

EDITOR'S PREFACE

Vengeance—the demand by victims of violence for violent revenge on those who have harmed them—is an all-too-common feature of human experience. Because of its potential for spiraling into mass violence, human communities have tried to “control” its expression through a variety of means, from scapegoating to formalized retributive justice in criminal justice systems.

For more than thirty years, practitioners in the criminal justice system and leading members of Western religious communities, like Howard Zehr, have called for restorative justice as a new “lens” through which to view crime. (Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press 1990, 1995)). Restorative justice (RJ) advocates have criticized the American criminal justice system, among others, for its heavy reliance on retributive justice, which often leaves the victim without a remedy for the harm suffered. They claim that retributive justice fails to take seriously any systematic effort to restore the offender to society, and separates the criminal justice system from the community in which the crime occurred. Out of this critique an RJ movement has emerged, composed largely by lay people and non-lawyer professionals, with significant representation from the historic peace churches. The RJ advocates have worked to develop and implement concrete alternatives to retributive justice in the criminal justice system. One of the most dramatic decentralized, community based approaches Western RJ advocates have developed is the practice of victim-offender mediation, which offers a voluntary opportunity for the victim and the offender to meet face-to-face in an effort to heal the harmful interaction between them and its effects.

Internationally, restorative justice has become a topic of widespread discussion due to the work of the South African Truth and Reconciliation Commission (TRC), which strove to secure a form of justice that would take victims and their suffering seriously as a step toward the reconciliation needed to bring a new nation out of the violence and gross human rights violations stemming from apartheid.

While the RJ movement in the United States has focused almost entirely on securing *private* justice between individuals in conflict with each other, often to the neglect of structural issues of social justice that bring communities into conflict, the work of the South African TRC

focused on the truth about the *public* violence of apartheid in highly visible public hearings in an effort to secure what Archbishop Desmond Tutu referred to as "the future which forgiveness makes possible." (Desmond Mpilo Tutu, *No Future without Forgiveness* (Doubleday & Co. 1999)). The five years of hearings (1995-2000) held by the TRC and its five-volume report issued in 1998, have spawned much study and debate on the possibilities and problems posed by serious efforts to choose the restorative justice lens for looking at crime and gross violations of human rights.

In this issue of the *Journal* we offer two articles for further conversation about these possibilities and problems, accompanied by an exhaustive bibliography on the debate spawned by the work of the TRC. Theologian Donald Shriver explores how truth telling may respond to the cry for justice in the wake of great injustice by comparing how truth is "told" in trials and truth commissions. Central to his study is a concern for the strengths and weaknesses of both trials and truth commissions as forums devoted to pursuing justice. Building on his longstanding interest in the possibilities of forgiveness in politics, (Donald W. Shriver, Jr., *An Ethics for Enemies: Forgiveness as Politics* (Oxford U. Press.)), Shriver draws out the significance of this comparison for Christian social ethics, and closes his article with reflections on how truth may be "told" in many other settings and through different media than those associated with trials and truth commissions.

John Steele's article takes up the popularity of expressive punishment with a concern over its pathological tendencies. Steele offers a critical exploration of how Rene Girard's appreciation of the "sacred" dimension of violence explains both the popularity and pathology of expressive punishment. Steele's discussion opens with an overview of theories of "expressive punishment" in criminal law, before turning to an extended discussion of Girard's "theory of the sacred" and its relation to violence. In the course of his discussion he assesses Girard's understanding of the intersection of mimesis, conflict and violence. In doing so, Steele describes how Girard's analysis sheds light on the important historic role religious traditions have played in channeling and controlling violence. He goes on to argue that the legal system is the modern successor to those traditions in managing violence, and raises serious questions about the use of expressive punishment in criminal law. Based on his understanding of Girard's work, Steele argues that expressive punishment is a "morally problematic mechanism for both controlling and dispensing sacred violence." Steele's

appropriation of Girard's insights is important for exploring whether and how human communities wedded to the retributive justice lens might move to the restorative lens for viewing crime.

The issue also offers an extensive bibliography on the South African Truth and Reconciliation Commission debate prepared by the staff at the Institute for Justice and Reconciliation in South Africa (IJR), under the direction of its Executive Director, Charles Villa-Vicencio, who served as the director of research for the TRC. IJR is a new organization devoted to building on the work of the TRC for the purpose of fostering a just future for South Africa, in particular, and Africa in general, by paying special attention to "transitional justice." The bibliography offers a comprehensive list of resources for further exploration of the issues raised in the TRC debate and the issues addressed by Shriver and Steele. May the conversation continue!

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