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Focus on
Forgiveness

THE POSSIBILITIES OF FORGIVENESS

Jesse Couenhoven

ABSTRACT

Perhaps the best way to challenge anodyne popular conceptions of forgiveness is to highlight the ways in which “forgiveness,” like “justice” and “freedom,” is a rich and deeply contested term that relies for its content on divergent convictions about who we are and who we should seek to be. The essays in this focus issue articulate some of the many possibilities for practicing and thinking about forgiveness.

KEY WORDS: *forgiveness, justice, virtue, Christianity, Judaism, Islam*

In the midst of widespread celebration of the virtues of forgiving, it is worthwhile to remind ourselves that the present popularity of the term owes a great deal to a particular history of religious invocation of the idea. The impact of Bishop Desmond Tutu’s pleas for forgiveness in response to apartheid in South Africa is undeniable (Tutu 2000), and prominent researchers in psychology (for example, Robert Enright¹) have pointed out the early influence of popular Christian self-help books such as Lewis Smedes’s best-selling *Forgive and Forget* (1984). Efforts to universalize Christian invitations to forgiveness have had two seemingly paradoxical effects. On the one hand, well-meaning attempts to make the appeal of forgiveness as broad as possible have thinned out the concept, for instance by avoiding reference to traditional ideas about the priority of divine forgiveness. On the other hand, attempts to strip forgiveness-talk of cultic particularity have obscured the ways in which the purportedly secular talk of forgiveness that plays a significant role in our culture remains indebted to Christian thought.

As an example of an interesting admixture of both trends at once, consider the briefly popular recent news story about Lucy Mangum, a six-year-old girl who, after undergoing surgery to repair a leg severely bitten by a blacktip shark, told reporters that she forgave the shark because she believed it had not meant to harm her (Fox News 2011). I do not mean to chide Lucy for applying the idea of forgiveness to a creature that lacks the agential credentials I consider necessary for forgiveness;

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¹ See Enright, Freedman, and Rique 1998, 57.

she is a guide. The “folk” concept of forgiveness on which she drew involves the idea that forgiving is not being angry at, or visiting retribution on, something that has caused you trouble. This approach does not tie forgiveness to repentance; indeed, Lucy rightly perceived that forgiveness is now commonly justified on the basis that the perpetrator is not really to blame.

It seems to me that this way of thinking—popularized in best-selling books that tout the benefits of forgiving everything from God to the weather—drains the idea of forgiveness of its significance, undermines the sense of meaning and inspiration the term still widely stirs, and avoids the profound questions about grace in the midst of fault that it has traditionally evoked. If this is all that one means by forgiveness we might as well use less freighted terms, such as “overlooking” or “getting over it,” which would seem to serve just as well.

More productive than railing against attenuated versions of pop-forgiveness, however, may be the project of offering a reminder that the seeming consensus in favor of “cheap” forgiveness is misleading. Although forgiveness is a widely esteemed term, its content is more deeply contested than popular slogans let on (in this, it is much like the ideas of justice or freedom). When we attend to concrete practices of forgiveness we find that there is little accord about what it means to forgive, when to forgive, or how to forgive. Some think of forgiveness as an attitude, others as an action; some defend it as a response to repentance, while others consider it a prevenient stance; some consider it a virtue for all times, a few extol the virtues of resentment, and others believe that forgiveness is a religious concept unavailable to secular societies. Some think we should forgive for the sake of our own mental health; others argue we should do it for love, or duty, or gratitude to God. In sum, our conceptions of forgiveness vary because they are tied to differing presuppositions about central questions of religious, political, and personal value and meaning.

In her book *Moral Repair* (2006), Margaret Urban Walker suggests that it is a mistake to try to settle on one meaning of forgiveness; forgiveness is a rich concept in part because it is a term with many meanings. I would add that a premature search for an “overlapping consensus” has made many discussions of forgiveness more boring than they should have been. The purportedly universal concept of forgiveness that has come to dominate not only public discussion but a fair portion of academic writing on the topic has been no great service to us, because it has done little to challenge our intuitions or deepen them. Avoiding the particular claims made about forgiveness by particular traditions has deprived us of the riches that might be gained from delving into differing ways of thought and life. Emphasizing “what we all agree on” has served as a defensive front, as well, disengaging the faith perspectives of billions of people

around the world from real encounters with the social sciences, philosophy, and other disciplines.

Because forgiveness is such a rich concept, those who discuss it owe their readers clarity about which conceptions of forgiveness they are working with. Those who seek common ground between varied ways of thinking about forgiveness and related concepts should be lauded—but at least some forgiveness researchers should focus on developing and defending the merits of specific and potentially competing conceptions of forgiveness. Doing so need not preclude taking advantage of the insights provided by other approaches to forgiveness; all of our paradigms of forgiveness can be enriched by learning about and wrestling with competing traditions of forgiveness. The process of articulating nuanced and deep conceptions of forgiveness—along with discussion about the potential misuses of forgiveness, and virtues that some might consider superior to or partners with forgiveness—will help us to wrestle more seriously with each other's hopes for overcoming evil and enliven our understandings of how we might live admirably in the midst of hurt.

The "Possibilities of Forgiveness" conference held at Villanova University in the spring of 2012 was inspired by the perspective I have just outlined.² It sought to promote a greater awareness of the ways forgiveness is understood, and to provoke discussion about them. In order to do so, it brought together a diverse array of voices: Jewish, Christian, Muslim, and non-religious. Among the disciplines represented were academic and pastoral theology, analytic and feminist philosophy, social psychology, international relations, and political science. The essays in this focus issue of the *Journal of Religious Ethics* are versions of the papers given at the conference. As a group they offer an array of important and thought-provoking perspectives about what it means to forgive, and how important it is to forgive.

I find these essays exciting—they display some of the ways in which the topic of forgiveness is at a crossroads where a great many concerns and interests are brought to bear, in fascinating ways. Anthony Bash's essay, for instance, discusses some of the ways in which attitudes about how virtuous it is to forgive have varied significantly throughout history. Daniel Philpott argues that although forgiveness may be in tension with certain conceptions of justice, it also seeks the deep justice of restored right relationships. The complex issues raised in these essays make them daunting—they offer us glimpses of how many different ways there are to theorize and practice forgiveness. Nicholas Wolterstorff argues that when

² I am grateful for a "Science of the Virtues" grant from the University of Chicago and the Templeton Foundation that made the conference possible. I would also like to thank everyone who participated in the conference, and Aline Kalbian and Martin Kavka for their help with this focus issue.

states forego their reactive rights (to punish, or blame) by not holding what wrongdoers did against them, that is forgiveness. Louis Newman, by contrast, defends the idea that forgiveness requires a positive motive with his contention that forgiveness is offered by offended parties as a way of restoring offenders' moral standing. Meanwhile, Anas Malik's essay—which focuses on reconciliation rather than forgiveness—implicitly challenges the widespread assumption that forgiveness is prior to reconciliation. Yet in spite of their significant differences, these essays also build on one another in thought-provoking ways. For example, Mohammed Abu-Nimer and Ilham Nasser offer a way to develop Malik's implication with their suggestion that minimal intergroup reconciliation can be a condition of the possibility of interpersonal forgiveness. Margaret Walker offers a way to further nuance Philpott's argument with her suggestion that the justice of forgiveness is not static; forgiveness is more just when we support social norms that vindicate victims. Having said that much, I should add that the contents and implications of these essays are too rich for me to summarize. I trust that readers of this journal will find them stimulating and valuable.³

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³ One influential perspective not reflected in this focus issue is that of psychology. Although the "triumph of the therapeutic" has been widely decried, at least in some circles, it is worthwhile to remember that much current research in the field of psychology is empirical without being oriented toward therapy, and that theories of forgiveness raise many empirical questions on which the social sciences can shed light. As one example, I would point to the work of Michael Wohl, who discussed his research on intergroup apologies at the Possibilities of Forgiveness Conference (we were unable to include an essay from Wohl in this special issue, but see Wohl 2012).

Walker, Margaret Urban

2006 *Moral Repair: Reconstructing Moral Relations After Wrongdoing*. New York: Cambridge University Press.

Wohl, Michael, Matthew Hornsey, and Shannon Bennet

2012 "Why Group Apologies Succeed and Fail: Intergroup Forgiveness and the Role of Primary and Secondary Emotions." *Journal of Personality and Social Psychology* 102.2 (February): 306–22.

DID JESUS DISCOVER FORGIVENESS?

Anthony Bash

ABSTRACT

This essay explores Hannah Arendt's claim that Jesus was the "discoverer" of forgiveness. It assesses Charles Griswold's view that person-to-person forgiveness is in evidence in Greek culture and practice before Jesus. The essay refines Griswold's view and suggests that person-to-person forgiveness is a cultural universal. The essay makes observations about the significance of the different words that denote person-to-person forgiveness; it also explores the implications of reading the New Testament writings on person-to-person forgiveness in the chronological order in which they were written. From a close reading of the early New Testament documents, the essay makes two suggestions about the Western tradition of forgiveness. First, it suggests that Paul the apostle is the first to identify person-to-person forgiveness as a moral virtue. Second, it suggests that in the Synoptic tradition, Jesus is the first to identify person-to-person forgiveness as a discrete category of behavior distinct, for example, from pardoning, excusing, waiving, or ignoring the wrongs of others.

KEY WORDS: *person-to-person forgiveness, Jesus, Paul, grace, virtue, Hannah Arendt, Charles Griswold*

A simple, but now debated, question is this: "Did Jesus discover forgiveness?"¹ Hannah Arendt wrote in passing that Jesus of Nazareth discovered person-to-person forgiveness. Arendt's precise words are, "The

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¹ In this article, I discuss principally person-to-person forgiveness. The attempt to establish a precise definition of person-to-person forgiveness eludes scholars. Much is agreed, but not everything. See, for example, Griswold and Konstan 2012, xiv; in Worthington 2005, each contributor offered his or her own definition of forgiveness. What makes the issue particularly complicated is the fact that forgiveness is not only a matter of epistemic significance but also a matter with moral, personal, psychological, and even political implications. In the modern period, attempts to explore forgiveness began with Butler in 1718 (see Butler 1896, 136–67); there followed a lengthy period of desultory interest. In the last thirty years or so, forgiveness has been a topic of renewed interest to philosophers (an interest re-initiated by Murphy and Hampton 1988) and of new interest to psychologists and social and political scientists. On forgiveness and its definition, see (out of many examples from recent work and the literature cited therein), Murphy and Hampton 1988, Jones 1995; Bash 2007, 2011a, 2011b; Griswold 2007; Couenhoven 2010; and Morton 2012. In addition, until the recent past, the principal interest of scholars of the Gospels has been on the question whether Jesus himself forgave sins (Mark 2:5, 10 and Luke 7:47–48): see Hägerland

discoverer of the role of forgiveness in the realm of human affairs was Jesus of Nazareth" (Arendt 1958, 238). Her view, reflecting received understanding at that time, was taken as axiomatic until Charles Griswold questioned it (Griswold 2007, 3–15). The starting point of this essay is to assess Arendt's and Griswold's views on whether Jesus "discovered" forgiveness; I go on to explore the implications of that assessment.

Arendt, herself born into a secular Jewish family, seems to have based her view about Jesus as the discoverer of forgiveness on her (correct) understanding of the Jewish traditions before Jesus.² In the pre-Christian period, Hebrew lacks individual words or phrases that denote interpersonal forgiveness.³ People were, of course, forgiving (in the sense that we

2012 for a comprehensive review. Before then, scholars had focused mainly only cursorily on the sayings of Jesus about person-to-person forgiveness, taking their meaning as largely self-evident.

² Newman 2013 explores Judaism's philosophy of forgiveness in the period of rabbinic Judaism and beyond, and so does not overlap with the discussion in this essay. He traces how the rabbis and later commentators developed teaching to do with person-to-person forgiveness, in part from what is implicit in the Hebrew Scriptures. Some of the mishnaic traditions Newman quotes probably have their origins in the pre-Christian period, but we cannot identify with confidence what these are and to what extent Jewish thinkers developed them in the period of early Christianity. What we can probably say is that person-to-person forgiveness may have been something that Jewish teachers had begun to reflect on in the pre-Christian and early Christian period. Nevertheless, even taking the Mishnah as a whole, there is nothing comparable to the writings on forgiveness we find in the New Testament. See note 3 below.

³ See Johansson 2011 and Morgan 2012. A possible example of person-to-person forgiveness in the Hebrew Scriptures is Genesis 50:17, where the Hebrew verb *nāsā'* (usually used of God's forgiveness of human sin and often translated in the Septuagint by the verb *aphiēmi*) is used of Joseph being urged to forgive the sin of his brothers. However, though Joseph does not hold his brothers' sin against them (Genesis 50:21), Joseph appears to decline to forgive (Genesis 50:19) because forgiveness (which in Joseph's mind was more than overlooking his brothers' sin) was a gift of God. Another example may be 1 Samuel 25:28, (where the verb *nāsā'* is also used but, untypically of forgiveness, translated in the Septuagint by the Greek verb *airō*). This example probably points more to the notion of sacral kingship in ancient Israel (where the king was seen as the anointed son of God who shares in Yahweh's work) than to a theology of person-to-person forgiveness: on this aspect of sacral kingship, see Cazelles 1992, 864. There is possibly some evidence for thinking that, in the time of Jesus, common wisdom was that people should forgive one another no more than three times (see Davies and Allison 1991, 792–93). However, even in the later, early rabbinic period, the Mishnah does not point to person-to-person forgiveness in the sense that we might understand it from the Christian canon. The exception may be M. Baba Kamma 8:7 which urges a wrongdoer who has shamed another and paid damages in compensation to ask, in addition, for "forgiveness." The victim is not to be hard-hearted but to forgive. The "forgiveness," when given, limits the retributive rights of the victim, acknowledges that the penalty has been paid and is a mechanism to ensure the victim cannot seek further compensation. In this context, "forgiveness" is an instrument of legal administration—pointing to closure—and not a moral response to wrongdoing, which is what I take the starting point of forgiveness to be.

might mean today) and also did pardon, excuse, overlook, waive, or ignore the wrongs of others.⁴ However, forgiveness, when identified and named as such, was a gift of God to repentant human beings.

In contrast, Griswold finds language about person-to-person forgiveness in pre-Christian Greek literature outside the Jewish traditions. He says that the Greek word-group *sungn-* commonly expressed the idea of interpersonal forgiveness, principally by a noun, *sungnōmē*, and sometimes by a verb, *sunginōskō*. He acknowledges that this word-group has a variety of other meanings, such as sympathy, excuse, forbearance, pardon, allowance, and so on.⁵ He suggests that the reason why forgiveness was not discussed or applauded as a moral virtue is because, according to the perfectionist view of many Greek philosophers, forgiveness is not “a virtue within . . . perfectionist ethical schemes” (Griswold 2007, 14).⁶

Griswold is right to say that person-to-person forgiving behavior already existed prior to and independently of Jesus and the Judaeo-Christian traditions and that this behavior could be expressed by words from the *sungn-* word-group. However, the ancient Greeks and Romans did not forgive “in the sense that the term [“forgiveness”] commonly bears today,” for the emphasis was not on “confession and apology” (as it is in the Christian tradition) but on “excuse or exculpation” (Konstan 2012, 17).⁷ In other words, ancient forgiveness lacks many of the elements that today we regard as integral to the idea of forgiveness, notwithstanding that modern forgiveness still does not have precise, universally agreed parameters. Griswold is also right for taking to task Hannah Arendt for overlooking important evidence outside the Judaeo-Christian traditions.

Though Arendt overstates her case, in some respects Griswold understates his case. For it is a mistake to imply that we find ideas about interpersonal forgiveness (however defined) only in Latin and Greek literature and philosophy. We can give examples from unrelated traditions that are not Western in origin. For example, Christoph Harbsmeier has written about forgiveness and forbearance in ancient Chinese culture (2011). In Mahayana Buddhism (of which the earliest textual evidence is from about the time of early Christianity), the virtue of equanimity that leads to spiritual freedom (both highly prized in early Buddhism) takes second place to compassion. The result is that forgiveness becomes an expression of *ksanti* (patience), one of the virtues (*dharma*) of a *bodhisattva* (an enlightened person who is motivated by great compassion).⁸ From

⁴ For example, Genesis 32:3–33:17, 42:1–45:15, and 50:17; 1 Samuel 25:28.

⁵ The *sungn-* word-group is rarely translated by “forgive” or “forgiveness.”

⁶ This is not to say that person-to-person forgiving behavior was of no value in human relationships; rather, it was not celebrated as an expression of *aretē* (“virtue,” “excellence”).

⁷ See further Griswold and Konstan 2012, 17–75.

⁸ See O’Leary 2002a and 2002b, and Dayal 1932, 210–11.

another field of study, Frans B. M. de Waal provides evidence that some higher primates engage in behavior for the sake of conflict resolution, co-operation and reconciliation as part of their strategy for binding their societies together (1982).⁹

It is fair to say that person-to-person forgiveness, in its many different forms, is not of Christian origin or only of Western or Christian patrimony; perhaps it has its roots in human evolutionary development. The debates have clearly shown that the best way to think about forgiveness is probably to see forgiving behavior as universally practiced and not only or even principally a religious idea. Arendt rightly says, with considerable prescience given current debates, that the fact that we in the West think of the origins of forgiveness as being from a religious context is no reason “to take it any less seriously in a strictly secular sense” (1958, 238). Of course, the culture in which a particular idea of forgiveness is situated will determine the pre-conditions of forgiveness being offered or received. It will also set forgiveness in the context of other, related forms of behavior; the result may be that sometimes it can be difficult to decide when forgiveness ends and another type of behavior begins. However, it remains the case that forgiveness, if taken as describing a broad spectrum of person-to-person behavior that has to do with putting right and restoring disrupted relationships, is a cultural universal.¹⁰

In suggesting that forgiveness is so widely prevalent, it is easy to overlook the distinctive contribution of early Christianity to the development of Western understanding about forgiveness. In the remainder of this essay, I look at what the earliest Christian traditions about forgiveness are, and identify (from within Western traditions) what, if anything, is unique or new about them, and to what extent they have their roots in what Jesus said and taught. In other words, I will see if it is possible to offer a more nuanced expression of Arendt’s view and explore what Jesus—and early Christians—did discover about forgiveness. The starting point is the apostle Paul, whose writings predate the Synoptic Gospels and are the earliest surviving written Christian traditions about forgiveness. Since Paul’s letters do not show evidence of a significant amount of reworking, revision, and development, we can be more or less sure that what Paul wrote represents what he said and thought at that time.¹¹

⁹ See also Preston and de Waal 2002 and de Waal and Pokorny 2005.

¹⁰ This illustrates my suggestion that forgiveness is a spectrum of responses that are either “thick” or “thin” or somewhere in between. See Bash 2011a, 143–44 and Bash 2011b, 35–40.

¹¹ It is true that several of Paul’s letters appear to be compilations of what he wrote (for example, 2 Corinthians and Philippians). There may also be occasional interpolations from

Since Paul's first language is almost certainly Greek, we would expect, if Griswold's argument is right, to see words from the *sungn-* word-group when Paul writes about forgiveness. This is not the case. Paul uses *sungnōmē* only once, and not in the context of forgiveness.¹² Instead of words from the *sungn-* word-group, Paul uses the verb *charizomai*. Surprisingly, given the fact many people look on Paul as a theologian who celebrated Christian forgiveness, Paul refers to this sort of forgiveness only three times and only in 2 Corinthians (2:7, 2:10, and 12:13).¹³ If forgiveness in pre-Christian Greek culture was apparently already a well-known and established form of behavior and expressed by language from a well-known word-group, why does Paul use a different word? An exploration of the word *charizomai* points to the answer—and indicates something new about forgiveness that Paul's writings, certainly in the Judaeo-Christian tradition, highlight.

The verb *charizomai* is related to a noun, *charis*, which means "gift" or "grace." The verb refers to giving something freely, as a favor or act of kindness. It is found in secular literature, often in honorific documents that commend the generosity of civic benefactors and local officials. In the New Testament, the verb refers to something freely given, whether by God or people.¹⁴ By extension, the verb can be used to refer to a species of behavior that is "forgiving" in character, in the sense that forgiveness is a freely given gift of kindness to a wrongdoer. The verb is used in this way in 2 Corinthians 2:7 and 10. There, Paul seems to have in mind generosity of spirit, and kind, forbearing—and even undeserved—behaviour that promotes good community relations in the give-and-take of life.¹⁵ Paul writes of a man whom the Corinthian church had disciplined

the works of other writers (for example, 2 Corinthians 6:14–7:1). I also recognize that small parts of the canonical form of Paul's letters may have undergone modest development after Paul wrote them. These observations do not affect the argument of this essay. There is debate about which of the thirteen writings traditionally ascribed to Paul are his own. I shall principally refer to the seven about which there is near universal agreement that he wrote (1 Thessalonians, Galatians, Philippians, Romans, 1 Corinthians, 2 Corinthians, and Philemon), and refer to the other six (Ephesians, Colossians, 2 Thessalonians, 1 Timothy, 2 Timothy, and Titus) when they are relevant. The question of the authorship of the thirteen letters does not impinge on this essay, though the six "disputed" letters will be treated as being of secondary value to the argument.

¹² See 1 Corinthians 7:6. Here *sungnōmē* means "concession" or even "indulgence" (in the sense of "permission," not "excess"), in contrast to *epitagē*, "command."

¹³ It is very likely that the canonical form of 2 Corinthians is a compilation of at least two—possibly more—separate letters. See Thrall 1994, 3–49.

¹⁴ See Luke 7:21, Acts 3:14 and 25:11, 16 (of people) and Acts 27:24, Romans 8:32, Galatians 3:18, Philippians 1:29 and 2:9 (of God), for example.

¹⁵ The same idea is in Ephesians 4:32 and Colossians 3:13 (from the "disputed" letters of Paul), also with the word *charizomai*. Here the writer refers to forgiveness in a community context as part of a spectrum of responses, along with kindness and being tender hearted, as an essential virtue for living in a Christian community.

for wrongdoing, presumably to the point of contrition and repentance. Formerly, it was thought that he might be the person whom Paul refers to in 1 Corinthians 5 and who had had sexual relations with his step-mother. Larry Welborn has recently suggested that the wrongdoer is Gaius, the host of the Corinthian church. He had (so Welborn suggests) wrongly accused Paul of embezzling money that had been raised for the impoverished church in Jerusalem (2011). In either case, Paul is concerned that the wrongdoer might be “overwhelmed by excessive sorrow” and so urges the Corinthians to take him back into the community’s life and for the community to reaffirm its love for him. What Paul has in mind is for the Corinthians to be gracious to the man in the way they respond to his wrongdoing and subsequent remorse.

It is important to note that, as far as we know, the man had not personally wronged the members of the Corinthian church.¹⁶ In one sense, there was therefore nothing for the members of the church to forgive. What he had done may have grieved the members of the church; it may have disappointed them that he had failed to live up to the standards expected of Christians. He had also brought the Christian community (and so Christ) into disrepute. However, behaving unsatisfactorily is different from wronging an individual personally. The forgiveness Paul urges is for the community to waive its shock at and memory of the man’s unchristian behavior. The community is to show love and grace, forget the past, and give the man a new start. Paul bases his appeal, not on the idea of a moral duty to forgive, but on the idea that communities can forgive, and when they do, their forgiveness is a virtuous expression of Christian behavior in response to the grace of God.

Forgiveness in this context is therefore a collective act of gratuitous kindness to repair the community’s disrupted relationship with a miscreant. This contrasts with other parts of the New Testament, and the Synoptic Gospels in particular, where forgiving behavior presupposes an individual’s response to a wrongdoer. Paul’s approach in 2 Corinthians 2 represents a significant enlargement of what we normally understand forgiving behavior in the New Testament to be. The point to note is that Paul, in contrast with Jesus, regards forgiveness as something that communities can practice.

The only other use of *charizomai* in the sense of “to forgive” in the “undisputed” letters of Paul is in 2 Corinthians 12:13. There, Paul asks the Corinthians to “forgive” a supposed wrong on his part. However, he implicitly denies that he has done wrong, feigning contrition and asking

¹⁶ Welborn suggests that the Corinthians were “complicit” in the accusation of fraud against Paul (2011, 22). I think this is unlikely since Paul directs his comments to an individual wrongdoer (and not to the community) whose actions had grieved and affected the whole community.

for “forgiveness” as part of a rhetorical strategy to bring the Corinthians to their senses. I doubt that we can say that he is asking for forgiveness in a strict, analytical sense.¹⁷ I think what he is asking is for the Corinthians to overlook what they see as his faults. This plea for forgiveness—if it is a plea for forgiveness—is a rhetorical ploy to bring the Corinthians to their senses. In effect, Paul is asking the Corinthians to be gracious—loving, patient, kind, tolerant, and forgiving—in their dealings with him.

Three points are worth highlighting about the Pauline view of forgiveness. First, Paul is not referring to a moral wrong done by one person to another. This is in contrast to the way other parts of the New Testament predicate forgiveness. Rather, Paul is talking about ways communities handle disagreements and hurts, as part of the way they develop and mature. Forgiveness in this sense can take a variety of forms and is situation-dependent. Second, Paul writes of or implies repentance on both occasions. He emphasizes that the person to be “forgiven” is sorry for a wrong that is real or supposed. To this extent, forgiveness and repentance go together, as they do in other parts of the New Testament. Lastly, Paul’s use of *charizomai* points to something important about forgiveness in the (Pauline) Christian tradition: person-to-person forgiveness has its origins in God’s grace and is itself an act of gracious kindness.¹⁸ By choosing a word that is distinct from language about forgiveness in secular Greek, Paul is avoiding the risk of syncretism, highlighting that Christian forgiveness is different from forgiveness as the Greeks understood it, and pointing to what he understands to be the Christian theological underpinning of forgiveness.

The language Paul chooses still remains an enigma. For even if Paul deliberately avoided secular Greek language to do with forgiveness, we might have expected Paul to “borrow” language about divine forgiveness that he knew from the Septuagint,¹⁹ and adapt and apply it to person-to-person forgiveness.²⁰ After all, the New Testament sees divine forgiveness and person-to-person forgiveness as correlates. However, Paul does not borrow and adapt the language of divine forgiveness. Rather, Paul chooses an altogether different word that the Septuagint does not use for forgiveness. What might be the reason for this?

¹⁷ It is an oxymoron to say one can forgive someone who denies that he or she has done wrong: see Bash 2007, 63–74, 80–83. At the most, it could be no more than “thin” forgiveness (see note 10, above).

¹⁸ See Bash 2007, 93–95. Colossians 2:13 makes explicit the link between forgiveness and God’s grace. The implications of this are worked out in Colossians 2:16–3:17; see especially Colossians 3:13.

¹⁹ The Septuagint is the Greek translation of the Hebrew Scriptures of which Paul was aware and from which he typically quoted.

²⁰ As we shall see, this is what the writers of the Synoptic Gospels do.

I suggest that the reason is that Paul understands forgiveness (or “forgivingness” as Roberts 1995 describes it) to be a dispositional quality, referring to a compendium of virtues, all driven and inspired by grace. Paul is looking at forgiveness, not so much as a discrete category of moral behavior with prescribed and distinct identity markers,²¹ but as one of many moral virtues impelled by the grace of God. His focus is not on forgiveness as a heuristic category of what we would call “moral philosophy” today but on grace, enacted and lived out in human behavior. To highlight this and to draw attention to its distinctiveness from what had gone before, Paul chooses a different word.

We find, then, two surprises about forgiveness in the earliest written records of the New Testament. The first is that the language Paul uses is not what we might expect to see: the word he uses has its roots in neither typical Greek nor typical Hebrew patterns of thought. The second is that there is less about forgiveness than some might think we should see.

If Paul’s writings were all we had, forgiveness would be little more than a footnote, and not a headline, in the scheme of Christian ethics—one of many expressions of how grace is worked out in human lives. With this in mind, one might want to ask whether Paul valued forgiveness as an important aspect of Christian behavior, or whether grace mattered to him more.

Though forgiveness does matter to Paul, he tends to subsume it under the overarching category of grace. We run the risk of reading into Paul’s writings the theology of forgiveness from later periods and from other parts of the New Testament if we think otherwise. What matters to Paul is that forgiveness is an expression of grace, and one of many different expressions of grace. One can put it this way: Paul is not so much concerned with identifying forgiving behavior as a genus of person-to-person relations as interested in exploring all kinds of virtuous behavior that are the outworking of the grace of God among human beings in their social and personal relations. Forgiveness is an important aspect of what it means to be gracious—but the primary emphasis in Paul is on grace, not forgiveness. As James Harrison puts it, “According to Paul, grace is the real dynamic behind Christian ethics” and grace extends to touching believers in “matters of personal reconciliation” (2011, 182).

We now have a much-needed canonical rationale for saying that, since Paul sees forgiveness as an aspect of virtuous behavior driven by grace, forgiveness (like the grace from which it comes) is to reach out and overflow in lavish generosity to all those in need of it. Forgiveness can extend as equally to communities as to individuals within them. Christians should long to show grace to—and so forgive—all people, in all situations and at all times. If that means (as in 2 Corinthians) welcoming

²¹ As we shall see, this is what the Synoptic Jesus identifies.

back someone who has become detached from the life of a worshipping community, Christians may welcome back that person. Perhaps we can now extend that principle and say that grace includes embracing in love even whole communities that have, collectively in the past, been foolish and done wrong. Expressed in these ways, grace can overwhelm all boundaries and distinctions and surprise people with the way that it can restore human relations. Being gracious is what matters, and not rules about specific expressions of what being gracious means.²²

Paul's approach is astonishingly flexible and even pragmatic. He draws ethical maxims to do with forgiveness from general principles, which suggests that those maxims are situation-dependent. What matters are the principles; they are what Paul regards as timeless.²³ Paul may not have "discovered" forgiveness but he did understand forgiveness to be a genus of morally virtuous behavior. In this respect, what he wrote is ground-breaking for Western moral philosophy.

We turn now to the Synoptic Gospels, the New Testament writings that are chronologically next in time.

In the Synoptic Gospels, Jesus speaks about forgiveness and significantly develops the Jewish understanding of forgiveness as it then existed. His achievement is to distill out of a range of behaviors a new, discrete category of human behavior (person-to-person forgiveness) that people had not hitherto separately identified. It is also to give that category of behavior its own characteristic features and identity markers. So, for example, those who seek forgiveness should be repentant and those whose forgiveness is sought should be unstinting in their efforts to forgive. Forgiveness seen this way is new in Jewish thought. As for its place in the context of Greek thought, it has a clarity and distinctiveness that the idea of forgiveness lacks when nested in the *sungn*-word-group as no more than one of a range of behaviors. Jesus' further achievement is to set person-to-person forgiveness on a theological and moral foundation. Thus, according to Jesus, someone who forgives represents or embodies God's forgiveness²⁴ and shows evidence of having received and been transformed

²² These observations now add further insight into the Christian behavior that Paul refers to in Romans 12:9–21 and 13:8–10. There he says that love is to be the hallmark of Christian living and so an expression of grace toward others. In practice, this means that Christians are to bless, not curse, those who persecute them (12:14), live in harmony with others (12:16), and not to harm them (13:10). These are all aspects of being forgiving but for Paul they are examples of how grace touches and transforms people. (Scarre 2011 makes the same point.) Implicit is the idea that grace engenders a forgiving disposition.

²³ Those who walk by the Spirit (Galatians 5:16) will know how to put the principles into practice. Such people will be forgivers (because they are living out God's grace), even though they may not realize that forgiving is what they are doing.

²⁴ However, human beings cannot replicate God's forgiveness since divine forgiveness and person-to-person forgiveness are categorically different; see Bash 2011a, 139–40.

by God's forgiveness. He says it is a moral duty to forgive and that being forgiving is a characteristic of those in the kingdom of God. Those who do not forgive will forfeit their place in the kingdom of God because thereby they show that they themselves have not received God's forgiveness.

Jesus' significant achievements need both further clarification (from a linguistic viewpoint) and some words of caution (from a literary viewpoint) if we are properly to understand the full extent of their significance in context. From a linguistic viewpoint, we should note that in the Synoptic Gospels, Jesus uses *aphiēmi* and *aphesis* to refer to forgiveness, and not (as in Paul's writings) *charizomai* and not (as in secular Greek literature) words from the *sungn-* word-group. Of course, we know that Jesus spoke Aramaic, not Greek, the language of the Synoptic Gospels. What we now have in the Synoptic Gospels is a translation of what Jesus said. It is, however, puzzling why the writers of the Synoptic Gospels use only *aphiēmi* and *aphesis* to refer to forgiving behavior,²⁵ and not, as we expect from contemporary usage, *sunginōskō* and *sungnōmē*. Why do they use different words?

Two of the reasons are straightforward. *Aphiēmi* and *aphesis* are the most common words in the Septuagint to refer to God's forgiveness (typically translating the Hebrew words *nāsā'*, *sālāh*, and *kippēr*). It is straightforward to apply existing vocabulary to a new context. Second, the Synoptic Gospels are pointing to the fact that Christian forgiveness is not like forgiveness as the Greeks understood it: new usage merited different vocabulary. There is an additional reason. In the framework of Jewish theology at that time, people understood sin as creating a debt of obligation to God—a debt that God alone, the divine forgiver of sin, could remit. In Aramaic Targumim, "debt" and "debtor" are the usual words for "sin" and "sinner," for example.²⁶ *Aphiēmi* and *aphesis* are the Greek words characteristically used to describe not only God forgiving sin (as we saw above) but also the outcome when debts are remitted.²⁷ The Synoptic writers use the same words to refer to person-to-person forgiveness. By doing this, they suggest that just as God alone can forgive the debt that sin creates, so analogously only those who have been wronged by another human being can remit the debt that wrongdoing against them creates—in other words, forgive the wrong done against them.²⁸

²⁵ There is one exception (Luke 6:37) that does not undermine my argument since the word for forgiveness there is not from the *sungn-* word-group. See note 37, below, on Luke 6:37.

²⁶ See Chilton 1992, 115. From the Septuagint, see Deuteronomy 15:1–3.

²⁷ See Bash 2011b, 53–56.

²⁸ Significantly, in the Parable of the Unjust Steward in Matthew 18:23–35, Jesus uses language to do with money debts to illustrate what it means for people to forgive others. So too in the Lord's Prayer, we are faced with a difficult choice when it comes to interpreting the sentence usually expressed as "Forgive us our sins, as we forgive those who sin against

As for the literary cautions, it remains an intriguing question to ask how much the Synoptic Gospels reveal about what Jesus actually said in the period of his ministry, about twenty years before the earliest of Paul's letters. Unlike Paul, Jesus left no writings: we only have what later records disclose. It is clear that what is in the later records comes from material that was orally transmitted, edited, and developed for at least forty years²⁹ and for about twenty years after the earliest of Paul's letters. What we now have is derived from the memory of those who heard Jesus (Dunn 2003); it has a pre-history and has been through a process of evolution.³⁰ We have to recognize that the sayings of the "Jesus of history"—that is, the sayings of Jesus as they have now been preserved for us in historical documents (such as in the Synoptic Gospels)—may be different from the sayings of the "historical Jesus," or the very words that Jesus spoke. With these observations in mind, can we know what Jesus discovered about forgiveness? Or is what we now have so much the result of redaction and development that we cannot get back to and identify the unedited words of Jesus (albeit in a different language)?

In evaluating the evidence, we probably have one and not three discrete and independent sources of tradition in the Synoptic Gospels, for the near-universally accepted view is that the Synoptic Gospels stand in a literary relationship to one another and do not represent independent streams of tradition. One tradition in three documents does not render the evidence valueless; it means, however, that we cannot evaluate the reliability of any one of the Synoptic Gospels against any of the others as evidence of what Jesus said without the addition of a control, namely evidence from other sources.³¹

us." Is a better translation "Forgive us our debts, as we forgive our debtors," meaning "Forgive [that is, remit] our debts [arising from our sins against you], as we forgive [let go of the obligation owed to us by] our debtors [that is, by those who have wronged us]" (Matthew 6:12 and Luke 11:4)? See also Colossians 2:14, which links forgiveness and debt.

²⁹ I take Jesus' death as being about 33 CE and the date of composition of the Gospel of Mark as being about 70 CE; see Achtemeier 1992, 543.

³⁰ We have an obvious example of this in Matthew 18:15–17 where, anachronistically, Matthew's Jesus refers to forgiveness in the context of the "church." The saying in this form could only have come about as a result of revision and editing. See also the way Luke treats forgiveness: Luke understands forgiveness to be part of the release and freedom that God introduces in "the last days" and that God will fully establish in the messianic age (Bash 2011a, 86–88). We can be reasonably confident that Luke made this editorial revision, because this material is unique to Luke's Gospel and because Luke continues the same theme in his second volume, Acts.

³¹ Three other sources might help, but do not. The Gospels of Matthew and Luke may contain additional material from a hypothetical source, Q, a supposed collection of sayings. However, the only Q sayings on forgiveness are perhaps Luke 17:3, 4 and Matthew 18:15, 21–22; these do not throw light on the point under discussion. Secondly, Luke and Matthew each contain material unique to their Gospels. The material that is on forgiveness (Luke 1:77 and 24:47—and perhaps Matthew 18:27, 32) stands in the same tradition as the shared

Another way of identifying (or nearly identifying) what Jesus said about forgiveness might be to look, not at the Synoptic Gospels, but at other, earlier written records and see if they allude to Jesus and his teaching on forgiveness. The only such records we have are Paul's letters. If we can identify sayings of Jesus about forgiveness in Paul's writings, we would have an earlier layer of tradition of what Jesus said about forgiveness. We could then compare it with what is in the Synoptic Gospels.

Paul's letters suggest that Paul knew little about what Jesus said. For example, he does not quote or refer to Jesus on forgiveness.³² Rather than finding obvious points of congruence, there are two important points of difference. The first, as we have noted above, is that the Jesus of the Synoptic Gospels, when speaking of forgiveness, borrows language about God's forgiveness and remission of debt. He does not use language to do with grace.³³ Of course, if God forgives sin or if people remit debt, they give a gift of grace; Matthew 18:23–35 makes clear the link between debt, God's forgiveness, and grace. However, Paul and the Synoptic writers are looking at forgiveness from different perspectives: the Synoptic writers, from the viewpoint of remitting or letting go of wrongs; Paul, from the perspective of what grace produces. The second point of difference is that Jesus seems to set forgiveness in the context of the command that people should love one another, since love for God and love for one's neighbor is the underlying rationale of Jesus' ethical scheme.³⁴ While grace and love are related, they do represent different starting points for ethics. We can paraphrase the differences for clarity. Paul says that people are to forgive one another because they have received and experienced God's grace. In contrast, the Synoptic Jesus says people should forgive because, in fulfillment of the law, they are to love God and become like him—and so, like God, to love people and forgive those who do wrong.³⁵

On balance, what Paul wrote does not help to identify what Jesus said about person-to-person forgiveness or the earlier traditions that later

material. Finally, the only other canonical Gospel is the Gospel of John, written about 90–95 CE (Kysar 1992, 918–99), which mentions forgiveness explicitly only in John 20:23: it does not serve as a control for our purposes.

³² In keeping with the Synoptic Gospels, Paul assumes that repentance should precede person-to-person forgiveness. Apart from this, we cannot identify other obvious points of congruence. For example, the forgiveness of which the Synoptic Jesus speaks is for individuals who have been personally wronged. It is not about individuals forgiving one another because of the reputational damage suffered by the community of which they are part.

³³ However, Luke 7:42–43 untypically uses *charizomai* of remission of debt. Perhaps this is not surprising since it is widely believed that Paul and/or his writings influenced Luke. In addition, there are a few examples of *charizomai* in this sense in secular literature: see Philo, *De specialibus legibus* 2:39, for example.

³⁴ For example, Matthew 22:37–40.

³⁵ Of course, by loving God, people receive gifts of grace; nevertheless, the starting points for forgiving remain startlingly different.

became part of the Synoptic Gospels. What both Jesus and Paul say about forgiveness is rooted in Jewish thinking; however, their starting points and the language they use (and so the semantic domain in which each is situated) are different.

Despite the difficulty of identifying precisely what Jesus said about person-to-person forgiveness, I suggest that Jesus' sayings about forgiveness in the Synoptic Gospels are at least a plausible record of the substance of what he said for the following reasons. First, people remembered and preserved his sayings because they were a significant, new development in Jewish ethics—a development that was based on enlarging existing categories of thought and applying the new categories to well-known situations. Second, there are no obvious reasons to doubt that Jesus did understand forgiveness to be akin to remission of debt, if we understand him to be a man of his time, sharing contemporary language and patterns of thought.³⁶ Next, it is very unlikely that the early church invented the sayings about forgiveness. Rather, there is every reason not to have invented them, given that forgiving wrongdoers is hardly the most obvious way to support and protect the fragile situation of the early church. Lastly, the fact that Paul thinks that forgiveness is a Christian virtue and that it should be a characteristic marker of Christian person-to-person behavior points to the likelihood that there was already a tradition about forgiveness of which he knew through having been told or by becoming aware (for example, through the Lord's Prayer). That there is something about forgiveness in Paul's writings gives support to the view that Jesus did speak about person-to-person forgiveness as a discrete pattern of behavior and as a moral duty, and that, at least to some extent, Paul knew this.

Before I summarize the findings of this essay, I close with a final observation. It remains startling that none of the New Testament writers uses the *sungn*- word-group that Griswold identifies as denoting forgiveness (as well as other responses that we would not necessarily think of as primarily "forgiving" today).³⁷ Why do the New Testament writers apparently so deliberately eschew a word that Griswold shows was already

³⁶ The criteria to determine the historicity of the traditions are inconclusive and scholars continue to differ as to what might be an authentic record of what Jesus said or did. They also differ as to what are later developments or reinterpretations of that supposed authentic record. Even when different scholars use the same criteria, the results they produce can diverge (see Hägerland 2012, 17–28 and Keith and Le Donne 2012).

³⁷ The New Testament writers occasionally use other words for forgiveness: *apoluō* (Luke 6:37; the word is elsewhere translated as to set free, release, or pardon), *exaleiphō* (Acts 3:19; the word is elsewhere translated as to wipe away), *aphaireō* (Romans 11:27, quoting Isaiah 27:9 in the Septuagint) and perhaps *paresis* (Romans 3:25 and see the discussion in Bash 2011b, 105–6 on this word).

widely accepted and understood? Why is there no intellectual or literary “creep”—no evidence that pre-existing, Hellenistic ideas to do with forgiveness are in evidence in the New Testament?

As I have already suggested, and now wish to state firmly having looked at the evidence as a whole, the reason is that early Christians considered Christian forgiveness to be categorically different from the way people had previously understood and practiced forgiveness. Forgiveness as predicated in the New Testament is not the relatively minor expression of human behavior and the little-valued subject of intellectual discourse that it had been in the ancient world of the Jews and Greeks. Rather, forgiveness, with its new and enlarged meaning, became one of the cornerstones of Christian ethics and praxis. New terminology avoids not only compromising the way forgiveness had been radically developed but also confusing it with existing notions of forgiveness. New terminology also gives clues about the theological rationale of forgiveness as newly understood. To borrow and adapt a metaphor from the Gospels, the New Testament writers resisted putting new wine in old wineskins.

I offer fourteen points that arise from the findings of this essay:

1. Neither Jesus nor Paul was the first to discover forgiveness as a form of person-to-person behavior: Griswold 2007 and the contributors to Griswold and Konstan 2012 have shown that person-to-person forgiveness is a type of interpersonal behavior in the Greco-Roman period before the time of Jesus.
2. There is evidence of person-to-person forgiveness outside Greco-Roman and Jewish culture.
3. Forgiving behavior was not “discovered” by anyone or any society. It seems to be rooted across cultures in person-to-person behavior and perhaps has its roots in human evolutionary development.
4. The early Christian traditions about forgiveness radically enlarged the idea of forgiveness in previous Western thought and practice.
5. From the evidence we now have, Paul’s writings are chronologically the first on forgiveness in the Christian canon.
6. Significantly, Paul is the first, in written form and in the context of Greco-Roman culture, to highlight forgiving behavior as morally virtuous.
7. There are persuasive reasons, but not proof, to think that what Paul wrote about forgiveness has its genesis in what Jesus taught.
8. Paul understands forgiveness as being rooted in the grace of God and being a virtue practiced by individuals and/or by communities.
9. The Synoptic Gospels are the earliest written records of what Jesus is reputed to have said about forgiveness. However, since the material on forgiveness in the Synoptic Gospels shows evidence of development and editing, we cannot now be sure to what extent the

Synoptic sayings of Jesus on forgiveness are authentic or later developments of earlier traditions. Almost certainly, the sayings are in the latter category (that is, developments of earlier traditions) but to what extent we cannot say with any degree of certainty. Notwithstanding this, it is likely that, in the context of first-century Palestinian culture, Jesus said something about person-to-person forgiveness. It is also likely that Jesus' hearers remembered and passed on what he said because it amounted to a significant, new development in Jewish ethics.

10. The Jesus of the Synoptic Gospels identifies forgiveness as a discrete pattern of behavior. This is the earliest evidence we have in Greco-Roman and Judaeo-Christian traditions of person-to-person forgiveness being singled out as a discrete, heuristic category of behavior. What the Jesus of the Synoptic Gospels implies (in effect, that forgiveness "exists" as a genus of human behavior) we now take to be axiomatic in and integral to Western thought.
11. The Synoptic Jesus roots the duty to forgive in the command to love all people and understands forgiveness to be a genus of behavior that individuals are to practice towards one another.
12. There are differences between what Paul wrote about forgiveness and the sayings of Jesus on forgiveness in the Synoptic Gospels. These differences suggest that there were independent streams of tradition about forgiveness in the early period of the Church and that it is likely that Paul had only little first-hand knowledge of the written (or oral) traditions about forgiveness that are now in the Synoptic Gospels.
13. The early Christian writers all eschewed the Greek vocabulary that the Greeks used to express forgiveness. They did this to highlight some of the ways that forgiveness is different in the Christian tradition.
14. Hannah Arendt may have overstated her case in her casual remark about Jesus as the discoverer of the role of forgiveness in human affairs. Nevertheless, I think she is certainly right in this respect: the traditions of the sayings of Jesus that we now have do show that Jesus holds the pivotal place in the development of forgiveness in Western thought, culture and ethics.³⁸

³⁸ I should like to thank the participants at the Possibilities of Forgiveness Conference at which this paper was given in its original form and Professor Daniel Philpott in particular for his insightful comments. I am also grateful to Stephen Perry, Professor Geoffrey F. Scarre, Professor Morna D. Hooker, Dr. Jane M. F. Heath, Professor John M. G. Barclay, and the *JRE* commentators who read earlier versions of this paper.

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THE JUSTICE OF FORGIVENESS

Daniel Philpott

ABSTRACT

Over the past generation, forgiveness has entered the political sphere in countries all over the globe that are addressing the past injustices of war, dictatorship, genocide, and the maltreatment of native peoples. Among the international community, however, the practice is controversial, criticized as unjust for burdening victims and foregoing deserved punishment. This essay argues that forgiveness is not contrary to justice but rather reflective of it if justice means restoration of right relationship, a concept embedded in the scriptures and traditions of Judaism, Christianity, and Islam. Conceived of in this way, forgiveness can avoid the potential injustices with which it is charged and contribute positively to the reconstruction of political orders.

KEY WORDS: *forgiveness, justice, reconciliation, transitional justice, Christianity, Judaism, Islam*

Over the past generation, forgiveness has entered the political sphere in countries all over the globe that are addressing the past injustices of war, dictatorship, genocide, and the maltreatment of native peoples. Most memorable is South Africa, where President Nelson Mandela forgave apartheid leaders while Archbishop Desmond Tutu preached “no future without forgiveness” as chair of the Truth and Reconciliation Commission. Forgiveness has also appeared in the discourse about Uganda, Sierra Leone, Timor-Leste, Germany, Northern Ireland, Chile, El Salvador, Guatemala, Rwanda, and many other locales.

Not only novelty but also controversy has attended the rise of forgiveness in politics. What is often called the “international community”—UN officials, human rights activists, international lawyers, and a more inchoate cadre of like-minded global diplomats—has both ignored and criticized forgiveness. It has devoted itself far more to a set of other practices that have also proliferated in the past generation and often go by the name “transitional justice” (Teitel 2003; Arthur 2009, 321). These include establishing human rights and the rule of law, judicial prosecution, “vetting” corrupted officials, truth commissions, and reparations. Of these,

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it is judicial prosecution that the international community has most enshrined, creating an International Criminal Court that is housed in twin glass towers in The Hague. Forgiveness enjoys no such edifice.

Critics of forgiveness make several charges. Forgiveness is pressured on victims, disrespecting their autonomy, some say. It is a religious concept that transgresses the boundaries of secular politics, say others. The most conceptually deeply rooted criticism—and the one that I wish to take up here—is that forgiveness is unjust. This charge itself comes in several versions. One says that forgiveness places the burden of repair on victims, who have already been wounded and thoroughly objectified by violence or other injustices. “[F]orgiveness is pitiless,” writes Cynthia Ozick. “It forgets the victim. It negates the right of the victim to his own life. It blurs over suffering and death. . . . It cultivates sensitiveness toward the murderer at the price of insensitiveness toward the victim” (Ozick 1997, 216–17). A different version says that forgiveness foregoes just punishment. In several settings around the globe—South Africa, Timor-Leste, Uganda—as well as in Western debates, forgiveness is equated with amnesty and is pitted against punishment, just as reconciliation is posed against retribution and mercy is contrasted with justice. This line of criticism reflects the international community’s commitment to the justice of rights and desert in facing past evils.

In contrast, I argue that forgiveness need not be at odds with justice and can even participate in or instantiate justice. This, however, requires a concept of justice that involves something more than rights and desert. Such a concept can be found in the notion of right relationship, which resides in the texts and traditions of Judaism, Christianity, and Islam. When forgiveness is understood as promoting this kind of justice, it can empower rather than burden victims and is compatible with, not inimical to, judicial punishment. Though my argument is primarily theoretical, it yields important payoffs for practical politics.

1. What Is Forgiveness?

In the political debates over forgiveness, both proponents and critics of forgiveness sometimes equate forgiveness with amnesty, a government’s grant of judicial pardon to alleged perpetrators. In Uganda, for instance, the Amnesty Act of 2000, designed to demobilize soldiers of the rebel Lord’s Resistance Army, was defended as an act of forgiveness that would enable soldiers to resettle and take up normal lives but was also attacked as a form of forgiveness that would sustain a culture of impunity.

Amnesty, however, at least when conceived alone as a legal act, is not forgiveness. Consider Bill, a small business owner who is swindled by a competitor. Though outraged and financially set back, he quickly becomes

immersed in other profitable business deals and puts off prosecution, even though he continues to speak of the swindler as a rogue. Eventually, he moves to another town and decides to drop the matter entirely. Effectively, Bill has granted the perpetrator amnesty. But he has not forgiven him. Bill may have been right to relinquish his claims, just as governments sometimes have good reasons to grant amnesty. But such relinquishment alone is not forgiveness, which involves something more.

What is this something more? A large consensus of Western philosophers define forgiveness as the overcoming of resentment—the construal of a perpetrator as having committed a wrong and deserving to be condemned for it (Hieronymi 2001, 529). My view is that overcoming resentment is indeed crucial for forgiveness but that genuine forgiveness also involves a positive act of construction. Resentment, after all, much like the claims foregone through amnesty, can be relinquished unilaterally for reasons that are pragmatic or therapeutic without any active reconstruction of the perpetrator on the part of a victim. This reconstruction is the constructive act that forgiveness involves. When a victim forgives a perpetrator, she adopts a new and enduring view of him such that she no longer counts his misdeeds against him and views him as a person in good standing.

What does it mean not to count a deed against someone and to view him in good standing? A victim who has not forgiven a perpetrator might continue to express anger toward him, to charge him with the deed, to avoid him or shun him, to speak ill of him towards others, and willfully to retain and endorse her own thoughts of anger toward him. She might also seek revenge, though her lack of forgiveness need not go this far. By contrast, a victim who wills forgiveness treats the perpetrator as a person who is “restored” with regard to his past misdeed, acting toward him as she would anyone against whom she holds no outstanding grievances. If the perpetrator is present, she communicates her forgiveness to him. It is this willed decision to regard the perpetrator in a new way that gives forgiveness a constructive dimension.

To forgive need not mean to forget. The victim may continue to remember what happened to her as part of her life story and to tell this story to others, but so, too, she remembers that she has added to this story a commitment no longer to diminish the perpetrator for this deed. Nor does forgiveness necessarily mean a full restoration of a prior relationship. An abused wife or swindled merchant who has forgiven might refuse to reenter the house or the business relationship of the perpetrator but does so for reasons of self-defense or prudence, not because she is still seeking paybacks or expressing resentment against the perpetrator. Though forgiveness does not always restore relationships fully, it always restores them partially, if only through the victim’s reconstruction of the perpetrator.

2. Forgiveness and Justice

A definition of forgiveness is not a justification. For what reason ought a victim, especially a victim of grave political injustices, to perform forgiveness? My answer lies in the claim that forgiveness instantiates justice. This claim will grate in the ears of Westerners and against the dominant paradigm of justice held by the international community, which can be called the liberal peace. Rooted in the enlightenment, especially the rights-based liberalism of John Locke, Immanuel Kant, John Stuart Mill, and, later, John Rawls, the liberal peace stresses human rights, the rule of law, and judicial punishment (Richmond 2005). These are the central commitments that the international community brings to transitional justice and to peacebuilding more generally. Forgiveness does not easily find a home in these commitments. In virtually every account of the morality of forgiveness, it is not something that a perpetrator has a right to or deserves. In the liberal peace, forgiveness contradicts justice, foregoes justice, exceeds justice, or is otherwise different from justice.

Forgiveness instantiates justice only if justice means something more than rights or deserved punishment. Such a concept of justice can be found in the Bible—the Old Testament, or the Tanakh, and the New Testament—as well as in the Qur'an and in the contemporary school of restorative justice, of which there are secular articulations. Justice in these traditions and schools means righteousness or right relationship, understood comprehensively as the entire set of obligations of everyone in the community in relationship to one another and (in the religious traditions) to God. In the Hebrew Bible, for instance, justice is translated from *tzedeq* and *mishpat*, which also mean righteousness or right relationship. *Tzedeq* is the more sweeping of the two, meaning comprehensive right relationship and all of its attendant obligations, applying to the temple, the family, the courtroom, business dealings, treatment of widows, aliens, orphans, and the poor, and most of all, to relationships with God. The content of these obligations is set forth through God's covenants (Heschel 1962, 200; Achtemeier 1962, 80–82). In the New Testament, several Greek words beginning with the *dik*- stem translate into both “justice” and “righteousness,” most prominently *dikaïosunē*, which is usually the Greek translation of *tzedeq* (Marshall 2001, 38). The Arabic *'adl*, found in the Qur'an, can be understood similarly (Khadduri 1984, 3–12; Omar 2005, 9).

The justice of righteousness or right relationship, like any concept of justice, has two valences. It can mean either a state of affairs—that is, people living in right relationship—or else a process of restoring right relationship after an act of injustice has taken place. This justice, in turn, is virtually equivalent to a further concept that is found in the New Testament and has close cognates in the Jewish and the Islamic traditions as well as contemporary secular sources: reconciliation. Reconciliation,

too, means right relationship, either a state of being reconciled or the reconciliation of a relationship that has been broken. Reconciliation, then, is a concept of justice.

From the texts of each of these traditions, a case can be made that forgiveness is a constructive act that restores right relationship and thus participates in the justice of reconciliation. Scholar of Judaism Louis Newman argues that compassion and a willingness to forgive are God's most central traits as revealed in the Jewish Bible. Numerous instances in which God forgives, as well as the Day of Atonement rituals, reveal that God's purpose in forgiveness is to restore the right relationship of his covenant. God's forgiveness in turn models horizontal forgiveness between members of the community, which is taught primarily in the rabbinical sources, most prominently the second century Mishnah and the writings of Maimonides, rather than the Tanakh. Here, too, forgiveness is a repair of the relationship that a wrong has ruptured (Newman 1987, 159–68). Islam also teaches that forgiveness restores right relationship, both between God and humans and between humans. This is confirmed by Qur'an, the Sunna, classical Islamic jurisprudence, and the writings of modern Muslim intellectuals and in rituals of *musalaha*, or reconciliation, found in Muslim tribal cultures (Irani and Funk 1998; Abu-Nimer 2003, 91–127). In Christianity, too, forgiveness is grounded in the action of God who, through becoming human in Jesus Christ, restores humanity to right relationship through his death and resurrection. Several of Jesus' injunctions to forgive other persons point to God's own forgiveness as a warrant, while other passages suggest that forgiveness between persons is a participation in Jesus Christ's restorative act of forgiveness (see the interpretations of Jones 1993; Torrance 2006, 45–86; and Bash 2007). In some contemporary accounts of restorative justice, forgiveness also contributes to a justice that involves restoration of right relationship (see, for instance, Zehr 1990).

3. The Justice of Reconciliation and Rights

How forgiveness instantiates the justice of reconciliation can be seen more clearly in the relationship between this notion of justice and rights, the central concept of liberalism. Liberalism is a species of the classic Greco-Roman concept of justice as the constant will to render another his due. To be clear, not all species of justice as due are rights-based. Aristotle, Plato, and Augustine, for instance, thought of justice as due but did not espouse rights (or at least not claim-rights); Thomas Aquinas thought of justice in this way but whether he articulated rights is disputed. In modern liberalism, though, due is understood in terms of rights claims, and also, for some liberals, in terms of desert, as in a criminal getting the punishment that is his due. The biblical justice of reconciliation, I argue,

does not reject and in fact encompasses rights and desert. Rights, understood as claims, can indeed be found in the Bible, which speaks of the rights of the poor, for instance (Proverbs 31:5, 8, 9; Ecclesiastes 5:8; Isaiah 5:23; 10:2; and Lamentations 3:35). Biblical justice, though, is wider than rights and desert and includes obligations that exceed the boundaries of these concepts. Such justice, then, is one in which forgiveness, which is not something that is due (that is, a right or something deserved), may participate.

There are three respects in which the justice of reconciliation—that is, of right relationship—is wider than rights. First, there are certain duties that promote right relationship, and thus make up the justice of right relationship, but that enjoy no corresponding right. These are wide duties, which 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 and/or whom they are performed towards. Wide duties vary in their width. Some, such as the biblical injunction to love one's neighbor, are quite open-ended. The identity of the neighbor and the actions involved must be determined for each performer of the duty, vary greatly from person to person, and are not specified by the duty itself. Some wide duties are narrower than others, such as the biblical teaching to serve the poor, but are still considerably open-ended as to which of the poor a person ought to serve and how she ought to serve them.

True, some wide duties may correspond to rights in a meaningful way. Once a man makes a marriage vow and commits himself to love his wife, she may justly claim a right to his love (and vice versa). Were he manifestly to fail to love his wife, she could say rightly that she was denied her right. This wide duty, however, like all wide duties, is discharged through actions that are not specified by the duty itself. Does this husband spend the weekend afternoon playing with their kids, raking leaves, or going to the grocery store because the cupboard is bare? It would be odd to say that the wife has a right to any one of these actions in particular, though there may be good reasons why one is preferable to the others. So whereas a matching right may attend this wide duty, no such right attends the actions that perform this duty.

The wider a duty becomes, the more difficult it becomes to associate the duty with a right, at least a meaningful one. It would be difficult, for instance, to make sense out of a right that everyone has to the love of one's neighbor. What would it mean for this right to be fulfilled? Identifiable fulfillment is a characteristic of a well-specified right; that is, one can know whether it has been respected or not. Most negative rights carry this characteristic. For instance, it is easy to tell whether the right not to be tortured or have one's property trespassed upon has been violated. Some positive rights are also identifiably fulfilled—a creditor's right to be paid as promised, for instance. But as rights become attached to wider and

wider duties, it becomes ever more difficult to specify when they have been fulfilled or what it means for them to be fulfilled. As duties grow wider, they cease to enjoy corresponding rights.

The Bible points to a second respect in which the justice of right relationship (or reconciliation) is wider than rights and desert when it uses the term justice to describe the saving action of God. God, of course, does not always act restoratively, sometimes punishing with great wrath. The scriptures, however, recount him restoring consistently and repeatedly and when he does restore, this restoration is often presented as being undeserved, not fulfilling of a right. Numerous passages in the Old Testament say that God did not requite his people for their sins, that God is slow to anger and rich in mercy, and the like (see, among others, Exodus 34:6; Psalms 103:8; Isaiah 54:7–8; Hosea 11:9; and Nehemiah 9:31). As for God's redemption of humanity through Christ, both scripture and tradition portray it as a gift and thus not something that people deserve or have a right to. Significantly for the argument at hand, the Bible also describes God's salvific action through the use of terms meaning justice. The prophet Amos portrays justice as waters accumulating to a mighty stream of righteousness, restoring, cleansing, and giving life (5:24). Second, Isaiah frequently refers to God's "saving justice" and otherwise uses justice to refer to God's salvation of Israel after it has gone astray (see, for instance, 42:6; 45:21, and 46:13). The Gospel of Matthew (12:6) then quotes Isaiah directly in referring to Jesus as the servant who brings justice to victory. In the Apostle Paul's Second Letter to the Corinthians (2 Corinthians 5:21) he associates God's reconciliation of humanity to himself with "becoming" *dikaiousunē*, the Greek term that translates *tzedeq* and thus means justice or righteousness. A case can be made, though I cannot defend it here fully, that Paul's concept of justification refers to a kind of justice that restores the sinner to an actual state of righteousness or right relationship (see Gunton 1988; Catechism of the Catholic Church 1994, para. 1989; Forrester 1990, 1–13; Marshall 2001; Wright 2006; and Tanner 1999, 510–23). If God's saving action is justice and if it is a gift, then it is not a justice that is deserved or demanded as a right.

The third respect in which the justice of right relationship or reconciliation is wider than rights again involves justice as a process of restoration. It is that even when justice fulfills a right, it also restores other wounds to right relationship that are not strictly entailed in the right. This function of this justice can best be seen in the contemporary politics of addressing past evil. There are portions of contemporary international law, for instance, that hold that victims of gross political crimes have a right to reparations or to know the truth about the perpetrator and circumstances surrounding the crimes. But even if we grant that these are rights, the practices that fulfill these rights involve more than fulfilling

the rights alone. When victims learn the truth about the violence that wounded them at a truth commission, for instance, they not only have their right to truth fulfilled but also, as the experiences of contemporary truth commissions show, they may experience a restoration of their dignity through having their suffering acknowledged, or recognized, by their fellow citizens. Such a restoration comes with the fulfillment of their right but is itself richer and dependent on a thicker notion of human relationship than what the legal language of rights can capture. Yet the restoration is part of the justice of reconciliation.

In these three respects, the justice of reconciliation—in which forgiveness participates—is wider than the justice of rights. Forgiveness itself conflicts with rights in one other respect, which is that it foregoes a right—namely, the right to resentment. Resentment is an emotion through which a victim demands that his dignity be taken seriously, that the moral order be reaffirmed, and that the perpetrator be censored. It is resentment to which a victim has a right and is justifiable in expressing. In forgiving, the victim foregoes what is just about resentment in order to enact the justice of reconciliation. He is not wrong to resent but he decides that what forgiveness constructs is a better alternative to pursue. Because he has a right to resentment, foregoing it is costly to him. He absorbs the wrong in furtherance of right relationship.

4. How Forgiveness Enacts Justice in the Political Order

The justice of reconciliation, then, involves a notion of right relationship that encompasses but is wider than rights. It is equivalent to the entire set of duties that people owe to one another and to God. It is this justice that forgiveness instantiates. Of the two valences of this justice—a state of right relationship and a process of restoring right relationship—it is the process valence to which forgiveness corresponds. The justice that restores right relationship involves not only forgiveness but also a portfolio of other practices that seek to restore the flourishing of persons and relationships with respect to the wounds that political injustices inflict. Besides forgiveness, these include acknowledgment, reparations, apology, restorative punishment (explained below), and building socially just institutions. Practices that redress the wounds of political injustice are the activities that enact the justice of restoring right relationship in political orders.

The justice enacted in political orders, it is important to stress, is only a subset of the more comprehensive justice of reconciliation. Reconciliation respects the notion of limited government that is espoused in modern liberal democracies. The duties of right relationship that pertain to the political sphere are those of citizenship. The reconciliation that applies to this sphere may be called political reconciliation. When political

reconciliation is understood in its valence as a condition or state of affairs—that is, being reconciled in the political order—it amounts to the rights and duties that are shared reciprocally among citizens in a state and between states in the international community. Such a condition is little different from the justice of the liberal peace. Political reconciliation is more distinctive in its valence as a process of restoration. In part it involves the practice of building socially just institutions, based on human rights and the rule of law, which converges with the liberal peace. But it also involves the wider array of practices that redress the wider array of wounds that political injustices inflict and is thus wider than the liberal peace. It is here that forgiveness is situated.

Forgiveness becomes political forgiveness when it takes on two distinctive elements in the political sphere. First, it is performed in response to what I have been calling political injustices—those committed for political ends, usually in the context of war or dictatorship. The past generation's performers of political forgiveness have been mostly ordinary victims of political injustices. Exceptionally, Nelson Mandela is a leader who forgave but even he forgave in his own name, not in the name of a collectivity, though his actions surely carried symbolic social power. The point is that it is the victims who have suffered political injustices who practice political forgiveness. Second, when a victim performs political forgiveness, his reconstrual of a perpetrator as "restored" centrally involves the perpetrator's status as a citizen. That is, the victim now regards the perpetrator as one with whom he would deliberate, cooperate, and fully respect as a fellow citizen in the political order.

How, then, does forgiveness redress the wounds of political injustice and restore right relationship in the political sphere? All of the practices of political reconciliation perform two sorts of restorations, primary and secondary. Primary restorations are instantiated by the practice itself, in this case, forgiveness. Secondary restorations are a further consequence of this initial restoration and include goods like respect for the rule of law, the stability of a peace agreement, and the like. Forgiveness potentially achieves primary restorations through bringing repair to persons and relationships with respect to at least five sorts of wounds that political injustices inflict. In all of these ways, forgiveness is a constructive act, one that builds something better, and not a mere relinquishment.

First, forgiveness aims to overcome what may be called the standing victory of political injustice. This is the ongoing triumph of the perpetrator's evil deed, which persists victoriously and unchallenged in the absence of an authoritative countervailing message of justice. To illustrate with an example from ordinary life, imagine that Frank insults Susan. Now, that insult stands as a fact in their relationship. Susan must deal with it in some way, whether she chooses to ignore it, insult Frank back, rebuke him, or whatever. It is as if Frank had placed a boulder before the

front door of Susan's house. Whether she walks around it or tries to move it, she must deal with it in some way. On the political level, the standing victory of injustice is something much like what Chilean human rights lawyers decried when they sought the trial of General Augusto Pinochet long after he had left office and had become infirm. The standing victory of an injustice is the sense in which an injustice has not been brought down or overcome.

Several of the practices of political reconciliation besides forgiveness serve to shear political injustices of their standing victory: punishment, apology, and the building of institutions that delegitimize the injustice, for instance. Forgiveness, though, defeats the standing victory in its own distinct way. First, it names and condemns the wrong. A particularly protracted example involves Thapo Mbelo, a black South African who, working as a stooge for the apartheid police, helped to frame and murder a group of anti-apartheid activists known as the Gugulethu Seven. A documentary about South Africa's Truth and Reconciliation Commission, *Long Night's Journey Into Day*, closes with a scene of a meeting that Mbelo has requested with the mothers of the Gugulethu Seven in order to ask for forgiveness. Forgiveness, though, does not come readily. One mother declares:

Oh, you feel bad? How much worse do you think the parents of those children feel? Do you see what size I am today? Wait, let me stand up, do you see how thin I am? I used to be fat. Do you see how I look? I used to be fat. It's clear to me that you have food, because you're getting money for selling out your own blood. How do you feel about selling out your own blood instead of defending it? And to think you did it just for the money! Selling your blood for money. I'll stop there. (*Long Night's Journey Into Day* 2000)

Another mother concludes a similar oration with "I have no forgiveness for you." Only after several other mothers dress down Mbelo and refuse him forgiveness does one mother, Cynthia, who had earlier delivered her own blast, decide to turn and offer forgiveness:

Just a minute, my son. Doesn't the name Thapo mean "prayer"? I see what your name means, and I don't know whether you follow it or not. Speaking as Christopher's mother, I forgive you, my child. Because you and Christopher are the same age. I forgive you my child, and the reason I say I forgive you is that my child will never wake up again. And it's pointless for me to hold this wound against you. God will be the judge. We must forgive those who sin against us, even as we wish to be forgiven. So I forgive you, Thapelo. (*Long Night's Journey Into Day* 2000)

Forgiveness here is no mere forgetting or relinquishment.

Forgiveness, though, takes another step in defeating the standing victory of injustice through the victim's decision no longer to hold the perpetrator's wrong against him and to view him as restored to right

relationship and in good standing. She wills a future in which the wrong no longer has force or status and where, in the political realm, she will respect the perpetrator as a full fellow citizen. Cynthia continues her statement of forgiveness by seeking to relieve Thapo's burden, "I want you to go home knowing the mothers are forgiving the evil you have done, and we feel compassion for you." Similarly, Nelson Mandela's acts of forgiveness helped to undermine the authority of apartheid even beyond dismantling the apartheid regime. In forgiving, he willed a relationship with his former oppressors in which their crimes would have no force and would thus be overcome.

Second, forgiveness helps to restore the agency of the victim and to overcome the corrosive effects of anger and resentment. Critics of forgiveness counter that anger and resentment should not be put aside so lightly; they can be both moral and healthy (see, for instance, Brudholm 2008). Even if this is true, however, there is much evidence that over the long term, anger and resentment can be psychologically debilitating and that forgiveness decreases depression and anxiety and increases hope and self-esteem (see Enright, Freedman, and Rique 1998, 46–62). As the Amish say, "like acid, anger destroys the container that holds it."

Forgiveness also strengthens the victim insofar as she acts as an agent in constructing something better in the world around her. In suffering violence or other injustice, the victim became a mere object, her acting self negated. In forgiving, the victim reverses this relationship, now acting back upon the world, seizing agency again. As psychologist Pumla Gobodo-Madikizela explains:

The victim in a sense *needs* forgiveness as part of the process of becoming rehumanized. The victim needs it in order to complete himself or herself and to wrest away from the perpetrator the fiat power to destroy or to spare. It is part of the process of reclaiming self-efficacy. Reciprocating with empathy and forgiveness in the face of a perpetrator's remorse restores to many victims the sense that they are once again capable of effecting a profound difference in the moral community. (Gobodo-Madikizela 2003, 128–29)

Through forgiveness, the victim breaks the power that the perpetrator still has over her.

A third primary restoration that forgiveness potentially effects is bringing restoration to the soul of a perpetrator. Forgiveness contains an invitation to a perpetrator to be something better than what he was when he did the crime and allows him to begin to think of himself differently. Theologian Emmanuel Katongole recounts a case in Rwanda where a man dying of disease was finally forgiven by a child whose parents he had killed in the genocide. "[N]ow I am dying like human person (*sic.*), not like a killer," he said (Katongole 2011, 182).

A fourth primary restoration accomplished by forgiveness is bringing recognition to the suffering of victims, who often languish unacknowledged

in social isolation. Eliciting social recognition is not a unique accomplishment of forgiveness, for other practices can do this, too. But forgiveness, perhaps because it is unexpected and unentitled, has a special potential for eliciting sympathy from onlookers in ways that can contribute to peace. When Gordon Wilson, a legislator in Northern Ireland, publicly forgave the Irish Republican Army for killing his daughter in its bombing of the Enniskillen War Memorial in 1987, loyalist paramilitaries foreswore revenge for the bombing while British parliamentarians and even Queen Elizabeth commended Wilson publicly (Philpott 2012, 255–56).

A fifth primary restoration that forgiveness performs is the rebuilding of respect for human rights, which are justly enshrined in law and enforced by the state. When a victim practices constructive political forgiveness, he wills a relationship between himself and his perpetrator that involves mutual respect for human rights and he sets an example for others in the political order to do likewise. Through his own action he contributes to the building of the rule of law and respect for human rights in the wake of dictatorship, war, and other episodes of political injustice.

Forgiveness can elicit several secondary restorations as well. The dramatic reversal of forgiveness manifests the potential to break cycles of revenge and further violence. Were large numbers of victims to forgive their perpetrators, peace settlements and nascent democracies would benefit from stability and the legitimacy that comes from citizens recognizing one another's rights. Although it is impossible to prove, it is quite plausible that Mandela's acts of forgiveness and his broader spirit of reconciliation helped to avert a violent backlash among South Africa's conservative whites and a subsequent counter-retaliation among blacks—the very civil war without which many South Africans did not think South Africa could make a transition away from apartheid only a few years earlier.

In all of these ways, forgiveness brings repair to persons, relationships, and political orders that have suffered from political injustices and thus participates in the justice of reconciliation. To identify these potential restorations is not to deny the difficulty of forgiveness, or the likely partiality of these restorations, which will occur in some ways but not others and always to greater or lesser degrees, or the rarity of forgiveness, especially when it is scaled against political injustices. Rather, to identify these restorations is to show how forgiveness enacts the justice that restores.

5. Forgiveness, Justice, and Punishment

The case for forgiveness as an instantiation of justice contains responses to criticisms that forgiveness is unjust. Again, one of these

criticisms is that forgiveness burdens the very victims who have suffered horrible political injustices. For instance, Danish philosopher Thomas Brudholm, a leading critic of forgiveness in the political realm, rearticulates Holocaust survivor Jean Améry's pointed criticism of calls for forgiveness of Nazi criminals in Germany in the 1950s. In this atmosphere of amnesia, amnesty, and acquisitiveness, charged Amery, what is called for is protest of the sort that draws attention back to the victims and asks the rest of the society to remember them (Brudholm 2008, 65–81).

Political forgiveness as I have defended it here, though, does not forget or merely burden victims. Understood as a constructive act, forgiveness draws attention to injustice, sometimes brings recognition to victims, and strengthens victims insofar as they regain agency and forego the resentment that can be corrosive in the long term. It is also important that in the justice of reconciliation, forgiveness is accompanied by several other practices—reparations, acknowledgment, and so on—all of which are aimed at honoring victims, restoring them with respect to a particular set of wounds that they have suffered, defeating the injustice that wounded them, and bringing perpetrators to account. Every practice besides forgiveness involves other parties—the state, perpetrators, or other citizens—exercising restorative action toward victims.

Complementarity among the practices becomes especially interesting in the case of punishment, which is arrayed against forgiveness in debates all over the world. At least in principle, though, forgiveness could be compatible with punishment, particularly if both practices are justified in terms of the restorative justice of reconciliation. Bearing this rationale is “restorative punishment,” a term borrowed from Christian theologian Christopher Marshall (Marshall 2001, 131–39). He, joined by other Christian, Jewish, and Islamic theologians, claims that this rationale best makes sense of God's own purposes in punishment (see Hadley 2001). Although, to be sure, not all passages in the Tanakh, the New Testament, and the Qur'an can be reconciled with restorative punishment, most episodes of punishment, even severe punishment, in these scriptures plausibly carry a restorative purpose for the community of believers (if not for all individuals). Certain secular philosophers articulate a restorative rationale for punishment, as well (Hampton 1984; Feinberg 1974; and Duff 2001).

Restorative punishment enfolds key elements of classic retributive theory, including the notion that punishment is deserved, that it entails deprivation, and that it should respect proportionality and due process of law. Restorative punishment, though, rejects other aspects of retributivism, especially the idea that punishment's purpose is to restore a balance between guilt and hardship quite apart from any restoration of persons or relationships. Restorative punishment finds common ground with classic

utilitarian arguments that part of punishment's purpose is to promote justice in society—in this case, the rule of law—but holds that this justification is not alone sufficient.

Reflecting the ethic of political reconciliation in which it is housed, restorative punishment aims to redress certain wounds of injustice. Most prominent among these is one that forgiveness also addresses—the standing victory of political injustice. With respect to this wound, punishment is centrally justified as a communication of censure to the wrongdoer performed by the state, speaking for the community, with the aim of defeating the standing victory. Such punishment reaffirms the values of the community, contributes to the rule of law, and invites the restoration of the perpetrator, encouraging her to recognize the injustice of her crime and to repent. Restorative punishment still entails the deprivation imposed by imprisonment or other forms of suffering, which communicates the seriousness of the crime to the perpetrator. In inviting the perpetrator to participate in her punishment as an expression of remorse, restorative punishment is much like a penance.

For societies addressing past evils, restorative punishment commends forms of punishment that not only censure perpetrators but also are likely to elicit a range of restorations: to bring about the perpetrator's acknowledgment of his wrongs, to encourage members of the community to recognize victims' suffering, and to restore the rule of law and respect for human rights. Since restorative punishment does not require an exact balance of wrongs and deprivation, it is flexible enough to perform this range of restorations as the circumstances allow. Restorative punishment may still involve imprisonment or disqualification from office and should impose these punishments on top perpetrators if possible. But in the case of lesser crimes, and even in the case of large-scale crimes in combination with imprisonment, other forms of punishment can effect a more holistic restoration of relationships. Countries such as Timor-Leste, Rwanda, and Uganda have adapted traditional tribal rituals to address recent modern political crimes in a way that combines truth-telling, community participation, reparations, apology, forgiveness, and reintegrative forms of punishment such as community service. Though results have been mixed, especially in Rwanda's gacaca courts, all of these forums have realized a degree of success in combining restorative practices.

It is the restorative justification of punishment that makes it compatible with forgiveness. In willing forgiveness, a victim wills restoration in the ways noted above. When a victim wills punishment, she asserts that the hard treatment of punishment is also required to defeat the perpetrator's injustice. Such a will for punishment in no way contradicts the victim's will to forgive. Although, when a victim forgives, the perpetrator comes to be in good standing in her eyes, from the perspective of the community and its laws, the perpetrator's injustice stands victorious and

may be brought down through punishment. In approving of this punishment, the victim demands no payment from and expresses no resentment against the perpetrator but rather voices her desire to see the standing victory of the injustice defeated. Making punishment even more compatible with forgiveness is the fact that it is the state who carries out the punishment. Because it speaks in the name of the community and its laws, the state is situated best to convey the values behind the law to the perpetrator. It is the state who can also secure other dimensions of ethical punishment such as a fair trial, due process, and proportionality. Victim, perpetrator, and state, then, each defeat the message of wrongdoing in a different way in this restorative division of labor.

6. Conclusion

There are numerous issues surrounding political forgiveness that this article does not address: whether forgiveness is obligatory; whether forgiveness requires a prior apology; whether a head of state could practice "collective forgiveness" on behalf of an entire society; and others. Rather it focuses on the relationship between forgiveness and justice. This is an important issue at a time when forgiveness has made its way into political discourse around the world and has done so in milieus where justice is an urgent topic, namely milieus where people are grappling with past political evil. If, as I have argued, forgiveness is compatible with the justice of reconciliation, this conclusion may well help to make forgiveness a more acceptable practice in a sphere where justice is the first virtue: politics.

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IS IT POSSIBLE AND SOMETIMES DESIRABLE FOR STATES TO FORGIVE?

Nicholas Wolterstorff

ABSTRACT

After discussing at some length the nature of interpersonal forgiveness and its relation to punishment, the author addresses the main question of the essay: are states the sorts of entities that can forgive; and if they are, is it sometimes desirable that they forgive? The author argues that states can forgive and very often do; and that sometimes it is desirable that they do so. The essay closes by considering the complexities that arise when the state wants to forgive but the victim does not, and conversely.

KEY WORDS: *forgiveness, repentance, punishment, excusing*

One of the most perplexing problems facing states is that of so-called transitional justice: how to move forward from a period of gross and pervasive injustice to a period of just and peaceful stability. One option is to ferret out the offenders and bring them before the bar of justice for their offenses. Another is to forego ferreting out the offenders and declare a general amnesty for whatever be the offenses. A third is to ferret out the offenders and forgive them for their offenses. Naturally there can be combinations of these.

The fact that in the latter half of the twentieth century a rather large number of states found themselves in situations of transitional justice has stimulated a lively debate among theorists and practitioners as to which of these options is morally tenable, and if two or more are morally tenable, which is to be preferred. There has also been a debate over whether forgiveness is even the sort of thing that states can do. In what follows I will argue that states can forgive, and that sometimes it is desirable that they do so. Since the issues are deep and complex, our treatment will be far from exhaustive.¹

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¹ I have discussed the issues in a previous essay (Wolterstorff 2006). My understanding of forgiveness is now quite different from what it was when I wrote that essay; thus a good deal of what I said there I no longer agree with.

1. The Nature of Forgiveness

It would be a happy state of affairs if there were consensus on what forgiveness is. We could then immediately address the question whether it is possible and sometimes desirable for states to forgive. But there is no such consensus; among those who write on forgiveness there are, instead, multiple points of disagreement. Accordingly, I will open our discussion by stating my own view on the matter. Along the way I will call attention to a few of the points on which my understanding of the nature of forgiveness differs from that of some others; but I will not be able here to give a general defense of my understanding.²

Forgiveness cannot be dispensed hither and yon indiscriminately. Forgiveness presupposes that someone has been wronged, deprived of something to which she had a right; it presupposes that an injustice has occurred. It furthermore presupposes that the one doing the forgiving *recognize* that an injustice has occurred.

Most writers on the matter take for granted that only the one wronged can do the forgiving. This seems incorrect to me. We say such things as “I have finally forgiven my uncle for what he did to my father.” It appears to me that forgiveness requires that one either be the victim or in some way *identify with* the victim or *be attached to* her.³ Nothing in what I have to say hangs on this, however; so I will run with the crowd and speak as if only the victim of some wrongdoing can forgive the wrongdoer.

Let us begin by analyzing forgiveness as exercised by individual persons, and then move on to look at forgiveness as exercised by the state. I will present my account of forgiveness as an interpersonal transaction in two stages. First I will describe the context required if forgiveness is to occur; then I will say what forgiveness does within such a context.

The prerequisite context has five essential components. It is my impression that, with one exception, the claim that these are conditions for the occurrence of forgiveness is non-controversial; we will get to the exception shortly. I can forgive Malchus for what he did to me only when (1) Malchus wronged me; (2) I correctly believe that he was blamable for doing so;⁴ (3) I continue to remember the deed and who did it and continue to condemn it; (4) I feel resentment or some similar negative emotion at the deed done; and (5) I feel anger or some similar negative emotion at Malchus for having done it. When these five conditions are met, forgiving Malchus for what he did to me is a possibility.

² I have done that in chapter 15 (161–77) of Wolterstorff 2011. Some passages in the account of the nature of forgiveness that follows have been taken over from my discussion there.

³ An alternative analysis of the example would be that, by virtue of being attached to my father, I too was a victim, albeit not the *direct* victim, of what my uncle did to my father.

⁴ In Wolterstorff 2008 I argued that one can wrong someone without being blamable for doing so.

Let me explain why these five are prerequisites for interpersonal forgiveness. If what Malchus did to me did not constitute wronging me, if it amounted to no more than doing something that I prefer he not have done, forgiveness is not in order. When Malchus wrongs me, he generates in me the right to hold against him what he did to me; forgiveness, as we shall see, consists of foregoing the exercise of that right. But if Malchus did not wrong me, he did not generate in me the right to hold against him what he did to me. Of course we do often hold grudges against people for the way they treated us even though we were not wronged; but in such a case, their way of treating us does not give us a right to hold the grudge.

If Malchus wrongs me but is not blamable for doing so, or if he is blamable but I do not believe he is, then too forgiveness is not in order. If he is not blamable—if he acted under duress, out of non-culpable ignorance, out of ineradicable weakness of will, or whatever—then he is to be excused, not blamed. Though forgiving resembles excusing in respects, it is nonetheless not only distinct from excusing but forestalled thereby.

Third, if I am to forgive Malchus for the wrong he did me, I must continue to remember the deed done, I must continue to remember that it was Malchus who did it, and I must continue to condemn the deed. Forgetting what was done to me, or forgetting that Malchus did it, whether because I actively put the memory out of mind or because it just gradually fades away, resembles forgiveness. But forgiving is not forgetting; forgetting forestalls forgiveness. If one has forgotten, one cannot forgive. Forgiving is thus not to be identified with letting bygones be bygones—no matter whether the bygone is a bygone because one no longer holds the agent culpable, because one no longer actively remembers the deed done or who did it, or because one no longer condemns it as wrong.

Fourth, it is possible to believe that one has been wronged by someone without experiencing any negative affect toward either deed or doer. One might dismiss act and agent as beneath one's notice: "I can't be bothered with insults from scum like this." Such affectless dismissal is not forgiveness; it too forestalls forgiveness. It does not treat the deed and the doer with the moral seriousness that interpersonal forgiveness requires.

So what is it to forgive Malchus for the wrong he did to me? The most philosophically sophisticated and detailed analysis of forgiveness presently available is that by Charles L. Griswold in *Forgiveness: A Philosophical Exploration* (2007). Griswold's account presupposes his insistence that the only negative emotion relevant to forgiveness is toward the wrongdoer; he calls it resentment. Thus he implicitly denies the fourth on my list of prerequisites of forgiveness, the presence of a feeling of resentment or some similar negative emotion toward the deed done. Griswold then analyzes forgiveness as including the following four components: forswearing revenge, moderating resentment, committing oneself to let

go of any lingering resentment, and communicating to the offender that forgiveness is granted.

Griswold holds that this forswearing of revenge and this moderating and letting go of resentment require the following actions on the part of offender and victim:

In order to qualify for forgiveness, the offender would have to show that she has sympathetically entered into the situation of her victim, and understands the victim's narrative from that point of view. The offender would also have to offer a narrative accounting for how she came to do wrong, how that wrong-doing does not express the totality of her person, and how she expects to become worthy of approbation. The offender who presents a request for forgiveness presents a narrative of guilt, regret, and remorse, explains how she came to do the injury, describes the moral sentiments that ensued, and convincingly depicts a change of ways that will unfold over time.

For her part, the victim must re-frame both her view of the offender and her view of herself. . . . Re-framing your perspective on the offender, and eventually yourself, means that your resentful "stories" . . . must be revised. Furthermore, you must re-frame your view of yourself, in part insofar as your self-definition is affected by your oppositional relation to enemies or oppressors. (Griswold 2007, 183–84)

My main problem with Griswold's account is his resistance to distinguishing between one's negative affect toward the wrong done and one's negative affect toward the wrongdoer. I agree with Griswold that forgiving is not forgetting. To the contrary: forgiveness requires remembering what was done to one and who did it and requires continuing to condemn what was done. I likewise agree with Griswold that forgiveness requires the enacted commitment to get rid of one's negative affect toward the wrongdoer. I part ways from Griswold in holding that forgiveness does not require getting rid of one's negative affect toward the deed done. We can discuss whether it is in fact possible to condemn the deed done while feeling no negative affect toward it. But even if that is possible, full and complete forgiveness is compatible with continuing to feel some resentment over what was done to one.

Forgiveness requires letting go of one's negative feelings toward *the wrongdoer*; it does not require letting go of one's negative feelings toward the deed done. One can fully forgive the wrongdoer while continuing to resent what he did. A satisfactory theory of forgiveness must explain how this delicate balancing act can be brought off and why it is sometimes good to bring it off. Given his resistance to distinguishing between the victim's negative affect toward the wrong done and her negative affect toward the wrongdoer, Griswold does not acknowledge this balancing act as constitutive of forgiveness.

I also doubt that forgiveness requires anything so elaborate on the part of the wrongdoer as Griswold suggests; if that were required, forgiveness

would seldom occur. More relevant, however, is what Griswold says the victim must do. She must re-frame her view of the offender and of herself. I regard this as much too intellectual a view of the matter. I hold that forgiveness involves not just how one views the offender but, more importantly, how one *treats* the offender, how one *engages* her.

Forgiveness, so I suggest, is the enacted resolution of the victim no longer to hold against the wrongdoer what he did to one—or to use biblical language, no longer to count the sin against him. Mere resolution is not enough; forgiveness requires that one *enact* the resolution, act on it. If one resolves not to hold the deed against the wrongdoer but, for whatever reason, never acts on one's resolution—one finds it too difficult, one shortly falls into a permanent coma, or whatever—then, though one is willing to forgive, one does not actually forgive.

Holding against the wrongdoer what he did to one manifests itself in many different ways: feeling angry toward him, avoiding him, punishing him or supporting his being punished, scolding him in public, viewing him as rotten, and so forth. Forgiveness is the enacted resolution not to do any of those things. An explanatory qualification is in order. One's resolution not to hold the deed against the wrongdoer may be partial, in that it consists of resolving not to hold the deed against him in some ways but not all ways. So too, one's enactment may be partial in that one succeeds in enacting one's resolution in some ways but not in all. Further, the scope of one's resolution may expand over time, as may the scope of one's enactment. Forgiveness is often partial, in the two ways mentioned; and forgiveness often, perhaps usually, takes the form of a process rather than a full and complete resolution enacted fully and completely on the spot.

What is it to no longer hold against someone what he did to one, to no longer count it against him? He did it after all, one remembers that he did, and one continues to condemn it. I gave a few examples of how holding something against someone is manifested. But can we characterize the thing itself, and then also characterize what it is to refrain from doing that?

Some writers suggest, implicitly or explicitly, that not to hold against someone the wrong he did to one is to treat him as not having done what he did. That seems to me not quite correct; not even when one excuses someone for what he did, does one do that. Not to hold against Malchus what he did to me is instead for me to engage him as I would if I regarded that deed as not belonging to his moral history. It does in fact belong to his moral history, and I know that it does; I remember it, I condemn it, and I regard Malchus as blamable. But I now act on the resolution to engage him as I would if I believed that it was only part of his *personal* history, not part of his moral history.

By the *moral history* of a person I mean that ensemble of things he did that contribute to determining his moral condition, things he did that

contribute to determining in which respects and to what degree he is a morally good person and in which respects and to what degree he is morally bad. The point of introducing the idea of a person's moral history is that we need not, and do not, regard everything a person does as part of his moral history. If Malchus wronged me, but it turns out that he is not blamable because he acted out of non-culpable ignorance, then, rather than thinking worse of him for what he did to me, I excuse him. To excuse him is to view the deed as not part of his moral history. It is part of his personal history; he did it. But it is not part of his *moral* history; it does not put a blot on his moral character.

One can imagine a society whose members did not accept excuses. They would count everything a person did that wronged someone as contributing, negatively, to his moral character. If the deed wronged someone, and Malchus did it, then it belongs to his moral history; it places a blot on his moral character. No excuses allowed. Our society is not such a society.

Though forgiving the wrongdoer is not only different from excusing him but precluded thereby, forgiving does resemble excusing in that one enacts the resolution to engage the person as one would if the deed done were only a wrong-inflicting component of his personal history, not a negative component of his moral history. While not excusing him, one nonetheless enacts the resolution to engage him as one would if one did excuse him—with the exception, of course, that one believes, about him, that he is in fact not to be excused for what he did. Full and complete forgiveness comes as close as possible to engaging him as one would if one excused him while nonetheless not excusing him. If one excuses him, one declines to hold the act against him for the reason that one believes that it does not belong to his moral history; if one forgives him, one resolves not to hold the act against him even though one believes that it does belong to his moral history.

Let me close this discussion concerning the nature of forgiveness by returning to a point made very briefly earlier. If Malchus wrongs me, he thereby generates in me the right to treat him in various ways that we can summarize as *holding against him what he did to me*. The right in question is a *permission*-right, not a *claim*-right. Given what he did to me, I am now permitted to treat him in ways that can be summarized as holding against him what he did to me. I know of no standard name for the full range of such rights; let me call them *reactive* rights. Full and complete forgiveness consists of the enacted resolution to forego the exercise of one's reactive rights.

2. Forgiveness and Repentance

I remember what was done to me and condemn and resent it. I also remember that it was Malchus who did it and I condemn and feel angry

at him for having done it. But now I enact the resolution not to hold it against him. I forgive him. Why the change?

If the case is typical, the move from holding the deed against him to enacting the resolution not to do so occurs after coming to believe that Malchus has altered his relation to what he did and to me in a morally significant way. Of course I also have to be willing to forgive. But typically willingness becomes will after believing that Malchus has changed. He remains blamable for doing what he did; he cannot change that. It remains a stain on his moral character. But I believe that he now joins me in condemning it. With unmistakable sincerity he tells me that he now thinks that what he did was wrong. If the wrong done is the sort of thing for which compensation can be given, he offers compensation. Malchus is now a morally different person from the one who wronged me, in this respect, a morally better person. That accounts for why my willingness to forgive becomes the will to forgive.

If the wrong done was not serious, and if the victim is of a forgiving disposition, forgiveness in response to the recognition that the wrongdoer is penitent may emerge almost effortlessly. As I pointed out earlier, however, forgiveness often requires effort, and many find success in the effort beyond them. They cannot bring themselves to forgive, not even when they concede that the wrongdoer is penitent. There may be a side of them that wants to forgive; but they find it impossible to resolve to do so. Or they resolve to do so but find it impossible to carry out the resolution. Forgiveness is often partial, maybe usually, and is often slow and difficult.

Two obvious questions arise here. Is it possible to forgive a wrongdoer whom one knows to be impenitent? That is to say, can willingness become will in the absence of repentance? And if it is possible to forgive someone whom one believes to be unrepentant, is it morally acceptable to do so? On this occasion I must refrain from addressing these questions; I have done so elsewhere.⁵

3. The Goal of Forgiveness

The fact that, typically, willingness to forgive becomes the will to forgive upon coming to believe that the wrongdoer repents of what he did, does not yet explain the point of forgiving. Why not try to forget what Malchus did to me? Or why not continue to hold it against him even if he is contrite? Why walk the tightrope of remembering and continuing to condemn what he did to me while no longer holding it against him?

⁵ See Wolterstorff 2011, 172–75. It is clear from the passage quoted earlier from Griswold that he holds that repentance on the part of the wrongdoer is a condition of forgiveness on the part of the victim.

The reason Griswold offers is that forgiveness is *due* the penitent wrongdoer. "Forgiveness is commendable because it is what the offender is due. . . . Forgiveness recognizes . . . that a wrong-doer who has taken all the necessary steps to rejoin the moral community would be disrespected in turn if forgiveness were withheld" (Griswold 2007, 69). I find this claim implausible, that repentance places on the victim the *obligation* to forgive, that not to forgive the penitent wrongdoer would be to *wrong* him, making the wrongdoer now the victim and the victim now the wrongdoer. Repentance is not, in this way, an obligation-generating act; it does not put one in the position of having a morally legitimate claim on forgiveness.

Griswold speaks of the wrongdoer as "rejoining the moral community" upon being forgiven. But the wrongdoer has never left the moral community. Malchus does not remove himself from the moral community by wronging me, nor do I place him outside the moral community by holding against him what he did to me. To hold *this one deed* against him is not to treat him as a moral pariah to be shunned. If holding against Malchus what he did to me amounted to treating him as a moral pariah, then I would indeed be obligated to forgive him upon his repentance. But that is not what it is.

Rather than the wrongdoer generating in the victim the obligation to forgive by his penitence, the wrongdoer *offers* his repentance in the *hope* that the victim will treat him as having a new moral identity. Repentance is an invitation to forgiveness. The victim should respond to this invitation, or try to respond, by in turn offering forgiveness. But the "should" here is not the "should" of moral obligation but the "should" of this being the best thing to do. Forgiveness is an act of supererogation. If the victim finds it impossible to forgive, her appropriate response is not feeling guilty but feeling regretful.

What then is the benefit of forgiveness? What good does it bring about? Forgiveness coupled with repentance liberates both victim and wrongdoer from the morally destructive effects of the wrongdoing,⁶ and often it opens up the possibility of a renewed relationship based on reconciliation. Punishment of the wrongdoer achieves neither of these; it neither liberates the parties from the moral pit in which they find themselves nor does it open up the possibility of reconciliation. Nor does forgetfulness, or any other form of "bygone" by the victim, achieve these goods.

But sometimes one forgives what was done to one while holding out little if any hope for a renewed relationship based on reconciliation. The person who wronged me apologizes for what he did and I forgive him because I believe he is sincere. But he remains unrepentant of all the other ways in which he has wronged me; I continue to hold those wrongs against him. Or I believe that his character or his "demons" are such that

⁶ For an excellent development of this point see Hampton 1988.

if I am around him, he is likely to wrong me again; so I avoid him. In such cases, forgiveness does not achieve reconciliation.

So why forgive if reconciliation seems unlikely? The answer to this question will not be found by looking farther afield for beneficial effects of forgiveness on victim or wrongdoer. If forgiveness is a good even in such a case, that is because it is an intrinsic good in the life of the wrongdoer which is appropriately chosen by the victim as an end in itself. To forgive you for the wrong you did me upon discerning that you are penitent is to free you from the burden of this part of your past being a determinant of how I engage you henceforth. Such liberation from the past is an intrinsic good in your life; witness the fact that the repentant wrongdoer hopes for forgiveness. It is a good in your life that I no longer hold against you what you did to me—obviously so if my not holding it against you includes my refusing to endorse punishing you. My continuing to hold it against you would be an evil in your life; your flourishing would be impaired.

4. Forgiveness and Punishment

In order to answer the question whether states can forgive, we must briefly discuss the relation between forgiveness and punishment. In many cases of being wronged, the right either to punish the wrongdoer or to endorse his being punished is among the reactive rights that one acquires. Two questions arise here. Is one morally permitted to forego exercising this particular reactive right? And does full and complete forgiveness require that one forego exercising it? If one is not morally permitted to forego exercising this reactive right, whereas full and complete forgiveness requires that one do so, then of course full and complete forgiveness is not morally permissible. A good many writers have argued exactly that. Others have avoided that conclusion by arguing that full and complete forgiveness is compatible with punishing the wrongdoer or endorsing his punishment.⁷

But what is punishment? Different writers answer that question differently. Let us consider what appear to me to be at present the two dominant accounts. The traditional account of punishment, going back into antiquity, is that punishment is retribution, understanding retribution in accord with the etymology of the term as paying back—redressing the injury done to the victim by the imposition of an equivalent injury on

⁷ Kathleen Dean Moore defends this position in Moore 1989. Her understanding of forgiveness is quite different from mine, however. She says that forgiveness is a certain “attitude of one who has been injured toward the one who has inflicted the injury. The attitude of forgiveness is characterized by the presence of good will or by the lack of personal resentment for the injury” (1989, 184). I do not dispute that forgiveness so understood is compatible with punishing, or endorsing the punishment, of the offender.

the wrongdoer. The point of doing this, say those who favor this account of punishment, is that the wrongdoing created an imbalance which punishment then rectifies. The theory does not claim that this rectification of imbalance is an intrinsic good in the life of either victim or wrongdoer, nor does it claim that it proves always to be an instrumental good in the life of one or the other; rather, it claims that the moral order is thereby vindicated. As Jean Hampton puts it, punishment strikes “a blow for morality.” It “plants the flag of morality” (Hampton 1988, 130). Many retributive theorists, probably most, assume or claim that this vindication of the moral order is (*prima facie*) obligatory.

An alternative view of punishment that has gained in popularity since it was first worked out in detail by Joel Feinberg some years ago is what he called the *expressive* theory of punishment (Feinberg 1970). Punishment, says Feinberg, “is a conventional device for the expression of attitudes of resentment and indignation, and of judgments of disapproval and reprobation, on the part either of the punishment authority himself or of those ‘in whose name’ the punishment is inflicted. Punishment, in short, has a *symbolic* significance” (Feinberg 1970, 98). The idea is this: the imposition of hard treatment on the wrongdoer *counts as* condemning him for his deed and is a way of *expressing* resentment of the deed done and anger at him for doing it. Often we use words to reprove someone for what he did and to express our resentment of what he did and our anger at him for doing it. But sometimes the gravity of what was done makes words seem inadequate for these purposes; in those cases we resort to hard treatment of one sort and another. The hard treatment is then punishment.

Those who are dubious of this expressive theory of punishment should reflect on the punishment by parents of their children. Rarely do parents think of themselves as paying back, as getting even; when they do think of themselves that way, something has gone seriously wrong in their relation to the child. Parents understand themselves as doing exactly what Feinberg describes. Though Feinberg does not cite the case of a parent punishing her child, what he is proposing, in effect, is that all punishment be understood on that model.

My own view is that though all punishment *should be* understood and practiced along the lines that Feinberg lays out, it is often not so understood and practiced but is instead understood and practiced as retribution. The language commonly used within the criminal justice system makes that abundantly clear. Society is paying back the criminal for what he did.

As mentioned above, Feinberg calls his theory of punishment the “expressive” theory. It would be odd, however, to call punishment understood and practiced along these lines *expressive* punishment. In my discussion of forgiveness and punishment in *Justice in Love* I called it *reprobative* punishment (Wolterstorff 2011, 193–98).

We are ready for the question: is full and complete forgiveness compatible with punishing or endorsing the punishment of the wrongdoer? No doubt partial forgiveness is compatible; but is full and complete forgiveness? Forgiveness, to repeat, consists of engaging someone as one would if one regarded what he did as part of his personal history but not part of his moral history; it consists of engaging him as one would if one excused what he did—with the exception that one continues to believe that he is in fact blamable for what he did. But punishment, whether understood and practiced as retributive punishment or as reprobative punishment, is *for* the wrong done; to impose it or endorse its imposition is to treat the person *as a wrongdoer*. If one engaged him as one would if one excused him, one would oppose the imposition of punishment. Full and complete forgiveness is incompatible with punishing the wrongdoer or endorsing his punishment.

The person who has been wronged is thus faced with a choice. He can punish the wrongdoer or endorse his being punished; but then his forgiveness will necessarily be partial at best. Or he can commit himself to full and complete forgiveness; but then he will have to oppose the imposition of punishment.

One can impose hard treatment on someone or endorse the imposition for other than retributive or reprobative reasons. One might do so because one believes that it will deter others from doing the same sort of thing, or will serve to rehabilitate the wrongdoer; or one might incarcerate the wrongdoer because one believes that society has to be protected from him. I agree with Feinberg that hard treatment when imposed for these reasons is not, strictly speaking, punishment. Punishment is inherently backward-looking; it is a response to an act of wrongdoing that took place in the past. Hard treatment imposed for deterrence, rehabilitation, or protection is inherently forward-looking; it hopes to bring about some good, either in the wrongdoer or in society generally.

An obvious question is whether full and complete forgiveness is compatible with imposing, or endorsing the imposition of, hard treatment on the wrongdoer for the purpose of deterrence, rehabilitation, or protection. I have addressed this question elsewhere, concluding that while full and complete forgiveness is compatible with imposing, or endorsing the imposition of, hard treatment for the purpose of rehabilitation or protection, it is not compatible with (justly) doing so for the purpose of deterrence (Wolterstorff 2011, 199–200). It would serve no purpose to delve into those issues here.

5. Can States Forgive?

Can states forgive? Griswold holds that they cannot. They can issue pardons and amnesties; but these, though they bear significant

similarities to forgiveness, are not strictly and literally forgiveness. In defense of this claim Griswold reminds us that, on his analysis, an essential component of forgiveness is overcoming one's feelings of resentment toward the wrongdoer; forgiveness, he says, "is necessarily connected to the sentiments" (Griswold 2007, 142). But institutions in general, and states in particular, have no feelings and so, of course, cannot overcome their feelings of resentment. Kathleen Dean Moore offers the same argument in the book already mentioned, *Pardons: Justice, Mercy, and the Public Interest* (1989).

Suppose that the state's pardon of someone is accomplished by the president issuing a legitimate declaration of pardon. The president may personally have harbored feelings of anger—Griswold calls it *resentment*—toward the wrongdoer that he may now resolve to purge. But it is not the president who pardons, but the state, by way of the president issuing a legitimate declaration of pardon. And the state has no feelings.

Negative feelings played a significant role in my analysis of interpersonal forgiveness. But recall my account of forgiveness: forgiveness is the enacted resolution not to hold against the wrongdoer what he did. While not excusing him, forgiveness treats him as one would if one did excuse him.

Given this account of forgiveness, the question to ask is not whether states have feelings of anger or resentment of which they can purge themselves, but whether, even if they do not have feelings, they can nonetheless hold against someone the wrong he did, and if so, whether they can also decide to forego doing that. Given that states are entities of a very different type from persons, we must expect that if they can and do hold against someone the wrong someone did, their doing so will take a significantly different form from the form it takes in interpersonal forgiveness. But as we noted earlier, our holding against someone what he or she did to us also takes many different forms.

Not only *can* states hold against someone the wrong someone did; they do in fact do this, all of them, mainly by the imposition of punishment. And if they decide to forego punishing some wrongdoer or to end the punishment before its completion, they then forgive the person. They enact the resolution no longer to hold the deed against him or her—unless, of course, they continue to hold it against them in some other way, say, by depriving them of certain rights possessed by law-abiding citizens. And not always do they insist on indications of repentance before they forgive.

A question that suggests itself here is whether ceasing to punish the wrongdoer because his sentence is completed is also a form of forgiveness. After all, the state then no longer holds against the person what he did. This does not constitute forgiveness. Recall that forgiveness, as I have described it, has two aspects, or two dimensions. To forgive the wrongdoer is to enact the resolution no longer to hold against the person what they

did, and it is to forego exercising one's reactive rights. We can combine the two aspects by saying that forgiveness consists of foregoing one's reactive rights by enacting the resolution no longer to hold against the wrongdoer what he did. Once the sentence imposed on the lawbreaker has been completed, the state no longer has any reactive rights against the person.

The reasons states have for foregoing or reducing punishment appear to me to fall, for the most part, under four headings: states forgive out of expediency, they forgive out of mercy for the offender, they forgive out of tribute to the outstanding character of the offender or gratitude for his social contributions, and they forgive for the sake of reconciliation. Let me offer an example or two of each.

Given that the attorney general of any government has only limited prosecutorial resources at her disposal, she must constantly make decisions as to when to prosecute and when not. If she believes that some person is guilty of violating the law but judges it unlikely that she will win the case, she usually does not prosecute. But even if she does judge that she will win, she does not always prosecute. The offense is too minor; she has to husband the resources of her department for more serious infractions. So she enacts the resolution to forego punishment of the transgressor. Thereby the state forgives, out of expediency.

Second, now and then states forgive financial debts owed them by foreign countries. If we take at face value their explanations of why they do this, it is done out of mercy for the foreign country which finds itself in a financially straightened condition. Likewise state executives, out of mercy, sometimes pardon prisoners who are terminally ill. Thereby the state forgives.

Third, executive pardons are sometimes issued on the ground that, though the person has indeed fallen afoul of the law and deserves to be punished, her character overall is nonetheless so admirable, or their past contributions to society so estimable, that it would be a good thing to forego full punishment. In general, executive pardons that are given for reasons other than that justice has misfired constitute acts of forgiveness by the state.

Last, there is forgiveness for the sake of reconciliation. Gerald Ford explicitly stated that his pardon of Richard Nixon—strictly, the American state's pardon of Nixon—was for the sake of reconciliation. He judged that were Nixon to be punished, the poisonous political atmosphere that had been created by Nixon's actions and the conflicting judgments thereon would last for years and years; best to get the whole thing behind us. Nixon's acceptance of the pardon implied his admission that he was guilty of what he was being pardoned for.

The actions of South Africa's Truth and Reconciliation Commission provide many additional examples of forgiveness for the sake of reconciliation. A relevant question is whether or not it was amnesty rather than

forgiveness that the South Africa state offered by way of the actions of its Truth and Reconciliation Commission. I find the argument of P. E. Digeser compelling that, for the most part, it was forgiveness (Digeser 2001). Forgiveness, to say it yet again, is the enacted resolution not to hold against the wrongdoer what he did; it is the enacted resolution to forego exercising one's reactive rights. Forgiveness thus understood presupposes that the forgiver knows the identity of the offender. If I know that something wrong was done to me but do not know who did it, then I cannot enact the resolution not to hold it against the offender. By contrast, the state declares amnesty when it recognizes that wrongs were done but does not know who did them, not in detail, anyway; sometimes it does not know because it does not want to know. Most of the actions of the South African state, by way of its Truth and Reconciliation Commission, came closer to forgiveness than to amnesty; and the stated goal of the process was reconciliation.

6. When State Forgiveness Becomes Problematic

The fact that states do in fact forgive for the reasons adduced does not establish that it is permissible and good for them to do so. But if it is permissible and sometimes good for individuals to forgive, it is hard to see why, in principle, it would be wrong or undesirable for states to do so.

There is an inherent peculiarity of state forgiveness that rather often makes it problematic, however. In a rule-of-law state, criminal wrongdoings typically have victims of two sorts: a person or group of persons on the one hand, and the state on the other. In the case of so-called victimless crimes, the state is wronged without any individual being wronged. But in most cases of wrongdoing that is a crime; the wrongdoing has both some individual and the state as its victim.

In the modern state, onerous forms of punishment are by and large forbidden to citizens and reserved to the state; citizens are not allowed, for example, to seize someone who has wronged them and incarcerate him in their basement. There are exceptions; in some jurisdictions citizens are allowed to shoot to kill in self-defense. How should we understand this denial to citizens of the right to take punishment into their own hands? One way to understand it is that in the modern state, citizens for the most part have no reactive rights with respect to punishment of the wrongdoer when his wrongdoing is a crime. Though there are many ways in which citizens are allowed to hold against the wrongdoer what he did to them, taking punishment into their own hands is not one of those ways. Punishment is not included among their reactive rights.

The other way to understand the situation is to regard the modern state as in effect declaring that when the wrong done to someone is a crime, it will punish the wrongdoer on behalf of the victim; it will punish

him *for* her. We the citizens retain our right to punish the wrongdoer. When the wronging of some person takes the form of a criminal act, both that person and the state are wronged and both that person and the state possess the reactive right to punish the wrongdoer. But this reactive right of citizens is strikingly different from most rights, in that citizens are not allowed to exercise the right themselves but must stand back and let the state to do it *for* them.

I am not sure which of these analyses is correct. I incline, however, toward the latter. So let me in conclusion take note of some of the complications that arise on this analysis. All goes well when the two parties, the individual victim and the state, agree on when to punish the wrongdoer and when to forego doing so. But often they do not agree. Sometimes a citizen wants to forgive the wrong done to her fully and completely whereas the state insists on punishing the wrongdoer for the wrong done to it. And sometimes the converse happens: the state forgives by foregoing punishing the offender for the wrong done to it whereas the citizen is unwilling to forgive. Both types of disagreements raise important issues; but let me concentrate here on the latter type.

The state decides out of its own interest, say, in social reconciliation, to forgive the wrong done to it by foregoing or ending punishment. But the citizen refuses to forgive; in particular, she insists that the person who wronged her be punished. She does not take punishment into her own hands; but neither does she choose to forego her reactive right to punishment. She insists that the state punish the wrongdoer *for* her, on her behalf.

It would appear that for the state to proceed with forgiveness in such a case, and not punish the wrongdoer, would be to perpetrate injustice on the person who is already a victim. Typically in such cases there is also an issue of equity: is it not unjust for the state to forgive this person and not those others? But apart from any such inequity, it appears that the state victimizes someone who is already a victim. This is so for the following reason. Recall that reactive rights are permission-rights; and then note that, for the most part, if one is permitted to do something, one has a right to being allowed to do it. Exceptions to this principle are those contest situations in which one is permitted to do something while others are permitted to try to stop one from doing it. But if the state does not punish the wrongdoer, while at the same time forbidding the victim to take punishment into her own hands, then it is preventing her from doing what she has a reactive permission-right to do. And thereby it wrongs her, or so it seems.

The modern state is a curious and complex arrangement when it comes to punishment. By virtue of enacting and maintaining a system of criminal law, the state makes itself susceptible to being wronged; and prominent among the reactive rights that it acquires upon being wronged is the

right to punish lawbreakers. But the state also declares that when wrongdoing takes the form of crime, citizens are not themselves to exercise their reactive right to punish the wrongdoer but are to allow the state to punish the wrongdoer *for* them, on their behalf. Yet the state does not have two independent systems of punishment—one for punishing the wrongs done to it, and one for the punishments it imposes on behalf of citizens for the wrongs done to them.

Often the consequence of the state forgiving the wrongdoer, when the person refuses to so do, is that the wronged party and those who take her side are not only angry at the wrongdoer for the wrong he perpetrated on her but also angry at the state for the wrong it appears to have perpetrated on her by hindering the exercise of her reactive right to punish him. Especially will this be the case when the state forgives in the absence of any sign of repentance and remorse on the part of the wrongdoer. Hardly the path toward reconciliation that the state supposed it was treading!

Several times over I said that it *appears* that the state inflicts injustice on the victim if it foregoes punishment of the wrongdoer when the victim refuses to forgive. What appears to be the case is not always, in fact, the case. The reactive right of a citizen, to the state's punishing the wrongdoer on her behalf, is a *prima facie* permission-right; as such, it can be overridden by other more weighty *prima facie* rights. So suppose that the good the state seeks to bring about by forgiving the wrongdoer is a good that it sees no other way to bring about. (President Ford thought that pardoning Nixon was the only way to eliminate festering animosity from the American political system.) Suppose, further, that that good is a good that the state is permitted to seek to bring about; it has a permission-right to seek to bring about that good. This permission-right of the state is also a *prima facie* right. And now for the point: this *prima facie* permission right of the state to forego punishment may well be weightier than the *prima facie* permission-right of the citizen to have the wrongdoer punished. If so, then the citizen is not wronged by the state's not punishing the wrongdoer on her behalf. It would be appropriate for her to regret deeply that the state declines to do so, especially if there is no admission of wrongdoing on his part; but she cannot claim that she is wronged.

Let us go a step further. Suppose that the good the state seeks to bring about by forgiving the wrongdoer, and that it sees no other way to bring about, is not just a good that it is *permitted* to seek to bring about but one that it is *prima facie obligated* to seek to bring about. Justice requires that it seek this good; failure to do so would be to wrong the citizenry in general. Then it is even more obviously true that the citizen who wants the one who wronged her to be punished is not herself wronged, all things considered, by the state's decision not to do so.

An essential component of the analysis I have offered is that the good which the state seeks to achieve, by foregoing or shortening punishment

of the offender, is a good that it is permitted or obligated to seek and that it sees no other way to achieve than by foregoing or shortening punishment of the offender. The rub lies in the last two clauses. The state has to take seriously the possibility that whatever good might be achieved by pardoning offenders will be outweighed by the anger and hostility stirred up in the public by their seeing criminals get away with their malevolent deeds.

7. Is State Forgiveness the Better Way for Transitional Justice?

I have argued that states of the modern world regularly offer forgiveness of various sorts to offenders. I surmise that this is one of the ways in which Christianity has shaped our political life. It may be that states also offer forgiveness in parts of the world where Christianity has had little or no impact. But it seems to me beyond doubt that one of the long-term influences of Christianity on our political life has been the tempering of reactive justice with forgiveness. There have been those in the Christian tradition who have opposed such tempering. Mercy and forgiveness, they say, is for the church; the state must confine itself to justice. It would be worth uncovering and evaluating the reasons they have for such a view. Their view has not, however, won the day; Christians in positions of political authority have repeatedly yielded to their Christian impulse to forgive.

What has placed forgiveness on the agenda of contemporary political theory is not, however, that long quiet tradition of pardoning offenders, forgiving debts, and so forth, but the judgment of various states in Africa and Latin America that the most promising way, if not the only way, to move forward from a period of pervasive injustice to a situation in which the members of society are sufficiently reconciled to make possible a just and stable polity was for the state to forgive a good many of the perpetrators of injustice.

My understanding of the state of the discussion is that the verdict is still out on how promising forgiveness on this large scale really is—or more precisely, on the conditions under which forgiveness on that scale can bring about the desired reconciliation. Here I have not considered the relative effectiveness of state forgiveness for achieving the reconciliation needed for constructing a new society, but instead addressed myself to the prior questions, is it possible for states to forgive, and if it is possible, is it at least sometimes morally defensible. I have argued for an affirmative answer to both questions.

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BALANCING JUSTICE AND MERCY

Reflections on Forgiveness in Judaism

Louis E. Newman

ABSTRACT

The concept of forgiveness is analyzed as a moral gesture toward the offender designed to help restore that individual's moral standing. Jewish sources on the conditions under which forgiveness is obligatory are explored and two contrasting positions are presented: one in which the obligation to forgive is conditional on the repentance of the offender and another in which people are required to forgive unconditionally. These two positions are shown to represent different ways of framing the offending behavior that rest, in turn, on different ways of balancing the need for justice and for mercy respectively. In the final analysis, Judaism's two contrasting attitudes toward forgiveness are rooted in different theological assumptions and different ways of construing the very goals of the moral life. The author points out the merits and shortcomings of both positions and concludes with the suggestion that the two complement each other in important ways.

KEY WORDS: *forgiveness, justice, mercy, Jewish theology, social order*

Faithfulness and truth meet; justice and well-being kiss.

– Psalm 85:11

1. Conceptualizing Forgiveness

Forgiveness may be among the most complex and contested topics in moral philosophy and theology. For one thing the very definition of forgiveness is a matter of dispute. Some treat it in a quasi-legal manner as a matter of forgoing retribution, or waiving one's right to press charges against the offender (Murphy 2003, 15). Others define forgiveness in terms of the inner emotional or psychological state of the one who offers it, as a letting go of resentment toward one's offender (Grovier 2002). Still others analyze it as a verbal gesture, an example of what John Austin called "performative speech" (Haber 1991). The purpose of forgiveness is similarly contested. It may be designed to effect reconciliation with the offender on a personal level, or to welcome that person back into society. But others see forgiveness primarily as a way of healing the offended

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party's own pain, and so imagine that one could forgive the offender without ever telling that person about it.¹ This last position is reflected in much contemporary self-help literature and captures an increasingly popular view according to which forgiveness is a gift to the one who forgives, essentially an act of self-care (Luskin 2002; Borris-Dunchunstang 2007; and Friedman 2009).

Forgiveness is further complicated by the enormous range of circumstances in which it arises, from the most trivial of missteps (I forgive my friend for not inviting me to his birthday party) to the most heinous of crimes (as when one forgives one's rapist or the murderer of one's child). It arises not only in the context of interpersonal relationships, but in relationships between groups and in the sphere of international politics. Forgiveness varies considerably in situations where the offending and offended parties know one another, or even more, when they have a longstanding, intimate relationship, as distinct from situations in which the offender has no prior relationship to the one he hurt. Finally, any cogent understanding of forgiveness must encompass those situations in which one forgives someone who has died, or someone who is entirely anonymous, as well as the special case of self-forgiveness.

Even this brief overview suffices to illustrate the many ways in which the notion of forgiveness confounds our efforts to pin it down in any conceptually neat way. I suspect that many of the disputes about forgiveness in the ever-growing literature on the subject can be traced to the fact that the authors are talking about quite different things, but using the same terminology to describe them.² It follows that anyone who dares to step into this conceptual quagmire at a minimum owes his reader some working definition of forgiveness.

First, it seems clear to me that forgiveness as a moral gesture is *other-regarding*. Whatever its ultimate purpose—and it is my view that forgiving can be done for a number of quite different reasons—it only counts as a moral act of forgiveness if it is meant to benefit the offender in some way.³ If I “forgive” my abusive father only because I want to placate him and ensure that I receive my share of his estate, I am acting

¹ Kolnai 1973, 95 argues that the reconciliation entailed in acts of forgiveness must be mutual, that is, accepted by the offender. But I can see no reason for restricting forgiveness in this way. Certainly we all know of instances in which someone forgives a person who is anonymous (the driver who treated one rudely) or someone who is dead or otherwise unreachable.

² For an extensive bibliography on forgiveness, see Enright and North 1998, 165–86.

³ This need not preclude the case of forgiving the dead. We often do things on behalf of those who are deceased, as when we fulfill a promise that they made, but were not able to fulfill in their lifetimes. Similarly, we sometimes do things that can honor those who have died, as when we grant posthumous awards, or bring things to light that clear the deceased's wrongfully besmirched reputation.

out of self-interest, not to relieve him of guilt or to demonstrate that my love is stronger than his misdeed, or out of any (re)consideration of his moral standing at all (Couenhoven 2010). Similarly, the idea that forgiveness is primarily a gift to oneself confuses the purpose of forgiveness with its secondary effects. There is no doubt that in many cases there are often powerful emotional benefits for one who forgives. But if forgiveness is to have any moral meaning, it must be done primarily as a response *to* and for the benefit *of* the offender. The person who “forgives” another in order to feel better is akin to the person who gives a large gift to charity, not because she cares at all about the charity, but simply to avoid the burden of a major tax liability. So we should be clear at the outset that some acts that appear to be forgiveness in the moral sense are really nothing of the sort. And it is only forgiveness as a moral gesture that interests me here.

Second, forgiveness encompasses both *emotional* and *behavioral* elements. One who claims to forgive and even renews a relationship with his offender, but who inwardly continues to persevere over the offense, to nurse resentments and ill will, has not genuinely forgiven the offender. Conversely, one who has emotionally let go of those hard feelings, but who refuses to treat the offender as a person whose moral standing has been at least partially, if not wholly, restored, has undergone a change of heart, but not really accepted the offender as forgiven. So at least ideally forgiveness will manifest itself both as a change of attitude and a change in behavior toward one’s offender.⁴

Third, I think forgiveness admits of gradations; it is not an all-or-nothing proposition. For this reason it is a mistake to tie forgiveness too closely to reconciliation. At one end of the spectrum it is certainly the case that forgiveness can yield a new and deeper relationship between two people who have been estranged, as when a marriage is made stronger after one partner comes to forgive the other for an act of betrayal. But there are less dramatic cases in which forgiveness merely brings a broken relationship back to neutral ground, as it were. Here there is no deep reconciliation, only a cessation of hostility and a commitment to treat the other respectfully, despite past transgressions. Forgiveness, then, does not require that the two parties involved arrive at any particular harmonious

⁴ I recognize that this claim is controversial and that some will want to count as forgiveness some gestures that are either entirely emotional or (perhaps less often) entirely behavioral. But there are good reasons for maintaining a model of forgiveness that encompasses both elements, at least as the paradigm case. After all, moral transgressions affect the injured party emotionally (and often physically) and also change the social (and often legal) standing of the offender. If forgiveness is meant to mitigate the effects of the transgression, then, we should expect that it will do so by addressing both the emotional state of the injured party and the social standing of the offender. In proposing this model of forgiveness I nonetheless recognize that there is a wide range of moral gestures with strong “family resemblances” to this paradigm and that these, too, are worthy of consideration.

end-state, only that they move beyond the state of moral disequilibrium that characterizes a relationship broken by harmful or disrespectful acts.

With these considerations in mind, then, I will define forgiveness as *a moral gesture offered by the offended party to the offending party as a way of restoring that person's moral standing (whether in the context of their relationship or in some larger, social context), which entails adjusting one's feelings about and behavior toward that person in ways that minimize (and sometimes entirely negate) the ongoing effects of the person's past offense.*⁵ The question at hand is how classical Jewish sources view acts of forgiveness so defined.⁶ In what follows I will argue that there are two primary strands within this tradition that understand the obligation to forgive quite differently. I will then suggest that these differences can be traced to two alternative conceptions of the meaning of forgiveness and its place in the religious life. That is, whether forgiveness is obligatory and, if so, why turns out to depend on different understandings of the way in which this moral gesture is embedded in a web of beliefs about God's love, the extent of our responsibilities for the behavior of others, and the purpose of our moral behavior in general.

2. Conditional Forgiveness

Many Jewish discussions of our topic regard forgiveness as the required response to an offender who has taken appropriate steps to acknowledge his wrongdoing and repair the damage. The source most often cited in support of this view is M. Baba Kamma 8:7⁷:

Even though a person gives [monetary compensation] to one [whom he has shamed], he is not forgiven until he asks [explicitly for forgiveness] from him [whom he has shamed]. . . .

And whence do we derive the principle that he who is called upon to forgive should not be hard-hearted?

It is written [Genesis 20:17], "Then Abraham interceded with God, and God healed Abimelech."

⁵ In what follows I will restrict my comments to cases of interpersonal forgiveness, though I think that many of the principles I evoke here could be applied to other spheres of human activity.

⁶ I will deal here only with cases of interpersonal forgiveness between individuals who have had direct contact with one another. Forgiveness between groups and/or nations for historic injustices raises additional complexities insofar as such cases involve a more symbolic dimension and frequently have their meaning in larger systems of political behavior.

⁷ Unless otherwise noted, all translations from classical rabbinic literature and Jewish lawcodes are my own. This article uses standard abbreviations: "M." for the Mishnah, "B." for the Babylonian Talmud, "T." for the Tosefta, and "MT" for Moses Maimonides's *Mishneh Torah* (c. 1180).

This early rabbinic ruling underscores a number of important points.⁸ First, the purpose of forgiveness is essentially restorative. Just as one restores a situation of material equity through the payment of damages, one must likewise restore the state of moral equilibrium that has been disturbed by the offense in question. Such a reconciliation can be accomplished only by seeking forgiveness directly from the individual harmed.

Second, the rabbis generally assume that the primary responsibility for repairing a “moral gap” lies with the person who created it. In the proper course of things, that is, seeking forgiveness precedes granting it. The interrelationship of these two duties—seeking forgiveness and granting it—is expressed with characteristic clarity and precision by Maimonides:

Even if one only injured the other in words [and not in deeds], he must pacify him and approach him until he forgives him.

If his fellow does not wish to forgive him, the other person brings a line of three of his friends who [in turn] approach the offended person and request from him [that he grant forgiveness].

If he is not accepting of them, he brings a second [cadre of friends] and then a third. If he still does not wish [to grant forgiveness], one leaves him and goes his own way, and the person who would not forgive is himself the sinner. (MT Laws of Repentance, 2:9)

⁸ Daniel Statman takes issue with the following interpretation of this mishnah, arguing that it is not about acquiring forgiveness from the one wronged at all, but rather from God and that the point of the passage is that Abimelech is in need of Abraham's prayer to God on his behalf. Statman goes on to reject the view that this source and others cited support the view that Judaism insists on the repentance of the transgressor as a condition of the duty to forgive him. However, classical and modern commentaries to the Mishnah read it as I have, and the structure of the passage seems to require that there is a symmetry between the first clause, in which the offender is required to ask for forgiveness (presumably from the offended party) and the second clause, in which the offended party is told not to withhold forgiveness. Moreover, a number of other passages, both from Maimonides and from Karo, repeatedly emphasize that “if the offender repents and pleads for forgiveness, he should be forgiven.” If the repentance of the offender were not a precondition for this duty to forgive, why would these authorities state the rule in this way, rather than simply state that offended persons must always unilaterally forgive those who offend them? Statman also critiques a position that he mistakenly attributes to me based on his reading of Newman 1987. In that article I argued that, by insisting that forgiveness is obligatory only in cases where the offender has repented, Judaism avoids the problem that forgiveness can be tantamount to condoning the offense. Contra Statman, however, neither in that article nor here do I endorse the view that forgiveness is paradoxical in that if the offender repents, it is superfluous, and if the offender does not repent, it is unwarranted (see Kolnai 1973 for an articulation of this position). Plainly, even in cases where the offender repents, the injured party may have legitimate reasons for continued feelings of resentment, anger, and even the desire for retribution where the offense was extremely serious or irreversible. So forgiveness is not superfluous. I do, however, now agree with the conclusion of Statman's article that Judaism (at least sometimes) affirms the value of unconditional forgiveness, which is a change from the position I defended in my earlier article. See Statman 2012.

Maimonides emphasizes what the Mishnah passage only implied, that the offender bears primary responsibility for initiating the process of forgiveness. On the other hand, the offended individual has a corresponding duty to forgive anyone who sincerely requests it and the failure to do so constitutes an offense no less than the action of the initial offender.

This formulation of the duty to forgive has a long history in Jewish legal sources and finds expression again in the famous sixteenth-century law code of Joseph Karo, the *Shulḥan Arukh*.

One who harms his neighbor, even if he compensates him according to the five things [for damage, for pain, for healing, for loss of time and for shame; see M. Baba Kamma 8:1] he is not forgiven until he requests it [from the one he harmed] and he forgives him. And it is forbidden for the injured one to be hard-hearted about forgiving, for this is not the way of Jews. Rather, *once the injurer requests from him and pleads with him once or twice, and it is obvious that he has repented of his sin and regrets his evil ways, he should forgive him*. And everyone who hurries to forgive is to be praised, and the spirit of the sages is pleased with him. (Hoshen Mishpat 422, emphasis added)

It is interesting that Karo makes explicit the expectation that forgiving quickly is praiseworthy, and I will return below to the question of why these virtues of generosity and compassion are so highly valued. But it is worth noting here that the tendency to forgive is cast as something that “the sages are pleased with,” a classic rabbinic phrase used to indicate something that is morally praiseworthy, but not legally required.⁹

What I am calling here the legalistic perspective on forgiveness will strike many familiar with the literature of this subject as unduly restrictive insofar as it portrays the duty to forgive as conditional. Why would we not have a duty to forgive unilaterally? The problem with unconditional forgiveness seems to lie with the notion that it threatens to undermine the moral condemnation of the offender. This emerges again in Maimonides’s formulation of the law in Leviticus 19:17 that we are required to rebuke others for their misdeeds.

And thus it is said, “You shall surely rebuke your neighbor” (Leviticus 19:17). If the offender repents and pleads for forgiveness, he should be forgiven. The forgiver should not be obdurate, as it is said, “And Abraham prayed unto God (for Abimelech).” (Genesis 20:17)

If one observes that a person committed a sin or walks in a way that is not good, it is a duty to bring the erring man back to the right path and point out to him that he is wronging himself by his evil courses. . . . And so one is bound to continue the admonitions until the sinner assaults the admonisher

⁹ See my discussion of this and other similar terms in Newman 1998, 46–49.

and says to him “I refuse to listen.” Whoever is in a position to prevent wrongdoing and does not do so is responsible for the iniquity of all the wrongdoers whom he might have restrained. (MT Laws of Ethical Conduct, 6:6–7)¹⁰

Forgiveness granted unconditionally would threaten to undermine or ignore the culpability of the offender. Indeed, it is not difficult to imagine an offender who might come to rely on the assurance of forgiveness and take this as license to continue transgressing.¹¹ So it is only the offender’s repentance that entitles him to forgiveness, for the person has then distanced himself from the harm he caused, disowned it, as it were, and so has a claim on those he harmed to consider him in a new light. Indeed, in some sources the rabbis press this point further, proposing that prior to repentance one even has an obligation to hate the sinner. As Maimonides puts it, “The sages decreed that if one all alone sees another committing a crime and warns him against it and he does not desist, one is obligated to hate him until he repents and leaves his evil ways” (MT Laws of Homicide and Preservation of Life, 13:14).¹²

This legalistic perspective gives paramount importance to the concerns of justice and to the idea that each member of the community is responsible for the behavior of all others. In this context, unconditional forgiveness is potentially dangerous, for it opens the door to letting the wrongdoer “off the hook,” and so has possibly far-reaching ramifications for the social order. Only when we take responsibility to ensure that transgressors are brought back in line—first by rebuking them and then by withholding our forgiveness until they reform their ways—can we make this society a place in which respect for legal and moral norms is reinforced. And so forgiveness cannot be a duty in cases where the offender has not first acknowledged his offense and taken steps to rectify it. In short, forgiveness on this view takes its place within a system of legal and moral accountability; offering it to those who have not earned it would encourage transgressors, undermine social norms, and abrogate our duty to chastise those who violate the law.

3. Unconditional Forgiveness

In light of the foregoing discussion it may come as a surprise that there is a starkly different view in many classical Jewish sources, according to

¹⁰ Translation taken from Maimonides 1972, 61.

¹¹ Other passages in rabbinic literature consider just this possibility in connection with the view that the Day of Atonement automatically absolves all sinners of their sins when it states that for “one who sins and says, ‘The Day of Atonement will atone,’ the Day of Atonement does not atone” (M. Avot 8:9).

¹² Translation taken from Maimonides 1972, 168–69. See also B. Pesahim 113b; The Fathers According to Rabbi Nathan 16.

which one is required to forgive even those who have *not* repented. The duty to offer such “unearned” forgiveness is articulated in the following early rabbinic source: “He who injures his fellow, *even though the one who did the injury did not seek [forgiveness], from the injured party*—the injured party nonetheless has to seek mercy for him, since it says, ‘Then Abraham prayed to God, and God healed Abimelech’ (Gen. 20:17)” (T. Baba Kamma 9:29, emphasis added). The contrast with the preceding could hardly be more stark, especially given that the very same proof-text is offered in support of the view that unconditional forgiveness is a duty, and that the text derives from the same period as the Mishnah text cited above. Indeed, the Talmud records that Mar Zutra, each evening before retiring to bed, made a practice of forgiving all who harmed him, a practice that is reflected in many traditional prayerbooks to this day (B. Megillah 28a). In one formulation of this prayer, the offer of forgiveness is especially expansive: “I hereby forgive and absolve anyone who has angered or provoked me or sinned against me, physically or financially or by failing to give me due respect, or in any other matter relating to me, involuntarily or willingly, inadvertently or deliberately, whether in word or deed: let no one incur punishment because of me” (Sacks 2009, 294). The absence of any mention of repentance on the part of those being forgiven underscores that this act of forgiveness is offered freely as an expression of goodwill. It is also worth noting that the idea is not merely to relinquish feelings of resentment, but also to ask that God be merciful in not punishing the offender. This further highlights the fact that we are dealing here with a theory of forgiveness that places it beyond the concerns of the judicial system that figured so prominently in the texts considered above. For while this text does not explicitly link unconditional forgiveness to forgoing human punishment, it is hard to imagine that the author of this prayer would beseech God to forgo punishment of the offender, but then insist on exacting it in an earthly court.

This emphasis on compassion, though it seems to appear predominantly in non-legal sources within the tradition, is reflected as well in certain legal texts. In Exodus 23:4–5 we find that “if you meet your enemy’s ox or his ass going astray, you shall surely bring it back to him again. If you see the ass of him that hates you lying under its burden, and would forbear to unload it, you shall surely unload it with him.” The implication of this rule is that we are not to let feelings of animosity stand in the way of assisting those in need, and while this does not precisely command one to forgive the enemy, it surely commands one to treat the enemy with the same consideration due to non-enemies.¹³ Subsequent rabbinic commentary on this

¹³ The biblical injunction not to take vengeance or bear a grudge against one’s neighbor (Leviticus 19:18) similarly does not directly require forgiveness, but it does preclude the retributive attitude that underlies the refusal to forgive.

biblical rule makes explicit the moral purpose of the rule: “[If one has the choice of helping] his friend to load up his ass, or his enemy to unload his ass, his religious duty is to unload the ass with his enemy [Ex. 23:4], so as to break his heart [that is, to break his instinctive desire to ill-treat his enemy]” (T. Baba Metsi’a 2:26).¹⁴ Cultivating compassion for those who (presumably) have wronged us, then, is a positive commandment, as well as a traditional, pietistic practice. It is consonant with the view that we are required to forgive others, irrespective of their posture toward us, without first rebuking them or insisting on their repentance. If practiced on a regular basis, such unconditional forgiveness would reinforce a generosity of spirit even—perhaps especially—toward those who have not repented or sought forgiveness.

How shall we understand this very different attitude toward forgiveness in Judaism? What might be the grounds for such a practice of unconditional forgiveness?

I believe that there are two separate sets of considerations that find expression in this responsibility to forgive unconditionally. The first is the principle of *imitatio Dei*, coupled with the view that God’s nature is essentially forgiving. These ideas are found throughout biblical and rabbinic literature,¹⁵ so a few characteristic examples will suffice to illustrate the point. The prophetic literature is full of passages depicting God as endlessly merciful. Micah 7:18–19 is typical:

Who is a God like You,
 Forgiving iniquity
 And passing over transgression;
 Who has not maintained His wrath forever
 Against the remnant of His own people,
 Because He loves graciousness!
 He will take us back in love;
 He will cover up our iniquities,
 You will hurl all our sins
 Into the depths of the sea.

Similarly, the High Holiday liturgy includes the following passage: “God, Sovereign who sits on a throne of mercy, acting with unbounded grace,

¹⁴ See also Sifre Deuteronomy 222 and 225, and B. Baba Metsi’a 32b. Maimonides explains the purpose of the rule as “to curb one’s evil inclination”; see MT Laws of Murder and Preservation of Life, 13:13.

¹⁵ To be sure, Jewish sources about God’s nature are not so consistent, as I will discuss below. But it is striking that in each instance where the rabbis reflect on the value of following God’s example, they consistently point to God’s infinitely compassionate, loving nature. They famously even pervert the meaning of Exodus 34:6–7, which comes to have a central place in the traditional liturgy on holidays and especially on Rosh Hashanah and Yom Kippur, by dropping those clauses of the verse that reference God’s retribution against those who violate God’s law.

forgiving the sins of Your people, one by one, as each comes before You, generously forgiving sinners and pardoning transgressors, acting charitably with every living thing: do not repay them for their misdeeds" (Rabbinical Assembly 2010, 261). And when the rabbis elaborate on the meaning of Deuteronomy 28:9, "you shall walk in God's ways," they comment:

This means, as the ways of Heaven are to be gracious, graciously bestowing gifts not only upon those who know Him but also upon those who do not know Him, so you are to bestow gifts upon one another. And, as the ways of Heaven are to be long-suffering, long-suffering with the wicked and then accepting them in repentance, so you are to be long-suffering [with the wicked] for their good and not impatient to impose punishment upon them. For, as the ways of Heaven are abundant in lovingkindness, ever leaning to lovingkindness, so are you ever to lean toward doing lovingkindness to others rather than lean toward doing them harm. (Tanna Debe Eliyyahu 135; Braude and Kapstein 1981, 333)

To be forgiving, then, is nothing less than to reflect and extend God's own forgiving nature in our relationships with others. In a sense, the underlying logic is that if God can be counted upon to be this loving toward those who transgress, by what right can we hold transgressors to a higher standard? The rabbis implicitly acknowledge this connection, when they suggest that if we extend forgiveness to others, God will reward us by doing likewise (B. Megillah 28a). In a very clever reading of the verse from Micah cited above, the rabbis argue: "Raba said, 'Anyone who passes over the traits [of those who injure him]—his own transgressions will be passed over. As it is written (Micah 7:18): 'forgiving iniquity and passing over transgression.' For whom does [God] forgive iniquity? For the one who passes over transgressions [committed against him]'" (B. Rosh Hashanah 17a). By imitating God's forgiveness, we also evoke it.

The implications of this theology are far-reaching. The world was established by a loving God who accepts and forgives human imperfections. When we channel this divine quality, we not only draw closer to God, we become agents of God's compassion and love in the world. In one of the emotional climaxes of the High Holiday liturgy, the congregation sings: "*Avinu malkeinu* [Our Father, our King], have mercy on us, answer us, for our deeds are insufficient; deal with us charitably and lovingly, and redeem us" (Rabbinical Assembly 2010, 94). From this perspective, we are all morally flawed, all in need of divine forgiveness, all the undeserving beneficiaries of God's compassion. As a result, we have no moral choice but to extend this same compassion to those who harm us; to do otherwise would demonstrate a stunning lack of gratitude, as well as monumental hypocrisy.

A second basis for this obligation to forgive unconditionally may be found in the tradition's emphasis on personal humility. In the view of

many it is a virtue to cultivate humility, which includes minimizing one's achievements, reflecting regularly on one's mortality, and being especially scrupulous about one's own behavior, lest one inadvertently become arrogant or complacent about one's moral worthiness. In the words of one classical source: "If you have done your fellow a slight wrong, let it be a serious matter in your eyes; but if you have done your fellow much good, let it be a trifle in your eyes. And if your fellow has done you a slight favor, let it be a great thing in your eyes; if your fellow has done you a great evil, let it be a little thing in your eyes" (The Fathers According to Rabbi Nathan, 41:11; see also *Derekh Eretz Zutta* 1:3). The implication of this is that one should "judge everyone favorably [lit. 'on the side of their merits']" (M. Avot 1:6). Cultivating such an attitude toward oneself and others would lead inevitably to an inclination toward forgiveness. To withhold forgiveness is to continue to assert one's moral superiority over the offender. It is to say, in effect, "as the injured party, I have a moral claim against you, and I will exercise that claim against you until you convince me that you have disavowed your immoral behavior." While this may be morally justifiable—after all, the offender *does* owe a kind of moral debt to the one he harmed, and the latter is entitled to "collect"—this attitude is not consonant with the sort of humility that the rabbis often encourage.

In this way, unconditional forgiveness is grounded in a different way of construing the relationship between the offended and the offender. Rather than highlighting the moral distance between them, the tradition encourages people to practice a kind of humility that continually prompts us to minimize that moral gap, or even to close it entirely.¹⁶ Whatever the offense committed against us, we are essentially no better, no more moral, than those who committed it. From this perspective, we do well to forgive others, whether they have "earned" it or not. For the question here is not whether the offender deserves our forgiveness, but whether we deserve to see ourselves as more worthy than they. Forgiveness is nothing less than the expression of an attitude that we are all more or less equally flawed, hence we had best refrain from exerting our moral superiority over others.

4. Reframing Forgiveness

How are we to make sense of these starkly contrasting views of forgiveness in Judaism? It is important here that we avoid the path of least resistance, which is always to portray our religious traditions as

¹⁶ Roberts 1995 captures one aspect of this attitude, which he terms "forgivingness," when he notes that it is essentially a disinclination on the part of the injured party to remain in a state of alienation from the offender, either this particular offender or all offenders in general (294).

more homogeneous than they actually are and, in the process, to explain away those elements that are not to one's liking. If one surveys the literature of Jewish views of forgiveness, it seems that this tendency is much in evidence. Most authorities will contend that the legal view presented above is dominant and often contrast this view with the supposedly dominant Christian view, according to which we are obligated to forgive everyone all the time, and as quickly as possible. So, even as sophisticated a thinker as Elliot Dorff, for whom I have the highest regard, writes, "if the offender never admits wrongdoing, then even if he or she has served a prison term, the very first step in return has not been achieved and no forgiveness can legitimately be demanded of the victims." Then, after acknowledging that Judaism values compassion and mercy as well as justice, he concludes,

although gross offenses should probably not be forgiven without sincere attempts to engage in the process of return, one might be prone to forgive more minor offenses without such a process, both as a pragmatic way of getting on with one's life and possibly of restoring a friendship and also as an expression of the religious demand that we imitate God. Such free forgiveness, though, becomes harder to justify as the offense grows larger. . . . Then God's righteousness seems to be the divine attribute that we should emulate. (Dorff 2003, 222–24)

While Dorff tries valiantly to accommodate both of the views noted above, he clearly sees one as dominant and can, at best, find room for the idea of unconditional forgiveness only when the offenses involved are relatively minor.¹⁷

But suppose that, instead of arbitrarily asserting the dominance of one view over the other, we give each its due. The question we then face is: what sets of assumptions within the tradition make it possible for two such different views of forgiveness to emerge? One way to make sense of these divergent views would be to explain them in terms of alternative moral theories. We might posit, then, that the legal view accords with a social ethic concerned primarily with the maintenance of social order. Accordingly, it makes the duty to forgive dependent on the prior transformation of the offender. By contrast, the view that forgiveness should be

¹⁷ So, too, Telushkin 2006 in which he acknowledges that Judaism expects people to be forgiving, but summarizes the tradition's view that "Generally, forgiveness should be dependent on the offending party's repentance" (1:196). Another version of the same position is articulated by Schimmel 2002 where he writes in reference to Jewish views of forgiveness, "We have to imitate God, and God, for the most part, punishes unrepentant sinners and forgives repentant ones. . . . Some of the differences between rabbinic Judaism and Christianity are ones of emphasis rather than of the absolute presence or absence of a particular concept or value. Repentance and justice *are* values in Christianity, just as forgiveness *is* a value in rabbinic Judaism. But the former are emphasized more in rabbinic Judaism and the latter in certain Christian denominations" (69).

unconditional could be associated with a virtue ethic that is concerned primarily with the cultivation of personal humility and godliness. The moral gesture of forgiveness, then, might be viewed in terms of the moral character of the one who forgives. We might be tempted to conclude, then, that forgiveness is either a matter of (circumscribed) legal duty or of (unconditional) personal virtue.

But such a sharp distinction does not do justice to our sources. After all, even some of the legal sources recognize and praise the virtue of forgiving quickly and one of the legal sources requires unconditional forgiveness. Conversely, those who expound the virtue of unconditional forgiveness certainly also believe that it is a duty to rebuke transgressors, as the Torah commands. So our sources do not permit us to posit a dichotomy between a social ethic that emphasizes justice and hence conditional forgiveness and a virtue ethic that emphasizes mercy and hence unconditional forgiveness. If we wish to understand the roots of these two contrasting perspectives on forgiveness, we will do well to examine more carefully just what the moral gesture of forgiveness entails. That is, we will need to explore what understanding of forgiveness—its purpose and meaning—underlies these two contrasting views, and how each of them represents an authentically Jewish view.

To answer that question, we do well to refer to the work of Robert Enright and Joanna North. As North describes it, the essence of forgiveness entails a “reframing” of the offender “whereby the wrongdoer can be regarded as someone over and above the wrong he has committed, a means of ‘separating’ the wrongdoer from the wrong he has done. This is the most crucial stage in the whole process of forgiveness” (North 1998, 24).¹⁸ North goes on to explain that this process of reframing enables the victim to see the wrongdoer as a whole person and to contextualize the wrongful deed as something that occurred in particular circumstances, for particular reasons. The wrongdoer cannot, then, be reduced to this particular hurtful action.¹⁹

This analysis of forgiveness has the dual virtue of both providing some conceptual clarity about the nature of forgiveness and capturing what

¹⁸ Of course, this view parallels the teaching frequently attributed to Jesus, but not actually articulated in any single biblical verse, that we should “hate the sin, but love the sinner.”

¹⁹ Hampton 1988 expresses this view of forgiveness with particular clarity. “Forgiveness is thus the decision to see a wrongdoer in a new, more favorable light. Nor is this decision in any way a condonation of wrong. The forgiver never gives up her opposition to the wrongdoer’s action, nor does she even give up her opposition to the wrongdoer’s bad character traits. Instead, she revises her judgment of the person himself—where that person is understood to be something other than or more than the character traits of which she does not approve. And she reaches the *honest* decision that this person does not merit her moral hatred, because he is still decent despite his action” (84–85).

many dozens of subjects in psychological studies of forgiveness say about their own experiences of forgiving (Enright, Freedman, and Rique 1998). But this notion of “reframing” the offender also opens the door to a more extended analysis of the process and purpose of this sort of moral gesture. In fact, I think the contrasting Jewish perspectives on forgiveness noted above enable us to see that this act of reframing is more complex and variable than we might at first imagine. Accordingly, I now want to extend North’s analysis by suggesting that Jewish views of forgiveness need to be interpreted in terms of *the ways in which* and *the reasons for which* the offender’s past misdeeds are “reframed.”

One kind of reframing focuses very narrowly on the particular misdeed of a particular individual offender. This act demands a response, and the sort of response that seems warranted might just depend on whether we think it is typical or atypical of this individual, whether it is characteristic or an aberration. The only way we can know this is if we focus on this individual’s life, and especially on whether the offender takes action to disavow the harmful behavior and replace it with positive behaviors. That is, our assessment of the misdeed depends on whether the offender seems willing to redress the wrong and, as the tradition says, “return in repentance.” Framed in this way, our forgiveness of any particular misdeed will depend on how it fits within a larger narrative of the offender’s life, especially how his or her life unfolds after the transgression in question. So it is that some Jewish authorities insist that there is no (required) forgiveness without prior repentance.

But we might reframe the hurtful deed in a somewhat broader context, that is, in the context of the offender’s life in society. Here the focus shifts from the life story of the offender to the place of the offender in relation to others who have not been party to this particular offense. This is where the concern for rebuking transgressors and hating the sinner comes in. For if we attend to the potential harm that might be caused to other innocent people in the future if this offender’s behavior is not redressed, then we will see this deed very differently. Our response will be conditioned by a concern to protect society and reinforce its norms. Now the proper response to this offender will be considered not as a matter of restoring a relationship between these two individuals in isolation, but rather as a matter of restoring a network of social relationships, present and future, that has been frayed by this offense. Framed in this way, our forgiveness will depend on the way in which we assess the ramifications of this offense for the community at large.

We may widen our framing of the offense still more, by focusing not on this offense alone, but on all offenses by all of us, not only here and now, but in general. Now this particular offender’s action will be viewed as emblematic of the human propensity to hurtful behavior overall. Our concern is no longer with the particulars of this offender’s life or even

the potential that he or she will offend against others in the future. Rather, we choose to see the misdeed as just one instance among countless others that all of us have done or will do, precisely because all of us are flawed creatures. And insofar as we look past the details of this transgression, we will respond to the offender as one flawed person to another and, in Jesus' words, "let the one who has not sinned cast the first stone" (John 8:7). This way of reframing the offender's behavior is grounded in the attitude of humility I discussed above, for now I see this offense as part and parcel of human fallibility broadly construed. Framed in this way, our forgiveness will depend on the extent to which we affirm the common human failings that offender and offended alike are subject to.

Finally, we might widen our focus yet more to encompass our relationship with God. Insofar as we hold certain beliefs about God's goodness and justice, as well as a desire to do God's will or strive to emulate God's qualities, we will see ourselves and the offender in an entirely different light. Our responses to everyone—not only offenders and certainly not only the particular individual who offended against us on this occasion—will be conditioned by a vision of the world as we imagine God would want it. In this situation the goal of imitating God will motivate us to make ourselves conduits for God's action in the world, which almost certainly will entail emphasizing some ideals for our conduct that may be more aspirational than pragmatic. Framed in this way, our forgiveness will depend on placing our interaction with this particular offender in the context of our relationship with God and our desire to reshape the world in God's image.

Each of these four "reframings" focuses us on different aspects of the same situation by placing it in ever-broader contexts. It is much like a lens that can be adjusted from telephoto to wide-angle, and so can take in the same scene by focusing on everything from a single petal of a single flower up to the entire landscape of which this flower is but the tiniest part. No one of these shots is "truer" than any other; all capture accurately what the shutter lets in. And the same is true, I think, for the ways in which we frame any offender's behavior. We think about the problem of forgiveness differently depending on the way we frame the situation in which it arises.

But to note this broad range of possibilities within Jewish tradition is not, of course, to suggest that the choice among them is arbitrary or inconsequential. Quite the contrary. How we choose to frame the offender's behavior is of the utmost consequence, and not only because it will determine in large part our immediate response—whether we demand that the moral debt be "repaid" or whether we "pass over the transgression." For as we have seen, the choice to forgive or not is correlated with our attitudes to justice and mercy. In the final analysis, I think, it turns

on the question of how we think about the very nature and purpose of the moral life. It is to these questions that I wish to turn now in the final section of this paper.

5. Justice and Mercy: Reconsidering the Place of Forgiveness in Judaism

Let me return for a moment to the definition of forgiveness I offered at the outset of this discussion. I suggested that forgiveness is a moral gesture offered by the offended party to the offending party as a way of restoring that person's moral standing, which entails adjusting one's feelings about and behavior toward that person in ways that minimize (and sometimes entirely negate) the ongoing effects of the person's past offense. We have now seen that Judaism endorses two fundamentally different ways of thinking about when forgiveness is called for, and that behind these alternative views lie a host of other beliefs and values about the offender, the social order, our susceptibility to moral mistakes, and our relationship to God, among others. Depending on how we frame the offender's behavior, one or more of these considerations will come into play. Judaism can accommodate more than one way of understanding forgiveness because it makes room for more than one way of framing our response to the offender's behavior.

But it is worth highlighting that both views of forgiveness have at least this much in common: both constitute responses to the transgression, both involve "restoring the moral standing of the offender." From the perspective of those who view the obligation to forgive as conditional, the offender must first engage in repentance as a condition of his or her rehabilitation. The primary work of restoring one's moral standing, then, lies with the offender; once he or she has repented, we restore their moral standing, saying in effect, "we relinquish our condemnation of you for your past behavior in consideration of your subsequent (repentant) behavior." By contrast, unconditional forgiveness meets the offender more than halfway. It represents an offer to restore the moral standing of the offender as a gift, whether as a show of solidarity ("we are all morally broken") or as an effort to emulate God's boundless love ("I will treat you compassionately just as God treats all of us compassionately"). By responding to the offender's moral failure with an excess of moral generosity, this act of forgiveness invites the offender into a different moral realm. It communicates a powerful message to the offender: "Your moral failings notwithstanding, we affirm your moral worth. We will negate the ongoing effects of your past behavior *for* you, thereby giving you a clean slate and a chance to begin anew." The key point is that both types of forgiveness transform offenders, the first by "holding their feet to the fire," so to speak, and the second by lifting them out of the moral

pit into which they have fallen when they cannot (or will not) climb out on their own power.²⁰

This way of thinking about unconditional forgiveness is powerfully captured in a famous teaching of the Hasidic rabbi, Nahman of Bratslav, who wrote, “Know that you must judge everyone with an eye to their merits. Even regarding those who are completely wicked, one must search and find some small way in which they are not wicked and with respect to this bit of goodness, judge them with an eye to their merits. In this way, one truly elevates their merit and thereby encourages them to repent” (*Likutei Moharan*, 282). The power of unconditional forgiveness is precisely that the recipient of this gift may come to see him or herself in a new light. Having been restored to their prior moral standing unilaterally, they may be motivated to do the work of turning their lives around, whether out of a sense of gratitude or simply because a way forward has been opened for them.²¹

This way of explaining the difference between the two Jewish views of forgiveness returns us to what I think is really at the root of this dispute, namely, the relationship between justice and mercy. On the view of forgiveness as conditional, justice is primary. Offenders must be made to pay their moral debts, both because the offended party is entitled to some “compensation,” and because the social order depends on condemning moral transgressions. On the view of forgiveness as unconditional, mercy is primary. Since our duty is always to channel God’s goodness and bring it more fully into the world, we have no choice but to reach out to the offender with compassion. The focus here is not on what the offender has *earned*, but rather on what all of us *need* in order to survive in a world where we inevitably both hurt others and are hurt by them.²²

²⁰ I recognize that this might not be the intention in every case where unconditional forgiveness is practiced, but I suggest that it is the effect of doing so, at least insofar as the offender is made aware that he or she has been forgiven.

²¹ Of course, it is possible that the one who is forgiven will not respond in this way at all, but rather act as though they have been given a “get out of jail free” card and continue in their immoral ways. This is precisely the risk inherent in unconditional forgiveness. Murphy and Hampton 1988 regards forgiveness offered as a way to induce the repentance of the offender as “arrogant” (30). But, if so, then so too is the teacher who provides undeserved words of encouragement to a struggling student who might be motivated to try harder as a result. Indeed, offering forgiveness as an act of generosity in this way is precisely to use one’s own behavior as a moral model for the offender, calling forth the angels of her better self. Nonetheless, Kolnai 1973 is certainly right that this is not a necessary dimension of forgiveness. “It is possible to ‘re-accept’ somebody—the essence of forgiveness—without exculpating him and without hoping for anything like a thoroughgoing repentance on his part” (104).

²² In just this sense, unconditional forgiveness is a moral “gift” given out of a generosity of spirit or a desire to prioritize encouraging the offender’s moral rehabilitation over collecting the moral compensation that one is owed. Seen in this light, we can appreciate the

Both of these elements—justice and mercy—have long been highly esteemed by Jewish thinkers, and so too resolving the tension between them has remained one of the great unresolved issues in Jewish theology and ethics. Those who come down on the side of justice have emphasized that justice is one of the cornerstones of civilized society and one of God’s most precious gifts to us. The rabbis wrote:

Rabban Simeon ben Gamaliel said: The world stands on three things—on truth, on justice and on peace, as it is said, “Execute truth, justice and peace within your gates” (Zechariah 8:16). These three are interlinked: When justice is done, truth is achieved, and peace is established (M. Avot 1:18), [as well as] The Holy One said to Israel: My children, as you live, I am exalted because of your intense concern for justice; “The Lord of hosts is exalted through justice.” (Is. 5:16). (Deuteronomy Rabbah 5:7)

Where securing justice is our primarily religious duty, a moral commitment rooted in our devotion to God, offering forgiveness will forever be conditional on offenders repaying their moral debts, for what system of justice can permit offenders to go free?

On the other hand, those who emphasize the pre-eminent value of mercy will note that this is identified as God’s most salient quality. This is articulated pointedly in another rabbinic teaching:

Rabbi Yohanan said in the name of Rabbi Yosi: “From where do we know that God prays? As it says ‘I will bring them to my holy mountain, and I will cause them to rejoice in the house of my prayer (Isaiah 56:7). It does not say ‘house of your prayer’ but rather ‘house of my prayer.’ [The Hebrew *beit teflati*, is ambiguous and could be read as either “my house of prayer” or “the house of my prayer.”] From here we see that God prays.

What does He pray? Rabbi Zutra bar Tuvia said in the name of Rav: ‘May it be my will that my mercy conquer my anger, my mercy be revealed in my attributes, I treat my children with the attribute of compassion, and I go for them beyond the bounds of strict justice.’” (B. Berakhot 7a)

God knows that the world cannot long endure without compassion. Where mercy trumps strict justice, unconditional forgiveness must prevail.

mistake that some writers have made in suggesting that the person who fails to feel the (supposedly) natural resentment that comes with being harmed is lacking in “self-respect.” The same sort of analysis would lead one to the false conclusion that one who gives a gift to someone fails to feel the (similarly natural) attachment to one’s own possessions. But giving something away—whether one’s moral claim or one’s personal possessions—implies nothing other than putting concern for another above self-interest. For an example of this misguided analysis see Murphy and Hampton 1988, 16. While there are certainly cases, for example that of a battered wife who refuses to seek help or press charges against her abusive husband, where failure to respond retributively may indicate a lack of self-respect, plainly this is not the case in all instances where a victim fails to express resentment.

This unresolved theological tension between God's justice and mercy points to what I suspect is a still deeper unresolved tension in Jewish ethics. These alternative theologies of forgiveness reflect two opposing ways of understanding the purpose of our moral action, and this tension is nowhere clearer than in connection with forgiveness. For the question of forgiveness poses what is really the ultimate moral problem in that it requires us to consider what is the proper moral response to immoral behavior. One possibility is that the moral response is to "undo" the immoral behavior by reasserting the demands of conventional morality and requiring the offender to restore the world to the state it was in (as much as possible) prior to the offense. This is what we might call a "restorative" model of morality, one that sees each immoral deed as tilting the scales of the world and requiring a response that tilts them back in the opposite direction, until the world is once again in a state of moral equilibrium. On the other hand, the moral response might be to act so as to create a new moral situation, one in which the distance between the offender and the offended is overcome, in which we do not attempt to reassert the moral values on which society as we know it rests, but rather to create a new kind of society on an altogether different foundation. We might call this a "visionary" model of morality, insofar as it aims not only to transform a single offender, but to transform the world by creating a society that rests not on justice, but on mercy. Just as we treat the offender *as if* she were more deserving than she is, we act in the world *as if* it were already a place in which God's compassion flowed freely among us.²³

This, then, is finally what is at stake in the question of forgiveness: does immoral behavior require a moral response that is essentially *restorative*, that seeks to preserve society as it is, or does it require instead a moral response that is essentially *visionary* and *transformative*, that seeks to create a new basis for human relationships? Both views have their merits, as well as their risks. If we adopt a restorative morality, focused on the demands of justice, we risk creating a society in which people who are themselves in need of forgiveness are forever withholding it from others, or threatening to do so. In such a world we are forever keeping track of who is "up" and who is "down," who is justified and who is not. The demands of justice, after all, are endless, uncompromising and, so to speak, "unforgiving." But if we adopt a visionary morality, we risk creating a society in which people are no longer held accountable for their misdeeds. In such a world our reach may exceed our grasp, and instead of

²³ Schwarzschild 1999 forcefully articulated this visionary thrust in Jewish ethics, which he called "messianic." As he expressed it, "Messianism as an ethical operator simply declares that, since humanity is to strive to imitate God and thus to endeavor to become like Him, and since they are to undertake these efforts in this world, the ultimate goal of ethics is to establish what is then called 'the (Messianic) kingdom of God' on earth" (206).

attaining the lofty heights of unconditional compassion we may descend into a situation of moral chaos and unrestrained lawlessness. Neither outcome is particularly appealing, and the choice that Jewish thinkers have made at any given point in history may be a function of which risk they found most unsettling.

This analysis of Judaism's philosophy of forgiveness might well end here. For I think I have shown that there are two quite conflicting and equally compelling ways in which Jewish authorities over the centuries have addressed the question of when and why we have a moral duty to forgive others for their offenses against us. And I have argued that these divergent positions are grounded in still deeper unresolved theological and meta-ethical questions in Jewish tradition, namely, whether we emphasize the obligation to emulate God's justice or God's mercy, and whether we think of morality as essentially restorative or visionary. To homogenize these profound and longstanding disagreements within Jewish tradition is both to misrepresent the diversity of Jewish religious-moral thought and to understate the complexity of the question at hand. For if forgiveness is sometimes portrayed as the greatest of moral gestures, it is surely also one of the most problematic. I submit that the very ambivalence we find in the Jewish moral teachings presented here reflects the intractability of the problem of forgiveness.

But concluding our analysis here does not quite do justice to the subtlety of rabbinic thought on this subject. For, while the rabbis were often willing to let their debates remain unresolved, they were also eager to reconcile opposing views by embracing both poles of a dialectic.²⁴ Plainly, they were well aware that the problem of forgiveness exposed deep divisions within the tradition, too deep, perhaps, to pass over in silence. That impulse to find the middle ground between opposites finds expression in one final text that refers this debate back to the very foundations of the world. In commenting on Genesis 2:4—"The Lord God made earth and heaven"—the rabbis comment:

A parable of a king who had cups made of delicate glass. The king said: If I pour hot water into them, they will [expand and] burst; if cold water, they will contract [and break]. What did he do? He mixed hot and cold water, and poured it into them, and so they remained unbroken. Likewise, the Holy One said: If I create the world with the attribute of mercy alone, its sins will be too many; if with justice alone, how could the world be expected to endure? So I will create it with both justice and mercy, and may it endure! (Genesis Rabbah 12:15)²⁵

²⁴ Most famously, in their claim that the (diametrically opposed) views of Hillel and Shammai were both "the words of the living God" (B. Eruvin 13b).

²⁵ Modern biblical scholars have long recognized that Genesis 2:4 links two separate creation narratives. The first, ending with 2:4a, uses "God" (Heb. *elohim*); the second, beginning with 2:4b, uses "The Lord" (Heb. *adonai*). Long before the advent of modern biblical criticism, Jewish tradition recognized that these two names for God were associated

Justice and mercy—both are necessary to sustain the world, but either alone threatens to destroy it. Both the restorative and the visionary responses to immoral behavior are necessary; neither alone is sufficient. So the conflict between the conditional and unconditional views of forgiveness cannot be resolved arbitrarily in favor of one position or the other. Indeed, the rabbis point might well be that each understanding of forgiveness has its place and taken together they hold one another in balance. For they recognized that the moral world we inhabit, like a delicate cup, is ever so fragile; indeed, God created it this way. And so we find ourselves in a world where both justice and mercy are needed in equal measure, and so where forgiveness paradoxically must be both conditional and unconditional.²⁶

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with the qualities of justice and mercy respectively. So this verse serves as a particularly apt prompt for the rabbis' reflection on the necessity of both qualities. I am grateful to Jonathan Crane for calling my attention to this.

²⁶ The foregoing analysis of forgiveness in Judaism should be taken as a corrective to my earlier and less extensive analysis of sources on this question in Newman 1987. I am indebted to Jesse Couenhoven and all the other participants in the conference he organized at Villanova University on "Possibilities of Forgiveness," Feb. 20–21, 2012, for their insights and their responses to an earlier version of this paper. I have also benefitted from the helpful comments of Jonathan Crane and Geoffrey Claussen and from extended discussion of these issues with my wife, Rabbi Amy Eilberg.

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RECONCILIATION BETWEEN MUSLIMS AND CHRISTIANS

Collective Action, Norm Entrepreneurship, and “A Common Word Between Us”

Anas Malik

ABSTRACT

“A Common Word Between Us,” an open letter from Muslim scholars to Christian leaders, is the most developed effort at Muslim-Christian reconciliation to date. Endorsed by well-known Muslim scholars from diverse sects and backgrounds, the letter emphasizes the central role of love of God and the Golden Rule in both religions and cites the catastrophic consequences of conflict. The signatories frame a norm of interreligious covenant for constructive collaborations, present their argument as an authoritative Islamic position, and effectively reject the clash-of-civilizations narrative. Using game-theory models to articulate strategic challenges facing interreligious initiatives, this essay argues that a norm of interreligious covenant can potentially produce successful collective action in situations resembling both coordination and prisoner’s dilemma games, depending on the success of norm entrepreneurship.

KEY WORDS: *Islam, reconciliation, covenant, norm, entrepreneurship, game, collective*

Prospects for Muslim-Christian reconciliation sometimes appear dim in an environment characterized by low trust, disagreement on starting points, and a prevailing narrative emphasizing a clash between Western civilization and Islam. Enter “A Common Word Between Us” (henceforth ACW), a groundbreaking Muslim initiative that counters the clash narrative, frames a norm of interreligious covenant, and aims to spark constructive collaborations and reduce trust problems. ACW is the most well-developed, broadly supported, intentionally directed global effort at supplying an institution for enabling Muslim-Christian collective action to date. Yet the literature on ACW has not sufficiently engaged scholarship from the field of political science dealing with collective action or norm

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entrepreneurship. Scholarship in these areas maps strategic possibilities that can illuminate prospects for the successful implementation of ACW.

Framed as an open letter from well-known Muslim authorities representing a broad range of sectarian affiliations to Christian leaders, ACW states:

The future of the world depends on peace between Muslims and Christians. The basis for this peace and understanding already exists. It is part of the very foundational principles of both faiths: love of the One God, and love of the neighbor. These principles are found over and over again in the sacred texts of Islam and Christianity. The Unity of God, the necessity of love for Him, and the necessity of love of the neighbor is thus the common ground between Islam and Christianity. (Common Word Signatories 2007)

Assuming that affirming shared values can foster reconciliation between Muslims and Christians, ACW calls for future relations between Muslims and Christians to be predicated on acknowledging the primacy of the two commandments of love. These ethically salient affirmations suggest increased commitment to human equality and dignity and collaboration for the common good. Given that Muslims and Christians make up the majority of the world's population, ACW signatories assert that Islamo-Christian collaboration is urgently needed; the well-being of humanity and its very survival are at stake.

In practice, collaborative collective action across community lines involves a degree of reconciliation between those communities.¹ Inter-religious collective action proposals therefore often imply an underlying harmony of interests, but this is analytically incomplete, given the differing types of collective action situations (Malik 2008). Setting aside those who do not want reconciliation or collaboration, one must consider the varying underlying interest configurations among those who do seek collaboration. These differences revolve around the particular interests of each party as compared to the collective interest of the two taken together. Considering variable underlying interests helps in predicting the likelihood of cooperation. ACW's impact will likely vary based on the underlying configurations of interests of the parties in particular collective action situations.

Translating the pursuit of individual interests into collectively rational outcomes is not a trivial matter. A chief problem captured by game-theory models has been that individual rationality can sometimes produce collective irrationality (Ostrom 1990). Collectively desirable ends may not be achieved as individuals pursue narrowly self-interested courses of action.

¹ This essay remains agnostic on the precise relationship between forgiveness and reconciliation. Collaboration for the common good between sometimes-conflicting groups is assumed to represent a degree of reconciliation. Such collaboration may also increase the possibility of fuller reconciliation and forgiveness.

Realizing such collectively desirable outcomes depends upon institutions and their rules, including formal laws and informal norms, which shape collective action. Interreligious reconciliation and cooperation are forms of collective action, and therefore more likely to occur when they meet fewer hurdles. ACW offers the possibility of lowering such hurdles by supplying needed institutional rules—norms of interreligious covenants between Muslims and Christians. “Norm entrepreneurs” are agents with strong views about desirable behavior who seek to build a norm and who contest existing practices (Finnemore and Sikkink, 1998); ACW signatories and proponents fit this definition. The degree to which hurdles to interreligious collective action are lowered depends partly on the success of ACW as an exercise in norm entrepreneurship. As an accepted basis for dialogue, ACW would sidestep the need for many preliminaries that might otherwise occupy significant time and resources. It would bring stable expectations into such gatherings, and help overcome the problem of establishing groundwork from which to proceed for interreligious cooperation.

Underlying interests or parties in an interaction can be represented by different game metaphors. The question of how to achieve collective action differs in each game’s structure. In coordination games, the primary problem is how to generate a shared understanding about how to proceed in a social situation. In the game known as the “prisoner’s dilemma,” the primary problem is how to build trust. Communication and credible commitments to cooperate can overcome this barrier. As explained below, ACW has the potential to improve the prospects for successful collective action in both types of situations. Where adopted, ACW provides an agreement on processes, helping to coordinate expectations and, under some conditions, supporting a more credible commitment to cooperative behavior.

Rather than focusing on ACW’s ideas per se, this essay examines three analytically distinct yet interrelated planks affecting the likely influence that ACW may wield. These are the theological claim of ACW signatories that they speak authoritatively for Islam, ACW’s potential contribution to resolving strategic problems of achieving collective action, and ACW as an exercise in norm entrepreneurship.

1. Speaking Authoritatively: ACW’s Theological Claim

ACW was issued a year after a smaller group of Muslim scholars responded in a letter to comments made by Pope Benedict XVI at Regensburg in September 2006 (Open Letter Signatories 2006). The Pope’s comments, perceived to contain negative generalizations about Islam, sparked Muslim protests around the world. ACW, in contrast to the earlier letter, was a more comprehensive document that attempted to change the global footing of Muslim-Christian relations. It was officially initiated

in 2007 by Prince Ghazi bin Talal of Jordan and signed by 138 Muslim scholars and intellectuals, with Jordan's King Abdullah II as its official patron. While it is an eloquent letter addressed to Christian leaders, ACW also has an implicit Muslim audience.

According to spokesperson Ibrahim Kalin, ACW is an appeal for "an engaged conversation between Islam and Christianity, while fully acknowledging the theological and historical differences between the two traditions," anchoring its claims in the Qur'an and the Bible and thus expressing a "desire to meet each other not 'at the margins' of our historic identities but speaking from what is central and authoritative for us" (Kalin 2010, 42). Couched in deliberate but urgent terms, ACW describes the starting point for dialogue and seeks steps leading to peaceful collaborative relations. But the document does not stop at concern for worldly survival, adding that "our very eternal souls are all also at stake if we fail to sincerely make every effort to make peace and come together in harmony" (Common Word Signatories 2007, 17).

Efforts to work for increased dialogue, cooperation, and collective action between Muslims and Christians are not new. There are medieval examples of Muslim scholarly efforts to seek dialogue with Christians and Jews in particular (Kalin 2008). The meeting between St. Francis and the Sultan Malik al-Kamil in Damietta in 1219 can be described as an interreligious dialogue. Hans Küng, the Catholic theologian, called for a common basic ethic developed through dialogue and an overlapping consensus, seeking a religious foundation for a moral platform enabling collective action to deal with catastrophic social and ecological circumstances (Küng 1991). Paul Knitter advocated a "pluralistic, correlational" interreligious dialogue acknowledging that individuals have global responsibilities, that these responsibilities cannot be carried out separately but require coordination, and that coordination requires communal agreement or consensus on shared values (Knitter 1995, 70). Muslim theologian Farid Esack supported interreligious collaboration for promoting the public good; his proposed "South African Qur'anic hermeneutic of religious pluralism for liberation" seeks to challenge long-held traditional Islamic opinions on such areas as women's rights and sexuality in order to better pursue "justice" (Esack 1997, 12). These theological positions have faced challenges and criticisms from within their own communities: Küng and Knitter have had their teaching and scholarship criticized by champions of orthodoxy, and Esack's work has been severely criticized by the traditionalist Abdal-Hakim Murad (1999).² Forums such as the World Parliament of Religions and the United Nations Alliance of Civilizations project have sought to elevate voices calling for interreligious cooperation.

² Murad's critiques do not extend to all interreligious collaboration; on the contrary, Murad is among the original signatories to ACW.

ACW differs from previous efforts both quantitatively (a greater number of reputable signatories from diverse backgrounds) and qualitatively (a more far-reaching effort to introduce a decisive Islamic interpretation explicitly grounded in references to Christianity). To a Muslim audience, ACW draws strength from its grounding within Islamic tradition. This is significant because religious authenticity is one basis for the success of ACW's norm entrepreneurship. A successful claim to religious authenticity means that the norm entrepreneurs have fulfilled the "logic of appropriateness" (March and Olsen 2004) and offered what their audience sees as an appropriate argument in favor of the norm. This may be explained further by reference to Islamic tradition.

2. The Context of Islamic Tradition

According to Ebrahim Moosa's interpretation of Alasdair MacIntyre, "tradition" may be defined as "essentially discourses that instruct practitioners as to the correct form and purpose of a practice . . . [T]he constitution of tradition relies on the practitioners' notion of what is *apt performance*, of how the past is related to present practices; tradition is not . . . the mere repetition of old forms" (Moosa 2005, 53). Tradition is found in all societies and guides social members to what constitutes appropriate argument. In this sense, even the "West" can be seen as quite traditional. Islam is distinguished by the degree to which Muslims look to a past model as a standard for virtue (Zaman 2002). It is on the basis of widely shared ideas about what is consonant with Islamic tradition that ACW signatories can claim to affirm, rather than depart, from tradition.

Islamic scholarship has a rich literature of interpretation and responsa. In one ideal-type depiction, Islam presumes a "universal pontifex": every believer is a potential interpreter of what constitutes appropriate religious guidance. This contrasts with the Roman Catholic community, which presumes a supreme Pontiff, and a hierarchical structure including ordained bishops. Yet the differences between these ideal types are more diluted in practice. Among Muslims, the *ulama*, a scholarly clerical class, have exerted tremendous influence over perceptions of correct religious practice. It is expected that the primary interpretive duty falls on specialist *ulama* whom ordinary believers then imitate and follow. This was especially true in the medieval era when different schools of legal jurisprudence and method became formalized, and eventually gathered and retained large followings, such as the major Sunni schools (Maliki, Shafi'i, Hanbali, and Hanafi). *Shari'a* can be loosely translated as "Islamic law," but juristic tradition does not automatically equate the *shari'a* with the responsa literature. Rather, true guidance, the authentic *shari'a*, exists with God; what scholarly efforts do is to attempt to deduce the *shari'a* by coming up with *ahkam* (rulings) through *fiqh* (the science

of understanding, based usually on some combination of Qur'an and Sunna interpretation, precedent, and analogical reasoning). A critical element of this process is the presumption that any given scholarly opinion is fallible.

Traditional authority in Muslim societies has been eroding as a result of increased literacy, new techniques for disseminating the written word (lithography, and other innovations), and rapid changes associated with colonialism (Bulliet 2004). Amid an authority vacuum in the Muslim world, scholars, writers, social movement organizers, and vigilantes make implicit and explicit claims to religious authority. In this milieu, a key problem arises: who speaks for Islam? The universal pontifex, or the notion that religious legal interpretation and re-interpretation is open to the community of believers rather than restricted to an ordained, closed group, means that claims to speak for Islam are contestable. This allows for new interpretations of appropriate religious norms, but simultaneously raises the possibility that any interpretation will be rejected by some. One mechanism by which an "authoritative" legal interpretation can be claimed is a scholarly consensus (*ijma'*). When and how such a consensus is obtained and identified and whose veto or assent could make or break it remain in dispute.

ACW is distinguished from other interreligious collaborative efforts by the breadth and diversity of its signatories, which provide a basis for the claim that ACW is an authoritative teaching based on scholarly consensus. This is particularly important given the history of interreligious outreach efforts by Muslims, which have tended to be local and based on particularistic interpretation rather than global and by widespread endorsement. The process leading up to ACW can be compared to the Catholic Church's Second Vatican Council in a Muslim context. But unlike Vatican II, which had a built-in structure for spreading its teachings through local bishops, the Muslim world (particularly in Sunni cultures) does not have a commonly recognized hierarchy of authoritative figures (Philpott 2007). In that absence, a near-anarchy can prevail, particularly as modernity and colonialism have displaced traditional authority. Collective expression in the Muslim world becomes, at the extreme, the need to generate agreement among all the billion-plus community members, a practical impossibility. And that does not reference the problem of intergenerational consensus—the agreement of later generations, whether their dissent challenges the prior consensus, or whether the prior consensus is received as an authoritative teaching under a grandfather clause. Nevertheless, ACW represents the most significant attempt yet at displaying a scholarly consensus. *Ijma'* provides authoritative interpretations of religious teaching in the Islamic context, but there is no consensus on what constitutes an *ijma'*. In the absence of a notable scholarly challenge from Muslim theologians, it is possible to claim that the document represents a passive consensus.

In effect, ACW claims *ijma'* on two key interpretive questions. The first is the verse from which the document's name, "A Common Word Between Us," derives: "*Say: O People of the Scripture! Come to a common word between us and you: that we shall worship none but God, and that we shall ascribe no partner unto Him, and that none of us shall take others for lords beside God. And if they turn away, then say: Bear witness that we are they who have surrendered (unto Him)*" (Q. 3:64; Common Word Signatories, 2007). The document claims to reflect a consensus on how to understand this verse. The second is the document's claims about the nature of the world situation today: due to weapons of mass destruction and urgent collective problems, the path of war is tenable neither as a practical matter of survival, nor as something spiritually defensible before God. The world situation, in other words, is interpreted as one in which our future destinies and present survival are intertwined.

3. Game Metaphors for Interreligious Collective Action

Reconciliation, a form of cooperation, requires some collective action. Presuming an essential harmony of underlying interests between different faith communities, proponents of interreligious collective action for reconciliation seek to awaken similarly minded activists from different religious backgrounds. Yet most proposals typically elide or conflate the diverse possible interest configurations that underlie a shared collective action goal (Malik 2008). Diverse interest configurations, and their impact on the prospects for successful collective action, can be modeled through formal metaphors known as game theory. A "game" in game theory is a story that acts as a metaphor for real-world situations. Deliberately simplified elements help illustrate strategic issues in individual and collective choice, as well as the paradoxes that can sometimes result. Through strong assumptions that simplify a complex reality, game theory can shed light on the individual and collective outcomes associated with different choices in a social interaction.

It is useful to model reconciliation as a collective action problem because the success of reconciliation efforts depends on whether the underlying interests and preferences of parties are adequately captured and addressed. Two classic metaphors from game theory are the coordination game and the prisoner's dilemma game (see Tables 2 and 3), in which the four possible results of two players deciding whether to cooperate with each other or to defect can be ranked (with the best result for a player being given a value of 4, and the worst result for a player being given a value of 1).³ Where preferences are aligned in a coordination game

³ In game theory, the term "defect" is used to suggest not cooperating with one's counterpart or reneging on an agreed course of action.

Table 1. Basic Strategic Form⁴

		<i>Person B (Christian leader)</i>	
		Cooperate	Defect
<i>Person A (Muslim leader)</i>	Cooperate	C,C	C,D
	Defect	D,C	D,D

Table 2. Coordination Game

		<i>Person B (Christian leader)</i>	
		Cooperate	Defect
<i>Person A (Muslim leader)</i>	Cooperate	4,4	1,1
	Defect	1,1	3,3

Table 3. Prisoner's Dilemma Game

		<i>Person B (Christian Leader)</i>	
		Cooperate	Defect
<i>Person A (Muslim leader)</i>	Cooperate	Successful collective action. Both help realize a better world. 3, 3	Person A is the dupe. Person B gains some advantage—he has betrayed A, improved religion A's position 1, 4
	Defect	Person B is the dupe. Person A gains some advantage—he has betrayed B, but improved religion B's position 4, 1	No collective action; so world problems remain, as does the interreligious project's failure. 2, 2

fashion, the key to successful reconciliation is locating and agreeing upon the rules from tradition that will permit the reconciliation process to go forward. Where preferences are aligned in prisoner's dilemma utility rankings, the reconciliation efforts must be embedded in mechanisms for enabling reliable communication. These include trust-building, investment in a reputation for transparency, the prospect for continuing future interactions, and incurring of costs that cannot be recovered if one reneges.

A simplified two-player strategic form representation provides a helpful illustration (see Table 1). Assume a Christian leader and a Muslim leader engaged in deciding whether to cooperate with one another or to defect. The payoffs for each player vary depending on underlying assumptions.

⁴ All tables adapted from Malik 2008.

Interreligious cooperation proponents presume a coordination game. Yet certain critical situations are characterized by mutual security dilemmas, and are better represented by the prisoner's dilemma model. Experimental studies of repeated prisoner's dilemma games have suggested that cooperation can evolve over time, and pointed to tit-for-tat as a winning strategy. In endgames, and when actors perceive that endgames are near, however, cooperation may break down. Given the catastrophic consequences of not cooperating, agents must act to change perceptions and behaviors.

A possible metaphor for the coordination game is traffic management, which is in the interest of all commuters. A shared understanding of which side of the road to drive on reduces the risks to commuting and solves a coordination problem among commuters; the crucial thing is not the intrinsic value of driving on the right or the left side, but rather the bad consequences of doing so. In the context of interreligious collaboration, provided that everyone accepts that noncooperation is a collective bad, ACW offers a shared understanding of the premise of interreligious collaboration. By offering a starting point, ACW reduces false starts and the costs of negotiating general preliminaries, and thus improves the likelihood of collaborative success. The content of ACW provides Muslims with a formula for how to approach their Christian counterparts. It also provides Christians with a better idea of what they can expect (Royal Aal Al-Bayt Institute for Islamic Studies 2012). In situations resembling a coordination game, a widely adopted norm significantly increases the payoff associated with collaboration, making it more desirable and valuable to collaborate. In the prisoner's dilemma game individual payoffs are structured in such a way that an individual may defect from the other's cooperative behavior and make the other a dupe, ending up ahead at the expense of the other (Axelrod 1984). In the absence of complete trust, or adequate signaling, one must presume the possibility of defection. Prisoner's dilemma situations require more investment in mechanisms to overcome defection, and a credible commitment that defection will not take place becomes especially important. In a prisoner's dilemma situation, the overt affirmation of ACW by the Muslim side signals a commitment to cooperate. This commitment is made more credible to the degree that the Muslim side contains a known constituency that views ACW as authoritative, because such a constituency may constrain the Muslim leader from defecting.

Consider the following image. A Muslim community lives on one side of a river, and a Christian community lives on the other side. Occasionally troublemakers from one side throw rocks at the other, injuring and insulting some people as a result. Nevertheless, many people recognize that peaceful relations and interactions would benefit both sides. The communities need to build a bridge between the two sides so that people can meet halfway. The two communities have much to gain collectively by

building a bridge across the river, thereby facilitating trade and exchange, but they disagree about where to build the bridge. In the absence of a shared understanding, disputes about the location might stymie the entire project. Or worse, one side might begin the bridge in one location, and the other in another location, resulting in two half-structures that do not make a functional bridge. A shared understanding about the appropriate location would solve this problem, reflecting the assumptions of the coordination model. The worst thing that could happen would be if each side started to build the bridge on a different part of the river. The two would not meet in the middle and end up building pointless “bridges to nowhere.” ACW’s scaffolding and foundation lays out the basic outline that positions the participants for more effective collective bridge-building.

In a different scenario, consider two communities, one Muslim and one Christian. Here, the problem is not one of agreement on where the bridge is to be located, but one of trust between the two sides. The Christians fear that the Muslim side will drain the Christian community’s treasury, and then fail to construct the bridge on its side—that is, that the Muslims will defect, using the saved money to build up a fleet of ferries, which then corner the market in commerce and exchange. Sacrificing the long-term collective value the bridge would have provided, the Muslim side would appear to have “won” at the expense of the Christians. Or the situation might be reversed, with the Muslim side fearing a Christian defection. In other words, reflecting a prisoner’s dilemma interest configuration, the worry is that one side will act as though they are committed to bridge-building, when the temptation is to divert and bankrupt the other—to defect from the bridge-building plan. If the Muslim side includes an ACW-oriented constituency, then a public affirmation of ACW’s principles can be taken as a credible commitment to cooperating with the bridge-building project. ACW, when affirmed by constituencies and leaders, makes the commitment to the collective effort more difficult to break.

Security dilemma-based arms races can be understood as extreme versions of the prisoner’s dilemma case, in which cooperating means no longer building weapons, while defecting means building more weapons. Continuing a hostile arms buildup is costly for both sides, yet neither side can stop stockpiling because to do so would give the other side an edge that may be decisive in a conflict. Where religious identity is more salient than religious principle, normative appeals for collective action and reconciliation pose particular political obstacles. Outcomes are influenced by leadership style and strategy, as well as the underlying support coalitions within particular communities. Political leaders seek political survival and consequently pay attention to the coalitions that maintain them in office. Challengers within the community seek to poach from the leader’s support coalition, and/or to locate and build alternative coalitions (Malik

2011). Unilateral efforts to de-escalate conflict and enhance cooperation can be risky if one side defects and takes advantage of the other. In an effort to protect their own communities and their own leadership positions, leaders minimize risk by not engaging in significant, meaningful de-escalatory steps. The consequence is that collective insecurity persists.

Imagine that there are two leadership orientations: the bridge-builders, who seek collective action for mutual benefit, and the polarizers, who seek to maximize their own community's more narrowly-defined welfare first, potentially at the expense of other communities. At a community level, this means that even if individual leaders are not tempted by such defection possibilities, there is the possibility that more militant factions in their community will propel them to defect—perhaps by posing challenges to their very leadership. Amid escalating conflict and insecurity, polarizing leaders may gain greater political influence, and reduce the prospect for cooperative ventures. To the extent that ACW creates a constituency that affirms its principles, it enables the bridge-builders and presents an obstacle for the polarizers.

ACW urges cooperation and discourages defection, but a key question is how adherence and deviations are to be monitored and sanctioned. The above reference to communities affirming ACW principles reflects the need for agents who support the ACW rule and work to advance it by monitoring behavior and, when possible, sanctioning deviations. That leads to the question of how ACW might be received and how its message might possibly be spread.

4. ACW as Norm Entrepreneurship for Interreligious Covenants

A “covenanting” norm is the general principle that describes a religiously grounded orientation to working with others in civic forums to address common, shared problems. “Covenant” may generally be described as an agreement to which a transcendent moral force, usually God, is party (Elazar 1998). The term “covenant” carries religious connotations specific to particular faith experiences, and therefore may become a potential stumbling block for some from other faith backgrounds. Yet covenants can be broadly understood as long-term, open-ended commitments for mutual cooperation. They are found in all societies, but their cultural expression varies (Shivakumar 2005). Alexis de Tocqueville and others have pointed to the centrality of covenantal or covenant-like shared understandings in productive social orders (Ostrom 1997). ACW urges reconciliation, mutual respect, and the necessity of open-ended, long-term engagement on common concerns, as well as the witness of God. This can be understood as an interreligious Muslim-Christian covenant. The propagated norm is to establish Muslim-Christian collaboration in diverse contexts based on a covenantal understanding of the underlying relationship.

Institutions are rules for organizing social interactions, specifying what actors must, must not, or may do. Institutions vary in the degree and type of enforcement. A norm is an informal rule for social behavior. The right rule, if adopted, can improve prospects for collective action. Institutions can stabilize expectations in ways that help reduce uncertainty and increase the likelihood of cooperation. ACW arguably attempts to propagate a norm: one that discourages a clash-of-civilizations framing of issues, and urges the development of interreligious covenants. Depending on whether and how much ACW is accepted and referenced, it may offer a means for alleviating coordination problems (by offering a shared understanding of starting points for collective action) and overcoming prisoner's dilemma conditions (by adding to the credibility of commitments to cooperate with the other).

ACW can be understood as a thoughtful and deliberate effort in Islamic norm entrepreneurship. Norm entrepreneurs attempt to promote particular norms by deploying frames and language that dramatize those norms. ACW signatories fit this definition. Before a Muslim audience, they have made a claim about the legitimacy of their interpretation as an authoritative Islamic position. The theological claim of an *ijma'* may, if well received and uncontested, provide a significant boost to the ACW norm. Norm adoption can become self-reinforcing through positive feedback, such that norm adherence gains momentum and spreads. A "norm life cycle" includes norm emergence (where norm entrepreneurs attempt to convince political actors of their favored norm), norm cascade (where a tipping point is reached, producing a dynamic of emulation, drawing on forces such as a desire for conformity and legitimacy), and norm internalization (where norms become taken for granted as being beyond debate) (Finnemore and Sikkink 1998). The ACW norm of interreligious covenants is at the emergence stage, with some possible minor early emulation.

Akhtarul Wasey, an original signatory to ACW and a participant in related meetings, suggested an impulse behind the document's creation that closely fits the definition of norm entrepreneurship cited above (Wasey 2008). He claimed the signatories were dissatisfied with the narrative and worldview represented by the clash of civilizations mindset. In conscious opposition to the religious arguments used to justify communal polarization, the signatories used their religious authority to persuade Muslims to adhere to the interreligious covenant norm. If successful, this may help overcome coordination problems and counter security dilemma thinking. Security dilemmas may be defused if enough participants accept ACW and if monitoring and sanctioning mechanisms are in place to reward those who follow the rule and punish the rule breakers. In other words, there must be social voices holding actors accountable to their declared ACW positions. This is where prisoner's dilemma situations are most likely to be resolved with a cooperative outcome.

A key problem is how ACW signatories hope to convince other agents of their norm—how they seek to propagate the norm. I focus here primarily on the potential for challenge from within the Muslim community. The effort at persuasion relies on several factors: the reputations and stature of the signatories, the elegance and resonance of the argument, the high-profile public platform from which it was issued, and the effort to pre-empt potential challenges by ensuring signatories from different regions and sects. The wider success of the initiative requires more organizational platforms, transnational advocacy networks, and emulation.

For the document to have a genuine global impact, it must alter the basis on which dialogues are held, and have some impact on the expectations, calculations, and behaviors of those with active relations with Christian leaders and communities. Muslim scholars engaged in this effort face two major challenges. First, the new norm must gain a following and withstand non-adopters and rejectionists from within the Muslim community. Although the document is written as a letter to Christian leaders, it presumes to speak for Muslims, suggesting that the norm already exists and simply must be reinforced among Muslims. Revolutionary political Islamists, in particular, as well as those engaged in hostilities across the religious divide, pose a significant potential challenge.

Second, the effort should find some visible partners from the Christian community. Success in some areas will breed success elsewhere as others replicate a working strategy. Even when the prospects for success are low, religious obligation makes it desirable to seek collaboration. This second aspect is different and builds in part on the first. While there have been many positive Christian responses, there are also numerous challenges to finding Christian partners. Among them is exclusivism (Knitter 1995), which refers to those who believe in an absolute truth-claim that inherently excludes competing faith traditions, particularly with regard to beliefs about soteriology. Accordingly, for exclusivist Christians, acknowledging an argument that comes from Muslim scripture is uncomfortably close to validating Islam as a legitimate religion of God.

Another hurdle has to do with security dilemmas. The document argues for an underlying harmony of interests between Muslims and Christians. In practice, relations between the two communities contain situations resembling both the prisoner's dilemma and coordination games, two of the most widely used representations of how parties' interests are configured. In such circumstances, institutions can produce collectively rational rather than irrational outcomes in order to stabilize expectations of how the other will behave. Norm entrepreneurship can be understood as an effort to supply such institutions. In prisoner's dilemma situations, high uncertainty can lead to defection by an actor seeking to minimize the

maximum possible damage to self. A strongly shared norm can serve to reduce such uncertainty, helping actor expectations to converge, and making it more likely that actors will cooperate.

A positive feedback process may help de-escalate tensions. Those interested in cooperation may start (and have already started) dialogues and collaborative activities in some venues, while hoping that the process gets emulated and spreads elsewhere. It may be helpful to start with low-conflict, low-cost situations, and build up to the more difficult contexts. Situations that resemble coordination games may be easier to engage first, so collaborative activities could start with those, and use them to build a reputation for key players and leaders. That reputation could then provide the information signals needed by actors in the situation resembling Prisoner's Dilemma, and help reduce the fear that the other will defect.

Consider three scenarios for the level of acceptance of ACW: as widely accepted, as known but contested, and as ignored or unknown. If ACW is widely accepted and becomes a hegemonic understanding of how Muslims must relate to Christians, it can potentially provide the rule for solving the collective action problem under coordination assumptions. If the underlying configuration is a prisoner's dilemma, then strong legitimacy for ACW does restrict how much the leader of the Muslims can defect. This reduces the incentive for the Christian leader to defect pre-emptively, which could lead to more cooperation. Overcoming the prisoner's dilemma requires effective signaling. In this situation, widely expressed allegiance to ACW is a strong signal.

In contrast, consider the situation where ACW does not exist, or is simply ignored or unknown. In such a situation, participants will have to have some common way of starting their collaboration and reconciliation process. While still achievable, this could require substantially more work. Moreover the potential for misunderstanding is greater, because the size of the bridges that need to be built is much bigger. ACW appeared initially to avoid this fate. It received global attention, and its signatories include Muslim religious authorities from around the world, representing different schools of thought.

Finally, there is the more difficult situation, the one that we actually find ourselves in often today: it is where ACW is known, but contested, or not hegemonic. In such a situation, the likely outcome is that while the bridge is planned, it is not being funded. Here, working for collective action requires awareness of the sometimes opaque and complex internal dynamics of the community. Coordination solutions are made more difficult to identify, and risks of defection in a prisoner's dilemma are increased. The ACW norm may succeed as long as a supportive faction is in power, but external support for such a faction may be seen as outside meddling, undermining the legitimacy of the pro-ACW faction, and giving ammunition to its challengers. Other permutations suggest a range of possible outcomes.

The success of norm entrepreneurship depends not only on the appropriateness of the argument introducing the new norm, but also the organizational platforms from and through which the norm is promoted (Finnemore and Sikkink 1998, 899). ACW's claim of a scholarly consensus and the unprecedented range of its signatories suggest that it has substantially fulfilled the logic of appropriateness to which many Muslims would respond. Its further success depends on the advocacy network that supports and promotes it. Five years after its publication, ACW has received numerous positive responses from official representatives of Christian organizations and well-known Christian scholars, amid a few negative voices. It has also been the subject of various symposia (at Yale and Cambridge, for example) and prominent public discussions (such as the first Catholic-Muslim Forum, held at the Vatican in 2008), and adopted for study in several universities, such as the reconciliation program at Yale University's Center for Faith and Culture (Royal Aal Al-Bayt Institute for Islamic Thought 2012). Whether the norm reaches a "cascade" point at which new adherents subscribe to it for reasons of reputation and legitimacy remains to be seen.

5. Afterword

Vincent and Elinor Ostrom, beloved, generous teachers and path-breaking scholars, passed away in 2012. Elinor Ostrom's work was recognized by a Nobel Prize in Economics in 2009. Vincent Ostrom, her intellectual partner and a noted public administration and constitutional choice scholar, argued that covenantal understandings that undergirded productive social orders could be based on affirmations of monotheism and the Golden Rule (Ostrom 1997). This applied at the level of individuals, communities, and inter-community relations, including Christian, Islamic, and other contexts. His work may be considered prescient in that the most far-reaching, authoritative effort to reconstitute Muslim-Christian relations has been based on the Common Word understood as monotheism and the Golden Rule. As the basis for covenantal arrangements in diverse contexts, ACW would resonate with Vincent Ostrom's vision. Yet, as he also emphasized, it is ongoing habits of heart and mind, as well as the science and art of association, that sustain successful social orders. Diverse and continual efforts are needed to negotiate collective solutions. The work of crafting specific institutional arrangements and building on covenantal shared understandings, a form of civic artisanship, awaits.⁵

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FORGIVENESS IN THE ARAB AND ISLAMIC CONTEXTS

Between Theology and Practice

Mohammed Abu-Nimer and
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ABSTRACT

This essay explores the current and historical meaning of forgiveness in Arab and Islamic cultural and religious contexts. It also hopes to encourage further empirical research on this understudied topic in both religious and peacebuilding studies. In addition to the perceived meaning of forgiveness in an Arab Islamic context, this essay examines the links between forgiveness and reconciliation. Relying on religious sources including the Qur'an and Hadith, as well as certain events in Islamic history, the essay identifies various ways to conceptualize and explain the meaning of forgiveness. This theoretical and conceptual segment is followed by a section which explores current perceptions of forgiveness among Arab Muslim teachers in five different communities. The empirical data for this analysis is based on a larger comparative regional study that has been completed through surveys and structured interviews with educators from Lebanon, Jordan, Egypt, and Palestinians from the West Bank and Israel. Our study concluded that the teachers' perceptions of forgiveness were mainly derived from religious

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sources and identities and that Islamic religious discourse provided a solid foundation for framing the meaning of forgiveness.

KEY WORDS: *Perception of forgiveness, reconciliation, forgiveness in Islam, Arab education, education for forgiveness*

1. Introduction

The study of forgiveness in Arab and Muslim cultural and religious contexts is underdeveloped. This article aims to explore the concept of forgiveness and its relation to reconciliation in religious, cultural, and educational settings. As is true of other values and beliefs in most religions, there are multiple interpretations of how to define and practice forgiveness in Islam (as in any other religion). In Islamic literature, many legal scholars have developed conditions to determine when and how to engage in the punishment (*qisas*) of perpetrators of various crimes. However, there are few studies that focus on the conditions for forgiveness; those that do are mostly written by scholars or commentators responding to Christian perspectives on forgiveness (Enright, Eastin, Golden, Sarinopoulos, and Freedman 1992). At the level of practice, there is no major (national or international) initiative, project, or center that focuses on the theme of forgiveness in Arab Muslim societies. As a result, there is both a clear gap and a pressing need to explore forgiveness and its conditions in Islamic theology, and, more importantly, its role in the daily lives of Muslims and non-Muslims, especially when they engage in conflict resolution processes.

The need for such a discussion on forgiveness and reconciliation is particularly important considering the recent turmoil and political transitions facing many Muslim and Arab societies. Many of the youth and children who are active in these political movements are still in school systems where they interact with teachers. Thus, studying the links and gaps between perceptions of Arab educators on forgiveness and their cultural and religious frameworks can contribute to a deeper understanding of the challenges facing such communities as they explore the possibilities of future reconciliation and forgiveness.

This essay is an attempt to respond to this need. It explores the perceived meaning of forgiveness in an Arab Islamic context and its links with reconciliation. It discusses the various definitions of forgiveness and the conditions required for such acts. The essay also focuses on a study of Arab teachers' perceptions of and attitudes about forgiveness and its boundaries, especially in cases where offenses relate to their religious identity.

The first section of the essay examines religious sources including the Qur'an and hadith, as well as certain events in Islamic history, to

determine how forgiveness is defined and conceptualized. This theoretical and conceptual segment is followed by a section which explores current perceptions of forgiveness among Arab Muslim teachers in five different communities. The empirical data for this analysis is based on a larger comparative regional study that has been completed through surveys and structured interviews with educators from Lebanon, Jordan, Egypt, and Palestinians from the West Bank and Israel.

2. Forgiveness in Islam

2.1 Basic definitions

There are several basic Arabic terms that relate to the concept of forgiveness: *afw* (عفو): pardon or amnesty (releasing from the burden of punishment and restoring honor); *safhu* (صفح): turning away from sin, ignoring the wrong; *ghafara* (غفر): covering up, erasing sin, remitting absolution; *samah* (سامح): ease, generous, allowed other [to act].¹

In day-to-day contexts, these terms are used interchangeably to convey forgiveness. An additional term is *tasamuh* (تسامح) which is usually translated as tolerance. However in many cases it is also used to convey a forgiving attitude. In addition to the various aspects of the act of forgiveness and the different terms described above, there is much discussion of the concept itself in Islamic theology. There are many words in Arabic that one can use to ask for forgiveness. Muslim children are taught to repeat these phrases and words daily when asking Allah's forgiveness. For example: *Astaghfiru-Allah*, "I ask forgiveness from Allah"; *Subhanaka-Allah humma wa bi hamdika wa ash-hadu al la Ilaha illa Anta astaghfiruka wa atubu ilayk*, "Glory be to You, Allah, and with You Praise (thanks) and I bear witness that there is no deity but You, I ask Your forgiveness and I return to You (in obedience)" (Abu Dawud 2000, 41:4842). The concept of forgiveness reflected in the above terms appears repeatedly in the Qur'an (*afw* appeared 35 times, *safhu* 8 times, and *ghafara* 234).²

Muslims attempt to emulate the Prophet's sayings and actions. Thus, as with other virtues in Islam, they recall the Prophet's forgiving qualities and sayings as a way to emphasize the importance of forgiveness in the tradition. Some of the main sayings and Qur'anic verses include but are not limited to:

- When the Prophet completed his prayer, he would seek Allah's forgiveness three times: "When he finished from prayer, he would seek Allah's forgiveness three times and say, 'O Allah, you are the

¹ Based on Ibn Manzur 2003; see also Wehr 1976.

² See McCullough, Pargament and Thoresen 2001.

peace and from you is peace. Blessed you are, O Owner of Greatness and Honor” (Muslim 2004, 4:1226).

- The Prophet Muhammad taught Aisha to ask for forgiveness in Ramadan by saying the following: “O my Lord, forgive me, because you love to forgive, thus forgive me, O you Merciful! Remember, asking for forgiveness is not just for our sins, but also for our needs as well” (al-Bukhari 1971, 4, 10: 212).
- The first person, Adam, was taught by Allah to say: “Our Lord, we have wronged our souls and if you forgive us not, and bestow not upon us your mercy, we shall be losers.” (Q. 7:23)
- “And I have said! Seek forgiveness from your Lord. Lo! He is oft-forgiving (if you ask for forgiveness). He will give you plenty of rain, He will give you wealth and sons, and assign you Heaven and Rivers in the Heaven” (Q. 71:10–12).

2.2 *Repentance*

Repentance is an important aspect of the quest for forgiveness in Islamic tradition. According to Mahmoud Ayoub, repentance for sins against another person should be accompanied by restitution and a request for forgiveness, and must be earnestly sought or else exacted on the Day of Judgment (1997).

There are at least three conditions that must be met in the process of asking for forgiveness. The first is that the crime must be committed out of ignorance. In other words, one should not assume that Allah will forgive any wrongdoing. The second is that the offender must experience shame about the crime or offense and repent, especially when the crime is done out of ignorance. Third, after asking for forgiveness, the offender must promise or pledge to “mend his ways,” and to stick to his promise: “if any of you did evil in ignorance, and thereafter repented and amended (your conduct), lo! Allah is Oft-Forgiving, Most Merciful” (Q. 6:54) (Athar n.d.).

2.3 *Intentional vs. unintentional acts*

In looking at the existing literature on forgiveness (especially from psychology and education), it seems there is a difference in people’s willingness to forgive based on whether the offense was intentional or not. In our research, which included Palestinian Muslim participants, we found that teachers were less willing to forgive if the act was conducted intentionally (Nasser and Abu-Nimer 2012). Although intentionality in committing a crime or sin is a major factor that Islamic traditions emphasize and link to the need for punishment, this does not totally preclude forgiveness from Allah, who is merciful and forgiving of all. However, in such circumstances, there is a clear emphasis on the punitive measure as a response to intentionality.

Regardless of the level of intentionality, repentance as *tawbah*—a penitent turning toward God, since *tawbah* comes from the verb *yatub* (يتوب) meaning “to turn” or “to return”—is crucial in the process of forgiveness: “O my servants, who have been extravagantly severe with themselves, despair not of the mercy of God, for surely God forgives all sins” (Q. 39:53). *Tawbah* implies a divine obligation of mercy towards those who repent sincerely. The Qur’an does clearly say that there is no forgiveness for those who will say “now I repent” at the time of their death or for those who die rejecting their faith (Q. 4:17–18). However, the Qur’an describes situations where forgiveness is possible even if the person has committed severe offenses:

Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred except for just cause, nor commit fornication; and any that does this (not only) meets punishment. (But) the Penalty on the Day of Judgment will be doubled to him, and he will dwell therein in ignominy. Unless he repents, believes, and works righteous deeds, for Allah will change the evil of such persons into good, and Allah is Oft-Forgiving, Most Merciful. (Q. 25:68–70)

Despite the repentance on the part of the offender, he or she should never take forgiveness for granted; it is a decision for Allah only.³

Muslims believe that one of the ninety-nine names of Allah is *al-Ghafoor* (the forgiving). Allah forgives believers when they repent and turn away from sin. An offense against creation is seen as an offense against Allah. Three conditions are necessary for such forgiveness: sincere repentance (*tawbah*), no repetition of the wrongdoing, and the belief that Allah is the ultimate source or authority who determines acceptance. In Islam there is a clear distinction between forgiveness between humans and Allah’s forgiveness (Ali n.d.).

Muslims cite several events in their history as examples of forgiveness. For instance, the Prophet Muhammad requested forgiveness for his enemies at Ta’if, despite their having mistreated him by hitting him with stones. He asked Allah to forgive them, “because they did not know what they were doing.” In Hudybiyya when the Prophet was attacked by eighty people, his followers captured them, but he decided to free them and send

³ The interpretation of this Qur’anic verse clearly supports the notion that only Allah can determine and grant forgiveness despite the person’s repentance: “Save him (who repenteth) from his disbelief (and believeth) in Allah (and doth righteous work) sincerely after he accepts faith; (as for such, Allah will change their evil deeds to good deeds) Allah will change them from the state of disbelief to the state of faith, from disobedience to obedience, from the worship of idols to His worship, and from evil to goodness. (Allah is ever Forgiving) He forgives whoever repents, (Merciful) He shows mercy towards whoever dies in a state of repentance” (based on Tanqir al Miqbas min Tafsir Ibn ‘Abbas; see Ibn ‘Abbas and al-Firuzabadi 2008).

them back to their camp. In this context, the victory verse (*al-Fath*) was recited by the Prophet: “And it is He Who has restrained their hands from you and your hands from them in the midst of Makkah, after that He gave you the victory over them. And Allah sees well all that ye do” (Q. 48:24; see Al-Wahidi 2008).⁴

Another commonly cited historical event is the victorious forgiveness of Makkah. Upon entering Makkah after his victory, many of those enemies who had fought him and persecuted his followers pled for mercy. Though he had authority to take revenge upon them, the Prophet said, “Today I shall say to you what Joseph [referring to Prophet Yusuf—peace be upon him—as mentioned in Q. 12:92] said to his brothers, ‘No blame on you today. Go, you are all free’” (Emerick 2002).

The Prophet forgave the woman who had caused the murder of his uncle Hamza. After killing him, she had his body mutilated and chewed his liver. When she accepted Islam, the Prophet forgave her. The Prophet also forgave Wahshi, the slave who killed Hamza in the Uhud battle.⁵ Another example of the Prophet’s forgiving attitude is the story of the man who continuously fought the Prophet, opposed his message during Quraish, and was the source of the rumor against Aisha (in which she was accused of meeting another man).⁶ When the Prophet conquered Makkah, the son of Abdullah ibn Abi Saloul came to him asking that the Prophet forgive his father for what he did in spreading rumors against Aisha. The Prophet forgave him. The son asked for the Prophet’s cloth to use as a body wrap (*kafan*), and when the prophet gave his cloth, the son asked

⁴ The Prophet left Makkah to Ta’if (70 miles south) in 619 C.E., seeking to preach his message in a different city after the death of his wife Khadija and his uncle Abu-Talib. In Ta’if, three of the major clan leaders refused his message and incited against him, which resulted in a direct attack on him and his companion. He left the city bleeding seeking refuge back in Makkah (see Ibn Kathir 2000a; ‘Azzam 1965).

⁵ See Athar n.d. and Sahih al-Bukhari (1971, 5, 59:399): “Military Expeditions Led by the Prophet.” Also, see Ibn Kathir: “Hind b. Utba, who was the wife of Abu Sufyan and the fury of Uhud. She came veiled because of what she had done to Hamza. The Prophet (peace be upon him) said to her, Take your oath that you would not associate anything with God. By God, she replied, You lay on us something that you have not laid on men. The Prophet (peace be upon him) said again, And you shall not steal. Hind acknowledged, I used to take a little of Abu Sufyan’s money but I do not know if it was lawful or not. Abu Sufyan was present on the occasion. He intervened to say, Insofar as the past is concerned, there is no blame on you. It was lawful. The Prophet (peace be upon him) now recognized Hind and said, Ah! You are Hind bint Utba! Hind said in reply, Yes, I am, forgive me of my past deeds and God will forgive you. The Prophet (peace be upon him) again said to her, And, you shall not commit adultery. Does a woman of noble birth commit adultery? She inquired in reply” (2000b, 603).

⁶ Q. 24:11 was recited by the Prophet to clear her name and establish certain rules in such situations: “Indeed, those who came with falsehood are a group among you. Do not think it bad for you; rather it is good for you. For every person among them is what [punishment] he has earned from the sin, and he who took upon himself the greater portion thereof—for him is a great punishment.”

that the Prophet pray over his dead father; he agreed to that as well (al-Bukhari 1971, 6, 60:193).

2.4 *Forgiveness is better than revenge or punishment*

Muslims are encouraged to forgive others, even if the appropriate response to a wrong would be an equivalent wrong. The believers are those who “avoid major sins and acts of indecency and when they are angry they forgive” (Q. 42:37). The reward for evil is evil, but the rewards for forgiveness and restitution are given by Allah (Q. 42:40). It is better to be patient and endure, forgiving wrongs, than to injure another after having given charity (Q. 2:263). Though retaliation and proportional revenge would be compensation, there is always the danger of overdoing it and turning the victim into an offender. Also in hadith *Sahih al-Bukhari* (1971, 3, 49:866), forgiveness combined with compensation for injury appears to be a preferable path to retaliation even if retaliation is permitted. Vengeance, even when justified, is seen (by some interpretations) as less virtuous than forgiving (Hathout 1997).

Forgiveness of others allows people to seek forgiveness for their own wrongdoing in the afterlife and also improves relationships with people through reputation and respect (Rye, Pargamet, Ali, Beck, Dorff, Hallisey, Narayanan, and Williams 2001). The victim has the authority to forgive the offender and decline the right for punishment. Such a decision is virtuous and can restore and build relationships. However, Allah is the ultimate authority to grant forgiveness on the Day of Judgment. Also, forgiving another person is a courageous choice that “confirms his strength as a person” (Gopin 2001). Karim Douglas Crow states that forgiveness is “valid and concrete only when repentance and atonement are sincerely manifested” by the offender, and that such demonstration must be (or at least, is usually) public because of the importance of the community (2009a).

Several scholars have explored whether people have a tendency to forgive. For example, Michael E. McCullough and Everett L. Worthington’s research suggests the term “forgiveness instinct” to describe a common tendency in many groups of living species to resolve conflicts by means of conciliatory behaviors (1999). In Islam, the desire to believe is called *fitrah* (disposition). It can be described as an instinctive desire or tendency. However, forgiveness was not introduced among scholars as part of the *fitrah*. Forgiveness is consistently presented as part of human morality (*akhālq al-nās*). Islam provides believers with the choice to forgive and encourages the believers to select forgiveness over revenge. It is a higher virtue to forgive especially when you can retaliate (Crow 2009b). However, as we observe in many conflict areas in Muslim and non-Muslim societies, victims rarely choose the higher virtuous path of forgiveness and often insist on certain punitive measures. This gap between the religiously virtuous path and the reality on

the ground will be explored later in this article when examining Arab educators' perceptions of forgiveness. However, first we will examine the links between reconciliation and forgiveness.

3. Forgiveness and Reconciliation

It is necessary to explore the link between these two concepts due to the fact that many current political discussions and campaigns have begun focusing on the notion of national reconciliation. However, there have been no clear policy statements on what forgiveness or amnesty would mean in this context. Regardless, the two terms have been confused and in some cases used interchangeably.

What is the relationship between forgiveness and reconciliation in the context of a Muslim community? Is forgiveness a necessary condition to reach reconciliation in cultural and religious contexts? If yes, is mutual and reciprocal forgiveness necessary? Can one side alone declare forgiveness?

In the peace and conflict resolution literature, forgiveness is not addressed as a necessary step in achieving reconciliation. Obviously the definition of reconciliation determines the link with forgiveness. For example, those scholars who propose the transformative reconciliation model include forgiveness as a component of the process (see Abu-Nimer 2001; Galtung 2001; Henderson 2005; and Lederach 1997).⁷ However, other scholars emphasize the pragmatic (instrumental, strategic, etc.) nature of reconciliation in which forgiveness is not a necessary component (Kriesberg 2001; Rothstein 1999).

Forgiveness may provide a deeper basis for building relationships between enemies or conflicting parties. However, many realist researchers, policy makers, and members of the general public doubt the possibility of forgiveness in international conflicts. Perhaps individuals can declare their forgiveness for an enemy, but some argue that collectively, this is not possible to achieve. Such a possibility is true if one adopts the distinction between political reconciliation and social reconciliation as proposed by John de Gruchy. De Gruchy describes two types of reconciliation processes: "political reconciliation," a process of moving beyond collective forms of enmity, and "social reconciliation," the overcoming of alienation between and within communities at local levels (2002, 26–27).

Forgiveness is often linked with a decision to let go of the right to demand or impose a punishment on the perpetrator or offender. Such a

⁷ The transformative reconciliation model is different from other post-conflict peacebuilding models that mainly emphasize institutional rebuilding of legal, economic, educational, political, and security systems. The transformative model emphasizes a deeper approach to building relationships and institutions at individual, community, and societal levels (see Abu-Nimer 2001).

decision is very challenging, considering that the need for punitive justice remains very strong among many societies and communities. For example, in the context of the recent events in the Arab world, massive popular movements in Egypt, Syria, Libya, and Tunisia have demanded the prosecution and punishment of their ruling elites. Libyan fighters and opposition figures even took revenge on their leaders in front of the media to assert their right to punitive justice. The punishment of Saddam Hussein and the vengeful remarks made in the minutes leading up to his execution caused controversy among Iraqis. Former Egyptian President Hosni Mubarak was sentenced and imprisoned while suffering from severe health problems. Will these punitive measures constitute obstacles in the process of reconciliation between the various conflicting parties or communities in these countries? Can sectors of these communities be reconciled without any form of punitive justice or punishment of the elite leaders and their families? Is forgiveness an option to explore in such contexts? These are complex questions and issues that face the Arab world today, as communities deal with the many issues associated with the transition from dictatorship to a new form of governance. In such communities, forgiveness has not been considered or proposed on the national agenda. On the contrary, the dominant national conversation is centered on the types of punitive procedures that members of the old regime ought to face as a condition for moving forward. Clearly forgiveness has not been part of the national discourse when dealing with such political regimes.

Considering the concept of forgiveness in these settings of the Arab world from the perspectives of transformative and restorative justice is a privilege that many of the leaders on the ground do not have. Their constituencies are expecting punitive procedures of justice that involve trying leaders, executing them, and providing compensation for the damage and victimization inflicted on their societies. From the viewpoint of transformative peacebuilding and reconciliation, it is clear that measures of punitive justice will prevent conflicting parties from engaging in building future reconciliatory relationships, building new institutional arrangements to prevent future conflicts, compensating for past wrongdoing, and agreeing to begin a new page in the relationship. It is essential for governments and communities to adopt a forgiving attitude in order for deep transforming processes to take place on institutional and individual levels. Nevertheless, it is clear that such expectations do not appear to be realistic or applicable given current Arab political realities. For example, in a workshop for Iraqi Kurds on civic education held in Erbil, Kurdistan in 2011, Shi'a and Sunni educators introduced the conditions for reconciliation between these groups.⁸

⁸ The above examples are based on a series of facilitated civic education workshops with Iraqi teachers (Kurd, Shi'a, and Sunni). The workshops took place in March and November 2011.

The participants decided that it was better not to speak of past atrocities and emphasized their unity as Iraqis. They said they could not forgive each other because “the wounds are still open.” Such statements imply that moving forward with new relationships and arrangements might be possible without a forgiving attitude or without explicit declaration by the parties that they have forgiven each other for their past offenses. Insisting on moving through the gates of forgiveness in order to reach a new relationship is an assumption that needs to be reexamined more carefully by scholars and practitioners, especially among Christian scholars and analysts who suggest forgiveness as a precondition for reconciliation.

The link between reconciliation and forgiveness is deeply rooted in Christianity. In the Christian tradition, a gracious God offers forgiveness to everyone: “Whereas the human experience of reconciliation is usually initiated by the guilty party’s apology, divine reconciliation begins with God’s gracious offer of forgiveness (akin to the father’s love in the parable of the Prodigal Son, Luke 15:11–32)” (Schreiter 2005, 64). The experience of the resurrection for the disciples, Schreiter argues, “was the experience of forgiveness. They experienced Jesus’ forgiveness even before they could ask for it” (2005, 64). Stephen Pope, a Christian theologian, describes forgiveness this way: “Forgiveness is contextually specific and might involve remission of punishment for an offender in one context and punishment in another” (2011). The Church as a community is defined by its mission to reconcile the estranged, and heaven itself is envisioned as an “eternal community of reconciled friends” (Pope 2011).

This assumption overlaps to some extent with the assumption of an Islamic perspective on forgiveness in that it is not automatically granted, but depends on certain conditions and contexts. In the Islamic tradition, compensation and commitment to not repeat an offense (including arrangements to restore the dignity of the victims) are sufficient to move forward. However, there are many cases of reconciliation (*sulh*) between Arab Muslim families, clans, and tribes in traditional societies or tribal communities in which a ritual of reconciliation is performed and forgiveness does not take place (Abu-Nimer 2003). The emphasis in these narratives is on compensation and prevention of future acts of revenge. Justice and accountability for one’s sins and wrongdoing is a priority. On the other hand, forgiveness is a *subsequent* step that a person can take once the first two conditions have been met (either symbolically or concretely). The decision and act of forgiveness on the human level between people is left to individuals who can grant it. In terms of God’s forgiveness, the decision is with Allah on the Day of Judgment. In Islam, Allah is indeed forgiving and the eternal reconciler. However, Allah’s forgiveness is extended to people who prove themselves to be worthy of such forgiveness, based on their statements and actions.

In the context of people-to-people forgiveness, according to many mainstream Sunni theologians and scholars, in order to resolve a conflict and

reconcile the relationship it is better to forgive the other person or party, even if one is able to retaliate. The person who does this earns more virtues and rewards from Allah. However, the person will not be punished or perceived as a sinner if he or she refuses to forgive and instead insists on punishment and compensation. In the Islamic tradition, the offender or perpetrator does not have the immediate right or entitlement to be forgiven. Forgiving is within the domain of the victim who has a position of power and control over the offender's need to be forgiven.

There are also other cases in which Islamic values are invoked to encourage forgiveness, such as when conflicting parties engage in a transformative process of reconciliation. In such situations, rituals are performed that have been designed in a way to rebuild new relationships. Historically, there have been instances of marriage relationships or proposals that are created as part of the reconciliation process. There are certain relationships in which believers are encouraged and expected to move more readily towards forgiveness. For example, in the context of family, one is expected to exercise more patience and pursue a path of reconciliation and forgiveness.⁹ However, according to Islam, in the context of *kufir* or "disbelief," not believing in God is a sin that cannot be forgiven, certainly not by another person, since this is an issue between Allah and the disbeliever.¹⁰ Genuine forgiveness involves an ongoing process that may include an act that promises a future set of changes in actions, attitudes, and/or statements. However, since it is not usually achieved as a result of an isolated act, at some point persons or parties may realize that while they cannot offer full forgiveness, they are still able to engage in a relationship with their enemies.¹¹

Rituals can be effective tools for helping conflicting parties mark the start of new relationships. There are a number of cultural and religious rituals and practices that have been utilized to engage in reconciliation and forgiveness processes. However, it is difficult to separate those that are aimed at forgiveness from those aimed at reconciliation. Crow suggests that repentance can be expressed through established modes of

⁹ At an internal level, the hadith tradition stresses anger as an impediment to forgiveness. It is not considered *halal* to shun one's brother for more than three days. The shunning is attributed variously to envy, anger, suspicion, spying, and competition (see al-Bukhārī 1971, 22, 188:39). "Every Muslim forgives except a man who has enmity between him and his brother. Leave these two until they have made reconciliation."

¹⁰ Q. 14:80 clearly indicates that Allah will not forgive those who are *kāfir*. "Ask forgiveness for them, [O Muhammad], or do not ask forgiveness for them. If you should ask forgiveness for them seventy times—never will Allah forgive them. That is because they disbelieved in Allah and His Messenger, and Allah does not guide the defiantly disobedient people."

¹¹ On a collective societal level, forgiveness is not a necessary condition to forge new cooperative relationships, seen for example in European countries after World War II (conflicting communities and parties in Spanish society in the post-Franco regime, German and Israeli societies, etc.). See Rigby 2001.

having recognized one's responsibility and making amends, including feeding poor people, liberating slaves, paying money, or making some public display of accepting the conditions that validate his worthiness of forgiveness (2009a). A "genuine suffering" that requires sacrifice is equivalent to a payment, but this raises the question of what price is appropriate. The central concept in forgiveness is that a person is choosing a "higher ideal of the willingness to sacrifice" when deciding to forgive and thus to set an example for others, as well as to educate one's own self and initiate the process of forgiveness.

Abu-Nimer (2003) observes the process of reconciliation performed through a series of ritualized events in public and collective settings. For example, he discusses the importance of an agreement signed in public with community witnesses in order to increase the obligation of parties, to assure the community of the restoration of harmony, and to restore honor and respect for the offender. In another case of murder, a North African Bedouin ritual involves the victim choosing whether or not to take revenge. The offender surrenders himself and lies on the ground next to a sheep, while a victim's family member approaches and chooses whether to kill the offender or the sheep. Choosing the sheep in order to restore the dignity of the victim's family is not perceived as weak, but as noble (2003, 108). A Palestinian *sulhah* ritual in the Galilee region in Israel requires the offender to tie a knot around a long stick using a white cloth or *kaffiyah* (male headcovering), followed by knots tied with the same cloth by the third party and the victim's family (Jabbour 1996). Another ritual practiced in Galilee involves the offender's walking two miles around town without his *kaffiyah*, symbolizing contrition and powerlessness through this humiliation. A Hezbollah-invoked tribal tradition represents forgiveness by the son of the deceased dressing the accused offender in a caftan (*abayah*) as part of the symbolic action involved in conciliation (Hamzeh 1997, cited in Abu-Nimer 2003, 95). As a part of the public ceremony, the disputants waive requests for compensation both to demonstrate forgiveness and to re-establish their status and honor.

The above discussion has focused on macro-cultural and religious perceptions and practices of forgiveness and reconciliation. However, in order to capture current micro and individual perceptions of forgiveness, we examined the views of Arab teachers from different communities on the conditions and processes of forgiveness in their personal lives.

4. Forgiveness in Arab Socio-Cultural Contexts: Perceptions and Reality

As mentioned above, forgiveness is an important value in the Islamic tradition. There is no shortage of Qur'anic or religious textual evidence to support the need for Muslims to pursue forgiveness instead of seeking

revenge and punitive measures. In this section, we will focus on various examples and manifestations of forgiveness in several Arab communities, especially among Arab Muslim teachers.

In exploring the meaning and perceptions of forgiveness among Arab teachers in the Middle East, we completed a pilot study with sixty-two Palestinian teachers in Israel. Teachers were asked to respond to forgiveness scenarios on a survey that was adapted to an Arab cultural setting by a team of three researchers who are natives of that culture. The survey covered questions ranging from personal to professional relationships. The ten scenarios addressed situations related to professionalism, telling secrets, wedding gifts, child behavior (for example, breaking a vase), arguments with parents, a car accident, gossip, loan payments, erecting a fence, and a sister breaking up with a fiancé. Participants were from three different regions of Israel where one finds a concentration of Palestinians: the Galilee, the Little Triangle near Haifa, and the southern region of al-Naqab. We designed these hypothetical situations to measure the variation in teachers' responses to the degree of perceived severity. There were expected differences in response to mild situations versus more serious ones that could be considered harder to forgive in Arab-Palestinian society, such as scenarios on building a fence, or family relations and honor.¹²

Based on feedback from the pilot survey, we conducted a second survey on a larger scale that aimed at exploring the perceptions of forgiveness among Arab educators in four additional communities (in Egypt, Lebanon, Jordan, and among Palestinians in the West Bank). The data in the second study included 490 surveys and 87 qualitative interviews. After presenting the teachers with twelve dispute cases—the ten cases stated above, plus two additional cases involving insults to the person's religion and to other religions—we asked them to respond to ten questions about each case. These included: Should the perpetrator be punished? Will they forgive the person? What conditions will determine their decision to forgive? Will they forgive if the act was done intentionally? We also asked participants about the reasons that led them to forgive or not.¹³

In both sets of data, teachers selected their religious identity as a very important way to classify themselves. When asked "How important is religion for you?", 53 out of 67 participants interviewed in semi-structured interviews chose religion as important and very important (Nasser and Abu-Nimer 2012, 10). The importance of religious identity suggests that teachers' perceptions of forgiveness will be affected by their religious beliefs. This hypothesis was confirmed in the study from the countries

¹² Both land and honor are perceived to be of great importance and value in Arab culture (see Sharabi 1988 on Arab culture).

¹³ Further information on research procedures can be found in Nasser and Abu-Nimer 2012.

mentioned above, in which 95% cited religion as very important for them. Later in the interviews, participants were specifically asked about resources on forgiveness (such as books and films) that teachers use in their classrooms to teach about forgiveness. A Palestinian teacher stated: "The book would be the Qur'an; we can't find forgiveness anywhere else as it is found in the holy Qur'an. Of course, there are other books, but it won't reach the level of the Qur'an in preaching forgiveness to people or specifically to the Muslim community."¹⁴ Many teachers emphasized that Islamic teachings are more comprehensive and appreciative of other faiths than most religious traditions. In another example, an Egyptian teacher replied to the question: "In your society who do you think represents forgiveness?" He replied: "Everyone whose morals are Islamic morals."¹⁵

The role of faith in determining the justification for forgiveness runs very deep in the minds and hearts of the teachers we interviewed, even when it came to their understanding of what it means to be a teacher and of the proper response to students' achievements and behavior. For example, a Lebanese teacher explains her perception of why sometimes she needs to forgive a student who is involved in behavioral problems or does not complete her homework:

You have to take into consideration what motivates a student to engage in such behaviors, their ability to think and absorb. God gave the capacity to think to all people, but it is divided between people who absorb fast and other who are slow (or maybe lazy). But God did not divide intelligence evenly among people. God gave every person intelligence that fit his capacity. There is the intelligent and smart child, and others who are not at the same level. This is how much God gave the child, and you cannot put pressure on the child, but need to sympathize with and care for the child even more than those who always participate.¹⁶

A similar finding was verified by Chatri's (2008) study of motives (including religious motives) for decisions to forgive others among Moroccan and French participants. Religious and moral values were found to be the primary motivation for Moroccan Muslims, while French respondents sought restoration of affection or social harmony. In addition, Azar and Mullet suggest that Sunni Muslim and Druze¹⁷ respondents in their sample were able to discount possible obstacles to forgiveness, and that regular mosque attendance corresponded with a greater willingness to forgive (Azar and Mullet 2002; see also Azar and Mullet 2001; Azar, Mullet, and Vinsonneau 1999).

¹⁴ Jordanian interviewee # 10 (Amman, November, 2010).

¹⁵ Egyptian interviewee # 14 (Cairo, October, 2010).

¹⁶ Lebanese interviewee # 81 (Beirut, October, 2010).

¹⁷ The Druze are a sect of Islam and an ethnic minority group in regions of Israel, Jordan, Syria, and Lebanon. See also Obeid 2006.

For teachers in these two studies, forgiveness is not an abstract notion. There are many factors that can determine whether or not a person decides to forgive. In the second study, we classified these conditions into five categories of relationships and cross-tabulated them with issues involved:

- 1) Professional setting: someone lied about your professional performance and caused you harm at work;
- 2) Interpersonal relationships: friendship (keeping a secret), exchanging gifts, child misbehavior;
- 3) Family: parent arguments, car accident, loan, honor;
- 4) Neighbor: building a fence;
- 5) Community and sectarian relations.

The teacher's perceptions of family and personal honor and dignity were a factor that determined his or her degree or willingness to forgive. A majority of the teachers indicated that they would not forgive a person who hurt their family honor. In addition, since parental status in the Arab cultural setting continues to be valued highly an overwhelming majority of teachers agreed that insulting parents is a severe mistake. Yet they also expected to be forgiven due to family ties or bond. There was widespread agreement among the respondents that arguing, insulting, or screaming at parents, and betraying a co-worker were the two most severe cases. Both were judged by 100% of the respondents as "very bad." These responses are consistent with the cultural emphasis on respect for parents which is characteristic of Arab culture. It is also consistent with the teachers' self-perceptions as professionals with high ethical standards.

Overall, when examining teachers' responses to questions of willingness to forgive based on intentional and unintentional acts, a number of teachers who had indicated in previous questions that they would not forgive changed their views when asked about the intentionality of the act. Instead of selecting the option of "no forgiveness," they chose the middle category of "maybe."¹⁸ Factors of intentionality and expressing remorse and guilt are both important in Islamic teaching concerning forgiveness. Several documented hadith illustrate the principle of forgiveness when unintentional mistakes or injuries take place. For example, the hadith below narrates the accidental killing of the father of one of the Prophet's companions by other Muslims during the battle of Uhud:

It was narrated from 'Alqamah bin Wa'il that his father said: "I was sitting with the Messenger of Allah when a man came with a string around his neck and said: 'O Messenger of Allah, this man and my brother were digging a

¹⁸ The initial scale used in the pilot study included three choices of: 1) Yes, I will forgive; 2) Maybe; 3) No, I will not forgive.

hole, and he raised his pickax and struck his companion on the head, Killing him.' The Prophet said: '**Forgive** him,' but he refused and said: 'O Prophet of Allah, this man and my brother were digging a hole, and he raised his pickax and struck his companion on the head, killing him.' The Prophet said: '**Forgive** him,' but he refused, then he stood up and said: 'O Messenger of Allah, this man and my brother were digging a hole, and he raised his pickax and struck his companion on the head, killing him.' The Prophet said: '**Forgive** him,' but he refused. He (the prophet) said: 'Go, but if you kill him, you will be like him. So he took him out, and they called out to him: Didn't you hear what the Messenger of Allah said?' So he came back and he said: 'If I kill him will I be like him?' He said: 'Yes. **Forgive** him.' Then he went out, dragging his string, until he disappeared from our view."¹⁹

In another hadith, Hudhaifa who fought with the Prophet in the battle of Uhud modeled forgiveness:

Narrated 'Aisha: On the day (of the battle) of Uhud when the pagans were defeated, Satan shouted, "O slaves of Allah! Beware of the forces at your back," and on that the Muslims of the front lines fought with the Muslims of the back lines (thinking they were pagans). Hudhaifa looked back to see his father "Al-Yaman," (being attacked by the Muslims). He shouted, "O Allah's Slaves! My father! My father!" By Allah, they did not stop till they killed him. Hudhaifa said, "May Allah **forgive** you." 'Urwa said that Hudhaifa continued to do good (invoking Allah to **forgive** the killer of his father till he met Allah [i.e. died]). (al-Bukhari 1971, 4, 54:510)

Religious belief as a central factor in shaping the teachers' attitudes was also reflected in the section of the research that examined the role of intentionality. Teachers in the study responded to the question of whether they would forgive someone from the same or a different religion who insulted their religion. Participants' responses were consistent with the previous pilot study because Muslim teachers viewed the assault on their faith as a severe act. The average score on severity of the action was 4.76 out of 5 (on a scale in which a score of 5 represents the most severe). When the wrongdoer is from a different religion, the average score was 4.67 out of 5, indicating that participants thought it was very bad to insult a person's religion regardless of whether the person belongs to the same faith or to another faith group.

On the question of whether they would forgive the action (without necessarily distinguishing between intentional or unintentional), there were fewer tendencies to forgive because most Muslims responded seldom (3.79 out of 5). When the insult was made intentionally, the average response was higher, 4.13 out of 5. In fact, in the case of intentional insult, the reaction was identical regardless of the source of insult (your own religion or different religion). When the insult was unintentional, the

¹⁹ See al-Bukhārī 1971, 5, 46:4743.

respondents were more willing to forgive. The average score dropped to 3.04 out of 5. This result associated with unintentional insult remained the same regardless of the source of insult (your own religion or another religion). In short, the average responses of teachers to the question "Will you forgive if someone insults your religion?" were similar regardless of whether the person who carries out the insult was a co-religionist or not. This indicates that the religious affiliation of the person who carries out the insult on the teacher's religion is not a factor in determining or influencing his/her decision to forgive the offender. However, the factor of intentionality influenced teachers' responses.

The above research findings confirm that Islamic religious perceptions and beliefs about forgiveness are central to the teachers' cognitive processes in determining or explaining their decisions whether or not to forgive an offender. Thus understanding the cultural and religious discourses on forgiveness becomes crucial in promoting such concepts and practices in current Arab transitional societies.

5. Conclusions

The discussion in this essay illustrates the need for further study and research in examining perceptions of forgiveness in Arab and Muslim contexts. It also provides a glimpse into the complex ways in which Islamic traditions and beliefs define or set boundaries for the practice of forgiveness. On the one hand, Islam views forgiveness as a very important virtue which the Prophet practiced and which Muslims ought to be encouraged to practice as well. These religious teachings clearly state that those who forgive their enemies and others who have committed mistakes against them will benefit from Allah's grace and mercy. On the other hand, Islamic tradition sets clear boundaries for forgiveness on issues related to *kufr* and *shirk* (worshipping other than Allah). In such cases, Islamic beliefs state that forgiveness is not possible unless the person accepts Islam.

In contrast to the unconditional and absolute concept of forgiveness in other traditions, such as Christianity, Islam does not expect a person to forgive before justice or punitive measures are made possible or implemented. However, both the Qur'an and Hadith encourage believers to forgive because it reflects a higher virtue. As mentioned earlier, although theological definitions of forgiveness differ, a majority of people derive their notion of forgiveness from their religious identity. In our research, when explaining motivations for forgiveness, teachers' views were rooted in their religious traditions. While they cited many sources from their faith traditions, when they were asked to decide on specific situations their responses varied. The lack of willingness to forgive was explained by the circumstances of the event and actors involved. The intentionality of

the wrongdoing was a major factor in their decision of whether or not to forgive.

Despite the fact that there are many historical and traditional rituals and ceremonies to promote reconciliation in Arab and Muslim cultures, the results of the studies presented here indicate a pressing need to introduce the concept and practice of forgiveness in formal educational settings. Systematic knowledge of the processes, conditions, and diverse meanings of forgiveness is a necessary component of future efforts to improve the professional capacity of teachers in Arab educational systems to deal with situations of violence and conflict. Such an approach can enhance and promote a deeper and more comprehensive understanding of forgiveness among youth in various Arab communities. This awareness could prove especially important in Arab societies facing rapid social and political changes.²⁰

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THIRD PARTIES AND THE SOCIAL SCAFFOLDING OF FORGIVENESS

Margaret Urban Walker

ABSTRACT

It is widely accepted that only the victim of a wrong can forgive that wrong. Several philosophers have recently defended “third-party forgiveness,” the scenario in which A, who is not the victim of a wrong in any sense, forgives B for a wrong B did to C. Focusing on Glen Pettigrove’s argument for third-party forgiveness, I will defend the victim’s unique standing to forgive, by appealing to the fact that in forgiving, victims must absorb severe and inescapable costs of distinctive kinds, a plight that third parties do not share. There are, nonetheless, significant, even essential, roles played by third parties in making forgiveness possible, reasonable, or valuable for victims of serious wrongs. I take a closer look at the links between victims, wrongdoers, resentment, and forgiveness in showing why the victim alone can forgive.

KEY WORDS: *forgiveness, resentment, victims, wrongdoers, norms, reactive attitudes*

It seems a widely accepted truth that only the one to whom a wrong has been done can forgive that wrong. This is sometimes called the victim’s “right” or “prerogative” to forgive. The claim that only victims can forgive can be treated as a conceptual truth, true by the definition of what we call “forgiving.” But what we mean by “forgiving” is in dispute at the heart of this question (and others). So I am inclined to think of this truth, if it is one, as a claim that results from understanding what forgiveness involves, and the real human conditions, costs, and effects of its being granted (or denied).

Several philosophers, however, have recently been drawn to defending the reality and importance of “third-party forgiveness” (3PF), the scenario in which A forgives the offender B for something B did to the victim C, where A is not plausibly seen as a fellow victim, and where A forgives B on A’s own behalf, not on behalf of C or anyone else who might be a victim of the wrong. In this essay, I am going to look in particular at philosopher

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Glen Pettigrove's defense of 3PF (Pettigrove 2009). Pettigrove's is the clearest and most direct defense, and studying it helps to show that the issues are not conceptual ones of the "logic" or "grammar" of forgiving, but rather of understanding what goes on in forgiving, why it is necessary, and why it is hard.¹ I will defend the victim's prerogative or unique standing to forgive, not only against Pettigrove, but in general against the claim that third parties can forgive, where third parties are those who have suffered no wrong. My argument, in bald form, is that wrongs that require forgiveness inflict severe and inescapable costs of distinctive kinds upon victims. It is profoundly unjust that victims should have to bear these costs, and impossible for wrongdoers (even where willing and repentant, and even where already punished or having made amends) to undo or erase them. In forgiving, victims must absorb some, and often most or all, of these costs. It is precisely this plight inherent in the situation of the victim (and the wrongdoer) that makes forgiveness so hard and so valuable, but it is precisely this plight that "third parties" do not share.

At the same time, I recognize that those proposing third-party forgiveness are trying to reveal something important about forgiveness in actual contexts where responding to serious wrongs has emotional, material, social, and moral stakes for those beyond the victims of wrongs and the wrongdoer. Even if it is solely the victims of wrongs who are entitled to and able to forgive those responsible for the wrongs, there are significant, even essential, roles played by third parties—where these are neither victims nor wrongdoers, and where these can include intimates, friends, and strangers—in making forgiveness possible, reasonable, or valuable. They can also make it difficult, punishing, or empty. That is why "third parties" matter to forgiveness. How they do so, I undertake to explain.

1. Pettigrove on Third-Party Forgiveness

I begin with Pettigrove's clear and direct positive argument for 3PF. The argument is:

¹ Radzik 2010 offers an argument similar to Pettigrove's, based on supposed similarities between the experiences and situations of victims of wrongs and others who are not victims. MacLachlan n.d. offers a more complex account, which requires a special situation of sympathy and caring identification of the third party. Norlock 2009 also supports third-party forgiveness, but Norlock stretches the understanding of victim forgiveness in some otherwise controversial ways. Griswold 2007 says he allows "third party forgiveness," but he means by it forgiving *in place of* someone else who is indisputably a victim, rather than forgiving a wrong done to another on one's own part. My discussion deals entirely with human interpersonal forgiveness of wrongs people do to each other. I do not take up forgiveness by God, although I doubt that it would be seen in those traditions to which it is central as a case of third-party forgiveness. Nor do I discuss self-forgiveness here, but if my argument against 3PF cuts against self-forgiveness as well, or allows self-forgiveness to be "forgiveness" only by analogy or metaphor, I accept that implication.

1. Moral wrongdoing provokes hostile reactive attitudes, including resentment and hatred of wrongdoers, and forgiving commonly involves overcoming these negative attitudes.
2. Wrongdoing tends to disrupt relationships, creating estrangement and distance among persons, and forgiving commonly involves repairing relationships disrupted by wrongdoing.
3. Wrongdoing invites negative reflection on the character of wrongdoers and forgiving involves positive revaluation of the character of wrongdoers.
4. While overcoming negative reactive attitudes, repairing disrupted relations, and revaluing wrongdoers' characters are none of them individually necessary for forgiveness, they seem to be jointly sufficient to have forgiven.
5. Persons other than a victim of wrongdoing can engage in each of these activities, and sometimes engage in all of them, with respect to a person who has wronged another.
6. Therefore, persons other than victims of a wrongdoing can forgive the one who has done that wrong.

Pettigrove's positive argument draws attention (as many accounts of forgiveness do not, but proponents of third-party forgiveness invariably do) to the intricate social web in which wrongdoing reverberates around the victim(s) and the wrongdoer. He also rightly avoids the mistaken but prevalent view that resentment toward a particular wrong can only be experienced by a victim of wrong, although I offer a different account of this later (Pettigrove 2009, 587). However, even if one accepts the premises of Pettigrove's argument, the argument alone cannot close the case for 3PF. One can concede that those other than victims wrestle with negative reactive feelings, relationship rifts, and convictions of deficient or bad character, yet deny that what they do in overcoming these is forgiving, precisely because one believes, for other important reasons, that forgiveness is something only victims can do. So the argument results only in a stalemate.

Perhaps for this reason, Pettigrove also undertakes to rebut three representative lines of argument against 3PF.² First, there is the argument that forgiveness is like cancelling a debt, and only the person who is owed the debt can cancel it. He finds unfortunate the "image of social life in which we are all moral bookkeepers" (Pettigrove 2009, 584). Were we to accept the analogy, however, the argument ignores the reality of third-party debt cancellation, as in cases of bankruptcy and arbitration. Second, there is the argument that forgiveness is overcoming or

² The three arguments Pettigrove attempts to rebut closely track those offered by Govier and Verwoerd 2002.

forswearing resentment, and only the victim can experience the resentment that forgiveness must overcome. While it has become a common claim, following Peter Strawson, that resentment is nonmoral anger felt at wrongs to oneself, Pettigrove rightly rejects this view of resentment.³ He adapts Butler's view that resentment is a stronger, more persistent, and more partial (that is, less objective) kind of indignation that, while characteristically felt at wrong to oneself, is also commonly experienced at wrongs to others about whom one cares or with whom one identifies. On this view, third parties can experience their *own* resentment at wrongs to others, so 3PF does not incoherently suggest that third parties overcome *someone else's* resentment, or that in overcoming their own resentment they forgive *for* or *in place of* the victim. Finally, there is the argument that only the victim can forgive, because only the victim can judge or decide that his or her relation with the wrongdoer is (or can be) restored. In response, Pettigrove notes that we as third parties sometimes find ourselves estranged from wrongdoers because of what they have done to others. Once estranged, we find ourselves with our own strained relationship to mend. Pettigrove does not deny that third parties might face different considerations than victims about whether to forgive. For example, a third party's continued anger and estrangement from the offender might serve as a valuable and needed supportive message to the victim that she or he is worthy of respect that the wrongdoer did not show, or it might serve as a warning to a wrongdoer who might still threaten the victim. These are differences in motivation or reason to forgive or not to forgive in particular cases, not differences between those who can forgive and those who cannot.

Pettigrove rests his defense of 3PF on "the functional and experiential similarity" between what victims and third parties do (together with the—philosophically inconclusive—availability of such everyday expressions as "I cannot forgive her for what she did to him!") (Pettigrove 2009, 594). He claims this makes it reasonable to see them as doing the same thing, albeit perhaps from distinctive positions that introduce some distinct normative considerations. Pettigrove believes other features also recommend his account. He says it is faithful to the "phenomenology" of

³ Strawson 1968, 74–77, contrasts resentment as a "non-detached" reactive attitude that "the offended person might naturally or normally be expected to feel" (1968, 77), with indignation as an analogous but "sympathetic or vicarious or impersonal or disinterested or generalized" feeling toward wrongs done to others (1968, 84). This has become a default position in philosophical discussions. A common reference for this widespread contemporary view is Murphy and Hampton 1988. I present an extensive critique of the claim that resentment is necessarily self-referring in Walker 2006a. Pettigrove returns (as I do) to the classic discussion of Bishop Joseph Butler 1970, who understands resentment as a "fellow feeling," not confined to injury to oneself. Butler does, however, confine proper resentment to injury and injustice, as I do not.

our responses to wrongs done to others. It seems to me, however, that victims of wrongs and those who care about them may well feel baffled, betrayed, or insulted by the presumption of would-be third-party forgivers; offenders who are “forgiven” by those they did not harm might be impatient or indignant, as well.⁴ That phenomenology, too, requires explanation. Pettigrove believes 3PF clarifies the ethical appropriateness of forgiveness and apologies, but this is true only if he is right about 3PF. Finally, and seemingly most importantly, he thinks 3PF acknowledges our interconnected lives. In the closing sentence of his paper, Pettigrove says, “a person’s forgiving and readiness to forgive depend not only on states internal to that agent but also on relations between that agent and significant others around her, a set that includes but is not exhausted by the wrongdoer” (Pettigrove 2009, 599). I very much agree with this, but I do not believe 3PF is the right way, descriptively or morally, to honor this insight. What I need, however, is a strong argument for what, exactly, the defender of 3PF gets wrong.

2. Hieronymi’s Limited Account of Forgiveness

To start, I avail myself of Pamela Hieronymi’s perceptive but limited account of forgiveness. Hieronymi offers an account of what forgiveness does that explains why forgiving becomes reasonable in those cases where the offender apologizes (Hieronymi 2001).⁵ The puzzle is that forgiveness is only needed if it remains true that the act in question was wrong; that the wrongdoer can be legitimately held to our expectations, and is responsible for his behavior; and that the victim herself did not deserve this treatment. If any of these judgments is given up, then we lack an offense, an offender, or a victim. Yet if the three judgments of wrong action, responsibility of the wrongdoer, and moral worth of the victim are warranted, Hieronymi says “our first response is, and ought to be, anger and resentment” (Hieronymi 2001, 530). So, how can the apology give the victim a reason to relinquish resentment while leaving these three judgments, and the need for forgiveness, intact?

⁴ Radzik 2010 acknowledges that third parties who expressly announce their forgiveness to wrongdoers are apt to receive a hostile response to what might seem to them a “passive-aggressive punishment more than gift of compassion”; so she suggests that third-party forgivers might well “refrain from explicitly declaring the forgiveness they justifiably and virtuously feel” (2010, 81). This is a curious result, as is Radzik’s claim that third parties may forgive although they have no claims to apology or reparations on their own behalf (2010, 78).

⁵ Hieronymi does not take up unilateral forgiveness, where apology or repentance is not on offer; nor does she take up self-forgiveness or forgiveness in the grip of emotions such as “disappointment, sadness, or frustration rather than resentment” (2001, 553).

Hieronymi's explanation is that the resentment that forgiving overcomes is a sort of "fight response" (Butler called it "a weapon"); more specifically, it is a protest of "a past action that persists as a present threat" (Hieronymi 2001, 546). Resentment responds not only to the judgments of wrong, responsibility, and victim worth, but to the additional threatening *claim* implied by a wrong action: that the victim can be treated this way. The wrong action makes this claim, the claim constitutes a threat, and the threat "persists in social space" unless and until it is rebutted or undermined (2001, 550). One could deflate the threat by denying that what was done was wrong, or that the wrongdoer is responsible, or that the victim deserved better, but then there is nothing left to forgive. If the facts of wrong, responsibility, and the victim's worth stand, however, there is something to protest and resentment is the emotional expression of that protest. Resentment "fights the meaning of the past event, affirming its wrongness and the moral significance of the victim and the wrongdoer" (2001, 547). When the wrongdoer apologizes and repents, however, she retracts or undermines the threatening claim, so the protest that is resentment is no longer fitting.

It might seem here that Hieronymi's account opens the door to 3PF, since it seems that others' protest might also express itself emotionally as resentment, putting them in a position to forgive by overcoming or forswearing their own resentment. But there is more to her account. Solving the puzzle of how apology makes it reasonable to let go of resentment raises another puzzle in turn: if the apology retracts the implied claim and removes the threat, what is left for the victim to do in forgiving? Hieronymi suggests two remaining roles for the victim. First, because our identities and the meanings of our acts are "thoroughly social," not the sole property of the offender, the offender needs the retraction of the threat she has posed to be "ratified" by others, and in offering forgiveness, the victim "joins forces" with the wrongdoer decisively to change the meaning of the wrongful act (2001, 550). Second, Hieronymi reminds us that regardless of the wrongdoer's remorse, contrition, or repentance, serious wrongs leave damage of physical, emotional, material, or social kinds. While the wrongdoer's heartfelt retraction might dispel the threat implied by her treatment of the victim, she usually cannot repair all the damage, and in many grievous cases, she cannot repair any of the damage, her wrongful act has done to the victim. She can, so to speak, retract the threatening insult but not the injury. "With forgiveness," Hieronymi claims, "the offended agrees to bear in her own person the cost of the wrongdoing and to incorporate the injury into her own life without further protest and without demand for retribution" (2001, 551).

Although Hieronymi has little to say on this second point, it is central to seeing what is wrong with the idea that third parties can forgive,

whatever else they may and must do. The fact that her account is limited to cases of repentant and apologetic offenders actually sharpens the point. It drives home the fact that even when the wrongdoer does everything she can do to own up, apologize, atone, and make amends, any serious wrong pitches its victim, without any choice in the matter, into a situation fraught with distress and harm; where the harm is severe, the response may include rage, mistrust, despondency, terror, or grief. Hieronymi reminds us that “Forgiveness is not *simply* a revision in judgment or a change in view or a wiping clean or a washing away or a making new. Someone will bear the cost in his or her own person. The wrong is less ‘let go of’ or washed away than it is digested or absorbed” (2001, 551n39).

Here lies the core of truth in the “debt model” that Pettigrove derogates as an image of social life “in which we are all moral bookkeepers who are busy keeping a tally of what we owe and what we are owed” (Pettigrove 2009, 584). Grave wrongs done to us can deprive us of important goods (such as trust, self-confidence, ease, security, or people and things we love) and they saddle us with predicaments that range from difficult and unsettling to disastrous and life-changing. Someone else has caused this to happen to me; I had no choice, but it is I who must struggle. This is an experience at the root of a simple sense of justice: I should not have to “pay,” and someone else should.

This intuitive and (so far as I know) universal human sense of justice can propel either retributive or reparative demands, but either sort of demand insists that the wrongdoer not leave me with the costs she has caused me to bear. It is why forgiveness of terrible wrongs can be moving, admirable, or even astonishing, and why the ability to give it is often seen as virtuous, since it may require generosity, compassion, courage, equanimity, or resilience. It is why forgiveness is often spoken of as a gift, even when wrongdoers apologize and offer amends. It is why it seems trivializing or ridiculous to speak of “forgiving” someone for negligible wrongs or for wrongs that do little or no harm. In trivial or slight cases, apology to the offended parties may still be appropriate and necessary, as a display of acknowledgment that rules have been broken or as a show of respect where some consideration has been lacking. But for one mildly offended to represent himself as forgiving the offender where there is no harm or only slight cost is overdramatizing or excessive—*that* would indeed be an unfortunate form of scorekeeping.⁶

The reminder of “cost” brings out the full impact of serious wrongs among human beings, where damages of wrongdoing are never just

⁶ Social worlds have existed in which honor codes among elites make insult easy to do and deadly to pay for. In some places they still exist. On the erosion of such worlds of potentially deadly scorekeeping, see Appiah 2010.

washed away, even when there is retribution or reparation. This is why 3PF hangs somewhere between incoherence and insult. Only a victim is left with the damage; that is what it is to be a victim, and that is at the core of the problem to which forgiving is a response. The fact that significant damage can propagate through our social and emotional bonds (to the families of murder victims or to the members of the group targeted in a hate crime) is what makes for talk of direct and indirect, or primary and secondary, victims. But to represent oneself as forgiving just because one is aware of a wrong and enters into the fellow feeling of resentment, is myopic, or even self-indulgent or presumptuous. It is as if one treated one's moral responses of indignation or outrage at wrongs to others as a kind of harm one suffers, or worse, as a kind of harm in some way akin to the damage with which victims of serious wrongs struggle.

Hieronymi's point about absorbing damage does not seem compatible with 3PF, although her discussion of the role of resentment in forgiveness initially looked as if it might have permitted it. If resentment is the emotional expression of protest against what the wrong implies, and if Pettigrove is right, as I also think, that resentment at wrongs is not confined to victims, the account might seem to favor 3PF in the following way. Wrongs do not create resentment only in victims. The function of resentment in the economy of shared moral life is to protest the demeaning message the wrong implies. All those who feel resentment effectively join in the fight to protest that message until it is retracted, putting all resentful parties in the position to forgive. So, insofar as forgiveness involves relinquishing resentment for the right kind of reason, the wrongdoer's repentance provides *all* resentful parties with the right reason to forgive, since the wrongdoer is retracting the demeaning message and asking others for the ratification of that retraction in social space.

The fact that the victim alone must accept and absorb many kinds of damage in forgiving, however, decisively blocks that implication. But Hieronymi gave two reasons why the victim of wrong has something important to do in forgiving, even when resentment is no longer fitting. Hieronymi says the wrongdoer needs the victim to "ratify" that the threat implied by the wrongdoing has indeed been retracted. But this invites the question: why, on Hieronymi's account, is forgiveness by the victim so weighty or decisive in "ratifying" the offender's retraction of the demeaning message, and thus in making it reasonable to give up resenting what the offender has done? If resentment is correctly explained as a protest of the threatening message against the victim's standing that is the meaning of the wrongdoer's act, and if the meaning of what we do is "thoroughly social," and the retraction of the message requires "ratification" by others, why is the victim's forgiveness either necessary or sufficient for the

retraction to be ratified? Unlike the absorption of costs, the retraction of implied moral insult does not seem to belong exclusively or specially to the victim. Indeed, if the wrongdoing can actually threaten the victim's standing, can the victim alone neutralize this threat, even if the wrongdoer repents? Conversely, cannot others see to it that the demeaning message is "contradicted" by their show of respect for the victim and their repudiation of the wrongdoer's act? Cannot others, standing together and with the victim, do this to an extent that the victim alone could never do? Something in her explanation of the nature and role of resentment is not quite right.

3. Getting Resentment Right: A Revised Account

Hieronymi's point that forgiveness requires the victim to absorb damages without or beyond retribution or amends is independent of her particular account of resentment. The victim's burdens of unrepaired or irreparable damage are something any account of forgiveness must recognize as the part of the setting for forgiveness and a good part of what makes forgiving arduous. The nature of resentment, and its role in the economy of moral relations and responses, however, has some special importance in appreciating how third parties matter. In this section, I hope to sort out some connections among wrongs, resentment, offenders, victims, and third parties. In the following section, I will return to the emotional situation of the wronged party, and to the consequential roles that third parties can play with respect to both the victim and wrongdoer. I aim to leave forgiveness to victims, but also to honor our interconnected moral and social lives.

My own account of resentment, developed in detail elsewhere, is that resentment is a reactive attitude that arises in response to the conduct of other moral agents that is perceived to violate norms of many types (Walker 2006a, 110–50). Important for my view is the ubiquity of resentment; this rebuking anger extends widely throughout social life. Resentment is certainly a common response to perceived wrongs to oneself, but it extends to wrongs done to others. Importantly, it extends to wrongs both to others about whom we care and to others whom we do not know. We can resent contemptuous treatment we witness visited on a stranger, and we can resent abuses of power or violence toward innocents we learn about in the news. But resentment ranges wider still. People frequently resent victimless transgressions of social norms. They resent what they believe are unacceptable forms of attire and hairstyles; what they see as inappropriate behavior in public places. They resent others who talk too loud and too long, bring "foreign" customs and languages into their familiar spaces, act too friendly or intimate in conventionally impersonal exchanges, or act outside or above what is assumed to be their "place." The

vast field of resentments at apparently victimless offenses to presumed social order has a unifying explanation.

The unifying explanation is that resentment is the reactive emotion in human beings that aims at policing compliance with norms *generally*, and not only moral norms. It aims to keep people inside bounds and at their stations, where the boundaries and places are defined by norms that those who resent believe are authoritative for shared life. Pettigrove, who uses third-party resentment along with third-party reconciliation and revaluation of wrongdoers to support 3PF, correctly insists that resentment rises to wrongs done to others, and not only to wrongs done to ourselves. He sees that we resent wrongs done to others with whom we are personally connected, linking this to Butler's description of resentment as an especially *partial* (not impersonal or disinterested) kind of anger. But one of his own examples of other-regarding resentment does not fit his view of resentment as essentially "partial." In his example, a "compassionate observer"—a U.S. citizen who resents mistreatment of workers in the *maquiladoras* on the border about whom he reads in the newspaper—is supposed to be moved to resentment by a vivid portrayal that incites his own sympathetic character (Pettigrove 2009, 587). A case like this, however, does not fit the mold of partiality. Those moved to resentment by reports of distant wrongs need not be especially sympathetic, for they need only care about the moral principle at stake; and the account that mobilizes their censure may be a factual report rather than a dramatic narrative or moving depiction.

There is a better explanation of the whole range of resentments, and it is this: resentment is anger that responds rebukingly to those believed to violate shared norms. Resentment, in "protesting" the violation, defends both the authority of those norms and the resenter's own standing as a competent judge of the normative order. The sense in which one takes "personally" what one resents is compatible with this understanding, but not in the sense that one must see a normative transgression as a wrong to oneself, or even to those with whom one identifies or about whom one cares. On the whole, human beings take the normative structures on which they depend seriously, where these structures include basic moral precepts, rules of etiquette or manners, norms of appropriate attire, modes of address, or conventions about giving and receiving gifts. If we cease to take norms seriously, the authority of norms erodes. This makes resentment—a norm-enforcing response—a central reactive emotion for intensively norm-instituting social beings. My view comports with Butler's enduring point that resentment is a "fellow feeling" that rises in defense of others as well as ourselves, but it manifestly goes beyond injury or injustice. Where there is wrong or injustice, even when it is done to ourselves, the resentment rises to the defense of those *norms* that define the action as wrong, the actor as responsible, and the victim as worthy of

consideration. The norms on which we rely, moral and nonmoral, not only protect us, but coordinate a variety of expectations in social life.⁷

Hieronymi is thus right to see resentment as serving to protest a threat. Resentment is a kind of anger, and since in its overt expression it is pointed anger, accusing and rebuking an offending party, resentment is itself a spontaneous counterthreat.⁸ When the full range of evident resentments are considered, it appears that resentment is a natural and indispensable response that aims at policing shared life by rebuking violations of norms across a great variety of moral and social contexts. Resentment always invokes some presumed norm and at the same time asserts the resenter's standing as a competent judge within the community whose norms these are. The "partiality" in question in resentment is not essentially partiality to self and others, but consists in our caring about our security in a community with rules we can rely on, and our confidence in asserting the rules of a community we consider our own. Resentment presumes we are bound together and reinforces our normative ties.

The rules or norms resentment enforces are a common possession, or at least they are assumed to be shared by one who resents a violation. I believe my explanation of resentment is faithful to the facts, but in the present argument it has another virtue: it tells us why those not wronged, or not even connected to those wronged, often feel a stake in the enforcement of norms. Resentment from others toward a wrongdoer does defend a victim of wrong, but it does more. Resentment or indignation—like Butler and Adam Smith, I do not distinguish these—serves the vital function of affirming the worth of the victim, while also reasserting the authority of the norm and the responsibility of the offender. When wrong is done to someone, then, the failure of others to be moved to the censure expressed by resentment is an abandonment of either the norm, or the responsibility of the offender, or the victim. All of these are at stake: others' resentment stands with the victim, upon the norm, and against the offender (pending excuse or justification). Failure to so stand signals that one or more of these are something for which others are not prepared to stand up. The net effect in the economy of a life organized—or better, scaffolded—by shared norms, is that no individual can uphold the structure alone, yet any individual is exposed to actual or potential harm if the structure (or some structure) is not maintained by the actions and responses of enough others. Whether the rest of us take up our proper

⁷ See Walker 2006a, 133 and 146–47, on how being able to feel oneself a competent normative judge can be at stake in wielding resentment, and how resentment at changes in the shared norms of a community can give rise to resentments at feeling alienated, no longer a competent "one of us."

⁸ See Walker 2006a, 133–36, on the social reality that not everyone in every circumstance is able to publicly threaten just anyone else. Butler was wrong to think that everyone equally can take up these "arms."

roles does affect, although it can never determine and should not try to supplant, what victims find themselves able or willing to do in the way of forgiveness.

4. Costs to Victims and Third-Party Roles

Third parties have nothing to forgive, but have key roles in affirming norms, sanctioning offenders, and vindicating victims. Victims alone can forgive, but they can typically do little all by themselves to affirm shared norms, authoritatively sanction offenders, and vindicate themselves in, as Hieronymi puts it, the “social space” in which the messages of right and wrong, responsibility, and moral worth circulate. What third parties can do in the wake of wrongdoing is distinct from what victims can do. What third parties can do has the power to thwart or support what victims might do, including deciding to forgive, absorbing the costs of wrongs without further demand or repayment. Together, we all sustain the social scaffolding of norms and accountability in which resentment plays a central role as, in Butler’s words, “a weapon, put into our hands by nature, against injury, injustice, and cruelty” of which we ourselves need not be a victim (Butler 1970, 76). The scope of resentment well exceeds moral boundaries, but its enforcement of those boundaries is its most important job.

What others do in affirming moral boundaries, assigning responsibility, and standing with victims affects the terms on which victims choose to forgive or not to forgive. They can make it easier or more difficult, safer or riskier, or more a release than a burden for the victim. Victims may indeed have their own reasons for this choice in their moral convictions, faith, or personal history with the wrongdoer. But it often matters whether the victim is validated and vindicated by others, whether the victim receives confirmation from others that their own sense of grievance is justified, and whether the victim finds that others are willing to impose rebukes and demands on the offender. Being validated and vindicated by others can reasonably affect the victim’s decision whether to relinquish further demands on the offender. A victim whose experience is denied or slighted, who finds the offender enjoys protection that amounts to impunity, or who realizes that he or she (the victim) is not the kind of person the community will defend or protect, might still forgive, but he or she has distinctive reasons to take care in doing so.

When the victim is not supported by others, the victim must be concerned, for example, about whether forgiving would seem like condoning or caving in, inviting the contempt or further abuse of the wrongdoer. Unsupported by others, the victim may need to lay claim to his worth emphatically “in social space” as a matter of principle, as a call for others’ support. When others do not respond to that call, the victim can

be locked into the need for protest. The victim cannot afford to forgive. Conversely, unequivocal communal validation and vindication (when others appropriately rebuke a wrongdoer, or apply other sanctions) can free the victim to be more generous or hopeful, allowing the victim to feel free to forgive. Third parties can also contribute to the victim's and the offender's understanding of the wrong and its consequences. A victim might need time, but also help, in seeing what she has suffered in perspective and context, to see the wrongdoer clearly, to shore up her sense of self-respect and justified anger, to refuse to condone a wrong, or to forgive in the face of social disapproval. A wrongdoer might need others to combat her own denial, evasion, or excuses; to explain what the victim is going through; or to understand whether there are amends that could be made and whether it is too soon or too late to attempt them. Third parties can, of course, make prospects of forgiveness worse, but they can also make them better.⁹

As defenders of 3PF like to emphasize, third parties are in a position to make their own judgments about wrongs, the responsibility of wrongdoers, and their own responsibilities to victims. They have "choices of moral significance" to make about wrongs done to others (Radzik 2010, 82). They face choices to rebuke or avoid wrongdoers, or to support the wrongdoer's reacceptance or rehabilitation, whatever the victim does. I have already suggested that their choices may well have consequences for what the victim does, and that is part of the moral complexity of their position. Defenders of 3PF seem especially concerned with grudging victims who refuse to forgive repentant and deserving wrongdoers, and with stranded wrongdoers who can no longer pursue forgiveness from a victim who is dead. Here there are important tasks for third parties in responding to remorseful offenders who struggle without forgiveness: to witness repentance; to encourage and affirm improvement; to advise or console; or to help reign in guilt or shame that is excessive, self-defeating, or self-indulgent. None of these is, or requires, 3PF.

On the side of a morally aware and remorseful offender, there is an echo of the victim's costs: if we do not succumb to self-deception, we all have to live with the wrongs we have done, how we have hurt others, and what it says about who we are. Even if we are now better, wiser, or changed people, we are still the person who did what we did and who was capable of doing it. Keeping hold of this inescapable fact, we can hope, is a resource for making better choices in the future, and for clearer understanding, if not greater compassion, toward others who do wrong. But

⁹ For a sobering account of intense communal pressure not to reconcile or forgive across groups, see Halpern and Weinstein 2004. See also Clark 2010, 308–41, who claims that church leaders and Christian belief have been effective in encouraging reconciliation in post-genocide Rwanda.

however “forgiving” (as we do say) is the stance third parties take toward someone who has wronged another, it is not what the victim of wrong decides to do in forgiving, for third parties do not have the victim’s costs to absorb.

There are hard and complex cases involving intercommunal or intergroup conflict, or the situations of victims who have been grossly mistreated based on their membership in a group that is targeted for abuse. In cases of extended intergroup conflict, there are many wrongs done to individuals by individuals, but cycles of retaliation can render the categories of victim and wrongdoer unclear. Decisions by individuals to forgive or not to forgive in some cases involving groups may carry, or may seem to carry, implications beyond the individuals involved. It might be true that wrongs one has individually suffered are so bound to one’s identification as a member of an ethnic, racial, religious, or political community, that one cannot avoid having one’s own decision to forgive or not to forgive appear to “represent” others. This may be a moral obstacle to forgiveness in some cases, as a victim might not feel it is simply and separately her own to give; but it might add larger meaning to the choice to forgive or not to forgive. At the same time, there are temptations in these cases for groups or communities to burden the individual victim of wrong—the woman raped in group vengeance or the father of the victim of a political murder—with the community’s hatred or with its hope for peace or reconciliation. The “victim’s prerogative” can be an important principle here for all concerned. It is also true that the understanding of “the victim”—the one wronged and seriously harmed—will almost certainly vary with different cultural assumptions. If some of us find it natural to see members of the immediate family of a murder victim as fellow victims, the social or kin understandings of others might extend that category differently or more widely. This is all only to say, however, that who the victim is, and what it means for victims to forgive, is not always obvious. It is not to say that those other than victims are in a position to forgive.

Having seen (all too briefly and schematically) what it is up to third parties to decide and to do, I want to return to the victim’s situation. We still need to broaden the picture of the emotional costs of wrongdoing to victims. In particular, I want to dislodge the grip of the wrong/resentment/payback-or-forgiveness motif that has so dominated philosophical thinking about forgiveness and other responses to wrongs. The idea that righteous anger is the characteristic and natural response, and perhaps the rational, virtuous, or morally sound response, to being the victim of a wrong has exerted a powerful hold on Western philosophical thinking about forgiveness. Aristotle’s discussion of the virtue of good temper has it as a mean between irascibility and the other extreme without a name, in which the one wronged is a “fool” who is “thought unlikely to defend

himself; and to endure being insulted and put up with insult to one's friends is slavish" (Aristotle 1980, 97).

The idea that wrongs prompt (and should prompt) reproving anger continues to dominate most discussions of forgiveness, and the definition of "overcoming resentment" continues often to be treated as the default definition of forgiving.¹⁰ This is arguably one way that accounts of forgiveness are gender-inflected, if only because the "right" response is one that is culturally the "manly" one.¹¹ This is also a way that many accounts of forgiveness are incomplete or distorting for men and women alike, for serious wrongs take their emotional toll in many ways. Pettigrove acknowledges this, but his extended list of emotional reactions involves "anger, hatred, loathing, contempt, and scorn," that is, all combative, hostile emotions (Pettigrove 2009, 590). Hieronymi, on the other hand, recognizes her account is limited by not addressing cases in which forgiveness involves "disappointment, sadness, or frustration" (Hieronymi 2001, 553). My point is entirely obvious once made: victims' responses to serious wrongs (not to mention terrible forms of mistreatment and violence) include, even frequently, disappointment, sadness, and heartbreak; helplessness, hopelessness, grief, and despair; shock, fear, rage, hatred, terror, and anguish; disgust and contempt; and guilt, humiliation, and shame. One compendium of crime victim statements includes these feelings, as well as "shattering, howling pain" and "visceral, animal anguish" (Zehr 2001, 26, 48).¹²

To understand what is at stake in forgiving serious or terrible injuries, one needs to understand especially the roles of grief, despair, fear, mistrust, humiliation, and shame. The fact that a wrongdoer has retracted the insult to the victim implied by the wrong, or that third parties stand up decisively for the victim, might indeed answer the victim's protest of resentment in constructive ways. But what of grief at dealing with lost years and opportunities (in wrongful imprisonment, or in a marriage that turns out to have been based on deceit); or terror at a world turned malignant by torture or rape; or despair at the murder or disappearance of a child? There are also profound emotional experiences that do not fit neatly into packaged categories, such as the experience of being "haunted" by those lost to violence, or feeling "already dead" after the genocide or the concentration camp.¹³ Nor are such experiences confined to the most extreme cases; everyday betrayals, criminal victimization, and lives torn apart by the consequences of others' negligence can leave staggering

¹⁰ See Walker 2006a, 154–58, for reasons that this description will not do.

¹¹ Norlock 2009 explores the ways forgiveness, in concept and practice, is gendered.

¹² See also Walker 2006b on the consequences of oversimplifying victim's reactions.

¹³ These descriptions are common in Holocaust and Rwandan genocide testimony. See, for example, Langer 1991 and Hatzfeld 2005. See also Hamber 2009, 75–93.

emotional costs, alongside physical, material, and social ones. These emotional “costs” can warp or rend the victim’s everyday existence, yet they are ones that the offender can barely touch, and for which others can only provide consolation.

Humiliation and shame deserve special attention. While the link between retaliation and anger seems to go without saying, humiliation and shame are powerful drivers of a need “get even.” The anger or rage behind cycles of retaliatory violence, for example, may be rooted in shame, and by the need to prove to oneself as well as to others that one is not the lowly, miserable, contemptible object of another’s will.¹⁴ Victims of personal betrayal can be ashamed at being of negligible concern to one whom they loved, and ashamed before others for being used or duped. Victims of criminal and political wrongs report shame at being singled out for mistreatment by a stranger, at being helpless, at being reduced to the appearance of something less than human or to the behavior of an animal, and self-blame at surviving when others did not, or when they feel they did not do enough. This is all to drive home the point that mastering, containing, or absorbing the “costs” of grave or terrible wrongs, even just in the emotional sphere, is an arduous achievement that ordinary people nonetheless often do. That forgiveness of grave wrongs typically requires this feat draws a bright line between victims and all others even in the milder cases.

5. Conclusion

I have labored here over the idea of 3PF, which is not, after all, a majority view. Understanding what is wrong with it, though, is worth the effort. It is too easy to dismiss the claim that there is third-party forgiveness as a contradiction or incoherence. What we really need is to understand what goes on in forgiveness, how it involves an unstable mix of action and passion, and why it is hard. Only then can we see why it is to the credit of the victim of wrong to find his or her way to lay down just demands and navigate powerful feelings, even as the victim’s ability to do this can be deeply affected by the decisions and responses of others.

I prefer to describe forgiveness not as “overcoming resentment” but as the victim’s making a practical commitment (either deliberate decision or by stages) to release the wrongdoer from further grievance, reproach, and direct demands to which the victim may yet be entitled (Walker 2006a, 151–90). In any case of serious wrong, this commitment will require the victim to refrain from trying to place remaining costs and damages on the offender to “pay” or relieve, and accepting the task of absorbing those

¹⁴ Scheff 1994 gives an account of shame as the “master emotion” in driving violent reprisal.

costs. This characterization can capture a wide variety of cases which might or might not involve overcoming resentment or other negative feelings, restoring relationship with the offender, reevaluating or reframing the offender, or placing the wrong firmly in the past. Each of these is central to some cases; none of these is essential to all. They are all things that forgiveness might entail, and they are things that might be seen as tasks for others as well, but the victim's assumption of costs is something that no one else can do.¹⁵

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¹⁵ My thanks to all participants in the "Possibilities of Forgiveness" Conference organized by Jesse Couenhaven at Villanova University in February 2012, which provided an extraordinarily nuanced examination of our differences surrounding what forgiveness is and does. Thanks also to Aline Kalbian for the invitation to present a version of the paper to the Department of Religion at Florida State University, and to the audience of faculty and graduate students for rich comments and challenges.

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Book Discussion

Books Discussed

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MORAL LANDSCAPES AND ETHICAL VISTAS

American Responses to the War on Terror

Nahed Artoul Zehr

ABSTRACT

This book discussion demonstrates how the War on Terror—now spanning two American administrations—has affected the role and authority of historical American traditions on the justice of war. It highlights the continuing importance of four principles rooted in American moral and ethical traditions: legitimate authority; guidelines on preemption; the protection of civilians; and the importance of democratic discourse in the deliberation of American conduct.

KEY WORDS: *terrorism, torture, just war, liberalism, preemption*

1. Introduction¹

The War on Terror is a “different kind of war.”² At least that is how it has been described by the Bush and Obama administrations.³ Also referred to as the “War against al-Qa’ida” and the “Long War,”⁴ both

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¹ I wrote significant portions of this book discussion while I was a Minerva Research Chair at the United States Naval War College. The positions that I express are my own. I do not represent the Naval War College, Navy, Department of Defense, or the US Government, and my views are not necessarily shared by them.

² The “War against Terror,” from its inception, was construed as a “War against al-Qaeda.” For example, the 2011 National Strategy for Counterterrorism states that “The United States deliberately uses the word ‘war’ to describe our relentless campaign against al-Qa’ida. . . . We are at war with a specific organization—al-Qa’ida” (Obama 2011a, 2). Therefore, in this project, unless otherwise indicated, the terms “War against Terror,” “War against al-Qaeda,” and the “Long War” will be used interchangeably.

³ The Obama administration does not officially use the term “Global War on Terror”—instead preferring “Overseas Contingency Operation.” However, the “Global War on Terror” remains a salient term, used by the media, a bipartisan sampling of politicians, and throughout the federal government.

⁴ As the “War against Terror” has been construed, almost exclusively, by both administrations as the “War against al-Qa’ida,” this essay will use these terms, along with the “Long War” interchangeably.

presidents have argued that the threat of global terrorism initiates new and evolving threats to which American defense capabilities must adapt and respond.⁵ As a result, the Long War has been, and continues to be, accompanied by a reexamination of the moral and ethical frameworks that have served to guide American use of force, and, correspondingly, a reexamination of the moral and ethical frameworks that define American life.

This reexamination is the subject of the works discussed in this book-discussion essay. Mark Totten (2010), Stephen Nathanson (2010), Richard Miller (2010), and David Gushee, Jillian Hickman Zimmer, and J. Drew Zimmer (to which I refer in the rest of this essay as “Gushee”) (2010) all point to the danger of moral vulnerabilities in the conduct of the War on Terror, particularly in the way the discourse on “new and emerging threats” can weaken the authority of moral frameworks and principles that have served to guide American military conduct. How, they wonder, might the United States maintain a commitment to the security and prosperity of its citizens while ensuring that such security does not come at the expense of their principles and values? How are Americans to maintain commitments to rights, liberty, and justice, in a political environment in which a large-scale terrorist attack remains at the forefront of national security decision making?

Their work can be divided along two sets of issues. The first set relates to the question of how American military tactics (or more generally, American use of force) ought to adapt to the threat of global terrorism in a way where moral frameworks continue to guide such adaptations. Mark Totten, for example, asks how the United States can prepare to defend its citizens from the threat of a large-scale (possibly nuclear) terrorist attack while simultaneously adhering to a cultural and moral covenant against initiating the first strike. Stephen Nathanson, in a related vein, worries about the politicization of the terrorism category. He argues that definitions of terrorism must be clear and consistent so that military conduct—especially when it involves the harming of innocents—stands on firm moral ground.

The second set relates to the question of how American moral frameworks can construct evaluative and critical responses in the War on Terror. Richard Miller, for example, asks how persons living in a liberal democracy, and committed to the value of religious tolerance, can condemn

⁵ This has certainly been true for the campaigns in Iraq and Afghanistan. Very early on in the development of both wars major decision makers categorized both campaigns as “insurgency wars.” While both campaigns are “winding down” the continuing (and, at times, increasing) levels of violence in Iraq and Afghanistan, coupled by more recent developments in Syria and Libya indicate that the Bush and Obama administrations’ assessments of the current military environment will continue to bear on American military and diplomatic activities for the foreseeable future.

and feel indignation towards violence that is religiously legitimated. On the other side of this issue, David Gushee asks how American citizens ought to respond to the United States' own moral failings in the conduct of this war—such as the failings that were highlighted following the public disclosure of torture at Abu Ghraib. How, then, he asks, may our ethical and moral frameworks help to make sense of, and to move forward from, our *own* transgressions?

These books call us to notice a moral and ethical friction in the War on Terror. More importantly, however, they call us to notice the continuing relevance and authority of American moral traditions as resources that will pave a path for moving forward in a national security environment dominated by concerns of global terrorism. Through these works, we can see the contours of a conversation on issues of war and ethics from multiple lenses: the just war tradition, international and domestic law, liberalism, and theology. They demonstrate a deep desire to construct moral frameworks for the use of force that not only respond to new threats, but that do so in a way that remains committed to a set of ethical standards they believe are an integral part of American moral character and sensibilities.

Before continuing, it is important to note that I do not here provide a comprehensive response to the questions posed by our authors, or an argument reflective of a diverse and fluid American public square. Rather, I raise and discuss a set of issues initiated by these volumes and focused on a set of interrelated issues on the just use of force. To this end, I treat each volume as an ethical vista—a point or perspective from which we can view, at least partially, the contours of a broader moral landscape. My aim is not to argue that their work is wholly representative of US popular opinion, but rather to argue that through their work we are able to discern how American moral traditions have been deployed in post-9/11 ethical discourse.

Using their voices as a focal point, I demonstrate how the corollaries of this war—now spanning two administrations—have affected the role and authority of historical American traditions on the justice of war. The works of these authors serve as the background against which I construct a broader discussion on the place and role of historical moral traditions as they apply to the multiple issues that have emerged from 9/11. More particularly, these volumes initiate discussion on a set of moral and ethical principles that historically have served to guide American discourse on the use of force—principles that are now being reexamined in order to determine how they might still speak to a new set of questions surrounding American post-9/11 military and diplomatic engagement. In this task, I highlight the continuing importance of four principles that are rooted in the moral and ethical traditions that the authors reference: legitimate authority (*who* may determine that the use of force is just and legitimate); guidelines on preemption (*how* we define “threat” and “self-defense”); the protection of civilians (how we differentiate between

combatants and noncombatants); and the importance of democratic discourse in the deliberation of American conduct (especially when dealing with an adversary who does not share the same forms of legitimation for the just use of force).

In this way, this discussion will demonstrate three points. The first is the *continuing* relevance and importance of American moral traditions. Through the reexamination undertaken by these authors and the discussion that develops, I argue that American traditions and principles on justice in war remain a rich source of guidance and wisdom not only in spite of, but *because* of the emergence of new issues and dilemmas that are the characterizing features of the contemporary security environment. Moreover, insofar as these volumes address a broad selection of topics, they demonstrate the multiple ways that such frameworks continue to provide meaning, direction, and constructive critique in a post-9/11 world. Second, this discussion demonstrates that there is a general level of agreement on the assertion that American moral traditions remain critical to proper American conduct. All of the works discussed are premised on the claim that commitment to moral traditions is fundamental to insuring that actions adhere to principles—something that, they argue, is a distinguishing mark of American life. Third, this discussion underscores the importance of democratic discourse and exchange—of the giving and taking of reasons on the hard questions posed in constructing a political life in common. In this same spirit, then, I respectfully offer my own constructive critiques of these works when warranted.

2. Mark Totten and Stephen Nathanson—Just War Tradition, International Law, and the Just Use of Force

2.1 *The context*

Totten and Nathanson's work is predicated on the idea that the security environment has fundamentally changed since the attacks of 9/11. Their assumption is well founded, as both the Bush and Obama administrations have made the same point in their respective National Security Statements. As these official statements provide the necessary background for both Totten and Nathanson's arguments, they are worth quoting in some detail.

In 2002, the Bush administration stated that "today, that task [of defending the Nation against its enemies] has changed dramatically. Enemies in the past needed great armies and great industrial capabilities to endanger America. Now, shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank" (Bush 2002, iv). Furthermore, "the United States of America is fighting a war against terrorists of global reach. The enemy is not a single political regime or person or religion or ideology. The enemy

is terrorism—premeditated, politically motivated violence perpetrated against innocents” (Bush 2002, 5). The Obama administration’s official statements are similarly construed. The “National Security Strategy” of 2010 stated:

We are strengthening our military to ensure that it can prevail in today’s wars; to prevent and deter threats against the United States, its interests, and our allies and partners; and prepare to defend the United States in a wide range of contingencies against state and nonstate actors. We will continue to rebalance our military capabilities to excel at counterterrorism, counterinsurgency, and stability operations, and meeting increasingly sophisticated security threats, while ensuring our force is ready to address the full range of military operations. (Obama 2010, 14)

As I note from the above, post-9/11 defense planning proceeds on two assumptions: 1) that the threat of a large-scale (and possibly nuclear) terrorist attack remains a real possibility; and 2) that nonconventional armed conflict (that is, terrorism and insurgency) is the primary concern in places where the United States is diplomatically and militarily invested.

The Bush National Security Strategy of 2002—better known as the “Bush Doctrine”—is the paradigmatic expression of this shift. Here, the administration declared that in the face of a likely nuclear attack it would act preemptively under an “inherent right to self-defense.” And, considering the potentially devastating effects of a terrorist attack, the United States is justified in acting even if “uncertainty remains as to the time and place of the enemy’s attack” (Bush 2002, 15). The Obama administration has followed suit, with President Obama sanctioning a series of military actions that extend the Bush Doctrine. The authorization of missile strikes in Yemen, targeted assassinations, the expansion of the drone program, imprisonment of key enemy figures overseas, and the implied use of coercive interrogation measures by American allies, all indicate congruence on the part of the current administration with the general rationale of the Bush administration (Carter 2011).

In general, then, we see a paradigm shift in national security and defense planning as both administrations agree that new and evolving threats require new and evolving means. *How* this is to be done, however, is a subject of contention and debate. For this, we turn to the works of Totten and Nathanson, both of whom rely on both the just war tradition and international law to determine how American use of force in the War on Terror can be effective and morally appropriate.

2.2 *Mark Totten*

Totten’s work is a constructive critique of the Bush Doctrine’s “first strike” policy. He argues that many Americans were disconcerted by what

they perceived as an excessively permissive doctrine; one relying too heavily on America's good intentions. This criticism stems from the fact that the doctrine challenges standard American ideas on the legitimate use of force. While international law has always recognized the right of a nation-state to strike against an *imminent* threat, for the majority of American history a first strike against an *emerging* threat was considered "against our traditions." This is not to say, as Totten points out, that American decision makers have not entertained the possibility. Events like Pearl Harbor, the Cold War, and the Cuban Missile crisis certainly reinvigorated debate on this principle. Yet in all these cases, a first strike was eventually rejected under the rationale that America—as a democratic and peace-loving country—simply could not initiate a preemptive strike. In other words, it was deemed to be an act that was contrary to American moral life (Totten 2010, 35–73).

For Totten, however, the threat of global terrorism brings new questions to the surface that challenge these assumptions. These questions, he argues, are not only pragmatic but also corrective, as American insistence on the imminent-only standard is based on a truncated, and hence ignorant, understanding of preemptive force in Western just war thinking. This, he writes, is primarily due to the fact that American thinking on preemptive force is constructed entirely through the lens of one historical incident, the sinking of the *Caroline* in 1837—an American ship being used by Canadian rebels in their resistance against the British. Canadian troops loyal to England set the *Caroline* on fire in American waters, killing several Americans in the process. The United States argued that the attack violated its right to sovereignty and protested against it. The British, meanwhile, insisted that the attack was justified in light of their own right to self-defense. Three years later, one of the British soldiers was arrested, charged with arson, and eventually released in exchange for an apology and compensation for damages. In reply, the American Secretary of State Daniel Webster produced an opinion detailing the appropriate use of preemptive force in self-defense. Known as "Webster's Rule," he argued that any government evaluating the first use of force must "show a necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment for deliberation." In addition, "it will be for it to show, [that] the act, justified by the necessity of self-defense, must be limited by that necessity, and kept clearly within it" (Totten 2010, 20). Webster's Rule thus established that the use of preemptive force must demonstrate an *imminent threat*.

Taking issue with Webster's Rule, Totten argues that its insistence on imminence is unreflective of the current security environment. "With the fall of the Twin Towers," he argues, "came the ability to imagine that using force against a less-than-imminent threat might be a last resort to prevent a coming attack of unacceptable harm" (Totten 2010, 149).

According to Totten, facing an adversary that 1) lacks a sense of measured risk, 2) seeks to do maximum harm, 3) has or is seeking the means to do so, and 4) can easily evade detection narrows the options for a military response and makes strict adherence to Webster's Rule not only impossible but also morally unacceptable (2010, 2). It is important to note that Totten also takes issue with the Bush Doctrine. Lack of specific guidelines for determining threat and the necessity for force, he argues, make the Doctrine just as excessively permissive—and therefore, just as unacceptable—as Webster's Rule. A proper doctrine, he argues, must detail the specific circumstances under which the United States may wage a first strike in self-defense, and must do so through the use of the underlying principles that have long shaped American use of force.

Totten, importantly, argues that the necessary materials for revision are found within longstanding traditions on the use of force. He turns to the great just war thinkers of the modern period, arguing that the raw materials for this reexamination are abundant in the work of Vitoria, Grotius, and Pufendorf. These thinkers, he writes, make two claims on the use of anticipatory force in self-defense. First, they argue that a hard notion of imminence applies only in cases of individuals seeking to use force against other individuals in self-defense. Such persons can turn to their government for recourse, so they are required to meet a high standard of imminence. Second, these thinkers argue that anticipatory force in self-defense may only be used as a last resort. So, the tradition not only noted the use of force against an emerging (or not-yet-imminent) threat, it also did not place imminence as a “general demand, even though the requirement of necessity on its own may often—and perhaps nearly always—require that the threat be imminent” (Totten 2010, 153). Taken together, the ideas of the modern thinkers determine that the imminence criterion serves “as a proxy for the more fundamental requirement of necessity” (Totten 2010, 159) and effectively prioritizes necessity over imminence (99–128).

Moving from here, Totten claims that under a very specific set of circumstances, the United States may wage a first strike in self-defense against an *emerging* but *not-yet-imminent* threat. In the face of a large-scale terrorist attack, the imminence criterion is satisfied through demonstrations of intent, means, and preparation on the part of the terrorist adversary, and when other reasonable methods have been exhausted or rejected as unfeasible.⁶ For Totten, then, redefining the notion of imminence in this way illumines the basic framework through which the rare circumstances justifying a first strike may be considered. These are:

⁶ Note also that Totten's conclusions are echoed in the works of other moralists. For one example, see Bellamy 2008.

1. Certainty of intent: a state must have “evidence conveying a strong assurance” of a potential attack which is registered through solid intelligence work.
2. Sufficient means: “Although actual possession will always satisfy this criterion, in some cases the near proximity of attaining the means will suffice as well.” The evaluation will depend on a holistic assessment of the threat.
3. Active preparation: this criterion refers to any activity preparing for the attack but short of the actual use of force.
4. Magnitude of harm: while sometimes an accurate assessment of the criterion requires more substantive knowledge regarding the time and place of the intended attack, Totten argues that reliable intelligence can provide estimates of such things.
5. Probability of harm: this criterion requires a measurement of the probability of the intended attack.
6. Proportionality (of ends): This criterion refers to the intended response to the emerging threat. It requires that the use of force in self-defense be proportional to the perceived threat.
7. Necessity (last resort): This criterion notes that force may only be used if other reasonable methods have been rejected as viable alternatives or have been exhausted. (Totten 2010, 168–75)

One might imagine that Totten’s framework is unsatisfying to some, especially because accurate intelligence is notoriously difficult to obtain. If deadly force is to be used against an emerging but not-yet-imminent threat, I imagine that some would insist on a fair level of certainty before a preemptive strike is waged. Totten himself points to this difficulty in his framework. So, while Totten’s book provides a principled method for assessing threat, it maintains significant leeway for interpreting the facts on the ground.

It is here that one can raise the most probing questions of Totten’s position. Totten, I believe, would respond that some level of uncertainty in war—particularly in the case of a terrorist adversary—is impossible to avoid. To clarify Totten’s view about this point, it is important to make his foundational (and sometimes implicit) assumptions explicit to the reader.

For Totten, governments are entrusted with the welfare of their people. This trust grants magistrates what just war thinking refers to as the “legitimate authority” to formulate and interpret defense policies. This is especially so for democracies. Tasked with the responsibility to protect, democratic magistrates are granted the authority to use force on behalf of, and for the protection of, the political community for which they are responsible. Legitimate authority, of course, does not grant free reign for the use of force—even in cases of self-defense. Quite the contrary, all magistrates, in light of their responsibility for the community’s welfare,

are subject to *constraints* on the use of force. According to Totten, the moral and ethical traditions of the Western just war thinking define these constraints. His framework assumes that legitimate use of force is not only directed by these traditions, but furthermore instituted only by those who have the appropriate authority to do so.

It is magistrates, then, who have the authority to investigate and interpret what I earlier referred to as the “facts on the ground.” This is a serious claim within the just war tradition, and understanding its effect and meaning is acute in an international environment dominated by nonstate actors using force to achieve various political, social, economic, and religious objectives. As we will see, the work of our next thinker, Stephen Nathanson, bears importantly on the interpretive authority of magistrates.

2.3 *Stephen Nathanson*

In many ways, Nathanson’s book is about the need to come to terms with the idea that force is at times necessary and called for, especially in light of the real harm that terrorism poses. Yet in fighting a war on terror, he argues, it is obligatory to ensure that American use of force stands on firm moral ground. This can only be done if we can distinguish the terrorist use of force from the use of force that, while also destructive in its effects, remains justified. This distinction is complicated by the fact that moral deprecations of terrorism are too often tied to a shifting set of standards, largely determined by the evaluator’s allegiance to the people, or to the cause to which end the use of force is being put. The ubiquitous phrase “one man’s terrorist is another man’s freedom fighter” paradigmatically demonstrates his point. Such flawed and inconsistent evaluations are dangerous since they appear self-serving and therefore illegitimate. Terrorism, he argues, does not exist in the eye of the beholder. The unjust killing of innocents is always unjust. This is true no matter how noble the actor doing the killing or the legitimacy of her cause. Therefore, Nathanson claims that terrorism must be clearly identified through an unquestionable set of standards. Otherwise, categorical condemnation of terrorism cannot be attained. This requires isolating a set of criteria that are capable of distinguishing between terrorism and other acts of war in which the killing of innocents is sometimes justified. As for Nathanson, “if we cannot say what features make something a terrorist act, how can we differentiate terrorist acts from other acts of violence? And if we cannot differentiate terrorist acts from other acts of violence, how can we know that terrorist acts are always wrong while other violent acts are sometimes morally right?” (Nathanson 2010, 3). More specifically, “How can terrorism be wrong because it kills innocent people while war, which generally kills more innocent people, may sometimes be right?” (4).

For this purpose, Nathanson constructs the following definition of terrorism. Terrorist acts, he writes⁷

1. are acts of serious, deliberate violence or credible threats of such acts;
2. are committed in order to promote a political⁸ or social agenda;
3. generally target limited numbers of people but aim to influence a larger group and/or the leaders who make decisions for the group;
4. intentionally kill or injure innocent people or pose a threat of serious harm to them. (Nathanson 2010, 24)

Of particular importance is the fourth condition, which according to Nathanson, defines and characterizes terrorism and provides clarity on its moral position (2010, 35). The fourth condition, he argues, indicates why terrorist acts are *always* wrong:

1. Terrorism always involves the intentional killing (injuring, etc.) of innocent people.
2. Intentionally killing innocent people is always wrong.
3. Therefore, terrorism is always wrong. (Nathanson 2010, 35)

The claim that the direct and intentional harming of innocents is always wrong is the central premise of Nathanson's position. Other theories, he argues, fail to categorically condemn terrorism since they all are willing to concede that the direct and intentional harming of innocents is justified under certain circumstances. In his evaluations of "realism," "common-sense morality," "act utilitarianism," and the work of Michael Walzer, Nathanson claims that all of these positions fail to fully accept the prohibition against the direct harming of innocents and therefore fail to provide a categorical condemnation of terrorism.⁹

In response, Nathanson puts forward a "rule-utilitarian" approach for determining the ethics of war, arguing that individual actions ought to be judged in "reference to general moral rules" and that the "correct moral rules are those rules whose general acceptance would maximize well-being."¹⁰ In response to the question of how we might determine which

⁷ These appear in the exact same list form in Nathanson 2010.

⁸ Note that Nathanson claims that the "political" agenda encompasses religious goals, as "People who seek to make a society adhere to particular religious practices of values, for example, have a political goal in this sense. It is political because it aims to make the organization of social life conform to religious ideals" (Nathanson 2010, 25).

⁹ For example, Nathanson writes that Walzer's reliance on a rights-based theory critically weakens his ability to condemn terrorist acts because in Walzer's thinking no one particular right is considered absolute. As a result, the right of innocents to protection against harm is often usurped by the right of defense of other innocents (Nathanson 2010, 175–82).

¹⁰ This is in contrast to *act* utilitarianism, which Nathanson argues is resistant to predetermined moral rules that are prescribed in advance, and urges rather that moral deliberation ought to occur on a case-by-case basis in the attempt to maximize human well-being or happiness (Nathanson 2010, 194).

moral rules maximize overall well-being, Nathanson suggests referring the questions to “rational impartial people” who can think through which rules of war are appropriate, reasonable, and maximize overall utility. In this fashion “the correct moral rules for warfare are those that would be adopted by rational impartial people who expect that their country will at some time be at war and want to have authoritative rules for the conduct of war” (Nathanson 2010, 198).

This, of course, has important implications for noncombatant immunity. Because the correct moral rule maximizes overall well-being, the correct moral rule on the harming of innocents would be the one that clearly prohibits the direct and intentional targeting of noncombatants. This is because *effective* warfare is waged against other militaries and focuses on crippling the enemy’s ability to fight. Harming those not directly involved in the war effort is *ineffective*, as “there is no reason to believe that the civilian deaths significantly diminished the fighting capacity of the belligerents” (Nathanson 2010, 202). Insofar as it is true that an absolute prohibition on attacking noncombatants would allow effective war fighting by minimizing its destructive effects and hence maximizing utility, then “rational impartial people will adopt the principle of noncombatant immunity.” Furthermore, “if an absolute prohibition of attacks on civilians is justified on rule-utilitarian grounds, then it ought to be followed even when people believe that they can do more good or less harm in particular circumstances by attacking noncombatants” (Nathanson 2010, 200). The point of the rule is to “maximize well-being in a world in which groups pose serious threats to one another and sometimes engage in war. It is the efficacy of the rule in achieving that goal that is the basis for the duties it generates. What justifies the rule is its contribution to human well-being” (Nathanson 2010, 254). For Nathanson, however, the rule-utilitarian basis for noncombatant immunity is triggered only in the case of direct and intentional targeting of civilians. In cases where civilian deaths are *unintended*, the moral rules change. If, he argues, one is to accept that the use of force is sometimes morally right, one must also acknowledge that some unintended civilian deaths are inevitable in warfare, and consequently are also “sometimes morally permissible” (Nathanson 2010, 255). This, though, is not the whole of it. In acknowledging that the harming of innocents is unavoidable, one must also ensure that the harming of innocents in warfare does not undermine the moral condemnation of terrorism. Otherwise, the border between “intended” and “unintended *but foreseen*” becomes a very fine one.

In fact, it is this border that is most troubling to Nathanson. Students of the just war tradition will note that Nathanson is describing the reasoning behind the Doctrine of Double Effect (DDE). For him, the DDE simply does not sufficiently condemn the harming of innocents in war; it

is unable to deliver appropriate and hence satisfactory support for noncombatant immunity because it relies too heavily on intention as opposed to actual consequences. While it is categorical in its condemnation of actions that *directly* target civilians, it is significantly less able to restrict actions that are “morally equivalent to terrorism” (Nathanson 2010, 97).¹¹ To illustrate his point Nathanson posits a scenario identical to the 9/11 attacks. Let us suppose, he writes,

that the September 11 attackers had intended only to damage or destroy the World Trade Center and the Pentagon buildings. Suppose that while they knew that many innocents would die as a result of the attack, these deaths were not part of their goal. In this case, these results would have been “collateral damage,” unintended but foreseen effects of the attack. Imagine that tapes of Osama bin Laden after the attacks showed him saying that he had only intended to attack the buildings and deeply regretted the deaths of innocent people, and suppose that there was evidence that he was sincere. (Nathanson 2010, 97)

Insofar as the deaths of innocents were unintentional, Nathanson argues, this scenario would pass the criteria of the DDE.

To move away from the DDE’s intention-based approach, he proposes the “precautionary principle” as the correct framework for the use of force. The precautionary principle references Article 57 of the Geneva Protocols, which reads, “In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects” (Nathanson 2010, 261). This, he argues, *requires* that appropriate measures are “taken to prevent harm to civilians. . . . These steps must be taken throughout the process of planning and carrying out attacks” (2010, 261). For Nathanson, the precautionary principle takes the additional and critical step, neglected by the DDE, of requiring active measures to prevent against the harming of innocents. It is not enough to categorize harm to noncombatants by arguing that the attack against a lawful target is necessary and that civilian deaths are unavoidable. Rather, the attack against a lawful target must demonstrate that active measures—as required by Article 57—are in place. Only in this way can we accept the notion that civilian deaths in war are inevitable, while simultaneously safeguarding against immoral justifications of civilian deaths as *foreseen but unintended* (and therefore included under the moral cover of legitimate acts of war).

¹¹ Note that Nathanson also criticizes Walzer’s understanding of noncombatant immunity premised on rights. In sum, he argues that while Walzer’s critique of “proportionality” as an adequate safeguard for noncombatant immunity is helpful, his “Supreme Emergency” exemption neutralizes his ability to provide adequate safeguards against terrorist acts (Nathanson 2010, 133–59).

Nathanson's concerns are understandable; as a framework, the DDE certainly requires a well-intended and scrupulous actor. However, this is also true for Nathanson's "precautionary principle": the requirement for appropriate measures to safeguard innocents is just as easily left to one's good intentions. In the same vein, it seems optimistic to assume that "rational" people will always choose to limit civilian casualties. While I think that Nathanson is right to argue that civilian deaths are detrimental to the overall war effort, it is more difficult to assume or hope that nations at war (especially in prolonged conflicts) will have the patience and the endurance to see the larger picture.¹² In addition, his description of the precautionary principle is nearly identical to the requirements of the DDE as interpreted through a number of contemporary just war thinkers.

Gesturing to this point is certainly not meant to take away from the aims of Nathanson's project. His desire to categorically condemn terrorist acts and to protect innocents from harm demonstrates extraordinary integrity; however, I very respectfully contend that the DDE is also heavily invested in the safeguarding of innocent life. To illustrate this point, I will demonstrate why the DDE is simply incapable of sanctioning the alternative 9/11 scenario Nathanson describes. First, the DDE requires that all available precautions are taken in order to safeguard innocent life. Noting the limits of this essay, a few select quotes will help illustrate this point.

Michael Walzer writes that proper use of the double effect reasoning includes the following conditions: "The intention of the actor is good, that is, he aims narrowly at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends, and, aware of the evil involved, he seeks to minimize it, accepting costs to himself" (Walzer 1977, 155). With regard to noncombatants, there are two things to note. First, the harming of innocents cannot be intended. This is an established point in the DDE. Second, and just as importantly, is the requirement that harm to non-combatants be minimized, even to the point where the soldier—in the attempt to protect civilian lives—accepts a greater level of risk. As Walzer notes, "to not intend the death of civilians is too easy. . . . What we look for in such cases is some sign of a positive commitment to save civilian lives" (Walzer 1977, 155–56).

To get a bit more clarity on how this might be done, we turn to the work of James Turner Johnson. Johnson notes that the increasing involvement of irregular and nonstate actors in contemporary war makes it difficult to determine exactly *who* is or is not a combatant. Regardless of this, however, the DDE continues to require that active measures are taken to prevent civilian harm. These measures differ depending on the conflict,

¹² For a pithy and excellent discussion of this general point, see Rhodes 2010.

the target, and the choice of weapons. For example, he discusses the use of drone technology—the weapon of choice by both administrations against al-Qa‘ida operatives in Afghanistan, Pakistan, and Yemen. These weapons are very precise, yet they rely almost entirely on sound intelligence on targets (for example, does the intended target house civilians or operatives?). As Johnson writes, “The problem is not easily resolved; the moral responsibility, though, is to continue to seek to resolve it while avoiding strikes in ambiguous cases.”¹³ Furthermore,

weapons themselves, of course, are only part of the story: also needed is the will to use them discriminately, embodied in the training given to those who use them, the development of strategies and tactics for their use that are focused on avoidance of harm to noncombatants, and the monitoring of target decisions by a team including experts in the application of the requirements of the law and morality of noncombatant immunity. (Johnson 2011, 33)

It is possible that Nathanson would ask both Walzer and Johnson to go a bit further and specify how the requirements listed above are to be carried out in practical terms. To this, I would reply that such deliberations are best left to the practitioners—to those who are tactical and strategic experts and therefore capable of determining which weapons to use, how to use them, and how to ensure that the required precautions for safeguarding civilian life are in place. The point here is not to cede the notion that moral training is required for proper application of the use of force. Rather, it is to note that determining, on the most practical level, which weapons are appropriate, is not the task of the theorist, but of the practitioner who has the requisite knowledge and training. Insofar as the DDE is concerned, the critical point is to establish that the DDE requires that all due care for civilian lives is taken.

Second, the DDE is tied to a broader moral tradition that places additional criteria on the use of force. At this point Nathanson’s work intersects with the underlying assumption of Totten’s thinking. As I noted above, Totten’s work argues that magistrates—as the persons responsible for the welfare of the political community—are justified in initiating a first strike against an emerging but not yet imminent threat. In other words, it is *because* the state is entrusted with the welfare of the political community that it is justified in using force. Insofar as the DDE is part of the just war tradition, it is constructed on the idea that only certain people have the authority to use force. Al-Qa‘ida militants lack the

¹³ Note here that these remarks are part of a broader discussion. Johnson is discussing the question of whether the fact that drone technology removes the risk on the part of the drone operator ought to be part of the “moral calculus” (Johnson 2011, 32–33).

authority granted by a discernible community.¹⁴ They cannot lay claim to a legitimate use of force. Therefore, Nathanson's alternative 9/11 scenario is unjustified and illegitimate according to double effect thinking all the way down.

Nevertheless, Totten's premise of legitimate authority brings up an interesting question for Nathanson's position. Ought his definition of terrorism include a reference to the just war criterion of legitimate authority? For example, one could amend Nathanson's definition so that terrorism refers to acts of serious, deliberate violence or credible threats of such acts, *undertaken by those who do not possess the requisite political authority and legitimacy, granted by their fellow citizens, to use force in behalf of the political community to which they belong.*¹⁵ This question is especially germane to Nathanson's thinking. His definition aims to determine the circumstances under which governments—not just nonstate actors—use force in a way that qualifies as terrorism. He is especially worried that terrorist acts will not be defined as such in cases where they are undertaken by established governments claiming the mantle of legitimate authority. He wants to ensure that all forms of unjust killing in war, regardless of the political position of the actor, are equally condemned. Taking this into account, it seems that the addition of the legitimate authority criterion to his definition of terrorism would bolster his point. According to just war thinking, a legitimate authority is limited in how they undertake the use of force by a set of ethical criteria. If a state fails to abide by these principles, it is easily argued that they have lost the necessary authority to claim the responsibility for protecting the welfare of the political community. In other words, their use of force is illegitimate and classified as terrorism.

Importantly, his discomfort about unjust killing in war directs us to a broader point regarding American use of force. As indicated by the Bush and Obama national security statements, the use of force against terrorism requires a paradigm shift in the way that Americans think about defense. In this environment, war is not defined by hostilities between established armies of two (or more) states. Rather, it is the use of force against a variety of irregular and nonstate actors who live amongst civilians, and use a variety of irregular means and tactics. Al-Qa'ida fighters, and their affiliates, do not wear uniforms or establish military bases the way a traditional army would. Consequently, what Johnson referred to as the "distinguishability" issue—being able to tell the difference between combatant and noncombatant—is much more intricate. Furthermore, American ideas on the just use of force remain state-centric.

¹⁴ For an excellent article on this point, see O'Driscoll 2009, 37.

¹⁵ The portion in italics was added by the author of this essay.

Nathanson, then, is quite right to point out this gap within just war thinking.¹⁶

This discomfort is also connected to a second issue, that of the religious nature of the al-Qa'ida brand of terrorism, which is motivated and legitimated by reference to a religious framework. Moral and ethical frameworks are equally important here as the questions are often directed through the language of democratic liberalism and its commitments to the privatization of religion, tolerance, and pluralism. So, as persons committed to these notions, how are we to think about and respond to terrorism with religious-political aims? How might these professed and generally agreed upon foundational values shape a response to religiously motivated terrorism?

3. Richard B. Miller and David Gushee: American Moral Responses to the War Against Terror

3.1 *Richard B. Miller*

For Richard Miller, the above questions are central. The 9/11 attacks were horrific acts, and the moral indignation felt by Americans and many others was a legitimate response. However, for Miller, one cannot stop there. The religious underpinnings of the terrorist attacks must be confronted, evaluated, and addressed. For citizens of a liberal democracy—committed to a public life organized “around a vision of citizenship and coexistence,”—the indignation felt in response to 9/11 must be articulated and justified through a moral framework committed to these values. As he writes,

those who were aggrieved by the attacks of 9/11 understand their indignation in normative terms, as grounded in a moral condemnation of Islamic terrorism. Indignation sounds intolerant, and intolerance seems to chafe against liberal sentiments. How to sort out these points regarding tolerance, respect (including self-respect), and recognition in a public culture characterized by grave differences is less than straightforward. (Miller 2010, 66)

The central question, Miller believes, is “how are we to think about the aspirations and claims of political religions whose beliefs chafe against what are presumed to be settled liberal norms and practices?” (Miller 2010, 5).

For Miller, the importance of liberal values is such that it is unsatisfying and inadequate simply to call religiously legitimated forms of violence reprehensible on the face of it. Rather, he articulates a moral and ethical framework that explains why this is so. Miller seeks a moral

¹⁶ This point concerns not only theorists and moralists, but also those within the international legal community. For a terrific overview, see Heinze and Steele 2009.

judgment that is not only unambiguous (in its reference to an ethical framework) but one that can be articulated and shared with others through rational argument, so that we can not only condemn such reprehensible acts, but condemn them well and clearly.

Responsible moral condemnation of terrorism, he argues, requires an exercise in social criticism—the “intellectual work that enables us to assess customs, practices, and policies that shape the direction of institutions and aspirations of public culture” (Miller 2010, 3). This, he writes, will help us express in clear and precise terms the moral ground from which we might evaluate our indignation to the 9/11 attacks and allows us to “indicate why . . . we may say that Islamic terrorism is wrong—indeed, that all terrorism is wrong—in direct and unambiguous ways” (Miller 2010, 46).¹⁷ It is important to note here that Miller investigates, though ultimately deems insufficient, other forms of social criticism that also treat the questions occupying his thinking.

Miller’s understanding of liberalism and its values is the foundation of his argument. Liberalism, he argues, is a mode of social and political organization aiming to both engineer a common civic life, and to direct it towards the good—which, importantly, can be revised and amended. In other words, the liberal good is subject to change. In a liberal society, determining what qualifies as the good to be pursued is both an individual and a collective process. On the individual level, persons are free to determine and revise their understanding of the ideal life, and to determine on their own account how they wish to pursue it. On the collective level, voting and construction of government determine the ends and the means of the community, largely organized by its responsibility to provide peace, security, and safety from harm. Therefore, in a liberal system, the protection of individual autonomy—the “the freedom to choose and critically to revise our commitments against a background of meaningful frameworks and options”—is required for two reasons (Nathanson 2010, 55). First, true autonomy necessitates that persons have the individual freedom to determine and pursue their own framework of the good. Without this, autonomy exists only superficially. Second, the capacity to engage in this critically self-reflective exercise and *be* autonomous is the very thing that, according to Miller, defines the human being as a subject of “unquantifiable moral worth” that must be respected and protected.

Liberal democracies typically achieve these requirements through a set of rights: to life, security, and protection from undue interference in personal decision-making. While these rights protect the ability of persons

¹⁷ Here, Miller is also providing a defense of non-relative insight and critique which goes beyond the scope of this essay—which is interested in *how* Miller argues that Americans ought to respond to religiously motivated terrorist attacks through a moral framework founded in American values. For more on Miller’s argument on liberalism as a normative framework, see Miller 2010, 18–66, 120–31.

to engage in a process of self-determination, they themselves arise out of the human capacity to engage in such an exercise. Importantly, this notion of human dignity—founded in ideas of individual autonomy that are at the very heart of liberalism—rises out of commitments to the integrity of individuals as moral agents. Note that the protective role played by these rights is imperative for Miller, primarily because they provide the stability that is necessary for individual deliberation and pursuit of the good. They identify, maintain, and safeguard the borders of individual space for self-determination. They are the basis of toleration within a liberal democracy. Constructing a space for individual determination and pursuit of the good demands that the worldviews of others are accorded a certain level of respect. It also requires a certain level of respect for the meaning and direction that the good provides for personal behavior. In other words, these rights require persons living in liberal democratic societies to *tolerate* other's activities and decisions even when they find them objectionable. We tolerate, Miller writes,

not when we decline to share or endorse someone else's beliefs, attitudes, or practices, but when we disapprove of them. Toleration is not a matter of being neutral about another's views; it presumes a negative judgment. Our judgment is bracketed, however, by the assignment of respect to the bearer of those beliefs, attitudes, or practices as someone with inherent dignity. (Miller 2010, 68)

Just as importantly, these rights also determine what Miller refers to as the "limits of toleration," typically drawn at the point where acts "harm innocent persons or undermine socially important goods" (Miller 2010, 68).

By now, the reader has likely noticed that Miller's book is not just about religious violence. It is also about liberalism. To be more precise, Miller demonstrates how liberal frameworks establish a set of *prior* commitments. These are prior because they supersede religious legitimations of moral principles when those religiously legitimated principles do not meet the standards established and required by liberal values and commitments. For Miller, the mutually enforcing values of autonomy and tolerance impose "duties on everyone, generating the duty of toleration premised on the norm of respect for persons" (Miller 2010, 81). So, those who engage in religiously legitimated acts of violence deny others the freedom—and ultimately the autonomy—necessary for human flourishing within the liberal democratic framework. Those who deny this to others commit a "gross and flagrant injustice" (89) that is not protected within the bounds of religious tolerance because religiously legitimated violence transgresses the borders of protected space granted to individuals. Therefore, the fundamental and prior value of "basic moral principles"—embodied in the values of autonomy and toleration—*constrain* certain

forms of human action. Furthermore, this is true even if these forms are religiously legitimated (120–31).

It is, in fact, the charge of *intolerance* that Miller utilizes to critique the attacks of 9/11. For him, the attacks literally and symbolically denied the right of other persons to pursue a vision of the good that differed from those of the al-Qa‘ida militants. They denied human beings the right to autonomy which, he argues, the *sine qua non* of the moral life. The attacks were nefarious not only because of “the lethal threats that they are meant to authorize” or “their hatefulness,” but also because “they are fundamentally and unashamedly intolerant. They fail to honor the value of human dignity and the respect for persons that it entails” (Miller 2010, 69).

Miller’s work provides a clear framework through which those aggrieved by 9/11 might articulate their moral indignation in terms that remain securely committed to the liberal values of religious liberty and toleration. However, despite the real value of this work, it is also possible that Miller’s readers (or at least this one) might wish to move beyond indignation to the construction of a response that is directed to those responsible for the events of 9/11. Satisfying such a wish, admittedly, is not Miller’s task. Yet, in reading his position one feels inclined to assume that those aggrieved by 9/11 would want to take the additional step of directing that indignation into a dialogue that will be heard not only by those who share these commitments to liberalism, but also—and perhaps especially—by those who do not subscribe to the values of liberalism or who are not motivated by its claims.

Miller’s work can help to initiate this additional step. His thinking points to a deep incommensurability between the foundations of indignation on the one hand, and the thinking of militants like Osama bin Laden on the other. Two quotes from Miller are useful here:

those who deny freedom to others, including religious freedom, act inconsistently when they claim such freedom for themselves. They fail to respect others as equals and instead assume a position of superiority, drawing on religious confession and authority to support their stance. Intolerant persons ask for themselves what they deny to others, thereby assuming or acquiring a greater share of freedom in matters of religious or moral conviction. (Miller 2010, 75)

The equal right to liberty imposes duties on everyone, generating the duty of toleration premised on the norm of respect for persons. On this view, we have grounds to expect others, including violent religious extremists, to tolerate persons whose ends they do not endorse within constraints implied by equal liberty. (Miller 2010, 81)

In the al-Qa‘ida-brand of militancy, however, the underlying premises of the liberal democratic framework are antithetical to their own worldview. Take, for example, the following quote from the al-Qa‘ida handbook:

The confrontation that we are calling for with the apostate regimes does not know Socratic debates . . . Platonic ideals . . . nor Aristotelian diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing, and destruction, and the diplomacy of the cannon and machine-gun. Islamic governments have never and will never be established through peaceful solutions and cooperative councils. They are established as they [always] have been. By pen and gun. By word and bullet. By tongue and teeth. (Post 2005, 13)

Liberal democrats wish to provide an environment where persons can determine and pursue their individual understanding of the good. On the other hand, Al-Qa'ida militants are interested in bringing about a *singular* vision of the good.¹⁸ For al-Qa'ida, there is only one correct social and civic framework, and it is constructed and maintained by the dictates of God's law. Realizing this framework, of course, requires a government system engaged in this task and forcefully committed to it. So while liberal arguments privilege toleration, radical militants privilege bringing about one vision of the good that must be imposed, through the use of force if necessary.

Herein is our problem. It seems that if we move past our indignation toward a response to those inspired by the moral framework of al-Qa'ida, we must do so in a way that speaks directly to that framework. That way, such persons might be motivated to listen. While the idea of a conversation between "us" and al-Qa'ida seems a bit fantastical, this is in fact the line of thinking most recently advanced by major policy and decision makers, including Muslims in both Western and majority-Muslim states. Arguing that the War against al-Qa'ida is a "war of ideas," interested parties contend that such a war must be "fought" by delegitimizing the al-Qa'ida narrative, and that doing so requires engaging militants through the Islamic tradition and its framework for just war (Obama 2011b).¹⁹

In this task, it seems necessary to note the historical forms of social criticism that exist within the Islamic tradition. Miller is uncomfortable with this line of thinking. Noting the historical forms of social criticism articulated by John Kelsay and James Turner Johnson, Miller argues that the legal and doctrinal restrictions on the use of force that they both point

¹⁸ There are different interpretations regarding the particularities of this vision among bin Laden-type militants; however, there is a common set of assumptions and arguments regarding the state of the Muslim world and the direction that it (and Muslims) must pursue.

¹⁹ In fact, President Obama recently created the Center for Strategic Counterterrorism Communications, emphasizing the importance of "counter-narratives." See Obama 2011b. Work on the counter-narrative issue by the author is forthcoming.

to be inadequate.²⁰ These moral constraints do not provide enough in the way of serious restrictions, as their implementation depends heavily on interpretation.

While it is true in a formal sense that Islamic teaching shares commonalities with just-war doctrine's basis for and limits to the use of force, I am not persuaded that Islam is as strict or that its limits are satisfactory. To be sure, Islam is not a religion of "total war" if by that one means "unlimited war"; there are limits to the use of force in Muslim tradition. But the important philosophical question goes beyond whether there are limits to the use of force in Islamic teaching to include whether they are drawn in the right places and in the right way. (Miller 2010, 24)

On this point, I very respectfully suggest that if one is to take into account the incommensurability highlighted above, this internal form of social criticism serves a crucial (and probably unavoidable) role in framing a social critique that is persuasive to those convinced by al-Qa'ida's forms of legitimation. Furthermore, evidence indicates that deflating the underlying belief system of al-Qa'ida is an effective tool for undermining its popular support, and in some cases, the support of its members. To cite a few examples, counterterrorism experts argue that the high number of Muslim casualties in al-Qa'ida attacks is a serious problem for the group, as its leaders struggle with reconciling the non-intentional killing of Muslim innocents with their grand narrative (Helfstein, Abdullah, and Obaidi 2009). Additionally, Ken Ballen, in a book detailing the lives of former al-Qa'ida militants, argues that a number of these men left groups affiliated with al-Qa'ida because of perceived corruption and lack of piety on the part of their leaders (Ballen 2011). All this is to suggest that utilizing these additional forms of social criticism—and specifically forms present within the tradition itself—are necessary if we want our critique to be heard.

Thus far, this essay has discussed how moral and ethical frameworks are brought forward in response to those who have aggrieved us. These frameworks, however, are also useful when we wish to respond to our *own* moral breaches—to assess, critique, and construct a path for moving forward from our *own* transgressions. On this point, no issue is more germane than the debate about the moral legitimacy of torture. As photographs of Guantánamo Bay inundated international media, Americans were straining to make sense of the images on their screens. The dialogue between proponents of torture (arguing for necessity and national security) and those against torture (arguing that that torture is a gross violation of American values) is a clear example of how the

²⁰ For examples of Kelsay and Johnson's work referenced by Miller, see Kelsay 2001 and Johnson 2005.

American moral traditions function in organizing responses to the ethical question posed by the War against al-Qa'ida. I would like to close this discussion by using David Gushee's edited volume to describe one example of this discourse.

3.2 *David Gushee*

Gushee's edited volume is the result of a conference on the effects of torture on the American "national soul."²¹ While the conference had a confessional (Christian) coloring, the invited speakers were "Muslim, Jews, Protestants, Catholics, conservatives, liberals, skeptics and secularists" (2010, xi). A shared set of arguments weaves this collection together. I quote from the essays extensively to demonstrate three common threads.

First, torture violates deeply held tenets of American self-understanding as a nation that values human dignity. As a people professing the value of human dignity, Americans cannot utilize these methods. He writes,

torture is wrong. It is undeniably, morally, irrefutably wrong. It requires valuing ourselves so much more than others that we do not care that we may be punishing an innocent person, in which case we may be inflicting pain for no reason. . . . Even were it possible to know for certain that an individual had valuable information, torture is wrong. It is wrong to inflict that kind of pain. We know it is wrong, and by accepting it we injure ourselves not only in the moral standing of the world, but in our own eyes. To be torturers harms us as individuals, as a country, and as exemplars to the rest of the world. (Gushee 2010, 11)

Second, torture is ineffective.

The desired response is almost never achieved through the use of torture, and at times simply produces a false response. It can also result in the death of a potential source of information. It is therefore surprising that so much has been made of the "ticking time bomb" scenario. Some people have advocated the use of torture in a situation where a terrorist attack is imminent and torturing the perpetrator could save hundreds of lives. Alan Dershowitz has said that torture should then be authorized by the courts through the granting of "torture warrants." Besides the fact that this hypothetical scenario is very unlikely to happen, making exceptions for the use of torture in public debate most certainly does not adhere to the public values this country has always stood for. The ticking time bomb scenario is a dangerous one, because it justifies turning torture into an administrative process, and elevates its use into an acceptable standard. Torture should never become a part of public policy, even in the most extreme scenarios. (Gushee 2010, 33)

²¹ The conference was hosted by Mercer University, Evangelicals for Human Rights, and the National Religious Campaign Against Torture in September 2008.

Third, torture is the worst punishment that one human being can inflict on another. Even more than killing, torture violates the sanctity of human life. While it is primarily the essays by confessional thinkers that make this argument, all the essays reflect this view on some level. As noted by one of the contributors, Tyler Wigg-Stevenson,

The untruth of this defense [of national security concerns] occurs at a much more fundamental level, requiring that we believe two simultaneous lies. First, it asks us to believe that human beings are less than God created us to be, and second, it asks us to believe that the power and purpose of the government is greater than God has ordained it to be. . . . For us to believe that torture can ever be justified, we must first pretend that an individual—the one who is tortured—is less than the image-bearer of God that the Genesis creation account tells us each person is. (Gushee 2010, 142)

The overall point is this: it is *because* we are a people professing a set of beliefs about human dignity and human life that torture is an abominable and inexcusable act. In light of our moral and ethical commitments, the revelations of torture are a stain on our national soul. We have transgressed our own values, and done so in the most egregious of ways. As Gushee himself summarizes, “No human being should be treated as we have treated people in our post-9/11 national fear, grief, and anger” (Gushee 2010, xi).

As a collection, these essays confirm what I believe is a widely shared judgment on the part of Americans that torture of innocents, for any reason, is categorically wrong. But proponents of torture are not arguing that it be used against innocents; rather, they argue that it be used against those who hold information that might *save* innocents. Proponents of torture are challenging the Gushee collection’s foundational assumption about the ineffectiveness of torture. Proponents of torture argue that it is, in fact, an effective method of obtaining intelligence that can save the lives of innocents. Some even claim that intelligence obtained through these methods led to the capture of several high level al-Qa’ida operatives, and to the capture of Osama bin Laden himself. Insofar as torture works, its proponents reason, and insofar as it provides information that can save innocent lives, how can America—facing the threat of global terrorism—*not* utilize every tool in its box? While it highlights the issues above, the Gushee volume’s categorical condemnation of torture is largely premised on the assumption that torture is ineffective. However, since this claim has not been definitively established, the Gushee collection ought to put less focus on this issue and more focus on the other principles that I highlighted above. Moreover, they ought to address directly the public arguments that insist coercive interrogation methods are warranted insofar as they are effective. This, of course, is hindered by the fact that the Senate Select Committee on Intelligence will not release the necessary documents on rendition that may help definitively establish such claims.

So, the questions for the Gushee collection are these: What *if* torture is effective (the scientific verdict of this remains inconclusive)? What *if* the federal government had a person in their custody with crucial information? And what *if* that information could save thousands of innocent lives? The Gushee essays argue that the “ticking time bomb” scenario is fictitious, erroneous, and deceptive. However, those who have read the prolific manuals, treatises, epistles, and life stories written by al-Qa’ida-brand militants will note that such a scenario is not far-fetched (see Post 2005; Lacey 2008). Calling notice to these points is *not* to say that torture is acceptable. But if the assumptions about the effectiveness of torture cannot at this point be established definitively one way or the other, then a categorical position against the use of torture must be construed in light of the possibility that the answer to all the questions posed at the beginning of this paragraph is “yes.” Then what?

4. Concluding Thoughts

While the threats have shifted, American historical moral traditions—on the just use of force, liberalism, and democratic discourse—provide a set of principles that remain critically relevant in their ability to provide realistic and practical frameworks for moving forward. While it is clear that American military and diplomatic engagements are facing new issues and questions, these volumes testify to the rich and creative use to which the legacy of American reflections on the just use of force may be put. Through the volumes discussed, and the discussion that followed from them, this piece argues for the importance of a set of principles drawn from these traditions that have long served to guide American conduct: the protection of civilian lives, just cause for preemption, the importance of legitimate authority, and the necessity of democratic discourse to a moral and ethical life lived in common.

I have sought to demonstrate that these principles remain relevant and applicable in their continuing ability to manage the line between a need for security, and a desire to maintain a set of moral and ethical commitments on the use of force. In this way, the works by Totten, Nathanson, Miller, and Gushee demonstrate a pragmatic point about American moral traditions: there is a connection between the need for security and a desire to do it right. These volumes, through their individual examinations of a set of values, *collectively* demonstrate that these values are an integral and distinguishing component of American discourse on the use of force, and relatedly, an integral part of what it means to participate in the American project. These authors insist that we ought to guide and to judge the moral bearing of American use of force through such frameworks and principles.

In closing, it appears necessary to point out the ramifications of insisting on a connection between moral frameworks and American military and diplomatic conduct. This connection is often broadcast into the international arena through official speeches and statements. This inevitably means that American conduct will be scrutinized, evaluated, and ultimately held accountable to it by international public opinion. Breaches of these values are judged and critiqued in a way that often significantly impairs support for American efforts. Therefore, taking a cue from the thinkers discussed, it is clear that in the conflict with al-Qa'ida and other militant forces, described as a "war of ideas" or as a conflict between radically different notions of the good life, it is only reasonable to insist that we remain committed to our own.²²

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Letters, Notes, & Comments

■ *Subject:*

“Defending Niebuhr From Hauerwas”

by David Novak

Journal of Religious Ethics 40.2 (June 2012): 281–95.

and

“Remembering How and What I Think: A Response to the *JRE* Articles on Hauerwas”

by Stanley Hauerwas

Journal of Religious Ethics 40.2 (June 2012): 296–306.

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THE NEO-BARTHIAN CRITIQUE OF REINHOLD NIEBUHR

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ABSTRACT

The author notes an unclarity in David Novak’s defense of Reinhold Niebuhr against Stanley Hauerwas’s critique and identifies some issues left unsettled in the exchange between Novak and Hauerwas over Niebuhr’s ethics. Specifically, the author proposes that the Barthian-Hauerwasian communitarian rejection of Niebuhrian natural theology and natural law ignores the historical abuse of biblical theology in the German Christian response to the Nazis, fails to account for the fact of *general* moral revulsion against Nazism, and flirts itself with a conventionalist form of nihilism.

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KEY WORDS: *Reinhold Niebuhr, Stanley Hauerwas, David Novak, Karl Barth, natural law, natural theology, liberal theology, nihilism, relativism, communitarianism, ethical particularism, christocentric ethics, Barmen Declaration*

Overall, I think David Novak's appeal to natural law is on the right track in defending Reinhold Niebuhr against Stanley Hauerwas's critique. But I remain uncertain about how that appeal comports theoretically with Novak's expressed preference for a Barthian communitarian particularity against Niebuhr's affirmation of moral standards embraced by "the wider world" (Novak 2012, 283). Thus, while I think Hauerwas presses too hard when he questions generally whether "Novak's defense of Niebuhr . . . gets to the deeper issues" (Hauerwas 2012, 303), I agree that some important issues are left unsettled by Novak's account. I identify those issues in what follows.

Of course, a characteristic feature of Niebuhr's theological method is his openness to biblically independent, experiential appeals in settling questions of theology and, indeed, his allowing such appeals to shape biblical interpretation itself. For Niebuhr general human experience does and should influence theological doctrine, which, in turn, does and should influence the theologian's construal of scripture, revelation, or the Word. Thus, in *An Interpretation of Christian Ethics* Niebuhr indicts Christian "orthodoxy" for espousing antiquated "religious truths" falsified by modern science and outmoded "precepts deriving their authority from their—sometimes quite fortuitous—inclusion in a sacred canon," which itself should be subjected to critical historical scrutiny grounded in the best that human reason and experience afford (Niebuhr 2013, 4). Moreover, Niebuhr's general project of biblical deliteralization and mythic-symbolic interpretation presupposes the pruning of biblical narrative of formulations that do not meet the requirements of modern scientific, historical, and philosophical investigation. Only a theology informed by such critical self-consciousness, in Niebuhr's view, is adequate to provide intelligible answers to intelligible questions posed by Christians living in the modern world.

Hauerwas is just one of a number of contemporary theologians influenced by Karl Barth who have charged that Niebuhr takes this critique of orthodoxy too far and in effect remakes the central mistake of nineteenth-century liberal theology exposed as mistaken decisively by Barth himself. Presumably, that mistake was to turn theology into stealth anthropology by reducing Christian claims to a set of propositions legitimated by general human epistemic standards independent of special revelation, propositions that, in effect, recast talk about God into talk about humanity. In Barth's own words:

For this theology, to think about God meant to think in a scarcely veiled fashion about man. . . . To speak about God meant to speak in an exalted tone but once again and more than ever about this man—his revelations and wonders, his faith and his works. There is no question about it: here man was made great at the cost of God—the divine God who is someone other than man. (Barth 1960, 39–40)¹

For Barth the logical consequence of this “anthropocentric” and “humanistic” liberal theology is Feuerbachian atheism, which holds that “statements of the Christian faith . . . are in reality statements of more or less profound human needs and desires projected onto the infinite” (Barth 1960, 26).²

Recent neo-Barthian critiques of Niebuhr as “liberal theologian” replay in various ways the themes of Barth’s attack on nineteenth-century liberal theology. Thus John Yoder, a student of Barth’s, charges that “Niebuhr’s theology is first of all an anthropology, his doctrine of God first of all a doctrine of man” (Yoder 1968, 4). As a result, allegedly, Niebuhrian ethics goes awry, particularly in its anthropocentric turn away from divine command and toward humanly expedient compromise of Christian love.

For Niebuhr derives his ethics from the fact of man’s predicament, and the Bible derives not only ethics, but everything from the fact of God’s redemption. Those Christian doctrines which relate to the redemption are consistently slighted by Niebuhr, transferred to another realm of being, or read as mythological expressions of man’s capacity for transcendence. (Yoder 1968, 20)

Similarly, Samuel Wells, following closely the Barthian theologian George Hunsinger, suggests that Niebuhr’s “anthropocentric” construction of sin as “real” prompts him to designate Christian love as ideal or as “impossible possibility,” that this construction is theologically mistaken, and that the Niebuhrian error is remedied by the Barthian alternative, a “theocentric” or christocentric construction of “reality.” In the Barthian account, God’s election of humanity in Jesus Christ as depicted in scripture establishes the ultimate “reality” of love and thus, in some important sense, the unreality or ontological impossibility of sin. “The claim of the New Testament is that Jesus’s incarnation, crucifixion, resurrection, and ascension have changed the dimensions and boundaries of the real—not by offering an ideal, but by manifesting and creating a new reality” (Wells 2010, 76–77; Hunsinger 1991, 38–39).

Hauerwas’s Gifford Lectures offer the most audacious and notorious, if not the most significant, instance of this neo-Barthian critique of Niebuhr (Hauerwas 2001). In those lectures Hauerwas claims that “Niebuhr’s theology seems to be a perfect exemplification of Ludwig Feuerbach’s

¹ The quoted remarks are from a lecture Barth delivered in 1956.

² The quoted remarks are from a lecture Barth delivered in 1957.

argument that theology, in spite of its pretentious presumption that its subject matter is God, is in fact but a disguised way to talk about humanity" (Hauerwas 2001, 115). For Niebuhr, as for William James and Ernst Becker, "Christianity is nothing more than a disguised humanism, and theology is really anthropology" (Hauerwas 2001, 116). This anthropology seeks to "naturalize theological claims in a manner that would make them acceptable to . . . scientific and political presuppositions" and evaluates "theology by its ability to provide provocative accounts of the human condition" (Hauerwas 2001, 115). In this "natural theology," doctrines stand or fall instrumentally, that is, to the degree they illuminate or support the human project. For example, God's crucified love is validated mainly as a symbol that resolves the problem of the uneasy conscience, God's forgiveness is a construct warranted by its fulfilling a natural human "longing for forgiveness," and the doctrine of justification by faith "is loosed from its Christological context and made a truth to underwrite a generalized virtue of humility in order to make Christians trusted players in the liberal game of tolerance" (Hauerwas 2011, 115, 136). Thus Niebuhrian theology aims to fashion an "ethics for everyone" without distinctively Christian moorings, and it is no surprise then that there emerged at one point a group called "atheists for Niebuhr." Yet an ethics for everyone, the ambition of liberal culture, is in fact an ethics for no one or, better said, no ethics at all since it is "haunted by what Nietzsche described as the abyss," that is, with the death of God, moral nihilism or "blackness at the heart of modernity" (Hauerwas 2001, 139).³ Such is the consequence of "Niebuhr's theology," which "reflects the loss of truthful Christian speech and, hence of faithful Christian practice." Again, the remedy is said to be "Barth's theology," which, in its uncompromising biblical christocentrism, "is an unfaltering display of truthful Christian speech and, as such, is a resource that" Christians "literally cannot live without, if we are to be faithful to the God we worship" (Hauerwas 2001, 140).

Here we can focus only on the central *reductio* of Hauerwas's neo-Barthian critique, namely, the argument that Niebuhr's validation of a general human religious and moral knowledge independent of explicitly Christian convictions represents an anthropocentric turn away from God that must issue in Nietzschean nihilism. For Hauerwas there is an analogy between this *reductio* and Barth's own 1934 Barmen Declaration, which indicted the "German-Christian" support of Hitler's regime and proclaimed that this profound moral failure was the disastrous result of the German-Christian capitulation to "natural theology" and the attendant abandonment of distinctively Christian epistemic criteria for determining religious and moral truth (Hauerwas 2001, 169–71).

³ The influence here of Alasdair MacIntyre is manifest. See MacIntyre 1984, 109–20, 256–63.

But in response Niebuhr surely would note that while the German Christians undoubtedly did employ a perverted “natural theology,” Barmen’s and Barth’s polemic against natural theology *as such* sidestepped the issue of the degree to which Christian scriptural appeals, especially to Romans 13, were utilized in Nazi theological justifications of Hitler’s authority, and, more generally, passed over the question of the way appeals to Romans 13 have underwritten any number of pernicious political theologies in the history of Christianity (Niebuhr 2013, 143–57).⁴ The point is that *both* natural *and* biblical theology are liable to sinful distortion in a fallen world, but that possibility does not show that either is intrinsically deficient.⁵ Moreover, Niebuhr likely would insist, the critical principles utilized in Barmen to reject the validity of scripturally independent claims for Christian ecclesial proclamation are inadequate in themselves to explain the undeniable fact of extra-Christian, non-biblically centered, humanistic, but rightful moral revulsion toward the Nazis both then and now, including the judgment of the post-war Nuremberg tribunal that the Nazis were in violation of a “natural law” accessible to all via conscience and thus could be held responsible for these moral crimes however such might have been permitted or enjoined by the “positive law” of Nazi society. Indeed, Niebuhr states explicitly and with some plausibility that Barth’s dismissal of, among other things, the “liberal conception of natural rights” (the phrase is Barth’s own) leaves him with a “doctrinal justification for his opposition to Nazi tyranny” that “is hardly sufficient to explain that opposition” (Niebuhr 1943, 279).

Of course, Hauerwasian neo-Barthians are inclined to argue that “natural-law” or “natural-rights” determinations are little more than promethean exercises in self-deception, that there is no *universal* moral law available to all human beings as such in virtue of a general human experience, reason or conscience, no *general* moral truth of the matter that transcends the convictions and practices of particular historical communities. For the Christian, in this view, to know moral truth is to behave in a *Christianly* “truthful” manner, to participate faithfully in a wide array of communally and biblically specific, Christ-laden practices (Hauerwas 1977, 8–11, 57–70). Such an understanding is properly “postliberal,” the rightful reflection of a commitment to “absorbing the universe into the biblical world” (Lindbeck 1984, 135).

But, as Niebuhr likely would respond, this kind of neo-Barthian “communitarian” position itself flirts with a form of nihilistic relativism, especially when the position is associated, as it is in the case of Hauerwas

⁴ See Voegelin 1999, 178–83 for an account of German Christian appeals to Romans 13. More generally, Robert P. Ericksen has argued that both support of and resistance to Hitler cut across any number of theological divides (Ericksen 1985, 24–26).

⁵ For Niebuhr’s critical appreciation of natural theology as natural law see Niebuhr 1941, 269–300.

and others, with a kind of naturalistic-linguistic positivism incorporating Wittgensteinian reductions of knowledge and truth to whatever discursive moves just happen to be permitted by the contingent rules of a natural language game.⁶ For the Niebuhrian Christian, the “truth” or normativity of, say, the command to love the neighbor is not reducible to the fact of its warranted assertability as part of a conventional practice in the historical Christian community. Rather, this truth or normativity is a function of relation to an ultimate reality that transcends the de facto conventions and practices of any given historical community. “Thus the Christian believes that the ideal of love is real in the will and nature of God, even though he knows of no place in history where the ideal has been realized in its true form. And it is because it has this reality that he feels the pull of obligation” (Niebuhr 2013, 8–9).⁷ And as Robin Lovin rightly notes, for the Niebuhrian, knowledge of this reality, however limited, avails itself to humans through a process in which generally humanistic and distinctively Christian inquiry engage each other in a dialectic of mutual confirmation, correction, and illumination (Lovin 1995, 45–46, 243–44). To assert that biblical proclamation invariably reigns supreme in the dialectic or that humanistic investigation inevitably leads to the Nietzschean abyss evinces likely an intellectual pride harboring “pretensions of final knowledge and ultimate truth . . . partly prompted by the uneasy feeling that the truth is not final and also by an uneasy conscience which realizes that the interests of the ego are compounded with this truth” (Niebuhr 1941, 196). Such pride, Niebuhr would insist, is no badge of Christian witness; it is rather a form of sin—rooted in nothing less than pretension to divinity itself (Niebuhr 2013, 86–87).⁸

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⁶ “Ethically Barth is as relativist as Westermarck and epistemologically as much a positivist as Carnap” (Niebuhr 1986, 230). For Niebuhr’s general critique of naturalistic relativism see Niebuhr 1941, 275, 284. On Wittgensteinian philosophy and conventionalist nihilism, see Santurri 1991. At one point Hauerwas explicitly rejects the view that Wittgenstein is a conventionalist all the way down and proposes that for Wittgenstein some moral commitments are grounded in “nature” rather than convention. But I find such a reading of Wittgenstein implausible (see Hauerwas 2011, 126n28).

⁷ Quoted in Lovin 1995, 20. On Niebuhr’s “realistic” theory of moral and religious truth generally see Lovin 1995, 11–28.

⁸ I offer a larger defense of Niebuhr’s theological ethics against contemporary critics in my “Introduction” to Niebuhr 2013.

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the author replies

■ *Subject:*

“Remembering How and What I Think: A Response to the *JRE* Articles on Hauerwas”

by Stanley Hauerwas

Journal of Religious Ethics 40.2 (June 2012): 296–306

and

“The Neo-Barthian Critique of Reinhold Niebuhr”

by Edmund N. Santurri

Journal of Religious Ethics 41.3 (September 2013): 541–47

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NIEBUHR ONE MORE TIME

A Response to Santurri

Stanley Hauerwas

ABSTRACT

In this essay Stanley Hauerwas offers a response to Edmund Santurri’s review of Reinhold Niebuhr’s *An Interpretation of Christian Ethics*.

With his usual clarity, Santurri nicely characterizes the fundamental differences between Niebuhr’s thought and what, or perhaps better how, I think. I continue to stand by my characterization of Niebuhr’s theology though I want to make clear, as I think I have said in my accounts of Niebuhr, that he was a great Christian. Indeed I have no doubt that he was a more impressive Christian than I can ever pretend to be. That he was so embedded in the Christian faith I suspect is one of the reasons

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he was so ready to reconfigure Christian convictions on the basis of general accounts of “human experience.”

Santurri suggests that those of us identified with the “neo-Barthian” critique of such appeals to “experience” think such a focus cannot help but conclude in nihilism. Though I am not sure what makes me a “neo-”Barthian I do not recall if I have ever drawn the conclusion that Santurri says I do. It has never occurred to me to accuse Niebuhr of nihilism. One of the reasons I have never drawn that conclusion is due to my lack of clarity about how to characterize nihilism.

I am willing to say this. I think, as David Bentley Hart suggests in *Atheist Delusions*, that the violence unleashed after the defeat of Christianity is of a different order because of the introduction of Christians’ “peculiar variant of apocalyptic yearning” into Western culture (Hart 2009, 222–23). Hart thinks such violence may be the result of a form of nihilism that only Christianity could produce. Pagans were not nihilist, but Christians robbed good pagans of their hard won wisdom derived from the study of human and nonhuman nature thus creating a world in which violence became its own justification.

I am not clear how these complex issues may or may not illumine Barmen, but I am sure Santurri is right to suggest that “both natural *and* biblical theology are liable to sinful distortion in a fallen world, but that possibility does not show that either is intrinsically deficient.” Yet people make a difference. That means the question cannot be avoided of what kind of formation was necessary to produce a Karl Barth who could *see* the Nazis for what they were. He not only saw them for what they were, but he diagnosed the evil they represented. Niebuhr saw the Nazis as a great threat but it is not clear to me that he saw them as Barth did, as the embodiment of the denial of God.

Santurri ends with the worry that my Barthian perspective can at best only claim warranted assertability for the truth of Christian convictions. By contrast, a Niebuhrian can claim the command to love the neighbor is true in a manner that transcends all conventions and practices of a historic community. Santurri has long worried that the influence of Wittgenstein has led some of us to the kind of conventionalism he thinks Niebuhr avoids (see Santurri 1991). In this short reply all I can say is that Wittgenstein does not offer a general account that might be characterized as a claim of warranted assertability. But even more important, Wittgenstein (and Barth) provides the therapies that hopefully help us avoid the pride Santurri rightly identifies as sin.

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RESPONSE TO EDMUND N. SANTURRI

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ABSTRACT

Barth and Niebuhr seemed to be wary of natural law because each of them thought that the “natural” in natural law means that natural law has to be rooted in natural theology. However, natural law today is more cogently formulated without any natural theology at all. “Natural law” means that law can be derived from the twofold character or nature of human personhood: the capacity for a communal relationship with other humans, and the capacity for a covenantal relationship with God, both of which continually overlap in human life. The natural or external world only provides the backdrop for these human capacities; it does not determine them.

Let me respond to a comment of Edmund N. Santurri’s about my essay, “Defending Niebuhr From Hauerwas.” He writes: “David Novak’s appeal to natural law is on the right track. But I remain uncertain about how that appeal comports theoretically with Novak’s expressed preference for

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a Barthian communitarian particularity against Niebuhr's affirmation of moral standards embraced by 'the wider world' . . . some important issues are left unsettled by Novak's account." The question is whether or not my agreement with Barth's (and after him Hauerwas's) refusal to allow the fact and the content of revelation to be judged by any external (worldly) standard is consistent with my natural law position in Jewish theology. Santurri seems to doubt it.

My answer is that both Barth and Niebuhr seemed to be wary of natural law because each of them thought that the "natural" in "natural law" could only be understood in a Platonic-Stoic way. Neither Barth nor Niebuhr could conceive of natural law being formulated in Hebraic rather than in Hellenic categories. According to their view of natural law, law is "natural" insofar as it participates in and comports with a larger intelligible cosmic order: nature. Moreover, that cosmic order is essentially teleological. As such, natural *law* is the principled statement of a natural *ethic*, which is ontologically grounded in the ends (*telē*) natural human *praxis* intends, thereby participating in the overall teleological thrust of the cosmos. (That is why natural law thinkers like Maimonides and Aquinas found Aristotle, the greatest and most original "teleologist," so helpful for their practical philosophical reasoning.)

Now Barth rejects natural law because he sees it being necessarily rooted in the type of natural theology (God being the end-of-all-ends) that inevitably makes revealed theology at best its handmaiden (*ancilla philosophiae*) and at worst its enemy. For Barth, one could say this goes against the admonition: "There is no wisdom, there is no understanding, there is no counsel against the Lord" (Proverbs 21:30). Hence no idea of nature, whether Aristotelian or Kantian or Darwinian or Freudian (taken wholly or even partially), can become a standard by which revelation is judged, either favorably or unfavorably.

Niebuhr, though, only rejects Platonic-Stoic-Aristotelian *nature* because cosmic teleology's demise already began with Galileo's and Newton's rejection of Aristotelian-Ptolemaic physics, and has now been completed by Kant, Darwin, and Freud. Modern ideas of nature, on the other hand, are more empirically demonstrated; therefore they are more metaphysically circumspect. Since they do not suppose any natural theology or notion of God, in and of themselves they do not even suggest any rival to the God of the Bible. That being the case, modern ideas of nature cannot be invoked to judge the validity of biblical theology, because the two are speaking different languages altogether. Only when these ideas of nature are used to propose a metaphysical "naturalism" that does not follow from their basically empirical application, only then are these ideas overextended to draw unwarranted anti-theological conclusions. Hence these claims are easily punctured, and they were easily punctured by Niebuhr, especially in his magnum opus *The Nature and Destiny of Man*.

So, despite their differing rejections of natural law, both Barth and Niebuhr (*mutatis mutandis*) saw it to be necessarily rooted in a natural theology, the main refutation of which was for Niebuhr philosophical, and for Barth theological. Now my main difference from both of them is that I reject natural theology for theological *and* philosophical reasons. In fact, I think natural law is much better formulated without any natural theology at all. For me, the “natural” in “natural law” is not an adjective that is hypostatized into a super-noun naming a transcendent, all inclusive entity: *Nature*. Instead, “natural” in “natural law” means that laws or norms can be derived from the twofold character or *nature* of human personhood, which is the natural (as in “natal” or “born-with”) capacity for a coherent (that is, a just and peaceful) relationship with fellow humans, who themselves have the natural capacity for a relationship with God. This latter capacity is how I understand the biblical doctrine of *tselem elohim* or *imago Dei*. The adjective “natural” in both these overlapping human relational capacities does not name a whole greater than even the sum of all its parts. Instead, this *nature* (*mishpat* in biblical Hebrew; see Genesis 18:25) is what pertains *among* the human participants in the interhuman world, but it does not *contain* them in a larger reality in which even God is contained (albeit at its apex).

What in modernity is usually called the “natural world” is the external world of impersonal phenomena, which even when taken to be created by God, does not comprise a cosmic order to which humans are beholden. Instead, the external phenomenal world is where we admire aesthetically and cognize scientifically the divine creativity that biblical revelation teaches us lies behind it; but it is not wherefrom we can cogently infer any divine creativity operating within it, though. As such, unlike the classical view of nature that functions as the ultimate criterion (*conditio per quam*) of everything human, this more modern view of nature only takes it to be a negative limit (*conditio sine qua non*) of what can be said of anything that occurs in the world we humans experience. So, for example, both Niebuhr and Barth would probably reject the type of “creationism” proposed by some biblical literalists, who think that biblical cosmic chronology must be affirmed, even when it flies in the face of what seems to be virtually unanimous scientific opinion that the external world we humans experience is much much older than it is when biblical chronology is taken to be literal scientific fact. Nevertheless, both Niebuhr and Barth would reject any metaphysical presumption that concludes from this scientific consensus that the world we experience could not be the product of the overall wisdom of the Creator God. They would also reject the “technocratic” conclusion from this naturalist metaphysical presumption, namely, that since the world is not the product of the Creator God, humans may do with it as we will because we can take possession of it inasmuch as we humans have no competing possessors. But this view of nature has no

more scientific basis than does the biblical doctrine that the external world is only lent to us on the condition that we are responsible for how we use it. It is thus there *for us*, but not for us alone. Moreover, this biblical doctrine about the way external nature is to be treated by us humans with respect is much more attractive morally than is the competing “technocratic” view.

When it comes to the twofold human condition in the world, which is our understanding of “nature” as *human nature* (that is, the interhuman relationship and the God-human relationship with which it is always intertwined), it seems to me that Niebuhr was more astute about the interhuman relationship (whose chief virtue is justice), and that Barth was more astute about the God-human relationship (whose chief virtue is faith). Niebuhr understood better than did Barth that even though the interhuman relationship ultimately participates in the God-human relationship (*brit* or “covenant” in biblical Hebrew), it is not deduced from it. The connection between the two is teleological. That is, we *first* experience the universality of the interhuman world, *then* we learn from revelation how it participates in the covenantal particularity (better: singularity) of the God-human relationship, which is its true fulfillment. Theology as God’s word, the content of revelation, does not provide premises from which ethics is therefore concluded. However, Barth understood better than Niebuhr that no matter how much humans might desire a relationship with God (what the kabbalists called “the awakening from below”), that relationship can only be truly initiated and sustained by God’s intrusive and demanding revelation (what the kabbalists called “the awakening from above”).

I am honored that the Christian heirs of the thought of Barth and Niebuhr have invited me to bring a Jewish perspective into their perennial conversation about the great theological issues their teachers dealt with so profoundly, to both agree and disagree with them. After all, despite our difference that might be greater than our commonality, together with Barth and Niebuhr, we all attempt to serve the God of Abraham, Isaac, and Jacob nonetheless.