



# Is There a Right to Be Forgiven?

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## Abstract

Imagine a case of wrongdoing—not something trivial, but nothing so serious that adequate reparations are impossible. Imagine, further, that the wrongdoer makes those reparations and sincerely apologizes. Does she have a moral right to be forgiven? The standard view is that she does not, but this paper contends that the standard view is mistaken. It begins by showing that the arguments against a right to be forgiven are inconclusive. It ends by making two arguments in defense of that right.

**Keywords** Forgiveness · Making amends · Right to be forgiven

Imagine a case of wrongdoing—not something trivial, but nothing so serious that adequate reparations are impossible. Imagine, further, that the wrongdoer makes those reparations and sincerely apologizes. She becomes what I will call an *amends-making offender*.<sup>1</sup> Does she have a moral right to be forgiven?

The question is not whether there can be weighty moral reasons to forgive, for there surely can be. It might be important to preserve a valuable relationship. Or, perhaps, holding on to resentment will poison your character. The question is not about moral reasons in general, but about moral rights in particular: does the amends-making offender—the wrongdoer who makes adequate reparations and sincerely apologizes—have a right to be forgiven?

There is some pressure to answer ‘No.’ We are typically entitled to demand our rights. Blacks in the civil rights movement did not meekly request equality; they demanded equal treatment as their moral due. But we typically *ask* for forgiveness—we say “Please forgive me,” not “Forgive me now!” On the other hand, there is some

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<sup>1</sup>I am defining “amends-making offender” as “someone who makes adequate amends and sincerely apologizes.” If the worst offenses do not admit of adequate amends, it will be impossible for the worst offenders to qualify as amends-making.

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pressure to answer ‘Yes.’ We often talk about repentant offenders *earning* forgiveness. What we earn is ours by right.

Philosophers can be a bit cagey about whether there is a right to forgiveness. Roadevin (2017: 2; emphasis in original) is concerned “with an account of *earned forgiveness through apology*, and in particular, with the question of why apologies provide the victim with a reason to forgive.” The quote begins with the bold thought that forgiveness might be earned—ours by right. But it hedges, paraphrasing the bold thought into something much weaker: victims have reason to forgive.<sup>2</sup> Gamlund (2010: 659) follows Roadevin by boldly claiming that we might sometimes deserve forgiveness. But he too hedges, writing that “we ‘deserve’ *x* when there are *pro tanto* good reasons to give *x* to us.” These hedges not only contribute to caginess, they do violence to the concepts of earning and desert. Most of us have good reasons to give our loved ones gifts; such reasons do not entail that our gifts would be earned or deserved.

With one notable exception, philosophers who do tackle a right to forgiveness head-on deny that any such thing exists.<sup>3</sup> This paper affirms what most deny: amends-making offenders have a right to be forgiven. §1 lays down preliminaries. §2 shows that the arguments against a right to be forgiven leave room for doubt. And §3 makes two arguments for the conclusion that amends-making offenders have a right to be forgiven.

Before pressing on, however, I want to confess my own ambivalence. On the one hand, I find the arguments of this paper compelling. On the other, a right to forgiveness would burden victims—which raises obvious red flags. Some of those flags probably reflect a misunderstanding. I am not arguing that all offenders have a right to be forgiven; I focus on amends-making offenders, and adequate reparations may be impossible for the worst wrongs. Even so, the idea of burdening victims *at all* is uncomfortable, and is perhaps a sign that things have gone badly off the rails. This paper, I hope, will be taken as an invitation to think about a tension in the Philosophy of Forgiveness.

## 1 Preliminaries

On the now-orthodox account, wrongdoing is expressive—in addition to whatever material or physical harm it causes, wrongdoing sends a disrespectful message. It says, according to Murphy (1988: 25), “I can use you for my purposes ... I am here up high

<sup>2</sup> Roadevin’s paper is well-argued and insightful. But the language of “earning” forgiveness creates a tension that runs through whole thing. That tension reaches its zenith in a footnote: “I dispute the assumption that earning forgiveness through apology will automatically generate obligatory reasons to forgive. One can earn forgiveness and this ‘earning’ may only generate permissive reasons” (Roadevin 2017: 4, note 10). Something we earn—a salary or a diploma—*just is* something we are owed by right. Putting ‘earned’ in scare quotes and severing its connection to rights is to change earning into a different concept altogether.

<sup>3</sup> Lewis (2018) is the notable exception. He uses resources from the Eirenic tradition to defend a right to forgiveness. Unfortunately, I cannot lay out the details of the Eirenic tradition and discuss their connection to forgiveness in the confined space of this article. Readers, especially those with Eirenic sympathies, will find Lewis (2018) well worth the read. The vast majority of philosophers stand opposite to Lewis and I. Murphy (Murphy 1988: 29) suggests that “repentance does not give one a right to be forgiven.” Bovens (2008: 233) writes, “the offender does not have a claim right that the victim accept her apologies.” Bovens (2009: 232) reiterates that claim. See also: Allais (2013) and Gamlund (2010). Many of these sources assert, rather than argue, that there is no right to forgiveness.

and you are there down below.” What matters here is not the precise content wrongdoing communicates, but the general idea that wrongdoing expresses a degree of disrespect, intentionally or otherwise (Roadevin 2017: 6). Material or physical harm unaccompanied by a disrespectful message can be a bad thing. But it is not wrongdoing in the relevant sense.

The expression of disrespect, on the orthodox account, is why resentment makes moral sense. Resent is a way for victims to lodge protest, to affirm their self-worth, and to reject the disrespectful message. Many authors leap *far* too quickly to the conclusion that it is morally appropriate to resent those who wrong us. Even granting that we should not take disrespectful messages quietly, there might be better, non-resentful ways to lodge protest.<sup>4</sup> But to avoid fighting on too many fronts, this paper will accept orthodoxy: victims’ resentment of wrongdoers is morally appropriate.

*Making amends* is the process of trying to repair one’s wrong. A full and detailed account is topic enough for book.<sup>5</sup> But the basic idea is that offenders must figure out how to restore both the material and the normative damage they have wrought. Material restoration is conceptually straightforward: if I break your window, I must fix it; if I cause you physical injury, I must pay the hospital bills. Sometimes, perfect material restoration is impossible. The thief who steals, melts down, and then sells your family silver cannot return what he has taken (Duff 2002: 4). Still, however imperfectly we manage it in practice, there is no mystery in the *idea* of material restoration. The wrongdoer must make up for the victim’s material loss, as much as that is possible given the details of the case.

Normative restoration refers not to reinstating material conditions, but to establishing morally adequate relationships. As Duff (2002: 7) puts it,

The wrongdoer denied or flouted the values—of mutual trust, concern, respect—by which their relationship as friends, neighbors, colleagues, or fellow citizens was supposedly defined; in doing so, he damaged that relationship as a normative relationship partly constituted by those values.

How can relationships be restored? Offenders must recognize their wrongs as normative violations without minimizing their seriousness. Ideally, proper recognition leads to repentance. Repentance acknowledges to the victim (or victims) that the wrong should not have been done. In a loose sense, repentance is recognition made public—wrongdoers see the normative dimensions of their error, privately regret them, and then communicate all this to their victims. Concrete reparations are often helpful, and sometimes necessary, for normative restoration. They may seem conceptually tied to material restoration, but reparations play a dual role: reparations can make apologies more believable and easier to accept by giving them a material representation.

So: the process of making amends includes *both* material restoration and the offering of a sincere apology. I think—but will not argue at any significant length—that offenders who fail to make these outward signs of contrition do not have a right to be forgiven. Wrongdoing sends a message. It is important to cancel that message, and

<sup>4</sup> Margaret Holmgren (2012: chapter 3) makes this point.

<sup>5</sup> See Radzik (2009). Radzik construes making amends as primarily a matter of mending relationships; I am following her lead.

private regret (being private) is unequal to that normative task. Whereas wrongdoing communicates disrespect, the process of making amends says, “I should not have treated you as I did; you deserve better.” Private regret is important, inasmuch as one cannot count as an amends-making offender without it. But an amends-making offender does not merely regret her mistake; she takes necessary steps to mitigate it.

Determining exactly what will constitute adequate amends for a given offense is tricky. The victim’s subjective impressions matter: amends might be inadequate just because the victim thinks they are. But the victim’s subjective impressions are not wholly determinative either: victims might demand grossly more they are entitled to. Adequacy depends on an array of objective and subjective features, and will probably have to be worked out on a case-by-case basis. For the purposes of this paper, it is sufficient that amends can be adequate to at least some offenses.

In forgiving, victims commit to moving beyond the offense. That will typically involve a willful decision—choosing not to treat the offender *as* an offender. It will typically involve feelings too—foreswearing resentment or other retributive emotions.<sup>6</sup> Of course, resentment may initially linger. It may spring up later, unexpectedly, and victims may have to remind themselves of their commitment. But the moral point—or, better, an important moral point—of forgiveness is to repair the community of equals. We can be equals without resuming our former relationships (spouses might forgive each other, but decide to live as mere equals rather than as spouses). But forgiveness is incompatible with holding on to the wrongdoer’s offense as an argumentative cudgel, with nursing resentment, and with undue wariness.

And now, our main question: Do amends-making offenders have a moral right to be forgiven?<sup>7</sup>

## 2 Three Arguments Against a Right to Be Forgiven

This section plays defense. Against a chorus of skepticism, it makes space for the idea of a right to be forgiven. It cherry-picks favorable examples. And it will not leave the reader with a particularly clear sense of *why* amends-making offenders have a right to be forgiven (that is the job of §3). The task of §2 is modest: to make space for a right to be forgiven by defeating three arguments.

### 2.1 The Argument from Moral Practice

The argument from moral practice begins by noting that we are entitled to *demand* our rights. Yet we typically *ask* for forgiveness. A right to be forgiven can thus seem out of step with moral practice. And if our moral practices defeasibly reflect moral realities—the argument concludes—there is probably no such right.

What should we say about the argument? Moral practice is more complicated than it lets on. Imagine that my daughter wrongs me in a way that is not gravely serious, but is

<sup>6</sup> Pettigrove (2012: chapter 1) is a particularly lucid account of forgiveness. He analyzes “I forgive you” as a speech act, and argues that the act involves taking on several normative commitments—in particular, commitments not to retaliate, to foreswear resentment, and to bear the offender a degree of goodwill.

<sup>7</sup> Again, this paper makes no claims at all about whether those who do not qualify as amends-making offenders might have a right to be forgiven.

not trivial either. She apologizes and makes reparations, but I refuse to forgive. She gives me time to cool off. Still, I stubbornly cling to resentment and swat aside her sincere, repeated attempts to make amends. My attitude is causing her emotional pain, damaging our relationship, and making our household unlivable.

A blunt reckoning of my bad behavior paired with a firm demand for forgiveness might be exactly what I need—it might be the thing that finally penetrates my self-centered wallowing in victimhood.<sup>8</sup> And even if she doesn't actually demand forgiveness, it is not clear that she would err to think she deserves it. We don't *typically* go around demanding forgiveness; but it is not obvious that such demands are *never* apt.

Many will likely object that I have fixed upon an idiosyncratic case: parent-child relationships are different than just about every other relationship we have. But the objection is a mistake—for two reasons. First, quite a lot of our forgiving takes place in the context of close relationships. We forgive romantic partners we cherish, friends we love, family we count upon, and colleagues we value. One reader suggested that the family ties involved meant that the case of my daughter and I is somehow not paradigmatic; I think that is simply false. Moderately serious wrongs in close relationships are just as important to understanding forgiveness as the cases of dramatic violence that captivate the imagination.

The shape of the dialectic, here in §2, is the second reason it is a mistake to object to cherry-picked examples. Like the other arguments in this section, the argument from moral practice makes a bold, negative existential claim: there is no such thing as a right to be forgiven. My job, here, is simply to make space.

So: the argument from moral practice is correct that we don't typically go around demanding forgiveness, but it does not follow that such demands are never apt. What we need is a more careful reflection on why moral practice has the shape it does. *Why* don't we typically demand forgiveness?

[There is] humility in giving the victim ... the power to restore my moral stature. The victim of the wrongdoing was not treated with due respect. The offender pays excess respect to the victim to restore this deficit and transfers power to the victim as a form of respect for the victim. (Bovens 2008: 233)

The core idea is that, having expressed disrespect, it is important for wrongdoers to humble themselves before their victims.<sup>9</sup> By requesting forgiveness, the wrongdoer voluntarily assumes a position of vulnerability: the victim can welcome her back into the community of equals, or say “No” and leave her twisting in the wind.

Bovens goes on to suggest that a right to be forgiven would take the vulnerability (and hence the humility) out of a request to be forgiven. But that is a mistake. If there is no right to be forgiven, the offender is vulnerable: the victim can say “No.” If there is, requesting forgiveness *still* leaves the offender vulnerable: the victim can *still* say “No.”

<sup>8</sup> I am not suggesting—even obliquely—that all victims who refuse to forgive are wallowing in their victimhood. Not all wrongdoers make adequate amends, in part because not all wrongs admit of adequate amends. The point is that in *this* example, it is not obviously wrong for my daughter to demand forgiveness. The point is that moral practice is more complicated than the argument from moral practice lets on.

<sup>9</sup> Roadevin (2017) also emphasizes that there is humility in asking for forgiveness.

The victim would violate the offender's right, true enough; but the right's bare existence doesn't stop the offender twisting in the wind.

In fact, a right to be forgiven would further explain why there is humility in asking for forgiveness. Not only do we assume a position of vulnerability, asking for something we have a right to is yet another way to humble ourselves. Requesting our rights should not become our *modus operandi*—that risks servility. But if Bovens is correct that asking for forgiveness is, and must be, a way of humbling ourselves, he can welcome the right to be forgiven as part of the overall explanatory picture.

To sum up: The argument from moral practice is correct that we do not typically demand forgiveness. That might be because there is humility in asking others to recognize our rights. That would explain why my daughter is entitled to demand forgiveness in the case above—her repeated attempts at making amends demonstrate more humility than her wrong requires. In fact, my wallowing in victimhood is a perverse sort of power play. It wrongly keeps her in a humiliated position. She might be well within her rights to demand that I stop and to claim forgiveness as her due.

## 2.2 The Argument from Electivity

The argument from electivity takes two forms. The first emphasizes freedom.

There is no obligation to forgive and people should not press each other to forgive. The virtue of “forgiveness” has its meaning and its point only if it is exercised freely. (Govier 2002: 45)

Govier's argument refers to an obligation rather than a right, but its relevance to a right is clear. A right to be forgiven would render the granting of forgiveness unfree—either because the victim feels pressured by her own recognition of the offender's right, or because someone else applies pressure by pointing out that right.

But would a right make forgiveness unfree *in a way* that subverts its “meaning and point”? Suppose I come to my moral senses and realize that by wallowing in victimhood, I am humiliating my own daughter. I recognize her right against that sort of demeaning treatment (particularly from me), forgive her, and then apologize for treating her so badly. Or suppose my moral senses are sufficiently dull that that I don't come to this realization on my own—she claims forgiveness as her due and then, horrified at my own bad behavior, I forgive her and apologize myself. Either way, the meaning and point of forgiveness stand intact. We undertake commitments to stop viewing each other as wrongdoers, invite one another back into community, and return to the business of living together as a family.

It is true that forgiveness loses its meaning and point if it is *coerced*. But a right to be forgiven does not coerce forgiveness any more than a right to equality coerces equal treatment. A right would mean that forgiving amends-making offenders is less an act of generosity than many seem to think it is (though forgiving those who do not qualify as amends-making offenders could still be generous). But it would not drain forgiveness of its meaning and point.

The second version of the argument from electivity emphasizes what we might call *normative* freedom. Allais (2013: 647) writes that forgiveness is elective in the sense that it “does not involve giving a wrongdoer ... her due, or something to which she is

entitled.”<sup>10</sup> Allais (ibid.: 647) admits that there might be “moral reasons” to forgive. But she insists that forgiveness—like a gift—is never morally mandatory. And that, of course, entails that amends-making offenders have no right to be forgiven.

One problem is that Allais does not actually defend the premise that forgiveness is never morally mandatory. She develops a sophisticated and fascinating account on which it isn’t—and, to be fair, developing that account is her article’s main ambition. A single article can only do so much. By that same token, however, *this* article has to skip over Allais’s many positive contributions to note an omission: she does not defend the premise that forgiveness, by its very nature, cannot be morally mandatory.<sup>11</sup>

A second, more significant problem is that there is something odd about insisting that a right to forgiveness would be an affront to normative freedom, while at the same time allowing that there can be moral reasons to forgive. After all, moral reasons can stack up to favor forgiveness so overwhelmingly that any other choice would be seriously wrong. So if Allais is correct that forgiveness—by its very nature—cannot be morally mandatory, she must deny not only (a) the right to be forgiven, but also (b) that reasons can overwhelmingly favor forgiveness. The problem for Allais is that (b) is quite plausible.

Suppose, for example, that there are yet further reasons for me to forgive my daughter. Perhaps I myself had—and had need of—exceptionally forgiving parents. So there is a sense in which my refusal to forgive is both ungrateful and hypocritical. More drastically, imagine that my daughter really needs a parent to lean on just now, and that all the other parental figures in her life have recently abandoned her. (Underwhelmed readers are invited to stack the deck in favor of forgiveness even further.) I think it plausible that my daughter has a right to be forgiven in these circumstances. But suppose we go with Allais’s interpretation: my daughter has no such right, it is just that moral reasons favor forgiveness *really* strongly. Here’s the problem: if a right to forgiveness is objectionable because victims should have more than one morally acceptable choice, a big enough pile of moral reasons will raise the very same problem—it is in no way morally acceptable for me to hypocritically alienate my daughter in her hour of need.

This is not an argument that we should posit rights wherever great piles of moral reasons can accumulate. Imagine a case in which moral reasons overwhelmingly favor donating a kidney to a stranger—her life is at stake, she will cure cancer if she survives, and so on. Still, it is arguably wrong to conclude that the stranger has a right to our kidneys: if strangers had a right to use our bodies, it would undermine our status as independent, autonomous people. It would reduce people to resources. The point of this section’s argument is narrow. Whereas respect for persons *does* explain why we should not posit the stranger’s right to our kidneys, normative freedom *does not* explain what would be wrong with a right to forgiveness. Again, normative freedom conflicts not only with a right to be forgiven, but also with the idea that moral reasons can overwhelmingly favor forgiveness.

When we forgive amends-making offenders, it often *feels* like we’re doing something elective, like we are giving them a gift rather than recognizing their right. But I

<sup>10</sup> This may be the position Govier intends too, though it is not what her choice of language suggests to me.

<sup>11</sup> For a more thorough treatment, see Milam (2018). Milam’s article has significantly influenced my thinking on electivity.

have a conjecture: what explains that feeling is not some electivity built into the nature of forgiveness itself; it is the need for offenders to humble themselves. To show respect to their victims, amends-making offenders typically *ask*; and granting requests can feel a lot more elective than acquiescing to demands.

### 2.3 The Argument from Care

I have not seen the argument from care made explicitly—not at least, with an explicit connection to forgiveness. But if conversations are any indication, some version of it lies beneath many people’s discomfort with a right to forgiveness. The argument begins with the claim that while rights-talk brings clarity and sharpness to some moral questions, it is not useful for figuring out how to be a good friend, parent, or companion. In fact, when our practical deliberations about such relationships *do* involve rights, we are failing to think as the good friend, parent, or companion thinks. Hursthouse (1991: 235) writes,

Love and friendship do not survive their parties’ constantly insisting on their rights, nor do people live well when they think that getting what they have a right to is of preeminent importance; they harm others, and they harm themselves.

The argument from care then suggests that forgiveness—much of it, anyhow—arises precisely in the sorts of relationships where rights-talk is out of place. So we should think of forgiveness not in terms of rights, but in terms of care.

But is the argument correct? Love and friendship admittedly do not survive when parties constantly insist on their own rights. But that is probably because (a) having to constantly insist on one’s own rights is a sign of an unhealthy relationship, and because (b) constantly focusing on one’s own rights belies selfishness. Appropriate attention to the *other’s* rights *is* a part of the good friend’s, parent’s, and companion’s practical reasoning.

Suppose, to illustrate, that I treat my daughter well. I make her dinner, encourage her in academics and sports, read with her, and so on. But—and here the problem arises—I view these parental activities as a weird sort of charity. I don’t regard her as having a right to my care; I see fulfilling my parental obligations as an act of sheer benevolence. I am not, in this illustration, a good parent: it matters not only that I do the right things, but that I have an accurate understanding of what I am doing. Good parents perform their duties with, and oftentimes out of, care. Care is not *reducible to* respecting people’s rights, true enough; but care is *compatible with* seeing ourselves as one half of a relationship structured by rights.<sup>12</sup>

What is the connection to forgiveness? Forgiveness might be conceptually bound up with care, but that does not mean that rights are out of place or that rights-talk necessarily distorts matters. Children have rights against their parents; those rights partially structure the good parent’s practical deliberations. §3 argues that amends-

<sup>12</sup> Lewis (2018) is an interesting book-length account of how rights might structure even our most intimate relationships.

making offenders have a right to forgiveness; if the arguments succeed, that right will partially structure the good forgiver's practical deliberations.

### 3 Two Arguments for a Right to Be Forgiven

Whereas the last section made space, this section tries to fill it. Two arguments support the right of amends-making offenders to be forgiven. One is based upon the expressive content of refusing to forgive; the second is based upon respect for agency.

#### 3.1 The Expressive Argument

It is a commonplace that wrongdoing is expressive—acts of wrongdoing communicate something about the victim's worth. What is less frequently noticed, however, is that withholding forgiveness is *also* expressive. When wrongdoers are unrepentant, or refuse to make amends, withholding forgiveness can communicate that moral redemption isn't cheap. But what if the case involves an amends-making offender? What if the wrongdoer has—by every reasonable measure—made adequate amends and sincerely apologized?

One of the most widely recognized functions of forgiveness is to welcome repentant wrongdoers back into a community of equals. Different authors use subtly different idioms to cash out this general idea. Hampton (1988: 83) writes that forgiveness involves coming “to see the [wrongdoer] as still decent, not rotten as a person.” Govier (1999: 65) suggests that in forgiving, we must “be willing to regard [the wrongdoer] as again a member of the moral community.” Griswold (2007: 49) notes that one of the ends of forgiveness is the “restoration of mutual respect and recognition.” And Walker (2006: 168) explains that forgiveness recognizes an offender “as a human being ... and not as ‘scum’ or ‘animal’ or ‘cockroach’.”

Without choosing between these idioms, the general point is again that forgiveness welcomes repentant offenders back into a community of equals. Refusing to forgive someone who has done everything necessary for moral repair therefore expresses that the wrongdoer is unfit for such community. Again, if moral repairs have *not* been made, withholding forgiveness can be a way to express disapproval of the wrongdoer's actions; we in effect insist that wrongdoers take responsibility. But when it is obvious that the amends and apology are sufficient, the situation changes. When it is obvious that there is no problem with the wrongdoer's moral repairs, making her unwelcome in the community of equals expresses something about the amends-making offender *herself*. It marks her as Other, as unequal, as a degraded or broken moral agent.

For some offenders, the degrading message might be apt. Imagine a Trumpian character who commits terrible wrongs, expresses no remorse, and—perhaps most damningly—seems basically incapable of the moral self-reflection that would lead to remorse in the first place. It is a bleak thought, but a lifetime of bad deeds and unhealthy social circles might have the power to—borrowing Hampton's idiom—rot moral agents. Fortunately, our focus is on amends-making offenders, people who by definition do not reside beyond the moral pale.

With this background in place, the expressive argument is straightforward: moral agents have a right against being the target of degrading or Othering messages that are

inapt; withholding forgiveness from an amends-making offender expresses just such a message. Amends-making offenders are, of course, offenders. But they deserve better than to be told that they are—borrowing from Hampton one last time—too rotten for the moral community.

In thinking about the expressive argument, it is important to remember that forgiving does not imply reconciling. It is coherent—and will sometimes be important—for a victim to say, “I forgive you, but I want to live as ‘mere’ equals rather than returning to our previous relationship.” The expressive argument does not rest upon the false claim that it would always be wrong for victims not to reinstate prior relationships; it rests on the wrongness of telling people who do not deserve to be shunned that they are unfit for the moral community.

### 3.2 The Agency Argument

Margaret Holmgren is perhaps the philosopher best known for connecting respect for agency to forgiveness. Consider a characteristic passage,

As autonomous beings we are capable of assessing our actions and attitudes from a moral point of view. We are capable of adopting new attitudes and behaviors that are more in accord with our moral ideals. And whether or not we have achieved it yet, we are capable of genuine remorse for our own past misdeeds. This capacity for moral growth and awareness warrants a great deal of respect. (Holmgren 1993: 349)

Holmgren goes on to argue that respect for a wrongdoer’s agency—whether they apologize or not—will lead us to forgive.<sup>13</sup> Failing to forgive would, if her argument goes through, be failing to recognize wrongdoers as moral agents. But even without rehearsing all the details, this argument runs headlong into a problem: while forgiving a wrongdoer is consistent with recognizing her as an agent, so is *refusing* to forgive. As Garrard and McMaughton (2003: 52) point out, it is only agents “whom we can possibly refuse to forgive” in the first place. Their point, which seems correct, is that regarding someone as a *candidate* for forgiveness is already to see her as an agent—even if, in the end, we choose not to forgive.

This section makes a more subtle agency-based argument. It contends that refusing to forgive amends-making offenders *is* a failure to respect agency, but it is not the categorical failure to see agents as agents that Holmgren builds her case around.

To begin, consider a brand of ‘soft’ racism. Our racist is enlightened enough to deny Josiah Priest’s claim that Blacks, as a category, were “produced in a lower order of intellectuality”—people are individuals and should be judged as such, he insists.<sup>14</sup> But *nearly every time* you point out a Black luminary, he reflexively downplays their

<sup>13</sup> Holmgren’s thesis is in one way less radical than mine, and in another way more radical. It is less in that while she does insist that forgiveness is morally appropriate, she does not insist that it is morally appropriate *because* wrongdoers have a right to be forgiven. It is more radical in that she defends a practice of forgiving unrepentant offenders, whereas I focus on amends-making offenders.

<sup>14</sup> The quote is from Priest’s Bible Defense of Slavery, available online here: <http://utc.iath.virginia.edu/christn/chesjpat.html>

achievements. Then, he digs up a list of that person's dumber moments (and inevitably—because the luminary you pointed out is human—there are a few) and concludes that your luminary isn't so impressive after all.

There is an obvious disrespect at play. But it is not Priest's categorical refusal to see Black people as candidates for intelligence. The soft racist is sincere about treating people as individuals and judging them in light of what they've done. The problem is that deeply ingrained biases produce an extreme selectivity about which actions he is willing to credit. He thinks he is fair-mindedly judging people according to their merits. But in fact, he has rigged the game so that a Black person's lowlights are the only actions he's willing to count. This brand of soft racism is in one way worse than Priest's brazen disrespect: it is insidious. The soft racist can assure himself that he's on the side of equality, and that if your luminary doesn't measure up, it's the luminary's own fault.

Priest and the soft racist have the same awful belief: Black people are not intelligent. Priest arrives at that belief by categorically failing to see Blacks as candidates for intelligence; the soft racist sees Blacks as candidates, but winds up in basically the same place as Priest by engaging with individual Black people on highly unfair terms. Here is the important lesson: respect for a person's capacity (such as intelligence) requires fairness in the way we judge the *products* of that capacity.

Now consider a brand of 'soft' retributive hatred. Our soft hater is enlightened enough to agree that everyone deserves respect in virtue of their moral agency—as autonomous individuals, people should be judged in light of what they've done, he insists. The problem is that a deep-seated resentment at being wronged produces an extreme selectivity about which actions he is willing to credit. When you point out that the person who wronged him has made adequate amends and apologized, he reflexively downplays those actions. Then, he digs up a list of the wrongdoer's moral failings and insists that we judge her in light of what she's done. He thinks he is fair-mindedly judging people according to their merits. But in fact, he has rigged the game so that the amends-making offender's lowlights are the only actions he's willing to count. Like soft racism, soft retributive hatred is insidious: the soft hater can assure himself that he's on the side of the right and the good; if the amends-making offender doesn't measure up, it's her own fault.

Soft racism and soft retributive hatred are not perfect analogues. But on the point that matters here, the analogy works. Holmgren's overly ambitious argument is that failing to forgive is failing to see wrongdoers as moral agents. The soft hater does not make that particular mistake. He recognizes his wrongdoer as an agent by seeing her as a candidate for forgiveness (we can imagine him saying, sincerely, "I would forgive her if her if she deserved it!"). But like the soft racist, the soft hater is nonetheless guilty of disrespect: respect for a capacity (be it intelligence or moral agency) requires fairness in the way we judge the products of that capacity. *Pace* Holmgren, *that* is where the soft hater fails. The way he regards his wrongdoer's actions—discounting the ones that would vindicate while playing up the ones that damn—would make literally anyone unredeemable.

Let me hasten to add: Even sincere attempts at making amends can misfire—imagine a sincerely repentant white supremacist incompetently attempting to make

reparations by donating to a charity wholly unconnected to issues of race.<sup>15</sup> But amends-making offenders, by definition, do not make that sort of mistake. The amends they make are adequate by every reasonable measure. If we judge their actions fairly, we should be lead to forgive.

With this background in place, the Agency Argument is straightforward: people have a right that we respect their agency; respect for agency requires us to judge their actions fairly (i.e., not discounting amends made while emphasizing lowlights); and if we judge amends-making offenders fairly, we will forgive them. After all, the amends they make are fully adequate.

### 3.3 Clarifications and Objections

Do the Expressive and Agency arguments together mean that, say, victims of sexual abuse are obliged to forgive their tormentors? No. These arguments are reserved for amends-making offenders. There is a class of wrongdoing—a class that includes sexual abuse, I think—for which there simply are no adequate amends.

Do the Expressive and Agency arguments together mean that repeat offenders can earn forgiveness over and over again indefinitely? It depends. Sometimes, repeat offending is evidence of insincerity. And an insincere offender does not genuinely make amends. But, at the same time, “repeat offender” describes all children. It describes beloved spouses, cherished friends, and valued colleagues. When repeat offending *is* evidence of insincerity, we needn’t forgive indefinitely. But, realistically, repeat offending is part and parcel of living with people. The Expressive and Agency arguments imply, I think correctly, that people can earn our forgiveness over and over again.

The most important objection—Lewis (2018) aptly calls it the “repugnant implication”—is that a right to be forgiven is altogether too unfair to victims. If the Expressive and Agency arguments are sound, failing to forgive an amends-making offender is a serious moral wrong. Expressing that someone is too rotten for the moral community and rigging the game so that people are doomed to fail are both profoundly disrespectful things. And that means that victims of wrongdoing will sometimes face a stark choice: they must do the often-difficult work of forgiving *or become guilty of a serious moral wrong themselves*. Thus, it seems, offenders not only harm victims through the original act of wrongdoing, they force victims into a position where they must find it in their hearts to forgive to avoid guilt themselves. If the original wrongdoing is an injury, the right to be forgiven seems to add insult.

But notice: by characterizing the right to be forgiven as an *added* insult, the objection begs the question. It assumes without argument that the harm of putting victims in the unenviable position of having to forgive or accept guilt was not part of the original wrongdoing all along. What the—again, important—objection needs is an explanation of exactly why morality should not put victims in that position.

A sort of *moral voluntarism* is one possible answer. The answer begins with the principle that morality does not require us to do onerous things for people we do not

<sup>15</sup> An excellent lecture by Myisha Cherry has informed my thinking about some of these issues. The lecture is available online: <https://www.youtube.com/watch?v=UERZo9x6d0Y&feature=youtu.be>

voluntarily enter into a relationship with; it ends with the observation that people are involuntarily cast as victims in victim-offender relationships.

The intuition that morality should not put victims in the position of having to forgive or become offenders themselves is strong. But I do not think that such a sweeping moral voluntarism is the best way to ground it. Radzik (2003 :335), writing in a related context, is worth quoting at some length.

The sentiment ... betrays a false understanding of the ways in which we are connected to other people. Our obligations are not always entered into voluntarily. I did not ask the motorcyclist driving in front of me to lose control and crash to the ground... But he is injured and I am the only one here to help him. I did not ask to have parents or siblings... Yet, when they need me I am obliged to come to their aid. We often find ourselves in relationships we did not choose. Yet, those relationships can place obligations on us. The relationship of victim to wrongdoer is certainly one the victim did not choose, but this does not mean it cannot entail obligations. Obligations are simply the cost of living in a world populated by other moral agents.

Radzik's point is that we simply find ourselves entangled in all sorts of relationships that can entail all sorts of unpleasant obligations. Now, there is *something* startling about the idea that victim-offender is one of those obligation-entailing relationships. But denying that any involuntarily relationships can entail obligations—as the voluntarist objection does—is overkill. We cannot get clear about our concerns with victim-offender relationships in particular by stipulating a fully general (and frankly implausible) moral voluntarism. So again: why shouldn't morality put victims in the position of having to forgive or become guilty themselves?

Warmke's (2015) answer is that victims would be put in the absurd position of having to *benefit* their wrongdoers. It is beneficial to be forgiven, so a right to forgiveness would mean that wrongdoers acquire the power to obligate victims to benefit them by doing wrong. Wronging someone, Warmke concludes, shouldn't be a way to acquire that power.

But Warmke's answer is misleading in two ways. First, "benefit" is a vague and imprecise word. It would be absurd if wrongdoing gave you the moral power to, say, require Christmas gifts from your victim. But the Expressive and Agency arguments are built on respect for persons—and there is nothing suspicious about the idea that we must respect those who wrong us. It is often a benefit to have others respect our agency; but the fact that something is in that sense beneficial is no reason to think it is morally optional. Second, it is a bit misleading to say that wrongdoers acquire the power to obligate victims by doing them wrong. Wrongdoing is a necessary part of the whole causal story. But wrongdoers obligate victims *by making adequate amends*, assuming such amends are possible.

My own lingering discomfort with a right to be forgiven is that it can be psychologically difficult to forgive. I find it hard to stomach the idea that failing at something so difficult would be so very wrong. But I am, at the

same time, leery of my own discomfort. First, it might just be that failing at psychologically difficult tasks sometimes comes at a high moral cost. Imagine someone who finds it psychologically difficult to overcome her racist upbringing. If she fails to cast off the patterns of thought, action, and emotion that feel perfectly natural to her, she will be guilty of a morally serious disrespect. And second, while we should not ignore our discomfort about burdening victims, discomfort is not itself a demonstration that the arguments in this section rest on false premises.

All this is why I confessed ambivalence in the introduction. I find the Expressive and Agency arguments compelling; I am uncomfortable with their implications. It seems unfair to victims. I hope this paper serves as an invitation to explore a tension in our thinking about forgiveness.

## 4 Conclusion

Neither the argument from moral practice, nor the argument from electivity, nor the argument from care succeeds—at least not in their current forms. Moreover, the right of amends-making offenders to be forgiven seems to follow from widely accepted claims respect for persons. But that conclusion is uncomfortable. It implies a significant psychological and moral burden for victims, which is something we are rightly concerned about.

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