

Domestic Violence and its Aftermath

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On December 9, 1988 a consultation or palaver was held in Winnipeg, Manitoba. Sponsored by MCC Canada's Domestic Violence Task Force, the purpose of the gathering was "to explore how healing, wholeness and justice can be facilitated in the aftermath of domestic violence." The resource person was Marie Marshall Fortune. This issue of "Occasional Papers" is a minimally-edited transcription of what she offered the participants that day.

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by Marie Marshall Fortune

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MCC Canada Victim Offender Ministries Program
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First of all I want to take the opportunity to thank you for this opportunity. I don't know of any other denominational setting in which things like this take place and I was fortunate to be in Guelph for a discussion awhile back. It was very helpful to me and so the opportunity to participate in what you wanted to do here was something I responded to quickly and positively. One of the reasons I think this kind of discussion is so important (at the level that we're talking about and with people like yourselves who have experience and knowledge to bring to this) is that I believe that the law is too important to be left to lawyers and the faith too important to be left to clergy. So it's important for folks to get together who work with people on a daily basis and who bring experiences from our own lives to really talk about these issues and not to let the discussion go on "up here" and "over there" somewhere - because we are the ones who are most directly affected.

I'm not sure that I'm truly up to the task that you've asked me to do but I can give it my best shot and share with you some of the things that have been on my mind the past month. I'm not sure that I'll be terribly organized. My sense was that this was not to be terribly formal so I hope you'll bear with me in that.

One of the references I will make is to a book that I would recommend if you've not seen it. Karen Lebacqz's *Justice In An Unjust World** is a very interesting piece and I'll mention several things that she does in my comments today. She does some historical review of some of the kinds of things that Howard Zehr does but she also contextualizes it in a way that I think is very helpful.

*Karen Lebacqz, *Justice In An Unjust World*. Augsburg Publishing, 1987.

Some of the comments that I'm going to share are from a speech that I gave in St. Louis last year at the first national conference on justice and battered women. This was a gathering of people out of concern for what the legal system is doing to battered women who respond to their victimization with violence. It was a wonderful occasion for people who are dealing daily with the implications of the legal system to get together and have some conversations.

Alice Walker in her book *The Color Purple* begins with this statement: "You better not tell nobody but God. It'd kill our mammy." Ceilie, the character, then proceeds to tell God the truth about her life. In her first letter to God, Ceilie describes the rape by her stepfather. When she cries out in pain, her stepfather chokes her and says, "You better shut up and get used to it." She writes, "But I don't never get used to it."

We're here because we don't never get used to it. We don't never get used to the injustice of woman abuse. We never get used to it because we know it is wrong and we know it is a sin. And it's wrong because woman-abuse violates the right-relation which should exist between a woman and her partner and her community. A right relationship [is] based on trust, respect, safety, mutuality of power and protection of those vulnerable due to life circumstances.

The injustice of woman-battering is the brokenness done to body and spirit and to relationship. Now justice, as we have understood it to be [as] what is right or fair or deserved, refers to the healing of brokenness and the assurance of protection from this violence in the future. Justice is made when the victim feels empowered and whole again, when the situation has been made right or whole again as much as possible and when her well-being is assured as much as possible. Justice is made when the offender is made whole by being called to account for the damage that he has caused, acknowledging his responsibility for it, and changing his behaviour so that it will not be repeated.

*Alice Walker, *The Color Purple*. Harcourt Brace Jovanovich, 1982.

My sense is that "justice" is a word that many people feel some discomfort around. In some ways it's a word that has lost meaning and so we seldom use it. We don't use it very much anymore because we don't really know what anybody means when they say it.

The word "justice" has always referred to what is right and fair and deserved. Perhaps our hope of achieving what is right and fair and deserved for those who have historically been denied has waned. And in our cynicism we no longer even envision justice as a possibility. Or perhaps we have passed responsibility over to the "justice" system. If it does not happen there, and it frequently does not, it will not happen at all. And yet we still long for justice. In our anger at what we see being done to women and children, in our own experiences of violence, in our frustration at working with a victim who wants to forgive and forget, in our despair at working with women of colour who may be unwilling to use the resources in the community because they've never been there for her before, or in our feelings of powerlessness when we see batterers go from one abusive relationship to the next — in all these situations we still long for justice. But it is a longing unfulfilled, a vision which we have come to accept as impossible.

And in the midst of these feelings, I believe that what we actually long for is healing, restoration and reconciliation. And we use words like justice and forgiveness in hope that there are the means to accomplish that for which we long. We long for healing from the very depths of our being. Not expecting that everything will be fine just like it was before but that somehow it will be made right; somehow the brokenness which resulted from abuse will be made whole. And I believe that we long for this whether we are victim, friend, helper or abuser. We long to be made whole again. We long for justice. And most of us here do what we do out of that longing. So as I talk about justice-making I will probably not be talking about anything that you don't already know. Because in spite of everything, we are making justice inside and outside the legal and

criminal justice system. And we are able to do that because our intuitions about justice have been right.

Part of what I want to do this morning is to describe in an ethical framework some of the things that we already know. But the context I want to suggest for that is something I feel strongly about and something Lebacqz talks about in her book.

Justice is not a state of being, it's not a place that we're trying to get to. It's a process of correction and restoration of that which was distorted and broken by injustice. And so justice is a constant struggle against injustice and that's why I tend to use the word "justice-making" — because it's a verb rather than a noun that we're trying to achieve. It's the means that moves us towards right-relation — in Biblical terms, if you will, righteousness and liberation. But this movement must be historical, which is to say it must be rooted in the reality of who we are and where we come from. In that it must start with the recognition of injustice. And recognizing and understanding injustice raises the immediate question of: Whose version do we attend to? Whose version of the story matters? Lebacqz talks about a man named Mang Wong who was a peasant leader. She doesn't identify his homeland. But he talks in terms of his belief that people live in two different worlds. He says, "You live in the world of the birds of the air and we in that of fishes of the sea." The implications of this image are that birds move fast because they fly in the air. When we fishes move we move relatively slower because we have to move in an ocean, (for him, of usury, tenancy and other unjust forces). His point is that the oppressed and the oppressor don't inhabit the same world and so our lives are very different.

The version of experience which I think has to be our starting point is the version told by the oppressed, the victimized. This is the notion which is discussed in our religious traditions as options for the poor or, as some have termed in a fancy language, the epistemological privilege of the oppressed. The point is that it's the

voice of the victim that counts. And that's where we will hear the truth. So on the level of the question of "What am I to do?" the answer to that question depends on who we are in history and what is our life experience and our existential reality.

So having said that, I want to talk about why a feminist perspective is important in looking at justice-making. And I want to share that in terms of five assumptions that can be derived from liberation and feminist theologies that I think are important parameters for a discussion of justice-making. The first is that embodiment is a crucial fact of existence and requires that we take violations of bodily integrity seriously. What happens to our bodies, our physical being, matters. Secondly, the relationship between and among persons is of primary value. One of the places we've been very much aided in understanding the impact of relational values, particularly on women, is Carol Gilligan's work* which some of you are probably familiar with as it relates to moral development. Thirdly, that persons can and should act in the face of injustice rather than remain passive: the notion of moral agency. Fourth, that we must begin with the lived experience of the powerless: in the case of our discussion today, of women and children. Fifth, we must take the side of the powerless and victimized and taking sides is difficult, particularly in a church.

Now these assumptions propel us into the chaos of injustice and violation as we seek order and justice and healing. But that's where we are. Now what does this mean to a victim of abuse? It means that the truth of her abuse is important both because it violates her bodily integrity and because it shatters any relationship with her offender in the past or the future. It means that she and we can act in response to her abuse. It means that whatever we do begins with her experience and that our job is to take her side and stand by her throughout the process of justice making.

*Carol Gilligan, *In A Different Voice*. Harvard University Press, 1982.

The goal of justice-making is the restoration of right relationship between her and her community, her family, or between her and her offender. So what is required? How does this happen? What steps are necessary in order to accomplish this? I want to suggest seven particulars that I think are elements of justice-making in response to victimization. And I'm sure during the day we can talk more about how those kinds of things are made concrete but at least these are seven things that I have learned from listening to victims and survivors talk about what they need and what has helped their process of finding justice and healing.

Truth-Telling

The first is truth-telling. Truth-telling breaks the silence and secrecy which has surrounded the violence. And truth-telling here is to be distinguished from a "rendering of fact." In that sense it's not to be confused with the legal process of determining truth . . . however they do that. But truth in a sense of giving voice to a reality, the reality of whatever the abuse has been and the impact that it has had, not the question of did this happen on Saturday or Thursday or December 20th or the 25th.

Acknowledging the truth

Second, truth told must also be truth heard and hearing means acknowledging the truth that is told. I'm convinced that the acknowledgement needs to be spoken and lived out. We cannot simply assume that by our listening, a person who's sharing their story finds acknowledgement. We ought to acknowledge it. We have to say "I hear you, I believe you, you've been harmed by this person and it should never have happened. It is wrong. It is a sin. It is evil. You did not deserve it." But we can't assume that somebody knows, just because we listened to them without telling them, that we understand. And that can come from any source - friends, pastor, therapist, support group, legal system - but it has to come from somewhere.

Compassion

Third is compassion. Compassion here means the willingness to suffer with another at the same time that we do what we can to alleviate the suffering. This presumes that there is no righteousness in suffering but when suffering occurs our job is to be with each other in it. And in this sense to be compassionate means that as we try to help and stand by someone, we don't get caught in minimization and denial in explaining it away because it makes us uncomfortable, but that we stand with and suffer with and are comfortable with the person's experience.

I had this experience several weeks ago when someone came to me that I didn't know before and shared with me for a couple of hours a very painful story about the inappropriate behavior of her pastor towards her. I deal with this situation a lot so that was not a problem but the problem was that this pastor is a colleague of mine with whom I have worked on this issue in my denomination. It was very uncomfortable to hear from her about his behavior because I did not want to know this about this man. He's one of the good guys.

My job was not to try to explain away what he had done to her so that I would feel more comfortable. My job was to be there with her and to hear what had happened to her. I told her at one point because she knew about my work relationship with him and the work that we had done, "You know this is hard for me." She said, "Yeah I know it must be." The temptation for me was to convince her that he didn't really mean it. That's how we fail to be compassionate, not really be able to suffer with.

Protecting the vulnerable

The fourth one is protecting the vulnerable from further abuse which means that we do whatever we can to protect the victim and

others from further harm and this may take a variety of forms. My bias is that it usually means involvement of law enforcement to restrain and physically protect victims.

Accountability

Fifth is accountability, the confrontation with the offender. Ideally this confrontation results in confession and acknowledgement of responsibility for harm done but frequently this is not the case as many of you know. But the process of accountability is important regardless of the response of the offender at that point.

Willard Gaylin's book, *The Killing of Bonnie Garland*,* is another book I would recommend if you're not familiar with it. It's a very powerful story about the failure of the legal system, of the church and of the therapeutic community to deal with the murder of a young woman by her boyfriend. Galen is a psychiatrist and a lawyer who works at the Hastings Institute and I find his insights ethically to be extremely valuable. His passion for justice is very refreshing. One of the things he says has been a real challenge to me. I'll share it with you because I think it has to do with accountability. He says "those of us who transgress have a right to receive punishment. If we are not punished adequately for our crimes we are being treated as less than persons. As a tribute and testament to the aggressor's freedom we must dignify him by making him pay for the evil actions he commits. We show our respect by making him accountable." I think here Gaylin is talking about accountability more than he is talking about traditional punishment *per se*. My sense in the book is that he's not out to inflict dire punishment on evildoers. That's not the point. I think he's trying to get at the issue of accountability. We owe that to each other. If we think of it spiritually we owe it to each other in terms of the means to repentance and redemption. Jesus says if your brother sins rebuke him. We owe that rebuking in some form to one another.

*Willard Gaylin, *The Killing of Bonnie Garland*. Simon and Schuster, 1982.

Restitution

Sixth, restitution is needed for justice-making. Payment made for damage done is a concrete means of renewing right-relation. Not only is it practically valuable to the victim and survivor but it is highly symbolic. It's a tangible sign of an attempt to restore that which was lost.

Vindication for Victims

And finally, vindication for victims. By this I don't mean vengeance and retaliation but exoneration for those harmed because the burden of victimization in our cultures is borne by the victim and self-blame is the result. Unlike being a victim of an automobile wreck or being a victim of terminal cancer or a variety of other painful life experiences, when we are being victimized by another person, somehow we are to blame. And so vindication is removing that blame and shame from the victim. Vindication is defined in an obsolete definition as "to set free". So vindication is the setting free from the bondage to shame and victimization.

But the footnote that I want to make to all this is for us to think concretely about the limitations to justice-making — particularly for women in our society, whether in the legal system or outside the legal system. There's something wrong with this picture and I'd like to talk a little bit about what I think some of these things are.

One of the limitations has to do with the fundamental assumptions about the nature of justice. I want to point to some of the particular aspects that limit the possibilities of justice for women. One is the notion of justice as fairness. In the legal context that is interpreted to be understood as fulfilling the rule of law, which seems to be the fundamental basis of most of our legal proceedings.

I want to give an example of how fulfilling the rule of law does injustice to women. In Missouri today there are twenty-three women serving terms of fifty years to life without parole for killing

an abuser. In that state system these women will never leave prison. The rule of law was followed to the letter. The law was created to deal with the problem in that community of people who murdered other people being let loose and murdering someone else. These women are now serving virtually life sentences for having defended themselves. There's something wrong with this picture.

Another fundamental assumption about the nature of justice is that it maintains the status quo. One of the other things that we've seen in the cases where women have killed an abuser and been convicted and sentenced is that there is frequently in the discussion (particularly from the bench) a discussion about the need to teach women a lesson that this is not open season on husbands. Inherent in that is the concern to maintain the status quo. The real lesson to battered women is: don't try to defend yourself.

Another fundamental assumption about the nature of justice relates to the protection of property which I think still runs long and deep through our legal processes. In many communities we see sentences for property crimes exceeding sentences for wife abuse and child molesting - unless the offender happens to be a man of colour and the victim a white woman, in which case we see extremely severe sentences (which I think still is a function of property).

The hard thing for us to face in this examination is to come to terms with the fact that our legal processes are not really intended to protect the vulnerable and to correct injustice.

Now I want to point to one other particular primary block for justice-making for women and I want to do it in some detail: the serious distortion of our experience, if you will, the denial of truth, particularly as it appears in media. I want to illustrate this by looking at the film *Fatal Attraction*. The story is supposedly about the mistress of a man who turns on him and destroys his family. I would argue that that's not what the film is about at all. The film

is really about the violence against women. The discussion of this that I found extremely helpful was in an article by Susan Galoodie in *Mother Jones* about a year ago. Galoodie quoted a 16-year-old woman, Sabrena Hughs, who served soda at the San Jose movie theatre. Sabrena said this as she observed people watching this film: "Sometimes I like to sneak into the theatre when *Fatal Attraction* is showing in the last twenty minutes. All the men are screaming 'Beat that bitch, kill her off now.' The women you never hear say anything. They're all just sitting there real quiet. It's sort of weird."

So what's going on here? The story behind this film is very instructive to us. The script was originally written to portray a sympathetic treatment of "the other woman" and to raise questions about responsibility of the adulterous man to this human being with whom he is sexually involved. Instead of the original script, what we get is a caricature of a single career woman who not only does not know her place but is psychotic and obsessed with her lover and tries to kill him. But this isn't the whole story. There were originally two endings to the film. In the first, the bitch named Alex slits her own throat. Police find the knife with her lover's fingerprints on it and arrest him for the murder but he is saved by his wife, Beth who finds a tape recording of Alex threatening suicide. They tried this ending out on test audiences and found the audience to be disappointed. The director said, "I sensed a feeling of deflation among the test viewers." The script writer said, "The audience was all wound up to a pitch and then it all kind of went limp and there was no emotional pay off for them. They'd grown to hate this woman by this time to the degree that they actually wanted him to have some retribution."

Eager to please, the writer fashioned another ending. This time Alex comes into her lover's home wielding a knife. They end up in the bathroom with her lover holding her under the water in the bathtub until he thinks she is dead. But she is not. She rises out of

the tub still threatening to kill. This time Beth, the wife, is ready with gun in hand and stops Alex with one shot. Good woman kills bad woman and saves family from evil witch is really the theme of this story. So what began as a feminist plot line, (initially the original intent of the script writer was very sympathetic) turned into a misogynist morality play by the director. The moral: use any means necessary to save the family from the deadly threat of single women.

This should not surprise anyone. This revised story line portrays woman as the ultimate source of evil and destruction and because of this the legitimate target of violence. The history of the Christian church is laced through and through with this theology — from Tertullian's "Woman is the gateway to hell," to the "Maleus Maleficarum" which justified the torture and murder of thousands of women believed to be witches. They are all evil seductresses and Alex, a psychotic single career woman is a contemporary version: she gets her due in the end.

One of the things that interested me about this film was to compare it to reality. This news story, out of Sunnyvale California, appeared at about the same time the film appeared. Laura Black came home to find a letter wedged in the front of her door. Hand-lettered across the front was a warning, "You'd better read this." She knew who it was from: an unwanted suitor named Richard Farley. Black had told him that she did not want to date him but he pursued her, confronted her, harassed her at work and at home. She moved and he found her. She got an unlisted telephone number so he called her at work. She asked her employer to stop him from loitering near her car and he moved across the street. Finally one of Black's friends told Farley he would go to jail if the harassment continued and he was angry. "It's not in your best interest for him to interfere," he warned in a typewritten letter. "He doesn't have any idea what he's getting into. You'd better tell him I better never see any police around me."

Black was then fed up and frightened and filed a lawsuit seeking relief. The court ordered Farley to leave her alone pending a full hearing. The day before the court hearing, the 39-year-old software engineer loaded six guns and set out to make her sorry. He blasted his way into her place of employment, cut down eleven people with a shot gun, killing seven and wounding four. One of the wounded is the woman he said he loved. After a six hour stand off, the gunman was arrested.

Laura Black was an electrical engineer and had been the object of Farley's harassment for some time. She said, "I've been afraid of what this man might do to me if I filed this action. However, I am now at the end of my rope. I need the court's assistance and the assistance of the appropriate police agencies to keep this man out of my life." Black had met Farley at work. She'd never dated him, never had a personal relationship with him and had been clear in her rejection to his attentions. He pursued her obsessively and now seven people are dead.

This is the real picture of *Fatal Attraction*. This is the common harassment that women face. I called our city attorney's office in Seattle to inquire about their cases dealing with harassment. They have a whole division now that deals with just harassment. They receive 100 reports of harassment per month. Less than 1 per cent of these reports involve a female harassing a male. The harasser is most likely to be male and the victim female. This is the truth of violence and it is a picture seldom portrayed. The movie, *Fatal Attraction*, is a story and is a fantasy which has little to do with reality. This isn't necessarily a problem except that in this case it is a problem because it has created a new reality about women in the minds of many people. Or perhaps we should say it has re-enforced an old reality about women in the minds of many people which sees woman as evil, seductive and violent and then serves to justify her victimization.

Now the irony is that when reality is portrayed as it occasionally is in the media, there is usually an overwhelming outcry. So, for example, the *Burning Bed* was shown on TV a number of years earlier, a movie about a battered woman, who finally after years of abuse and trying to get away from her husband, sets fire to him sleeping in his bed and kills him. This movie was based on a true story and portrayed the truth of prolonged abuse of the woman. You may recall that the response from many quarters to this movie was outrage that such a movie should be shown. People said it conveyed the message that it was open season on husbands and that wives would now feel free to kill off their husbands. Did this happen? No. What did happen the week after the movie was shown — a man, a batterer, set fire to his wife in bed saying that he wanted to kill her before she killed him.

There seems to be in all of this a deep and primal fear of women's violence — of women using self-defense in response to their victimization. This is also accompanied by a strong desire not to see the violence that is really inflicted on women. And so because of this distortion of reality, justice is hard to come by.

And what happens when there is no justice for the abused woman? No support for her protection? No one who will stop her abuser? In the absence of justice she may choose to use physical force to defend herself and her children against an attacker. She chooses her life over his.

The number of women defendants who have assaulted or killed an abuser are simply an indictment of the failure of the community — not just the legal system, but the failure of the whole community — to obtain justice for them.

Given the current reality of failure, what are the ethical issues which a feminist analysis might bring to the issue of self-defense?

Whenever any one of us kills another human being we should be called to account for our actions. Any person should have the moral and legal right to defend themselves in the face of physical threat or terror. Self-defense is the accounting that we give when we choose to take a life rather than be killed ourselves. In this sense, self-defense is gender neutral. Any person has the right to defend themselves against death. But having said that, we must also pay attention to the specificity of women and children's experience when we do defend ourselves. We need to utilize information about the victimization of women in order to explain and justify our use of force. We need to use a standard of judgement which takes account of women's experience which is to say: What would a reasonable *woman* do in this situation to protect herself and her children? I'm sure some of you are familiar with the legal notion of the "reasonable man rule" as a means usually in self-defense cases that determine whether or not it was reasonable that this person did what they did. The question here is, "What would a reasonable *woman* do?" Because our experiences and our resources may be different. We need to understand the context of a hostage held by a terrorist in which a preemptive strike is perhaps the only reasonable course of action to take against an abuser. I think as we begin to address some of these very difficult issues we can begin to make justice for women who have killed and then faced the further injustice of the legal system and the community which tries to shame them.

When I was young and foolish I used to believe that the police and the courts and judges were there to protect the powerless. Imagine my surprise when I began to understand how things really work and I began to understand how deeply the patriarchy lives in the processes of our institutions. But that helped me at least to understand why the distortion occurs and why the system in its many manifestations has never really been there to protect us. Having said that, I also want to make clear that I am committed to changing the system to do what I think it should be doing which is

to protect the powerless. I'm committed to working to change the system not because I think it can be totally rectified but because in working to change it, we can lessen the damage that it does to women. As long as we live in the patriarchy, which will be as long as we live, the justice we make will be only approximate. But approximate justice is well worth our efforts because it lessens our suffering. It's just that it will never be all that we deserve.

The parable that Jesus told about the persistent widow is one that remains for me a model. You probably all know it.

When Jesus told the parable to the effect that they ought always to pray and not lose heart, he said: "In a certain city there was a judge who neither regarded God nor regarded the people and there was a widow in that city who kept coming to him and saying, 'Vindicate me against my adversary.' For awhile he refused but afterward he said to himself, 'Though I neither fear God nor regard the people, yet because this widow bothers me I will vindicate her or she will wear me out by her continual coming.' " And the Lord said, "Hear what the unrighteous judge says. And will not God vindicate the elect who cry to God day and night? Will God delay long over them? I tell you God will vindicate them speedily." (Luke 18:1-8a)

You bet She will. She holds out for us a vision of justice that is life-giving, that enables restoration, that creates the possibility of reconciliation and renewal of right relationship. This notion of justice is what we must demand from our churches, from our legal system, from our families and friends. And is such justice possible? You bet. It's possible because we, people like us, are making it possible. It's possible, because like Ceilie, in *The Color Purple*, we never get used to it. And because we never let go of the anger we feel when we see or hear about or experience violence in our lives. Such justice is possible because we make it possible. And we make

it possible because, to paraphrase Andrea Dworkin, "In our hearts we are mourners for all those who have not survived. In our souls we are warriors for those who are now as we were then. In our lives we are both celebrants and proof of women's capacity and will to survive, to become, to act, to change self and society. And each year we are stronger and there are more of us."

And so we will know justice in our lives. And I'm glad that we're here together to continue to struggle.

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