needs acknowledgment of wrongdoing” and child soldiers may lack “the degree of psychological and moral responsibility to be treated as wrongdoers.”

As victims and perpetrators, Minow writes, child soldiers make conventional legal mechanisms for dealing with them “overly simplistic blanket assertions of innocence or overly stringent assignments of blame.” She regards restorative justice as a valuable alternative for them, “some kind of public process to acknowledge their participation in violence and lawlessness” and “help individuals forgive themselves and construct limited and often poor options.”

Forgiving gang members who ravage a convenience store may seem morally different from forgiving the hospital debt of a family buried financially by the cost of a breadwinner’s catastrophic illness, but the “spirit of second chances embedded in bankruptcy shows a long-standing legal and cultural embrace of forgiveness.” She writes, “Each is to blame when they violate promises to pay back loans or laws against violence, but each also is embedded in larger social patterns that construct limited and often poor options.”

A premise of Minow’s book is that while bad things happen when people flout the law, they can also happen when the government strictly enforces it. The most regular result of American criminal justice is punishment, whose main product is more crime. Recidivism—a relapse into criminal behavior—is a national disgrace. The Justice Department’s Bureau of Justice Statistics found that of 401,288 inmates released from state prisons in 2005, 68 percent were arrested within three years and 83 percent within nine years—with almost two million arrests among the inmates released, an average of five arrests per inmate. Retributive justice, the retaliatory, dominant form in the American legal system, as Rachel Elise Barkow, J.D. ’96, explains in her new book Prisoners of Politics (Harvard University Press), is a dual failure in not improving public safety and in not preparing prisoners for sustainable re-entry into the world outside. Or as Minow puts it, “Fully enforced criminal laws produce much punishment but not necessarily better people or a better society.”

The promise that the restorative-justice movement has been realizing is helping perpetrators, victims, and others shaken by wrongdoing find their way to a better future. It has been helping “law grow toward justice,” in Minow’s words. But her book teaches that forgiveness will contribute its full potential—without overstepping its bounds—only if justice grapples with the requirements of law.

One effort she proposes is developing a jurisprudence of pardons, including “a needed check against abuses and unequal treatment.” The worst abuse would be for a president to pardon himself (which Donald Trump, in June 2018, tweeted that he has the power to do). The Constitution explicitly limits the president’s pardon power “in Cases of Impeachment,” which arguably bars a self-pardon. But the prospect of a disgraced president forgiving himself, Minow warns, underscores the need for defining the limits of forgiveness in this now-prominent field. Otherwise, self-forgiveness would be the ultimate denial of wrongdoing. It would ridicule the idea of law providing meaningful forgiveness.

Chapter & Verse
Correspondence on not-so-famous lost words

Frank Wagner writes: “Years ago, I saw an early scene in a British (probably) movie in which a young barrister must cross-examine a witness at a trial because his Queen’s Counsel is suddenly indisposed. The young man uses his experience with betting on horses at the track to expose the witness’s lies and win the case. Can anyone identify the movie?”

Send inquiries and answers to Chapter and Verse, Harvard Magazine, 7 Ware Street, Cambridge 02138, or via email to chapterandverse@harvardmag.com.