THE PHILOSOPHY CLUB

Collaborative inquiry and dialogic argument with young people

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A DIFFERENT KIND OF JUSTICE

A 100-minute workshop on guilt and forgiveness

[Time from start: 0:00]

Today we're going to be thinking about forgiveness and guilt.

We'll be considering two true stories. I'll tell you the first story in two parts and we'll have a discussion after each part –– and then later we'll watch some video clips that tell another story.

> SLIDE: Abdi with bicycle

Narrate Abdi's story (part 1)[1]

(4 mins)

> Abdirashid Abdi endured a terrifying 4WD chase by a stranger, but he says he found no peace in her imprisonment.
>
> In 2021, Abdi's goal was to clock 1,000km on his electric bike during nightly rides he hoped would salve the wounds of past trauma and help get his life back on track.
>
> But Abdi's journey of recovery was derailed early one morning when, while riding near his home in Brisbane, Shelley Anne Alabaster ran into him.
>
> Alabaster was behind the wheel of a bull-barred 4 wheel drive when she bumped Abdi from his electric bike. At first, Abdi assumed it an accident. But Alabaster's intent was far more sinister. The GoPro footage that documented the following 19 minutes seem like something from a horror movie.
>
> Abdi flees on foot as Alabaster, a complete stranger, turns her car into a weapon, driving on to the pavement and ploughing through suburban fences in a fury of revving engine, blinding headlights and foul, racist abuse.
>
> Abdi's heart races, and he vomits in sheer panic.

[1] Adapted from Hinchliffe, J. (26/12/2022) "'I choose to forgive': Brisbane cyclist explains why he sought leniency for driver who tried to mow him down". *Guardian*.

"I was certain that day that I was going to die," he says.

Perhaps even more remarkable than that harrowing incident was Abdi's readiness to forgive his assailant.

> SLIDE: Remarkably…

Earlier this month, Abdi submitted a victim impact statement to a Brisbane court which the presiding judge described as "one of the most extraordinary documents" he'd encountered during 35 years in the law. In the statement, Abdi directly addresses Alabaster, explaining how he was devastated by her actions and how he still bears scars of the ordeal. "I am no longer the person I was prior to the incident," he says. "I've been reliving it every single day – it plays in my head in a loop… You have transformed my life" in the worst possible way.

And yet, Abdi finds no peace in Alabaster's incarceration.

Alabaster was sentenced to three years' jail after pleading guilty to a string of offences including assault occasioning bodily harm while armed.

> SLIDE Prison is not the right place.…

But prison, Abdi writes, is "not the right place" for Alabaster.

"I [am] pleading with you to take this opportunity to seek help and transform your life for better," Abdi writes to Alabaster.

>SLIDE: I forgive you…

"I forgive you from the bottom of my heart and wish you the best in life," Abdi writes.

Abdi feels sorry for her and worries the incident will define Alabaster and haunt her for the rest of her life.

Mostly, though, he fears that Alabaster will be deported under the Australian government's policy of deporting New Zealanders who have been sentenced to at least a year in prison.

Now Abdi is seeking to intervene with the immigration department to prevent Alabaster being sent back to New Zealand.

> SLIDE: That would be a travesty…

"That would be a travesty of justice," Abdi says.

"I choose to forgive her, because I believe compassion and forgiveness is justice in itself. It's another form of justice."

[0:04]

(17 mins) **Discussion /activity**

What do you think of Abdi's perspective?

> *Is it supererogatory? (i.e. good, but not morally required or necessary, i.e. going beyond the call of duty)*

What is forgiveness?

> Should we forgive unconditionally?
>
> Do you agree with Abdi that forgiveness is a form of justice?
>
> > What is the purpose of our criminal justice system?
> >
> > Should justice focus on rectifying harm, reconciling parties, and promoting healing rather than merely punishing the wrongdoer?

[0:21]

Narrative: Abdi's story (part 2)

(4 mins)

> SLIDE: Mogadishu

To understand Abdi's conception of justice, we need to understand his life story. Born in Somalia, the carefree innocence of his childhood was shattered by civil war. His family was forced to flee among a sea of refugees, facing food and water shortages and brutal violence. He spent five years in a Kenyan refugee camp before being able to move to New Zealand, and ultimately migrating to Australia.

In 2019, Abdi's cousin was gunned down amid the continuing unrest in Somalia. But Abdi knows that if his relatives seek to avenge that death with more bloodshed, the cycle of violence can only continue.

> SLIDE: The best way…

"People now realise that the best way to disarm people of their rage, their anger, is through love, compassion and forgiveness," Abdi says. "I don't believe in harming anybody."

It is a philosophy of pacifism that Abdi inherited from his parents but one that is not widely held in Australia.

"I don't know if it is appropriate for me to say this," Abdi says, "but…

> SLIDE: I don't know if it is appropriate…

… in Australia [people] are obsessed with punishment. Crime and punishment." – he says.

Abdi believes that the desire for retributive justice is innate to the human condition.

> SLIDE: It emotionally fulfils…

"It emotionally fulfils our need of feeling safe, when you have someone sent to jail on your behalf, or the state avenges on your behalf, it gives you this emotional satisfaction," he says.

"But, at the end of the day, nothing has been achieved."

He describes prison as "the Oxford of criminals", a place from which Alabaster might emerge embittered and only more dangerous. He is distressed by those who seek to imprison more people for longer periods of time. He recognises that criminal behaviour is often fuelled by broken homes, substance abuse, sexual assault and other social problems. "When all the circumstances come together", he says, everyone and anyone is capable of doing as Alabaster did.

"That day she was going to run someone over, because she was in a dark tunnel," he says. "I happened to appear in front of her. [But] she was just a conduit. What attacked me… that day, was mental health and drug abuse. That's how I see it."

Abdi's compassion for Alabaster is genuine. He hopes she can conquer her demons, recover and make herself and her family proud. There's always an opportunity to set things right, he says.

Similarly, Abdi believes *he* also has a choice: a choice between bitterness and compassion.

> SLIDE: I knew for me to recover…

"I knew for me to recover and move on, I will have to forgive her, and for her to get better, she would have to be forgiven," Abdi says.

Abdi believes that "compassion [and] forgiveness [are] found in every human being".

[0:25] Activity / discussion

Lay down headings 'Disagree' and 'Agree' at opposite ends of a spectrum.

I want you to break into four pairs/subgroups. I'm going to give each pair two cards with statements on them. I want you to think with your partner about to what extent you agree or disagree with each statement. **Don't lay your cards down just yet** – we will do that together when we come back together as a whole group.

Print two copies of each of the following four statements (eight cards in total). Give two different cards to each of four pairs/subgroups:

> The best way to disarm people of their rage and anger is through love, compassion and forgiveness.
>
> When the state avenges on your behalf by sending a violent criminal to jail, it gives you this emotional satisfaction – but at the end of the day, retributive justice achieves nothing.
>
> In order for a victim of crime to to recover and move on, they have to forgive their perpetrator.
>
> To address crime, we first need to address social problems like mental illness and drug abuse which are the root causes of crime.

Pair/sub-group deliberation

(3 mins)

[0:28]

Report back/share

(10 mins)

Subgroups should respond by reciting their statement aloud, and laying the card down on the spectrum, giving reasons. Give a 'right of reply' to the other group that considered that same statement, before moving on.

Questions to consider:

Do we need rehabilitation rather than retribution?

To what extent are individuals shaped by their socio-economic circumstances and limited opportunities, and how does this impact our assessment of their moral culpability?

[0:38]

> Play Trevell Coleman video clip 1[2]

(7.5 mins)

Transcript:

This is Trevell Coleman. When he was 13 or 14, that he started selling drugs.

TC: Believe it or not, it was kind of like a status symbol where I lived at, to sell drugs. You were in the in-crowd, you know what I mean? It was everywhere. I really didn't see any other option, you know what I mean?

He spent a semester at college just outside the city before dropping out. He told his mother he wanted to try to become a rapper. He and a friend would pool their money to pay for a few hours here and there at a recording studio. They'd record a handful of songs. And then they'd try to play the _songs for people who might be interested or know someone in the industry. He was still selling drugs. He says that's where he got the money for the recording studios. Trevell also decided to buy a gun. He says it felt like something he was supposed to have, just in case.

TC: It was like an accessory, you know what I mean? You got your keys, your wallet– it was an accessory.

He says he never used it until one night in October 1993. Trevell Coleman was 18 years old. Late one night, he was riding around Harlem on his bicycle.

TC: And I didn't plan on actually doing anything. I just had a gun. And I was riding around, and I happened to see a guy, you know what I mean? And I was like, OK, well, I could just rob this guy.

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[2] The Trevell Coleman clips referred to in this runsheet use audio excerpted from 'The Confession, Part 1' (episode 237), 'The Confession, Part 2' (episode 238) and 'The Confession, Part 3' (episode 268) from the podcast 'Criminal', co-created by Phoebe Judge and Laura Spohrer, and featuring Trevell Coleman (clips 1–4) and clemency lawyer Steve Zeidman (clip 3).

He says he got off his bike and pointed his gun at the man and asked for money. And then he says the man reached for the gun.

TC: We kind of struggled for the gun and I wound up doing something that I didn't mean to do, you know? I wound up shooting the guy.

Trevell says he quickly got on his bike and left.

TC: I never knew what happened though. I wasn't sure what happened that night. When I went home, I just buried my head in the bed. And I wished that that didn't happen, you know what I mean? It was just kind of like a nightmare.

When you woke up the next morning, did you tell anyone what went on the night before?

TC: No. ..When I came out, I was riding the same bike. And some officers pulled me over. I was nervous. So they pulled. They asked me. They said, do you know anything about a shooting that happened last night? And I was like, nah. But by them saying _shooting, I thought maybe he was all right because they didn't say murder or anything like that.

Did you think in the days later, kind of the following days, were you always thinking to yourself, at any minute, I'm going to be arrested, the cops are going to show up, they're going to stop me?

TC: Yes.

10 days after the shooting, Trevell was walking around with friends when a police car pulled up. He was handcuffed and taken to the police station. He kept asking what was going on and remember someone said something about a gun. He kept waiting for the police to say something like, 'we got you'. But they didn't. And then he was released. It didn't have anything to do with the shooting.

Later, he was arrested again for selling cocaine … and ended up serving seven months in prison.

Were you ever thinking, if they found out that I shot someone, I could be in here for a lot longer?

TC: Yes, that's what I thought a lot. It was like a grave fear. It was a grim feeling.

When he got out of prison, Trevell decided to focus on his music. When Trevell got to the studio, someone from Bad Boy Records was there, too.

TC: He was like, yo, look, would you want to sign to Bad Boy? And that's just how that went. In 1988, I got signed. You know, at that time, that was the biggest rap label probably in the world.

Did they give you a lot of money?

Yeah, I got a significant amount of money.

By the time he was signed to Bad Boy Records, it had been five years since the shooting.

TC: The euphoria of being signed, when it wore off, I thought again, like, OK, now this would be terrible if they come now, you know what I mean?

About a decade had passed since that night in 1993. By now, Trevell had met a woman named Crystal Sutton. They had twin boys together.

TC: I started really appreciating life a lot more. And I started really reflecting on what might have happened, you know? And I was like, wow, well, what if this guy had kids? Or what if this guy– I used to just compare my life to his always. It was like a parallel, like, wow, well, what would he be doing right now? So it was one of them things. I just started just thinking more and more about that night, you know? I just couldn't escape it.

Trevell Coleman says by this time, he thought about it every single day. He remembers one time he was staying in a hotel and taking an elevator. He says it just hit him. Suddenly, it felt like the people in the elevator were the man's family, just looking at him. He tried to talk about it with Crystal.

TC: I said, yeah, I'm thinking about I might turn myself in for that. And she was like, well what will that do? What do you think that would do? And she wasn't really looking at it from the standpoint I was looking at it from. I knew what I needed to do, you know what I mean? I started thinking about it more and more. I just felt like that was the only way I can resolve it. You don't understand. If something have been on your mind for the past 15 years, you feel like you want to do anything to get to the bottom of it, like, OK, look, what can I do about this? And I just thought about it. Well, if I turned myself in, I could find out what happened to him. And if something did happen, then here we go. And then I can move on …

Because you didn't know if he was alive or dead.

TC: No, I didn't. I didn't know.

Did it get to the point where even though if he had died, you knew that you would be going to prison for a very long time, it didn't matter anymore?

TC: No, it didn't matter.

By this point, it had been 17 years. Trevell walked into a police station and tried to turn himself in. He was 36 years old. Trevell told them what he remembered, what the man had looked like, exactly where the shooting had happened, and what kind of gun he'd used. Then he signed a confession. The last line of the confession read 'The reason I turned myself in was because I felt awful about what I did, and I wanted to make it right for this guy's family'. And then afterwards, he says, an assistant district attorney came in to tell him what had happened to the man.

What did he tell you?

TC: He was like, yeah, the guy did die that night. I'll never forget how it felt. I was like, just his words. It was just, it just echoed like the guy died. At that point it was like, I know I'm gonna be locked up, but at least mentally I won't be locked up anymore. You know what I mean?

(Discussion questions overleaf)

[0:46]

Discussion

(19 mins)

Trevell Coleman said: "I know I'm gonna be locked up, but at least mentally I won't be locked up anymore." Could Trevell can be considered free in some sense, even if he were physically imprisoned? *(Pair talk and share)*

Is Trevell morally responsible for his actions as a teenager, even though he felt compelled to engage in criminal activities due to his circumstances? Does the passage of time affect the moral responsibility of a person for their past actions?*(Pair talk and share)*

Is it fair to imprison Trevell for a long period, given that he voluntarily turned himself in, admitted his guilt, and expressed remorse for his actions? What should be the purpose of punishment in cases like this? (*Pair talk and share)*

.....

[1:05] **Break** (3 minutes)

.....

[1:08]

> **Play** **Trevell Coleman video clip 2** (2 mins)

Transcript:

The jury convicted him of second degree murder. The judge in the case told Trevell: 'the circumstance of your being before the court now suggests to me a maturity and decency.'

What was your sentence?

TC: My sentence was 15 to life. That's what you get when you, you know what I mean, do something like that,

Were you relieved in any way?

TC: Yeah, I was, I was kind of relieved. I was, I was kind of, ready to move on with that whole chapter. I didn't know how I was gonna do that, but I felt like that was going to help, you know, some type of way.

Trevell's wife Crystal said in an interview: 'He's locked up, but he's free. He's a different person now than what he was before.'

Trevell told the New York Post: 'The only thing I regret is that I have to leave my kids.'

Have you ever regretted confessing?

TC: Nah. Nah, I haven't. Nah, because I, I really, I really just thought that, that confessing would just help, help something, you know what I mean? Like, I wasn't sure what, I just knew something would come of it. I don't regret it at all, because I just think that it had to be done.

The victim John Henkel's step brother, Robert Henkel, told a reporter 'I think he's an idiot. He has three kids and a wife. It was years endears and years ago. Finally we're not always thinking about it, and now it has to be dug up again. After all this time, should have just shut up.'

[1:10]

Discussion/activity

(11 mins)

Lay down headings 'No' and 'Yes' at opposite ends of a spectrum.

Ask students to respond to each question by standing along the spectrum from 'No' to 'Yes' to reflect their opinions. (Alternatively, simply ask for a show of hands for 'yes', 'no' and 'maybe/not sure'.)

> Was confessing to the crime the morally right thing to do? *(discuss)*
>
> Was Trevell morally *obligated* to confess, even after so many years had passed? *(Note: moral **obligation** seems to be stronger than moral **rightness**) (discuss)*
>
> Is it inherently valuable to uncover the truth, even if it reopens old wounds and disrupts the lives of those involved? *(Consider the impact on Trevell's family, and on the victim's family) (discuss)*

[1:21]

> Play Trevell Coleman video (audio) clip 3

(3 mins)

Transcript:

> *Attorney, Steve Zeidman. Why did you want to become a clemency lawyer?*
>
> SZ: So let's say someone got 50 life, even 15 to life, the trial's over, it's three or four years later, their appeals are over, and they're left completely on their own. And if we want people to accept responsibility, we want them to, to genuinely feel and express remorse, to do everything they can to atone and repair. Do we value it? Do we even recognize it? And that's what I began to experience. So many people who have done so much to become better, to grow, to transform. That's what motivates for me, the clemency work. Unless and until we get some sort of willingness to reconsider sentences once imposed, clemency is the only viable option.
>
> *Had you ever heard of a case like that before where someone is turning themselves in?*
>
> SZ: You know, I, I've heard of people turning themselves in, but it's usually soon thereafter the crime, or it's somebody who knows law enforcement is looking for them. So it's 'I can't run anymore. I I've had enough. They're gonna find me eventually'. This, what makes this entirely unique is that Trevell was never a suspect in the first place. So no, I've never experienced anything like someone coming forward 17 years after the fact –again, when they weren't on the run. This is absolutely extraordinary. He never wavered. There was no attempt at spin. He didn't try and justify, he didn't try and excuse, he wasn't trying to cut a deal. He was explaining why he did it, that it was the right thing to do, that he was comfortable with his decision. So there's, there's this remarkable, almost a serenity to him.
>
> In his letter, included with Trevell's clemency application, prosecutor David Drucker wrote 'in my experience, such an act of conscience is vanishingly rare. Many defendants display remorse, but it is rarely clear how much they are sorry for their crime and how much they are sorry for getting caught. With Mr. Coleman there is no doubt his remorse is as genuine as any I or others I have talked to, have ever seen. A decision to release Mr. Coleman now would be a very safe, as well as humane decision.'

Do you think you should get out early? I mean, do you, do you think you've done your time, you know, that you've come to grips with what you did that night?

TC: I don't think I'm the one that should say that I've done enough time. Do I feel like I've come to grips with it? I do, I realize it all the time. I realized it, you know, for years now.

[1:24] > **Play** **Trevell Coleman (coda) video clip 4** (1 min)

Transcript:

At his parole hearing last month, Travel submitted a personal statement. In it, he wrote: "By no means do I believe that I'm excused for taking Mr. Henkel's life. What I expect of myself is to be aware of the second chance at life I have been given, and to be an example of love, mercy, truth, and forgiveness."

[1:25]

> SLIDE: Creative response activity

Invite students to respond creatively to any of the ideas that have emerged during the workshop.

(Specific creative response stimuli have not been developed for this workshop.)

[1:40] Conclude workshop

.....

Optional supplementary material:

Survivor's guilt – stimulus video clip[3] (2.5 minutes)

Transcript:

Casey: Today I will be talking with Kayla, a fellow cancer survivor about the topic of survivor's guilt. So often when you're first diagnosed there's this sense of "Why me? Why me?" And then with survivor's guilt it's the same question but for a different reason. It's "Why me? Why am I still here?

Kayla: I would define survivors guilt as emotional pain, constant worrying, because you made it through something so traumatic and people expect you to be happy which - I am very happy, I'm glad I made it through. But at the same time I feel like there are other people who deserve to make it through. So it's constantly trying to figure out why I made it through, why I survived. And I think it's just a constant cycle of that. Asking questions like why me? What did I do to deserve this?

It makes me feel horrible sometimes, because I have a wonderful life, family who loves me, but sometimes I feel like there are people more deserving of surviving than me. And that started not necessarily in the heat of treatment but a few months after, I started feeling like

[3] This clip uses audio excerpted and remixed from the 'Life on Pause' podcast, episode 27: 'Survivor's Guilt' (Penn State Health) featuring Kayla, interviewed by Casey.

Why did I survive? Why aren't other people surviving? Why am I surviving when there's people who aren't surviving? And that has stayed with me until now.

I'd like to say it's getting better, but there are days when I just don't understand why I'm still here when there are people who at times I feel are more deserving of living aren't here. And that's something I'm struggling with.

I felt ashamed, embarrassed, because I survived cancer, I should be ecstatic, I should want to celebrate and live life to its fullest but here I am constantly worrying because I survived while lots of other people didn't, and that stays with me every day. I don't really think there's a day that goes by that I don't think about it.

The fact that there are little kids out there who aren't surviving – that is definitely the main source of my survivor's guilt. It's just that cycle, that endless cycle, that tears me up and I really wish it didn't – but that's what survivor's guilt is. It's something that I'm going to have to deal with for the rest of my life because of what I went through.

The emotional aspects of cancer can sometimes be harder to go through than the physical because the physical – there's a set plan the doctors know – OK this is what we're going to do. But with emotional it's kind of up in the air.

If I had known that a lot of people have survivor's guilt and that it's pretty common, then I feel like I would have been less ashamed, less embarrassed. I probably would have been more willing to talk about it.