

*Third-Party Forgiveness*  
Leonard Kahn

It is surely better to pardon too much, than to condemn too much.

---George Eliot, *Middlemarch*

She dare not forgive him! Let her forgive him for herself, if she will, let her forgive the torturer for the immeasurable suffering of her mother's heart. But the sufferings of her tortured child she has no right to forgive; she dare not forgive the torturer, even if the child were to forgive him! And if that is so, if they dare not forgive, what becomes of harmony? Is there in the whole world a being who would have the right to forgive and could forgive?

---Fyodor Dostoevsky, *The Brothers Karamazov*

**Section 1: Introduction**

On Friday, November 13, 2015 a sequence of coordinated terrorist attacks were carried out in Paris, France. The terrorists killed 130 victims and injured over 350 more. One of those killed was Anne-Laure Arruebo, a thirty-six year-old customs inspector who was sitting at one of the cafés that came under assault. Fabien Clain immediately claimed responsibility for the attacks on behalf of the Islamic State of Iraq and Syria (ISIS). It had been less than a year since ISIS had taken credit for the 17 killings at the office of *Charlie Hebdo* in Paris.

I vividly remember learning of the November 13 attack. I had spent the day driving, without the benefit of a radio, across Louisiana and Texas. When I stopped for dinner I was given a full accounting of what had happened. I felt sympathy for the victims, but more importantly for the purposes of this chapter, I also felt a series of closely related emotions toward the terrorists: blame, disgust, indignation, resentment, and even hatred. I was hardly alone. International organizations from the African Union, through NATO, to the United Nations were quick to

condemn the terrorists and their deeds. The governments of nations from Afghanistan to Zimbabwe issued statements denouncing both the attack and the attackers. Similar reactions from private individuals and public figures were overwhelmingly on display on social media sites such as Facebook and Twitter.

Yet suppose that, after initially reacting in this way to the November 13 attackers, I reflected for a few moments and then told my dinner companions in Texas that I forgave the terrorists. I forgave, for example, Mr. Clain, who claimed to rejoice in the killing of unarmed and helpless civilians, and that I forgave whichever of the terrorists killed Ms. Arruebo as she was quietly enjoying herself at a café. Let us call the general type of action in question “third-party forgiveness,” and let us say that:

- Agent A engages in third-party forgiveness toward Agent B for doing action F to agent C if and only if (1) A forgives B for doing F to C and (2) A is an unrelated third-party with regard to B and C.

The purpose of this chapter is to make progress with the question of whether third-party forgiveness is possible. Many thoughtful people have suggested to me that it is not, and a number of philosophers have sided with them.<sup>1</sup> With appropriate qualifications, I side with these skeptics of third-party forgiveness. But before explaining why I do so, however, it will be necessary to lay some groundwork. In section 2, I outline the standard account of forgiveness. In section 3, I describe the relationship between the act of forgiveness and speech acts. In sections 4, 5, and 6 I delineate the limits of standing to forgive. I conclude in section 7 by raising some general questions about the importance of forgiveness.

## **Section 2: Forgiveness – The Standard Account**

---

<sup>1</sup> See, Swinburne (1989).

What is forgiveness? We owe the most influential answer of the past few decades to Joseph Butler, by way of Jeffrie Murphy:

Forgiveness, Bishop Butler teaches, is the forswearing of resentment – the resolute overcoming of the anger and hatred that are naturally directed toward a person who has done an unjustified and non-excused moral injury. (Murphy and Hampton 15)

I shall call this “the standard account of forgiveness.” There is, of course, much to unpack here, and I shall get to that task in a moment. But let me first make clear that my intention in this chapter is to advance and to use a philosophically profitable understanding of forgiveness. I will not attempt to offer a scholarly exegesis of either Butler’s or Murphy’s thought, though I happily borrow from them when they say something helpful – as they often do. Moreover, I will not offer a detailed defense of the standard account of forgiveness. Such a defense would be worth making, but it is a task for another time. In the rest of this section, I focus on three major expository points about the standard account.

First, let me disambiguate two senses of the word “resentment” and explain which of these is most relevant for the purposes of this chapter. On the one hand, it is possible to speak of resentment in a quite narrow sense in which this emotion is distinct from other attitudes such as indignation, schadenfreude, outrage, and blame.<sup>2</sup> On the other hand, one can speak of resentment as denoting an entire range of emotions, including not only indignation, outrage, and blame but also anger, hatred, and even the narrow sense of resentment just mentioned.<sup>3</sup> It

---

<sup>2</sup> See, Feather and Sherman (2002) and Kahn (2011a).

<sup>3</sup> See Gibbard (1990: 42). Murphy (2002: 16) sometimes calls these “the vindictive passions,” though he appears to be the only one who uses this terminology, with the exception of Jeremy Bentham (1838: 512). Call them what you will, these emotions fall into the category that Peter Strawson (1962) famously called the “participant reactive attitudes,” our attitudinal reactions to other persons *qua* persons. On the centrality of these emotions to forgiveness, see Enright, et al. (1998) and Kahn (2011b).

seems clear enough that the standard account is best understood as the forswearing and overcoming of resentment in the broad sense, rather than merely in the narrow sense of the term. Hence, one can forgive another, on the standard account, by forswearing and overcoming, e.g., anger or outrage, not just resentment in the narrow sense. Of course, using the term “resentment” to refer to a somewhat indeterminate grouping of emotions introduces some problems. In particular, doing so makes difficult – if not impossible – to say of at least some purported cases of forgiveness that they are actual cases of forgiveness or not. However, folk psychological terms are often quite vague,<sup>4</sup> as is the term “forgiveness” itself. The standard account would appear somewhat artificial if it did not reflect these facts. So this problem need not detain us.

Second, let me address another point regarding the standard account – namely, its blurring of the distinction between attempting to forgive and completing acts of forgiveness. Attempting to forgive most closely corresponds to “the forswearing of resentment,” while the latter more resembles the “overcoming of the anger and hatred” of which Murphy speaks. While attempting to forgive is for the most part under our direct control, what follows this forswearing need not be. One can forswear chocolate for Lent or sex for Ramadan, but it does not follow that one will, in fact, abstain from eating chocolate or from having sex, since the human will is far from perfect. Likewise, one might try to forgive but be unable to do so. That is to say, one might forswear resentment against a student who cheated on her midterm or a referee who rejected one’s article because of a misplaced comma and yet be unable to overcome resentment toward these individuals.

In fact, these phenomena are well explained by the standard account of forgiveness, provided that the emotions that fall under the heading “resentment” are judgment-sensitive attitudes. As T.M. Scanlon puts the matter:

---

<sup>4</sup> On the vagueness of the terms of folk psychology, see, e.g., Stich (1993: 98).

These are attitudes that an ideally rational person would come to have whenever that person judged there to be sufficient reasons for them and that would, in an ideally rational person, 'extinguish' when that person judged them not to be supported by reasons of the appropriate kind. (18)<sup>5</sup>

For an ideally rational agent, in Scanlon's sense of the expression, to judge that one has sufficient reason to feel admiration toward another and to feel admiration toward that person are *almost* the same thing. One's admiration simply tracks one's judgments about one's reasons to admire. In a similar vein, for an ideally rational agent forswearing resentment and overcoming resentment would be all but indistinguishable. Yet those of us who fall short of the rational ideal can forswear resentment (i.e., attempt to forgive) but fail to overcome resentment (i.e., completing the act of forgiveness). Indeed, as Marietta Jaeger cheekily put it, "forgiveness is not for wimps...it is hard work" (12). And, since most of us are far from ideally rational agents, it makes sense to distinguish carefully between trying to forgive and completing an act of forgiveness. A final point about fleshing out the standard account of forgiveness with reference to judgment-sensitive attitudes needs to be made here. Something counts as a judgment-sensitive attitude because, as Scanlon puts the matter, it is sensitive to judgments about reasons for having that attitude. So a proponent of the standard account must understand attempting to forgive as not only forswearing resentment but also as judging that he/she has sufficient reason to do so. This complication raises a host of intriguing questions, but they are not germane to the topic at hand, so I leave them for another time. Moreover, in order to avoid prolixity in what follows I only tease apart the judgment that there is sufficient reason to forswear resentment and the actual forswearing of resentment only when doing so is necessary.

Third, successful forgiveness involves not just the conjunction of forswearing resentment and overcoming resentment; it involves a causal connection between these two events. In other

---

<sup>5</sup> See also Smith (2005), Levy (2005), and Kahn (2011b).

words, in order to count as having forgiven, say, the person who burgled my home, I must overcome my feeling of resentment toward him/her precisely *because* I have forsworn these feelings. So that we can see clearly why there needs to be this causal connection, let us imagine two cases in which it is lacking. First, suppose that on Monday I forswear resentment toward the burglar, but my feelings of resentment toward him/her remain. Then on Tuesday a stranger gives me, without my knowledge, a drug that makes it permanently impossible for me to feel resentment. I have forsworn resentment, and I have overcome resentment, but I have *not* successfully forgiven the burglar.<sup>6</sup> None of this is to say that in order to forgive, one's attempt to forgive needs to be the *only* cause of overcoming resentment. I might forgive someone with help in the form of spiritual guidance or psychotherapy. I might take medication that prevents me from being as anxious as I currently am in order to get a better perspective on the wrong done to me. I might even consult a philosopher, if I were sufficiently desperate. Perhaps the best that we can say is that in order to count as successfully forgiving the burglar, my forswearing resentment toward the burglar must be a direct cause of my overcoming resentment toward the burglar. To go any farther than that generalization is unnecessary here.

Now imagine a second case of failure to forgive. Let us suppose that I attempt to forgive my burglar, but the effort of doing so causes me to have a minor stroke. Moreover, the stroke causes me to forget that I have been burgled. It even, rather conveniently for the purpose of this thought experiment, keeps me from forming new memories about this specific event. Here I have forsworn resentment toward the burglar, and I have overcome my feeling of resentment toward him/her, and I have even done so in such a way that my forswearing resentment is a direct cause of my overcoming resentment. Yet I have surely *not* forgiven him/her. This second case

---

<sup>6</sup> Does the term "overcome" in the phrase "overcome resentment" already presuppose a causal connection with one's agency? It's not unreasonable to think so, but I think the weight of the evidence suggests otherwise. One can, after all, correctly be said to overcome cancer even when it is one's doctors, nurses, lab technicians, etc. who are the cause of one's recovery. Other examples are relatively easy to produce.

introduces another complexity, that of the possibility of deviant causal chains. This possibility is not unique to considerations of forgiveness, of course. As Donald Davidson pointed out:

[N]ot just any causal connection between rationalizing attitudes and a wanted effect suffices to guarantee that producing the wanted effect was intentional.

(78)

Attempts to spell out the ways in which causal chains are deviant in order to avoid apparent counterexamples to an analysis of a concept or phenomenon are common but have met with mixed success. Yet since my goal is downstream of a full analysis I shall simply acknowledge the need for a principled treatment of deviant causal chains here and move on.<sup>7</sup>

Let me make two more points in passing. First, the standard account focuses squarely on what we might call *moral* forgiveness, as is clear from Murphy's characterization of it as "directed toward a person who has done an unjustified and non-excused *moral* injury" (my emphasis). But it is a mistake to think, as some do,<sup>8</sup> that forgiveness is only pertinent to actions that are morally salient. There are, of course, non-moral forms of forgiveness as well. To take but two examples, I might be able to forgive one of my teammates for striking out with the bases loaded, and I might be unable to forgive one of my publishers for misspelling my name. Both striking out and misspelling a name are actions over which agents have at least some control and about which we rightly assign praise or blame. They are even actions in which we might take umbrage or feel anger. In short, they are actions in virtue of which we can resent their agents, and, if we wish, we can forswear this resentment. But they are not, in and of themselves, either moral or immoral actions. These actions are simply non-moral.<sup>9</sup> However, the relationship

---

<sup>7</sup> There is good reason to think that a general criterion for identifying deviant causal chains is neither possible nor required. See Tännsjö (2009).

<sup>8</sup> See, Yandall (1998: 35) and Vetlesen (2011: 143).

<sup>9</sup> Some philosophers – e.g., Frye (1983) and Solomon (1993) – maintain that *every* instance of anger is charged with moral content. Obviously, it is a consequence of the conjunction of the standard

between moral forgiveness and non-moral forgiveness is not my subject here, and I shall concern myself solely with moral forgiveness in this chapter.

Second, the nature of the emotions involved in forgiveness does nothing to speak to the possibility or impossibility of third-party forgiveness, as some have thought. Murphy, e.g., claims, “Resentment is a response not to general wrongs but to wrong against oneself,” and for this reason he once held that third-party forgiveness was impossible (Murphy and Hampton 1988: 16). However, he later came around to the view, in my terminology, that he had confused resentment in the narrow sense with resentment in the broad sense (Murphy 2012: 185).<sup>10</sup> To the extent that we are interested in whether third-party forgiveness is possible, we must look elsewhere.

### **Section 3: Forgiveness and Speech Acts**

Let me begin this section by quickly reminding the reader both of what a speech act is and how a speech act is shaped by questions of standing. Loosely speaking, X is a speech act just in case X is action that is performed by the very act of saying that one is performing the action (Searle 1996). For example, the act of saying “I promise to play drums in your band” is, under the right circumstances, the action of promising to play drums in your band. There are, of course, other ways to promise to play drums in your band. Obviously, I might use a locution that doesn’t use the word “promise,” such as “I will play drums in your band.” More importantly, one might promise by raising one’s hand if asked, “Who promises to play drums in my band” or one might even remain silent when told, “Please say something if you do not promise to play drums in my band.” But, paradigmatically, promises are speech acts. So too are other actions such as marrying, betting, bequeathing, bidding, joining, quitting, christening, and many others as well.

---

account of forgiveness and the distinction between moral and non-moral forgiveness that one must reject this view, though I do not have a novel argument to offer here for that conclusion.  
<sup>10</sup> On this point, see also Radzick (2010).

I mentioned a moment ago that the act of saying “I promise to play drums in your band” is, *under the right circumstances*, promising to play drums in your band. But what are those circumstances? As J.L. Austin first pointed out:

Besides the uttering of the words of the so-called performative, a good many other things have as a general rule to be right and to go right if we are said to have happily brought off our action....And for this reason we call the doctrine of *the things that can be and go wrong* on the occasion of such utterances, the doctrine of infelicities. (1962: 14)

Crudely put, the circumstances that must be met in order for my saying “I promise” to be my making of a promise are the felicity conditions of the speech act. Attempted speech acts that fail to meet their relevant felicity conditions are, in John Searle’s phrase “defective” (1969: 54). Consider marrying. One person might say to two others, “I now pronounce you married,” but it does not follow from this fact alone that the two silent individuals are now married. Rather, the two count as married only if the felicity conditions are met. We can divide these felicity conditions into two rough-and-ready categories. The first category concerns the speaker, who at a minimum must have the authority to marry others, i.e., be a solemniser. Let’s call this condition *having standing to marry*. As it so happens, I lack standing to marry. As a result, I can say “I now pronounce you married” as much as I like without managing to marry anyone. My speech act would be defective, to use Searle’s term. However, I know many people – priests, rabbis, imams, and judges – who are solemnisers and thus do have standing to marry. I am even told that I could join them in having standing to marry by becoming a solemniser; all I need is a few dollars and an Internet connection, though the prospect does not move me.<sup>11</sup> The second category

---

<sup>11</sup> Other conditions fit into this first category, such as saying “I now pronounce you married” as part of an actual marriage ceremony, not, e.g., while performing in a play. But these conditions aren’t central to the point I am making here.

concerns our silent pair, who at a minimum must be possible subjects of marriage. Let's call this condition *having standing to be married*. Right now and around here, humans generally have standing to be married,<sup>12</sup> though the young do not, those who are already married do not, and, in many places, those of the same sex do not. Furthermore, non-human animals, plants, rocks, baseball stadiums, sewage treatment plants, and any number of other things do not either. No amount of saying, "I now pronounce you married" to the thigh bone of a woolly mammoth and the Large Hadron Collider will cause the two of them to be married. My attempt to marry these marvels of nature and humanity would, again, be defective.

Let me return now make the connection between the foregoing and forgiveness explicit. I have already pointed out that, at least on the standard account, forgiveness is partially constituted by forswearing resentment. Moreover, forswearing is paradigmatically a speech act. We forswear or renounce something in most cases by announcing that we are doing so, as we might say aloud or to ourselves, "That's it: I quit smoking" or "I'll never try to write a term paper the night before it's due again." Forgiving is just a special case of this phenomenon in which we forswear resentment toward someone by using a locution such as "I forgive you" or "All is forgiven."<sup>13</sup> Hence, there are felicity conditions on forgiving, and an attempt to forgive that does not meet these conditions is, to use Searle's term once again, defective.<sup>14</sup>

We are now in a position to offer a working version of the standard account of forgiveness. Let us say that A forgives B if and only if the following conditions are jointly satisfied:

1. A judges that he/she has sufficient reason to forswear resentment toward B;

---

<sup>12</sup> I am ignoring relatively minor issues here such as the possession of a marriage license.

<sup>13</sup> More generally, forgiveness is a form of speech act known as an avowal. On avowals as speech acts, see, e.g., Warnock (1989: 108) and Snowdon (2012: 253).

<sup>14</sup> Obviously, standing to marry and standing to be married are, in the context of this discussion, conventional. Our conventions change over time, and perhaps there will come a time in which more than two people have standing to be married to one another, etc. But it is wise to separate the question of whether convention does, in fact, provide one with standing in these cases from the question of whether it morally ought to be the case that convention provides one with standing.

2. A forswears resentment toward B;
3. A overcomes resentment toward B;
4. A's forswearing of his/her resentment toward B is a cause of A's overcoming her resentment toward B that is both
  - a. direct,
  - b. non-deviant;
5. B has standing to be forgiven.<sup>15</sup>
6. A has standing to forgive.

#### **Section 4: Harms and the Standing to Forgive**

We are now in a position to throw some light on our original question about the possibility of third-party forgiveness. There is, to be sure, no doubt about whether I can say, "I forgive Mr. Clain for his actions on November 13<sup>th</sup>" or "I forgive the terrorist who killed Ms. Arruebo." I can even successfully forswear feeling resentment both toward Mr. Clain and toward the man who murdered Ms. Arruebo. But what remains to be seen is whether I have standing to forgive these individuals.

In order to make some progress, let us consider several hypotheses about standing to forgive. In this and the next two sections, I shall be primarily concerned with two questions. One of these is whether the hypothesis in question allows for the possibility of third-party forgiveness. The second question is whether the hypothesis is inherently sensible as a characterization of standing to forgive. Let's start by considering:

---

<sup>15</sup> I won't be discussing standing to be forgiven much in this paper. However, it does seem like a topic worth investigating further. It is obvious enough that at a minimum, only agents have standing to be forgiven, but it is not clear that all agents do. Some actions might be unforgivable (Flannigan 1998). Somewhat less dramatically, it might be the case that only those who seek forgiveness have standing to be forgiven.

- Hypothesis-1: A has standing to forgive B for B's doing F only if B's doing F harmed A.

If Hypothesis-1 is correct, then I lack standing to forgive Mr. Clain. Why? While I was offended, and even disgusted, by Mr. Clain and his actions, it does not follow that I was harmed by them.<sup>16</sup> On the contrary, I was several thousand miles away when the attacks on Paris occurred, and I am no worse for wear as a result of them. It would be absurd, for example, for me to file a lawsuit against ISIS because of the damage done to me in the November 13<sup>th</sup> attacks, not only because ISIS is unlikely to recognize the legitimacy of such legal proceedings but also (and more importantly) because nothing that we would think of as a relevant harm has occurred to me because of the attacks in Paris.

But let us move on to the credibility of Hypothesis-1 as an account of standing to forgive. Initially, Hypothesis-1 looks plausible. It is often the case that we are in a position to forgive those who have harmed us, precisely because they have done so. Moreover, in articulating the standard account Murphy himself speaks of “unjustified and non-excused moral *injury*” (my emphasis), and talk of injury puts one in mind of harms. However, it does not require much reflection to see that Hypothesis-1 is too restrictive. For it is often reasonable for me to forgive others for actions that do not harm me. Suppose, e.g., that a student promises to meet me during my office hours. I know that the student wants to talk about her poor grade in one of my classes, and I anticipate a difficult discussion. Suppose further that the student does not show up, as she promised to do. Given the fact that I have been spared what was likely to be an uncomfortable quarter of an hour explaining to another human being the myriad ways in which she has failed to meet basic academic standards. I haven't harmed by her failure; I've been benefited.<sup>17</sup> Nevertheless, it makes perfect sense for me to resent the student for her failure to keep her promise. While it might seem over the top to tell the student that I *forgive* her for her

---

<sup>16</sup> See, e.g., Mill ([1859] 2015) and Feinberg (1984).

<sup>17</sup> I clarify the distinction between being harmed and being wronged below.

moral lapse, I might forgive her nonetheless by using a deflationary locution such as “Don’t worry about it.” The upshot of all of this is that Hypothesis-1 fails as a theory of standing to forgive.

### Section 5: Wrongs and the Standing to Forgive

Let us consider another possibility:

- Hypothesis-2: A has standing to forgive B for B’s doing F only if B’s doing F wronged A.

Unlike Hypothesis-1, Hypothesis-2 is not overly narrow. Hypothesis-2 can, e.g., make sense of my ability to forgive my student for breaking her promise to see me during my office hours.

Though my student did not harm me, she certainly did wrong me, though not in an especially grave sense. One can be excused for thinking that Hypothesis-2 does not allow any room at all for me to forgive Mr. Clain for his actions in Paris. For one might think that just as I have not been *harmed* by the attacks of November 13, so too I have not been *wronged* by them either.

Nevertheless, matters are a little bit more complicated. In the rest of this section I’ll consider two examples of phenomena that count as forgiveness according to Hypothesis-2 and which initially look like examples of third-party forgiveness, though on closer examination fail to do so.

First, let me acknowledge the obvious truth: a person can be wronged through the violation of one or more of her rights, as Ms. Arruebo was wronged when she was killed. But let me also suggest that the moral community whose norms have been violated can also be wronged. Explaining precisely how the moral community can be wronged in this way is difficult without presupposing more in the way of a normative ethical theory than is appropriate for this chapter. However, as an illustration one can frame the issue in terms of contractualism.

According to a contractualist,

An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced, general agreement. (Scanlon 153)<sup>18</sup>

Hence, the moral community in question is formed by those many of us who seek to live together under principles that no one could reasonably reject. Whenever someone undertakes an action such that every principle that permits it could be reasonably rejected by those concerned to live together under principles that no one could reasonably reject, that person wrongs the moral community as a whole. This is true in part because of the disrespect that the action shows for the valid moral norms that hold the community together.<sup>19</sup>

While I think that there is much to be said for the idea that a moral community can be wronged, I do not think that it settles the question of whether or not third-party forgiveness is possible. There are two main reasons for reaching this conclusion. First, it would be an example of the fallacy of decomposition to infer from the fact that the moral community is wronged the further fact that each – or any – of the members of the community is wronged. Hence, Mr. Clain might well have wronged the moral community by the part he played in the attacks on Paris. Yet it does not follow that he wronged *me* by doing so. And if he did not wrong me, then Hypothesis-2 does not provide standing for me to forgive him. Second, even my role in whatever forgiveness the moral community can extend to Mr. Clain is limited. I cannot unilaterally forgive Mr. Clain for the wrong done to the moral community, since my place within this community is no more (and no less) important than anyone else's place. I might sensibly say, "The moral community ought to forgive Mr. Clain," but I can no more extend forgiveness in this way for the

---

<sup>18</sup> See also Darwall (2006: 314) and Parfit (2011: 360).

<sup>19</sup> The moral community counts as having shared agency in virtue of its individual agents sharing the intention to live together under valid moral norms. These agents have what Searle (1990) and others call a "we-intention."

entire community than I can extend an offer of the presidency of the United States to my favored candidate.<sup>20</sup>

However, let's consider another angle on the question of third-party forgiveness. I do not know whether Ms. Arruebo had a partner, a family, or a group of close friends, and out of respect for her privacy I have not tried to find out. But let us imagine what the position of Ms. Arruebo's parents would be. After the death of their daughter, it would seem natural for them to say, "We can never forgive the people who took Anne-Laure from us," and we might think them to be some kind of moral saints if they were to say, "We are distraught over Anne-Laure's death, but as deeply religious people we offer our forgiveness to her killers." In other words, Ms. Arruebo's parents certainly seem to have standing to forgive the terrorists.

But does the forgiveness of Ms. Arruebo's parents count as third-party forgiveness? The process of answering this question will shed light on two important issues. First, we need to pay especially close attention to the kind of wrong that Ms. Arruebo's parents have suffered. Ms. Arruebo's parents did not have a right not to have their daughter killed, except in as much as they were the moral beneficiaries of Ms. Arruebo's own right not to be killed. As far as I can tell, none of Ms. Arruebo's parents' rights were violated when Ms. Arruebo's was killed. Nevertheless, Ms. Arruebo's parents did suffer an unjustified serious harm. They were deprived of one of the most important relationships that human beings can have and are likely to suffer greatly as a result. As a result of this unjustified serious harm, it appears reasonable to conclude that Ms. Arruebo's parents were wronged. And it is this very fact that explains why, according to Hypothesis-2, they are in a position to forgive the terrorists, should they wish to do so. Yet note

---

<sup>20</sup> This point can be made in another way by looking at how forgiveness is often sought in Christian contexts, where God establishes and maintains the moral order. Mistress Quickly says to Sir Falstaff, "Lord Lord! Your worship's a wanton! Well, heaven forgive you and all of us, I pray!" Falstaff's wantonness wrongs Quickly and the other merry wives of Windsor, but the ultimate standing to forgive is in the hands of the creator of the moral order that is violated by Falstaff's actions. While non-divine agents can forgive or fail to forgive the wrongs of others, it is largely their own fortunes that are at stake since their failure to forgive is a wrong done to others that might not in turn be forgiven by God. But, in contrast, I assume in this chapter an entirely secular moral community in my discussion of forgiveness.

that they are in a position to forgive because of the harm done *to them*. They have standing to forgive because they have been wronged, not because their daughter has been wronged.

In order to see this fact a little more clearly, suppose that Ms. Arruebo had not been killed on November 13<sup>th</sup>. Suppose that, instead, she had been partially paralyzed. In this second scenario, Ms. Arruebo has been wronged as a result of the violation of her right not to be deprived of the use of her legs.<sup>21</sup> And Ms. Arruebo's parents have also been wronged as a result of the unjustified harm they have undergone. Though her parents have not been deprived of their daughter's company, they must endure Ms. Arruebo's suffering as she tries to overcome her newfound impairment, they must withstand Ms. Arruebo's diminished life-prospects, and so on. Hence, both Ms. Arruebo and Ms. Arruebo's parents have standing to forgive. And suppose that in this second scenario, Ms. Arruebo's parents forgive the terrorists. How should we understand her parents' action? If we understand their action as forgiving the terrorists for the unjustified harm that has been done to them, then I think there is no reason to think that anything is amiss. However, the action so understood is clearly not a case of third-party forgiveness since it is forgiveness for an unjustified serious harm done to the parents themselves. Yet if we understand the parents as forgiving the terrorists for violating Ms. Arruebo's right, then matters seem rather different. Certainly, this would be a case of third-party forgiveness. But the right that has been violated *belongs* to Ms. Arruebo, and those who do not possess this right seem ill placed to forgive with respect to it. At best, it seems presumptuous for Ms. Arruebo's parents to forgive the terrorists for violating Ms. Arruebo's right; at worst, it seems downright incoherent.<sup>22</sup> Perhaps at first it seems difficult to tease apart these considerations because the rights violation and the unjustified serious harm are tokened in the very same event, viz., the killing of Ms. Arruebo. But reflection on this second scenario strongly suggests that either Ms. Arruebo's parents

---

<sup>21</sup> More generally speaking, this right is an instance of her right not to have her body violated and not to have its functioning impaired.

<sup>22</sup> It is worth noting that there is evidence that parties other than those whose rights have been violated are often slower to forgive (if they forgive at all) than the parties whose right has been violated. See Green et al. (2008).

forgiveness is either not an example of third-party forgiveness or it is a case of attempting to forgive without the standing to do so, i.e., a defective example of forgiving.

I want to pause here momentarily in order to look more closely at the idea of an unjustified serious harm. It seems to me perfectly clear that both in the original scenario and in the second scenario that Ms. Arruebo's parents suffer a harm of this kind. Yet I would be hard-pressed to provide necessary and sufficient conditions for what constitutes an unjustified serious harm. I am sure that I did not suffer an unjustified serious harm as a result of Ms. Arruebo's death, since I did not even know of her existence until after she had died. And I am reasonably sure that the harm that Ms. Arruebo's casual acquaintances (the woman who worked in another department but often passed her in the hallway, the man with whom she sometimes shared an elevator ride in her apartment building) suffered as a result of her death was not serious enough to provide standing to forgive. But there are possible cases between Ms. Arruebo's casual acquaintances and her parents about which I have no reliable intuitions. As I warned above, the concept of forgiveness is somewhat vague, and there might well be a range of borderline cases in which we are simply left unable to offer a principled answer to the question, Does this person have standing to forgive Ms. Arruebo's killers? I am not sure that this outcome is a reason for despair since it is true to the phenomenon.

A final point: The standing to forgive does not just depend in cases like these on how painful the harm is. For example, suppose that unbeknownst to her, Ms. Arruebo has a stalker; let us call him Mr. Harceleur. We might imagine that Mr. Harceleur gets tremendous pleasure from illicitly watching Ms. Arruebo's daily routine, and he is left at his wit's end by Ms. Arruebo's death. Nevertheless, I do not believe that Mr. Harceleur has standing to forgive the terrorists, even though he certainly has suffered a serious loss. Standing to forgive is, in part, a moral category, and Mr. Harceleur not only lacks any special claim to the pleasure he received from Ms. Arruebo, she most likely would have been offended to learn that he took such pleasure.

There is, in short, no special relationship between Ms. Arruebo and Mr. Harceleur to ground the claim of an unjustified serious loss.

### **Section 6: Forgiveness by Proxy**

Let me turn to the second of the two important issues I mentioned a moment ago. Though it seems clear enough that Ms. Arruebo's parents do not have standing to forgive the terrorists for the violation of Ms. Arruebo's right in the second scenario (in which Ms. Arruebo survives the rights violation), the situation might appear different in the original scenario in which Ms. Arruebo is killed. In the original scenario, Ms. Arruebo cannot forgive anyone because she is dead. Does anyone have standing to forgive Ms. Arruebo's killer for violating her right not to be killed? I believe that the answer "yes." The appropriate model in this case appears to be that of a semi-transferable right to forgive.<sup>23</sup> Since Ms. Arruebo cannot exercise her right to forgive her killer, the right naturally devolves to others. To whom? The most credible response is to those with whom she was closest.<sup>24</sup> Marietta Jaeger speaks movingly about trying to forgive her daughter's murderer in just such a situation.

Though [Jaeger's daughter's killer] was liable for the death penalty, I felt it would violate and profane the goodness, sweetness, and beauty of Susie's life by killing the kidnapper in her name. She was deserving of a more noble and beautiful memorial than a cold-blooded, premeditated, state-sanctioned killing of a restrained defenseless man, however deserving of death he may be deemed to be. (13)

---

<sup>23</sup> I call this a "semi-transferable right" because it can only be transferred under a fairly limited set of conditions. One could not, e.g., sell one's right to forgive on eBay! Likewise, one could not give it to a stranger. The right is transferable along lines of special relations only.

<sup>24</sup> Under the right conditions, standing to forgive can plausibly be passed down through generations. See Scarre (2011).

It seems to me that Jaeger is describing precisely what it looks like when standing to forgive devolves into the hands of a person who takes seriously their obligations to the person who is no longer in a position to forgive or to abstain from forgiving.

Cases like these are common enough to inspire despair. Desmond Tutu tells the story of a man (whom he does not name) whose brother was abducted during by the final days of the Apartheid regime in South Africa. Years later, the man learned that his brother had been tortured for months before being executed. He was able to recognize his brother's corpse only by the shoes that he himself had bought for him. This man was faced with a decision that is probably harder than any I shall ever have to make, viz., whether or not to forgive his brother's murderer, Andy Taylor a former policeman in the South African Security Service, who had applied for amnesty (192). I can see no good reason to deny that the man whose brother was killed had standing to forgive Taylor, or to decide not to do so.

Yet now we must ask, Are these really examples of third-party forgiveness? Some philosophers have thought so<sup>25</sup>, but they are mistaken. Recall from section 1, that I defined third-party forgiveness as follows:

- A engages in third-party forgiveness toward B for doing F to C if and only if (1) A forgives B for doing F to C and (2) A is an unrelated third-party with regard to B and C.

But surely Jaeger does not count as an unrelated third-party with regard to the man who murdered her daughter. Likewise, Ms. Arruebo's parents do not count as an unrelated third-parties with regard to the man who murdered theirs. Simply lumping cases like these under the heading of third-party forgiveness obscures the important but distinct category: forgiveness by proxy, in which a closely related individual (or individuals) gain standing to forgive because the party that was wronged no longer has the ~~status~~ capacity. Forgiveness by proxy is a wholly

---

<sup>25</sup> For example, Griswold (2007: 118).

different phenomenon than the one at stake when I consider over dinner whether to forgive Mr. Clain for his role in the attacks of November 13<sup>th</sup>.

In virtue of the forgoing considerations, it should also be clear that we need to expand our conception of standing to forgive as follows:

- Hypothesis-3: A has standing to forgive B for B's doing F only if
  - (1) B's doing F wronged A or
  - (2) B's doing F wronged C, and A is C's proxy for forgiveness.

### **Section 7: Forgiveness, Shmorgiveness**

I can see no reason to extend standing to forgive beyond Hypothesis-3. As a result, attempts by the likes of me to forgive Mr. Clain or the murderers of Ms. Arruebo are unsuccessful and bootless. I can say the words, "I forgive them," but they are part of a defective speech act, the success of which is a necessary condition for forgiveness. The same is true of other attempts at third-party forgiveness, as far as I can see.

But how significant is this state of affairs? As a matter of fact, our practice of forgiveness requires that the forgiver have standing of a certain type. But this fact is thoroughly contingent since forgiveness is, to use a term that is no longer as popular as it once was, socially constructed.<sup>26</sup> We could quite easily have had a different practice, a practice that we can call *shmorgiveness*. Let us say that A shmorgives B if and only if the following conditions are jointly satisfied:

1. A judges that he/she has sufficient reason to forswear resentment toward B;
2. A forswears resentment toward B;
3. A overcomes resentment toward B;

---

<sup>26</sup> See, e.g., Hacking (1999) and Haslanger (2012).

4. A's forswearing of his/her resentment toward B is a cause of A's overcoming her resentment toward B that is both
  - a. direct,
  - b. non-deviant;
5. B has standing to be forgiven.

Unlike forgiveness, shmorgiveness has no sixth condition, i.e., no restrictions of standing to forgive. While I cannot forgive Mr. Clain, I can shmorgive him to my heart's contentment. In general, though there is no such thing as third-party forgiveness, there is as much third-party shmorgiveness as anyone could want – and perhaps more. So we must ask, Is there any reason to continue with the concept of forgiveness, or should we consider switching to shmorgiveness, with its less uptight view of the world?

It has to be said that shmorgiveness might well accomplish many of the valuable social functions that forgiveness does. Why? The sentence "A forgives B for doing F" entails the sentence "A shmorgives B for doing F" since shmorgiveness is just forgiveness without the sixth necessary condition. So every instance of forgiveness is also an instance of shmorgiveness. Hence, if forgiveness makes restorative justice more likely (Dickey 1998), then so would shmorgiveness. And if forgiveness provides opportunities for psychotherapeutic healing (Fitzgibbons 1998), then so would shmorgiveness. And, again, if self-forgiving allows one to successfully re-write one's self (Hagberg 2011), so too would self-shmorgiveness. In fact, one might think that shmorgiveness can accomplish all of these good things to an even greater degree since there are fewer restrictions on the shmorgiver than on the forgiver.

However, I do not think that we should be too quick to give up on forgiveness in favor of shmorgiveness. To begin with, shmorgiveness obscures the importance of the relationship between the person who wrongs and the person who is wronged. Moral wrongs often consist of something more than mere harm or injury, as we have seen. Wrongs consist of one person

violating the moral boundaries of another. The result is that the moral relationship between these persons is damaged. Talk of repairing this damage is hopelessly metaphorical but not, I think, entirely misleading. Now, it seems commonplace that if I wrong another person, I cannot repair my relationship with that person by having someone else either successfully forswear resentment toward me. Rather, the damage can only be rectified with the aid of the person who has been wronged.<sup>27</sup> The concept of forgiveness seems tailor made for this task. Replacing forgiveness with schmorgiveness would leave us with a less perspicuous appreciation of this fact.

Furthermore, replacing forgiveness with shmorgiveness would blur the boundaries in an unhelpful way between what is traditionally thought of as forgiveness and distinct but related practices. As Jacques Derrida pointed out, it is already difficult to track these distinctions.

Forgiveness is often confounded, sometimes in a calculated fashion, with related themes: excuse, regret, amnesty, prescription, etc. (2002: 27).

Derrida might have added condonation and atonement to this list as well as the occasionally necessary practice of simply giving up on agents as morally incorrigible. These distinctions tend to be especially conspicuous for one who is considering the possibility of forgiving someone else. For instance, if someone has wronged me, then it makes all the difference whether I forgive him or whether I condone his actions. For if I condone when I should only forgive, I act in a servile manner and I add a further wrong done to myself to the wrong already done to me.<sup>28</sup> In contrast, if I am considering shmorgiving Mr. Clain for his role in the attacks of November 13<sup>th</sup>, I run no such risk to myself. At worst, I act in a manner that is insensitive to the Parisians, which is a wrong to them but not to me.

---

<sup>27</sup> The unusual exception is forgiveness by proxy, discussed above.

<sup>28</sup> Hill (1973), Murphy and Hampton (1988: 18), and Griswold (2007: 32).

Finally, as any economist will be happy to point out, the quickest way to decrease the value of anything is to increase its quantity. If Fabergé eggs and first editions of *Moby Dick* were available on every street corner, we would value them far less than we actually do. Likewise, if we had a practice of shmorgiveness that allowed anyone to shmorgive anyone else from a wrong that he or she had done, then it is likely that we would find it to be less valuable than a practice of forgiveness that is discriminating. Perhaps something like this is what those who oppose same-sex marriage have in mind when they complain that allowing man to marry other men and women to marry other women devalues traditional marriages. While I certainly disagree with this particular point, it is not hard to imagine how a conception of marriage run riot – shmarriage, if you will – would threaten to devalue marriage. If we really did allow a woolly mammoth bone to be married to the Large Hadron Collider, many of us would likely consider another practice that distinguished the commitment that adult humans can make to one another from this practice. We would, as it were, have to reinvent marriage. I suspect that much the same is true if we tried to replace forgiveness with shmorgiveness. If I have wronged another, what I want is for the person that I have wronged to successfully forswear resentment against me. I cannot get that for a third party, however well intentioned he or she might be.<sup>29</sup>

---

<sup>29</sup> I am grateful to my colleagues Ben Bayer, Drew Chastain, and Joel MacClellan for helpful comments, questions, and criticisms. I also thank the students in both sections of my honors ethics course at Loyola University New Orleans during the spring 2016 term for valuable discussions of the subject of this paper. Finally, my thanks to Court Lewis for his valuable input.

## References

- Austin, J.L. (1962). *How To Do Things with Words*. Cambridge, Massachusetts: Harvard University Press.
- Bentham, Jeremy (1838). "The Principles of Penal Law" in *The Works of Jeremy Bentham*, Part II. Edinburgh, UK: William Tait.
- Darwall, Steven (2006). "Contractualism, Root and Branch", *Philosophy & Public Affairs* 34 (2): 193–214.
- Davidson, Donald (1973). "Freedom to Act" in *Essays on Freedom of Action*, edited by Ted Honderich, London: Routledge. Reprinted in Donald Davidson (1980), *Essays on Actions and Events*, Oxford, UK: Oxford University Press: 63-82.
- Derrida, Jacques (2002). *On Cosmopolitanism and Forgiveness*. Translated by Mark Dooley and Michael Hughes. London: Routledge.
- Dickey, Walter J. (1998). "Forgiveness and Crime: The Possibilities of Restorative Justice," in *Exploring Forgiveness*, edited by Robert D. Enright and Joanna North. Madison, WI: University of Wisconsin Press: 106-120.
- Dostoevsky, Fyodor ([1880] 2002). *The Brothers Karamazov*. 12<sup>th</sup> edition. Translated by Richard Pevear and Larissa Volokhonsky. New York, NY: Farrar, Straus and Giroux.
- Eliot, George ([1871] 2003). *Middlemarch: A Study of Provincial Life*. London: Penguin Classics.
- Enright, Robert D.; Suzanne Freedman; and Julio Rique (1998). "The Psychology of Interpersonal Forgiveness," in *Exploring Forgiveness*, edited by Robert D. Enright and Joanna North. Madison, WI: University of Wisconsin Press: 46-62.
- Feather, N.T. and Rebecca Sherman (2002). "Envy, Resentment, Schadenfreude, and Sympathy: Reactions to Deserved and Undeserved Achievement and Subsequent Failure," *Personality and Social Psychology Bulletin* 28 (7): 953-961.
- Feinberg, Joel (1984). *Harm to Others: The Moral Limits of the Criminal Law*. Oxford, UK: Oxford University Press.

- Fitzgibbons, Richard (1998). "Anger and the Healing Power of Forgiveness: A Psychiatrist's Point of View," in *Exploring Forgiveness*, edited by Robert D. Enright and Joanna North. Madison, WI: University of Wisconsin Press: 63-74.
- Flannigan, Beverly (1998). "Forgivers and the Unforgiveable" in *Exploring Forgiveness*, edited by Robert D. Enright and Joanna North. Madison, WI: University of Wisconsin Press: 95-105.
- Frye, Marilyn (1983). "A Note on Anger" in *The Politics of Reality: Essays on Feminist Theory*. Berkeley, CA: Crossing Press: 84-95.
- Hill, Thomas E. Jr. (1973). "Servility and Self-Respect," *Monist* 57 (1): 87-104.
- Jaeger, Marietta (1998). "The Power and Reality of Forgiveness: Forgiving the Murderer of One's Own Child," in *Exploring Forgiveness*, edited by Robert D. Enright and Joanna North. Madison, WI: University of Wisconsin Press: 9-14.
- Gibbard, Allan (1990). *Wise Choices, Apt Feelings: A Theory of Normative Judgment*. Cambridge, Massachusetts: Harvard University Press.
- Green, Jeffrey D.; Jennie L. Burnette; and Jody L. Davis (2008). "Third-Party Forgiveness: (Not) Forgiving Your Close Other's Betrayer," *Personality and Social Psychology Bulletin* 34(3): 407-418.
- Griswold, Charles L. (2007). *Forgiveness: A Philosophical Exploration*. Cambridge, UK: Cambridge University Press.
- Hacking, Ian (1999). *The Social Construction of What?* Cambridge, MA: Harvard University Press.
- Hagberg, Garry L. (2011). "The Self Rewritten: The Case of Self-Forgiveness," in *The Ethics of Forgiveness*, edited by Charles Fricke. London: Routledge: 69-80.
- Haslanger, Sally (2012). *Resisting Reality: Social Construction and Social Critique*. Oxford, UK: Oxford University Press

- Kahn, Leonard (2011a). "Conflict, Regret, and Modern Moral Philosophy," in *New Waves in Ethics*, edited by Thom Brooks (Palgrave Macmillan), 2011: 7-27.
- Kahn, Leonard (2011b). "Moral Blameworthiness and the Reactive Attitudes," *Ethical Theory and Moral Practice* 14 (2): 131-142.
- Levy, Neil (2005). "The Good, the Bad, and the Blameworthy," *Journal of Ethics and Social Philosophy* 1(2).
- Mill, John Stuart ([1859] 2015). "On Liberty" in "*On Liberty*" and *Other Writings*, edited by Leonard Kahn. Calgary, Alberta: Broadview Press.
- Murphy, Jeffrie G. (2012). *Punishment and the Moral Emotions: Essays in Law, Morality, and Religion*. Oxford, UK: Oxford University Press.
- Murphy, Jeffrie G. (2002). *Getting Even: Forgiveness and Its Limits*. Oxford, UK: Oxford University Press.
- Murphy, Jeffrie G. and Jean Hampton (1988). *Forgiveness and Mercy*. Cambridge, UK: Cambridge University Press.
- Parfit, Derek (2011). *On What Matters*. Volume 1. Oxford, UK: Oxford University Press.
- Radzick, Linda (2010). "Moral Bystanders and the Virtue of Forgiveness," in *Forgiveness in Perspective*, edited by Christopher R. Allers, and Marieke Smit. Amsterdam: Rodopi Press, 69–89.
- Scanlon, T.M. (1998). *What We Owe to Each Other*. Cambridge, Massachusetts: Harvard Belknap Press.
- Scarre, Geoffrey (2011). "Apologizing for Historical Injustices" in *The Ethics of Forgiveness*, edited by Charles Fricke. London: Routledge: 166-178.
- Searle, John R. (1996). "What Is a Speech Act?" Unpublished but available at <https://faculty.unlv.edu/jwood/unlv/Articles/SearleWhatIsASpeechAct.pdf>.
- Searle, John R. (1990). "Collective Intentions and Actions" in *Intentions in Communication*, edited by P. Cohen, J. Morgan, and M. Pollack. Cambridge, MA: MIT Press: 401–415.

- Searle, John R. (1969). *Speech Acts: Essays in the Philosophy of Language*. Cambridge, UK: Cambridge University Press.
- Shakespeare, William ([1602] 2004). *The Merry Wives of Windsor*. New York, NY: Simon & Schuster
- Smith, Angela M. (2005). "Responsibility for Attitudes: Activity and Passivity in Mental Life," *Ethics*, 115 (2): 236-271.
- Swondon, Paul (2012). "How to Think about Phenomenal Self-Knowledge," in *The Self and Self-Knowledge*, edited by Annalisa Coliva Oxford, UK: Oxford University Press: 243-262.
- Solomon, Robert (1993). *The Passions: Emotions and the Meaning of Life*. Second Edition. Indianapolis, IN: Hackett.
- Stich, Stephen (1993). "Will the Concepts of Folk Psychology Find a Place in Cognitive Science?" In *Folk Psychology and the Philosophy of Mind*, edited by Scott Christensen and Dale R. Turner. Hillsdale, New Jersey: Lawrence Erlbaum and Associates Publishers.
- Strawson, Peter (1962). "Freedom and Resentment," *Proceedings of the British Academy* 48: 1-25.
- Swinburne, Richard (1989). *Responsibility and Atonement*. Oxford, UK: Oxford University Press.
- Tännsjö, Torbjörn (2009). "On Deviant Causal Chains – No Need for a General Criterion," *Analysis* 69 (3): 469-473.
- Tutu, Desmond (1999). *No Future without Forgiveness*. New York, NY: Image.
- Vetlesen, Arne Johan (2011). "Can Forgiveness Be Morally Wrong?" in *The Ethics of Forgiveness*, edited by Charles Fricke. London: Routledge: 143-165.
- Warnock, G.J. (1989). *J.L. Austin*. London: Routledge.

Yandall, Keith E. (1998). "The Metaphysics and Morality of Forgiveness," in *Exploring Forgiveness*, edited by Robert D. Enright and Joanna North. Madison, WI: University of Wisconsin Press: 35-45.