

The Unforgiven and the Unforgivable:
On the Nature and Limits of Forgiveness

By

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Abstract

In this thesis, I argue in favour of the moral significance of an essentialist account of forgiveness. In chapter two, I analyse the emergence of this view – which defines forgiveness as the rational foreswearing of resentment – and how it has been used to differentiate between forgiveness and other moral activities. In chapter three, I contrast this with a non-essentialist perspective to uncover both the moral and instrumental aims of forgiveness. In chapter four, I examine views which have incorporated these aims in order to posit that no moral agent should be regarded as absolutely unforgivable in principle. Next, in chapter five, I provide an alternative conception of the value of respect for persons to demonstrate how our foundational moral commitments demand absolute unforgivability in some cases of wrongdoing, such as murder. I conclude in chapter six with a discussion of how this account should inform moral deliberations for dyadic cases of wrongdoing, and I suggest where and how it should be implemented in polyadic cases and in the context of a more thoroughgoing ethical project.

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Chapter 1: Introduction

Within the domain of moral deliberation as well as moral reflection more generally, our appraisal of wrongdoers, their victims, and the evolving relationships between them is informed by how we understand forgiveness. Furthermore, the beliefs that we hold about what makes wrongdoers deserving of forgiveness, whether, how, and under what circumstances victims are entitled to withhold or bestow forgiveness – not to mention, how (if at all) various agents in the moral community come to have proper standing to forgive – all owe their credence to fundamental underlying values at the heart of morality. All of the moral judgements that we make are rendered meaningful according to our most fundamental values, such as respecting the dignity of all persons in their capacity as moral agents. These underlying values inform what other aims ought to be satisfied by forgiveness, but also serve to constrain when forgiveness is morally appropriate. By understanding the essential nature of forgiveness as a moral activity – one which consequently strengthens or weakens our confidence in the standards of morality by its use or abuse – we can also determine its limits. With this investigation I will defend an essentialist account of the nature of forgiveness, so that from this understanding we can begin to establish why certain wrongs may *always* render forgiveness morally inappropriate. This essentialist account proposes that there must be an indispensable quality to cases of forgiveness which make them genuine and morally appropriate, while non-essentialist accounts suggest that there are multiple instrumental aims of forgiveness, many of which are equally valid.

In the next chapter, I will begin this account by examining how an essentialist account of forgiveness has developed in modern philosophical literature, beginning with the precedents established in the 18th-century sermons of Bishop Joseph Butler and later

developed by our contemporaries, Jeffrie G. Murphy and Pamela Hieronymi. I shall utilize their views to support the thesis that genuine forgiveness - that is, morally relevant and appropriate - must involve the rational foreswearing of resentment. In Chapter 3 I will compare this essentialist account to non-essentialist views on forgiveness, in order to establish common ground between the instrumental aims of forgiveness and our fundamental moral commitments.¹ Examining the differences between how essentialist and non-essentialist conceptions approach forgiveness will also introduce the concern that certain commonly-held beliefs about the nature of forgiveness are misguided. Chapter 4 will focus on Charles Griswold and Trudy Govier's analyses of the unforgivable, in order to address the moral distinction between the bestowal of forgiveness towards agents and their deeds. This chapter analyses the notion that agents are the proper object of forgiveness - not their deeds - and critiques the widely accepted claim that no deed can render an agent unforgivable in principle. With this analysis, I will reveal how moral theories which uphold fundamental values (namely respect for persons) have been used in the past to argue that no agent should ever be held absolutely unforgivable in principle. I will challenge this perspective in Chapter 5, where I will argue that our most basic moral commitments instead demand that we recognize certain agents as absolutely unforgivable. Thereafter, I will conclude in the final chapter with an explanation of how this account of the unforgiven and unforgivable could be explored within a more thoroughgoing ethical project that encompasses other moral activities, such as revenge, punishment, and mercy.

¹ This will also reveal how the various instrumental aims of forgiveness are informed by our fundamental moral commitments, which I will argue are most appropriately sought after and respected within an essentialist account.

Chapter 2: Forgiveness as Foreswearing Resentment

If certain acts or circumstances of wrongdoing are morally unforgivable, then there must be an essentially moral feature to forgiveness. While forgiveness is used practically for many purposes in daily life, certain essential moral commitments must inform how forgiveness ought to be implemented, and those acts or circumstances which render this goal impossible must comprise the unforgivable. An orthodox view in the philosophical literature which takes up this essentialist account of forgiveness supports the notion that forgiving must involve the foregoing of resentment. In this chapter I will examine how this view developed from the influential work of Bishop Joseph Butler to the contemporary analyses of Jeffrie G. Murphy and Pamela Hieronymi. Their investigations of the relationship between forgiveness and resentment will demonstrate how this essentialist understanding of forgiveness has developed, and why this understanding properly attends to our moral intuitions and commitments.

In *Forgiveness: A Philosophical Exploration* Charles L. Griswold studies the sermons of Joseph Butler, and credits his writings for inspiring current efforts to link forgiveness and resentment. Griswold is careful in noting that Butler is often mistakenly attributed with the view of forgiveness as “foreswearing of resentment”, where Butler in fact argued that forgiveness involved the “foreswearing of *revenge*.”² With this important distinction in mind, resentment is still a significant component in Butler’s project; although his analysis occurs within a specific theological perspective (one which insists on a divine teleology for resentment and forgiveness), the idea that resentment is somehow morally useful can also

² Griswold, Charles L. *Forgiveness: A Philosophical Exploration*. New York: Cambridge UP, 2007., p. 20. Note: Griswold charges Jeffrie Murphy among others with this misinterpretation.

be supported by secular ethical theories. Butler recognizes the opprobrium that is often directed at resentment, but given the imperfect nature of humanity he maintains that it is “the ‘abuse’ of the passion [of resentment] only that is the proper object of blame.”³ Griswold investigates Butler’s sermons on resentment and forgiveness in turn, so that the appropriate use and responses for resentment can be discovered.

There are two forms of resentment which Butler recognizes; the first form involves “hasty and sudden anger” and the second is “settled anger” which Griswold elaborates as “deliberate resentment, malice, and revenge.”⁴ As a reactionary survival instinct of pragmatic necessity, Butler and Griswold understand the need for the former kind of resentment. As Griswold states: “non-moral sudden anger... helps us to defend ourselves, allowing us... to resist and defeat, sudden force, violence, and opposition.”⁵ Sudden anger of the sort needed for survival or the protection of loved ones can still have a further moral dimension, however. This anger is *moral* insofar as it is focused on “the blameworthiness of of the cause of one’s pain.”⁶ Whether a response to wrongdoing is sudden non-moral anger (like an instinctive response to physical injury) *or* sudden moral anger (like a desire to avenge injustice), in either case these responses are similar in terms of their conduciveness to immediate action for the defense of oneself and others. This stands in contrast to the apparent goals of settled anger: “settled anger seeks to defend us by attempting to punish the source of injury and not simply to stop the injurer from inflicting the injury.”⁷ It is in this way that the long-term or “settled” anger of resentment becomes inextricable from its moral

³ Ibid., p. 21.

⁴ Ibid., p. 22.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid., p. 23.

element. Settled anger focuses on delivering due punishment to wrongdoers not only because they morally ought to suffer or otherwise pay for their wrongdoing, but because in bringing punishment victims can reaffirm their own inherent dignity and moral worth that has been threatened by wrongdoing.

As Griswold further examines the etymology of Butler's use of resentment which builds over long periods of time, he observes how this term relates to other moral emotions. He finds indignation of the sort described by Butler as synonymous with Adam Smith's "sympathetic resentment"; it is a reaction against nefarious injuries to our fellows where "the more vivid the imagination, the closer the injury to those with whom we identify, the more acute the indignation, and the more eagerly we will wish for the wrongdoer to be punished."⁸ Similarly, hatred becomes possible (and not necessarily condemnable) against a variety of wrongs (illness, ideologies, all rapists, etc.) and although one can resent without hating, Griswold takes Butler as identifying the "settled" anger of resentment against injuries which are significant enough as a kind of "moral hatred."⁹ Butler treats resentment, malice, and hatred as various species of passions which run through humankind; what made his analysis important was that it did not take any of those passions which we readily associate with aggression as necessarily wrong or worth avoiding.

There must also be some morally beneficial or righteous aspect to revenge, if revenge is not necessarily immoral. Griswold offers a likely answer, since "vengeful resentment may seek to communicate a moral principle that all reasonable people would acknowledge, and whose acknowledgement is required if one is to form part of the moral community."¹⁰ While

⁸ Ibid., p. 24.

⁹ Ibid., pp. 25-26.

¹⁰ Ibid., pp. 28-29.

resentment and revenge in such a context would appear to be accompanied with aggression or violence (part of the so-called “desire to punish” wrongdoing), such aggression takes on a very different moral character than the acts that they are a response for. When revenge feels like the *only* possible response however, Griswold argues that such a feeling implies “either condonation or resignation” toward injury; both of which seem “to betray a deep lack of respect for self and for the injured or dead. It is as though revenge believes itself morally bound to make the past come out differently.”¹¹ This desire to do the impossible (to change what has already happened in the past) is not cannot be properly addressed by revenge. However, there is an available response that does not resign oneself or others to past injuries, nor does it condone the actions which brought about such injury. There can be a moral alternative which still “claims to express both respect for self and the dead or injured.”¹² The activity which might bring about these desirable ends is the topic of Butler’s second sermon: forgiveness.

If the various aggression-laden feelings mentioned above are not fundamentally immoral, then Butler suggests that they should only be considered wrong when they are abused; what Griswold calls “moral vices” (such as violent revenge).¹³ The function that forgiveness has in Butler’s view involves the foreswearing of such abuses. While resentment has been described as useful on Butler’s account for the prevention of further injury, he still prohibits revenge: “when this resentment entirely destroys our natural benevolence towards [the wrongdoer], it is excessive, and becomes malice or revenge.”¹⁴ Butler uncovers

¹¹ Ibid., p. 29.

¹² Ibid.

¹³ Ibid., p. 31.

¹⁴ Ibid., p. 33.

the purpose of forgiveness with preventing these abuses in mind, and although his reasoning draws directly from theological imperatives (to “love our enemies”) it can be similarly supported within a secular moral framework.¹⁵ As Griswold explains, loving one’s enemies need not take on a “peculiar sort of affection”; rather it should involve the recognition of the humanity even the most villainous of wrongdoers (that is, to recognize their sentience and capacity for joy or misery).¹⁶ Therefore, from Butler we can identify an important cautionary ideal, so that we might properly attend to resentment and forgive wrongs justly: avoiding totalizing judgement. Totalizing judgement refers to judging moral agents as though we comprehend them in an all-encompassing way, even though we may just be observing an isolated case of wrongdoing. Butler thought we should avoid this conceit to prevent unjustly characterizing wrongdoers with a moral identity which does not recognize their capacity for remorse or repentance.

On a Butlerian view like this, we then must deny that there are “moral monsters”; to forgive wrongdoers we must avoid demonizing and reducing them to their injurious deeds: “Forgiveness is ‘love’ in the sense that it affirms our commonality, as human beings, with the morally worst among us.”¹⁷ The upshot of Butler’s view comes together on this final attitude towards forgiveness and where it is deserved. This is one place where secular theories may diverge. While secular theories may also define forgiveness as “the foreswearing of revenge” and “the moderation of resentment as judged appropriate”, they may not necessarily agree with Butler’s final Biblically inspired notion: “[that] we are ourselves in need of forgiveness,

¹⁵ It is an important insight to recognize that in ethical terms, there can be significant parity between secular and religious moral commitments with regard to abusing moral emotions. Either position can find agreement with avoiding these abuses, such as malice.

¹⁶ Ibid.

¹⁷ Ibid., p. 34.

[so] consistency demands that we be forgiving of others.”¹⁸ This view draws inspiration from Christian ideals regarding the equality of sins before God (and similarly equal opportunity for forgiveness) and suggests that appeals to common humanity and benevolence may be enough that any wrongdoing is conceivably forgivable. That this is *not* the case (in fact, that there may be specific circumstances where wrongdoing is unforgivable) will be the focus in Chapter 4: The Unforgivable. First, I will examine how Butler’s initial contributions have been taken up and modified by Murphy and Hieronymi.

In “Forgiveness and Resentment”, Jeffrie G. Murphy provides an important foundation for explaining common grounds that we have to forgive others in everyday life according to their relation to resentment (how they might bring these emotions about, exacerbate them or mitigate them, etc.). An important theme throughout Murphy’s work is the challenge of determining when forgiveness is virtuous or vicious, and this often depends upon the nature of any pre-existing moral relationship between oneself and their wrongdoer.¹⁹ Previous bonds of family or friendship may increase the impulse to resent or to forgive depending on the circumstances of the injury caused (and the motives of the agents responsible), though Murphy notes: “However, deep as these hurts of intimacy may be, what would be the consequences of never forgiving any of them? Surely it would be this: the impossibility of ever having the kind of intimate relationships that are one of the crowning delights of human existence. The person who cannot forgive is the person who cannot have friends or lovers.”²⁰ In this sense, Murphy recognizes the worth we ascribe to the practice of forgiveness for being beneficial to our goals of repairing the moral relationships that we value. Although a desire

¹⁸ Ibid., p. 36.

¹⁹ Murphy, Jeffrie G. “Forgiveness and Resentment.” *Midwest Studies in Philosophy* 7.1 (1982), p. 508.

²⁰ Ibid., pp. 504-505.

for moral repair may inform many instances of forgiveness, the cases which Murphy would consider legitimate (rather than merely instrumental) are more nuanced, and he requires that they do not merely emulate several of the moral practices which we often confuse with forgiveness: excuse, justification, or mercy.²¹

Murphy's contribution here to an essentialist view of forgiveness goes further than Butler by providing us with clear definitions of the three moral activities mentioned above, and explaining why they should not be understood as synonymous with forgiveness. By excusing or justifying wrongdoing (or showing mercy towards the wrongdoer), we are responding to moral offenses in ways that do not respond to resentment in the same way that we do in cases of genuine forgiveness. Murphy explains that excusing or justifying the actions of a wrongdoer cannot count as genuine forgiveness because of how these activities relate to resentment:

"... we may forgive only that which it is initially proper to resent; and, if a person has done nothing wrong or was not responsible for what he did, there is *nothing to resent* (though perhaps much to be sad about). Resentment- and thus forgiveness- is directed toward *responsible wrongdoing*; and thus, if resentment and forgiveness are to have an arena, it must be where such wrongdoing remains intact-i.e., neither excused nor justified."²²

Mercy is similarly inappropriate to conflate with forgiveness according to Murphy; when we show mercy, Murphy proposes that we choose "to treat a person less harshly than, given certain rules, one has a right to treat that person," and that this is an action we can take even if we are not the one directly injured by the wrongdoer, so long as we have authority over the wrongdoer in accordance with those rules.²³ Therefore, we can be accurately said to

²¹ Murphy also regards certain moral commitments (such as respect for persons as moral agents) to constrain the acceptability of forgiveness, and I will examine this idea and its consequences in chapters 4 and 5.

²² *Ibid.*, p. 506.

²³ *Ibid.*

show mercy in cases where we do not have the proper moral standing to forgive the wrongdoer.²⁴

While Murphy noted that foreswearing resentment of wrongdoers and their actions is necessary for forgiveness, it is not sufficient; there must be appropriate moral grounds for doing so. Murphy provides some familiar reasons that people generally have for forgiving in ordinary life with the hope of finding a unifying principle which connects them:

“I will forgive the person who has willfully wronged me because

(1) He repented or had a change of heart *or*

(2) He meant well (his motives were good)” *or*

(3) He has suffered enough *or*

(4) He has undergone humiliation (perhaps some ritual humiliation, e.g., the apology ritual of “I beg forgiveness”) *or*

(5) Of old time’s sake (e.g., “He has been a good and loyal friend to me in the past”).”²⁵

The first scenario of repentance is what Murphy calls “the clearest way in which a wrongdoer can sever himself from his past wrong act,” because accepting a sincerely repentant wrongdoer allows for the repairing of that moral relationship “without fearing my own acquiescence in immorality or in judgments that I lack worth.”²⁶ The penitent wrongdoer therefore demonstrates their worthiness of being forgiven for the moral regard that they *now* possess toward the offended, and for renouncing and recognizing that their prior actions are worthy of resentment.

For the second scenario, where a wrongdoer may have “good motives”, Murphy argues that this can be a valid reason to forgive, especially for the implication that such agents do not hold any contempt toward our moral worth; their actions may just be misguided or “overly sensitive to utilitarian considerations at the expense of a concern for

²⁴ The issue of establishing proper moral standings to forgive (and where this is impossible) will be explored in *Chapter 4: What Is Unforgivable*.

²⁵ *Ibid.*, p. 508.

²⁶ *Ibid.*, p. 509.

rights and justice.”²⁷ The third scenario of having “suffered enough” is immediately suspicious to Murphy, and understandably so. The mere experience of suffering of any kind by the wrongdoer is not reason enough to forgive, but the notion that suffering *is* relevant emerges from our station in a culture with a vast history that has suggested that “*suffering is redemptive,*” insofar as it might serve to bring a kind of balance back to moral relations that have been affected by wrongdoing:

“Wrongdoers degrade us; they bring us low - lower than themselves. We cannot forgive and restore relations with them in this posture without acquiescing in our own lowered status - something which no honorable person could do. But suffering tends to bring people low, to reduce them, to humble them. If so, then enough equality may be restored in order to forgive consistent with self-respect.”²⁸

The fourth scenario of humiliation carries with it a similar appraisal of balancing the so-called scales of moral worth between wrongdoers and the offended. Just as suffering in the case above can “bring low” the wrongdoer in such a way as to restore balance to their moral relationship, humiliation can serve a similar purpose.²⁹ Humiliation which adequately serves this purpose often contains a ritualistic form of moral behaviour, namely one’s *begging* of forgiveness. It is a ritual which, Murphy argues, we may accept for its own worth (or it may be more promisingly accompanied with sincere repentance).³⁰

The final “ordinary-life” reason for forgiveness is only subtly introduced by Murphy, but is perhaps the most interesting case worth studying: *for old time’s sake*. He describes this activity in contrast with repentance: “When you are repentant, I forgive you for what you *now are*. When I forgive you for old time’s sake, I forgive you for what you *once were*. Much

²⁷ Ibid.

²⁸ Ibid., p. 510.

²⁹ The moral permissibility of bringing suffering or humiliation upon wrongdoers as a means of restoring moral relationships or making forgiveness palatable is worth considerable scrutiny.

³⁰ Ibid.

of our forgiveness of old friends and parents, for example, is of this sort.”³¹ While this final reason is understandably provided in many ordinary circumstances of wrongdoing, which does not mean it should be considered a reason worthy of the label of forgiveness. For example, “forgiving” an alcoholic parent for their current abuses and neglect in virtue of your past positive relationship (or how they were previously sober and caring) could be more appropriately understood as excusing or justifying their present actions according to their past moral character.

All of Murphy’s examples are putatively common grounds given for forgiveness that involved the offended divorcing wrong acts from their agent; he provides two more reasons which owe their pervasiveness to the influence of Christianity upon our culture: “(1) We should forgive in order to reform the wrongdoer, i.e., we forgive, not because the wrongdoer has repented, but as a step toward bringing his repentance about, making it at least easier for him. (2) We should forgive because we ourselves need to be forgiven.”³² The first reason is representative of a kind of aspirational forgiveness; it involves the (likely well-intentioned) expectation that such forgiveness will motivate a wrongdoer towards repentance. Such a view is not without its own unique challenges; Murphy cautions that aspirationally forgiving wrongdoers may be construed as patronizing or arrogant: “Seeing it in this way, the wrongdoer might well resent the forgiveness! ‘Who do you think you are to forgive me?!’”³³ As for the second motivation (that we ourselves need forgiveness), Murphy does well to strip the Christian parable of its mythological baggage to glean an important moral insight: the value of *moral humility*.

³¹ Ibid.

³² Ibid.,p. 512.

³³ Ibid.

Murphy focuses on two critical realities that morally sensitive agents must recognize, taken from the Parable of the Unforgiving Servant in the Gospel of Matthew.³⁴ He writes: “(1) We will within the course of our lives wrong others - even others about whom we care deeply; and (2) Because we care so deeply about these others and our relationships with them, we shall want to be forgiven by them for our wrongdoings.”³⁵ Understanding these facts is important for Murphy so that we may “cultivate the disposition to forgive” even as a mere possibility (rather than the caricatured “flabby sentimentality” of forgiving *any* wrong indiscriminately).³⁶ Murphy is careful to temper moral humility and the virtue of forgiveness as he concludes, however. He cites J.S. Mill’s *The Subjection of Women*, Marx’s criticisms of Christianity, and Fay Weldon’s feminist political project as providing examples where agents have been “taught to forgive and accept where they should have been taught to resent and resist.”³⁷ The fact that there are cases of wrongdoing where the offended “ought to resent and resist rather than forgive” suggests that foreswearing resentment is essential to forgiveness, and in certain circumstances, forgiveness is therefore inappropriate. There may be situations in which forgiveness is neither appropriate nor possible (to anticipate, this will be the focus of Chapter 4 and 5). Now, I will turn to the contributions made for an essentialist view of forgiveness by Pamela Hieronymi.

In “Articulating an Uncompromising Forgiveness” Hieronymi puts forth yet another account of what should constitute “genuine forgiveness”, and she posits that any genuine and

³⁴ Matthew 18 contains a parable of an unforgiving servant, who is punished by his master for his hypocrisy in withholding forgiveness for the same acts of wrongdoing that he is also guilty of committing (in this case, unpaid debts). This story appeals to moral intuitions about granting mercy in virtue of the universality of human moral frailty.

³⁵ *Ibid.*, p. 513.

³⁶ *Ibid.*

³⁷ *Ibid.*, p. 515.

possibly appropriate case should include a “revision in judgement or change in view” in which the offended can maintain three judgements that are essential to appropriate forgiveness:

“[[forgiveness is genuine insofar as one recognizes]:

(1) The act in question was wrong; it was a serious offense, worthy of moral attention.

(2) The wrongdoer is a legitimate member of the moral community who can be expected not to do such things. As such, she is someone to be held responsible and she is worth being upset by.

(3) You, as the one wronged, ought not to be wronged. This sort of treatment stands as an offense to your person.”³⁸

On Hieronymi’s view of forgiveness, feelings of resentment represent a kind of “moral protest” against wrongdoers and their injurious acts.³⁹ Hieronymi thinks that this presents a challenge, since forgiveness should be able to “hold on” to the three judgements above while abandoning the protest of resentment.⁴⁰ If resentment is abandoned at the expense of any of those three judgements, some action other than forgiveness is taking place. To dismiss (1), the offended must either trivialize or excuse the injury against them, or fail to apprehend how that offense is harmful to the moral community or our moral values. Similarly, rejecting (2) is to justify or excuse a wrongdoer’s actions by placing them outside the moral community or realm of responsibility (this echoes Murphy’s view of *excusing* being outside the conceptual boundary of forgiveness). Finally, negating (3) is to justify the offense by degrading or failing to appreciate one’s own moral worth. These judgements must be maintained for any account of forgiveness, because to do otherwise is to exempt wrongdoers of their moral culpability; Hieronymi says “to absolve of culpability is to excuse, not forgive... [failing to uphold these judgements] thus correspond to three not-wholly-distinct strategies

³⁸ Hieronymi, Pamela. "Articulating an Uncompromising Forgiveness." *Philosophy and Phenomenological Research* 62.3 (2002), p. 530.

³⁹ It is worth noting that Pamela Hieronymi’s view follows upon and is a more thorough working out of the themes introduced by Murphy (as suggested by her detailing of genuine forgiveness and our use of resentment as a kind of moral protest).

⁴⁰ Ibid.

for *imitating* forgiveness.”⁴¹ As the title of Hieronymi’s work suggests, her account of forgiveness demands that we do not compromise on those judgements, lest we fall into forgiveness-imitating behaviour that fails to properly address moral wrongs and repair damaged relationships between offenders and the offended.⁴² By connecting Murphy’s concerns about excuse, justification, and mercy to this view from Hieronymi, the outer limits of what we should consider to be genuine and morally permissible cases of forgiveness can emerge.

To achieve genuine forgiveness on this account, there must be a way to maintain Hieronymi’s judgements whilst simultaneously changing the relationship or standing between wrongdoers and the offended, as well as modifying how they experience blame and resentment. Hieronymi believes that a “change in view” occurs with forgiveness, but she is not as confident as to how this change has been said to arise historically in our use of the concept of forgiveness. For example, taking a compassionate view of the wrongdoer may be lauded by others in the moral community, but it could fail to *rationaly* change our feelings of blame or resentment towards them; in fact, it could exacerbate these reactions: “In the course of identifying imaginatively with your point of view, I may come... to understand just how selfish your behavior was, how cruel, and the extent to which you delight in... your malevolence... As a result, my feelings of resentment and anger might quite properly intensify.”⁴³ The potential for intensifying blame or resentment is not necessarily an impediment to forgiveness however; the capacity that moral emotions have for being

⁴¹ Ibid.

⁴² The danger is far more serious than merely imitating forgiveness as a logical mistake. By attempting to forgive (or believing that we can or ought to) in those inappropriate cases, we might also be involved with the tacit condonation of unforgivable behaviour, and other related errors which may contribute to our collectively losing sight of the very standards of morality we wish to uphold.

⁴³ Ibid., pp. 533-534.

influenced comes from *good reasons* that encourage us to reevaluate our standing toward other members of the moral community according to their own reasons and motivations for acting. For Hieronymi, this captures the *rationality* of emotional responses such as anger or resentment; and acknowledging this aids in providing the proper method of achieving an articulate and uncompromising form of genuine forgiveness: “An articulate account must make use of the fact that emotions are subject to rational revision by articulating the revision in judgment or change in view that allows us to revise our resentment while maintaining the judgments that occasioned it.”⁴⁴ The rational setting-aside of resentment can theoretically take place for wrongdoing across a vast spectrum of severity (even encroaching on that territory often labelled “unforgivable”), but doing so must get past the protest which resentment signifies, without failing to mark and acknowledge its significance. To accomplish this, Hieronymi posits a fourth necessary judgement.

Hieronymi argues that the fourth necessary judgement that accounts for our resentment is a consequence of the first three: the wrong act in question (as a legitimate moral wrong) therefore (4) makes a threatening claim against the offended.⁴⁵ To the extent that wrongdoing makes such threatening claims, our reasons for valuing - indeed, often insisting on as a condition of forgiveness - sincere repentance (Murphy’s first ordinary condition of forgiveness) are made clear:

“If we understand resentment in this (admittedly still very metaphorical) way, we can start to see how an apology might lead to a change in view or revision of judgment that would rationally undermine it. 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. Continued resentment would now constitute mere vindictiveness, betraying a smallness of character or lack of self-esteem, rather than showing an admirable appreciation and defense of genuine goods.”⁴⁶

⁴⁴ Ibid., p. 535.

⁴⁵ Ibid., p. 548.

⁴⁶ Ibid.

So, while resentment can be rationally grounded for responding to threatening claims against one's dignity or moral worth, similarly the wrongdoer's newfound appreciation of that effect (and their sincere retraction and disavowal of past injurious sentiments) can allow for the offended to "bear in her own person the cost of the wrongdoing and to incorporate the injury into her own life without further protest and without demand for retribution."⁴⁷ Abandoning further protest and demands for retribution echoes the initial Butlerian sentiment of forgiveness as foreswearing revenge; and this explanation from Hieronymi demonstrates where it can be possible. Incorporating her view admits that genuine forgiveness is possible but we still must determine when forgiving is morally obligatory (cases where continued resentment would constitute "mere vindictiveness", for example) and when it perhaps could be morally *condemnable*. The possibility that forgiveness in certain circumstances is itself morally wrong is plausible within this essentialist view.⁴⁸

One possible scenario where it would seem intuitively wrong to forgive involves the absence of apology from wrongdoers. Whereas apology and sincere repentance on the part of the wrongdoer was described above as an ideal circumstance for forgiveness, Hieronymi nevertheless grants that "unilateral forgiveness" may be possible:

"If the one offended can somehow believe that (1) the wrong done will be acknowledged as wrong, even absent his resentment, (2) the wrongdoer will not slip from the status of one who should be expected not to do otherwise, and (3) he himself commands respectful treatment, this episode notwithstanding, then perhaps he can forgive uncompromisingly, even absent an apology."⁴⁹

⁴⁷ Ibid., p. 551.

⁴⁸ In chapter 5, I will argue for at least one clear act of wrongdoing which belongs in this category (to offer forgiveness in such a case is merely to perpetuate further wrongdoing against direct victims and the rest of the moral community, and in those cases forgiveness is never morally justifiable).

⁴⁹ Ibid., p. 553. As this suggests, unilateral forgiveness is internalized, one-sided, and in the literature it is often focused upon the process as it is undertaken by victims. However, this does not preclude the possibility of unilateral forgiveness in wrongdoers (that is, self-forgiveness).

The role of support for the offended by the rest of the moral community is recognized here by Hieronymi, although she leaves the study of this matter beyond the scope of her paper.⁵⁰ Instead, she concludes with a focus on common confusions about forgiveness that have arisen (confusions she attributes to the very fact that an articulate account of forgiveness must be established), particularly with misunderstanding when stereotypically negative moral emotions can prove beneficial. In the case of anger, she says: “anger sometimes marks a positive moral achievement - perhaps the overcoming of cynicism, the recognition of the moral significance of the offender, or the affirmation of one’s own worth.”⁵¹ In this sense, anger can be a positive motivating force for demanding that a wrong or injury be acknowledged (and perhaps resisted) by the wider moral community.

The second common mistake that Hieronymi cautions us to avoid involves what she calls “failing to make use of the judgement-sensitivity of emotions” for the crucial reason that it can obscure our understandings of “just what we are asking for when we request forgiveness, what we are granting when we grant it, and what we are recommending to others when we recommend it.”⁵² She argues that asking for forgiveness is not to understand wrong deeds from the wrongdoer’s point of view, nor is it to ask for compassion or pity; neither is it a request that the offended acknowledge their repentance. She concludes by explaining what forgiveness *is* a request for on her account:

“I am instead asking you to believe me when I say that I no longer see what I did to you as acceptable, to recognize and so ratify my change of heart. I am also, importantly, asking you to willingly absorb the damage that I have done and which I cannot repair, both the damage in our relationship and the broader material or financial damage, which is an offense to you and which testifies against my change of heart.”⁵³

⁵⁰ The role of the moral community beyond wrongdoers and the offended (in terms of their standing to forgive, or in aiding unilateral forgiveness) will be analysed in Chapter 4.

⁵¹ *Ibid.*, p. 554.

⁵² *Ibid.*

⁵³ *Ibid.*

Absorbing damages willingly, as well as “ratifying a change of heart” in the wrongdoer encompasses the purpose of rationality in tempering desires for revenge, and making the foreswearing of resentment possible. The initial response of moral emotions like anger, blame, and resentment towards wrongdoing (however swiftly they may be felt, or however long they may linger) must be tempered over time and rationally deliberated over in order to arrive at genuine forgiveness. Therefore, we should be able to propose which kinds of circumstances of wrongdoing cannot meet these requirements for rationally foreswearing resentment, and in those scenarios the essentialist perspective can be employed to accurately explain why some wrongdoers are unforgivable.

While the works of Butler, Murphy, and Hieronymi are important for their help in both fixing terminology and articulating an influential strand of thinking about forgiveness, their contributions taken together, also suggest several important consequences for judging the moral permissibility of many taken-for-granted (and perhaps mislabeled) cultural instantiations of so-called “forgiveness” that we have participated in thus far. Granting that forgiveness *must* involve rationally foreswearing resentment with their concerns in mind does not therefore deny the variety of moral responses to injury that have been taken up already; instead it requires that we examine the nature of these responses more closely. The normative weight associated with properly articulating *all* of these moral activities (from forgiving to justifying or granting mercy) demands that they be defined not merely for the sake of applying them in a grammatically correct way; their application must also be morally correct. The issue of what is morally correct of course differs between essentialist views such

as these, and other non-essentialist conceptions of forgiveness.⁵⁴ In the next chapter I will evaluate non-essentialist claims about the nature and parameters of what we should consider to be genuine forgiveness, and by contrasting these claims with an essentialist response I will direct us toward a plausible account of the objectively unforgivable.

⁵⁴ The non-essentialist perspective finds similar support in the philosophical literature; both of these may be considered “orthodox” views on forgiveness.

Chapter 3: Non-Essentialist Forgiveness

Before we can determine which actions or perpetrators of wrongdoing are unforgivable (practically or normatively), a rival methodological approach that yields different views about the nature of forgiveness must be analysed in contrast with the essentialist picture given in the previous chapter. Examining a non-essentialist conception of forgiveness in Margaret Urban Walker's *Moral Repair* will provide us the necessary comparison. I will discuss her argument which supports a position that regards instrumental (that is, non-essential) reasons for forgiveness to be practically and morally legitimate. From this analysis, I will establish why essentialist views (such as those discussed in Chapter 2) more effectively respond to the moral goals and concerns that we desire to fulfil by forgiving.⁵⁵

Walker's discussion of forgiveness in *Moral Repair* challenges a key point from Murphy, namely that merely foreswearing resentment is enough to constitute forgiveness.⁵⁶ Foreswearing resentment may be a desirable consequence of forgiveness for Walker, but she also recognizes that being wronged can arouse a variety of emotions (sadness, despair, fear, shame, etc.) that resentment does not accurately encompass (she aligns it more with anger, or rage).⁵⁷ Furthermore, Walker argues that while forgiveness *can* "appropriately displace resentment", it is not inconsistent for a case of genuine forgiveness to retain a form of

⁵⁵ While these different views all maintain commitments to restoring moral relationships, demanding respect for persons, promoting psychological well-being and catharsis, and upholding the larger community's grasp on the standards of morality, they assign greater or lesser importance to these goals in varying degrees. Non-essentialist views discussed in this chapter focus more on positive psychological benefits for forgiveness, for example (while other views in later chapters will demand a stronger focus on respect for persons, or broader standards of morality.)

⁵⁶ Also, as suggested by the title of her work Walker focuses on moral repair as the primary focus of understanding forgiveness (when it is warranted and why). While this concern may be valid (and well worth keeping in mind when evaluating wrongdoing), it may also draw our gaze away from other moral commitments that are worth greater consideration (which I will argue in Chapter 5).

⁵⁷ Walker, Margaret Urban. *Moral Repair: Reconstructing Moral Relations after Wrongdoing*. Cambridge, UK: Cambridge UP, 2006., p. 155.

resentment that persists over time: “The one forgiving must give up a right to revenge, but one might forgive and not give up the belief that it is right for the wrongdoer to accept his or her punishment.”⁵⁸ If utterly eliminating resentment is not always necessary (or possible) on this view, then there must be other different aims behind our forgiveness practices⁵⁹. Walker looks to a recurring emphasis among other writers (including Murphy), where they suggest that we should focus on restoring moral relationships. While this may often be an ideal feature or goal of many of our acts of forgiving, Walker demonstrates that this is not always possible. The case may be, for example, that the wrongdoer and the offended had no prior relationship to their offense, and thus the wrong act creates a relationship *founded* on blame, resentment, and ill will where none existed before; similarly there is no possibility to restore moral relationships with those who are dead or “are permanently gone from our lives.”⁶⁰ If forgiveness is at all possible in either of those cases, then the intention to restore relationships does not suffice (in fact, it may not even be *necessary*); the *moral* aspect of those new or forever closed-off relationships is the crucial larger component to which forgiveness is attuned.⁶¹

To better understand how and when we ought to forgive, Walker thinks we should examine the kind of offense or damage that forgiveness is being used to overcome. She proposes that forgiveness attempts to address “a failure in moral relationship” and should “affirm values and standards (the boundaries) as shared among those with whom we deal,

⁵⁸ Ibid., p. 156.

⁵⁹ Furthermore, this may suggest a very different outlook on the nature of forgiveness (as a matter of how one feels moral emotions about their wrongdoers) rather than a set of moral practices.

⁶⁰ Ibid., pp. 158-159.

⁶¹ Where restoring relationships is metaphysically impossible in those cases (through death or distance), then Walker would still hold open the possibility for forgiveness (even unilateral forgiveness) to initiate moral repair, promote psychological relief, and even forego resentment as a form of moral protest where necessary.

must stabilize trust in ourselves and others to be responsive to those standards, and must restore or instill a hopeful view of our moral values, ourselves, and each other.”⁶² An instrumental view of forgiveness such as this should therefore regard instances of forgiveness as genuine and praiseworthy so long as they coincide with upholding these specific interpersonal goals of restoring moral relationships (directly between victim and wrongdoer), as well as the broader goals we have about strengthening or preserving the values of the entire moral community.

These broader goals are supposedly lingering in the background of all the moral activities that we would count among our forgiveness-practices and rituals, and there may be unsavory consequences in examining such underpinnings closely; particularly, the discovery that our varied and conditional perspectives on forgiveness constitute an attempt to uphold the value and truth of morality itself, and that this effort might be in vain. Walker recognizes this possibility, but remarks upon the resilience of the societal consensus which upholds these rituals and practices and for how much we must rely upon them in our daily lives, for the safety it ensures us, and for the persistent thought that the concept of standing in moral relationships to each other is something we choose to value.⁶³ Although these goals are well-meaning and intentioned, they do not assuage the aforementioned fears about losing even our potentially tenuous grasp of our standards of morality. Walker cautions: “Where possible, such a process reconnects wrongdoers and those wronged in relationship, but... this is not always *morally* possible... doing so or even attempting to do so can damage

⁶² Ibid., p. 162. By accomplishing these goals, Walker suggests that forgiveness is ideally used for returning the conditions of moral relationships (between victim and wrongdoer) to a functioning state, wherein respect for persons can be equally shared by all parties involved in virtue of their capacity as moral agents.

⁶³ Ibid. Not only do we value the *idea* of regarding each other in terms of our moral relationship, but we also sincerely value the relationships themselves (as they are seen in terms of that moral dimension).

the grip of standards [of morality], put resignation or self-deception where trust should be, or replace hope with cynicism or wishful thinking.”⁶⁴ This is a very important insight from Walker, and it can be taken up within essentialist or non-essentialist views about forgiveness. Either perspective could admit that attempting to forgive in those situations (where forgiveness may cause us to lose faith in truth and morality at large) is itself the *wrong* thing to do.⁶⁵

The conclusions drawn by essentialist and non-essentialist accounts of forgiveness can diverge on what is forgivable, in much the same way that they can differ on what the actual aims of forgiveness are⁶⁶. In “Practicing Imperfect Forgiveness” Alice MacLachlan probes the previous contributions which make claims toward this end, in order to provide an account of the practical limits of forgiveness, and caution us against the ways that forgiveness has been used historically.⁶⁷ MacLachlan begins with an important distinction about how we ought to conceptualize forgiveness; she argues that we should understand the various ways forgiveness is expressed and valued as kinds of acts or practices, rather than a moral ideal in-itself.⁶⁸ By understanding forgiveness in this way, it is possible to avoid the misuse of forgiveness (seen as a virtue for its own sake) in traditional systems of

⁶⁴ Ibid., p. 164.

⁶⁵ I would argue that this cautioning from Walker should be considered with the utmost care, and the argument for upholding it as our *primary* concern will take place in Chapter 5.

⁶⁶ That is, their accounts may disagree on what the most important focus of forgiveness should be (i.e. restoring moral relationships, forswearing resentment, psychological relief and well-being etc.).

⁶⁷ In particular, she is concerned with historically gendered conceptualizations of forgiveness, which stereotype moral agents according to norms rooted in sexism.

⁶⁸ MacLachlan, Alice. “Practicing Imperfect Forgiveness,” in *Feminist Ethics and Social and Political Philosophy: Theorizing the Non-Ideal*. Ed. Lisa Tessman. Springer, 2009., pp. 185-187. The important difference made by her methodological move here is that it draws us away from considering forgiveness in terms of dichotomies (conditioned vs. un-conditioned forgiveness, self-respect vs. servile condonation, etc.) in order to further her ultimate claim that establishing a “perfect paradigm of moral forgiveness” is impossible.

oppression.⁶⁹ Instead, she provides an account of what could encompass most of the ordinary forgiveness practices we employ:

- “(i) Overcoming initial feelings of rage, resentment and anger.
- (ii) Coming to believe the wrongdoer is potentially more than the sum of her acts towards me.
- (iii) Tacitly or explicitly giving her permission to stop assessing herself morally in terms of that one act.
- (iv) Purposefully refraining from any retaliating behaviour (including verbal behaviour).
- (v) Articulating words of forgiveness, or participating in some equivalent ritual, with sincerity and good intentions.
- (vi) Sincerely accepting an apology.
- (vii) Moving on to a new, positive relationship, following a breach of the old by wrongdoing.”⁷⁰

MacLachlan recognizes that this list is not exhaustive of all the possible ways we might describe forgiveness (be it from an essentialist or non-essentialist perspective), but it nevertheless provides a clear framework from which these practices can be interpreted.⁷¹

Although the description of forgiveness practices above could be accommodated within essentialist and non-essentialists alike, where they differ is often a matter of what the emphasis of forgiveness should be; that is, they will disagree on what forgiveness must primarily be *about* in order for it to be considered genuine or successful. Before analysing Walker, MacLachlan addresses the essentialist drive for the foreswearing of resentment, which she sees as a tool for philosophers to “problematize” the moral value of forgiveness; insofar as forgiveness obstructs “standards of justice and self-respect”.⁷² MacLachlan argues that essentialist supporters of resentment often focus on moral protest (and require forgiveness to properly address this protest), and as a result “all the therapeutic,

⁶⁹ MacLachlan expands on this notion in her discussion of the historically gendered uses of forgiveness, and this concern should be kept in mind when checking our current understandings about when agents ought to forgive, particularly to ensure that they are not reinforcing sexist stereotypes (such as female servility, for example). Also, it is important to note that modern philosophical positions which regard forgiveness as a virtue for its own sake are not necessarily prone to these charges of sexism (Walker being a good example of this), though many societal conceptions can be problematic in this way.

⁷⁰ Ibid., p. 188.

⁷¹ This description allows us to make sense of why one might understand oneself as having forgiven another, or how we would understand that we have been forgiven by another.

⁷² Ibid., p. 189.

physiological, strategic and political benefits of forgiveness must take second place to this protest. Only resentment can get the *moral* job done.”⁷³ On this picture, forgiveness must include various “warranting conditions” which protect norms of justice and self respect, and understanding paradigm cases of what should constitute forgiveness involves satisfying these conditions.⁷⁴ MacLachlan finds this particular move by essentialists problematic, because “it risks excluding or undermining the ritualistic, behavioural and even pragmatic elements of forgiveness... Being ‘let back in’ [by the forgiver] may be as much a matter of social gesture as it is a matter of deep emotional transformation.”⁷⁵ Nevertheless, an essentialist perspective on forgiveness which focuses on negotiating resentment (as described in the previous chapter) *can* attend to these ritualistic or pragmatic concerns, albeit by describing their content in different (and more accurate) ways.⁷⁶

In her analysis of Walker, MacLachlan cautions against upholding the severity of our resentment as the most morally relevant standard by which we judge cases of wrongdoing, and whether or not a wrongdoer deserves forgiveness. Resentment is described as “an emotional weapon employed in the face of threats to any number of cherished norms” and we are supposed to recognize that this emotion represents a kind of desire “that the transgressor of some norm be held accountable to that norm that she be *made* to

⁷³ Ibid.

⁷⁴ This can potentially serve to address the earlier concerns about forgiving cases of wrongdoing that call our broader trust in morality into doubt; such cases must fail to respond to the need for upholding norms of justice or self respect.

⁷⁵ Ibid. For an example of this concern for moral and emotional transformation (and to see it employed sincerely), see the Lomax case in Chapter 4.

⁷⁶ While phenomena such as “aspirational forgiveness” may find its place in this pragmatic realm, an essentialist view would submit that those activities may fulfil an important social purpose (and mend moral relationships) although the agents involved are appropriating the language of forgiveness where they can be described more accurately as excusing wrongdoing, or showing mercy, and so on.

acknowledge its force, to regret her violation.”⁷⁷ At first glance this description of resentment acknowledges the sorts of moral commitments that we broadly share, but MacLachlan rightly notices that the norms which are violated (and seen as “wrongdoing”) may be social or customary but not necessarily moral. Although resentment can arise from proper moral indignation, it can also emerge “from envy and insecurity, disgust and disdain.”⁷⁸ This is an important distinction that she gains from Walker, who notes:

“Resentment embodies a sense, or an implicit and presumptive imputation, of fault that can be difficult to dislodge, and one gripped by resentment may be far more disposed to *find* fault in others than to question whether his or her own resentment might be misplaced or exaggerated... there is usually a prior belief that some kinds of people aren’t to be trusted or accepted to begin with, and the fact that people like that are intruding where they don’t belong is additional evidence of their inappropriate presumption or aggressiveness. Those who are already resented are likely to arouse yet more resentment for behaving as if they don’t know - and shouldn’t they? - that they aren’t the kind who belong or whose ways of living are unacceptable.”⁷⁹

This possibility for misplaced or irrational resentment must be addressed, since it could complicate an essentialist account of forgiveness if it remained unchecked.⁸⁰ The question of where resentment is appropriate nevertheless finds common ground with MacLachlan and Walker; their views do not reject the usefulness of resentment entirely. The key aspect of resentment that allows it to remain worthwhile on both accounts is its ability to express moral protest, as well as bearing witness to wrongdoing and refusing to accept injustices that have transpired.⁸¹ Resentment which falls outside of these moral parameters could likely be deserving of suspicion, and it very well could be treated with the sorts of moral

⁷⁷ Ibid., p. 190.

⁷⁸ Ibid.

⁷⁹ *Moral Repair*, p. 127.

⁸⁰ The examples given by MacLachlan include resentment of foreign customs, inclusive language (sexism), and homophobic resentment (i.e. resentment of a gay pride parade); all of which can represent violations of traditional social norms, but those norms in question may be the ones in need of revision. Therefore, essentialists focusing on resentment must carefully evaluate its prior causes to ensure that moral agents are not mislabeled as victims or wrongdoers (such as these cases where “victims” are actually just ignorant wrongdoers).

⁸¹ *Practicing Imperfect Forgiveness*, p. 190.

condemnation it has been associated with the term.⁸² In much the same way as MacLachlan provided a list for common “forgiveness practices” earlier, these general moral commitments for resentment can inform whether or not cases of resentment are properly moral, amoral, or immoral.

Like Walker, MacLachlan thinks that resentment may not always be the best tool to rely upon for judging when forgiveness is warranted. She argues: “Instead of relying on resentment to determine whether and when forgiveness is warranted, we might examine ‘typical’ acts of forgiveness for what they tell us about the relation, or change in relation, between forgiver and forgiven. There are good reasons to focus on what forgiveness produces as a potential source of its value, and not merely on what it overcomes or erases.”⁸³ MacLachlan notes that while the proponents of resentment-centred views may characterize forgiveness as a kind of *relief* (i.e. of resentment), others who focus on the restorative qualities of forgiveness believe that the focus should instead be on “repair rather than release.”⁸⁴ The understanding of forgiveness that MacLachlan supports helpfully summarizes the goals which Walker seeks to meet with example she provides in *Moral*

Repair:

“I suggest we forsake a singular ideal of forgiveness and [instead we should recognize] the variety of ways in which people forgive, and the wide range of expressions that forgiveness may take. Second, I suggest we focus on forgiveness - or ‘forgivenesses’ - as a set of non-hostile practices for negotiating wrongdoing that may express a *number* of reparative aims: relief, release or reconciliation. We ought to re-orient ourselves away from the highest ideal and down to the threshold of forgiveness.”⁸⁵

⁸² Those negative, amoral, or *immoral* kinds of resentment (i.e. xenophobia) are the sorts worthy of ridicule, in much the same way as describing a “resentful person” carries with it connotations of negative character judgements.

⁸³ Ibid.

⁸⁴ A possible response to be offered against this view (in support of essentialism and foreswearing resentment) could argue that moral repair is worth achieving, but it may not be possible for those very reasons that make the essentialist case (i.e. moral relationships cannot be repaired in cases where you cannot rationally forego resenting the wrongdoer).

⁸⁵ Ibid., p. 191.

Although relief, release and reconciliation represent different moral aims or “end goals” for forgiveness, it does not necessarily follow that upholding the primacy of an essentialist view (i.e. that forgiveness must at some stage include foreswearing resentment) cannot allow for these different aims to be achieved.⁸⁶ In order to demonstrate this, and in order to expose the dilemmas which can arise from a non-essentialist approach to forgiveness, I will turn to a real-world example that Walker provides in her analysis.

At the beginning of her discussion of “The Unforgivable”, Walker provides the testimonial example of Amy Biehl’s parents, whose reaction to her death in the long term may appear incomprehensible (or even shocking) to third-party observers:

“Biehl, a white American and Fulbright scholar in South Africa, was driving home black friends who lived in a black township when she was murdered by a mob, who stoned and stabbed her to death. Two of the young men who murdered Amy Biehl served four years in jail before receiving amnesty from the Truth and Reconciliation Commission. The Biehls did not oppose the amnesty. They started a memorial trust to provide jobs and food to poor black South Africans, and they now employ two of the men who cornered, beat, and killed their daughter. Amy’s father says: “I thought of them as young people used in a situation, in a horrible system.” Amy’s mother says “I feel very close to Amy when I’m with them.” Many people find the Biehl’s generosity beyond belief; some are awed by it, others see it as puzzling or as a bizarre form of denial of what, it is supposed, they surely must, or ought to, feel.”⁸⁷

The long, complex and morally fraught history of Apartheid in South Africa cannot be summed up with this single tragedy.⁸⁸ Amy Biehl and her parents may have benefitted from their social standing during that time, but the circumstances surrounding her death leave her innocence (and the atrocity of her murder) unquestionable.⁸⁹ Under certain non-

⁸⁶ It is also worth noting that while relief, release, and reconciliation all have moral value (particularly in terms of respect for persons qua moral agents), different ethical theories may vary in how they weight their importance. Walker in *Moral Repair* might focus on relief and reconciliation, for example, whilst my essentialist account is concerned with releasing resentment as inherent to the meaning of forgiveness.

⁸⁷ *Moral Repair.*, p. 176.

⁸⁸ Analysing all of the causal factors precipitating Biehl’s murder is not only an impossible task, but it also obscures important moral commitments that we ought to uphold. Namely, in respecting all of the persons involved (including the wrongdoers) in terms of their equal capacities of moral agents, it would be misleading to attempt to contrast it with the broader moral disaster of Apartheid.

⁸⁹ In this way, I nevertheless wish to recognize that a multitude of intersectional concerns are not separable from any of the agents involved in this case of wrongdoing, or any others for that matter. They are worth great consideration and study beyond the scope of this work.

essentialist frameworks of forgiveness, there is nothing inherently wrong about how Biehl's parents have responded to this wrongdoing. Insofar as their lives have been forever impacted and altered, if psychological relief and well-being is sufficient (along with apparently mending their relationship towards wrongdoers) for forgiveness, then we have a genuine case of forgiveness in this instance. The problem is, this does not bring us any closer to understanding why other members of the moral community could witness the entirety of this resolution, finding it at best confusing, and at worst morally condemnable. After the suffering that Amy Biehl's parents already lived through, others who bear witness may still disagree and think of them as *wrong to forgive*.

Walker herself provides an excellent description of what it means for an action to be unforgivable, or why we may never find it acceptable to reintegrate certain wrongdoers back into our moral community:

"The lesson some victims and communities may take and urge on us is that outrage toward those who have demonstrated the reality of evil must never be weakened. They must be punished, but no punishment could pay their debt. So they and their capacity for evil must be decried without end. The perpetrators must be kept resolutely outside the community of morally decent, if fallible, and sometimes grievously fallible, folk... No one can absorb these unimaginable costs [of their wrongdoing], and no one should ever try... The response of calling these actions unforgivable is a way of saying that for those who have stepped outside any recognizable moral relationship to other human beings, their appropriate fate is to be left there, and kept there, unable ever to return."⁹⁰

While grim claims about the reality of evil often coincide with paradigmatic cases of wrongdoing on a larger scale (such as genocide), they are no less important on individual cases where the nature of an act of wrongdoing still makes the "paying of debts" that forgiveness requires seemingly impossible.⁹¹ Defenders of an understanding of what is unforgivable like the passage above could similarly place the murderers of Amy Biehl in the

⁹⁰ Ibid., p. 189.

⁹¹ Murder might be categorically suited to this level of judgement; the relationship between acts of wrongdoing like murder and the unforgivable will be explored in Chapter 4.

realm of those who have placed themselves beyond our moral community by their actions, and for the nature of those actions they ought never to return. How then, are we to make sense of how Biehl's parents have responded to these wrongdoers? While the non-essentialist route might call it genuine forgiveness (albeit of a sort that may inspire moral indignation), the essentialist view espoused in the previous chapter can provide a more effective explanation of just *what* moral practices are at work in this situation, and whether or not we should support them.⁹²

We cannot know all of the intricate inner workings of the minds of Biehl's parents; their subjective experience of living through the loss of their daughter is closed off from the rest of us in the moral community. What *is* available for us to consider are the publicly observable and morally significant responses they have had to this instance of wrongdoing. First, they did not contest amnesty for the men who murdered their daughter.⁹³ Second, they provided charitable aid to members of the same community where the murderers came from, as well as providing jobs for the wrongdoers themselves.⁹⁴ Finally, the actual moral and emotional relationship between the Biehls and the men responsible for Amy's death has been changed by what they *assume* to be an act of forgiveness.⁹⁵ The confusion at work here

⁹² In the Biehl case, we may grant (along with their honesty and sincerity) forgiveness is possible, but it might only be properly accepted according to the parent's proper standing to forgive. They may be able to forgive the indirect wrongs that they have suffered, but they cannot forgive the ultimate injury that was not actually done *to* them (i.e. the murder itself). This grants them appropriate moral consideration, while maintaining respect for all persons involved according to their standing, including the deceased victim.

⁹³ Although this first action is itself worthy of deliberation (especially if we should follow the unpayable nature of certain moral debts - 4 years in prison does not repay a human life), for this particular argument we should focus on the positive aspect of moral repair that the Biehl's subsequently strove for (as it fits into Walker's own project).

⁹⁴ While alleviating poverty and other social conditions which may have influenced the circumstances surrounding their daughter's death, aid given to innocent members of the community does not carry with it the same desire for condemnation as does the aid given to the men directly responsible for Amy Biehl's death.

⁹⁵ This assumption is being taken up both by Biehl's parents, and the wrongdoers who assume forgiveness has been bestowed in a way similar to what the Biehl's believe they are entitled to.

(in their own minds, and what is inspired in outsiders witnessing their situation) can be cleared up with the sort of terminology used by the foreswearing resentment view covered in the previous chapter. Whereas the Biehls may believe that they are forgiving these men (and furthermore, that this is what they morally ought to do), they may in fact be *excusing* their behaviour.⁹⁶ At best, all of the ways that the Biehls have responded to tragedy with kindness and compassion are indicative of *mercy* on their part, for they have embraced their wrongdoers and removed their moral debts where no amount of reparations could have sufficed.⁹⁷ The real consequence that the Biehls have thereby incriminated themselves morally (perhaps for calling into question the value of morality for the greater community) is due possibly to the fault that MacLachlan cautioned against in the beginning of “Practicing Imperfect Forgiveness”; they may be victims themselves for being caught up in religious and cultural trends which (for various localized and historical reasons) support the notion that we always *ought* to forgive.⁹⁸ Responding to an act of wrongdoing of the sort experienced by the Biehls from an essentialist perspective would provoke a much different reaction; if justification or excuse for this sort of wrongdoing is closed off from us, then the rational foreswearing of resentment may not be possible either.⁹⁹

Taking the Biehl case for granted as a genuine instance of forgiveness suits the view of forgiveness in Walker and MacLachlan which takes their situation to be one instance of a varied group of forgiveness practices. One of the problems that arises from accepting this non-essentialist view is its inability to account for the shock or confusion we might have

⁹⁶ The father’s comments about the young men being “used by a terrible system” attests to this possibility, and from this excuse the rational foregoing of resentment cannot follow.

⁹⁷ While excuse and justification for moral wrongdoing more often carries negative value judgements, the same may not be the case for mercy. How mercy attends to the unforgivable will be discussed in the next chapters.

⁹⁸ *Practicing Imperfect Forgiveness*, p. 185.

⁹⁹ Both the empirical and moral obstacles to forgiving will be explored in chapters 4 and 5.

towards their reaction with the same explanatory power as is allowed by a view which focuses on foregoing resentment in agents with the proper standing to forgive. While seeing the innumerable ways that we strive to express forgiveness as equally appropriate might seem properly inclusive, it runs the risk of weakening the most important and legitimate end goals of forgiveness (as it relates to our broader moral commitments) that we also may wish to uphold. Furthermore, labelling certain moral practices inaccurately (such as mistaking mercy for forgiveness) can prevent victims of wrongdoing from reaching a satisfying resolution to their injury. In *Moral Repair*, Walker herself speaks to the nature of forgiveness as measuring out how victims and wrongdoers should bear the *cost* of their actions: “The issue of cost revives the core and oldest meaning of forgiveness, the meaning of a wronged person’s excusing a debt, *giving up the demand that a cost be payed by one who in justice deserves to pay it.*”¹⁰⁰ Be the cost a material loss or the emotional burdens of pain and suffering, giving up the demand for payment of such debts can be accounted for with forgiveness *or* mercy, and even with excuse in some cases.¹⁰¹ Recognizing which of these moral practices is appropriate in a given instance can allow for the moral repair that Walker strives for, without succumbing to the worry that our grip upon the very standards of morality should fall into doubt.¹⁰²

¹⁰⁰ *Moral Repair*, p. 182.

¹⁰¹ Cases of wrongdoing which can be excused without leveling some form of moral reproach on the victim (for not taking to their own dignity and self-respect to heart, or for condoning the injuring behaviour of their wrongdoer) fall more readily into the category of slight impositions rather than severe acts (impoliteness versus grave physical harm, for instance). The “cost” to be absorbed is much easier to manage.

¹⁰² For instance, moral repair can be achieved through forgiveness, but in cases where forgiveness should *not* be granted, mercy can appropriately arrive at the goal of repairing relationships whilst maintaining our larger commitments (such as the universal condemnation of murder, for example). The kind of essentialist view explored thus far can assist in informing us of where these practices are appropriate, while avoiding worries that either may overstep their bounds (i.e. to forgive when one ought to be merciful, or even resentful).

For the Biehl case, an essentialist view of forgiveness focused on foreswearing resentment could accomplish the task outlined above. If the strangeness each parent's response persists, it may be an indication that any resentment towards their wrongdoers has been relinquished, but the mistake may arise from our confusion about the nature and scope of their abilities to forgive (and what deeds they are resenting); it may be the case that they have forgone resentment by showing mercy to these men.¹⁰³ Mercy may in fact be the only acceptable explanation for the Biehl's treatment of their wrongdoers, especially where justifying or providing excusing reasons for their daughter's murder would seem easily condemnable by the rest of the moral community.¹⁰⁴ If their reaction (accepting amnesty, and even employing the men afterward) is understood as an outpouring of mercy on their part, then the desire that we may have to condemn certain wrongs forever (like murder) does not lose its force. Rationally foreswearing resentment, and forgiving murder may not be possible for psychological as well as moral reasons.¹⁰⁵ However, it is possible that one may be merciful, while still acknowledging that certain acts may otherwise leave wrongdoers forever barred from returning to a relationship within the moral community that is anyway similar to their standing before they committed those acts. With this perspective in mind, we can make sense of the Biehl's response to wrongdoing in ways that accept their final resolution (i.e. their new relationship with the wrongdoers) as a merciful one, while

¹⁰³ Mercy therefore takes the place of forgiveness where the Biehls could never bestow it (for lack of proper standing). They can rationally forgive and cease to resent their own emotional and psychological injuries, but their daughter's murder remains under the purview of mercy.

¹⁰⁴ Furthermore, in the case of wrongdoing with impossible debts to repay (like murder), the moral community should be understood as encompassing the entirety of civil society - all people who would stand to gain or suffer from a world which either infinitely condemns or tacitly condones acts with such permanent consequences.

¹⁰⁵ Even if one may find themselves psychologically capable of forgiving a murderer, they may be breaking other (perhaps more important) moral commitments to do so.

maintaining the moral significance of forgiveness and recognizing that it may only be properly granted elsewhere.¹⁰⁶

Rejecting forgiveness as the most appropriate moral practice in extreme cases like the one discussed in this chapter not only supports the earlier views about the importance of foreswearing resentment; it also upholds the notion that forgiveness (and where we should see fit to grant it) makes further important declarations about what we choose to hold valuable in the broadest of moral communities.¹⁰⁷ The caution MacLachlan provides in the beginning of *Practicing Imperfect Forgiveness* is worth recalling. Social trends which portray forgiveness as a virtue for all circumstances (as something we always *ought* to strive for, without exception) are worth challenging.¹⁰⁸ Criticisms such as this will be included amongst a robust account of the different reasons given as to why actions can be unforgivable (from empirical questions of psychological dispositions to our actual moral commitments), so that we can determine not only where forgiveness is appropriate, but also what moral ends are being acknowledged when forgiveness is granted or withheld.¹⁰⁹

¹⁰⁶ If forgiveness is can not possibly be granted elsewhere (by some other agent) then it may only be allowed insofar as it is granted according to harms that they have proper standing to forgive (in this case, *not* the murder itself).

¹⁰⁷ That is, the whole of humanity, and perhaps beyond.

¹⁰⁸ *Practicing Imperfect Forgiveness*, pp. 185-186.

¹⁰⁹ These “moral ends” include relinquishing resentment, restoring moral relationships, psychological and emotional health, relinquishing the desire for revenge, stabilizing society and allowing humanity to flourish, and so on.

Chapter 4: The Unforgivable

What - if anything - makes certain deeds or agents unforgivable, and why is this distinction such an important one? In this chapter, I will return to *Forgiveness: A Philosophical Exploration* wherein Charles Griswold replies to the Biehl case provided by Walker in the last chapter, with his own example of Eric Lomax as a powerful demonstration of forgiving the (seemingly) unforgivable. Griswold's contributions are important because they show why this is both practically possible and morally valuable, and from these positive cases - as I will contend in Chapter 5 - we will be able to determine more precisely when and why forgiveness is not possible.¹¹⁰ To further this goal and bring about a distinct conclusion about the nature of why deeds and agents remain unforgiven (and morally ought so), I will analyse Trudy Govier's "Forgiveness and the Unforgivable." Her account of the distinction between the conditionally and absolutely unforgivable will allow for greater accuracy in judging these cases where forgiveness (or unforgiveness) has broader implications for the moral community. However, while Govier concludes that moral agents are only ever conditionally unforgivable in her analysis, I shall argue in the next chapter that we may discern at least one kind of wrongdoing, the nature of which demands that their actors be held absolutely unforgivable in principle.¹¹¹

Before delving into the different ways that might make an act or agent unforgivable, and Govier's misgivings about absolute unforgivability, I should acknowledge the three crucial "baseline conditions" for forgiveness provided by Charles Griswold:

¹¹⁰ While we can arrive at distinct conclusions about what is unforgivable, this also allows for the genuine (and justified) hope that forgiveness and reconciliation is possible even after severe instances of wrongdoing.

¹¹¹ Furthermore, my commitment to this conclusion which opposes Govier is in fact drawn from the same concerns she raises about respect for persons and the impact of our judgements upon the larger moral community.

- i. the willingness - whether in fact, or as imaginatively reconstructed by a suitably qualified third party - of the victim to try to lower her pitch of resentment, as well as her ability to do so to some minimal degree, and to forswear revenge...
- ii. the willingness - whether in fact, or as imaginatively reconstructed by the victim (picture the victim being presented with the offender's death-bed letter of contrition, for example, that supplies a basis for reframing her view of the offender) - of the offender to take minimal steps to qualify for forgiveness;
- iii. that the injury be humanly forgivable."¹¹²

By setting out with these conditions, Griswold affirms that forgiveness (especially where we would permit imperfect or non-paradigmatic forgiveness) ought to be understood as a "success word".¹¹³ For forgiveness to carry any meaningful weight in moral deliberations, the above conditions must be met at the very least. If they are not met, then in those cases our moral activities would be better described with some of the other terms presented in the second chapter.¹¹⁴ While I agree with the notion of establishing baseline conditions for forgiveness, my analysis of upholding respect for persons (and the consequences thereof to morality) will conflict with Griswold's first condition.¹¹⁵

In the previous chapters I have alluded to the importance of distinguishing between what is unforgivable in pragmatic, psychological, or metaphysical terms, and what is unforgivable for moral reasons.¹¹⁶ Griswold recognizes the relevance of this distinction, and describes it as "[Some actions, and their actors may be] (a) beyond one's ability to forgive and (b) not to be forgiven in principle."¹¹⁷ While the obstacles of (a) may allow for future overcoming and forgiveness if their practical conditions can be met, the moral obstacles in (b) appear to preclude any possibility of future revision. From a perspective focused on

¹¹² Charles L. Griswold, *Forgiveness: A Philosophical Exploration.*, p. 115.

¹¹³ Ibid., p. 114. This is used in opposition to the understanding forgiveness as a "task word." Success words denote a realized (or realizable) state, where the latter need not.

¹¹⁴ They may instead be cases of excuse, justification, or mercy towards wrongdoing.

¹¹⁵ Specifically, Griswold's acceptance of suitably qualified third parties to forgiveness. In Chapter 5, I will argue that certain acts of wrongdoing prevent *any* third parties from being so qualified.

¹¹⁶ Here the metaphysical obstacles to forgiveness refer to cases where one is not in the appropriate relational standing to forgive a wrongdoer.

¹¹⁷ Ibid., p. 90.

foreswearing resentment, cases which fall into this category understandably tend to involve “levels of evil that elicit resentment so deep as to be accompanied by rage, indeed outrage.”¹¹⁸ Such overwhelming resentment in those cases may be channeled into productive activities such as resistance and moral protest (to the benefit of oneself and their moral community), but actually foreswearing that resentment as it meaningfully relates to their wrongdoer could be beyond what is reasonable for us to expect of those injured so profoundly. However, even if we may not reasonably expect forgiveness in those cases as third-party observers of wrongdoing, the victims may find that appropriate conditions for forgiveness have been met.¹¹⁹

As we saw in the previous chapter, such instances can elicit our confusion: how could they possibly forgive them for doing *that*? Griswold also draws from another work from Govier to explain this sentiment: “... it would be true that a person who is in principle unforgivable *warrants* resentment forever.”¹²⁰ While this may be the case, Griswold suggests that Govier rejects holding a person unforgivable in this way, because it inappropriately judges agents identically with their acts (and moral agents should not be reducible to their deeds). The worry that he highlights here is valid, because it cautions against closing off the possibility of forgiveness where it still might be achieved. Instead of arriving at reconciliation, we may invite countless future wrongs upon ourselves and others because

¹¹⁸ Ibid., p. 91. Griswold provides two ready examples which the incalculable scale of such wrongdoing; from the injuries to one person by a sadistic torturer, to the injuries and deaths of many by a callous agent as to constitute crimes against humanity (i.e. Adolph Eichmann).

¹¹⁹ This includes aforementioned paradigm cases of forgiveness where the wrongdoing (although severe) can be forgiven where the wrongdoer is sincere in their repentance and remorse for their deeds.

¹²⁰ Ibid., pp. 92-93.

“the thesis that [certain behaviour] is unforgivable offers a blueprint for lasting hatred, ongoing conflict, and sagas of revenge.”¹²¹ Quoting Govier to this effect, he says:

“The key idea here is that to judge an offender to be unforgivable is to assert that she ‘is no longer deemed to be a human being, and thus to violate the norms of respect for persons.’ For to respect them qua human is to refuse to reduce them to their wrong-doing and to hold open ‘their capacity for reflection and transformation.”¹²²

This perspective holds the possibility for moral repair in good conscience with the paradigm cases for genuine forgiveness that I have proposed, but I also share Griswold’s reservations. Respect for persons qua moral agents need not be jeopardized by judging them unforgivable in this way, and we may instead find certain agents causing great enough harm (and with total disregard for their victims) so as to make it *useful* to “treat people *as though* they are in principle unforgivable.”¹²³ In short, I will contend, we may be warranted in treating people as though they are in principle unforgivable precisely because they *are*. Griswold responds accordingly: “it does not follow that all evil doers are in principle forgivable... I would not infer, with Govier, that in such a case the offender is ‘no longer deemed to be a human being,’ for being human in this sense is a status, not an achievement.”¹²⁴ Even in cases where we can recognize in a wrongdoer their capacities for reflection and transformation, some wrongs may be of a particularly immense scale as to suggest that no such transformation could ever satisfy an injury so permanent. In fact, we may instead find ourselves morally accountable for protecting ourselves and others against those acts, and therefore “hold ourselves and each other accountable by *not* forgiving.”¹²⁵

¹²¹ Ibid.

¹²² Ibid., p. 93.

¹²³ Ibid., While this move from Griswold has a practical purpose, I would argue that some cases of wrongdoing are significant enough in the scope of their harm as to actually be unforgivable in principle, and regarding them so is necessary for honouring our most valued moral commitments.

¹²⁴ Ibid., pp. 93-94.

¹²⁵ Ibid., p. 94.

This potential moral duty against forgiveness is connected by Griswold to the need for addressing resentment I elaborated above. He writes:

“...some injuries may be so profound that it seems humanly impossible, at least for now, that resentment should be sent away. If it is the case that, the victim *as well as* those who have entered into the case sympathetically and knowledgeably (the “moral community”) judge it to be impossible to commit to letting go of resentment - given appropriate efforts to reduce resentment, and all other conditions pertaining to offender and injured having been met - then the injurer is *unforgiven*.”¹²⁶

While Griswold does provide a tentative explanation for when wrongdoers may be unforgivable, this explanation does not omit the possibility for future reconciliation entirely. Situations which presently reject foregoing resentment may have their transformative moments after further deliberation. First, Griswold recognizes the case of Amy Biehl’s murder and her parents’ apparent forgiveness and reconciliation as a possible example of the “transformative power of forgiveness.”¹²⁷ Due to the further complicating aspect of third-party considerations in the Biehl case, Griswold turns to the story of Eric Lomax for a less problematic case study.¹²⁸ This instance of forgiveness fulfils important relational properties that could allow it to represent a paradigm of genuine forgiveness of grave wrongdoing.¹²⁹

Eric Lomax was a British POW who was captured in Singapore in 1942, who was tortured for several years in response to his escape efforts whilst being forced to work on the Burma-Siam railroad. Lomax channelled most of his resentment upon Nagase Takashi, the Japanese translator who was present for most of his torture during the war. Fifty years

¹²⁶ Ibid.

¹²⁷ Ibid., p. 95.

¹²⁸ Third-party considerations in the Biehl case refer to the proper standing of Amy Biehl’s parents in forgiving the men who killed her. Her parents might be able to forgive the harm caused to *them* by their daughter’s death, but forgiving the murder itself goes beyond their moral relationship to the wrongdoers.

¹²⁹ As a dyadic case between two living individuals, it provides the simplest possible scenario for evaluating unforgivability, since any and all complicating factors are still reducible directly to the agents involved. I do not suppose, nor does my argument require or entail, that more complex ‘polyadic’ cases can be reduced without loss or distortion to the simpler dyadic case that is my focus.

later, Lomax continued to suffer mentally and emotionally from his experiences, and this suffering (and his resentment of Takashi) was only further exacerbated upon his discovery that Takashi was also still alive, and had “felt himself pardoned” (a case of unilateral self-forgiveness) after a quasi-religious experience.¹³⁰ Through a lengthy correspondence, Lomax demanded to know how Takashi dared to forgive himself where his numerous victims (Lomax included) had not. Furthermore, Lomax continued to entertain thoughts of revenge, even decades later, until his meeting with Takashi on the very bridge he had been forced to labour upon as a POW. This meeting would prove vital to the transformative effects of both remorse and forgiveness, however. Griswold recounts how Takashi demonstrated to Lomax that he had “in effect met all of the conditions for forgiveness that were in his power to meet.”¹³¹ Despite all of these efforts Takashi recognized and accepted Lomax’s indignation and resigned himself to being attacked or killed, and remained unsure of his fate until Lomax presented him with a letter of forgiveness: “Lomax’s moral hatred has all but evaporated. Both were liberated, for different reasons, from related kinds of suffering.”¹³² Investigating this particular case is helpful, because it demonstrates a capacity for wronged people to forgive wrongdoers even in extreme circumstances, and the relationship between Lomax and Takashi is one where they stand in appropriate moral relation to each other to bring this transformation about. Griswold describes their encounter as such:

“Lomax reframed his view of Takashi, and thereby of himself... Once one is acquainted with Lomax’s narrative, entering into its details, noting the thoughtfulness, sobriety, and honesty of its tone, the truthfulness of its assertions, and the steps that Takashi took after the war as well as after meeting Lomax, it is impossible to

¹³⁰ Ibid., pp. 95-96.

¹³¹ Ibid., pp. 96-97. Takashi demonstrated genuine remorse, begged forgiveness, and accepted responsibility for his actions by working in atonement of them after the war (erecting a Buddhist temple; political engagement in reconciliation and anti-militarism, etc.).

¹³² Ibid., p. 97.

withhold the judgment that the forgiveness Lomax grants him is genuine and warranted... Lomax's story shows that even injuries that for all the world seem unforgivable, may not be so."¹³³

The story of Lomax and Takashi has been put forth as a paradigm case of genuine forgiveness, precisely because it involves all of the crucial elements that make forgiving possible in both of the senses described at the beginning of this chapter.¹³⁴ While Griswold is able to defend this appraisal of their story, he is more cautious when addressing the supposed acts of forgiving done by Amy Biehl's parents. By drawing from Govier's account of the unforgivable, we can understand why this caution is warranted.

In *Forgiveness and the Unforgivable*, Trudy Govier provides several relevant accounts of forgiveness, engages with the current literature regarding what may be unforgivable and why, and uses these insights to provide her own account of the unforgivable. Govier's analysis provides an important background to defend the distinction between deeds and agents, and her thesis that "no moral agent is ever absolutely unforgivable, though many may be, for important reasons, conditionally unforgivable."¹³⁵ Aspects from Govier's account can be used to interpret cases like those of Biehl and Lomax mentioned above, and even beyond cases of individual agents as we will see in MacLachlan.

The first of three accounts of forgiveness that Govier provides is what she calls *The Classic Scenario*. These are cases involving two parties (victims and wrongdoers) and may be considered an ideal scenario for repairing moral relationships:

¹³³ Ibid., pp. 97-98.

¹³⁴ Lomax's ability to forego his resentment of Takashi was due in very large part to his attendance to important relational aspects of forgiveness (that Takashi showed the requisite remorse for his actions and made every possible effort to atone for them), and in so doing, we can find Lomax's forgiveness not only morally appropriate, but even praiseworthy.

¹³⁵ Govier, Trudy. "Forgiveness and the Unforgivable." *American Philosophical Quarterly* Vol. 36. No. 1 (1999), p. 59. Govier also upholds the principle that forgiveness and unforgivability applies only to agents, and not to their deeds.

“A wrongdoer, or offender, may come to realize that he has done something wrong and to feel sorry about it. He is prepared to acknowledge his wrongdoing; he repents, approaching the victim to apologize and ask for forgiveness. If she takes the offender’s expressions of remorse to be genuine and sincere, the victim may be prepared to forgive him... for moral reasons, she overcomes her feelings of resentment and anger toward him. She does not forget what he did, but she ceases to see him solely as a wrongdoer. Should she forgive him, the two may be reconciled.”¹³⁶

This scenario captures the situation between Lomax and Takashi. Lomax saw Takashi for his full potential as a moral agent beyond his past wrongdoing, and although he did not forget, excuse, or condone those acts, he was able to repair and strengthen their relationship. Both the emphasis from Lomax and Govier about *not* forgetting past wrongdoing is significant. Govier agrees with distinguishing forgiveness from excuse or condonation (the importance of which was emphasized in Chapter 2), as well as viewing forgiveness as being compatible with punishment.¹³⁷ She does not believe that there is a similar compatibility between forgiving and “forgetting” past wrongs, however. She argues that even when deeds can or should be forgiven, they do not necessarily need to be forgotten. Depending on the severity of past wrongs, erasing them from one’s memory does not even seem possible. Instead of viewing forgiveness as necessarily involving “forgiving and forgetting”, Govier argues: “To forgive is not to forget the wrongs we have suffered but rather to regard their perpetrators, and the wrongs themselves, in the moral light of acceptance and compassion rather than in the glare of resentment and hatred.”¹³⁸ While Govier calls her first scenario “classic”, it could also be better considered as the ideal case (in the context of overcoming resentment *and* repairing moral relationships) because it involves genuine expressions of regret and sorrow

¹³⁶ Ibid.

¹³⁷ Especially in cases where punishment might lead wrongdoers to fully acknowledge their wrongdoing, and feel remorse for it.

¹³⁸ Ibid., p. 60.

from the wrongdoer, and in cases between two moral agents this change of heart provides an ideal foundation for reconciliation.

The second account, what Govier calls *Quasi-Forgiveness*, engages with some of the difficulties presented with the Biehl case. For Govier, these scenarios address the stance on forgiveness described by Piers Benn, who argues “... it is a victim, and a victim only, who is properly entitled to forgive an offender, and if someone is not entitled to forgive another, he cannot do it.”¹³⁹ Govier relates this concept to the notion of direct, secondary, and tertiary victims to wrongdoing. She provides her own hypothetical scenario, but it applies well to the Biehl case: Amy Biehl is the direct victim of murder, her parents are the closest secondary victims that must live and suffer with what has been done to their child, and tertiary victims could include the other members of the same group in the greater moral community.¹⁴⁰ The important questions which scenarios like this provoke involve what eligibility or standing to forgive these secondary or tertiary victims ought to have towards wrongdoing, especially in cases where the direct victims are dead or otherwise forever separated from engaging in these deliberations. To address this concern, Govier describes Benn’s response: “He allows that secondary or tertiary victims may *quasi-forgive* an offender in the sense that they may, for moral reasons, accept him as a moral being and reincorporate him as a member of the moral community.”¹⁴¹ Even if these secondary or tertiary victims are not morally eligible to forgive what has been done to a direct victim, quasi-forgiveness allows them to engage in moral repair with wrongdoers insofar as they are capable of forgiving how they have been

¹³⁹ Ibid.

¹⁴⁰ Members of the same group affected can include those of the same intersectional identities (race, gender, sexual orientation, etc.) who could be affected by further oppression fueled by individual instances of wrongdoing.

¹⁴¹ Ibid., p. 61.

impacted. Nevertheless, Govier notes that foregoing resentment, reconciliation, and reintegration into the moral community must necessarily involve the wrongdoer's sincere repentance.¹⁴²

The third account, what Govier calls *Unilateral Forgiveness*, focuses on victims of wrongdoing and their efforts to restore their own self-respect and overcome the ways that they have been otherwise morally insulted or diminished. This view of forgiveness is so focused upon victims because it asserts that they are entitled to forgive, or to refuse forgiveness, without being "restricted by the attitudes of wrongdoers," and on this view, to say that forgiveness is always inappropriate in the face of unrepentant perpetrators is to "leave too much power to the perpetrators."¹⁴³ Govier describes this view as it has been presented by Margaret Holmgren, who argues: "She should try to forgive, but with a full sense of her own restored self-respect, a clear understanding that she was wronged, and a powerful conviction of her own status and needs," and by reaching this understanding genuine forgiveness can be "unconditionally recommended."¹⁴⁴ The argument suggests that victims can therefore use forgiveness strategically, or perhaps instrumentally as a means to letting go of their anger or resentment in order to return to positive and self-affirming pursuits.¹⁴⁵ As Govier explains, Holmgren's unilateral forgiveness is closely linked to a theory that stresses respect for persons: "Continued anger and ill-will presume that the wrongdoer's character and potential are fixed and limited by his wrongdoing, that the

¹⁴² Ibid. This focus on the primacy of repentance is worth keeping in mind to discern what is conditionally unforgivable.

¹⁴³ Ibid.

¹⁴⁴ Ibid., p. 62.

¹⁴⁵ In this way, unilateral forgiveness suggests that forgiveness may come *before* foregoing resentment in order to bring it about. Even if this were to be granted as beneficial or ideal, the severity of a perpetrator's wrongdoing (and their unrepentant attitude) could make this project far more difficult.

wrongdoer as a person is nothing more than his wrongful deeds and is thus incapable of reform... the unforgiving attitude amounts to an attitude of disrespect for the wrongdoer as a person.”¹⁴⁶ Although this caution against holding onto resentment may seem readily appealing in cases where wrongdoers *do* in fact demonstrate their capacity for remorse or moral transformation through genuine repentance, it does not hold the same motivating force upon the unrepentant. It is for this reason, it seems, that Govier recognizes victims are not obligated to overcome their unforgiving attitudes.¹⁴⁷ These three different accounts of when and why forgiveness is possible attempts to cover a wide variety of potential cases of wrongdoing and those affected by it. While the “classic” or ideal situation is portrayed as the name suggests, both quasi-forgiveness and unilateral forgiveness are not without their weaknesses.¹⁴⁸ With their respective challenges in mind, Govier delves into an account that can explain why these intuitive misgivings direct us toward what is unforgivable.

To begin her discussion of how certain deeds might be judged as unforgivable, Govier turns to the quintessential 20th century example of Simon Wiesenthal’s refusal to forgive a Nazi soldier on his deathbed, despite his repentance, for his role in the Holocaust. The Holocaust is used so often as a paradigm case because it forces us to attend to the limits of human depravity.¹⁴⁹ Govier writes: “The more fundamental question seems to be whether the Nazis are unforgivable because their deeds were such *enormities* as to leave them forever

¹⁴⁶ Ibid.

¹⁴⁷ Ibid. The support for unilateral forgiveness in those cases becomes pragmatic, and psychological benefits of forgiving are stressed above what the victim's moral obligations may be.

¹⁴⁸ Quasi-forgiveness can address the extent to which secondary and tertiary victims are capable of forgiving, but the role of direct victims remains unanswered. Unilateral forgiveness does not demand or morally obligate forgiveness, nor does it adequately motivate forgiveness toward unrepentant or ongoingly vicious wrongdoers.

¹⁴⁹ It stands as both a limiting case of human depravity, but also as clear an intuitive case as possible of unforgivable wrongdoing.

in moral debt to their victims.”¹⁵⁰ Govier holds this sentiment to be compatible with the classic view of forgiveness, for which Martin Golding provided four factors that we should use to consider a deed unforgivable: “(a) the only people who could appropriately forgive it are dead; (b) the deed is utterly inexcusable; (c) the deed is of such enormity that direct or indirect victims could never appropriately be compensated for it in this life; and (d) the deed is of such enormity that resentment of it will forever be justified.”¹⁵¹ Govier also notes that while certain common moral values (such as those espoused by the Christian religion) reject the notion of wrongdoers as “moral monsters” and implore us to appeal to the potential for inner decency in all persons, this could be self-deceiving in the worst cases, amounting to what Jean Hampton warns is “[directing us to] defy to ourselves the appearance of these people’s rotten souls.”¹⁵² Govier notes that even from this scathing sort of judgement, wrongdoers are not absolutely unforgivable, but rather conditionally unforgivable in terms of their lack of repentance.¹⁵³ Therefore, wrongdoers on this view are worthy of the judgement “unforgivable” according to their character as a moral agent (their unwillingness to change or separate themselves from their deeds), *not* according to the actual heinous nature of their deeds.¹⁵⁴

¹⁵⁰ Ibid., p. 63.

¹⁵¹ Ibid. Although factor (a) suggests a view that does not accept the validity of quasi-forgiveness, even if the legitimacy of quasi-forgiveness were granted, it could be argued that the standing of secondary or tertiary victims to forgive is removed by the other three factors.

¹⁵² Ibid., p. 64. While this vitriol may seem to imply a belief in moral monsters, it also applies to cases where it is appropriate to conclude that a specific wrongdoer has (through their continuing actions) no intention of repenting, and never will.

¹⁵³ At least for living wrongdoers, their sincere repentance is upheld across the views discussed as the paradigmatic condition which makes forgiving them appropriate, and by contrast, their active *unrepentance* likewise makes it appropriate (and perhaps morally necessary) that they remain unforgiven.

¹⁵⁴ Ibid. Thus, a view focused on wrongdoer’s agency maintains the respect-for-persons commitment made by Holmgren, while maintaining an equal commitment to their being conditionally unforgivable.

Before providing her own account of the features of unforgivability (which she wants to apply to persons, not deeds), Govier describes the features of unforgivable acts which Berel Lang proposed: "(a) voluntarism, especially if evidenced over a prolonged time; (b) the violation of an important moral principle; (c) the enormity of consequences; (d) the lack of acknowledgement by the offender of the wrongfulness of the act or acts; (e) the inability or unwillingness of the offender to provide compensation to the victim."¹⁵⁵ While these features do seem to appeal to our intuitions about unforgivability (most, if not all colloquial deliberations on the conditions which make agents unforgivable would produce reasons synonymous to the list above), Govier thinks that attributing these features to the *act* itself is mistaken:

"It is persons who are forgiven or not forgiven. To forgive someone is to overcome our resentment or anger towards that person, and to be willing to regard him again as a member of the moral community... 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."¹⁵⁶

This apparent confusion - or terminological slippage - in past discourses between deeds and persons is significant, because it can allow for the possibility that no person is in principle unforgivable according to their past deeds. The way to redemption, reconciliation, and moral repair is therefore always conditionally possible, just as they might remain conditionally unforgivable so long as they do not meet the necessary requirements for forgiveness.¹⁵⁷

By adhering to this perspective, Govier narrows the circumstances of absolute or unconditional unforgivability. She explains how considerations of absolute unforgivability have thus far been characterized according to deeds:

¹⁵⁵ Ibid., p. 65.

¹⁵⁶ Ibid.

¹⁵⁷ As the discussion of Govier thus far suggests, foregoing resentment is an essential requirement for forgiveness, and the most effective way to bring this about in the worst cases of wrongdoing involves the wrongdoer's sincere remorse and repentance.

“To say that a person, in virtue of his deeds, is unforgivable in an absolute sense is to say that it would never under any circumstances be morally appropriate for anyone to forgive him. If unforgivability extends from deeds to persons, then someone who has committed unforgivable deeds has rendered himself or herself forever unforgivable... If someone were to forgive a wrongdoer who was ethically unforgivable, he or she would be committing a moral error.”¹⁵⁸

Govier provides six detailed deeds-based claims about unforgivability according to the above contributions from Lang, Hampton, and Golding and rejects them for being answerable under previous accounts of forgiveness (like quasi-forgiveness), or reduces them to be understood as expressions of claim (3), which she argues is essential. The claim which Govier finds most compelling states: “(3) Deeds, and by implication, the wrongdoers who have committed them, are absolutely unforgivable insofar as they are enormities, appallingly wrong acts that violate profoundly important moral principles.”¹⁵⁹ In keeping with her focus on the applicability of forgiveness to persons rather than deeds, Govier asks us to consider whether deeds in their extreme wickedness “transfer to the wrongdoer so as to render him or her absolutely unforgivable.”¹⁶⁰ Govier provides the example of Pol Pot and the unrepentant attitude toward his genocidal regime in Cambodia that he maintained unto death as a potential candidate for this moral possibility. Describing Pol Pot’s deeds, Govier writes:

“They are not simply ‘deeds’ or ‘acts’ of the agent... they are *horrors that have become inseparable from his personal and moral identity and in a sense define who he is...* One might argue that he is forever beyond the possibility of moral rehabilitation, because his moral nature has simply become depraved, is not reformable, and should not be regarded as such by victims, secondary or indirect victims, or anyone else... One may feel that a person capable of terrible acts could never be trusted, and thus refuse to believe him even if he appears to repent.”¹⁶¹

As much as this description may appeal to common intuitions or even visceral reactions that many can have towards the worst deeds humans are capable of committing, Govier does not

¹⁵⁸ Ibid., p. 67.

¹⁵⁹ Ibid., p. 68.

¹⁶⁰ Ibid.

¹⁶¹ Ibid., p. 69.

think this standard is reasonable. The passion with which we level these judgements against persons in virtue of their deeds, she argues, is really just a reaction of “intense moral disapprobation” of those deeds, and we should not forget in our indignation that persons are the actual objects of our forgiveness.¹⁶² Govier fully supports the practice of holding wrongdoers conditionally unforgivable, where our “attitudes mark our resistance to evil” which applies especially to those cases where agents have yet to separate themselves from their evil deeds. Nevertheless, she contends “... to regard a perpetrator, even a perpetrator of atrocities, as *absolutely* unforgivable is another matter. That is to say that no one should ever forgive him - no matter how he feels, no matter what he says and does... is morally indefensible. From any moral point of view that incorporates respect for persons, there is no absolutely unforgivable person.”¹⁶³ Govier believes that we ought to respect the capacity that persons qua moral agents have to effect moral changes to their character through their choices. If they have yet to make those required changes, and if they are unwilling to repent, then we ought to hold them conditionally unforgivable.

Although these contributions from Griswold and Govier vary in their areas of emphasis and insight (and indeed, there seems to be tension between some of their principles), they both provide compelling suggestions from which we can produce a comprehensive account of absolute *and* conditional unforgivability. This would be an account that would faithfully attend in turn to each of the specific concerns they raise, without compromising upon their most fundamental moral commitments. With those

¹⁶² Ibid. Here Govier attests to the real-life examples of wrongdoers who do in fact repent and undergo a significant change in their moral character, and she remarks that is a failure on our part to recognize the “intellectual and moral capacities of persons” if we were to reject such possibilities dogmatically.

¹⁶³ Ibid., p. 70.

foundational moral commitments in mind (and by supporting their primacy of place *as* the necessary foundations for moral thought) in the next chapter I will provide a conclusive account of where we ought to establish the moral limits of forgiveness for dyadic cases of wrongdoing.

Chapter 5: Absolute Unforgivability and Murder

From the discussion of Govier and Griswold, as well as from Walker, I have considered the possibility that some wrongs are conditionally unforgivable, in the sense that the wrongdoer may, for various reasons, be unable to be forgiven by the person she has wronged. But we have yet to see a defense of the idea that some wrongs are unconditionally unforgivable. Indeed, Govier and Griswold have argued against this. In this penultimate chapter, I will mount a defense of the claim that some wrongs are absolutely unforgivable in principle. The basis for such a demand emerges from one of the most - if not *the* utmost - important values at the heart of morality: respect for persons. The many aims of forgiveness described in previous chapters are either various ways to affirm respect for persons, *or* they are goals that are otherwise constrained by it. The aims of forgiveness are constrained by our commitment to respect for persons because it is a fundamental value that structures morally appropriate relations between people – and it is the value that is precisely offended in contexts of wrongdoing where forgiveness finds its distinctive work. As such, agents whose wrongdoing irreparably offends this value can be seen as performing deeds, the enormity of which comprise what should never be forgiven in principle.

In the previous chapter I examined both Trudy Govier's account of conditional unforgivability, as well as Griswold's example of paradigmatic forgiveness (the Lomax case). Like many contributors to the philosophical discourse on forgiveness, their treatments of dyadic cases of wrongdoing (between individual wrongdoers and victims) maintained a commitment to background moral theories which focus on respect for persons. Respect for persons is broadly applicable to both parties involved in forgiveness of wrongdoing in dyadic cases (the wrongdoer and the offended), as well as the entire moral community, thus

composed of persons worthy of equal moral dignity and consideration.¹⁶⁴ As such, respect for persons must be understood both from the perspective of respect for wrongdoers and respect for victims, although the ways in which that respect is interpreted varies according to an individual's position in each case of wrongdoing. This means, for example, that while respect for persons as a whole may involve considerations such as the quality of human frailty, that quality will inform differently upon wrongdoers and victims. Wrongdoers being considered in light of human frailty will therefore be treated not as moral monsters, but as fully-realized human beings capable of moral transformation and sincere repentance.¹⁶⁵ By contrast the victims of wrongdoing may also be considered in light of human frailty, but their positioning as victims would instead inform our understanding of them as equally fallible agents capable at times of hypocrisy or unreasonable hard-heartedness.¹⁶⁶ Although respect for persons can shift our focus in this way depending on whether we deliberate about the moral obligations of wrongdoers or victims, it is nevertheless a universal concern, in that respect for persons qua moral agents must be applied to all members of the moral community.¹⁶⁷ While Govier used this concern to motivate her thesis of conditional

¹⁶⁴ As we saw in the previous chapter, respect for persons permeates all aspects of our moral deliberations, from informing us about the necessary conditions for forgiveness, to justifying how we should treat every agent as having the capacity to somehow earn (or be deserving of) morally appropriate forgiveness. Respect for persons includes ideals such as these which can preclude hasty judgements of wrongdoers as so-called "moral monsters", while at the same time maintaining the rights of the offended to withhold forgiveness (even permanently).

¹⁶⁵ That is, moral theories which uphold respect for persons must be committed at least to the possibility of future moral transformation, even for wrongdoers who are currently unrepentant or otherwise have not yet met the requirements for forgiveness.

¹⁶⁶ This could apply to cases where wrongdoers may have shown genuine remorse and repentance, and otherwise fulfilled all the requirements that we may (as third-party observers) find acceptable for forgiveness, and yet their direct victims may not be emotionally or rationally disposed to forego resentment and forgive them. The charge of hypocrisy would apply to victims (where appropriate) if, in light of human frailty, they had committed the same kinds of wrongdoing in the past as they are now suffering from, or in the event of them committing similar wrongs to others in the future.

¹⁶⁷ Indeed, respect for persons is so important to all parties involved because it can provide an inescapable moral constraint on the appropriateness of forgiveness, the consequences of which affect wrongdoers, victims, and the rest of the community.

unforgivability, I propose that we can determine at least one kind of wrongdoing for which one can be considered *absolutely unforgivable*. In fact, committing to the respect for persons thesis can inform us as to why certain acts ought to render wrongdoers unforgivable in principle. Recognizing the importance of respect for persons within the context of an essentialist theory of forgiveness can suggest that there are certain wrongs – such as murder – for which forgiveness is never morally appropriate

By the nature of the deed, the premeditated and immoral killing of another person closes off the wrongdoer from forgiveness both metaphysically and morally.¹⁶⁸ Forgiveness becomes impossible to acquire metaphysically because the only person with the appropriate standing to forgive has been forever separated from the living moral community by their death.¹⁶⁹ The moral rupture by which a murderer has forever separated himself from forgiveness within the moral community is more complex (in the sense that while the direct wrong of murder is unforgivable, the other indirect wrongs done to secondary or tertiary victims may be forgivable), and it is intimately connected to the same sort of respect for persons thesis that Govier supports. Any attempt at forgiveness by other indirect victims in these cases can most positively be understood as a kind of “imperfect forgiveness”, which Griswold has defended under specific circumstances. First, I will examine Griswold’s account of third-party forgiveness and argue why his concessions should not be applicable to murder.

¹⁶⁸ Note that this definition isolates murder as a unique type of wrong, whereas killing another person can have different, and even the opposite moral import in other circumstances (such as self-defence or the defence of others).

¹⁶⁹ This must apply to both secular and religious moral frameworks where the diversity of beliefs regarding the afterlife among all members of the moral community is considered, since we do not have independent and reliable communicative access to deceased persons.

Griswold provides two important lines of reasoning which at first can lead us to believe that forgiveness is ultimately the privilege of the direct victim either to bestow or withhold:

“...forgiveness, as I have defined it, involves forswearing resentment, and the injured party’s resentment is something that only the injured party can possess or shed. The second [line of reasoning] comes to what one might call common-sense moral individualism: individuals are the basic moral units; to them is ascribed responsibility for good or wrong-doing, responsibility for contrition and forgiveness. Properly speaking it is individuals who are injured; the moral harm in injuring an individual lies - even if the effects are widely felt - in the wrong done to that particular agent... An impartial spectator may declare the act an injury; but the injury in question was not done to us all, at least not in the same sense.”¹⁷⁰

This second notion of moral individualism is what Griswold wishes to address, and he does so with the cases in mind that have been discussed here in previous chapters (most relevantly, the Biehl case). Griswold recognizes that this sort of position only allows the Biehls to forgive “with respect to the injury done *to them* as relatives of the deceased,” rather than the actual injury done to the direct victim, and so he proposes an understanding which seeks to alleviate this concern: “I suggest that a third party may forgive on behalf of the victim, but only if that third person also has *standing* to do so. Standing would seem to presuppose not only justifiable indignation (sympathetic resentment), but also something else: identification with the victim.”¹⁷¹ He argues that appropriate identification needs to include “ties of care for the victim” and “reasonably detailed knowledge not only of the offender’s wrong-doing and contrition, but especially of the victim.” He suggests that third-parties with this identification could be in the proper position, or standing to forgive, where

¹⁷⁰ Charles L. Griswold, *Forgiveness: A Philosophical Exploration.*, p. 118.

¹⁷¹ *Ibid.*, pp. 118-119. This notion of proper standing to forgive imposes limitations on the capacity that various agents have to participate in the moral activities that surround wrongdoing (such as forgiving, excusing, or being merciful). It is morally appropriate for those with proper standing to forgive wrongdoers, and inappropriate (and may even constitute a further moral wrong) for those without proper standing to forgive to attempt to do so.

the offender is sufficiently qualified, “as we imagine the victim would and should [forgive them], were she willing or able.”¹⁷²

Unfortunately, neither of these conditions for third-party standing to forgive are sufficient for defending the moral appropriateness of their attempts to forgive injuries done to the direct victim. The first notion about “ties of care” for the victim is merely a reminder of the relationships between various members of the moral community, and how they are strengthened accordingly by ties of friendship, family, and love. While this can appeal to certain feelings of sentimentality towards victims who are coincidentally those who we deeply care for, the strength of that relationship alone cannot be used to justify third-party standing to forgive.¹⁷³ Although such ties of care can strengthen our relevance to, and even our moral obligations towards some victims of wrongdoing (that we would wish for their recovery, to see justice done on their behalf, and so on), the nature of those relationships does not similarly inform upon our obligations to their wrongdoers precisely because our standing to wrongdoers represents a *separate* moral relationship. As for the issue of appropriate identification with the victim helping to grant this proper standing, Griswold himself provides a possible scenario where he would agree that this cannot be achieved:

“Third-party forgiveness requires the development of a credible narrative about what one of the parties in the original scene would have done under different circumstances... It is possible that no such narrative could take place: the victim, say, never gave us... any reason for entertaining the slightest hope that she would, under any conditions whatever, forgive; nothing in her character suggested any such wish for reconciliation. Should that conclusively be the case, then we cannot offer or accept forgiveness in the name of that person.”¹⁷⁴

¹⁷² Ibid., p. 119. Qualification on the part of the offender in this case refers to their contrition, desires to atone for wrongdoing, and so forth.

¹⁷³ In fact, it is because these “ties of care” do not provide a justificatory framework, that the second reasoning of proper identification with the victim seems necessary.

¹⁷⁴ Ibid.

Here we can see that even those who would support third-party forgiveness in some instances can still foresee cases where this could not be possible. Where this “possible narrative” could never have been reasonably expected to be created (even if the victim were still alive to provide it), he concedes that others cannot speak - nor forgive - in their stead. However, this concern has been tempered by keeping in mind the desire to allow for third-party forgiveness in at least *some* situations, where judging the ability for indirect parties to accurately know the minds of direct victims must be stringent. The problem is this: the epistemic requirements for faithfully reproducing what a deceased victim *would* have done can *never* be met. With that being the case, the only recourse for third-party victims is to strive to forgive their own injuries in virtue of their relation to the direct victim, and to reserve any judgement on behalf of the direct victim’s possible responses. If the only epistemically reasonable option is to remain agnostic regarding the will of deceased victims, then the default position for third parties must also be one of withheld forgiveness, at least insofar as it is given on their behalf.

Similarly to Griswold’s negative example, a possible response from the same position could argue in favour of third-party forgiveness, if the indirect parties were sincere and sufficiently thoroughgoing in their estimation of how the direct victim would respond to the evolving narrative, were they alive to witness it. One of the best possible scenarios where this may seem to bear out could be in the case of victims who have anticipated (or even merely speculated) their demise and in good faith provided an explicit and sincere testimony that they would wish for their wrongdoers to be forgiven.¹⁷⁵ In those cases, it would seem

¹⁷⁵ Provided, of course, that the wrongdoers also made their own efforts to meet the requirements of forgiveness that the victim would accept.

that third-party individuals should forgive on behalf of the direct victim, because doing so would place even more respect upon the will of the victim, by honouring the wish for reconciliation that they voiced in life. As ideal as such cases may appear, they cannot escape the skeptical challenges which make them often uncomfortable to study. Even in the most ideal cases such as these, third-party observers will still never be able to know with certainty that the direct victim could not have *changed* their response in light of new evidence.¹⁷⁶

This sort of skeptical worry can also be seen in other cases where the victim survives, but nevertheless experiences horrific physical and emotional injuries. Whereas they may have upheld forgiveness as a virtue and publicly supported it even when considering those terrible situations (such as rape or torture, for instance), the actual force and scope of those harms may not be possible to calculate from an *a priori* perspective. Instances of harm which are so incredibly damaging have the added effect of transforming lives forever. They can influence any and all other facets of the victim's lived experience, effectively fracturing their entire life narrative into two morally-charged parts: life before and after *that* happened to them. As some cases suggest, there is still hope for some living victims to forswear resentment and forgive their wrongdoers eventually, but there is also the very likely possibility that the damage done to them is too great, and no requirements could be met by the wrongdoers to satisfy them (and thus they could recant their earlier commitment to forgiveness). Since these cases have occurred, we must therefore be sensitive to the full scope of the harms being done (up to and including murder), and recognize that even the *possibility* of this kind of change of heart (a new disposition against forgiveness) can cast

¹⁷⁶ That is, in response to the visceral instantiation of the injury they were able to conceivably forgive before it happened.

doubt upon third-party confidence in being able to accurately convey the moral desires of deceased victims.

In chapter 4, I explained how Govier relied upon her broader moral commitments to a theory of respect for persons to inform her conditional unforgivability thesis. Govier has argued against my position: she claims, in effect, that the very notion of respect for persons that I employ to defend the notion of absolute unforgivability actually makes it an impossibility. The only account that she deemed to be worth considering as potentially unforgivable (that is, seeming to be so in *absolute* terms) were those cases involving “enormities” or, “appalling wrong acts that violate profoundly moral principles.”¹⁷⁷ Even when considering the life and deeds of Pol Pot, Govier accepted that he should be considered unforgiven by the nature of his deeds and his lack of contrition, but only conditionally unforgivable. She maintains that “many persons do change, and even some persons who have been guilty of appalling evil do change.”¹⁷⁸ Govier rejects absolute unforgivability because she believes that considering persons “absolutely unforgivable” in principle is mistaken in two ways. First, it applies forgiveness according to deeds rather than agents, which she takes to be the improper object of forgiveness, and second, that it fails to respect a person’s capacity for moral transformation.¹⁷⁹ However, it is precisely our commitment to respect for persons qua moral agents which can *insist* that we hold certain wrongdoers unforgivable in principle. While forgiveness may be properly understood in terms of it being a thing that we either withhold or bestow upon *persons*, we should recognize that persons may commit deeds for which it is morally inappropriate to *ever* bestow forgiveness. In effect, there are

¹⁷⁷ Trudy Govier, *Forgiveness and the Unforgivable*, p. 68.

¹⁷⁸ *Ibid.*, p. 69.

¹⁷⁹ *Ibid.*, pp. 70-71.

wrongs which perpetrate the further harm of indelibly defining their actor's personal identity – they must, regardless of future developments, be remembered forever as persons who have murdered (for example).

Why then, is it the case that a deed like murder should be absolutely unforgivable in principle?¹⁸⁰ For the reasons mentioned above, third-party forgiveness of murder is at best imperfect or incomplete, but should be more accurately described as a misappropriation of the standing to forgive, especially if it intends to 'wipe the slate clean' on behalf of the direct victim. The only standing to forgive that third-party victims can claim ownership of must relate to their capacity to forgive wrongdoers in virtue of how their actions have indirectly harmed them. For murder, this would mean that secondary or tertiary victims can only forgive the wrongdoer insofar as *they* have been affected by the deed, and when they intend to grant forgiveness on behalf of the deceased, they are in error themselves for presuming to ever be in the proper standing to forgive on the behalf of direct victims. Although reconciliation and even acceptance back into the moral community may in fact occur between those who commit murder and the relatives of their victim, that reconciliation and acceptance never approaches the primary wrong. Such wrongdoers may be forgiven of the distress they have caused secondary and tertiary victims, and they may even be considered as genuinely repentant (and not charged as irredeemable moral monsters), but they can never be justifiably forgiven of murder.

The idea of upholding respect for persons carries within it most of the strongest commitments we have to the beliefs and values at the heart of morality. For forgiveness and indeed the unforgivable to have meaning, in the sense that they both speak to the desires of

moral communities to defend the importance of morality itself, we must therefore understand and acknowledge that the true scope of the cost which murder places upon us is limitless. The reason why murder should be understood to be absolutely unforgivable is that it attends to this cost, and it can be understood in this way when it is juxtaposed with Govier's own concerns. While reconciliation with the broader community may seem ideal, and even moral transformation may be possible, we must not lose sight of the nature of murder as a wrong that is *infinite and absolute*. Focusing on idealized narratives about moral repair in the community runs the risk of obscuring how profoundly and completely the standards of respect for persons have been permanently violated.¹⁸¹ While wrongdoers still have opportunities to better themselves and atone for their actions (at least to an extent acceptable in the eyes of others), the victims of murder have lost *everything*. This includes any and all future possibilities that they might have had to flourish and live and to love and engage in all of the potential joys that life had to offer them. Most poignant of all, murder steals from its victim an essential feature which precludes the rest of our moral deliberation on these cases: their own choice to forgive. If the capacity for wrongdoers to undergo moral transformation is worth considering, and I believe it is, then we must afford not similar but *greater* weight to the fact that our capacity for growth and development of *any* kind (moral or otherwise) is forever closed from us in death. Therefore, due to the nature of murder as a violation of respect for persons in the most absolute sense and as the most permanent affront

¹⁸¹ Although most writers (including Griswold and Govier) recognize and respect the severity of these wrongs, the issue here is one of where we ought to focus our gaze morally. In those cases that I would argue are absolutely unforgivable in principle, the effects upon victims and the greater community are simply worth greater care and consideration.

to human dignity, it must be unforgivable in principle so as to affirm any reasonable claim we have to grasping legitimate standards of morality.

Recognizing murder in these absolute terms, of course, has important implications for any theories which accept third-party or “quasi-forgiveness” and unilateral forgiveness. Unilateral or “one-sided” self-forgiveness from within the wrongdoer for cases of murder must therefore be understood only as excusing or justifying of their own past behaviour, and even tempering their judgement of past wrongs against current or future acts of atonement to a degree which brings them psychological relief. Comforting as this activity may be internally (and even to other indirect victims as the case may be), it is a case of mistaking those other moral activities as forgiveness.¹⁸² Similarly, as the epistemic concerns above suggest, third-party forgiveness never actually applies to the harms done to the direct victims of murder; instead it addresses the psychological harms done to secondary and tertiary victims. This means, for example, that the Biehls may have indeed forgiven their daughter’s murderers insofar as they were affected by her death, and even reconciled and accepted them back into their community (all of which is within their moral jurisdiction), but they cannot be properly understood as forgiving the murder itself on Amy Biehl’s behalf. That such conclusions may provoke discomfort should in no way lessen their moral import, and those discrepancies between personal feelings and our greater moral commitments can be mitigated. By understanding that we must withhold any claim to the right to speak on a victim’s behalf, we also simultaneously affirm our respect for the fact that forgiveness was an option which belonged only to them in life. Murder denies victims their life, and with it,

¹⁸² While they may have fulfilled what others in the moral community would consider to be appropriate requirements for forgiveness, the person ultimately worthy of bestowing or withholding it cannot provide either, and we cannot presume to speak for them.

represents an absolute denial of their dignity as moral individuals worthy of respect. Murder removes victims from the moral community forever. Any sort of activity toward victims on the part of their murderers thereafter, repentant or otherwise, can only be met with an absolute and inescapable silence. By denying their victims all possible chance for any further moral activity (including the ability to forgive), murderers have therefore forfeited any legitimacy they once had to being deserving of forgiveness. While such wrongdoers may be forgiven by others in the moral community, there is an important sense in which they remain unforgivable.

Chapter 6: Conclusion

By directing us towards an account of the moral limits of forgiveness in the previous chapters, I have arrived at murder as the clearest incontrovertible wrong that cannot be forgiven in principle. The issue of proper standing to forgive for murder has been thus far examined as a dyadic case of wrongdoing, where the most important relationship worth considering involves only two individuals (the wrongdoer and their direct victim). Wrongs closely related to murder, such as the harm done to sympathetic parties (and the moral community as a whole) as an indirect result of murder have therefore been excluded as potentially forgivable. What remains open for further discussion are these secondary and tertiary victims and the moral activities that are appropriately available to them in response to murder. If we all ought to understand moral agents as unforgivable in virtue of committing murder, and yet still wish to provide a plausible account of how those wrongdoers should be treated, then further work must be done beyond the scope of forgiveness. In this final chapter I will consider what alternative moral practices remain viable for the unforgiven and the unforgivable, and I will also establish what further avenues of study are required for this account.

Even if our allegiance to foundational moral commitments like respect for persons requires that murderers remain forever recognized as such (as “agents who have murdered”), this may not preclude their reintegration to the moral community. Reintegration should not happen for the wholly unrepentant, continually wicked and dangerous actors who have violated these values, and indeed we already have the infrastructure in place (such as life imprisonment) to prevent their ability to commit similar wrongs again. Conversely, we can engage in sympathetic understanding toward those who

do attempt to meet the requirements for forgiveness, even though murder has separated them from bestowal of this specific moral act. Those genuinely repentant and remorseful agents who have demonstrated themselves capable of moral transformation can and should be the recipients of another moral activity which deserves investigation similar to the scope of this project.

The moral activity that we can engage in with these wrongdoers as secondary or tertiary victims (or as any equal member participating in the moral community) is the bestowal of mercy. Mercy deserves greater attention and further study as it is perhaps the best possible option suited to justifying renewed trust and reintegration for agents who are unforgivable. By granting these agents mercy we could retain the force of the moral protest required for their unforgivable wrongs, while at the same time respecting their capacity for undergoing significant moral transformation.¹⁸³ A more detailed account of mercy and its proper use would be very helpful for navigating past and current cases of unforgivable wrongdoing (such as the Biehls attempt to forgive the unforgivable), so that certain aims of forgiveness (like moral repair) can be justified and achieved for all of the engaged parties without appeal. Such an in-depth analysis of mercy should determine its appropriateness, and whether it also ought to be denied for certain agents according to the wrongs they have committed (and for their subsequent attitudes regarding those wrongs). This investigation of mercy deserves consideration comparable to what I have afforded to forgiveness in this project, and it would be a vital next step were it to be expanded.

¹⁸³ Unforgivable (but repentant) moral agents can therefore engage in the moral community with our renewed hope and trust in their rehabilitated moral character, while recognizing and aiding in the support of the moral protest against the violation of essential moral values that they committed in the past.

There are two more significant approaches within the context of forgiveness which also deserve our attention. The first is a concern regarding how the scope of the unforgivable might be extended to other wrongs. My investigation has focused on establishing how we should understand forgiveness as a moral activity (as essentially a method of foreswearing resentment) and by determining how our most essential values (such as respect for persons) might constrain other instrumental aims that we may have for forgiveness. While I focused on murder as one kind of wrongdoing that constrains these aims and holds agents unforgivable – chiefly by the permanence of the harm caused – there may be similar necessary moral constraints upon forgiveness for other wrongs. Therefore, the unsavory but crucial task at hand for a larger analysis of the limits of forgiveness must consider that we may judge wrongs other than murder as representing at least equal - if not greater - affronts to human dignity and respect for persons.¹⁸⁴ The first likely candidates worthy of this judgement would encompass all wrongs which result in irreversible brain damage, for example. Victims in those cases may be permanently disabled and thereby incapable of engaging in further moral reflection, and in that sense, irreparable damage to the victim's cognitive abilities is at least analogous to the way that deceased victims are permanently separated from engaging with other moral agents. This could be contrasted with other obviously atrocious wrongs, which still allow for the possibility of moral deliberation and reflection by the victim. It is at least conceivable – and has even been observed in the Lomax case and elsewhere – that victims of torture may eventually become capable of forgiving

¹⁸⁴ Indeed, certain acts such as these may be better understood only as enormities which ought not to be judged in terms of being “worse” than one another, but as equal members of categorically unforgivable and condemnable wrongs. Those wrongs may be so utterly reprehensible that to attempt to separate them further on a continuum of severity may be inappropriate.

their wrongdoers.¹⁸⁵ Abortion is another moral issue which can be informed by this view, and so it requires a broader understanding of the nature of personhood and what makes certain kinds of killing moral or immoral.¹⁸⁶ Similar concerns could also be raised for the rights of nonhuman animals, as to whether we ought to consider them as members of our moral community – even in a reduced capacity as moral patients – and thereby potential recipients of permanent, unforgivable wrongs. Our desire to answer these questions would therefore require that we produce a more detailed account of respect for persons as it pertains to providing the meaning and force to morality itself, and all of the moral values which proceed from it. If various wrongs can be established as unforgivable according to their permanence, and the nature by which they are affronts to the foundations of morality, then such a story could be told only by a more complete understanding of how those moral foundations are affirmed or denied by our deeds.¹⁸⁷

The second avenue of study for theorizing about forgiveness which would comprise a larger ethical project involves the examination of how moral activities relate to polyadic cases of wrongdoing. For the sake of clarity and simplicity this work has focused on dyadic relationships, and thus it has separated individual wrongdoers and victims from other members of the moral community.¹⁸⁸ In navigating the moral obligations of offenders, their

¹⁸⁵ This could also apply to cases of rape and other grievous wrongs which still leave the victim's cognitive capacities intact. The psychological damage may appear irreversible (and so the offender may be conditionally unforgivable), but we cannot completely rule out future possibilities for moral repair.

¹⁸⁶ This requires that we clearly establish what constitutes a person, and accordingly, this may or may not include unborn fetuses, or even the profoundly disabled (those with persistent vegetative brain states).

¹⁸⁷ Necessarily, such a project would require a more thoroughgoing moral theory so that we can make explicit our most fundamental moral commitments, and in turn demarcate where these values ought to constrain forgiveness, mercy, and so on.

¹⁸⁸ This distinction has been made particularly for murder as indicative of the elimination of appropriate standing to forgive for secondary and tertiary victims (and this may also be the case for other wrongs which similarly disregard respect for persons).

victims, and the entire moral community in far larger - perhaps even systemic - cases of wrongdoing, it is possible that we might uncover different constraints or permissions upon our moral practices. Wrongdoing that is ongoing, systematic, and even perpetuated (knowingly or otherwise) by most of the moral community could represent an equal or greater threat to our hold upon the standards of morality. Determining how widespread moral fallibility in this regard affects our overall justification and standing to appropriately participate in various moral activities (including forgiveness, mercy, and punishment) will be vital for establishing a more thoroughgoing ethical theory.¹⁸⁹

Forgiveness is an integral activity for any system of values that recognizes both the fallibility of persons as moral agents, as well as their capacity for positive change and transformation. Foreswearing resentment is the necessary antecedent that allows for the repairing of moral relationships, rejuvenates the psychological well-being of its actors, and does so in the spirit of our commitment to foundational moral precepts like respect for persons. In fact, *all* of the instrumental aims that could be provided as to why we forgive wrongdoers may be understood in terms of how they are informed by those fundamental commitments which make moral activity desirable and justifiable. However, this means that to justifiably participate in forgiving, we must insure that those activities do not cast into doubt the very principles which render them meaningful. Walker describes the terrible result of this that we should endeavor to avoid: “[Forgiveness] is not always *morally* possible, and we have seen why: doing so or even attempting to do so can damage the grip of [our

¹⁸⁹ A fully-realized account of forgiveness in polyadic cases of wrongdoing must therefore address intersectional concerns as revealed by feminist theory. We must be remain aware of the ways in which moral activities like forgiveness have been historically gendered, racialized, and otherwise influenced by other morally problematic ideologies (such as biological essentialism about race, for instance).

moral] standards, put resignation or self-deception where trust should be, or replace hope with cynicism or wishful thinking.”¹⁹⁰ Certain actors bring themselves irreversibly into this realm, just as they have permanently removed their victims from acting within the realm of our moral community. They go beyond what it is morally possible or appropriate for us to forgive, because doing so involves the greater risk of jeopardizing the most basic values which make forgiveness meaningful for other wrongs. For us to maintain that forgiveness is meaningful and worth defending in the pursuit of upholding respect for persons, we must also sustain and accept a common burden: some people must forever remain unforgiven, and unforgivable.

¹⁹⁰ Margaret Urban Walker. *Moral Repair*, p. 164.

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