

**THE PHILOSOPHY OF CRIMINALITY
AND FORGIVENESS**

**A COURSE FOR THE ARIZONA DEPARTMENT OF
CORRECTIONS, REHABILITATION, AND REENTRY**

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CHAPTER ONE: Philosophy of Criminality and the Dubious Notion of the Born Criminal

Module One: Introduction

I. Law as philosophy

This course examines the connection between philosophy and the law. Specifically, this course critically examines the notion of the ‘born criminal.’ Are certain groups or individuals born with a predisposition for criminal behavior? It may initially seem that philosophy is unrelated to this question, but it is helpful to remember that the law, and legal reasoning, are branches of philosophy. As such, the merits of the ‘born criminal thesis’ can be analyzed under a philosophical framework.

Steven Walt, *What can the History of Jurisprudence do for Jurisprudence?*

101 Va. L. Rev. 977, 985 (2015).

The philosophy of law is a branch of philosophy, and [legal] history is a subspecialty within the history of philosophy. Therefore, the uses to which the history of philosophy can be put should carry over to the [legal history]. [T]he history of legal philosophy can have instrumental uses, in which it serves the interests of current legal theorists. [One such use] is to provide arguments for or against contemporary legal positions, or [to give rationales for current legal positions and theories].

1. Journal Exercise

How does this view of the law affect your perception of it? People sometimes criticize philosophy because philosophers often reject the notion of ‘right’ or ‘wrong’ answers. Philosophers spend a lot of time thinking in “the grey area” and wrestling with issues with no singular correct answer. Does the law benefit from having no objective or absolute basis? Or, does this inherent

malleability and lack of objectivity leave the law vulnerable to abuse by powerful groups within society?

II. Philosophical implications

Now that we have established that law *is* philosophy, we can turn to the notion of inherent criminality. We will use philosophical reasoning to argue against the idea that some people are ‘born criminals.’ The question of whether some people are born with a criminal disposition implicates two significant branches of philosophy: essentialism and constructionism. We will examine these concepts and how they shape our beliefs about people deemed ‘criminal’ by the State. First, we will discuss essentialism and how it may more readily support the questionable ‘born criminal’ thesis. Second, we will apply the theory of constructionism to see if the ‘born criminal’ thesis is sound.

1. Journal Exercise

What are your thoughts on the ‘born criminal’ thesis? Do you believe certain people or groups are genetically predisposed to criminal behavior? Have you ever been told that you or someone you know was born with a predisposition to crime? If you have been told that you were born with a criminal disposition, how did that shape your view of yourself and your actions?

Module Two: Essentialism

I. Essentialism

Essentialism holds that all objects are expressions of some essential element. For example, tires are made of rubber. Therefore, a tire is necessarily an expression of rubber. Thus, rubber is an essential element of a tire. A brief overview of essentialism is discussed below.

L.A. Paul, *In Defense of Essentialism*, 20 Philosophical Perspectives 333, 372 (2006).

Essentialism is the view that objects have properties essentially...Essentialists take the essential properties of an object to determine its nature. Such properties give rise to a sense that an object has a unique and essential character, and make a case that an object has to be a certain way in order for it to exist at all...[T]he essence of a thing is an assortment of properties in virtue of which it is the entity in question, as well as a measure of what is required for it to be that thing.

Intuitively...an ordinary object has essential properties, and it must have those properties in order to exist. On this view, an object's essential properties are absolute, i.e., they are not determined by the [object's context], and truths about such properties are said to be absolute.

1. Journal Exercise

How do you feel about the essentialist position? The idea seems uncontroversial when applied to real objects or categories, right? If my pot is made of clay, then clay is an essential element of my pot. However, can you think of any objects or categories to which the essentialist analysis may become harder to apply? How would it apply to groups or classes of people? For example, what is an American's essential, biological element? Do all Americans share an essential element that is required to be an American?

How do you feel about the assertion that essential elements are not determined by the object's context? For example, if the "object" is the criminal, and the "object's context" is a poorly resourced, high-crime environment, would that context have any bearing on whether the object engages in 'criminal' behavior? For pure essentialists, the answer is no. Do you agree?

II. Essentialist Criminal Theory

Essentialism is the idea that objects have a set of attributes that are necessary to their identity. An "object" for philosophical purposes can be anything from a table to a person or even a

specific group of people. Upon first glance, this idea seems harmless. For instance, humans are carbon-based lifeforms, so carbon is an essential element of a human being. However, essentialism is predicated on the idea of real and objective categories. It is easier to reduce real and objective phenomena/objects to their essential components than to reduce socially determined categories, like democrats, Suns fans, or criminals, to their essential components.

When the basic premise of essentialist position (the idea that objects have certain essential qualities) is applied to arbitrary or socially-constructed categories, like ‘criminals,’ one must identify the essential elements common to all ‘criminals.’ As a result, the essentialist view of criminality tends to look for biological explanations for a group or individual's criminal behavior. This essentialist idea spurred the concept that some people are inherently and biologically criminal.

1. Journal Exercise

What does the essentialist position that “the essential properties of an object determine its nature” imply about outside influences? If we assumed for the sake of argument that a person is born with a criminal disposition, would it matter where that person was born or where they live? How would access to resources come into play? For example, if a ‘criminal’ stole a piece of bread because they were hungry and couldn’t afford it, were they driven to steal by their hunger or their essential criminal element?

How much influence can circumstance and environment have before the essentialist must find an alternative explanation for a person’s behavior? Again, this question implicates the idea expressed in L.A. Paul’s definition of essentialism in that an object’s essential properties are absolute and not determined by the object’s context. Do you agree?

A. The Criminal Man: The Search for the ‘Born Criminal’

The essentialist may argue that ‘criminals’ harbor some inherent, essential criminal element that causes their deviant behavior. If that is the case, the essentialist must distinguish ‘criminals’ from non-criminals. To do this, the essentialist would look for some innate quality in ‘criminals’ to explain their behavior. After all, if all categories and things are simply an expression of their essential elements, then all ‘criminals’ must share at least one of these elements, right?

Essentialist criminal theorists have historically sought to distinguish non-criminals from criminals by examining the biology of the criminal population. For the essentialist, the criminal’s genetic makeup contains the essential elements of their criminal behavior. We will discuss this misguided search for evidence of an essential criminal element in human beings below.

B. Cesare Lombroso

One of the first people to attempt to categorize criminals as genetically distinct from the rest of the ‘normal’ population was a man named Cesare Lombroso. Lombroso was a psychologist who introduced what was later referred to as the ‘atavistic model’ of criminality. Lombroso’s model suggested that criminals were born with inherent criminal biology, which made criminals distinct from non-criminals.

Cesare Lombroso, *Criminal Man According to the Classification of Cesare Lombroso* 425, (Gina Lombroso-Ferrero et. al. eds., 1911).

[Lombroso] maintained that the anti-social tendencies of criminals are the result of their physical or psychic organization, which differs essentially from normal individuals; and aims at studying the morphology of the criminal with the object of curing, instead of punishing him.

If we examine a number of criminals, we shall find that they exhibit a number of abnormalities in the face, skeleton, and various psychic and sensitive functions, so that they strongly resemble primitive races. It was these anomalies that first drew my father's attention to the close relation between the criminal and the savage and made him suspect that criminal tendencies are of atavistic origin.

Born criminals form about one third of the mass of offenders, but, though inferior in numbers, they constitute the most important part of the criminal army, partly because they are constantly appearing before the public and also because the crimes committed by them are appearing before the public and also because the crimes committed by them are of a particularly monstrous character.

1. Journal Exercise

Does Lombroso's premise seem sound? Have you noticed any "abnormalities in the face and skeleton" which would set criminals apart from non-criminals? Suppose you have noticed that certain groups with common physical traits are more likely to be labeled as criminals. Could there be another explanation for that group's overrepresentation within the penal system?

III. Essentialist criminal methodology

As you can see, Lombroso thought that evidence of inherent criminality manifested itself in observable, physical traits. To describe these traits, Lombroso utilized a concept (atavism) that has since fallen out of favor within the scientific community. This concept is discussed below.

A. Atavism

Atavism refers to a trait that represents the recurrence of ancestral characteristics of a previous generation. For our purposes, it referred to any physical trait an essentialist criminologist

could use as ‘evidence’ of a criminal being somehow “less evolved” than a non-criminal. This mistaken idea supported the essentialist notion that criminals have some sort of primitive genetic trait that is the basis of their criminal behavior.

Cesare Lombroso, *Criminal Man According to the Classification of Cesare Lombroso* 425, (Gina Lombroso-Ferrero et. al. eds., 1911).

Thus, we explained the origin of enormous jaws, strong canines and strongly developed orbital arches which he so frequently remarked in criminals, for these particularities are common in carnivores and savages, who tear and devour raw flesh. Thus, it is also easy to understand why the length of the arms in criminals so often exceeds the height, for this is the characteristic of apes, who’s forelimbs are used for walking and climbing. The other anomalies exhibited by criminals, the scanty beard as opposed to the general hairiness of the body, the diminished number of lines in the palm of the hand, the flattened nose, and angular form of the skull [are] common to criminals and apes. The projection of the lower part of the face and jaws found in negroes and animals, and supernumerary teeth found (amounting in some cases to a double row as in snakes) and cranial bones (epactal bone as in Peruvian Indians): all these characteristics pointed to one conclusion, the atavistic origins of the criminal, who reproduces physical, psychic and functional qualities of remote ancestors.

1. Journal Exercise

Is Lombroso’s logic convincing? Do all the random, seemingly unrelated characteristics mentioned above point to *one* conclusion? Could the fact that a person has long arms mean something other than biological criminality? Does the inability to grow a full beard necessitate a

criminal essence? In your personal experience, have you noticed that people with fewer “lines in the palm of [their] hand[s]” are more prone to criminal behavior?

How do you feel about Lombroso’s observations about the features of ‘negores’ and ‘Peruvian Indians’? Is Lombroso making objective observations, or could his focus on minority groups suggest a pre-existing bias against those groups? Are Lombroso’s observations about criminality in minorities a result of his objective and value-neutral application of the scientific process? Or is it more likely that Lombroso internalized negative stereotypes about certain groups, causing him to reach conclusions about them without sufficient data?

2. Discussion Point: Logical Fallacies

Lombroso’s reasoning is shaky because he employs a logical fallacy to support his conclusion. Lombroso found a wide variety of traits amongst people who were deemed ‘criminal,’ and then concluded that the criminal element is the *cause* of these traits. Lombroso’s faulty logic constitutes a causal fallacy. Causal fallacies are discussed below.

Evan Thompson, *Fifteen Logical Fallacies You Should Know Before Getting Into a Debate*, The Best Schools Blog (Apr. 20, 2022), <http://www.thebestschools.org/magazine/logical-fallacies-know#causal-fallacy>.

Causal Fallacies are informal fallacies that occur when an argument incorrectly concludes that a cause is related to an effect. Think of the Casual Fallacy as the parent category for other fallacies about unproven causes. One example is the false cause fallacy, which is when you draw a conclusion about [a cause] without enough evidence to do so.

3. Journal Exercise

Does Lombroso's reasoning seem fallacious to you? Does Lombroso incorrectly conclude that the *effect* of the essential criminal element, long arms, general hairlessness, lack of palm lines in the hand, and criminal behavior are all *caused* by some essential criminal element? Or is he committing a causal fallacy by drawing that conclusion without sufficient evidence?

B. Phrenology

Phrenology is the study of the skull's shape and size as indicators of character and mental ability. Phrenology makes broad generalizations about the cognitive capacities of particular groups of people based on the size and shape of their skulls. Lombroso applied this technique to a 'criminal' and claimed the man had a depression at the base of his skull. Lombroso referred to this depression as the 'median occipital fossa' and declared it evidence of the man's inherent criminal nature. Lombroso referred to this discovery as a 'revelation.'

Cesare Lombroso, *Criminal Man According to the Classification of Cesare Lombroso* 425, (Gina Lombroso-Ferrero et. al. eds., 1911).

"This was not merely an idea, but a revelation. At the base of the skull, I seemed to see all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal. An atavistic being who produces in his being the ferocious instincts of primitive humanity and the inferior animals."

1. Journal Exercise:

Does this theory seem plausible? Could it be that traits like intelligence or moral character can be determined by the shape and size of someone's head? If so, could abnormalities on one's skull be evidence of a criminal essence? Lombroso's conclusion relies on the accuracy of phrenology. So, is phrenology scientifically credible?

Regina Bailey, *What is Phrenology: Definition and Principles of a Pseudoscience*, ThoughtCo. Blog (June 25, 2019), <https://www.thoughtco.com/phrenology>.

With no scientific support for its claims, phrenology is considered a pseudoscience. Even during its most popular era, phrenology was heavily critiqued and largely dismissed by the larger scientific community...More recently, University of Oxford graduates conducted an empirical study to rigorously vindicate or debunk the claims of phrenology. Using MRI, scalp curvature to brain gyration, and scalp measurements, the researchers concluded that there was no evidence to support that scalp curvature relates to individuals' traits or that a phrenological analysis produced any statistically significant effects.

Maria Cohut, *Phrenology: The Pseudoscience of Skull Shapes*, Medical News Today Blog (Feb. 2, 2021) <http://www.medicalnewstoday.com/articles/phrenology-the-psuedoscience-of-skull-shapes>.

Lombroso argued that the physical characteristics he identified were innate, but this may not have been the case; they might have been influenced by environmental factors such as poor nutrition in childhood. [Also] the research carried out by Lombroso lacked the rigor we now expect from scientific studies. He did not use a control group against which to compare his participants.

Steven Novella, *Phrenology: A History of a Science and a Pseudoscience*, NeuroLogica Blog (Jun 23, 2009)
<http://www.theness.com/neurologicalblog/index.php/phrenology/history-of-a-science-and-a-pseudoscience/>.

As early as 1808, phrenology was already coming under scientific criticism. The institute of France assembled a committee to investigate, and they concluded it had no scientific basis. Over the ensuing years, scientists were unable to duplicate under more rigorous scientific conditions the phrenological charts made by [the founder of phrenology], and phrenology failed a key test of true science, reproducibility. If the precepts of phrenology were correct, then any scientist in a lab could reproduce through objective analysis of [the features of the skull]. As it turns out, they couldn't.

2. Journal Exercise

If phrenology was the method Lombroso used to find “biological evidence” of the criminal essence, but phrenology was later proven to be scientifically unsound, what does that mean for Lombroso's theory? Where is the evidence of the criminal essence which causes criminal behavior? How can criminal behavior express a criminal element if no evidence that the criminal element exists? Further, if there is no essential criminal element, how can a person be born with a predisposition for crime?

Conclusion:

You have now seen how one's philosophical outlook can determine their answer to whether some people are born criminals. Essentialism may lead one to conclude that some people are born criminals. Thus, the essentialist may employ questionable scientific techniques like phrenology or the search for atavistic traits as biological evidence of some criminal essence that separates criminals from non-criminals.

Today's scientific evidence does not support the notion of a 'born criminal.' If criminals are not born criminal because there is no inherent criminal essence that causes criminal behavior, we must look to external causes for why certain people are labeled criminals. A constructionist would take this approach.

Module Three: Constructionism

I. Social Constructionism

Constructionism is the opposite of essentialism. It pushes back against the idea that all objects have an observable essential quality. Instead, it suggests that people attach meaning to objects through a process of social mechanisms like labeling.

Peter Berger, *The Social Construction of Reality: Treatise in the Sociology of Knowledge*, 2nd Rev. Ed. (2016).

Social constructionism is the polar opposite of essentialism. Social constructionism argues that nothing has an inherent, immutable quality to it, but rather the qualities of things are created through social interaction. Social constructions are the meanings we attach to symbols, objects and other things which are created through a formal process of social negotiation. Or [more] simply put, [Constructionists argue that] "it is what [society says] it is."

Sociologists see race, ethnicity, sex, gender, and pretty much everything else as a social construction. However, this is not to say that these things aren't "real." A \$1 bill and a \$100 bill are physically identical in terms of their composition and construction. The fact that one item is worth 100 times more than the other does not come from their material differences but rather the differences in how they were socially constructed. [Under the social construction theory] situations

[or labels] defined as real *are real in their consequences*. Thus, even if the \$1 bill and the \$100 bill are identical physically, if people believe that the \$100 bill is worth 100 times more than the \$1 bill, then the value of the \$100 bill is real in its consequences.

Richard Delgado, *Critical Race Theory: An Introduction* 72 (Jean Stafanic et. al. eds., 3rd ed. 2017).

“...[T]he social construction thesis holds that [artificial concepts like race, socio-economic status, or criminality] are products of social thought and relations. Not objective, inherent, or fixed, they correspond to no biological or genetic reality; rather [these designations] are categories that society invents, manipulates, or retires when convenient”

1. Journal Exercise

Can you think of any examples of a social construct? Are there any examples of socially determined categories that seem fixed, biological, or inherent? Also, what does it mean for something to be socially constructed yet real in its consequences? For example, no inherent biological or essential essence causes someone to identify as a Democrat versus a Republican. So that would make one’s political affiliation a socially constructed category rather than a biological one. However, once someone registers as a Democrat, society treats them as such by imposing real consequences, such as prohibiting them from voting in the Republican primaries.

How do you feel about social constructionism theory? Can you imagine an instance where you endured real consequences from being placed in a socially-constructed category? Was there a time when that category felt real, fixed, or biological?

Let’s examine the history of the race. Although many view their race as fixed or biological, we will see how race can be arbitrarily assigned to specific groups based on political expediency.

Laurie L. Dove, *When Irish Immigrants Weren't Considered White*, How Stuff Works Blog,
<http://www.history.howstuffworks.com/historical-events/when-irish-immigrants-werent-considered-white.htm>.

More than 1.5 million people left Ireland for the United States between 1845 and 1855, the survivors of a potato famine that wiped out more than 1 million people in their homeland. They arrived poor, hungry, and sick, then crowded into cramped tenements in Boston, New York, and other northeastern cities to start anew under difficult conditions. Their struggles were compounded by the poor treatment they received by the white, primarily Anglo-Saxon and Protestant establishment. America's existing unskilled workers worried that they would be replaced by [Irish] immigrants willing to work for less than the going rate.

Not only were Irish immigrants viewed as interlopers by many white Americans, but [Irish] immigrants were Catholics in a primarily Protestant land...[A]s strange as it may sound today, Irish immigrants were not considered "white" and were sometimes referred to as "negroes turned inside out"...Today, it may be difficult to imagine a time when fair-skinned people of Irish decent weren't considered white. However, definitions of race have changed over time – and [our definitions of race] may be just as rooted in class, labor, economics and fear as they are in skin pigmentation.

2. Journal Exercise

Suppose something as seemingly fixed and inherent as whiteness is actually socially constructed, and that the Irish were once considered to be in the same racial category as Blacks. What does that mean for criminality? Does it seem like it would be easier to manipulate a category like criminality or race?

A. Construction and Language

How would a constructionist philosophical outlook determine whether people can be born criminals? A constructionist, or a non-essentialist, holds that criminality (how we define criminal behavior and label people as criminals) is determined through a process of social negotiation. Social negotiation is the process of people agreeing on the definition of a term. In other words, under the construction analysis, a criminal exists when society says it does, rather than as the result of some mysterious inherent criminal element.

Cynthia Vinney, *Social Constructionism Definitions, and Examples*, ThoughtCo. Blog (Mar. 29, 2019), <https://www.thoughtco.com/social-constructionism-4586374>.

The theory of social construction asserts that all meaning is socially created. Social meanings may become so ingrained that they feel natural, but they are not. Instead, they are an invention of a given society and thus do not accurately reflect reality. Social constructionists typically agree on three points.

First, knowledge is socially constructed. Social constructionists believe that knowledge arises out of human relationships. Thus, *what we take as true and objective is the result of social processes that take place in historical and cultural contexts*. In the realm of the sciences, this means that although the truth can be discovered within the confines of a given discipline, there is no overarching truth that is more legitimate than any other.

Second, language is key to social construction. Language abides by specific rules, and these rules shape how we understand the world. As a result, *language isn't neutral*. It emphasizes certain

things while ignoring others. Thus, language constrains what we can express as well as our perceptions of what we experience and what we know.

Third, knowledge construction is politically driven. The knowledge created in a community has social, cultural, and political consequences. People in a community accept and sustain the community's understanding of particular truths, values, and realities. When new members of a community accept such knowledge, it extends even further. *When a community's accepted knowledge becomes policy, ideas about power and privilege in the community become codified.* These socially constructed ideas then become a reality, and if they aren't examined, they begin to seem fixed and unchangeable. This can lead to antagonistic relationships between communities that do not share the same understanding of social reality.

1. Journal Exercise

Can you think of any “social, cultural, or political consequences” of being categorized as a criminal? Let's examine the socio-political consequences of a felony. Once a person is labeled as a felon they lose: 1.) the right to vote; 2.) the right to own a firearm; 3.) the right to hold some jobs (it is difficult for felons to find employment in the military, police departments, or as armed security guards); the right to serve on juries; 4.) the right to certain kinds of loans; 5.) and certain parental rights. Can you see how the loss of such a substantial portion of rights could lead to an antagonistic relationship with the rest of society? Also, can you see how being excluded from many societal opportunities and privileges could make the status of being a felon seem fixed and unchangeable?

B. Labeling Theory

If our perception of reality is governed by social constructions/agreements, and those agreements are constrained and shaped by how we use language, what happens when we refer to

someone as a ‘criminal?’ Labeling theorists would argue that criminals are made through a repeated process of being labeled as such and the subsequent internalization of such labels.

Ashely Crossman, *An Overview of Labeling Theory*, ThoughtCo. Blog (Feb. 3, 2020),
<https://www.thoughtco.com/Labeling-Theory>.

Labeling theory is one of the most important approaches to understanding deviant criminal behavior. It begins with the assumption that *no act is intrinsically criminal*. Definitions of criminal behavior are established by those in power by the formulation of laws and the interpretation of the law by the police, courts, and correctional institutions. Deviance is, therefore, not a set of characteristics of individuals or groups but a process of interaction between deviants and non-deviants within the context wherein criminality is interpreted.

Police, judges, and educators are the individuals tasked with enforcing standards of normalcy and labeling behaviors as deviant by nature. By applying labels to people and creating categories of deviance, these officials reinforce society’s power structure. Often, the wealthy define deviancy as the poor, men for women, older people for younger people, and racial majorities for racial minorities. In other words, society’s dominant groups create and apply deviant labels to subordinate other groups.

1. Journal Exercise

Does this idea seem true? Do society’s dominant groups create and define deviance in a way that supports and sustains the status quo? If so, what would weaponizing the law to target a specific group of marginalized people actually look like?

David Bearman, *Our Drug Laws Have Always Been Racist: America's Ugly History of Prohibition as a Tool to Oppress Minorities*, Alternet Blog (Aug 15, 2016), <http://www.alternet.org/2016/08/>.

Using drug laws as a tool to marginalize discriminated-against groups such as [B]lacks and Latinos is nothing new. Drug laws have been used since the witch hunts of the middle-ages to demonize and control groups those in power wish to stigmatize and keep powerless. In the U.S., beginning in the 19th century, this became a strategy for marginalizing immigrants. This included the Irish Catholic immigrants who arrived on American shores during the potato famine in the 1840s, the German immigrants, followed soon after by Chinese immigrants in the 1840s and 1860s. The tone for contemporary enforcement of drug laws was set over a century ago with the demonization of Irish whiskey drinkers, German beer drinkers then Chinese opium smokers.

The first opium laws were directed at the Chinese. The alcohol laws were propelled by anti-Irish and anti-German sentiment. After the end of slavery, laws against cocaine were directed at African Americans. Cocaine was taken out of Coca-Cola for fear of sexual arousal by cocaine in black men (but not white men). The Mexican Revolution in 1910 saw an influx of Mexican immigrants into the Southwest who brought marijuana with them. Soon after, anti-marijuana laws were passed in many places....

2. Journal Exercise

Can you think of other instances when laws, particularly drug laws, targeted a specific group? Or, can you think of a time when drug laws were softened because they could impact a preferred group?

C. Internalization and Primary/Secondary Deviance

What does the process of internalization look like? At what point does a person start identifying as a criminal rather than a non-criminal member of society who has committed a singular deviant act? This process is explained by the theory of primary and secondary deviance. Simply put, primary deviance describes the early stages of deviant behavior (before society categorizes the actor as deviant), and secondary deviance describes the process by which the society's reaction to the actor starts a process of internalization whereby the actor begins to view themselves as deviant.

Edwin M. Lemert, *Social Pathology: A Systemic Approach to the Theory of Sociopathic Behavior* (2nd 1972).

[P]rimary deviance “is polygenic, arising out of a variety of social, cultural, and psychological factors.” This kind of waywardness “has only marginal implications for the status and psychic structure of the person concerned.” However, [Secondary Deviance] has a more profound impact on people's lives [because] it inspires social reactions. As people are stigmatized, punished, segregated, and controlled, the general effect is to differentiate the symbolic and interactional environment to which the person responds so that early or adult socialization is fundamentally changed. They now come to be defined differently, which in turn affects their identity or conceptions of themselves and narrows their ability to choose conventional over wayward paths. Their life and identity become organized around the facts of deviance. A reality that makes continued deviation likely. This is secondary deviance because this conduct is not generated by the original causes of the primary deviance but rather falls into a special class of socially defined responses that people make to problems created by the social reaction to their deviance.

It is seldom that one deviant act will provoke a sufficiently strong societal reaction to bring about a secondary deviation...Most frequently, there is a progressive reciprocal between the deviation of the individual and the societal reaction, with compounding of societal reaction out of the minute accretions of deviant behavior, until a point is reached where in grouping and out grouping and the deviant is manifest.

The sequence of interaction leading to secondary deviation is roughly as follows: (1) primary deviation; (2) social penalties; (3) further primary deviation; (4) stronger penalties and rejections; (5) further deviation, perhaps with hostilities and resentment beginning to focus upon those doing the penalizing; (6) stigmatization by the community; (7) strengthening of deviant conduct in reaction to community stigmatization; (8) ultimate acceptance of deviant social status.

1. Journal Exercise

Does the process described above seem accurate to you? Consider the example below to see how internalization may work outside of the realm of criminality.

Francis T. Cullen, *Criminological Theory: Past to Present* 256 (Robert Agnew et. al. eds., 5th 2011).

As an illustration of this sequence, the behavior of an errant schoolboy can be cited. For one reason or another, let's say excessive energy, the schoolboy engages in a classroom prank. He is penalized for it by the teacher. Later, due to clumsiness, he creates another disturbance and is reprimanded by the teacher. Then, as sometimes happens, the boy is reprimanded for something he did not do. When the teacher uses the term "bad boy" or "mischief-maker" or other invidious terms, hostility and resentment are excited in the boy, and he may feel that he is blocked from playing the role expected of him. Thereafter, there may be a strong temptation to assume his role in

class as defined by the teacher, particularly when he discovers that there are rewards as well as penalties deriving from such a role.

2. Journal Exercise

Does this description of the internalization process seem accurate? Is it possible that one difference between ‘criminals’ and non-criminals is that the first group has further internalized the notion of their criminality? It is possible that primary deviations (the initial criminal infractions) are common amongst most people, but the social penalties and stigmatization are more likely to be imposed on marginalized or politically vulnerable groups?

Conclusion

Under the constructionist or non-essentialist theory there are no ‘born criminals.’ The constructionist would further suggest that our entire perception of deviance and criminal behavior are socially created and that there is no inherently-criminal behavior. While there are no ‘correct’ answers in philosophy, the anthropological data and legislative history suggest that the constructionist is correct regarding the notion of ‘born criminals.’ In short, no one is born criminal, and while human beings may contain many essential elements, inherent criminality is not one of them. Most importantly, we see how philosophy can be used to critically examine legal labels and concepts. Law *is* philosophy. So, philosophy is always a potent tool for deconstructing legal reasoning.

CHAPTER TWO: Philosophy of Forgiveness

Three forms of forgiveness are outlined in this Chapter. These materials are designed to guide the reader through what it means to apologize, receive forgiveness, forgive others, and forgive one's self. The course broadly explores concepts related to American institutions such as the criminal justice system, as well as the individual and their relationships.

It is also important to state what this course is not, as forgiveness is often associated with certain topics unrelated to this course. This course is not a lesson in substance abuse recovery, nor is it religious in nature. The materials provided here can be used to facilitate growth in any form and may apply to many areas of one's life, but the purpose of this curriculum is not to convert readers to a spiritual affiliation or promote twelve step programming. While such endeavors hold tremendous value for many people, it is not the specific aim of this course to facilitate those goals.

Module Four: Introduction to Forgiveness

I. What is Forgiveness?

"I know what you did. It's not okay, but I recognize that you are more than that. I don't want to hold us captive to this thing anymore..."

-Sarab Montoya

People around the world have considered, studied, written about, prayed on, and tried to explain forgiveness in numerous fashions. Because forgiveness is a human concept, it cannot be just one 'thing.' Forgiveness means different things to different people. As you read through this course, try to decide what forgiveness means to you. The following excerpts were not put together to dictate

what forgiveness is or must be, but to give readers a few ways to think about it and, ultimately, choose their own construction. Engage with the varying, and sometimes conflicting, perspectives.

Christopher Crowley, *Unconditional Forgiveness and Practical Necessity*, in PHILOSOPHY OF FORGIVENESS VOLUME I 181-185 (2016).

Let us begin with the classic paradigm: an *offender* freely and knowingly commits an *offense* against a *victim*. The offender has no excuses or justification, nor does he believe that he does. How should the victim react? Her resentment is justified. She may take revenge on the offender, she may ignore the offense, or she may seek or invent excuses for it. Alternatively, she could decide to try to forgive the offender. Forgiveness may take time, and, psychologically, it may be unsuccessful. The question is, morally, should she try to forgive; should she try to overcome her justified resentment?

There is relatively clear debate in the Anglo-American literature between two accounts here. The ‘conditionalist’ (such as Kolnai, Murphy, and Griswold) will say that the victim should wait for the offender to fulfil certain conditions, especially apology and repentance, before deciding to try to forgive. To forgive in the absence of fulfilled conditions would involve the victim condoning the offense and denigrating herself. For forgiveness to be morally respectable, it must be guided and justified by norms, and these norms are publicly accessible. A perplexed third-party observer can ask the victim why she forgave, and the victim needs to be able to justify the forgiveness by citing relevant and sufficient reasons, namely the fact that the offender has fulfilled the relevant conditions. There might still be room for debate between the observer and the victim about whether the offender has fulfilled the conditions to the right degree or in the right way, but the conditionalist will say that such a debate is informed and guided by the existence of relevant, shared justificatory norms.

On the other hand, the ‘unconditionalist’ (Garrard and McNaughton, Derrida, and the Christian), claims that the conditional account comes too close to a transaction; once the offender has fulfilled the conditions, there is no longer a need for forgiveness—except to “rubber-stamp” the deal. In many cases of apology, the offender will offer sincere and valid excuses, and if these excuses are recognized as such then what the victim can offer is to excuse the offender, rather than to forgive him. Whatever the nature of the apology, forgiveness becomes too easy so that it involves no moral work to merit the admiration that characterizes our response to forgiveness. Although the victim may use the *words* “I forgive you,” this is not *real* forgiveness, but a mere simulacrum—a socially useful simulacrum, of course.

Instead, real forgiveness involves situations where the offense is incomprehensible, inexcusable, or where the offender is blatantly unrepentant. Only in response to such an offense is admirable work involved in forgiving. The unconditionalist reminds us that forgiveness, like gifts, should be elective. The bottle I bring to a dinner party is not a real gift but an entrance ticket; in contrast, a genuine gift cannot be obligated or expected, and so it is with forgiveness. The sincerely repentant offender cannot demand forgiveness, even when there is nothing left that he can do. (This is assuming that the victim’s resentment remains justified only on the basis of an offense that was genuinely harmful, unjustifiable, and inexcusable.)

In a 2014 piece, Steven Gormley develops an interesting hybrid position between the conditionalist and the unconditionalist accounts. Let’s describe it, and then we can develop it in ways that strike us as plausible (but which he might not agree with at all). In terms of the arguments as laid out above, his first step is inclined toward the unconditionalist account. However, he is troubled by the perplexed third-party observer asking the victim why she decided to try to forgive. Gormley understands the victim as having two possibilities: either she *can* give reasons or she *cannot*.

Both possibilities undermine the unconditional forgiveness, albeit in different ways. If the victim *can* give reasons, the implication is that she was withholding forgiveness on the grounds of these reasons obtained, and this suggests some sort of conditional account, even if the grounds of her forgiveness are different than those of the traditional conditionalist. For example, the victim may forgive the offender “for old times’ sake.” This decision does not depend on the offender repenting, but there is a condition that the offender nevertheless fulfils in a way that other offenders do not. The implication of this kind of conditionality is that if the condition was not fulfilled, the victim *could not* forgive; and if it was fulfilled, then she *had* to forgive. I have italicized the modal verbs here to show that either way, the victim is acting under an obligation and has lost the electivity that is crucial to the unconditionalist account.

However, if the victim forgives unconditionally, and is then interrogated by the third party, and the victim *cannot* give a reason for forgiving, the implication is that the act of forgiveness is at best whimsical, frivolous, or arbitrary and at worst unintelligible. The victim might say that “it felt like the right thing to do at the time.” This might preserve electivity, but at considerable rational and moral cost. Importantly, it would not be clear why the rest of us can or should *admire* such forgiveness.

Gormley wants to support the unconditionalist account, but finds he cannot, as conceived above. So Gormley offers an ingenious solution based on Derrida. Derrida’s account of forgiveness is obscure at the best of times, and I cannot claim to understand it sufficiently. But I think Gormley is right to highlight two key insights of Derrida’s: 1) “forgiveness only becomes possible from the moment it appears impossible” (Derrida 2001, 33); and 2) “the secret of this experience remains” (Ibid., 55). Gormley expands this as the following two-step. Real forgiveness cannot be spontaneous. It has to begin with the first step, with a pause, for the victim to truly appreciate the offense *as*

wrong, inexcusable, incomprehensible—and *prima facie* unforgiveable. But the pause also allows time for the victim to deliberate about what to do. Such deliberation invokes reasons, reasons that could in principle be given to a perplexed observer. The second step involves the victim's realization that the reasons do not amount to a decision, be it a decision to forgive or to not forgive; and yet the victim forgives. Gormley concludes that "an act of pure, unconditional forgiveness necessarily involves a moment of non-knowledge, a gap between the reasons one appeals to and the decision to forgive" (2014, 44).

This compromise would allow enough room for reasons to preserve the rational intelligibility and moral justifiability of forgiveness under the conditionalist account, while also preserving enough of a gap to allow the electivity of forgiveness under the unconditionalist account. However, it is worth emphasizing that the gap of non-knowledge applies not only to the observer, but also *to the victim*. The victim can provide some reasons to explain the forgiveness, but if the observer persists and asks why *those* reasons were sufficient for forgiveness, then the victim has nothing further to say. This is not because the victim chooses to keep something hidden, but because the victim does not know why these reasons were sufficient; neither the observer nor the victim can see into the gap.

This is more than agent-relativity of reasons; it is not a situation where, say, the "career man" takes the boss's request as a sufficient reason to break his promise to his young daughter, whereas the "family man" does not. In that scenario, both the "career man" and the "family man" can *fully* justify (or agent-relatively justify) their respective behavior with reference to the different values and priorities they bring to the decision situation. In Gormley's scenario, the reasons only gesture toward forgiveness, and the gap between the reasons and the decision is essentially "secret" and impenetrable to the victim herself.

II. Journal Exercise

Crowley mentions that a victim is justified in their resentment if there was genuine harm. Assuming for the sake of this exercise that the victim was justified in their resentment, who do you think should decide when there is a genuine harm?

Consider Crowley's assertion that, when a person cannot present a reason for forgiving beyond it feeling right, forgiveness is, at best frivolous. Do you agree? Why or why not?

III. Who Holds Forgiveness?

Forgiveness is arguably one of the most intimate considerations of the human condition. Forgiveness is innately human, but who does it belong to? Is it for the person forgiving? Is it for the wrongdoer? Or is forgiveness a societal tool meant to improve the circumstances of the group as a whole? As Martha Minow reflects in her book, *When Should Law Forgive?*, she explains that the answer can be "yes" to all of the above. Minow says that forgiveness is not to be mandated or coerced. Though she is not alone in this view, others take the position that forgiveness requires an apology. The general consensus, however, is that forgiveness belongs to the giver, and the power to give or withhold it forever belongs to the source. However, authors like Minow see how both systemic and individual forgiveness can be harnessed for the benefit of everyone, as long as the former concept is recognized and the power of forgiveness is not wielded as a substitute system.

Martha Minow, *When Should Law Forgive?* 145-146 (2019).

Societies make and enforce laws because human beings have the capacity to hurt one another. We should not be surprised to find that the law itself can do damage.

But harms can come not only when law goes awry but also when it is carefully and accurately implemented. Fully enforced criminal laws produce much punishment but not necessarily better people or a better society. Perfectly enforced laws can recover financial debts but not end indebtedness. Law professor Grant Gilmore put it well: "In heaven there will be no law, and the lion

shall lie down with the lamb.... In Hell there will be nothing but law, and due process will be meticulously observed.”

Gilmore stressed that law reflects the moral worth of a society, and more law is needed in societies that are less just. Forgiveness in law adjusts imperfections within the rules and those that implement them; it can also acknowledge larger social failures to prevent misery, restrain power, or realize justice. Forgiveness offers wrongdoers a fresh start; it wipes the slate clean. The legal procedure of bankruptcy does that, and amnesties and pardon can too. How about taking this idea on board more fully to limit the collateral consequences of criminal punishments, to enact general norms and design dispute systems that focus on the future as they work to resolve conflicts, and to allow legal officials to use their discretion to act leniently when justified?

Promoting legal forgiveness, however, may jeopardize the predictability, reliability, and equal treatment sought by the rule of law. Using legal procedures to coerce individuals to forgive would be abusive and even counterproductive, although adversarial legal processes may also influence people’s emotions in unproductive ways. The challenge is to amplify law’s support for forgiveness while preserving the rule of law. Law needs sufficient respect for those who have suffered harms and for those who have caused harm to attend to the past and prepare for the future.

Module Five: Seeking and Receiving Forgiveness

I. The Apology

Forgiveness, as explained previously, belongs to the person who has been wronged. However, some philosophers believe the harmed person has the power to give or deny forgiveness as they see fit, and this dynamic is imperative to ensure that, when transferred, forgiveness is genuine and uncorrupted. Thus, by definition, an apology cannot be a prerequisite for forgiveness, as it is

entirely outside the control of the forgiver. Others, like Corlett, see an apology as a prerequisite for true forgiveness. For someone seeking forgiveness or seeking to make amends for a harm done, an apology may be a key tool in meeting those ends. Though forgiveness can be described as a tool, it is not so clinical. Philosopher Nick Smith analyzed this concept and developed criteria to use when constructing a meaningful and worthwhile apology. An apology need not be entirely altruistic, and there is much philosophical debate as to whether true altruism exists at all. But an apology must be a genuine attempt to mend a wrong as much as can be done with words.

As you read through these passages, consider whether you believe that an apology is required or merely supportive of forgiveness, or if you have a different perspective on the relationship between forgiveness and the apology.

J. Angelo Corlett, *Forgiveness, Apology, and Retributive Punishment* 43 Am. Phil. Q. 25, 32-33 (2006).

Apology and Apologizing

Forgiveness, then, involves no longer harboring reactive attitudes and/or actions toward one who has wrongfully harmed one, typically (but not always) by way of the performative act of forgiving which requires from the offender a genuine apology. But what precisely is an apology, that it might effect forgiveness? Further, does the victim of harmful wrongdoing have a moral duty to extend forgiveness (that is, to enter a state of forgiving) when the offender has offered a genuine apology? If so, what kind of moral duty is it, and why?

The first distinction to be drawn concerning the notion of an apology is similar to the distinction made between forgiveness and forgiving. It is quite common knowledge that anyone can "apologize" if by this is meant that one simply utters (or otherwise communicates) words that seem to indicate by their mere content that one is sorry for what one has said or done to another. But when such a form of "apologizing" is offered without sincerity, we ought to refer to it as mere

"apologizing." So we must be ever mindful of the distinction between genuine and pseudo apologies: "Asking to be forgiven is sometimes expressed by apologizing to an injured person. But, of course, apologizing and genuinely asking for forgiveness cannot always be safely equated." We need to distinguish this notion of apologizing from the much more robust one of an apology. It is not apologizing that is required for forgiveness, but an apology.

Forgiveness requires an apology, which is the sincere and genuine admission of one's own harmful wrongdoing and regret for having committed it because it was harmful and wrongful. The sincerity of an apology has to do with its being serious and honest. A genuine apology requires that a harmful wrongdoer: (i) communicate effectively to the victim what she did to the victim that was wrong; (ii) communicate effectively to the victim why what she did to the victim was wrong; (iii) communicate effectively to the victim that and in what particular ways she is actively committed to rectifying the wrong; and (iv) offer to the victim good reasons why she will not wrongfully harm the victim again. Condition (i) requires that the wrongdoer admit to the victim that what she did to the victim was indeed wrong and requires an apology. It is assumed here that a genuine apology can obtain only to the extent that the person offering it understands and admits that her harmful wrongdoing requires her both to admit her guilt and to acknowledge the wrongfulness of the harm she has done. Condition (ii) requires that the offender explain to the victim why what she did to her was wrong. This is not the same as the wrongdoer's rationalizing her actions, or trying to "explain away" their significance regarding the perpetration of the wrongdoing and the harm it caused the victim. The idea here is that the offender needs to communicate effectively to her victim(s) the reasons why the harmful act was wrong, thereby demonstrating that the offender understands the extent of her harmful wrongdoing. Condition (iii) requires that the wrongdoer outline to the victim specific ways in which she will make things as right as they can be made right for the victim, without either minimizing the harmfulness caused or providing lame excuses. It is the expression of the criminal's

responsibility to rectify the harmful wrongdoing in question. This is the sort of explanation that is not likely to occur soon after the crime has taken place. For it takes some time to map out an intelligent and workable strategy for rectification, even if it is not the one imposed by law. Most important of all, this condition of apology requires action on behalf of the apologetic one in her making as right as possible the harm wrongfully done to the victim. It is vital to understand that condition (iii) makes adequate rectification a necessary condition for a genuine apology. And since a genuine apology is a necessary condition for forgiveness, it would follow that adequate rectification is a necessary condition for forgiveness. Genuine forgiveness cannot obtain without a genuine apology and adequate rectification. Condition (iv) serves as the criminal's word, whatever good it is, to her victim that she will refrain from ever harming her again in the way she did. This involves expression of practical ways in which the criminal will not engage in recidivistic behavior against the victim. It may or may not include a more general promise of non-recidivism.

Nick Smith, *The Categorical Apology* 36 J. Soc. Phil. 473, 476-492 (2005).

Elements of the Categorical Apology

A. Corroborated Factual Record

Contested facts often lie at the heart of moral injuries, and in order to apologize categorically the offender must confess to the facts surrounding the offense and establish a record to which the parties agree. The moral process can only begin on such a stabilized and uncontested record. If the parties disagree about a fact material to the offense, the discrepancy must be resolved before the apology can be complete. If an offender's recollection of facts material to the attribution of responsibility differs from the victim's, the offender cannot disingenuously concede facts in order to get on with the apology. Inversely, victims share the responsibility not to exaggerate the events lest they weaken the foundation upon which the apology will be built. Nor can the offender provide a

conditional apology, stating something to the effect of “if I did X, as you claim I did but I deny, then I am sorry for X.” If new material facts come to light after an apology has been issued, a revised apology should account for them. Senator Robert Packwood’s public statements after being accused of sexually harassing at least a dozen women provides an example of a clear failure to satisfy this condition: “I’m apologizing for the conduct that it was alleged that I did.” Packwood insinuates that if the allegations were true then he would apologize, but he denies their truth. He can thus honor the norm at issue while denying that he has breached it.

B. Acceptance of Causal Responsibility Rather Than Mere Expression of Sympathy

The offender must not only admit that certain events transpired but must also accept causal responsibility for the harm. This substantially reduces the meaning of so-called sympathy apologies, which take the form of “I’m sorry that X occurred.” Consider the statement: “I am sorry that your grandmother passed away.” Unless I am confessing to killing your grandmother and thereby taking causal responsibility for her death, I am not apologizing but rather expressing condolences. I do not mean to devalue the importance of such acts of empathy, but we should realize how such statements share little with apologies. I can sympathize with others even if I believe they deserve their suffering and I am justified in causing it. The bombardier on the Enola Gay, for example, could sympathize with the Japanese civilians and still drop the bomb on them. Many offenders exploit this sympathy-as-apology misnomer, hoping that including the word “sorry” will satisfy a victim. Also note the difference between using the passive voice to state “I am sorry you were hurt” and the active voice to state “I am sorry I hurt you.” The active voice takes responsibility while the passive does not, as former President Reagan’s statements regarding the Iran-Contra affair demonstrate: “it’s obvious that the execution of these policies was flawed and mistakes were made.” Here Reagan hedges in two respects. First, he does not admit that he made any mistakes. The passive voice allows him to

leave the identity of that wrongdoer unknown. He also does not assert that his policies were flawed, but only poorly executed. He thus accepts no personal responsibility.

When admitting responsibility, the offender must parse precisely what she is responsible for. This opens a range of knotty issues regarding the metaphysics of causation, which I will treat only briefly here. Suppose I stand up a friend for a dinner date because I instead choose to go to a movie at the last minute. In the rush to make the movie on time, I do not call her to cancel. I should apologize. Now suppose that an attacker assaults her while she stands on the sidewalk waiting for me a few minutes after our prearranged meeting time. In the direct causal sense, “but for” my violation the injury would not have occurred. But such an analysis establishes little because under such a theory, events are so interconnected that we cannot attribute responsibility to anyone in particular. In this example my friend’s mother would be just as responsible as the assailant for her daughter’s injury because but for her giving birth to her, she never would have suffered the injury. Surely this is unsatisfactory.

Unlike “causation in fact,” proximate causation is a legal construct fashioned according to moral and political considerations. As Justice Andrews stated in his classic dissent in *Palsgraf v. Long Island R.R.*, “What we mean by the word ‘proximate’ is that, because of... public policy... the law arbitrarily declines to trace a series of events beyond a certain point.” Prosser and Keaton restate *Palsgraf’s* conclusion: “The doctrine of proximate cause reflects social policy decisions based on shared principles of justice.” The causal chain traced by a proximate cause analysis can be broken by a supervening cause, which Prosser and Keaton describe as “an act of a third person or other force which by its intervention prevents the actor from being liable for harm to another which his antecedent negligence is a substantial factor in bringing about.” This legal doctrine maps onto attribution of moral responsibility. Just as I would not be criminally charged with my friend’s injury

in this case, I am not proximately responsible for it because the attacker's actions supersede mine. I can apologize for breaking our appointment, but I can only express sympathy over the injury. If, however, it was reasonably foreseeable that placing her in this situation would be dangerous, then I deserve some blame for the injury and should apologize precisely for two separate wrongs: breaking our meeting and placing her in danger. I should apologize for both wrongs even if an attack did not occur. I could not, however, meaningfully apologize for the assault itself. To do so would trace responsibility so far up the chain of causation as to render it meaningless.

The offender's acceptance of causal responsibility in this way releases the victim from doubts regarding her responsibility for her suffering. In domestic abuse cases, for example, the victim often mistakenly believes that her injuries are at least in part her fault. With causal responsibility delineated, blame can be apportioned. Note, however, that this moral function can also be accomplished by a third party such as a judge.

Although Lazare appears committed to the position that we should apologize for accidents such as oversleeping, misspeaking, or bumping into someone, I believe apologies for non-negligent accidents convey little meaning. Accidents, by definition, lack intentionality. Consequently, we are generally not considered morally culpable for accidents. This error would be evident, for example, if I tried to apologize for missing an appointment because a meteor hit me on the head and rendered me unconscious. If I attempted to apologize, I would hope that the offended parties would understand that any offense was not my fault, and therefore an apology would be inappropriate. This marks the difference between being excused and being forgiven: an excuse finds me morally innocent of the charge, while forgiveness pardons me after finding me guilty. We excuse accidents. An offender can be caught between offering an excuse and making an apology when she is uncertain if she has committed a moral trespass or been involved in an accident. The confused phrase "I'm

sorry, but.. ." may fill this interim, but it cannot stand. Categorical apologies are unconditional, and as a result the "but" will likely degrade the apology. If the "but" is followed by a legitimate excuse, then an apology is not warranted. In this respect, many excuses attempt to deny intentionality in order to reduce responsibility and thus mitigate blame, for example by claiming that offender "didn't mean to" cause the harm.

This element underscores that categorical apologies respond only to moral wrongs. Not all harm results from moral wrongs, and apologies for non-moral injuries have limited meaning. If the injury was accidental, then an apology also gives the victim no reason to believe that it will not happen again. Apologies for accidents therefore seem to have no more meaning than expressions of sympathy.

C. Identification of Each Moral Wrong

Having secured the historical record and taken causal responsibility for the harm, an offender must now recognize the wrongdoing as such. Initially seeming obvious, this condition requires the offender to pair the harm the victim suffered with the moral principle underlying that harm. This isolates the discrete nature of the wrongdoing so that it can be denounced. If I destroy my spouse's cherished tomato plant and then try to blame our dog, I've violated at least two separate principles: disrespecting her property and lying. Both norms must be named in my apology. If I do not identify each offense and explain why I am apologizing, then she cannot take meaning from the apology for each offense. This condition guards against conflating several wrongs into one apology. In cases of historical harms at issue in international disputes, it can be tempting to apologize for only the most grievous offenses while ignoring all of the lesser offenses contributing to and enabling them. This responsibility runs parallel to the requirement that the offender isolate precisely what she

is responsible for so that the parties can disentangle the causal chain and match each transgression with the moral principle transgressed.

D. Shared Commitment to Violated Moral Principles

With the historical record agreed upon and the violated principles made explicit, a categorically apologetic offender will commit to the values at issue. The victim and offender thus declare that they share moral values. The offender will understand the victim's claim as legitimate, her own behavior as wrong, and will offer the most meaningful words in an apology: "I was wrong." Having said this, the offender recognizes the victim not as a mere obstacle to her self-interests but as someone who shares deep beliefs with her. The victim can then take comfort knowing that the offender's efforts to reform will be intrinsically motivated and thus more likely to succeed. Apologies failing to satisfy this condition often take the form of "I am sorry that X bothers you" or, even worse, "I am sorry you feel that way." Such statements merely express regret that the victim does not conform to the offender's beliefs and reinforce the offender's commitment to her transgression. Similarly, conditional prefaces to apologies such as "If anyone was hurt by my actions. . ." or "If you were offended . . ." often question whether the perception of harm is warranted and therefore transfer some of the blame to the victim's fragility or flawed values.

This requirement exposes the disingenuousness of many apologies. If a host demands that I apologize for ruining her dinner by using the wrong fork, an apology would be insincere because I find her sensitivity to matters of etiquette puerile. If a bigoted relative took offense at my bringing a non-white guest to her table, apologizing would convey that I consider her racism warranted because I share her value. In such a circumstance I would make a point of not apologizing and would likely counter-claim offense. Disagreements do not require apologies, and disagreements regarding value of the norm transgressed preclude categorical apologies. I suspect that our reluctance to openly

discuss where our pluralistic values diverge causes us to offer hasty apologies, and such apologies can replace normative discourse with social reflexes meant to relieve immediate tension rather than build mutual understanding. Similarly, if a host takes offense to my refusal to recite a prayer before dinner accepting her god as my savior, I cannot apologize for my agnostic views unless I am prepared to convert. Hopefully we both share a commitment to religious tolerance which can diffuse the conflict without the need for an apology. The attempt to resolve the dispute by appealing to the more abstract shared belief in pluralism need not swallow the rule I am suggesting here. Imagine if the host is a vegetarian on religious grounds and takes offense at my gift of lamb chops. Again, I cannot apologize for being a carnivore, but I can apologize for my inconsiderate failure to honor the practices of my host so long as they do not conflict with my beliefs. In this case, my not eating meat for one meal is consistent with both of our beliefs. Excluding someone from even one meal because of her race is not compatible with my beliefs. If[,] however, I knew that my hosts would take offense to the presence of my non-white companion, and I brought her in order to make them uncomfortable, ruin their meal, and openly disrespect their values, I would need to consider if any of these objectives is an offense in its own right. Should I apologize not for bringing a nonwhite guest, which is a value I surely do not share with them, but for the audacity of challenging their beliefs at a family gathering in their home? If I come to think that I exercised poor judgment in how I raised this issue, then I could apologize specifically for this while continuing to reject their racism.

These examples demonstrate the sort of precision thoughtful apologies require when various values at different levels of abstraction are at stake. We can consistently refuse to apologize for one of our beliefs while categorically apologizing for actions which the victim might believe are entwined.

E. Categorical Regret

To regret something, much like being “sorry,” can mean many things, several of which can be consistent with refusing to apologize. First, while regret typically expresses a sentiment that I wish things could be otherwise, this does not entail that I have done anything wrong. I can regret something I have no causal responsibility for, such as the death of victims of a tsunami. Several commentators claim that “regret or sorrow” is essential to an apology, and Tavuchis goes so far as to claim that “[w]hatever else is said or conveyed, an apology must express sorrow.” Yet because sorrow can indicate mere sadness in response to any distant misfortune, it seems too broad to capture the emotions accompanying full apologies. Second, the colloquial use of regret can also refer to displeasure for consequences I intend. I can regret that you take offense to my bringing a non-white guest to dinner, just as a judge can regret having to sentence a parent to a prison term. Here regret longs for a world in which things “didn’t have to be this way” even though I choose this over other options. Such use of regret is nearly parallel with sympathy apologies described above. Third, guilt should also be distinguished from regret. A patient may feel guilty that she can afford an expensive life-saving surgery while others cannot, but this does not necessarily indicate that she regrets her choice to exercise her advantage. I cannot begin to unravel the web of concurrent and contradictory emotions or the relationship between emotional states and moral actions, and such considerations would be more complex in cases where the injury occurred long ago and has since been overcome by the victim but still requires an apology. We should also be wary of the dramatic remorse often lavished on the offended to expedite forgiveness and substitute a superficial display of emotion for a moral act.

More important than its sympathy, sorrow, or guilt, a categorical apology must convey regret in the sense that the offender wishes that the transgression could be undone. She explains that she regrets what she did because it is morally wrong, she wishes she had done otherwise, and she will never make that mistake again. “Categorical regret” captures this notion of regret as the recognition

of a mistake. In order for the regret to be categorical, I must wish I had chosen differently rather than merely express disappointment that I had to choose. If I did not take the trip to China because I instead cared for a sick parent, I could only categorically regret this decision if I now think caring for my parents was the wrong choice.

Categorical regret recognizes and declares a transgression as wrong and wishes it could be undone. It entails a promise that the offender will not repeat the offense even under the same conditions and with the same incentives. Such a position parallels the common disclaimer “I am sorry but I must . . .”

Accordingly, if I repeat the offense after apologizing, I void much of the apology’s meaning. Apologies of a serial offender and apologizer should therefore be met with skepticism until the offender avoids temptations to repeat the offense. Because the meaning of apologies—like the meaning of promises— depends on future behavior, they cannot be conclusively judged at the moment they are given. An apology gains credibility as time passes without a relapse. For this reason, we can only judge ultimate quality of the apology over the duration of the offender’s life. This denunciation of my wrong and promise to refrain from committing such offenses in the future constitutes the initial reform required of a categorical apology.

F. Performance of the Apology

Simply stating the words “I am sorry” does little of the work required to realize the meaning of an apology. As Austin has demonstrated, performative utterances achieve their meaning only with certain background conditions in place. The utterance of the apology is, however, necessary.

Ideally, the offender would speak the apology and provide a written record of it. While standing before the victim and pronouncing the apology creates emotional and ceremonial meaning, a written apology is more likely to satisfy the requirements of a categorical apology. A full apology is

a potentially technical undertaking as it identifies moral norms and parses causal responsibility, and a written version allows the offender to craft a precise statement. Oral apologies often occur in emotional fits and starts with garbled content. In a written statement, the offender can carefully consider her words. The victim can scrutinize a stable statement rather than attempt to identify the contents of the apology amid a fluid conversation. In addition, a written apology provides a physical record of the statement that she may share with others or produce as evidence in legal proceedings.

Once I express an apology, any denials of having done so will reduce its meaning. Victims may occasionally prefer that an offender not pronounce the apology to a general audience, for example if she suffered sexual violence that might be increasingly harmful if publicized. The offender must, however, confirm the apology in any context upon the victim's request. Because the victim "owns" the categorical apology, its disclosure should be at her discretion. If, for example, I categorically apologize to my spouse, I need not share it with my mother-in-law unless my spouse requests this disclosure. This would remain the case even if apologizing in some contexts—such as legal proceedings—would cause the offender considerable detriment. In some situations, such as cases of defamation, it will be imperative for third parties to know of the apology if it is to have the meanings I attribute to it below. As also discussed below, the necessary degree of publicity of an apology will be a function of whether it is between two individuals, from a group to an individual, an individual to a group, or group to a group.

Another question arises regarding the proper audience for an apology: how meaningful can an apology be if it never reaches its victim? Suppose the offender speaks a full apology, but the victim does not hear her, or the offender mails a written apology, but the victim never receives it. Or suppose the victim is dead. Of course[,] in any of these cases the apology cannot bring about forgiveness if it never reaches the victim. Unfortunately, such circumstances would empty an

apology of much of its meaning. Categorical apologies are dialogical in that they require agreement on the factual record of events, attribution of causal responsibility, and identification of shared moral principles breached by the offense. A monological apology cannot accomplish this because one cannot have such a discussion with a deceased victim. Under extraordinary circumstances one could, however, enter into a dialogue with the victim's account of each of these components after her death. If a Holocaust survivor made explicit in her memoirs who wronged her, how she was wronged, and why it was wrong, the offender could corroborate and agree with the account in full and categorically apologize for it. In most cases, however, the death of the victim or offender makes a categorical apology impossible. The opportunity for some types of meaning can be lost.

G. Reform and Reparations

As discussed above, categorical apologies promise to never repeat the offense because they denounce their transgression as morally wrong. At a minimum, a categorical apology is therefore a promise to moral reform kept over a lifetime. Violating conditions of apologies diminishes their meaning; honoring the conditions augments their meaning. Beyond this threshold requirement to reform behavior, categorical apologies can require the offender to provide what are often called reparations. Derived from the Latin for repair, reparation and similar terms such as redress, amends, and restitution imply that such responses make a victim "whole" by returning what the offense has taken away. Restitution refers specifically to returning something taken wrongfully, and reparation is often used to describe a form of recompense for less tangible losses. Such figurative terms can be deceptive. Remedies do not "repair" or "correct" a wronged party, nor do they "restore" the victim to her state before the injury or reestablish a "moral equilibrium." An injury creates particular suffering and loss in the lives of individuals. Nothing can unscramble that egg. Contrary to Lazare's claims, an apology cannot "restore a relationship" as one restores a piece of furniture to its original

state, and it is misleading to think of an apology as “owed” as if it were similar to discharging a debt to a bank. Even after a perfect apology, the relationship moves forward forever in the shadow of the injury rather than backward to a time before the trespass occurred. If an executioner apologizes to me for killing my grandparents, this may hold great meaning and accomplish many social objectives. In no way, however, should it be considered equivalent to the harm done. “Restorative” understandings of apologies and punishment often unwittingly commit to a one-dimensional moral universe in which all harms are goods that can be neatly weighed according to a single metric. Yet unless one is committed to the most reductive form of utilitarianism such as that forwarded by some advocates of the Law and Economics movement, there is no economy of apology wherein the offender can repay a debt to clear her moral account.

Taking practical responsibility must often go well beyond legal and economic consequences, and again such needs can take an infinite variety of forms. How should a victim and an offender determine appropriate reparations? Shared conceptions of fairness should guide us here. Because an apology conveys a shared commitment to a moral value, the victim and offender should share a concomitant conception of how to respond to an offense of the norm. The offender and victim should agree on appropriate forms of redress, and this process protects the offender from unreasonable demands from a victim or plaintiff’s attorney who seeks to exploit the apologizer’s vulnerability and guilt. A victim’s abuse of an offender in this way would constitute an offense in its own right, and an offender can refuse unreasonable demands. As is often the case in personal, legal, and political conflicts, the giving and receiving of apologies can become a thinly veiled power struggle divorced from the moral harm that should be the subject of the exchange.

This also raises the problem of an offender who wishes to admit and take full responsibility for her actions but finds the legal penalties for doing so excessive. A parent who wishes to apologize

to her children for using narcotics once could face a similar problem: while she wishes to offer a complete apology to her children, she believes the jail term she would face for admitting her deed in court is unfair. If the victim agrees with the offender that the legal penalty is disproportionate, then it seems that the apology could be categorical if the offender satisfies all other elements while resisting the legal sanction. If the victim disagrees with the offender and believes that the legal sanction is justified, then the importance of the shared value comes into question, and the meaning of the apology will be diminished.

We should be wary of offenders who self-castigate in order to immunize themselves from further responsibility for their offense. As Oscar Wilde noted, “When we blame ourselves we feel that no one else has the right to blame us.” Such usurpations of the right to control the process of forgiveness from the victim can take the form of a statement such as “I said I am sorry,” whereby the offender attempts to use the very utterance of language of contrition as a shield against accepting the full responsibilities of apologizing. One might find this strategy at work in a case of unfaithfulness in a romantic relationship where the cheater uses the “I said I am sorry” charge to assert that forgiveness is warranted before the victim is satisfied with the offender’s redress. In this sense, apologetic statements are sometimes preemptory defenses issued in an attempt to block forthcoming rebuke.

A problem also arises regarding when someone causes harm that exceeds her resources. If an impoverished person causes expensive property damage, she may be incapable of ever paying for it. Does this mean that she cannot afford to apologize categorically? To some extent this may be the unfortunate truth because she cannot provide a certain sort of meaning if she cannot relieve me of the burden of paying my medical bills. That loss of meaning, however, may be insignificant when compared with other efforts the offender can make. A small amount of hard-earned money

provided to a victim may convey more meaning than a large check cut from a billionaire because it would indicate the offender's dedication to honoring the breached value. In addition, we should not think of the costs of injuries in strictly economic terms. An offender's offer to personally care for me while I am injured could be much more valuable than a sum of money. Finally, as mentioned above with regard to thinking of reparations as discharging our moral debts, none of us can really ever pay off our victims for their injuries. When we make moral errors, we can only do our best to reform and try to help those we have injured. Neither the rich nor the poor can erase the past.

H. Standing

In order to issue a categorical apology, one must possess what is understood in legal terms as standing. According to legal doctrine, this procedural requirement ensures that only legitimate disputants adjudicate claims. As argued above, I can only categorically apologize for an injury that I caused because I cannot accept responsibility otherwise. As much as I might like to, I cannot take responsibility and categorically apologize for civilian casualties during World War II, in part because I was born after the conflict. If I harm my brother, my wife cannot apologize for me no matter how sincere and empathetic she may be. Only I, as the person responsible for the injury, have authority to issue the full apology. This mirrors the similarly obvious fact that the victim has exclusive authority to issue forgiveness, as I would have no right to forgive Nazi executioners of murder even if the victim was a relative of mine. I could forgive them for the harm they have done to me in leaving me without a grandparent, but I cannot forgive for the entirety of the murder itself.

Third parties can corroborate the victim's account of the event, apportion responsibility, vindicate her moral principles, legitimate her suffering, and provide reparations. Even these, however, are less meaningful when not also performed by the offender. Much of an apology's meaning can only be provided by the offender. Only the offender can undertake her own moral

transformation. Only the offender can denounce her commitment to the wrong. Only the offender can end the harm that she continues to perpetrate until she recognizes the victim as a moral agent. Only the offender can promise never to do it again because it is wrong. Only the offender can build trust between them. We should also not forget that an offender may take as much meaning from an apology as a victim.

This standing requirement creates serious difficulties for collective and institutional apologies, and I address these issues at length elsewhere.

I. Intentions

Even if the offender satisfies all of the previous elements, it matters why she apologizes. Many of the above criteria speak to the offender's intention to some degree, but we should not underestimate the significance of the offender's motivations and mental state. If an unfaithful spouse offered what appeared to be a categorical apology not because she believed that she had wronged but because she feared financial abandonment, this would alter the meaning of the apology. Similarly, if I knew that my boss would fire me if I did not provide a categorical apology for stealing office supplies, it would make a difference if I went through the motions of apologizing while continuing to believe that I was justified in pocketing the goods. The apology would be less meaningful in both cases even if I completed reparations and did not re-offend or otherwise degrade the apology.

Categorical apologies entail a commitment to a shared value, and committing to this belief speaks not only to the prospect of a future free from harms caused by breaches of this principle but also to a shared sense of goodness, justice, and the meaning of life. In the unfaithful spouse example, it would be essential to know if my life partner shared my values or secretly scoffed at them.

My point here is not that even the most deceptive and disingenuous apologies may serve social functions, but rather that they are less meaningful. If the injured party learned of the deception, the strategic apology would be drained of its value not only because it would be a less convincing indicator of the future performance of the offender but because it would be exposed as lie. In addition to the original harm, the injured person has been deceived. Even without a deontological commitment to the wrongness of lying, the victim will have suffered an injury because she cannot assess the full meaning of the apology when subjected to such deception. The illusion of a categorical apology may indeed save a marriage or a friendship, but it is not empty moral rhetoric to claim that such relationships are held together by lies and that the victim has been treated as mere means.

II. Journal Exercise

Think of apologies that you have made (or wish you had made) in the past. Do you think you satisfied Smith's criteria for a "categorical" apology?

Do you think Smith's categorical apology is missing any elements? Do you think that he has added any elements you find unnecessary to form a legitimate and meaningful apology?

Do you have any other reflections on this section?

Module Six: Forgiving Others

I. What does it Mean to Forgive Others?

Philosopher Jeffrie Murphy explains what he calls the "moral virtue" of forgiveness and how to distinguish it from other concepts often mistaken for forgiveness. As you read through his work, try to think about the concepts Murphy distinguishes from forgiveness. Do you agree that these are

not under the umbrella of forgiveness? Why or why not? Are these concepts wholly separate, or do they still relate somehow to the process of forgiveness?

Jeffrie G. Murphy, *Responding to Evil: Vengeance, Forgiveness, and Reconciliation*

The Nature of Forgiveness

I think that one of the most insightful discussions of forgiveness ever penned is to be found in Bishop Joseph Butler's 1726 sermon "Upon Forgiveness of Injuries" – a long and closely reasoned philosophical essay that must have greatly tried the patience of his congregation. In that sermon, Butler offers a definition of forgiveness that I have adapted in my own work on the topic. According to Butler, forgiveness is a moral virtue (a virtue of character) that is essentially a matter of the heart, the inner self, and involves a change in inner feeling more than a change in external action. The change in feeling is this: the overcoming, on moral grounds, of the intense negative reactive attitudes that are quite naturally occasioned when one has been wronged by another – the vindictive passions of resentment, anger, hatred, and the desire for revenge. A person who has forgiven has overcome those vindictive attitudes and has overcome them for a morally creditable motive – e.g., being moved by repentance on the part of the person by whom one has been wronged. Of course, such a change in feeling often leads to a change of behavior – reconciliation, for example; but, as our ability to forgive the dead illustrates, it does not always do so.

On this analysis of forgiveness, it is useful initially to distinguish forgiveness from other responses to wrongdoing with which forgiveness is often confused: justification, excuse, mercy, and reconciliation. Although these concepts are to some degree open textured and can bleed into each other, clarity is – I think – served if one at least starts by attempting to separate them. I will discuss each of them briefly.

1. *Justification*: To regard conduct as justified (as in lawful self-defense, for example) is to claim that the conduct, though normally wrongful, was – in the given circumstances and all things considered – the right thing to do. In such cases there is nothing legitimately to resent and thus nothing to forgive.

2. *Excuse*: To regard conduct as excused (as in the insanity defense, for example) is to admit that the conduct was wrong but to claim that the person who engaged in the conduct was not a fully responsible agent. Responsible agency is, of course, a matter of degree; but to the degree that the person who injures me is not a responsible agent, resentment of that person would make no more sense than resenting a sudden storm that soaks me. Again, there is nothing here to forgive.

3. *Mercy*: To accord a wrongdoer mercy is to inflict a less harsh consequence on that person than allowed by institution (usually legal) rules. Mercy is less personal than forgiveness, since the one granting mercy (a sentencing judge, say) typically will not be a victim of wrongdoing and thus will not have any feelings of resentment to overcome. (There is a sense in which only victims of wrongdoing have what might be called *standing* to forgive.) Mercy also has a public behavioral dimension not necessarily present in forgiveness. I can forgive a person simply in my heart of hearts, but I cannot show mercy simply in my heart of hearts. I can forgive the dead, but I cannot show mercy to the dead.

This distinction between mercy and forgiveness allows us to see why there is no inconsistency in fully forgiving a person for wrongdoing but still advocating that the person suffer the legal consequence of criminal punishment. To the degree that criminal punishment is justified in order to secure victim satisfaction, then – of course – the fact that the victim has forgiven will be a relevant argument for reducing the criminal's sentence and the fact that a victim still resents and hates will be a relevant argument for increasing that sentence. It is highly controversial, of course,

that criminal punishment should to *any* degree to victim desires. Even if it is, however, it must surely be admitted that the practice serves other values as well – particularly crime control and justice; and, with respect to these goals, victim forgiveness could hardly be dispositive. In short: It would indeed be inconsistent for a person to claim that he has forgiven the wrongdoer and still advocate punishment for the wrongdoer in order to satisfy his personal vindictive feelings. (If he still has those feelings, he has not forgiven.) It would not be inconsistent, however, to advocate punishment for other legitimate reasons. Of course, the possibilities for self-deception are enormous here. As Nietzsche reminded us, our high sounding talk about justice and public order is often simply a rationalization for envy, spite, malice, and outright cruelty – the cluster of emotions for which he used the French term *resentment*.

4. *Reconciliation*: The vindictive passions (those overcome in forgiveness) are often a major barrier to reconciliation; and thus, since forgiveness often leads to reconciliation, it is easy to confuse the two concepts. I think, however, that it is important to also see how they may differ – how there can be forgiveness without reconciliation and reconciliation without forgiveness.

First, let me give an example of forgiveness without reconciliation. Imagine a battered woman who has been repeatedly beaten and raped by her husband or boyfriend. This woman – after religious conversion, perhaps – might well come to forgive her batterer (i.e., stop hating him) without a willingness to resume her relationship with him. “I forgive you and wish you well” can, in my view, sit quite consistently with “I never want you in this house again.” In short, the fact that one has forgiven does not mean that one must also trust or live again with a person.

As an example of reconciliation without forgiveness, consider the example of the South African Truth and Reconciliation Commission. In order to negotiate a viable transition from apartheid to democratic government with full [B]lack participation, all parties had to agree that there

would in most cases be no punishment for evil acts that occurred under the previous government. Politically motivated wrongdoers, by making a full confession and accepting responsibility, would typically be granted amnesty. In this process the wrongdoers would not be required to repent, show remorse, or even apologize.

I can clearly see this process as one of reconciliation – a process that will allow all to work toward a democratic and just future. I do not so easily see this process as one of forgiveness, however. No change of heart was required or even sought from the victims – no overcoming of such vindictive feelings as resentment and hatred. All that was hoped of them was a willingness to accept this process as a necessary means to the future good of their society.

In my view, this counts as forgiveness only if one embraces what is (to me) a less morally rich definition of forgiveness: forgiveness merely as the waiving of a right. Examples of this are found in the private law idea of forgiving debt or in Bishop Desmond Tutu's definition of forgiveness as "waiving one's right to revenge." But surely one can waive one's rights for purely instrumental reasons – reasons having nothing to do with the change of heart that constitutes forgiveness as a moral virtue. One can even waive one's rights for selfish reasons – e.g., the belief that one's future employment prospects will be better if one simply lets bygones be bygones. I am not saying that it is wrong to act for instrumental reasons – indeed, for South Africa, it was probably the only rational course. Neither am I saying that instrumental justifications can never be moral justifications. To attempt reconciliation for the future good of one's society, for example, is surely both instrumental and moral. I am simply saying that, however justified acting instrumentally may sometimes be, it is – absent the extinction of resentment and other vindictive passions – something other than what I understand as the moral virtue of forgiveness. In short: If all we know is that two

parties have decided to reconcile, we do not know enough to make a reliable judgment about whether the moral virtue of forgiveness has been realized in the reconciliation.

II. Journal Exercise

Take a moment to think about a time that you forgave someone for a trespass against you. What did that process look like? Did you make a conscious choice to forgive, or did forgiveness just *happen* in your case?

How do you feel about Murphy's idea that forgiveness equals shedding feelings of vengeance? Using the example you were asked to imagine above, is that how you have identified your own forgiveness process, or do you feel that there is space for forgiveness and resentment? Why or why not?

Do you have any other reflections on this section?

Module Seven: Forgiving One's Self

I. The Process of Self-Forgiveness

Jaroslav Horowski, *Education for Self-Forgiveness as a Part of Education for Forgiveness* 55 J. Phil. Education 126, 131-135 (2021).

WHAT IS SELF-FORGIVENESS?

Several years ago, at the Nicolaus Copernicus University in Torun, Poland, I [organized] a meeting between students of pedagogy and people sentenced to a long term of imprisonment. I did this to give the students the opportunity to ask questions, not only about life in prison, but also about the families of those imprisoned—their wives and children. I was aware that in a few years these students would work as teachers in nurseries, schools, day-care [centers] for children or in orphanages, and that they might therefore be taking care of the children of imprisoned persons.

Taking this into account, I thought it would be important for them to look at the family through the eyes of the fathers sentenced to imprisonment. I expected, however, that the majority of questions asked by students would concern life in prison, relations between prisoners and officers, and prison subculture. After several minutes of conversation, one of the students asked whether it was difficult to get used to living in a prison. To my surprise, one of our guests replied that this could be a long process, and that reaching self-forgiveness was the crucial moment. This statement began a long discussion about the fact that he, by killing another man, had destroyed not only his victim's life and the lives of his victim's loved ones, but also his own life and the lives of his own parents, wife[,] and children. He had trouble coming to terms with this, and consequently he could not accept his stay in prison and start to adapt to his life behind bars. Only when he forgave himself did he begin to think about his future and about what he could still achieve in life under the conditions in which he would now have to live for many years.

The aforementioned discussion prompted reflection on self-forgiveness and on its importance for the perpetrator's personal development and involvement in social life. The subject of this reflection is controversial. On the one hand, self-forgiveness may seem to be a form of self-indulgence (Dillon, 2001, p. 53), self-justification, self-absolution (Moore, 1987, p. 214), self-contradiction (Papastephanou, 2003, p. 504), self-interested condonation and excuse making (Griswold, 2014, p. 122; Gamlund, 2014, p. 238) and avoidance of continued guilt, remorse[,] and responsibility (Cornish et al., 2018). Victims of crime and their loved ones would not want the wrongdoer to experience the relief that self-forgiveness brings. On the other hand, the issue of self-forgiveness has become familiar in psychotherapeutic and counselling literature in recent years. This literature identifies self-forgiveness as a condition for the perpetrator's achievement of mental balance and as something that is important for her/his social relations (Enright and the Human Development Study Group, 1996, p. 110; Massengale et al. 2017; Cornish et al., 2018).

Consequently, if self-forgiveness is a condition for regaining the ability to function in interpersonal relations, it is desirable for several reasons. For example, the children of persons sentenced to imprisonment are not guilty of the wrongs that their parents have committed, yet they suffer the consequences of their parents' deeds. For the sake of their children, these parents should therefore try to attain the best psychological condition possible so that they are able to perform their parental role.

Dilemmas relating to self-forgiveness can be partly resolved once the act to which self-forgiveness relates is well defined. This is not easy. Hannah Arendt, who focuses on the philosophy of politics and consequently perceives human action to be an act in the public sphere, claims that forgiveness occurs only in the context of interpersonal relationships and that for this reason 'nobody can forgive himself' (Arendt, 1958, p. 237). According to her: 'forgiving ... enacted in solitude or isolation remains without reality and can signify no more than a role played before one's self' (ibid.). Per-Erik Milam tries to undermine both Arendt and other so-called victim-only-view positions by offering a definition of the phenomenon of self-forgiveness. He claims that 'self-forgiveness occurs when a moral agent, in response to her offense, believes herself to be responsible and to have done wrong; she experiences a negative self-directed attitude like guilt, shame, or regret; and she forswears this attitude because she perceives that she no longer possesses the objectionable quality of will that was behind her initial offense' (Milam, 2017, p. 65). In Milam's description of the phenomenon of self-forgiveness, there is one element that is described very generally and needs to be elaborated. Milam does not refer to the act to which self-forgiveness relates. He only states that there is a phenomenon of self-forgiveness that can't be identified with any other phenomenon. The issue of what the person can forgive her-/himself for is taken up by Charles Griswold, who considers two possibilities: forgiving oneself for injuries done to others and forgiving oneself for injuries done to oneself. What is interesting is that Griswold claims that the perpetrator can, in the name of the

injured person, forgive her-/himself for injuries done, once certain necessary conditions are met. He distinguishes the following cases: (1) the victim is unwilling to forgive, even if the offender meets the necessary conditions; (2) the victim is unable to forgive in the same above-mentioned situation (the offender meets the necessary conditions but the victim died or it is not possible for these people to meet); (3) the victim is willing to forgive if the offender meets the necessary conditions. Griswold claims that the offender can forgive her-/himself in the name of the injured person after fulfilling threshold conditions in a situation where the injured party is unable or unwilling to grant forgiveness. He [realizes] that the possibilities for abuse are enormous, and therefore points out that the perpetrator should first carefully check from the perspective of a third party if s/he has fulfilled all the conditions for forgiveness and if s/he has given adequate consideration to the victim (Griswold, 2014, pp. 122–124). There are significant differences between the above-mentioned positions. These differences are a result of the differences in the definition of what the person can forgive her-/himself for. There is a danger that Milam's and Griswold's views could be interpreted as providing consent for actions of objectionable ethical value. They do not point to the offenses for which the persons can forgive themselves. Immature persons who forgive themselves for the harm they have done to other people may treat this self-forgiveness as permission to continue to act immorally and absolve themselves from wrongdoing.

The problem of the act to which self-forgiveness relates and the moral value of self-forgiveness can be resolved—in my opinion—by reference to the 'victim-only-view' position. Before the concept of self-forgiveness is formulated, it is worth looking at what constitutes the 'victim-only-view'. According to this view, no one has the right to forgive on behalf of the victim of a wrongful action; therefore, offenses can be forgiven only by the victims of these acts (Zieminski, 2016, pp. 189–190). A wife whose husband has been killed can forgive his murderer, but only for the loss she suffered herself. She cannot forgive on behalf of her husband who has lost his life. For

the wrongdoer, obtaining this forgiveness can be important, but it doesn't mean that s/he receives complete forgiveness. This is a situation in which the perpetrator of evil cannot receive forgiveness because of the death of the only person capable of forgiving the loss of his own life. From this point of view, the claim that it is possible to forgive another person in the name of the victim is to mistake forgiveness for pardon, mercy[,] or restitution. The wife of the dead man may forgive the person who killed her husband for the harm she has suffered, but she cannot forgive her/him on behalf of her dead husband. She can also support the perpetrator's request for pardon and thus contribute to her/his return to social life. Pardon acts are performed in public space. They mean that the culprit does not have to suffer more because of her/his deed. They are not the same as forgiveness. This difference between pardon and forgiveness can be seen in the example of the parable of the prodigal son already referred to. After returning to his father's home, the son receives a pardon (a merciful father is a symbol of God as the legislator and judge) and forgiveness for the evil he did to his father. He does not, however, receive the forgiveness of his older brother. It is worth noting that the father could not forgive the younger son on behalf of the older son.

Inability to forgive oneself on behalf of another person doesn't mean that the act of self-forgiveness makes no sense, however. The act of a particular person can create negative consequences in the life of another person, in the life of the perpetrator, or in the life of both. By hurting another person, the offender usually intends to achieve some benefit for her-/himself. Often, s/he does not expect to bear the negative consequences of her/his own actions. According to the 'victim-only-view' position, self-forgiveness refers to the wrongs that the perpetrator does to her-/himself. The husband's betrayal caused by the pursuit of sensual pleasure harms his wife and can lead to divorce and family breakdown. Forgiveness is not possible on behalf of a betrayed spouse. However, it should be noted that the perpetrator of the wrongful act also becomes its victim. He loses his wife and contact with his children, and his family falls apart. A person who hurts

another person, especially someone close to her/him, runs the risk of never being forgiven and of living apart from that person for the rest of her/his life. In my opinion, this is an example of something for which a person can forgive her-/himself. Self-forgiveness in the case of homicide can be interpreted in a similar way. Self-forgiveness may be difficult for many killers, especially if they watched the victim die (though I am not referring here to the cases of killers who do not have empathy and treat another person as soulless and unable to suffer; Baron-Cohen, 2012). One of the prisoners who participated in the meeting with students at the university had beaten another man so badly that the victim had lost his life. He claimed that he constantly remembered the death of his victim and often imagined the victim's family—his parents, his wife, his children—whom he had observed during the trial. Sometimes he dreamed at night that he had killed a man, and then woke up sweating. He will never experience the forgiveness of his victim and will probably never experience the forgiveness of his victim's family, but he can forgive himself for destroying his own life.

The consequences experienced by the perpetrator are not limited to the influence of an act on the life of the wrongdoer. When Karol Wojtyła analyses a human act in order to get to know a functioning subject, he points out that an act not only causes external (transitive) effects, but also determines its perpetrator (intransitive effects) (Wojtyła, 1994). Internal effects can be divided into two groups. The first includes only one effect. An individual's [behavior] determines whether, through her/his [behavior], s/he becomes more human or more similar to creatures that don't control their own [behavior] through reason. In other words, humanity is a fact in a concrete human being, and at the same time humanity develops and matures. A person—in her/his own consciousness—is a witness to her/his own maturation, how s/he develops her/his own humanity. If a person knows that s/he should act differently than s/he did, s/he assesses her/his maturity and development as a human being. According to Wojtyła, shame is a consequence of [realizing] that

actions are not directed by reason (Horowski, 2016). The second group of internal effects caused by an act includes character traits that develop in a human being. Wojtyła thus refers to the neo-Thomistic notion in philosophy (Horowski, 2015) according to which virtues and moral vices develop through human actions (Keenan, 2016). According to this approach, repeated evil deeds make the person perform evil deeds with increasing ease. Another bribe makes a person become more and more unfair. Subsequent betrayals lead to the development of the defect of infidelity. The problem of developing negative character traits is addressed by Robin S. Dillon (2001, p. 53) in his analysis of self-forgiveness. He begins his article by telling the story of a woman named Alison. As a teenager, she had a friend Dana, who had a physical disability. The disability didn't matter to Alison[,] and she spent a lot of time with Dana. Other students, however, laughed at Dana. Alison also sometimes laughed at their mockery when Dana didn't see it. She wanted to be accepted by Dana's offenders. Since then, she has felt something akin to self-loathing, because she had been too cowardly to break her relationship with the perpetrators who mocked Dana. The protagonist of the cited story was therefore aware that she had become someone she didn't want to become.

Identification of the act to which self-forgiveness relates makes it possible to define the phenomenon. Using the definition of forgiveness formulated by Murphy (1998, p. 698) (based on Joseph Butler's (1827) writings), one can say that the person forgiving her-/himself is the one who has, on moral or religious grounds, forsworn resentment for self—forsworn the anger or sometimes even the hatred that s/he feels when s/he believes that s/he has wronged her-/himself. Murphy maintains that it is difficult to resent oneself, but—agreeing with Norvin Richards (1988), who linked forgiveness with overcoming a variety of feelings such as anger, hatred, loathing, contempt, disappointment, sadness—he states that self-forgiveness could be understood as overcoming—for example—self-hatred or self-loathing (Murphy, 2003, p. 59). In my opinion, maintaining that self-forgiveness relates to self-inflicted harm means that the act of self-forgiveness is morally justified. It

is noteworthy that self-forgiveness is the cessation of a focus on the evil that someone has done to her-/himself in order to begin to pursue the good that can be achieved in the future. Self-forgiveness is a change in the subject on which attention is focused, that is, the abandonment of a focus on past events in order to build a better future.

Before looking at the value of self-forgiveness for understanding the process of forgiving another human being, it is worth noting two specific features of self-forgiveness. First, the process of self-forgiveness can only take place in the individual who is aware of the evil s/he has done to her-/himself and who consequently directs negative feelings toward her-/himself (Holmgren, 1998, pp. 75–76). Secondly, the process of self-forgiveness is associated with restoration of self-worth widely elucidated by Holmgren (1998) or self-respect described by Dillon (2001). Referring to their reflections, it can be said that self-worth or self-respect plays a significant role in the process of self-forgiveness. According to analyses by Dillon, it can be said that, on the one hand, self-forgiveness is the pursuit of regaining self-respect lost as a result of doing evil. On the other hand, this self-respect had not been completely lost by doing evil, because the perpetrator can feel guilt, shame, disappointment with her-/himself and self-condemnation, but at the same time [recognize] her/his own intrinsic worth, which has been preserved despite the evil committed. This is a significant difference from the situation in which one tries to forgive another person, because in that situation the victim does not usually see the value of the person who harmed her/him. The analysis of self-forgiveness presented above is not complete, but it includes elements of self-forgiveness that are relevant to the individual in the context of learning about forgiveness in interpersonal relationships from the experience of self-forgiveness. In the next part, I will attempt to show the significance that reflection on the experience of self-forgiveness can have for the quality of the decision to forgive another person.

II. When Should We Forgive Ourselves, and Why?

Michael J. A. Wohl & Kendra J. McLaughlin *Self-Forgiveness: The Good, the Bad, and the Ugly* 8 Soc. Personality Psych. Compass 422, 424-428 (2014).

The Good: Self-Forgiveness as a Facilitator of Health and Well-Being

Forgiveness is traditionally understood as being thoroughly good. From the Judeo-Christian perspective, forgiveness is a holy offering from God to those who have behaved badly or sinned (Hall & Fincham, 2008; Rye et al., 2000). From a philosophical perspective, forgiveness is a cultivated moral virtue that can promote reconciliation, in turn serving as a path to peace (see Arendt, 1958; Elder, 1998). From a psychological perspective, forgiveness is the outcome of pro-social motives. For instance, forgiveness occurs when one experiences reduced desire to avoid and seek revenge against a transgressor and increase[d] feelings of benevolence toward the transgressor (McCullough & Worthington, 1999; McCullough et al., 2000). Stemming from this psychological understanding, a large body of research has demonstrated that forgiveness toward a perpetrator by a victim results in the betterment of the victim's psychological and physiological well-being (e.g., decreased blood pressure, increased life satisfaction; Toussaint, Williams, Musick, & Everson, 2001; Witvliet, Ludwig, & Vander Laan, 2001) as well as post-transgression relationship functioning (Paleari, Regalia, & Fincham, 2005; Tsang, McCullough, & Fincham, 2006; Wohl et al., 2006). Additionally, forgiveness of a discrete transgression reduces the likelihood of a re-offense (Wallace, Exline, & Baumeister, 2008). Based on the positive outcomes yielded by interpersonal forgiveness, it should not be surprising that self-forgiveness is also primarily understood as having beneficial

effects on mental and physical health, and post-transgression behaviors (see Fisher & Exline, 2010; Hall & Fincham, 2005).

Importantly, a great deal of empirical research appears to substantiate this optimistic understanding of self-forgiveness. For instance, Jacinto (2010) demonstrated that self-forgiveness among caregivers reduced levels of guilt and improved self-perceptions, following the death of the person in their charge. The ability to self-forgive is also positively related to feelings of self-worth in couples that have recently separated and are adjusting to divorce (Rohde-Brown & Rudestam, 2011). Not surprisingly then, techniques for self-forgiveness have been applied to a variety of psychological therapies (Vitz & Meade, 2011) to some success (Romero et al., 2006; Scherer, Worthington, Hook, & Campana, 2011; Watson et al., 2012). For instance, the introduction of self-forgiveness training to outpatient intervention for alcoholism promoted clients' self-esteem and bolstered clients' confidence in their ability to refrain from drinking alcohol (Scherer et al., 2011). Watson et al. (2012) observed a similar outcome among women in treatment for eating disorders. Specifically, self-forgiveness training significantly reduced clients' drive for thinness and their body dissatisfaction. Thus, it appears that self-forgiveness can improve the health and well-being of people who are trying to stop or have already stopped engaging in harmful self-directed behaviors.

Research is also accumulating that demonstrates how self-forgiveness for committing a wrongful behavior can halt that behavior in its tracks. Wohl, Pychyl, and Bennett (2010), for example, found that forgiving the self for procrastinating on a given task (i.e., an exam) was related to less procrastination on a similar task in the future (i.e., a subsequent exam). This relationship was mediated by negative affect such that self-forgiveness reduced procrastination by reducing negative emotions. However, the presence of this relationship depended on the extent to which the person procrastinated on the first task. That is, only when participants had high levels of procrastination on

the first task was self-forgiveness negatively related to procrastination on the second task. The point here is that a negative behavior (procrastination) was reduced when people felt bad about the behavior and self-forgiveness was also granted. Conversely, if the person did not self-forgive, they tended to avoid the task, resulting in the continuation of the negative behavior that, in turn, yielded negative outcomes (i.e., a lower grade on the subsequent exam).

Nevertheless, research also suggests that self-forgiveness does not always yield such positive effects. That is, while much of the extant research on self-forgiveness has demonstrated its positive correlates and effects, we will demonstrate how self-forgiveness also has dark side. In the next section, we outline theory and research that suggests—contrary to researchers’ and colloquial presuppositions—there are limits and boundaries to the benefits of self-forgiveness.

The Bad: Self-Forgiveness as a Hindrance to Health and Well-Being

It is almost an axiom that forgiveness—be it other- or self-focused—heals. As such, it should come as no surprise that the initial thrust behind both theoretical and empirical investigations on the topic focused on uncovering evidence that matched the “power of forgiveness” presupposition (see Rusbult, Hannon, Stocker, & Finkel, 2005). However, even among the chorus of lauding directed at those who engage in the forgiveness process (either personally or via research endeavors), there were some who have whispered words of caution.

In an assessment of the possible deleterious consequences of forgiveness in high-conflict relationships, McNulty (2008) found that spouses married to partners who frequently behave badly (e.g., verbal transgressions) reported low levels of marital satisfaction to the extent that they were forgiving. The negative consequences of forgiveness also extended to the behavior of the misbehaving spouse. Specifically, the misbehaving spouse was two times more likely to reoffend in the days following the offer of forgiveness (McNulty, 2010). In short, for ongoing negative

behaviors, being granted forgiveness appears to provide the offender license to reoffend (or, at the very least, does nothing to deter re-offense).

Similarly, self-forgiveness for ongoing, negative behaviors helps to maintain the behavioral status quo. Take, for example, a smoker who acknowledges that smoking is harmful but forgives the self for buying and then smoking a pack of cigarettes. In this context, the smoker willfully and knowingly engages in a harmful behavior (smoking) but continually expends effort to overcome the associated self-directed negative feelings. When those negative feelings dissipate and positive self-perceptions return, the smoker is psychologically free to purchase and smoke another pack. In an empirical demonstration, Wohl and Thompson (2011) recruited smokers and then assessed the extent to which they perceive smoking to be harmful, forgive the self for smoking, and their readiness to quit smoking. As would be predicted by the existing literature of behavioral change (see Prochaska & DiClemente, 1983, 1986), an increase in perceived smoking cons (i.e., seeing smoking as a bad behavior) was associated with an increase in the contemplation of quitting. Interestingly, this relationship was mediated by self-forgiveness—but not in the direction typically associated with positive outcomes such as quitting an unhealthy, negative behavior. People were more likely to contemplate quitting the less the self was forgiven for smoking. Put another way, the more people forgive themselves, the less likely they are to kick the smoking habit.

In a similar demonstration of the ‘bad’ side of self-forgiveness, Squires, Sztainert, Gillen, Caouette, and Wohl (2012) examined what motivates gamblers to change their gambling behaviors. Akin to most any addiction, an understanding of what does (or does not) motivate change can help ameliorate the psychological and physiological problems as associated with (mis)use (see Petry & Armentano, 1999). Among gamblers, readiness to change increases alongside disordered gambling symptomatology (see also Hodgins & el-Guebaly, 2000). Recently, Squires et al. (2012) provided an

explanation for this association that places self-forgiveness at its core. Specifically, they found that readiness to change among disordered gamblers increased to the extent that they were relatively unforgiving of their gambling behavior. Thus, forgiving the self for engagement in chronic, unhealthy behaviors appears to deter one's readiness to change.

It should be noted that the negative effects of self-forgiveness are not restricted to ongoing addictive behaviors. Couples, for example, face many challenges in maintaining a satisfying relationship. When couples face relational challenges, they may begin to think about potential alternative romantic partners. One motivator of such frequent, ongoing thoughts about adultery is relational boredom (i.e., a feeling associated with lack of interest and excitement in the romantic relationship; Harasymchuk & Fehr, 2012). Along this front, Gillen, Wohl, and Harasymchuk (2012) found that, among people who are experiencing relational boredom, self-forgiveness for frequent contemplation of infidelity led to a greater willingness to engage in the infidelity.

The point here is that self-forgiveness is not a cure-all following the committing of a transgression—it does not always lead to positive outcomes. In fact, its offering can promote an array of negative outcomes. This is because forgiving the self for an acknowledged self-directed, ongoing harmful behavior brings about an emotional relief that weakens a person's motivation to change their behavior, consequently hindering any progress toward a stage of action. Notably, Wohl and Peetz (2013) found an important boundary condition for the deleterious effects of self-forgiveness for an ongoing negative behavior—implicit theories about the self (see Dweck, 2006, 2007). Specifically, there are individual differences in the extent to which people believe they have unchangeable, fixed internal characteristic (see Dweck, Chiu, & Hong, 1995). Wohl and Peetz (2013) found that people who overspend (and accept personal responsibility for doing so) are more likely to overspend in the future if they believe their spending habits were a fixed characteristic and self-

forgive for past overspending. The point here is if people believe they cannot change their stripes, self-forgiveness might undermine their motivation to correct a harmful or wrongful behavior (“I can’t change what I can’t change”).

The Ugly: Pseudo-Self-Forgiveness

Thus far, we have discussed transgressions (be they ongoing or discrete) in which the wrongdoer correctly accepts full responsibility and self-forgives. Self-forgiveness under those conditions is typically considered true or genuine (see Dillon, 2001; Holmgren, 1998). There are instances, however, when a wrongdoer is 100% responsible but tries to shirk some (or all) responsibility by incorporating an external attribution into their explanation for the wrongdoing. There are also situations in which a wrongdoer is not wholly responsible for the wrongdoing, but an unwarranted portion of the responsibility variance is attributed to an external element (e.g., another person, a corporation, the weather). For example, some disordered gamblers shift an unwarranted amount responsibility for their gambling excessively to the gambling industry (“the casino should have stopped me before I lost all this money”; see Prentice & Woodside, 2013; Wohl, Sztainert, & Young, 2013). We contend that shifting any amount responsibility that should be attributed to the self to an external element, coupled with self-acceptance, is the hallmark of pseudo-self-forgiveness (see also Hall & Fincham, 2005; Wenzel, Woodyatt, & Hedrick, 2012).

When people erroneously shift their responsibility outward, the self is—in whole or in part—let “off the hook”. The result of displaced responsibility is a diminution of guilt. Why is a diminution of guilt important? Because guilt it is an aversive emotion that down regulates engagement in future harmful action (Kemper, 1991) and motivates corrective action (Lewis, 1993). Thus, when the amount of responsibility one should accept for a wrongdoing is minimized, there is increased likelihood that the wrongful behavior will continue.

Unfortunately, people often find it difficult to identify whether an offender has engaged in genuine self-forgiveness or pseudo-self-forgiveness. This is because offenders may describe themselves as self-forgiving even if culpability has not been fully accepted (Hall & Fincham, 2005). Indeed, offenders are often very good at feigning the acceptance of responsibility. The narcissist provides an interesting test case for this proposition (see Fisher & Exline, 2006). This is because the narcissist has an egotistical preoccupation with the self (Strelan, 2007). Thus, when a transgression is committed, the narcissist is likely to seek out the personal benefits that stem from self-forgiveness (Fisher & Exline, 2006). The easiest route to accomplish this end is to intra-psychically pass the ‘responsibility buck’ to someone else (“she angered me”), something else (“the game is addictive”), or the situation (“everyone was doing it”). Indeed, Wohl and McLaughlin (2013) showed that narcissists tend to externalize responsibility for their transgressions (blamed another person or circumstance), which yields a greater willingness to self-forgive—a sign that narcissists are apt to engage in pseudo-self-forgiveness. These results are in line with those of Tangney et al. (2005) who found that self-forgiveness is typically offered by narcissists who show low levels of guilt and low empathic responsiveness after they commit transgressions. Self-forgiveness for selfish reasons is, however, not solely an act of the narcissist. It is important to note that, in general, people are biased in the attributions they make about their personal failures—people are apt to externalize blame in order to maintain a positive self-concept (see Miller & Ross, 1975). Given that it is psychologically easier to downplay personal responsibility—shift blame outward—than to look inward and take the ensuing blow to self-regard, is it possible to move people away from engaging in pseudo-self-forgiveness, and the resultant negative behavioral consequences?

Wenzel et al. (2012) suggested that providing the opportunity for confession and other conciliatory behaviors that reaffirm the values the wrongdoer violated might impede the course toward pseudo-self-forgiveness. Through confession and other conciliatory behaviors, the

wrongdoer reasserts (to the self and perhaps others) that (s)he still holds the values they violated in high esteem and that the violation of those values was out of character. Across two studies, they found evidence for their contention. When the wrongdoer's values were reaffirmed, the process of genuine self-forgiveness was facilitated. This is because value reaffirmation maintains self-regard, thus providing psychological room to accept responsibility for wrongdoings. Perhaps more importantly, by shifting participants away from pseudo-self-forgiveness toward genuine self-forgiveness, the motivation to engage in behavioral change would return—a motivation that is typically absent when a person minimizes their responsibility for committing a wrong and pseudo-self-forgives.

Thus far, we have outlined situations in which people accept less responsibility than they should for their wrongful behavior, yet self-forgive. There are times, however, when people accept responsibility in situations where responsibility is not warranted or accept more responsibility than is warranted. For example, sexual assault victims might accept responsibility for their victimization when it is not warranted (“I shouldn’t have drunk so much alcohol that evening”). Likewise, spinal cord injury patients who focus on how the self could have avoided injury tend to assume more responsibility than warranted (see Davis, Lehman, Silver, Wortman, & Ellard, 1996). Although behavior might change, a primary outcome in each of the aforementioned examples is likely a reduction in psychological and physiological well-being (see Branscombe, Wohl, Owen, Allison, & N’gbala, 2003; Davis, Wohl, & Verberg, 2007) and a lack of self-forgiveness (Wohl et al., 2008). To regain a state of psychological equilibrium, the wrongdoer would need to foster self-compassion—the ongoing and active process of offering the self-kindness and understanding (Neff, 2003, 2011; Shapira & Mongrain, 2010). While self-forgiveness and self-compassion might appear synonymous, they are distinct constructs. Self-forgiveness is episodic in nature (i.e., forgiving the self for a particular wrongdoing). In contrast, self-compassion is a dynamic practice that a person is constantly

cultivating regardless of any wrongdoing. Thus, in the absence of self-forgiveness, self-compassion might assist the wrongdoer in achieving some peace of mind (see Leary, Tate, Adams, Allen, & Hancock, 2007).

III. Journal Exercise

Consider the three categories of forgiveness outlined by Wohl and McLaughlin. Can you think of an instance in your life for each category; good, bad, and ugly self-forgiveness?

Ruminations

It was said in the beginning of this chapter that these materials are not meant to persuade or tell the reader what to think about forgiveness. Rather, they are meant to provide possible lenses for viewing these concepts—a context for thinking about giving forgiveness and seeking forgiveness.

Forgiveness can never be taken, bought, sold, or traded. It cannot be stolen. It may be one of the few things that people truly own, regardless of outside interference. Even when granted, it indicates the strength of its source. A denial of forgiveness implicates no character flaw, but it can be requested.

A genuine person can grant themselves forgiveness, but the same rules apply. Self-forgiveness cannot be forced or coerced. To be real, forgiveness must be genuine, otherwise it is illusory. It is not the same as ignoring or justifying a wrong; it is a form of understanding the offense and the person (self) that perpetrated it. Remember Sarah Montoya's words: "*you are more than that.*" To conclude this course, there is one final journal exercise.

Final Journal Exercise

The authors have their own ideas about how and why these materials go together. What are your thoughts?

Do you feel that you have gained something from this course? If so, what?

Finally, if you were to describe this course and the materials therein to someone similarly situated but did not take the course, what would you say about it?

With that, we would like to leave you with what we believe is a universal truth, as spoken from one of our favorite authors and legal scholars:

“[E]ach of us is more than the worst thing we’ve ever done...if someone tells a lie, that person is not just a liar. If you take something that doesn’t belong to you, you are not just a thief. Even If you kill someone, you’re not just a killer.”

-Bryan Stevenson

GLOSSARY

Altruism Unselfish regard for or devotion to the welfare of others.

Ameliorate To make better.

Amnesty A pardon extended by the government to a group or class of persons, usually for a political offense; the act of a sovereign power officially forgiving certain classes of persons who are subject to trial but have not yet been convicted. Unlike an ordinary pardon, amnesty is usually addressed to crimes against state sovereignty — that is, to political offenses with respect to which forgiveness is deemed more expedient for the public welfare than prosecution and punishment. Amnesty is usually general, addressed to classes or even communities.

Atavistic Recurrence in an organism of a trait or character typical of an ancestral form and usually due to genetic recombination

Axiom An established rule or principle or a self-evident truth.

Castigate To subject to severe punishment, reproof, or criticism.

Collateral Consequence Collateral consequences are legal and regulatory restrictions that limit or prohibit people convicted of crimes from accessing employment, business and occupational licensing, housing, voting, education, and other rights, benefits, and opportunities.

Colloquial Used in or characteristic of familiar and informal conversation.

Contrite Feeling or showing sorrow and remorse for improper or objectionable behavior, actions, etc.

Defamation Malicious or groundless harm to the reputation or good name of another by the making of a false statement to a third person.

Denigrate To deny the importance or validity of; belittle.

Deontological The theory or study of moral obligation.

Diminution The act or process of decreasing, lessening, or taking away.

Fallacy An often plausible argument using false or invalid inference.

Invidious Of a kind to cause harm or resentment.

Modal Of, relating to, or constituting a grammatical form or category characteristically indicating predication of an action or state in some manner other than as a simple fact.

Morphology A branch of biology that deals with the form and structure of animals and plants.

Pardon The act or an instance of officially nullifying punishment or other legal consequences of a crime. A pardon is usually granted by the chief executive of a government. The President has the sole power to issue pardons for federal offenses, and state governors have the power to issue pardons for state crimes.

Pedagogy The art, science, or profession of teaching.

Polygenic Involving two or more nonallelic genes collectively in determining inherited characteristics.

Predisposition A liability or tendency to suffer from a particular condition, hold a particular attitude, or act in a particular way.

Prima Facie Based on the first impression; accepted as correct until proved otherwise.

Puerile Juvenile, childish, or silly.

Simulacrum Image, representation.

Utilitarianism A doctrine that the useful is the good and that the determining consideration of right conduct should be the usefulness of its consequences.

Specifically : a theory that the aim of action should be the largest possible balance of pleasure over pain or the greatest happiness of the greatest number.