buildings, and an administrative system involving supervision of trade and prices, regulation of taxation, enactment of rituals, provision of laws and courts, and attention to the needs and complaints of their subjects.<sup>17</sup>

As civilization was in its early development, it was clear that some sort of system that regulated and held people accountable was important in maintaining multiple areas of society, especially those that pertained to people's social status and economic needs. Hammurabi's laws were transparent and everyone had access to the rules. It was also comprehensive, and everybody was protected under the laws. This meant that the laws were fair because they protected everyone, but the consequences depended on your social status. This was one of the main weaknesses in Hammurabi's Code. Not everybody was protected equally when they had to serve justice.

### **Criticisms**

Though there were benefits to the law codes, there were also criticisms from the citizens, especially those of a

lower social status. The poor did have direct access to the king to voice their complaints, but their social mobility generally stayed the same. In other words, you were to likely remain a slave your whole life, but you were protected by the law, often in a lesser way than those of a higher social status. For example, this law of the eye for an eye concept is not equally dispersed among the people of a lower status:

“196. If a man put out the eye of another man, his eye shall be put out. [ An eye for an eye ]

197. If he break another man's bone, his bone shall be broken.

198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina.

199. If he put out the eye of a man's slave, or break the bone of a man's slave, he shall pay one-half of its value.”<sup>18</sup>

The people who were considered slaves at this time were the people who were captured from other areas to build the empire. They still contributed to the work in society and had certain rights, but they were not equal to everyone in the civilization.

### **Improvements**

The law code could have been improved to enforce equal punishment and reimbursement to all people in society. The law code protected all citizens, but did not protect them all equally. Hammurabi carved each law onto a large stele, or a large, 7' 4" tall stone slab that was on display for everyone to see. Anyone could inquire or access the law codes at any time. All members of society had the right to appeal to the king directly, but he ultimately had the final decision that was enforced by divine rule from the gods. We do not have as much research about people that spoke out against the laws, especially if they felt it was unjust. We do have written court cases and decisions that were decided from the jury. It is possible that there were more people who spoke against the laws, but did not see it to a final court hearing. In the end, the king declared the final remedies to restore justice and recorded the decisions in the law code in hope that it would maintain order and justice for everyone in society.

## **Rationale**

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The unit that I will create for the seminar, “Race, Class, and Punishment,” will connect the first sets of law codes in Ancient Mesopotamia to how we create laws, or rules to determine justice in our school. The enduring understanding that I want my students to gain from this unit is to look at what the significance of the law codes were in Ancient Mesopotamia, compared to the significance of our rules in our school. Hammurabi believed that justice should be served so that, “the strong might not oppress the weak.” However, he truly believed that justice should be served to protect each part of the daily lives of the citizens. The premise of the laws was to create justice for citizens, especially those that had already come from their own independent city-states with independent government systems.

### **School Discipline System**

Students can connect this idea to what they are familiar with, which are rules at their own school. My students

are 6<sup>th</sup> graders, which is the first grade of middle school. This is a new school with a new system and set of rules. They all come from a variety of elementary schools, similar to the independent city-states in Mesopotamia. A big emphasis is placed on learning the rules, or Cobra Courtesies as we call them, at the beginning of the year. The Cobra Courtesies are based off of the Positive Behavior Interventions and Support (PBIS) discipline system, which are a school and district, wide initiative strategy for behavior. The Cobra Courtesies are unique to our school, and are a model for positive discipline that is practiced all throughout our district, the state of California, and other parts of the world. This unit is taught at the beginning of the year. I will use this as an opportunity to have students involved in the discipline system for our classroom, and hopefully for the larger school wide discipline system. I want them to critically analyze the Cobra Courtesies and the purpose that they serve for our developing a community in our school. We will also include previous data to look at the successes and areas of improvement for our school community.

### **Positive Behavior Interventions and Support (PBIS)**

The goal of a PBIS system is to create a positive way to address behavior issues for the school, including all areas. At our school, the three outcomes that we expect of the students are be responsible, be respectful, and engage in learning. PBIS is displayed on a matrix and students are expected to adhere to this framework in the learning environment, hallways & commons, locker rooms, bathroom, bus, and assemblies & evacuation drills. Our mission statement reads, "In order to provide the highest degree of educational opportunities, the Castillero PBIS Team works to foster a positive and safe learning environment; we strive to increase happiness, healthiness, and productivity of our community while maintaining transparent and consistent behavioral expectations through explicit instruction on how to be respectful global citizens."<sup>19</sup> The best strategy to implement this type of system is to post the rules in all areas of the school, define the terms and how it applies to each area, and teach through engaging lessons of how to behave using the Cobra Courtesies. The main idea of this system is to provide incentives, rather than just issue punishments. By providing incentives, the hope is that we will not have to implement other measures to punish bad behavior. We can prevent this before it happens.

### **PBIS in Practice**

At the beginning of the year we are asked to teach lesson plans on what the Cobra Courtesies are and what they look like in our school. The students who already had PBIS in their elementary schools might have had slight variations that are different than what they have at their new school. It is imperative that we teach these lessons at the very start of the school year, and typically after we come back from a long break. However, my rationale for this unit is that in order for the practice and ideas to solidify in students' everyday lives at school, we need to constantly revisit them in a variety of ways. Hammurabi went through the same kind of process. He posted the laws on the stele for all citizens to see and he explained the laws and applied them to all areas of daily life. They would also have assemblies and events where people would orally share the laws for those that could not read. I am hoping that students can be part of the rules of school to create a climate that they can take ownership of their actions, by taking ownership of the system of rules in their new school environment.

### **Significance of Positive School Discipline**

The purpose of this unit is to have students think about why they misbehave and what justice means to them. This is the rationale for developing a system of rules in a school or community, just as they saw in Mesopotamia. I would like this to be an opportunity for students to think about the significance of school

discipline and what our school would be like without it. The shift towards a positive school discipline system is imperative for middle school. This is a crucial time for students who are learning about themselves. They will make mistakes and they will need to learn from them. If we continue to work with a system that allows for this area of growth, it will prevent students from being left out of the classrooms. Studies show that expulsion and suspension can have profoundly negative impacts on students, including an increase in behavioral problems. There is a higher risk of violence and substance abuse, and an even greater likelihood of academic failure.<sup>20</sup> If we can prevent students from getting suspended and expelled before it happens through positive and restorative measures, we can teach students how to maintain a positive school community.

## Criticisms

From our data, we can see that while the PBIS system has its benefits, we are still seeing constant behavior problems, and a shocking statistic that our Hispanic and Latino students are having more issues with discipline than the other races in the school:

### 2016-2017 Demographics Data

White (38.6%)

Hispanic or Latino (33.6%)

Asian (16%)

Two or more races (5.7%)

Filipino (2.3%)

African American (2.1%)

American Indian or Alaska Native (0.2%)

### 2016-2017 Suspension Data by Race

Hispanic or Latino (58%)

White (26.1%)

Two or more races (4.3%)

Asian (8.7%)

Filipino (2.9%)

African American (0.0%)<sup>21</sup>

If our goal is to improve the test scores and supports for our Hispanic and Latino students, especially those classified as English Learners, then we need to critically analyze this data and ask why this is happening. Why are they being suspended at such a higher rate? If our reward and punishment system is based off of the

Cobra Courtesies, then we need to reevaluate who benefits and who suffers from this type of system. I want my students to critically analyze this system and take ownership of how it affects our school, and ultimately themselves as individuals.

Last year, we had many referrals to the office and teachers, and administrators, were at a loss for how to deal with the overflow on a daily basis. However, there are serious implications in the long run that we may not be able to see right away from our discipline system, especially for our students of color. For example, in our school, discipline typically follows a process where a student breaks a rule, the teacher writes a referral, and the administration decides what the consequences will be. This can include trash duty at lunch, Saturday School, suspension, or in extreme cases expulsion. When attending meetings for the PBIS committee, we could see which grades had higher referral rates, and at what time or location these issues were occurring the most. However, I challenge my school, and all schools, to look at *who* this affects the most in our schools. Which students are referred to the office or suspended the most and why? I believe that part of this teaching unit not only brings awareness to the staff, but also for the students to ask the same grappling questions. Why are certain students disciplined at a higher rate than others?

### **The School-to-Prison-Pipeline**

The larger unintended consequences of a school discipline system are that they can lead to the school-to-prison-pipeline. From research, we know that, “beginning in the 1990s, schools across the United States began to change how they conceptualize, detect, and respond to student misbehavior in significant ways; collectively, these changes are often known as the school-to-prison-pipeline.”<sup>22</sup> The students that face the most pressure and are at-risk include students with disabilities, students of color, English Language Learners, undocumented students, and students who are homeless or in foster care. The school-to-prison-pipeline in the schools can occur, “through inadequate resources in public schools, discrimination, a failure to provide required services for students with special needs, draconian discipline policies, substandard alternative schools, and overzealous policing of school hallways.”<sup>23</sup> We know that, “Zero tolerance policies that mandate suspension or expulsion for a wide range of disciplinary violations, said Zweifler, are ‘sweeping uncounted numbers of our most vulnerable and needy children into the streets, and there they remain, uneducated, unserved, and unsupervised.’”<sup>24</sup> In orders to dismantle the school-to-prison-pipeline we can start by making improvements based off of data that these policies are not working. We now know that students, especially marginalized students, need more support and tools to send them on a path to possibilities.

### **Improvements**

We as schools can make a difference in dismantling the initial stages of the school-to-prison-pipeline, especially through how we implement our school discipline system. PBIS is a step in the right direction, if implemented in the way that it was intended. We should teach students the proper behavior in all areas of school. However, as another aspect of this unit, I also challenge us as teachers and administrators to follow through with restorative practices when having to deal with a behavior issue before it leads to a suspension or expulsion. A combination of a positive behavior system and restorative practices can help alleviate the suspension rates, especially for students of color. Ultimately, we want our students to be in school, to be in our classrooms, and to receive the highest quality of education that we can provide. This type of system can eliminate students who are sent out of class for entire class periods at a time, sometimes the entire day if also in other classes in addition to your own. It can especially remove the disparity among students who are suspended at a higher rate that is not representative of their population in the school.



This is where I hope to bridge the gap from what we are learning in our curriculum, to something that affects their everyday lives. The more that I can make these connections, the more students will understand the content, and the significance of the Hammurabi Codes from the standards. More importantly, I want them to learn the skill of historical interpretation. The California Standards wants students to “understand and distinguish cause, effect, sequence, and correlation in historical events, including the long-and short-term casual relationships”, as well as, “explaining the sources of historical continuity and how the combination of ideas and events explains the emergence of new patterns.”<sup>25</sup> This is where I want students to bridge their understanding of how justice was served in Mesopotamia and the significance of the law codes, to how justice is served in our school and the significance of our Cobra Courtesies, especially for preventing behavior issues. We often just teach students information and tell them what rules they should follow, but just as Hammurabi did, I believe that we should include student input when either developing, or implementing the Cobra Courtesies. Hammurabi listened to the people of Mesopotamia to establish his law code. Most of the time it was because people felt that they were being treated in an unjust way. If we give students the platform to advocate for themselves we can hopefully understand why students of color are disciplined at a higher rate than the other students in the school.

### **Restorative Justice**

Restorative justice is a way to have students involved in the discipline system in school. One solution, and prevention of the school-to-prison-pipeline is to implement restorative justice. Typically this is after an incident occurs, but if the PBIS system in place is used correctly it should prevent them from occurring. Nonetheless, restorative justice can be used after a behavior incident, and will hopefully prevent and alleviate issues from happening in the future.

In the past, restorative justice has been a response to alleviating zero tolerance policies that unjustly push students out of school and into the school-to-prison-pipeline. If we were to implement restorative justice practices into our schools and eliminate zero tolerance policies, students benefit by simply just being in school. Restorative justice practices not only addresses the issue at hand, but also prevents issues from occurring in the future because students are more equipped with the practices and tools to help them understand why they are making bad choices and what the consequences will be. As educators we must remember that our students are adolescents and are still learning. Students that are at-risk and who have experienced trauma in their lives need restorative practices to heal. Studies show that stress from trauma can affect the prefrontal cortex, which helps regulate emotional and cognitive activities. If the message that they receive from school is that they do not belong because they are pushed out, then we can cause even more detriment to their brain development. Fortunately, we know that interventions are beneficial, even after a student has experienced trauma. With the right interventions, the prefrontal cortex stays flexible, even in adolescence to adulthood.<sup>26</sup> Students in our class who grow up in stressful environments have more of a difficult time concentrating, sitting still, following directions, and recovering from disappointments.<sup>27</sup> It is difficult for some of our students to even come to school, let alone perform the necessary tasks to learn. By implementing restorative justice circles, it also gives students an outlet to learn how to express and manage their emotions. Restorative justice can bring “persons harmed by crime and the person who harmed them, along with affected family and community members, together in a dialogue that aims to build understanding, explore how the crime has impacted those involved, including the community, and develop agreements for what will be done to make things right.”<sup>28</sup> Essentially it is a way to hear multiple perspectives on an issue, especially if it is unresolved.

Currently, some of the ways in which we discipline students, is directly modeled from the criminal justice

system. We focus on punishing those that do something wrong and enforce behaviors that are safe and non-disruptive. When this does not work, “misbehaving students may be excluded through suspension or expulsion, with possibly serious long-term harmful consequences to them and society. There is little or no opportunity for social and emotional learning.”<sup>29</sup> With this unit, students can explore ways in which they can use resources, staff, and their peers to help alleviate some of the reasons why they misbehave.

Restorative justice circles can be practiced in the classroom with all students so that they can become more familiar with them. There are specific elements that should be included when conducting a restorative justice circle. There should be a ceremony that marks the beginning and end of the circle. There should also be guidelines that are promises that each person makes with each other on how they will behave in the circle. Next, there should be a talking piece in order to have one voice at a time. You will also need a keeper to facilitate and find solutions for the group. Finally, there should be consensus decision-making where all participants agree on the decision.<sup>30</sup>

This can be connected back to Hammurabi and how justice was served. The elements that are included in a restorative justice circle (ceremony, guidelines, talking piece, keeper, and a consensus decision), determine how justice is served as a community. Hammurabi intended for his codes to be just for everyone, yet their consequences differed depending on their social status. School discipline and a positive behavior system should be just for everyone, yet we see from data at a local and national level that students of color are disproportionately suffering more consequences for their actions. If we can work through a positive system that includes students and the community, then we can dismantle the school-to-prison-pipeline beginning with our schools.

## Teaching Strategies

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### Essential Question and Hook

Our Social Studies Framework requires that we teach each unit with an essential question. My essential question for this unit is, what is justice and is it equal for everyone? The learning goals that I have for my students are to analyze a primary source, describe the significant of the law codes, and create solutions for restorative justice in our school. I will begin the unit with a hook to create a universal experience that we can refer back to during the unit. The students sit in eight tables of four. I will have each table be an independent city-state. Each of them will have a role, just as members of society did in Mesopotamia. One person will be the king, a government official, a farmer, and a slave. This can be a random distribution. I will explain to the students that right now, although they are close to one another, they are living in independent city-states. They have their own king, their own government, and source of economy. Next, I will have them all push their tables together. This will cause some chaos and commotion because there may not be enough room to put all of the chairs. The slaves must first give their chairs to the kings, and the government officials. Next, I will tell them that their city-states have just been united into one empire. I will ask the students to look around and describe what they see. There may not be enough room for everyone, it is crowded, and they have to figure out where to sit. We will then have a discussion about what are some predictions about what will happen in our civilization as we unite into one. What are the pros, and what are the cons. Next, we will decide what we should do now that we have one empire. I will direct them to think about how we can alleviate the chaos and create some kind of order in our new civilization.

## **Important Vocabulary**

With the students' suggestions I will explain that we will be looking at Hammurabi's Law Code, which was a response to the chaos that erupted in Mesopotamia after the city-states united into one empire. We will define our important terms that are specific to our unit such as, cuneiform, empire, code, and tribute. We will begin our definition of justice after we discuss background knowledge from Mesopotamia.

This will be an opportunity to also define primary and secondary source. We will use this to analyze our first viewing of Hammurabi's Code. It is an opportunity for students to start making connections to the law codes and rules that we have today and what purposes they serve. These may also be similar to some of the solutions that they suggested for alleviating the conflicts that occurred when we united all of the city-states.

## **Mock Court Cases**

The bulk of the unit will be enacting court cases and applying laws to determine how justice should be served in ancient Mesopotamia. Each student will have their own part in the court cases and will act them out for the class. The audience will serve as the jury and use the primary source of the law codes to decide the outcome of the court cases. Another important factor to the court cases is the idea of class and status in society. The outcome of the court cases will differ depending on your social class. This is also an opportunity to discuss what they feel is just, or not just, and why. I would like to take this opportunity to define the word justice and begin our initial ideas to answer our essential question, what is justice and is it equal for everyone?

## **PBIS and Mock Scenarios**

For this portion of the unit, I will take the time to teach our school rules, or Cobra Courtesies. Similar to the hook activity, students will think about the elementary schools that they come from and the different rules, or PBIS system that they had. Just as the independent city-states uniting into one empire, we are uniting our previous independent ideas of school rules, into a new cohesive system, the Cobra Courtesies. This will also be an opportunity to teach students about our school discipline system and the disparity in the data for who is suspended the most, compared to the demographics of our school. This will be an opportunity to teach about the school-to-prison-pipeline. I will also have the students start to question why we have rules in school, and make connections to Mesopotamia. I want students to begin to think about why students misbehave, and what are the common behaviors that you see at school of students who are misbehaving? I will use this opportunity to teach students about the implications of the discipline system and who is affected the most in our school. As a class, we will do a close read of an article from Teaching Tolerance.

Next, we will look at mock scenarios that I will create of behavior at schools. As we read each case, I will add a different layer each time such as, "the student had to walk to school because no one was there to take them." We will use our Cobra Courtesies to decide what the best way to treat the situation is, and if it a referral or suspension is the right choice.

School-to-prison-pipeline video:

<https://www.youtube.com/watch?v=04pcSyzwoTg>

Article for School-to-Prison-Pipeline:

<https://www.tolerance.org/magazine/spring-2013/the-schooltoprison-pipeline>

## Restorative Justice

The final piece of the unit before we make our connections back to Hammurabi's Code is to teach about restorative justice as an option to improving and preventing behavior issues at our school. Students will participate in a mock Restorative Justice Circle. They will all have their own roles, such as the court cases, and they will contribute to a discussion from all perspectives and come up with the best solutions. Then, they will write a reflection about their ideas of restorative justice.

Reflection Writing Activity Options (pick one):

1. Write a poem about the school-to-prison pipeline
2. Restorative justice is one solution that is being suggested to stop the school-to-prison pipeline. Write about what you think that word might mean. There are no wrong answers! What does that word mean to you?
3. Write about what you think schools could do to make all students feel more welcome in the classroom
4. Write about what makes you want to go to school. Write about what makes you feel like you are a part of your school community. Is it friends? Teachers? A specific subject?<sup>31</sup>

## Final Connections and Mastering the Standards

For the final assessment of the unit, students will describe the significance of Hammurabi's Code in Mesopotamia. Then, they will bridge their understanding of justice in the first development of civilization, to their ideas of justice in our school. They will come up with one idea for a solution to alleviate and prevent behavior issues in school. They will also describe one obstacle that they may encounter, and what their response will be.

## Resources

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### Bibliography for Teachers

Darling, Linda T. *A History of Social Justice and Political Power in the Middle East: the Circle of Justice from Mesopotamia to Globalization*

Forman, James. *Locking up Our Own: Crime and Punishment in Black America*

Kim, Catherine, et al. *The School to Prison Pipeline: Structuring Legal Reform*

Pranis, Kay. *The Little Book of Circle Processes: A New/old Approach to Peacemaking*

Tough, Paul. *How Children Succeed: Confidence, Curiosity and the Hidden Power of Character*

### Reading List for Students

Advancement Project, *Telling it Like it Is! Youth Speak Out on the School-to-Prison-Pipeline*

## Appendix

This unit connects to the California History-Social Science Standards by having the students understand the significance of Hammurabi's Law Code in Mesopotamia. Students need to analyze the geographic, political, economic, religious, and social structures of the early civilizations of Mesopotamia. This unit will also develop the student's understanding of historical interpretation skills that relates what they learn in history to the emergence of new patterns. They will look at how the significance of the law codes in Mesopotamia connects to the significance of a school discipline system in our schools.

## Endnotes

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