

May there be irreparable or unforgivable breaches of trust?¹

Jean-Christophe Merle²

Abstract

Breaches of trust cause diverse emotional reactions, ranging from anger to resistance, and even to violent actions. Yet, despite these reactions and this anger, one may keep cooperating with persons whom one no longer trusts, or even distrusts, and whom one likely does not forgive. One may be tempted to assume that continuance of anger and resumed cooperation are incompatible, and to conclude from this assumption that one's continued cooperation is either hypocritical or irrational. Both conclusions are fallacies. Emotions, decisions, and rationality are three separate issues. The first task of this paper is (i) to dispel conceptual confusions between continued cooperation, resumed trust, reconciliation, and forgiveness after breaches of trust on the basis of a conceptual analysis. It argues (ii) that whether a breach of trust is reparable and, whenever it is, under what conditions depends on the kinds of breaches of trust, and (iii) that one should not confuse overcoming resentment and anger with suppressing them. It then argues (iv) that there is nothing fundamentally unforgivable. It enquires into the source of the erroneous thesis according to which some misdeeds are fundamentally unforgivable. (v) A reason for this belief consists in assigning the victim – instead of ethical norms – the key role in the process of forgiveness. (vi) It attempts to refute arguments in favor of this belief, and finally (vii) to locate the interest underlying the assertion of the existence of misdeeds that were fundamentally unforgivable.

Keywords: breach of trust, trust, reconciliation, cooperation, forgiveness, unforgivability, anger, resentment, emotion.

¹ Saggio ricevuto in data 13/03/2022 e pubblicato in data 25/05/2022.

² E-mail: Jean-Christophe.Merle@uni-vechta.de.

1. Can resumed cooperation be a criterion for restored trust?

Breaches of trust may have diverse causes. In politics, for instance, these cases may be corruption, inefficiency, incompetence, counterproductive or even damaging measures, failed or weak institutional guaranties, authoritarian measures, crimes against humanity etc. The emotional reaction ranges from mere distrust to anger, and sometimes to resistance or even to violent actions. A few years ago, in Brazilian restaurants, politicians suspected to be corrupt – who were not few, since investigations for corruption were underway against more than half of the members of parliament – were booed by other customers as “ladrões”, that is, thieves. In the heat of their anger, those persons might have said that such breaches of trust are irreparable or unforgivable. Yet, despite this widespread anger, voters often keep electing politicians who they do not trust, or even distrust, and whom they likely do not forgive. One may be tempted to assume that continuance of anger and resumed cooperation are incompatible, and to conclude from this assumption that those people are either hypocrites or irrational. Both conclusions were fallacies. Emotions, decisions, and rationality are three different issues.

Distinguishing these issues from one another is not obvious. According to Robert Axelrod, for instance, the most successful game strategy, *tit for tat*, reacts to an uncooperative single play of another player with one and only one uncooperative play. If the other player were to then respond with a cooperative play, the *tit for tat* strategist would react with a cooperative play³. This is what Axelrod calls «forgiveness», that is, restoring cooperation after the combination of a single retaliation and the modified behavior of the other player.

In the following, I will not challenge Axelrod’s assertion that *tit for tat* is the most successful strategy when the player has several options within the game at her disposal, but no other choice than remaining in the game with her counterpart. Instead, I disagree on the following points with Axelrod regarding the use of the word «forgiveness»: (i) although forgiveness may influence the readiness to resume cooperation and may be more beneficial than unforgiveness, forgiveness does not consist in such a readiness, but instead of an emotion, (ii) a counterpart’s uncooperative play disadvantages me without necessarily being a wrong, that is, an act that is morally wrong, whereas forgiveness presupposes that the forgiver has been wronged; (iii) forgiveness is independent from the continuation of the game with the counterpart.

Another emotion that motivates cooperation seems to be more closely linked to the continuation of the game: trust. In fact, the restoration of trust usually motivates the resumption of cooperation. Yet, in the situation described above – in which, upon my retaliation, my counterpart responds with a cooperative play – I may renew with a cooperative play, but this does not imply that I resume trusting in my counterpart. Indeed, *tit for tat* is a strategy that does not refer to trust. It merely prescribes as beneficial the following sequence: to a cooperative play, counterpart’s uncooperative

³ See R. Axelrod, *The Evolution of Cooperation*, Basic Books, New York 1984, p. 36.

play, retaliation, counterpart's cooperative play, cooperative answer. It says nothing about the motivation to comply with this strategy, nor about emotion in general, nor the particular emotion of trust caused by my counterpart's cooperative play.

For these reasons, in the following, I will not consider resumed cooperation – whether this is a rational decision or not – as a criterion for assessing forgiveness or restoration of trust. Nor will I take the absence of renewed cooperation as a criterion for asserting the existence of anything irreparable or unforgivable. Instead, I will consider restored trust and forgiveness as emotions.

2. *Some conceptual confusions between trust, reconciliation, and forgiveness*

Trust and forgiveness are emotions, and, as all human emotions, they are submitted to norms related to a breach of trust and the restoration of trust after a breach. Annette Baier expresses this point correctly, when she writes:

Overwillingness to excuse untrustworthiness, as well as undue distrust, may not merely deprive me of a good, but may destroy a minisystem, a little network of mutually beneficial expectations. Uncomplaining or automatically forgiving long-suffering invites its own continuation. [...] Unforgiving rigidity and, at the other extreme, easygoing willingness to keep on forgiving, are both dysfunctional weaknesses, if our goal is to maintain and repair a network of beneficial trust, one composed of normally faulty human persons. [...] To forgive seventy times seven for the same wrong from the same person, or even from persons of some one group (if only we could be confident how to group people in trust-relevant ways), would be treachery to one's fellows, who could also become victims⁴.

Because of the existence of norms for emotions in restoration of trust and for forgiveness, there can be a deficit or an excess of these emotions. In the following, I will consider neither the restoration of trust nor forgiveness as they could possibly exist, but as they should (and can) be. This point is linked to the following one.

Both restored trust and forgiveness are three-parts relations. A person A trusts in / distrusts a person B for x. A person A forgives / does not forgive x by a person B. In the following, I intend to inquire into the x that can / can never be forgiven (respectively that can / can never be the object of trust again). Accordingly, I adopt as the title of the present article, “May there be irreparable or unforgivable breaches of trust?”, not “Are there persons who cannot forgive or trust again after certain breaches of trust?”.

Baier seems to identify the «overwillingness to excuse untrustworthiness» with «easygoing willingness to keep on forgiving», on the one hand, and «undue distrust» with «unforgiving rigidity», on the other hand. She also seems to oppose «excus[ing] untrustworthiness» to «undue distrust», thus suggesting an identification of

⁴ A.C. Baier, *Trust. The Tanner Lectures on Human Values*, 6-8 March 1991, p. 135. (<https://tannerlectures.utah.edu/resources/documents/a-to-z/b/baier92.pdf>)

«excus[ing] untrustworthiness» with restoring trust. By doing so, Baier's quote provides us with one of the many examples of a lack of clear determination of the conceptual relationship between forgiveness and the restoration of trust in numerous philosophical essays on forgiveness and trust.

A similar lack of clarity can be observed regarding the conceptual relationship between forgiveness and reconciliation, on the one hand, and restoring trust and reconciliation, on the other hand; hence, also between forgiveness and restoring trust. Trudy Govier, for instance, writes: «The word 'reconciliation' is often used quite loosely [...] to mean no more than non-violent coexistence. [...] Non-violent coexistence in this sense is based on minimal trust ('they are no longer trying to kill us off') and does not require anything like forgiveness»⁵.

To this minimal sense of trust, Govier opposes a maximal sense, which she first seems to consider as the correct one: «To be worthy of the name, reconciliation must involve more than non-violent co-existence. When it does, attitudes matter and at this point, trust and forgiveness become integral aspects of reconciliation»⁶. Govier details this maximal sense: «Such reconciliation would be based on acknowledgement, often expressed in public confessions, followed by repentance, restitution, forgiveness by victims, and eventual attitudes of warm acceptance»⁷.

Yet, Govier then introduces a third sense of trust, which she also seems to consider as a correct one:

But there is a significant third possibility: reconciliation as the building of trust for sufficient sustainable co-operation. Maximal and minimal reconciliation are not the only options. On this third possibility, feelings and attitudes are important [...]. If trust is to be restored, resentment and anger will need to be removed, because they are highly significant obstacles⁸.

Obviously, Govier connects restoring trust to forgiveness and reconciliation – both in the second, maximal sense, and in the third sense of trust. In the following quote, Govier tries to precisely articulate this connection, referring to the example of conjugal breach of trust:

To regain trust and a sense of security, the injured person needs to overcome her resentment and fear. She needs acknowledgment and reassurance as a basis to forgive and come to trust again, seeing the other as one who will not hurt again. To reconcile with her partner, she has to trust him; and to trust him, she has to forgive him. So, in this kind of case, reconciliation and forgiveness go together⁹.

⁵ T. Govier, *Forgiveness and Revenge*, Routledge, London- New York 2002, p. 142.

⁶ Ivi, p. 143.

⁷ Ivi, p. 143, f.

⁸ Ivi, p. 144.

⁹ Ivi, p. 141.

Govier points out three key components of both forgiveness and restored trust: (i) the «acknowledgement» by the breacher that the breach was not the appropriate action, (ii) the importance of a change of «attitudes», and (iii) the overcoming of «resentment and fear». But another aspect remains unclear. If, according to Govier, restoring trust presupposes forgiveness, what does restored trust add to mere forgiveness? Govier sees «acknowledgment and reassurance», and «seeing the other as one who will not hurt again» as components of forgiveness. But Govier does not provide any indication about what forgiveness adds to these components. The «eventual attitudes of warm acceptance» that Govier mentions cannot be an additional component, since they belong only to the maximal sense. As a result, restored trust and forgiveness appear to be quite identical, although Govier obviously considers them as two different concepts, since she tries to distinguish them from another.

The source of the confusion consists in overlooking three major differences between the respective *x* that I mentioned above: a person A trusts in / distrusts a person B for *x*. A person A forgives / does not forgive *x* by a person B. (i) In the case of trust – whether prior to the breach of trust or after the restoration of trust – this *x* pertains to the future, whereas, in the case of forgiveness, this *x* belongs to the past. (ii) In the case of trust, *x* consists in an advantage or in the avoidance of harm, whereas, in the case of forgiveness, it consists in moral wrongdoing. Therefore, (iii) forgiveness essentially entails a moral component that is not necessarily present in trust. (iv) Restoring trust consists in regaining an *x*, whereas forgiving erases an *x*. Admittedly there are numerous cases in which forgiveness and restored trust are both present, or even concomitant. In the following, it is of paramount importance to keep the conceptual distinction between restored trust and forgiveness in mind. In so doing, I will argue that, whereas there may be irreparable breaches of trust, none of them can be fundamentally unforgivable.

3. Might breaches of trust be irreparable?

Moreover, trust and confidence are two clearly distinct concepts. In trusting persons, groups of persons, or institutions, one is confident of the occurrence of some state of the world, that is, of something happening, remaining as it is, changing or disappearing. However, trusting in a person means having confidence that this person will deliberately contribute to the occurrence of some state of the world in the future, whether this future is close or remote. This latter form of confidence is mainly of the following three kinds:

- (i) confidence in the moral disposition of the trusted agent,
- (ii) confidence in the competence of the trusted agent,
- (iii) confidence in the institutions in the framework of which the trusted agent acts.

Each kind can be breached, the first one, for instance, by a corruption scandal; the second one, for instance, by a policy's counterproductive or damaging results or

it's side-effects; the third one, for instance, by a failure to properly hinder an attempted abuse of power. Although the third one relates primarily to the trust in institutions rather than in persons, it is indirectly linked to the trust in the persons in charge of the institutions.

Breaches of trust can lead to diverse kinds of lack of trust or distrust, as far as an inability to trust at large, as Baier explains:

Trust comes in webs, not in single strands, and disrupting one strand often rips apart whole webs. [1] Sometimes we judge that this has to be done, despite the cost to “innocent” victims. [2] And all of us, as ones caught up in such webs of trust, know that sometimes the abrupt cessations of friendly and mutually trusting relationships mysteriously inflicted upon us by some people can be responses to the offenses of others in the same web¹⁰.

Baier's examples are interesting in several respects, including the following ones related to two situations that I have numbered in square brackets in the quotation. One of them depicts a situation in which the breach of trust may be caused by a morally arguable application of the so-called doctrine of “double effect”, which unavoidably makes «“innocent” victims». In such a case, the trust breaching person does not bear moral guilt, and this circumstance may be well-known by the unfortunate innocent victim. Upon a change of circumstances, the situation in which the doctrine of double-effect applies may end, but the victim's reaction to the breach of trust is not necessarily fully renewed trust. It may be more limited trust or deep distrust. Another regard in which Baier's quotation is interesting is the second depicted situation in which trust may be terminated because of a breach of trust that does not lie in the trusted person, but instead in another person whom one trusted in another matter. If this termination affects all persons who a person trusted before the breach of trust, the following, third kind of, situation occurs:

[3] Bad enough betrayals of trust lead not just to loss of a particular entrusted good but to a lasting inability to partake of that sort of trust-dependent good. And if the trust-dependent goods are the most precious, then that is a severe disability¹¹.

In the second and third situations, the termination of trust is not grounded in any demerit or in any change inherent to the person who was trusted as hitherto. In the same way, the restoration of trust is not grounded in all situations in a merit or in any change inherent to the person who caused the breach of trust. In other words, termination of trust and restoration of trust are submitted to moral normative standards only in some – not in all – kinds of situations. Instead, in all kinds of situations, termination of trust and restoration of trust are submitted to standards of rationality. The criterion is whether confidence or a lack of confidence is instrumentally rational – in relation to one's goals and values –, and to what degree.

¹⁰ A.C. Baier, *Trust. The Tanner Lectures on Human Values*, cit., p. 134 (square brackets are mine).

¹¹ Ivi, p. 130 (square brackets are mine).

The rationality of a – either full or partial – restoration of trust or of its denial depends on the rationality of renewing confidence under new circumstances. The kinds of confidence mentioned above may play an important role, and one kind of confidence might be partially replaced by another. But our question was not, whether some breaches of trust can be restored, but instead whether some breaches of trust may be irreparable. Let us look at the three aforementioned kinds of confidence from this perspective.

(i) *Case of a breach of trust due to a lack of confidence in the moral disposition of the trusted agent.* Here, the question is not whether one can exclude that a moral betterment of the trust breaching agent has happened or is to occur at some point in the future. Instead, the question is whether there is a factual basis for a sufficient rational confidence in an actual betterment. Not only the risk, but also the potential damage linked to a renewed breach of trust, must be evaluated, taking into consideration the damage caused by the initial breach of trust. Some damages, for instance, in cases of high treason, seem difficult to ever be overcome in such an evaluation.

(ii) *Case of a breach of trust due to a lack of confidence in the competence of the trusted agent.*

Admittedly, not every wrong decision, nor even multiple consecutive wrong decisions must always be evidence of incompetence. Caution is required drawing conclusions from wrong decisions and drawing consequences from such conclusions. In fact, trust is of a paramount importance in the context of our increasingly complex world that demands always more specialization and often overstrain the people. As Niklas Luhmann explains, trust usefully reduces complexity¹². Distrust because of some wrong conclusions may be careless and may paradoxically lead to trust untrustworthy persons. Cassam warns against such a stance:

There is contempt for the truth, contempt for experts, and, in the case of politicians, contempt for the public. Each of these varieties of contempt is detectable in the epistemic posture of politicians who dismiss evidence that conflicts with their prejudices and promote the idea that experts are not to be trusted. The contempt of these politicians is an affective quality of epistemic insouciance and explains their indifference to matters that ought to be of concern to a conscientious truth-seeker¹³.

Yet, gross miscalculation, gross misjudgment, repeated outbursts of fury, gross arbitrariness, pathologically irrational behavior and the like, may rationally be considered as strong evidence of a lack of competence. Such problems can be remedied, if at all, only in the long run.

Now, here the question is not even whether there is the factual basis for sufficient rational confidence in an actual enhancement of the competence, nor what the

¹² Cfr. N. Luhmann, *Trust and Power*, transl. by H. Davies, J. Raffan, K. Rooney, John Wiley & Sons, Chichester-New York 1979.

¹³ Q. Cassam, *Vices of the Mind*, Oxford University Press, Oxford 2019, p. 85.

potential damage linked to a renewed breach of trust may be. Instead, the decisive point is that there is no need for considering whether the competence of the trust breaching person might have improved. In fact, there are enough qualified candidates for replacing such persons whose competence clearly failed. This is a decisive difference between the lack of confidence in the competence of a trusted agent and a lack of confidence in the moral disposition of the trusted agent. In fact, unlike the extreme cases that I have just mentioned, which fortunately are a minority of humankind, moral weakness is extremely widespread.

(iii) *Case of a breach of trust due to a lack of confidence in the institutions in the framework of which the trusted agent acts.* Here, the condition for restored trust is a reform of the institution(s). Where it does not happen, trust could be, at most, restored only through non-institutional solutions, if any. To this extent, the merely rhetorical character of Potter's question is justified: «Can trust be restored, or developed, when the kind of damage done through systemic power imbalances seem so historically thorough?»¹⁴ The conclusion from this is that, in some case, the breach of trust may be irreparable for normatively and rationally valid reasons.

Yet, this conclusion should not be overly dramatized, particularly in two regards. First, this conclusion does not mean that all cases of irreparable breaches of trust are cases of distrust. D'Cruz rightly distinguishes the lack of trust, as mere negation of trust, from distrust:

While trust and distrust are not mutually exhaustive, they do seem to be mutually exclusive.

[...] Just as distrust is not the absence of trust, so also trust is not the absence of reliance. You may decide not to rely on someone for reasons that have nothing to do with distrust. Reliance, like trust, can sometimes be a burden, and you may have reason not to so burden someone. Moreover, a judgment that someone is untrustworthy is very different from a judgment that it is not wise to rely on them¹⁵.

Second, the lack of trust is most of the time not to be understood in a binary way: either the initial trust is fully restored or trust is entirely lacking. There are examples of options that lie in between, such as the case of a Macedonian village in which Macedonians and Albanians coexist, as described by an article from 1999 in the *New York Times* that Govier refers to: «Any trust required between these groups is quite limited; they live separately and co-operate only minimally, and because this is the case, there seems little need for forgiveness for wrongs committed in the course of past enmity»¹⁶.

¹⁴ N.N. Potter, *Interpersonal Trust*, in J. Simon (edited by), *The Routledge Handbook of Trust and Philosophy*, Routledge, New York-London 2020, pp. 243-255: 252.

¹⁵ J. D'Cruz, *Trust and Distrust*, in J. Simon (edited by), *The Routledge Handbook of Trust and Philosophy*, cit., pp. 41-51: 41.

¹⁶ T. Govier, *Forgiveness and Revenge*, cit., p. 142.

4. *A fallacy about the relation between restoring trust and forgiveness*

Govier does not explain what does, in the case of this village, the “limited trust” consist in. Presumably, it consists in the confidence each community has in the other community to respect the separation and abstain from any aggressive move. As mentioned above, the *x* for which an agent trusts another agent consists in an advantage or in the avoidance of harm. In the case of that Macedonian village, the advantage of trust clearly lies in the avoidance of harm due to an active conflict.

Govier asserts that, because in this case trust is very limited, «there seems little need for forgiveness for wrongs committed in the course of past enmity». The opposite conclusion that Govier suggests is that wherever trust is intended not to be significantly limited, forgiveness for past wrongs is needed. Her assertion is presumably grounded on (i) «resentment and anger» being «highly significant obstacles»¹⁷, and on (ii) forgiveness entailing «overcome[ing] resentment and fear»¹⁸. Let us analyze this opposite conclusion. The premises are: (i) Resentment and anger for past wrongs hinder trust, (ii) Forgiveness removes resentment and anger for past wrongs. The conclusion is: (iii) Forgiveness is needed. This argumentation contains at least two flaws. Indeed, on the one hand, overcoming resentment and anger does not necessarily mean getting rid of them. Overcoming resentment and anger only requires that resentment and anger do not prevail, that is, that another motivation(s) prevails. On the other hand, forgiveness – as removal of resentment of anger and fear – is not the only way for overcoming resentment and anger. Thus, Govier’s assertion that «[t]o reconcile with her partner, she has to trust him; and to trust him, she has to forgive him»¹⁹, is not only fallacious, but also, in some cases, fatal, because it sets a benchmark for trust that is much too high and may therefore hinder the restoration of trust. Thus, this assertion turns some reparable breaches of trust into irreparable ones.

5 *Is there anything fundamentally unforgivable?*

As mentioned above, whereas the *x* for which an agent trusts another agent consists in an advantage or in the avoidance of harm, in the case of forgiveness, the *x* that an agent forgives another agent for consists in a past moral wrongdoing. As I explained above, some breaches of trust are not caused by moral wrongdoings. Obviously, in such cases, the question of forgiveness does not apply. However, breaches of trust are caused by moral wrongdoings. Let us now inquire whether at least some of breaches of trust caused by moral wrongdoings may be unforgivable.

For this purpose, I will focus on the most serious moral wrongdoing. Let us assume, for instance, that a man has murdered a dozen times, that he tortured and killed small children, or that this person ordered mass murder, or even genocide.

¹⁷ Ivi, p. 144.

¹⁸ Ivi, p. 141.

¹⁹ *Ibidem*.

Many people would find these acts to be unforgivable, but, I ask, are they conceiving of it correctly?

For the victim, forgiveness consists of the justified disappearance of both resentment and the desire for vengeance. For the wrongdoer(s), it consists of the justified disappearance of both the negative feeling against themselves and the feeling that there is a duty to expiate. Ideally, forgiveness occurs in both the victim and the wrongdoer in a coordinated way. Yet, it may also occur as a one-sided phenomenon. Now, forgiveness and the lack of forgiveness are not only subjective emotions, but also the objects of objective intuitions and principles of social ethics. I shall be inquiring into the latter, which, in some parts, will substantially diverge from forgiveness as a mere subjective feeling. In respect to whether there is anything unforgivable as a matter of principle, one often thinks of what the victim does not want to forgive. In the following, I attempt to show that this view constitutes the core component of a conception of forgiveness that is ethically wrong.

6. *Does the victim really occupy the key function in the process of forgiveness?*

In the traditional conception of forgiveness – held by authors such as Vladimir Jankélevitch and Robert Spaemann – the wrongdoer can only ask for forgiveness from their victim²⁰. The victim is seen to be morally superior to the wrongdoer, and the victim should not necessarily forgive. This conception regards the act of forgiving as a voluntary and generous decision made by the victim. This view is untenable for at least five reasons.

1) It is moral intuition, which is emphasized for example by Paul Ricœur²¹, that the victim is not allowed to either forgive too quickly, to refuse to grant forgiveness for too long or to pose requirements that are too demanding for the wrongdoer to carry out. This moral intuition is quite prevalent in everyday practice.

2) Psychologists contrast the traditional view – the one which derives itself from the moral superiority of the victim – with a more *symmetrical* view of forgiveness. Forgiveness corresponds to the interests of the victim, which is the reason why Robert Axelrod calls the most successful strategy, that is, *tit for tat*, «forgiveness», although this name is misleading in other regards²². Not only the wrongdoer, but also the victim, may have the *need* for forgiveness and feel the psychic burden of a lack of forgiveness. In *On the Genealogy of Morality* and *Discipline and Punish*, Friedrich Nietzsche

²⁰ Cfr. V. Jankélevitch, *Le Pardon*, Aubier-Montaigne, Paris 1957; R. Spaemann, *Verzeihung*, in Id., *Glück und Wohlwollen*, Klett-Cotta, Stuttgart 1989, pp. 239-254: 252; see also N. Richards, *Forgiveness*, in «Ethics» 99, n. 1, 1988, pp. 77-97: 96; L. Allais, *Wiping the Slate Clean: The Heart of Forgiveness*, in «Philosophy & Public Affairs», 36, n. 1, 2008, pp. 33-68.

²¹ Cfr. P. Ricoeur, *Sanction, Réhabilitation, Pardon*, in Id., *Le Juste*, Editions Esprit, Paris 1995, pp. 193-208; see also P. Hieronymi, *Articulating and Uncompromising Forgiveness*, in «Philosophy and Phenomenological Research», LXII, n. 3, 2001, pp. 529-555: 552.

²² Cfr. R. Axelrod, *The Evolution of Cooperation*, cit., p. 36.

and Michel Foucault, respectively, highlight the role of the enjoyment of revenge or, in Nietzsche's terminology, the act of «making someone suffer» [*Leiden-lassen*] as a compensation for the victim. From a psychological perspective, however, this enjoyment is worth little compared to the consequences and risks for the person who exercises revenge. Compared to the advantages that cooperation brings about, the energies expended in exercising revenge are wasted energies.

3) Forgiveness is *not a decision that is made suddenly and at once*. Forgiveness is a decision that is the result of a *process*. Psychologists consider forgiveness as a process consisting of three steps²³. In the *first* step, the victim gathers the details about the trauma that eventually will stand to be forgiven. By doing so, the victim falls into the grip of fear or anger and she behaves in a way that is unusual for her, oftentimes incoherently and vengefully. Joseph Butler refers to this phenomenon in *Sermons*; where he considers it to be the opposite of forgiveness, terming it «resentment» and «revenge». In the *second* step of the process, a form of empathy comes into play: the victim attempts to make sense of the trauma that was suffered, to look for its cause, its motivation and its context within the larger context of the wrongdoer's *milieu*, as well as attempting to learn and become wiser from this experience. It is finally with the *third* step that forgiveness in the strict sense of the term comes into play. Psychologists characterize this result as a combination of the following changes: the victim gains restraint over negative emotions and judgments; there is a decreasing or disappearing motivation to retaliate or to merely keep aloof from the wrongdoer; and the victim may also restore benevolence toward the wrongdoer. In some cases, benevolence toward the wrongdoer can be fully reestablished and reconciliation with him may take place. Obviously, such an outcome presupposes an adequate interaction between the wrongdoer and the victim, which means that the wrongdoer must abstain from further offenses and demonstrate active repentance. Calhoun introduces the «aspirational forgiveness» as «a choice not to demand that [the wrongdoer] improve»²⁴. Yet, it is doubtful whether such an aspirational forgiveness can ever be morally right. At least, one must observe «that [...] we should wish for such a change of heart seems indeed to belong to the essence of forgiveness»²⁵.

4) In the process of forgiveness, the wrongdoer is placed on the same level as the victim. Even in traditional conceptions of forgiveness the moral superiority of the innocent victim is not the only fundamental element. Since the early Christian era, every human being is seen to be a sinner. According to Kant, it is «[...] a duty of virtue not only to refrain from repaying another's enmity with hatred out of mere

²³ Cfr. K. Coop Gordon, D.H. Baucom, D.K. Snyder, *Forgiveness in Couples. Divorce, Infidelity and Couples Therapy*, in E.L. Worthington (ed. by) *Handbook of Forgiveness*, Routledge, London 2005: 407-422: 408; N.G. Wade, E.L. Worthington, J.E. Meyer, *But Do They Work? A Meta-Analysis of Group Interventions to Promote Forgiveness*, in E.L. Worthington (ed. by) *Handbook of Forgiveness*, cit., pp. 423-440.

²⁴ C. Calhoun, *Changing One's Heart*, in «Ethics», 103, n. 1, 1992, pp. 76-96: 95.

²⁵ A. Kolnai, *Forgiveness*, in «Proceedings of the Aristotelian Society», LXXIV, 1974, pp. 91-106: 104.

revenge but also not even to call upon the judge of the world for vengeance, partly because a human being has enough guilt of his own to be greatly in need of pardon»²⁶.

The contemporary psychologists Malcolm, Warwar and Greenberg state that empathy toward the injurer involves being able to see the other person as acting in a quintessentially human manner, which may flow out of the context of her own self-focused needs and perceptions. It includes (but does not require) the possibility of recognizing that what the injurer did was similar to something one has done or could do under the same circumstances²⁷.

Admittedly, to see the wrongdoer in this light, in no way means having to excuse or forgive her.

5) Forgiveness provides the victim with a utility that is not connected to the pleasure of making the wrongdoer suffer. It is therefore misguided to assume that forgiveness originates from generosity. According to Axelrod, the most successful game strategy, *tit for tat*, reacts to an uncooperative single play of another player with one and only one uncooperative play. If the other player were to then respond with a cooperative play, the *tit for tat* strategist would react with a cooperative play. Forgiveness consists in restoring cooperation after the combination of a single retaliation and the modified behavior of the other player. Therefore, unlike the traditional conception, this model excludes neither resentment nor revenge, but it does limit their role. Even authors such as Jean Hampton and Jeffrie Murphy – who embrace the victim’s entitlement to “resentment” when considered as self-defense and as an expression of self-respect²⁸ – do not conceive of resentment in absolute terms, but, instead, regard it to be a *means*: to them it is an incentive for the wrongdoer «not to wrong» the victim again²⁹. Kant’s *Doctrine of Virtue* originates from the same deterrent perspective. Kant differentiates between forgiveness and the «*meeke toleration of wrongs*», that is, a «renunciation of rigorous means [rigorosa] for preventing the recurrence of wrongs by others»³⁰.

In this regard, the mothers of the victims of the Argentinean military dictatorship of the 1970s (*Las Madres de Plaza de Mayo*) are completely correct. They are not satisfied with the affirmation of regret on the part of the criminals, protesting against their amnesty and demanding a criminal trial for those who tortured their children. Similarly, some victims of the crimes of the former South African apartheid government rightfully criticize that the sweeping impunity for such crimes is made out to be

²⁶ I. Kant, *Metaphysical First Principles of the Doctrine of Virtue*, in *Practical Philosophy*, transl. by M. Gregor, Cambridge University Press, Cambridge 1996, p. 578; TL, AA, 6: 460 f.

²⁷ Cfr. W. Malcolm, S. Warwar, L. Greenberg, *Facilitating Forgiveness in Individual Therapy as an Approach to Resolving Interpersonal Injuries*, in E.L. Worthington (ed. by) *Handbook of Forgiveness*, cit., pp.379-391: 385.

²⁸ Cfr. J.G. Murphy, J. Hampton, *Forgiveness and Mercy*, Cambridge University Press, Cambridge 1988, p. 24 f., p. 49 f.

²⁹ J.G. Murphy, *Forgiveness, Self-Respect and the Value of Resentment*, in E.L. Worthington (ed. by) *Handbook of Forgiveness*, cit., pp. 33-40: 35.

³⁰ I. Kant, *Metaphysical First Principles of the Doctrine of Virtue*, cit., p. 578; TL, AA, 6: 461.

«forgiveness», even though Desmond Tutu himself makes reference to it as a «decision of *realpolitik*»³¹ that serves to prevent civil war and promote stability.

7. *Reasons for subjective unforgivability*

The coordination process through which an ethically correct forgiveness is achieved is of a conscious one, since both the wrongdoer and the victim know which steps are required first from the wrongdoer and then from the victim. In contrast, the merely subjective process of forgiveness depends on emotional moves which become the conceptualizable emotion of forgiveness or denial of forgiveness, beginning with a process that integrates the entire past history of the relationship between the wrongdoer and the victim as well as their projects, cultural background, etc.

Most of the arguments in favor of the thesis, according to which there are things that are unforgivable as a matter of principle, refer to something subjectively unforgivable. They all make the victim's key function absolute.

1) One traditional conception of forgiveness consists in considering it to be the repayment of a debt toward the victim. Now, such a repayment may be understood in one of two ways. It means either a radical transformation of the wrongdoer's behavior or some form of compensation provided to the victim for the harm that she suffered from the wrongdoer. I have hitherto been arguing for the former, but now I shall make a few remarks about the latter interpretation. Compensation for damages by the wrongdoer, insofar as it is possible, does indeed count as one of the preconditions for forgiveness. If forgiveness, however, merely were compensation for the damage suffered by the victim, then it would have at least three results that are incompatible with any conception of forgiveness. First, a third-party would be allowed to intervene on behalf of the wrongdoer and provide compensation for the loss. Secondly, a remorseful wrongdoer who is not able to provide compensation would not be allowed to be forgiven. Thirdly, the act would be undone by the acquittal. Now, in reality, forgiveness never excludes, but rather always includes the remembrance of the wrongdoing³². Forgiving suppresses the wrongdoer's internal guilt, not the remembrance of the wrongdoing. The unanimous opinion is that what is forgiven is not only *not* forgotten, but that it is also imputed to the wrongdoer. As Nietzsche points out, forgiveness requires that one differentiate between the action and the agent. The morally wrong action is imputed to the agent, but the agent is not reduced to his wrong action.

³¹ See D. Tutu, *The Spirituality of Reconciliation*, Address at the Washington National Cathedral, November 13, 2007.

³² Cfr. L. Allais, *Wiping the Slate Clean: The Heart of Forgiveness*, cit.

2) In some cases, the process of forgiveness demands more efforts from the victim than from the wrongdoer³³. This is no reason for considering the wrongdoing to be unforgivable. Let us consider an example. Some scholars, such as Vladimir Jankélevitch³⁴, consider forgiveness as requiring the wrongdoer to show remorse with a sincerity that is beyond any doubt. From this, they draw the conclusion that forgiveness is impossible. Since a person can never know what the true motives of another person (or even one's own motives) really are, such a perspective should lead to a universal mistrust between human beings. Now, such a universal mistrust is contradicted by the existence of interpersonal relationships, which must, at best, rely on plausible interpretations of behavioral patterns and emotional signals.

3) Some scholars, such as the sociologist Georg Simmel, identify forgiveness with reconciliation. R.S. Downie considers that «An injury involves the severing of the relationship of agape, and forgiveness its restoration»³⁵.

Yet, admittedly, reconciliation is impossible without forgiveness, but forgiveness can occur without reconciliation. For instance, psychologists have observed that: «An important aspect of conceptualization of forgiveness is that it does not stipulate that partners must reconcile in order for forgiveness to occur. Partners can decide to terminate the relationship and still fulfill the conditions of forgiveness»³⁶.

In cases such as sexual assaults, especially under circumstances involving incest, successful therapy and forgiveness are contingent upon the abuser severing all relations with the victim; therefore, forgiveness must be achieved without reconciliation³⁷.

4) According to Georg Simmel, resentment and the desire for vengeance gradually happen to be outweighed in the eyes of the victim by the wrongdoer's positive traits that the victim eventually discovers or *rediscovers*³⁸. Simmel describes the case of «irreconciliability» as one in which the «particular contents» of the conflict either become the «very center of the personality» or the «psychological precipitate of the conflict» becomes «isolated» in the victim's overall psychological context³⁹. Forgiveness still takes place in the second case, even though the relation either ceases to exist or was reduced in value. Although Simmel identifies forgiveness with reconciliation and considers forgiveness as irrational, which I argue are both incorrect

³³ See, for example, J. Montmarquet, *Planned Forgiveness*, in «American Philosophical Quarterly», 44, n. 3, 2007, pp. 285-296: 285 f.

³⁴ Cfr. V. Jankélevitch, *Le Pardon*, cit., p. 213.

³⁵ R.S. Downie, *Forgiveness*, in «The Philosophical Quarterly», 15, n. 59, 1965, pp. 128-134: 133.

³⁶ K. Coop Gordon, D.H. Baucom, D.K. Snyder, *Forgiveness in Couples. Divorce, Infidelity and Couples Therapy*, in E.L. Worthington (ed. by), *Handbook of Forgiveness*, Routledge, London 2005, pp. 407-422: 407.

³⁷ Cfr. J.G. Noll, *Forgiveness in People Experiencing Trauma*, in E.L. Worthington (ed. by) *Handbook of Forgiveness*, cit., pp. 363-375: 371.

³⁸ Cfr. G. Simmel, *Conflict*, in Id., *Conflict and the Web of Group-Affiliations*, transl. by K.H. Wolff, Free Press., Glencoe 1955, pp. 11-124: 122.

³⁹ *Ibidem*.

assertions, this case clearly implies that forgiveness can take place without any reconciliation.

5) One often confuses the absence of forgiveness in individual cases with unforgivability as a matter of principle. Yet, even in the case of a failed process of forgiveness, one cannot exclude the possibility that the process can be resumed at a later point and that it might then succeed – at least as long as the process has not come to renewed offenses. As Martin Luther King Jr. said, forgiveness may take time.

Even the death of the victim does not make forgiveness impossible, contrary to what Hannah Arendt believes⁴⁰. It is fairly well known that Hans Jonas and Vladimir Jankélevitch argued that the genocides of the Second World War are unforgivable. Also, along the same lines, the Nobel Prize winner Elie Wiesel penned «A Prayer of Unforgiveness». Their wording and their lack of any expression of *resentment* clearly show, however, that these authors are not taking a position that is *against forgiveness*, but, rather, they are calling *for the remembrance* of these atrocities so that they may never occur again.

Let it be noted that the thesis of unforgivability after the death of the victim, if it were to apply at all, would result in exactly the opposite of what is usually strived for when it is used in the first place. Instead of separating one type of especially heinous crime from all the others, this thesis serves to make all violations, however minor they may be, unforgivable after the death of the victim. This objection therefore rests on confusing a contingent ending of the forgiveness process with an impossibility of *forgiveness grounded in principles*. In other words, this thesis confuses *privatio* with *contradictio*. In reality, a wrongdoer can fulfill the requirements for forgiveness by showing remorse after the death of the victim and altering their behavior to make a sincere effort not to cause further harm to any more people. Also, *vice versa*: the victim can forgive a deceased wrongdoer who has already begun the process of forgiveness before her death.

Last but not least, one can dismiss the existence of principally unforgivable actions through a *reductio ad absurdum*. Let us assume that there was an infringement so grave and abominable that one might very well consider it as “unforgivable”. Why then should the wrongdoer, who is allegedly eternally unforgivable, not only be punished, but also be expected to display a specific moral behavior? History has shown that various acts can be awaited from the criminal: that the criminal be put out on the pillory and the people take their revenge; that the wrongdoer feels shame and hides on the margins of society or lives in exile; or, that the wrongdoer keep expiating for the remainder of her life. In all of these cases, one demands exactly what is required for forgiveness and what necessarily belongs to the process of forgiveness: one demands confession of the guilt, remorse and new maxims that govern the actions of the wrongdoer. Even though some people might feel relieved if a human being who bore a special guilt killed herself, most people, however, would much rather hear that the person at least showed remorse in the last moments of her life.

⁴⁰ Cfr. H. Arendt, *Vita Activa oder Vom tätigen Leben*, W. Kohlhammer, Stuttgart 1960, p. 233.

This goes to prove that the persons involved consider the process of forgiveness as unfinished rather than evidence for absolute unforgivability. This contradicts Jacques Derrida's conception of forgiveness that forgiveness is as much impossible (for remorse has no moral value) as it is necessary (for it is indispensable to the preservation of interpersonal relationships)⁴¹. In reality, forgiveness is possible for the reason that it is indispensable.

8. Which interest is underlying the assertion of unforgivability?

If a reconstruction of the ethics of forgiveness may not include any absolute unforgivability, why is the belief in such unforgivability so widespread? What interest or what misperception of interest can lead to this belief?

The victim's interest in this belief is obvious. The belief of unforgivability leads to rejecting the assumption that the victim and the wrongdoer are fundamentally situated on the same moral level, because both are potential sinners. Through unforgivability, the victim secures an everlasting superiority over the wrongdoer.

Public opinion usually considers a few particularly serious offenses as unforgivable; for instance, the serial torture and murder of young children or genocides. This view may be interpreted in two ways. It may follow a deterrent design, threatening potential wrongdoers with everlasting ostracism. But it may also externalize the evilness of the action, expressing the view that such particularly serious offences cannot really stem from society itself. In this way, the offence and the underlying evil are displaced into a «sanctuary» – using Durkheim's sociological meaning of the word. In this perspective, those particularly serious wrongdoers cannot be of the same kind as the wrongdoers who in fact demonstrate remorse and improve their behavior nor could they ever have been normal persons. In this view, the common person on the street can feel immunized against ever committing such serious offenses. This fallacy might turn out to distract the moral attention of the agent.

Not only the victim and the common person, but also the wrongdoer himself, may benefit from the fundamental inequality of moral status based on the thesis of unforgivability. Some wrongdoers still believe after the death of their victim that, even if they currently live an irreproachable way of life and sometimes even if the victim expressly forgave them, they cannot forgive *themselves*. I see three possible explanations for this phenomenon. Each of them is due to a misunderstanding of the concept of forgiveness.

The first explanation is that the wrongdoer not only regrets the offense but also feels ashamed because of it (in fact, the feeling of guilt is often combined with shame. Dillon, for instance, considers that what is to be forgiven by oneself as «a burden of guilt and shame»)⁴². This shame presupposes a separation of the human

⁴¹ Cfr. J. Derrida, *Le Siècle et le Pardon*, in Id., *Foi et Savoir*, Seuil, Paris 2001.

⁴² R.S. Dillon, *Self-Forgiveness and Self-Respect*, in «Ethics», 112, n. 1, 2001, pp. 53-83: 83.

being into two parts: into the wrongdoing part and the judging part. In this case, what causes the shame is not the specific form of guilt that the wrongdoer is trying to make amends for (by showing remorse, reforming themselves, etc.), but, instead, *it is the very possibility that the wrongdoer could do something that would require forgiveness*⁴³. These two parts of the same person are fundamentally on unequal moral footing: the judging part could never be a sinner. Now, according to Bernard Williams's analysis, shame does not lead to the fulfillment of our duty, that is, to a confession of our guilt, to regret and to reform, but, instead, it leads to their denial, to concealment, to lies and to further violations⁴⁴.

The second explanation for the impossibility of forgiving oneself rests on the supererogatory status of forgiveness in the traditional conception that I mentioned in the introduction. From this perspective, the wrongdoer can only ask their victim for forgiveness, since she is fundamentally unable to forgive herself, and the fulfillment of the precondition for forgiveness (confession of guilt, regret, reform, etc.) represents a *conditio sine qua non* but in no way a sufficient condition for forgiveness.

The conception of forgiveness as being supererogatory not only grounds unforgivability on the part of the victim, but it also underlies the unforgivability on the part of the wrongdoer. From the perspective of the supererogation, the confession of guilt, the regret and the reform of the maxims governing one's actions can always be improved. Supererogation, that is, demonstrating merit by doing more than one's strict duty, consists of three components⁴⁵. The first component is that one can do more than what one's duty is and that one gains moral merit through performing this surplus. The second component is that the effort exerted toward this surplus counts as a merit, whatever the result may be. The third component proceeds in the following way: if one does more than her duty, but does not do as much as one could have done had greater effort been exerted, then one has less moral merit than the person who merely fulfilled their duty because one appears to be less consistent. Thus, there is the possibility of a potentially unlimited increase on the path to deserving forgiveness. There is, however, no identified target for this increased effort, which betrays its vacuity. This conception results in the illusion, unmasked by Rüdiger Bittner⁴⁶, that suffering itself has a moral value; for example, the suffering caused by regrets, as well as, suffering caused by the pain of unforgivability. Because this feeling can distract us from the fulfillment of our duties in everyday life, it is even morally questionable.

⁴³ Cfr. R.S. Dillon, *How to Lose Your Self-Respect*, in «American Philosophical Quarterly», 29, n. 2, 1992, pp. 125-139: 128.

⁴⁴ Cfr. B. Williams, *Shame and Necessity*, University of California Press, Berkeley 1994; A. Gibbard, *Wise Choices, Apt Feelings. A Theory of Normative Judgment*, Clarendon Press, Oxford 1990, pp. 138 f.; J. Deigh, *Shame and Self-Esteem: A Critique*, in «Ethics», 93, n. 2, 1983, pp. 225-245.

⁴⁵ Cfr. U. Wessels, *Die gute Samariterin*, Walter de Gruyter, Berlin 2002.

⁴⁶ Cfr. R. Bittner, *Is It Reasonable to Regret Things One Did?*, in «The Journal of Philosophy», 89, 1992, pp. 262-273.

Whereas both the first and second explanations make the denial of self-forgiveness as immoral as the denial of forgiveness is when it is a matter of principle, the third explanation is ethically correct, but it supports forgivability rather than unforgivability. According to this explanation, the unforgivability thesis intends to express the sinful nature of human beings. Thus, even if we were to be forgiven for every guilt that we bear, the memory of every guilt would still remain preserved in us, and with it would remain the memory of a radical evil that can never be eradicated and that can at any moment induce us to offend our fellow human beings. In this case, it is our very human nature that we can never forgive ourselves. But, in this case, with whom can the process of coordination succeed or fail? Whether it succeeds or fails, it can neither be with fellow human beings, since they share the *conditio humana* with us, nor with other living beings. Even to refer to unforgivability on God's part makes little sense, because there is no theological indication of such an eternal unforgivability of human beings by God (at least in Christian theology): the *Lord's Prayer* even formulates the request that God forgive us in the same way in which we forgive others. Divine unforgivability would shift human beings into the category occupied by Satan, whose actions can only be evil and who therefore deserves eternal unforgivability. However, human beings are always capable of reform, from either a religious or a secular perspective.

Therefore, the alleged denial of self-forgivability can mean nothing other than a warning that is addressed to human beings in order to remind them not to forget their misdeeds and to hinder negative tendencies that continue trying to take control. For this reason, even the most serious moral wrongdoer, the person who committed the most serious trust-breach, and the most serious criminal should be forgiven.