

# FORGIVENESS AND PUNISHMENT

An Undergraduate Research Scholars Thesis

by

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# ABSTRACT

Forgiveness and Punishment

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## Literature Review

In writing my thesis, I must first examine the main theories of forgiveness. With my research, I have discovered two main accounts of forgiveness: the relinquishing of resentment account and forgoing punishment account. Jeffrie G. Murphy, one of the main advocates along with Pamela Hieronymi for the relinquishing of resentment account, argues that forgiveness is solely a feeling and change of attitude, it is letting go of one's negative feelings towards their wrongdoer and replacing them with neutral or positive feelings. When doing so, one must also fulfill three main respect conditions: 1) self-respect, 2) respect for the wrongdoer as a moral agent, and 3) respect for the moral laws (Hieronymi 2001, Murphy 2008). These essential conditions ensure that the victim is not forgiving on unfounded or poor reasons, for the victim must continue to respect themselves as an individual which ought not to be wronged, continue to respect the wrongdoer as someone who could have acted differently, and continue to hold that the action was indeed wrong (Murphy 2003). As long as these three conditions remain intact and the victim lets go of his resentment towards his wrongdoer, forgiveness has occurred.

Conversely, Leo Zaibert poses an account of forgiveness that is quite the opposite. Zaibert poses a theory of forgiveness which depends only on the victim's actions towards the wrongdoer. In this theory, how the victim feels towards the wrongdoer is irrelevant to whether forgiveness has occurred, for the only factor of importance is how the victim acts – specifically that the victim forswears punishment (Zaibert 2009). Thus, to forgive, all one must do is not punish their wrongdoer, whether that be social or criminally.

I find the main accounts for forgiveness to be lacking and not reflective of the truth of things. My solution to these stark contrasts is that forgiveness must be both feeling and action; one without the other is simply incomplete forgiveness. I will argue that a wrong conveys a message to the victim from the wrongdoer that the victim is less than the wrongdoer. To reestablish the equality between the two parties, the wrongdoer must sincerely repent to the victim, thus extinguishing their message and severing themselves from the wrong. In acknowledging this change of heart and removing the threat, the victim is now able to relinquish their resentment and other negative sentiments.

I further add a constructive element to this theory, influenced by Daniel Philpott's and Luke Russell's respective accounts of forgiveness, stating that the victim, in changing her actions, must reaccept the wrongdoer into the moral community and reestablish a relationship with the wrongdoer (Philpott 2013, Russell 2016). In reestablishing a relationship, I do not mean that the exact same relationship must resume, for it would be ridiculous to advocate for a victim of abuse to go back to their abuser after forgiving them. However, some relationship must be formed that is not "victim" and "wrongdoer," whether it be friends or acquaintances is up to the victim. In summation, I will pose an account of forgiveness that requires both a change of emotion and action,

while maintaining the three respect conditions, requiring repentance, and adding a constructive element.

Once completely defining my account of forgiveness, I am able to move on to define punishment. Here, I will use David Boonin's definition of punishment as an authorized, reprobative, retributive, intentional harm (Boonin 2008). After evaluating Boonin's definition, I will offer my critique of his using the term "retributive" and replace it with "reactive," ensuring the separation from this definition from the retributivist justifications for punishment. Once the definition of punishment is laid out, I will demonstrate how this applies to social punishment. In doing this, I bridge the gap between criminal and social punishment, showing that the two are relatively similar.

Finally, I will be able to examine the relationship between forgiveness and punishment, which I have not yet discovered for myself. Here too Zaibert and Murphy find themselves at odds, for while Murphy believes forgiveness and punishment to be compatible when punishing for reasons beyond resentment, Zaibert finds them to always be incompatible (Murphy 2008, Zaibert 2012). One possible avenue to take is Philpott's account of forgiveness as restoring justice. Philpott argues that since forgiveness removes the threat of the wrongdoing, it also restores justice between the wrongdoer and victim, making punishment obsolete (Philpott 2013).

### **Thesis Statement**

In this thesis, I will create and articulate account of forgiveness and punishment which I find to be the most accurate and truthful in order to define the relationship, if any, between forgiveness and punishment to answer my central question of whether one can forgive while endorsing punishment.

## **Theoretical Framework**

Throughout this thesis I will employ two main philosophical methods: conceptual analysis and the method of reflective equilibrium. Using conceptual analysis, I will examine the current accounts of forgiveness and punishment to discover their accomplishments and/or faults. The method of reflective equilibrium will be used when I pose my own theories of forgiveness, punishment, and their relationship. Here, I will test real world examples and scenarios against my theory to determine if it is truly the best conception.

## **Project Description**

My main focus in this thesis is the relationship between forgiveness and punishment, or, more specifically, whether one can forgive and punish at the same time. In order to do this, I will examine the various theories of forgiveness in order to develop my personal theory of forgiveness through combining what I find to be the strong points of the top forgiveness theories into one cohesive theory. The new theory of forgiveness that I will propose allows for both emotion and action play equal roles in the process of forgiveness. Unlike Jeffrie G. Murphy and Leo Zaibert, who solely focus on either emotion or action, I believe that the two are both essential to forgiving and further add constructive and conditional elements of forgiveness. After defending my account of forgiveness, I will move into defining punishment, both criminal and social, in order to examine the relationship, if any, between forgiveness and punishment.

It is my goal at the end of this paper to have created a conception of forgiveness that most closely aligns with the truth, in order to accurately represent the relationship between forgiveness and punishment, showing either that they are compatible, incompatible, or how their relationship is complicated. My account of the relationship between forgiveness and punishment will help us

understand our human condition, how to have flourishing relationships, and even poses policy implications.



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## INTRODUCTION

Amber Guyger, an off-duty police officer, mistakenly walked into the wrong apartment after a 13.5-hour shift, noticed the door was unlocked, and found a man on the couch. Thinking it was an intruder, she shot to kill the man, Botham Jean. Soon after, she realized this was not her apartment, this was his. After a long trial with the tension of a white off-duty officer shooting an unarmed black man in his own home, she was sentenced to prison for 10 years. While many were outraged at the short sentence compared to those received by many black criminals, Botham's 18-year-old brother, Brandt Jean, stunned the nation. Speaking to Amber and the courtroom, he states "if you truly are sorry...I forgive you." This utterance shocked the courtroom, but he continued to tell her "I love you just like anyone else, and I'm not going to say I hope you rot and die just like my brother did, but I personally want the best for you...I don't even want you to go to jail." Shortly after, he begged the judge to hug his brother's killer, which she allowed. Upon their long embrace, he again tells her he forgives her and begins praying aloud over her. You can hear their cries and the crying of others in the courtroom.

This stunning act of forgiveness leads to questions of the extent of forgiveness and its relationship to punishment. Primarily, what is the relationship between punishment and forgiveness? In forgiving Amber, must Brandt have wished her no punishment, or could he endorse punishment while forgiving?

Along with these questions relating to the relationship of forgiveness and punishment, further questions of forgiveness and repentance will be answered on the way. Was Brandt forgiving if he required her sincere apology, or must forgiveness be unconditional? Did Brandt go beyond

forgiveness when wishing her the best, or is that required in forgiveness? Does Amber's repentant state warrant Brandt's wish for no punishment? Should a repentant wrongdoer be punished?

In this thesis, I hope to answer these questions through developing a comprehensive account of forgiveness, defining punishment, and examining the compatibility, if any, between the two. Examining these three topics will allow me to answer my central question of whether one can forgive while endorsing or enacting punishment. My account of the compatibility between punishment and forgiveness can have possible policy implications, help uncover how to have flourishing and virtuous relationships, and help us understand our human condition.

## CHAPTER I

### HARM, WRONG, AND NEGATIVE REACTIVE ATTITUDES

Before we dissect what we are doing, or ought to be doing, when we forgive, we must look into the nature of the thing that is to be forgiven. In this section, I will define and differentiate between wrong and harm, in order to determine which of the two, or both, are involved in forgiveness. When discussing wrongdoing, it is often mistaken for harm. This common confusion makes it essential to differentiate the two and provide definitions for both in order to accurately and truthfully discuss forgiveness and punishment. After this, I will define moral injury and reactive attitudes, which will lead into my discussion of forgiveness, for ultimately I will argue that forgiveness, among other things, involves the overcoming of the reactive attitudes caused by moral injury.

#### **Harm**

**Harm**, commonly mistaken as wrong, **is a damage to one's physical body, psychology, resources, future, or capabilities, not reliant upon wrong.** Harms include any damage incurred by others, your own actions, or natural causes. Using the previous case of Amber Guyger and Botham Jean, Amber harmed Botham in killing him and taking away his future, harmed his family by the loss of a loved one and the pain that entails, harmed any of Botham's dependents, and may have even harmed, to a lesser extent, Botham's coworkers.

Harms do not have to cause merely physical damage, for injuring a person's wellbeing also includes damaging one's "psychological state, capacities to function, life plans, or resources...we take this person to have entitlement" (Hampton 1992 1662). Take for example if your exclusive romantic partner were to have a secret affair, which you discover upon coming to your shared

home to see them together in your bed. The harm incurred here is the damage to your ability to trust and have future fruitful relationships after being witness to such an affair, the possible loss of a future with this person, and maybe even damage to your financial resources if you are forced to find a new place to live. While there was no physical damage to you, there was severe psychological damage and possible relational and resource damage. All of these damages count as harms.

Thus, harms are diminishment of one's welfare or an "interference in a person's well-being" (Hampton 1992 1662). A harmful action is an action which sets the victim back in his own interests, through physical, mental, and financial damage and diminishment of one's capabilities or future plans. Notice harms are not morally rich, for they do not concern themselves with normative questions, questions of culpability, or questions of wrongdoing. Rather, they are merely damages to a person's wellbeing.

### **Wrong**

Conversely, **a wrong is a moral violation that communicates a diminishment or lack of respect for one's guaranteed rights or worth, causing moral injury.** Using Kant, we know that all humans are deserving and ought to be guaranteed equal, permanent, and infinite worth, meaning no human is above another (Kant *Grounding...*). However, wrongs communicate the opposite, for they elevate the wrongdoer and lower the victim in the eyes of the wrongdoer, victim, and possibly others, for wrongdoing is "an affront to the victim's value or dignity" (Hampton 1992 1666). Using Amber Guyger's case, her shooting and killing Botham elevates Amber above Botham as someone who can control his life and death and communicates that her life is superior to Botham's life.

While the victim's moral worth is not in fact lowered by wrongdoing, it appears to be due to the treatment he receives. Thus, his worth may be diminished in the eyes of others, but it is not actually lowered or removed, for it is a false message that wrongdoing communicates. This can be seen most clearly in cases of rape, for rapists believe they have a right over another person's body, rights, and dignity, and often victims of rape feel shame or a lack of worth after enduring such a horrific event. While the victim's worth has not actually been removed, it feels as though it has through the message of disrespect the wrong communicates. The violation of the victim's rights and worth can cause her to feel inferior to her wrongdoer, and in some societies may even cause others to view her as lower in worth or dignity; however, her real worth has not been damaged, for it is an undamageable thing. She still maintains all of her rights, worth, and dignity even though they have been terribly violated through the message of the wrong. As expressed through these examples, wrongs "violate a moral standard applicable in the circumstances" which "say[s], and attempt[s] to represent" the victim as "having some value less than that which the Kantian theory of value would attribute" (Hampton 1992 1666, 1674).

Further, for an act to be a wrong, it must be culpable, meaning it cannot be excused. For a person to be a wrongdoer, they must be culpable for the wrong they committed. Thus, someone who is forced at gunpoint to commit a moral crime cannot be held fully responsible, for he had little choice in the matter, and does not qualify as wrongdoers due to his lack of freedom in acting. While wrongs have to be culpable, this does not mean that the message of disrespect has to be intended, but rather that the person was culpable in committing the act. For example, Amber Guyger may not have meant to have sent the severe message of disrespect to Botham Jean, for she thought Botham was an intruder in her home, yet the message was still sent. While Amber's state of mind was not to shoot and kill an innocent man, she still acted with awful carelessness in making

her decision to shoot. Amber is culpable for her actions because she in fact chose to shoot him, thus she committed a wrong and sent a message of severe disrespect through her careless disregard for his life. Often people do not explicitly mean to communicate a victim's lack of worth when wronging them, but they still send the message regardless of the intent. Wrongs, in and of themselves, send the message of disrespect through their treatment of the victim as being lower in value.

Philosophers such as Jeffrey M. Blustein do not agree with me that all wrongs send a message of disrespect. He argues that while you "can be wronged by actions that do not confront [you] as their target," this wrong "cannot insult [you]" (Blustein 2016 29). It is important to note that Blustein uses the word 'insult' to extend to "reach to core ingredients of the self and the bases of self-respect" (Blustein 31). This means that these wrongs, in which the victim was not a target, do not communicate a victim's lack of Kantian worth. As Blustein would argue, if a car thief were to steal your car not because it is *yours* but because it happened to be there at the right place and time, the wrongdoer would not be communicating your lack of worth through his wrong. Rather, he would merely be wronging you without any such communication or insult. Insulting wrongs, or wrongs that communicate disrespect, have a "personal nature," as he argues, while this example does not (Blustein 2016 30). Thus, according to Blustein, it is not the case that all wrongs communicate a lack of worth.

Blustein is mistaken, however. All wrongs, regardless if the victim was specifically targeted or not, communicate disrespect and a lack of worth. The car thief in the previous example still saw his victim as less important and worthy than himself, for he viewed the victim's property as being something he was entitled to take. The thief viewed himself as superior to his victim without directly knowing or targeting the certain victim. Thus, the disrespectful message that

wrongs send still applies in situations where the victim is unknown or unspecified to the wrongdoer. While adding a personal connection to wrongs may make them more hurtful, it does not change whether a message of disrespect was sent or not. All wrongs send a message of the victim's lack of worth, no matter if you know your victim or not. Wrongs take it that moral codes either do not apply to themselves, in that they are above it, or do not apply to the victim, in that victims are below it. Wrongs will always communicate a lack of worth and respect, for they are disrespectful.

Amber Guyger both wrongs and harms Botham Jean. But, it is important to note that not all wrongdoing must cause or involve harm. Take for example an attempted murder in which the almost murdered person was unaware that the attempt was even made. While he was not harmed since it was a failed attempt that he had no knowledge of, a wrong still occurred. There was still a wrong because the attempted murderer still sends a message of inferiority and disrespect to the victim, even though the victim may never know. Thus, the two may exist conjunctly or separately from each other.

While wrongs are distinct from harms, wrongs do cause a kind of injury, which Jean Hampton calls a moral injury. Hampton defines **moral injury as “damage to the realization of a victim’s value, or damage to the acknowledgement of a victim’s value” which is caused by wrongs**, i.e. “through behavior whose meaning is such that the victim is diminished in value” (Hampton 1992 1679). As explained earlier, wrongdoing communicates a false message of diminished dignity, worth, or value in the victim while sending a message of superiority on behalf of the wrongdoer. This message causes the victim and possibly others to view the victim as in fact having a diminished value, leading to moral injury. Wrongdoing causes moral injury due to the wrongdoer “treat[ing] [the victim] in a way that is precluded by that person’s value, and/or by



representing him as worth far less than his actual value” (Hampton 1992 1677). This moral injury, or diminishment in perceived value, can go as far as to cause the victim to believe he is of lesser value, causing further psychological harm to the victim. Anytime there is wrongdoing, there is a moral injury due to the wrong’s message.

Forgiveness deals with wrongs and thus moral injuries rather than harms. It would not make sense for a victim to feel the need to forgive someone who had accidentally fallen and pushed her, but it does make sense for a victim to forgive someone who had pushed her on purpose or negligently. When forgiving, we are forgiving a moral injury and a wrong. The message of disrespect the wrongdoing sends is what warrants the need for forgiveness more than a mere harm.

### **Negative Reactive Attitudes**

Now that we have analyzed wrongs and harms and determined that forgiveness has to do with wrongdoings and their moral injuries, we must evaluate what happens next. That is, what leads us on the path of forgiveness? In this section I will reveal that negative reactive attitudes are the responses to moral injuries in order to explain the common view that forgiveness must overcome these negative reactive attitudes. However, before further discussion we must define negative reactive attitudes.

#### *Negative Reactive Attitudes*

Negative reactive attitudes include reactions such as resentment, anger, disappointment, indignation, and hate, which are all reactions to the perceived ill will of others towards oneself (Strawson 1962). Negative reactive attitudes involve four elements: judgement, attitude, expectation, and reaction. When forming negative reactive attitudes, we make judgements about other’s actions and their expression of ill will. Our judgements stem from our expectations of others to treat us differently. These expectations are relationship-dependent, as it is evident that

one expects much higher standard of action and care for their partner than a stranger. To illustrate, if you find yourself as the topic of gossip amongst your close family and friends, you make a judgement that those persons closest to you ought not to be spreading your private information and ridiculing it, thus you see that they have ill will towards you in their gossip. You make the judgement that they are wrong in treating you such a way. Then we form a reaction and adopt a negative stance towards that person, the wrongdoer. In following from the previous example, from your judgement that they are wrong in their treatment of you, you adopt negative attitudes towards those persons for their treatment. It is likely that you would feel angry when hearing of their gossip, then adopt a longer-lasting feeling of resentment or disappointment towards them.

It is important to note that anger and resentment are negative reactive *attitudes* rather than negative reactive emotions. This differentiation is essential due to negative reactive attitudes being typically longer-lasting and dispositional rather than ever-changing as emotions are. For example, when one experiences the emotion of sadness, they likely will feel sad for a shorter time period then move on from the event and later feel happy, while when one experiences the attitude of resentment, resentment will come in and out of their mind for a long period of time and remain in the back, if not forefront, of their mind until that attitude is overcome. Thus, you would hold your feelings of resentment and disappointment in their gossip until you had some change of heart or motive to work to drop your feelings. In summation, **negative reactive attitudes are our reactions to perceived ill will of others involving judgement, attitude, expectation, and reaction.**

Moral injuries warrant and call for negative reactive attitudes. As Peter Strawson argues, reactive attitudes are what it is “to hold people responsible for wrongdoing” and thus moral injury (Couto 2016 1311). Negative reactive attitudes intrinsically hold wrongdoers responsible in the

sense that they are oppositional, for they are directed towards your wrongdoer. These wrongdoer-directed negative reactive attitudes that are a response to moral injuries include but are not limited to anger, resentment, indignation, hate and disappointment. Negative reactive attitudes are always aimed at someone. For example, when you are angry, you are angry *at him*; when you are disappointed, you are disappointed *in her*. Negative reactive attitudes, in their directedness, intrinsically hold the wrongdoer responsible or blames the wrongdoer.

Jeffrey M. Blustein argues that other emotions and attitudes, such as sadness, which are themselves not directed at others, can become directed when “[they] accompan[y] blame” (Blustein 2016 42). He argues that sadness can be how a victim “emotionally registers her blame” for the wrongdoing (Blustein 2016 42). However, this cannot be the case. Sadness can never be directed at someone, no matter whether I blame or hold someone responsible for my sadness. I can be saddened by having my wedding ring stolen and blame the theft for my sadness, however I can’t feel sad *at* the thief. When becoming angry or indignant, possibly due to my sadness, I can now have an attitude directed *at* my wrongdoer. Thus, reactive attitudes are different from other attitudes and emotions in that they have an aim and direction.

### *Demand*

Further, negative reactive attitudes express a demand in being what it is to hold someone responsible for acting wrongly. Negative reactive attitudes “involve an expectation of and demand for certain conduct from one another,” namely, they implicitly express a demand for mutual respect (Strawson 1974 85). Negative reactive attitudes, when they are legitimate responses to moral injury, protest the message of that injury – the message of disrespect – and demand “reciprocal relationships of respect be re-established” (Couto 2016 1313). Thus, the purpose of negative reactive attitudes to wrongdoing is to demand equality and mutual respect from the wrongdoer.

## *Resentment*

Many prominent accounts of forgiveness center around or at least involve the overcoming of the negative reactive attitude of resentment specifically. As such, we must discuss resentment in particular to have a fuller view on what it means and accomplishes. In Murphy and Hampton's book *Forgiveness and Mercy*, Hampton poses a view of resentment as a result of a victim's insecurity in her own worth and value. Hampton argues that a resentful victim fears that their wrongdoer "is right to think that his status is lower" making the wrongful treatment permissible or fears that their wrongdoer "is right to think that his worth can be lowered and that it is permissible for him to do so" (Murphy and Hampton 1988 57). Hampton's view of resentment as "a kind of weakness" leads her to argue that forgiveness involves an impersonal protest rather than a personal protest (Radzik 2011 2). By this, she argues that victims of wrongdoing must not feel personally threatened by the wrongdoing but rather be in defense of moral laws, leading them to feel indignant rather than resentful towards their wrongdoers.

However, I think Hampton is wrong to think that resentment is a form of insecurity about one's Kantian worth. Resentment is a form of protest against a moral injury incurred. Following Joseph Butler's "Upon Resentment and Forgiveness of Injuries," resentment is "a weapon put into our hands" to protest wrongdoing and injustice (Butler 2005 3). The "natural object" or function of resentment is to defend against wrongdoing and moral injury. Resentment is intimately "connected with a sense of virtue" against such vices; therefore, resentment defends Kantian self-worth and self-respect (Butler 2005 3). The weapon of resentment need not involve a fear of being unworthy, rather it involves knowing and demanding of deserved treatment. Self-respect is "not merely a belief but it is also an attitude, which is associated with certain behavioral patterns" such as avoidance, when one's worth is disrespected (Couto 2016 1318). Resentment sends the message

that ‘You ought not to have done that to me.’ Resentment protests that treatment, and we do not often see protesters as being fearful that their adversary’s belief is true. For example, when looking at women involved in women’s marches, one does not look at them and their resentment and think they must fear being wrong about their equality. Rather, they perform their knowledge of deserving equality through protest, just as a resentful victim does.

Negative reactive attitudes are both hard to bear and hard to receive. Being a recipient of negative reactive attitudes, such as resentment, weighs heavily on one’s consciousness and likely brings about shame and guilt if one recognizes the negative reactive attitude are deserved. Being subject to someone’s negative reactive attitudes resulting from one’s wrongdoing can cause the wrongdoer to view himself, and may cause the community to view him, as morally inferior or morally rotten. This may harm the wrongdoer’s self-confidence, relationships, and reputation. The shame and guilt that victim’s negative reactive attitudes cause can lead the wrongdoer to acknowledge his wrong and even to seek to make amends, thus serving a corrective purpose in some cases. Nevertheless, these negative reactive attitudes are hard to receive as they communicate a protest and demand against one’s actions.

Similarly, maintaining negative reactive attitudes is difficult and painful for the victim. Even though negative reactive attitudes are a means for the victim to express her demand for respect and protest the wrongdoing, they are less than desirable to have. Resentment and other negative reactive attitudes are painful to hold onto, for the victim is unable to move on from the wrong and continues to let the wrong affect her daily life. Negative reactive attitudes can consume a victim’s thoughts and prevent her from experiencing positive attitudes and emotions. Thus, victims often seek means by which they can respectively and productively rid themselves of their

negative reactive attitudes. My thesis focuses on two means by which victims often move on from their negative reactive attitudes – forgiveness and punishment.

## **CHAPTER II**

### **FORGIVENESS**

Forgiveness addresses the demand of negative reactive attitudes through its promotion of equality and mutual respect. Forgiveness is primarily a respect seeking action taken by the victim of a wrong, however forgiveness does not forgo the demand for the redress of moral injuries. Rather, forgiveness promotes and continues to issue that demand in another regard. In doing this, a victim forgives virtuously only when mutual respect can be reestablished. This following section will define the various respect-seeking conditions that must be met in order for forgiveness to address the demand of negative reactive attitudes through defining forgiveness as a virtue. Further, this chapter will describe how we ought to properly forgive our wrongdoers through overcoming negative reactive attitudes and adopting a positive attitude and positive actions towards our wrongdoers, revealing further conditions that must be met by the wrongdoer in order to facilitate forgiveness.

#### **Virtue**

In order for forgiving to be virtuous, it must continue to promote the demand of negative reactive attitudes – the demand of mutual respect. The aim of forgiveness must be respect seeking. Philosophers such as Pamela Hieronymi and Jeffrie G. Murphy recognize that forgiveness must be compatible with certain conditions of respect in order for the victim to continue issuing her demand of equality. Adopting their model, which will be explained shortly, forgiveness must be compatible with self-respect, respect for the wrongdoer as a moral agent, and respect for the moral law. Victims of wrongdoing must revise their negative reactive attitudes “while maintaining the judgements that occasioned it,” meaning they must continue to hold that they ought not to have

been treated that way, that their wrongdoer was capable of not treating them that way, and that said treatment is in fact wrong (Hieronymi 2001 538). Thus, forgiveness continues the protest of negative reactive attitudes in demanding respect through the maintenance of self-respect, respect for the wrongdoer, and respect for moral laws. Due to these conditions, the victim is able to virtuously forgive rather than merely condone, justify, pity, or excuse their wrongdoer, for the victim is able to hold their judgements that caused their reactive attitudes while continuing to issue their demand of mutual respect.

### *Self-Respect*

Firstly, forgiveness must defend your self-respect. Forgiveness is directly tied to self-respect because when being a victim of a moral injury, you adopt a negative reactive attitude and protest towards the wrongdoer, demanding a reestablishment of respect between the you and your wrongdoer. In order to uphold the condition of self-respect, the victim must hold that she ought not to have been treated that way due to her unbounded worth. This demand for self-respect ensures that the victim is not forgiving on grounds that she believes she doesn't deserve better treatment. For example, many people in abusive relationships come to see themselves as deserving of that treatment. If a victim of abuse were to come to forgive her previous abuser, the victim must realize that she did not deserve that treatment due to her own incarnate and infinite worth. If the victim is unable to see herself as deserving of respect, the victim is unable to forgive for she would be doing something else, such as condoning.

### *Respect for Others*

Secondly, the victim must also hold respect for the wrongdoer as a moral agent. As Murphy argues, "a hasty readiness to forgive...may reveal a lack of respect, not just for oneself, but for others" (Murphy and Hampton 1988 18). You must hold respect for others when forgiving, for if



you do not you're merely pitying, taking mercy on, or excusing the wrongdoer of the act. As argued previously, wrongdoing requires culpability, and the victim cannot deny the wrongdoer's culpability when forgiving, for that would be excusing, condoning, or justifying the wrongdoer's action. Further, the victim must not treat their offender like a child who could not have behaved otherwise, for this is lacking respect for others as free moral agents with capacities for reason. To illustrate, we often hear the phrase 'boys will be boys' muttered when hearing of men behaving inappropriately towards others and themselves. When adopting the mindset that men can't help themselves but rather are ruled by their testosterone, this excuses men from their actions and underestimates their moral agency. If a man behaves aggressively and the victim adopts the mindset that 'boys will be boys,' the victim is unable to truly and virtuously forgive the aggressor due to disrespecting his moral agency to act otherwise. The victim would be excusing and condoning the wrongdoing when adopting such a mindset due to "denigrat[ing] the wrongdoer so that his claims aren't a threat" (Hieronymi 200 547). Victims must hold not only self-respect but also respect for their wrongdoers in order to virtuously and truly forgive.

### *Respect for Moral Law*

Lastly, the final condition that victims of wrongdoing must hold when forgiving is maintaining respect for the moral law. You must adopt negative reactive attitudes towards "the moral injuries done to [you]," for to not adopt a negative reactive attitude to a moral injury is a "a failure to care about the very rules of morality" (Murphy and Hampton 1988 18). In order to forgive virtuously, you must maintain the rules of morality while forgiving. You cannot excuse, justify, or condone the action but must continue to hold it as a wrong that ought not to have been done. If you were to claim to forgive but really only saw the action as no longer being wrong or being *that* wrong, you have abandoned your moral framework and thus not truly forgiven. In the case of

Botham Jean and Amber Guyger, if Brandt Jean had not seen Amber's act as fully wrong, instead judging that she had good reason to shoot in those circumstances, then he could no longer see the act as a wrongdoing and would be unable to forgive because there would be nothing to forgive. Brandt must hold that Amber ought not to have and was wrong in killing his brother in order to properly forgive Amber. Therefore, forgiveness "requires that a wrong not be disregarded, overlooked, or dismissed" but appreciated as what it is – a wrong (North 1987 502).

### **Change of Attitude**

Jeffrie G. Murphy's overcoming resentment account of forgiveness is one of the most prominent accounts discussed in the literature of forgiveness. His account forms the basis on which my account builds. Thus, before further discussing my account of forgiveness, I ought to lay out Murphy's account. Murphy follows Joseph Butler's model of forgiveness as the overcoming of resentment that one has incurred from a moral injury. Murphy begins by distinguishing forgiveness from three concepts that it is often confused with: excuse, justification, and mercy (Murphy and Hampton 1998 20).

When one excuses a wrong, one says that because of circumstances or certain factors about the situation or state of the actor, such as the actor being insane, it would also be wrong or unfair to hold the wrongdoing against the actor. Excusing rids the actor of responsibility and blame for his actions. To justify a wrong is to say that the act was not actually wrong due to the various circumstances surrounding it, such as killing as an act of self-defense. Justification absolves the act of its wrongness and makes it morally permissible. Forgiveness may not be either of these actions, for forgiveness must hold that the action is wrong and deserving of resentment. When an actor is not responsible or the action is not wrong, there is nothing to resent as there was not a proper wrongdoing, making forgiveness not applicable.

Next, forgiveness is not mercy. As Murphy defines it, “to be merciful is to treat a person less harshly than...one has a right to treat that person” (Murphy and Hampton 1998 20). When having mercy on a person, one is benevolently bestowing a kind of gift unto the person. Further, mercy deals with one’s treatment of a transgressor, not one’s attitude towards a transgressor. Thus, forgiveness and mercy differ in how they are bestowed.

Forgiveness, on Murphy’s account, is a change of attitude and is unrelated to any action or change of action (Murphy and Hampton 1998 21). A victim can properly forgive her wrongdoer while also continuing to rebuke or treat the wrongdoer harshly for his action so long as the victim has forgone her resentment, under Murphy’s account. However, not all instances of overcoming resentment count as forgiveness. For example, if a victim releases her resentment because she had amnesia and no longer remembers the wrong, the victim has merely forgotten and not forgiven. This is why forgiveness must be defined in terms of a moral reason that it was done for. Forgiveness must forswear resentment on moral grounds, which will be discussed further near the end of this chapter (Murphy and Hampton 1998 24). For the present purposes, it is important to know that Murphy’s account of forgiveness is defined as the overcoming of resentment, which distinguishes it from other actions, such as excuse, justification, mercy, and forgetting.

In forgiving Amber Guyger publicly, Brandt Jean makes a remarkable statement: “I love you.” Brandt effectively rejects any negative reactive attitudes he felt towards Amber for her wrong in a compelling manner and replaces them with an attitude of love. In this section, I will follow Murphy’s account of forgiveness as an overcoming of resentment. However, I add that forgiveness overcomes all negative reactive attitudes resultant from the wrong, not just resentment. Further, I will argue that forgiveness must not only forswear negative reactive attitudes but also replace them with positive attitudes, as Brandt did. Forgiveness involves an overcoming of all

negative reactive attitudes, including but not limited to resentment, anger, hatred, indignation, and disappointment while replacing them with positive attitudes.

### *Forgoing Negative Reactive Attitudes*

While forgiveness continues the protest of negative reactive attitudes in that it too demands mutual respect, it continues the protest in another manner. Forgiveness continues to hold that the action was wrong and ought not to have happened, but it finds a better alternative to pursue than continuing to hold negative reactive attitudes. Negative reactive attitudes are painful, so victims of wrongdoing will often look for other alternatives to pursue when they see fit. Forgiveness is one of these alternatives, in which the victim must forgo or abandon her negative reactive attitudes in order to no longer hold the wrong against the wrongdoer in a negative way.

A victim may not be able to desire to forgive one day and have forgiven, but rather must work on forgiving her wrongdoer over time. Forgiveness is a “willed change of heart – the successful result of an active endeavor,” in that the victim of the wrongdoing must consciously work on overcoming her negative reactive attitudes to no longer have an adversarial stance towards her wrongdoer (North 1987 506). This is no easy task, for relinquishing negative reactive attitudes can be a laborious undertaking. However, when forgiving one must commit to overcoming their negative reactive attitudes, dissolving their resentment, indignation, anger, hate, and/or disappointment in their wrongdoer while maintaining the previous conditions of respect previously discussed – respect for oneself, respect for wrongdoer, and respect for moral law.

Most popular accounts of forgiveness, such as Murphy’s, speak of forgiveness as only overcoming resentment. I find this to be inadequate, as victims have a plethora of other negative reactive attitudes in the wake of wrongdoing, such as indignation, hate, and disappointment. It would be neglectful to overlook these negative reactive attitudes when speaking of forgiveness, as

they need to be forgone as well. These other negative reactive attitudes that I defend are similar in nature to resentment, as they too are directed at the wrongdoer and communicate a protest to the wrongdoing and demand to reestablish mutual respect. When being wronged, a victim may only feel disappointed in her wrongdoer but not feel resentment. Under Murphy's account, this victim would not have something to forgive for she would not have any resentment to forgo. However, I argue that the victim still has just as much ability to forgive as a resentful victim due to disappointment also being a wrongdoer-directed negative reactive attitude. Further, if a victim were to feel both resentful and indignant after a wrongdoing, she would have to rid herself of both negative reactive attitudes. If she were to just rid herself of resentment, she would still feel a moral anger towards the wrongdoer as an agent against moral laws. A victim cannot maintain this attitude while claiming to forgive, for she is very actively continuing to hold the wrong against the wrongdoer. Thus, any negative reactive attitude must be forgone when forgiving.

### *Positive Element*

It is not enough for the forgiver to remove her negative reactive attitudes, she must also gain positive attitudes towards the wrongdoer. As Philpott argues, forgiveness involves a "constructive act" in "adopt[ing] a new and enduring view of [the wrongdoer] such that [the victim]...views him as a person in good standing" (Philpott 2013 402). This "active reconstrual of the perpetrator" adds a necessary positive element to forgiveness in "extend[ing] towards [the wrongdoer] an attitude of real goodwill" (Philpott 2013 402, Holmgren 1993 345). Victims of wrongdoing must "no longer desire [their wrongdoer's] downfall...but instead want him to flourish" (Griswold 2007 155). This can be illustrated by Brandt's statement to Amber "I love you... I personally want the best for you." Brandt went far beyond forgoing his negative reactive attitudes and adopted a strongly positive sentiment towards her. While it is not required for victims

of wrongdoing to go as far as to say they love their wrongdoer, some adoption of positive sentiments and wishing well towards their wrongdoer is required.

### **Change of Action**

Additionally, forgiving must also be an action. A change of attitude alone, like Murphy argues for, is not enough, the victim must do more when forgiving in order to fully exercise the positive element required. Victims of wrongdoing must change their actions towards their wrongdoer in order to no longer be in active resistance and to stop practicing negative reactive attitudes. In order to completely forgive, you must change your actions towards your wrongdoer in two ways: 1) you must morally reconcile with your wrongdoer, and 2) reaccept the wrongdoer into the moral community. I also add that reconciling the person relationship that you had with your wrongdoer is an action that certain victims should undertake depending upon the circumstances of the situation. Not all victims must achieve full or partial relationship reconciliation, for it may be too damaging to do this, however, many situations would greatly benefit from relationship reconciliation

### *Moral Reconciliation*

Linda Radzik makes a distinction between two types of reconciliation, moral reconciliation and personal reconciliation. Radzik defines **moral reconciliation as a reestablishment of moral trustworthiness which dissolves the titles of ‘victim’ and ‘wrongdoer’** (Radzik 2009 114). Radzik uses Karen Jones’ definition of trust as “an attitude of optimism that the goodwill and competence of another will extend to cover the domain of our interaction with her, together with the expectation that the one trusted will be directly and favorably moved by the thought that we are counting on her” (Jones 1996 4). To morally reconcile with someone is to no longer view the wrongdoer as an agent against the moral laws, as an untrustworthy person, or as a wrongdoer.

Moral reconciliation releases the moral claims against the wrongdoer, and thus leaves “the roles of victim and wrongdoer behind” (Radzik 2009 115).

Radzik further argues that moral reconciliation and forgiveness are distinct and may or may not go together. While she concedes that they can often go together, ultimately, she argues that it is not necessary, for one can forgive without morally reconciling or one could morally reconcile without forgiving. I agree that one can morally reconcile without forgiving due to how hard it can be to release negative reactive attitudes and due to moral reconciliation and forgiveness having “differing directionality” (Radzik 2009 118). The differing directionality that exists between the two is illustrated in that one can resent someone while still trusting them, for, as Radzik states, I can resent you for the situation you put me in while still trusting that you’ll keep me safe and see me through.

However, I disagree with her that one can forgive without morally reconciling. Radzik makes this argument by stating that people can forgive for reasons such as mercy, pity, or wanting to inspire reformation. I see these reasons for forgiving as not being respect seeking, which forgiveness ought to aim for to be proper. Rather, these reasons disrespect the agency of the wrongdoer and view them as ‘less than.’ For example, when forgiving out of trying to inspire reformation, the victim views herself as higher than the wrongdoer. The victim sees herself as a morally superior teacher in which she can forgive her wrongdoer out of her own grace to inspire his moral education. This is not virtuous forgiveness, for the victim does not see her wrongdoer as a free moral agent but rather as something like a child to be taught and pitied.

To forgive virtuously, the victim ought to morally reconcile with the wrongdoer as a way of no longer holding the wrong against the wrongdoer. When forgiving, the victim ought to come to see the wrongdoer as someone whom she may morally trust again in the future. The victim must

further release the bondage of the titles of ‘victim’ and ‘wrongdoer’ as she no longer views her wrongdoer as a morally rotten person but now as a person capable of good moral decisions. This will require the victim to humbly and compassionately view the wrongdoer, not in terms of his wrong, but as a whole, as a person who has wronged but who has also righted that wrong. The victim must accept that she too has likely wronged others in order to view her own wrongdoer with such compassion. The willed change of attitude required when forgiving will allow the victim to further willfully and morally reconcile with her wrongdoer. In order to no longer hold the wrong against the wrongdoer, which is required by forgiveness, the victim must morally reconcile with the wrongdoer to see him as a morally trustworthy person.

### *Reacceptance*

When the wrongdoer is distrusted or resented, he is expelled from the moral community as an agent against moral laws as evident in his wrong. In order for the wrongdoer to be reaccepted into the moral community and no longer be on its fringes, he must be forgiven. When morally reconciling with a wrongdoer, the victim is now able to reaccept the wrongdoer into the moral community. Moral reconciliation leads to reacceptance in that it changes the victim’s view of the wrongdoer as no longer a morally corrupt person, but rather as a person, just like herself, who has made mistakes. Now the wrongdoer, who no longer holds this title, can be welcomed back into the moral community by the victim. From here, it is up to the community as to whether they too reaccept and reconcile with the wrongdoer.

### *Relationship Reconciliation*

In addition to moral reconciliation, there is also relationship reconciliation which is what we commonly refer to when speaking of reconciliation. In relationship reconciliation, the victim and the wrongdoer move towards reestablishing the previous personal relationship, such as friends



or spouses, that they held before the wrong. When no longer holding your wrongdoer in an adversarial stance, i.e. relinquishing negative reactive attitudes, and adopting a positive stance, the victim naturally can move towards relationship reconciliation, though not necessarily fully.

Relationship reconciliation is not a requirement of forgiveness but rather a possible added action depending on the wrong and the parties' relationship. Relationship reconciliation cannot be fully required. To require relationship reconciliation as a condition of forgiveness would require a victim of rape to restore her relationship with her rapist. One can easily see how damaging, painful, and dangerous this would be to the victim's wellbeing. Thus, relationship reconciliation can only be a possible action depending on the circumstances of the situation. This type of reconciliation will be at the discretion of the victim, as she may choose to what degree of a relationship will be restored. However, as previously mentioned, moral reconciliation – the restoration of general moral trust in the wrongdoer – is a required action that the victim must undertake if she is to count as forgiving.

In the case of Brandt Jean and Amber Guyger, Brandt successfully changed his actions towards Amber, making his forgiveness complete. Brandt reconciled with Amber, as seen by their long embrace after his statement, and welcomed her into the moral community by his public expression of his forgiveness and love for her as a fellow human. With these steps, Brandt successfully and fully forgave Amber for her tremendous wrongdoing.

### **Conditional Forgiveness**

Given that forgiveness is a virtue, it must be done for moral reasons. Proper forgiveness ought not to occur simply for therapeutic reasons, such as wanting to rid oneself of the negative consequences and feelings resultant of holding negative reactive attitudes, or reasons that damage self-respect, respect for the wrongdoer, or respect for the moral laws, it must be performed for the

right reasons. I argue that there are three conditions that must be present for forgiveness to be virtuous: 1) cessation of the wrongdoing, 2) repentance, and 3) separation of the wrong from the wrongdoer. When all three of these conditions occur, the victim is now able to virtuously forgive rather than merely condoning, pitying, or having mercy.

### *Cessation*

Cessation of the wrongdoing ought to be an obvious precondition to forgiveness. Since forgiveness is respect seeking and must maintain the three conditions of respect – respect for oneself, respect for the wrongdoer, and respect for moral law – the wrongdoer must stop wronging the victim in order for forgiveness to be possible. Without cessation of the wrong, forgiving would merely be condoning the wrong, for the victim would be accepting that treatment as permissible, or disrespecting herself, her wrongdoer, or the moral laws in some other way. If a victim of abuse were to claim to forgive her abuser while he is beating her, we would not say she has forgiven him, for forgiveness would not yet be possible in this situation. Rather, we would say that the victim is condoning the treatment, perhaps because she views herself as deserving of that treatment, etc. Thus, cessation of the wrongdoing is the first necessary condition for forgiveness to be possible.

### *Repentance*

Repentance also must be required of the wrongdoer before forgiveness may occur, for without it the victim would also be merely condoning or disrespecting herself, the wrongdoer, and/or moral laws. Repentance is “the remorseful acceptance of responsibility for one’s wrongful...actions, the repudiation of the aspects of one’s character that generate the actions, [and] the resolve to do one’s best to extirpate those aspects of one’s character” (Murphy 1982 147). More simply, **repentance is the wrongdoer’s move to divorce himself from his wrongdoing, rebuking it, and changing his heart in attempt to right the wrong.** Repentance recognizes the

dignity and worth of the victim because it is “acknowledg[ing] that the attitude displayed in [his] actions was such as might properly be resented” (Strawson 1962 191). The wrongdoer is able to actively join forces with the victim in protesting the wrong, for his resentment communicates an agreement that the action was wrong and ought to be protested. In the wrongdoer divorcing himself from the wrongdoing through repentance, “forgiveness of him is possible without tacit approval of his evil act” or disrespecting one of the respect conditions – respect for oneself, respect for the wrongdoer, and respect for moral laws (Murphy and Hampton 1988 24-25).

Some philosophers such as Aurel Kolnai argue that there exists a paradox of forgiveness in which repentance seems to make forgiveness incoherent (Murphy and Hampton 1998 41-42). They argue that “what seems required to make a change of heart towards a wrongdoer something other than condonation,” namely, repentance, “supplies the foundation for explaining and justifying that the change of heart as something other than forgiveness” (Murphy and Hampton 1998 42). These opponents argue that after repentance the forgiver “would merely be treating [the wrongdoer] fairly, justly, and reasonably, in view of his change of heart” (Murphy and Hampton 1998 41). This paradox seems to make forgiveness “internally incoherent” because one is either condoning, when there is the absence of repentance, or treating someone “in accordance with their virtue,” when there is repentance (Murphy and Hampton 1998 42). In other words, when the wrongdoer joins in protest of the wrong, there is nothing for forgiveness to do. Thus, repentance makes forgiveness impossible due to there no longer being something to forgive.

I find this assessment to be incorrect. Forgiveness still has something to do after repentance; it must accept the wrongdoer’s repentance and affirm his change of heart. As Hieronymi argues, in accepting repentance, “the [victim] in some way ratifies, or makes real, the [wrongdoer’s] change in heart” (Hieronymi 2001 550). Therefore, forgiveness is still needed after

repentance, for it makes the repentance real. By this, I mean that forgiveness ratifies the wrongdoer's repentance and change of heart through the victim's accepting it as valid and sufficient. Without this affirmation, the wrongdoer would continue to suffer the pain that repenting may cause, such as shame, guilt, and embarrassment; however, after being forgiven the wrongdoer may move on to make amends with the victim and the moral injuries inflicted. Further, this affirmation of the change of heart is what allows the victim to reaccept the wrongdoer into the moral community and move towards moral and relationship reconciliation with him. Without repentance, none of these essential actions could occur in a way consistent with respect.

### *Separating Wrong from Wrongdoer*

After the wrongdoer has repented, the victim must come to separate the wrong from the wrongdoer in order to finally forgive. In following Saint Augustine, the victim of a wrongdoing must come to hate the sin not the sinner in order to forgive her wrongdoer while holding respect for herself, the wrongdoer, and moral law. When separating the wrong from the wrongdoer, the victim is now able to see her wrongdoer as a morally decent person rather than a morally rotten person (Murphy and Hampton 1998 85). The victim is able to see their wrongdoer as someone deserving forgiveness and love rather than as someone who is morally tainted. This will require a great deal of compassion towards one's wrongdoer in order to no longer see them as an adversary.

This allows the victim to forgive – to overcome her negative reactive attitudes, adopt a positive stance towards the wrongdoer, morally reconcile, and reaccept the wrongdoer into the moral community. It would be hard to imagine a victim forsaking her negative reactive attitudes, adopting a positive attitude, morally reconciling, and reaccepting the wrongdoer into the moral community if the victim still saw the wrongdoer as continuing to promote the message of the wrong.

Separating the wrong from the wrongdoer allows the victim and wrongdoer to join forces in forsaking the wrongful action. In repenting, the wrongdoer comes to see his action as indeed wrong and deserving of negative reactive attitudes and is essentially protesting the wrong alongside the victim, though his repentance has not yet been ratified. Through this divorcing, the victim can affirm the wrongdoer's change of heart and ratify his repentance to join together to protest the wrong and its message of disrespect. The separation of the wrong from the wrongdoer is what allows the victim to ratify the wrongdoer's repentance, allowing for forgiveness to occur and for the wrongdoer to further make amends and reparations for his wrong.

### **Conclusion**

Forgiveness is an incredibly complex change of attitude and action. Forgiveness must be virtuous, for it is a respect seeking action in protest to moral injury and wrongdoing. When forgiving, three conditions of respect must be maintained in order for it to be virtuous – respect for oneself, respect for the wrongdoer as a moral agent, and respect for moral laws. These three conditions are essential to forgive successfully rather than condoning, excusing, justifying, or pitying. Forgiveness is also a change of attitude in that the victim must forgo her negative reactive attitudes and replace them with a positive stance towards the wrongdoer, such as love. This, however, is not enough. The victim must also change her actions towards the wrongdoer. She must morally reconcile and reaccept the wrongdoer into the moral community in order to restore mutual respect. This change of attitude and action are only made possible through moral reasons, since forgiveness is a virtue that must be done on moral grounds. The moral grounds of forgiving are cessation of wrongdoing, repentance, and separating the wrong from the wrongdoer. Finally, it is with this that the victim is now able to virtuously and properly forgive the wrongdoer. While this account of forgiveness is rather demanding, it ensures that the victim and the wrongdoer restore

mutual respect in a constructive manner. While this demanding account can make forgiveness unavailable to some victims, such as victims with unrepentant wrongdoers, the victim does not have to be a captive of the wrongdoing or wrongdoer, for victims have other options available to release their negative reactive attitudes and move on from the wrong, such as mercy.

All of these conditions and requirements of forgiveness were illustrated in the case of Brandt Jean and Amber Guyger. During Amber's testimony in court, she had repented for her wrongdoing through sincerely apologizing for her actions in the public sphere. This allowed Brandt Jean to will forgiveness. In doing so, Brandt publicly forgave her, proclaimed his love for her as a fellow human, and wished her the best, effectively reaccepting her into the moral community and moving towards reconciliation, as illustrated by their long embrace. It can be seen that Brandt properly forgave Amber for murdering his brother in his own apartment. While doing this, Brandt further made a controversial remark, "I don't even want you to go to jail." In the following chapter, I will define punishment, socially and criminally, in order to move on to the main task of this thesis – discovering the relationship between punishment and forgiveness. This will allow us to see if Brandt was required to wish her no punishment for her wrongdoing or if he went beyond the bounds of forgiveness in stating this.

## **CHAPTER III**

### **PUNISHMENT**

#### **Introduction**

In this chapter, I will define punishment, both legally and socially, in order to answer my central question on the compatibility, or lack thereof, of forgiveness and punishment. I will not go into or discuss the various justifications of punishment, for this is not central to the task of my thesis. I will use the standard account of punishment, as presented by David Boonin, when defining punishment and will highlight what it is about wrongs that lead us to desire to punish them.

First, let us go back to the Brandt Jean and Amber Guyger case. We have established in the previous chapter that Brandt had properly forgiven Amber for murdering his brother, for he released his resentment, proclaimed his love for her as a fellow human, and wished her the best in her life, reaccepting her into the moral community and moving towards reconciliation with her, all done after she repented. When forgiving, Brandt had stated that he does not want Amber to go to jail or suffer in his forgiving of her. Surely Brandt could have chosen to rebuke Amber's actions, calling her trigger-happy or even racist, urged for boycotting the police station, or even pleaded for a longer sentence. Rather, Brandt chose to forgive her and gave up on punishment. Was this required of Brandt? Must he have wished to forgo any punishment towards her in order to forgive her? This will all be answered in the next chapter, but for now we must define punishment.

#### **Standard Account of Punishment**

Boonin in *The Problem of Punishment* lays out a clear definition of punishment following the standard account set by Anthony Flew, S. I. Benn, and H. L. A. Hart. He defines punishment as an authorized, intentional, reprobative, retributive harming. Following Linda Radzik in *The*

*Ethics of Social Punishment*, I will replace ‘retributive’ with ‘reactive’ in order to avoid confusion as ‘retributive’ has other connotations relating to the justification of punishment. Thus, the definition of **punishment** that will be expounded upon in this chapter is **an authorized, intentional, reprobative, reactive harming**.

Firstly, we will start off with the harm condition, as it is the most easily seen condition. Punishment clearly harms in terms of the pain, suffering, and hard treatment that people face as consequence of being punished. For example, going to prison clearly causing suffering as it is a loss of freedom. Further, when parents are choosing how to discipline their child for misbehaving, they will not choose something the child would enjoy. Rather, they choose some form of hard treatment, such as time-out, taking away toys, or spanking. If a parent were to punish and the child did not see it as a harm, it would be a failed attempt at punishment. Thus, harm is an essential characteristic of punishment.

Secondly, punishment is also intentional. When punishing, the punisher is knowingly and intentionally inflicting harm. When sentencing someone to prison and thus removing their freedom, the punisher foreseeably imposes a prison sentence to harm the punished. One does not necessarily intend all of the foreseeable, harmful consequences of punishment, such as the probability of someone getting beaten in prison. The punisher intends the punishment to be the removal of freedom, not all of the adverse effects that actually being in prison may have. When someone is beaten in prison, their being beaten was not a part of their punishment; only the removal of freedom and placement in prison counts as the punishment because that is what was intentionally given.

Thirdly, punishment is reactive because it is imposed in response to a perceived transgression. If one were to ‘punish,’ but for no reason or not in a reaction to a perceived



transgression, we would say that it is not punishment but abuse, tyranny, or the like. Punishment must be the reactive and intentional harming of *a transgressor*, such as imposing a fine on a driver for parking in a handicap spot without authorization. The intentional harm – the imposed fine – is in reaction to the driver breaking a rule. This reactive condition is what separates parents’ disciplining from abusive parents. Spanking your kid for misbehaving, while it may be controversial, is punishment, while spanking your kid for no reason is abuse.

Fourthly, to count as punishment, the action must be reprobative. Punishment expresses to the transgressor, “you ought not to have done that.” This disapproving message reinforces the rules or laws in place and communicates to the society what is and is not acceptable. When we send someone to prison, part of what we are doing is expressing disapproval to the punished.

Lastly, punishment is authorized. It is not a state of war in which anyone may harm anyone. To punish properly, you must have the authority to do so. This is why vigilantes are not permitted in our society, for they do not have the authority to punish people. This separates our system of punishment from Hobbes’ state of nature or Locke’s state of war; punishment is not merely any person taking whatever means to harm their transgressor. Certain punishments are monopolized by the state, such as taking away freedom and deciding life and death. No one else has the authority to punish by these means.

There are punishments left over for people to use, for not all punishment is reserved only for the state. We may rebuke, shame, call-out, and embarrass our transgressors, among other things. These are examples of social punishment. This next section will define social punishment and show how social punishment also fits in with the standard account of punishment.

## **Social Punishment**

As Linda Radzik states in *The Ethics of Social Punishment*, social punishment is non-legal and non-divine punishment (Radzik 9). There are two classes of social punishment, formal and informal. Formal social punishment is a much more familiar practice for us, for it is punishment within a hierarchical structure. Conversely, informal social punishment is punishment between peers. While this form of punishment is used extremely often by us, we do not always immediately call it ‘punishment.’

First, we’ll discuss formal social punishment (FSP). FSP is an asymmetrical form of punishment, in that it is an authority punishing its subjects, or those that are under their justifiable power to punish (Radzik 9). By asymmetrical, I mean that the punisher is superior to or has authority over the punished in a way that justifies her punishing him. This form of punishment is very similar to legal punishment, for legal punishment is also asymmetrical. Prime examples of FSP include parent-child and employer-employee interactions. These examples of FSP are asymmetrical in that a parent is above their child and an employer is above her employee, making their relationship not one amongst peers, but a hierarchical one. When defining punishment in the previous section, I used examples of parental punishment to elaborate on the definition. FSP easily fits into the definition of punishment.

To show how easily FSP fits into Boonin’s definition of punishment, I’ll show how a parent punishing his child is an authorized, intentional, reprobative, reactive harming, i.e. punishment. We will use the example of a parent putting his child into time-out for not sharing her toys. The parent harms the child in that he takes away her freedom to continue playing by placing her in timeout. This is clearly done intentionally, as the parent knowingly enforces this harm. Next, it is reactive, for the parent put his child in timeout in response to her not sharing her toys. When doing

this, the parent is expressing disapproval of the child's action, fulfilling the reprobative condition. Lastly, the parent is authorized to do so because he has the jurisdiction or justifiable ability to reasonably punish his own child. Thus, FSP fits into the definition of punishment easily.

Now I'll show how informal social punishment (ISP), or the punishment between peers, also fits into the definition of punishment using the example of someone rebuking their friend for lying to them. A rebuke, as defined by Radzik, is "an overt expression of disapproval, through words or gestures, addressed to a perceived transgressor, that both attributes responsibility to her for a transgression and expresses some form of anger" (Radzik 13). The rebuke is a form of a harm, for it is a hard treatment in that it is unpleasant to be subjected to others' anger. The friend is also intentionally inflicting this harm on her friend due to her overtly expressing her anger. Rebukes are also reactive because they express responsibility for transgressions, in this case the lying. It is further reprobative because it is an angry expression of disapproval, in rebuking the person is telling her friend, "you ought not to have done that to me." Lastly, it can be authorized either through a top-down justification<sup>1</sup>, in that "authority to hold people accountable for moral wrongdoing is universal," or through a bottom-up justification<sup>2</sup>, in which the authority to hold people accountable for moral wrongdoing is relationship dependent (Radzik 58).

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<sup>1</sup> The top-down justification for punishment argues that everyone has the right to punish everyone as equal human beings. This right "can be limited for specific, defeasible reasons," such as a habitual wrongdoer no longer being able to punish wrongdoing (Radzik 102). Philosophers such as John Locke and Thomas Hobbes hold such views in their social contract political theories, where in the state of nature everyone holds the right to punish every wrongdoer. In these theories, the right to punish is only partially forfeited to the political community so that they may have a monopoly on certain hard treatments and violence in order to avoid a state of war or state of constant violence. However, this forfeiture is only of specific, typically more violent, means of punishment. Thus, most social punishment is not limited or forfeited. Steven Darwall has a Kantian account of the top-down justification, in which being a moral agent is being able to "legitimately make demands of other people[] and...hold people accountable for failing to satisfy those demands" (Radzik 106). We all have a moral obligation to enforce the rules of morality, as Darwall argues. This universal obligation is "subject to restraint for specific reasons," such as maximizing positive consequences, maintaining privacy, and avoiding meddling in other's relationships (Radzik 106). In sum, the top-down justification argues that there is a universal right to punish, which may be limited on state monopolized forms of punishment and the maintenance of certain goods.

<sup>2</sup> The bottom-up strategy argues that the authority to punish is held in particular relationships. As Radzik illustrates, if someone makes a promise to another, they enter into a special relationship which allows the other person to hold

It is my goal just to show how ISP fits into the definition of punishment, not fully argue for its existence and the authority behind it, so I will leave my argument here. However, it is easy to see how Brandt Jean could have punished Amber Guyger for killing his brother. Brandt could have pleaded for a long prison sentence, publicly rebuked Amber, or called for protests of the police station where Amber worked. Yet, Brandt chose to do none of the above and instead wished her no punishment, neither socially nor legally. Was Brandt required to do this since he forgave Amber? Or, did he go beyond his forgiveness when declining to punish? In this next chapter, we will inquire into the compatibility or incompatibility between forgiveness and punishment in order to answer this question. Until then, we must discover the relationship between wrongdoing and punishment in order to fully understand punishment.

### **Wrongdoing and Punishment**

As I argued in chapter one, a wrong is a moral violation that communicates a diminishment or lack of respect for the victim's guaranteed rights or worth, causing moral injury. Wrongdoings lead to negative reactive attitudes, such as resentment, anger, and hate. Wrongdoings lead to negative reactive attitudes due to the communication of disrespect, for the negative reactive attitudes are a kind of defense or protest against the insulting message the wrong sends. One has good reason to have negative reactive attitudes as a response to wrongdoing, for it affirms one's worth and protests the message of the wrong. Negative reactive attitudes express a demand for mutual respect and hold the wrongdoer responsible for her actions.

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her accountable if she fails to keep her promise (Radzik 100). Friendship, partnerships, and other similar relationships also "enter into a kind of social contract with one another" giving them the right to hold each other accountable for their wrongdoings due to the special duties these relationships entail (Radzik 100). This justification for the authority to punish lies solely in special relationships, though some argue that in extreme situations, such as cases of human rights violations, being a fellow human being can be enough of a special relationship to grant interference to protect the other human (Radzik 102).

For example, if my boyfriend were to cheat on me, he would be communicating a disrespectful message to me that diminishes my worth, causing moral injury. In response to this, I will likely be angry and resentful, among other possible emotions, in order to demand mutual respect and protest his wrongful action. I would be expressing a claim that what was done to me was wrong and disrespectful through my negative reactive attitudes in protest of the wrong.

We have already discussed one way of dealing with these negative reactive attitudes – forgiveness. However, there exists another response which we often opt for – punishment. Punishment is arguably our most common response to wrongdoing. What is it about wrongdoing that lead us to feel that punishment is a justifiable response? Since wrongdoing communicates a message of disrespect, we need to find a way to disprove or combat that claim in order for us to maintain our self-respect and validate our worth to ourselves and our community. Punishment can do just this.

### *The Message of Punishment*

When wronging, the wrongdoer not only communicates the message that the victim is lower, but also seeks to create a world in which the victim is actually lower. Punishment aims to “remake the world in a way that denies what the [wrong has] attempted to establish” (Hampton 1686-1687). Punishment is by definition reprobative, or expressive of disapproval. Thus, punishment too communicates a message to deny the wrong. In this section, I will argue that punishment defeats the message and reestablishes equality through lowering the wrongdoer’s value rather than raising the victim’s value.

Jean Hampton in “Correcting Harms Versus Righting Wrongs” argues for an account of punishment that “vindicate[s] the value of the victim” that has been diminished by the wrongdoing through “the construction of an event that... repudiates the action’s message of superiority over

the victim...in a way that confirms them as equal” (Hampton 1686). Punishment “lower[s] the wrongdoer, elevat[es] the victim, and annul[s] the act of diminishment” that the wrongdoer creates as a result of his wrongful action. Punishment sends a message opposite to that of the wrongdoing through the infliction of hard treatment which both lowers the wrongdoer and elevates the victim, restoring equality.

While Hampton does mention that the wrongdoer is lowered in punishment, she primarily focuses on and argues for the validation and restoration of the victim’s worth. Hampton’s account of punishment is very victim-centered, for she argues that punishment is primarily tasked with re-establishing the victim’s worth that has been diminished by the wrongdoer via seeking to repair the damage done in the recognition of the victim’s value. Punishment is “inflicted to nullify” the wrong’s message, “placing the victim in the position she would have been in had the wrongdoer not acted” (Hampton 1698). This account of punishment aims at restoring the victim’s worth through returning the victim to her previous status. Through punishment, the punisher is affirming the victim’s worth, while defeating the wrongdoers claim through subjugating the wrongdoer to harsh treatment. Thus, according to Hampton’s view, punishment seeks to raise the victim from her diminished status thereby restoring equality to the parties through inflicting harsh treatment. Hampton acknowledges that criminal law infrequently validates the victim’s worth in such a way, for it is hard to determine the correct punishment to enforce. Yet, she maintains that punishment can and does sometimes accomplish this.

I disagree with Hampton that punishment is an appropriate means of raising the victim’s sense of worth. Legal punishment, as enacted today, has little to do with the victim and everything to do with the wrongdoer. When punishing someone criminally, it is the political entity versus the wrongdoer rather than the victim versus the wrongdoer. Often, legal courts completely disregard

victim's needs and requests. For example, leading up to and during rape trials the victim is often forced multiple times to relive her trauma, have blame placed upon her, and often have poor outcomes that do not aim to protect the victim. This shows how our legal system seeks only to prove that the wrongdoer is not superior and not permitted to wrong, rather than expressing that the victim has a higher value than she has been treated.

Social punishment also does not raise the victim's worth but lowers the wrongdoer's worth. When socially punishing, the victim is seeking to have the wrongdoer feel the same level of diminishment as she did. The victim pulls down the wrongdoer from his position of superiority through harsh treatment and suffering, yet she does not raise herself up in this process. She would have to do some other action in order to raise her worth to where it was prior to the wrong. While punishing establishes equality, it does so in a negative way through bringing the wrongdoer down to the level of diminishment as the victim.

In punishing someone, we are saying that the wrongdoer was in fact not superior to the victim and not permitted to treat the victim in a way that elevated the wrongdoer in respect to the victim. Unlike forgiveness, which seeks to restore respect through raising the victim, punishment seeks to lower the wrongdoer. We communicate to the wrongdoer that they are not superior to the victim through forcing hard treatment and suffering upon them. Thus, this diminishes the wrongdoer's value to restore equality rather than raising the victim. Punishment expresses a degrading message that restores equality negatively – through lowering the wrongdoer – rather than positively- through raising the victim. Punishment is a denial of superiority in that it is solely wrongdoer-focused, rather than the denial of the victim's inferiority. So, while punishment removes the superiority-inferiority relationship, it does not restore the victim but lowers the wrongdoer. Punishment accomplishes negative equality, that is, it restores equality through

making both parties diminished in value. Punishment degrades the wrongdoer since it is, by definition, an intentional, reprobative infliction of harm to the wrongdoer for his wrong. The infliction of harm on someone cannot raise the worth of another, but rather diminishes the worth of the punished.

This can be seen in our society's outlook and treatment of felons. When a felon returns to society, we often see, and some even treat him, as being of lower value due his committing a crime. We even directly discriminate against felons in employment, housing, public benefits, and voting. Thus, we see punishment as having diminished the wrongdoer to be inferior. Felons are treated as though they are of lower value compared to the non-felon. After criminal proceedings, our view of the wrongdoer is the only one that changes, not the victim. Punishment is focused only on the wrongdoer and upholding laws, it does not immediately care for the victim. Punishments are often given in a way that neither helps nor protects the victim, leaving the victim alone in the wake of wrongdoing while being concerned with the wrongdoer.

Following my previous example, I can tell our family and friends of my boyfriend's wrongful actions as a way of socially punishing him. With our family and friends knowing of his action, he will likely feel shame and may even be rebuked by others. In my socially punishing my boyfriend, I am expressing to him and the community that what he has done to me is wrong and should be disapproved. Further, I stand in defiance of his disrespectful message and demand mutual respect through forcing the wrongdoer to see himself as low as his wrong made me.

### *The Vindication of Punishment*

Due to the message punishment sends, victims might feel a sense of vindication in their punishing even though punishment did not restore their value. Victims may feel vindicated in punishing due to their knowing that the message of their punishment refutes the message of the



wrongful action. Punishment, one might argue, is a way for the victim to be reassured that her worth is intact and respected as compared to the wrongdoer's worth since they are now both equals, which can be very comforting to victims in the wake of wrongdoing. However, I argue that while the victim is reassured of her worth and equality, it is not done in a way that raises the victim's worth to where it previously was. Rather, it lowers the wrongdoer's worth so that their equality is restored and the victim is now an equal to the wrongdoer.

The victim can even feel that justice will be served by punishment, for she feels like fairness is restored for her wrongdoer has too suffered. This is evident in our calling system of legal punishment the criminal *justice* system rather than just the criminal system. As a society, we find punishment to be justice; we believe that making a wrongdoer suffer has value. The wrongdoer's suffering signifies that they are receiving their deserts and that fairness and justice has been restored. This is a prime reason why we often feel a need to punish others, for we feel that balance has been reestablished. Punishment restores this balance through the message it conveys and perhaps even through the possible value in the wrongdoer's suffering.

When I make it public that my boyfriend was unfaithful, I can feel comfort in subjecting him to harsh treatment and pulling him down to the same level as me, either by feeling that I have combated his disrespectful message or received justice. By punishing, I express reprobation for his actions, furthering my protest of the wrongdoing's message. I may feel vindication in making him suffer through the message of punishment by thinking that fairness and justice has been restored. Thus, it is easy to see why victims so often opt for punishing their wrongdoers. However, the equality that I have restored is not a dignified one. My wrongdoer is dragged down by my actions and proven to not be superior to me. In doing this, I do not raise my worth but merely lower

my wrongdoer's. This equality restored is a negative equality, in which we are both now lower than we started.

### **Conclusion**

In this chapter, I defined punishment as an authorized, intentional, reprobative, reactive harming, and showed how formal and informal social punishments fit into this. In doing so, I showed the various options available to Brandt Jean in punishing Amber Guyger that he chose to forgo. Further, I revealed why he might have valued exercising those options. Punishment continues the protest of negative reactive attitudes against wrongdoing, which itself had communicated a message of disrespect. Punishment restores equality between the victim and the wrongdoer through lowering the wrongdoer to the level of the victim, as opposed to forgiveness which reestablishes equality through raising the victim to her proper level of value. Punishment is often desired by victims, for it is a way for them to feel that fairness or justice is restored. Both forgiveness and punishment are seen to communicate messages to restore the balance of respect in the wake of wrongdoing in different ways, which is vital to the incompatibility between the two that will be argued in the next chapter. In the following chapter, I will analyze this further to determine the incompatibility of forgiveness and punishment.

## CHAPTER IV

### THE INCOMPATIBILITY OF FORGIVENESS AND PUNISHMENT

#### Introduction

Now that we have established what forgiveness and punishment do, we may answer my central question – whether one may punish or endorse punishment after having forgiven. Before I move further into this chapter, I will provide a brief summary of the key aspects we have covered. First, I will discuss wrongdoing briefly to show what warrants forgiveness and punishment as options for victims. Then, I will review the definitions of forgiveness and punishment again in order to later argue for their incompatibility.

Wrongdoing communicates a lack of respect and diminishment to the victim's value, causing moral injury and negative reactive attitudes. Wrongdoing falsely lowers the victim's value in relation to the wrongdoer, making the wrongdoer seem superior to the victim. In the wake of wrongdoing, we must find a way to restore equality and balance to the parties' value. In this thesis, I have focused on two ways in which respect is restored – forgiveness and punishment.

Forgiveness is respect-seeking, meaning the victim must maintain self-respect, respect for the wrongdoer, and respect for the moral laws while trying to restore her own respect. In order for this respect to hold, forgiveness must be conditional. Only after cessation of the wrong, repentance, and separating the wrong from the wrongdoer can the victim begin on the path of forgiveness and maintain these respect conditions. In repenting, the wrongdoer stands beside the victim in condemning the wrong, separating himself from the wrong and protesting the message of disrespect with the victim. This is how the victim is able to separate the wrong from the wrongdoer to move towards forgiveness. Forgiveness involves a change of attitude – the forgoing of negative

reactive attitudes and the adoption of positive attitudes- and a change of action- moral reconciliation, re-welcoming the wrongdoer into the moral community, and possible relationship reconciliation. Through forgiveness' counter-message of respect and equality, the victim's worth is lifted and restored, making her and her wrongdoer moral equals again. Thus, forgiveness positively restores respect through raising the victim up.

Conversely, punishment restores respect through lowering the wrongdoer. Punishment is the authorized, intentional, reprobative, reactive harming of the wrongdoer, which applies to both legal and social punishment. Punishment expresses a counter-message much like forgiveness, however it communicates the inverse. Rather than trying to raise the victim's worth, punishment lowers the wrongdoer's sense of superiority. Because punishment is an infliction of hard treatment or suffering, it diminishes the wrongdoer by subjugating him to a painful experience much like the victim endured. Punishment does not focus on the victim nor raising the victim's worth, but just on lowering the wrongdoer.

In this section, I will prove that after forgiveness, punishment is incompatible and no longer an option to a sincere forgiver. To do so, I will first show how punishing after forgiveness creates the reverse effect of the wrongdoing by elevating the victim above the wrongdoer. Since forgiveness' aim is to restore respect and equal worth, punishment cannot be endorsed nor enacted by the forgiving victim. Next, I will show how the constructive acts that forgiveness is involved in are contradictory and incompatible with enacting or endorsing punishment after forgiveness. Punishment will negate and counteract the positive actions that forgiveness constructs, meaning sincere forgivers must forgo punishment after forgiving. Further, I will show that punishment continues to hold the wrong against the wrongdoer and places the victim in active resistance against the wrongdoer no matter whether the wrongdoer consents to his punishment or not, making

it incompatible with my definition of forgiveness. Lastly, I will argue that forgiveness restores justice, making punishment for the sake of justice gratuitous. Punishment accomplishes nothing constructive after forgiveness, for the wrongful the message has been defeated, the wrongdoer has had his title dissolved, and moral reconciliation has occurred. Thus, punishment cannot be endorsed nor enacted by the victim after she has forgiven.

### **Preliminary Remarks**

It is important to note that I am not arguing that *no one* may punish a forgiven wrongdoer, just the victim may not punish or endorse the wrongdoer's punishment. For example, the state still has a right to punish the wrongdoer if he acted in violation of the laws. The state has many reasons to punish beyond reasons the victim would have, such as maintenance of laws and equal sentencing among similar crimes. However, the victim, not being responsible for maintenance of laws and equal sentencing, may not endorse or enact punishment for the reasons I will argue in this section. The victim and the state have far different roles in the wake of wrongdoing, and as such they can permissibly have far different reactions to wrongdoing.

Further, I am not arguing that a victim cannot seek reparations or compensation after forgiving her wrongdoer, unless the victim is doing so vengefully or in order to punish the wrongdoer. Victims have a right to have payment for their losses and may ask for them from the wrongdoer. For example, while I may forgive someone for keying my car, I can still ask them to pay for the damages they caused. This does not count as me punishing them but simply as seeking fair payment for the damages incurred. Thus, tort law, which focuses on the repayment of damages, is compatible with forgiveness. As Hampton argues in "Correcting Harms Versus Righting Wrongs," "harms are the concern of tort law" (Hampton 1992 1661). Tort law focuses on the wrongdoers "duty to repair the wrongful losses their conduct causes" but does not aim to punish

the wrongdoer for the wrongful action themselves (Hampton 1992 1661). Tort law “is not a branch of justice that is concerned with the wrongdoing itself;” that is saved for criminal law (Hampton 1992 1663). It is perfectly acceptable for a victim to pursue tort law or reparations from her wrongdoer to correct the harm incurred as long as the victim does not do so vengefully.

Reparations can serve as evidence towards the wrongdoer’s repentance for his actions (Radzik 2004 149). They can provide more reason to believe the wrongdoer’s repentance is sincere, more easily allowing the wrongdoer to view him as morally trustworthy and deserving of forgiveness. A wrongdoer should be eager to pay just reparations to the victim as a way of showing his repentance and acknowledgement of the harm he caused through his wrongdoing. Thus, a victim should not have to seek tort law to receive just reparations if her wrongdoer is truly repentant for his wrongdoing.

Lastly, punishment is compatible when done before forgiveness has been enacted. As Linda Radzik in “Making Amends” argues, self-imposed punishment can be further evidence that that “wrongdoer takes his error seriously and is trying to recommit himself to a moral life” (Radzik 2004 149). Penance can serve as a “form of evidence of the wrongdoer’s re-commitment to morality” in his repentance (Radzik 2004 149). A victim may need this sort of evidence of the wrongdoer’s repentance in order to forgive him. Punishing her wrongdoer prior to forgiving poses no contradictions, for the victim has not yet committed to changing her attitude or actions towards the wrongdoer. Wrongdoers should be understanding and compliant to proportional, non-vicious forms of punishment as a way to prove their change of heart is sincere and long-lasting. Punishing prior to forgiveness does not preclude the victim from being able to forgive afterward. Certain wrongs are so bad that punishment may be the only way the victim can ensure the wrongdoer is repentant of his wrongdoing and no longer stands by the message of his wrongdoing.

However, I take issue when victims punish or endorse punishment after having forgiven her wrongdoer. As I will argue in this chapter, punishment communicates the opposite message of wrongdoing which is incompatible with forgiveness and leads to a new inequality of respect between the parties. Further, the conditions of forgiveness involving a change of action on behalf of the victim also makes forgiveness and punishment incompatible.

### **Opposite Messages**

As argued previously, forgiveness and punishment both restore the mutual respect that was damaged by the wrongdoing. Forgiveness and punishment both continue the protest against the wrongdoing to demand mutual respect and repudiate the disrespectful message of the wrongdoing. However, they restore respect in a way that makes them incompatible with each other such that endorsing or enacting punishment after forgiveness creates a new inequality of respect.

Forgiveness maintains the self-respect of the victim, the respect of the wrongdoer as a moral agent, and the respect of the moral law while restoring the mutual respect between the victim and the wrongdoer. If forgiveness is to be permissible, the wrongdoer must first stop and repent for his wrongdoing, putting himself in active defiance of the message of his wrongful action. Essentially, the wrongdoer joins the victim in protesting the wrongdoing and the disrespectful message it sent. The wrongdoer is making a counter claim in repenting that the wrong is indeed wrong and the victim has a permanent and infinite worth as a fellow human being that makes her above that treatment. The wrongdoing, which has degraded the victim in treating her as lesser, is rebuked by both the victim and the wrongdoer. This positively restores mutual respect between the wrongdoer and the victim by raising the victim to her previous, equal status.

Further, forgiveness does not damage or lower the wrongdoer in any respects. Forgiveness is respect-seeking, both for the victim and the wrongdoer. Forgiveness is concerned with mutual

respect being restored to reestablish the moral standing of both parties. Moral reconciliation, re-welcoming the wrongdoer into the moral community, and adopting a positive attitude towards the wrongdoer are all ways in which forgiveness actively restores the status of the wrongdoer and essentially dissolves the title of 'wrongdoer.' All of these steps reinforce the worth and respect given to the wrongdoer as a fellow human being. Proper forgiveness in no way could diminish the worth of the wrongdoer, for all of the changes of attitude and actions towards the wrongdoer are done so to maintain and uphold the Kantian worth and respect of the wrongdoer.

Conversely, punishment does just the opposite. Punishment aims to lower the wrongdoer to the level of the victim after wrongdoing to restore mutual respect. Punishment is the infliction of harm and suffering, which communicates that the wrongdoer is deserving of this hard treatment due to his wrongdoing. This lowers the value of the wrongdoer while not caring to raise the value of the victim. Punishment is solely concerned with the wrongdoer and cares not about the victim, as argued previously. In punishing, one is forcing hard treatment onto the wrongdoer, which does nothing other than lower the worth of the wrongdoer to restore mutual respect between the wrongdoer and the victim.

Thus, forgiveness and punishment achieve the opposite of each other. While forgiveness positively restores respect, punishment negatively restores respect. Since forgiveness is chiefly concerned with restoring worth and respect in a positive manner, the victim punishing or endorsing punishment after having forgiven is incompatible since it would lower the wrongdoer's worth in relation to her own. The victim must forswear punishment after forgiving her wrongdoer in order to preserve the positive restoration of respect that forgiveness created. Further, if one were to punish after forgiving, a new inequality would be created. Since forgiveness raises the victim and punishment lowers the wrongdoer, when one punishes after forgiveness, the victim would now be



superior to the wrongdoer. Forgiveness seeks equal worth to be reinstated, not a superior victim. Thus, it is as if a new wrongdoing has occurred, now making the wrongdoer into a victim. The victim must forgo any punishment after having forgiven her wrongdoer in order to maintain the equality that forgiveness restored.

### **Change of Action**

My account of forgiveness involves multiple changes of actions that the victim must enact to fully forgive her wrongdoer. Firstly, victims must morally reconcile, or reestablish moral trustworthiness, with her wrongdoer to dissolve the titles of ‘wrongdoer’ and ‘victim’ to enable the parties to restore mutual respect and no longer allow the wrongdoing to shape their lives. Moral reconciliation further leads the victim to reaccept the wrongdoer into the moral community as an equal who is no longer morally rotten. Lastly, depending upon the wrongdoing that occurred and the nature of the relationship prior to the wrongdoing, the victim may need to move towards relationship reconciliation to fully forgive her wrongdoer. While the victim does not need to fully move towards full relationship reconciliation or move towards relationship reconciliation at all, it can be an added positive action that the victim can enact at her discretion. Ultimately, the victim must morally reconcile and welcome the victim into the moral community to fully and properly forgive her wrongdoer. Also, before forgiveness may occur, victims must separate the wrong from the wrongdoer after the wrongdoer repents to affirm the wrongdoer’s change of heart and continue on the path towards forgiveness.

If a victim is actively punishing or endorsing the punishment of her wrongdoer, she will not be able to separate the wrong from the wrongdoer. Punishment is a way for the victim to hold the wrong against the wrongdoer and make him suffer because of it. Thus, it is apparent why this is not compatible with the separation of the wrong from the wrongdoer, for it accomplishes the

opposite. A victim may not be able to continue on the path of forgiveness until she has released her endorsement or enactment of punishment.

Next, punishment is not consistent with the changes of actions that forgiveness requires. A victim cannot claim to have morally reconciled with and welcomed the wrongdoer into the community while also punishing or endorsing the punishment of the wrongdoer. When the victim committed to forgiveness, she committed to adopting the constructive actions to restore equality and respect between herself and her wrongdoer, which punishment would invalidate and destroy.

Moral reconciliation commits one to no longer viewing her wrongdoer as an agent against moral laws, an untrustworthy actor, or as holding the title 'wrongdoer.' If one were to claim to morally reconcile yet endorse or enact punishment, criminally or socially, one has not actually morally reconciled. Punishment, when enacted or endorsed by the victim, continues to hold that the wrongdoer deserves hard treatment and suffering due to his action. Punishment is a way for the victim to continue to hold the wrongdoing against the wrongdoer, making it impossible to dissolve the title of 'wrongdoer' at the same time. One cannot claim to have accepted the wrongdoer's change of heart and no longer view the wrongdoer as morally corrupt while also punishing the wrongdoer for his action after forgiveness and repentance has occurred. Punishment is a harsh way to continue to hold the wrongdoing against the wrongdoer. If one were to view her wrongdoer as morally trustworthy, why would one punish the wrongdoer? What goal would she be accomplishing besides a vicious one? The establishment of moral trustworthiness and punishment is not compatible, making forgiveness and punishment incompatible.

Further, a victim cannot reaccept her wrongdoer into the moral community while punishing or endorsing his punishment, for punishment forces the wrongdoer into margins of the moral community as morally corrupt and rotten. Punishment expresses reprobation through intentional

harming and typically makes it public to the community. A community would have a hard time reaccepting a wrongdoer while viewing the victim punish or endorse his punishment at the same time. The degrading message sent by punishment, namely, that the wrongdoer is morally lower than how he acted, does not lift up the wrongdoer and restore his standing but forces him beneath the community. How can one claim to accept the wrongdoer as a moral equal in the moral community while acting in a way that expresses that he is inferior? Punishment cannot occur while trying to reaccept the wrongdoer into the moral community; they cannot be compatible and thus forgiveness and punishment are not compatible.

### **Active Resistance**

One objection that has been raised to show how punishment and forgiveness can be compatible is Luke Russell's account of forgiveness. Russell in "Forgiving While Punishing" argues for the non-adversarial account of forgiveness, in which a victim can punish so long as she is not taking an adversarial stance against the wrongdoer. Russell argues that while forgiveness removes resentment and other negative reactive attitudes, this is not sufficient. The victim must also take a non-adversarial stance toward the wrongdoer. By this, he means that the victim cannot "treat the [wrongdoer] in a way that the [wrongdoer] would be disposed to challenge" after being forgiven (Russell 2016 711). Thus, as long as the victim and wrongdoer have no point of contention or hostility towards each other, forgiveness has been achieved.

Russell's non-adversarial account allows for punishment and forgiveness to be compatible in cases where the wrongdoer accepts his punishment. As long as the wrongdoer does not take "the enforcement of punishment to be a point of contention between himself and the [victim]," the forgiveness remains (Russell 2016 712). Russell argues that when the victim forgoes her negative

reactive attitudes and the wrongdoer accepts punishment, there is no adversarial stance between the parties and they may “put the wrongdoing behind them, and move on” (Russell 2016 713).

While Russell does hold that “the kind of gross interference constituted by enforcing punishment” on the wrongdoer is incompatible with forgiveness, consensual punishment is not. I find this to be incorrect, however. How could someone who is punishing another for their wrong turn around and say, “Don’t worry, I am not holding his wrong against him anymore” or “It’s ok, we’re putting the wrong behind us”? Any kind of punishment, consented to or otherwise, is still a way in which the victim is holding the wrongdoing against the wrongdoer and preventing them from moving on. The victim, though she is not an adversary towards the wrongdoer, continues to hold the wrongdoing against the wrongdoer and does so in a painful way. Continuing to punish the wrongdoer is continuing to let the wrongdoing shape their lives. This is not compatible with forgiveness as forgiveness includes the victim wishing the best for the wrongdoer and moving on from the wrongdoing. As argued previously, punishment makes it contradictory, if not impossible, for the victim to morally reconcile with and welcome the wrongdoer into the moral community. Punishment will always be a way of holding the wrongdoing against the wrongdoer, whether the punisher is an adversary or not. Further, forgiveness is a form of healing, for the victim’s worth has been restored and the wrongdoer’s moral standing has been restored through his repentance. Punishing after forgiving will only damage this and prove that the forgiveness was not proper or real. The victim must forgo punishment after forgiving in order to no longer allow the wrongdoing to have weight and influence in her and her wrongdoer’s life.

Lastly, in such a relationship where a victim continues to punish her repentant, forgiven wrongdoer who accepts the punishment, a sort of sadomasochistic relationship has been created. The victim takes some sort of pleasure or vindication in her punishing the wrongdoer, who also

takes some pleasure out of being punished possibly through his feeling of remorse, shame, and desert. The wrongdoer's value is still being lowered in this punishment, nor is it merely a consensual devaluation. This sadomasochistic relationship is not respectful and not compatible with forgiveness. The forgiving victim should no longer want the wrongdoer to experience hard treatment, for she has acknowledged the wrongdoer's change of heart, dissolved his title as 'wrongdoer,' and sees him as now being in good moral standing who deserves to flourish.

### **Public Censure**

In Daniel Philpott's "The Justice of Forgiveness," Philpott argues that while forgiveness restores justice, "forgiveness could be compatible with punishment" to further defeat the wrongdoer's injustice visible to the community (Philpott 2013 411). Philpott states that "when a victim wills punishment, she asserts that...punishment is also required to defeat the perpetrator's injustice" (Philpott 2013 413). Philpott argues that there still may need to be a "communication of censure" to the public which punishment would accomplish. The injustice that the wrongdoing created in representing the victim as inferior stands victorious in the community's eyes with just forgiveness, as Philpott argues. Punishment can be needed to defeat the last standing injustice. As Philpott argues, this endorsement or enactment of punishment does not express resentment against the wrongdoer but "voices [the victim's] desire to see the standing victory of the injustice defeated" (Philpott 2013 414).

I argue that forgiveness can be public, making it defeat the injustice to the community and making punishment unnecessary. If the victim feels the wrongful message needs to be directly defeated publicly, she can ask the wrongdoer for a public apology, public repentance, and the like. This way the victim is confident that the message has been defeated in the eye of the community to ensure her worth is respected and acknowledged by all. This can be illustrated by an example

of a male coworker making a sexist joke about a female coworker to the office. Obviously, this wrongdoing is very public, making the wrongful message apparent to the victim's coworkers. This can affect how the coworkers view the victim, as they may see the wrongful message as evidence that her worth is lower and she is deserving of less respect. If the wrongdoer were to come to realize his actions were wrong, repent, and ask for forgiveness, the victim may feel the need for a public apology in order to remove the message of the wrongdoing. This public apology would allow the wrongdoer to express his remorse and rescind the message that his wrongdoing conveyed in order to restore the victim's worth in the eyes of the coworker. Thus, forgiveness can be made public at the request of the victim, making it unnecessary to further punish the wrongdoer. Punishment after a public repentance and forgiveness would be gratuitous for it would be unwarranted.

### **Justice of Forgiveness**

In forgiving, the victim forgoes punishing. Does this mean that the victim has to give up on justice as well? In "The Justice of Forgiveness," Daniel Philpott replies to critiques of political forgiveness as being unjust, specifically in the case of post-Apartheid South Africa's Truth and Reconciliation hearings. Philpott defines forgiveness as the relinquishing of resentment and a "positive act of construction" in which the victim "adopts a new and enduring view of [the wrongdoer]" as a person in good moral standing (Philpott 2013 402). This positive reconstruction of the wrongdoer restores a right relationship between the parties and leads to, at least, partial reconciliation as moral equals.

Philpott claims that forgiveness can "participate in or instantiate justice" when justice is conceived of as "righteousness or right relationship, understood comprehensively as the entire set of obligations of everyone in the community in relationship to one another" (Philpott 2013 401,

403). This conception of justice has two valences: it is either “a state of affairs” in which all are living in right relationship or “a process of restoring right relationship after an act of injustice” or wrongdoing, i.e. reconciliation (Philpott 2013 403). When justice is defined in terms of right relationship, “reconciliation is a concept of justice” as reconciliation is a restoration of a proper relationship (Philpott 2013 404). Thus, forgiveness restores justice insofar as it leads to a form of reconciliation, such as the moral reconciliation required by my account of forgiveness or the partial reconciliation given by restoring the wrongdoer’s moral standing.

Justice has commonly been conceived of as giving someone their due. This might seem like a conflicting notion of justice. But, Philpott argues, the justice of reconciliation “encompasses...desert,” making it fit into the common conception of justice (Philpott 2013 405). Since my conception of forgiveness, which leads to reconciliation, requires repentance as a necessary pre-condition, we can see how wrongdoers can get their deserts through this. Repentance is difficult to do, for it takes responsibility for one’s wrong, commits oneself to no longer behaving as such, and attempts to make up for one’s wrong. Oftentimes, wrongdoers will feel shame and guilt after realizing the gravity of their wrong on top of the resentment they are already receiving from the victim. This shame and guilt can serve as a sort of self-punishment or penance, as it can torment the wrongdoer and lead him to fully understand the wrongdoing that he has committed and the victim that he wronged. Repentance will require such remorseful sentiments that can serve to restore desert. Since repentance is a requirement of forgiveness, which aims at restoring relationships, even if only through moral reconciliation, we can see how reconciliation can still deliver wrongdoers their deserts. Reconciliation is not an easy thing to earn, wrongdoers must prove they deserve it, thus encompassing the concept of justice as desert.

The justice of reconciliation even surpasses and extends wider than rights and desert in three ways. First, “there are certain duties that promote right relationship” and are required by the justice of reconciliation (Philpott 2013 405). These duties “may be defined as obligations to promote an end or set of ends whose discharge is open-ended with respect to the actions they involve” (Philpott 2013 405). While a right is a right to a particular thing, action, or protection, such as the right to free speech, duties are open-ended and not attached to particulars, such as a husband having a duty to his wife. A wife does not have a particular right to her husband doing x or y action, the husband may have a duty to do x or y action. Thus, the duties associated with promoting right relationship extend beyond rights. Secondly, the justice of right relationship extends beyond rights and desert when spoken of in a religious context. The reconciliation provided by God is often spoken of as “undeserved, not fulfilling of a right” (Philpott 2013 406). As Philpott argues, if God’s justice of right relationship “is a gift, then it is not a justice that is deserved or demanded as a right” (Philpott 2013 406). Lastly, the justice of right relationship extends beyond rights and desert because it “restores other wounds...that are not strictly entailed in the right” (Philpott 2013 406). For example, in a truth and reconciliation commission, victims not only receive reparation or a right to know the extent of the crimes they were victim too, but also receive richer and deeper benefits. Such benefits include the recognition of their suffering and the wrongful actions and their respect and worth being restored. These benefits extend beyond rights and desert and are “part of the justice of reconciliation” (Philpott 2013 407). Thus, the justice of reconciliation encompasses and extends beyond rights and desert.

Forgiveness requires and participates in reconciliation and, as such, is involved in the justice of right relationship or reconciliation. Forgiveness brings “repair to persons and relationships” in five ways, in which forgiveness builds a better future for all parties (Philpott 2013



408). First, forgiveness “aims to overcome...the standing victory of...injustice” (Philpott 2013 408). As argued previously, forgiveness protests and defeats the message of the wrongdoing through presenting a new message of equality and mutual respect. Secondly, forgiveness “restores the agency of the victim and “helps the victim “overcome the corrosive effects of anger and resentment” (Philpott 2013 410). Victims are able to restore their agency through deciding to commit to forgiveness to construct a better future for herself and her wrongdoer, breaking the power that the wrongful action held over her. Resentment and other negative reactive attitudes are painful and tiresome to hold, forgiveness allows the victim to rid herself of these corrosive effects in a way that continues to respect her worth. Thirdly, forgiveness “bring[s] restoration to the soul of the perpetrator” through inviting him to be something better (Philpott 2013 410). My account of forgiveness provides the wrongdoer ample opportunity to commit himself to his repentance and change of heart through constructing a better world, one in which the wrongdoer is morally reconciled, no longer holds the title of ‘wrongdoer,’ and is reaccepted into the moral community. Fourthly, forgiveness forces the parties involved to recognize the victims suffering, providing the victim reassurance and comfort in the sympathy of others. Lastly, forgiveness “rebuild[s] [the] respect for human rights” and worth that the wrongdoing diminished (Philpott 2013 411). Forgiving victims “will[] a relationship between him and his [wrongdoer] that involves mutual respect” and mutual worth (Philpott 2013 411). Thus, forgiveness achieves the justice of right relationship and creates a better reality for all parties involved.

## **Conclusion**

While forgiveness and punishment both accomplish the task of protesting and refuting the wrongful message of the wrongdoing, they do so in opposite and incompatible ways. Forgiveness positively restores mutual respect through restoring the worth of the victim while punishment

negatively restores mutual respect through lowering the worth of the wrongdoer in relation to the victim. If a forgiving victim were to endorse or enact punishment, a new inequality would result due to the restoration of her worth and diminishment of the wrongdoers worth. Further, forgiveness involves multiple positive actions which are incompatible with punishment. The victim will not be able to separate the wrong from the wrongdoer if she continues to hold the wrong against the wrongdoer through punishment. Also, a victim cannot claim to morally reconcile with the wrongdoer for the same reason. Victims also cannot welcome the wrongdoer into the moral community while punishing the victim, for punishment forces the wrongdoer into margins of the moral community by portraying them as still morally rotten. The community would be hesitant to reaccept a wrongdoer who is still being punished by his victim. Even wrongdoers that consent to punishment may not be punished by their wrongdoer after forgiveness, for this would create a disrespectful, sadomasochistic type of relationship that does not restore respect between the wrongdoer and the victim as the victim continues to be in resistance against the wrongdoer. Lastly, forgiveness restores the justice of right relationship, making further punishment unnecessary and gratuitous. In all, a victim must forgo punishment and the endorsement of punishment after forgiving her wrongdoer in order to maintain her forgiveness and the positive effects of it.

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