Paula Satne
Krisanna M. Scheiter *Editors*

Conflict and Resolution: The Ethics of Forgiveness, Revenge, and Punishment

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Editors
Paula Satne (iD)
School of Humanities
University of Wolverhampton
Wolverhampton, UK

Krisanna M. Scheiter
Union College
Schenectady, NY, USA

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About the Authors

Louise du Toit is Associate Professor in the Department of Philosophy at Stellenbosch University in South Africa. In 2009, she published *A Philosophical Investigation of Rape: The Making and Unmaking of the Feminine Self* (Routledge). She has been a visiting fellow at Stellenbosch Institute for Advanced Study (STIAS) in 2017, at the Princeton Center of Theological Inquiry in 2018, at Bristol University Law School in 2019, and again at STIAS in 2020 and 2021. She has been a member of the Sexual Violence in Armed Conflict international research group based at the Institute for Social Research in Hamburg since 2008. She has published widely on sexual violence in war and peace, as well as on epistemic justice and the right to interpret, African feminisms, decolonization, feminist legal philosophy, and philosophies of sexual difference and embodiment.

Corinne Gartner is Associate Professor of Philosophy at Wellesley College. She has written articles on Plato, Aristotle, and Seneca, with a focus on ancient ethics and moral psychology.

Keith Green is Professor in the Department of Philosophy at East Tennessee State University, where he also coordinates programs of study in religious studies. His areas of specialization are the history of philosophy and religious thought in the early modern period, philosophy of religion, and religious ethics. He is interested in, among other things, religious and theological responses to the challenge of naturalism, especially early modern "naturalistic" theorizing about religion and ethics, and theories of affect and emotion. His published work has focused on the moral psychology of hatred (especially in Aquinas and Spinoza), and the ambiguous place of hatred in moral motivation and accounts of normativity.

Oliver Hallich is Professor of Philosophy at the University of Duisburg-Essen, Germany. His main research interests are theories of punishment, philosophy of forgiveness, ethics of reproduction, philosophical pessimism, anti-natalism, Plato, and Schopenhauer. Recent publications: "Is it morally legitimate to punish the late stage demented for their past crimes?" In: *Journal of Ethics* 2021; Strafe (Grundthemen Philosophie), Berlin 2021.

Whitley Kaufman is Professor in the Philosophy Department at the University of Massachusetts Lowell. His areas of specialty include ethics, philosophy of law, philosophy of religion, and philosophy of literature. He has published four books: *Justified Killing: The Paradox of Self-Defense* (2009); *Honor and Revenge: A Theory of Punishment* (2012); *Human Nature and the Limits of Darwinism* (2016); and *Seinfeld and the Comic Vision* (2020).

Thaddeus Metz is originally from the USA but relocated to South Africa in 2004. Since then, he has become known for drawing on the African philosophical tradition to address a variety of contemporary moral controversies. Metz has published more than 250 books, chapters, and articles, with forthcoming publications including *A Relational Moral Theory: African Ethics in and beyond the Continent* (to be published by Oxford University Press) and "Recent Work in African Philosophy" (to appear in *Mind*). Metz is currently Professor of Philosophy at the University of Pretoria.

Per-Erik Milam is a researcher in practical philosophy at the University of Gothenburg. He studies free will, agency, and moral responsibility and has written on the responsibility practices, including blame, apology, and forgiveness, that we use to address and resolve moral conflicts. He is currently working on a project about the limits of forgiveness, funded by the Swedish Research Council.

Kate Moran is Associate Professor of Philosophy at Brandeis University who specializes in Kant's moral and political philosophy.

Carissa Phillips-Garrett is Assistant Professor of Philosophy at Loyola Marymount University. Her research engages questions at the intersection of ethics, moral psychology, and ancient philosophy. She focuses on the ethical questions that arise in considering moral emotions like anger, resentment, and sympathy, and the ethics of practices that sustain or undermine social relationships, such as blame, forgiveness, and contempt. The second area of research brings ancient philosophers (particularly Aristotle) into conversation with contemporary ethics on topics like forgiveness, moral responsibility, and friendship.

Paula Satne is Senior Lecturer in Philosophy at the University of Wolverhampton (UK). Her research engages in both theoretical and applied issues related to human evil, the ethics of forgiveness, and, more recently, the ethics of memory, including related themes in political philosophy. She has a longstanding interest in the history of ethics (i.e., Aristotle, Spinoza, and Kant) and the intersection of ethics with philosophy of mind and aesthetics. Her recent research develops a Kantian approach to forgiveness, exploring the relationship between forgiveness, moral development, justice, and self-respect. Her edited volumes include *Kant's Doctrine of Right in the 21st Century* (2018), and *Construyendo la autonomía, la autoridad y la justicia. Leer a Kant con Onora O'Neill* (2018). She is also guest editor of a Special Issue on *Forgiveness and Conflict* (*Philosophia,* 2016).

Geoffrey Scarre is Professor of Philosophy at Durham University, UK. He has published extensively on topics in moral philosophy and applied ethics, including the ethics of forgiveness, cultural heritage ethics, and the philosophy of aging. His books and edited volumes include *Utilitarianism* (1996), *After Evil: Responding to Wrongdoing* (2004), *On Courage* (2010), and *The Palgrave Handbook of the Philosophy of Aging* (2016). He is currently working on a monograph on the legitimacy of historical moral judgments.

Krisanna M. Scheiter is Associate Professor of Philosophy at Union College. She specializes in ancient Greek and Roman philosophy and has written on Plato and Aristotle's accounts of imagination and thinking. Her work aims to provide unique interpretations of both Plato and Aristotle by looking at how Aristotle takes Platonic ideas and either rejects them or puts his own spin on them. Her current project examines Plato and Aristotle's account of emotion and desire. She also has a keen interest in debates surrounding the ethics of anger and revenge, both in ancient and contemporary philosophy.

Jens Timmermann is Professor of Moral Philosophy at the University of St Andrews in Scotland. He has published widely on ancient and modern, particularly Kantian, ethics and is the editor of the German–English edition of Kant's "Groundwork of the Metaphysics of Morals" (Cambridge University Press, 2011).

Brandon Warmke is Assistant Professor of Philosophy at Bowling Green State University. He works in ethics, social philosophy, moral psychology, and political philosophy. He is the author of several philosophical and empirical papers on public discourse and moral responsibility, and over a dozen papers on forgiveness. With Justin Tosi, he is the author of *Grandstanding: The Use and Abuse of Moral Talk* (2020, OUP). His work has been featured in *The Atlantic*, *HuffPost*, *Scientific American*, *The Guardian*, *Slate*, *The New York Times Magazine*, and *Vox*.

Bill Wringe is Associate Professor of Philosophy at Bilkent University, Ankara. He is author of *An Expressive Theory of Punishment* (Palgrave MacMillan 2016) and has published elsewhere on collective agency and collective responsibility, on philosophy of emotion, and on a variety of nonparadigmatic forms of punishment, including the punishment of collective agents and of non-citizens.

Leo Zaibert is the William D. Williams Professor of Philosophy, Law, and Humanities at Union College. He has received fellowships from the Alexander von Humboldt Foundation and the National Endowment for the Humanities; he has held a number of visiting posts, including at Amherst College, Pace University, New York University, the University of Geneva, the University of Toronto, and the University of Oxford, where he was the H.L.A. Hart Visiting Fellow. He has lectured widely and serves on the editorial board of a number of journals, including *Law and Philosophy, Criminal Law and Philosophy*, and *The Monist*. He is the author of over one hundred publications. His latest book, *Rethinking Punishment*, was published by Cambridge University Press in 2018.

Chapter 1
Introduction

Paula Satne and Krisanna M. Scheiter

Abstract The editors of the volume, Krisanna Scheiter and Paula Satne, introduce some of the central themes in the book and briefly summarise the content of the different chapters. The chapters examine the merits and pitfalls of common reactive attitudes to wrongdoing, such as anger, hatred, resentment, and forgiveness, taking into account both historical perspectives and contemporary debates. The introduction explains some of the philosophical debates about the nature and the desirability of anger, and the alleged distinction between revenge and punishment (1.1). The introduction also surveys deep disagreements regarding the normativity of interpersonal forgiveness and indeed the very nature of forgiveness, blame, and resentment, which run through the different chapters of the book (1.2). The third section of the introduction (1.3) turns its attention to forgiveness, punishment, and reconciliation in the political sphere and the philosophical debates surrounding the nature and desirability of political forgiveness and its relation to the moral duty to remember after an atrocity, as well as the relationship between political reconciliation, apologies, and punishment. The volume offers cutting-edge scholarship on these issues and a new way to interpret and understand these concepts by important figures in the history of philosophy. The hope is that the different contributions in this volume will help the reader understand the philosophical issues that are at stake when we think about our responses to both interpersonal and political wrongdoing as well as the considerations that underpin conflicts and our attempts to resolve them.

Conflict and resolution is a part the human experience and how we respond to wrongdoing is as important as any other moral obligation. But what are our moral obligations to those who knowingly and willingly cause harm? What are our

P. Satne (✉)
School of Humanities, University of Wolverhampton, Wolverhampton, UK
e-mail: P.Satne@wlv.ac.uk

K. M. Scheiter
Union College, Schenectady, NY, USA
e-mail: scheitek@union.edu

obligations to ourselves and others who suffer harm at the hands of others? In "Freedom and Resentment," P. F. Strawson describes anger, resentment, hatred, forgiveness, gratitude, and love as reactive attitudes (1974: 6). They are reactions or attitudes that we have in response to those who either benefit or harm us. He points out that resentment, forgiveness, and other reactive attitudes, grow out of our beliefs about other people's attitudes and intentions, not just their actions. If someone treads on my hand accidentally, while trying to help me, I may not feel anger or resentment, even though the pain I experience is no less intense than if the person had stepped on my hand intentionally and out of malice (Strawson 1974: 5). Thus, how we respond to others depends, in part, on how we interpret their actions. Moreover, while philosophers tend to agree that anger, hatred, and resentment are common reactive attitudes, there is still disagreement about how exactly to conceptualize these attitudes and when they might be morally appropriate responses to wrongdoing.

In this volume authors examine the merits and pitfalls of common reactive attitudes to wrongdoing, such as anger, hatred, resentment, and forgiveness, taking into account both historical perspectives and contemporary debates. The volume includes several pieces that push us beyond the current conversations and encourage us to rethink some of our most basic assumptions. Carissa Phillips-Garrett, for example, argues that forgiveness would have been a vice for Aristotle. Corinne Gartner claims that Seneca thinks the virtuous person cannot be harmed and therefore has no reason to get angry. Oliver Hallich claims that there is a dark side to forgiveness and Thaddeus Metz asks us to consider other responses to wrongdoing other than retributive punishment. These are just some of the controversial and thought-provoking theses that arise in the volume. The book contains fifteen original contributions divided into three sections. In this introduction, we will look at some of the themes that run through each section.

1.1   Anger, Revenge, and Punishment

One question that earlier philosophers debated is whether or not a good person can be harmed by intentional wrongdoing. In "Honor, Worth, and Justified Revenge" Krisanna Scheiter claims that on Aristotle's account the virtuous person can be harmed. According to Scheiter, Aristotle thinks that when someone intentionally slights another they do so because they see the person being slighted as having little or no worth. There are two ways in which we may assign worth to others, according to Aristotle. On the one hand, we may think someone has "instrumental worth," because we think they can either harm or benefit us. On the other hand, we may think someone has "intrinsic worth," because we think they have value independently of whether or not they can harm or benefit us (2.2). Scheiter claims that for Aristotle some slights can harm even the virtuous person because they undermine her ability to carry out her virtuous pursuits (2.7). If those in her community do not think she has any worth and therefore constantly undermine her, the virtuous person will have a hard time engaging in and completing her virtuous activities. In these cases, the virtuous person is justified in getting angry. Aristotle has a very narrow

conception of anger, according to Scheiter. On his account, anger is a desire for revenge in return for a slight (*oligoria*).

Seneca, an ancient Roman Stoic philosopher and playwright criticizes the Aristotelian claim that anger is sometimes justified (Seneca 2010). In her chapter, "Seneca on Anger, Revenge, and Punishment" Corinne Gartner claims that for Seneca, the Stoic sage, who is wise and virtuous, will never act out of anger. Similar to Aristotle, Seneca believes that anger arises when we think that we have been harmed. But, unlike Aristotle, Seneca does not think the virtuous person, i.e. the Sage, can be harmed by external slights. The only thing that is truly harmful to a Sage is to have a bad character, but the Stoic Sage does not have a bad character and no one can cause her to have a bad character, according to Seneca. Therefore, even when people intentionally wrong us they cannot actually harm us. When we do become angry, according to Seneca, it is because of how we interpret other people's actions. We get angry when we interpret them as having harmed us, but we are mistaken. Another person, therefore, cannot *make* you angry on Seneca's account, according to Gartner (3.7).

Some philosophers, including those in this volume, have even questioned the extent to which we ought to blame others for their actions. In his seminal work on forgiveness and resentment, Bishop Butler warns that we should be careful when blaming others for wrongdoing. He claims that because of self-love we have a tendency to misjudge other's intentions and we often think the injury we suffer is much greater than it actually is (Butler 1726, Sermon VIII: 144–145). Keith Green, in his chapter, "Spinoza on Hatred and Power and the Challenge of Reconciliation," claims that Baruch Spinoza, an early modern philosopher, does not think we should ever blame others for wrongdoing because doing so presupposes that the presumed wrongdoer acted from free will. However, according to Green, Spinoza denies that we possess such freedom (4.1). Spinoza defines blame (*vituperium*) as "disliking or sorrow of an action one takes to have been done freely, or sorrow with an idea of human weakness as its cause" (4.1). Green claims that for Spinoza blame is never virtuous. For one, it involves a kind of hatred, which is never good on his account. For another it entails the individual acting as judge (4.1).

Spinoza's views about free will and punishment share some similarities to what Whitley Kaufman calls Free Will Skepticism in "Free Will Skepticism and Retributive Punishment." Free Will Skeptics, according to Kaufman, argue that retributive punishment is justified only if we have ultimate control over our actions (5.2). Somewhat similar to Spinoza, Free Will Skeptics claim that we do not have ultimate control over our actions and therefore we are not morally responsible for our actions. If we are not morally responsible for our actions, then they think we could never *deserve* to be punished. Thus, the Free Will Skeptics argue that we ought to do away with retributive punishment in our criminal justice system. Kaufman pushes back against the Free Will Skeptics, pointing out, first of all, that there is very little agreement amongst philosophers concerning the Free Will/ Determinism debate. And secondly, he claims that we should not change our social practices based on a philosophical theory, particularly one that has so little support amongst the philosophical community anyway. He claims that most philosophers would in fact reject Free Will Skepticism (5.3). Finally, he claims that the Free Will

Skeptic is too extreme when it comes to what they require for moral responsibility. On their view, we would have to be completely in control of our actions, what he calls "ultimate responsibility", but he claims that the law and our ordinary understanding of moral responsibility requires only that we have "local control", which he describes as the ability to act based on deliberations about moral reasons (5.4).

Another topic that is addressed in the first five chapters is the difference between revenge and punishment. Plato and Aristotle both claim that the two are different, stating that punishment is for the sake of the person being punished, whereas revenge is for the sake of the person who is seeking revenge (e.g. Plato 1997, *Protagoras* 324a3–b5; Aristotle 1985, *Rhetoric* 1369b12-15). In her chapter, Scheiter argues that for Aristotle, revenge, when taken in the right way and for the right reasons, can demonstrate to the wrongdoer that his assessment of the avenger is mistaken. When we get revenge, we cause the wrongdoer to suffer, thus demonstrating that we can, at the very least, cause him pain. Revenge is a way of dissuading the wrongdoer (and perhaps others) from slighting the avenger in the future. For Aristotle, a good human life is one that involves virtuous actions. If the virtuous person is prohibited from carrying out her virtuous activities, she is justified in striking back on Aristotle's account.

Seneca, according to Gartner, also differentiates between revenge and punishment, claiming that vengeance is done out of anger, whereas punishment or retribution can be enacted without anger. But unlike Aristotle, who thinks revenge is sometimes virtuous, Seneca claims that we should never seek revenge because it is backward-looking and aims to cause the other person pain for the sake of pain (3.5). Punishment, on the other hand, is done for the sake of the person being punished, much like administering medicine to the wrongdoer: "what justifies punishment, first and foremost, is the need to rehabilitate—to cure—the offender." (3.4). The important difference between punishment and revenge, on his account, then, is that punishment is not done out of anger, but is due to reason and for the sake of making the offender better. However, if it turns out that the wrongdoer is so corrupt there is no possibility of rehabilitation, then the wrongdoer must be put to death. But unlike in the medical analogy where the doctor would end the life of the terminally ill quickly and as painlessly as possible, Seneca thinks that the wrongdoer ought to be put "to death with disgrace and public humiliation" according to Gartner, in order to make an example of him and prevent others from going down the vicious path. (3.5).

Like Aristotle and Seneca, Spinoza also differentiates between punishment and revenge. But for Spinoza the difference between the two has to do with the role of blame. Blame, "on the part of individuals, can motivate only vengeance or revenge" whereas punishment has nothing to do with blame, but plays a restorative or rehabilitative role (4.3). According to Green, Spinoza thinks only the state can enact punishment and so almost by definition an individual cannot punish another person. An individual can, however, seek revenge, which, according to Spinoza, is a form of hatred and as such is always vicious. The reason revenge is always vicious for Spinoza, is because on his account there is no natural state of right or wrong. Good and bad, right and wrong, are conventions of the state. Therefore, he thinks individuals should never have the power of judgment (4.3). Such an act "divides and weakens" political authority, he claims (4.3). When the state punishes a wrongdoer

they do not do so out of hate. Nor does the judge side with one party over the other when she punishes a wrongdoer. Rather Green claims that according to Spinoza the aim of the judge is to "help and to improve the one as much as the other" (4.3).

Here Spinoza sounds similar to Seneca, who claims that we ought to treat wrongdoers as those who are sick and need to be cured. The difference between the two is that Seneca's naturalism leads him to believe that virtue and vice are grounded in nature. Specifically, he thinks that virtue is holding only true beliefs and vice is holding false beliefs, but Spinoza thinks that virtue and vice are social constructions. Still, when someone in a particular community acts against the moral norms of society, Spinoza thinks that the judge should issue a judgment that would improve both parties of a dispute (4.3). What is important is the flourishing and sustainability of the community, more so than casting blame on a wrongdoer or causing her pain and suffering in return for her wrong. The reason the judge will punish, or even sentence to death a wrongdoer, is not because of any feelings of anger or hatred, but "from a love of the general welfare" (4.3). According to Spinoza "[s]uch a judge is 'guided only by reason'" (4.3).

More recently philosophers have been split on whether or not revenge and punishment are different. Robert Nozick (1981), for example, has argued that revenge and punishment are different, arguing that revenge is never moral whereas punishment can be moral. Others have taken a different view, arguing that revenge is a kind of punishment (e.g. Kaufman 2012). In his contribution, Kaufman claims that the purpose of punishment is to "vindicate the victim" and defend one's honour (5.5). Kaufman thinks revenge, "[f]ar from being an irrational or animal impulse...is an expression of one's self-assertion as a being of moral value deserving of respect" (5.5). Kaufman defends retributive punishment against the criticism that retributive punishment is unjustified because it is "backward-looking."[1] Those who think that retributive punishment is "backward-looking" argue that we cannot change the past. Punishing someone for something they did will not undo the deed. Philosophers like Martha Nussbaum, for example, argue that punishment should be forward-looking and focus on preventing future wrongdoing.[2] Kaufman argues that retributive punishment *does* have a forward-looking purpose. Particularly, he claims that retributive punishment responds to the disrespect shown to the victim. Retributivism is a desire to respond to the wrongdoer and stick up for oneself rather than passively submit to him. He argues that "...the most effective way to do that is to demonstrate one's willingness to inflict equivalent harm on the offender" (5.5).

In his chapter, "Punishment, Revenge, and the Nature of Moral Philosophy," Leo Zaibert argues that punishment and revenge are not as distinct as many philosophers, like Nozick, suppose. But he does think there is a way to differentiate between the two. Zaibert claims that there is an aesthetic difference "related to a particular kind of narrative that the avenger necessarily has in mind as she plots her revenge,

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[1] See, for example, Nussbaum (2015), who criticizes anger and retribution for being backward-looking.

[2] Nussbaum (2016).

and that the punisher need not (and frequently does not) have in mind as he inflicts his punishment" (6.2). He points out that the distinction between revenge and punishment, relying on narrative, is not entirely successful, since punishment too "seeks to construct a plot" (6.2), but, he argues, the plot avengers have in mind is "much more important" (6.2). What matters to the punisher has more to do with what the wrongdoer deserves rather than how the punishment is inflicted (6.2).

Another difference between revenge and punishment, according to Zaibert, is that the punisher can be conflicted about what she is doing whereas the avenger cannot be conflicted. He claims that we want a punisher to be conflicted and feel panged at inflicting suffering on the person even though the punishment is deserved (6.2). In contrast, the avenger is not able to appreciate the "moral complexity" of inflicting deserved suffering upon a wrongdoer (6.3). Thus, on Zaibert's view, the difference between the avenger and the punisher is that the avenger does not feel conflicted when she takes revenge. She does not feel bad about causing the wrongdoer suffering, whereas the punisher does, or at least, should.

1.2 Blame, Resentment, and Interpersonal Forgiveness

Perhaps the most persistent area of disagreement that runs through the different contributions in the volume is an implicit (and at times explicit) disagreement about how to understand and conceptualize forgiveness. Most contemporary philosophers agree that forgiveness differs from excusing or justifying wrongdoing since forgiveness does not necessarily change our initial judgment concerning the wrongness of the offense or the culpability of the offender. 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. In the well-known words of Jeffrie Murphy "forgiveness is primarily a matter of how I *feel* about you (not how I treat you)" (Murphy and Hampton 1988: 21). As noted in the previous sections, harm and injuries, when deliberately caused, usually give rise to negative emotions in us. Forgiveness is often seen as involving either moderating, overcoming, or forswearing these negative emotions.[3]

One way accounts of forgiveness differ is with regard to exactly which negative emotions forgiveness is supposed to overcome. Minimalist accounts, for example, focus on hostile retributive emotions such as malice and ill will whose aim is to inflict suffering on the wrongdoer. Moderate accounts claim that forgiveness also entails overcoming retributive emotions, such as resentment and moral anger, which are not necessarily hostile. Recently, more expansive proposals also include

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[3] Thaddeus Metz (Chap. 14), for examples, endorses a version of the emotional model. On his account, forgiveness consists in "letting go of negative emotions about someone insofar as she is perceived to have done you (or your associates) wrong, particularly those in which you wish her ill-will" (14.2).

overcoming non-retributive emotions which are sometimes felt in response to wrongdoing, such as disappointment, sadness, hurt, and grief as well as fear, shame, guilt, and hopelessness, among other possible emotional responses (See Hughes and Warmke 2017, Sect. 5.1).

The view that forgiveness necessarily involves overcoming or forswearing resentment and other related negative emotions is a popular view, but it has been contested in the contemporary literature. For instance, in his contribution, "Does Forgiveness Require Forswearing Resentment?", Brendon Warmke challenges the idea that there is an inextricable link between forgiving and resentment. Warmke examines several ways of understanding the claim that forgiving requires forswearing of resentment and argues that the only plausible version of the claim is so weak that it is not an illuminating claim about the nature of forgiveness. He begins by examining what it means to "forswear resentment". He claims that we must distinguish between forswearing and overcoming resentment, even though the two expressions are sometimes used interchangeably. The main difference he claims, is that overcoming resentment is often not a voluntary act, but refers to a process of emotional change or the end result of that change. In contrast, forswearing resentment is a deliberate act of disavowal. In Sect. 7.2.2., Warmke distinguishes two senses of 'forswearing resentment': (i) the Give-up sense when one commits to give up something that one already has or does, and (ii) the Do-Without sense when one commits to do without something that one doesn't do or have in the first place. To claim that forgiving requires one to *forswear* resentment can thus be interpreted as meaning that one must either commit to give it up or commit to do without it.

Warmke argues that one can forgive without experiencing resentment, and so forgiveness cannot require giving-up resentment. He then considers whether or not forgiveness involves doing-without resentment. Warmke distinguishes between explicit and implicit commitments. In the case of an explicit commitment, the agent has conscious feelings or thoughts before her mind when she commits to do without them. Warmke shows that to require this explicit commitment in order for forgiveness to take place is implausible mainly because "the requirement that one must have a certain kind of attitude in mind over-intellectualizes forgiveness" (7.3.2). Warmke also rejects the suggestion that forgiving involves an implicit commitment of doing-without resentment. This is because forgiveness, on his account, is not necessarily incompatible with continuing to protest a wrong and also feeling insulted, both of which he claims are features of resentment. Forgiving can also be compatible with hostility, another feature of resentment, when this is understood as a desire that the wrongdoer gets her 'just deserts' either in the form of punishment or a desire to punish. However, if hostility-resentment is understood as a kind of vengeance that aims to inflict suffering on the wrongdoer beyond what is required by justice, then "we arrive at a plausible way of understanding the claim that forgiving requires the forswearing of resentment" (7.3.2). Forgiving requires the forswearing of resentment in the sense of doing-without vengeful attitudes. However, Warmke finds this claim so weak as to be uninformative since he thinks that a person of good will should *always* be implicitly committed to doing without vengeful

attitudes (ibidem).[4] However, as we saw above, in the first section, the view that vengeance is always morally problematic is itself controversial.

In his chapter, "Forgiving and Ceasing to Blame", Per Milam offers another account of forgiveness, arguing that forgiveness always involves ceasing to blame. He claims that an act of forgiveness must cease to blame the wrongdoer, but for the right kind of reasons. The right kind of reasons allows us to distinguish between forgiveness and other ways we may cease to blame others for wrongdoing. For example, we may stop blaming an offender because we come to believe that she is not responsible for the offense after all (excusing) or because we now think that the offense was not actually a wrong (justifying). Moreover, according to Milam, we can also cease to blame offenders without excusing, justifying, or forgiving them (8.1). But of course, not all reasons in favor of forgiving are reasons to forgive, according to Milam. The right kind of reasons to forgive has to bear on factors relevant to forgiveness. For example, the fact that ceasing to blame someone who has wronged you will lower your blood pressure is a reason for you to think that ceasing to blame them would be good, but not a reason to believe that their offense no longer warrants blame. Ultimately, for Milam, all reasons to forgive are instances of a more general reason, namely, an apparent change of heart on the part of the offender. The offender's change of heart is a reason to forgive because it relates directly to one's reasons for blaming in the first place (8.5.1).[5]

In his chapter, 'The Dark Side of Forgiveness' Oliver Hallich describes forgiveness as a way of bringing about "a change in the normative landscape" (9.1). Here Hallich draws on what is often called the "alteration thesis" of forgiveness, which has been defended by Owen (2012), Warmke (2016) and Bennett (2018). Unlike the more traditional accounts of forgiveness that claim forgiveness involves foreswearing resentment, the alteration thesis claims that forgiveness is a normative, rather than a psychological, phenomenon. Forgiveness is not just a change in one's mental state, on the alteration thesis, but a change in the normative landscape. Forgiveness involves cancelling some of the wrongdoer's obligations that result from the act of wrongdoing, such as apologizing, making amends, repenting and accepting responsibility for the act of wrongdoing. Moreover, forgiveness involves a commitment of the forgiver to no longer treat the wrongdoer as someone who stands under these obligations (9.2). Hallich argues that the alteration thesis is to be preferred to emotional accounts in virtue of its explanatory power.

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[4] Interestingly, Moran and Timmerman claim in their chapter that Kant also seems to assume that persons of good will should always be implicitly committed to doing without hateful attitudes (12.4.2).

[5] Louise Du Toit (Chap. 13) also discusses the normativity of forgiveness, drawing on proposals by Derrida (2002) and Jankélévitch (2005). These authors have argued that forgiveness is not something which is done for a reason (13.1.2). Du Toit claims that Gobodo-Madikizela follows this line when she claims that forgiveness is 'impossible', 'a madness', and 'a miracle' and that there are no duties to forgive or refuse to forgive because in the end it is only up to the victim to decide. Yet, despite the paradoxical aspects of forgiveness, Gobodo-Madikizela also believes that forgiveness remains a human possibility (13.1.2).

Not all philosophers agree that forgiveness is always a morally appropriate reaction to moral wrongs, however. Hallich argues in his chapter that despite the many virtues of forgiveness, there may also be a dark side of forgiveness. Taken as a speech act, forgiveness may presuppose the truth of propositions that enter the discourse without being addressed explicitly. Hallich shows that often the forgiver presupposes that (i) the addressee of forgiveness is guilty of an offence, (ii) that he himself has the standing to forgive and, (iii) that what he purports to forgive is forgivable (9.4). All of these presuppositions may turn out to be highly questionable, ultimately putting a critical light on what might appear as a virtuous act of forgiveness. However, laying bare these presuppositions will sometimes lead us "to see forgiveness as a way of cloaking one's own interests under the guise of exercising a virtue rather than as the real exercise of a virtue" (Chap. 9, abstract).

Not only may there be a dark side to forgiveness, but Carissa Phillips-Garrett argues in her chapter, "Why Aristotle's Virtuous Agent Won't Forgive: Aristotle on *Sungnōmē, Praotēs, and Megalopsychia*," that our contemporary notion of forgiveness would actually be a vice, on Aristotle's account (10.8). The ancient Greek word, *sungnōmē*, is often translated as "forgiveness" in Aristotle. In the *Nicomachean Ethics* Aristotle says that the virtuous person will not be vengeful, but tend towards *sungnōmē* (*NE* IV.5, 1126a2-3). If we translate *sungnōmē* as forgiveness then it sounds like Aristotle thinks that a virtuous person will be more forgiving. But Phillips-Garrett argues this is not the case at all. She claims that for Aristotle *sungnōmē* is appropriate only when there are extenuating circumstances that make blaming the individual inappropriate (10.8). An agent is not blameworthy, on Aristotle's account, if the action is due to something external to the wrongdoer. If the agent is forced to do the action, then she is not blameworthy. For example, suppose a woman trips over a wrinkle in the rug and spills her coffee on a passerby. The woman who spilled the coffee is not morally responsible for the other person being burned by the coffee. Ignorance of the particulars in a given situation can also exonerate an offending party, assuming the person who committed the offense is not culpable for her own ignorance. Phillips-Garrett also claims that on Aristotle's account the person who committed the offense must feel regret at the pain she caused even if she did not intend to cause the offending party pain (10.5).

Phillips-Garrett argues that Aristotle's account of *sungnōmē* does not seem to fit with the contemporary notion of forgiveness. S*ungnōmē* presumes that the offender is not blameworthy for what she has done. Even though the action is wrong or harmful, the circumstances excuse what she did. What *sungnōmē* does not do is relinquish "blaming attitudes" or feelings of resentment when the agent is blameworthy (10.6). Forgiveness assumes that the wrongdoer is blameworthy, which is why it is up to the wronged agent to decide whether or not to forgive. Phillips-Garrett, therefore, argues that "[l]etting go of blame in cases where full restoration of the harm has not been accomplished would be unjust, since Aristotle's account of justice is deeply concerned with each individual getting what he or she deserves" (10.10). Phillips-Garrett concludes that it is not just that forgiveness is a practice left out of Aristotle's ethical account, but his account of blame is incompatible with forgiveness.

It is worth pointing out that according to Green, Spinoza also does not think forgiveness is ever virtuous. Forgiveness is possible only if we blame someone else for wrongdoing. According to Green, on Spinoza's account we can never legitimately forgive another person because we do not have the authority to judge whether or not what they did is deserving of punishment. Only the state has the authority to do so. And so even the "one who has been wronged has no 'standing' to forgive, because she never has 'standing' to 'judge', and so never has warrant to place blame" (4.3).

Finally, another issue that is addressed in this part of the volume concerns who has the moral authority to forgive. In "Who is entitled to forgive? A study of 'Third-party' and 'Proxy' Forgiveness", Geoffrey Scarre explores the question of whether it is ever admissible for a 'third party' to grant forgiveness to an offender for an injury inflicted on another person. Scarre notes that the question of whether a person can legitimately offer her own forgiveness to an offender for a hurt done to another and the question of whether she can properly grant forgiveness on behalf of the victim are often labelled "third party forgiveness" without distinguishing between the two. The issue of whether third-party forgiveness is ever morally appropriate (and for some authors indeed even possible) has been debated in the contemporary literature, with many influential authors arguing that only primary victims have the prerogative to forgive (e.g. Todorov 1998; Holmgren 2012; Walker 2013). However, the view has been challenged, most notably by Glen Pettigrove (2009), who has argued that third-parties, particularly when they have emotional ties with the victim, can resent wrongdoing done to them.[6] This means that they can decide to relinquish their resentment, thus in effect forgiving the offender for the victim's wrong.

Scarre examines whether or not third-party forgiveness in any of its forms are possible or morally desirable. He argues that forgiveness on behalf of another should be rejected because it fails to respect the victim's genuine prerogative to decide for herself if and when she ought to forgive her offender. Granting forgiveness on the victim's behalf when the victim is capable of forgiving herself could amount to an infringement of her autonomy as a moral agent. Even cases in which the victim is unable to forgive because she is too young, comatose, incapacitated, or even dead, do not give us the moral authority to forgive on the victim's behalf, according to Scarre (11.2). Thus, even though, on his account, forgiveness is a 'plastic concept' with no essence (11.1), Scarre nevertheless maintains that one of the few fixed points about forgiveness is that it cannot be granted by another on behalf of the victim (11.2). Still Scarre claims that it is not unusual for third-parties that are emotionally close to a victim (friends, family, and associates) to feel strong moral resentment in response to an offense inflicted on the victim. If this is right, then there does seem to be some sense in which third parties can forgive the wrongdoer for the pain the wrongdoer caused them by harming the primary victim. However, no matter how loving, sympathetic or close a third party may happen to be, this type

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[6] See also Govier (2020, Ch. 5).

of third party forgiveness will always remain at best a 'second fiddle' or subordinate form of forgiveness (11.3).

As we can see there are deep disagreements regarding the normativity of interpersonal forgiveness and indeed the very understanding of the nature of forgiveness. The 'standard' view that forgiveness primarily involves the overcoming or forswearing of resentment, has been challenged in a variety of ways. On the one hand, some authors argue that forgiveness should be interpreted as a change of action rather than a change of emotion.[7] Others argue that forgiveness involves a change of the normative landscape, not just a change in our attitudes and actions. Moreover, the authors in these chapters helpfully examine the virtue and vice of forgiveness, who has the standing to forgive, and when forgiveness is appropriate. The third section of the volume turns its attention to forgiveness, punishment, and reconciliation in the political sphere.

1.3 Political Forgiveness, Reconciliation, and Punishment

In "Kant on Punishment, Pardon, and Forgiveness", Kate Moran and Jens Timmermann examine Kant's views of forgiveness as well as his views on punishment and state pardon. They take as their starting point, Kant's distinction between ethical and juridical duties. According to Moran and Timmerman, Kant thinks the state has a duty to punish certain crimes in a certain manner and a failure to punish would signal the state's endorsement and perhaps even complicity with a crime. The case of ethical punishment, however, is different. Here, the incentive to punish is internal, and cannot be achieved by publicizing the punishments that correspond to different illegal activities. Moreover, similar to Spinoza, they claim that Kant does not think that individuals have authority to pass judgment on others (12.4.1). Kant is much more concerned that agents appeal to the moral law in order to assess their own actions, and inquire into their own motives (even if these can never be known) rather than appealing to the moral law to judge others. Thus, Kantian moral punishment cannot be grounded in a duty to pass moral judgment on others and sanction them accordingly. Instead, Kant understands moral punishment as a form of active protest and grounds it in a duty of self-respect and a duty to respect the dignity of humanity in general (12.4.1).

Moran and Timmermann further claim that for Kant we have an imperfect duty to adopt a maxim of forgiveness. However, because the duty is imperfect, the wrongdoer has no right to be forgiven, not even after repentance and penance. Also, as an imperfect duty it admits of what Kant calls 'latitude' or 'playroom': "it is, in a way not always easy to spell out, a matter of choice for the victim"[8] (12.5.1). For

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[7] According to Timmermann's and Moran's interpretation of Kant defended in Chap. 12, Kant would be an important precursor of this idea in the history of philosophy.

[8] It is interesting that here the authors state that the sense in which Kant's imperfect duty to forgive allows choice is difficult to spell out. They recommend to consult Timmermann (2018) for a very

the authors, self-respect provides a limiting condition on forgiveness: while "apology or reform on the part of the wrongdoer do not provide the grounds for forgiveness; they serve to provide some assurance that forgiveness will not undermine self-respect" (12.6.2). Ultimately, if the victim "is not persuaded that the wrongdoer will not wrong her again, forgiveness would be in violation of a duty to her own self" (12.6.2) and in these cases moral punishment continues to be appropriate.

In contrast to Kant, some contemporary authors argue that there is a notion of political forgiveness that can bring about political reconciliation in the aftermath of political conflict and division. In her contribution, "An African Feminist Approach to Forgiveness: Pumla Gobodo-Madikizela Considered", Louise du Toit focuses on Gobodo-Madikizela's work on the Truth and Reconciliation Commission (TRC) of South Africa in order to present an African feminist approach to forgiveness. Gobodo-Madikizela is a former commissioner of the TRC, and according to du Toit also the most important African woman's voice in South Africa, quite possibly in Sub-Saharan Africa, on the topic of political forgiveness (see Gobodo-Madikizela 2008). According to du Toit Gobodo-Madikizela draws on the African notion of Ubuntu with its emphasis on interconnectedness and human community. She claims, "the underlying values of Ubuntu are clearly noticeable in Gobodo-Madikizela's understanding of political forgiveness as an interpersonal, dialogical, empathetic process unfolding before witnesses" (13.2.1). In response to skeptical doubts about the possibility of political forgiveness, Gobodo-Madikizela, according to du Toit, argues that in post-conflict societies, where "former enemies have to *learn to live together* after systemic human rights abuses, it is imperative that prosecutorial, retributive processes be *supplemented* with (rather than displaced) by the kind of reconciliation and restorative process forged by the South African TRC" (13.1.1). Although the focus of the TRC was originally reconciliation rather than forgiveness, Gobodo-Madikizela came to see that the instances of "personal forgiveness for politically motivated violent acts" served "as a crucial *aspect* of the broader reconciliation process" (13.1.1). Gobodo-Madikizela claims that former enemies, confronting the apartheid past together, helped the nation to reconcile opposing narratives of the past and opened the possibility for the creation of a "new moral order" (13.1.1).

Du Toit examines how Gobodo-Madikizela's more recent work puts forward what du Toit calls a 'woman-centered view' of forgiveness (13.2.2), connecting the instances of political forgiveness that she has witnessed "by mothers, wives and grandmothers" to the "maternal body", particularly the womb (*inimba*) as the source of empathy, with its possibility of giving birth, and thus providing a new

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restrictive account of the latitude imperfect duty allows. The specific issue of how to interpret the latitude allowed by the Kantian duty to forgive has been recently debated by Claudia Blöser and Paula Satne. According to Blöser (2019), the fact that the Kantian duty to forgive is imperfect means that Kantian forgiveness is *elective* in the sense that forgiveness is good in general (i.e. an attitude that we have moral reason to adopt) but without being obligatory in each particular case. In contrast, Satne (2020) has argued that although Kant's duty to be forgiving is elective in one sense of the term, it is not elective in another important sense of the term, and that it is in fact better not to interpret Kantian imperfect duties as being elective. See also Satne (2016).

beginning (13.2.2). However, du Toit also notes that Gobodo-Madikizela's work "lacks a feminist dimension" (13.3). In particular, du Toit claims that "Gobodo-Madikizela has not yet sufficiently confronted the gendered history of forgiveness, nor the gendered dimension of the burdens and tasks associated with Ubuntu" (13.3).

The view that reconciliation requires forgiveness or at least proscribes punishment[9] is widely accepted in the current philosophical literature. This common view, however, is challenged (in different ways) by various contributors to the book. In "Why Reconciliation Requires Punishment but Not Forgiveness", Thaddeus Metz argues that social or political reconciliation characteristically require punishment but does not require forgiveness. Mainstream conceptions of reconciliation in South Africa, and more broadly in the Anglo-American tradition, tend to conceptualize reconciliation as building peace and trust without referring to burdening offenders because of their offenses. In contrast, Metz argues that in addition to the more familiar forward-looking aims of reconciliation such as integration and trust, a desirable form of reconciliation should also involve backward looking elements. In particular, it would require the disavowal of the offenses committed by perpetrators, the victims' social circle and the public (14.3). Proper reconciliation should thus include certain types of punishment.

However, Metz does not conceptualize punishment in the traditional way by appealing to either its retributive or deterrent functions. Metz instead offers what he calls a "dignity-based" approach to punishment and reconciliation, which draws from sub-Saharan ideas of cohesion, communion, and harmony in order to argue that what confers dignity to human beings is precisely our relational capacities to help others and be helped by them (14.4). Thus on his view, "reconciliatory penalties...would consist of *burdensome labor* that is likely to foster moral reform on the part of wrongdoers and to compensate their victims" (14.1). They still count as punishment, however, because they are burdensome and may include forms of hard treatment if the wrongdoing is very serious. Metz claims that his dignity-based approach to punishment would not only be more productive than traditional retributive and deterrence punishments, but would also be constitutive of social (and in some cases even political) reconciliation insofar as they would be expressing the genuine disavowal of wrongdoing required for the victim to be willing to trust and reintegrate the wrongdoer into their community (14.4). A consequence of Metz's analysis is that rather than understanding South Africa's *Truth and Reconciliation Commission* (TRC) as sacrificing justice for the sake of reconciliation, the real problem was "an inability to promote a fully desirable form of reconciliation" (14.5) since the TRC failed to impose the burdensome labour on perpetrators that would have been required to publically disavow the crimes they had committed.

In a similar spirit, Bill Wringe, in "Political Apologies, Punishment, and Reconciliation without Forgiveness", explores the role that political apologies might play in political reconciliation. Wringe focuses on cases in which paradigmatic forms of punishment are either unavailable or inappropriate as a vehicle for

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[9] For a brief overview of some influential views, see Metz, Sect. 14.2.

the expression of political regret. These include cases in which perpetrators of wrongdoing are either dead or unidentifiable or when the requirements of the rule of law cannot be fulfilled because perpetrators are also victims of wrongdoing or cases where the resolution of a conflict requires amnesties. In such situations, public apologies made on behalf of the state for wrongdoing performed or condoned by state agents might be an appropriate alternative vehicle for the expression of political regret (15.7). Wringe understands political reconciliation as accepting one another as a participant in a common political life (15.4). He argues that such acceptance requires not only that the individuals involved see each other as equals, but also others need to see them as equals. On his account, political regret is necessary for political reconciliation because "it involves the public acknowledgment of wrongdoing as wrongdoing and as something to be taken seriously" (15.6).

Wringe further argues that political forgiveness is neither a necessary nor a sufficient condition for political reconciliation. It is not a necessary condition because "justified anger at serious moral wrongdoing...is compatible with treating others as equal partners in the political community" (15.5) and is not a sufficient condition for political reconciliation because forgiveness can be a private matter between citizens without actually meeting the publicity condition on political reconciliation (15.5). In order to meet the publicity condition, political forgiveness should have a public dimension, which goes beyond private forgiveness between individual or even collective agents. However, Wringe worries that victims of atrocities are "often members of unstructured groups, such as ethnic and cultural groups, which do not meet the conditions for collective agency", and thus he argues that groups of this sort "cannot be subjects of forgiveness" (15.5). In short, political forgiveness is not only not necessary for political reconciliation but it might also be undesirable or indeed impossible.

One objection, Wringe considers to his view is that apologies might not work as well as expressions of regret as punishment. Apologies might fail to fully recognize the seriousness of abuses committed in the past: "words are cheap, after all, and it might be thought that a merely verbal acknowledgment of public wrongdoing cannot involve the kinds of cost to those on whose behalf the apology is issued" (15.7). Interestingly, this is precisely one of Metz's main considerations in support of the claim that burdensome, but productive, forms of punishment are a necessary part of a reconciliatory response to crime as he argues that there must be some hardship for the disavowal of a crime to be meaningfully expressed (14.3). In his response to this type of objection, Wringe clarifies that apologies will often merely be a 'second-best' vehicle for the expression of political regret, that is, only when punishment is not possible for one of the reasons given above. Replacing punishment by apologies (or indeed reparations) when punishment is available would be "entirely inadequate" (15.7). In the end, there is a great deal of agreement between Metz's and Wringe's views. They might disagree as to whether or not political apologies can be an effective way to express political regret, but both of them are committed to the claim that punishment, as public expression of repudiation of wronging, should play an important role in political reconciliation and that, when available, it should be preferred to other possible expressions of regret.

In her chapter, "Remembrance beyond Forgiveness," Paula Satne argues that overcoming or forswearing resentment is neither necessary nor sufficient for forgiveness (16.3), but she allows that there are some central cases of forgiveness in which the forgiver would want to commit to overcome negative emotions towards the wrongdoer (16.3). Satne endorses a multidimensional account of forgiveness, which can be extended to cases of political forgiveness. On her account, personal and political forgiveness share a core element, which she describes as "a commitment to stop holding the wrongdoing against the offender" (16.4). Forgiveness is political when this commitment takes place between groups or collectives that are politically constituted or organized (or their representatives) and/or between individuals or groups in response to wrongdoing that was politically motivated and charged (16.4). Satne argues that the core element of forgiveness can usually be combined with other attitudes and practices, which are appropriate depending on the circumstances. This is because there are different ways of holding an offender accountable. Sometimes the simple performative act of saying 'I forgive you' might count as forgiving in the sense that the forgiver commits to stop holding the wrong against the offender. However, this form of forgiveness would be thin. A thicker, substantive, form of forgiveness might involve a variety of attitudes and practices, such as the commitment to the overcoming of hostility and other types of feelings and emotions usually held towards wrongdoers in response to having been wronged, the restoration of relationships, the forgoing of punishment, and the decision to stop reminding the offender of her misdeed.

For Satne, none of these conditions are necessary or sufficient for forgiveness. What changes of attitudes and practices are required for forgiveness would often depend on the circumstances, particularly the attitudes of wrongdoers and perpetrators. She claims that continuing to punish, refusing to reconcile, and actively commemorating the wrongful past can be compatible with forgiveness but only if the wrongdoer acknowledges the wrong, accepts the punishment and the importance of commemorating the past and/or the victim's refusal to reconcile. Here Satne disagrees with Warmke, who maintains that punishment and forgiveness are compatible (7.3.2).[10]

Instead, Satne maintains that forgiving and continuing to punish are sometimes, but not always, compatible (16.3).[11] According to Satne, continuing to punish a wrongdoer who does not accept to be punished is a form of holding the wrong against him, and thus incompatible with forgiving him (16.3).

Like Wringe and Metz, Satne also maintains that political forgiveness is neither necessary nor sufficient for political reconciliation. However, Satne claims that we should separate the issue of the possibility of political forgiveness from the issue of its desirability. The language of forgiveness, and indeed, refusals to forgive are often used in political contexts, so that to deny the possibility of political forgiveness (and un-forgiveness) would be at odds with common usage and practice. While Satne does not think political forgiveness is necessary for reconciliation, she does

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[10] See also Warmke 2013.

[11] See Russell 2016.

not deny that political forgiveness can be valuable in some conflicts, particularly when it is desired by the victims themselves, and not imposed vertically by a political leadership wishing to push a 'reconciliatory' agenda from above, and when perpetrators are willing to accept their punishment and the importance of commemorating and acknowledging the past. However, ultimately Satne's contribution is more interested in showing how some forms of political un-forgiveness can be morally legitimate and effective ways for victims to uphold demands to punish perpetrators, commemorate atrocities, and respect victims. She illustrates this point by briefly analysing the case of Argentinian victims' longstanding commitment to 'neither forget nor forgive.'

1.4   Conclusion

We have summarized just some of the rich themes that run through the volume, explaining their relation to contemporary debates and philosophical traditions. We believe that the volume offers cutting-edge scholarship on forgiveness, punishment, and revenge (among other key notions) and a new way to interpret and understand these concepts by important figures in the history of philosophy. We hope that the different contributions will help the reader to understand the philosophical issues that are at stake when we try to conceptualize our possible responses to both interpersonal and political forms of wrongdoing as well as the considerations that underpin conflicts and our attempts to resolve them.

The current COVID 19 pandemic erupted when we were finalizing the edition of this volume. Krisanna was working in New York (US) while Paula was working in the North West of England (UK). Both areas, as well as many other parts of the world, were seriously and deeply affected by this pandemic. Our thoughts are with the victims of COVID 19 and our hopes with the citizens and leaders of the world. We hope that we have the intelligence and can find the strength to devise strategies that will help us overcome this crisis while fostering justice and equality among us all.

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Chapter 13
An African Feminist Approach to Forgiveness: Pumla Gobodo-Madikizela Considered

Louise du Toit

Abstract   Pumla Gobodo-Madikizela is the most important African woman's voice in South Africa, quite possibly in Sub-Saharan Africa, on the topic of political forgiveness. In my attempt to sketch the contours of an African feminist approach to forgiveness, I engage mainly with her work on the Truth and Reconciliation Commission (henceforth TRC) of South Africa. In Section One of the chapter, I give an overview of what I consider the most important themes in her work on political forgiveness. Here, as I interpret and flesh out her ideas, I stay as close as possible to the letter and spirit of her own writings and interviews, also when I place her in dialogue with some other theorists such as Arendt, Jankélévitch and Derrida. Where I do take some critical distance, I will make that explicit. These central themes are: (i) her focus on the broader context of transitional and restorative justice; (ii) her descriptive approach; and (iii) what I believe she sees as the three main conditions of forgiveness, namely perpetrator remorse, victim witness and mutual empathy. In Section Two, I consider her as a proponent of an African feminist approach to political forgiveness. While I discern clear strands of African moral thinking related to the central notion of Ubuntu informing her theory of political forgiveness, I conclude that the feminist moments are relatively underdeveloped in her publications. The Ubuntu accents relate to her emphasis on how both victim and perpetrator play a crucial role in forgiveness, and how this can bring about a new society, not just repair an old, flawed social order. The shortcomings relate to her failure to do justice to feminist insights about how the burden of forgiveness falls to women.

L. du Toit (✉)
Department of Philosophy, Stellenbosch University, Stellenbosch, South Africa
e-mail: louisedt@sun.ac.za

13.1 Pumla Gobodo-Madikizela on Political Forgiveness

13.1.1 *Forgiveness Framed by Restorative Justice*

As a former commissioner of the TRC, Gobodo-Madikizela is very clear that her focus on forgiveness is framed within the larger context of political transition to democracy, i.e. the various needs for social, political and moral transformation characterising a post-conflict and post-totalitarian society[1] (Gobodo-Madikizela 2009: 148). She links her description of forgiveness to the TRC's aim of national reconciliation. Some commentators might conclude that this type of context from the outset places undue pressure on victims to forgive their victimisers and that the kind of deliberate staging of reconciliation (and possibly forgiveness) that we saw, necessarily thwarts authentic personal interactions. Derrida (2002: 42-3) for one was sceptical of the TRC precisely for this reason and wanted to separate out processes of national reconciliation from the question of personal forgiveness.[2]

Against this, Gobodo-Madikizela (2002: 11) argues that for societies in which former enemies have to *learn to live together* after violent conflict and systemic human rights abuses, it is imperative that prosecutorial, retributive processes be supplemented with (rather than displaced by) the kind of reconciliation and restorative process forged by the South African TRC.[3] She thus limits her focus on forgiveness to political forgiveness within the context of restorative work after communal trauma and mass violation; precisely the kind of context that for Derrida would render forgiveness claims questionable. In her view, the TRC actively pursued social reconciliation through the individual encounters that it facilitated, but that the phenomenon of forgiveness, which sometimes emerged out of these encounters, caught even the commissioners by surprise (Gobodo-Madikizela 2009: 159). Thus, reconciliation but not forgiveness can for her be a legitimate *aim* of restorative process. Yet in retrospect, she has nevertheless come to see these instances of personal forgiveness for politically motivated violent acts as a crucial *aspect* of the broader reconciliation process. She goes as far as to say, 'forgiveness in politics *is* an appropriate response particularly if ... victims have to live together with perpetrators and beneficiaries in the same country' (Gobodo-Madikizela 2008a: 41; emphasis in original).

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[1] The Commission was established through the Promotion of National Unity and Reconciliation Act, No.34 of 1995, as passed by the Government of National Unity of the time.

[2] He says in response to the TRC, 'As soon as a third party intervenes [in the scene of forgiveness as a personal face-to-face], one can again speak of amnesty, reconciliation, reparation, etc., but certainly not of pure forgiveness in the strict sense' (Derrida 2002: 42).

[3] It is important to note that some criticise the expansion of the justice model as a 'softer' and too merciful option for perpetrators. Against this, Gobodo-Madikizela describes the expansion of the justice model beyond prosecution as particularly important *in the first place* for the *victims,* who need to be included, affirmed and given 'some control over their narratives of trauma', in support of their recovery process (Gobodo-Madikizela 2002: 11).

For Gobodo-Madikizela, the public staging of encounters between former ene-mies facilitated by the TRC, and broadcast on all major media outlets, is important, for various reasons. Firstly, a society that is deeply divided through conflict, vio-lence and ideology is for that reason torn asunder into separate and opposing 'worlds', characterized by different factual and moral realities.[4] Within such a divided context, former enemies coming together, facing key traumatic moments from the shared-yet-not-shared past, for her, allows for a new, better overlapping version of the past to emerge over time, and together with this, a new moral order (Gobodo-Madikizela 2008a: 41). At least, such is the hope and aim. This is for her a necessary condition for lasting peace: that by directing an urgent appeal to an *imagined* or ideal audience, the TRC witnesses would in fact be calling that new moral audience *into being*: a new 'we' and a new unified society, a new (even a first ever) 'South Africanness' (Gobodo-Madikizela 2009: 159). This idea of facilitating the birth of something radically new stands in stark contrast with the vocabulary of *re*conciliation, *re*paration, and *re*stitution, all of which implies a return to a former state of friendship or trust or unity.

Secondly, Gobodo-Madikizela emphasises that victims who were silenced and ignored[5] in the past, feel the urgent need to tell their stories, and to see that the mag-nitude of their pain and loss is socially registered. Much more than any formal court with its adversarial procedures could allow, the TRC managed to give centre stage to victim testimonies and victims' need to heal, to be heard, affirmed and validated (Gobodo-Madikizela 2002: 10–11). Thirdly, directly confronting perpetrators with these first person narratives, together with the rules of conditional amnesty,[6] for Gobodo-Madikizela means that perpetrators could in their turn be given the chance to speak in public about their response to the suffering they had caused, and thereby they could be held to *higher* standards of accountability than in a typical courtroom (Gobodo-Madikizela 2011: 543). Fourth, in all of this, the larger public (including institutions, beneficiaries, bystanders and other, indirect victims) were compelled vicariously to experience these encounters and to position themselves and their per-sonal histories within the larger historical narrative that was unfolding over the 2 years of the Commission's work. Her vision is that the broader public participa-tion in these singular events would cause 'a sense of hope' to start to 'permeate public discourse about the past', and would translate into an institutionalised 'ethics of acknowledgement' in the wider society (Gobodo-Madikizela 2009: 158–9). In

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[4] Both the spectacular violence broadcast on national television during the 1980s and the clandes-tine operations of torture and murder that came to light at the end of the regime served in different ways to create and sustain deep social divisions.

[5] The policies of apartheid institutionalised racism in ways that permeated people's lives. The legal system itself thus upheld injustice, and worked incessantly to silence thousands of righteous out-cries. The original injustice was thereby doubled, in that it could also not register publicly as an injustice.

[6] As part of the South African transitional agreement, amnesty would not be blanket but rather conditional upon two elements: full disclosure and political motivation. In many cases, the Amnesty Committee of the TRC decided that witnesses were not making a full disclosure, which led to a rejection of their amnesty application.

this way, personal testimonies would ideally start to affect institutional cultures of oppression. Confronting the apartheid past together, via the encounters between individual victims and perpetrators, would help to reconcile the opposing narratives and create at least a minimal moral agreement about that past.

For Gobodo-Madikizela then, the TRC process, in spite of acknowledged shortcomings, yielded 'an unprecedented moment of hope and moral imagination' in and for the (Black)[7] majority of the South African public, as was borne out by empirical research some years later (Gibson surveys 2004 and 2005). She believes that this new moral imagination was kindled by concrete instances of forgiveness that made available a 'public language of apology, forgiveness and reconciliation in the aftermath of mass political violence' (Gobodo-Madikizela 2008a: 38). Public or communal hope was fuelled by these individual stories, especially where the conditions for forgiveness were present in the encounters, precisely because the latter carried the sign of hope on an inter-personal and supra-personal level, as will become clear in the detailed analysis. While the instances of forgiveness were highly personal in each case, at the same time the encounters were well chosen to be representative of the human rights abuses of the apartheid regime (and to a lesser extent of the anti-apartheid movement). The wider, mostly White, public was implicated in them, and the one-on-one encounters in front of the TRC took on nation-wide significance and resonance. Gobodo-Madikizela (2008a: 39) speaks in this regard of 'an inextricable web of actions and events' that connected beneficiaries, bystanders and supporters – the population at large – to the 'willed evil' of individual perpetrators[8] who had committed their atrocious deeds in the name of, and for the sake of, this larger population. This is what importantly distinguishes political violence from purely criminal violence. Thus, while the encounters between perpetrators and victims were important in themselves, they had a ripple effect insofar as they forged a crucial conversation about the country's past. Gobodo-Madikizela (2008a: 41): 'Bringing victims, perpetrators and beneficiaries of oppressive regimes together for sustained dialogue about the past is the only action that holds promise for the repair of brokenness in post-conflict societies'.

13.1.2 A Descriptive Approach

In several texts, Gobodo-Madikizela tackles the question whether there are ethical or philosophical limits to forgiveness as articulated in particular by Hannah Arendt (1963) in connection with Eichmann and his role in the 'final solution'. Like the later commentators on Simon Wiesenthal's *The Sunflower: On the Possibilities and*

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[7] In this case, as she explains, 'Black' includes the Black, 'Coloured' and Indian groupings in the country. The Whites were predominantly strongly negative about the TRC process.

[8] Gobodo-Madikizela (2002: 29) is rightly scathing of the former apartheid political leadership who distanced themselves from the 'foot soldiers' such as Eugene de Kock who did apartheid's dirty work in the shadows– including former presidents PW Botha and FW de Klerk.

Limits of Forgiveness ([1976](#)), Arendt (in *The Human Condition*, [1958](#): 241) argues that certain acts place the doers beyond the pale of humanity; the magnitude of some 'radically evil' acts renders the actors unforgivable because the deeds are immeasurable, incomprehensible/unspeakable and unpunishable. To this stance, Gobodo-Madikizela ([2002](#): 19) responds as follows: '[T]here may be some [horrible things] for which the language of apology and forgiveness is inappropriate', but in general, she finds the pursuit of this question to be of limited value. She continues, 'I think it is more instructive to talk about the *conditions* that may or may not *foster* forgiveness than to suggest that certain categories of acts are unforgivable' (emphasis added). She believes that she can discern precisely such conditions in the cases of forgiveness that she describes.[9]

For her, in contrast with the above commentators, there are no acts or deeds that *in and of themselves* cause a complete loss of humanity in the actor, and which may thus be described as unforgiveable in the Arendtian sense. In other words, one cannot deduce from what they have done whether their humanity is lost. In this, she agrees with Trudy Govier's ([1999](#): 59) claim that forgiveness is about agents and not about deeds. And with Desmond Tutu who writes in response to a newspaper article that refers to apartheid foot-soldiers as monsters, '... monstrous deeds do not turn the perpetrators into monsters' (Tutu [1997](#)). Not that it is impossible to lose one's humanity: she does argue that interpersonal violence always harbours the *potential* to destroy the capacity of both victim and victimizer for human connection and empathy, leading to precisely such a loss of humanity (Gobodo-Madikizela [2008a](#): 58). However, whether anyone in particular has in fact permanently lost that capacity due to a traumatic event is something that can only be determined *empirically*, not in the abstract, and not in principle.[10] Her witnessing of instances of forgiveness after the Rwandan genocide and South African apartheid atrocities convinced her that the Arendtian orthodoxy of the unforgivable needs to be reconsidered (Gobodo-Madikizela [2008a](#): 40). In short, she finds it imperative to focus on, and to *start her theorizing from, actual experiences and instances* of political forgiveness, more than on the conceptual meaning of forgiveness (Gobodo-Madikizela [2009](#): 159–160). Putting abstract philosophical considerations firmly in their place, Gobodo-Madikizela ([2011](#): 545) says, '[p]hilosophical questions such as the moral inappropriateness of forgiveness can and should give way and be subsumed to

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[9] Here, Gobodo-Madikizela's thinking is very close to that of Govier ([1999](#): 71), who similarly holds that 'no one is absolutely unforgivable, whatever he or she may have done in this world', but that there are nevertheless many who are 'conditionally unforgivable', mainly because of a lack of remorse.

[10] In this respect, her book *A Human Being Died That Night* (Gobodo-Madikizela [2003](#)), about apartheid mass killer Eugene de Kock, nicknamed 'Prime Evil', is telling. In their review, Judith Lütge Coullie and Vasanthie Padayachee ([2004](#): 206) read the dying to which the title refers as the social-moral death of De Kock. However, it is precisely in his troublingly ambiguous ability to tell Gobodo-Madikizela about this loss of his own humanity, that she glimpses his capacity for human (re-)connection and remorse. His sense after one particularly brutal night that he had been permanently stained with guilt and had lost every ounce of human spirit, that his humanity had died, is for her the vulnerability that opens him up to the possibility of forgiveness.

human questions for in the end we are a society of people and not of ideas, *a fragile web of interdependent beings*, not of stances' (emphasis added).

   She thus resists the Arendtian placement of certain perpetrators beyond the human realm, even as she acknowledges the emotional need underlying such a move. As I read her, her objections are twofold: first, we let the perpetrator off too easily because we stop holding him[11] accountable within the human community and within human frames of reference – through this move, we turn him into something either less or more than human.[12] Secondly, such a strategy mystifies his evil actions because we refuse to believe that they sprang from motives that we might understand. She draws on empirical evidence to argue that it is simply not the case that perpetrators of evil deeds are qualitatively different from the rest of us. She explains our need to ostracize the perpetrator of evil deeds as follows: 'There is a desire to draw a line in the sand and say, "Where you have been, I cannot follow. Your actions can never be regarded as part of what it means to be human"' (Gobodo-Madikizela 2002: 29). She also thinks we are afraid to consider too closely what drove a person to commit radically evil deeds, because we are worried that in fact his motivations are understandable and thus that under similar circumstances we might have done something similar.[13] She calls this prospect 'unpalatable' and 'profoundly frightening', due to a fear of moral contamination (Gobodo-Madikizela 2008a: 51–2). We are thus afraid to confront our own (and our community's) capacity for evil.[14] It seems right to conclude from this that the supposed incomprehensible nature of some crimes has less to do with their inherently mysterious nature than with our unwillingness to attempt to understand them due to our 'moral allergy' towards atrocious behavior.

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[11] I will use the masculine pronoun throughout when referring to perpetrators of violent crimes, and the feminine pronoun for victims. This is not to deny that women have also been involved in atrocities, but rather to acknowledge the fact that the overwhelming majority of perpetrators of gross human rights violations on both 'sides' of the conflict in South Africa have been male. It is also a reflection of the fact that the vast majority of victim witnesses before the TRC were women, who mostly testified about male primary victims. It will become clearer that gender is not an innocent or neutral matter in national reconciliation.

[12] Trudy Govier (1999: 71) says in this regard that the category of the unforgivable forecloses the possibility of forgiveness and infers a permanent evil in a person's character. This for her, belies the human condition, which is *inter alia* always characterized by the capacity for moral transformation, 'which is the very foundation of human worth and dignity'. Gobodo-Madikizela agrees.

[13] It is notable that some highly popular current TV series play with this dilemma. For example, the serial killer in *Killing Eve* is a likeable, beautiful, adventurous, witty and glamorous young woman who kills purely for the thrill and the money, which allows her a lavish lifestyle in Paris. Not only the detective who tries to capture her, but also the audience, gradually come to see the murders from the killer's perspective. Becoming a super-cool professional 'hit-woman' becomes at least a hypothetical possibility for the viewer.

[14] Gobodo-Madikizela gives a profound example of this in *A Human Being Died That Night*, when she, during an interview with De Kock, 'remembers with shame her joyous celebration of the killing of a man who was perceived to be an apartheid state-puppet, Captain Craig Duli' (Coullie and Padayachee 2004: 206–7).

On the question of the unforgivable, Gobodo-Madikizela thus stands closer to Derrida than to Arendt. She wholeheartedly agrees with Derrida's (and Jankélévitch's) point that true forgiveness is 'impossible', 'a madness', and 'a miracle'; 'as if the only appropriate response to an incomprehensible act is one which is similarly incomprehensible', she says (Gobodo-Madikizela 2008a: 44). At the same time, and in a seemingly paradoxical move that he takes over from Jankélévitch, Derrida declares: 'the word "unforgivable" is one that I cannot say of anything or anyone ... in no case does anyone have the right to say that one should forgive or one should not forgive' – it is always only up to the victim to decide. Yet, this refusal of a duty to forgive just as much as a duty not to forgive, does indeed follow from their view of forgiveness as miraculous, uncontrollable and incomprehensible. If the primary victim is dead, there is at least that one dimension in which the deed is indeed irretrievably unforgivable. Survivors cannot forgive on behalf of the dead, only on behalf of themselves and their own loss.

In his 'Translator's Introduction' to Jankélévitch's *Forgiveness* (2005), Andrew Kelley throws more light on the paradox in the former's conception. For Jankélévitch, forgiveness is a part of the human condition, because of the irreversibility of time and thus of action: we cannot go back and undo what we have done. This is why there is something like 'the power of forgiveness', which *is* 'the power of undoing': the power, not literally to undo the past deed, but to make it *as if* the misdeed had never occurred, as far as one's relation with the doer goes (Jankélévitch 2005: xvii). This explains why forgiveness is 'miraculous' and 'of the order of grace', i.e. in some sense beyond the human domain of the rational and the calculated, and 'outside of systems of normative ethics and justice' (p.xxv). For him, forgiveness aims precisely at that which someone like Aristotle or Arendt would consider unforgivable. Jankélévitch (2005: xxi-xxii) therefore goes to great pains to explain what forgiveness is *not*, demonstrating that 'as soon as reasons are given as to why one should forgive, then forgiveness collapses back into something else such as excusing, clemency, or reconciliation' or rehabilitation. It might even fail as forgiveness (and become 'mental hygiene') if one forgives in order to overcome one's own hatred of the offender.[15] It is thus only when there is *no reason and thus no duty* to forgive or excuse, that true forgiveness becomes a possibility. Forgiveness is amoral

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[15] Recently, Candice Mama published *Forgiveness Redefined* (2019) in which she recounts her decision to forgive Eugene de Kock for the murder of her father, Glenack Masilo Mama, which had happened when she was only 7 months old. She makes very clear that forgiveness for her was 'an act of personal liberation' from a painful past and from the anxiety and hatred she carried towards De Kock, which had been draining her health since childhood. She forgave him for her own sake, even before she met him in person – similar to the 'unilateral forgiveness' described by Margaret Holmgren (1994). See also the Radio 702 interview with her at http://www.702.co.za/articles/371116/listen-meet-the-forgiveness-girl-candice-mama (accessed on 29 April 2020). Jankélévitch would say this is not true forgiveness, but for Gobodo-Madikizela, I think, Mama's attitude represents one of the crucial conditions of forgiveness. Against Mama, however, she would see political forgiveness as essentially a dialogue rather than a monologue, and would suggest that the true pathos of forgiveness happened only in Mama's actual encounter with a remorseful De Kock.

or even immoral in that it is arbitrary, gratuitous, and an inversion of ordinary morality, because it returns kindness, love, and care for evil (2005: xxiii). Put differently, if one excuses or forgets an act of evil because for whatever reason one's 'opinion on the subject of the guilty person' has changed, then it is not true forgiveness. In proper forgiveness, one's view of the offender and the deed (guilty of evil) remains fully intact, but, as Jankélévitch (2005: 152) explains, 'it is my *relations* with the guilty person that are modified' (emphasis added); 'the judgement of condemnation has stayed the same, but an arbitrary and gratuitous change has intervened ... which transfigures hatred into love'.[16]

Also like Derrida, Gobodo-Madikizela wants to separate the issue of punishment from the issue of forgiveness. She says that she came out of the TRC process with two strong impressions that stand in some tension with one another. On the one hand, she was struck by the impossibility to redeem or repair the atrocities of the past (either through retributive punishment or through victim reparation) and, on the other hand, she held the conviction that the possibility of forgiveness is 'within our grasp even in the context of irreparable trauma' (Gobodo-Madikizela 2008a). She thus agrees with Derrida who insists that forgiveness is a human possibility, even as he emphasizes it is an 'act of grace' and thus something extraordinary ('an impossibility') that can never be legislated (Gobodo-Madikizela 2008a). I would suggest that Jankélévitch and Derrida's position[17] implies that strictly speaking, there cannot be an 'ethic of forgiveness', by which I mean that there cannot ever be a moral duty to forgive or not to forgive.[18] In order to flesh out Gobodo-Madikizela's understanding of how forgiveness actually 'works', and what the conditions are that either

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[16]To continue with Mama's example: she had changed her relationship with De Kock even before meeting him, because she no longer wanted to be 'entrapped, controlled and triggered' by the event of her father's death which had tied her to the killer through her hatred towards him. When she met him, she did not know whether she could 'extend' the one-sided act of forgiveness to what she calls 'reconciliation' with the perpetrator. She kept an open mind and found him to be 'very aware of who he was and what he had done', so that when she extended her forgiveness to him in person, both of them were taken aback (see http://www.702.co.za/articles/371116/listen-meet-the-forgiveness-girl-candice-mama). Here are clear echoes of Gobodo-Madikizela's view that forgiveness cannot be controlled, but when it comes, it comes as a surprise, outside of the normal calculations of guilt and punishment.

[17]Space does not allow me to compare their positions in detail. Suffice it to say that Derrida's attention to Jankélévitch's work on forgiveness has placed the latter on the philosophical 'map' again, after decades of neglect that started with anti-Semitic exclusions while he was still alive. For my purposes, I only draw on what their positions share.

[18]I suspect Gobodo-Madikizela would not follow me in drawing this conclusion, because, in spite of seemingly approvingly quoting Derrida on this point, in other places she does speak of an ethic of forgiveness and links some 'duty to forgive' to the project of national reconciliation. Even the phrase quoted above, 'within our grasp', seems to suggest the forgiveness offered by individuals may serve a national cause, thereby losing its miraculous and gratuitous nature. The duty to forgive she postulates is furthermore rooted in the African ethic of Ubuntu, which she suggests might frame forgiveness as 'necessary to promote the ethical vision of a compassionate and caring community' (Gobodo-Madikizela 2009). I think finally this point is not fully resolved in her work and I return to it later, keeping in mind that her descriptive approach might for its part challenge the more philosophical vision proposed by Jankélévitch and Derrida.

facilitate or obstruct the possible emergence of this 'miracle', without however determining the outcome, I now turn to her description of various aspects of the phenomenon as she encountered it in the TRC hearings.

13.1.3 Three Conditions of Forgiveness

While sections (i) and (ii) spoke to the frame and methodology of Gobodo-Madikizela's work on (political) forgiveness, in the current section, (iii), I focus on her description of forgiveness in practice. The extraordinary moments of forgiveness that occurred during the TRC's work stand out against a backdrop of many more instances of non-forgiveness, of no forgiveness being asked, or refusals to forgive.[19] In putting forward three intertwined major 'conditions' of forgiveness, Gobodo-Madikizela seems to move away from Jankélévitch and Derrida, and into 'an ethic of forgiveness' that is closer to Arendt. By calling the major features of the forgiveness encounter 'conditions', Gobodo-Madikizela implies that in the absence of these conditions there is no duty to forgive, or the possibility of forgiveness likely derails. The other side of the coin suggests that if these conditions are present, there is a clear possibility, and possibly even for her a duty to forgive. This kind of language resonates with Gobodo-Madikizela saying forgiveness is always 'within our grasp' and that forgiveness for politically motivated crimes serves the greater good of reconciliation. At the same time, this kind of language deviates quite sharply from Jankélévitch's claim that forgiveness is a miracle and a madness, in that it risks pressing forgiveness into the service of some overarching aim, calculation or system, which for Jankélévitch would imply that it turns into something else, a decision for which reasons can be given.

However, the tension can be softened if one reads Gobodo-Madikizela's three 'conditions' less as norms guiding an ethic of forgiveness, and more as part of an intricate tapestry that shows the complexity of what typically happens when people actually forgive, experience forgiveness. Once again, the emphasis should be clearly on the descriptive rather than the normative. She writes, 'In order to understand the dynamics that inspire the emergence of forgiveness we need a theoretical perspective that goes beyond notions of the ethical '*should*' or '*should not*', that set limits to what can be forgiven, to the psychological *'can'* or *'cannot'*, which is determined by the nature of the encounter ...' (Gobodo-Madikizela 2008b: 171). The 'three

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[19] Although Gobodo-Madikizela acknowledges this, she pays little actual attention to the many refusals of forgiveness, whereby her reader might deduce that such refusals were irrelevant or detrimental to the national reconciliation aim. Thus in spite of her claim that the real aim of the TRC was reconciliation and that the Commission was caught by surprise when forgiveness took place, the way in which she writes may create the impression that interpersonal forgiveness was the preferred vehicle for national reconciliation. My own view is that clearly motivated instances of non-forgiveness should be investigated for their role in promoting the reconciliatory aim of creating a new moral community, because they shed more light on the lack of human empathy that underlies the absence of the conditions of forgiveness.

conditions' can thus be read as central strands in a textured phenomenological account of forgiveness in practice. The fragility and the risk of true forgiveness (maybe similar to what Jankélévitch calls its miraculous nature) stems from the many interrelated and dynamic elements that must come together and come into play at the right time if the process is not to derail. Because of the fragile and multi-dimensional nature of forgiveness, it cannot be controlled, manipulated or determined by any single person. But its unruly character goes even deeper.

Like Jankélévitch and Derrida, Gobodo-Madikizela also struggles to explain or describe forgiveness even while holding onto the understanding that it remains in the final instance a *surprising, unpredictable event* that happens to people as much as they make it happen. In this regard, she refers to Arendt's (1958: 9) discussion of forgiveness in *The Human Condition*, where she calls it 'the only reaction that acts in an unexpected way and thus retains ... something of the original character of action'. This formulation neatly captures, as we will see, Gobodo-Madikizela's dialogical understanding of how forgiveness *emerges* – it is as much an action as a reaction, in the moment, to a fundamentally new situation created by the embodied encounter, and where the appropriate (re-)action further works to reinforce this new reality. Forgiveness is for Arendt thus also directly related to natality, because, 'action has the closest connection with the human condition of natality; the new beginning inherent in birth can make itself felt in the world only because the new-comer has the capacity of beginning something anew, that is, of acting'. Also for Kristeva, as Gobodo-Madikizela (2008a: 50) notes, 'to forgive is a means to initiate a new beginning', but as I will show, this is not creation *ex nihilo* – it is instead an openness towards, and a hope for, a new beginning, in response to something similar glimpsed in the other party, and in and through the encounter. The embodied encounter which contains the conditions of forgiveness fundamentally changes the existing broken relationship between perpetrator and victim and opens up the possibility of something radically new. This is why for Gobodo-Madikizela, scenes of political forgiveness are indispensable for a larger community looking for hope for the future; they kindle a new moral imagination.

I will now discuss the various 'conditions' or elements accompanying the scene of forgiveness as noted by Gobodo-Madikizela, and show how they are interrelated. As will become abundantly clear, the presence of the 'conditions of forgiveness' ('the conditions that may or may not foster forgiveness', Gobodo-Madikizela 2002:19) does not yet in any way guarantee that forgiveness will take place, due to its action- and event-like character, its link to natality, its deeply transformative character, and its radical novelty. The two main conditions are perpetrator remorse and victim witness bearing, with the third one of mutual empathy underlying and animating both these conditions and extending them towards the Other.

(a) Remorse: Gobodo-Madikizela (cf. 2002: 13) mostly writes as if perpetrator remorse is a necessary condition for forgiveness, saying for example, 'remorseful apology is a key element in forgiveness'. At the same time, she has witnessed victims who 'seemed to be looking for reasons to forgive' (Gobodo-Madikizela 2002: 13), suggesting that from the perspective of at least

some victims, an openness to forgiveness precedes perpetrator remorse. Nevertheless, true remorse enacted, performed, is for her the necessary first step towards possible forgiveness. It is the opening move, or the initial trigger that transforms forgiveness from an impossibility into a human possibility: '[G]enuine remorse humanizes perpetrators and transforms their evil from the unforgivable into something that can be forgiven' (Gobodo-Madikizela 2002: 8).

True remorse should be clearly distinguished from a self-centred absorption in one's own guilt, 'with little or no concern about the pain and suffering of the person from whom one wants forgiveness'. Instead, true remorse is about a *human connection* with the person whom one has wronged (Gobodo-Madikizela 2002: 13); thus, it is infused with empathy, as will be shown in sub-section (c). Gobodo-Madikizela described it as a surprising and disruptive moment in the TRC proceedings when, '[i]n offering an account of their deeds, [some perpetrators] were able to move beyond mere description and to reflect on the ethical component of their actions, to begin to feel sorry for what they had done' (Gobodo-Madikizela 2002: 8). Although they were in the minority, the ones who did directly apologise to the victim families, in her view 'laid the groundwork for the TRC hearings to engender something even more important than reams of testimony: [They] *opened the door to the possibility* of forgiveness' (Gobodo-Madikizela 2002: 8; emphasis added).

I am concerned that this emphasis on perpetrator contrition as the initial, opening or first move in human (re-)connection that sets the table for forgiveness places too much power in the hands of the perpetrator. This view of forgiveness moreover goes against my understanding of Jankélévitch and Derrida, where the initiative for forgiveness comes purely from the victim, who unilaterally and arbitrarily disrupts and upends the logic of guilt and punishment, even while their judgement of actor and act remains intact. Recall Jankélévitch's emphasis on the miraculous 'power' of forgiveness as an undoing. And Derrida (2002: 58) later states in a similar vein: The 'I forgive you' is mostly 'addressed from the top down, it confirms its own freedom or assumes for itself the power of forgiving'. The whole point of their view is that there is nothing the perpetrator can do or say that would compel or even move the victim to forgive them, hence the view that only the unforgivable can be forgiven. In contrast, with Gobodo-Madikizela, we see the perpetrator taking the initiative and managing with an attempt at human connection to (start to) change the normal rules of the game. She states: 'By expressing remorse, a perpetrator repudiates his deeds in a way that seems to be crying out for readmission into the world of moral humanity' (Gobodo-Madikizela 2009: 162). This prioritization seems to threaten Gobodo-Madikizela's (2002: 14) own emphasis on the victims placed at the heart of the TRC's work and her insight that victims 'need to reclaim their dignity and respect and feel that they are in control'. At the same time, however, she might have a clearer understanding than Derrida, e.g., of how perpetrator remorse enacted may effect a shift in the power relations between the parties. The traumatic violations of the past established a relation between perpetrator and victim that rendered the former all-powerful and the latter powerless. If the perpetrator now demonstrates a dependency on the victim and vulnerability towards her or him, that in itself allows

the victim to ascend to a position of power which may (or may not) then be deployed as 'the power of forgiving'.

Yet, it is also clear from the examples of forgiveness that Gobodo-Madikizela discusses, that it was in actual fact the sincere remorse (or apology) as expressed by the perpetrators which mostly worked to break through the predictable pattern of victim-perpetrator interaction of blame and denial, and to initiate something new. Both Eugene de Kock (Gobodo-Madikizela 2002: 17) and the Black former police informant (Gobodo-Madikizela 2011: 546) asked to speak in private with the widows and mothers of the victims they had killed, in order that they might apologise to them face to face. It might thus be indicative of her descriptive approach that she noted perpetrator remorse as the surprising turn of events that opened the door to the possibility of forgiveness. And still, we must ask, where does the remorse come from? It seems clear to me, as earlier hinted, that remorse is already a response to *a more original initiative*, namely to the victims' prior attitudes, decisions, and actions. Remorse *responds to* something more original, namely the victims' willingness to revisit and expose their pain, loss and injury to the wider world, including the perpetrators, in the hope of having these validated. Their willingness to publically return to the scene of their wounding is evident in their presence at the hearing, their testimony, and their physical proximity to the perpetrator. It seems then as if prior to the perpetrator remorse which Gobodo-Madikizela emphasizes, there must already be a glimmer of faith or hope present in the victims that there is the possibility of human connection with the perpetrator and the wider world he represents.[20] This is expressed in their courageous turning up, their willingness to listen to what the perpetrators have to say, to meet them face to face.

Although we might therefore be critical of the priority that Gobodo-Madikizela seems to give to remorse, the important point is that for her it is a necessary condition for forgiveness to take place. She places high value on the physical performance of remorse and contrition[21] as a move that is necessary to break through the typical stalemate between victim and perpetrator. In fact, she sees the moment of the performance of remorse as enabling the victim to 'start to recognize the face of the perpetrator as holding enough humanity to feel remorse, to share the victim's pain and loss' (Gobodo-Madikizela 2009: 162). It is as if the perpetrator's enactment of vulnerability dislodges the previously unmovable power hierarchy established between himself and his victim through the initial violation. The vulnerability that stories of remorse show, is a brokenness, a self-destruction and a dehumanization

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[20] The audience implicitly addressed by the victim is in a sense still under construction, is being called into being precisely through the details of the testimony that is given/gifted. Also, this emerging audience extends far beyond the direct perpetrators to include the TRC commissioners and officials, the journalists, other victims of apartheid and also its beneficiaries, even the international community. It is in the context of restorative justice always *also* a social system, a 'meaningful world' that is on trial, a world enabled and held in place by many role players. And what is at stake the birth of a new shared world.

[21] 'The significance of an apology lies in its ability to perform ... and to transcend the apologetic words. In other words, to validate the victim's pain and suffering, an apology must communicate the appropriate emotion' (Gobodo-Madikizela 2002: 16).

that have accompanied a life of violence (Gobodo-Madikizela 2008b: 176). Gobodo-Madikizela (2003: 41) describes the remorseful De Kock as 'a person broken into bits'.[22] As will be discussed below, there are many good reasons, psychologically speaking, why perpetrators might want to refrain from going down the path that leads to remorse, and so many refuse it even when all the other 'conditions' or elements enabling forgiveness are present.

(b) Bearing witness: Gobodo-Madikizela argues that forgiveness can also not happen without the painful work of bearing witness or testifying to one's violation. The injury must somehow feature in the encounter if it is to be transformed in the process. In one account of the TRC's work in the Eastern Cape, Gobodo-Madikizela relates the powerful tale of a mother's anger at the TRC for coming to their village and re-opening her barely contained wounds.[23] Although she is initially very hostile towards the process, she later breaks down and the story of the shooting of her 11-year old son pours out of her. Although Gobodo-Madikizela realizes that this kind of witnessing is painful in the extreme, she also sees it as something that victims need,[24] as 'unfinished business' and as a way to address traumatic 'wounds that cry out'[25] (Gobodo-Madikizela 2008b:175), and therefore, as finally cathartic and healing. She describes the compelling nature of the demand to bear witness as a 'most urgent' moral claim 'that compels the witness to confront a deeper level of truth', to 'address ... to impress upon... to appeal to a community' (Gobodo-Madikizela 2009: 160). I suggest that this basic conviction about how trauma compels us to speak, and may lead to cathartic healing, to some extent blinds her to the multiple risks to one's power and dignity involved in exposing one's deepest pain in this way.[26]

Elsewhere I have discussed in detail the risks of what Lorraine Code (2009) calls 'narrating vulnerability into being' which may have the 'ironic effect of making the vulnerable more vulnerable still, their weaknesses exposed, their "soft spots" available for damage' (cf. Du Toit 2019). While clearly the victim does have an urgent need to be heard, for their pain to register socially, the risk of revisiting, of re-embodying, the trauma through the narration, is immense. The fear must be that

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[22] The Latin root for contrition, 'contritus', means 'ground to pieces' or 'crushed' by guilt.

[23] In the mother's oscillation between past and present tense in her account, Gobodo-Madikizela discerns how the event of the death of her young child is alive for her and still tormenting her every day, the memories of that day burnt into her senses. The past is not past, but relentlessly haunts the present.

[24] The story of Mrs. Elsie Gishi (Gobodo-Madikizela 2003: 83–84) from Cape Town about the death of her husband and the trauma of her young son vividly brings home the urgency of victim testimony. Mrs. Gishi uses the phrase 'the most unspeakable state of death,' which for Gobodo-Madikizela points to the lingering chasm between the traumatic experience and attempts to make it manifest, shareable and public.

[25] She takes over this phrase from Caruth 1995.

[26] I say this hesitatingly. Yet I do wonder whether a certain underestimation of the risks of victim testimony in political context might not be linked with my other criticisms about the prioritization of remorse, a possible duty to forgive, and the gendered nature of forgiveness.

there may be many elements in the situation that increase the risk of being re-traumatised, re-wounded, instead of being heard and affirmed. This must be especially true in a context of restorative justice where the addressee is tasked with transforming the face of justice even as it opens it up for victims to appeal to, and it is precisely in their speaking that the witnesses start upon this work. As Elaine Scarry (1985) argues at length, the first obstacle is that of language itself, because bodily pain and trauma by their very nature resist manifestation through words. The relative impotence of language to do justice to trauma was to some extent offset at the TRC hearings through different communicative techniques.

As for the perpetrators, also for the victims, embodied communication became important, not just abstract words. Time and again, it was not just the presence of the other person in general that was evoked in the TRC hearings. Rather, there were pleas to look each other in the face, to witness the body in pain or contrition, of self and other, to hear the tone of voice, to hear the mother tongue used,[27] to see the hands shake, to hear the voice quiver, to see tears. These were desperate attempts to express and to read accurately what was expressed. Of course, the need was often asymmetrical. I will return below to the key role of the face to face nature of this fragile encounter, which might be better described as a body to body encounter, and which is also very important for Gobodo-Madikizela. To summarise: what the Commission asked the victim to do is nothing less than to relive and re-enact the trauma in an elaborate and embodied way, publically, and to expose their layered vulnerabilities, i.e. the initial trauma, their pain carried over the years, the built-up anger, powerlessness, hatred, humiliation and resentment, to the whole world. This should be done in the hope and faith that now, for the first time, their story will be properly 'caught', received, registered, and be allowed to make a difference in the world. Indubitably, for many victims such faith would be unattainable. And, when this is the case, they should obviously not be pressurised into providing this second 'condition' of forgiveness.

(c) Mutual empathy: The capacity for, and willingness to feel empathy *toward one another* is central to Gobodo-Madikizela's vision of how forgiveness works in fact. Empathy is what underlies and makes a truly dialogical or mutual encounter possible. It is also what shifts the focus in perpetrator preoccupation with crushing guilt and in victim preoccupation with woundedness and loss, into a concern for the other. As said, she acknowledges that sometimes the capacity for empathy gets destroyed in people, as seems to have been the case with Eichmann. For Gobodo-Madikizela (2002:25), it is not so much that his actual deeds have disqualified Eichmann from inclusion in moral humanity, than his apparent inability to feel empathy even after being confronted with the terrible losses that he had caused.

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[27] This happened e.g. during the Saint James Church hearing, when the victim asked the perpetrators to look him in the eyes and speak in their own language. My understanding is that he did not speak their language – it would have been translated for him in real time - but he was keenly aware of the barrier represented by the medium of English. He expected to find something more truthful reading the body language and vocal qualities of people who were speaking freely in their mother tongue rather than struggling with English.

For example, he was confronted by Peter Malkin about his cousins' deaths in Auschwitz – a personal narrative of irretrievable loss - and all he could say in response was, 'but they were Jews, weren't they?'. This banal response – fully subsuming the individual persons under their derogatory, disposable category - shows that the capacity for empathy, for identificatory connection (and thus for remorse) that Malkin was looking for, was simply absent. Eichmann could not relate his own humanity to the humanity of his victims, which implies that his own humanity was severely lacking. When Eichmann in this encounter after his capture consistently conveys the same dehumanising attitude that allowed him to send millions to their deaths, Malkin must conclude that this attitude is the sum total of the man.

In contrast, in the moment of remorse, the 'wounded perpetrator' realises that his deeds have exiled him from moral humanity and he cries out for readmission and reconnection with the larger human community (Gobodo-Madikizela 2009: 162). Their heart-felt repudiation of their past deeds and responding to the other's pain with remorse open up a crack between the doers and their worst deeds. As an expression of being human (i.e. both vulnerable and dependent on others), 'remorse transcends the evil deeds of the perpetrator' and the capacity to recognise this transcendence 'becomes an important bridge for the victim to reach out to the perpetrator' (Gobodo-Madikizela 2011: 543). This is why remorse is for Gobodo-Madikizela a precondition for forgiveness – because forgiveness responds empathetically to what is recoverable as human and humane in the perpetrator. In the absence of a remorse infused with empathy toward the victim, there is no bridge, and forgiveness in this sense is unlikely. In contrast with Derrida's view, for Gobodo-Madikizela, forgiveness is not something that is unilaterally bestowed from above, but is instead the outcome of a messy, horizontal, risky, dialogical reaching out between two people across an ontological and moral divide. She writes, 'My argument is that when the conditions for the emergence of forgiveness are created, they serve to reanimate the empathic sensibilities damaged by violence both between individuals and within communities' (Gobodo-Madikizela 2008b: 173). It is important to note that the question of forgiveness can therefore not be decided before the encounter, through some sort of calculation of past moral guilt. For her, the encounter itself has the potential to change everything that went before and inaugurate something novel; and this potential is finally located in the dignity of the human being who always harbours the capacity for moral transformation.

Gobodo-Madikizela (2002: 26) sees the loss or deliberate silencing of the human impulse for empathy as necessary for anyone to commit an atrocity in the first place. She says (Gobodo-Madikizela 2009: 162), '[i]n bearing witness, confronting their depravity and facing the suffering they have caused, perpetrators re-humanise not only the victims whose lives were shattered by their actions, but through their remorse they also reclaim their own sense of humanity, which was shattered by their atrocities'. Thus, a certain kind of not-knowing or more or less wilful ignorance, a moral blindness (which renders the victim strangely invisible), and something less than fully human, characterises the evil deed and that 'other world' where 'they could kill without emotion'. Paradoxically, as we have seen, their inhumanity (in

that 'other world') must be fully revealed to them, for perpetrators to hope to regain something of their humanity.

Gobodo-Madikizela (2008a: 42) refers in this regard to Arendt's discussion of forgiveness in *The Human Condition*, where she (similarly to Jankélévitch) links the need for forgiveness to ignorance and the irreversibility of human action. Arendt however, in a move away from Jankélévitch, roots the Christian duty to forgive in perpetrator ignorance: the duty to forgive another exists 'in order to make it possible for life to go on by constantly releasing men from what they have done unknowingly'; the reason for the duty is the ignorance of the actor at the time.

Thus for Gobodo-Madikizela, the emergence of mutual empathy through the encounter between victim and perpetrator facilitates a radical transformation of mutual re-humanization. This means in practice that the empathetic encounter must lead both parties to a thorough revision of the meaning of the crucial past event in their lives. Such a revision also cannot leave their identities and self-images intact. For the perpetrator as we have seen, whatever techniques he used to maintain his wilful ignorance about his deed, must dissolve in favour of a clear view upon the irretrievable loss and enduring suffering his actions have caused others. A clear enough view of this matter will bring home to him his own depravity and the extent of his loss of humanity, how he deserves to be a moral outcast. For Gobodo-Madikizela, De Kock learnt to see his evil acts for what they were and judged himself as less than fully human. At the same time, in facing the widows, he stood helpless before his past deeds (wishing he could bring back their husbands) and sought to affirm first and foremost to *himself* that 'he was still part of the human universe … and not the monster that his nickname, Prime Evil, portrays' (Gobodo-Madikizela 2002: 19).

While his remorse and empathetic reaching out to the widows did not change the widows' minds about the evil of his deeds, it did 'humanise' him enough in their eyes so that they could extend their moral concern to him. One of them, Pearl Faku, said in the moment she not only cried for her husband but also for him; she felt she would 'like to hold him by the hand, and show him that there is a future and that he can still change'[28] (Gobodo-Madikizela 2002: 17). Clearly then, not only De Kock, but also Faku, were somehow transformed by the encounter, in terms of how they viewed the past event and how this memory impacted on themselves. The encounter changed the past and thereby also the future. It seems it is only once perpetrator and victim stand together and helpless in front of the enormity of the irretrievable injury, the dehumanisation of both victim and perpetrator through the deed, that the space for forgiveness – and mutual rehumanisation – may open up. Mutual empathy can only do its healing work once both parties have allowed their vulnerability to show. Even though there is a moral gulf separating victim and perpetrator always, at the

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[28] Again the encounter as embodied is shown to be important. Faku's impulse was to take De Kock's hand, to connect with him and thereby reaffirm his humanity, thereby include him once again in the human world. From there, from beside her, she would show him that there was still a future for him. She wanted to show him how a renewed relationship to his past, shaped and confirmed in the encounter between them, allowed for a renewed relationship to his future, also.

same time we must acknowledge a symmetry, a link, and a space between them they might enter if both feel inclined. Because of the violent past event that they inevitably share, it is usually the case that they need some things from each other, that only that unique other one can give them.

For De Kock, the widows held the key and power to his moral redemption – nobody could forgive him on their behalf. As for the widows, De Kock held knowledge about their husbands' deaths that they desperately wanted. Because he understood his dependency on their forgiveness and could reach out to them in their loss through empathetic identification, De Kock, an exception in this regard, did everything he could to give them as much information as possible about the killings. Doreen Mgoduka, one of the widows, commented, 'De Kock brought us the truth so that we can be with our husbands, understand what happened to them and then release them again. Now I can mourn properly because this has helped me retrace his steps in life in order to let him go in death' (Gobodo-Madikizela 2002: 24). But as I have already suggested, victims' families (secondary victims) also have a deep need to restore the full humanity of the primary victims, to in a sense bring them back to life and clothe them in dignity, in the space between themselves and the perpetrators. This is another enormous dimension of the wager of victim testimony – they want public, intersubjective, recognition of the worth and dignity of the ones who had been treated as disposable and less than human. De Kock's vital information is thus not just information, but a way in which the widows could resurrect the dignity of their husbands in conversation with the killer, and in the eyes of the killer, leading him to further remorse.

Another good example Gobodo-Madikizela discusses in this regard, is the remorse shown by one of the killers of Amy Biehl, the American exchange student who was working in a township near Cape Town at the time. Although the killers confessed that they felt no mercy towards her as they killed her and no remorse afterwards as they recounted the event to family members, once they had sat through the hearing, listening to the parents' testimonies, the one young man said, stunned, 'I did not know...'. As with the decision of the victim witness to gamble on the humanity and empathy of her audience, including the perpetrators, for the perpetrator to get to the point of saying 'I did not know then but now I do' is a burden on him that is almost impossible to overestimate. As Gobodo-Madikizela (2009: 161, quoting Caruth 1996:4) discusses, the repression of that dangerous knowledge, that 'impossible history within themselves' that perpetrators have to live with, has become a permanent and central feature of their self-image. Thus, to acknowledge (first to oneself, then to another) what one should have known but refused to know at the time, severely strains the perpetrator's self-understanding and self-respect. This is because the wilful ignorance that enabled their deeds is not just any kind of ignorance, not in the first place an ignorance about this or that fact about the victim (such as that Amy Biehl was actively fighting against apartheid), but is rather a fundamental ignorance about (a denial of) their humanity. His ignorance was not about the details of her life as much as it was a learned ignorance about how every individual is always incalculably more than their collective identities such as skin colour, or ethnicity. Ironically then, in order to act brutally on the supposed lack of

humanity in another, the perpetrator has to suspend his own humanity (and become like the system he is fighting). Acknowledging the full humanity of the victim forces him to face his own loss of humanity in comparison.

Again, however, it is worth noting that remorse in this instance came *in response* to the parents' embodied, face to face, performance of their love and their loss, their resurrection of Amy for the sake of repairing her dignity. Their rendering of themselves vulnerable before the perpetrators and before the loss inflicted, already spoke powerfully to their hope and faith that the humanity of the killers is retrievable and will shine through the conflict of worlds. The biggest transformative challenge that the victims will likely face when they set out on the risky road of dialogue towards forgiveness is that they must 'mourn the passage of revenge' (Durham 2000, discussed in Gobodo-Madikizela 2002: 14), and let go of the pleasurable fantasies accompanying revenge, resentment and anger. These vengeful emotions become a 'touchstone of reality' (Friedman 1998, quoted in Gobodo-Madikizela 2002:15) and an anchor point in the victim's self-understanding. Forgiveness might not erase all of these painful memories, but it does present the victim with a 'turning point, the embrace of a new way of thinking about one's trauma and about the emotions it evokes'. As I understand it, the psychological scars left by trauma (including hatred and fantasies of revenge) become a placeholder for the raw, traumatic event, which in turn is a placeholder marking the unspeakable loss itself. It could thus easily feel like a betrayal of one's loved one when one lets go of the pain, or transforms one's feelings about the loss into something more livable. I find it most helpful in thinking about what forgiveness requires to transform on the side of the victim, through the words of Jankélévitch, quoted earlier: '... it is my *relations* with the guilty person that are modified' (emphasis added); 'the judgement of condemnation has stayed the same, but an arbitrary and gratuitous change has intervened ... which transfigures hatred into love'. Because the judgement remains the same, the anger may well remain, as well as the pain of loss, even as a new relation with the perpetrator is explored.

Gobodo-Madikizela (2002: 13) is adamant that some perpetrators were actively seeking forgiveness from the victims and victims' families, quite apart from the amnesty process. This urgency in some of the perpetrators might be understood in accordance with Arendt as part of the human condition: we need to be liberated from some of our worst irretrievable deeds in order to continue with life. Such liberation is a kind of severance, or at the very least a distinction, between doer and deed – recall Jankélévitch's notion of a miraculous undoing. Both the perpetrator and the victim during the process of forgiveness need to manage to separate doer from deed in the person of the perpetrator, otherwise forgiveness would be easily misunderstood as 'an embrace of evil' or a condoning of the deed. As Gobodo-Madikizela (2002: 29) puts it, we often resist forgiveness because we fear it might 'somehow signal acceptability, and acceptability signals some amount, however small, of condoning'. Instead, forgiveness, based on the victim's capacity for empathy felt towards the perpetrator, distinguishes between the inhumane deed and the doer's hoped-for *capacity* for humanity. Instead of demonizing the perpetrator (placing his very being outside the realm of the human), the TRC hearings sought to

'intensify the moral pressure' in order to hold him to 'greater moral accountability', which is 'at once both punishment and rehabilitation' (Gobodo-Madikizela 2011: 543–4). The hearings thus mediated a 'slow, careful process' which aimed at unearthing the perpetrator's moral and empathetic sensibilities which, if successful, would simultaneously reveal his inhumane acts in their stark banality as well as his capacity for being more than, or different from, those acts. Clearly, this is a tension-filled, fragile process without any guarantees.

For Gobodo-Madikizela (2009), if both parties respond with empathy to the pain and loss of the other, both are profoundly transformed in the process, and the possibility of a new future and new relations in the future opens up. This is because both parties are in a sense set free from paralysing or toxic relations with the past event, and are thereby re-humanized, even 'reborn'. The key to the conditions of forgiveness is empathy for the other. What might start off as a cautious wager on the humanity (empathetic ability) of the other, through a dialogical process involving a baring of wounds and a dependency on both sides, may lead to the miraculous rekindling, reanimation, of reciprocal empathy and thereby to a mutual rehumanization. For Gobodo-Madikizela, in the context of political forgiveness, when this happens, it gives hope for a new humanity, a new social contract, to a whole community, even a whole country. This notion of rebirth and the creation of something new is part of the topic of the next section.

13.2 Pumla Gobodo-Madikizela a Proponent of African Feminism?

After the overview of Gobodo-Madikizela's view on political forgiveness presented in Section One, I now turn to question the extent to which she may be said to provide us with the foundation for developing an African feminist perspective on the issue. There is of course something superficial and problematic about this approach, but nevertheless I think it will be best to first consider her as an African thinker and then as a feminist thinker. I hope to remedy some of the inevitable distortions that flow from such a two-tiered approach in the conclusion.

13.2.1 Gobodo-Madikizela as an African Thinker

A glance through her bibliographies confirms that Gobodo-Madikizela draws mainly on 'mainstream', Western sources for her theorizing on trauma, evil, and political forgiveness – Arendt, Jankélévitch, Merleau-Ponty, Levinas, Derrida, Govier, Herman, Minow, Améry, Kristeva, Benjamin. Her main sources tend to be

neither particularly 'African',[29] nor particularly feminist; she seems more influenced by psychoanalysis.[30] She has thus not overtly situated her work within the canon of African (philosophical, psychological, literary or theological) literature related to African ethics and Ubuntu, nor within the African feminist debates, nor in the decolonization conversation. This may lead some to think she is simply not a proponent of African feminist thinking. However, I do not agree. Although she herself does this only to a modest extent, I believe it is indeed possible to show her main concepts and ideas to be firmly rooted in African ethics and ontologies.

In her article on 'Psychological Repair' (2015: 1089), she discusses the orienting role played by Ubuntu in the work of the TRC. Descriptively, Ubuntu 'is based on the understanding that one's subjectivity is inextricably intertwined with that of others in one's community'. Prescriptively, this understanding or anthropology translates into an ethic in which 'all people are valued as part of the human community and worthy of being so recognized'. She sees this Ubuntu-driven orientation not as blind acceptance of whatever others do, but instead as 'an openness to others and a reciprocal caring that fosters a sense of solidarity'. Furthermore, she reads the isiXhosa expression *Umntu ngumuntu ngabanye abantu* to mean 'A person is a person through being witnessed by, and engaging in witnessing of, other persons', or 'A person becomes a human being through the multiplicity of relationships with others'. Importantly, this implies that 'subjectivity depends on being witnessed' by others and from this it follows that one's humanity depends on being a fellow human being with and for others, being open, available to, and affirming of others (pp. 1089–90). The emphasis on 'becoming' a person captures what Thad Metz (2011: 537) calls 'the value-ladenness' of the concepts 'self', 'person' and 'human being' in indigenous Southern African languages: 'That is, one can be more or less of a person, self or human being, where the more one is, the better.' Clearly then, Ubuntu rejects as a lie and a distortion the atomistic, sovereign, ready-made, and highly individualized subject of western modernity. In its place, we find a self that cannot even come into being without the constitutive role played by others in whose gaze, and through whose embodied, caring presence and witness, one becomes and sustains a self. With Ubuntu thus comes not only a strongly relational sense of the self, but also a larger public-mindedness which understands that communities are intrinsically valuable and fragile, and more than the sums of their parts. Metz (2011: 540) summarises his understanding of Ubuntu in the following mottoes: 'One becomes a moral person insofar as one honours communal relationships', or 'A human being lives a genuinely human way of life to the extent that she prizes identity and solidarity with other human beings'.

The underlying values of Ubuntu are clearly noticeable in Gobodo-Madikizela's understanding of political forgiveness as an interpersonal, dialogical, empathetic process unfolding before witnesses. The rootedness of her thinking in these values

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[29] Some African and South African authors she has drawn on include Mahmood Mamdani, Desmond Tutu, Alex Boraine, Kopano Ratele, Amanda Gouws, André du Toit, Chris van der Merwe, and Steve Biko.

[30] This is not surprising, given her training as a psychologist.

is perhaps clearest at the points where she clashes most obviously with the western thinkers who are her interlocutors. I give some examples.

1. While critics might be concerned that she presses the 'sovereign, individual' and 'personal' processes of forgiveness into serving national reconciliation, for an Ubuntu-minded person, the individual and the community are not necessarily or naturally separate and opposed to one another; instead, they are mutually inter-dependent. I think this is also where her idea comes from that Ubuntu may in some instances burden us with a moral duty to forgive in political context. In the context of Ubuntu, the community has an intrinsic value that is distinct from, though inseparable from, individual well-being, and some decisions are made with communal well-being foremost in mind.

2. Similarly, against critics of restorative justice, she can defend her insistence that retributive justice is insufficient for social reconciliation by emphasizing Ubuntu's insight into the power of intersubjective relations to make and break individuals. It is precisely because all selves are constitutively dependent on others for having and maintaining a sense of self that processes of forgiveness and reconciliation are indispensable in restoring a deeply divided society. Related to this, is Gobodo-Madikizela's appreciation of the way in which the TRC process opened up spaces in which victims' stories could occupy center stage and be properly received by an attentive audience, as well as in which perpetrators could be held to higher standards of accountability than in courts of law. The thrust of its work was towards the mutual re-humanization of estranged individuals and groups.

3. Also, Ubuntu's view of the person is one of dynamic becoming – personhood is never definitively achieved but always to be strived for. Personhood, possessing Ubuntu or true humanity, is an aspirational term. This insight informs and reinforces Gobodo-Madikizela's rejection of the Arendtian notion of the unforgivable as a matter of principle. Recall that she does not think every victim can or should forgive, but rather treats it as an empirical question, not theoretical.

4. Her interest in the public staging of the encounters between individual perpetrators and victims, and how these reverberate throughout the web of interconnected groups of beneficiaries, bystanders and supporters, take on new meaning in the light of Ubuntu's emphasis on how our humanity is shaped through being witnessed by complementary others. The same goes for her emphasis of the importance of former enemies physically sharing the same space and of performatively embodying their pain, vulnerability, and remorse for others to witness. Not only are the primary and secondary victims and (remorseful) perpetrators reaffirmed as part of moral humanity; the wider community or society is also (re-)constituted in a new way, and sustained as a new moral order, through the individual stories and encounters that are taken up in the collective story. Through the transformation of key relationships (between former enemies), new selves can emerge, because we are constitutively relational beings.

5. Gobodo-Madikizela's descriptive approach leads her to reject aspects of the rather idealized, theoretical view of forgiveness offered by Jankélévitch and Derrida, when they say only the unforgivable can be forgiven. To my mind, she retains an understanding of forgiveness as a rare gift, a surprise, and something extraordinary. However, by describing actual instances of messy forgiveness she rejects the conceptually pure version of forgiveness, in favour of people's lived experiences of forgiving and being forgiven. In none of the cases she witnessed, did superbly sovereign subjects bestow forgiveness in a purely arbitrary and amoral way from on high. Yes, viewed from one perspective they indeed answered evil and destruction with kindness, care and concern in a way that astonishes. However, given the lingering legacy of apartheid values, in most cases the forgivers (Black women, many of them impoverished) were socially and economically as well as through historic oppression, at the bottom rung of the ladder as compared with those they were forgiving (White men, often senior officials of the former regime). Given this clear hierarchy, victims unsurprisingly were first looking for signs of humanity, empathy and vulnerability in their former oppressors, before considering reaching out to them with forgiveness. This approach clearly takes seriously the lived experience of forgiveness in a way that Derrida maybe could not; would he say these were not really instances of 'true' forgiveness, irrespective of what these women thought they were doing, because they lacked the proper freedom and power? However, it does raise the uncomfortable question of whether Gobodo-Madikizela thinks that the combined demands of Ubuntu and national reconciliation placed some duty to forgive upon (at least some of) the victims, and moreover whether we should not be more critical of the gendered form that this duty took. I return to this in the next sub-section.

6. The insistence of Ubuntu on the constitutive interrelatedness of all selves, and on how this implies a duty to respect, uphold and strengthen relationships of identification and solidarity, is pervasive in Gobodo-Madikizela's intricate and nuanced descriptions of the workings of testimony, remorse and mutual empathy. Nowhere do we see atomistic or sovereign individuals at work: throughout the kind of encounter in which the prospect of forgiveness can unfold, there is a constant vigilance about the fragility of relationships and respect for the dignity and perspective of the other. We have seen that true remorse is other-centered and that even when the victim vulnerably relives her past wounding, she does this with an openness and an expectation that her pain will be received well, and that the dignity of her loved one will be restored in the eyes of others, and witnessed by the larger community. Without denying the possibility of derailment, when forgiveness happens, it happens because there was a sustained mutual recognition not only of interdependence, but also of what lies at the core of human dignity: the capacity of humans to be transformed through relationship.

My conclusion is therefore that although she does not work this out explicitly, Gobodo-Madikizela's understanding of political forgiveness should best be interpreted and fleshed out against the background of her living relation with the values

of Ubuntu. Her work fits in very well with the philosophical debates on Ubuntu, makes a potentially fruitful case study for its application, and pushes the debates further in some respects. If her contribution were to be more explicitly worked out in terms of how it is underpinned by Ubuntu (and African communitarian and relational theories more generally), this could assist in showing more clearly how her unique contribution differs in important ways from some of her most enduring Western interlocutors.

13.2.2   Gobodo-Madikizela as a Feminist Thinker

As far as I know, she has never explicitly situated herself as a feminist thinker in her published work, even though she may well view herself as a feminist. As indicated, she does not engage much with feminist literature. Nevertheless, she does, particularly in her more recent work, put forward what one may call a woman-centered, if not a feminist, view on forgiveness. This happens when she connects the instances of political forgiveness that she has witnessed, 'by mothers, wives, grandmothers ... the main transmitters of the memory of that traumatic past', to the maternal body. She makes this link in one specific instance where the mothers of murdered sons confronted the young, Black, former police informant who had led their boys to their deaths (Gobodo-Madikizela 2011: 546). During the confrontation, after they had all angrily scolded him, he looked at them, addressed them as 'my parents' and asked for their forgiveness. Cynthia Ngewu then answered him and said 'You are the same age as my son Christopher [who was murdered]. I want to tell you my son that I as Christopher's mother, I forgive you my son... Yes, I forgive you; I am at peace. Go well my son'. Gobodo-Madikizela asked these women whether there had been a bodily reaction in their empathetic response to the perpetrator. They located their feelings of empathy for him in the *inimba*, a Xhosa word referring to the womb, the umbilical cord and the 'tender and protective feeling of motherhood'.

Thus, the mothers were responding to the killer of their sons, from the *inimba* as the source of their empathy, 'as if he were their own son' (Gobodo-Madikizela 2011: 546). Clearly, Cynthia Ngewu drew a parallel or identification between her son and his murderer, and responded to the murderer as she would have if her son had been guilty and equally remorseful. Drawing on Elizabeth Grosz, Gobodo-Madikizela rejects both a purely literal, physical reading of the womb and a purely figural or metaphorical reading of it. Against the Cartesian hierarchical binary of mind over matter, she sees the maternal body as at once the material expression of ideas, and the matter underlying and informing, and contesting our meaning making – represented in Grosz's famous discussion of the Möbius strip. She emphasizes that even though the cultural meaning of *inimba* is expressed in a Southern African language, the experience of empathy as a bodily sensation 'traverses cultural, religious and racial boundaries' (Gobodo-Madikizela 2011:548). She suggests that the concept of *inimba* 'may become a new form of expression of women's subjectivity', where women's creative capacity, their capacity for bringing forth new life, stands

central. Read in this way, it is not only the initial capacity of the maternal body to bring forth new life in the form of the murdered son that is foregrounded. Equally celebrated through this term, is the maternal body's capacity to feel empathy for the killer, an empathy located in the responsive womb, and to grant the killer an embrace and a new lease on life: 'I forgive you ... Go well my son'.

This discussion of empathy physically experienced as an impulse in the body, in the womb or umbilical cord, the most salient bodily metaphor for women's ontological relationality, resonates strongly with the Ubuntu ethos of interconnectedness (Gobodo-Madikizela 2011: 548). It also echoes strongly Arendt's and Kristeva's formulations of forgiveness as a manifestation of natality, as bringing something radically novel into the world, of beginning something new and opening the door to the unpredictable. By embracing the ones who had offended against them, different female victims held these vulnerable beings close as if carrying them in pregnancy and then delivered them into a new future, similar to giving birth to them. Gobodo-Madikizela also relates these ideas to Levinas for whom the central moral duty of taking responsibility for the Other requires in his own words 'that I bear the Other like a maternal body' (Gobodo-Madikizela 2011: .549, quoted from Guenther 2006:6). As Guenther points out, the word 'like' emphasizes the figural meaning of the maternal body and thus implies that to bear the Other physically, materially and caringly, is a general ethical obligation applicable to all. There are therefore multiple associations with the maternal body, all of which one could explore in their association with forgiveness. Both the aspect of creativity, generosity and novelty (natality) and the aspect of care, protection and nurture ('bearing') play a role here. As Gobodo-Madikizela has shown, authentic forgiveness simultaneously frees both perpetrator and victim from the emotional burden of the past. When Cynthia Ngewu forgave the killer, this meant that she herself was profoundly transformed because liberated from her hatred of the perpetrator and affirmed in her human dignity through his remorse and his appeal to her forgiveness. She could therefore also open a new door for him: she sincerely wished him a better future than his past had been, and Gobodo-Madikizela notices that the wish carries both a hope and an obligation that she places upon him, namely not to exile himself from humanity again but to live differently out of her forgiveness.

13.3   Conclusion

Although Gobodo-Madikizela thus acknowledges that the bulk of the work of forgiveness in the TRC was done by women and for men, and does briefly explore the role of the maternal body in women's capacity for forgiveness, her writing lacks a serious engagement with the power and labour implications of this constellation, and I would therefore say it lacks a feminist dimension. Because of the potentially explosive creative capacities of female bodies, the stakes have always been high for control over them. We cannot, therefore, describe forgiveness as a female/feminine virtue or even duty *per excellence*, and not also ask about the fairness of a world in

which the bulk of the burden of forgiveness falls to women. In a further study it might be worthwhile to place her understanding of forgiveness, rooted in the African value system of Ubuntu, in conversation with both African and Western *feminist* thinkers. For example, her work can dialogue fruitfully with Western philosophers Kathryn Norlock's *Relating after Wrongdoing: A Review of Forgiveness from a Feminist Perspective* (2009), and Linda Radzik's *Making Amends: Atonement in Morality, Law and Politics* (2009). Much like Gobodo-Madikizela, Norlock is concerned with victims and perpetrators as 'selves-in-relation', and also like her, Radzik focuses on how wrongs damage relationships.

But unlike them, as far as I can see, Gobodo-Madikizela has not yet sufficiently confronted the gendered history of forgiveness, nor the gendered dimension of the burdens and tasks associated with Ubuntu. For the latter, it would be interesting to see how she would for instance respond to African philosopher Rianna Oelofsen's 2018 article 'Women and Ubuntu: does Ubuntu condone the subordination of women?'. Oelofsen argues that Ubuntu's emphasis on mutual care implies a more equitable distribution of care work, similar, one could argue, to Levinas' responsibility for the Other. Yet, the pervasive gendered division of moral labour, also glaringly present in the TRC, often means that the risks of victim witnessing, the work of mourning, and the burdens of carrying and healing the community (including forgiving the destroyers) fall disproportionally to women and are at the same time taken for granted, and thereby invisibilised. By linking specific exemplary women's remarkable capacity for forgiveness to their wombs, although she captures something powerful through the metaphor of natality, Gobodo-Madikizela risks reinscribing forgiveness as women's work.

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