

A Change of Heart

Essays in the Moral Philosophy of Forgiveness

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Preface

This dissertation is submitted in partial fulfilment of the requirements for the degree Philosophiae Doctor (Ph.D.). It consists of three separate papers and an introduction that throws light on central questions discussed in the dissertation and places them in a wider perspective.

Although the dissertation consists of three separate papers, I have made cross-references where I have found it appropriate. Moreover, both the introduction and each of the papers have their own list of references.

Versions of papers 1 and 2 have been submitted to peer-reviewed journals, while a version of paper 3 is under consideration for publication in an edited volume on forgiveness to be published by Cambridge University Press, 2010.

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Chapter 1

Introduction

1. Forgiveness in moral philosophy

In 'Freedom and Resentment' (1974), Peter Strawson made the observation that 'forgiveness...is a rather unfashionable subject in moral philosophy'.¹ This remark should perhaps not surprise us. Traditionally, philosophers have not had much to say on the topic of forgiveness. One reason for this may be that forgiveness for a long time has been thought of as pertaining to religion rather than philosophy and the concept has, for the most part, been examined within a religious framework. Perhaps the saying 'To err is human, to forgive, divine', lends support to this attitude. In view of this, forgiving presupposes divine abilities, and being short of such abilities, forgiving does not come so easily for us.

But even if we acknowledge the Christian roots of forgiveness in our culture, it does not follow that we are, as Charles Griswold says, 'bound by its historical genealogy'. In fact, 'there is nothing in the concept itself that requires a religious framework, even though it may be thought through within such a framework'.² Very few philosophers nowadays hold the view that humans are incapable of forgiving. As a result, forgiveness is gradually being explored as a secular phenomenon. In recent years, philosophers have come to explore a number of issues in relation to forgiveness, such as the nature of forgiveness, the moral appropriateness of forgiveness, and the ideal of forgiveness. It is therefore no longer correct to say that forgiveness is an unfashionable subject in moral

¹ Strawson (1974), p. 6.

² Griswold (2007), p. xv.

philosophy. Still, however, there are some important issues and problems that require further reflection and clarification.

Against this background, the purpose of this dissertation is to consider more closely some issues and problems in what I call ‘the moral philosophy of forgiveness’. The dissertation is not a typical philosophical monograph. I do not put forward one single, central claim and then try to defend it against contrasting positions. Rather, the dissertation consists of three separate papers all dealing, in their own specific ways, with issues in the moral philosophy of forgiveness. More precisely, my aim in this dissertation is twofold. The first is to examine the status of forgiveness as a moral action. That is, I will consider the question of whether forgiveness is a moral duty or a supererogatory action. The second aim is to examine the relationship between forgiveness and blame or culpability. More precisely, I want to consider the question of whether there is something to forgive in cases where an action is excusable or justified.

2. Presentation of the papers

The three papers collected here are thematically interrelated insofar as they discuss various conceptual and normative issues pertaining to forgiveness. The first and second papers are somewhat more connected since both examine the status of forgiveness as a moral action. The third paper is more concerned with matters of conceptual analysis, though it discusses normative ethical issues as well. The papers are as follows.

Chapter 2: The duty to forgive repentant wrongdoers

Can there be a duty to forgive? While agreeing that forgiving is often morally praiseworthy, many are sceptical of the claim that there can be a duty to forgive. This scepticism is largely founded on the belief that forgiving is essentially optional: whether or not to forgive in a particular situation is entirely up to the victim to decide. This suggests that forgiveness can neither be expected nor required and that there cannot be a

duty to forgive. Since forgiving is something that goes beyond what morality requires, forgiveness is typically said to be a paradigmatic example of a supererogatory action: it may be good or praiseworthy to forgive, but it is not bad or blameworthy not to. A reasonable morality should therefore regard forgiving as something praiseworthy but not obligatory. On this view, a morality in which there is a duty to forgive would be overly demanding.

Against this background, the purpose of this paper is to consider the possibility that we have a duty to forgive those who harm or wrong us in certain types of cases. More specifically, I will consider the question of whether there is a duty to forgive those who repent and apologise for the wrong they have done. I will call these ‘repentant wrongdoers’. It will be argued that we have a *pro tanto* duty to forgive repentant wrongdoers, and I will propose and consider the following *pro tanto norm of forgiveness* (NF): If a wrongdoer repents and apologises to a victim (the norm condition), then the victim has a duty to forgive the wrongdoer (the norm theme). The norm of forgiveness prescribes that a victim ought to forgive a repentant wrongdoer, other things being equal. Whether or not the norm of forgiveness should apply in a concrete case depends on whether there are competing ethical considerations that outweigh the norm in this situation. Only after all the relevant circumstances of the concrete case have been considered, can it be determined whether there is a duty to forgive, all things considered.

Against this background, I examine the ethical considerations that I believe are relevant in determining whether or not there is an all-things-considered duty to forgive in a particular case. I will distinguish between three types of relevant consideration. (A) The first type consists of the *norm conditions* of repentance and apology. These conditions should be regarded as a reason or presumption in favour of forgiving, other things being equal. (B) The second type consists of what I call *general considerations*. There are three such principles: (1) ‘the principle of blameworthiness’, (2) ‘the principle of gravity of harm’, and (3) ‘the principle of compensation’. I will argue that these general

considerations or principles are always relevant to the question of whether or not the norm of forgiveness should apply to a given case. (C) The third type of relevant consideration consists of what I term *case-relative considerations*. These include empirical or other ethically relevant considerations. Only after all three types of consideration have been considered, can it be determined whether there is an all-things-considered duty to forgive.

It is worth noting that the first paper (chapter 2) provides some important resources for reading the second paper (chapter 3). The first paper deals explicitly with the question of whether there can be a duty to forgive repentant wrongdoers. The second paper examines the supererogatory status of forgiveness. Here the main focus is on the question of when and why forgiveness is supererogatory, but it is also relevant to discuss the conditions under which there can be a duty to forgive. I therefore recommend reading the first paper before the second.

Chapter 3: Is forgiveness supererogatory?

There are certain actions that we think of as going beyond the call of duty. These actions – often referred to as ‘supererogatory actions’ – are those that, while admirable and praiseworthy, still lie beyond duty. Beneficence is often mentioned as an example of a supererogatory action. Since beneficence is not strictly required as a matter of justice, a beneficent person is typically someone who (often motivated by love or generosity) gives more to others than he is morally required to. The doctor who travels to a plague-ridden country to save lives is also considered to exceed the requirements of morality. While doctors have a general duty to attempt to save lives, it is beyond duty to do so at a high cost or risk to their own life. The same thing can be said about the soldier who throws himself upon a live grenade to protect his comrades. No one would dream of reproaching him if he had not sacrificed his own life in this way. The question now is whether forgiveness should be added to these examples of supererogatory action? We often praise people who forgive, and we presumably do this on the assumption that forgiveness is not morally required.

The purpose of this paper is to examine in detail the supererogatory status of forgiveness. It is widely assumed that forgiveness is a clear example of a supererogatory action. Very often, however, it is not explained precisely what makes forgiveness supererogatory, or the circumstances under which it is supererogatory to forgive. Accordingly, the literature on forgiveness lacks a sufficiently nuanced account of the supererogatory status of forgiveness. In this paper, I seek to remedy this shortcoming by offering a systematic account of forgiveness as an example of a supererogatory action.

There is agreement among philosophers that for an action to qualify as supererogatory, certain conditions must be fulfilled. In terms of explaining the supererogatory status of forgiveness, I will argue that, to qualify as supererogatory, a forgiving action must fulfil three conditions: it must be permissible; it must not be morally required; and it must be good or praiseworthy, that is, it must have a certain moral value. Furthermore, when considering whether forgiveness is supererogatory, it will be helpful to distinguish two kinds of forgiveness: unconditional and conditional. I believe that the former is a most likely case of a supererogatory action, while the latter gives rise to further questions. Here I will argue that forgiveness is sometimes supererogatory, but other times it is a duty of a special sort, a *pro tanto* duty, and I intend to clarify this further.

Chapter 4: Forgiveness without blame

In moral philosophy it is widely assumed that there is only something to forgive in cases of unexcused and unjustified wrongdoing. I call this *the standard view*. According to this view, forgiveness presupposes that the person to be forgiven has done something that warrants blame and resentment. Excuses and justifications are generally thought to undermine grounds for blame and resentment, and therefore to rule out forgiveness. Typically, if a person has an *excuse* for her action, then she might acknowledge that what she did was wrong, but still reject any responsibility for it. She might point to factors about herself (e.g. insanity) or the situation (e.g. coercion or duress) that make it inappropriate for others to blame her for the action. If a person has a *justification* for her

action, then she will deny that she did anything wrong in the first place. She might acknowledge that her action was wrong at first glance, and that it came with a moral cost or remainder, but nevertheless claim that it was the right thing to do, all things considered.

This standard view has not prompted much discussion in the literature on forgiveness. Most writers on forgiveness seem to accept that it only makes sense to speak of forgiveness in those cases where someone is strictly speaking to blame for having done wrong. I think, however, that the literature on forgiveness lacks an adequately nuanced account of the relationship between forgiveness, justifications and excuses. The present paper challenges the standard view among philosophers that we can only make sense of forgiveness in the context of unexcused and unjustified wrongdoing. I will propose and consider an *alternative view* according to which there is something to forgive in certain types of cases where a person has a justification or an excuse for her action. More precisely, the aim of this paper is twofold: First, to argue that there is something to forgive others for in certain cases where the other person is excused or justified (i.e. interpersonal forgiveness). Secondly, to argue that there is something to forgive oneself for in certain cases where one has an excuse or a justification for one's action (i.e. self-forgiveness).

With regard to *interpersonal forgiveness*, I will primarily focus on the relationship between justifications and forgiveness. But I will also suggest that we may sometimes speak of forgiveness when there are mitigating excuses. When it comes to justifications, I put forward two arguments for the claim that there is something to forgive in certain cases where someone has an all-things-considered justification for her action. The first I will call 'the argument from reasonable rejection of justifications' (hereafter 'the argument from reasonable rejection'). I shall argue that in some cases the victim may reasonably reject the agent's justification for action, in which case the victim may legitimately claim that there is something to forgive. The second I will call 'the argument from moral remainder'. Here my focus is on the moral remainder that often

comes with certain types of moral dilemmas. I argue that the presence of a moral remainder in moral dilemmas creates conceptual space for both apologies and forgiveness.

With respect to *self-forgiveness*, I will take as a point of departure the moral emotions felt and experienced by the person whose action is excusable or justified. Philosophers writing on forgiveness have so far paid little attention to the moral emotions that are elicited in the person who performs excusable and justified actions. In the case of a person whose action is excusable, I will argue that she may well feel and experience what can be termed ‘agent-regret’. On the basis of this moral emotion, I will argue that if she has agent-regret then it can make sense for her to forgive herself. On the other hand, in the case of a person whose action is justified (in a moral dilemma situation), I will argue that she (i.e. the dilemmatic chooser) may well feel and experience what can be designated ‘tragic-remorse’. Based on this moral emotion I will argue that it can make sense for the dilemmatic chooser with tragic-remorse to forgive herself.

In the rest of this introduction I will make some clarifications, and present some reflections on issues that might be useful in order to throw light on central questions discussed later on in the dissertation and place them in a wider perspective. Part 3 explains the point of departure for the dissertation, and makes some terminological clarifications. The next two parts examine some central issues in contemporary debates on forgiveness. In part 4, I discuss the conceptual question of how we should understand forgiveness. Finally, I will in part 5 consider the normative question of why we should forgive those who wrong us. Here I will also outline the normative framework that I employ in the dissertation.

3. Forgiveness as a moral response to wrongdoing

The underlying question which motivates the writing of this dissertation is this: how should we respond to wrongdoing? This is a normative question about what kind of response or reaction that is appropriate in a situation where we or others suffer some

wrong or injustice, as opposed to the descriptive question of how we or others in fact do respond to wrongs and have done so in the past. These descriptive questions pertain to the social sciences and the humanities, for instance anthropology, psychology and history. Such studies of people's actual responses to wrongdoing may be of interest to philosophers and others who seek to prescribe or recommend certain normative responses.

A moment's reflection on the normative question quickly reveals a number of possible responses to wrongdoing: anger, hatred, resentment, indignation, a desire to take revenge or strike back, punishment, and *forgiveness*. This list is not intended to be exhaustive, but should be regarded as a selection of possible responses to wrongdoing. What the emotions and reactions have in common is that they are all *moral* responses to wrongdoing.³ They are moral responses because they are responses to morally wrong actions or omissions.

My concern in this dissertation is with forgiveness as a moral response to wrongdoing. More precisely, I am interested in forgiveness as a moral relation between two people: a victim and a wrongdoer. This may be called 'interpersonal forgiveness' as opposed to, for example, 'self-forgiveness' where the forgiver and the forgiven is one and the same person, or 'political forgiveness' which occurs between groups of people or between nations or states.⁴ Although my main concern is with interpersonal forgiveness, I shall also discuss self-forgiveness. Throughout the dissertation I will mainly use the term 'wrongdoing' (for variety's sake I sometimes use 'wrong' or 'wrongful action') to cover all kinds of morally wrong actions or omissions, ranging from minor to graver wrongs. Furthermore, I will use the term 'wrongdoer' to refer to those who are responsible for performing wrongs, and 'victim' to refer to those who suffer from wrongs.

³ Of course, punishment is not a moral but a *legal* response to wrongdoing; however, the motive for wanting people punished for their wrongdoing will often be based on certain moral emotions, such as the retributive emotions. Cp. Mackie (1985).

⁴ See, for example, Walker (2006) and Griswold (2007), ch. 4.

Before proceeding, let me say a few words about the title of this dissertation. I have chosen to call it *A Change of Heart – Essays in the Moral Philosophy of Forgiveness*. The expression ‘a change of heart’ is well-known in the literature on forgiveness. It comes from the Greek *metanoia*, which in one sense means ‘changing one’s mind’. In theological contexts it is commonly interpreted as ‘repentance’. Thus, a wrongdoer who repents his wrongful actions can be said to have a change of heart or mind. My reason for selecting *A Change of Heart* as the main title of my dissertation is because it is a central metaphor in contemporary philosophical discussions of forgiveness, and because I emphasise the moral relevance of repentance from the wrongdoer in some of the arguments I develop in the papers. But there is another possible interpretation of this expression that is also worth keeping in mind. ‘A change of heart’ can also be interpreted as referring to the victim’s process of changing his or her negative emotions and attitudes towards the wrongdoer. When we are victims of wrongdoing, we often respond with feelings of anger and resentment. A victim who forgives the wrongdoer must work to overcome these negative emotions and attitudes, and the act or process of achieving this involves having a change of heart towards the wrongdoer. The subtitle – *Essays in the Moral Philosophy of Forgiveness* – indicates my approach to the study of forgiveness. The theoretical framework of my discussions in the papers is mainly contemporary moral philosophy.

4. The conceptual task: understanding forgiveness

It is often thought that a disposition to forgive the person who has wronged one is the mark of a noble and virtuous person. A good or virtuous person is one who is forgiving, not angry, bitter or resentful. We often look up to and admire those who are forgiving, whereas we often look down on and disapprove of those who are unforgiving. However, it is also a widespread belief that to respond with anger, bitterness or resentment in many situations is understandable. When we have been victims of wrongdoing, we are justified in responding with certain negative emotions and attitudes of anger and

resentment. Thus, there is seemingly a paradox here: on the one hand, we admire and praise those who forgive, and sometimes we aspire to become like them. On the other hand, we often respect and understand that people find it hard to overcome their anger and bitterness, or that they feel justified in continuing to be angry and bitter towards the people that wronged them. In other words, we often understand why people are either unable or unwilling to forgive.

But perhaps we need not suppose that there is any paradox involved in these two opposing views. The fact that we often admire those who forgive and sometimes respect those who do not, may simply be testimony to the complexity of the concept and phenomenon of forgiveness. Although most of us will have some notion or idea of what we mean by forgiveness, a moment's reflection reveals that it is not as easy as one might think to say exactly what forgiveness is.⁵ One reason for this may be due to the inextricable link between the conceptual question of what we mean by forgiveness and the normative question of when forgiveness is morally appropriate. Philosophers very often disagree about what is the best analysis of the term 'forgiveness'. Presumably, much of this disagreement about the nature of forgiveness and its proper definition is informed by normative views about the value of forgiveness and its moral status.

Here are some examples to illustrate. For example, the question of whether forgiveness is to be regarded as supererogatory or whether there is sometimes a duty or an obligation to forgive is both a conceptual and a normative issue. What we think is involved in forgiving is important to any account that attempts to say something about whether or not forgiveness is morally required. The same applies to a range of other issues and problems, such as the question of whether one may forgive or request forgiveness on behalf of others, whether one may forgive the unrepentant, or whether one may forgive the dead. Some philosophers think that conceptually speaking forgiveness requires the wrongdoer to repent and apologise for the wrong he has done

⁵ As Geoffrey Scarre notes, 'Although we frequently request, grant or refuse forgiveness, the concept has proved surprisingly elusive and resistant to analysis' (Scarre, 2004, p. 18).

and that the victim accepts the wrongdoer's repudiation of the wrong.⁶ Others believe we can make proper sense of what forgiveness would mean in the case of unrepentant wrongdoers.⁷ Some think that only the victim can grant forgiveness, while others believe that talk of third-party forgiveness is not conceptually impossible, even if it might be morally problematic.⁸ While some believe it is impossible to forgive the dead because the wrongdoer is not present to accept the forgiveness, others do not consider this to be a necessary condition for forgiveness. The victim may, for example, forgive the dead in her heart.

These examples may serve to explain why forgiveness has proven so difficult to accommodate within moral philosophy. The question of what *counts* as forgiveness is surprisingly complex and elusive. Because philosophers differ to such a large extent on the conceptual issue of what forgiveness is, they naturally diverge on the normative or moral issue of when forgiveness is morally called for. I shall discuss normative questions pertaining to forgiveness in more detail in part 5. Before discussing the normative or moral issues, however, we need to provide some outline of the conceptual issues. In the following, I will be concerned with the question of what we mean by forgiveness.

4.1 Varieties of forgiveness

One of the key conceptual issues discussed in the literature is whether there are any essential features to forgiveness. In other words, the question is whether the term 'forgiveness' has an essence in the sense that we can offer definitions that contain necessary and sufficient conditions. Many philosophers are sceptical about the possibility of offering such definitions, and there are probably good reasons for this scepticism. For one thing, a problem with definitions in general is that a number of

⁶ Cp. Corlett (2006)

⁷ Cp. Calhoun (1992), Holmgren (1993) and Garrard & McNaughton (2002).

⁸ Cp. Neblett (1974).

different things are meant by this term. There are, for instance, nominal definitions which may be either descriptive or normative, and there are real definitions or definitions of essence. The latter two terms refer to a rather large class of things that are difficult to distinguish in a clear manner. The definitions of classical philosophers belong to this group, but there are crucial differences in the way definitions are conceived, for instance by Plato, Aristotle, Spinoza, Kant and Husserl. Secondly, a problem with definitions of forgiveness in particular is that it is to a large extent an ambiguous term which lends itself to different interpretations by different people within different contexts. Given that the term ‘forgiveness’ has both a descriptive and a non-descriptive or normative meaning, it is not a value neutral term. It is presumably best understood as a ‘thick moral term’, to borrow an expression from Bernard Williams.⁹

Furthermore, because forgiveness is such a complex concept and phenomenon, there are good reasons to think that there is not *one* type of forgiveness, but rather a *variety* of types. As pointed out by Geoffrey Scarre, ‘Forgiveness seems too broad, too varied and too vaguely bounded a phenomenon for its ‘essence’ to be captured in some statement of necessary and sufficient conditions. It would be hard to find any positive claim made by a philosopher about the nature of forgiveness that is not falsified by particular cases’.¹⁰ In a recent book on apologies, Nick Smith makes a similar observation:

Like apologies, notions of forgiveness seem to identify a loose constellation of interrelated meanings among various beliefs, judgments, emotions, and actions...Forgiveness might mean any number of things...again like apologies – we must value and emphasise different aspects of forgiveness in different contexts. A compelling theory of forgiveness would account for these distinctions in meaning.¹¹

I agree with both Scarre and Smith that we should appreciate the variations of forgiveness rather than presume that the term ‘forgiveness’ has one and only one meaning. Attempts to define forgiveness will therefore be inadequate insofar as these

⁹ Cp. Williams (2006), p. 140, 143-145, and 216-220.

¹⁰ Scarre (2004), p. 25.

¹¹ Smith (2008), p. 34.

definitions are supposed to capture the essence or nature of forgiveness. On this basis, I coincide with some recent attempts which see forgiveness as a ‘family resemblance term’ in the Wittgensteinian sense.¹² In the *Philosophical Investigations*, Wittgenstein makes the observation that many of our common terms are used to refer to a range of things which share no single common feature, but still resemble each other like members of a family. According to Wittgenstein, grasping the different meanings of a term is a matter of understanding ‘a complicated network of similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail’.¹³

The Wittgensteinian approach to understanding forgiveness has the advantage of giving us a certain leeway when interpreting the term. But even if the term forgiveness, according to this view, can contain several more or less different meanings, we should avoid making the stronger claim that forgiveness can mean, as Smith says, ‘any number of things’. Although we should be aware of attempts to construe forgiveness too narrowly, we cannot construe it too widely either. A couple of examples to illustrate. Suppose that you have stolen something from me, and that I just happen to forget about it after a while. In this case, would we say that I have forgiven you? Or suppose I deeply offended you, and that as a result you became very angry and resentful towards me. Let us assume, however, you are given a pill that makes your anger and resentment vanish. Have you then forgiven me? Few would say that any of these cases represent instances of forgiveness.

While there are good reasons to stay clear of strict definitions of forgiveness, it is necessary, for the purposes of philosophical analysis, to have some notion or idea of what we mean by forgiveness. Since not just anything can count as forgiveness, we need to identify some central elements of forgiveness. A good place to start may be with a dictionary definition of the term:

¹² See, for example, Scarre (2004), pp. 25-29, and Griswold (2007), p xvii. See also Neblett (1974).

¹³ Cp. Wittgenstein (1953) §§ 65-71.

Forgiveness is an action or process which has as its end result that the victim ceases to be angry or resentful towards the wrongdoer for a wrong, injury or transgression.¹⁴

Though this definition does not purport to capture the *essential* features of forgiveness, it undoubtedly captures some of its *central* elements. More precisely, I believe we can identify at least three such elements: (1) forgiveness as an action or process, (2) forgiveness presupposes a wrongful action, and (3) forgiveness presupposes that the victim overcomes resentment. In what follows, I will consider these three elements in more detail. An important aim of this discussion is to throw light on how forgiveness is understood in contemporary moral philosophy, and to place my own understanding of forgiveness within this context.

4.2 Forgiveness as an action or a process

Forgiveness is often expressed in the statement ‘I forgive you’. This immediately raises the question of what precisely is meant by saying ‘I forgive you’. Does it, for example, correspond to saying ‘I promise’? Suppose I make a promise to my wife that I will take her out to dinner next Saturday. In this case, the very act of saying ‘I promise’ constitutes the act of promising. Hence, ‘I promise’ is a performative act. Is forgiveness similarly a performative act? Does saying ‘I forgive you’ amount to forgiving? This question has raised some interesting discussions among philosophers. Rather than attempting to resolve this issue here, I shall mention some of the pros and cons of regarding forgiveness as a performative utterance.

The question is thus whether forgiveness can be granted by words alone. Joram Haber has argued that ‘I forgive you’ can be regarded as a performative utterance. He takes ‘I forgive you’ as first and foremost expressing an attitude. More precisely, he construes ‘I forgive you’ as an expression of how one feels, or as a report that one has gone through an internal change of heart and mind toward the wrongdoer. Haber gives the following example to illustrate:

¹⁴ This definition is based on the definition in the *Oxford Dictionary of English*, second edition (Pearsall and Hanks, 2003).

Consider the following sequence of events in the lives of two friends, John and Mary. At some point in the past, John offended Mary, and afterward, Mary said to John (sincerely), ‘Never mind, I forgive you’. Later, John finds himself in a difficult situation and turns to Mary for help. Mary, still harbouring resentment over the earlier incident, responds, ‘Why should I help you after what you did to me?’ John then reminds her, ‘But you already forgave me for that’. At this point, Mary could respond by saying, ‘Well, I guess I really didn’t’. But she could also respond by saying, ‘Yes, you’re right’ and proceed to help him.¹⁵

If Mary responds in the second way, then she has not really forgiven John insofar as saying ‘I forgive you’ amounts to an expression of her having overcome her resentment towards John. Most philosophers agree that it is incompatible with forgiveness to continue to feel resentment towards the wrongdoer. Thus, only the first response is open to Mary on this understanding of ‘I forgive you’. According to Haber, what Mary is doing is ‘*expressing an attitude*. Since to express an attitude is to perform an act, it follows that ‘I forgive you’ is a performative utterance or – what amounts to the same thing – a ‘speech act’.¹⁶ There are, however, those who disagree with Haber on this point. R. S. Downie believes that forgiveness cannot be a performative utterance. He contrasts ‘I pardon you’ and ‘I forgive you’, arguing that only ‘I pardon you’ can be a performative because only this utterance actually constitutes pardon, whereas ‘I forgive you’ does not constitute forgiveness. He explains:

When the monarch says, ‘I pardon you’, he is in fact pardoning the offender. In other words, by uttering the formula he sets in motion the normative machinery whereby the offence will be overlooked: he himself need do no more in his official capacity. To say, ‘I forgive you’, however, is not in a similar way to set anything in motion. The forgiver is merely signalling that he has the appropriate attitude and that the person being forgiven can expect the appropriate behaviour.¹⁷

¹⁵ Haber (1991), p. 30. Haber draws on the classic work of J. L. Austin (1962) in his discussion. See also the discussions on this issue by Novitz (1998), pp. 301-302, Downie (1965), p. 131, Neblett (1974), p. 269, and Scarre (2004), pp. 29-31.

¹⁶ Haber (1991), pp. 31-32.

¹⁷ Downie (1965), p. 132. Cp. also Trudy Govier: ‘When a person says...‘I promise’, the very fact of saying means that she does promise. What she says amounts to, or constitutes, a promise. But forgiveness

Downie's emphasis on the difference between pardoning and forgiving seems to be well taken, and 'I pardon you' is more easily seen as a performative utterance than 'I forgive you'. On the other hand, we should probably not dismiss Haber's proposal to see 'I forgive you' as expressing an attitude of forgiveness, and that to express an attitude is in a way to perform an act. Along with Haber, I contend that 'I forgive you' may amount to an expression of one's emotional and attitudinal state, indicating that one has overcome one's negative emotions and attitudes toward the wrongdoer and thus has forgiven him. But since the arguments I develop later in the dissertation do not depend on the assumption that forgiveness is performative, I will not attempt to defend it further at this point. The conclusion, I think, must be that uttering the words 'I forgive you' may or may not amount to an act of forgiving, depending on the context. But I would like to make one final point before I leave this subject matter. Regardless of whether or not one thinks that forgiveness is performative, it could be argued that saying 'I forgive you' to someone implies a promise that one will continue to forgive this person. According to this suggestion, saying 'I forgive you' is not something one can do without (at some point) actually doing it. Thus, performing the speech act 'I forgive you', insofar as this implies a promise that one will continue to forgive, creates at least a *pro tanto* duty to fulfil this promise and thus to forgive, even if merely saying these words as such does not count as an instance of forgiveness.

The above definition of forgiveness mentioned the possibility that forgiveness could be either an action or a process. There is a tradition, especially in psychology but also among some philosophers, which sees forgiveness primarily as a *process* consisting of several steps that the victim must go through in order to forgive. For example, Robert Enright and the Human Development Study Group have proposed a four-step process involving (1) 'uncovery', (2) 'decision making', (3) 'work', and (4) 'outcome'.¹⁸ The philosopher Joanna North has further developed this four-step process into a nine-stage process involving (stage 1) 'the victim experiencing negative feelings of anger,

is not performative in this way. Simply to say 'I forgive you' is not to forgive – not even if it is said in just the right setting and with just the right tone of voice' (Govier, 2002, p. 43).

¹⁸ Enright et al (1992), referred from North (1998), p. 21. See also Enright (2001).

bitterness, etc'. (stage 2) 'the victim's demand for justice and punishment', (stage 3) 'the victim is willing to consider forgiveness as a way of self-healing', (stage 4) 'the victim considers various reasons in favour of forgiving, such as a moral or religious duty to forgive', (stage 5) 'the victim considers reasons based on special relations, such as family ties and friendship', (stage 6) 'the victim not only feels a duty to forgive, but now also wants to forgive or has a desire to forgive', (stage 7) 'the victim makes a decision to try to forgive, through a process of 'reframing', that is, seeing the wrongdoer in a new light, or separating him from the wrongful action', (stage 8) 'the victim expresses his or her forgiveness publicly or to the wrongdoer', (stage 9) 'finally, the victim has overcome his or her negative feelings towards the wrongdoer, and replaced them with positive feelings. Thus, the process of forgiveness is completed'.¹⁹

One question is how theorists like Enright and North, who assume that forgiveness involves a step-by-step process, would consider the question of whether forgiveness can be a performative speech act? Presumably, they would find it difficult to admit that forgiveness can be granted by words alone, since the process of forgiveness often extends over time. Even so, I suppose they could say that uttering the words 'I forgive you' may amount to forgiving insofar as they are expressed at the very end of the process. Here 'I forgive you' could express the victim's change in feelings and attitude on the basis of a process that has extended over time.

As for the question of whether forgiveness is to be considered an action or a process, I think a reasonable answer would be that it can be both, depending on the context of persons and situation. To be sure, forgiveness is not an action in the sense in which washing the car or taking your dog for a walk are actions (or things we do). As I will come back to in 4.3, forgiveness involves, in its basic terms, overcoming one's resentment and changing one's attitude towards the wrongdoer. Insofar as one accepts Haber's claim that to express an attitude is to perform an act, it follows that forgiveness may be regarded as an action in this sense: it amounts to a change in attitude towards

¹⁹ North (1998), pp. 21-24.

the wrongdoer.²⁰ Sometimes overcoming resentment and adopting a forgiving attitude may not take long. For a moral saint, forgiveness may be a spontaneous act which does not require much effort. But for most people forgiveness will often require more effort and time.

To conclude, I think there are reasons in favour of viewing forgiveness both as an action and as a process. Nevertheless, for the purposes of analysis I will mainly refer to forgiveness as an action (or a moral action) throughout this dissertation. It is convenient to have one rather than two terms when referring to forgiveness. In addition comes the point that it is standard in contemporary moral philosophy to talk about actions. Thus, unless I make it explicit, when I speak of forgiveness as a moral action, I leave it (to a certain extent) open whether or not this involves a process over time.

4.3 Forgiveness presupposes a wrongful action

So far I have considered whether forgiveness is a performative utterance, and whether it is to be regarded as an action or a process. The above definition of forgiveness captures another point of significance for our understanding of forgiveness: forgiveness presupposes that some *wrong* has been done. Most or all philosophers writing on forgiveness make it explicit that there is only something to forgive when a wrong has been done by a person responsible. For example, according to Anthony Bash, ‘If an act is not morally wrong it is not forgivable (that is, ‘able to be forgiven’) and forgiveness is not an appropriate response to such an act’.²¹ Joanna North says that ‘one cannot forgive when no wrong has been done, for there is no breach to be healed and no

²⁰ Here I do not make a sharp distinction between ‘acts’ and ‘actions’. I take them to be equivalent, and I will therefore use both terms in subsequent chapters.

²¹ Bash (2007), p. 5.

repentance is necessary or possible'.²² Finally, Christopher Bennett tells us that 'forgiveness is a response to an act that is acknowledged to be wrong'.²³

One obvious point from these statements is that we do not forgive or refuse to forgive unless there actually *is* something to forgive. The 'something' in question must refer to some morally wrong action committed by a person responsible.²⁴ It makes no sense to say that one forgives, for instance, a flood for destroying one's cabin or that one forgives a dog for biting one's hand.²⁵ This is because it makes no sense for us to be angry or resentful at floods or at dogs, even if they may cause us great harm or injury. Thus, forgiveness seems to presuppose at least this: that a responsible agent *a* performed a morally wrong action *x* towards a victim *b*. If *b* feels and experiences emotions of anger and resentment, then *b* may choose to forgive *a*. At this point we face the question of what the *object* of forgiveness is. I said that *b* may choose to forgive *a*. This suggests that the object of *b*'s forgiveness is *a*: *b* forgives *a*. But *b* does not forgive *a* irrespective of whether or not *a* has done something to warrant *b*'s forgiveness. In other words, *a* must have performed a wrongdoing *x* towards *b* in order for there to be something for *b* to forgive *a* for. So while the object of *b*'s forgiveness is *a* in the sense that *b* forgives *a* and not *x*, it makes no sense for *b* to forgive *a* unless *a* has done *x*. Thus, forgiveness involves in its basic sense a *triadic* or *ternary* relation between a

²² North (1987), p. 502.

²³ Bennett (2003), p. 129. See also Murphy (1988 & 2003), Richards (1988), Haber (1991), Calhoun (1992), Roberts (1995), Holmgren (1998), Govier (2002), Bennett (2003).

²⁴ It should be noted that forgiveness also occurs in a nonmoral context. Consider the case of a referee of a football match who makes a terrible mistake and awards the home team a penalty kick. The penalty kick results in the only goal of the match. After the game, the away team is angry at the referee for making this mistake. Later the referee acknowledges his mistake and apologises to the away team, upon which they forgive him. This shows a case of forgiveness even if we would not say that what the referee did was *morally* wrong. Thus, forgiveness is not only directed toward moral actions but toward nonmoral actions as well.

²⁵ Cp. H. J. N. Horsbrugh, 'one cannot forgive a rock for falling on one's foot or a cougar for attacking one's child, even though a child might kick the rock and the father might shoot the cougar' (Horsbrugh, 1974, p. 279).

victim, a wrongdoer and a wrongdoing: *b* forgives or refuses to forgive *a* for wrongdoing *x*.²⁶

Forgiveness, then, presupposes a wrongful action. But wrongness and blame can come apart in a way that is relevant to forgiveness. The point is that we can do wrong without deserving blame for it.²⁷ For example, we sometimes say of a person that what he did was wrong, but that it nevertheless would be inappropriate to blame him for it. One reason blame would be inappropriate is because he had an *excuse* for performing the action. Another reason why it may be inappropriate to blame someone is because that person had a *justification* for his action. The relationship between excuse and justification was famously discussed by J. L. Austin. In his *A Plea for Excuses* Austin asked, ‘When, then, do we “excuse” conduct, our own or somebody else’s? When are “excuses” proffered?’²⁸ His answer was that:

In general, the situation is one where someone is accused of having done something, or (if that will keep it any cleaner), where someone is said to have done something which is bad, wrong, inept, unwelcome, or in some other of the numerous possible ways untoward. Thereupon he, or someone on his behalf, will try to defend his conduct or to get him out of it.²⁹

²⁶ No philosopher that I am aware of makes the point explicit that forgiveness involves a triadic relation in the way I have described. Still, there are a few writers who mention that the object of forgiveness is persons and not actions. For example, Trudy Govier says that ‘It is persons who are forgiven or not forgiven... forgiveness is something we extend or do not extend towards persons, and it fundamentally affects the relationships between persons. And yet, it is deeds which are said to be unforgivable. Although this anomaly does not seem to have been noted by philosophers writing about forgiveness, it is highly significant’ (Govier, 1999, p. 65), and David Novitz observes that ‘The verb “to forgive” always takes an object. What one forgives, however, is not a wrongful action; rather, one forgives the person who is believed to be responsible and who is blamed and resented for that action’ (Novitz, 1998, p. 300). See also Govier (2002), pp. 109-110, and Vetlesen (2005), p. 277.

²⁷ Cp. Scanlon (2008), ch. 4.

²⁸ Austin (1979), p. 175.

²⁹ Austin (1979), pp. 175-176.

In general, excuses are proffered in those situations where one person has done something wrong to another person. According to Austin, a person may try to defend his action in either of two ways: first of all, by showing that his action was in fact not wrong, all things considered, which amounts to offering a justification, or secondly, by admitting that his action was wrong, but nevertheless to point to factors about himself or the situation which makes it inappropriate to blame him for the action, which amounts to offering an excuse. It is generally thought that if someone has an excuse or a justification for his action, then he is not culpable or blameworthy. Offering either a justification or an excuse for one's action is therefore a way of trying to absolve oneself from blame.

The relationship between forgiveness and blame can be explained by the fact that forgiveness presupposes that the person to be forgiven has done something that would render resentment or other negative emotions and attitudes appropriate. It makes no sense to forgive a person for having done something that would not have rendered resentment or other negative emotions and attitudes appropriate in the first place. Rather, in forgiving someone we express our acknowledgment that they have done something that would warrant resentment and blame. If this is correct, then forgiveness turns out to be a way of holding people morally responsible.³⁰ Moreover, this also serves to explain why we often take offence when forgiven by someone we do not think we have wronged. If we have done nothing wrong then we feel there is nothing to repent or apologise for, and we do not want to be forgiven. If we believe we have done nothing wrong then being forgiven is certainly less satisfactory than being excused. If, however, we believe we have done something wrong then being excused is less satisfactory than being forgiven. And, if someone suggests that what we did was

³⁰ Cp. Wallace (1998), p. 73.

excusable (or forgivable) when we believed it to be justified, then we are likely to resent this.³¹

From a conceptual standpoint, the standard view among philosophers is that there is only something to forgive in those cases where what the agent did was unexcused or unjustified.³² Thus, if an agent has either an excuse or a justification for her action, then that person has not done anything towards which forgiveness is an appropriate response. Some philosophers even make the claim that forgiveness of unexcused and unjustified wrongdoing is the *core* or *genuine* type of forgiveness that we aspire to have or give.³³ I discuss these issues in more detail in Chapter 4 of this dissertation, arguing against the standard view that there is only something to forgive in cases of unexcused and unjustified wrongdoing. Instead, I offer an alternative view according to which there is something to forgive – both with regard to interpersonal forgiveness and with respect to self-forgiveness – in certain types of cases of excusable and justified actions. Moreover, I argue that a proper type of forgiveness may be located within this context.

4.4 Forgiveness as the overcoming of resentment

Up until this point I have discussed two of the central elements in the definition of forgiveness. In this part, I will consider the third element, which can be regarded as the most complex and difficult of the three elements. It concerns the question of what is *involved* in forgiveness. During my discussion so far I have occasionally mentioned the point that forgiveness presupposes that the victim overcomes certain negative emotions or attitudes of anger and resentment, and changes her attitude toward the wrongdoer. But I have not said much about what characterises this change in emotion and attitude. In what follows, I will address this issue.

³¹ As pointed out by Marcia Baron, ‘we generally prefer to have others think of our conduct as justified rather than excusable. This is because when someone tells us that they, or others, excuse us for something we did, they think that we did something we should not have done’ (Baron, 2007, p. 26).

³² See, for example, Murphy (1988 & 2003), Allais (2008) and Hieronymi (2001).

³³ Cp. Calhoun (1992), p. 80, and Allais (2008), p. 36.

What is interesting about forgiveness as a moral response is that it seems to presuppose a range of other responses to wrongdoing. When another person wrongs us, our first and initial response is usually not forgiveness. Rather, our first response is often that of anger, resentment, indignation and other negative emotions and attitudes. Most philosophers agree that forgiving presupposes that we overcome our negative feelings, emotions and attitudes towards the wrongdoer. There is nevertheless some disagreement about what emotions and attitudes are relevant to forgiveness. Some believe that forgiveness principally involves the overcoming or forswearing of resentment, whereas others think we should also count as forgiveness instances in which the victim overcomes other negative emotions and attitudes, such as contempt, disappointment, loathing, hatred or indifference. For example, Norvin Richards asserts that ‘it should also count as forgiveness to abandon contempt for someone or disappointment in him. Taken together, these suggest that to forgive someone for having wronged one is to abandon all negative feelings towards this person, of whatever kind, insofar as such feelings are based on the episode in question’.³⁴ On Richard’s account, overcoming resentment is neither a necessary nor sufficient condition of forgiveness.³⁵

In response to Richard’s assertion, I think it worthwhile to emphasise the following points. On the one hand, it is keeping with the model of forgiveness that I have presented that we should resist the attempt to straitjacket the notion of forgiveness. By allowing forgiveness to involve the overcoming of a variety of moral feelings and emotions, we thereby do justice to that model. This is certainly also in tune with our empirical reality; people often experience not only resentment when wronged, but also contempt, sadness, disappointment, etc. A compelling theory of forgiveness would have to take into account this spectrum of feelings and emotions. On the other hand, the question can be asked whether these feelings are the most central ones in relation to forgiveness. I contend that they are relevant, but I agree with the dominant accounts of

³⁴ Richards (1988), p. 79. See also Hughes (1997), pp. 37-40, Murphy (2003), p. 59, and Walker (2006), pp. 154-158.

³⁵ Cp. Griswold (2007), p. 40.

forgiveness which see *resentment* as the *most* relevant emotion or attitude. Why? The main reason is that feeling and experiencing the reactive attitude of resentment is intimately connected with holding people responsible, and thus with the belief that one has been wronged. On my account, forgiveness requires the victim to overcome or forswear resentment, but it does not require her to stop feeling hurt about what happened, or to not feel disappointed about the wrongdoer.³⁶

Having made this clarification, I turn now to the question of how to understand the relation between resentment and forgiveness. My discussion here is somewhat more elaborate than what I offer in the individual papers. It would, therefore, be advisable to have read this part before reading the papers.

It is commonly assumed that resentment is a feeling or an emotion. We typically say that ‘I feel resentment towards him’ or ‘I resent what she did to me’. Resentment is often characterised as a natural human emotion, and it is considered to be a basic feature of the human repertoire of emotions. Resentment should, however, not be confused with the kind of primitive, instinctual ‘bite back’ response we often find in the animal kingdom. If bitten by another dog, a dog will tend to sneer and bite back. Similarly with human beings: a person will instinctively bite back or return a blow when physically injured, for example when smacked by another person or bitten by an animal. But, as Jean Hampton points out, ‘dogs are not usually understood to be resentful (or at least not resentful in the way we are)’.³⁷

Yet resentment amounts to more than mere instinctive bite back. In its basic terms, resenting wrongs done to us is the sort of thing we do for a reason. Resentment is, as Murphy notes, ‘an idea-ridden response’ with a distinctive cognitive component.³⁸ Murphy, building his account of resentment on a cognitivist theory of the emotions,

³⁶ A similar view is defended by Griswold (2007), p. 40.

³⁷ Hampton (1988), p. 54.

³⁸ Murphy (1988), pp. 29-30.

argues that resentment involves states of beliefs rather than just feelings.³⁹ The emotion of resentment essentially carries within it the judgment of the action as wrong.⁴⁰ This cognitive understanding of resentment is also shared by Pamela Hieronymi. According to Hieronymi, resentment is an example of an attitude that is ‘sensitive to one’s judgments, subject to rational *revision*’.⁴¹ What is more, ‘we typically have them because we think we have reason to. If we come to see that they are unfounded, they will (in the well-functioning psyche) disappear. Like our beliefs, we can’t “just decide” to have them... But, like our beliefs, these attitudes have judgments proper to them’.⁴² Hieronymi’s statement reflects the nature of resentment as a *reactive attitude*, as Peter Strawson called it.⁴³ According to Strawson, the personal reactive attitude of resentment is appropriately displayed in those cases where we believe that a person has injured or harmed us in some way, or failed to show appropriate good will towards us. In such cases, resentment functions as a moral protest. ‘In resentment the victim protests the trespass, affirming both its wrongfulness and the moral significance of both herself and the offender’.⁴⁴ This allows us to see more clearly why, as many philosophers often point out, one cannot rid oneself of the emotion of resentment, and thereby be said to have forgiven someone, simply by taking some specially designed pill or injection. The reactive attitude of resentment is something we have because we believe we have reason to, it is sensitive to our judgments, and overcoming it presupposes that we revise our judgments about ourselves, the wrongdoer and the wrongdoing.

In view of this characterisation of resentment, the question is how we should understand the relation between resentment and forgiveness? Depending on whether one thinks

³⁹ In particular, Murphy draws on the work of Lyons (1980). See also Haber (1991) and Hieronymi (2001).

⁴⁰ Hampton (1988), p. 38.

⁴¹ Hieronymi (2001), p. 535. Hieronymi owes her notion of judgment-sensitivity to T. M. Scanlon’s concept of ‘judgment-sensitive attitudes’. See Scanlon (1998), pp. 20-24.

⁴² Hieronymi (2001), p. 535.

⁴³ Cp. Strawson (1974).

⁴⁴ Hieronymi (2001), p. 530.

resentment is primarily a feeling, emotion or attitude, this will presumably influence how one views forgiveness. I defend the view of resentment outlined above which sees it as a reactive attitude. I thus follow Murphy and others who build their account of resentment on a cognitivist theory of the emotions, arguing that resentment involves states of beliefs rather than just feelings. It is important to emphasise that this does not suggest that resentment is not a matter of how one feels about the person who has wronged one. For example, in Strawson's account the reactive attitudes are also to be regarded as feelings. Interestingly with respect to forgiveness, Jeffrie Murphy holds the view that forgiveness is 'primarily a matter of how I *feel* about you (not how I treat you)'.⁴⁵ Indeed, it is difficult to disagree with the view that forgiveness involves experiencing feelings, and as such that it is a matter of how the victim feels about the wrongdoer and the wrongdoing. Still, there is a sense in which Murphy seems to have overlooked the possibility that both resentment and forgiveness contain an *attitudinal* aspect that can make it appropriate to speak of forgiveness as being a matter of how we treat people. Resentment displays an attitude of protest against the wrongdoer and the wrongful action. I take it that part of what it means to resent someone is to hold against this person what he did to you. Until you have reason to do otherwise, for instance until the person repents and apologises, your resentment is justified. Moreover, to hold against this person what he did to you is, among other things, to continue identifying the wrong with him and to let his wrongdoing enter into your future dealings with him. To do these things is definitely grounded in the way you feel about this person, but your feelings manifest themselves in a certain way of *treating* him.

Something similar seems to me to pertain to forgiveness. As pointed out, while I agree with Murphy and others that feelings play a central role in forgiveness, I do think there is an important sense in which forgiveness also can be a matter of how we treat someone. To see this, consider for example the victim who forgives a repentant wrongdoer. What characterises a repentant wrongdoer? I suggest that when a person is repentant about some wrong he has done and attempts to make amends, he then

⁴⁵ Murphy (1988), p. 21.

acknowledges guilt and responsibility for the wrong, signals to the victim that he cancels the claim inherent in the wrong (e.g. that the victim deserved bad treatment), and attempts to divorce himself from his wrongful action. Hence, the repentant wrongdoer is asking his victim to no longer identify him with the wrongful action or to no longer hold it against him what he did. To be sure, he is not asking his victim to revise the judgment that what he did was wrong and that he was blameworthy or culpable for doing it. Rather, he wants his victim to longer hold attitudes of blame and resentment towards him now that he has repudiated his wrong. At the very least, this can help to remove his burden of guilt and enable him to go on with his life. If the victim chooses to forgive the repentant wrongdoer, then her forgiveness will involve modifying or adjusting her resentment on the basis of the wrongdoer's change of heart. Again, forgiving him will involve changing the way she feels about him and what he did to her. But if I am right in thinking that it also involves a change in the way she sees him and acts towards him, then it seems reasonable to say that forgiving him will also involve a change in the way she treats him.

This characterisation of forgiveness applies perhaps more naturally to conditional than to unconditional forgiveness. When the victim forgives unconditionally she forgives without receiving the wrongdoer's repentance and apology. Some philosophers make the conceptual claim that we can only make sense of forgiveness in those cases where the wrongdoer is repentant and where, ideally, the victim and the wrongdoer manage to communicate.⁴⁶ Others, however, argue that forgiveness is not necessarily conceptually contingent upon the wrongdoer repenting his misdeeds. Instead, we can make sense of what a victim who forgives unconditionally is doing.⁴⁷ For my part, I do not consider myself a proponent of either conditional or unconditional accounts of forgiveness in the traditional sense. Though we may agree that conditional forgiveness is, as Griswold says, 'the paradigmatic type of forgiveness'⁴⁸ that we should aspire to have – in the

⁴⁶ See Corlett (2006).

⁴⁷ Personally, I think the best account of unconditional forgiveness is the one offered by Garrard & McNaughton (2003).

⁴⁸ Cp. Griswold (2007), p. xvi.

sense that, ideally, the wrongdoer should be repentant and there should be communication between victim and wrongdoer – I do not discard unconditional forgiveness as conceptually incoherent or morally mistaken. Basically I think the claim that forgiveness requires reciprocity between victim and wrongdoer conflicts with the intuitions many people have about forgiveness. For example, most of us are probably able to make sense of what Nelson Mandela did when he forgave his unrepentant offenders after spending 25 years in prison.

That is not to deny that accounts of unconditional forgiveness face some important problems. One objection against unconditional forgiveness is that it is one-sided and therefore does not take account of the perspective of the wrongdoer and his actions. For example, Joanna North claims that forgiveness requires the perspectives of both the victim and the wrongdoer, and that forgiveness therefore must be conditional.⁴⁹ She fears that forgiveness, if merely undertaken for the victim's sake, may simply become a means to improving the victim's mental health. This would then not count as forgiveness. What North argues against here is what is sometimes called 'therapeutic forgiveness'. It is called therapeutic because it focuses on the therapeutic benefits or effects of forgiveness for the victim rather than on the wrongdoer and his actions. According to this view, to experience anger, resentment and hatred is self-destructive, and therefore forgiveness (in the sense of overcoming these negative feelings or emotions) is good for the victim.⁵⁰

One response to this objection would again be to say that those who argue that a condition of forgiveness is that it must be other-directed in the sense of including the perspective of the wrongdoer, tacitly assume that forgiveness has an essence which, as noted earlier, there are good reasons not to assume. By suggesting that forgiveness which is not other-directed in the sense of being wrongdoer-focused does not count as forgiveness, one thereby fails to do justice to the complexities of forgiveness. To

⁴⁹ Cp. North (1987).

⁵⁰ See, for example, Simon & Simon (1990), Flanigan (1992), and Smedes (1996).

overcome resentment and forgive in response to the wrongdoer's repentance may be closer to an ideal or paradigmatic type of forgiveness, but that does not commit one to the view that overcoming resentment and forgiving for other reasons (e.g. because harbouring resentment is self-destructive) should not count as forgiveness. In Chapter 3, I discuss in more detail the relationship between self-directed and other-directed reasons for forgiveness.

5. The normative task: why should we forgive?

So far I have discussed some of the main conceptual issues pertaining to forgiveness. In this part, I shall consider some of the normative issues that are central to the ethics of forgiveness. It is worth pointing out that I do not seek to explore *all* ethical issues of relevance to forgiveness. Rather, the aim is to shed light on some of the central questions that are explored in contemporary debates, and which form the basis of my discussion in the subsequent chapters of this dissertation. Furthermore, in these other chapters I rely on a particular normative theory or framework. Accordingly, I will also use the opportunity in this part to explain in more detail this normative framework.

In the preceding discussion of resentment I argued that it was an attitude that admits of justification. Thus, if I resent someone, then I do this thinking I have good reason to. Similarly, we may think of forgiveness as an attitude that admits of justification: if I forgive or refuse to forgive someone, then I do this thinking I have good reason to. On the assumption that forgiveness involves the overcoming of resentment, a reason to forgive will be a reason which cancels the reason to harbour resentment. Eventually, when we look for reasons to forgive, we look for answers to the question 'why should I forgive? But exactly how we should understand this 'should' (or 'ought to') in the context of forgiveness is a much disputed subject matter. When I say that I should forgive someone, perhaps what I am saying is that I have a certain kind of reason to forgive, one that outweighs any opposing reason against forgiving. Conversely, when I say that I should not forgive someone, perhaps what I am saying is that I have a

particular kind of reason not to forgive, one that outweighs any opposing reason in favour of forgiving.

One may imagine a number of different reasons for forgiveness. In what follows, I shall distinguish between three possible approaches to the normative question of why we should forgive: a *consequentialist* approach, a *virtue-ethical* approach, and a *deontological* approach.

5.1 Three approaches to the normative question

(i) *The consequentialist approach*

A consequentialist or utilitarian would say that we should forgive in a certain situation primarily because forgiveness has good *consequences*. This expression can be taken as shorthand for the statement that it is conducive to maximising the common utility of all parties concerned. On this view, whether or not forgiveness is called for in a certain case depends on whether granting it is likely to produce more good than refusing it.⁵¹ If forgiveness is likely to produce more good than refusing it then this counts as a reason or a consideration in favour of forgiving. If, however, forgiveness is likely to produce more bad than refusing it then this counts in favour of withholding it.

Consequentialist reasons for forgiveness may be relevant in a number of contexts. For example, in a political context forgiveness may lead to reconciliation between conflicting parties and help to bring about peace and stability.⁵² In an interpersonal context, forgiveness may have good consequences for the victim. By no longer harbouring anger and resentment the victim can continue her life, and this is certainly preferable to remaining in a state of victimhood. But forgiveness may also have good

⁵¹ See, for example, Scarre (2004), pp. 44-54 for a more detailed discussion of a utilitarian approach to forgiveness.

⁵² See, for example, Minow (1998) and Govier (2002).

consequences for the wrongdoer. Assuming that the wrongdoer wants or needs forgiveness, receiving the victim's forgiveness can ease or take away the burden of guilt that the wrongdoer feels, and it can enable him to get on with his life.⁵³

There is thus something to be said for consequentialist reasons for forgiveness. Forgiveness can contribute to peace and reconciliation and it can renew broken relationships. But there are some problems facing the consequentialist approach to forgiveness. One objection is that forgiving for consequentialist reasons alone may have the unwelcome effect of turning forgiveness into a strategy, in which case it ceases to be a *moral* response to wrongdoing. Joram Haber expresses this concern:

As I see it, following Kant, consequentialist reasons to tender forgiveness are essentially practical, rather than moral. As Kant made clear, there is an important difference between engaging in behaviour that is cost effective and engaging in behaviour that is morally proper. Certainly, forgiveness for consequentialist reasons may result in positive utilities. It does not, however, follow that forgiveness for such reasons is the right path to follow...If the 'ought' of forgiveness is to be anything more than a counsel of prudence, it must be directed at repentant wrongdoers.⁵⁴

Haber here contrasts two sets of reasons for forgiveness: consequentialist reasons and repentance on the part of the wrongdoer. His claim is that only the latter type of reason can possibly generate an 'ought to forgive'. Haber brings up an interesting point here. In general, I share his view that repentance from the wrongdoer is the best reason for

⁵³ As pointed out by Hampton, 'The one who receives the forgiveness may thus feel cleansed of the stain, cured of the rot, because the forgiver's perspective enables him to see himself as decent rather than (to some degree) corroded or morally damaged' (Hampton, 1988, p. 85). Hampton goes on to claim that 'perhaps the *greatest* good forgiveness can bring is the liberation of the wrongdoer from the effects of the victim's moral hatred. If the wrongdoer fears that the victim is right to see him as cloaked in evil, or as infected with moral rot, these fears can engender moral hatred of himself' (p. 86, my emphasis). Although one may question Hampton's claim that the greatest good of forgiveness is the liberation of the wrongdoer from the moral chains of the victim, there is an important sense in which forgiveness is often of great value and help to the wrongdoer. What is more, receiving the victim's forgiveness may sometimes be necessary in order for self-forgiveness to take place.

⁵⁴ Haber (1991), p. 108.

forgiveness. On the other hand, I also think we should count as morally relevant consequentialist reasons for forgiveness. In contrast to Haber, I acknowledge that there may be circumstances where consequentialist reasons may serve to make forgiveness morally required. I will not say more about this issue here but rather return to it in part 5.2, when I present and discuss my own normative framework.

(ii) *The virtue ethical approach*

The other main approach to normative ethics is virtue ethics. Both consequentialism and virtue ethics may be regarded as teleological ethical theories in that they both evaluate actions as morally right or wrong depending on whether they are good or bad. But contrary to consequentialism, virtue ethics does not evaluate actions solely in terms of consequences, but also whether they are good or bad in themselves. For an action to be good in itself, according to virtue ethics, it must be determined by a particular motive, and virtue ethicists call this motive 'virtue'. Furthermore, both consequentialism and deontology (which I will consider below) focus on acts, norms and principles abstracted from individuals. Their normative question is 'what morally ought we to do?' or 'how ought I to act in this situation?' Virtue ethics, by contrast, focus on the character traits, dispositions and motives (i.e. the virtues) of individuals. The normative question is 'How should I act and live in order to become the kind of person I aspire to be?'

It is often said that forgiveness is a virtue. Presumably, what is meant by this is that a disposition to forgive represents an excellence of character. Moreover, cultivating such a character would be morally desirable and appropriate. Robert Roberts calls this character 'forgivingness' and he argues that we should all aspire to cultivate and develop this kind of character.⁵⁵ It is important to note, however, that the disposition to forgive should not be cultivated in order to produce some good. Rather, the point is that the character of forgivingness is seen as an integrated part of a good and virtuous person, and it is constitutive of a good and virtuous life. According to Aristotle, it was

⁵⁵ Cp. Roberts (1995).

the mark of the good-tempered person that he will get angry in the right circumstances, to the right degree, and with the right persons.⁵⁶ Deciding when forgiveness is appropriate or not requires practical wisdom (*phronesis*). Aristotle's point was that the good-tempered person, endowed with practical wisdom, will forgive when the bad-tempered person, lacking practical wisdom, will not.

It is worth pointing out, however, that Aristotle (or the Greeks in general) did not in fact approve of forgiveness as a virtue. My remarks above merely represents an attempt to reconstruct an Aristotelian account of forgiveness. The explanation for why Aristotle, Plato, the Stoics, and Epicurus were unwilling to regard forgiveness as a virtue is to be found in their perfectionist theories of ethics. On their view, forgiveness was not regarded as a virtue because the perfected soul does not feel resentment and is therefore immune from receiving injury or from doing injury. Hence, the perfected soul has nothing to forgive.⁵⁷ Apart from the Greek scepticism to regarding forgiveness as a virtue, it remains a challenge for contemporary virtue ethicists to explain why forgiveness is a moral virtue. Given that many contemporary writers on forgiveness emphasise the value of resentment and that forgiveness presupposes that resentment be overcome, the virtue ethicist must explain, it seems to me, why having resentment is a good thing in the first place, and why it is the mark of a virtuous person to forgive that which it is proper to resent. Moreover, it is not altogether clear how forgiveness reflects a moral character, nor is it obvious in what way a virtue ethical account of forgiveness can be action-guiding, that is, how it can tell us when forgiveness is appropriate and when it is inappropriate. Despite some recent attempts to address these and other questions, the task of explaining and defending forgiveness as a virtue is by no means finished.⁵⁸

⁵⁶ Cp. Aristotle, *Nicomachean Ethics*, 1125b-1126a.

⁵⁷ Cp. Griswold (2007), pp. 7-17.

⁵⁸ I have in mind the accounts offered by, for example, Richards (1988), McGary (1989), Roberts (1995), and Griswold (2007). I am aware that Griswold is currently working to finish a larger study on Ancient

(iii) *The deontological approach*

When we come to the deontological approach, the main issue is not whether forgiveness (or forgivingness) is a disposition worth cultivating or whether an act of forgiveness is likely to produce good consequences. Instead, the appropriateness of forgiveness will be determined by whether or not it is in compliance with certain duties or obligations we have, either towards ourselves or towards others. For example, Margaret Holmgren makes a deontological (Kantian) argument for the appropriateness of unconditional forgiveness. On her account, forgiveness is first and foremost a matter for the victim. When the victim has worked through her negative emotions of anger, bitterness, hatred, forgiveness will always be appropriate and required: 'The appropriateness of forgiveness has nothing to do with the actions, attitudes, or position of the wrongdoer. Instead it depends on the internal preparation of the person who forgives'.⁵⁹ Holmgren proposes three conditions that must be met if forgiveness is to be morally justified: forgiveness must be compatible with self-respect, forgiveness must be compatible with respect for morality, and forgiveness must be compatible with respect for the wrongdoer as a moral agent.⁶⁰ Her claim is that when all these three conditions are satisfied, forgiveness is not only morally appropriate but also morally required.

Whereas Holmgren makes a Kant-inspired argument for unconditional forgiveness, it is interesting that others use Kant (or a Kantian analysis) to argue against unconditional forgiveness, and in favour of conditional accounts. For example, Murphy argues that forgiveness is permissible if and only if it is consistent with the victim's self-respect. He mentions five acceptable reasons for forgiveness: (1) that the wrongdoer has repented; (2) that the wrongdoer's motives were good; (3) that the wrongdoer has suffered enough; (4) that he has undergone humiliation or (5) for old times' sake. According to Murphy, forgiveness of a wrongdoer on the basis of any of these reasons will be consistent with

approaches to forgiveness. This will hopefully be a step in the direction of providing a more detailed treatment of forgiveness as a virtue.

⁵⁹ Holmgren (1993), p. 342.

⁶⁰ Holmgren (1993), p. 342.

the self-respect of the victim. For example, forgiveness of a repentant wrongdoer is permissible (and thus not wrong) because the repentant wrongdoer has made it clear to the victim that he no longer stands behind the wrongdoing.⁶¹ Thus, we see in what way Murphy's account differs from the account offered by Holmgren. Whereas she claimed that it can be consistent with a victim's self-respect to forgive an unrepentant wrongdoer, Murphy argues that forgiveness in the absence of the wrongdoer's repentance is not permissible insofar it is inconsistent with the victim's self-respect.

But of course it is one thing to claim that forgiveness of repentant wrongdoers is morally permissible, it is another thing to claim that we should forgive under these circumstances. Are there situations where forgiveness is morally required when, for example, the wrongdoer has repented and gone through a change of heart? This is a much disputed question in the literature on forgiveness, and it forms the basis of much of my discussion in Chapters 2 and 3 of this dissertation. Many philosophers believe that forgiveness goes beyond duty in the supererogatory sense.⁶² Murphy claims, however, that we sometimes should forgive, and the argument he offers for this claim is, I think, worth taking a closer look at. Relying on an understanding of forgiveness as a virtue, Murphy claims that:

It must be that sometimes it is not merely permissible that I forgive but that I *ought* to forgive and can be properly criticised if I do not. Perhaps nobody has a right to be forgiven (imposing on others a perfect duty to forgive him), but surely forgiveness – if a virtue – must be like charity in at least this way: Just as charity requires that I sometimes ought to assist those having no right to my assistance, so does forgiveness require that I sometimes ought to forgive those having no right to my forgiveness.⁶³

⁶¹ Murphy (1988), p. 26.

⁶² See, for example, Kolnai (1973-74), McGary (1989), Swinburne, (1989), Calhoun (1992), Govier (2002), Walker (2006), Corlett (2006) and Bash (2007).

⁶³ Murphy (1988), p. 29. See also Haber (1991), pp. 102-103. There are others who support different variants of the view that forgiveness is sometimes morally required. See, for example, Smith (1997) and Griswold (2007).

I have two comments to Murphy's argument. First, concerning the reason he offers for why we sometimes ought to forgive. Here Murphy clearly emphasises the moral relevance of repentance. The reason why we sometimes ought to forgive when wrongdoers repent their wrongdoing, he claims, is because their repentance should sometimes make our resentment inappropriate. Recall from part 4.4 that Murphy bases his account of resentment on a cognitivist understanding of the emotions, according to which emotions involve states of belief. 'There is a clear sense in which it is simply not *rational*', says Murphy, 'to continue holding attitudes [such as resentment] when I have come to see their inappropriateness and thus – as a rational being – I ought to forswear those attitudes'.⁶⁴ As I mentioned, I accept and rely on a similar cognitivist understanding of resentment in my argument for why we sometimes ought to forgive repentant wrongdoers. Along with Murphy, I contend that repentance and apology on the part of the wrongdoer should sometimes undermine our resentment or serve to make it inappropriate.

My second comment concerns his association of forgiveness with charity. As I interpret it, he imagines that forgiveness is analogous to charity in being an imperfect duty. According to Murphy, forgiveness cannot be a perfect duty because one cannot have a claim right to be forgiven. I agree with this; however, in contrast to Murphy I am doubtful whether forgiveness can be an imperfect duty. Since this issue is relevant for my discussion of forgiveness and supererogation in Chapter 3, I will clarify my views on imperfect duties here. The distinction between 'perfect' and 'imperfect' duties is employed in much contemporary moral philosophy, and can be traced back to John Stuart Mill and Immanuel Kant. The main difference between the two kinds of duties can be explained in terms of indeterminacy or degree of indeterminacy. As Mill writes:

Now it is known that ethical writers divide moral duties into two classes, denoted by the ill-chosen expressions, duties of perfect and of imperfect obligation; the latter being those in which, though the act is obligatory, the particular occasions of performing it are left to our choice, as in the case of charity or beneficence, which we are indeed bound to

⁶⁴ Murphy (1988), p. 29.

practise, but not towards any definite person, nor at any prescribed time. In the more precise language of philosophic jurists, duties of perfect obligation are those duties in virtue of which a correlative right resides in some person or persons; duties of imperfect obligation are those moral obligations which do not give birth to any right.⁶⁵

According to Mill, whereas it is relatively clear what is required of perfect duties, it is relatively unclear what is required of imperfect duties. More precisely, in the case of perfect duties there is little or no room for latitude in judgment on the part of the agent as to 'who one has a duty towards', 'what one has a duty to do', and 'when one has this duty'. Imperfect duties, on the other hand, allow for considerable latitude in judgment with regard to these three points. Stated otherwise, whereas perfect duties can be expressed in the form 'one ought always (or never) to do x', imperfect duties can be expressed in the form 'one ought to do (or avoid) x sometimes'.⁶⁶ In addition comes the point that perfect duties shall be applied impartially and are often (but not always) correlated by rights, whereas imperfect duties are not committed to any requirements of impartiality and have no correlative rights.

I am sympathetic to the view that we should sometimes forgive repentant wrongdoers, and that a failure to do so on some occasions should incur blame or criticism. But I think it is a mistake to understand forgiveness as an imperfect duty. One reason for this is that forgiveness is *structurally* different from other duties which we tend to associate with imperfect duties. For example, in the case of charity it makes good sense to say that the agent may choose when she wants to fulfil the imperfect duty to be charitable. But if the agent wants to avoid blame or criticism, she must be charitable at some point during her life. If she goes through her whole life without once donating money to charity or assisting the needy, then there is a sense in which she has done something blameworthy or wrong. In the case of forgiveness, however, I think matters are different. Unlike charity, forgiveness presupposes that others have done something to warrant our forgiveness. This means that in order to fulfil the imperfect duty of forgiveness the agent is dependent on actually being wronged in the first place. This

⁶⁵ Mill (1979), ch. 5.

⁶⁶ Hill (1992), p. 149.

may sound like a trivial point, but it seems at least a theoretical possibility that a person can go through his whole life without being wronged, and thus without ever having to forgive (or refuse to forgive) someone. But more importantly is the general problem of indeterminacy. The question of ‘how many times’ one ought to forgive in order to fulfil the requirements of the imperfect duty of forgiveness is misleading. On such a view, if I want to avoid blame or criticism, then I must be forgiving at least once during my life, although I am free to choose how many times I will forgive, as well as who I want to forgive. But this makes no good sense. It is simply not possible to stipulate exactly how many times one ought to forgive a repentant wrongdoer. This concerns the general difficulty of imperfect duties; it is difficult to provide definite prescriptions.

In conclusion, I share Murphy’s view that forgiveness is sometimes morally required, but I do not think his association of forgiveness with imperfect duties is well founded. In Chapter 2, I argue instead that the duty to forgive repentant wrongdoers should be regarded as *pro tanto*. Furthermore, in contrast to previous accounts, I provide a much more detailed analysis of the circumstances under which forgiveness is morally required, by emphasising the ethical reasons or considerations that are relevant to take into account when considering whether forgiveness is morally required or beyond duty in the supererogatory sense.

5.2 My normative framework

So far I have presented three competing approaches to the normative question of why we should forgive. I will now present the normative framework that forms the basis of my discussion in the subsequent chapters of this dissertation. My normative framework is relevant for the arguments I develop in Chapters 2 and 3, where I consider the question of whether forgiveness is a duty or supererogatory, and it is relevant for understanding my arguments in Chapter 4, where I discuss the relationship between forgiveness and justifications.

The normative framework of my discussion is *pluralist*, but with a distinctive deontological leaning. The deontological leaning is reflected in two ways. First, I lay much emphasis on repentance from the wrongdoer as a moral reason to forgive. I believe that a strong focus on repentance as a reason for forgiveness finds its natural place within a deontological framework. In order to illustrate this, I will use a distinction that is sometimes applied in moral and political philosophy between ‘backward-looking’ and ‘forward-looking’ considerations. In general, *backward-looking* considerations look to what has already happened, whereas *forward-looking* considerations look to what will happen in the future. This distinction is often found in theories of punishment. Philosophers often distinguish between backward-looking and forward-looking justifications for punishment. The backward-looking approach justifies punishment with reference to what the wrongdoer has done. The idea is that he deserves punishment in virtue of having done something culpably wrong. It is often called a retributivist theory of punishment. The forward-looking approach justifies punishment with reference to the good consequences that punishment might have for the wrongdoer or for the moral community as a whole. In short, the backward-looking approach says that we should punish primarily because the wrongdoer deserves the pain and suffering that punishment involves. The forward-looking approach, on the other hand, says that we should punish primarily because punishing is likely to do more good than not punishing.

My contention is that reasons for forgiveness are analogous to reasons for punishment. Repentance amounts to a backward-looking consideration, whereas consequences amount to a forward-looking consideration. The idea is that a person who repents his past wrongdoing can be deserving of forgiveness. Conversely, a person who does not repent and apologise is often said to be undeserving of forgiveness. This is a ‘desert-based approach’ to forgiveness which is analogous to the retributivist approach to punishment in its emphasis on what the wrongdoer has done in order to deserve forgiveness. The forward-looking approach to forgiveness, on the other hand, says that we should forgive primarily because forgiving is likely to do more good than not forgiving. My account of forgiveness is distinctly deontological because it strongly

emphasises repentance as a reason for forgiveness. I do not reject consequential reasons as morally irrelevant to forgiveness, but I believe that repentance is more important than consequential reasons.⁶⁷ I explain this in more detail in Chapter 3 (part 3).

Secondly, my discussion reflects a deontological leaning when in Chapter 4 I consider the place of forgiveness in moral dilemmas. Moral dilemmas typically occur in a situation where a person sees himself as having moral reasons to perform, or is required to perform, each of two actions, but where performing both actions is not possible. However, there is no solution to the moral dilemma because neither of the moral reasons or requirements overrides the other. Thus, there is never a right answer and the dilemmatic chooser is doomed to moral failure because no matter what he does, he will do something wrong or fail to do something that he ought to do. Some philosophers reject the idea that there is not necessarily a right answer to a moral question, and that dilemmatic choosers can be doomed to moral failure. For example, an act-utilitarian typically claims that one should always maximise the good. An absolutist deontologist claims that it is never permissible to violate a constraint in order to maximise good consequences. Accordingly, both act-utilitarianism and absolutist deontology rule out moral dilemmas where one ought to perform two actions, but cannot perform both.

I think both of these positions share the weakness of not being able to account for the intuition that we must sometimes act in ways that are inconsistent with both utilitarian and deontological principles. My approach to this problem is therefore to adopt a *moderate* deontology where norms or duties are regarded as *pro tanto*. This means that they are more or less weighty reasons or considerations that have a particular claim on our attention. That they are regarded as *pro tanto* allows them to be outweighed under certain circumstances.⁶⁸ Thus, I reject an absolutist deontology according to which it is never permissible to violate a constraint, no matter what the consequences.

⁶⁷ Haber (1991), pp. 90-103, seems to defend a deontological view similar to mine, whereas Scarre (2004), pp. 44-54, defends a utilitarian account of forgiveness.

⁶⁸ This kind of deontology is sometimes also referred to as 'threshold deontology'. A threshold deontologist holds that deontological norms and constraints are binding up to a certain point (or

These remarks on my normative framework conclude this introduction. I now turn, in the next chapter, to the first paper of my dissertation, which considers the question of whether there is sometimes a duty to forgive those who repent and apologise for the wrong they have done.

threshold), but when the consequences are great enough, these norms and constraints may be set aside. Examples of threshold (or moderate) deontologist are Michael Moore, Thomas Nagel and Robert Nozick.

REFERENCES

- Allais, Lucy. 2008. 'Wiping the Slate Clean: The Heart of Forgiveness', *Philosophy & Public Affairs* 36, No. 1: 33-68.
- Aristotle. 1954. *Nicomachean Ethics*. (Translated by Sir David Ross). London: Oxford University Press.
- Austin, John. L. 1962. *How to Do Things with Words*. Cambridge, Mass.: Harvard University Press.
- Austin, John. L. 1979. 'A Plea for Excuses', in J. O. Urmson & G. J. Warnock (Eds.) *Philosophical papers* (3rd Ed.). Oxford: Oxford University Press: 174-204.
- Baron, Marcia. 2007. 'Excuses, excuses', *Criminal Law and Philosophy* 1: 21-39.
- Bash, Anthony. 2007. *Forgiveness and Christian Ethics*. Cambridge: Cambridge University Press.
- Bennett, Christopher. 2003. 'Personal and Redemptive Forgiveness', *European Journal of Philosophy* Vol. 11, Nr. 2: 127-144.
- Butler, Joseph. 1953. *Fifteen Sermons Preached at the Rolls Chapel*. London: G. Bell & Sons.
- Calhoun, Cheshire. 1992. 'Changing One's Heart', *Ethics*, Vol. 103, No. 1 Oct: 76-96.
- Corlett, Angelo. J. 2006. 'Forgiveness, Apology, and Retributive Punishment', *American Philosophical Quarterly* Vol. 43, Nr. 1 January: 25-42.
- Downie, R. S. 1965. 'Forgiveness', *Philosophical Quarterly* 15: 128-134.
- Enright, Robert. D., E. A. Gassin, and C. Wu. 1992. 'Forgiveness: A developmental view', *Journal of Moral Education* 21 (2): 99-114.
- Enright, Robert. D. 2001. *Forgiveness Is A Choice. A Step-by-Step Process for Resolving Anger and Restoring Hope*. Washington: APA Life Tools, American Psychological Association.
- Flanigan, Beverly. 1992. *Forgiving the Unforgivable. Overcoming the bitter legacy of intimate wounds*. New York: Wiley Publishing.
- Garrard, Eve. 2002. 'Forgiveness and the Holocaust', *Ethical Theory and Moral Practice* 5: 147-165.

- Garrard, Eve and David McNaughton. 2003. 'In Defence of Unconditional Forgiveness', *Proceedings of the Aristotelian Society* 104: 39-60.
- Govier, Trudy. 1999. 'Forgiveness and the Unforgivable', *American Philosophical Quarterly* 36: 59-75.
- Govier, Trudy. 2002. *Forgiveness and Revenge*. London and New York: Routledge.
- Griswold, Griswold. 2007. *Forgiveness. A Philosophical Exploration*. Cambridge: Cambridge University Press.
- Haber, Joram Graf. 1991. *Forgiveness. A Philosophical Study*. Lanham, MD: Rowman & Littlefield Publishers.
- Hampton, Jean. 1988. 'Forgiveness, resentment and hatred', in J. Murphy and J. Hampton. *Forgiveness and Mercy*. Cambridge: Cambridge University Press: 35-87.
- Hieronymi, Pamela. 2001. 'Articulating an Uncompromising Forgiveness', *Philosophy and Phenomenological Research* Vol. LXII, No. 3, May: 529-555.
- Hill, Thomas E. Jr. 1992. *Dignity and Practical Reason in Kant's Moral Theory*. Ithaca: Cornell University Press.
- Holmgren, Margaret. 1993. 'Forgiveness and the Intrinsic Value of Persons', *American Philosophical Quarterly* Vol. 30, Nr. 4 October: 341-352.
- Horsbrugh, H. J. N. 1974. 'Forgiveness', *Canadian Journal of Philosophy* 4: 269-282.
- Hughes, P. M. 1997. 'What is involved in forgiving?' *Philosophia* 25: 33-49.
- Kolnai, Aurel. 1973-74. 'Forgiveness', *Proceedings of the Aristotelian Society* 74: 91-106.
- Lyons, William. 1980. *Emotions*. Cambridge: Cambridge University Press.
- Mackie, John. L. 1985. 'Morality and the retributive emotions', in J. L. Mackie. *Persons and values* (Selected papers, vol. 2). Oxford: Clarendon Press: 206-219.
- McGary, Howard. 1989. 'Forgiveness', *American Philosophical Quarterly* Vol. 26, Nr. 4 October: 343-351.
- Mill, John Stuart. 1979. *Utilitarianism*. Indianapolis: Hackett.

- Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*. Beacon Press.
- Murphy, Jeffrie. 1988. 'Forgiveness and Resentment', in J. Murphy and J. Hampton. *Forgiveness and Mercy*. Cambridge: Cambridge University Press: 14-34.
- Murphy, Jeffrie. 2003. *Getting Even. Forgiveness and Its Limits*. Oxford: Oxford University Press.
- Neblett, W. R. 1974. 'Forgiveness and Ideals', *Mind* 83: 269-275.
- North, Joanna. 1987. 'Wrongdoing and Forgiveness', *Philosophy* 62: 499-508.
- North, Joanna. 'The 'Ideal' of Forgiveness. A Philosopher's Exploration', in R. Enright & J. North (Eds) *Exploring Forgiveness*. Wisconsin: The University of Wisconsin Press:15-34.
- Novitz, David. 1998. 'Forgiveness and Self-Respect', *Philosophy and Phenomenological Research* 58: 299-315.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge: Cambridge University Press.
- Raz, Joseph. 1999. *Practical Reasons and Norms*. Oxford: Oxford University Press.
- Richards, Norvin. 1988. 'Forgiveness', *Ethics* 99: 77-97.
- Roberts, Robert. 1995. 'Forgivingness', *American Philosophical Quarterly* 32: 289-306.
- Scanlon, T. M. 1998. *What We Owe to Each Other*. Cambridge, MA: Harvard University Press.
- Scanlon, T. M. 2008. *Moral Dimensions: Permissibility, Meaning, Blame*. Harvard: Harvard University Press.
- Scarre, Geoffrey. 2004. *After Evil. Responding to Wrongdoing*. Aldershot: Ashgate.
- Simon, Sidney and Suzanne Simon. 1990. *Forgiveness. How to make peace with your past and get on with your life*. New York / Boston: Warner Books.
- Smedes, Lewis B. 1984. *Forgive & Forget. Healing the hurts we don't deserve*. San Francisco: Harper Collins Publishers.
- Smith, Tara. 1997. 'Tolerance and Forgiveness: Virtues or Vices?' *Journal of Applied Philosophy* 14: 31-42.

- Smith, Nick. 2008. *I Was Wrong. The Meanings of Apologies*. Cambridge: Cambridge University Press.
- Strawson, Peter. 1974. 'Freedom and Resentment', in P. Strawson. *Freedom and Resentment and other Essays*. London: Methuen.
- Swinburne, Richard. 1989. *Responsibility and Atonement*. Oxford: Clarendon Press.
- Vetlesen, Arne Johan. 2005. *Evil and Human Agency. Understanding Collective Evildoing*. Cambridge: Cambridge University Press.
- Walker, Margaret Urban. 2006. *Moral Repair. Reconstructing Moral Relations after Wrongdoing*. Cambridge: Cambridge University Press.
- Wallace, R. Jay. 1998. *Responsibility and the Moral Sentiments*. Harvard: Harvard University Press.
- Williams, Bernard. 2006. *Ethics and the Limits of Philosophy*. London & New York: Routledge.
- Wittgenstein, Ludwig. 1953. *Philosophical Investigations* (translated and edited by G. E. M. Anscombe & R. Rhees). Oxford: Blackwell Publishers.

Chapter 2

*The Duty to Forgive Repentant Wrongdoers*¹

1. Introduction

Can there be a duty to forgive? While agreeing that forgiving is often morally praiseworthy, many are sceptical of the claim that there can be a duty to forgive.² This scepticism is largely founded on the belief that forgiving is essentially optional: whether or not to forgive in a particular situation is entirely up to the victim to decide. This suggests that forgiveness can neither be expected nor required and that there cannot be a duty to forgive. Since forgiving is something that goes beyond what morality requires, forgiveness is typically said to be a paradigmatic example of a supererogatory action: it may be good or praiseworthy to forgive, but it is not bad or blameworthy if we do not. A reasonable morality should therefore regard forgiving as something praiseworthy but not obligatory. On this view, a morality in which there is a duty to forgive would be overly demanding.

The purpose of this paper is to consider the possibility that we have a duty to forgive those who harm or wrong us in certain types of cases. More specifically, I will consider

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² See, for example, Kolnai (1973-74); McGary (1989); Swinburne, (1989); Calhoun (1992); Govier (2002); Walker (2006); and Corlett (2006).

the question of whether there is a duty to forgive those who repent and apologise for the wrong they have done. I will call these ‘repentant wrongdoers’. It will be argued that we have a *pro tanto* duty to forgive repentant wrongdoers, and I will propose and consider the following *pro tanto norm of forgiveness* (NF): If a wrongdoer repents and apologises to a victim (the norm condition), then the victim has a duty to forgive the wrongdoer (the norm theme). The norm of forgiveness prescribes that a victim ought to forgive a repentant wrongdoer, other things being equal. Whether or not the norm of forgiveness should apply in a concrete case depends on whether there are competing ethical considerations that outweigh the norm in this situation. Only after all the relevant circumstances of the concrete case have been considered, can it be determined whether there is a duty to forgive, all things considered.

Against this background, I examine the ethical considerations that I believe are relevant in determining whether or not there is an all-things-considered duty to forgive in a particular case. I will distinguish between three types of relevant consideration. (A) The first type consists of the *norm conditions* of repentance and apology. These conditions should be regarded as a reason or presumption in favour of forgiving, other things being equal. (B) The second type consists of what I call *general considerations*. There are three such principles: (1) ‘the principle of blameworthiness’, (2) ‘the principle of gravity of harm’, and (3) ‘the principle of compensation’. I will argue that these general considerations or principles are always relevant to the question of whether or not the norm of forgiveness should apply in a given case. (C) The third type of relevant consideration consists of what I term *case-relative considerations*. These include empirical or other ethically relevant considerations. Only after all three types of consideration have been considered, can it be determined whether there is an all-things-considered duty to forgive.

My discussion will proceed through the following steps. The aim of part 2 is to present and examine some arguments in support of the assumption that forgiving is optional and supererogatory. In part 3, I offer a detailed account of the duty to forgive repentant

wrongdoers. Here I first present the norm of forgiveness. Then I consider the norm conditions of repentance and apology. Thereafter, I explain how resentment and forgiveness as reactive attitudes play a central role in the argument for why we can sometimes have a duty to forgive. Next, I examine the general considerations and the case-relative considerations. Finally, in view of this framework I consider some examples to illustrate my line of reasoning.

2. Preliminaries

Many philosophers believe that forgiving is optional or supererogatory: ‘Forgiveness must always be freely chosen and should never be understood as obligatory’.³ ‘Although we do want to promote and encourage the virtue of forgiveness in people, we do not want to do so by requiring them to forgive. Forgiveness must remain supererogatory’.⁴ ‘Because forgiveness is an elective response to culpable wrongdoing, it is conceptually connected with supererogatory acts of generosity and charity. It is something we ask or hope, rather than demand, for ourselves, and grant, rather than owe to others. Forgiveness is a gift, not the paying of a debt or the remission of a debt whose collection would prove too costly’.⁵

For those who defend the view that forgiving can never be morally required, forgiveness is often considered analogous to a *gift*. A gift is something we freely choose to give to another person and is not something we are required to give, other things being equal.⁶ Gift-giving has an optional character and those who receive gifts have no valid claims to receive them.⁷ Similarly with forgiveness: forgiving has an optional

³ Govier (2002), p. 77.

⁴ McGary (1989), p. 350.

⁵ Calhoun (1992), p. 81.

⁶ I have more to say about the relationship between forgiveness and gift-giving in Chapter 3 of this dissertation.

⁷ One can, of course, be deserving of a gift in virtue of having done something for someone, for example a benefit.

character in the sense that the one who is forgiven has no valid claims to receive the victim's forgiveness. Even if a person is said to deserve to be forgiven (e.g. in virtue of having taken steps to repent and apologise), many would still say that the victim has freedom to choose whether or not she wants to forgive the wrongdoer. To make it a requirement to forgive is simply asking too much of people.

However, it is worth asking what exactly motivates the claim that forgiveness must be freely chosen and cannot be something one morally ought to do. Insofar as we require people to show forgiveness, in what sense are we then asking too much of them? One reason which is sometimes mentioned is that, if forgiving presupposes the overcoming of certain negative emotions or attitudes of anger and resentment (and most philosophers believe that it does), then it makes no sense to require people to overcome these emotions and attitudes. This is because 'our emotions and attitudes are largely outside our voluntary control, in the sense that we cannot just make ourselves stop being angry or resentful'.⁸ Here the 'ought implies can' principle is invoked to explain why forgiving cannot be morally required: where we cannot forgive, it makes no sense to require forgiveness. It is assumed that because anger and resentment are, to a large extent, outside of our control, it is unreasonable to require us to overcome them, and thus it is unreasonable to require us to forgive. If we should nevertheless manage to forgive, then this will be an admirable and praiseworthy achievement. Forgiving, then, is beyond duty in the supererogatory sense.

In some concrete cases it is by no means easy to forgive. Despite this, I believe an account of forgiveness which holds that forgiveness is sometimes morally required need not be incompatible with the 'ought implies can' principle. Much depends, however, on how forgiveness is conceptualised in this context. Of importance here is the question of what emotions and attitudes one thinks are most relevant to forgiveness. I follow those contemporary philosophers who understand forgiveness to require the overcoming or forswearing of resentment. I do not deny that victims often feel and experience a range

⁸ Govier (2002), p. 174.

of other emotions when wronged, such as hurt, disappointment or sadness. Moreover, I think those who claim that forgiveness cannot be morally required are right to emphasise that these emotions may often not be within the control of the victim. But forgiveness, as I understand it, does not require one to overcome these emotions. Rather, forgiveness specifically requires the victim to overcome resentment, and this is part of the answer to the problem of 'ought implies can'. Resentment, many would say, is different from these other emotions in being 'judgment-sensitive'. Resentment as well as forgiveness are judgment-sensitive (or reactive) attitudes which admit of justification. That is, to resent and forgive is the sort of thing one does for a reason. Being reactive attitudes in this way, resentment and forgiveness involves a complicated set of dispositions to feel, think and react in specific ways. Central to my argument that there is sometimes a duty to forgive is the claim that repentance and apology from the wrongdoer is a reason for the victim to revise her resentment and forgive. Moreover, if there are no reasons that outweigh this reason in favour of forgiveness, then the victim ought no longer to have resentment.

Accordingly, if am right in thinking that resentment should sometimes be revised on the grounds that the wrongdoer has repented and apologised, then this suggests that requiring us to forgive in certain kinds of situations is not necessarily asking too much of us. Consequently, I think an account of forgiveness, according to which there is sometimes a duty to forgive, need not be overdemanding though it may of course be considered demanding. I will come back to this in part 3.1.

Before proceeding, it is worth noting that philosophers are by no means unanimous on the question of whether there can be a duty to forgive. Quite a few think that we sometimes morally ought to forgive, where failing to forgive would invite blame or criticism. Tara Smith, for example, claims that '...a person not only may forgive, in appropriate circumstances. On some occasions, he should; it would be wrong not to'.⁹ In a recent book, Charles Griswold makes a similar claim that '...under certain

⁹ Smith (1997), p. 39.

conditions it would be blameworthy not to forgive, which implies that it may indeed be morally demanded...It is not elective in the sense that one can *arbitrarily* decide, without blame, to withhold it'.¹⁰ Both Smith and Griswold maintain that forgiveness is sometimes morally required, and this denies the view that forgiveness is, as Calhoun claims, 'conceptually connected with supererogatory acts'.¹¹ However, neither Smith nor Griswold has provided any detailed argument for their positions. In this paper, I offer what I believe is the first systematic treatment of forgiveness as a duty.

3. The Duty to Forgive Repentant Wrongdoers

In what follows, I will present my case for the claim that there is a duty to forgive those who repent and apologise for the wrong they have done.¹² I will start by formulating the duty to forgive as a norm that I will call 'the norm of forgiveness' (NF):

The norm of forgiveness (NF):

If a wrongdoer repents and apologises to a victim, then the victim has a duty to forgive the wrongdoer.

The norm of forgiveness should be regarded as a *pro tanto* norm or guideline, and not as an absolute duty or strict rule. *Absolute* duties prescribe that if the norm condition (the 'if-clause') is fulfilled, the norm theme (the 'then-clause') shall apply without reservations, that is, no matter what the competing normative considerations are in a concrete case. *Pro tanto* or *prima facie*¹³ duties prescribe that if the norm condition is

¹⁰ Griswold (2007), p. 67.

¹¹ Calhoun (1992), p. 81.

¹² I must emphasise that although my concern in this paper is with the duty of victims to forgive, this does not mean that I ignore the duty of wrongdoers to repent and apologise for the wrong they have done. That wrongdoers have such a duty is obvious. However, to argue this point is not the purpose of this paper.

¹³ In this paper, I use the term 'pro tanto' instead of the term 'prima facie'. *Pro tanto* means 'as far as that goes', while *prima facie* is often taken to mean 'at first glance'. W. D. Ross used the term *prima facie* but some have pointed out that he actually meant to use the term *pro tanto*. See Dancy, (2004), p. 17. While I

fulfilled, the norm theme should apply, other things being equal. Whether a *pro tanto* norm is valid or binding in a concrete case depends on whether there are competing ethical considerations that outweigh the norm in this situation. Against this background, the norm of forgiveness should be read as follows: in those cases where the norm conditions are fulfilled (i.e. the wrongdoer repents and apologises) the norm theme should apply (i.e. the victim ought to forgive), other things being equal. That someone has a *pro tanto* duty to forgive a repentant wrongdoer means that he or she ought to forgive unless other considerations morally override the norm of forgiveness. In addition to the *norm conditions*, I propose to distinguish between two kinds or types of relevant ethical considerations: *general considerations* and *case-relative considerations*. Thus, I will examine three types of considerations:

- A. The norm conditions
- B. General considerations
- C. Case-relative considerations

3.1 The norm conditions (A)

The norm of forgiveness has two norm conditions: repentance and apology. Taken together, these norm conditions should be regarded as a reason or a kind of presumption in favour of forgiving, other things being equal. A fundamental thesis of this paper is that it matters morally whether or not the wrongdoer repents and apologises. If the wrongdoer is repentant then this is morally relevant when determining how the victim should act in response to the wrongdoer and his wrongful action. But whether the norm conditions should be regarded as a conclusive reason in favour of forgiving depends on whether there are competing ethical considerations that outweigh these conditions, all things considered. This means that if a wrongdoer repents and apologises to a victim, then this provides the victim with a *pro tanto* reason to forgive. But at the same time the

agree that both terms basically are trying to capture the same phenomenon, I think *pro tanto* better captures the duty to forgive repentant wrongdoers.

victim may have reasons not to forgive the repentant wrongdoer, and these reasons may outweigh the reasons (i.e. the norm conditions and other reasons) in favour of forgiving in a given case. In a number of cases, there will be reasons (or even weighty reasons) that outweigh the norm conditions and the norm of forgiveness is set aside. I will return to these in 3.2.

It is, however, important to emphasise that even if the norm conditions are overridden by other conflicting reasons which count in favour of not forgiving, the original reasons in favour of forgiving are still there.¹⁴ They are merely outweighed or overridden by conflicting reasons against forgiving in a certain situation or case. Similarly, the duty not to break a promise may sometimes be overridden, for instance in order to prevent a disaster. But even if it is overridden, it retains its force as a *pro tanto* duty. Perhaps it is instructive to think of the norm conditions of repentance and apology as representing what Philip Stratton-Lake calls a ‘deontic pull’.¹⁵ This can be understood in the following way. In a concrete situation there will be various deontic forces pulling in different directions. But even if a certain deontic pull is defeated or outweighed by other reasons or considerations in a particular situation, it will keep pulling in the same direction in the next situation, in the situation after that, and so on *ad infinitum*.

Presumably, many would agree that most of our duties have this status of being *pro tanto* and not absolute. For example, while I have a general positive duty to help those in need, in many situations there will be reasons (sometimes weighty reasons) in favour of setting aside this general duty, for example if the effort required of me to help, or the cost of doing so, are very high. In the same way with forgiveness: while on my account there is a general duty to forgive wrongdoers who repent and apologise for the wrong they have done, sometimes there will be overriding reasons or considerations which count in favour of setting aside this general duty.

¹⁴ A similar line of reasoning on reasons is found in Raz (1999).

¹⁵ See Stratton-Lake (2000), pp. 82-83.

Let me briefly explain how I understand the terms ‘repentance’ and ‘apology’. As I use these terms, *repentance* primarily concerns how the wrongdoer responds towards his own wrongful action, whereas *apology* primarily concerns how the wrongdoer responds towards the victim. Repentance will, on my account, involve a wish that one had not done the wrong or that one could somehow undo the wrong, whereas apology will involve an acknowledgment to the victim of responsibility and guilt, and possibly also a request for forgiveness. The wrongdoer may also make a promise to the victim never to repeat the wrongful action again. What I call a ‘repentant wrongdoer’ is one who has taken all these steps.

3.1.1 *Resentment and forgiveness as reactive attitudes*

I will now explain how resentment and forgiveness as reactive attitudes play a central role in the argument for why we can sometimes have a duty to forgive repentant wrongdoers. When we say of a victim that she ought to forgive a repentant wrongdoer, what exactly do we require her to do? Wipe the slate clean? Reconcile with the wrongdoer? Stop hating? Overcome resentment? Or view the wrongdoer in a new light? Despite some disagreement regarding what is involved in forgiveness, most writers on forgiveness agree with Bishop Butler that forgiveness involves the overcoming or forswearing of resentment.¹⁶ In what follows, I will also concentrate on forgiveness with regard to the reactive attitude of resentment. Moreover, I will follow the lead of Peter Strawson and talk about forgiveness as a reactive attitude.¹⁷

In the literature, there are a number of accounts of forgiveness that seek to explain the nature of resentment.¹⁸ For the purposes of argument, I shall take as point of departure the account proposed by Pamela Hieronymi. I think her account of resentment is

¹⁶ Butler (1827). Accounts which focus on the letting go or forswearing of resentment and other negative emotions or attitudes include: Murphy (1988); Holmgren (1993); Hieronymi (2001); Garrard (2002); Govier (2002); Bennett (2003); Griswold (2007); and Allais (2008).

¹⁷ Strawson (1974).

¹⁸ See, for example, Murphy (1988); Hieronymi (2001); and Allais (2008).

suitable as a basis from which to explain the *pro tanto* duty to forgive repentant wrongdoers. In ‘Articulating an Uncompromising Forgiveness’, Hieronymi argues that resentment is most correctly viewed as an attitude that is ‘sensitive to one’s judgments, subject to rational *revision*’.¹⁹ About the negative reactive attitudes, Pamela Hieronymi says that ‘we typically have them because we think we have reason to. If we come to see that they are unfounded, they will (in the well-functioning psyche) disappear [because] these attitudes have judgments proper to them’.²⁰ Hieronymi’s statement echoes Peter Strawson’s characterisation of resentment as a reactive attitude.²¹ According to Strawson, the personal reactive attitude of resentment is appropriately displayed in those cases where we believe that a person has injured or harmed us in some way, or failed to show appropriate good will towards us. This implies that one cannot rid oneself of resentment, and thereby be said to have forgiven someone, simply by taking some specially designed pill or injection. Rather, resentment is an attitude we have because we believe we have good reason to. It should be regarded as an emotion or attitude sensitive to our judgments and overcoming it presupposes that we revise our judgments about ourselves, the wrongdoer and the wrongdoing.²²

Given the judgment-sensitivity of resentment, an interesting question becomes what can serve to undermine it? According to Hieronymi, it is reasonable to think that an apology can, on some occasions, serve to undermine a victim’s resentment, insofar as it can bring about a revision in judgment or a change in a victim’s view.²³ Ideally speaking, when the wrongdoer apologises, this should serve to undermine the victim’s resentment

¹⁹ Hieronymi (2001), p. 535. Hieronymi owes her notion of ‘judgment-sensitivity’ to Thomas Scanlon’s concept of ‘judgment-sensitive attitudes’. See Scanlon (1998), pp. 20-24. Of relevance here are also the discussions in Rawls (1971), pp. 487-88; Williams (1972), pp. 3-4; and Feinberg (1970), pp. 55-94.

²⁰ Hieronymi (2001), p. 535. See also Feinberg (1970), pp. 70-71.

²¹ Strawson (1974).

²² Jeffrie Murphy makes the point that, ‘...my ceasing to resent will not constitute forgiveness unless it is *done for a moral reason*. Forgiveness is not the forswearing of resentment *simpliciter*; it is rather this: forswearing resentment on moral grounds’ (Murphy, 1988, pp. 23-24). Murphy mentions repentance and apology on the part of the wrongdoer as one such moral ground that may render forgiveness appropriate.

²³ Hieronymi (2001), p. 548.

or to make it inappropriate. ‘Once the offender *himself* renounces the deed, it may no longer stand as a threat to either the public understanding of right and wrong, to his worth, or to one’s own. It has been cut off from the source of its continued meaning. The author has retracted his statement, and anger loses its point’.²⁴ I think Hieronymi’s proposal for how an apology can undermine resentment is interesting. Moreover, I believe it fits well with the proposed norm conditions of the norm of forgiveness: if the wrongdoer repents and apologises then this should (ideally) serve to undermine the victim’s resentment and to make her prepared to forgive the wrongdoer. However, for reasons I shall return to in 3.2, such a response from the wrongdoer may not always be sufficient for resentment to lose its point because there may be other reasons or considerations that render continued resentment appropriate and justified.

In view of this characterisation of resentment, I will now explain what I take to be involved in forgiving repentant wrongdoers. As mentioned earlier, I largely agree with the dominant accounts of forgiveness in the literature which see it as involving the overcoming of negative emotions or attitudes such as resentment towards the wrongdoer and his action. More specifically in the context of repentant wrongdoers, I see it as involving the adoption of a particular attitude towards a person who has taken steps to erase the moral relation between himself and his wrongful action.²⁵ I use the word ‘attitude’ here because I think forgiveness of repentant wrongdoers can best be understood in terms of Strawson’s notion of reactive attitudes.²⁶ Reactive attitudes are reactions to the quality of other people’s will, motivation, or intention (good or bad)

²⁴ Hieronymi (2001), p. 548.

²⁵ I am not saying that forgiveness does not involve a change in the way a victim *feels* about the wrongdoer, but I choose to speak of attitudes because I believe that forgiving repentant wrongdoers, in many cases, is more about acting from reasons than it is a matter of feeling. However, in Strawson’s account the reactive attitudes are also to be regarded as feelings. For a more elaborate discussion of these issues, see Allais (2008), p. 50ff.

²⁶ Interestingly, in his discussion of reactive attitudes, Peter Strawson mentions forgiveness: ‘...to ask to be forgiven is in part to acknowledge that the attitude displayed in our actions was such as might properly be resented and in part to repudiate that attitude for the future (or at least for the immediate future); and to forgive is to accept the repudiation and to forswear the resentment’ (Strawson 1974, p. 6.)

towards us, as manifested in their behaviour. The reactive attitude of forgiveness can, in this sense, be regarded as an appropriate response to a person's attempt to move away from his past ill will (wrongdoing) toward a victim by way of an expression of good will (apology): when I repent and apologise for the wrong I have done, I make it clear that I wish I had not done you wrong and that I would undo it if I could. Part of a reactive attitude of forgiveness is a decision to see me in a new and more favourable light and to no longer hold the wrong against me.

I argue that insofar as a repentant wrongdoer makes it clear that he wishes he had not done the wrong or that he could somehow undo the wrong, this should produce some change in how the victim feels and thinks about the wrongdoer, as well as how she reacts towards him. It is not unreasonable to hold that in situations like this the victim should come to recognise that continuing to resent the wrongdoer is inappropriate.²⁷ Against this it can be objected that in some cases, such as when the wrong is very grave, overcoming resentment and forgiving the wrongdoer will be too difficult or even impossible, let alone morally inappropriate or undesirable.²⁸ For that reason, it is unreasonable to claim that resentment ought to be overcome in such cases. I think something can be said in favour of this view. To repeat what I said earlier: in those situations where forgiveness is psychologically very difficult or unfeasible (such as when the wrong is very grave), I certainly agree that forgiveness is beyond duty. I do believe, however, that in some concrete cases, such as when the wrong is not grave, a case can be made for the claim that the victim should cease to resent the wrongdoer. On these occasions, I claim that the victim ought to forgive the repentant wrongdoer in the sense outlined above.

²⁷ As Lucy Allais observes, here forgiving 'involves overcoming resentment...at the point at which it is no longer appropriate... [or] you ought no longer to have it' (Allais, 2008, p. 38).

²⁸ As Eve Garrard says with respect to grave wrongs, 'later repentance just seems irrelevant – there are some moral journeys from which there is no returning down the repentance route' (Garrard, 2003, p. 237).

Yet the idea that forgiveness can be a duty is bound to be controversial in some philosophical circles. I think one reason why some are cautious to make the claim that there can be a duty to forgive, is due to a failure to grasp exactly what *kind* of duty it is. Clearly, how we understand the duty to forgive will be crucial for any such account. I have claimed that we do not have an absolute moral duty to forgive those who have wronged us, even if they are genuinely repentant. Nor should the duty to forgive be regarded as a perfect duty. Even if we acknowledge that a repentant wrongdoer may come to deserve forgiveness in virtue of having taken steps to repent and apologise to the victim, this does not imply that he has earned a right to the victim's forgiveness. The duty to forgive is not correlated by a claim right on the part of the wrongdoer, and the wrongdoer cannot *demand* forgiveness from the victim. Even so, the wrongdoer can be more or less *deserving* of forgiveness insofar as he has been more or less willing to take the necessary steps to repent and apologise for his wrongdoing.²⁹ The argument of this

²⁹ Let me explain in more detail this relationship between forgiveness and desert. It could be argued that by suggesting that one can come to deserve forgiveness, forgiveness becomes a matter of fairness: if people should be treated the way they deserve to be treated, and repentance and apology makes a person deserving of forgiveness, then repentant wrongdoers should, as a matter of fairness, be forgiven. If forgiveness becomes a matter of fairness then it simply collapses into justice. I believe this can be avoided if we distinguish between 'desert' and 'entitlement'. This is a fairly common distinction made in theories of justice (see e.g., Vallentyne (ed), 2003). We often say that we *deserve* something or that we are *entitled* to something, and these terms are often used interchangeably. Notwithstanding important structural similarities between desert and entitlement – e.g. failure to treat in accordance with both can be regarded as an injustice – I believe the two terms should be distinguished, and that this has important implications for understanding the desert basis of forgiveness. I propose to say that we are 'entitled to' *x* when we have a right to *x*. For example, (in Norway) I am entitled to five weeks of paid vacation after working a full year, or I am entitled to my money back (at least within a certain time period) when I buy a defect product in a shop. On the other hand, I propose to say that we 'deserve' *x* when there are *pro tanto* good reasons to give *x* to us. For example, I may be said to be deserving of gratitude when I offer to help *a*, without thereby being entitled to *a*'s gratitude. In the case of forgiveness, a person may be more or less deserving of being forgiven (e.g., in virtue of taking all the required steps in relation to the victim), but he is never entitled to a victim's forgiveness. If he were entitled to forgiveness, then this would imply that he had a valid claim or right to be forgiven. But since there cannot be a perfect duty to forgive, one can never be entitled to forgiveness in the sense of having a valid claim to it. This point could be expressed by saying that forgiveness, no matter how sincerely someone repents or apologises, is never something that

paper is that the duty to forgive repentant wrongdoers is best understood as a *pro tanto* duty. According to this view, the fact that a wrongdoer repents and apologises for the wrong he has done counts in favour of forgiving him. Central here is the claim that such an effort from the wrongdoer should sometimes undermine a victim's resentment. Still, however, this is not sufficient to ground a duty to forgive. The point is that although the wrongdoer has repented and apologised – and thereby fulfilled the norm conditions of the norm of forgiveness – he has not necessarily undermined grounds for resentment, because there may be other reasons or ethical considerations which render continued resentment appropriate and justified. Once we have established which features of the situation count which way, we can make an all-things-considered judgment about what we ought to do. In what follows, I shall examine those ethical considerations that I believe are relevant for the question of whether or not there is an all-things-considered duty to forgive in a particular case.

3.2 General considerations (B)

I believe there are at least three important general considerations that must be taken into account in order to determine whether a victim has a duty to forgive a repentant wrongdoer, all things considered. These considerations can be formulated as three principles: (1) the principle of blameworthiness, (2) the principle of gravity of harm, and (3) the principle of compensation.

is *due* to a wrongdoer. The wrongdoer may, on the other hand, be said to deserve forgiveness insofar as he is repentant and apologetic. In such cases, I think it would be correct to say that the wrongdoer's repentance and apology function as a *desert basis* for his forgiveness. But one may want to distinguish between two senses in which a person possesses a desert basis for forgiveness. On the one hand, there is 'pro tanto desert', and on the other hand, there is 'all-things-considered desert' (this distinction is inspired by McLeod, 2008). Thus, the possession of a desert basis for forgiveness (e.g. repentance and apology) makes one only *pro tanto* deserving of forgiveness and not necessarily all-things-considered deserving. Whether a person is deserving of being forgiven, all things considered, depends on whether there are ethical considerations that outweigh his repentance and apology in a concrete case.

(1) *The principle of blameworthiness*

The notion of blameworthiness is central to the issue of forgiveness. This is because forgiveness is generally believed to presuppose blameworthiness. It only makes sense to speak of forgiving when some wrong has been done by a blameworthy person. But even if it is commonly thought that forgiveness presupposes blameworthiness, it remains a largely unexplored issue how a wrongdoer's *level* of blameworthiness influences forgiveness. When it comes to determining a wrongdoer's level of blameworthiness, my starting point will be some central assumptions in moral and legal reasoning on responsibility. Both in moral and legal assessments of responsibility a distinction is made between 'objective' and 'subjective' responsibility.³⁰ *Objective responsibility* pertains to the question of whether a person has in fact acted in conflict with certain moral or legal norms (e.g. performed the outward act of crime), whereas *subjective responsibility* pertains to evaluations of the person's blameworthiness or culpability on the basis of the person's intentions, knowledge and foresight. Blameworthiness concerns the subjective responsibility dimension. In both moral and legal considerations of responsibility, a distinction is made between three degrees or levels of blameworthiness: 'intention', 'recklessness' and 'negligence'. *Intention* refers to what can be termed 'intentional wrongdoing' (*dolus*), whereas *recklessness* and *negligence* refers to what can be called 'unintentional wrongdoing' (*culpa*). The levels of blameworthiness are hierarchically ordered such that causing the same harm intentionally is considered to be graver than causing it recklessly and causing it recklessly graver than causing it negligently.³¹

A person is said to act *intentionally* if he acts in a certain way with the purpose or conscious objective of bringing about a certain result (for instance a certain harmful consequence), or if the agent foresees with practical certainty (or with a high degree of

³⁰ As pointed out by Kristian Skagen Ekeli, this distinction made in Norwegian Criminal law between objective and subjective responsibility is also reflected in the distinction between 'the outward act of crime' (*actus reus*) and 'the mental state of the agent' (*mens rea*). See Ekeli (2004).

³¹ The following definitions of degrees of blameworthiness are based on the definitions given by Ekeli (2004), pp. 423-424.

probability) that his action will have a harmful result or consequence. A person is said to act *recklessly* when he consciously or knowingly disregards a substantial and unjustifiable risk. Whether a risk is substantial or not depends on such factors as the probability of harm, the gravity of the harm, and the extent of harm, that is, the number of persons who could be harmed. A person acts recklessly when he is aware of a risk but proceeds despite that awareness. A person acts *negligently* when he could and should be aware of a substantial and unjustified risk but is not. Negligence can therefore be described as a form of culpable ignorance. Thus, the difference between recklessness and negligence concerns the knowledge and foresight of the agent. A reckless person knows what can go wrong although he is uncertain about the outcome of his conduct, while a negligent person is ignorant about the possible harmful consequences of his actions.

I believe the wrongdoer's level of blameworthiness is a morally relevant consideration in order to determine whether or not the norm of forgiveness should be set aside. In view of that, I propose to formulate a principle of blameworthiness as follows:

- *The principle of blameworthiness:* The more blameworthy a wrongdoer is the more reason there is to count this as a consideration against forgiving.

Other things being equal, intentional wrongdoing provides a stronger reason against forgiving than doing the same harm recklessly, and reckless wrongdoing provides a stronger reason against forgiving than doing the same harm negligently. The point is that the more blameworthy the wrongdoer is, the more the victim is justified in keeping her resentment and blame of the wrongdoer and his actions, and thus the more reason there is to set aside the norm of forgiveness.

(2) *The principle of gravity of harm*

One can act with the intention of wronging another person, or with recklessness or negligence in respect to this wrong, and the harm caused by the wrongful act can be more or less grave. In addition to the principle of blameworthiness it is important to

examine the gravity of the harm that has been inflicted on the victim(s).³² As I use this term, ‘gravity of harm’ has two dimensions: ‘the severity of harm’ and ‘the extent of harm’. The *extent of harm* refers to the number of people harmed or injured. The *severity of harm* concerns the kinds or types of interests that are harmed. In this context one can distinguish between *vital human interests*, connected to physical health (or physical survival) and autonomy³³ on the one hand, and *non-vital interests*, for example property or economic interests, on the other. Moreover, one can grade the severity of harm on the basis of whether the harm (negatively) affects vital or non-vital interests. In my account, we speak of severe harm when someone’s vital interests are affected, whereas we speak of a less severe harm when someone’s non-vital interests are affected. This implies that a wrongful act that affects someone’s vital interests is more severe than a wrongful act that affects someone’s non-vital interests. For example, violently raping a young girl is a more severe harm than damaging someone’s house.

In view of this account of the gravity of harm, the infliction of a given harm can be more or less grave depending on the severity to which vital or non-vital interests are harmed and the number of people harmed. On this basis, I will propose the following principle of gravity of harm:

- *The principle of gravity of harm:* The graver the harm inflicted the more reason there is to count this as a consideration against forgiving.

Other things being equal, if the harm is very severe and if a number of people are harmed or injured, then this provides a stronger reason against forgiving than if the harm done is less severe and affects fewer people. In other words, the graver the harm

³² It is also important to take into consideration the risk that has been imposed on the victim(s), but I will not discuss that in more detail here.

³³ The term ‘vital interests’ refer to what Doyal and Gough call ‘basic human needs’. ‘Basic human needs...stipulate what persons must achieve if they are to avoid sustained and serious harm...Since *physical survival* and *personal autonomy* are the preconditions for any individual action in any culture, they constitute the most basic human needs – those which must be satisfied to some degree before actors can effectively participate in their form of life to achieve any other valued goals’ (Len Doyal and Ian Gough, 1991, pp. 50 and 54, my emphasis).

done, the more the victim is justified in keeping her resentment and thus the more reason there is to set aside the norm of forgiveness.

(3) *The principle of compensation*

The issue of compensation can also play an important role with regard to forgiveness. The third important general consideration concerns compensation. I contend that if it is possible to offer adequate or satisfactory compensation to the victim, and if the wrongdoer is willing and able to compensate, then this will always be conducive to the victim's process of forgiving. I will therefore propose a principle of compensation that emphasises the three following dimensions: (i) the *possibility* of adequately compensating for the harm done, (ii) the wrongdoer's *willingness* to compensate, and (iii) his *ability* (i.e. his resources) to do so. All three dimensions of the principle of compensation are relevant for determining whether or not the norm of forgiveness should be set aside in a concrete case. The first two dimensions, the possibility and willingness to offer adequate compensation, should be regarded as being a matter of degree. Depending on the nature and severity of the harm, it will be more or less possible to adequately compensate for a harm done. Moreover, the wrongdoer (insofar as he is repentant) may be more or less willing to offer such compensation to the victim.³⁴ Other things being equal, the more he shows a willingness to compensate the victim, the more this counts as a consideration in favour of forgiving. The third dimension, the wrongdoer's ability to compensate is seemingly more straightforward: either the wrongdoer has the ability or resources to compensate for the harm, or he lacks the ability to do so.

³⁴ We may note that whereas a repentant wrongdoer may be more or less *willing* to offer compensation, he cannot be *unwilling* to do so. Willingness to offer compensation is a sign of the genuineness or sincerity of the wrongdoer's repentance and apology, and so a repentant wrongdoer who is unwilling to compensate is actually *not* a genuinely repentant wrongdoer at all. In order for the victim to be convinced that the wrongdoer means what he says when he expresses his repentance and apology, he should make a serious attempt to offer compensation or reparation to the victim.

The relation between the three dimensions mentioned can be rather complex. The wrongdoer might have high willingness but no ability to compensate, and he might be able but show less willingness to do so. If his willingness to offer compensation is low, then his ability to do so will not matter much. Conversely, if he is not able to compensate, then his high willingness will perhaps not count for much – although it might count for something depending on the situation. But neither willingness nor ability seems to matter much if adequate compensation is not feasible. No doubt, some wrongs or injuries are of such a nature that they cannot be adequately compensated for. For example, in the case of someone who dies, it is impossible to undo the harm done. In addition, it may be difficult to offer satisfactory compensation for other types of harm, such as for sexual abuse, paedophilia, or comparable (physical or mental) harm that causes some kind of irreversible damage or injury to the victim. But we may also imagine cases where adequate compensation is feasible. For example, if someone breaks the windows of somebody's car, then it will be possible to repair these damages.³⁵

In view of the preceding considerations, I propose the following principle of compensation:

- *The principle of compensation:* The less feasible it is for the wrongdoer to adequately compensate for the harm done, the less willing he is to compensate, and/or if he is unable to do so, the more reason there is to count this as a consideration against forgiving.

Other things being equal, if adequate compensation is not feasible, and if the wrongdoer shows low willingness and/or is unable to offer compensation to the victim, then this will count in favour of setting aside the norm of forgiveness.

³⁵ One could argue that in those cases where adequate compensation is feasible, and where the wrongdoer is able to compensate, compensation is a necessary condition for forgiveness. For example, if you break the windows of my car, then I will not forgive you if you do not pay for the restoration of the windows. Although this seems to me to be a correct observation, and thus that compensation may be required in these particular cases, I do not think that forgiveness generally speaking requires compensation.

3.3 Case-relative considerations (C)

The general considerations or principles are always relevant for the question of whether or not the norm of forgiveness should apply in a given case. But in addition to the general considerations, it is often also relevant to take into account empirical or other ethically relevant considerations of a particular situation. These amount to what I call *case-relative considerations*, that is, ethically relevant circumstances related to concrete cases. Such case-relative considerations can also count as reasons for or against setting aside the norm of forgiveness. Let me give an example to illustrate. Imagine someone who is guilty of reckless driving that injured one person. Now imagine two different scenarios that serve to explain why this person drove recklessly. In the first scenario, the reason why he drove too fast is that he discovered that his daughter was dying in the hospital. In the second scenario, the reason why he drove too fast is that he badly wanted to make it to the grocery store before closing time. These two scenarios reveal two distinct reasons – one good and one bad – for why this person consciously chose to drive recklessly, and these reasons may be regarded as considerations relative to the particular cases. Moreover, such case-relative considerations can play an important role in determining whether the norm of forgiveness should apply in a given case.

3.4 Three examples

The preceding analysis of the proposed norm of forgiveness demonstrates that one must take into account a complex set of normative considerations in order to determine whether or not there is a duty to forgive in concrete cases. Only after all the relevant circumstances of the concrete situation have been considered, can it be determined whether there is a duty to forgive, all things considered. However, so far the discussion has mainly taken the form of theoretical considerations concerning the duty to forgive repentant wrongdoers. I will now present a few examples of the preceding theoretical framework.

Example 1: *Graffiti painting*. Consider the case of a young graffiti painter who deliberately defaces another's property with graffiti paint. He paint sprays an entire parking garage. It is an act of pure vandalism, and it shows a complete lack of regard for other people's private property. The owner of the garage is naturally very angry and resentful about the stunt. However, as time elapses the graffiti painter comes to feel very bad about what he did. He is truly sorry and eventually he expresses his apologies to the owner of the garage. He also wants to do everything possible in order to repair the damages. By taking these steps he has – following my line of reasoning – fulfilled the norm conditions of the norm of forgiveness. As a result, he has given the garage owner a reason to forgive him.

The question to be considered is whether this reason is outweighed by conflicting reasons or considerations in this case? First of all, the fact that he acted with the intention of damaging another person's private property counts as a reason against forgiving him. Secondly, it is relevant to consider the gravity of the harm done. In this case the harm is not grave. It is merely property damage and the garage owner has suffered no losses to his vital interests as a result of this damage. Moreover, it is no problem to restore the parking garage back to its original condition. The relative lack of gravity of harm may therefore be regarded as a reason or consideration in favour of forgiving. Thirdly, because the graffiti painter is both willing and able to adequately compensate for the harm done, compensation is also a consideration that counts in favour of forgiving him. Taking all these considerations into account, I would say a good case can be made for the claim that the garage owner ought to forgive the young graffiti painter.

Example 2: *Sexual abuse*. Consider the case of a paedophile who systematically abuses young boys over a longer period of time. He knows that what he is doing is wrong and that he causes harm to these young boys, but he nevertheless continues his exploitation. At one point, however, he is caught, charged with sexual abuse, and sentenced to 10 years in prison. Suppose, furthermore, that after spending all these years in prison he

eventually comes out as a ‘new’ man, repenting his past wrongs and wanting to apologise to the victims. Knowing a journalist, he gets the front page of a large news paper with the statement, ‘I am truly sorry about the pain I have caused my victims. What I did was wrong, and I apologise. Please find it in your hearts to forgive me’.

On this basis, the wrongdoer has fulfilled the norm conditions of the norm of forgiveness. This means that he has given his victims a reason to forgive him. The question is whether there are conflicting considerations that outweigh the reason (i.e. the norm conditions) in favour of forgiving him in this case? I presume most would answer this in the affirmative. Paedophilia is generally regarded as being among the gravest of wrongs. It is often labelled ‘unforgivable’ in the sense that it is somehow beyond forgiveness. Even if those who sexually abuse children systematically in this way suffer from some kind of illness, this is hardly an excuse for doing what they do. In view of that, many would say that one should not forgive those who commit such awful deeds.³⁶ Here the nature and gravity of the harm count as weighty reasons against forgiving. Exploiting defenceless children is something which renders resentment (or any other negative emotion or attitude) appropriate and justified despite attempts on the part of the wrongdoer to repent and apologise. Moreover, in such cases it is hardly ever possible to compensate for the harm done in any satisfactory way. Taking all things into consideration, a good case can be made for the claim that forgiveness is not a duty in this case.

Example 3: *Reckless driver*. Imagine a person who rushes home from work in her car. She knows that she is driving too fast and that she is exposing other people to great risk by doing so. After a while she collides with another vehicle. She is not injured herself, but the person in the other vehicle is injured. She is charged with reckless driving.

³⁶ Some may want to say that it is wrong or impermissible to forgive those responsible for unforgivable wrongs. Although this is an interesting question that deserves further discussion, I will not pursue one here as it would require a detailed examination of the reasons for which forgiveness is wrong in such cases. For arguments in support of the claim that forgiveness is sometimes wrong, see Heyd (1982), p. 154, and H. Benbaji & D. Heyd (2001).

However, she is repentant and apologetic and wants to take all possible steps in order to compensate for the harm done. Despite having little money she offers to pay the costs for any treatment that the victim may need. This entails that she has to renounce several of her own interests and needs. She can now be said to have taken all required steps on her part in order to be forgiven. By doing so she has given the victim reasons to revise his resentment and to adopt a forgiving attitude. Whether or not these reasons are conclusive depends on an overall assessment of the competing ethical considerations in this case.

If we examine these in more detail, it seems first of all that her level of blameworthiness is fairly high considering the fact that she was driving recklessly. Her blameworthiness may thus be regarded as a reason or consideration that counts in favour of not forgiving her. Secondly, it is also of significance how severely the victim was injured in the car crash. If we suppose that he became permanently physically or mentally handicapped as a result of her reckless driving, then this can be a weighty reason against forgiving her. If, on the other hand, he only received minor injuries, then this can be a reason in favour of forgiving. Thirdly, showing willingness to compensate for the harm done – despite having to make important sacrifices – is a factor that counts in favour of forgiving her. In addition to these general considerations, it is also important to consider the circumstances of the particular case. For example, it would be worse to drive recklessly on a school road than on a highway. Insofar as she did the former, then this would be a case-relative consideration that counts against forgiving her.

These three examples provide illustrations of my analysis of the proposed norm of forgiveness, and these examples show that there is a need to take into account a complex set of normative considerations in order to determine the question of whether or not there is a duty to forgive in concrete cases.

4. Concluding remarks

Can there be a duty to forgive? The widely held belief is that forgiveness is optional or supererogatory. To forgive is not something one can require people to do. In this paper, I have argued against this traditional view of forgiveness. I have argued that there is a *pro tanto* duty to forgive repentant wrongdoers, and I have proposed and considered the *norm of forgiveness*. This norm states that if a wrongdoer repents and apologises to a victim then the victim has a duty to forgive the wrongdoer, other things being equal. That someone has a *pro tanto* duty to forgive a repentant wrongdoer means that she ought to forgive unless other considerations morally override the norm of forgiveness.

I have argued that resentment and forgiveness as reactive attitudes play a central role in the argument for why we can sometimes have a duty to forgive a repentant wrongdoer. I considered Pamela Hieronymi's proposal to understand resentment as judgment-sensitive. Her claim is that an apology on the part of the wrongdoer will sometimes undermine the victim's resentment. But while I think Hieronymi's proposal for how an apology undermines grounds for resentment is useful, I have argued that it is not sufficient to ground a duty to forgive. Although the wrongdoer has repented and apologised – and thereby fulfilled the norm conditions – he has not necessarily undermined grounds for resentment, because there may be other reasons or ethical considerations that render continued resentment appropriate and justified. On my account, a reactive attitude of forgiveness ought to be displayed in those cases where a wrongdoer has successfully repented and apologised, unless there are other ethical considerations that outweigh his repentance and apology. Part of a reactive attitude of forgiveness is a decision to see the wrongdoer in a new and more favourable light and to no longer hold the wrong against him. With regard to relevant ethical considerations, a distinction was made between what I called 'general considerations' and 'case-relative considerations'. The general considerations include (1) 'the principle of blameworthiness', (2) 'the principle of gravity of harm', and (3) 'the principle of compensation'. These principles are always relevant to the question of whether or not the norm of forgiveness should apply in a given case. The case-relative considerations

can be regarded as relevant circumstances of the concrete case that may also set aside the norm of forgiveness. Only after all the relevant considerations of a case have been examined, it can be determined whether there is a duty to forgive, all things considered.

REFERENCES

- Allais, Lucy. 2008. 'Wiping the Slate Clean: The Heart of Forgiveness', *Philosophy & Public Affairs* 36, No. 1: 33-68
- Benbaji, H. & D. Heyd. 2001. 'The Charitable Perspective: Forgiveness and Toleration as Supererogatory', *Canadian Journal of Philosophy* 31: 567-585.
- Bennett, Christopher. 2003. 'Personal and Redemptive Forgiveness', *European Journal of Philosophy* Vol. 11, Nr. 2: 127-144.
- Butler, Joseph. 1827. *Sermons*. Boston: Hilliard and Brown.
- Calhoun, Cheshire. 1992. 'Changing One's Heart', *Ethics*, Vol. 103, No. 1 Oct: 76-96.
- Corlett, Angelo. J. 2006. 'Forgiveness, Apology, and Retributive Punishment', *American Philosophical Quarterly* Vol. 43, Nr. 1 January: 25-42.
- Dancy, Jonathan. 2004. *Ethics Without Principles*. Oxford: Oxford University Press.
- Doyal, L. & I. Gough. 1991. *A Theory of Human Need*. London: Macmillan Press.
- Ekeli, Kristian Skagen. 2004. 'Environmental Risks, Uncertainty and Intergenerational Ethics', *Environmental Values* 13 (4): 421-448.
- Feinberg, Joel. 1970. *Doing and Deserving: Essays in the Theory of Responsibility*. Princeton: Princeton University Press.
- Garrard, Eve. 2003. 'Forgiveness and the Holocaust', in Garrard and Scarre (eds). *Moral Philosophy and the Holocaust*. Aldershot: Ashgate: 231-246. First published in E. Garrard. 2002. *Ethical Theory and Moral Practice* 5: 147-165
- Govier, Trudy. 2002. *Forgiveness and Revenge*. London and New York: Routledge.
- Griswold, Griswold. 2007. *Forgiveness. A Philosophical Exploration*. Cambridge: Cambridge University Press.
- Heyd, David. 1982. *Supererogation. Its Status in Ethical Theory*. Cambridge: Cambridge University Press.
- Hieronymi, Pamela. 2001. 'Articulating an Uncompromising Forgiveness', *Philosophy and Phenomenological Research* Vol. LXII, No. 3, May: 529-555.
- Holmgren, Margaret. 1993. 'Forgiveness and the Intrinsic Value of Persons', *American Philosophical Quarterly* Vol. 30, Nr. 4 October: 341-352.

- Kolnai, Aurel. 1973-74. 'Forgiveness', *Proceedings of the Aristotelian Society* 74: 91-106.
- McGary, Howard. 1989. 'Forgiveness', *American Philosophical Quarterly* Vol. 26, Nr. 4 October: 343-351.
- McLeod, Owen. 2008. 'Desert', *Stanford Encyclopedia of Philosophy* <http://plato.stanford.edu/entries/desert/> (entry on March 1, 2009).
- Murphy, Jeffrie. 1988. 'Forgiveness and Resentment', in J. Murphy and J. Hampton. 1988. *Forgiveness and Mercy*. Cambridge: Cambridge University Press: 14-34.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge: Cambridge University Press.
- Raz, Joseph. 1999. *Practical Reasons and Norms*. Oxford: Oxford University Press.
- Richards, Norvin. 1988. 'Forgiveness', *Ethics* 99: 77-97.
- Scanlon, T. M. 1998. *What We Owe to each Other*. Cambridge, Mass.: Harvard University Press.
- Smith, Tara. 1997. 'Tolerance and Forgiveness: Virtues or Vices?' *Journal of Applied Philosophy* 14: 31-42.
- Stratton-Lake, Philip. 2000. *Kant, Duty and Moral Worth*. London: Routledge.
- Strawson, Peter. 1974. 'Freedom and Resentment', in P. Strawson. 1974. *Freedom and Resentment and other Essays*. London: Methuen.
- Swinburne, Richard. 1989. *Responsibility and Atonement*. Oxford: Clarendon Press.
- Vallentyne, Peter (ed). 2003. *Equality and Justice: Desert and Entitlement*. London: Routledge.
- Walker, Margaret Urban. 2006. *Moral Repair. Reconstructing Moral Relations after Wrongdoing*. Cambridge: Cambridge University Press.
- Williams, Bernard. 1972. *Morality: An Introduction to Ethics*. Cambridge: Cambridge University.

Chapter 3

*Is Forgiveness Supererogatory?*¹

1. Introduction

There are certain actions that we think of as going beyond the call of duty. These actions – often referred to as ‘supererogatory actions’ – are those that, while admirable and praiseworthy, still lie beyond duty. The soldier who throws himself upon a live grenade to protect his comrades is often mentioned as a paradigmatic example of a supererogatory action. No one would dream of reproaching him if he had not sacrificed his own life in this way. The same thing can be said about the doctor who travels to a plague-ridden country to save lives. While doctors have a general duty to attempt to save lives, it is beyond duty to do so at a high cost or risk to their own life. Furthermore, beneficence is frequently mentioned as an example of a supererogatory action. Since beneficence is not strictly required as a matter of justice, a beneficent person is typically someone who (often motivated by love or generosity) gives more to others than he is morally required to.² The question now is whether forgiveness should be added to these

¹ I would especially like to thank Kristian Skagen Ekeli and Jon Wetlesen for valuable comments and suggestions. The paper has also benefited from the comments of Eve Garrard, Brian Garvey, David Heyd, Anders Strand and Thomas Pogge.

² I am aware that there is some disagreement about whether beneficence (or charity) is to be considered supererogatory or whether it should instead be regarded as an imperfect duty. According to some philosophers, we ought sometimes to donate money to charity, but because imperfect duties are indeterminate and allow for considerable latitude in judgment on our part, it is optional *when* we choose to donate, *how much* we want to donate, and *whom* we want to donate our money to. For reasons outlined in Chapter 1 (part 5.1) of this dissertation, I think there are some problems associated with imperfect duties. Most importantly, there is the problem of indeterminacy. How do we decide how many times one ought to be beneficent or charitable? As I noted in my discussion, the same problem occurs when one

examples of supererogatory action? We often praise people who forgive, and we presumably do this on the assumption that forgiveness is not morally required.

The purpose of this paper is to examine in detail the supererogatory status of forgiveness. While it is widely recognised that forgiveness is an example of a supererogatory action, it remains to be explained precisely what makes forgiveness supererogatory, or the circumstances under which it is supererogatory to forgive. Philosophers often claim that forgiveness is supererogatory, but most of the time they do so without offering any explanation for why it is supererogatory to forgive. Accordingly, the literature on forgiveness lacks a sufficiently nuanced account of the supererogatory status of forgiveness. In this paper, I seek to remedy this shortcoming by offering a systematic account of forgiveness as an example of a supererogatory action.

There is agreement among philosophers that for an action to qualify as supererogatory, certain conditions must be fulfilled. In terms of explaining the supererogatory status of forgiveness, I will argue that, to qualify as supererogatory, a forgiving action must fulfil three conditions: it must be permissible; it must not be obligatory; and it must be good or praiseworthy, that is, it must have a certain moral value. Furthermore, with regard to the supererogatory status of forgiveness, I will draw a main distinction between ‘unconditional’ and ‘conditional’ forgiveness. *Unconditional* forgiveness refers to a forgiveness that is not contingent upon repentance and apology on the part of the wrongdoer, whereas *conditional* forgiveness refers to a forgiveness that is (conceptually or morally) contingent upon such an action or attitude from the wrongdoer. A central thesis of this paper is that the difference between conditional and unconditional forgiveness is significant for determining the supererogatory status of forgiveness. This is because it is morally relevant whether the wrongdoer is repentant or unrepentant. I

tries to analyse forgiveness in terms of imperfect duties. Even if one agrees that one should sometimes forgive, it is difficult on such an analysis to provide definite descriptions of just how many times one should forgive, in what situations one should forgive, as well as whom one should forgive. On the basis of this, I will not discuss further the possibility that there is an imperfect duty to forgive. For a more extensive discussion of the relationship between imperfect duties and supererogation, see Baron (1995).

will argue that conditional forgiveness (i.e. forgiveness of repentant wrongdoers) is sometimes a duty and sometimes supererogatory, whereas unconditional forgiveness (i.e. forgiveness of unrepentant wrongdoers) is typically supererogatory or beyond duty.³

The paper proceeds as follows. The aim of part 2 is to examine the nature of supererogation, and to propose three conditions that a forgiving action must fulfil in order to qualify as supererogatory. In part 3, I present and critically examine the widespread view that forgiveness is the victim's prerogative. In part 4, I apply the conditions of supererogation in my examination of the supererogatory status of forgiveness. Finally, in part 5, I consider the possibility that forgiveness is a personal duty.

2. Conditions of supererogatory forgiveness

Those who perform supererogatory actions seem to have one thing in common: they somehow go beyond duty or beyond the requirements of morality, and for that reason they receive our admiration and praise.⁴ The term 'supererogation' originally stems from Roman Catholic thinking where a distinction was made between 'precepts' and 'counsels'. According to the Roman Church, precepts (*praeceptum*) have their deepest source in the will of God, revealed to men in the Old Testament in the Ten Commandments, as interpreted by the Church. They were often specified in terms of prohibitions and obligations. To break these merited punishment and damnation. Counsels (*concilia*), on the other hand, have their primary source in the New Testament

³ I should note that I do not discuss 'forgiving the dead' in this paper. Instead, I have chosen to focus on forgiving repentant and unrepentant wrongdoers. That is not to say that it cannot be supererogatory to forgive the dead. Interestingly, forgiving the dead seems to fall between these two categories. Griswold has expressed this point nicely when he says that forgiving the unrepentant 'is very similar to that of forgiving the dead, with the obvious difference that death forecloses what must otherwise remain a possibility, namely that the wrongdoer might undergo a change of heart' (Griswold, 2007, p. 121).

⁴ For a more extensive discussion of supererogation, see Heyd (1982) and Mellema (1991).

theology where emphasis is on higher moral ideals that are not strictly required, but which are nevertheless commended and recommended. To act like this was a way to achieve merit and salvation. This doctrine of supererogation (*opera supererogationis*) was subject to harsh criticism from Lutherans and Calvinists during the Reformation, since they would not admit of the possibility that people could gain merit or salvation by performing actions that go beyond the minimum requirements of morality. For that reason, the Reformers did not acknowledge the existence of supererogatory actions. Salvation depends on the Grace of God, not on the merit of man's actions.

More recently, philosophers have become interested in the topic of supererogation. The philosophical debate was prompted by J. O. Urmson's seminal article 'Saints and Heroes' (1958). In this article, Urmson claimed that the traditional threefold classification of moral actions as permissible, obligatory and prohibited was inadequate since it did not account for the class of actions that are morally good but not required, that is, the supererogatory.⁵ Since the publication of Urmson's article, there has been a heated debate over how to classify those actions which are good or praiseworthy but not strictly speaking required. Some claim there is no room for a separate class of moral actions beyond duty since the traditional threefold classification of moral actions is sufficient to take care of all the facets of morality.⁶ These are sometimes referred to as 'anti-supererogationists'.⁷ Others think we need a separate class of supererogation to account for those actions which are beyond duty but still good or praiseworthy.⁸ These are sometimes called 'supererogationists'. The disagreement between the supererogationists and the anti-supererogationists centres on a problem that is sometimes called 'the paradox of supererogation': how can the morally good not be morally required? The anti-supererogationists claim that the morally good somehow

⁵ Cp. Urmson (1958). It is interesting that Urmson himself never used the term 'supererogatory' when referring to this fourth class of moral actions.

⁶ See, for example, Pybus (1982), Baron (1987), and Hale (1991).

⁷ I suppose one could say that the anti-supererogationists continue the sceptical attitude of the Reformers on the issue of supererogation.

⁸ See, for example, McGoldrick (1984), Heyd (1982), and Mellema (1991).

must be required as a moral duty. The challenge for anyone who wants to refute their scepticism is to provide reasons for the claim that the morally good need not be morally required. In other words, one must show that there is room for a realm of moral aspiration beyond duty – what Urmson referred to as ‘the higher flights of morality’ and Bergson called ‘the morality of aspiration’.⁹

Another way of showing how the morally good need not be morally required is to deny that morality is only about value, and about maximising or at least increasing the amount of value (the good) that there is in the world. Non-consequentialists or deontologists, for example, will typically deny that morality is exclusively about maximising the good, and will claim that sometimes we are justified in not producing more value, and that sometimes we are obligated not to optimise value. This certainly leaves room for supererogation, which is indeed a standard feature of deontological systems. It also leaves room for the domain of the merely permissible, which like supererogation is not required of us. The challenge for any account of supererogation is to offer a way of distinguishing between the permissible and the supererogatory since both of them are outside the realm of duty. The standard way of doing this is by saying that supererogatory actions are praiseworthy, whereas merely permissible actions are neither praiseworthy nor blameworthy. But that still leaves unexplained *why* supererogatory actions are praiseworthy.¹⁰ I shall make no attempt here to identify a general praiseworthy element of all supererogatory actions (in fact I doubt that it is possible). Instead I shall attempt to explain what makes supererogatory forgiveness praiseworthy. I will specifically return to this in part 4.3.

For the purpose of my discussion of forgiveness, it will be helpful to have some delineation of the notion of supererogation. As one would expect, philosophers differ on exactly how to define or characterise supererogation and supererogatory actions. One traditional approach has been to define supererogation in terms of asymmetry of

⁹ Cp. McGoldrick (1984).

¹⁰ I thank Eve Garrard for stimulating discussions on these points.

commission and omission: ‘good to do but not bad not to do’, or ‘right to do but not wrong not to do’, or ‘praiseworthy to do but not blameworthy not to do’, etc.¹¹ These formulations all combine a positive assessment of the action with a non-negative assessment of its omission. Others simply characterise supererogatory actions as being beyond duty or beyond the requirements of morality. Perhaps the most detailed account of supererogation has been offered by David Heyd. According to Heyd, ‘an act is supererogatory if and only if (1) it is neither obligatory nor forbidden, (2) its omission is not wrong, and does not deserve sanction or criticism – either formal or informal, (3) it is morally good, both by virtue of its (intended) consequences and by virtue of its intrinsic value (being beyond duty), and (4) it is done voluntarily for the sake of someone else’s good, and is thus meritorious’.¹²

Heyd can be said to have offered a rather stringent definition of supererogation. According to his definition, if an action does not meet all of the four criteria specified, then it is not supererogatory. It is outside the scope of this paper to discuss in detail the general conditions of supererogation. My concern is with the conditions of supererogatory forgiveness. In order to make sense of the claim that forgiveness is supererogatory, it is necessary to have some notion of which conditions must be fulfilled in order for forgiveness to qualify as supererogatory. With regard to Heyd’s definition, I mainly agree that a forgiving action must satisfy the first three of his conditions, although I will state them a little differently. With respect to forgiveness, I do not endorse his fourth condition which requires that a forgiving action must be done from an altruistic intention or motive. Against Heyd, I claim that forgiveness may be considered supererogatory even though one’s motivation for forgiving is not strictly speaking based on a concern for the good of the wrongdoer or anyone else.¹³ I will

¹¹ Cp. Heyd (1982). These formulations may also be combined in various ways.

¹² Heyd (1982), p. 115.

¹³ I do not believe that Heyd offers a convincing case for the claim that forgiveness must be done ‘for the sake of someone else’s good’. All he says is that the application of condition (4) does not pose special problems for forgiveness because ‘acts of mercy, pardon and forgiveness are clearly intentional, as they are not merely forbearances, but involve also an active change of attitude and behaviour, or a change of

return to this in part 4. For present purposes, I will assume that a supererogatory forgiving action fulfils three conditions.

A forgiving action is supererogatory if:

- (i) It is not forbidden, that is, it is permissible
- (ii) It is not obligatory¹⁴
- (iii) It is morally good or praiseworthy¹⁵

The first condition is essential. A supererogatory action cannot be forbidden or wrong. To be sure, it cannot be obligatory either, since then it would not be supererogatory. But this is not enough. As noted above, a supererogatory action is typically regarded as good or praiseworthy, and therefore as being more than permissible. Thus, the third condition identifies the praiseworthy element of supererogation. According to the second condition, a supererogatory action is not obligatory. Later, I shall apply these conditions of supererogation in my analysis of forgiveness. But first I want to critically examine the claims made by some contemporary philosophers to the effect that forgiveness is supererogatory.

3. The prerogative view of forgiveness

Contemporary philosophers often remark that forgiveness is optional or supererogatory. For example, Cheshire Calhoun states that ‘forgiveness is conceptually connected with supererogatory acts of generosity and charity...because [it] is an elective response to culpable wrongdoing...It is something we ask or hope for, rather than demand, for ourselves, and grant, rather than owe to others. Forgiveness is a gift, not the paying of a

legal state. They are meritorious, and call for gratitude (less with forgiveness than with pardon and mercy)’ (Heyd, 1982, pp. 163-164). But there is nothing in this statement to support the claim that forgiveness must be done for the sake of someone else’s good.

¹⁴ I will use the terms ‘duty’ and ‘obligation’ somewhat interchangeably in the subsequent discussion. However, I consequently speak of *pro tanto* duties instead of *pro tanto* obligations.

¹⁵ My conditions correspond for the most part to those offered by Mellema (1991), p. 3.

debt or the remission of a debt whose collection would prove too costly'.¹⁶ Howard McGary claims that 'although we do want to promote and encourage the virtue of forgiveness in people, we do not want to do so by requiring them to forgive. Forgiveness must remain supererogatory'.¹⁷ According to Angelo Corlett, 'forgiveness is an act of grace by the victim ... It is always the victim's moral prerogative, and the victim's alone. It is never a duty of any kind, perfect or imperfect'.¹⁸ Finally, Trudy Govier observes that 'forgiveness must always be freely chosen and should never be understood as obligatory'.¹⁹

The common denominator of these statements is that forgiveness is the victim's prerogative, and for this reason I will call it *the prerogative view of forgiveness*. On this view, forgiveness is an elective response and must therefore always be freely chosen by the victim. Two implications follow from this claim: first, that forgiveness cannot be understood as morally wrong – it is not forbidden, but permitted; and second, that forgiveness cannot be understood as obligatory – it is not a requirement that the victim forgive. In light of the conditions of supererogation specified above, this means that forgiveness satisfies at least the first two conditions. There are some philosophers who believe that forgiveness is sometimes wrong or impermissible. I agree, however, with the prerogative view that forgiveness satisfies the first condition of permissibility, and I shall explain this in more detail in 4.1. Nevertheless, I disagree with the prerogative view regarding the second condition, and I believe it fails to give an account of the third condition. In what follows, I shall explain in more detail how my account of forgiveness differs from that of the prerogative view.

On the face of it, the claim that forgiveness is the victim's prerogative has a certain intuitive appeal. After all, the act of forgiveness must be performed by the victim, it

¹⁶ Calhoun (1992), p. 81.

¹⁷ McGary (1989), p. 350.

¹⁸ Corlett (2006), p. 36.

¹⁹ Govier (2002), p. 77.

must ‘come from the victim’, so to speak. One cannot be *compelled* to forgive someone, and thus forgiveness cannot be demanded in the way the paying of a debt can. In these senses, forgiveness is optional and is the victim’s prerogative. Still, there are some problems with this view that deserves closer attention.

One problem with the prerogative view is that it does not seem to acknowledge certain reasons for forgiveness as morally relevant in the first place. That is to say, for those who favour the prerogative view, it does not seem to be relevant to forgiveness whether, for example, the wrongdoer is repentant or whether forgiveness is likely to have very good consequences.²⁰ Although they may agree that, in situations like these, forgiveness may be appropriate in the sense of not being wrong, they would still claim that the victim is free to ignore or discount repentance and good consequences as reasons for forgiving. I think that this view is overly strong. There are good reasons to think that in those cases where the wrongdoer is repentant or where forgiveness is likely to have good consequences, there is at least a *pro tanto* reason or duty to forgive. That there is a *pro tanto* duty to perform a particular action means that, other things being equal, there are good reasons which count in favour of performing that particular action. If there are not sufficient reasons to the contrary, then, all things considered, the reasons for this action become conclusive. This will then be an all-things-considered duty. That repentance and good consequences are ascribed the status of *pro tanto* reasons means that these are reasons or considerations which count in favour of a victim forgiving the wrongdoer. Thus, there is a *pro tanto* duty to forgive when the wrongdoer is repentant or when forgiveness is likely to have good consequences. Of course, these reasons may be outweighed by other conflicting reasons, in which case there is no all-things-considered duty to forgive. My point is that they should be regarded as reasons that are

²⁰ I could have mentioned other reasons as well. For example, Murphy lists, in addition to *repentance*, *good motives*, that the wrongdoer has *suffered enough*, *humiliation*, and *old times` sake* as reasons for forgiveness. See Murphy (1988), p. 24-34. Although it would be interesting to consider these or additional reasons in the context of supererogation, I will limit my discussion to the two reasons mentioned. Partly, this is because I believe they are the most relevant reasons, and partly because space does not permit a detailed discussion of all those reasons which might be relevant.

morally relevant for deciding whether or not one should forgive. As far as I can see, the prerogative view does not even allow for this possibility – that forgiveness can be a *pro tanto* duty. Forgiveness is *always* supererogatory or beyond duty, no matter what.²¹

I will argue that repentance and consequential reasons are reasons which count in favour of forgiveness, and that such ethical considerations are relevant when discerning whether forgiveness is morally required or supererogatory. More precisely, when deliberating about whether I should forgive the person who wronged me, it is relevant to take into account whether the wrongdoer is repentant or unrepentant, and whether forgiveness is likely to produce more good than refusing it. The fact that a wrongdoer approaches me with a genuine wish to repudiate the wrong he has done, or the fact that forgiving him is likely to have very good consequences, is not something I am free to simply ignore or discount. Rather, these are *pro tanto* reasons, ones that it would be inappropriate to ignore or discount.

However, as I noted, while we are not free to ignore or discount these *pro tanto* reasons, they will not always be sufficient to make it a duty for the victim to forgive, all things considered. Sometimes they will be outweighed by countervailing reasons or considerations, in which case forgiveness is beyond duty. On my account, the most central consideration when determining whether or not forgiveness is supererogatory is whether the wrongdoer is repentant or unrepentant. I hold that if the wrongdoer does not repent or apologise then this will, in many or most cases, outweigh consequential or other reasons for the victim to forgive. If the victim nevertheless forgives then this will be an unconditional forgiveness, and it will be supererogatory or beyond duty. On the

²¹ This view is most harshly defended by J. Angelo Corlett: ‘Forgiveness is an agent’s moral prerogative under any circumstance; it is not a duty. Indeed it would constitute a queer and cruel irony of justice to think that a victim has an obligation to forgive even the most apologetic of criminals! When all is said and done, the victim of the harmful wrongdoer’s action (or failure to act or attempt to act) is not necessarily in the wrong for not forgiving. It is completely up to the victims, and the victims alone, to decide whether to forgive. In no way are they necessarily morally or otherwise defective or unjustified for not forgiving their respective wrongdoers’ (Corlett, 2006, p. 36).

other hand, if the wrongdoer in fact does repent or apologise, this may sometimes outweigh countervailing reasons or considerations, and on this condition forgiveness may sometimes be a duty. However, whether these factors have sufficient weight depends on the circumstances of the case, and there may be cases where they are insufficient, with the consequence that forgiveness becomes supererogatory or beyond duty. Thus, I reject the prerogative view's claim that forgiveness is never under any circumstances a moral duty or obligation. There are also other ethical considerations which the prerogative view fails to take account of but which are important when determining the supererogatory status of forgiveness. I will also discuss these in more detail in 4.2.

Moreover, for reasons already mentioned, I am sceptical of the prerogative view's use of the metaphor of a 'gift' to explain why forgiveness is optional. Forgiveness is 'an act of grace' (Corlett) or 'a free gift' (Calhoun) from the victim to the wrongdoer. It might be that these philosophers have cases of unconditional forgiveness in mind. As it stands, however, their claim gives us the false impression that gifts are never something one is morally obligated to give. But gift-giving is not always optional in this way. Although we may agree that gift-giving is sometimes (or often) the gift-giver's prerogative (e.g. when the wrongdoer withholds repentance), clearly there are circumstances where gifts ought to be given. For example, in Western culture, if one is reasonably affluent then one should give one's children gifts on their birthdays or for Christmas. A failure to do so would be blameworthy. If I am right in thinking that the same applies to forgiveness – that there are circumstances where we ought to forgive (in particular when the wrongdoer is repentant) – then forgiveness *is* analogous to gifts, but not in the sense suggested by the prerogative view. Rather, forgiving is analogous to gift-giving in that one may sometimes be subject to blame or criticism for failing to forgive.

A final problem with the prerogative view is, in my opinion, its failure to account for the third condition of supererogation – the moral value of forgiveness. Even if one accepts that forgiveness is sometimes permitted and optional in the sense described, it

does not follow that it is supererogatory. To show that forgiveness (or any other moral action) is supererogatory it is not enough to show that it is optional. One must also show that it is morally good or praiseworthy. Typically, a supererogatory action is described as an action that it would be good or praiseworthy to perform, but not bad or blameworthy not to perform. Hence, it is not enough to say that such an action is not forbidden (i.e. permitted), and not prescribed: we must also explain why it is good or praiseworthy to perform it. Very often the question of the moral value of forgiveness is left out of the discussion, and consequently, very few accounts of forgiveness are able to explain why forgiveness is supererogatory. I will discuss the moral value of forgiveness in part 4.3.

4. The supererogatory status of forgiveness: a systematic account

I have now presented the prerogative view of forgiveness, and pointed out some problems with it. Next, I propose to consider an alternative view of forgiveness. I shall attempt to provide a more systematic and adequate account of the supererogatory status of forgiveness than I have found in the literature. Central to my account is the claim that there is a difference between unconditional and conditional forgiveness, and that this difference is morally relevant when it comes to determining whether or not forgiveness is supererogatory. In order to throw light on this difference, I will present and discuss two cases, which I call *The Unconditional Case* and *The Conditional Case*.

(i) The Unconditional Case

On November 8th, 1987, people in Enniskillen, Northern Ireland, had just started to assemble for the town's Remembrance Day service, when a massive explosion brought about the collapse of a building. Gordon Wilson and his daughter, Marie, had been standing watching when the bomb planted by the IRA went off. Shortly after, the rescuers dug them out of the rubble and rushed them to hospital. Sadly, by the end of the day, Marie and ten other people had died. A few hours after the bombing, Gordon Wilson was interviewed about the episode by the BBC. In front of millions of people,

Wilson expressed his forgiveness of the terrorists who had killed his daughter. He said that he would pray for them, and he also begged that no one took revenge for Marie's death, because 'that will not bring her back'. The story of Gordon Wilson is offered here as an example of unconditional forgiveness. Wilson's forgiveness is unconditional because he forgave the terrorists without receiving their repentance and apology.²² In contrast to conditional accounts of forgiveness that make forgiving contingent upon repentance on the part of the wrongdoer, unconditional accounts of forgiveness emphasise that forgiving is not (either conceptually or morally) conditional upon such a response from the wrongdoer.²³ Wilson forgave despite not knowing who the terrorists were, and he had no reason to believe that they were repentant or likely to apologise.

(ii) The Conditional Case

Suppose, on the other hand, that the terrorists shortly after the bombing approached Wilson with their sincere repentance and apologies. They were truly sorry and remorseful that their wickedness had cost him his daughter's life. Then imagine Wilson taking the hands of the terrorists and saying to them, 'what you have done is inexcusable and unjustifiable, and you have taken away my dearly beloved Marie. But seeing how you sincerely repent what you have done, I accept your apologies and forgive you'. This version of the example represents a case of conditional forgiveness. Wilson's forgiveness is conditional because it is given in response to repentance and apology from the terrorists. In the Unconditional Case, Wilson forgave without knowing who the terrorists were and without knowing whether they were going to repent their misdeeds or not. What is different in the Conditional Case is that Wilson is now faced with wrongdoers who are genuinely repentant.²⁴

²² Here I presume that Wilson forgave the terrorists on behalf of himself and not on behalf of his daughter. Thus, I assume that he has standing to forgive them.

²³ See, for example, Downie (1965), Holmgren (1993), Govier (2002), and Garrard & McNaughton (2002). In my opinion, Garrard & McNaughton has offered the best account of unconditional forgiveness to date.

²⁴ I presume that they are genuinely repentant for the wrong they did. I explain in more detail in 4.2 how I understand the term repentance and apology.

The aim in the following is to apply the above conditions of supererogation to the Unconditional Case and Conditional Case. I hold that in both the Unconditional Case and the Conditional Case, Wilson's forgiving the terrorists was beyond duty and in this sense supererogatory.²⁵ But before proceeding, I want to explain how I understand Wilson's forgiveness. This discussion is intended to serve two purposes: it will serve to delineate a relevant difference between his unconditional and his conditional forgiveness; and it will explain why it is not necessary, as David Heyd claims, that an act of forgiveness must be performed for the sake someone else's good.

Despite some disagreements among philosophers about how to conceptualise forgiveness, there is a certain tendency towards a standard understanding of forgiveness. This can be traced back to Bishop Butler who focused on the forswearing or overcoming of resentment as the central element.²⁶ Resentment is assumed to be a justified and appropriate response to wrongdoing, and forgiveness is understood as the overcoming or forswearing of resentment.²⁷ On this view, continuing to resent the wrongdoer is incompatible with forgiveness. I cannot say at one time that I have forgiven a particular person, and then at a later time express feelings of anger and resentment towards this person on account of what he did to me. Thus, resentment needs to be overcome in order for forgiveness to take place. However, not just any overcoming of resentment will count as an instance of forgiveness. For example,

²⁵ Another famous example of unconditional supererogatory forgiveness is the case of Nelson Mandela. Mandela forgave his unrepentant offenders after spending 25 years in prison. My contention is that his act of forgiveness was admirable and praiseworthy in the supererogatory sense.

²⁶ Cp. Butler (1953). Philosophers who adopt Butler's understanding of forgiveness include: Murphy (1988), Holmgren (1993), Hieronymi (2001), Garrard (2002), Govier (2002), Bennett (2003), Griswold (2007), and Allais (2008).

²⁷ Norvin Richards has argued, and in my opinion successfully, that we should understand forgiveness not only as overcoming resentment, but as overcoming a variety of negative feelings and emotions such as anger, loathing, hatred, indifference, indignation, contempt, disappointment, or sadness. See Richards (1988). In this paper, I choose to focus on resentment because I think, as many philosophers do, that this emotion or attitude is most central to forgiveness.

riding oneself of resentment by taking a specially-designed pill would not count as forgiveness. Neither will simply forgetting about what happened – insofar as that makes the resentment disappear – count as forgiveness. What is needed for forgiveness to take place is that the victim makes a conscious decision to overcome resentment, while at the same time maintaining a belief that the action was wrong and remembering what happened.

But when a victim overcomes her resentment, it is interesting to ask about her reason for doing so. It is common nowadays to distinguish between two kinds or types of reasons for forgiveness: reasons which are ‘victim-focused’, and reasons which are ‘wrongdoer-focused’.²⁸ My contention is that this distinction is relevant for the case under consideration. If Wilson’s reasons for forgiving the terrorists are focused entirely on himself, then his concern is with releasing himself from certain unpleasant or unhealthy psychological states of mind. This approach to forgiveness is often called ‘therapeutic’ because it focuses on the therapeutic benefits or effects of forgiveness. According to this view, to experience anger, resentment and hatred is self-destructive, and therefore forgiveness (in the sense of overcoming these negative feelings or emotions) is good for the victim.²⁹

²⁸ A number of philosophers make this distinction, and many do so with reference to Murphy’s statement, ‘...my ceasing to resent will not constitute forgiveness unless it is *done for a moral reason*. Forgiveness is not the forswearing of resentment *simpliciter*; it is rather this: forswearing resentment on moral grounds’ (Murphy, ‘Forgiveness and Resentment’, pp. 23-24). See also Eve Garrard (2003), p. 237.

²⁹ See, for example, Simon & Simon (1990), Flanigan (1992), and Smedes (1996). Holmgren (1993) also defends a version of unconditional forgiveness, according to which the appropriateness of forgiveness is entirely dependent on the victim and whether or not she can maintain her self-respect. On her account, forgiveness has nothing to do with the wrongdoer and how he responds towards his actions. Both Flanigan and Holmgren emphasise the destructive or unwelcome effect on victims of the negative emotions and attitudes of anger, hatred, resentment and bitterness. For them, forgiveness is first and foremost a matter for the victim. Still, this does not mean that their account must be entirely self-focused. An important point for Holmgren is that forgiveness must be grounded in, or compatible with, a respect for persons and for morality. This certainly adds to forgiveness a moral or other-directed dimension. See also Govier (2002), ch.4., for an insightful discussion of unconditional forgiveness.

The philosophical question often raised in this connection is whether this *counts* as forgiveness? Might not the fact that something is done *solely* because of its good consequences for the victim disqualify it as an act of forgiveness? That is, must not forgiveness contain something more, for example some perspective of the wrongdoer or a view to the potentially good consequences of forgiveness for others? This is a rather complex question about definitions of forgiveness which I cannot go into at this point. Nevertheless, some further comments are needed in order to identify some possible ways in which Wilson can be said to have forgiven the terrorists. For those who argue that a condition of genuine forgiveness is that it must be other-directed in the sense of being focused on the wrongdoer, a victim's overcoming of resentment and change in attitude will only constitute forgiveness if it is (at least for the most part) directed at the wrongdoer, his actions, and the way in which he responds toward his actions. Wilson's forgiving the repentant terrorists in the Conditional Case fulfils this criterion because it was offered in response to the terrorists' repentance and apology. Hence, it was clearly done for a moral reason. On the other hand, therapeutic forgiveness falls short of being genuine forgiveness, on this view, because it is not motivated by a concern for the wrongdoer. If Wilson's forgiveness in the Unconditional Case was motivated solely by therapeutic reasons then it might fall short of genuine forgiveness.

However, I want to suggest that a therapeutically-motivated case of forgiveness may still be other-directed in this way: it may involve taking a genuinely well-wishing stance towards the wrongdoer. On my account, forgiveness is a matter of overcoming resentment and adopting a positive attitude toward the wrongdoer. If a victim (such as Wilson) does this for therapeutic reasons, but really does overcome his resentment and adopts a forgiving attitude towards the wrongdoers, would we not say that he has forgiven them? It is reasonable to suppose that Wilson himself would say that he feels far better now that he has forgiven the wrongdoers and abandoned his burden of resentment, and that he can now move on. He can move on *because* he has forgiven. It may not be as admirable as entirely other-directed forgiveness but we should still count it as an instance of forgiveness. Moreover, if this is accepted then it gives us reasons, I

believe, for not accepting Heyd's proposal to make it a requirement that forgiveness, to qualify as supererogatory, must be 'done voluntary for the sake of someone else's good'.³⁰ Forgiveness may be more or less self-directed or it may be more or less other-directed, but either way forgiveness does not presuppose that the victim forgives *for the sake* of the wrongdoer's or anyone else's good. When Wilson forgave the unrepentant terrorists, he did not necessarily forgive for the sake of either the terrorists or anyone else; he may simply have chosen to forgive them because continuing to resent them would be too costly or too heavy a burden to bear.³¹

I move now to my discussion of forgiveness in light of the three conditions of supererogation stated earlier. I will apply these conditions of supererogation to the Unconditional Case and the Conditional Case.

4.1 Permissibility

Condition (i) of supererogation specifies that a forgiving action must not be forbidden or wrong. In order to defend the view that Wilson performed a supererogatory action, the first task is to show that it was permissible for him to forgive the terrorists. Let us start with the Unconditional Case. In the literature, there are proponents of the view that it is wrong or impermissible to forgive the unrepentant.³² The most common objection

³⁰ Heyd (1982), p. 115.

³¹ In addition comes the point that by making altruistic intention or motive a necessary condition of a supererogatory forgiving action, one seems to rule out forgiving the dead. I think this supports the claim that we do better to avoid Heyd's fourth condition of supererogation.

³² See, for example, Kolnai (1973-74), Murphy (1988), Richards (1988), Swinburne (1989), Novitz (1998), and Corlett (2006). Some of these philosophers also object to forgiving the unrepentant on the grounds that it amounts to a failure to respect oneself. According to Murphy, forgiving the unrepentant 'may be a sign that one lacks respect for oneself' (Murphy 1988, p. 17). This objection is, I believe, also important to take into account when considering the appropriateness of forgiveness. Nonetheless, I do not think it is necessary to consider it in the present context. This is because it is unreasonable, I believe, to imagine that Wilson's forgiving the unrepentant terrorists is a sign that he lacks respect for himself. Rather, I suppose that Wilson is a person with a sense of self-respect. If, on the other hand, we had reason

made against the permissibility of forgiving the unrepentant is that it fails to take the wrong seriously, that is, there is the danger of condoning the wrong.³³ It is easy to see why this objection is raised. It is because condonation has (and should have) nothing to do with forgiveness. Forgiveness presupposes that the action for which a person is forgiven is wrong and that the wrongdoer is responsible.³⁴ To forgive is therefore to acknowledge wrongdoing. When we condone an action, at least on the standard interpretation, we do not acknowledge wrongdoing but rather deny or overlook the wrong in question.³⁵ In the Conditional Case there is no danger of condonation since the terrorists, by apologising to Wilson, have acknowledged wrongdoing. The point is that acknowledgment of wrongdoing blocks condonation. Wilson's forgiving the repentant terrorists in the Conditional Case is therefore permissible. By contrast, in cases of unconditional forgiveness, the danger of condonation arises because the wrongdoer does not acknowledge wrongdoing or take responsibility. For that reason, forgiving the unrepentant could be seen as sending out a message that the wrong is not taken

to believe that he was someone with a low sense of self-respect, then I contend that this would potentially undermine my claim that his act of forgiveness was admirable and praiseworthy, and thus supererogatory.

³³ See, for example, Swinburne (1989), pp. 85-87. There are also philosophers who argue against unconditional forgiveness on conceptual grounds. See, for example, Wilson (1988) and Corlett (2006). According to this view, we cannot make sense of what forgiving could mean in the case of Gordon Wilson because he forgave without knowing who had killed his daughter or whether those responsible were going to repent their misdeeds or not. Here reciprocity or communication between victim and wrongdoer is considered to be a necessary condition for forgiveness. While this position is intriguing, I believe it fails. One reason for this is that it conflicts with the intuitions many people have about forgiveness. Reciprocity, as well as repentance and apology from the wrongdoer may well be sufficient conditions for forgiveness, but this does not entail that they are necessary conditions.

³⁴ See Chapter 4 of this dissertation for a more detailed discussion of the relationship between forgiveness and responsibility or culpable wrongdoing.

³⁵ However, as Glenn Pettigrove has argued, there are several possible interpretations of the term 'condonation', some of which are not necessarily incompatible with forgiveness. See Pettigrove (2004).

seriously. At worst, forgiving the unrepentant can be understood as a wrongdoing in itself since it amounts to complicity with the wrongful action.³⁶

The question I am concerned with is whether it is possible to forgive the unrepentant without condoning the wrong? I shall argue that it is. But in order to avoid condonation there is one criterion in particular that unconditional forgiveness must fulfil. It must express the judgment that the action for which the unrepentant is forgiven was wrong. This means implying that the action was morally objectionable and that the wrongdoer is responsible and culpable. I contend that a victim may communicate to the unrepentant wrongdoer, as well as to others, that the action for which he is forgiven was wrong in this sense. Let us suppose that Wilson's statement of forgiveness on the BBC was something like, 'what these terrorists did to my daughter was wrong, it shouldn't have happened, and they should apologise to the victims as well as to the rest of the moral community. However, in spite of their not having apologised, I am prepared to forgive them'. By saying this, Wilson is not condoning the wrong, nor is he excusing or justifying what the terrorists did. Rather, he is protesting against the wrong, taking it seriously, and treating it as a matter of utmost importance and concern.³⁷ To condone, he would have to say something like, 'don't worry about it', 'forget about it', 'it's okay', 'it was nothing', or 'it doesn't matter'. But in forgiving the unrepentant one is not committed to saying any of this, and consequently I believe that unconditional forgiveness is able to avoid the condonation objection.

If one accepts the preceding line of reasoning, then a good case can be made for the claim that unconditional forgiveness can avoid the condonation objection, and thus that

³⁶ The condonation objection is perhaps most forcefully made by Kolnai (1973-74). It has also been made by such people as Calhoun (1992) and Novitz (1998). For a recent critical discussion of this objection, see Pettigrove (2004).

³⁷ A similar point is expressed by Garrard & McNaughton, 'To forgive an unrepentant, or a persistent, wrongdoer unconditionally does not rule out protesting at his wrongdoing and, where necessary, resisting it. For to protest and resist are not incompatible with an attitude of good will and love' (Garrard & McNaughton, 2003, pp. 46-47).

forgiving the unrepentant is permissible. The point is that even if there are reasons, or even good reasons, for a victim not to forgive a wrongdoer who does not repent and apologise for the wrong he has done (that all-things-considered he should not do it) he is nonetheless permitted to forgive since he is not under an obligation not to do it.

4.2 Not obligatory

According to condition (ii) of supererogation, a forgiving action must not be obligatory. In this case, the challenge when defending the claim that Wilson's forgiving the terrorists was supererogatory is to show that it was not his duty to forgive them. Even if we agree that what he did was permissible, we might still disagree about whether his forgiveness was beyond duty, or whether it merely fulfilled a general duty to forgive. Here again I claim that there is a difference between the Unconditional Case and the Conditional Case. But this time I shall argue that the difference is greater and more important.

I will first try to explain to what extent Wilson can be said to go beyond his duty when forgiving the terrorists. It is commonly said that a person who performs a supererogatory action goes beyond duty or beyond what is morally required of him. For example, if I pay you more than I owe you, I am doing more than I am required to. Or, if I am a doctor, then I have a duty to offer you medical treatment. However, I do not have a duty to risk my own life in order to give you this treatment. I might choose to do so, but then I go beyond my duty. In both these cases, doing more than I am required to is considered admirable and praiseworthy, and therefore supererogatory. As far as Wilson's forgiveness is concerned, it may not be as easy as in the foregoing examples to say exactly in what way he is going beyond duty when forgiving the terrorists. Even so, I will make an attempt along these lines. The question is: what can be required of Wilson in these cases and how is he going beyond his duty when forgiving the terrorists? Possibly, Wilson might be required not to retaliate against those who killed his daughter. Even if we believe Wilson to be justified in upholding certain negative reactive attitudes of blame and resentment, or perhaps even certain retributive attitudes

of disgust and hatred, we do not consider it permissible for him to act on these attitudes in such a way as to inflict serious harm or injury on those who killed his daughter. If this is accepted, then it can be argued that Wilson fulfils his duty by not retaliating against the terrorists.

However, Wilson is going beyond duty in the sense that even if we think it is unjustifiable for him to take revenge, we would still not require him to overcome his resentment in this situation.³⁸ Forgiveness requires that he no longer holds an attitude of resentment towards the terrorists. As pointed out, I accept and rely on the standard understanding of forgiveness going back to Bishop Butler as the forswearing or overcoming of resentment. Earlier I made a distinction between self-directed and other-directed reasons for forgiveness. The point with regard to Wilson is that independently of whether his reasons for forgiving the terrorists were self-directed or other-directed in the way described earlier, we would not require him to adopt a forgiving attitude towards them in any of these senses. Rather, Wilson would be justified if he withheld forgiveness in this situation.

So far I have not made a distinction between Wilson's forgiveness in the Unconditional Case and in the Conditional Case. My contention is that both in the Unconditional Case and in the Conditional Case there are certain ethical reasons or considerations that serve to explain why it is unreasonable to require that Wilson forgive those responsible for killing his daughter. More precisely, I believe there are three ethical considerations that are relevant in order to show this: (1) the gravity of the harm, (2) the terrorists' level of blameworthiness, and (3) the response from the terrorists (i.e. whether they were repentant or unrepentant).³⁹ The first two considerations apply equally to both the

³⁸ For the sake of argument, I assume that Wilson did first resent the terrorists who killed his daughter.

³⁹ Another consideration, which I do not mention in the present context, is 'compensation'. The issue of compensation can also play an important role with regard to forgiveness. I contend that if it is possible to offer adequate or satisfactory compensation to the victim, and if the wrongdoer is willing and able to compensate, then this will always be conducive to the victim's process of forgiving. The less feasible it is for the wrongdoer to adequately compensate for the harm done, the less willing he is to compensate,

Unconditional Case and the Conditional Case, while the third applies differently to the two cases.⁴⁰

(1) The gravity of the harm

The first ethical consideration concerns the gravity of the harm done in this situation. After all, Wilson's daughter was killed, and this is a grave or serious harm. The gravity of the harm is, I believe, an ethical consideration that counts against forgiving the terrorists in both cases.⁴¹ The point is that the graver or more serious the harm done, the stronger is the reason against forgiving. More precisely, the graver the harm done the more the victim is justified in keeping his attitude of resentment. If, on the other hand, we suppose that she only received minor physical injuries as a result of the terrorist attack, then the gravity of the harm would have less weight as an ethical consideration against forgiving.

(2) The terrorists' level of blameworthiness

The second ethical consideration that I believe is important to take into account has to do with the level of blameworthiness that can reasonably be ascribed to the terrorists. In both moral and legal considerations of responsibility, a distinction is made between three degrees or levels of blameworthiness: 'intention', 'recklessness' and 'negligence'. A person is said to act *intentionally* if he acts in a certain way with the purpose or conscious objective of bringing about a certain result (for instance a certain harmful consequence), or if the person foresees with practical certainty (or with a high degree of probability) that his action will have a harmful result or consequence. A person is said to act *recklessly* when he consciously or knowingly disregards a substantial and

and/or if he is unable to do so, the more reason there is to count this as a consideration against forgiving. I discuss this in more detail in Chapter 2 of this dissertation.

⁴⁰ I discuss these ethical considerations and their relevance to forgiveness in more detail in Chapter 2 of this dissertation. Here I only give a short version of them.

⁴¹ It might also be regarded as a psychological reason or consideration against forgiving. It would emphasise the fact that it would be psychologically very difficult for Wilson to forgive the terrorists.

unjustifiable risk. A person acts recklessly when he is aware of a risk but proceeds despite that awareness. A person acts *negligently* when he could and should be aware of a substantial and unjustified risk but is not. Furthermore, intention refers to what can be termed ‘intentional wrongdoing’ (*dolus*), whereas recklessness and negligence refer to what can be called ‘unintentional wrongdoing’ (*culpa*).⁴² The levels of blameworthiness are hierarchically ordered such that causing the same harm intentionally is considered to be graver than causing it recklessly and causing it recklessly graver than causing it negligently. In view of this, I will claim that the more blameworthy a wrongdoer is the stronger reason there is to count this as a consideration against forgiving. Other things being equal, intentional wrongdoing provides a stronger reason against forgiving than doing the same harm recklessly, and reckless wrongdoing provides a stronger reason against forgiving than doing the same harm negligently.

Although I suppose many will share my intuition that intentional wrongdoing provides a stronger reason against forgiveness than unintentional wrongdoing, it might be worth explaining in more detail why this is so. I believe the explanation partly lies in the fact that it matters to us morally whether the wrongdoer acted with the intention of trying to harm or injure us, or whether he was merely being careless or negligent. There is a sense in which we resent harms or injuries done to us intentionally more than harms or injuries done unintentionally. Other things being equal, the more blameworthy the wrongdoer is, the stronger reason I have to blame and resent him and his actions, and thus the stronger reason I have to withhold forgiveness.⁴³ For example, suppose I

⁴² See Ekeli (2004) for a more detailed elaboration of these levels of blameworthiness. These different levels of blameworthiness are also presented and discussed in more detail in Chapter 2 of the dissertation.

⁴³ Cp. Murphy here, ‘One reason we so deeply resent moral injuries done to us is not simply that they hurt us in some tangible or sensible way; it is because such injuries are also *messages* – symbolic communications. They are ways a wrongdoer has of saying to us, ‘I count but you do not’, ‘I can use you for my purposes’, or ‘I am here up high and you are there down below’. Intentional wrongdoing *insults* us and attempts (sometimes successfully) to *degrade* us – and thus it involves a kind of injury that is not merely tangible and sensible. It is moral injury, and we care about such injuries’ (Murphy, 1988, p. 25). Intentional wrongdoing is an example of what Murphy calls a ‘moral injury’. A moral injury is something we care about because it sends out a message that we are not worth as much, or do not count as much, as

stepped on your foot and that it hurt a lot. If you had reason to believe that I stepped on your foot on purpose, then that will call upon a deeper resentment on your part than if you had reason to believe that I was simply not being careful enough with where I placed my feet. Of course, the explanation can also be psychological: intentional wrongdoing often makes it harder for a victim to forgive than unintentional wrongdoing. Returning to Wilson's case, the terrorists almost certainly did not intend to kill his daughter.⁴⁴ Still, they acted with the purpose or conscious objective of bringing about a harmful consequence, or at least they were in a position to foresee with practical certainty (or with a high degree of probability) that their actions could potentially injure or kill some of the people present at the Remembrance Day service. For that reason, I will assert that their level of blameworthiness is a reason or consideration that counts against forgiving them in this case.

On the other hand, if we suppose that the bomb exploded through mere negligence or inattention on the part of the terrorists (suppose they were not going to use it), then it seems reasonable to say that their level of blameworthiness is not to the same extent a consideration that counts against forgiving them.

the wrongdoer. However, while moral injuries are typically performed intentionally, such injuries do not exhaust the category of intentional wrongdoing. Rather, they should be regarded as forming but one subcategory of such wrongdoing. For example, while stealing someone's car is something which clearly is done intentionally, it obviously does not count as a moral injury. Furthermore, while it is true that intentional wrongdoing, especially of the serious kind, will often call upon a deeper resentment than unintentional wrongdoing, and that resentment directed at intentional wrongdoing is often more difficult to overcome than resentment directed at unintentional wrongdoing, it certainly is not only intentional wrongdoing that sends out messages that call for resentment; thoughtlessness and negligence, for example, can also send messages.

⁴⁴ As pointed out to me by Thomas Pogge, one might say that it is reasonable to suppose that the terrorists *intended* at least some deaths, even if perhaps not the death of Wilson's daughter. Although I think this may be true, what is important for my purposes is that they did not intend to kill *his* daughter.

(3) The response from the terrorists

The third ethical consideration that I believe is relevant in these two cases is perhaps the most important one. It concerns the way in which the terrorists respond toward their actions and toward Wilson (and the other victims of the bombing). More precisely, it concerns the question of whether the terrorists were repentant or unrepentant about what they had done. In the Unconditional Case the terrorists were unrepentant, and in the Conditional Case they were repentant. As pointed out at the outset, I believe this constitutes a morally relevant difference when it comes to the supererogatory status of forgiveness. In what follows, I shall explain in more detail why I think this is so.

(i) The Unconditional Case

My discussion of the Unconditional Case proceeds from the assumption that lack of repentance and apology on the part of the terrorists represents a reason or a kind of presumption against forgiving them. Why is the lack of repentance or apology a reason against forgiveness? The main reason for this is that an unwillingness to admit guilt and responsibility for a wrong is a reason for Wilson to continue to feel and experience anger and resentment toward the terrorists. Or perhaps better: their unwillingness to cancel the claim implicit in the wrongful action (that the lives of the innocent victims of the bomb attack are not important) – and to separate themselves from this action – is a reason for Wilson to maintain his protest and to continue to hold against them what they did. In short, it is a reason for him not to forgive them.

More precisely, when I say that I believe that the lack of repentance or apology is a reason or a kind of presumption against forgiving, I mean that it is a *pro tanto* reason against forgiveness. This *pro tanto* reason, however, is not sufficient to show that Wilson has a conclusive or all-things-considered reason not to forgive in this situation. In order to determine whether or not Wilson has a conclusive reason not to forgive them, we need to take into account other reasons or considerations which might count in favour of forgiving them in the present context. We need to ask: in the case of an unrepentant wrongdoer, are there other countervailing reasons or considerations in

favour of forgiving which could outweigh the reasons against forgiving? Earlier in my discussion of the prerogative view, I mentioned consequential reasons as a *pro tanto* reason that it would be relevant to take into account when deciding whether or not forgiveness is morally required. I suppose that a consequentialist or utilitarian could argue that if forgiving an unrepentant wrongdoer will have better consequences, summed up for all parties concerned, than not forgiving, then this may count as a reason or a consideration in favour of forgiving. Perhaps, it might even be a conclusive reason in favour of forgiving, in which case the victim ought in fact to forgive the unrepentant. For example, if one could foresee that an act of forgiveness (like Wilson's) would help to contribute to peace and reconciliation between the conflicting parties in Northern Ireland, or if his forgiveness could potentially prevent serious harm or injury to innocent people, then it could be argued that there is a duty to forgive even though the wrongdoers remained unrepentant.

I suppose something can be said in favour of this line of reasoning. One could claim that the fact that forgiveness would have very good consequences provides a *pro tanto* reason to forgive, but one which may be outweighed by other considerations that are present in the case – for instance the fact that the wrongdoer has not repented. For example, suppose that unconditional forgiveness of *a* by *b* would have very good outcomes for innocent parties *x*, *y* and *z*, and also for *b* herself. Surely this is a reason (a *pro tanto* one) for forgiveness here, but it may be outweighed by other considerations – such as the lack of repentance by *a*, the gravity of the harm *a* caused, and *a*'s level of blameworthiness. There might be an all-things-considered duty to forgive here if those good outcomes were the only morally relevant considerations present in the situation, which of course they are not.

But there is another possible line of argument that might be advanced for the claim that unconditional forgiveness can be a duty. One could argue that there might be other *pro tanto* reasons for unconditional forgiveness, which if they occur alongside each other, might be enough to make it an all-things-considered duty for the victim to forgive even

an unrepentant wrongdoer. Suppose the act committed by the wrongdoer was not so grave, and also that the victim is his mother, who (rightly let us suppose) feels a strong sense of responsibility for how her son has turned out. Furthermore, suppose she also loves him very much and would not find it hard to overcome resentment and adopt a forgiving attitude toward him. Would it not be possible to say that several *pro tanto* reasons occurring together could produce an all-things-considered duty to forgive even an unrepentant wrongdoer? May it not eventually make us think that she is wrong to go on resenting or bearing a grudge against her son, even though he has not repented his wrongdoing? Although I suppose a case can be made for this claim, I think cases (if there are any) where we have an all-things-considered duty to forgive an unrepentant wrongdoer will be very rare. In the Unconditional Case, I have suggested that there might be circumstances (such as when much is at stake) where one could argue that Wilson ought to forgive the unrepentant terrorists. My more general point has been that the wrongdoer's unwillingness to show repentance will tend to outweigh any consequential (or other reasons) for forgiveness. For that reason, I think there will be very few cases where we will blame or criticise a person for failing to forgive unconditionally.⁴⁵

Earlier I suggested a way in which we can make sense of Wilson's going beyond duty when forgiving the terrorists. Even if we assume that he is unjustified in retaliating against the terrorists, we would still not say that he is required to forswear his anger and resentment and forgive them. Hence, it can be argued that Wilson goes beyond duty when he forswears his anger and resentment despite being justified in withholding them. I would like to consider another possible way in which Wilson can be said to act supererogatorily when forgiving the terrorists. When considering this possibility, I shall make use of the notion of *exclusionary permissions*. If we assume that forgiving the unrepentant terrorists in the Unconditional Case is likely to have very good

⁴⁵ Although I cannot pursue this issue here, there is the danger, I think, that by placing too much emphasis on consequential reasons, forgiveness becomes more of a strategy than a moral response to wrongdoing. In my opinion, that is one reason to avoid purely consequentialist arguments for forgiveness. Also, see Haber (1991), pp. 108-109.

consequences then, as I noted, this fact is a *pro tanto* reason for Wilson to forgive them. However, since this reason is outweighed by other ethical considerations (most importantly the lack of repentance from the terrorists), he has a second-order permission, not to act on that (*pro tanto*) reason. This permission, which Joseph Raz calls ‘exclusionary’, is based on a second-order reason and allows Wilson to disregard these potentially good consequences as a first-order reason for forgiving.⁴⁶ Here Wilson would act supererogatorily if, despite the permission to ignore these reasons, he instead decided to act on them.

(ii) The Conditional Case

I will now consider Wilson’s forgiveness of the repentant terrorists with regard to the Conditional Case. I start from the assumption that when Wilson forgives the repentant terrorists, he forswears resentment and changes his attitude towards the terrorists on the basis of their repentance and expression of apology. In the Unconditional Case, Wilson adopted a similar forgiving attitude towards the terrorists. But as pointed out earlier, in that case he did so for other reasons than those stemming from their repentance and apology. He forgave without knowing who the terrorists were and without knowing whether they were going to repent their misdeeds or not. What is different in the Conditional Case is that Wilson is now faced with wrongdoers who are repentant. The question is whether this makes a difference with regard to how we assess his forgiveness. Is it still supererogatory or do their repentance represent a morally relevant difference in this respect?

When a wrongdoer repents and apologises for the wrong he has done, he does at least two things. First, he acknowledges guilt and responsibility (i.e. saying that he acted wrongly and that he is culpable). Second, he says that he is genuinely sorry for what he did, that his victim did not deserve to be wronged, and thus that he wishes he had not done it. In contrast to proponents of the prerogative view, I argue that repentance on the

⁴⁶ Raz (1999), p. 89.

part of the wrongdoer *is* morally relevant when determining whether or not the victim has a duty to forgive. As pointed out, the fact that a wrongdoer approaches his victim with a genuine wish to repudiate the wrong he has done is not something the victim is free to ignore or discount. Rather, that the wrongdoer takes these steps towards the victim is a *pro tanto* reason for forgiveness, one that it would be inappropriate for the victim to ignore or discount. Put differently, it is a *pro tanto* reason for Wilson to revise his resentment and to change his attitude towards the terrorists. On this basis, I will formulate a *pro tanto* duty to forgive repentant wrongdoers as a norm that I call ‘the norm of forgiveness’ (NF)⁴⁷:

The norm of forgiveness (NF):

If a wrongdoer repents and apologises to a victim, then the victim has a duty to forgive the wrongdoer.

The norm of forgiveness should be read as follows. Other things being equal, in cases where the norm conditions are fulfilled (i.e. the wrongdoer repents and apologises) the norm theme should apply (i.e. the victim ought to forgive). The idea is that if the wrongdoer is repentant, then this is morally relevant when determining how the victim should act in response to the wrongdoer. But whether repentance should be regarded as a conclusive reason in favour of forgiving depends on whether there are competing ethical considerations that outweigh these reasons, all things considered. The more important ethical considerations in this context are those mentioned earlier: (1) the gravity of the harm, and (2) the terrorists’ level of blameworthiness. On my analysis, if the harm was grave and/or the wrongdoer was very blameworthy, then this provides weighty reasons in favour of setting aside the norm of forgiveness. Let us apply these considerations to the Conditional Case. I believe that despite the terrorists’ effort to

⁴⁷ In Chapter 2 of this dissertation I discuss the norm of forgiveness in more detail. Here I also provide an account of resentment and forgiveness as reactive attitudes which is of relevance for the claim that conditional forgiveness is sometimes a duty. In the present context, I will only mention the main points from that chapter with relevance to the current discussion.

repent and apologise for their wrongdoing, this is not sufficient to make it an all-things-considered duty for Wilson to forgive them. The reason for this is that the harm was grave and the terrorists acted with the purpose or conscious objective of bringing about a harmful consequence. It is not that their repentance and apologies are irrelevant, but only that the countervailing considerations outweighed their response in this situation. This fact renders continued resentment appropriate for Wilson, and consequently, he is justified in withholding forgiveness.

If one accepts the preceding line of reasoning, then it follows that Wilson's conditional forgiveness fulfils condition (ii) of supererogation and thus that his forgiveness was not obligatory. More generally, in cases of conditional forgiveness where the wrongdoer repents and apologises to his victim, and where there are morally overriding considerations (e.g. grave harm and intentional wrongdoing), forgiving is supererogatory. Again, we can probably make sense of the way in which Wilson acts supererogatorily in the Conditional Case by applying the notion of an exclusionary permission. Since the terrorists repented and apologised, Wilson is given a (*pro tanto*) reason to forgive them. But because there are morally overriding considerations, he has a second-order permission not to act on that (*pro tanto*) reason. Again, this permission is based on a second-order reason and allows Wilson to disregard the terrorists' repentance and apology as a first-order reason for forgiving. Thus, Wilson would act supererogatorily if, despite the permission to ignore these reasons, he instead decided to act on them.

4.3 Moral value

According to condition (iii) of supererogation, a forgiving action must be morally good or praiseworthy. So far I have shown that Wilson's forgiving the terrorists was permissible, and also that he was not obligated to forgive them under these circumstances. But before we can conclude that his forgiveness was supererogatory in the full sense, we need to show that his forgiving the terrorists is an action whose performance is morally good or praiseworthy. It is widely recognised that

supererogatory actions, in addition to being permissible and optional, must be good or praiseworthy.⁴⁸ This is sometimes referred to as the question about the *moral value* of supererogatory actions.⁴⁹ What is the moral value of forgiveness? And what is good or praiseworthy about Wilson's forgiveness? In terms of its moral value, it might be worth distinguishing between what is 'good' and 'praiseworthy' about forgiveness.

a. Goodness

From a consequentialist view, it seems natural to say that what is good about Wilson's forgiveness is that it brings about some positive state of affairs. For one thing, it would seem to have certain benefits for Wilson himself. He is better off having forgiven the terrorists than if he were to carry on feeling resentment towards them. But forgiveness may also be good for the forgiven. Surely, we would welcome the idea that forgiveness has good consequences for the forgiven as well. In the Conditional Case, it appears that forgiveness has good consequences for the repentant terrorists. After all, they have asked to be forgiven, and Wilson's forgiving them serves to release them from the burden of guilt and shame that they feel after having killed his daughter. In the Unconditional Case, however, there is a problem because the terrorists have not asked to be forgiven. Can forgiveness be said to have good consequences if the unrepentant terrorists do not care whether or not Wilson forgives them? One could respond to this by emphasising the possibility that forgiveness may bring about a change of heart in the unrepentant terrorists. The assumption here would be that Wilson's act of forgiveness could serve to release or bring out feelings of guilt and repentance in the terrorists. If this should indeed happen then forgiveness would be good for the forgiven even though they were unrepentant to begin with. Although it is an interesting question whether unconditional forgiveness has the potential to bring out repentance in people, it remains

⁴⁸ See, for example, Heyd (1982) and Mellema (1991).

⁴⁹ Heyd (1982), p. 130.

an open question whether and how often this in fact can happen.⁵⁰ This is to a large extent an empirical question.

But there may be another and more fruitful way to discuss this difficulty. David Heyd has proposed that we should focus on the *intention* behind the forgiving action rather than on the *actual* consequences of forgiveness. As he points out, ‘it is the decision and intention to forgive which constitute the supererogatory act...It may be hard to predict whether an act of forgiveness would, in fact, cause a change of attitude and behaviour in the forgiven, but as long as the intention is altruistic, the act is supererogatory’.⁵¹ I think this is an interesting proposal, and one which would help us see what is (in part) supererogatory about Wilson’s forgiveness. Suppose that Wilson intended for his act of forgiveness to bring about some good or positive state of affairs. Possibly, he might have intended for his forgiveness to help bring about peace between the conflicting parties in Northern Ireland. Perhaps he thought that his forgiveness could play some role in reducing the pain and suffering of the many people affected by the conflict. But as far as identifying the supererogatory element (or the moral value) in Wilson’s

⁵⁰ Note the point that it is sometimes an offence to be forgiven by someone one does not think one has wronged.

⁵¹ Heyd (1982), pp. 161-162. Although I think a case can be made for the claim that the moral value of forgiveness as supererogatory partly lies in its intended consequences, I think this aspect should not be made a necessary condition of forgiveness, nor should it be made a requirement of supererogatory actions in general. As pointed out by Mellema, it is enough to come up with one example of a supererogatory action which does not involve the intent to produce good consequences. Mellema criticises Heyd on this point, mentioning the example of a man who is held prisoner by political terrorists. The prisoner ‘is commanded to swear allegiance to the leader of the terrorists and to renounce allegiance to his own government. The prisoner knows that a refusal to cooperate will result only in bad consequences. He will be beaten, and the angered terrorists will only stiffen their resolve to eradicate all opposition to their cause. Moreover, no one but the terrorists will ever know if he refuses. Nevertheless, the man is willing to endure these bad consequences. As a man of high principle, he is simply unwilling to renounce allegiance to his own government. He is willing to endure pain rather than cooperate’ (Mellema, 1991, pp. 19-20). In this case Mellema contends, in my opinion correctly, that the prisoner performs an act of supererogation by refusing to cooperate. Yet, his refusal to cooperate with the terrorists does not seem to have any intended good consequences. Rather, he does what he believes is the right thing to do.

forgiveness, it is less important that his act of forgiveness actually contributed to peace and reconciliation, than that (presumably) he intended for this to happen. If this is accepted, then it follows that success is not the key factor when determining the supererogatory element in Wilson's act of forgiveness.

b. Praiseworthiness

Consider next the praiseworthy element of forgiveness. Why do we think Wilson's forgiving the terrorists is admirable and praiseworthy? The answer was, I think, implicit in the previous discussion of supererogatory condition (ii), where it was argued that Wilson would be morally justified if he did not overcome or forswear his resentment towards the terrorists. In my opinion, the praiseworthy element in Wilson's forgiveness lies mainly in the fact that he overcomes or forswears resentment when continued resentment is justified. Even if we grant that it would be a good thing for Wilson himself to overcome his resentment towards the terrorists, we would not blame him for continuing to resent them. Instead, we admire and praise him for not continuing to resent them. This withholding of justified anger and resentment is not, as I noted in 4.1, wrong or impermissible, but is a morally valuable and praiseworthy attitude.

I want to suggest that Wilson's praiseworthiness has another dimension as well. For the sake of argument, suppose that when Wilson forgave the terrorists he chose a forgiving attitude instead of a hostile attitude of hatred and revenge.⁵² In my opinion, it would be preferable to have a society where people are forgiving (e.g. in the sense of Wilson) over a society where people are motivated by hatred and vindictiveness, and where violent conflicts (for that reason) would be difficult to resolve. The choice to adopt a

⁵² It is, of course, not my point that he had to choose between a forgiving attitude and a hostile attitude. He could just as well have been angry and resentful, without any desire to strike back. However, the point I want to make is that victims of wrongdoing sometimes adopt a hostile attitude of revenge, and this sometimes leads to violent conflict. There are a number of historical examples to testify this. Here an attitude of forgiveness would be preferable to an attitude of revenge. Perhaps the point could be expressed (in Kantian terms) as follows: it would be preferable to have membership in a world with forgiveness over membership in a world without forgiveness, where hatred and revenge dominated.

forgiving attitude instead of a retributive attitude (even when the latter attitude is justified) is something which any society should value, and it is admirable and praiseworthy.⁵³

Furthermore, it is sometimes said that a supererogatory action must involve a certain cost, risk or sacrifice to the person performing it, and that this is partly what constitutes the praiseworthy element of a supererogatory action. The example of the doctor going to the plague-ridden country serves to illustrate this point. We praise the doctor for risking his own life in order to save other people's lives. But while a mark of supererogatory actions is often that they involve some kind of cost, risk or sacrifice to the agent performing them, this is clearly not the case for all supererogatory actions. Beneficence and favours, for instance, do not get their special supererogatory status from being either costly or risky. Rather, they achieve this status from being actions motivated by generosity and kindness.⁵⁴ Like beneficence, forgiveness does not get its special supererogatory status from being costly or risky. Rather, as we have seen, the distinguishing supererogatory element of forgiveness is that it involves the withholding of justified negative emotions and attitudes, and the adoption of a positive forgiving attitude.

It might be argued in this connection that forgiveness is not particularly supererogatory compared to costly or risky actions such as for example sacrificing one's life for the sake of someone else. This is true insofar as cost and risk are the identifying elements of a supererogatory action. Forgiveness certainly does not display moral heroism in the way that self-sacrifice does. But we need not suppose that these are the most important features of a supererogatory action, nor need we assume that the reason for attempting to compare different kinds of supererogatory actions is a good one. Although I contend

⁵³ I thank Øyvind Rabbås for helpful discussions on this issue.

⁵⁴ It should be noted that beneficence is not always supererogatory. Kindness is a virtue and there are circumstances when we have a duty to be kind, and favours are sometimes prohibited (e.g. in making job appointments or marking exam scripts).

that sacrificing one's life might have *more* moral value than an act of forgiveness, *any* amount of moral value suffices to meet the third condition of supererogation.⁵⁵ There is simply no point of making such comparisons in the first place. The concept and phenomenon of supererogation is far too complex for any such attempt to be successful.

This brings me to a final point worth considering. I have suggested that there is a distinction to be made between unconditional and conditional forgiveness with respect to supererogation, and that the former type of forgiveness is more typically supererogatory than the latter. In light of this, one could question whether I think unconditional forgiveness is more supererogatory than conditional forgiveness. Again, 'more supererogatory' should here be interpreted as 'having more moral value' in the sense described above. In response to this question, I suppose that I would say that unconditional forgiveness typically is more supererogatory. Other things being equal, overcoming one's anger and resentment and adopting a forgiving attitude when the wrongdoer is unrepentant is more admirable and praiseworthy than doing so in response to a repentant wrongdoer. Although I do not wish to argue this point here, there is a sense in which the victim who forgives unconditionally is 'giving more' than the victim who forgives conditionally. Ultimately, however, all this will depend on context, for example on the gravity of the harm done, on whether the wrongdoing was intentional or unintentional, and so on. I think it follows from my analysis that forgiving a repentant wrongdoer will sometimes be more praiseworthy than forgiving an unrepentant wrongdoer.

5. Forgiveness as a personal duty

So far I have defended an account of forgiveness according to which unconditional forgiveness is typically supererogatory, while conditional forgiveness is sometimes supererogatory and sometimes a duty. There is, however, one remaining possibility that

⁵⁵ Thanks to Thomas Pogge for helping to make this point clear to me.

I would like to consider. This is that forgiveness is what I call ‘a personal duty’ for Wilson.

Even if we from a third-personal perspective would not blame Wilson for failing to forgive the terrorists, it is possible that Wilson himself thinks he only fulfils his duty by forgiving the terrorists. Forgiving the terrorists may be something which Wilson for various reasons feels he ought to do. We might call this a ‘personal duty’ or a ‘self-imposed duty’. At least two reasons can be offered for why he would feel compelled to forgive the terrorists. Firstly, if Wilson aspires to be a forgiving person, and if Wilson believes he has a duty to forgive in this situation – and he believes that consequently it would be wrong of him not to forgive – then if he fails to forgive the terrorists, he will reproach himself for not being true to that kind of person he aspires to be. Secondly, if Wilson was a consequentialist, then he would probably claim that it was his duty to forgive the terrorists because that would have better consequences for all parties concerned (i.e. help to bring peace between the conflicting parties) than not forgiving them.

Either way, the fact remains that many people who perform supererogatory actions report that they only did their duty.⁵⁶ This suggests that whereas from a third-person perspective morality often does not require people to forgive unconditionally (i.e. unconditional forgiveness is often supererogatory or beyond duty), some people might from a first-person perspective believe that they have a personal duty to forgive regardless of whether the wrongdoer repents or not. But it is important to note that this is a duty which they impose on themselves. For even if certain moral actions (such as forgiveness) are regarded as duties by those who perform them, it does not follow that these actions are to be regarded as moral duties from a third-person perspective. Thus, even if Wilson believes (for whatever reason) that he only did his duty by forgiving the terrorists, it is not necessarily the case that his act of forgiveness is required by moral agents in general. Moreover, it would have been inappropriate of Wilson to make it a

⁵⁶ Urmson discusses this phenomenon in his article. See Urmson (1958), pp. 203-204.

requirement that other victims of the bombing follow his example and forgive the terrorists. It is very likely that these victims would be deeply offended or upset if Wilson were to make such an attempt.⁵⁷

6. Concluding remarks

It is a widely held assumption that forgiveness is an example of a supererogatory action. Very often, however, philosophers make the claim that forgiveness is supererogatory without providing any substantial reasons for this claim. It is rarely explained why it is supererogatory to forgive, and many who assert that forgiveness is supererogatory fail to take into account the circumstances where forgiveness is not necessarily supererogatory. In certain kinds of cases forgiveness may be morally required, and thus a failure to forgive may be morally blameworthy.

In this paper, I have attempted to give a more systematic account of forgiveness as an example of a supererogatory action. When examining the supererogatory status of forgiveness, I outlined three conditions that I believe a forgiving action must satisfy in order to qualify as supererogatory: (i) it must be permissible, that is, not forbidden, (ii) it must not be obligatory, and (iii) it must be morally good or praiseworthy. I argued that forgiveness satisfies all three conditions of supererogation. Furthermore, a central thesis of this paper has been that the difference between unconditional and conditional forgiveness is of significance for determining whether forgiveness is supererogatory. This is because it is morally relevant whether the wrongdoer is repentant or unrepentant. Thus, with regard to condition (ii), I claimed that this distinction between unconditional and conditional forgiveness is of particular importance. I argued that lack of repentance and apology is a reason or a kind of presumption against forgiving, whereas repentance and apology from the wrongdoer is a reason or a kind of presumption in favour of

⁵⁷ As pointed out to me by Eve Garrard, people often get offended when morally reproved, but this is not always enough to show that they are *right* to be so offended, or that the reproof is misplaced. This is certainly true. In the present case, however, I believe these victims would be in their right to be offended if Wilson were to require them to follow his example and forgive.

forgiving. Moreover, lack of repentance and apology from the wrongdoer will often outweigh any opposing reason in favour of forgiving, and thus unconditional forgiveness will often be supererogatory or beyond duty. On the other hand, the fact that a wrongdoer repents and apologises for the wrong he has done is sometimes sufficient to make it a duty for the victim to forgive the wrongdoer. At other times, repentance and apology from the wrongdoer will be outweighed by other ethical considerations such as the gravity of the harm and the wrongdoer's level of blameworthiness, in which case conditional forgiveness will be supererogatory or beyond duty. Finally, I considered the possibility that forgiveness is a personal duty. I argued that although forgiveness is considered to be supererogatory from a third-personal perspective, it may nevertheless be regarded as a duty from the first-personal perspective of the victim.

REFERENCES

- Allais, Lucy. 2008. 'Wiping the Slate Clean: The Heart of Forgiveness', *Philosophy & Public Affairs* 36, No. 1: 33-68.
- Baron, Marcia. 1987. 'Kantian Ethics and Supererogation', *The Journal of Philosophy*, vol. 84: 237-62.
- Baron, Marcia. 1995. *Kantian Ethics Almost without Apology*. Ithaca and London: Cornell University Press.
- Butler, Joseph. 1953. *Fifteen Sermons Preached at the Rolls Chapel*. London: G. Bell & Sons.
- Calhoun, Cheshire. 1992. 'Changing One's Heart', *Ethics* vol. 103, no. 1 (October): 76-96.
- Corlett, J. Angelo. 2006. 'Forgiveness, Apology, and Retributive Punishment', *American Philosophical Quarterly* Vol. 43, Nr. 1, (January): 25-42.
- Downie, R. S. 1965. 'Forgiveness', *Philosophical Quarterly* 15: 128-134.
- Ekeli, Kristian S. 2004. 'Environmental Risks, Uncertainty and Intergenerational Ethics', *Environmental Values* 13: 421-448.
- Flanigan, Beverly. 1992. *Forgiving the Unforgivable. Overcoming the bitter legacy of intimate wounds*. New York: Wiley Publishing.
- Garrard, Eve. 2003. 'Forgiveness and the Holocaust', in *Moral Philosophy and the Holocaust*, E. Garrard and G. Scarre (eds.) Aldershot: Ashgate: 231-245.
- Garrard, Eve and David McNaughton. 2003. 'In Defence of Unconditional Forgiveness', *Proceedings of the Aristotelian Society* 104: 39-60.
- Govier, Trudy. 2002. *Forgiveness and Revenge*. New York: Routledge.
- Griswold, Charles. 2007. *Forgiveness. A Philosophical Exploration*. Cambridge: Cambridge University Press.
- Haber, Joram Graf. 1991. *Forgiveness. A Philosophical Study*. Lanham, MD: Rowman & Littlefield Publishers.
- Hale, Susan. 1991. 'Against Supererogation', *American Philosophical Quarterly* vol. 28, no. 4 (October): 273-285.

- Heyd, David. 1982. *Supererogation: Its status in Ethical Theory*. Cambridge: Cambridge University Press.
- Hieronymi, Pamela. 2001. 'Articulating an Uncompromising Forgiveness', *Philosophy and Phenomenological Research* vol. 62, no. 3, (May): 529-555.
- Holmgren, Margaret R. 1993. 'Forgiveness and the Intrinsic Value of Persons', *American Philosophical Quarterly* 30: 341-352.
- Kolnai, Aurel. 1973-74. 'Forgiveness', *Proceedings of the Aristotelian Society* 74: 91-106.
- McGary, Howard. 1989. 'Forgiveness', *American Philosophical Quarterly* Vol. 26, Nr. 4 October: 343-351.
- McGoldrick, Patricia M. 1984. 'Saints and Heroes. A Plea for the Supererogatory', *Philosophy* vol. 59, no. 230: 523-528.
- Mellema, Gregory, 1991. *Beyond the Call of Duty. Supererogation, Obligation, and Offence*. Albany: SUNY Press.
- Murphy, Jeffrie. 1988. 'Forgiveness and Resentment', in J. Murphy and J. Hampton, *Forgiveness and Mercy*. Cambridge: Cambridge University Press: 14-34.
- Neblett, W. R. 1974. 'Forgiveness and Ideals', *Mind* 83: 269-275.
- Novitz, David. 1998. 'Forgiveness and Self-Respect', *Philosophy and Phenomenological Research* 58: 299-315.
- Pettigrove, Glenn. 2004. 'Unapologetic Forgiveness', *American Philosophical Quarterly* 41: 187-204.
- Pybus, Elisabeth M. 1982. 'Saints and Heroes', *Philosophy* vol. 57, no. 220: 193-199.
- Raz, Joseph. 1999. *Practical Reasons and Norms*, Oxford: Oxford University Press.
- Richards, Norvin. 1988. 'Forgiveness' *Ethics* 99: 77-97.
- Scarre, Geoffrey. 2004. *After Evil. Responding to Wrongdoing*. Aldershot: Ashgate.
- Simon, Sidney and Suzanne Simon. 1990. *Forgiveness. How to make peace with your past and get on with your life*. New York / Boston: Warner Books.
- Smedes, Lewis B. 1984. *Forgive & Forget. Healing the hurts we don't deserve*. San Francisco: Harper Collins Publishers.

- Swinburne, Richard. 1989. *Responsibility and Atonement*. Oxford: Clarendon Press.
- Urmson, J. O. 1958. 'Saints and Heroes', in *Essays in Moral Philosophy*, A. Melden (ed.), Seattle: University of Washington Press: 199-216.
- Wilson, John. 1988. 'Why Forgiveness Requires Repentance', *Philosophy* vol. 63, no. 246 (October): 534-535.

Chapter 4

*Forgiveness Without Blame*¹

1. Introduction

It is widely recognised in moral philosophy that there is only something to forgive in cases of unexcused and unjustified wrongdoing.² I will call this *the standard view*. According to this view, forgiveness presupposes that the person to be forgiven has done something that warrants blame and resentment. Excuses and justifications are generally thought to undermine grounds for blame and resentment, and therefore to rule out forgiveness. Typically, if a person has an *excuse* for her action, then she might acknowledge that what she did was wrong, but still reject any responsibility for it. She might point to factors about herself (e.g. insanity) or the situation (e.g. coercion or duress) that make it inappropriate for others to blame her for the action. If a person has a *justification* for her action, then she may deny that she did anything wrong in the first place. She might acknowledge that her action was wrong, at first glance, and that it

¹ I would especially like to thank Kristian Skagen Ekeli and Jon Wetlesen for valuable comments and suggestions. The paper has also benefited from the comments of Giovanni Degrandis, Thomas Pogge and Anders Strand. An earlier version of the paper was presented at the Moral Philosophy Club and at an international workshop on forgiveness, both hosted by the Centre for the Study of Mind in Nature (CSMN), University of Oslo. A version of the paper was also presented at the Manchester Workshop in Political Theory, 2008. Thanks to the participants at these venues for helpful comments.

² See, for example, Murphy (1988 & 2003), Allais (2008) and Hieronymi (2001). Other proponents of the standard view (who more or less explicitly make the connection between forgiveness and culpable wrongdoing) include: Kolnai (1973-74), North (1987), Richards (1988), Calhoun (1992), Roberts (1995), Holmgren (1998), Govier (2002), Bennett (2003), and Bash (2007).

came with a moral cost or remainder, but nevertheless claim that it was the right thing to do, all things considered.

This standard view has not prompted much discussion in the literature on forgiveness. Most writers on forgiveness seem to accept that it only makes sense to speak of forgiveness in those cases where someone is strictly speaking to blame for having done wrong. I think, however, that the literature on forgiveness lacks an adequately nuanced account of the relationship between forgiveness, justifications and excuses. The present paper challenges the standard view among philosophers that we can only make sense of forgiveness in the context of unexcused and unjustified wrongdoing. I will propose and consider an *alternative view* according to which there is something to forgive in certain types of cases where a person has a justification or an excuse for her action. More precisely, the aim of this paper is twofold: First, to argue that there is something to forgive others for in certain cases where the other person is excused or justified (i.e. interpersonal forgiveness). Secondly, to argue that there is something to forgive oneself for in certain cases where one has an excuse or a justification for one's action (i.e. self-forgiveness).

With regard to *interpersonal forgiveness*, I will primarily focus on the relationship between justifications and forgiveness. But I will also suggest that we can sometimes speak of forgiveness when there are mitigating excuses. When it comes to justifications, I put forward two arguments for the claim that there is something to forgive in certain cases where someone has an all-things-considered justification for her action. The first I will call 'the argument from reasonable rejection of justifications' (hereafter 'the argument from reasonable rejection'). I shall argue that in some cases the victim may reasonably reject the agent's justification for action, in which case the victim may legitimately claim that there is something to forgive. The second I will call 'the argument from moral remainder'. Here my focus is on the moral remainder that often comes with certain types of moral dilemmas. I argue that the presence of a moral remainder in moral dilemmas creates conceptual space for both apologies and

forgiveness. More precisely, in a moral dilemma the dilemmatic chooser has something to apologise for, and the victim has something to forgive the dilemmatic chooser for.

With respect to *self-forgiveness*, I will take as point of departure the moral emotions felt and experienced by the person whose action is excusable or justified. Philosophers have so far paid little attention to the moral emotions that are elicited in the person who performs excusable and justified actions. In the case of a person whose action is excusable, I will argue that she may well feel and experience what can be termed ‘agent-regret’. On the basis of this moral emotion, I will argue that if she has agent-regret then it can make sense for her to forgive herself. On the other hand, in the case of a person whose action is justified (in a moral dilemma situation), I will argue that she (i.e. the dilemmatic chooser) may well feel and experience what can be designated ‘tragic-remorse’. Based on this moral emotion I will argue that it can make sense for the dilemmatic chooser with tragic-remorse to forgive herself.

The paper proceeds as follows. The aim of part 2 is to give an account of the standard view. In part 3, I present and consider my alternative view. Here I first discuss the relationship between justification and forgiveness. Then I examine the relationship between excuse and forgiveness. Finally, I examine the issue of self-forgiveness.

2. The standard view

Contemporary philosophers disagree on how the term ‘forgiveness’ should be understood. Some think forgiveness (conceptually or morally) must be conditional on an apology from the agent, while others believe forgiveness need not be conditional in this way on an apology from the agent. Moreover, some hold that forgiveness is a moral duty under certain circumstances, whereas others believe it is supererogatory. Despite such disagreements, it is a widely held assumption in moral philosophy that there is nothing to forgive when no wrong has been committed. Joanna North, for example, points out that, ‘one cannot forgive when no wrong has been done, for there is no

breach to be healed and no repentance is necessary or possible'.³ According to Aurel Kolnai, 'forgiveness presupposes an affront, injury, transgression, trespassing or offence committed by one person against the other and consequently the other's readiness or refusal to forgive him'.⁴ And Anthony Bash contends that 'if an act is not morally wrong it is not forgivable (that is, 'able to be forgiven') and forgiveness is not an appropriate response to such an act'.⁵

The common denominator of these statements is that we do not forgive others unless there is something to forgive them for, and we do not want to be forgiven by others unless there is something to forgive us for. The 'something' in question refers to some act or intention that is judged to be wrong. We forgive or refuse to forgive some morally wrong action or omission and not just something bad happening to us. For example, we do not forgive (or refuse to forgive) a storm hitting us or a mosquito biting us, even if the storm or mosquito causes harm or injury. Nevertheless, the term 'wrong' is an ambiguous one here. Because wrongness and blame can come apart, we can do wrong without deserving blame for it. We sometimes say of a person that what he did was wrong, but that it nevertheless would be inappropriate to blame him for it. For that reason, some philosophers explicitly talk about 'culpable wrongdoing' being a necessary condition for forgiveness. On the standard view, forgiveness only makes sense in the context of unexcused and unjustified wrongdoing. One proponent of this view is Jeffrie Murphy:

Justification. To regard conduct as justified (as in lawful self-defense, for example) is to claim that the conduct, though normally wrong, was – in the given circumstances and all things considered – the right thing to do. If I have suffered because of conduct that was right – for example, had my nose bloodied by someone defending himself against my wrongful attack – I have not been wronged, have nothing legitimately to resent, and thus have nothing to forgive. *Excuse.* To regard conduct as excused (as in the insanity defence, for example) is to admit that the conduct was wrong but to claim that the

³ North (1987), p. 502.

⁴ Kolnai (1973-74), p. 92.

⁵ Bash (2007), p. 5.

person who engaged in the conduct lacked substantial capacity to conform his conduct to the relevant norms and thus was not a fully responsible agent. Responsible agency is, of course, a matter of degree; but to the degree that the person who injures me is not a responsible agent, resentment of that person would make no more sense than resenting a sudden storm that soaks me. Again, there is nothing here to forgive.⁶

The idea, according to Murphy, is that if a person has an excuse or a justification for his action, then this person has not done anything that makes it appropriate for others to blame and resent him, and consequently, he has not done anything to which forgiveness is an appropriate response.⁷ Furthermore, some philosophers argue for a ‘core notion of forgiveness [which] comes into play in the context of unexcused and unjustified wrongdoing’⁸ or that ‘the forgiveness we aspire to get (and give) is forgiveness for culpable, unrepentant, unpunished, and unrestituted wrongdoing...Or...we want forgiveness for the culpability that remains after all excuses, justifications, restitution, and repentant reforms have been made and accepted – a culpability that warrants our continuing to be resented’.⁹ The thought here is that we should preserve a *core* (or genuine) notion of forgiveness for culpable wrongdoing. This seems to imply that forgiveness for excusable or justified actions will fall short of this core notion. I will respond to this in part 3.

⁶ Murphy (2003), p. 13. See also Murphy (1988), p. 20, and Allais (2008), pp. 34-35.

⁷ According to Peter Westen, ‘The difference between justification and excuse, properly understood, is as basic and simple as the difference between, ‘I did nothing wrong’, and, ‘Even if I did, it was not my fault’ (Westen, 2006, p. 291). Nevertheless, there is considerable disagreement among moral and legal philosophers on how we should understand the relation between excuses and justifications. Some believe there is no sharp distinction between excuses and justifications, whereas others believe we should distinguish sharply between the two. There is, however, some agreement on the distinction offered by Westen, and I will therefore accept it for the purposes of this paper.

⁸ ‘The core notion of forgiveness comes into play when you *do not* think the lie was excusable, you *do not* think that her jealousy justifies the lie, and you *do not* want to be accepted as someone who lies’ (Allais, 2008, p. 36).

⁹ Calhoun (1992), p. 80. Calhoun terms this forgiveness aimed at culpable wrongdoing ‘full-blooded forgiveness’.

In order to see more clearly why proponents of the standard view holds that culpable wrongdoing is a necessary condition for forgiveness and thus why excuses and justifications undermine grounds for forgiveness, it might be useful to look at some examples.

Consider the following case. Imagine that you are out driving through your neighbourhood. At one point, a little girl comes out from her house and onto the street. Unfortunately, you are unable to stop in time with the result that you hit the girl. She later dies in the hospital. Now imagine two scenarios that serve to explain why you hit the girl. The first scenario can be termed the *Reckless Driver Case*. Here you hit the girl because you were driving too fast. Although you knew that you were driving too fast and that you imposed a risk on other people, you continued at high speed despite that awareness. In other words, you knowingly disregarded a substantial and unjustifiable risk. You were guilty of recklessness. The second scenario can be called the *Unfortunate Driver Case*. In this case, you happen to lose control of your car because there was a completely unpredictable ice patch on the road (caused, say, by water leak). The result is that your car spins and hits the girl. In both these scenarios you have caused another person's death. However, only in the Reckless Driver Case is it reasonable to say that you are to blame for what happened. In the Unfortunate Driver Case the girl was killed through an unfortunate accident. It was simply not your fault that there was an unpredictable ice patch on the road and that the car happened to spin on it and hit the girl. In the Reckless Driver Case, on the other hand, you must take responsibility for the fact that the girl got hit and killed.

This can be illustrated more clearly by the following analysis of responsibility. Both in moral and legal assessment of responsibility a distinction is drawn between 'objective' and 'subjective' responsibility.¹⁰ *Objective responsibility* concerns the question of

¹⁰ As pointed out by Kristian Skagen Ekeli, this distinction made in Norwegian criminal law between objective and subjective responsibility is also reflected in the distinction between 'the outward act of

whether a person has in fact acted in conflict with certain moral or legal norms (e.g. performed the outward act of crime), whereas *subjective responsibility* concerns assessments of the person's blameworthiness or culpability on the basis of the person's intentions, knowledge and foresight. In both moral and legal considerations of responsibility, three degrees or levels of blameworthiness are distinguished: 'intention', 'recklessness' and 'negligence'.¹¹ The point here is that in the Reckless Driver Case you are both objectively and subjectively responsible for killing the girl. Consequently, in this scenario there is something for you to apologise for (e.g. to the girl's family). Furthermore, there is something for the girl's family to forgive (or not forgive) you for. In the Unfortunate Driver Case, however, you are objectively but not subjectively responsible. That is to say, you caused this girl's death, but you are not subjectively responsible (and thus not blameworthy) for killing her, since you did not do so while in possession of features that law and morality requires for a person to be held blameworthy for doing so. It was simply not your fault that the child was killed. Here it seems correct to say that what you did was *excusable* or that you had an excuse for hitting the girl. The fact that your car spun on the ice patch is an excuse which exculpates. Thus, in the absence of any prescribed intention, knowledge or foresight, you are not blameworthy, and consequently, you have nothing to apologise for. And since you have nothing to apologise for, there is nothing for the girl's family to forgive

crime' (*actus reus*) and 'the mental state of the agent' (*mens rea*). The former is relevant for the question of guilt, the latter for the question of the severity of the punishment. See Ekeli (2004).

¹¹ A person is said to act *intentionally* if she acts in a certain way with the purpose or conscious objective of bringing about a certain result (for instance a certain harmful consequence), or if the agent foresees with practical certainty (or with a high degree of probability) that her action will have a harmful result or consequence. A person is said to act *recklessly* when she consciously or knowingly disregards a substantial and unjustifiable risk. A person acts recklessly when she is aware of a risk but proceeds despite that awareness. A person acts *negligently* when she could and should be aware of a substantial and unjustified risk but is not. Negligence can therefore be described as a form of culpable ignorance. Thus, the difference between recklessness and negligence concerns the knowledge and foresight of the agent. A reckless person knows what can go wrong although she is uncertain about the outcome of her conduct, while a negligent person is ignorant about the possible harmful consequences of her actions. I have borrowed these definitions (with some modifications) from Ekeli (2004).

(or not forgive) you for – though there might be, as Murphy would say, much to be sad about in this case.¹² According to the standard view, the wrongdoer must be subjectively responsible for there to be something to forgive.

Consider next a case involving a justification. Alongside excuses, justifications are regarded as a type of defence which exculpate. Moreover, according to the standard view, justifications are thought to render inappropriate the question of forgiveness. Consider again the example of self-defence offered by Murphy in the passage mentioned earlier. This case involved me attacking another person upon which that person, in defending himself, had my nose bloodied (*Self-Defence Case*). According to the proposed analysis of responsibility, the person defending himself can hardly deny that he was objectively responsible in the sense of committing the outward act of hitting me. Nor can he deny that the decision to hit me was made intentionally (i.e. he intended to hit me). That is, he cannot deny that he was both objectively and subjectively responsible for getting my nose bloodied. Nevertheless, he will object to any blame for it because he committed the act of hitting me for reasons that justified him doing so. He did so in order to defend himself against my attack. Hence, if I come to see that his action was justified then I will realise that there is nothing to forgive.

I have now presented the standard view with regard to interpersonal forgiveness. Moreover, I take for granted that the standard view will make the same claim with respect to self-forgiveness, namely that there is only something to forgive oneself for in cases of unexcused and unjustified wrongdoing. I will consider my alternative view of self-forgiveness in 3.3.

3. The alternative view

So far I have presented the standard view and considered some arguments in its favour. The standard view implies that it is only reasonable to talk about forgiveness in the

¹² Murphy (1988), p. 20.

context of unexcused and unjustified wrongdoing. In what follows, I will argue for an alternative view which implies that we may also reasonably talk about forgiveness in the context of excusable and justified actions. I agree with the standard view that forgiveness often comes into play when there is blame or culpability involved, but contrary to the standard view I believe there is conceptual space for forgiveness in certain cases where an agent has an excuse or a justification for her action.

Furthermore, the alternative view that I will propose implies a criticism of the standard view's assertion that the core (or genuine) notion of forgiveness comes into play when the agent has no excuse or justification. Rather than preserving a core notion of forgiveness for unexcused and unjustified wrongdoing, it is more fruitful, I think, to envisage that there exist a *variety* of types of forgiveness more or less overlapping each other. For my part, I prefer to understand forgiveness as a 'family resemblance term' in the Wittgensteinian sense.¹³ On this understanding, instead of assuming that the term 'forgiveness' has one core meaning, it is better to assume that 'forgiveness' can mean various things in various contexts.¹⁴ Thus, instead of presuming that a core type of forgiveness comes into play in the context of unexcused and unjustified wrongdoing – and that this is the type of forgiveness we aspire to have (as Calhoun claims¹⁵) – it is more fruitful to think of forgiveness as coming into play in a variety of contexts and situations. In some of these contexts the agent may not have done something unexcused or unjustified. Instead, she may have performed an excusable or justified action. Nevertheless, she may be said to have done something to which forgiveness is an appropriate response – either interpersonal forgiveness or self-forgiveness. In the following, my aim is to offer some reasons for thinking that a proper notion of forgiveness may be located in the context of excusable and justified actions.

¹³ Cp. Wittgenstein (1953) §§ 65-71. See also Scarre (2004), pp. 25-29, and Griswold (2007), p xvii.

¹⁴ As pointed out by Scarre, 'Forgiveness seems too broad, too varied and too vaguely bounded a phenomenon for its 'essence' to be captured in some statement of necessary and sufficient conditions' (Scarre, 2004, p. 25). See also Neblett (1974b).

¹⁵ Cp. Calhoun (1992), p. 80.

3.1 Justifications and forgiveness

In this part, I will examine the relationship between justification and forgiveness. The standard view assumes that in cases where the agent has a justification for her action, there is nothing to forgive. However, I believe the standard view lacks an adequately nuanced view of the relationship between justifications and forgiveness. I claim that there is something to forgive in certain types of cases where the agent has a justification for her action. I shall present two arguments in support of this claim. First, I argue that in some cases the victim may reasonably reject the agent's justification, in which case it is plausible to claim that there is something to forgive. I call this 'the argument from reasonable rejection'. Second, according to what I call 'the argument from moral remainder', the presence of a moral remainder in moral dilemmas creates conceptual space for both apologies and forgiveness.

3.1.1 The argument from reasonable rejection of justification

Recall once again the Self-Defence Case discussed earlier. According to the standard view, there is nothing to forgive in this case because the person was justified in defending himself against my attack. Here the idea seems to be that I can be expected to see that there is nothing to forgive him for because I can be expected to accept that he was justified in hitting me. Thus, I can be expected to accept that he did nothing wrong. Now, I agree with Murphy and the standard view that there is nothing to forgive in the Self-Defence Case. But what seems to be decisive when drawing this conclusion is the fact that the justification in this case is a valid one which I (and everyone else, for that matter) can be expected to accept. Put differently, in the Self-Defence Case there exists a reasonable agreement about the fact that it is not reasonable for me (or anyone else) to reject the justification. Although Murphy does not state this point explicitly, it seems essential to his claim that I have nothing to forgive in this case.

Indeed, in many cases there will be no room for reasonable disagreement about what counts as a valid justification, and in such cases it will not be reasonable for the victim

to reject the agent's justification. A couple of examples will illustrate this. Suppose that a Nazi blames you for not partaking in the destruction of Jewish shops. Here one would clearly say that you are justified in not partaking in this terrible act, and that you are justified on grounds that any reasonable person could be expected to accept.¹⁶ In this case, there is no room for reasonable disagreement about whether your justification was reasonable or valid. Consider another case of a similar sort. For example, imagine that I have promised my wife that I will take her to dinner on Saturday. But suppose that on Friday I receive a phone call from my mother telling me that she has become ill, and that she needs me to come and stay with her this weekend. I now face a conflict between two moral duties, one duty to keep a promise and another to help a person. What should I do? Although promise-breaking is *pro tanto* wrong, I think most would agree that the reason in favour of helping my mother outweighs my reason to keep the promise to my wife in this case. Therefore, I am justified in choosing to help my mother, all things considered. Moreover, it seems reasonable to say in this case that my choice not to keep the promise is justified on grounds that my wife cannot reasonably reject without being selfish or unfair. Hence, both in this case and in the Nazi-case is it reasonable to expect the victim to see that there is nothing to forgive.

However, I claim that not all cases of justification are of the kind where reasonable agreement exists about whether or not it is reasonable for the victim to reject the agent's justification. In order to see that there might be something to forgive in a case where a person has a justification for his action, I propose to discuss an example introduced by Michael Walzer. A politician is asked to authorise the torture of a suspected terrorist's wife (hereafter called 'victim') in order to get the terrorist to reveal the location of a powerful nuclear bomb. After careful deliberation, the politician makes a decision to authorise torture. He believes that, all things considered, this is what he ought to do because in this case the duty to protect civilians (or the bad consequences of not finding

¹⁶ It goes beyond this paper to give a detailed account of what constitutes a 'reasonable person' or what 'reasonableness' consists in more generally. For important discussions on this issue, see Rawls (1993), pp. 48-54, and Scanlon (1998), pp. 32-33, 191-197.

the bomb in time) override the duty not to harm or torture innocent people. I call this *The Ticking Bomb Case*.¹⁷

How should we judge this case? Was the politician justified in authorising the torture of the innocent person, or was it wrong to authorise torture in this case? And is there something to forgive here? I put forward this case as an example of a so called ‘tragic-dilemma’ (or ‘dirty-hands’ case) where, through no fault of his own, the politician is faced with a difficult choice between two duties or requirements: the duty not to harm or kill innocents, and the duty to protect (or prevent harm to) innocent civilians. He can fulfil the first duty by refusing to authorise the torture of the innocent victim, in which case there is a real chance that a bomb will explode and kill thousands of innocents. Or, he can fulfil the second duty by choosing to authorise torture, in which case the terrorist will reveal the location of the bomb and no one will be killed. The point is that he cannot fulfil both his duties on this occasion.

I believe the Ticking Bomb Case represents a case where it is not so obvious what the politician should do. Depending on what kind of ethical theory one defends, one is likely to come up with different answers to the question of whether the politician’s decision to authorise torture was justified or not.¹⁸ For example, an act-utilitarian would claim that the politician should authorise the torture of the innocent because doing so will maximise the common utility of all parties concerned to a much higher degree than not doing it. Thus, he would be wrong not to authorise torture. A deontologist could object to the claim that the politician was justified in authorising torture. His claim would be that there are constraints on torturing a person even where it produces more good. But even amongst deontologists there will be disagreement about what status

¹⁷ This is a modified version of Michael Walzer’s famous *Ticking Bomb Scenario*. See Walzer (1973), pp. 166-167. In Walzer’s original version of the case the bomb was not a nuclear device, and the object of torture was the terrorist himself.

¹⁸ To be sure, I am not suggesting that one’s view on this issue has to depend on endorsement of any ethical theory. My point here is simply that endorsement of a particular ethical theory (or conception of morality) is relevant, and this is what is important for my purposes in this paper.

should be ascribed to constraints such as the duty not to harm or kill innocent persons. An *absolutist* deontologist will hold that this constraint is absolute in the sense that it rules out harming innocent persons in principle. It is never permissible to torture an innocent person, whatever the consequences. On the other hand, a more *moderate* deontologist will hold that constraints need not be absolute. Instead, they may be regarded as more or less weighty *pro tanto* norms or duties, which may be overridden in the circumstances. If the harm is great enough – there is a bomb that threatens to harm or kill thousands of innocents – then a moderate deontologist might say that the duty not to harm innocent persons, although it is extremely weighty, may be justifiably overridden in this case, all things considered.

For my part, I defend a version of moderate deontology which claims that the duty not to harm innocents is *pro tanto*, meaning it may be justifiably overridden if the harm is great enough. My account is therefore incompatible with both the act-utilitarian and the absolutist deontologist which claims that the politician is justified in choosing only one of the two available courses of action. Most importantly, what I think this disagreement among ethical theorists serves to demonstrate is that in this case there is room for reasonable disagreement about whether the politician was morally justified in authorising torture. The point is that in the Ticking Bob Case, as opposed to the previous cases, there is room for reasonable disagreement about whether the politician's justification is a reasonable or valid all-things-considered justification. I believe a case can be made for the claim that both justifications are cogent, and that it is more of an open question which justification overrides the other.

The implications of this for the question of forgiveness are as follows. On the assumption that it is an open question which justification overrides the other, there is room for reasonable disagreement about whether or not it is reasonable for the victim to reject the politician's justification. In both the promise-breaking case and the Nazi-case the claim was that the action was justified on grounds that the other person could not reasonably reject. In the present case, however, the claim is that the politician has

justified his action on grounds that the victim may in fact reasonably reject. No one can charge her with being either selfish or unreasonable for refusing to accept his justification. Even though a bystander to the case accepts the politician's justification for action, the victim may still reasonably reject his justification and feel wronged.¹⁹ If one accepts this, then a case can be made for the claim that she may legitimately claim that there is something to forgive (or not to forgive).

3.1.2 *The argument from moral remainder*

I will now consider a somewhat different argument in support of the claim that there is something to forgive in a case where there is an all-things-considered justification for action. Here my main focus will be on the place of apologies and forgiveness in certain types of moral dilemmas. To my knowledge, the place of forgiveness in moral dilemmas has not been discussed in the literature on forgiveness. I believe moral dilemmas raise some special challenges for forgiveness because in a moral dilemma one must often do wrong in order to do right. I argue that this leaves conceptual space for both apologies and forgiveness. I will approach the issue of forgiveness in moral dilemmas from two perspectives. The first is from the perspective of the dilemmatic chooser, where I consider the question of whether he has anything to apologise for. The second is from the perspective of the victim, where I consider the question of whether the victim has anything to forgive the dilemmatic chooser for.

I shall begin by reconsidering the Ticking Bomb Case. Although I did not make this very explicit in the discussion above, this case may properly be understood as a moral dilemma where the politician faces a choice between two evils: either to authorise torture of an innocent person, or refuse to do so in which case he takes a chance that a bomb will kill thousands of innocent people. It is not uncontroversial whether genuine

¹⁹ Cp. Bernard Williams: 'The idea that there has been a moral cost itself implies that something bad has been done, and, very often, that someone has been wronged, and if the people that have been wronged do not accept the justification, then no-one can demand that they should... [T]hey may quite properly refuse to accept the agent's justification which the rest of us may properly accept' (Williams, 1981, p. 37).

moral dilemmas like the Ticking Bomb Case exist. Before I discuss the place of apologies and forgiveness in moral dilemmas, I therefore want to make some terminological clarifications. Sometimes a distinction is made between ‘moral conflicts’ and ‘moral dilemmas’. Roughly, *moral conflicts* are said to occur in a situation where a person sees himself as having moral reasons to perform, or is required to perform, each of two actions, but performing both actions is not possible. There is nonetheless a solution to the moral conflict because one of the moral reasons or requirements always overrides the other; hence, there is always a right answer. One explanation for the thesis that there is always a right answer to a moral conflict is that the moral requirements are understood as a consistent system of strict rules. If two rules appear to collide, this can be avoided either by making an exception to one of them, thereby giving the other priority; or by introducing a rule of higher order that stipulates how such conflicts are to be resolved.

Moral dilemmas similarly occur in a situation where a person sees himself as having moral reasons to perform, or is required to perform, each of two actions, but where performing both actions is not possible. However, there is no solution to the moral dilemma because neither of the moral reasons or requirements overrides the other. Hence, there is never a right answer and the dilemmatic chooser is doomed to moral failure because no matter what he does, he will do something wrong or fail to do something that he ought to do.²⁰

Some philosophers will reject the idea that there is not necessarily a right answer to a moral question, and that dilemmatic choosers can be doomed to moral failure in this way. For example, as mentioned earlier, an act-utilitarian will typically claim that one should always maximise the good. An absolutist deontologist will claim that it is never permissible to violate a constraint in order to maximise good consequences. Both act-utilitarianism and absolutist deontology rule out moral dilemmas where one ought to perform two actions, but cannot perform both. In my view, this represents a weakness of

²⁰ Cp. McConnell (2006).

these positions insofar as it involves a failure to account for the intuition that we must sometimes act in ways that are inconsistent with both utilitarian and deontological principles.²¹ One way to avoid this inconsistency, which I support, is to adopt a moderate deontology where norms or duties are regarded as *pro tanto*. This means that they are more or less weighty reasons or considerations that have a particular claim on our attention. That they are regarded as *pro tanto* allows them to be outweighed under certain circumstances. For example, I might acknowledge that we normally have good reasons not to lie to other people, but in a situation where lying is likely to do more good than not lying, that reason is overridden.²² Also, I might acknowledge that we normally have good reasons not to torture innocent people, but in a situation where very much is at stake, that reason may be justifiably overridden.

On the moderate deontology that I support, a moral dilemma occurs where one has a *pro tanto* duty to perform each of two actions, but where one cannot perform both actions. Moreover – and this is important – even if one of the duties overrides the other in a concrete case, this does not entail that the *wrongness* of the action is overridden. It continues to be *pro tanto* wrong even after it has been overridden, and this is what provides a basis for saying that the dilemmatic chooser will do something wrong or fail to do something that he ought to do. I will return to this below.

²¹ As pointed out by Stephen De Wijze, ‘even when we do what is right in consequentialist or deontological terms, the clash of disparate responsibilities or duties faced by agents, results in a moral remainder’ (De Wijze, 2004, p. 457). See also Williams (1981), p. 37.

²² This example brings to mind the well-known case of the *enquiring murderer* famously discussed by Kant. In one version of this case, you are confronted with a Nazi storm trooper asking whether you are hiding Jews in your house. As it happens, you are. Since lying is normally wrong, are you morally bound to tell the storm trooper the truth? Most people think not. Sticking to the normal rules in such cases, they believe, would be rather bizarre. A morally serious person could not do such a thing. Others may simply refuse to accept that one should choose a ‘lesser’ evil under any circumstances. An evil is still an evil, they might say, and therefore not to be chosen. Of course, this is Kant’s attitude to the enquiring murderer case. He believes that one ought not to lie *simpliciter*. Now, most people (myself included) do not find Kant’s position compelling in this case.

(i) *The politician*

I believe the Ticking Bomb Case can plausibly be understood as a moral dilemma of this sort. Although the politician performed an action that was justified in the circumstances, it meant that he had to set aside the constraint or duty not to harm innocents. This brings up the question with which I am concerned, namely whether the politician has done anything that makes it appropriate for him to apologise to his victim in this case. Here it would seem that the standard view has no answer to the question of what place apologies can have in dilemmas like this because it is, as I noted, an open question which justification overrides the other. I argue that the politician has done something which would render an apology appropriate on his part. But how do we explain this? After all, his action came with a moral justification, and why should he apologise for having performed an action that was justified, all things considered? I suppose some proponents of the standard view would find this strange. But I believe there is conceptual space for an apology here, and what creates this space is the fact that the politician consciously chose to override the duty not to harm an innocent person. The very fact of being a *pro tanto* duty means that it retains its force and weight as a *pro tanto* duty even when it is outweighed or overridden. Furthermore, that the duty retains its force as a reason against performing an action even after it has been outweighed leaves what Bernard Williams calls a 'moral remainder'.²³ The point is that the politician's choice to authorise torture came with a cost to his victim, and this is what provides a basis for saying that it would be reasonable for the politician to apologise to his victim. I would go even further to make the stronger claim: that a failure to feel shame and guilt and thus apologise to the victim would raise serious doubts about his character. More generally, I think that the weightier a *pro tanto* reason or duty is the more reason there is for the justified agent to apologise for deciding to override it.

It may be objected to my argument that *pro tanto* reasons or duties do not provide conceptual space for a moral remainder because such reasons or duties vanish when they are outweighed. This view seems to be favoured by Neil Levy. In discussing dirty

²³ Williams (1987), p. 129.

hands actions (like the politician's), he says that they 'are somehow very wrong and remain so despite the fact that they are justified'. This is in agreement with what I have argued, but he then goes on to claim that, 'The wrongness in question is more than *prima facie* or *pro tanto*; it is not a defeasible wrongness that is defeated in the circumstances. Instead, it is a *categorical* wrongness, which retains its force even when it is outweighed or overridden... *Prima facie* wrong is defeasible wrong; it vanishes when defeated. But categorical wrong remains wrong, even when outweighed'.²⁴ It is somewhat difficult to know how to interpret Levy here. It may seem as if his use of the term 'categorical' corresponds to my use of the term *pro tanto*. He says that categorical wrongness retains its force when outweighed, whereas I believe that *pro tanto* wrong retains its force when outweighed. Since it is difficult to know what he means by categorical wrongness, it is also difficult to know what he means by *pro tanto*. Anyway, it seems that we disagree about the nature of *pro tanto* duties. He thinks, in my opinion wrongly, that *pro tanto* wrong vanishes when it is outweighed. On the other hand, I believe it is more correct to say that *pro tanto* wrong continues to be *pro tanto* wrong even after it has been outweighed in a particular case.²⁵ To see this more clearly, consider an example. Suppose that I aspire to be a vegetarian. But at the same time I really love chicken sausages. Here I have two incompatible desires; I cannot both be a vegetarian and eat chicken sausages. Imagine that one day I fall for the temptation to eat a chicken sausage. Although the temptation to eat the sausage was too high on this particular occasion, my aspiration to be a vegetarian does not for that reason vanish or go away. I still very much want to be a vegetarian, but on this occasion the temptation to eat the sausage got the upper hand. The case is similar when it comes to moral conflicts or dilemmas: even if a duty is outweighed in some specific circumstances, the

²⁴ Levy (2007), p. 39.

²⁵ I believe Levy departs from the conventional understanding of *pro tanto* when he claims that a *pro tanto* reason or duty vanishes when overridden. Perhaps he confuses *pro tanto* with *prima facie*, which of course he should not. Although Ross used the term *prima facie*, it is widely agreed today that he should instead have used *pro tanto*. Whereas a *prima facie* reason is only an apparent reason (i.e. it may actually not be a reason at all), a *pro tanto* reason has genuine normative force or weight. And although it may be outweighed or overridden in a concrete case, it does not disappear or vanish but continues to be a *pro tanto* reason. See also Kagan (1989), p. 17.

duty retains its general strength and for that reason it continues to have a claim on our attention.

It is of importance in this context that the politician actually has willingly chosen to carry out an action that harmed an innocent person. To use the terminology of responsibility outlined earlier, it is not merely the fact that the politician is objectively responsible for authorising the torture that is problematic (i.e. his performing the outward act of authorising torture), but his being subjectively responsible for it as well (i.e. his doing so intentionally). Thus, he was subjectively responsible although he had a justification for his action.²⁶ In view of this, I suggest that the politician's apology should fulfil the following two criteria: (a) It should reflect his deliberate decision to set aside an important moral duty or constraint for the sake of other considerations. In other words, his apology should acknowledge that he somehow did wrong or failed to do something he ought to have done by authorising the torture of the innocent person. (b) His response should also reflect the fact that his decision came with a moral cost or moral remainder to his victim. The point is that when the politician chose to commit the lesser of two evils, there was after all a victim of that lesser evil, and this victim is someone whom the politician should apologise to.

At this point one could object that an apology is really not appropriate in this case given that the politician had a justification for his action. Instead, what would be appropriate

²⁶ Stephen De Wijze has proposed a new category of emotions for dilemmatic chooser like the politician which he calls 'tragic-remorse'. According to De Wijze, *tragic-remorse* differs from *regret*, *remorse* and *agent-regret* in that it 'indicates recognition by an agent that she has been morally polluted by events and circumstances outside of her control, and that she rightly feels a measure of anguish, guilt and shame in recognition that she has done something wrong'. Furthermore, says De Wijze, 'Tragic-remorse is a sentiment that acknowledges the difficulty that moral agents sometimes encounter when seeking to do the best they can in circumstances where the immoral projects of others leaves choices only between bad or evil options. Unlike agent-regret, it arises when, and acknowledges that, a wrongful act has been committed, in pursuit of acting rightly. Unlike remorse, it does not involve any wish that the wrongful act should not have been performed, since it was also the right thing to do' (De Wijze, 2004, pp. 456-466).

is an expression of *regret* for the bad consequences of his action for the victim. As suggested by Luc Bovens:

If there is indeed such a moral remainder, might it not be reasonable to say that I owe you an apology? And if it is indeed reasonable, then apologies could be fitting and even obligatory for non-culpable agency. But maybe this is asking for too much. Indeed, alternatively, one might say that what I owe to you is an expression of regret for having been placed in this situation and for the consequences of my actions. This would then take care of the moral remainder, and a genuine apology for what one did would be misplaced considering that there is no culpability.²⁷

I am not convinced that Bovens is right when he claims that an expression of regret for the bad consequences of one's action will in fact take care of the moral remainder. On the whole regret will be insufficient because it fails to account for (or take seriously) the fact that one is subjectively responsible. This means that there is some element of culpability. Merely regretting the bad consequences of one's action in a moral dilemma will not account for the fact that one's choice of action involved setting aside an important duty or constraint. Thus, although an expression of regret satisfies criterion (b) of an apology specified above, it fails to satisfy criterion (a). In view of this, an interesting question is what an apology from a dilemmatic chooser like the politician should contain. It clearly should not express the judgment that what he did was unjustified. Instead, the apology should express the judgment that he did something justified, but still somehow wrong. What would such an apology look like? I propose the following statement as an expression of an appropriate apology from the politician to the victim in this case: 'although I believe that my choice of action was right under the circumstances, I recognise that it involved the violation of a duty, and I am deeply sorry that you had to suffer as a result of my choice'. This apology involves recognition that the action was justified, while nevertheless acknowledging the violation of the moral duty as well as the moral remainder that came with it.

²⁷ Bovens (2008), p. 224.

(ii) *The victim*

I will now consider the perspective of the victim and the question of whether she has anything to forgive the politician for. Here it is relevant to take into consideration whether or not the victim accepts the politician's justification for torturing her. In 3.1.1, I proceeded on the assumption that the politician had justified his action on grounds that she could reasonably reject, and that this provided conceptual space for saying that there is something for her to forgive the politician for. However, I will claim that there is something for the victim to forgive the politician for *independently* of whether she accepts his justification for action or not. In what follows, I shall consider the possibility that she in fact accepts his justification for action.

Suppose that (in retrospect) she somehow acknowledges that the politician's decision to torture her for information was justified because this information would potentially save the lives of thousands of people. For example, imagine that she accepts that consequential considerations (or the duty to protect civilians) outweigh deontological constraints in a situation where so much is at stake. But at the same time as she accepts the politician's justification for action, I assume that she may still legitimately feel wronged because she had to suffer the moral cost or remainder that came with the politician's decision to authorise torture. The fact that she had to carry the brunt of evil, so to speak, is what creates conceptual space for her to feel anger, bitterness, resentment or other negative feelings, emotions and attitudes, and for her to overcome these negative feelings, emotions and attitudes and forgive the politician. Her feelings of anger and bitterness are justified *because* she has suffered the moral remainder – even if the action that produced this remainder was justified. It is important to note here that the victim will indeed feel differently from any spectator in this case because she (and no one else) bore the brunt of evil. This fact gives her (and no one else) a standing to forgive the politician. One could also claim that the victim's children or family have standing to forgive the politician in this case insofar as they experience the relevant feelings, emotions and attitudes of anger, resentment or indignation.

If one accepts the preceding line of reasoning, I believe a case can be made for the claim that there is something for the victim to forgive the politician for even though she accepts that his choice to torture her was justified. We can imagine a scenario where the victim receives the politician's apology or request for forgiveness (stated above), upon which she responds: 'I accept your apology and forgive you for what you did to me. I acknowledge that you did the right thing under the circumstances, and I probably would have done the same if I were in your shoes'. Here the victim's forgiveness expresses recognition that the politician's action came with a moral justification, and that she probably would have done the same if given the same choice between evils. Nevertheless, she feels wronged and therefore believes there is something to forgive the politician for.²⁸

3.2 Excuses and forgiveness

So far I have examined the relationship between justifications and forgiveness, and I have considered two arguments in support of the claim that there is something to forgive in certain cases where the agent has a justification for her action. In this part, I want to examine the relationship between excuses and forgiveness. The central claim according to the standard view is that there is nothing to forgive in cases where someone has an excuse for her action. I mainly agree with the standard view's claim at this point; however, I think there is one type of excuse that may open the door to forgiveness, namely *mitigating* excuses. In what follows, I will consider the question of whether there is something to forgive in a case where someone has a mitigating excuse.

²⁸ Above I have considered one example to illustrate that there is room for apologies and forgiveness even though a person has a justification for his action. I believe one can imagine several cases similar to the Ticking Bomb Case, that is, moral conflicts or dilemmas where the agent is justified in performing a particular action, but where it is nevertheless reasonable to claim that there is something for the agent to apologise for and for the victim to forgive. However, space does not permit a further examination of such cases here. See De Wijze (2007) for a discussion of some specific cases which are relevant to forgiveness.

The Unfortunate Driver Case discussed earlier involved an exculpatory excuse. An exculpatory excuse eliminates all responsibility on the part of the person performing the action in question. The unfortunate driver was thus absolved from all types of responsibility. Insanity is often mentioned as another typical example of an excuse that exculpates. However, not all excuses exculpate in this way; some excuses only mitigate, that is, they do not take away all responsibility.²⁹ I will suggest that this creates conceptual space for forgiveness. To see this, consider The Distress Case in which the reason why you hit the girl was because you were rushing home after having heard that your daughter had fallen down the stairs and died. Receiving this message naturally puts you in a state of extreme agony and distress. Moreover, this state of agony and distress makes you unaware as you drive and thus causes you to not see the girl in time to stop.

This is clearly a different kind of reason for not stopping than the two previous ones. For the sake of argument, I will assume that it is a reason that serves as a mitigating excuse for what you did. Suppose that when the girl's family receives information about why you were unable to stop in time, they understand and forgive. Here the idea is that insofar as this family come to understand the circumstances that led to their daughter's death, this will provide mitigating excuses, and such excuses might make it easier for them to forgive you. We hear this in the familiar expression 'to understand all is to forgive all'. On this view, understanding the circumstances under which you came to kill their daughter could make it easier for the family to overcome their bitterness and frustration and thus to reach a point where they are in a position to forgive you.

But still, even if we grant the possibility that excusing can be connected to forgiving in this case, it is important to recognise that understanding and forgiving in many situations will appear quite distinct. Often understanding the other person's point of

²⁹ The issue of mitigating excuses is seldom discussed by philosophers writing on forgiveness. One exception is Govier (2002), pp. 55-56, who has a brief discussion of the relationship between mitigating excuses and forgiveness.

view or the reasons for which that person wronged you will not reduce anger and resentment but instead serve to intensify these emotions and attitudes. Suppose for example that I lie to you. When you later understand my reasons for lying to you (suppose I did so for selfish reasons only) then understanding my motives for lying is likely to reinforce rather than weaken the negative emotions and attitudes that you have towards me.

The point I wanted to make is that understanding might sometimes (e.g. in cases of mitigating excuses) lead to forgiveness. At other times (e.g. in cases of culpable wrongdoing), it will not.³⁰

3.3 Self-forgiveness without blame

I now build on considerations offered so far in order to examine the issue of self-forgiveness.³¹ I take for granted that proponents of the standard view will make a similar claim with regard to self-forgiveness as with respect to interpersonal forgiveness. They will claim that I have something to forgive myself for only insofar as I have done something unexcused or unjustified. But contrary to the standard view, I will suggest that it can make sense to talk about self-forgiveness in the context of excusable and justified actions. Consequently, I will argue that there is something to forgive oneself for in certain cases where what one has done is excusable or justified.

It may be worth acknowledging at the outset that the very topic of self-forgiveness is rightly suspected of abuse. As Charles Griswold says, self-forgiveness ‘all too easily

³⁰ Glen Pettigrove has argued for three ways in which understanding can lead to forgiveness of unexcused wrongdoing: (i) by changing our interpretation of the actor; (ii) by changing our interpretation of the action; and (iii) by engaging in self-love. See Pettigrove (2007).

³¹ I do not have occasion to explore the general aspects and problems of self-forgiveness in this paper. For a more detailed discussion of the issue of self-forgiveness, see Snow (1993), Holmgren (1998), Dillon (2001) and Griswold (2007), pp. 122-130.

degenerates into self-interested condonation or excuse making'.³² Nonetheless, it is a topic that deserves serious attention. 'We observe occasions', says Griswold, 'on which it strikes us that a failure or inability to forgive oneself is problematic morally and psychologically'.³³ While there may be problematic sides to self-forgiveness, such as the risk of self-condonation or excuse, I believe Griswold is right to emphasise the moral and psychological importance of forgiving ourselves for harms or injuries done to others. According to the standard view, self-forgiveness paradigmatically comes into play when we have done something unexcused or unjustified. On this view, we may need to forgive ourselves for our deliberate or intentional wrongdoings, such as for deliberately trying to deceive or humiliate someone, or for unjustifiable lying and stealing. But what about those actions for which we strictly speaking are not responsible or culpable, for example in the case of accidents or situations where we must violate a moral duty in order to do right. Is it unreasonable to say that the question of self-forgiveness may arise in these cases? My claim is that self-forgiveness may sometimes be appropriate in these cases. To build my case for this claim I will consider three cases, two of which involve an excuse and one of which consists of a justification.

(i) The Unfortunate Driver Case

Consider once again the Unfortunate Driver Case discussed earlier. Here the claim was that the driver had nothing to apologise for since he had not done anything that would render blame, resentment or other negative emotions and attitudes appropriate. It was simply not his fault that his car spun on the ice patch and killed the girl on the sidewalk. But even though it is accepted that he has nothing to apologise for in this case, there are good reasons to think that he will experience agent regret as a result of what he did. As pointed out earlier, this will be a kind of regret over having caused this girl's death, a taking on of responsibility, and perhaps also a desire to offer compensation or to make amends. Constitutive of this regret is something like, 'how much better if it had been otherwise'. Being the driver of the car, and thus causally involved in the accident,

³² Griswold (2007), p. 122.

³³ Griswold (2007), p. 122.

he is likely to feel, indeed many would say he should feel, differently from any spectator. The fact that he was objectively responsible for killing this child is likely to weigh heavily on his shoulders.

(ii) The Ticking Bomb Case

Next consider once more the Ticking Bomb Case. Here the assumption was that the politician faced a moral dilemma where he saw himself as having strong moral reasons to perform each of two actions, but where performing both of them was not possible. His choice to authorise torture involved violating the moral duty not to harm innocents and thus came with a moral remainder. In the version of the case that we ended up with, the politician eventually apologised to the victim and received her forgiveness. But suppose that the politician (for some reason or another) did not receive forgiveness from his victim. And suppose further that he did feel and experience the tragic-remorse appropriate for dilemmatic choosers. Constitutive of this tragic-remorse will be something similar to agent-regret, 'how much better if it was otherwise'. However, one difference between the unfortunate driver and the politician is that the latter, in addition to being objectively responsible, is also subjectively responsible for harming his victim because he did so intentionally. Constitutive of the politician's feeling of tragic-remorse is thus guilt and shame over having intentionally or knowingly caused an innocent person to suffer harm.³⁴

(iii) The Hostage Taking Case

Finally, consider an example involving duress. A person is forced ('do this or else') to sign a contract that will totally ruin his family's economy (e.g. the contract says he must give up his house and pay a large sum of money). Duress is an example of an excuse which is thought to absolve the person acting under duress from blame. However, in a

³⁴ Note that resentment is not among the self-directed feelings or emotions which the politician experiences. Typically, the reactive attitude of resentment is appropriately displayed in those cases when someone wrongs or harms us. But in the case of self-forgiveness, one is more likely to experience a range of other self-directed feelings or emotions, such as agent-regret, self-blame or tragic-remorse.

situation of duress the person is actually objectively responsible for the wrongful action and also subjectively responsible because he intended the action as a means to avoid some other (threatened or actual) wrongful action. Thus, although we would not say that the hostage in this case did something wrong, there is a sense in which he is not fully absolved from blame. More importantly for our present purposes, it is not unlikely that the hostage will experience feelings and thoughts similar to both the unfortunate driver and the politician.³⁵ And even though he acted under duress, the fact that he is both objectively and subjectively responsible for putting his family in an extremely difficult economic situation is likely to weigh very heavily on his shoulders.

I have now considered three cases in which the persons involved have engaged in excusable or justified actions. Against this background, I will argue that the issue of self-forgiveness meaningfully arises in the context of the moral emotions experienced by the unfortunate driver, the politician, and the hostage in these cases. One main reason for this is that in cases like these, what can be termed ‘guilt without fault’, where the person is aware that he is not really at fault but nevertheless feel guilty, it is reasonable to suppose that he will feel *as if* he is morally responsible.³⁶ For example, in the Unfortunate Driver Case, being causally responsible is sufficient to make the driver feel *as if* he has some form of moral responsibility. Hence, it is not unreasonable to assume that the driver will feel *as if* he has some form of moral responsibility for killing the child, that the politician will feel *as if* he has some form of moral responsibility for harming the innocent person, and that the hostage will feel *as if* he has some moral responsibility for placing his family in a difficult economic situation. If this is accepted, then it is not unlikely that these persons will feel *as if* they have done something wrong. There is simply no consolation for them to be found in the thought that what they did was not really their fault. For like the feeling of remorse, agent-regret and tragic-

³⁵ Probably the emotion felt and experienced by the hostage will be more like the tragic-remorse of the politician than the agent-regret of the unfortunate driver because the hostage is both objectively and subjectively responsible.

³⁶ See also Greenspan (1992), Morris (1987) and Schoeman (1987). For a useful discussion of the ethics of guilt in general, see Neblett (1974a).

remorse are radically individual. It must be carried alone and in some cases no amount of restitution can fully alleviate the guilt or remove the stain.³⁷ Again, their feelings in these cases are likely to be radically different from any spectator, who would probably try to comfort them by saying it was not their fault. In view of this, I would argue that their feeling as if they have some form of moral responsibility is sufficient for them to have something to forgive themselves for.

Against this, some would object that since these persons are not strictly speaking culpable for the wrong they have done, they have done nothing that makes it appropriate for them to blame themselves, and consequently, there is nothing for them to forgive themselves for. They may not want to continue to live with their agent-regret or tragic-remorse, but self-forgiveness is simply not the means for achieving this. According to Margaret Holmgren, 'an unfounded sense of guilt certainly needs to be removed, but the process of removing it is different from the process of attaining genuine self-forgiveness. Removing an unfounded sense of guilt is a process of recognising that we have done nothing wrong, while attaining genuine self-forgiveness is a process of addressing our own wrongdoing'.³⁸ On this view, while one can certainly agree that these persons will need to work through a process of responding to their own feelings of guilt and self-blame, it is doubtful whether self-forgiveness is the appropriate label for this process. Perhaps they should instead consider seeking therapy.

I do not want to take issue with the claim that self-forgiveness in these three cases will not amount to a process of addressing the fact that they have done something culpably wrong. However, there is a sense in which I think Holmgren's conclusion that there is nothing for self-forgiveness to do when someone has an excuse or a justification is unsatisfying. In my opinion, saying that there is nothing for you to forgive yourself for

³⁷ See De Wijze (2004). As Byron Williston says, '...there is an indissoluble conceptual connection between an agent's judgment that she has done wrong and the justifiability of self-blame' (Williston, 2006, p. 565).

³⁸ Holmgren (1998), p. 76.

in such situations simply fails to acknowledge or take seriously the self-directed emotions of guilt and blame that you experience.³⁹ From a phenomenological point of view, it is important that the emotions of agent-regret and tragic-remorse share with remorse this feeling of guilt. In addition, ‘those who suffer from tragic-remorse also feel the anguish of a good person forced by necessity to collaborate with the immorality of others’.⁴⁰ This suggests that no matter how much other people tell you that you did nothing wrong, there is the possibility that you will always feel that you in fact did something wrong. I suppose there is a sense in which you will always ask yourself if you were in the shoes of the unfortunate driver, ‘did I do enough to prevent my car from spinning or could I have done something to prevent it from happening, or could I have avoided what happened?’ Or if you were in the shoes of the politician, ‘did I make the right choice in authorising the torture of this person? Perhaps if I had not done it the bomb would not have gone off? Why did I not authorise torture of the terrorist himself instead?’; or if you were in the shoes of the hostage, ‘why didn’t I hold out longer? Or why didn’t I sign the contract with a false name?’

My contention is that you will always entertain the thought that you could have done something differently or that you could and perhaps should have done more to circumvent the harm or injury that you caused your victims. Thus, if one accepts that the conditions that render self-forgiveness appropriate are self-directed feelings and emotions of guilt and self-blame, and also that one acknowledges that one’s choice of action had a moral cost or remainder, then the cases under consideration seem to fulfil both of these conditions. In view of this, I believe a case can be made for the claim that there is something for the unfortunate driver, the politician and the hostage to forgive themselves for. In forgiving themselves they overcome these negative feelings, release themselves from guilt, in order to reach a morally as well as psychologically more

³⁹ As Griswold says with reference to a similar case of excuse, ‘Strictly speaking it, it makes no sense to forgive oneself for something for which one is not responsible. Yet...talk of ‘excusing’ or ‘pardoning’ oneself does not do credit to the sentiment of guilt one is likely to feel, or to the sense in which one takes responsibility’ (Griswold, 2007, pp. 129-130).

⁴⁰ De Wijze (2004), p. 469.

appropriate feeling of self-acceptance or approval. Self-forgiveness restores their capability to carry on as functioning persons even after causing (deliberately or accidentally) harm or death to other innocent persons.

4. Concluding remarks

When is there something to forgive? According to the standard view on this subject, there is only something to forgive in cases of unexcused and unjustified wrongdoing. In this paper, I have argued for an alternative view according to which there is something to forgive in certain cases where a person has an excuse or a justification for her action. I have examined both interpersonal forgiveness and self-forgiveness. With regard to interpersonal forgiveness, I offered two arguments in support of the claim that there is something to forgive in certain kinds of cases where the agent's action is morally justified. According to 'the argument from reasonable rejection', a victim may sometimes reasonably reject the agent's justification for an action, in which case there is something to forgive. In 'the argument from moral remainder', I focused on moral dilemmas. In a moral dilemma the agent often finds herself having to do wrong in order to do right, and I argued that this creates conceptual space for both apologies and forgiveness. Furthermore, although I mainly agree with the standard view that excuses absolve a person from blame in a way that leaves nothing for forgiveness to do, I have argued that there is room for forgiveness in certain cases involving mitigating excuses.

Finally, with respect to self-forgiveness, I considered the possibility that we may reasonably speak of self-forgiveness in certain cases where the agent has an excuse or a justification for her action. I argued that by focusing on the moral emotions that are elicited in the persons whose actions are either excusable or justified, a case can be made for the claim that these persons may sometimes forgive themselves.

REFERENCES

- Allais, Lucy. 2008. 'Wiping the Slate Clean: The Heart of Forgiveness', *Philosophy & Public Affairs* 36, No. 1: 33-68.
- Bash, Anthony. 2007. *Forgiveness and Christian Ethics*. Cambridge: Cambridge University Press.
- Bennett, Christopher. 2003. 'Personal and Redemptive Forgiveness', *European Journal of Philosophy* Vol. 11, Nr. 2: 127-144.
- Bovens, Luc. 2008. 'Apologies', *Proceedings of the Aristotelian Society* Vol. CVIII, Part 3: 219-239.
- Calhoun, Cheshire. 1992. 'Changing One's Heart', *Ethics*, Vol. 103, No. 1 Oct: 76-96.
- Corlett, Angelo. J. 2006. 'Forgiveness, Apology, and Retributive Punishment', *American Philosophical Quarterly* Vol. 43, Nr. 1 January: 25-42.
- De Wijze, Stephen. 2004. 'Tragic-Remorse – The Anguish of Dirty Hands', *Ethical Theory and Moral Practice* 7: 453-471.
- De Wijze, Stephen. 2007. 'Dirty Hands: Doing Wrong to do Right', in Igor Primoratz (ed.) *Politics and Morality*. New York: Palgrave MacMillan: 3-19. First published in 1994, *South African Journal of Philosophy*, vol. 13, no. 1: 27-33.
- Dillon, Robin S. 2001. 'Self-Forgiveness and Self-Respect', *Ethics* 112: 53-83.
- Ekeli, Kristian Skagen. 2004. 'Environmental Risks, Uncertainty and Intergenerational Ethics', *Environmental Values* 13 (4): 421-448.
- Govier, Trudy. 2002. *Forgiveness and Revenge*. London and New York: Routledge.
- Greenspan, Patricia S. 1992. 'Subjective Guilt and Responsibility', *Mind* Vol. 101, No. 402: 287-303.
- Griswold, Charles. 2007. *Forgiveness. A Philosophical Exploration*. Cambridge: Cambridge University Press.
- Hieronymi, Pamela. 2001. 'Articulating an Uncompromising Forgiveness', *Philosophy and Phenomenological Research* Vol. LXII, No. 3, May: 529-555.
- Holmgren, Margaret. 1993. 'Forgiveness and the Intrinsic Value of Persons', *American Philosophical Quarterly* Vol. 30, Nr. 4 October: 341-352.

- Holmgren, Margaret. 1998. 'Self-Forgiveness and Responsible Moral Agency', *Journal of Value Inquiry* 32: 75-91.
- Hughes, Martin. 1975. 'Forgiveness', *Analysis* 35: 113-117.
- Kagan, Shelly. 1989. *The Limits of Morality*. Oxford: Clarendon Press Oxford.
- Kolnai, Aurel. 1973-74. 'Forgiveness', *Proceedings of the Aristotelian Society* 74: 91-106.
- Levy, Neil. 2007. 'Punishing the Dirty', in Igor Primoratz (ed.) *Politics and Morality*. New York: Palgrave MacMillan: 38-53.
- McConnell, Terrance. 2006. 'Moral Dilemmas', *Stanford Encyclopedia of Philosophy* <http://plato.stanford.edu/entries/moral-dilemmas/> (entered January 15, 2009).
- McGary, Howard. 1989. 'Forgiveness', *American Philosophical Quarterly* Vol. 26, Nr. 4 October: 343-351.
- Morris, Herbert. 1987. 'Nonmoral Guilt', in F. Schoeman 1987. *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*. Cambridge: Cambridge University Press.
- Murphy, Jeffrie. 1988. 'Forgiveness and Resentment', in J. Murphy and J. Hampton. 1988. *Forgiveness and Mercy*. Cambridge: Cambridge University Press: 14-34.
- Murphy, Jeffrie. 2003. *Getting Even. Forgiveness and Its Limits*. Oxford: Oxford University Press.
- Neblett, William. 1974a. 'The Ethics of Guilt', *The Journal of Philosophy* Vol. 71, No. 18: 652-663.
- Neblett, William. 1974b. 'Forgiveness and Ideals', *Mind* 83: 269-275.
- North, Joanna. 1987. 'Wrongdoing and Forgiveness', *Philosophy* 62: 499-508.
- Pettigrove, Glenn. 2007. 'Understanding, Excusing, Forgiving', *Philosophy and Phenomenological Research* Vol. LXXIV, No. 1: 156-175.
- Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.
- Roberts, Robert. 1995. 'Forgivingness', *American Philosophical Quarterly* 32: 289-306.
- Scanlon, T. M. 1998. *What We Owe to Each Other*. Cambridge, MA: Harvard University Press.

- Schoeman, Ferdinand (Ed.). 1987. *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*. Cambridge: Cambridge University Press.
- Snow, Nancy E. 1993. 'Self-Forgiveness', *The Journal of Value Inquiry* 27: 75-80.
- Walzer, Michael. 1973. 'Political Action: The Problem of Dirty Hands', *Philosophy and Public Affairs*, Vol. 2: 160-80.
- Westen, Peter. 2006. 'An Attitudinal Theory of Excuse', *Law and Philosophy* 25: 289-375.
- Williams, Bernard. 1981. *Moral Luck. Philosophical Papers 1973-1980*. Cambridge: Cambridge University.
- Williams, Bernard. 1987. 'Ethical consistency', in C. W. Gowans (ed.) *Moral Dilemmas*. Oxford: Oxford University Press. Reprinted from Bernard Williams 1973. *Problems of the Self: Philosophical Papers 1956-72*. Cambridge: Cambridge University Press: 115-137.
- Williston, Byron. 2006. 'Blaming Agents in Moral Dilemmas', *Ethical Theory and Moral Practice* 9: 563-576.
- Wittgenstein, Ludwig. 1953. *Philosophical Investigations* (translated and edited by G. E. M. Anscombe & R. Rhees). Oxford: Blackwell Publishers.

