

## CLASS 5: REPAIRING WRONGS II: RECONCILIATION

### Introduction

We arguably require a moral code to live peaceably and securely in a world of strangers. We are always vulnerable to the actions of others. Some such actions might damage our physical security or our ability to live as we choose. To minimize this vulnerability, we collectively build and reinforce a set of moral rules that we expect each other to obey.

Yet all of us damage that moral code; we all commit harms and wrongs. When we do so, we arguably owe it to ourselves and to others to recognize our misdeeds. We also arguably should assume some responsibility for attending to the damage we have caused.

Other people likely will expect this of us. If we do not feel guilt for our misdeeds and if we do not respond, others will likely see us as morally deficient. To retain our standing as a properly moral person, we can be expected to recognize our mistakes and to seek to atone.

Last time, we considered three ways to respond to harms and wrongs. **Retribution** results in a punishment that is seen as somehow commensurate with the wrong. From this perspective, a punishment is morally-deserved if it is roughly equivalent to the damage caused by the wrong. **Restitution** also implies a re-balancing of the scales, by requiring resources to flow from the wrongdoer to the victim. **Repentance**, on the other hand, concentrates primarily on the perpetrator, and asks her to undertake self-directed acts that reflect a keen awareness of the moral wrong that she caused.

Each of these approaches has proven popular for centuries. However, there exists at least one other option: **reconciliation**. Here, the goal is to see the damage caused by the wrong to the fullest degree, and to repair it as directly as possible. If a wrong is a tearing of the moral fabric, then arguably the best method of repair involves a re-stitching.

Restorative justice advocates favor this approach. Their support for reconciliation stems, in part, from the way in which they initially define the wrong that is represented by a crime: as damage to the moral relationships that tie us together. This view has implications for how both the perpetrator and the victim should understand the crime, and how they should approach each other.

### The Nature of a Criminal Wrong

Support for reconciliation stems from a key understanding of the nature of a wrong. The principal issue here is the damage that is done to our moral code.

This code helps us maintain proper relationships with another. To minimize our vulnerability to others, we should all abide by rules that protect us from each other. Some of these rules, of course, are codified in criminal law. Because of this, coerced punishments can flow from our moral violations.

Not just a violation of the law, a moral misdeed is a threat to our relationships to others. When we wrong, we fray the ties that bind us together.

To atone for our wrong therefore means to repair the damage we have done to our relations to others. We need to work to rebuild the trust that we have injured. According to Margaret Armour and Mark Umbreit (2006, p. 127):

“Restorative justice recognizes that crime breaks trust not only between the offender and the victim, but also between offenders and their community. Moreover, crime creates injuries and injuries create obligations. Justice means making things right.”

To make things right requires a focus on the relationships threatened by the wrongdoing. This means recognizing all of the relevant parties and all of the resultant damage. Linda Radzik (2013, p. 79) puts it this way:

“The advantage of thinking of wrongdoing as primarily damaging relationships is that it encourages us to attend to all of the parties who are negatively affected by wrongdoing and to identify the various kinds of harms that wrongs might cause.”

It is thus not enough to simply expect some form of payment from the perpetrator of a wrong, either through a coerced punishment or some form of restitution. It is also not enough to expect the wrongdoer to repent, even if that implies a significant transformation of their moral character. What is needed is as direct a repair as possible to the relationships that the wrong has injured. Here’s Linda Radzik (2013, p. 80) again:

“Besides images of reconciling and reuniting, the metaphors that are most appropriate to this theory of atonement include images of rebuilding, repairing, reforming, or healing. However, keep in mind that what is being repaired or reformed is not simply the victim’s level of utility or the wrongdoer’s character, but primarily a set of relationships. The kind of reconciliation that is the goal of atonement, then, involves the restoration of a paradigmatically moral relationship.”

This repair requires something of both the perpetrator and the victim. Let’s consider these in turn.

## Doing Reconciliation: The Perpetrator’s Responsibilities

If a moral wrong constitutes damage to our relationships, then repair is necessary. Obviously, the perpetrator of the wrong needs to be at the center of such repair work. This work can help to restore the victim and the wider community. And, importantly, it can help restore the perpetrator, as well.

The first task of this repair work, arguably, is for the perpetrator to recognize the wrong and their role in its commission. According to Margaret Holmgren (1998, p. 77):

“If she does not acknowledge that her act was wrong, she fails to respect the victim of her wrongdoing and the moral obligations she had at the time that she acted wrongly. By engaging in self-deception and denying her own responsibility, she also fails to respect herself.”

After recognizing the wrong, Holmgren argues, the perpetrator must see the moral worth of the victim. This is the principal means by which the perpetrator can see the damage of their actions. According to Holmgren (1998, p. 77): “Until [the perpetrator] comes to see the victim as a person with a status equal to her own, she obviously fails to respect him.”

This ability to see the victim more clearly requires empathy. Thus the perpetrator must step outside of themselves and see the world from the perspective of the person who was harmed. Harris, Walgrave and Braithwaite (2004, p. 202) capture this point:

“Empathy for victims’ suffering causes the offender to recognize the hurt their behavior caused and in turn is an important pathway to recognizing that it was wrong. Thus, it is often empathy that leads to the emotions of remorse, guilt and shame. As a consequence, it is crucial to activate the potential for compassion in the offender. This can happen only in a situation wherein the offender him- or herself experiences respect and empathy.”

So, the wrongful person must recognize the commission of the problematic act, and recognize the harm caused to the victim. These steps thus require the abilities to see oneself clearly and to empathize with others.

Once these steps are taken, the perpetrator should arguably seek to address the victim in a conciliatory way. In other words, they should provide an apology. The act of an apology can be a significant step toward rebalancing the moral scales between the perpetrator and the victim. Someone who has been wronged has been diminished. They may have lost their resources and their sense of physical security. They have also lost some degree of their moral standing, which an apology can help restore. Here is how Lawrence Sherman and Heather Strang (2011, p. 163) capture this idea:

“In a symbolic sense, offenders have demonstrated their power over victims by the completion of the crime. The crime then becomes the symbol of the offender’s ability to dominate the victim. This hierarchy remains a symbol of submission until the victim can overcome it in some way. One way could be to have the offender suffer the pains of imprisonment, but even that may be unsatisfactory if the offender remains defiant and contemptuous of the justice system. Another way to relieve the victim from a perceived status inferiority relative to the offender may be even more effective than prison. That way is what restorative justice often (if not always) accomplishes: an apology by the offender, who thus publicly admits the moral inferiority and blameworthiness of the crime against the victim.”

Christopher Bennett (2007, p. 256) also emphasizes how the victim’s moral status can be restored through the act of an apology:

“The fundamental thing that [the offender] owes is vindication or repentance: the retraction and repudiation of the claim, expressed in his action, that the victim is his inferior and can be used to his own ends. It is this repentance that allows the relationship between the two to be put to rights: through repentance the offender reaffirms that victim’s equality and acknowledges how wrong of him it was to deny it. His repentance is expressed in apology and proportionate reparation. This account explains what it means to say that crime is a violation and in what sense

there can be symbolic reparation for such a crime. It also explains in what sense it is important to restore the relationship between victim and offender.”

Thus, the apology works to re-establish the moral worth of the victim. If the wrong worked to temporarily diminish the victim, the apology re-sets that balance. This is obviously beneficial to the victim, as Kathleen Gill (2002, p. 116) argues:

“The apology has a psychological impact on the victim related to moral status; the moral value of the victim is not in fact diminished by the offender, but perceptions of that value may have been altered. The apology reshapes those perceptions, helping to restore a sense of self-worth and confidence on the part of the victim.”

Importantly, as Gill (2002, p. 117) further notes, the apology can further the moral standing of the perpetrator:

“The public nature of the apology provides the offender with an opportunity to reestablish his own moral integrity. The offender is able to show others that he isn’t the monster he may seem to be, that he does have those moral capacities which are the mark of being human. . .At its best, the expression of an apology enables the offender to salvage a bit of moral integrity, confirms the injustice of the harm done to the victim, gives some assurance of safety to the public, and engenders an attitude of respect for the law.”

If reconciliation is our goal, then, we might expect the person who commits a wrong to take responsibility for their actions, to empathize with the harms done to their victim(s), and to make as direct an apology as possible. All of these actions can work to help restore the victim, and it can help repair the damage done to the community’s wider moral code. It can also help the wrongdoer re-establish their own sense of moral worth, and their moral standing within the wider society.

Of course, to re-establish the moral balance and relationship between the perpetrator and the victim does require some work on the victim’s part. It is to this aspect of the reconciliation dynamic that we now turn.

## Doing Reconciliation: The Victim’s Perspective

The victim of a wrong is usually beset with a range of emotions. For various reasons, they will likely feel diminished. They may also suffer from anger, resentment and fear, and may struggle to feel secure and trusting. The impulse for revenge is therefore understandable.

However, a victim’s long-term emotional well-being is likely not well-served by the continual harboring of resentment and desires for vengeance. The damage that they experienced is rather best addressed more directly.

An ideal restorative justice approach would include direct encounters with the perpetrator. Again, the relevant metaphor is one of repair, of re-stitching the torn moral fabric.

A potential goal for a victim can be to work to forgive the perpetrator. Of course, the nature of the harm the victim experienced may make this impossible. In addition, victims should

arguably never be expected to forgive, much less coerced into doing so. The decision to forgive may not be easy, and a victim's struggle to do so should always be respected.

That said, forgiveness is often an outcome of restorative justice conferences, and often appears to be emotionally beneficial to victims. Indeed, it can empower victims. Pamla Gobodo-Madikizela was active in South Africa's post-apartheid Truth and Reconciliation Commission processes. She saw first-hand how forgiveness could strengthen victims:

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

Lawrence Sherman and Heather Strang (2011, p. 163) saw a similar process after observing dozens of restorative justice conferences:

"Among victims who had experienced restorative justice, most said that the experience greatly increased their sympathy for the offender, greatly reduced their fear of the offender, and generally made them less fearful of crime in everyday life. All of this may be linked to the transfer of power from the once-dominant offender back into the now-victim, who emerges as the 'top dog' (or at least higher dog) in the relationship of the parties concerned."

This emotional change, as Sherman and Strang suggests, stems from victims hearing from the perpetrators. In direct conversation, perpetrators reveal themselves as the fully human persons that they are. This makes it harder for victims to see perpetrators simply as villains. Instead, the victim may come to recognize the various challenges that many perpetrators face, such as poverty, an unstable home situation, or any of the other factors that might have prompted the wrong. Here's Sherman and Strang again (2011, p. 156):

"Stepping back from the details of the process, what we see appears to be a transformation of vengefulness into empathy. Victims apparently enter an RJ event focused on their own feelings, and leave focused on the state the offender is in—which often strikes them as far more pathetic and tragic than anything they themselves have suffered. . . The offenders' descriptions of child abuse, victimization, feckless or drug-addicted parents and other traumas allow victims to peer inside their lives. What they see gives them *empathy*: the capacity to put themselves in the offenders' shoes and to experience the offenders' emotions. That, in turn, may make the emotions of the victim less vengeful, allowing the empathy to create positive emotions of *sympathy* or *pity*, or at least an emotionally neutral state of *acceptance* of events."

If they are able to come to a place of forgiveness, many victims report a greater degree of emotional well-being. As Armour and Umbreit (2006, p. 126) put it: "Victims might forgive as an emotion-focused coping strategy in order to neutralize or replace all or part of those negative emotions with positive emotions."

Of course, direct conversations between those convicted of crimes and their victims remain uncommon. For that reason, many wrongdoers do not have the opportunity to hear forgiving sentiments from their victims. Because of this, they may have to seek forgiveness elsewhere, most notably from themselves. It is to this challenge that we now turn.

## Reconciliation With Oneself

In an ideal restorative justice setting, both perpetrator and victim have an emotionally-honest, mutually-empathic conversation. As a result, greater understandings and even forgiveness can result, and both parties can emerge feeling morally restored.

Such conversations remain rare, at least for those who are convicted of crimes and subsequently sentenced to prison. For this reason, the pursuit of forgiveness can be a more solitary affair. But this does not make it any less important.

Of course, some degree of self-reproach might always attach to our wrongdoing; there may be some things that we commit for which we may never fully forgive ourselves. This is not necessarily a morally problematic thing, according to Robin Dillon (2001, p. 78):

“Self-reproach begins because something has a certain significance for us; guilt, shame, and other such emotions express that significance and so express our values. It is because we care about what was harmed and the kind of person we are that we feel as we do; and remembering often rekindles the feelings. But more than this – we may need to hold on to self-reproach, especially its emotional dimensions, so that we don’t forget what we care about. . . [Self reproach] is morally valuable inasmuch as it expresses self-respect and sustained commitment to the values and standards of one’s normative self-conception, as well as an honest appraisal of oneself that refuses to compromise for the sake of comfort.”

Yet such self-reproach can go too far. The perpetrator of even the most heinous wrong does not lose their inherent moral worth. Again, we are all, at base, moral equals, regardless of our actions. If a wrongdoer takes the proper steps to take responsibility for their actions, and makes a good faith effort toward reconciliation, then they arguably deserve to forgive themselves. As Margaret Holmgren (1998, p. 82) puts it:

“An offender does not lose her intrinsic worth or her basic acceptability as a person through her act of wrongdoing. Her intrinsic worth is grounded in her autonomy and in her capacity for moral choice, growth, and awareness. It cannot be defeated by her wrong choices, nor can it be increased by her capacity to make restitution for the injury. At all times, she possesses an intrinsic worth equal to that of every other person. . . In order to respect her victim she must renounce her wrong and attempt to atone for it, but she need not renounce herself as a person.”

To recognize oneself fully as a person, according to Holmgren, is to recognize our human fallibility. That we fall victim to that fallibility is a necessary consequence of being human, and of living interdependently with others. We cannot escape the commission of wrongs, and thus should recognize this about ourselves. As she describes it (1998, p. 79):

“By seeing herself as a vulnerable human being subject to various needs, pressures, and confusions, she can come to understand why she did what she did. She can have the humility to recognize that neither she nor any other human being is immune from making wrong choices. And she can honor herself as a valuable person, which she remains in spite of her wrongdoing. At this point the offender has reached a state of genuine self-forgiveness. Her self-forgiveness is genuine as she is not deceiving herself about any significant aspect of her wrongdoing and she is not evading any of the tasks she needs to perform to amend the wrong.”

So, self-forgiveness does not mean avoidance of accountability. It is simply a recognition that we will necessarily fail to meet all of our moral obligations. If we humbly assume responsibility for our failures, and earnestly do our part to reconcile ourselves with our victims and our communities, then we can restore our own self-image as morally valuable.

Of course, this process should remind us to always be humble about our capability for wrong-doing. As Robin Dillon (2001, p. 83) summarizes it: “Humble self-respect may be not only the best we can expect from self-forgiveness, but morally the most appropriate stance to take. Sometimes a self-respecting person should not be entirely at peace with herself.”

## Conclusion: Reconciliation and Redemption

The commission of wrongs is unavoidable. So, too, is the challenge of marshalling a proper response. If we fail to meet our moral obligations, then we arguably owe it to others – and to ourselves – to seek some means of atonement.

The reconciliation approach suggests that atonement best occurs if we provide as much direct repair to our harm as possible. We recognize our misdeeds, we empathically seek to understand our victims’ experience, we offer an earnest apology. We never fail to see ourselves as fallible moral actors, and we forgive ourselves to a sufficient enough degree to restore ourselves so that we can behave more properly in the future.

For some, the conclusion of this process constitutes redemption. For Linda Radzik (2013, p. 114):

“Redemption consists in the satisfaction of moral claims stemming from the wrong, the normalization of one’s standing in the moral community, and the establishment of reestablishment of good relationships with those affected by the wrong.”

For Radzik, such redemption can occur even without the types of perpetrator-victim conferences that restorative justice advocates favor. She elaborates (2013, p. 114):

“We should not describe the ideal end state as the full re-establishment of any previous relationship between wrongdoer and victim. . . However, a wrongdoer can be redeemed in a moral sense as long as she can satisfy her obligations to others and reestablish her moral trustworthiness to the point that the victim and the community will no longer have any reason to continue to regard her with the suspicion and reserve that accompany the role of ‘wrongdoer’. This type of

reconciliation is what I term 'moral reconciliation.' In order to achieve this, the wrongdoer must regain her standing as a trustworthy member of the moral community, at least to a normal level in the moral matters in question."

No matter how wrongful our actions, the path to reconciliation and redemption is available to us. Ideally, this can occur through direct perpetrator-victim dialogues that are emotionally honest and deeply empathic. However, in their absence, we can still do the repair work necessary to re-establish ourselves as full members of our moral community.

We can, in short, reconcile ourselves to those we have harmed and to those moral commitments we share with others. We can also reconcile with ourselves, and to our own sense of moral self-worth. In this fashion, we can move forward as able and contributing members of our moral communities.

## Questions to Consider

- What is most appealing about the reconciliation approach to wrongdoing? Does it have any obvious downsides?
- What might constitute a proper apology after a wrong?
- Is it proper to expect or ask for forgiveness? Why or why not?
- What does it mean to forgive oneself? Is self-forgiveness always desirable? Attainable?
- Is self-reproach a positive or negative emotion? How can it be regulated?

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