



# verifiche

verifiche  
rivista semestrale  
di scienze umane

Verifiche. Associazione di Studi filosofici  
Sede Operativa e redazione: via Giorgio Schiavone, 1 - 35134 Padova  
Direttore responsabile: Antonella Benanzato  
Amministrazione: [info@verificheonline.net](mailto:info@verificheonline.net)  
Autorizzazione Tribunale di Padova n. 2445 del 17/09/2017  
Poste italiane - Spedizione in Abbonamento Postale  
Chinchio Industria Grafica srl, Rubano (PD) - Via Pacinotti, 10/12  
Anno XLVIII - N. 2 Luglio-Dicembre 2019  
[www.verificheonline.net](http://www.verificheonline.net)

PREZZO € 35,00

«VERIFICHE» ISSN 0391-4186

VERIFICHE 2019

2

*Philosophical Insights  
for a  
Theory of Restorative Justice*  
Edited by G. Grandi and S. Grigoletto

L. Alici, T. Chapman, G. Grandi, S. Grigoletto, B. Pali,  
F. Schweigert, E. Tiarks, S. Worboys, H. Zehr

2019

ANNO XLVIII N. 2

## Verifiche

Rivista fondata da Franco Chiereghin e Giuliano Rigoni

### *Direzione / Editors*

Luca Illetterati (Scientific Coordinator), Paolo Giuspoli (Editorial Coordinator), Francesca Menegoni.

### *Redazione / Editorial Staff*

Michela Bordignon, Francesco Campana (Editorial Guidelines), Valentina Chizzola, Luca Corti (Peer review Editor), Alberto Gaiani, Paolo Livieri, Armando Manchisi, Giovanna Miolli (Web Manager), Antonio Nunziante, Giovanni Realdi, Barbara Santini (Reviews and Discussions Editor), Sergio Soresi, Alberto Vanzo.

### *Consiglio scientifico / Advisory Board*

Gabriel Amengual, Myriam Bienenstock, Rossella Bonito Oliva, Claudio Cesa (†), Franco Chiereghin, Ferruccio De Natale, Giannino Di Tommaso, Alfredo Ferrarin, Luca Fonnesu, Stephen Houlgate, Marco Ivaldo, Jean-François Kervegan, Claudio La Rocca, Eugenio Mazzarella, Adriaan Th. Peperzak, Michael Quante, Leonardo Samonà, Birgit Sandkaulen

*The Journal uses a double-blind peer review procedure. Authors of articles to be considered for publication should email one copy in .doc or .rtf format, and another copy in .pdf format, to Luca Corti (redazione@verificheonline.net). Please include a short abstract in English (about 1,500 characters) and 4-8 keywords. The Journal accepts contributions in English, German, Italian, French, Spanish and Portuguese. Accepted contributions should be prepared according to the journal's guidelines.*

*Book reviews are generally commissioned by the Editorial Staff. If you are interested in writing a book review, please contact Barbara Santini (recensioni@verificheonline.net). Books should be sent to the following address: «Verifiche», via G. Schiavone n. 1, 35134 Padova, Italy.*

*Publicato con il sostegno del progetto sull'innovazione sociale di Area Science Park e del progetto 'Restorative Justice. Potenzialità e limiti di un paradigma di giustizia' del Dipartimento di Filosofia, Sociologia, Pedagogia e Psicologia Applicata (FISPPA) dell'Università di Padova.*

«Verifiche» is an international biannual, peer-reviewed Journal (ISSN: 0391-4186)

[info@verificheonline.net](mailto:info@verificheonline.net)

[www.verificheonline.net](http://www.verificheonline.net)

## Verifiche

International biannual, peer-reviewed Journal (ISSN: 0391-4186)

### ABBONAMENTO/SUBSCRIPTION PRICE (2019)

Italia: privati € 55,00 (sostenitori € 65,00; studenti € 35,00); enti: € 80,00.

Europe and Mediterranean Countries: € 75,00 (students: € 55,00); institutional: € 100,00.

Other Countries: € 90,00 (students: € 70,00); institutional: € 115,00.

Spese postali incluse/Shipping charges included.

### FASCICOLI SINGOLI /SINGLES ISSUES (2019)

Italia privati: € 35,00 (fascicolo doppio: € 65,00); enti: € 45 (fascicolo doppio: € 85,00)

Europe and Mediterranean Countries: plus € 11 shipping charges (double i.: plus € 17).

Other Countries: plus € 16 shipping charges (double i.: plus € 22).

### FASCICOLI ARRETRATI/BACK ISSUES (2019)

Italia: € 40,00; Europe and Mediterranean Countries: € 40,00 (plus € 11 shipping charges).

Other Countries € 40,00 (plus € 16 shipping charges).

### MODALITÀ DI PAGAMENTO/METHOD OF PAYMENT

Con bonifico bancario intestato a / By bank transfer to:

«Verifiche. Associazione di studi filosofici»

Intesa Sanpaolo Spa – Filiale Accentrata Terzo Settore, Piazza Paolo Ferrari, 10 – Padova

IBAN: IT54X0306909606100000142839

Nella causale specificare il numero o l'annata (per ordini) oppure solo l'abbonamento (in caso di abbonamento annuale). Please indicate *issue number* and *year* (for single issue) or *year* only (for yearly subscription).

Per usufruire dello sconto per studenti è necessario indicare nella casuale il numero di matricola e la sigla della sede universitaria (oppure l'indicazione dell'istituto).

For further details:

[info@verificheonline.net](mailto:info@verificheonline.net)

[www.verificheonline.net](http://www.verificheonline.net)

Cover Design by Giulia Battocchia

# verifiche

Anno XLVIII, N. 2 Luglio-Dicembre 2019

---

Dir. resp. Antonella Benanzato • Amministrazione: Via G. Schiavone 1 35134 Padova  
in corso di registrazione, Tribunale di Padova RVG 6214/2017  
Poste Italiane s.p.a. - Spedizione in Abb. Postale 70% - NE/PD  
Chinchio Industria Grafica s.r.l. - Rubano (PD) - Via Pacinotti, 10/12 - A. XLVIII (2), 2019

---

## *Philosophical Insights for a Theory of Restorative Justice*

### III *Why Theory Matters*

Giovanni Grandi, Simone Grigoletto

1 *Restorative Justice Beyond Crime: A Vision to Guide and Sustain our Lives*

Howard Zehr

17 *The Restorative Ideal of Justice*

Frank Schweigert

43 *Restorative Justice and the Problem of Incoherence in Sentencing*

Elizabeth Tiarks

71 *The Fragility of Forgiveness. Supererogatory Goals for a Restorative Approach to Conflict Management*

Simone Grigoletto

91 *Through a Glass Darkly. Our Imperfect Understanding of Forgiveness and Why It Matters*

Stephanie Worboys

- 113 *A Politics of Remembrance. Towards an (International Criminal) Justice of Reparation*  
Luca Alici
- 133 «*Inciting to good and murmuring at evil*». *The Medieval Concept of 'synderesis' and the Restorative Process*  
Giovanni Grandi
- 155 *Restorative Justice and Conviviality in Intercultural Contexts*  
Brunilda Pali
- 179 *Searching for Community in Restorative Justice*  
Tim Chapman

### ***Book Reviews***

- 205 M. Quante, *Studi sulla filosofia di Karl Marx*  
(Giulia Battistoni)
- 212 M. Bienenstock, *Cohen und Rosenzweig. Ihre Auseinandersetzung mit dem deutschen Idealismus*  
(Pierfrancesco Fiorato)
- 219 M. Biscuso, *Leopardi tra i filosofi. Spinoza, Vico, Kant, Nietzsche*  
(Pierfrancesco Lorenzini)



# THROUGH A GLASS DARKLY. OUR IMPERFECT UNDERSTANDING OF FORGIVENESS AND WHY IT MATTERS

by Stephanie T. Worboys\*

**Abstract.** *In recent decades, forgiveness has received a great deal of attention within a variety of fields, including medicine, mental health, and the criminal justice system through restorative justice initiatives and other practices. Forgiveness appears to offer many benefits to individuals and the relationships that constitute our lives. For these reasons, the question of how to position forgiveness in public life has been re-energized. However, there are some notable concerns. Many observe that forgiveness has the potential to compromise justice. This concern reflects uncertainty about the relationship between them. This paper contends that a critical obstacle to clarifying this relationship is our inadequate understanding of forgiveness itself. This paper lays out some of the problems with the two most widely embraced accounts of forgiveness, which will be called the conventional and the resentment accounts. The paper suggests that forgiveness can only be properly understood in terms of its moral meaning, which neither account adequately captures. The goal of the paper is to arrive at a better position to think clearly about forgiveness and its relationship to justice. The paper begins with an overview of the interest in forgiveness and the obstacles it poses for justice – both legally and conceptually. From there, the paper examines the two main accounts of forgiveness, considering the strengths and weaknesses of each. The paper concludes that both accounts fail to articulate the distinctive meaning of forgiveness and therefore are ill-equipped to advance our understanding of how forgiveness relates to justice.*

**Keywords.** *Forgiveness; Justice; Law; Legal Justice; Restorative Justice; Resentment*

## 1. Introduction

The tension between justice and forgiveness is often treated as problematic in the public and criminal law context, but the tension does not exclusively arise there. It is present even when

\* Victoria University of Wellington

comparing the content of the ideas themselves. Justice consists in giving people what they are due. Forgiveness, by contrast, suggests a departure from this in some respect. The relevant respect is believed by some to be the forswearing of the attitude of resentment, which attends the judgment that one has been culpably wronged. If the judgment is true, then resentment is warranted. Forgiving, however, forswears this resentment. Others believe that forgiveness departs from justice in terms of the enactments of justice i.e., compensation or punishment. Forgiveness is thus understood as an act that releases the wrongdoer from the consequences of their wrongdoing. The tension present between either understanding of forgiveness and justice can arise in any context in which wrongdoing is at issue. The conflict is not a simple 'either/or' either. To fail to do what is just is considered a form of wrongdoing, which seems to place the moral credentials of forgiveness in doubt.

The conflict between justice and forgiveness is essentially moral in nature. Both are considered morally good, but we lack clarity regarding forgiveness. We cannot agree on what it does and when it is appropriate to apply. Nor do we understand the inner logic of forgiveness that accounts for its special virtue. Without some answer to these questions, we cannot hope to resolve the competing claims between justice and forgiveness in our affairs, public or private.

The purpose of this entry is to clarify some of the complexities involved with a view to arriving at a better position to think clearly about forgiveness itself and its relationship to justice. To begin, we will survey the recent resurgence of concern with forgiveness – culturally, politically and philosophically. We will also explore some of the tensions that arise between forgiveness and justice. As an aid to this, we will briefly distinguish between justice and law. From there, we will turn our attention to the main concern of this entry: our inadequate understanding of forgiveness itself. This issue is not solely a problem for moral philosophers. It also arises for those who wish to include forgiveness in practical matters such as restorative justice proceedings.

## 2. *A Brief Survey of the Landscape*

In recent decades, our attention has been drawn to the topic of forgiveness by a variety of disparate sources. The medical community has taken great interest in it. Research shows forgiveness to have a positive effect on us physically and psychologically, with improvements noted to the health of our bodies, minds, and relationships<sup>1</sup>. Forgiveness is the darling of self-help books and other platforms associated with the genre, where forgiveness is heralded as a means of self-care and empowerment<sup>2</sup>. These voices add to the traditional refrains of various religions, where forgiveness is framed as essential to right relationships, with God and with our fellows<sup>3</sup>. Forgiveness has also made headline news. In 1994 the Truth and Reconciliation Commission in South Africa, in pursuit of reconciliation, offered amnesty (a kind of political forgiveness) to certain individuals for human rights violations, an event so unprecedented it captures our interest to this day.

<sup>1</sup> Studies suggest that people who forgive may live longer. See L. Toussaint, A. Owen, A. Cheadle, *Forgive to Live: Forgiveness, Health, and Longevity*, «Journal of Behavioral Medicine», XXXV (4), 2012, pp. 375-386. Likewise, studies also suggest that people who forgive have improved heart health and relationship satisfaction. See K.A. Lawler-Row *et al.*, *Forgiveness, Physiological Reactivity and Health: The Role of Anger*, «International Journal of Psychophysiology», LXVIII (1), 2008, pp. 51-58, and R.A. Aalgaard, R.M. Bolen, W.R. Nugent, *A Literature Review of Forgiveness as a Beneficial Intervention to Increase Relationship Satisfaction in Couples Therapy*, «Journal of Human Behavior in the Social Environment», XXVI (1), 2015, pp. 1-10. A study done by Suncica S. Svalina and Jon R. Webb also suggests that self-forgiveness improved chronic pain and mental health. See S. Svalina, J.R. Webb, *Forgiveness and Health among People in Outpatient Physical Therapy*, «Disability and rehabilitation», XXXIV (5), 2012, pp. 383-392.

<sup>2</sup> Smedes' book is a classic of the genre. L.B. Smedes, *Forgive and Forget: Healing the Hurts We Don't Deserve*, New York, Harper Collins, 1984. Recent examples include M.F. Bettencourt, *Triumph of the Heart: Forgiveness in an Unforgiving World*, New York, Avery Publishing Group, 2016, and R.D. Enright, *The Forgiving Life: A Pathway to Overcoming Resentment and Creating a Legacy of Love*, Washington (DC), American Psychological Association, 2012.

<sup>3</sup> These ideas figure prominently in Judaism and Christianity.

With all of this in view, we have seen a renewed interest in the question of how to position forgiveness in public life. As one possible moral response to wrongdoing, an obvious point of entry for forgiveness is within the domain of criminal justice. Although the benefits forgiveness provides to victims, communities, and wrongdoers are far from meaningless, there is concern that forgiveness may compromise justice. The issue is that forgiveness has the potential to alter the sentence that justice would otherwise impose. If allowed, this would threaten the integrity of the legal system, both in terms of the application of its inner principles of justice and in terms of its political function.

A related concern has to do with the role of the victim and the standing to forgive. Forgiveness seems to have no obvious point of significance in legal proceedings because the judge is not the victim; she has no standing to forgive. Those who do have the standing are not traditionally those to whom wrongdoers answer to in a court of law. Forgiveness then has no clear legal expression or effect because the legal system confers no authority on the victim once the official process is set in motion<sup>4</sup>. The victim instead is a bystander and perhaps a witness for the prosecution. The potential for forgiveness to interfere, however, cannot be ruled out entirely. In many jurisdictions, certain crimes are not prosecuted unless the victim presses charges, assault and petty theft are common examples. Likewise, legal enforcement relies, in no small degree, on crime being reported, which a forgiving victim may refuse to do.

Various restorative justice initiatives, on the other hand, have included a concern for forgiveness as part of their approach to justice. This is not surprising considering the restorative ethos, where justice is achieved through repair. Forgiveness can promote emotional and relational repair for victims and wrongdoers alike<sup>5</sup>.

<sup>4</sup> A. Duff, *Punishment, Communication, and Community*, Oxford, Oxford University Press, 2001, p. 61.

<sup>5</sup> M.P. Armour, M.S. Umbreit, *The Paradox of Forgiveness and Restorative Justice*, in E.L. Worthington Jr. (ed.), *Handbook of Forgiveness*, New York, Routledge, 2005, pp. 491-503, p. 491.

Furthermore, because the victim has a say in restorative proceedings, forgiveness is actionable in ways natural to the context. Although forgiveness is consonant with the values of restorative justice, it remains a point of concern among theorists and practitioners. One worry is that in pursuing reparative aims, the victim may feel pressured to forgive<sup>6</sup>. This may cause further harm to victims and undermine the fuller sense of justice restorative justice seeks to achieve. From the outside looking in, sceptics of restorative justice question whether it is wise to allow such powers as forgiveness to have purchase within a justice system, which may undermine consistency in sentencing and fairness in the law's application between offenders who have committed similar offenses.

These examples show that there is reason to be concerned about the project of positioning forgiveness in public life. Much is at stake. The concern is not so much directed at forgiveness per se, but rather at forgiveness and justice together. Much of this concern reflects uncertainty about the relation between them. This entry will focus on one fundamental obstacle to clarifying that relation: the failure to identify the meaning of forgiveness itself and why that matters. For this purpose, it will be instructive to have a fair understanding of the other concepts at play. We will briefly sketch two: justice and law. The purpose of discussing these two concepts is to help locate the dimensions of justice at issue when considering what forgiveness is and means. In the following section, the concepts of justice and law are examined from within the tradition of liberal democracy and Western philosophy. Once we have established a basic understanding of these two concepts we will turn our attention to the nature of forgiveness.

<sup>6</sup> In a recent article, Braithwaite explores the significance of forgiveness within restorative practice and aims. He acknowledges that forgiveness is integral to reconciliation and the restoring of broken relationships and therefore has a place in restorative justice. However, forgiveness should not be expected or urged. He writes, «these things [remorse, apology, or forgiveness] only have power when they are gifts that come from the heart, that manifest no coercion»: J. Braithwaite, *Redeeming the 'F' Word in Restorative Justice*, «Oxford Journal of Law and Religion», V (1), 2016, pp. 79-93, pp. 86-87.

### 3. *Justice & Law*

Justice is a moral concept that requires each person to be given what is due to him<sup>7</sup>. The point under regular scrutiny is how to interpret a person's due. The answer to this question can involve formal and substantive criteria. The formal criteria of justice have to do with how justice is applied. This means that whatever standard is applied, that standard be applied fairly. If, for example, the standard is that new parents receive three months leave from work, a fair application of this standard would be that every new parent receives the leave and the remaining employees do not. A failure to grant the leave to a specific new parent would constitute a failure to apply the standard justly.

Notice that formal justice is at issue anytime a standard is applied. It matters not whether the standard is a standard of morality, law, the workplace or even a game. Also, it is important to notice that formal justice governs the application of standards only, not the content of those standards.

Substantive justice, on the other hand, is concerned with the content of a standard or the features of a person that ground a claim. Desert, for example, is widely considered to belong in this category of criteria. Consider a school grading standard. If the standard specifies that grades will be allocated according to desert, this standard would be regarded as just. Likewise, if it is a feature of Lucy that she wrote an essay which displayed mastery of the subject matter, she deserves top marks for her work and justice requires she be given it as her due.

Thus far, we have been speaking of justice in its general sense. What is important to our discussion of forgiveness is justice in its

<sup>7</sup> J. Feinberg, *Justice and Personal Desert*, in M. Friedman et al. (eds.), *Rights and Reason: Essays in Honor of Carl Wellman*, Dordrecht, Springer, 2000, pp. 221-250, p. 221. See also M.R. Holmgren, *Forgiveness and Retribution: Responding to Wrongdoing*, New York, Cambridge University Press, 2012, p. 14; G.P. Fletcher, *The Place of Victims in the Theory of Retribution. Victims and the Criminal Law: American and German Perspectives*, «Buffalo Criminal Law Review», III (1), 1999, pp. 51-63, p. 53; and L. Pojman, *Justice as Desert*, «Law and Justice Journal», I (1), 2001, pp. 88-109, pp. 88, 98.

specific sense as a response to wrongdoing. Justice, as a moral response to wrongdoing, in addition to what has been outlined above, includes at least two identifiable aspects. Firstly, justice opposes the wrongdoing by pronouncing judgment upon the act and the agent who performed it. Secondly, justice seeks to put things right by means of compensation and/or punishment. For less serious wrongs, justice may be discharged through less formal efforts to make it right, such as an apology. In all these ways, justice treats the wrong as wrong and holds the author of that wrong to account.

In view of this minimal understanding of justice, the following elaborations may be helpful. As a response to wrongdoing, justice, in orientation, is directed at the past – at what is or what has already taken place. Justice, in this way, is a moral remedy to the acts (and their immediate effects) of moral agents. The work of justice is grounded in judgment, in that, justice involves discrimination between right and wrong and a pronouncement of the truth of this upon the act in question. Justice enacts this judgment by requiring certain steps be taken to right the wrong. As the author of the act, the wrongdoer is judged to be the appropriate bearer of the burden for this, which may be imposed or taken up willingly<sup>8</sup>. In what follows, we will treat the distinct activity of justice as judgment and the enactment of those judgments. When we treat people according to the principles of justice, we enact the judgments of justice – we, in other words, translate just judgment into just action<sup>9</sup>.

The ways in which the judgments of justice are enacted – compensation and punishment – have been, in the political functioning of Western societies, bifurcated into tort (or civil) law and criminal

<sup>8</sup> My understanding of justice as response to wrongdoing and its framing here is deeply indebted to the ideas developed by O. O'Donovan, *The Ways of Judgment: The Bampton Lectures 2003*, Grand Rapids, Eerdmans, 2005, p. 107, and T. Smith, *Justice as a Personal Virtue*, «Social Theory and Practice», XXV (3), 1999, pp. 361-384, p. 361.

<sup>9</sup> Cfr. *ivi*, p. 371. Collingwood makes the same point concisely, «the penalty is simply the judgment»: R.G. Collingwood, *Essays in Political Philosophy*, ed. by D. Boucher, Oxford, Clarendon Press, 1989, p. 132.

law, respectively. The bifurcation of compensation and punishment is not as complete, however, in jurisdictions that give place to restorative justice practices. Although the justice of compensation has remained in view, the punishment of wrongdoers is usually understood to be the principal act of justice.

Punishment is a source of disagreement in theories of punishment and restorative justice literature, where it is questioned whether punishment is supported by justice. I take up the question of punishment and its relation to justice, in detail, elsewhere<sup>10</sup>. The concern here is not with punishment, per se. The point at issue is whether forgiveness involves setting the enactments of justice aside, which could be anything from apology to punishment.

Wrongdoing appears at every level of human interaction. Justice as judgment and its enactment provides a moral standard for dealing with wrongdoing both interpersonally and politically. Governments, among other things, are charged with promoting social cooperation and keeping the peace. One way governments achieve these ends is through the justice of the law's content and the rule of law. Law codifies principles that apply to a group, which specify a standard of conduct between its members. As such, law is an instrument to preserve the social life and aims of a community<sup>11</sup>. The rule of law is a phrase used to designate the principle by which law governs. The principle can be stated in the following way: all people are equal before the law – no one is outside the law's enforcement and no one is apart from its protection. The rule of law, therefore, requires that the law be applied consistently and fairly to all. This means the wealthy landowner, the prime minister, or the CEO will be subject to the same law in the same way as the butcher, the beggar, and the housewife.

<sup>10</sup> The subject of my doctoral thesis is the relation between justice and forgiveness, which at the time of writing this article is ongoing. I take up the question of the meaning of justice in Chapter 2, which sets up the more targeted treatment of retribution and the justice of punishment in Chapter 3.

<sup>11</sup> L.L. Fuller, *The Morality of Law*, revised ed., New Haven, Yale University Press, 1964, p. 6.

It is perhaps not surprising then that people sometimes use the term justice to mean legal justice or lawfulness. And in some ways, the terms are interchangeable. Justice, as we have seen, guides the content and application of law<sup>12</sup>. Law also uses the same method of judgment as justice<sup>13</sup>. Justice involves judgments of an object, act, or person against some standard. The integrity of justice consists not only in the truthfulness of that judgment but also in the congruence between the judgments of justice and the enactment of those judgments<sup>14</sup>. Law is the same. What further strengthens the equivocation of law with justice is how deeply each relies on the other. Law, for example, relies on the justice of its judgments for its authority<sup>15</sup>. Justice, in turn, as Fuller so brilliantly recognized, is made practicable by the distinctions codified in the law<sup>16</sup>.

Although we may mean law or the legal system when we use the term justice, it is important to keep in mind that the two concepts are not coextensive. The law, unlike the principle of justice, has clear external aims<sup>17</sup>. Law in general, as stated at the beginning of this section, is a tool that is directed at the preservation of the social life and aims of a community. Although it succeeds in this general aim by adhering closely to the principles of justice in the formation and application of law, what laws are made and enforced will reflect what the community requires for its stability and peace between its members<sup>18</sup>. A particular law, for example, may be aimed at solving the problem of water shortage in a drought or how the government acquires land for public use. This may also mean that not everything of interest to justice will be legislated for.

<sup>12</sup> Fuller, *The Morality of Law*, p. 204.

<sup>13</sup> Ivi, p. 7.

<sup>14</sup> Ivi, p. 81.

<sup>15</sup> O'Donovan, *The Ways of Judgment*, p. 3.

<sup>16</sup> Fuller, *The Morality of Law*, p. 205.

<sup>17</sup> Ivi, pp. 131-133.

<sup>18</sup> F.A. von Hayek, *Law, Legislation and Liberty*, London, Routledge & Kegan Paul, 1979, p. 87.

Justice, by contrast, has no other aim than its judgments be faithfully translated into action. When we do what justice dictates as a matter of principle, peace and stability will likely follow.

It is not surprising then that many of the worries regarding forgiveness reflect concerns for legal justice and the rule of law. We have already noted that consistency in sentencing and the worry that like offenders will be treated alike are regular points at issue. Both points betray an unease with the relation between forgiveness and justice. The threat is that forgiveness compromises the principle of justice, particularly in the enactment of just judgments (apology, compensation or punishment). If forgiveness does allow for this, we risk weakening the rule of law and, in so doing, the stability of the community.

As important as these concerns are, they reveal a more fundamental conflict between the concepts themselves. Briefly sketched, justice and forgiveness appear to recommend two different, and perhaps opposed, responses to wrongdoing. Justice consists in giving people what they are due. Forgiveness, by contrast, suggests a departure from this in some respect. The key to addressing the practical issues forgiveness presents in our affairs, both public and private, is then to clarify its relation to justice on the conceptual and moral level. A persistent obstacle to achieving this clarity, however, is our general failure to grasp what forgiveness consists in. It now remains to look at the full scope of this difficulty.

#### *4. Initial Obstacles to Understanding Forgiveness*

There is a small but sustained discussion in the philosophic literature that is dedicated to exploring the complexities of forgiveness. What this discussion shows is that our understanding of forgiveness is deficient in at least two significant respects. The first has to do with what we understand forgiveness to be and do. The second has to do with its morality.

Accounts of forgiveness can be divided into two kinds. The first kind focuses on what we, as the aggrieved, do. The other, on what we feel. The first, I will call the conventional account. The

second, the resentment account. The conventional account has historical roots. Versions of it can be found in the Bible and in the writings of secular philosophers from Seneca the younger in the first century to Hannah Arendt in the twentieth.

As reflected in the Old and New Testament, forgiveness is connected to the idea of the aggrieved party lifting the wrongdoing from the wrongdoer and bearing it away<sup>19</sup>. This connotes an unmerited and gracious remission of a debt or a pardon from punishment. Arendt, in similar fashion, equates forgiveness with a release of the wrongdoer from the consequences of what she has done<sup>20</sup>. Jackson opens this idea up further to include the refusal by the aggrieved party to press a just claim against her wrongdoer<sup>21</sup>. A just claim is not limited to compensation or punishment, but can include anything we deem is morally owed to us from our wrongdoers. These accounts of forgiveness are consonant with its English etymological root *'forgiefan'*, which means 'to give up', 'to grant', or 'to remit'<sup>22</sup>. The fundamental idea behind forgiveness then, according to the conventional account, is a remittance of the enactments of justice<sup>23</sup>.

<sup>19</sup> L.L. Morris, 'Forgiveness', in *The New BIBLE Dictionary*, ed. by J.D. Douglas, London, The Inter-Varsity Fellowship, 1962, pp. 435-436.

<sup>20</sup> H. Arendt, *The Human Condition*, Chicago, The University of Chicago Press, 1958<sup>2</sup>, p. 237.

<sup>21</sup> T.P. Jackson, *The Priority of Love: Christian Charity and Social Justice*, Princeton, Princeton University Press, 2003, p. 5.

<sup>22</sup> See 'Forgive' in etymonline.com: [https://www.etymonline.com/word/forgive#etymonline\\_v\\_11804](https://www.etymonline.com/word/forgive#etymonline_v_11804).

<sup>23</sup> I have kept the definition of the conventional account intentionally broad. It can include, but is not identical to, moral debt and economic theories of forgiveness as well as versions that exclusively position forgiveness as an alternative to punishment. For an overview of the moral and economic theories, see B. Warmke, *The Economic Model of Forgiveness*, «Pacific Philosophical Quarterly», LXLVII, 2016, pp. 570-589; B. Warmke, *The Normative Significance of Forgiveness*, «Australasian Journal of Philosophy», LXLIV (4), 2016, pp. 687-703. For more on forgiveness as an alternative to punishment, see L. Russell, *Forgiving While Punishing*, «Australasian Journal of Philosophy», LXLIV (4), 2016, pp. 704-718.

As we can see, the conventional account bears in it the notion that forgiveness has external effect. It is positioned as an act toward a wrongdoer that targets what the wrongdoer is believed to owe her victim (e.g., compensation or apology) or what the wrongdoer herself is owed (e.g., punishment, harsh treatment, or loss of standing). These consequences are wiped away through forgiveness. The notion also bears in it the idea that this wiping away is for the wrongdoer's sake. Arendt makes this point clear when she locates the importance of forgiveness in its ability to set us free from our own acts, without which we could not recover from them<sup>24</sup>.

In the 1980s Jeffrie Murphy and Jean Hampton discussed forgiveness extensively in their book *Forgiveness and Mercy*<sup>25</sup>. There, Murphy rejects the conventional account of forgiveness. The problem with the conventional account, as Murphy sees it, is that it confuses forgiveness with mercy. Although they are closely related, mercy is distinct from forgiveness in the following ways. Mercy is a discretionary power to act kindly toward or to forbear from inflicting a penalty upon someone, but forgiveness need not issue in any of these outward displays. As evidence of this, he points out that we cannot have mercy on the dead, but we can forgive them. Furthermore, forgiveness is personal, in that, only the victim has the standing to forgive their offender, but mercy may be bestowed by anyone in a position of authority. Crucially for Murphy, one can be forgiving without being merciful – that is, without refusing to punish or press any of the other demands of justice<sup>26</sup>.

Instead, Murphy draws our attention to the influential sermons of Bishop Joseph Butler to explain the distinctive nature of forgiveness. According to Murphy's reading of Butler, forgiveness

<sup>24</sup> Arendt, *The Human Condition*, pp. 236-237.

<sup>25</sup> J.G. Murphy, J. Hampton, *Forgiveness and Mercy*, Cambridge, Cambridge University Press, 1988.

<sup>26</sup> Cf. J.G. Murphy, *Forgiveness and Resentment*, in Murphy, Hampton, *Forgiveness and Mercy*, pp. 14-34, pp. 20-22; J.G. Murphy, *What Is Forgiveness?*, in Id., *Getting Even: Forgiveness and Its Limits*, Oxford, Oxford University Press, 2005, pp. 9-16, p. 14.

is better understood as a change of internal feeling regarding the wrongdoer rather than some external act we bestow upon him. In other words, forgiveness is an inner matter of character, rather than an external action<sup>27</sup>. What forgiveness characteristically involves then is the overcoming of resentment<sup>28</sup>.

Resentment is a kind of anger that is felt in response to being personally wronged. As a species of anger, resentment is characterized by passionate displeasure at being wronged and a demand to see the wrong acknowledged and made right<sup>29</sup>. Resentment is a kind of attitude symptomatic of moral relationships, an idea developed by P.F. Strawson. In his now famous essay *Freedom and Resentment*, Strawson argues that if we view people as having free agency and moral capacity, then reactive attitudes like resentment are an integral part of our response to their actions toward us. The presence of these attitudes evidence that we see our benefactor or wrongdoer as responsible agents who can be praised or blamed for their choices. To our benefactor, we feel gratitude. To our wrongdoer resentment. The reactive attitudes then tell us something important about moral relationships, they reflect the interpersonal demands we place upon those we view as members of the moral community<sup>30</sup>.

Murphy agrees with Strawson and goes further in his defense of resentment. Resentment, Murphy emphasizes, is an emotion felt in defense of the victim's self-respect, in that, it emotionally highlights the victim's sense of their own worth and what they are

<sup>27</sup> Paul A. Newberry and Shelby Weitzel argue that Murphy has misread Butler on this point. See P.A. Newberry, *Joseph Butler on Forgiveness: A Presupposed Theory of Emotion*, «Journal of the History of Ideas», LXII (2), 2001, pp. 233-244, and S. Weitzel, *On the Relationship between Forgiveness and Resentment in the Sermons of Joseph Butler*, «History of Philosophy Quarterly», XXIV (3), 2007, pp. 237-253.

<sup>28</sup> Murphy, *Forgiveness and Resentment*, pp. 15-16.

<sup>29</sup> Ivi, p. 16. P. Hieronymi, *Articulating an Uncompromising Forgiveness*, «Philosophy and Phenomenological Research», LXII (3), 2001, pp. 529-555, p. 554.

<sup>30</sup> P.F. Strawson, *Freedom and Resentment and Other Essays*, London, Methuen & Co., 1974, pp. 7-8.

morally owed. Therefore, resentment demonstrates three important things that any mature moral agent should cultivate: respect for morality, respect for the wrongdoer as a moral agent, and respect for oneself<sup>31</sup>. In these ways, resentment is a proper and fitting response to being culpably wronged. Resentment can, however, become problematic. It may inspire acts of revenge, or become an obstacle to functioning relationships, and it may even have unhealthy physical and physiological consequences for those who nurture it. Forgiveness helps us avoid these traps<sup>32</sup>.

Murphy goes on to develop the resentment account of forgiveness in a couple of interesting ways. He notices that forgiveness cannot simply be the overcoming of resentment. The reason for this is that there are a number of ways to accomplish this, many of which we would be reticent to label as forgiveness. We could, for example, undergo hypnosis or simply accept the wrongdoing and move on. We could also merely forget that the wrongdoing occurred, but forgetting is non-voluntary and therefore cannot be the virtue of character that Murphy is concerned with. Excuse and justification also relieve resentment. When excuse and justification are legitimate, the wrongdoer is not blameworthy for the offense, and therefore, nothing remains to be forgiven. However, when excuse or justification is illegitimate, such acts condone rather than forgive wrongs. What distinguishes forgiveness from these morally dubious imposters, Murphy insists, is that forgiveness is done for moral reasons<sup>33</sup>.

The moral reasons he outlines include repentance (which he uses interchangeably with apology), good motives, sufficient suffering, humiliation, and prior relationship. Good motives refer to a culpable wrong that was done because the wrongdoer mistakenly believed the act was in the victim's best interest. Prior relationship

<sup>31</sup> Murphy, *Forgiveness and Resentment*, pp. 16-18, 24.

<sup>32</sup> Ivi, pp. 15-17.

<sup>33</sup> Ivi, pp. 20-24. Milam also presents a compelling case in support of the view that forgiveness is done for reasons and only certain reasons are proper to it. See P-E. Milam, *Reasons to Forgive*, «Analysis», LXXIX (2), 2019, pp. 242-251.

suggests that what motivates forgiveness is the strength or purity of the relationship prior to the point the wrongdoing occurred. Although he thinks these two reasons have some merit, he recognizes that they are the weakest morally<sup>34</sup>. The other three (repentance, enough suffering, humiliation) demonstrate that some level of justice has been satisfied. By responding to some of the demands of justice, forgiveness is ensured to be consistent with self-respect, respect for others, and the rules of morality<sup>35</sup>. Forgiveness then, for Murphy, must be conditional to retain its moral integrity<sup>36</sup>.

The fundamental idea of the resentment account is that forgiveness targets resentment. This has been widely embraced and is now treated as the default understanding of forgiveness in the domain of moral philosophy and beyond. But some of Murphy's points have been firmly rejected by a substantial group of forgiveness theorists. Most notably his defense of resentment and his conditional account of forgiveness' moral status.

For Murphy, the conditional restraints on forgiveness serve a dual function. They help distinguish genuine acts of forgiveness from false ones and they locate the moral quality of forgiveness. The conditions therefore form part of the conceptual understanding of what forgiveness is as well as why it is morally praiseworthy. Critics of the conditional resentment account find fault with this for several reasons. Firstly, it seems to rob forgiveness of its gift-like character while simultaneously keeping the victim beholden to the character and actions of their wrongdoer. If justice cannot be done and the wrongdoer refuses to repent, then the victim has no moral remedy for their resentment<sup>37</sup>.

<sup>34</sup> Murphy, *Forgiveness and Resentment*, pp. 24-30.

<sup>35</sup> Ivi, p. 19.

<sup>36</sup> Ivi, pp. 20, 24-30.

<sup>37</sup> Holmgren and Govier also raise this concern. Holmgren argues that it is the decision of the victim that is paramount and that decision should not depend on the actions of the wrongdoer. See M.R. Holmgren, *Forgiveness and the Intrinsic Value of Persons*, «American Philosophical Quarterly», XXX (4), 1993, pp. 341-

Krista Thomason raised another damaging issue for Murphy's resentment account. She recognizes that what is praised about acts of forgiveness is the willingness to put one's resentment aside, but it turns out that this willingness is not praiseworthy in itself. In other words, the morality of forgiveness resides in the conditions for which it is done rather than in the forgiving. If the conditions are not met, forgiveness collapses into condonation<sup>38</sup>. Thomason reasons that if forgiveness is only appropriate when it has been justly earned, then forgiveness is reduced to a simple acknowledgment of this fact<sup>39</sup>. This account, in her estimation, more honestly describes a virtue of good judgment rather than forgiveness<sup>40</sup>.

For these reasons, some philosophers have developed an unconditional version of the resentment account. According to this variation, forgiveness involves the overcoming of resentment and the return of the victim to an attitude of goodwill toward the

352, p. 346. Govier writes, «If we understand rightful forgiveness as being contingent on repentance, we are in effect, allowing a perpetrator's denial to impose a permanent psychological straitjacket on a victim». See T. Govier, *Forgiveness and Revenge*, London, Routledge, 2002, p. 63.

<sup>38</sup> According to Griswold, «its [forgiveness] moral value lies in part in a change of heart on the victim's part, the letting go of resentment». C.L. Griswold, *Forgiveness: A Philosophical Exploration*, New York, Cambridge University Press, 2007, p. 68 (doi: <http://www.loc.gov/catdir/toc/ecip079/2007003936.html>).

<sup>39</sup> K.K. Thomason, *Forgiveness or Fairness?*, «Philosophical Papers», XLIV (2), 2015, pp. 233-260, p. 234. Others think that the entire conditional approach is transactional and vindictive. Conditional forgiveness participates in the 'pay-back' of retribution by requiring a performative act of groveling for forgiveness. See M.C. Nussbaum, *Anger and Forgiveness: Resentment, Generosity, Justice*, New York, Oxford University Press, 2016, pp. 12, 33. A related issue that will not be touched on here is the question of whether forgiveness is ever owed to a wrongdoer. Most agree that the victims do not have a moral obligation to forgive, even when the wrongdoer has made amends. Rather, the victim(s) has discretionary power to decide if and when forgiveness will be granted, see R.J. Wallace, *Morality as a Social Phenomenon*, in Id., *The Moral Nexus*, Princeton, Princeton University Press, 2019, pp. 90-92. For an insightful counterargument to this position, see P.-E. Milam, *Against Elective Forgiveness*, «Ethical Theory and Moral Practice», XXI (3), 2018, pp. 569-584.

<sup>40</sup> Thomason, *Forgiveness or Fairness?*, p. 233.

wrongdoer. Crucially, the burden for this resides with the victim, not the wrongdoer<sup>41</sup>. To explain this, the unconditional account rejects Murphy's defense of resentment. Holmgren argues that the proper moral attitude to the intrinsic value of human beings (regardless of their moral performance) is goodwill and respect. Resentment, according to Holmgren, is incompatible with goodwill and respect for persons. The moral obligation then resides with the victim of wrongdoing to return themselves to the correct moral attitude of goodwill toward their wrongdoer<sup>42</sup>. Forgiveness, by affecting the desired change in attitude, provides a way for victims to morally improve themselves.

According to this version of the resentment account, respect is the moral foundation of forgiveness which secures forgiveness as morally legitimate in its own right. The problem with this is that both forgiveness and non-forgiveness require respect for persons. Echoing the points made by Strawson, Eve Garrard and David McNaughton point out that we are angry with our wrongdoers *because* we respect them. Recall resentment is a response to seeing our wrongdoers as full and responsible members of the moral community<sup>43</sup>. Since respect is fundamental to both, forgiveness cannot be a return to respect. Nor can respect account for forgiveness' unique moral significance.

<sup>41</sup> It is up to victims to struggle with and ultimately overcome the injuries and injustices of others. Flanigan writes, «forgivers [...] reject the possibility that the rest of their lives will be determined by the unjust and injurious acts of another person». Through forgiveness, victims take back their control of their lives and triumph over wrongdoing. See B. Flanigan, *Forgiving the Unforgivable: Overcoming the Bitter Legacy of Intimate Wounds*, New York, Collier Books-Macmillan, 1993, p. 16, and Holmgren, *Forgiveness and the Intrinsic Value of Persons*, p. 345.

<sup>42</sup> Ivi, pp. 341-351.

<sup>43</sup> E. Garrard, D. McNaughton, *In Defence of Unconditional Forgiveness*, «Proceedings of the Aristotelian Society», CIII, 2003, pp. 39-60, pp. 52-53.

### 5. *The Failures of the Conventional & the Resentment Accounts*

As we have seen, both versions of the resentment account fail. But, it is also important to recognize that the project as a whole is flawed from the beginning. There are at least three reasons for this. Firstly, because resentment accounts conceptualize forgiveness as the internal regulation of attitudes rather than the victim's reaction to their wrongdoer, it sacrifices the relational dynamic of forgiveness<sup>44</sup>. This, in turn, makes it unclear how forgiveness is anything distinct from a coping mechanism or self-help tool<sup>45</sup>.

Secondly, resentment and its overcoming do not apply to many accepted instances of forgiveness. We do not always feel strong emotional reactions to being wronged<sup>46</sup>. Although we may not be particularly upset by an incident, we can still be convinced that we were wronged and that the wrongdoer should make amends. Even though there is no anger to target in these cases, forgiveness still seems to be an appropriate option. Likewise, sometimes forgiveness happens because we have agreed to it, even if resentment remains. Neblett gives us such an example. He notes that our resentment for a friend's past wrong against us may make us unwilling to help them in a way we ordinarily would. But, if we have forgiven them – and they remind us of this – we would likely agree that forgiveness had taken place and that any remaining resentment should not interfere with the friendship<sup>47</sup>. These cases, and others like them, suggest that making the overcoming of resentment the key feature arbitrarily limits what counts as forgiveness.

<sup>44</sup> J.G. Murphy, J. Hampton, *Forgiveness, Resentment and Hatred*, in *Iid.*, *Forgiveness and Mercy*, pp. 35-87, pp. 36-37.

<sup>45</sup> J. Kekes, *Blame Versus Forgiveness*, «The Monist», XCII (4), 2009, pp. 488-506, p. 489, and Weitzel, *On the Relationship between Forgiveness and Resentment*, p. 237.

<sup>46</sup> Kekes, *Blame Versus Forgiveness*, p. 491.

<sup>47</sup> W.R. Neblett, *Forgiveness and Ideals*, «Mind», LXXXIII (330), 1974, pp. 269-275, p. 269.

Finally, and most importantly, resentment accounts presuppose that we have the power to change our emotions and attitudes, but they do not give us any insight into how forgiveness distinctly accomplishes this<sup>48</sup>. Pamela Hieronymi addresses this problem<sup>49</sup>. She reasons that resentment is judgment sensitive. When we experience resentment, we do so because we have judged that we have reason to. Because resentment is a response to a judgment, we cannot turn it off and on at will. What is needed instead is some change in judgment that displaces it. To be consonant with morality, the change in judgment must leave intact at least three other judgments. Forgiveness must not alter the judgment that the act was wrong, that the wrongdoer is properly responsible for it, and that she (the victim) should not have been wronged in this way. To alter any of these would turn forgiveness into one of its immoral alternatives. Or, it would result in the concession that there is nothing to forgive<sup>50</sup>.

The conclusion that Hieronymi's critique strongly implies is that what distinguishes forgiveness is not the overcoming of resentment. Instead, it must be something that allows for a change in attitude, but ultimately precedes this. The resentment account has no answer to what this is and therefore, at best, offers us a partial understanding of what forgiveness involves.

The conventional account exceeds resentment conceptions of forgiveness in almost every way. The conventional account preserves the relational dynamic of forgiveness by defining forgiveness in terms of its external effect – the release of the wrongdoer from the consequences of their wrongdoing. It also has room to include cases of forgiveness that the resentment accounts

<sup>48</sup> Murphy makes a similar argument, but he uses his version to promote the resentment thesis. My point, on the other hand, is to highlight a deep problem with it. See Murphy, *Forgiveness and Resentment*, p. 23.

<sup>49</sup> For an interesting reply to Hieronymi, see B. Warmke, *Articulate Forgiveness and Normative Constraints*, «Canadian Journal of Philosophy», XLV (4), 2015, pp. 490-514.

<sup>50</sup> Hieronymi, *Articulating an Uncompromising Forgiveness*, p. 530, and Murphy, Hampton, *Forgiveness, Resentment and Hatred*, pp. 36-37.

exclude. If forgiveness releases the wrongdoer from the consequences of their wrongdoing, then this can affect warranted resentment, the need to make amends through apology or compensation, and the imposition of punishment.

One limitation the conventional account shares with the resentment accounts, however, is that it too fails to articulate the distinctive moral significance of remitting the consequences of wrongdoing. It does not, in other words, explain why this is morally different than condonation. The conventional account attempts to answer this by pointing us to unmerited grace. This is an answer, but not a satisfying one. It is not satisfying because even if grace succeeded in distinguishing forgiveness from condonation, it still leaves unexplained how forgiveness can morally set the enactments of justice aside. The conventional account, in effect, leaves us at the sharp end of forgiveness' tension with justice.

## 6. *Forgiveness & Restorative Justice*

The different accounts of forgiveness are not only found among the writings of philosophers. The uncertainty about what forgiveness is and does is reflected in the restorative justice literature as well. Braithwaite, for example, openly rejects the conventional account of forgiveness. He writes, «to conceive of forgiveness as 'remission from debt' [...] is not the fertile way to conceive forgiveness [...] we agree that forgiveness is a 'journey of empathy'»<sup>51</sup>.

Braithwaite's vision of restorative justice culminates in restored relationships. Forgiveness, understood as the means by which the victim overcomes her resentment and abandons her adversarial stance, is essential to achieving this. He says nothing directly about the appropriateness of resentment. However, he does appear to reject conditional forgiveness when he goes on to say, «forgiveness is not about calculation, a balancing of accounts,

<sup>51</sup> Braithwaite, *Redeeming the F<sup>2</sup> Word in Restorative Justice*, p. 86.

not about an economy of exchange»<sup>52</sup>. This would suggest that his view is closer to Holmgren's account. Recall, according to Holmgren, wrongdoers are not required to earn forgiveness. Rather, victims of wrongdoing are under a moral obligation to return to an attitude of respect and goodwill. Braithwaite never quite goes this far. Forgiveness' moral value is not explicitly referenced. Instead, it is valued for its beneficial effects. Therefore, Braithwaite is cautious of undermining those effects by urging or expecting forgiveness in restorative proceedings<sup>53</sup>.

Ross London, in his book *Crime, Punishment, and Restorative Justice*, takes the opposite view. He directly frames forgiveness as involving the remission of the demand for justice, specifically retributive justice. Of forgiveness, he writes, it is «the explicit renunciation of retribution both as a practice and as a conception of justice»<sup>54</sup>. For this reason, restorative practice should be cautious about forgiveness. He goes on to write, «the moral virtue of forgiveness that forswears retribution may be evident in minor cases, but can be very problematic in serious cases». As with Murphy, London worries that forgiveness may evidence a lack of respect for the victim and may place the wrongdoer in «further moral debt to the victim and to the community»<sup>55</sup>. As the concerns voiced by Braithwaite and London show, what we think about the nature of forgiveness matters very much to the moral problems we think it presents in practice.

## 7. Conclusion

The purpose of this entry has been to lay out some of the problems with our conception of forgiveness. We began with a brief sketch of the debate around forgiveness in public life. The

<sup>52</sup> *Ibidem*.

<sup>53</sup> Ivi, pp. 85-86.

<sup>54</sup> R.D. London, *Crime, Punishment, and Restorative Justice: A Framework for Restoring Trust*, Eugene (OR), Wipf and Stock, 2011, p. 121.

<sup>55</sup> Ivi, p. 123.

points of contention have centered on ways in which forgiveness is feared to compromise legal justice. Although many of the issues voiced are in service of the rule of law and the political function of justice systems, the deeper tension is between the concepts of justice and forgiveness themselves. What needs to be resolved is the relationship between them. A critical obstacle to clarifying this relationship is our inadequate understanding of what forgiveness is and does. Forgiveness, if it is legitimate at all, has a distinctive moral meaning. As we have seen, it can only be correctly understood in terms of that meaning. Both the conventional and the resentment accounts of forgiveness fail to capture and articulate this. We must not be daunted by this. Instead, we must press into the difficulty without flinching. For only by articulating forgiveness' distinctive meaning can we hope to resolve its conceptual and practical tensions with justice.

Finito di stampare  
nel mese di dicembre 2019  
dalla Chinchio Industria Grafica s.r.l. di Rubano (Pd)