Chapter 16
Remembrance Beyond Forgiveness

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Abstract I argue that political forgiveness is sometimes, but not always, compatible with public commemoration of politically motivated wrongdoing. I start by endorsing the claim that commemorating serious past wrongdoing has moral value and imposes moral demands on key actors within post-conflict societies. I am concerned with *active* commemoration, that is, the deliberate acts of bringing victims and the wrong done to them to public attention. The main issue is whether political forgiveness requires forgetting and conversely whether remembrance can be an impediment to political forgiveness. The notion of political forgiveness, its definition, very possibility and desirability are contentious issues in the contemporary literature. I develop a multidimensional account of political forgiveness with a core element. The core element of political forgiveness involves taking a non-adversarial stance towards perpetrators in the sense of committing to stop holding their wrongdoing against them. The core element of forgiveness is usually combined with other attitudes and practices, which are appropriate depending on the circumstances. This is due to the fact that there are different ways of holding a wrong against an offender. I argue that forgiving perpetrators is not compatible with continue to punishing them, refusing to reconcile with them, and/or reminding them of their misdeed if perpetrators refuse to accept punishment, deny the importance of commemorating the past or wish to reconcile against the victim's desires. I show that *some* forms of

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political forgiveness are not morally legitimate because they conflict with moral demands to punish perpetrators, commemorate atrocities and respect victims. This conclusion is less alarming than it might initially seem because the refusal to forgive politically motivated wrongdoing does not necessarily lead to the perpetuation of violence and conflict. I briefly draw on the example of Argentina in order to show how some forms of political un-forgiveness can be morally legitimate and effective ways for victims to uphold these demands.

16.1 The Moral Significance of Remembrance

The central aim of this chapter is to examine the compatibility of forgiveness and memory. I will be mostly interested in forms of forgiveness that are political and in public acts of commemoration of politically motivated wrongdoing. I will be arguing that political forgiveness is sometimes, but not always, compatible with public commemoration of politically motivated wrongdoing. In Sect. 16.2, I provide a general overview of the argument. Here the starting point of my discussion is the claim that commemorating serious and widespread past wrongdoing has moral value and imposes moral demands on key actors within transitional and post-conflict societies. Here I will mainly draw on arguments developed by Jeffrey Blustein (2014), offering a brief summary of some of his key arguments rather than attempting fully defend them.

The claim that it is morally valuable to commemorate wrongdoing and its victims receives support from both consequentialist and non-consequentialist considerations. Consequentialist considerations already provide strong support for the value of remembrance. It can be argued that remembering victims of politically motivated wrongdoing has social utility for the living, especially for those living in post-conflict societies. One important source of social utility is that remembering past atrocity can help to prevent future recurrence of wrongdoing because by becoming aware of the human rights violations committed in the past, a society is less likely to repeat them. Moreover, remembrance can also serve as a warning to other societies who have not experience such violations. Remembering has further social utility insofar as it can also help to promote democratic values and strengthen the rule of law (Blustein 2014: 182). In addition, commemorative practices often have positive consequences for survivors and victims' relatives because they can play a role in restoring benefits which victims were previously denied. Finally, primary, secondary and tertiary victims often have emotional needs for remembrance and acknowledgment and meeting these needs can help to restore their psychological healing and well-being (Blustein 2014: 182).

Furthermore, the moral value of memory can also be grounded on non-consequentialist arguments. Blustein (2014) draws on Elizabeth Anderson's expressivist theory of morality. According to this theory, actions are rational if they "adequately express our rational attitudes toward people and other valuable things" (Anderson 1993: 17). Actions are judged by the appropriateness and adequacy of

the attitudes they express. It is rational to adopt attitudes that are appropriate modes of valuing their objects. For example, respecting, appreciating, honouring and admiring might be rational attitudes to have towards certain objects, and thus actions that express these attitudes are rationally justified. Acts of commemorating past wrongdoing and its victims would be valuable if by "remembering them [we express] favourable attitudes toward them that it is rational for us to adopt" (Blustein 2014: 184). Blustein shows that self-respect, respect and fidelity to the dead are favourable attitudes that are rational responses to the value of persons and since acts of remembrance can be a way of expressing these attitudes they can thus be rationally justified.

Self-respect is a rational attitude that is a rational response to one's dignity as a person and is particularly pertinent in the aftermath of culpable wrongdoing. Self-respect can act as a defence against the demeaning message conveyed by the wrongful action and it can be expressed through various negative emotions felt in response to having been wronged. The link between self-respect and the retributive emotions, resentment in particular, has been noted by Murphy and other authors.[1] Interestingly, Blustein notes that some non-retributive emotions (including disappointment, hurt, grief, humiliation and others)[2] can also be expressive of self-respect. According to Blustein, remembering wrongdoing is connected to self-respect by the emotions that are constitutive of these memories. In the same way that having emotional responses to wrongdoing might be a way of asserting one's self-respect, remembering wrongdoing can be a way of expressing and asserting the value of self-respect when those memories are imbued by these appropriate emotional responses (2014: 185). Moreover, drawing on a Kantian conception of self-respect, and thus going beyond Blustein's analysis, I would add that self-respect can also be expressed in the form of a demand for rightful (i.e., moral) treatment.[3] Remembering past wrongdoing committed against oneself can in itself be a way of registering that the treatment that one received was unfair and thus a way to restate and vindicate a demand for rightful treatment. Remembering past wrongdoing can be intrinsically valuable because it is a way for victims to express respect for themselves, which is itself a rational response to one's dignity as a person, and which provides justifications for acts of memorialization.

Often, however, individuals and communities are involved in remembering victims other than themselves. Remembering victims of serious wrongdoing can be a rational response to the dignity of persons and a way of expressing respect for this dignity. Blustein draws on Stephen Darwall's (2006) notion of 'recognition respect.' In contrast to 'appraisal respect' which is a form of esteem which is merited or earned by conduct or character, recognition respect is a response to the dignity or authority of persons (2014: 187). Interestingly, Darwall's notion does not locate the

[1] See, for example, the influential work of Murphy in Murphy and Hampton 1998.

[2] See Blustein 2014, chapter 1, esp. 59.

[3] This idea is expressed in Kant's insightful passage: "self-esteem is a duty of man to himself ... [because] humanity in his person is the object of *the respect which he can demand* from every other man, but which he must also not forfeit" (*TL* 6:435, *my emphasis* in Kant 1991: 230).

source of dignity in some non-relational property of persons, such as the capacity for autonomous choice or the possession of human rights, but rather on the second-personal, and thus relational, authority that a person has to demand that others respect their dignity.[4] The important point is that perpetrators of wrongdoing are often doubly disrespectful: they first violate their victims' rights by wronging them and then again by refusing to acknowledge that they are accountable to them for these violations. It is here that public practices of remembrance can play a role in expressing an attitude of respect for victims by expressing recognition of the importance of taking responsibility for the mistreatments of memorialized victims because the very act of remembrance is symbolically an act of taking responsibility for this mistreatment (Blustein 2014: 188). Moreover, public remembrance can also embody a commitment to justice and be morally restorative: "it symbolically rehumanizes victims, acknowledges that they were wrongfully treated, and—belatedly—gives them standing in the political community from which they were wrongfully excluded" (Blustein 2014: 188). Wilful forgetting of the victims of wrongdoing is itself a denial of the moral significance of their suffering which expresses a lack of respect for their dignity. If the victims are dead, those who have standing to represent and speak for them have the authority to demand respect for victims and perpetrators' accountability.

Finally, Blustein also shows that remembering past abuses can be a way of "keeping faith with the dead" in Michael Ignatieff's expression.[5] There is evidence of the therapeutic value that keeping a relationship, connection or bond with the dead has for the surviving relatives and friends of victims (Hamber 2009: 86). Blustein argues that beyond the therapeutic value, keeping faith with the dead has also moral importance because it can be a way of expressing and exemplifying the virtue of fidelity. Fidelity or faithfulness is an attitude that one can adopt toward objects (including persons) that are valued for their own sake. Fidelity can be directed to the dead and it can be a source of obligations to remember by those who feel bound to keep faith with them. It is precisely these duties of fidelity which are often most valued by survivors and victims' relatives. To be faithful to the dead is a way of valuing them for their own sake that involves a commitment to prioritise their interests in deliberation and action. We all have interests in being remembered posthumously. Victims of violence in particular have interests in not being misrepresented, by for example being blamed for creating the conditions that led to their deaths and other slanders. In virtue of the relationships that survivors have with the dead (family, love, community, ethnicity), they have a duty of fidelity to them which involves making sure that their memories are neither neglected nor misrepresented (Blustein 2014: 191).

In short, commemorating past wrongdoing is morally important, particularly when wrongdoing has been politically motivated. Thus, key actors within post-conflict societies should support and promote processes of memorialization that

[4] This idea can already be seen incipiently in Kant's passage quoted in the previous footnote.

[5] Quoted in Blustein 2014: 189.

embody the value of remembrance. By 'memorialization' I refer to public and deliberate practices and activities that have remembrance as one of their central and explicit aims.[6]

16.2 The Compatibility of Forgiveness and Memory-An Overview of the Argument

Given the strong defence of the moral value of remembrance that I provided in the previous section, one might wonder whether there could be any possible objections to the idea of public commemoration of serious past wrongdoing, particularly when, as I have argued, practices of memorialization express attitudes of respect for victims and survivors. However, some authors have expressed the worry that remembrance and political forgiveness might be incompatible. In this chapter, I address two main problems associated with the worry of incompatibility. First, political forgiveness might be incompatible with remembrance if political forgiveness requires that we put the past behind us. Second, and conversely, too much emphasis on remembrance might, in the end, thwart the goal of political forgiveness if remembrance is likely to stir up negative emotions that lead to violence and the perpetuation of conflict.

There is a common view that links forgiveness to forgetfulness, which is often expressed in ordinary speech by the phrase "forgive and forget" (Blustein 2014: 180). Relatedly, some political actors have used the phrase "neither forget nor forgive" to emphasise their refusal to forgive and forget.[7] These expressions presuppose that there is some sort of tension between the act of forgiving and the act of remembering. Despite the intuitive appeal of these phrases, philosophers have cast doubts at their plausibility, pointing out that it is incoherent to suggest that forgiving involves forgetting. Blustein notes "remembering wrongdoing may be necessary for the victim to be able to forgive, since one can't forgive *by* forgetting" (2014: 181). The incoherence arises because while forgiveness seems to be voluntary, involve a decision, and being done for reasons, forgetting seems to be passive and involuntary, i.e. something that happens to us, not something that we do.[8] Granted that we cannot forgive by forgetting, the claim implicit in these phrases might be more complex: although forgetting might not be completely under our voluntary control, once we decide to forgive, then we should at least do what we can to not actively remember the wrong. Thus, although remembering wrongdoing might initially be necessary for forgiveness, according to the common view, once the offender has

[6] Exactly what practices of memorialization are best placed to remember victims is open to considerable debate, which is beyond the scope of this contribution.

[7] Section 16.5 briefly discusses the use of this expression by human rights organisations in Argentina.

[8] See e.g. Margalit 2002: 200 and Hallich 2017: 39.

been forgiven, actively reminding them of their offences has no value (Blustein 2014: 181). In the political arena, the main issue is whether political forgiveness requires forgetting and conversely whether remembrance can be an impediment to political forgiveness. When we discuss the moral value of remembrance, we are concerned with the *active* commemoration of the victims, the deliberate acts of bringing victims and the wrong done to them to public attention. On the one hand, those who think that political forgiveness is a desirable, or perhaps even necessary, goal of transitional and or post-conflict societies[9] might think it ill advised to insist on active commemoration of wrongdoing if this is likely to undermine those conditions that make possible and sustain political forgiveness. On the other hand, if memory has the moral significance that I have attributed to it, then it seems that if political forgiveness promotes oblivion, then is not desirable. Thus, too much emphasis on forgiveness might lead us to disvalue memory and too much emphasis on memory can lead us to disvalue forgiveness. For this reason, authors who value both forgiveness and memory often argue that the two can be compatible.[10]

In this chapter, I take a middle-ground view. I will be arguing that only some forms of political forgiveness are compatible with the moral demands of memory. Forms of political forgiveness that are incompatible with the moral demands of memory are not desirable. I will also argue that this conclusion is less alarming than it might initially seem because the refusal to forgive politically motivated wrongdoing does not necessarily lead to the perpetuation of violence and conflict. The notion of political forgiveness, its definition, very possibility and desirability are contentious issues in the contemporary literature. My strategy would be to start by presenting and endorsing a multidimensional account of interpersonal forgiveness with a core element in Sect. 16.3. In Sect. 16.4, I argue that the multidimensional model can be extended to cover cases of political forgiveness and present an account of what makes forgiveness political. The core element of political forgiveness involves taking a non-adversarial stance towards wrongdoers and perpetrators in the sense of committing to stop holding their wrongdoing against them. The upshot of these two sections is that forgiving perpetrators is not compatible with continuing to punishing them, refusing to reconcile with them, and/or reminding them of their misdeed if perpetrators refuse to accept punishment, deny the importance of commemorating the past or wish to reconcile against the victim's desires. In Sect. 16.5, I argue that some forms of political forgiveness are not morally legitimate because they conflict with other moral demands to punish perpetrators, commemorate atrocities and

[9] For MacLachlan (2012) political forgiveness "may be an extremely effective part of wider political peace making" (10). Blustein (2014) defends a more nuanced position. He recognises the shortcomings of some forms of political forgiveness (164–8), but argues that in some forms, political forgiveness can be part of restorative justice and a desirable goal of transitional societies (168 and ff.).

[10] That some forms of commemoration can be compatible with forgiveness seems to be Blustein's considered view (e.g. 2014: 220–221). Margalit argues that the covering up model of forgiveness is based in disregarding the sin rather than forgetting it (2002: 197) but he claims that total forgiveness involves entering a process that aims at forgetting as its end-result (205).

respect victims. I briefly draw on the example of Argentina in order to show how some forms of political un-forgiveness can be morally legitimate and effective ways for victims to uphold these demands.

16.3 Forgiveness

An attentive reader of the volume would have noted that there is considerable disagreement in contemporary philosophy about how to understand and conceptualise forgiveness.[11] Most scholars agree that forgiveness is a possible response to culpable wrongdoing. Forgiveness, thus, differs from excusing and justifying in that in forgiving we do not change our initial judgment concerning the wrongness of the offense or the culpability of the offender (Allais 2008: 33–35; Russell 2016: 707). However, there is considerable disagreement about exactly what sort of response forgiveness is supposed to be. According to one influential account, forgiveness is essentially an emotional phenomenon, which requires a change in emotion towards the wrongdoer (e.g. Murphy and Hampton 1998: 21). Harm and injuries, when deliberately caused, usually give rise to negative emotions in us. Forgiveness then, is seen as either involving the moderation, overcoming, or forswearing of negative emotions, which are commonly felt in response to culpable wrongdoing. Accounts differ with regard to exactly what negative emotions forgiveness is supposed to overcome (See Hughes and Warmke 2017, Sect. 5.1). Minimalist accounts focus on hostile retributive emotions such as malice and ill will whose aim is to inflict suffering on the wrongdoer (Garrard and McNaughton 2003: 44). Moderate accounts also require that forgiveness overcome retributive emotions which are not necessarily hostile such as resentment and moral anger (e.g., Griswold 2007). Recently, more expansive proposals also include non-retributive emotions which are sometimes felt in response to wrongdoing, such as disappointment, sadness, hurt and grief (e.g., Blustein 2014) but also fear, shame, guilt and hopelessness (e.g., Urban Walker 2006), among other possible emotional responses.

On the emotional model, the most expansive account is the more attractive. Some authors claim that resentment is a necessary precondition for forgiveness (e.g., Griswold 2007: 40; Russell 2016: 707; Nussbaum 2016: 76 and 78). However, it seems undeniable that emotions felt in response to culpable wrongdoing are not only restricted to resentment and anger. Furthermore, it has been argued that women tend to be educated and socialised to avoid anger and resentment (Nussbaum 2016: 43 to 46). If this is true, at least in some cases and places, by requiring resentment as a precondition for forgiveness, we would be excluding some women as possible agents of forgiveness. Thus, it seems better to allow for a flexible and expansive account of the emotions that forgiveness seeks to overcome or moderate. Moreover, there are good reasons to think that a change of emotion is neither sufficient nor

[11] See the introduction for a brief overview of the different views.

necessary for forgiveness. Despite the reservations noted above, here I illustrate this point by focusing on resentment since this is the emotion more widely discussed in the literature (parallel arguments can be made in relation to the other negative emotions). Resentment is usually understood as a Strawsonian reactive attitude, that is, a self-regarding form of anger caused by having been injured or harmed by a morally responsible agent. Moderating or overcoming resentment is not necessary for forgiveness because in some cases, the victim does not have time or opportunity to feel resentment in the first place,[12] but it is still appropriate to talk of forgiveness having taken place as shown by Pettigrove's example. Suppose that your teenage son has wronged you by taking your car without your permission and crashing it. Yet, in hearing the news that he comes out the car crash almost unscratched, you are more likely to feel relieved than angered. When you meet your apologetic son in the hospital you might be willing to tell him that you forgive him even though you did not have to overcome your resentment because you did not have time or opportunity to get angry in the first place (2012: 3). Furthermore, in some cases in which there *is* resentment, the victim might forgive without fully overcoming it. William Neblett (1974) provides an example to illustrate this possibility. Mary has said to John that she forgives him for an earlier unjustified offense. Later, John asks for help from Mary. It turns out that Mary still harbours resentment over the earlier offense and refuses to help him. John points out to Mary that she had already forgiven him for what he did. Neblett's point is that it would be natural for Mary to agree that she had already forgiven him and then proceed to help him.[13] Furthermore, as it will become clear below, moderating or overcoming resentment is not sufficient for forgiveness. It is possible to overcome negative feelings towards a person who has offended us and yet continue to hold the wrongdoing against them by engaging in a variety of punitive, accusatory or avoidance behaviours. If the wrongdoer does not accept this negative behaviour, there is still tension between victim and offender and it would be misleading to say that forgiveness has taken place. Although overcoming or moderating negative emotions is neither necessary nor sufficient for forgiveness, it is often a central aspect of many cases of forgiveness. As Geoffrey Scarre observes, forgiveness is "too broad, too varied and too vaguely bounded a phenomenon for its 'essence' to be captured in statement of necessary and sufficient conditions" (2004: 25). Forgiveness can take many forms and includes a variety of practices (change of behaviour) and attitudes (change of emotions) depending on the circumstances. Forgiveness is often granted by uttering the words 'I forgive you' (Neblett 1974: 269) and, in some cases, a mere gesture or change of expression might be able to convey forgiveness, particularly if the affected parties know each other well (Warmke 2016: 698). However, other times the expression of forgiveness aims to convey that one has overcome most or all of one's resentment. Thus, the term 'forgiveness' has considerable flexibility and richness in ordinary speech and

[12] See also Roadevin (2017).

[13] Philosophers disagree as to whether one can take back forgiveness after granting it. For contrasting views, see Scarre 2016 and Bash 2015.

practice. Often whether or not forgiveness has taken place will depend, at least in part, on whether those involved see it as such. The best way of doing justice to this richness is to endorse what I will call *a multidimensional account of forgiveness with a core element*. What I take to be the core element of forgiveness is inspired by Margalit's account. He claims that in forgiving, the forgiver commits to not take the offense into consideration as a reason for future behaviour toward the offender: "forgiveness is the decision that the injury is not 'admissible evidence,' that is no longer a reason for action" (Margalit 2002: 202). The core element—or central aspect of forgiveness—I take to be the forgiver's change of policy toward the wrongdoer in the form of *a commitment to stop holding their past offense against the wrongdoer* either not at all or not in the same way they were held against him before he was forgiven (Blustein 2014: 145). Thus, forgiveness is sometimes the performative act of communicating this commitment to the wrongdoer (Margalit 2002: 202) although explicit communication might not always happen. The core element is present in most examples of forgiveness but it is not a necessary condition for forgiveness because some forms of forgiveness are purely private (e.g. forgiving a dead wrongdoer for an offense that was not a crime deserving of public condemnation). Here forgiveness seems to refer to a purely psychological process in which the victim overcomes negative attitudes towards the wrongdoer rather than committing to stop holding the wrongdoing against the offender.

The core element of forgiveness is usually combined with other attitudes and practices which are appropriate depending on the circumstances. This is due to the fact that there are different ways of holding a wrong against an offender. For example, the core element does not require that the forgiver fully overcomes or even moderates their negative emotions towards the wrongdoer. However, what the idea of a core element of forgiveness requires is that, at the very least, the forgiver ought to commit herself to refraining from using these emotions as justification for hostile behaviour towards the wrongdoer (Margalit 2002: 206). This commitment is compatible with retaining negative emotions (Blustein 2014: 150) because negative emotions are not in themselves forms of holding a wrongful action against an offender (Russell 2016: 711). However, this would be a thin form of forgiveness. In some cases, the forgiver might also wish to attempt to overcome any remaining negative emotions, especially because it is more difficult to sustain a commitment to stop holding the wrongdoing against the offender when one is still deeply resentful (Blustein 2014: 152). A deeper, substantive, form of forgiveness would involve the forgiver's (perhaps successful) attempt to overcome all or some of these negative emotions.

Similarly, there might be cases in which the forgiver attempts to overcome any remaining hard feelings held against the wrongdoer, though she is not prepared to relink and restore their relationship. Here again I am inclined to think that a deeper and more substantive form of forgiveness would also involve a restoration of a relationship, probably to its previous state if that is possible, particularly if the relationship was valuable and close and the offending party wants to restore it. Close relationships can be interrupted, and perhaps even irreparably broken (e.g., those involved never speak to, or see, each other again) because of wrongdoing. In these

cases, even if the wronged party overcomes her hard feelings, it is unlikely that those involved would think that forgiveness has taken place. Restoration of a relationship, however, is not a necessary condition for forgiveness because there are many cases in which there is no pre-existing relationship to restore or that restoration is not an option for a variety of reasons (e.g., the offender is now dead, or has moved miles away, etc.). However, if the relationship is a pre-existent valuable relationship, restoring it is often seen as a desirable goal of forgiveness (Scarre 2004: 24–25). However, relationships can also be toxic, harmful or plainly dangerous, so restoring a relationship is not always desirable. As we will see below, a victim can sometimes stop holding the wrongful action against the offender—without committing to reconcile with him—provided that the wrongdoer *accepts* that restoring the relationship is not possible or desirable. Thus, in many cases forgiveness can take place without reconciliation. However, in some other cases, the affected parties might not think that forgiveness has taken place unless they have reconciled. Finally, restoration of a relationship is not a sufficient condition for forgiveness because people might relink a relationship for purely pragmatic reasons while continuing to hold wrongdoing against each other (apparently some marriages are like this).

A more controversial issue is perhaps whether forgiveness is compatible with continuing to punish. Some philosophers have argued that forgiveness requires the decision to stop inflicting any further punishment (Hiernonymi 2001: 551; Zaibert 2009). In contrast, a growing number of philosophers maintain that it is always possible for a victim to forgive a perpetrator while continuing to punish him (e.g., Murphy and Hampton 1998: 21; Garrard and McNaughton 2011: 99; Pettigrove 2012: 155; Allais 2013: 650). I will maintain that the case of punishment is similar to the other attitudes and practices commonly associated with forgiveness. While ceasing to punish is not always necessary or sufficient for forgiveness, in many cases continuing to punish would not be compatible with forgiveness. In order to make this argument, I draw from Luke Russell's non-adversarial account of forgiveness, according to which "forgiveness is sometimes but not always compatible with continuing to punish" (2016: 704).

Here, following Russell, I will understand the notion of punishment in broad terms: "to punish a wrongdoer is to treat him in a way that is correctly believed by the punisher to be reprobative of the wrong and burdensome to the wrongdoer, but not necessarily harmful to the wrongdoer in the long run" (Russell 2016: 705–6). In many political systems, punishment for crimes is the prerogative of the state. That is, the state has the right and the duty to impose hard treatment (e.g., incarceration) or some sanction (e.g., community service, fines, etc.) on a person who has been found guilty of a crime after a fair trial. The state has the prerogative to both impose punishment and in some case forgo punishment for crimes that violate its laws. Many authors conceptualise the forgoing of state punishment as a form of mercy or pardon fundamentally distinct to forgiveness, which they take to be a prerogative of

individuals.[14] However, we should note three things. First, according to the broad definition of punishment, there can be forms of non-institutional punishment which are the prerogative of individuals (e.g., ostracizing, refusing to cooperate with, or publicly shaming a wrongdoer are common forms of non-institutional punishment). These forms of non-institutional punishment can be appropriate responses to non-criminal wrongs as well as appropriate responses that can accompany state-punishment in the cases of crimes. Second, in cases of criminal wrongs, some judicial systems give the wronged party the opportunity to influence the extent—and in some cases even the form—of the punishment (at least for some types of crimes).[15] Third, even in cases in which punishment remains a prerogative of the state, victims of crime still have the option to actively and publicly campaign for the wrongdoers' state-punishment. So, it is legitimate to ask whether forgiveness is compatible with these three forms of punishment.

Here again, ceasing to punish in the sense just specified is not a necessary or sufficient condition for forgiveness. First, it is not sufficient because not all cases in which the wronged party refrains from punishment amount to forgiveness. Refusals to forgive criminal wrongs might not always be accompanied by active campaigning for state punishment or punitive private behaviour for a variety of reasons (e.g. the victim might be too traumatised or depressed to engage in these activities or it might simply be too dangerous to do so). In these cases, ceasing to punish does not amount to forgiving, particularly if the victim would punish if she could. Second, ceasing to punish is not a necessary condition for forgiveness because continuing to punish might be compatible with forgiveness. Russell has shown that a commitment not to hold the offense against the wrongdoer can be compatible with continuing to punish, provided that the offender *accepts* the punishment. Acceptance of punishment does not necessarily amounts to a desire for punishment but it only requires that the offender does not see "the enforcement of punishment to be a point of contention between himself and the punisher" (Russell 2016: 712). However, if the offender does not accept the punishment (either because he thinks that he has been punished enough already or because he does not accept that what he has done was wrong in the first place), then continuing to punishing him is a way of continuing to hold the offense against him and, ultimately, incompatible with forgiveness (Ibidem: 713). According to Russell, in this case the victim would be adopting 'an adversarial stance' towards the offender. This happens "when she treats the perpetrator in a negative way that the perpetrator would be disposed to challenge, were he free to do so" (711). The adversarial stance, as Russell defines it, is mainly a behavioural stance that might (but need not) be motivated by a retributive urge and it can be adopted while bearing good will towards the perpetrator (711). Adopting the

[14] For the distinction between forgiveness, mercy and pardon, see Hughes and Warmke 2017, section 2.4.

[15] Russell examines the case of the murder of Ann Grosmaire in Tallahassee, Florida by her fiancée Conor McBride (2016: 704–5). Ann Grosmaire's parents asked to be involved in a pre-plea conference with Conor and the relevant lawyers, in which they could make recommendations about sentencing.

adversarial stance might involve publicly criticizing the perpetrator for the wrongful action, but in some cases, it might instead involve avoidance behaviour. I can now clarify a point I made previously about reconciliation. Reconciliation is not necessary for forgiveness because a victim might refuse to reconcile with a wrongdoer without thereby holding the wrong against the offender, but only if the offender accepts that restoring the relationship is not possible or desirable. However, if the perpetrator thinks that the victim ought to reconcile with him, and criticises her for refusing to do so, then by refusing to reconcile, the victim still holds the wrongdoing against the perpetrator and forgiveness has not yet taken place. That is, forgiving is sometimes but not always compatible with refusing to reconcile.

We are now in a position to consider whether forgiveness requires that we forget the wrong done to us. As noted in Sect. 16.2, the claim that forgiveness should not be confused with merely forgetting the wrongful act is a point often rehearsed in the literature: while forgiving is done for a reason, forgetting simply happens or comes about in the course of time (Margalit 2002: 203–4; Hallich 2017: 39). The point is well taken, of course. Although forgiveness should not be conflated with merely forgetting a wrongful act, according to some authors, forgiveness requires that we stop "remind[ing] the offender of her misdeeds" (Griswold 2007: 53; cf. Roadevin 2017) or that we agree "to act as if the [wrong] act had never occurred" (Morton 2004: 125).[16] Thus, the key question is not whether forgiveness is compatible with forgetting, understood as an involuntary psychological process, but rather whether it is compatible with *reminding*, understood as a voluntary activity. In Sect. 16.1, we established precisely that memory, understood as active commemoration (i.e., reminding), is an activity that has moral value. Thus, if forgiveness requires that we stop actively reminding the wrongdoer of their misdeed, then it might seem that forgiveness and active commemoration are not compatible. However, my contention is that the non-adversarial account of forgiveness is useful here too. That is, I contend that forgiveness and active commemoration are sometimes, but not always, compatible. Active commemoration is not necessarily incompatible with forgiveness, if the offender acknowledges responsibility for their wronging (i.e., that what he did was indeed wrong) and accepts the importance of actively commemorating the wrongful acts. However, if the perpetrator maintains that the action was not wrong in the first place, or denies the value of being actively reminded of it, then by actively commemorating the past wrongdoing, the victim is still holding the wrongdoing against the perpetrator and forgiveness has not yet taken place. However, there might be differences between the personal and the political in relation to the value of remembering past wrongdoing.[17] While constantly reminding a friend or acquaintance of their past misdeeds might show a lack of generosity, and perhaps

[16] Morton recommends that we 'forgive and forget' usually in response to the wrongdoer's repentance. He clarifies that an atrocity such as the Holocaust "is not something that the human race must ever agree to forget," but for this very reason, it is an act that is "beyond forgiveness" (2004: 125).

[17] An interesting question deserving of further exploration.

even meanness, in the political sphere the importance of commemorating past atrocity is paramount (for the reasons provided in Sects. 16.1 and 16.5).

Finally, the list of possible attitudes and practices that might be involved in forgiveness is not exhaustive. The account aims to be flexible and allow for a degree of cultural and contextual variation.[18]

16.4 Political Forgiveness

The notion of political forgiveness is controversial in the contemporary philosophical literature. Some authors object to the very possibility of political forgiveness on conceptual grounds. However, what is often behind this rejection is the worry that political forgiveness is morally objectionable. Although conceptual and normative issues are not always easy to disentangle (Scarre 2004: 18), it is best to keep the two questions separate as much as we can. In Sect. 16.5, I argue that some forms of political forgiveness are not morally legitimate. However, to deny the possibility of political forgiveness (and un-forgiveness)[19] seems to me to be at odds with common usage and practice. It is just a fact that the language of forgiveness, and indeed, refusals to forgive are often used in political contexts. Ruling out political forgiveness by fiat of definition would only put the philosophical analysis out of sync with current practices.

The multidimensional model sketched in the previous section can be extended to account for cases of political forgiveness. The main issue, then, is to answer the question of what makes forgiveness political. Here I will draw from Alice MacLachlan's proposal (2012) although I will make some important modifications to her account. It is often thought that forgiveness is political when it relates to large-scale cases of wrongdoing between social and political groups on a national, or even international, scale. The discussion then often centres on whether or not groups can forgive, or what sorts of groups are able to forgive. One of the main sources of scepticism about the possibility of political forgiveness is the scepticism about group forgiveness. I will briefly address the problem of group forgiveness at the end of this section. First, it is necessary to make a more general and important point. As noted by MacLachlan (2012), there are plausible counterexamples to the claim that all political forgiveness is collective and that all collective forgiveness is

[18] 'Wiping the slate clean' is often discussed as one of the conditions of forgiveness. I have avoided this expression here because it is not always used consistently in the contemporary literature. The expression is sometimes used to convey that "to forgive someone is to behave as if the wrongdoing would in a sense not have happened" (Zaibert 2009: 390). Other times, it denotes something close to what I have termed the core element of forgiveness, that is, a commitment to stop holding the wrong against the offender (see e.g., MacLahchlan 2012: 13 and Allais 2008: 33). In contrast, Warmke takes the expression to mean that forgiveness is like absolution in that it removes the perpetrator's guilt (2016: 699, cf. Garrard and McNaughton 2003: 41).

[19] When I use the expression 'political forgiveness' I also have in mind 'political refusals to forgive' or political un-forgiveness.

political. On the one hand, it is possible for individual political actors to seek or offer forgiveness only for themselves without taking themselves to be representing a larger collectivity. On the other hand, it is also possible to imagine cases of collective forgiveness that are not especially political in nature, such as forgiveness between members of an extended family, groups of friends or rival sport fans. MacLachlan (2012), also notes, that it is not easy to make a straightforward distinction between 'personal' and 'political' forgiveness. As the second-wave feminists famously remarked: 'the personal is political.' Often personal acts of wrongdoing reveal deep asymmetries of power and privilege. Thus, making a distinction between the political and the personal is not always easy or straightforward. While keeping these complications in mind, MacLachlan suggest the following definition of political forgiveness:

"An instance of forgiveness is political, when it takes place in one of the following three types of circumstances:

(1) Forgiveness between collectivities that are clearly recognizable as politically constituted or organized, or between their mandated representatives (e.g. states, political organizations, ethnic groups or other national minorities, or between groups of marginalized and disadvantaged individuals and the larger political society).
(2) Forgiveness between individuals or groups whose primary relationship, or the relationship in question (i.e. that relationship implicated in the wrongdoing), is political, for e.g. forgiveness for politically motivated or politically charged wrongdoings: hate crimes, for example, or the torture of political prisoners and hostages, as well as individual acts that are part of – and made possible by – wider systemic state policy (e.g. atrocities committed under apartheid policies).
(3) Forgiveness enacted as part of – or in service to – the ongoing process of making the conditions for political society possible (that is to say, a broader political effort to establish lasting peace, build democratic institutions, and take responsibility for past political wrongdoing)." (5–6)

Below, I propose a modification of MacLachlan's definition. In particular, I propose to drop the third sets of circumstances from the definition and somehow simplify the wording of the first two sets of circumstances. I do not fully understand the expression "forgiveness enacted as part of – or in service to – the ongoing process of making the conditions for political society possible." In a footnote, MacLachlan clarifies that she is keeping with Arendt's claim that forgiveness is fundamentally a political faculty (1958: 6) in the sense that political activity always concerns itself with the conditions of its own possibility. This still seems obscure to me. Moreover, while MacLachlan adopts an Arendtian framework in her article, appealing to Arendt's views is not part of my project. Perhaps more importantly, the claim that forgiveness is enacted as part of "a broader political effort to establish lasting peace, build democratic institutions, and take responsibility for past political wrongdoing" seems to assume that forgiveness is always conducive to establishing peace and building democratic institutions. MacLachlan does not argue for this point. She just assumes it. However, the point is not uncontroversial and some authors see punishment and other expressions of regret as more likely to achieve reconciliation than

forgiveness.[20] Moreover, as I argue in Sect. 16.5, it is a mistake to assume that refusing to forgive always leads to violence and political instability because refusals to forgive are not necessarily tied to violence. In view of these considerations,

I propose to drop the third condition and define an instance of forgiveness as political when it takes place in one of the following two types of circumstances:

(1) it involves groups or collectives that are politically constituted or organized (or their mandated representatives) (and it might also involve the individuals that form those collectives).
(2) It takes place between individuals or groups as a response to wrongdoing that was politically motivated and charged.

MacLachan's model of forgiveness is termed 'the multidimensional account of forgiveness' (3). However, a difference between her account and mine is that while allowing that forgiveness can involve a plurality of attitudes and practices, she characterises forgiveness by its function. She argues that forgiveness has three main functions: "it can *release* the wrongdoer from emotional remainders like subjective guilt, it can offer *relief* to the wrongdoer (or indeed, the victim) and it can assist in the *repair* of right relationships, trust and the re-establishment of moral values" (4). In her piece, MacLachlan does not argue in support of—or in fact fully explain—these three functions. I do not have space here to address this issue in full, but it seems to me that it is controversial whether forgiveness has these three functions. The claim that forgiveness can release the wrongdoer from emotional remainders like subjective guilt in the absence of the wrongdoer's repentance is controversial[21] and thus in need of support. In addition, it is not clear that forgiveness is always conducive to the repair of relationships, particularly when the wrongdoing has not been repudiated, or that all relationships are worth repairing. Finally, what sort of relief is forgiveness supposed to offer is left unspecified. Thus, we should avoid characterising political forgiveness by its alleged function.

My proposal is that here, as in the case of personal forgiveness, the core element of political forgiveness is a commitment to stop holding the wrongdoing against the offender. Forgiveness is political when this commitment takes place between groups or collectives that are politically constituted or organized (or their mandated representatives) and/or between individuals or groups in response to wrongdoing that was politically motivated and charged. In a political context, often it is the social performative dimension that is more silent. Forgiveness might take the form of some established action or ritual in which the political actors publicly state that they forgive/refuse to forgive the wrongdoers. Like forgiveness, political forgiveness might also be accompanied by a variety of changes of attitudes and practices, depending on the context. Usually, a change of emotional state would not be the most silent feature of political forgiveness. However, it cannot be ruled out that in some cases, political forgiveness might involve the suspension or overcoming of

[20] See Wringe (2016) and Metz's and Wringe's contributions in this volume.

[21] The claim is rejected by Holmgren (1998) and Satne (2020). See also Satne (2018).

hostile and other types of feelings and attitudes usually held towards wrongdoers. However, overcoming negative feelings towards offenders is not necessary for my account of political forgiveness. This account only requires that the forgiver commits to refrain from appealing to these emotions as reasons to justify hostile behaviour towards wrongdoers and thus it can be compatible with the persistence of negative emotions by some of the relevant political actors (Blusetein 2014: 151).[22] In some cases, political forgiveness might aim at political reconciliation, but political forgiveness is not a necessary or sufficient condition for political reconciliation. While some theorists maintain that a robust form of political reconciliation should include political forgiveness, it is not clear that such a robust form of political reconciliation is always possible in the aftermath of serious wrongdoing (Blustein 2014: 160) or in fact desirable. Moreover, it has been argued that political forgiveness is not necessary for thinner[23] forms of political reconciliation.[24] Indeed this seems to be the case for the account that I have been developing here. Although I do not have the space to fully argue for this point here, it is plausible to maintain that thin models of political reconciliation do not require that victims stop holding the wrongdoing against perpetrators as arguably this is compatible with a shared commitment to future non-lethal democratic co-existence.[25] Moreover, political forgiveness is not always conducive to political reconciliation. Sometimes political forgiveness is imposed 'vertically', without the actual consent or support of the more severely affected victims of wrongdoing. It is unlikely that this form of forgiveness will achieve reconciliation between former adversaries. It is often thought—and in some well-known cases it has actually happened—that political forgiveness ought to be accompanied by amnesty. However, not all political actors have the prerogative to forgo punishment. As noted in the previous section, this is usually the prerogative of the state. However, there can be forms of political forgiveness between political actors that are not state-representatives. Thus, political forgiveness might not always involve amnesty. Moreover, here we can apply our

[22] Political forgiveness, Blustein maintains, refers to acts of sentiment-based interpersonal forgiveness that, collectively or taken as an aggregate of individuals, have political significance (2014: 145). He claims that there is no reason to think that groups (as collectives or aggregates) are not capable of effecting these emotional changes. On my account, some cases of political forgiveness might involve a change of emotions in the relevant political actors, but this change is not necessary. A group might refuse to forgive in the sense of maintaining a renewed commitment to hold the wrong against the offenders while some of its members have as a matter of fact stopped feeling resentment or it can commit to forgive while some of its members continue to feel resentment.

[23] According to Blustein (2014), robust forms of political reconciliation aim at "comprehensive social harmony" (160) while thinner conceptions only aim at "not-lethal coexistence" (160). Blustein endorses a middle- ground conception that seeks "democratic reciprocity" (161 and ff.).

[24] In his contributions to this volume, Wringe distinguishes between robust forms of political reconciliation that involve the "restoration of the moral community" (Sect. 15.4) and a minimalist conception that requires "acceptance of the perpetrators of wrongdoing, made in full knowledge of the wrong that they have done, by the victims of wrongdoing" (Sect. 15.4). He argues that the minimalist conception does not require political forgiveness.

[25] A similar point is made by Morton (2004: 127).

previous analysis of the relation between punishment and forgiveness, that is, political forgiveness might be compatible with punishment but only if the perpetrators accept the punishment. If perpetrators resits being punished, and the political actors (if they are state-representatives) continue to punish them, or if they are not representatives of the state, they continue to actively campaign for their punishment, then there is still adversity between victims and wrongdoers and political forgiveness has not yet taken place. A similar point can be made with respect to the compatibility of political forgiveness and active commemoration. The need to commemorate wrongdoing is more important in the case of wrongdoing that has been politically motivated and charged, particularly when the wrongful action was serious and committed as part of pattern of abuse that involved a public dimension (e.g. crimes against humanity and/or atrocities). If the perpetrators refuse to acknowledge their wrongdoing and refuse to accept the importance of commemorating their actions, then actively reminding them of their offenses would constitute a way of holding the wrongdoing against them and thus be incompatible with forgiving them.

I now need to address the issue of whether group forgiveness is in fact possible. Our definition of forgiveness, particularly in relation to the first set of circumstances, allows for forms of political forgiveness between collectives or groups. Therefore, we should briefly consider whether groups are able to forgive. Including group forgiveness in our definition of political forgiveness is important because groups can both suffer and perpetrate harm. On the one hand, groups can suffer from harm as wrongs done to groups of people can be collective or distributive. On the other hand, there are too many examples of cases in which entire groups either have participated in wrongdoing or have at least been complicit with it by benefiting from the results. According to critics, the problem with group forgiveness is that it attributes too rich a notion of moral agency to political collectives. The main problem is that victims of atrocity are often members of unstructured groups, such as ethnic and cultural groups, which do not meet the conditions for collective agency and groups of this sort do not seem to be capable of being subjects of forgiveness.[26] Even in Margaret Gilbert's account of plural subjecthood (2001), which initially appears to leave open the possibility of unstructured collectives having emotions, it is difficult to make "any sense out of the idea of attributing emotions to an unstructured collective" (Wringe this volume, Sect. 15.5). Gilbert's account of the conditions under which a collective subject can be held to be the subject of an attitude requires that each member of the group be committed to holding a collective attitude as a body. This requirement seems too demanding for two reasons. First, in practice it would simply be too difficult to achieve that every member of a collective be committed to holding the relevant attitude (e.g., giving up resentment). Second, it is difficult to see why members of an unstructured group would be willing to share a commitment to holding the collective attitude *as a body*. The first point can be answered easily enough simply by requiring that the attitude be widely shared by members of the unstructured group instead of universally shared (Blustein 2014: 136). The second point is more

[26] For this objection, see Wringe's contribution on this volume, Sect. 15.5.

difficult to answer. Thus, if we think that political forgiveness should involve a change of emotions, it is difficult to see how unstructured groups could collectively perform the necessary emotional changes. However, in the multidimensional account of political forgiveness, a change of emotional attitudes is neither necessary nor sufficient for forgiveness. Instead, the core element of forgiveness, which in the political realm is likely to be the more silent one, is the commitment to stop holding the wrongdoing against the perpetrators. However, at this point it seems that the same objection can be redirected to the multidimensional model. The problem is that for a group to be able to commit to stop holding the wrongdoing against perpetrators, the members of the group have to be willing to share this commitment *as a body* and it is difficult to see how unstructured groups could coordinate their actions to achieve this. This is a fair point, however, I do not think that the objection rules out all forms of group forgiveness. What this analysis shows is that in order for groups to be able to forgive they must have some certain level of organisation and structure, that is, have representatives, spokespersons and a fair method for arriving to decisions, and so on.[27] When groups are thus organised and structured I simply do not see a problem with maintaining that they can be the subject of forgiveness, refusals to forgive and practices of commemoration. For example, it would be sufficient for a group to be able to forgive by simply announcing that they forgive or by publicly waving certain claims and demands. In the next section, I will briefly provide examples of structured groups of victims that have publicly refused to forgive atrocity.

So far, I have presented my analysis in conceptual terms without touching much on normative issues. The multidimensional account of political forgiveness is very flexible and can accommodate a wide variety of forgiveness practices and models. We have just seem that one conceptual limit on political forgiveness is that the groups that are able to forgive ought to have a certain level of organisation and structure.[28] Moreover, even when this condition is met, there is no reason to think that all forms of political forgiveness are equally morally valuable, an issue I consider in the next section.

16.5 Political Forgiveness and the Moral Demands of Memory

I have argued that political forgiveness is not only possible but it can also take different forms depending on the context. However, this leaves open the question of whether political forgiveness is always desirable. In the previous section, I argued

[27] Here I do not have the space to specify exactly what type of structure or organisation would be required for groups to be able to forgive. Wringe (Sect. 15.5) speculates that organised groups of victims might not be effective in representing all victims within the group. However, this is just an empirical question and there is no reason to believe that all groups are likely to fail on this score.

[28] Some forms of alleged collective forgiveness are ruled out by my account if the groups simply lack the necessary structure to forgive.

that political forgiveness and punishment are sometimes incompatible. Thus, punishment might be one standard by which to judge the desirability of political forgiveness. In cases in which they are incompatible, that is, when we believe that there are moral reasons to punish a perpetrator even though the perpetrator does not accept the punishment, then we might conclude that in this type of case political forgiveness would be morally undesirable.[29] In what follows, I will judge the desirability of political forgiveness in light of two further considerations: (i) constraints imposed by the need to respect the dignity of those victims that were most seriously and directly affected by the conflict and (ii) constraints imposed by the moral demands of memory.[30]

Political forgiveness might take the form of an official act releasing perpetrators from reparative obligations by persons that have not been themselves harmed. This might happen in different ways. In one kind of situation, a regime might grant forgiveness unilaterally without perpetrators' acknowledging wrongdoing or attempting to make amends, in an (alleged?) effort to promote political reconciliation. This form of political forgiveness is deeply problematic. One problem is that when political forgiveness takes this form, it is not able to restore and reaffirm the dignity of the victims of wrongdoing and/or to hold perpetrators accountable for their wrongdoing. Unilateral official acts of forgiveness would be undesirable if they fail to affirm victims' dignity because the victims are not the ones granting forgiveness.[31] Moreover, in another type of case, officials might attempt to involve the victims in the reconciliatory task by encouraging them to forgive perpetrators. Some have interpreted the South African Truth and Reconciliation Commission (TRC) as precisely an example of adopting a policy, on the political level, of encouraging victims to forgive perpetrators (Blustein 2014: 153). I do not know the details well enough to be able to judge whether this interpretation of the role of the TRC is correct.[32] The TRC thus interpreted (Brudholm 2008, ch. 5 and Hamber 2009: 187–8) is then criticised for not merely providing opportunities for victims to forgive but for actually attempting *to put pressure* on victims to forgive. However, political forgiveness fails to be respectful of victims' needs when it becomes "official state policy, or when [it] is expected from victims" (Blustein 2014: 165). Tacitly blaming victims for refusing to forgive is hardly a form of restoring and reaffirming their dignity. The argument here is not the often-rehearsed point that only direct victims have the standing or prerogative to forgive because the wrong was done to them. We can allow that

[29] Russell argues for a similar conclusion for the case of interpersonal forgiveness (2016: 717).

[30] These are probably not the only constraints imposed on a legitimate form of political forgiveness but are the ones that interest me here. MacLachlan for example says: "in general a successful (constructive) policy of forgiveness must be combined with more general policies of social justice and reparations to victims" (2012: 13).

[31] The value of affirming the dignity of victims of widespread and serious wrongdoing seems obvious to me and thus I do not argue for this point here.

[32] For an alternative reading of the experience of forgiveness in the encounters that took place during the TRC, see du Toit reconstruction of Pumla Gobodo-Madikizela's position in this volume (Chap. 13).

officials might have standing to forgive at least to the extent that they are able to represent victims or are themselves secondary or tertiary victims of wrongdoing (MacLachlan 2012: 10). However, the important point is that if it is widely known that many direct victims are still unwilling to forgive, then either imposing forgiveness from the top down or putting pressure on them to forgive would be disrespectful (Blustein 2014: 165).[33] As noted by Wringe: "victims of wrongdoing typically have the standing to refuse forgiveness, and…individuals other than victims act presumptuously - and to that extent wrongly - if they forgive in situations where they have reason to think that victims would not(…)."[34] The important point is that putting pressure on victims to forgive would be morally wrong regardless of whether this is the correct interpretation of what actually happened in this case.

Moreover, when political forgiveness is granted unilaterally, it cannot meet the demands of memory. If perpetrators have not acknowledged their wrongdoing, then it is difficult to see how forgiving them unilaterally can be fully compatible with active commemoration of wrongdoing. As noted in the previous two sections, if perpetrators do not accept that active commemoration of past wrongdoing is desirable, then active commemoration is a way of continuing to hold the wrongdoing against perpetrators and thus incompatible with forgiving them. Moreover, acknowledging wrongdoing seems to be a necessary condition for remembering it. As long as one of the main actors in the political conflict denies responsibility for the atrocities committed, then past events are still open to denialism and the demands of memory are not fully met. In these cases, mechanisms should be put in place to investigate the truth about past abuses and to acknowledge the suffering of victims.[35]

I will now briefly examine an example of an official attempt to impose forgiveness vertically and unilaterally without perpetrators' acknowledgement of responsibility. I take this to be an example of a form of political forgiveness that was clearly in tension with the moral demands of memory. From 1976 to 1983, Argentina suffered a particularly brutal civico-military dictatorship. The modus operandi of the state-sponsored repression involved kidnappings, followed by torture in illegal

[33] Blustein argues that not all forms of forgiveness are disrespectful of the dignity of victims. He claims that it is possible for the state to create "structured opportunities for forgiveness" (2014: 168) which would create conditions for forgiveness that are responsive to victim's desires and needs. He seems to have in mind the types of meetings between victims and offenders that are usually advocated by defenders of restorative justice. I am sceptical about the prospects of these meetings to really succeed in avoiding pressurising victims to forgive, particularly when forgiving is part of a cultural narrative of political unity and reconciliation. However, as long as these meetings are desired and endorsed by the victims themselves, then they might open the door for a form of political forgiveness that is not disrespectful. Some read the experience of forgiveness in the encounters that took place during the TRC as precisely as an example of forgiveness that was desired by victims (e.g. see du Toit reconstruction of Pumla Gobodo-Madikizela's position in this volume in Chap. 13).

[34] In his contribution to this volume, Sect. 15.2.

[35] A variety of mechanisms are possible: trials, truth commissions, public enquiries, museums, memory forums, archives, etc. There are controversies surrounding each mechanism but these are outside the scope of this chapter.

clandestine centres of detention, often resulting in enforced disappearances of the prisoners. An estimated 500 children were appropriated —including some who had been kidnapped with their parents and some who were born in captivity—and adopted under false identities by the military and their associates.[36] Argentine human rights organisations currently maintain the number of victims disappeared during that period to be 30,000 people. The disappearance of mortal remains was a method deliberately used by the military to hide their crimes but also a dispositive to prevent "even the possibility of posthumous reconstruction of subjectivity through mourning and remembrance" (Andermann 2012: 80). During this time, there were around 750 clandestine centres of detention across the country.[37] The largest one was the Naval School of Mechanics (known by its Spanish acronym ESMA) in the capital city of Buenos Aires, a centre comprising of 17 acres dedicated to the clandestine torture, assassination, and disappearance of leftist militants, trade union and human rights activists, artists, intellectuals, bystanders and relatives. ESMA had approximately 5000 inmates of which 90% were assassinated.

Democracy returned in 1984. In 1985, the new democratic regime tried and punished those responsible for the atrocities although the trials were limited to the most senior level of the military, despite the fact that responsibility for the disappearances was spread widely throughout the ranks (Di Paolantonio 2008: 27–28). However, the subsequent will to enforce the punishment of perpetrators fluctuated according to the political preferences and allegiances of those in government. From 1986 to 2010, Argentina witnessed a back and forth between attempts to punish perpetrators and various measures to halt further trials which saw the 1985 convictions overturned by the amnesty laws of the 1990s. Despite the fluctuating official approaches, throughout the aftermath of the conflict the attitude of perpetrators seemed to remain unchanged: most perpetrators refused to acknowledge wrongdoing, tell the truth, repent and/or apologise (Grandsman 2008: 544 and Di Paolantonio 2008: 28). In particular, most of them refused to provide information about the children and babies who had been appropriated under false identities,[38] triggering the relentless and uncompromising search for these children (who are now adults) by their grandparents, a labour that continues until today, by the now rightly celebrated *Abuelas of Plaza de Mayo* (Grandmothers of Plaza de Mayo).[39]

In this context, one attempt to impose unilateral policies of political forgiveness deserves our attention. During the 1990s, Argentine elected President Carlos Menem

[36] For more information about the appropriated grandchildren, see: https://www.abuelas.org.ar/abuelas/historia-9

[37] See https://www.espaciomemoria.ar/lugar/

[38] On this refusal, see for example, the speech delivered by the Argentina Association of Human Rights Organisations (DDHH) on the 24th March 2020, in the commemorative act for the 44th anniversary of the 1976 coup: https://www.abuelas.org.ar/noticia/discurso-de-los-organismos-de-derechos-humanos-del-de-marzo-1250

[39] For more information about the work of the *Grandmothers*, visit: https://www.abuelas.org.ar/abuelas/historia-9

overturned convictions of the military through amnesty laws, aggressively promoting reconciliation, and suggesting that ESMA should be demolished and replaced with a monument to national reconciliation. As explained by Di Paolantonio: "[l]iterally, in the overturned burial grounds of the disappeared the sense of a redeemed 'we' would be monumentalized: early in 1998 Menem decreed that 'the site would be turned into a park, which,' he said, 'would be a monument to national unity'" (Di Paolantonio 2008: 30). Unsurprisingly, this proposal and the amnesty laws were utterly repudiated by different human rights organisations in Argentina. Victims' groups objected not only to the impunity associated with the amnesty laws but also to what was clearly an attempt to erase the past. Menem's decree was eventually annulled in response to a lawsuit launched by rights groups who proposed that the ESMA should be left standing as a reminder of the crimes committed by the dictatorship: "the ruling conferred that there was a collective obligation to preserve the site so as to ensure the right to investigate and to mourn the unsettled past" (Di Paolantonio 2008: 30). This case illustrates a form of political forgiveness that was not only clearly incompatible with the demands of memory but also out of sync with the desires and needs of most of the victims. Given that most perpetrators refused to acknowledge responsibility for past wrongdoing and to tell the truth about past abuses, it is not surprising that the attempt to forgive them was accompanied by the decision to halt punishment and to stop policies of commemoration.

In 2001, a process started by the federal courts attempted to declare that the amnesty laws were unconstitutional, eventually opening the door for a series of trials on an unprecedented scale in South America (and probably the world).[40] Finally, in 2009, the Argentine Supreme Court ruled that the dictatorship's killings between 1976 and 1983 constituted "crimes against humanity within the framework of [a] genocide" (Goñi 2016). More than 1000 of the dictatorship's torturers and killers have been sentenced 'for crimes against humanity' (Goñi 2016).[41] A further important political turn occurred again when Nestor Kirchner was elected president in 2003. On the 24th March 2004, President Kirchner declared that ESMA was to become a Site of Memory. The military was asked to hand over its tenancy of ESMA to the Autonomous City of Buenos Aires, which in turn gave it into the "custody of a rainbow coalition of human right organizations."[42] Today the ESMA has become a space for memory where different human rights organisations, cultural centres,

[40] *Ibidem.*

[41] For more up-to-date information about number of trials for crimes against humanity in Argentina, visit:http://www.hijos-capital.org.ar/2020/03/30/a-44-anos-del-golpe-genocida-los-numeros-de-los-juicios-por-delitos-de-lesa-humanidad/

[42] In the words of Jens Andemann 2012: 77.

archives, educational institutions and civil society associations co-exist, each one of them engaged in different activities, and sometimes even competing practices of commemoration.[43]

The aftermath of the conflict in Argentina is characterised by a distinctive feature. Survivors, relatives of the disappeared and others affected by the conflict are often highly organised and have formed a variety of human rights organisations and groups. Some of these organisations emerged very early in the conflict while others formed in democracy (e.g., *Madres de Plaza de Mayo*,[44] *Abuelas de Plaza de Mayo*, *H.I.J.O.S*, among many other human rights organisations). Although most of these organisations are not directly affiliated to political parties, they have different political and/or social aims and goals, including in some cases important disagreements about the best practices to remember and commemorate the past. Despite some differences, most organisations have historically made their demands under the slogan 'neither forget nor forgive' ('ni olvido ni perdón'). This slogan was adopted very early in the aftermath of—or perhaps even during—the conflict and continues to be used today as an expression of the struggle for memory, truth and justice.[45] The slogan often appears on banners during protests and is added to messages in social media, included on websites and expressed in public speeches. It also often appears in commemorative reminders of the disappeared published in national newspapers by their relatives.[46]

The struggle of these human rights organisations exemplify what I take to be a legitimate form of political un-forgiveness, which has been inexorably linked to efforts to institutionalise survivors' and relatives' demands to adopt memory as state policy. It is a form of *un-forgiveness* because these various human rights organisations (and various prominent figures within these movements) have consistently and

[43] For an overview of some of the debates surrounding the best way to commemorate the past, see Di Paolantonio (2008) and Andermann (2012). For more information about ESMA today visit: https://www.espaciomemoria.ar/lugar/

[44] The *Madres de Plaza de Mayo* (Mothers of Plaza de Mayo) is one of the best-known organized groups of relatives of disappeared people. It is formed by mothers of the disappeared. As a symbol of their identity they wear white scarves: diapers with embroidered inscriptions. In 1986, the organisation split into two groups: *Asociación Madres de Plaza de Mayo* and *Madres de Plaza de Mayo-Línea Fundadora*. Both groups continue to have an active role in the demands for justice and redress.

[45] More recently, organisations and individuals have also used the slogan: Ni Olvido, Ni Perdon, Ni Reconciliacion ('Not Forgetting, Not Forgiving, Not Reconciling'). Other influential slogans are: Nunca Mas ('Never Again'), Juicio y Castigo ('Trial and Punishment'), Con Vida los Queremos ('We want them alive') and Memoria, Verdad y Justica ('Memory, Truth and Justice').

[46] See for example, https://www.pagina12.com.ar/256065-nelson-agorio-ruperto-mendez-rodolfo-ortiz-hector-chavez-hec (accessed on 6/4/20)

publicly maintained their refusal to forgive and forget.[47] It is *political* because the crimes were politically motivated and the various human rights groups that refuse to forgive are highly organised.[48] The core element of this refusal to forgive is the commitment to continue to hold the offenses against perpetrators (but *within the framework of the law*—without resorting to violent acts of revenge) and to appeal to these injuries to justify a series of political demands. That is, by publicly refusing to forgive and continue to hold these crimes against perpetrators, these various human rights organisations can continue to articulate a series of legitimate demands in the public sphere. For example, one of their key demands is to locate the appropriated 'grandchildren.' So far, 130 appropriated grandchildren have been found. This process is still ongoing as some were found as children, while others have been found very recently, (i.e., 2019).[49] They also demand the uncovering of the truth of what happened to the disappeared. In addition, there has been a sustained public demand for memory and justice (in the form of trials and punishment of perpetrators). The two demands are intimately linked. As explained by Di Paolantonio, the establishment of ESMA as a site for memory responds to a "demand for justice [that] has been inexorably linked to the broad and diverse work of establishing and transmitting public memory by recovering temporal and spatial registers associated with the past trauma" (2008: 28). Finally, it is worth noting that what is happening at the emotional level is much more difficult to determine. The leaders of these human right organisations are not necessarily calling or asking direct and indirect victims

[47] The victims' refusal to forgive and forget is well-known in Argentina, see for example Grandsman 2008: 278 and 544. I do not wish to ascribe this refusal to forgive to all human rights organisations in Argentina as there might be some variations between the different groups of which I am not aware. However, it would be relatively easy to provide considerable evidence to back up my claim. Here I only provide a few examples: the organisation H.I.J.O.S Capital Federal [hijos, generic for sons and daughters, or children, stands for Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio (Children for Identity and Justice against Oblivion and Silence)] signed a recent Facebook (14/5/20 at 14:45) post in which they demand trials against those responsible for the genocide, with the words 'ni olvido ni perdón' (see https://www.facebook.com/photo/?fbid=1569170843259002&set=a.407265152782916). See also: https://www.hijos-capital.org.ar/nuestra-historia/. On 04/05/2017 in response to Mauricio Macri's proposal to reduce the sentences of convicted perpetrators and the subsequent call from the Conferencia Episcopal Argentina (CEA) for National Reconciliation, various human rights organisations stated their refusal to forget, forgive and reconcile, including *Asociacion Madres de Plaza de Mayo* (see https://www.pagina12.com.ar/35601-ni-olvido-ni-perdon-ni-reconciliacion) and *Abuelas of Plaza de Mayo* also: https://misionesonline.net/2017/05/03/olvido-perdon-las-abuelas-plaza-mayo-rechazan-la-idea-reconciliacion-los-genocidas). On 10/05/17 *Mothers of Plaza de Mayo* called for a march in protest for the abovementioned proposals drawing half a million people wearing the emblematic white scarves in Buenos Aires: (see: https://www.liberation.fr/planete/2017/05/11/buenos-aires-un-demi-million-de-foulards-blancs-dans-les-rues-contre-l-impunite_1568758?fbclid=IwAR2_a5T93tijDjIIxamWOq5n68wz8iM53ZlUa32WKqz7k-poKV3OAectzLA0)

[48] It is political in this wider sense of being committed to advance social and political goals but not necessarily in the sense of being affiliated to one particular political party.

[49] Grandchild 130, Javier Matías Darraoux Mijalchuk recovered his identity as recently as 2019, provoking great joy among large sectors of Argentine society.

to be hateful, resentful and/or angry. These victims' groups are structured, and to a certain extent they share emotional states, but this does not mean that all individuals share exactly the same emotions or that there cannot be considerable individual variation within the groups. The change of emotional state is a personal and intimate matter, which is not for political actors to demand or attempt to influence. Having said that, I suspect that in many cases, for direct and indirect victims and those in wider society who support them, the *refusal to forgive* also involves upholding or endorsing some of these negative emotions to a certain degree. However, not all emotions involved in this conflict have been negative. There is solidarity and love among victims and the experience of recovering the grandchildren has been life affirming for the grandmothers and a source of optimism for a big part of Argentine society.

I will close my argument by briefly addressing the second worry identified in Sect. 16.2. The worry was that too much emphasis on remembrance might encourage un-forgiveness, which is problematic because the refusal to forgive might lead to violence. Blustein, for example, worries that commemorative rituals might stir "powerful feelings of anger, resentment, and indignation that target the leaders, agents, and collaborators of the former regime and motivate violent, vengeful, or retaliatory actions" (2014: 201), while MacLachlan notes: "the relative merit of acts of forgiveness depends, in part, on their relationship to and expression of other important moral values: moderation in retaliation, trust, compassion, the alleviation of suffering, moral sensitivity, and self-reflection. Particularly important in a political context are trust and the moderation of anger and revenge" (2012: 22). However, leaving aside the discussion of whether or not acts of violence that resist oppression are always impermissible, it seems to me that what we have in these passages is an illegitimate equation between refusing to forgive and unlawful forms of revenge. Refusing to forgive does not necessarily lead to violence. This is simply a false dichotomy. I have been arguing that the alternative to forgiveness is not necessarily unlawful and hateful revenge. Key political actors can commit to peace and the transition to democracy without having to commit to forgiving perpetrators of serious wrongdoing. As the case of Argentina shows, political actors can make their demands *within the framework of the law* without resorting to violent acts of revenge. If we believe that violent revenge is impermissible, then political groups that engage on these acts can be criticised on those grounds. The problem is not with commemorative rituals per se, but rather their use as provocations by some groups who have not fully renounced violence. Keeping provocations in check does not require a policy of oblivion. Moreover, the multidimensional account of political forgiveness does not equate the refusal to forgive with the stirring of powerful feelings of anger, resentment, and indignation, nor does it assume that these emotions are causally linked to violence. Thus, violence is not a necessary aspect of the refusal to forgive.

16.6 Conclusion

I have argued that when perpetrators refuse to acknowledge wrongdoing, fail to accept their punishment and/or the need to remember past atrocity, then continuing to punish them and actively commemorating the past would be incompatible with forgiving them. If we believe that sometimes there are moral reasons to punish and to commemorate past atrocity, then there will be cases in which we would have very good reasons to refuse to forgive. I conclude, that some forms of political unforgiveness can be morally legitimate and particularly well suited to fulfil the demands of memory without leading to further violence.

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