ARTICLE
A Forgiveness Law: The Path to Solve the Peace Versus Justice Dilemma
Juan Carlos Portilla .................................................................................................................. 193

ESSAY
Cultural Bias in Judicial Decision Making
Masua Sagiv .......................................................................................................................... 229

NOTES
Civil Asset Forfeiture in Massachusetts: A Flawed Incentive Structure and its Impact on Indigent Property Owners
Andrew Crawford .................................................................................................................. 257

Erik S. Thompson .................................................................................................................. 285

Rx for Costly Credit: Deferred Interest Medical Credit Cards Do More Harm Than Good
Allison J. Zimmon .................................................................................................................. 319
From 1980–2011, this publication was entitled the *Boston College Third World Law Journal*.

US ISSN 2165–5235
Copyright © 2015 Boston College Law School
All rights reserved.

The *Boston College Journal of Law & Social Justice*, published semi-annually at the Boston College Law School, provides a forum for social policy and alternative legal perspectives on national and international issues involving underrepresented persons, race, gender, sexual orientation, human rights, civil rights, colonialism, immigration, and the rights of children. The *Journal* welcomes manuscripts for possible publication from authors both within and outside the legal profession. Send correspondence and manuscripts to the *Boston College Journal of Law & Social Justice*, Boston College Law School, 885 Centre Street, Newton Centre, Massachusetts 02459 or by e-mail to jlsj@bc.edu. Submissions should be typewritten and footnotes should conform with *A Uniform System of Citation* (19th ed.).

Subscription Prices: Domestic, $19.00; Foreign, US$29.00

Claims for missing issues will be honored for one year from the date of publication only. Issues from the current and previous years’ volumes are available upon request. Back issues (of volumes 1–31 of *Boston College Third World Law Journal* and volume 32 of the *Boston College Journal of Law & Social Justice*) may be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209–1987, (716) 882–2600. (Back issues in electronic format are available at HeinOnLine http://heinonline.org/). Please direct requests for issues from volume 33 onward to Sheridan Press, 450 Fame Avenue, Hanover, PA 17331, (717) 632–3535.

Address changes should be sent at least 45 days before the date of the issue with which it is to take effect. The post office will not forward copies unless subscribers provide extra postage. Direct subscription queries, claims, and address changes to:

Boston College Journal of Law & Social Justice
P.O. Box 465
Hanover, PA 17331
(717) 632–3535 (ask for Subscriber Services)
Fax: (717) 633–8920
Email: pubsvc.tsp@sheridan.com

Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made and used by nonprofit educational institutions, so long as copies are distributed at or below cost and provided that the author and *Journal* are identified and that proper notice of copyright is affixed to each copy.

This *Journal* is to be cited as B.C. J.L. & Soc. Just.
BOSTON COLLEGE JOURNAL OF LAW & SOCIAL JUSTICE

Volume XXXV  Spring 2015  Number 2

Board of Editors

Kaitlin J. Brown
Editor in Chief

Catherine E. Mendola
Executive Note Editor

Shannyn Gaughan
Allison J. Zimmon
Managing Editors

Jacquelyn Burke
Andrew Crawford
Bradley Fay
Keith Kessinger
Tricia Nicholson
Note Editors

Erik Thompson
Executive Comment Editor

Stephanie Curtin
Jennifer Henricks
Executive Articles Editors

Meryl Breeden
Sylvia Joo
Articles Editors

Staff

Kevin Bergin
Erica Coray
Patrick J. Driscoll
Daniel Reuven Fishman
Emily Koruda

Taylor Makson
Elise Medley
Adam Paine
Nicholas Pisegna
Gina Puls

Casey L. Riley
Lauren Schaal
Theodore Tibbits
Justin Woolf-Sullivan

Faculty Advisors

Kent Greenfield
John A. Gordon
Director of Law Review Publications

Judith Tracy
Nick Szydlowski
Webmaster
BOSTON COLLEGE LAW SCHOOL

ADMINISTRATION
WILLIAM P. LEAHY, S.J., B.A., M.A., M.Div., S.T.L., Ph.D., President
MICHAEI J. LOCHHEAD, B.S., M.B.A., Executive Vice President
DAVID QUIGLEY, M.A., Ph.D., Provost, Dean of Faculties
VINCENT D. ROUGEAU, A.B., J.D., Dean
MARIS ABBENE, B.A., J.D., Associate Dean for Academic, Career & Student Services
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S., J.D., Associate Dean for Library & Computing Services, Professor of Law
JESSICA CASHDAN, B.A., M.A., J.D., Assistant Dean for External Relations, Diversity & Inclusion
TRACEY WEST, B.A., J.D., Associate Dean for Experiential Relations, Diversity & Inclusion
HEATHER HAYES, B.A., J.D., Assistant Dean for Career Services
RITA C. SIMPSON, B.A., Assistant Dean for Admissions & Financial Aid
JOAN MANN A, B.A., M.A., Operations Manager

FULL-TIME FACULTY
RICHARD ALBERT, B.A., B.C.L., J.D., LL.M., Assistant Professor of Law
ALEXIS ANDERSON, B.A., M.A., J.D., Associate Clinical Professor of Law
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S., J.D., Professor of Law
PAULO BARROZO, LL.B., M.Jur., Ph.D., LL.M., S.J.D., Assistant Professor of Law
SHARON BECKMAN, A.B., J.D., Associate Professor of Law
MARK SPIEGEL, A.B., J.D., LL.M., Professor of Law
ROBERT M. BLOOM, B.S., J.D., Professor of Law
E. JOAN BLUM, A.B., J.D., Associate Dean of Experiential Learning, Clinical Professor of Law
M. CA THLEEN KA VENY, A.B., M.A., J.D., Ph.D., Associate Professor of Law
SANFORD N. KATZ, A.B., J.D., Professor of Law
MARY HOLPER, B.A., J.D., Associate Clinical Professor; Director, Immigration Clinic
KARI E. HONG, A.B., J.D., Assistant Professor of Law
R. MICHAEL CASSIDY, B.A., J.D., Professor of Law
MARY ANN CHIRBA, B.A., M.P.H., Sc.D., J.D., Professor of Legal Reasoning, Research & Writing
DANIEL R. BURKE, A.B., A.M., J.D., Assistant Professor of Law
SCOTT T. FITZGIBBON, B.A., B.C.L., J.D., Professor of Law
BRIAN GALLE, A.B., LL.M., Associate Professor of Law
FRANK J. GARCIA, B.A., J.D., Professor and Associate Dean of Global Initiatives
JANE K. GIONFRIDDO, B.A., J.D., Professor and Director of Legal Reasoning, Research & Writing
KENT GREENFIELD, A.B., J.D., Professor of Law
DEAN M. HASHIMOTO, A.B., M.S., M.P.H., M.D., J.D., Associate Professor of Law
FRANK R. HERRMANN, S.J., A.B., M.Div., J.D., Associate Professor of Law
INGRID M. HILLINGER, A.B., J.D., Clinical Professor of Law
MARY HOLPER, B.A., J.D., Associate Clinical Professor; Director, Immigration Clinic
KARI E. HONG, A.B., J.D., Assistant Professor of Law
RENEE M. JONES, A.B., J.D., Professor of Law
GREGORY A. KALSCHEUR, S.J., B.A., J.D., LL.M., M.Div., S.T.L., Associate Professor of Law
DANIEL KANSTROOM, B.A., J.D., LL.M., Director, International Human Rights Program, Professor of Law
SANFORD N. KATZ, A.B., J.D., Professor of Law
M. CATHLEEN KAVENY, A.B., M.A., J.D., Philosophy, Ph.D., Dalal & Juliet Libby Professor of Law
ELISABETH KELLER, B.A., M.A., J.D., Associate Professor of Legal Reasoning, Research & Writing
THOMAS C. KOHLER, B.A., J.D., LL.M., Director, Law & Religion Programs, Professor of Law
JOSEPH P. LIU, B.A., J.D., LL.M., Associate Professor of Law
DIANE RING, A.B., J.D., Professor of Law
JAMES STEVEN ROGERS, A.B., J.D., Professor of Law
EVANGELINE SARDA, B.A., J.D., Associate Clinical Professor of Law
FRANCINE SHERMAN, B.A., J.D., Associate Clinical Professor, Director, Juvenile Rights Advocacy Project
NATALYA SHNITSER, B.A., M.A., J.D., David & Pamela Donohue Assistant Professor of Law
MARK SPIEGEL, A.B., J.D., Professor of Law
JUDITH B. TRACY, B.A., J.D., Associate Professor of Legal Reasoning, Research & Writing
PAUL R. TREMBLAY, B.A., J.D., Associate Dean of Experiential Learning, Clinical Professor of Law
CATHARINE WELLS, B.A., M.A., Ph.D., J.D., Professor of Law
DAVID A. WIRTH, A.B., A.M., J.D., Professor of Law
NORAH WYLIE, B.A., M.A., J.D., Visiting Assistant Professor of Legal Reasoning, Research & Writing
ALFRED C. YEN, B.S., M.S., J.D., Director, Emerging Enterprises & Business Law Programs, Professor of Law
KATHARINE G. YOUNG, B.A., LL.B., S.J.D., LL.M., Associate Professor of Law
No one was more instrumental in founding the Boston College Third World Law Journal (TWLJ) than Professor Emerita Ruth-Arlene W. Howe—the faculty advisor to the Black American Law Student Association (BALSA) who helped students develop a journal proposal that would gain faculty acceptance. Of the journal’s four original faculty advisors, she served the longest (thirty years), until retiring in 2008. She continues to be a moral compass of both the journal and the institution of which it is a part. As the Boston College Journal of Law & Social Justice (JLSJ), renamed in 2012, looks ahead, it is only appropriate to look back as well and pay homage to those who identified a significant void in the landscape of legal scholarship and took important steps toward filling it.

The history of this journal began in April 1977 when a group of over twenty BALSA members from the classes of ’77, ’78, and ’79, led by Charles E. Walker, organized the “Entertainment Law Symposium from a Black Perspective.” Dean Richard Huber assigned Professor Robert Berry, a national sports and entertainment law scholar, to serve as faculty advisor. Through Professor Berry’s close association with Fred Slaughter, then Associate Dean at the UCLA School of Law, UCLA’s Black Law Journal (BLJ) committed to publish the symposium’s proceedings in a future issue. The well-attended, three-day symposium was a huge success. Presentations by nationally-recognized academicians and practitioners in sports, music, television, and dramatic/visual arts addressed the legal challenges blacks faced when entering any of these four major industries. Technical difficulties transcribing the proceedings and the failure of speakers to submit their presentation texts, however, prevented BALSA from producing a BLJ issue. The students remained undeterred by these and other
challenges. Dean Huber, a champion of underrepresented students, escrowed funds raised to underwrite publication of the symposium’s proceedings, and the idea of a future Boston College Law School journal was born.

In 1979, a group of diverse and progressive students—including Maurice Hope-Thompson, Bernard Green, Peter Y. Lee, and Richard K. Sherwin—envisioned a journal that would publish scholarship on legal issues affecting populations that were seldom addressed in American legal publications and even less frequently in the classroom. These issues included peoples, cultures, and institutions that have suffered a history of colonialism, oppression, underrepresentation, violence, or marginalization in the political and economic processes. In doing so, the founders recognized the irony that these problems also express themselves in highly developed countries as well as in the developing world. They also envisioned a journal that would provide a rigorous academic setting in which to prepare students for careers that addressed third-world issues and concerns. During the last three decades, the TWLJ became one of the most renowned journals of its kind in the country and among the most prestigious at Boston College Law School. Thirty years later, the need to examine what animates inequality still unfortunately exists. Scholarship that explores issues affecting marginalized and oppressed populations, human and civil rights, immigration, women’s and children’s issues, and issues of disproportionate economic impact is as necessary today as it was in 1979.

In 2011 many on the journal’s staff were struck by how the founders’ original vision fit squarely within the law school’s current mission statement: “We encourage our students to develop their own individual commitment to others and to explore those themes which are central to the Jesuit tradition— the dignity of the human person, the advancement of the common good and compassion for the poor.” In renaming the TWLJ, the now JLSJ students reached consensus on the merit of promoting a journal whose name connects those same values and mission more readily with the community of which it is a part.

That the journal was renamed did not indicate any intention to deviate from the trajectory begun in 1979. Indeed, understanding the TWLJ’s history reinforces how indebted current students are to the founders who identified a mission that advocated inclusion in contrast with a legal academy that tolerated (and promoted) exclusion. Standing on the shoulders of the founding editors and their early administrative and faculty supporters, a new generation of students recommits itself to scrutinizing the legal and social forces that permit ongoing widespread assaults on our shared humanity—wherever they occur.