Hume on Forgiveness and the Unforgivable

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Are torture and torturers unforgivable? The article examines this question in the light of a Humean account of forgiveness. Initially, the Humean account appears to suggest that torturers are unforgivable. However, in the end, I argue it provides us with good reasons to think that even torturers may be forgiven.

'We interrogated [Harold Sello] Sefolo in the same way as the previous two . . . We used a yellow portable Robin generator to send electric shocks through his body and to force him to speak. . . . There were two wires. One was attached to his foot and the other to his hand. When we put the generator on, his body was shocked stiff . . . . Sefolo was a strong man and believed completely . . . in what he was doing, that he was right . . . . After he was interrogated, he admitted to being a senior ANC organizer in Witbank . . . . He gave us even more information after Joe Mamasela shoved a knife up his nose. He was pleading for his life . . . Then he said we might as well kill him.'[1]

Desmond Tutu recounts this testimony from the South African Truth and Reconciliation Commission in a chapter entitled 'We Do Want to Forgive, But We Don't Know Whom to Forgive'. But why, we might ask, would anyone even *want* to forgive someone for an action like this one? Might we not rather join Jean-Paul Sartre in his assertion that those who inflict torture on others are 'beyond forgiveness'?[2] Surely if any actions are unforgivable, acts of torture are. If any persons are unforgivable, torturers are.

My aim in what follows is to explore whether torture and torturers are unforgivable. In particular, I shall ask whether, within a Humean moral framework, torture and torturers are forgivable. I shall begin by making the case that these acts and actors appear unforgivable. However, contrary to appearances, I shall contend that some torturers may be forgiven by some victims. In the process I hope to explain why, in different moments, we may offer different answers to the question 'Is torture unforgivable?' without our answers amounting to a simple case of unreflective inconsistency.

[1] Desmond Tutu, *No Future without Forgiveness* (New York, 1999), p. 126.
[2] Jean Paul Sartre, 'Introduction', *The Question*, ed. Henri Alleg (New York, 1958), p. 23.

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FROM HATRED TO FORGIVENESS

Hume does not speak of forgiveness at any length in any of his published works in moral philosophy. The word 'forgive' appears only once in the *Enquiry Concerning the Principles of Morals*[3] and not at all in the *Treatise* or the *Essays*. But he speaks of forgiveness quite often in his *History of England*. Together with what he says about hatred, contempt, anger, repentance and mercy, we can piece together a Humean account of forgiveness.

Since forgiveness is ordinarily preceded by anger, hatred, or some other form of ill will, it is useful to start with Hume's account of hatred. Hume begins his analysis of hatred by identifying its object, which, he observes, is always another 'thinking being'.[4] If a tree falls on my house, it may elicit anger or frustration but it will not evoke hatred unless I can attribute its fall to some agent whose defect I think has led to its collapse. The agent on whom I place the blame might be my neighbour for having disregarded my welfare by failing to tend to his tree. Or it might be God, whom I blame for having made the tree so ineptly. Or it might be society, for arranging itself in such a fashion that tragedies of this sort must be borne so heavily by individuals. But unless I can attach it to a thinking being, the damage to my home cannot lead to hatred.

Of course, other passions require a thinking being as their object, most notably hatred's opposite, love; so something more is needed to distinguish hatred. The something more Hume supplies is the cause of our hatred (or love), which he identifies in terms of 'the *quality* that operates, and the *subject* on which it is plac'd'.[5] Whereas, in the case of love, the relevant quality of the subject causes pleasure, in the case of hatred the quality of the subject causes uneasiness.[6]

On Hume's account any quality that causes pleasure or displeasure that can be associated with another person in any way can be a cause of hatred or love.[7] For example, we may hate a person for her cruelty. The quality that causes uneasiness is the cruelty in the character (which is the subject) of the person we come to hate (the object of our hatred).[8] However, it needn't be a significant quality like cruelty that elicits our hatred or our love. It can be something as trivial as the beauty or

[3] David Hume, *An Enquiry Concerning the Principles of Morals* (New York, 1998), Dialogue, paragraph 21. Subsequent references to 'the *Enquiry*' will be to the *Enquiry Concerning the Principles of Morals*.

[4] David Hume, *A Treatise of Human Nature* (New York, 2003), Book 2, Part 2, Section 1, paragraph 6 (hereafter cited as 2.2.1.6).

[5] Hume, *Treatise*, 2.2.1.5.

[6] Hume, *Treatise*, 2.2.1.6.

[7] '[I]ndependent of the opinion of iniquity, any harm or uneasiness has a natural tendency to excite our hatred' (Hume, *Treatise*, 2.2.3.9).

[8] Cf. Hume, *Treatise*, 2.2.2.9.

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ugliness of their house, or of the cars rusting in their front lawn. And the association between the subject in which the quality inheres and the object of our love or hatred needn't be a very close one. One can love a friend's aunt or hate an enemy's cousin simply in virtue of their familial tie.

While Hume's account of hatred and love may depart from the semantic range we typically associate with those terms, it offers a useful description of the general range of pro- and con-attitudes that include love, esteem, respect and admiration, on the one side, and hatred, contempt, disdain and resentment on the other. This breadth makes it useful for a discussion of forgiveness, since there is not just one emotion that forgiveness overcomes. Sometimes it is hatred (in our sense of the term). At other times it is anger, resentment, indignation or contempt.[9]

Although anything displeasing has the potential to incite hatred, for the hatred to continue for a significant period of time, it must be secured to something more lasting than the moment in which the action or event occurred. One way to secure it classifies the harm as an instance of 'iniquity' and 'establishes the passion' of hatred on the character of the one who harmed us: There is a lasting quality about the one who harmed us that is disclosed in this action. In most instances it is this connection with the character of the other that constitutes the bulk of the harm we might suffer. 'The principal part of an injury is the contempt and hatred which it shows in the person that injures us.'[10] If the harm is not or cannot be connected with the agent's character in this way, then ordinarily it does not evoke hatred or the hatred it evokes is fleeting.

One might think there is at least one other way (which Hume does not discuss) in which the hatred might be secured to something that will make it of lasting duration. This second way is through the harm, rather than through its cause. If the harm is often before my eyes because of its lasting effects, then it may generate a hatred that sticks around. In this case it is because the harm continues to be experienced over and over again, each time I reflect upon the loss of my child, my limb, my home, my career, or my reputation. However, for the events which caused this loss to anchor my hatred, they still must be attributed to a lasting quality of an agent. The driver who, although attempting to drive with care, loses control of his vehicle on black ice and hits another car will not usually become the object of a lasting hatred, even if the accident causes irreparable damage to the occupants of the other vehicle. Were he speeding along, disregarding weather conditions and recklessly endangering the lives of others, he might evoke a lasting hatred. But

[9] Cf. Norvin Richards, 'Forgiveness', *Ethics* 99 (October 1988), 77–97.
[10] Hume, *Treatise*, 2.2.3.5.

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assuming he was driving at a reduced speed and exercising all of the caution we would expect from a conscientious driver, his accidental infliction of harm on another would not anchor a lasting hatred, even if it could evoke hatred for a short time. In those cases where an accident does lead to a long-lived hatred, it is because the accident is attributed to a culpable lack of care for others' welfare. If the one injured can be convinced that no such deficiency of character was manifest in the actions leading to the accident, the hatred will eventually die.[11] So, upon reflection, it appears that the second condition that allows hatred to last, viz. a long-lived harm, ordinarily depends upon the first.

Hatred has a distinctive motivating force that arises out of its conjunction with what Hume calls anger. '[H]atred produces a desire of the misery and an aversion to the happiness of the person hated.'[12] This desire for the other's misery and aversion to her happiness is what Hume designates anger. Anger is conjoined with hatred 'by the original constitution of the mind', but it is not an essential part of hatred. It is possible to hate the other 'without . . . reflecting on [her] happiness or misery', in which case we will feel hatred without anger.[13] Nonetheless, because of its natural connection with anger, hatred typically will motivate us to act in ways that promote the misery and hinder the happiness of its object. This ill-will, this 'joy in the misery of others', that proceeds from harm or injury is what Hume calls the passion of revenge.[14]

From these remarks on hatred, anger and revenge, we can begin to infer what Hume's account of forgiveness might be like. The inference will depend upon the assumption that forgiveness is in some sense contrary to hatred, anger and vengefulness. Forgiveness will involve goodwill in spite of the injury one has suffered. It will involve not the desire for or joy in the misery of the other but a concern for the misery of the other and a desire for her happiness. In other words, forgiveness begins to look like a special kind of compassion or love. It is a love with a history, a history marked by harm or injury. And the object of one's love is the one who caused the harm.

Our inference is in part confirmed and in part corrected by Hume's discussion of 'mercy' in the *Enquiry* and his use of 'forgive' and its cognates in the *History*. Sometimes when we speak of mercy we define it in contrast to forgiveness, reserving the former for the activities of someone with the authority to punish who chooses not to punish a

[11] Cf. Hume, *Treatise*, 2.2.3.3. Of course, once one has begun to hate the other driver, one's readiness to be convinced that the accident was not due to his faulty character will be greatly reduced.
[12] Hume, *Treatise*, 2.2.6.3.
[13] Hume, *Treatise*, 2.2.6.5–6.
[14] Hume, *Treatise*, 2.2.7.1.

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wrongdoer as severely as his actions might have warranted.[15] Used in this way, mercy need not refer to the emotional states of the person who shows mercy. It is exclusively concerned with actions performed within a very narrowly defined social context. Forgiveness, by contrast, applies to the emotions and actions constitutive of relations between peers. On two occasions Hume draws a similar distinction, noting the difference between 'pardon' on the one hand and 'forgiveness' on the other.[16] In these passages he uses 'pardon' to indicate one's standing in relation to the offence. The persons pardoned will not be punished under the law. 'Forgiveness', by contrast, indicates one's standing in relation to the one offended. More precisely, the presence or absence of forgiveness refers to whether or not the one wronged harbours ill-will toward the wrongdoer, and consequently whether or not the relationship will be friendly or strained. Thus, 'Northumberland, though he had been pardoned, knew, that he never should be trusted, and that he was too powerful to be cordially forgiven by a prince whose situation gave him such reasonable grounds of jealousy.'[17]

Nonetheless, Hume ordinarily uses 'forgiveness', 'mercy' and 'pardon' as synonyms. Often when he uses 'forgiveness' in the *History* he is discussing situations in which one political figure is seeking clemency from another, and 'forgiveness' is used interchangeably with 'mercy', 'pardon', 'lenity' and 'clemency'.[18] Typically the interaction associated with political pardon has a decidedly personal dimension of the sort we associated above with forgiving. It is described as overcoming 'resentment', and involving 'compassion' and 'affection'.[19] This conflation of 'mercy', 'pardon', 'forgiveness' and the like is not surprising, in so far as the political agents in question did not have the sort of impersonal relationship that we have come to expect in large, bureaucratic, political institutions, where the person offering pardon has never met the person receiving the pardon. The king or queen was often pardoning his or her child, cousin, aunt, uncle, former counsellor or personal friend. In

[15] Jean Hampton draws a distinction of this sort in 'The Retributive Idea', *Forgiveness and Mercy*, ed. Jeffrie Murphy and Jean Hampton (New York, 1988). However, she does not characterize mercy quite as dispassionately as is sometimes done. She defines the contrast between forgiveness and mercy as follows: 'Whereas forgiveness is a change of heart towards a wrongdoer that arises out of our decision to see him as morally decent rather than bad, mercy is the suspension or mitigation of a punishment that would otherwise be deserved as retribution, and which is granted out of pity and compassion for the wrongdoer' (p. 158).

[16] David Hume, *The History of England from the Invasion of Julius Caesar to the Revolution in 1688* (Indianapolis, 1983), vol. 2, ch. 14, p. 155, and ch. 18, p. 342. Subsequent references to the *History* will identify the volume, chapter and page numbers as follows: 2.14.155 and 2.18.342.

[17] Hume, *History*, 2.18.342.

[18] Cf. Hume, *History*, 1.4.196, 201 and 220; 2.22.473; 3.25.70; 4.41.186.

[19] Hume, *History*, 1.4.201 and 220; 2.12.64; 3.31.224.

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such a circumstance, one would seldom have either need or occasion to distinguish forgiveness and mercy in the way described above.

Hume is not alone in using 'forgiveness' and 'mercy' interchangeably. They are used as synonyms in a number of places in the Psalter.[20] Of course, the Bible strongly influenced both the concepts and the language of forgiveness and mercy in Britain for quite some time prior to Hume's birth.[21] The Psalter in particular, given its importance within both Anglican and Presbyterian worship, would have shaped the language of eighteenth-century Britain as much as any other single document. Consequently, many of Hume's contemporaries would, like him, have used 'forgiveness' and 'mercy' interchangeably.[22]

However, 'forgiveness' and 'mercy', while often interchangeable, do not have an identical semantic range. Mercy has a broader application, extending beyond the scope of those who have done us wrong.[23] Hume's use of the terms 'forgiveness' and 'mercy' in the *History* suggests that 'forgiveness' is better understood as a subset of the larger class 'mercy'. Forgiveness is mercy for those who have wronged us.

These observations on Hume's use of 'mercy' and 'forgiveness' require a modification of our initial definition of forgiveness as a kind of love. Hume includes mercy under the heading of benevolence.[24] And benevolence, while related to love, is distinct from it. Benevolence is related to love in the same way that anger is related to hatred in Hume's account. Benevolence is 'a desire of the happiness of the person belov'd, and an aversion to his misery' that is naturally conjoined with the passion of love[25] and acts of benevolence are those which manifest such desires and aversions. Likewise forgiveness will involve 'a desire of the happiness of the person' who wronged us 'and an aversion to his misery' and acts of forgiveness will manifest these desires and aversions. In other words, forgiveness will be the opposite of anger. Like anger, it will have been preceded by some harm, injury or offence,

[20] For example in Psalms 85, 86 and 103.

[21] The entries for 'mercy' in the *Oxford English Dictionary* show the clear influence of the Bible on the language of mercy and forgiveness and the interchangeable usage of the two terms dating back at least to the fourteenth century.

[22] Cf. Joseph Butler, 'Upon Forgiveness of Injuries', Sermon IX in *Fifteen Sermons* (Charlottesville, Va., 1993), p. 112; and John Wesley, Sermon 26, *Wesley's Works*, 3rd edn. [1831] (Grand Rapids, 1979), vol. V, p. 340.

[23] Cf. Hume, *History*, 3.31.238; 3.32.264; 3.37.437; 5.Note R.563; 6.60.26. Cf. Wesley, Sermon 26 (*Wesley's Works*, vol. V, p. 338).

[24] Hume, *Enquiry*, 2.1. Hume likewise refers to King Charles' forgiveness of those who have called for his execution as 'an act of benevolence towards his greatest enemies' (*History*, 5.59.542). For a more extensive discussion of Hume on benevolence, see Elizabeth Radcliffe, 'Love and Benevolence in Hutcheson's and Hume's Theories of the Passions', *British Journal for the History of Philosophy* 12.4 (2005), pp. 631–53; Rico Vitz, 'Hume and the Limits of Benevolence', *Hume Studies* 28.2 (November 2002), pp. 271–95 and 'Sympathy and Benevolence in Hume's Moral Psychology', *Journal of the History of Philosophy* 42.3 (2004), pp. 261–75.

[25] Hume, *Treatise*, 2.2.6.3.

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but rather than desiring the offender's misery, we will be averse to her misery and will desire her happiness.

When Hume's analysis of hatred, anger and mercy from the *Treatise* and the *Enquiry* are taken together with his remarks on forgiveness from the *History*, the following picture emerges. Forgiveness involves a desire for the happiness and aversion to the misery of someone who has caused us displeasure. Ordinarily, that displeasure will have been due to a moral failing on the part of the other, but it needn't always be so caused.[26] It is often, but not always, preceded by the wrongdoer's repentance and/or apology.[27] Forgiveness is naturally, but not necessarily, followed by forgetting the offence.[28] And it characteristically leads to reconciliation.[29]

'THE OBJECT OF OUR STRONGEST HATRED'

The Humean account of forgiveness invites two different kinds of questions regarding forgivability. First, how is it possible to forgive? Admittedly, this question is not quite as perplexing as it was when we were conceiving forgiveness as a species of love. Then the question was, 'How can one derive pleasure from a source of displeasure?' since, on Hume's account, love involves taking pleasure in or from a quality that we associate with love's object, and in the case of forgiveness the object is a source of uneasiness. Were forgiveness a species of love, it would involve deriving both pleasure and uneasiness from the same object. However, even when forgiveness is conceived as a species of benevolence, the question, 'How is it possible to forgive?' remains troubling. Now the question becomes, 'How or why would I desire the happiness of a person who has harmed me?' While the latter question is less paradoxical than the former, it is no less pressing.

The second kind of question we might raise about forgivability concerns not the possibility but the permissibility of forgiving. Should a person forgive the one who wronged her? To return to the case with which we began, should someone like Harold Sefolo forgive his torturers? While I pose them as two different kinds of questions, we shall see the answers to the questions of possibility and permissibility are intertwined.

[26] Hume, *The Letters of David Hume*, vol. 2, ed. J. Y. T. Greig (Oxford, 1932), letter 346, p. 78. In a letter to Adam Smith, Hume thanks Smith for his 'friendly Resentment against the Right Reverend' John Oswald and informs Smith that he has now forgiven Rev. Oswald's brother, James, for having failed to apologize for his brother John's behaviour (*Letters*, vol. 2, letter 406, p. 163).

[27] Hume, *History*, 1.9.363; 3.31.221; 5.59.540–2.

[28] Hume, *History*, 1.10.400; 2.22.473; 4.41.220; 5.51.187.

[29] Hume, *History*, 1.8.327; 1.4.220; 3.36.425; *Letters* vol. 1, letter 259, pp. 277–9, vol. 2, letter 280, p. 128.

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Let us begin with the first question. How is it possible to forgive? Hume suggests an answer in his discussion of repentance. As we noted above, any occurrence which brings us pain may generate hatred, provided we can connect the painful occurrence with another person. However, Hume observes,

> 'Tis not enough, that the action arise from the person, and have him for its immediate cause and author. This relation alone is too feeble and inconstant to be a foundation for these passions. It reaches not the sensible and thinking part, and neither proceeds from any thing *durable* in him, nor leaves any thing behind it; but passes in a moment, and is as if it had never been.[30]

For our emotional response to being hurt to remain with us as hatred, it must be fixed to something more permanent than the single event. One way that we do so is by appealing to the intentions of the person with whom we have associated the harm's cause. '[A]n intention shows certain qualities, which remaining after the action is perform'd, connect it with the person, and facilitate the transition of ideas from one to the other. We can never think of him without reflecting on these qualities . . . .'[31] The intentions are part of what transforms the occurrence in which we were harmed into one in which we were injured, to use Hume's language, or in which we were wronged, to use our own. They are part of what makes the act in question an insult, for example, or a manifestation of contempt, or an assault. Our appeal to the other's intentions both identifies the kind of action that took place and takes this action to be indicative of the wrongdoer's character. Attaching the action to the wrongdoer's character provides a durable object for our hatred. When the harm has been connected with the agent's character, either through the intent with which it was done or through the agent's consistent inattention to our welfare, whenever we think of him we think of these unpleasant qualities and our hatred and anger are thereby reinforced.

Repentance undermines hatred's foundation. If the wrongdoing is followed by 'repentance and a change of life' then the harmful act and the character traits it exhibited are no longer constantly conjoined in our mind with the other person. The mind no longer passes immediately and automatically from the impression or idea of the person to the idea of the harm and the uneasiness that harm produces. As a result of this alteration in the conjunction of ideas, 'the passion is likewise alter'd'.[32] Hume observes,

> . . . repentance wipes off every crime, especially if attended with an evident reformation of life and manners. How is this to be accounted for? But by

[30] Hume, *Treatise*, 2.2.3.4.
[31] Hume, *Treatise*, 2.2.3.4.
[32] Hume, *Treatise*, 2.2.3.4.

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asserting that actions render a person criminal, merely as they are proofs of criminal passions or principles in the mind; and when by any alteration of these principles they cease to be just proofs, they likewise cease to be criminal.[33]

Thus, repentance does two things that make forgiveness possible. It disrupts our mind's constant conjunction of the other person and the uneasiness associated with the wrongdoing. It also removes the threat that we will suffer future harm of the same sort from this person, allowing the harm to become merely a memory rather than a warning of present danger and future grief.

The possibility of forgiveness opened up by repentance does not appear all that promising when the wrongdoing in question is torture. It is not likely that the torturer will repent. Even if she did, the kind of life change that would be required to disrupt the connection between this agent and that action would need to be quite remarkable, or at least so it would seem. What kinds of actions over what span of time would be needed to convince the torture victim that the actions of the past are no longer indicative of the torturer's character? Surely it will be a rare case where the torturer will be able to demonstrate to her former victim that she has changed dramatically enough to alter her victim's sense of her character. Thus, on Hume's account, most if not all torturers appear to be unforgivable in the sense that it is not possible to forgive them. Nevertheless, let us assume for the moment that it is possible to forgive torturers so that we may take up the question of whether it is permissible to do so.

The permissibility of an action is assessed, on Hume's account, by the emotional responses it elicits. 'Morality,' he observes in an oft-quoted passage, 'is more properly felt than judg'd of'.[34] Actions whose qualities we find agreeable are those we deem virtuous and those which make us uneasy we take to be vicious. The feeling of agreeability or uneasiness to which Hume appeals is not merely each individual's feeling of satisfaction or unease 'as they appear from his peculiar point of view'. Rather, 'we fix on some *steady* and *general* points of view; and always, in our thoughts place ourselves in them, whatever may be our present situation'.[35] The sentiments an action excites when assessed from this common point of view are those which determine its merit or demerit and the praise or blame it deserves.[36]

[33] Hume, *Treatise*, 2.3.2.7.
[34] Hume, *Treatise*, 3.1.2.1.
[35] Hume, *Treatise*, 3.3.1.15. Cf. 3.3.1.30.
[36] For more on the role of the common point of view in Hume's ethics, see Rachel Cohon, 'The Common Point of View in Hume's Ethics', *Philosophy and Phenomenological Research* 57.4 (December 1997), pp. 827–50; and Christine Korsgaard, 'The General Point of View: Love and Moral Approval in Hume's Ethics', *Hume Studies* 25.1 (April/November 1999), pp. 3–41.

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Hume's appeal to the common point of view would seem promising for a discussion of the permissibility of forgiving, since we are likely to respond to injuries done to us more vigorously than we are to those done another.[37] However, this promise is short-lived. For he insists that the author of another's misfortune 'becomes the object of our strongest hatred'.[38] In making this claim, Hume needn't be saying that we hate the agent who injures one of our acquaintances even more than we hate the agent who injures us (in fact, from what he says elsewhere, he cannot be making such a claim).[39] A better reading would simply take him to be saying that we have a very strong hatred for those who injure others, one of the strongest kinds of which we are capable.[40] Even so, the appeal to the common point of view does not make a compelling argument for the permissibility of forgiving a torturer seem likely. Even viewing the action and its agent from the common point of view, we are going to hate the torturer, desire her misery and be averse to her happiness. So why would we approve of someone who desired her happiness and was averse to her misery?

Our analysis to this point suggests that within a Humean moral framework torture, or more precisely a torturer, will be unforgivable in two senses. It appears neither possible (in most cases) nor permissible to forgive a torturer. My aim in the remainder of this article will be to show how, contrary to appearances, a case can be made for both the possibility and permissibility of forgiving a torturer, at least in some circumstances. The development of this case will clarify both the nature of forgiveness and Hume's account of it.

QUESTIONS OF CHARACTER

Let us return to the possibility of forgiving a torturer. I suspect that it was in respect to its possibility that my prima facie case against the forgivability of torturers seemed weakest. We saw above that repentance works in two ways to make forgiveness possible. It disrupts our mind's constant conjunction of the agent who inflicted the torture with the pain the torture involved and the uneasiness its memory continues to evoke. And it removes the threat of future injury. Is it possible to generate these two effects even in the absence of repentance or the victim's opportunity to observe the perpetrator's change of life?

I think one of the reasons it seems possible for the people whose stories Desmond Tutu recounts to forgive their and/or their children's

[37] Cf. Joseph Butler, 'Upon Forgiveness of Injuries'.

[38] Hume, *Treatise*, 2.2.9.19.

[39] For a discussion of our ability to resent those who harm others, see Annette Baier, 'Hume on Resentment', *Hume Studies* 6 (November 1980), pp. 133–49.

[40] It is another case of Hume's stylistic use of the superlative which is meant to add emphasis but need not refer to that which is the greatest in its class.

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torturers is that there has been a regime change in South Africa. Those who were in power who performed or encouraged the torture are no longer in charge. The political structure that made it possible for them to act in these ways is no longer in place. Consequently, much of the future threat that the former torturer poses has been eliminated. Were apartheid still the order of the day or were the Afrikaner government still in place, the possibility of forgiving their torturers would be much reduced.

The possibility of forgiving a torturer even when the threat of future injury has not been removed would be improved if there were some way to disrupt the connection between this event and the character of the torturer. I shall leave aside behaviour modification therapies and other mechanisms that we might classify as external to the moral agency of the person in question. One way in which the possibility of forgiving might be enhanced and the agency of the person in question still exercised would come through reflecting on the role of character in situations of torture. If we have learned anything about human character from Nazi Germany, apartheid-era South Africa, and the Bush-era US military, it is that surprisingly ordinary people can be converted into torturers. That is not to say that any person who found herself in relevantly similar circumstances would behave in the same way. There are some who have refused to participate in the cruel mistreatment of others even when such treatment was accepted, encouraged and/or required by peers and superiors. But many otherwise well-adjusted individuals who are good friends and neighbours and who under ordinary circumstances would not consider treating another person cruelly become willing or almost-willing accomplices in horrifying wrongdoing when they are placed in the midst of a perverse social system. Reflecting on these lessons from recent history might reorganize the connections our mind makes between the quality that causes our pain and the object with which it is associated. The primary object of our antipathy, at least in some cases, may come to be the social system that made these deeds probable rather than the individuals caught up in that system. These reflections lead us, then, to a second reason why some in South Africa are ready to forgive even their and their children's torturers. The social system that made these evils probable has been eliminated. To the extent that the painful quality originated in the social context, the removal of that source brings with it a transformation in the character of those who had been caught up in it.

GREATNESS OF MIND

More suspicious than the claim that forgiving a torturer might be possible is the suggestion that forgiving him might be permissible. But the preceding reflections on systemic (as opposed to personal) evil may

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help in this regard. There will be some constraints on when and how the transfer of responsibility from persons to systems is acceptable from the common point of view. If the reflective path that breaks the association between the painful quality and the person who inflicted torture calls into question all ascription of moral responsibility, it will not meet with approval from the common point of view. Consequently, such a reflective strategy would be impermissible. However, if the strategy still enables us to distinguish between those persons who fully and enthusiastically incorporated the systemic evil into their personal character and those whose character was less tainted by the systemic evil, it may even be admirable. Pity is more readily recognized from the common point of view as a suitable response to the latter. And it is an easy transition from pity, which Hume defines as 'a concern for . . . the misery of others, without any friendship . . . to occasion this concern',[41] to the desire for the happiness and aversion to the misery of one who injured me in which Humean forgiveness consists.

A rationale for distinguishing between cases where the systemic evil sticks to the character of the wrongdoer and those where it does not may be found in Hume's discussion of pride and humility. Hume's account of pride and humility parallels his discussion of love and hate. A pleasurable quality that when associated with another person will evoke love will, when associated with oneself, evoke pride. A displeasurable quality that when associated with oneself evokes humility (in Hume's peculiar sense of the term) tends to evoke hatred when associated with another person. As a result, he often will draw on his account of pride and humility to explain the nature of love and hate.

In Book II, Part 1, Section 6 of the *Treatise*, Hume explains why agreeable or disagreeable qualities that are closely related to ourselves may still fail to evoke pride or humility. Two of his observations are particularly relevant to our discussion. First, he notes that the agreeable or disagreeable quality must 'be not only closely related, but also peculiar to ourselves, or at least common to us with a few persons'.[42] If many are able to write passable poems in free verse, but few are able to write clever haiku, an agent is likelier to feel pride in her possession of the latter ability than the former. If 'there is no man, who, on particular occasions, is not affected with all the disagreeable passions, fear, anger, dejection, grief, melancholy, anxiety, &c.', then the occasional experience of these passions will not humiliate, because 'these, so far as they are natural and universal, make no difference between one man and another, and can never be the object of blame'.[43]

[41] Hume, *Treatise*, 2.2.7.1.
[42] Hume, *Treatise*, 2.1.6.2.
[43] Hume, *Enquiry*, 7 footnote to paragraph 2.

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Second, we are less likely to derive pride or humility if the disagreeable quality is 'inconstant' and 'its connexion with ourselves' is of 'short duration . . . What is casual and inconstant gives but little joy, and less pride.'[44] If I drive a golf ball directly from the tee to the green, I am sure to be amused, but I shall not experience pride. Given my golf game, I shall know that it is a pure stroke of luck, and that the conditions which brought about my good fortune are both 'casual and inconstant'.

Similarly, if the agreeable or disagreeable qualities associated with another person are common, inconstant and of short duration, they are less evocative of love or hatred. If they are uncommon and of lasting duration they are more evocative of love or hatred. What our reflections on the recent history of systemic evil have suggested is that many people will do horrible things if placed in a perverse social system. Relatively few will successfully resist (hence our admiration). Likewise, relatively few will continue to engage in these horrible acts if removed from the system. That is to say, in relatively few cases will the viciousness stick to their character in a way that outlasts the existence of a corrupt social structure. Our emotional responses to cases in which the viciousness persists are deservedly stronger than to the former.

To this point we have focused on the character of the torturer and its relevance to the possibility and permissibility of forgiving. I would now like to turn our attention to the character of the one forgiving. Hume discusses two qualities in the forgiver that are relevant to our assessment of the permissibility of forgiving a torturer. One is 'a degree of self-value' and the other is 'greatness of mind'.

There are occasions when a person is disinclined either to take offence when mistreated or to remain offended thereafter because she fails accurately to perceive the discrepancy between how she was treated and how she deserves to be treated. Her sense of self-worth is inordinately low. In such cases she has a degree of self-value that appears displeasing from the common point of view. Hume says,

> We never excuse the absolute want of spirit and dignity of character, or a proper sense of what is due to one's self, in society and the common intercourse of life . . . A certain degree of generous pride or self-value is so requisite, that the absence of it in the mind displeases, after the same manner as the want of a nose, eye, or any of the most material features of the face or members of the body.[45]

In this passage he is primarily concerned with the obsequious, on the one hand, and those who consort with persons beneath their station, on the other. But the same concern might be raised with regard to

[44] Hume, *Treatise*, 2.1.6.7.
[45] Hume, *Enquiry*, 7.10.

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those ready to forgive out of too low a sense of self-value. We might worry that those inclined to forgive a torturer, especially in the absence of repentance and a change of life, might be so inclined because of a deficient sense of self-value. In such a case forgiveness would be objectionable from the common point of view. But it would not be objectionable *as* forgiveness. It would simply be objectionable *as* a failure to value oneself properly.

However, not all forgiveness of torture need be motivated by a deficiency of self-value. '[S]uppose,' Hume says, 'a person bore me ill-will or did me ill-offices; and I, in return, were indifferent towards him, or did him good offices....'[46] In such a case, my conduct need not be objectionable. In fact, he insists, it 'is often highly laudable'.[47] The virtue displayed therein is what Hume calls 'greatness of mind' or 'magnanimity' and he deems it one of the most admirable virtues.[48] The essence of this virtue is 'a steady and well-establish'd pride and self-esteem'.[49] The magnanimous person is able to forgive not because he values himself too little but because his self-esteem remains steady even in the face of another's attack. Harold Sefolo, whose case Archbishop Tutu recounts, appears to have possessed such greatness of mind. So do those we have come to admire as exemplars of heroic forgiveness, who forgave their persecutors even as they were being crucified, stoned, stabbed, or in some other way cruelly treated. In these cases forgiveness is seen as an example of the virtues of magnanimity and benevolence. As such, forgiveness of a torturer is not only permissible, it is highly laudable.[50]

BENEFITS OF A HUMEAN ACCOUNT OF FORGIVENESS

So why, one might wonder, go to the trouble of teasing an account of forgiveness out of Hume? What can we learn from a Humean account? There are at least three things to which Hume draws our attention that can further our understanding of forgiveness. The first we have already discussed in regard to the appropriateness of distinguishing between systemic and personal evil as a way of promoting forgiveness. Hume helps us articulate why we think the connection between the painful

[46] Hume, *Enquiry*, App. 1.7. While not all cases of the attitude and conduct Hume describes in this passage are cases of forgiveness, all cases of forgiveness would be instances of this sort.
[47] Hume, *Enquiry*, App. 1.7.
[48] Hume, *Enquiry*, 7.4.
[49] Hume, *Treatise*, 3.3.2.13.
[50] Hume praises Sir Thomas More and King Charles I for displaying magnanimity by forgiving their executioners even as they stood before the executioner's block (*History*, 3.31.221; 5.59.540–2).

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quality and the social system should be highlighted in some cases and the connection between the quality and the wrongdoer in others.

Second, a Humean account helps us explain why, in spite of a number of widely appreciated exemplars who forgave torturers, many accounts of forgiveness have a hard time explaining why they are admirable, or even allowing that they are admirable. An account of forgiveness that attempts to locate reasons for forgiving in the character of the wrongdoer[51] will have a very hard time approving of anyone who forgives a torturer. Such an account will either need to make repentance and a change of character a condition of forgiveness, or explore the relationship between systemic and personal evil. The latter exploration by itself is unlikely to persuade for reasons Hume notes. Reflecting on abstractions, like systemic evil, seldom moves us. It is much less likely to evoke an emotional response than reflecting on particular cases. As a result, within such an account the deck is stacked against forgiving an unrepentant torturer even if the relationship between systemic and personal evil is made an object of analysis. However, when qualities of the forgiver are also brought into the analysis, our admiration for heroic forgivers is brought into relief. Hume recognizes that forgiveness can stem from the goodness of the forgiver as well as from the penitence of the forgiven.[52] Reflecting on the character of great-souled individuals will generate greater approval for forgiving even torturers than will reflecting on the relation between systemic and personal evil. And attending to the character of the forgiver better enables us to distinguish between cases of forgiveness that are motivated by a deficiency of self-valuing, on the one hand, and 'a steady and well-establish'd pride and self-esteem', on the other.

The third benefit of a Humean account of forgiveness is that it helps us make sense out of why even those who consider both the character of the wrongdoer and the character of the forgiver hesitate when posed the question, 'Is torture unforgivable?' We hesitate because of the different qualities of character that may be revealed in forgiving. Forgiveness

[51] Cf. Pamela Hieronymi, 'Articulating an Uncompromising Forgiveness', *Philosophy and Phenomenological Research* 62.3 (May 2001), pp. 529–55; Aurel Kolnai, 'Forgiveness', *Proceedings of the Aristotelian Society* 74 (1973/4), pp. 91–106; Jeffrie Murphy, 'Forgiveness and Resentment', in *Forgiveness and Mercy*, ed. Jeffrie Murphy and Jean Hampton (New York, 1988), pp. 14–34; David Novitz, 'Forgiveness and Self-Respect', *Philosophy and Phenomenological Research* 58.2 (June 1998), pp. 299–315; and John Wilson, 'Why Forgiveness Requires Repentance', *Philosophy* 63.246 (October 1988), pp. 534–5. Although in *Getting Even: Forgiveness and its Limits* (New York, 2003), Murphy follows Butler in speaking of the 'virtue' of forgiveness, even the chapter entitled 'Forgiveness as a Virtue' spends most of its time discussing how a change in the wrongdoer, viz., repentance, enables us 'to reap the blessings of forgiveness without sacrificing our self-respect or our respect for the moral order in the process' (p. 35).

[52] Hume, *History*, 3.30.195.

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does not invite the same assessment of character in all instances. In some cases, it may betray a lack of proper self-valuation. When the injury one has suffered involves injury done to another (e.g. someone one loves), too great a readiness to forgive may reveal an improper valuation of that other. For example, Hume describes a situation where, in order to injure the Duke of Gloucester, political rivals accused his wife of witchcraft and condemned her to 'perpetual imprisonment'. Had Gloucester been eager to forgive them, we would suspect him of having too little regard for his wife and the wrongs she had suffered.[53]

The second reason for hesitating when determining whether torture is unforgivable stems from a tension between competing aspects of our evaluative standpoint. Assessing an action and its agent from the common point of view involves imagining the emotional responses of those immediately affected by the action and sympathizing with those emotions.[54] In the case of forgiveness, this involves two steps. In the first step we sympathize with the forgiver at the time she was wronged. We experience hatred and anger, as well as 'the desire of punishment to our enemies',[55] which in this case includes the wrongdoer. In the second step we sympathize with the wrongdoer as he receives the benefit of being forgiven. There is something troubling about the transition from sympathizing with the victim to sympathizing with the victimizer. The task of the wider community is to uphold justice, to stand in solidarity with the victim and to assert the moral worth of the victim in the face of the wrongdoer's disvaluing actions. The obligation to stand in solidarity with the victim is stronger than our obligation to sympathize with the beneficiary of a gift and our capacity for sympathetic outrage exceeds our capacity for sympathetic joy. As a result of both temperament and obligation, we are likely to view the situation from the sympathetic vantage of the victim at the time of the wrong.

If we attempt the transition from the first to the second step, our strong sympathy for the victim may invite a misstep which will take us out of the common point of view, albeit in a way we are unlikely to notice. Our sympathies with the victim may prompt us to view the act of forgiveness not from the vantage of 'those who have intercourse with'

[53] Gloucester had 'received from his rivals a cruel mortification, which he had hitherto born without violating public peace, but which it was impossible that a person of his spirit and humanity could ever forgive' (Hume, *History*, 2.20.419). The two instances in which Hume speaks admiringly of someone being unable to forgive both involve a wrong done to X by way of a wrong done to Y. In Gloucester's case, his wife was injured in order to injure him. In the case of the Earl of Richmond, Elizabeth, the woman he expected to marry, was given by her mother, the queen-dowager, to Richard III, in an attempt to secure the queen's position of power and in spite of the fact that Richard had murdered the queen's brother and her three sons (Hume, *History*, 2.23.513).

[54] Hume, *Treatise*, 3.3.1.17.

[55] Hume, *Treatise*, 2.3.9.8.

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the forgiver, but from the vantage of the forgiver herself. Viewing the act in this way introduces a further inclination to resist forgiveness. For only the one who was wronged has the proper standing to forgive.[56] Forgiving is an activity to which the one wronged has an exclusive right. It is not my place to forgive someone for what they have done to you. Quite the contrary is the case. It is my place to defend you and demand the punishment of the one who did you wrong. The tension between the first-personal point of view, which permits of forgiveness, and the third-personal point of view, which requires a defence of the one wronged, makes for conflicting emotional impulses within the pseudo-common-point-of-view we have adopted.

Even if we succeed in making the second step, it is likely to return us to the vantage of the victim. Viewing the forgiveness from the imagined vantage of those who have intercourse with her is likely to strengthen our love for her. What a benevolent person she is! But this observation makes the fact that she was injured by the wrongdoer even worse in our eyes. For now it is even clearer that she, of all persons, ought not have been treated in this way. This realization is likely to increase our outrage at the wrongdoer, making it even more difficult for us to approve his being let off.

Further, if we are learning of the wrong at the same moment that we are viewing the forgiveness, it will be still harder to approve. Our sympathy with the victim at the moment of the offence may keep us fixed in the moment when our anger will be greatest. Without the benefit of the passage of time that often calms the passions and makes forgiveness possible, the third-party sympathizer may find forgiveness more difficult to appreciate than does the one who forgives.

As a result of these sympathetic tensions we will always be a little suspicious of forgiving, at least when the wrong done was serious, especially in the absence of repentance and a change of life. Even when we approve a particular instance of forgiveness, our response may be marked by ambivalence. On the one hand we admire the magnanimity of the forgiver. On the other, we contemn the wrongdoer. The latter response is reinforced in us by our obligation to stand in solidarity with victims of wrongdoing against those who have wronged them. The result may be an instability in our emotional response that depends on whether we are focusing our attention on the one forgiving or the one forgiven.

[56] For further discussion of this claim see R. S. Downie, 'Forgiveness', *Philosophical Quarterly* 15 (1965), pp. 128f.; Simon Wiesenthal, *The Sunflower* [1969], revised and expanded edition (New York, 1998), pp. 64ff.; and Murphy, 'Forgiveness and Resentment', p. 21.

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We are now in a position to say it is both possible and permissible to forgive a torturer. However, the last few paragraphs have suggested that the kind of forgiveness with which we began, the forgiveness about which Tutu was speaking, would fail to satisfy the conditions of permissibility. The persons who 'want to forgive' are not those who were tortured, but the family members of those who were tortured. Since they were not the ones tortured, we might worry that they lack the standing to forgive. Only the one tortured has the standing to forgive, and in the kinds of cases Tutu is discussing, those victims are dead. Further, by forgiving those who tortured their family members, wouldn't one be showing too little regard for them and failing to stand in solidarity with the victims of wrongdoing? It may be permissible for some people to forgive some torturers in some cases, but these are not those people and cases.

The objection may rule out some but it will not rule out all of the cases Tutu considers. Note that the family members of those tortured need not take themselves to be forgiving on behalf of those tortured. The one tortured is not the only one harmed by it. Gloucester's enemies clearly understood that to harm his wife was to harm Gloucester as well. He does not suffer the same injury his wife suffers, but he has been injured. The family members who wish to forgive are prepared to forgive the wrongdoer for what he has done to them by way of what he has done to their husband, wife, daughter, son, father, mother, sister, brother, uncle, aunt or cousin.

By forgiving, are the family members failing to value their loved ones highly enough? Does solidarity with the victim require them to continue to hate or resent the wrongdoer? A case from Hume's *History* suggests that it can be morally admirable to forgive a wrongdoer for an injury one has suffered by way of an injury done to another. It is reputed that Charles I charged Bishop Juxon 'to inculcate on his son the forgiveness of his murderers' and he reminded Juxon of this charge even as he stood before the executioner's block.[57] Part of what Hume thinks commands our esteem in this act is that it evidences Charles' 'firm and intrepid' yet 'mild and equable' character.[58] An equal part, it would seem, is that this charge is conducive to the common weal. Given the power that Cromwell and his party wield, it will be to the advantage of the prince if he does not seek to avenge his father. It will also be to the advantage of the body politic if the prince can learn good will toward his father's political opponents, since in such a case the animosity born of resentment is less likely to grow and the country is less likely to be torn apart by civil war. And 'where interest or revenge or envy

[57] Hume, *History*, 5.59.542.
[58] Hume, *History*, 5.59.537.

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perverts not our disposition, we are always inclined, from our natural philanthropy, to give the preference to the happiness of society . . . above its opposite'.[59]

Similar conditions hold in Tutu's case. The peace and welfare of South Africa depends on the establishment of goodwill between former killers and the families of their victims. Thus, the inclination to forgive, to the extent that it promotes the public good, will elicit our approbation. However, before such forgiveness will be approved, it will need to be made clear that it does not stem from an improper valuation of oneself or others. Ordinarily, one must have gone through anger at the wrong and grief over the loss it caused, and a significant amount of time must have passed, before we are likely to admire someone who forgives such a wrong.

CONCLUSION

So is torture unforgivable? The answer, we have come to see, is 'Not always.' Provided it does not display too low a regard for one's own value or the value of others, forgiveness can be quite admirable. However, our high regard for those who forgive may be tempered by the moral anger that the wrong they have suffered evokes when we look on. When we look at the character of the forgiver we laud her benevolence and magnanimity. But when we attend to the context in which that virtue is displayed and sympathize with her in the moment of injury, we are moved to anger. This conflicting dynamic of admiration and anger may leave us in two minds about the forgiveness of those who have perpetrated terrible wrongs. Hume helps us to see why we may fail to be wholehearted in our endorsement of forgiveness. We approve the forgiver but we cannot quite be happy about the forgiveness because we cannot approve the circumstances that necessitated it.[60]

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[59] Hume, *Enquiry*, 5.40. Hume discusses with admiration another instance in which the public good provided reason for a prince of 'great virtues and shining talents' to forego resentment in his account of the reign of Alfred (*History*, 1.2.62ff.).

[60] I am grateful to Elizabeth Radcliffe, Dillon Emerick and Jeremy Wisnewski for helpful comments on an earlier draft of this article.

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