

JUSTIFYING FORGIVENESS

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Published in *Peace Review*, Vol. 12, no. 1 (2000)

What is forgiveness, is it an act, an emotional state or both? Is forgiveness related to the wrongdoer's actions or (primarily) to his state of mind? Or, is it instead essentially a matter of the forgiver's mind? Is forgiveness essentially a matter of heart or a matter of principle? What is the place of forgiveness in the web of related concepts? And most importantly, can forgiveness be justified? These are philosophical questions about forgiveness I want to address in this paper. My approach should be contrasted with the ways that theologians may wish to deal with the issue of forgiveness. According to some of them, in particular Eastern Orthodox theologians, forgiveness is something that requires absolutely no justification whatsoever. For acts of forgiving are not to be done for a reason, and certainly not for different reasons at different times. We must forgive every time we have an opportunity to do so. Accordingly, forgiveness needs no justifying reasons because it is a matter of a divine command. Thus, any search for justifying reasons regarding acts of forgiveness and attempts to understand the roles they may play are not seen

as a legitimate endeavor. However, if forgiveness is in no need of justification what is there for philosophers to do here? Obviously, one thing philosophers may do is assess this theological position on forgiveness, and should they find any weaknesses proceed to offer their arguments regarding the need for and ways of justifying acts of forgiveness. Indeed, I shall argue that acts of forgiveness, should they be seen to have any value at all, must be susceptible to the process of offering reasons for such acts and even their moral evaluation.

Thus, the philosopher's proper job here is not to construct reasons for acts of forgiveness, but to explore the principles used in justifying forgiveness and possible range of their application. We are, therefore, back to the view of philosophy as a process of clarifying relevant concepts and conceptual distinctions. This primarily means to define these concepts and problems they raise, including explanations of their exact meaning, and determinations of the relationships among them and what they imply. These questions deal not only with possible moral aspects of the application of these concepts but even more importantly with the requirement of consistency that should preclude any confusion among these concepts and what they imply. We are dealing here with a cluster of issues which are easily confused and must therefore be precisely differentiated: *forgiveness, excuse, justification, revenge, punishment, mercy, remorse* and *forgetting*. To these we should add the grand issues of justice and injustice, fairness and unfairness, right and wrong, and the concept of

evil. While, of course, philosophers deal with these issues formulating abstract and general theses, the only way for these theses to be of any relevance is that there are ways to apply them to some actions or practices in the real world. This is how I will approach my topic in the present paper.

To begin this business of conceptual clarification let us start with perhaps the easiest case of confusion. Often the activity of offering excuses is mistakenly identified with instances of forgiveness: should there be any reason for the person on the receiving end to excuse the harmful action done to him, there is no room in that case for forgiveness. He may well still take the action in question as wrong, but by holding that there exists some acceptable causal explanation for it, he removes it from the set of actions for which the agent can be held responsible, and, therefore, from the domain of actions that can be properly forgiven. Should the fact that a wrongful action may be causally explained imply some sort of justification, we would be in double trouble: *first*, there would be nothing there which could be a proper subject of forgiveness; for, when a justification can be offered for an act, even though in some sense it is clearly wrong, then this act is in effect excused - the excuse may be based on some other allegedly more important aspect of the act or on the basis of the larger context in which it was performed. *Second, forgiveness cannot be entirely reasonless.* However, if it is the case that when I know reasons for someone's act, i.e., when I understand the action, I in fact must see it as justified, then the

understanding of an act by itself precludes the possibility of forgiveness; so, it would seem that the very act of forgiveness is a self-annulling act. Consequently, an act of forgiving is not an act of justifying the committed wrongful action; thus, the reason which figures in forgiveness cannot consist of the explanation of that action or its understanding based on its explanation, i.e., this reason cannot be simply about that action, but must instead (also) pertain to something else. Therefore, we must precisely determine what this something else is. Here we have two possible options: first, to locate the reason in the person who commits the action, in a way that separates him from his bad action as when we say that we forgive someone because we feel pity for him, i.e., that we forgive him although he does deserve condemnation; and second, to locate this reason in us, the forgivers. The first possibility can again be interpreted in two ways: the term "condemnation" may be taken in its ordinary moral sense, as a personal feeling of moral indignation which in effect gets removed from the inventory of our feelings with our act of forgiveness, and therefore we no longer "condemn" that person - thus, he or she is, as it were, free of condemnation - and this really is true forgiveness. However, as we shall see, this case reduces to the case when the reason for forgiveness is located within the forgiver rather than the wrongdoer. Alternatively, we may take "condemnation" in a stronger sense which indicates that the person ought to endure some punishment although later we may "forgive" him and in that case he would be spared of his

punishment - in this way the wrongdoer "gains" something as a result of our forgiveness. I believe it is a mistake to think that the wrongdoer could be the locus of the reason for forgiveness; this possibility isn't in fact a part of the meaning of "forgiveness" because, on the one hand, we could forgive a person *without him ever knowing that he had been forgiven*, and, on the other hand, even in the case that our forgiveness isn't sincere the wrongdoer's *gains* remain preserved, and in this case it would be difficult to say that we have truly forgiven him. In fact this is not forgiveness at all, this in fact falls in an entirely different category, the category of merciful acts. This is so because, unlike forgiveness, mercy does not require sincerity as a necessary condition, for as soon as we allow someone to gain something he did not deserve, or does not have a right to, we have an act of mercy. On the other hand, however, the wrongdoer must have some awareness of the fact that he has benefited in some way, or else the act of mercy would not exist. This leaves the possibility of locating the constitutive reason for forgiveness in us, the forgivers. In a certain way, even when we rid ourselves of moral indignation as a result of forgiving someone this primarily relates to us who forgive, and this is the proper place to seek a definition of forgiveness. Only if we offer a definition of forgiveness as an attempt to overcome in ourselves the ill will towards a certain source of evil - as an attempt to overcome bitterness, ill feelings and a wish for

revenge - can we have a definition of forgiveness that avoids the pitfalls mentioned above, which will at the same time enable us to find reasons for doing that at all.

These reasons can be of different kinds. For instance, they can be utilitarian in nature, as when we judge that it would pay off to somehow rid ourselves of all negative feelings and in this way save time and energy, reduce mental anguish and achieve other beneficial effects. One might think that such beneficial effects will best be achieved if we adopt the practice of forgiving as a widely practiced rule of conduct. However, the effects of such systematic forgiving would in all likelihood be short-lived, and considering the long term perspective the consequences could overturn the results of the utilitarian calculations. This will happen every time the short-term benefits serve to undermine some crucial values that those negative feelings serve to protect. For example, the value of self-respect is in an important way fostered by the ability to wish for revenge. Self respect itself is what makes for the possibility of universal respect and any other form of respect, including respect for moral values: respect for individuals as free and responsible human beings. One's tendency to easily forgive can be seen as a symptom of one's lack of self-respect, just as frequent refusal to forgive can be seen as a symptom of arrogance and moralizing. This later also always includes excessive pride, primarily as a sort of epistemic hubris, which brings about the surplus of authority on which moralizing is based.

If we define forgiving as an attempt to conquer or come to grips with resentment in oneself, the question then arises of whether we are at all capable of such an act. Any such attempt can meet with success or failure. Forgiving, as a technique of overpowering feelings of resentment, as a sort of purification, could not count on success as a sure thing, just as, for instance, in the case of believing: having a belief is not a matter of decision. The analogy between forgiveness and believing is that they both include an element which is not within our power. Just as having a belief incorporates an element of awareness - the presence of the object of belief "in the awareness of believing" - forgiveness includes within itself an element of forgetting: *the absence of the action or experience of these feelings*. (Of course, we may decide to forgive but the realization of the desired beneficial effects, which the practice of this technique should bring about, is not a matter of this decision.) An act of forgiveness relates, therefore, only to the subject and his feeling, and include no practical treatment of the object or beneficiary of forgiveness. In a certain sense, forgiving has nothing to do with the beneficiary but only affects the person who forgives because it involves his own dilemma of whether to forgive or suffer from the unpleasant presence of negative feelings. The goodness of the act which then could be done may be defined in two ways: (1) utilitarian, that anything that is more useful (e. g. what is easier) is better because it will bring more benefit or happiness in the future (if the immediate future is in question, it is easier to forgive or give up,

but generally it is not easy to say what is more useful); and (2) what is right is what satisfies a certain moral requirement, for instance, the requirements of justice or equity, but in the long-run this requirement might contain increasing prospects for overall welfare, even in the sense of happiness or benefit.

However, the necessary presence of sincerity in forgiveness gives it a strictly moral connotation. Unlike forgetting, forgiving does not merely imply the final disappearance of the negative feelings of hatred, indignation or a wish for revenge. Instead, we can speak of forgiveness only if such acts are done for moral reasons. Forgiving does not mean merely erasing these negative feelings. It means erasing them in such a way that preserves an awareness of what had initially caused them, and even *preserves an awareness of the tendency of these causes to continue to generate those negative feelings, but at the same time provides a kind of self-control which eliminates those feelings*. Forgiving is therefore not the same as forgetting. It is a specific combination of preventing the effects of these negative feelings and preserving an abstract awareness of the real existence of their cause. The cause is actual and the consequence is abstract. As an attitude that defines forgiving as dynamic relationship towards its object, forgiveness is considerably different from forgetting in that it is an active relationship. Forgetting is something that can merely happen (and will actually happen because everything will be forgotten given enough time; there is nothing that won't be forgotten as this is part of one of the basic

characteristics of our world - temporality). If forgiving were reduced to mere forgetting, then this would be a passive relationship, either reconciling oneself to or escaping from reality. The determination of activity (which was already included in the requirement of sincerity) puts the action of forgiving directly into the context of morality. Just as the offense which we want to forgive is an act for which the wrongdoer bears responsibility, primarily because it is attributed to him as his own act which hurts or degrades us (otherwise we would have nothing to forgive), so forgiveness is an act through which we leave intact the content of that offense (the act of the offender as the cause of our negative feelings) and we replace an active attitude (rejection of that content) with another active attitude (an abstract "recollection" of that content). As an act, forgiveness is something we make our own decision about, which must be attributed to us as our own act for which we bear responsibility.

The question raised here has to do with the conditions under which we can face this responsibility, or, to put it simply, the question of whether there is a right to forgive. I think that forgiving is morally justified only if it is done in a way that preserves the conditions of the possibility for universal respect for any person as a moral agent. In this context, however, this implies the preservation of self-respect. We shall not dwell further on the explanation of the relationship between self-respect and universal respect. It suffices to say that one cannot exist without the other and this

mutual dependence is necessary in the moral sense. But since forgiveness relates to an act which is an affront to us and negates precisely this hypothesis about universal respect, then forgiveness, as far as its moral justification is concerned, can ultimately perhaps be an act of supererogation. This opens the problem of demarcation, when this can and when cannot be the case. In the latter case it seems that the act of forgiving is a form of complicity with the offense or crime because to forgive means to accept, reconcile oneself to what has happened, absolve the offender and in a sense approve and authorize his act, because in morals we are dealing with values that are (in a normative sense) absolute, immeasurable, inexchangeable and irreplaceable. Consequently, unlike religion, ideology, politics, business and other spheres of everyday life, morality does not allow for the possibility of tolerance. Tolerance is the demarcation line between that which is permissible from that which is impermissible. In practice, what is morally permissible is what is in a way morally indifferent, and it is the subject of legitimate freedom, while what is morally impermissible can absolutely not be tolerated and its tolerance (by others) would mean abandoning the basic principle of moral evaluation (in oneself). Tolerance is possible only when I tolerate something with which I disagree, something that is unpleasant, odious and repulsive to me (otherwise, there is no need to speak of tolerance at all). It is morally possible only if it means doing something without degrading or undermining one's own moral integrity. This can only happen outside

morality, in the area of legitimate freedom. Although freedom is a precondition of morality (making the attributions of responsibility possible), there is no freedom (or the possibility of different evaluation) in the area of morality. When tolerance goes beyond the line between permissible and impermissible and enters the domain of the unacceptable supererogation, we no longer have supererogation at all, but instead the morally wrong. It is not possible, for example, to tolerate lies and it makes no sense to say that tolerance implies that the person who lies has the right to expect of others to assent to the information content of his statements. For that reason the right to lie cannot exist. A similar conclusion may be drawn in the case of forgiving when it implies complicity in something that cannot be tolerated. The right to forgiveness does not exist in such cases. When does it then exist?

In order to answer that question, let us view this problem from another angle. Revenge is considered morally wrong, not because of the values that revenge universally defends, but because these values cannot be defended by revenge because revenge inherently contains an element of arbitrariness that eludes universalizability. The object of revenge can therefore be morally justified and morally demanding only as a condemnation, which is directly opposed to forgiving. This way out from the starting situation also presents difficulties. Namely, in order to condemn one should have something that is usually lacking - certainty. Universality is not enough. Who gives you the right to judge? What makes you think

that you would not do the same if you were in his shoes? However, this question is wrongly put, because we are not concerned with a right as it seems to stem from an element of revenge for which there can be some justification. Like forgiveness, revenge is the exclusive "right" of the victim. If in that sense we see condemnation as a "right", then we would have only to abide by the golden rule, that says we should not do to others what we would not like others to do to us, provided that the condition of sincerity was there just as in the act of forgiving: but one could also of one's own free will give up condemnation in order to forgive or show mercy. The notion of right is too weak in this case because we are here dealing with a duty and a right that stems from and accompanies this duty. It is therefore not important what I would do in a given situation (because moral judgment does not depend on my readiness to forgive or take revenge), but what is important is what I ought to do. The difference between moral judgment and revenge boils down to the necessity of universalization and not to the wish to tailor justice for the sake of revenge or punishment. To be sure, it can be said that this position is in a certain sense tragic because here we have no right to judge (for, on the one hand, we can give up that right, but, on the other, we can never base it on the certainty of moral guilt or the certainty of an authority to act as a judge because there is no absolute certainty that there was no valid justification for the act in question), but it is our duty to judge,

although the right that accompanies this duty and is simultaneously an element and a precondition for its application, is at the same time uncertain and ill-defined.

It is not difficult to see that forgiveness may easily collide with the obligation we have to ourselves to safeguard our own moral integrity, since forgiving is closely aligned with our coming to grips with the corresponding injury. There is one morally adequate reason that can justify forgiveness, and it can be stated in terms of the requirement that one overcomes one's own arrogance and excessive pride. This reason obviously cannot apply to all acts that we see as humiliating to us. It does, however, apply to many instances, in particular to the cases of those with touchy characters. These are interesting cases as they have a form of forgiveness: after "suffering injury" one has the option to forgive or not. In fact, this is not so, since these are cases when one not only may forgive but ought to do so, i.e., has a duty to forgive. If we have sufficient moral courage, we will be able to come to the realization that there was no injury in the first place. Thus, what appears as forgiveness is only a sort of self-enlightenment.

In another case, self-respect is not undermined when we forgive a repenting offender. In this case forgiving is acceptable, but not necessary and morally obligatory as in the previous case. However, if we see forgiveness as a virtue, then this may not seem sufficient. On the one hand, repentance cannot retroactively justify the committed wrongdoing, and cannot play the role of an excuse.

Repentance could neither turn the offense into a moral act, nor could it be independent from the offense (unlike in the cases of acting from ignorance, affect or diminished rationality, which could be reasons for excuse). Repentance, however desirable, cannot ultimately imply that our acts had been right or diminish our responsibility for them. On the other hand, if something (i.e., forgiveness) is a virtue then it is not only acceptable but something that ought to be done. This would mean that repentance may generate the right to forgiveness, but this is obviously not the case. The most we can conclude is that in some cases it would be odious or inappropriate not to forgive the repenting wrongdoer. This would be a sign of some shortcoming on our own part. But even if there is an obligation to forgive, it should not be viewed as an obligation to the repenting wrongdoer but as an obligation to ourselves. This preserves the definition of forgiveness as something that relates exclusively to the forgiver himself, and not the wrongdoer.

The thesis that forgiveness involves forgetting leads us to the impression that forgiving implies abandoning the punishment for a certain offense: we have not only overcome our feeling of ill will towards the offender and forgiven him (as victims and therefore the only people with the right to forgive), but "we" become a political force that abolishes justice. In that case, forgiveness can also mean that the offender is pardoned and that we (who are not victims) forgive simply because we have the power to do so. This also means that we are sacrificing the victims once again,

showing that we never cared about them in the first place, and this can certainly not be universalized. But if only victims have the right to forgive, then forgiveness and punishment must be separated just as revenge and punishment are separated (and this separation was not done because revenge is always unfair but because it may be unfair as, unlike legal punishment, it does not necessarily imply impartiality as the crucial element of any valid criterion of justice).

Punishment is not solely and exclusively the matter of the victim (like forgiveness or revenge). This brings us to a new set of reasons for differentiating between forgiveness and mercy, because it is one thing to offer moral justification of actions and quite another to offer their legal justification, regardless of the fact that the very existence of legal instruments has a moral foundation and that their structure is subject to moral evaluation. Without that foundation, law would be a mere application of force and the application of moral criteria would be lost and practically become senseless. This would in turn pave the way to moralism, various moralistic ideologies and a general moral suspiciousness that would ultimately result in moral terrorism and the replacement of the rule of law by a moral ideology based on one of the many possibilities of moral reductionism. We know this from history and from our own experience. On the other hand, the legal as opposed to the ideological articulation of negative feelings such as revenge or envy leaves some room for practically relevant freedom in which, of course, there is no room for

forgiveness but importantly there is room for its substitution in the form of the presumption of innocence principle. This is the basis of the rule of law, and although this order is different from moral order, it has moral backing not only in the weaker sense of permissibility but also in the stronger sense of moral obligatoriness. The presumption of innocence principle is void of uncertainties and arbitrariness that are inherent in forgiveness and revenge. But if we separate forgiveness from mercy, then we can forgive without this act being followed by a corresponding act of mercy in the form of a request that the wrongdoer be absolved. Forgiveness is a matter of our will and ability to do so without violating any of the established duties. On the other hand, fair sentencing is a matter of justice. Therefore, forgiveness again remains constrained exclusively to the realm of morality without any legal bearing.