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LOVE ACTUALLY:
LAW AND THE MORAL PSYCHOLOGY OF FORGIVENESS

Abstract

In this essay, I advance an account of love as the basis of a moral psychology of forgiveness. Drawing upon Roy Bhaskar's philosophy of metaReality, I argue for an account of love based on his conception of its five circles, and of the ethical nature of human beings as concrete universals/singulars. Linking this to the dossier of accounts of guilt and forgiveness assembled by 'The Forgiveness Project', I argue that forgiveness can be understood metaphysically in terms of its relation to love of self, of the other, of the relation of self and other, of self, other and the wider community, and of self and other in their ontological depth as unique individuals. Forgiveness is bivalent in its self/ other directionality. It involves both a 'giving to' and a 'giving up', and this can lead to a profound sense of identity with another in the most unlikely of relationships (that between a victim and a perpetrator). Forgiveness is also processual in three ways: it is psychological in a way that is different for each person; it may draw upon a public/ legal setting as a proxy for universal judgment; and it confronts social-structural and political elements which may block its development.

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LOVE ACTUALLY:

LAW AND THE MORAL PSYCHOLOGY OF FORGIVENESS¹

‘You can’t play games around murder – there’s a kind of vulnerability and transparency that occurs and you have to become a better person to get through. You can’t stay around in the fog. You need to soar, to go higher.’ Wilma Derksen (Cantacuzino 2015, 117)

What does it mean to soar? The words above are those of the mother of a young girl, Candace Derksen, who at the age of 13 was kidnapped and murdered in Winnipeg, Canada in 1984. The man believed to be the killer was convicted only in 2011. After a successful appeal, a retrial in 2017 failed to reconvict.² Wilma Derksen, with her husband and her other children, made the decision early on to forgive the perpetrator, before his identity was even known. Her words reflect that decision, but what was the emotional process and what the thinking that could lead to it? What does it mean ‘to soar, to go higher,’ and how is it related to the vulnerability experienced around this terrible violation? What is the transparency that operates here? May we never have to experience such a situation, but if I try to interpret what is being said, I think it is that grief around such violence can only be dealt with by a moral truthfulness with oneself and others that can’t admit falsity or mere conventionality in what is said and done. It is necessary always to get to and stay at the heart of the matter, and in so doing to seek for the truth in oneself, in one’s relationships, in one’s broader social

¹ This paper was presented as a plenary address at the IACR annual conference held at Turin in July 2017, at the Critical Legal Conference in September 2017 at University of Warwick, and at a Yale Centre for Faith and Culture consultation on Joy, Guilt and Innocence at University of Fribourg, Switzerland, October 2017. My thanks to all those who commented on it on these occasions. This essay was written while the author was a Major Research Fellow under the auspices of the Leverhulme Trust, an award which is gratefully acknowledged.

² For a report, see <http://www.cbc.ca/news/canada/manitoba/candace-wilma-derksen-verdict-1.4361709>.

dealings, and even one's thoughts about and feelings towards the perpetrator. The phrase 'the heart of the matter' is apposite because here we are not talking about truth in an abstract way, but about the moral truth in one's feelings, thoughts and deeds. This is ultimately a truthfulness about what really matters to the person bereaved and violated. What really matters is what it means to love: oneself, one's family, one's social group, those that do well by us, and also those who do us harm. The 'heart of the matter' is about what matters in the heart.

Not everyone who is violated or victimised will take Wilma Derksen's line, and no one is obliged. Nor is it an easy one to follow. Those who do follow it are articulating a sense of how they relate as human beings to themselves and each other in the best, most principled and loving way they can. They are trying 'to soar, to go higher', because that is the only way they can deal with the raw and open wound, the 'vulnerability and transparency' that murder evokes. It is, however, one thing to grasp what is being said in human, emotional terms, another to reflect on it in a philosophical way. What do these words tell us about the nature of moral experience, in a world where victimisation and violation are widespread, and stock ways of thinking often appear inadequate? If human beings can think and feel in this way, what does that tell us about their, and therefore our, moral psychology, and how does this relate to our understanding of criminal law and justice?

This essay follows an earlier essay in this journal (Norrie, 2018b), and may be read as its companion. In the previous essay, I argued on the basis of a theoretical foundation of love for the need for moral transactions concerning guilt and forgiveness in order for change to occur in social and individual relationships. In this essay, I follow that line by developing the account of love presented there in terms of five forms that underpin a process of forgiving. So doing, I also seek to analyse what forgiveness means. I do this by reflecting on the memoirs of victims and survivors of violation collected in the work of the *Forgiveness Project*.³ In the next section, I consider why a moral

³ The Forgiveness Project 'collects and shares stories from individuals and communities who have rebuilt their lives following hurt and trauma': their website may be accessed at <https://www.theforgivenessproject.com/>. A number of stories are collected in Cantacuzino, 2015, and it is these that I draw on here.

psychology of forgiveness is important in the light of the perceived systematic moral failings of modern society. I designate this as 'the Arendt problem' to denote the representative issue identified by Hannah Arendt in her writings on the failure of moral judgment after the holocaust. To this I oppose an ethics based on solidarity and love. In the middle section, I then identify a moral psychology based on five forms of love invoked by the issue of forgiveness. Finally, in a third section, I consider what the analysis tells us about the meaning of forgiveness and some limits upon its possibility.

FROM VIOLATION TO LOVE AND FORGIVENESS

In this section, I consider the need for an ethical response to the problem of systematic violence in modern societies. Its very systematicity suggests that such a response is not possible. One statement of such a position is provided by Hannah Arendt, and I argue that the way out of the impasse is to be found in ideas of universal solidarity and love.

Being moral in the face of immorality and amorality

I want to suggest that Wilma Derksen's moral experience represents in microcosm the nub of a solution to the problems we face in thinking about criminal justice today. In a world which seeks to reduce the moral affect in criminal justice, and to promote technocratic or legal solutions to the problem of crime; and where the introduction of moral affect often becomes no more than an easy way of promoting populist, authoritarian policies, i.e. acting immorally in the name of morality; and where either Hume's naturalistic fallacy or Nietzschean 'realism' becomes a default basis for conceiving social, political or legal morality, but should a society deal with the deep moral issues that emerge in every case of serious violation – for victims and perpetrators?

The problem is only greater if we move beyond the confines of the 'well-ordered' nation state, to situations involving international criminal justice, where egregious acts of violence are committed

against individuals and groups, and the experience of often systematic forms of violence is repeated just as often as the impotent demand 'Never Again'. Where 'everyman becomes a *génocidaire*' (Cesarani 2004), are there any longer grounds for thinking ethically about what human beings do? Writing 200 years ago, Hegel had a term for this, describing history as a 'slaughter bench' on which happiness, wisdom and virtue have been sacrificed. His question, to what principle or aims these sacrifices have been offered (Hegel 1956, 21; Norrie 2017a), surely remains apposite today. For Hegel, indeed, a certain optimism remained: the *Nachdenken* of reason remained possible, but what for us today?

Today, there is not just the question of how people act, but the issue of what institutions of justice achieve. On the international stage, the settling of criminal accounts has been viewed as a manoeuvre of power ('victor's justice'), one that provides a superficial, symbolic acknowledgment of past harms in exchange for acceptance that the status quo ante with its attendant structural problems will remain as before. Beneficiaries of social and economic injustices that led to crimes of violation and victimisation will retain their privileges in settings that only manage to restrict regimes of violation by securing periods in which it is latent. This occurs at the same time as international tribunals adjudicate, purportedly, to render repetition impossible (Meister, 2011). 'Never again' becomes 'always again'.

At one level, the problem of violation and victimisation at the national or international level must be viewed as involving sociological, socio-historical, and psychoanalytical issues. How is it that societies produce certain levels of crime and violation with a degree of statistical reliability that is reproduced from year to year? How is it at the international level that groups of people are able to occupy the same geo-historical space in relative peace and lawfulness for generations before the eruption of violence between them? What were the historical structures, the ideologies and the practices that led to peaceful coexistence; what were the underlying social tectonic plates and what the mechanisms that activated latent conflicts? What is the difference between what a movement of

legal or other redress purports to achieve and what it actually does or can achieve within a particular constellation of social and economic power? In psychoanalytic terms, how do situations of structural violence enable what Melanie Klein termed a paranoid-schizoid reaction, that is, fantasies of omnipotence and splitting of the self from the other, of the 'doer and the done to' (Klein 1997; Reeves 2018; Benjamin 2018)?

At another level, there is the question of what we can expect of human beings, not just at their worst, which victimisation and violation evince, but also at their best. While we know where the former leads, there is more to be said about the latter. By this, I do not mean simply what does it mean for people to behave well? I want to ask the questions: what does behaving well look like in relation to victimisation and violation; and how can it offer ways out of repeating violence? Socio-historical, social-structural and political solutions no doubt remain key to the problem of violence nationally and internationally, but it is hard to think that those solutions can work unless they are embraced actively by human beings engaging with their worlds in morally efficacious ways. The commitments and understandings that inform a moral psychology able to deal with violation remain crucial. In that regard, Wilma Derksens's example (and others like her) of how a person can deal individually with victimisation and violation provides an important way of thinking about how acting in morally appropriate ways can be a crucial subjective, agentive part of the picture.

From human solidarity to love: beyond 'the Arendt Problem'

In previous work, I have sought to put the metaphysical experience of being human at the core of thinking about guilt, justice and forgiveness (Norrie 2017a). In critical realist terms, human agency is formed out of material processes such that there is a natural necessity to our acts (Bhaskar, 1979). This can be compared to the causal necessity of the natural world, but only so long as we identify the crucial differences between human beings (the object of study of the social sciences) and other objects in nature (the object of study of the natural sciences). Difference revolves around the nature of human agency and how actors act to reproduce or transform the social world (Bhaskar 1979;

Norrie 2010). But human agency also operates at a deeper, spiritual level. Human beings have the ability to reflect on their world in moral and emotional terms, and this can invoke a sense of universality. They can think about what they ought to do in terms of disinterested and self-sacrificing principle, in terms of universal obligation, and in terms of love. They can do so just because they are able to do so, and this is by virtue of their species nature as human beings.⁴ These different dimensions locate human being as material, creative and spiritual (Bhaskar 2012).⁵ This is so even if the world which they have made operates often to deny disinterest, principle and love in favour of victimisation and violation.

The issue underlying this severe, seemingly unredeemable, conflict between possibility (how we ought to behave) and actuality (how too often we do behave) might be identified as the 'Arendt problem', as it emerges from her post-World War II correspondence with Karl Jaspers (Kohler and Saner 1992) and her attendance at the Eichmann trial in Jerusalem (Arendt 1964). The problem there was how to deal with what Robert Fine (2001) has called the 'spiritless radicalism' of the Nazis (and by extension with other groups who adopt genocidal solutions to social conflicts). For Arendt, the possibility of legal and moral judgment was put in question by such actions since there seemed to be no way of engaging with such 'civilised barbarians'. Eichmann could be executed but he could not be punished, insofar as punishment invoked a process of moral dialogue and judgment (Norrie 2017a, ch 7). Against Arendt, I found myself drawn to Jaspers's elaboration of a state of what he called metaphysical guilt, that is an overarching and unconditional form of solidarity between humans that stands against even the most consistent efforts to deny it:

'Somewhere among men the unconditional prevails – the capacity to live only together or not at all. . . . Therein consists the substance of their being. But that this does not extend to

⁴ More precisely, as human beings-in nature-in history: Norrie, 2010.

⁵ Compare the accounts of material necessity developed by Bhaskar in Bhaskar 1979 and 1993 with the account of metaReality developed in Bhaskar 2012.

the solidarity of all men, . . . but remains confined to the closest of human ties – therein lies this guilt of us all.’ (Jaspers 2000, 26)

Such a view could be asserted but could it be demonstrated in the affairs of men and women, especially in the light of the experience not just of the Holocaust but also of its denial? Support for Jaspers’s position is to be found in the feelings of guilt experienced by survivors of the concentration camp such as Primo Levi (2013), who wrote in remarkably similar terms to Jaspers of the moral psychology of a survivor. Survivor guilt is often understood as a simple psychological phenomenon associated with post-traumatic stress, and this may well be an aspect of it. What Levi provides, however, is a *moral* claim about what he owed to those who did not survive while he did, which he articulated in terms of a solidarity that he had failed to provide. A sense of unconditional human solidarity of this kind could thus be discovered both in the philosopher’s study (Jaspers) and the concentration camp (Levi) (Norrie, 2016; 2017a, ch 10).⁶

In this essay, I put that sense of universal and unconditional human solidarity together with the moral experience of those like Wilma Derksen who seek to forgive perpetrators who have violated and victimised them. I do this by linking human solidarity to a sense *of love* that lies at the heart of forgiveness. When Derksen talks of the need ‘to soar, to go higher’, I shall suggest that she is describing a metaphysical and spiritual experience akin to that identified by Jaspers and Levi in their vision and experience of solidarity with the other. I link the idea of a universal solidarity to the feeling of love. Love lies at the heart of the grief that Derksen feels at the violation of her daughter and her family, and the forgiveness that follows. Love, I suggest, is closely linked to the sense of universal solidarity described by Jaspers and Levi. A sense of solidarity expressed through love

⁶ Compare the quote above from Jaspers with this from Levi: ‘Almost everybody feels guilty of having omitted to offer help. The presence at your side of a companion who is weaker, or less cunning, or older, or too young, hounding you with his demands for help or with his simply being there.... The demand for solidarity, for a human word, advice, even only a listening ear was permanent and universal but rarely satisfied.’ (Levi 2013, 82)

emerges in Roy Bhaskar's analysis in his philosophy of what he calls metaReality. There he describes love as forming a series of circles moving out from the individual and into the world:

'Although love is consistent with many different forms of action, and can be expressed in an infinity of number of ways. There are various conventional categorisations – which range from erotic, romantic, familial, civic, through to ethical and spiritual modalities. I prefer to think in terms of five radiating circles... of love for yourself; for another human being; for the totality of other human beings; for the totality of other beings in creation; and for the source or sustaining power in creation itself, most customarily known as god.' (Bhaskar 2012, 181)⁷

In social science and in law, to write in such terms is to risk marginalisation in one's discipline,⁸ yet I want to show it is possible that just such an account of love with its 'five radiating circles' is central to understanding the moral quality of forgiveness. In what follows, I will draw the circles more narrowly and in greater detail, but the idea of seeing love as at the core of what we do when we forgive helps depict the moral experience of victims. This then at least provides a basis for arguing for the connection between law and love, one that we should take seriously in thinking about law and its problems. In what follows I shall explore this connection between law and love as it emerges

⁷ This essay links with other recent work in which I advance an ethics, or meta-ethics, of love as the basis for thinking about issues of justice. In addition to Norrie 2018b, see Norrie 2018a, where I contrast Hegel's early theological writings on punishment (based on grief and violation) and his position on retributivism (based on reason and abstract right) in his mature work. I argue there that the early position is in important ways more compelling than the mature work. In all this work, I am engaged in a project of developing what Bernard Williams (1993; see Lear, 2003, 2004 for discussion) called a 'moral psychology' of criminal justice, pushing beyond the standard normative accounts of legal and political theory (Norrie 2017c). Within the standard accounts, the need to move towards a deeper metaphysics of love informs Martha Nussbaum's (2016) work, and is indicated in the later writings of Jeffrie Murphy (see eg Murphy 2012, 17-19). See also the work in the theology of Miroslav Volf (2005, 2006).

⁸ A helpful recent work in North American sociology, a discipline where it could hardly have been expected, is by Christian Smith (2015), who links trust and solidarity to love. For a review essay on Smith which pushes the argument about love in metaphysical and psychoanalytical directions, see Norrie 2017b. That psychoanalysis can provide a powerful understanding of how an ethics based on love operates in practice is revealed by Jessica Benjamin (1988, 1998, 2018) and Jonathan Lear (1990, 1998, 2017). Benjamin's recent work suggests how a loving relationship between an I and a Thou discloses a third position (the 'moral Third'), which is a place of lawful and moral regularity between the parties. Starting with the infant/ parent and the analyst/ patient dyads, she shows how this approach can be relevant in situations of social conflict where violation, traumatisation and forgiveness are at stake. For a first effort to relate psychoanalysis to issues of criminal justice, see Norrie, 2019.

from the moral experience of people who have been violated and victimised, and have found forgiveness to be an adequate, though difficult, moral response.

LOVE ACTUALLY: THE CASE OF FORGIVENESS

In thinking about the moral psychology of forgiveness in connection with Bhaskar's account of the radiating circles of love, the five he mentions are not quite those I will identify, though there is substantial overlap. I move from (1) love of self to (2) love of the other, and then on to (3) love of the relationship between self and other. These lead to two further universalisations of loving experience: (4) love of self and other in the broader community; and (5) love of self and other in their concrete universality and singularity.⁹ In this section, as stated above, I develop and link these five forms of love to the moral experience of participants in *The Forgiveness Project* (Cantacuzino 2015).¹⁰

Love of self

In 1993, Ginn Fourie's daughter Lyndi was shot dead in South Africa by members of the armed wing of the Pan Africanist Congress (PAC). She writes that 'I have come to understand forgiveness as a process which involves the principled decision to give up your justifiable right to revenge. Because to accept violation is a devaluation of the self' (Cantacuzino 2015, 55). Another South African experience is that of Linda Biehl, whose daughter was stabbed to death in 1993 by four youths. She says 'I can't look at myself as a victim – it diminishes me as a person....' (Cantacuzino 2015, 134). There may be an element of simple self-protection in these situations. Wilma Derksen, whom we have already discussed, writes of the need to protect her surviving family against the destructive

⁹ In comparison to Bhaskar, my analysis relates primarily to the first three forms of love he identifies, which I expand, together with the fifth form, albeit in a slightly different guise. Where Bhaskar speaks of the universality 'most customarily know as god', I will refer to the universality of the 'concrete universal/ singular', and its spiritual implications. As for the fourth form of love, the totality of other beings in creation, I agree about the importance of this element, but do not draw upon it here.

¹⁰

forces that would be unleashed upon it if they did not forgive the killer of their daughter. But to see any of these cases as only a matter of self-protection would be to miss the moral significance of what is happening. Ginn Fourie is not prepared for the devaluation of the self that would follow accepting the role of victim, and this is both for herself and her daughter. It is a moral diminution that Linda Biehl will also not accept.

These are both examples of victims 'going higher' and it turns out that forgiveness, for a reason that I will discuss later, is something that the forgiver does out of love *for herself* and not just for the perpetrator. Here is the voice of Jean Paul Samputu from Rwanda, whose father and other members of his family were killed by Hutu members of his own village: 'During this retreat I heard a voice telling me that even if you become a Christian it's not enough; you need to forgive the man who killed your father because you cannot love again if you still have hatred in your heart. And that voice was telling me forgiveness is for you, not for the offender' (Cantacuzino 2015, 160). This issue of love of self is in my view an underexplored moral aspect of forgiveness, where the usual understanding is that forgiveness goes from the victim to the perpetrator. As I will argue later, we can consider forgiveness as involving both a 'giving to' the perpetrator, and a 'giving up' of a grievance by a victim. This possibility emerges from the fact that a basic element of any loving engagement starts from a love of one's own self-worth.

Love of other

Bud Welch's daughter Julie was killed in the Oklahoma bombing in the USA by Timothy McVeigh. Starting out by hating McVeigh, he eventually travelled to meet McVeigh's father and sister: 'When I got ready to leave, I shook Bill's hand, then extended it to Jennifer, but she just grabbed me and threw her arms around me. She was the same sort of age as Julie but felt so much taller. I don't know which one of us started crying first' (Cantacuzino 2015, 49). And here is Grace Idowu, whose son David (14) was stabbed to death in a London park, on meeting the 16 year old killer: 'When I arrived in the room, Elijah was crying bitterly with his head held low. I'd been told he'd been crying

all morning.... I broke down; it was the first time I'd cried in front of other people. When I recovered myself, I told him, 'I'm not crying for David, I'm crying for you. What have you done with your life?' (Cantacuzino 2015, 110). And Linda Biehl of her daughter's killers: 'I've grown fond of these young men. They're like my own kids. It may sound strange, but I tend to think there's a little bit of Amy's spirit in them' (Cantacuzino 2015, 133).

In these comments, one sees the moral connection of love for the perpetrator. In one part, this is captured in the idea of a tragedy that engulfs both sides. Everyone is destroyed by what has happened, and the result is a feeling of love that somehow extends out from the victim and her family to the other caught by the violation, who happens to be the perpetrator. There is in this a sense of identity such that Bud Welch connects his feelings for his own daughter with his experience of Timothy McVeigh's sister. In Grace Idowu's case, the loving identification with the boy killer of her own son leads to grief at the moral damage he has done to himself.¹¹ The moral ruin that follows violation touches all concerned so that to love oneself and to love the victim somehow may extend to the possibility of loving the perpetrator.

Love of the relationship between self and other

This leads me to my third point: a loving commitment to the relationship between the parties. Here are Bud Welch's further thoughts:

'Then I held her face in my hands and said, 'Look, honey, the three of us are in this for the rest of our lives. I don't want your brother to die and I'll do everything to prevent it.' As I walked away..., I realised that until that moment I had walked alone.... I had found someone who was a bigger victim of the Oklahoma bombing than I was, because while I can ... say

¹¹ The loving identification between self and other spreads, and can take on the most embodied of forms. When Ginn Fourie, further discussed below, visited the community of her daughter's killer, she declined to use the bedding provided so as not to inconvenience the killer's sister. The sister was however disconcerted as she had 'wanted to sleep in the sweat of the woman who forgave her brother' (Benjamin 2018, 241).

wonderful things about Julie, if Bill McVeigh meets a stranger he probably doesn't even say he had a son'. (Cantacuzino 2015, 49)

The sense of relational oneness is also powerfully expressed by Cathy Harrington, whose daughter was murdered by Eric Cople, on meeting his mother: 'I was absolutely terrified but when I saw her coming towards me I knew I needed to [meet her]. She was trembling – more terrified than me. I was stunned by how similar we looked, and thought, 'Oh my God. I'm her!' Then we just embraced and there was such relief and compassion in that embrace' (Cantacuzino 2015, 165).

This is not just the love of the other, though it is that too. It is love of and investment in the relationship between the self and the other, the recognition of the importance of that relationship for one's self. The bond with the perpetrator's family becomes something sustaining and in need of maintenance. Linda Biehl sets it philosophically in the South African context in terms of a restorative justice underpinned by a sense of connection: 'I have come to believe passionately in restorative justice, [in] 'ubuntu': to choose to forgive rather than demand retribution, a belief that 'my humanity is inextricably caught up in yours' (Cantacuzino 2015, 134).¹² That sense of a common humanity, a relational bond that grounds a common future, assumes a significance in its own right, beyond the moral experiences of love for self and love for the other.

Love of self and other in the wider community

The sense of the relationality of love is continued in the following move from the relationship between individuals to a more universal understanding of how one's experience of love and its violation sits in a wider community. Ginn Fourie recounts her dialogue with the man behind the PAC

¹² This is not at all to deny that an idea such as Ubuntu can be used in a political context for social and political ends, *by virtue of which* a moral conception of relational humanity is limited, channelled, perverted or abandoned. How a loving ethics of forgiveness plays out in an historical context is a different question from how it makes primary moral sense for a victim in the face of a perpetrator (Norrie 2017a, ch 9). Compare the following comments on Ubuntu: it 'should be recognised for what it is: an ideological concept with multiple meanings ... the Africanist wrapping used to sell a reconciliatory version of human rights talk to black South Africans' (Wilson 2001, 14); uBuntu 'points us to a new humanism [based on] solidarity', but subject to different political inflections (Cornell 2014, 179-80).

attack that killed her daughter. Invited to *his* village homecoming, *she* felt 'able to apologise to his people for the shame and humiliation which my ancestors had brought on them through slavery, colonialism and apartheid. Vulnerable feelings, when expressed to other people, have the potential to establish lasting bonds' (Cantacuzino 2015, 56). In a very different context, an English woman, Jayne Stewart, writes of the relationship between the sexual abuse visited on her by her father and the broader implications of this:

'when I am aware that this most private of oppressions between father and daughter is also part of a much bigger picture and that all these issues relate not only to sexual abuse but also to all of the abuses that we perpetrate in the world, I felt less alone and more inspired to create something meaningful from my traumatic experiences that will also be healing for the world' (Cantacuzino 2015, 45).

What we see here is a contextualisation of the relationship between the perpetrator and the victim, which reflects the broader systematic and structural problems of a society. To understand the ruination of all concerned is to be committed to removing the conditions that engender the violation, both insofar as they were the underlying cause of the individual violation, and also of every other violation like it. The experience of love violated and in need of being redeemed becomes generalised.

Love of self and other in their concrete universality/ singularity

If love travels outwards from the individual to the other, and then on through their relationalities, it also moves inwards to a deeper level and understanding of the self and its relationship to the other. By concrete universality/ singularity, I mean a sense of how each human being is ontologically present as a unique person emergent from a particular set of circumstances, and therefore as a *concrete singular*. There is intrinsic value in the unique individual experience of a life. To be such is however also to live in a world where every other individual has the same quality of uniqueness and difference. Thus to be a concrete singular is at the deepest level to share a universality with every

other person, to be a *concrete universal*. To be such is to be valued both for one's singularity and in one's universality (Norrie 2010, 113-4, 218-9). This provides a metaphysical, universal, basis for valuing each person as unique in their difference *and* as essentially, humanly, the same. A practical extension of this is the idea that in different circumstances we could have turned out to be the other, and that we each share in a commonality of what is universal in the human condition.

Concrete difference and universal experience are both valuable, as two sides of the same human coin (Bhaskar 2012). In the following comments, universal identification in the mode of the concrete universal/ singular lends itself both to a deep identification with the life experience of the other and to different forms of metaphysical self-expression. Love not only ramifies outwards from the self to the other, to the relationship between them, and then on to the broader contextual setting. It also deepens inwardly, as those who have experienced violation reflect on both the sense of human universality and of concrete difference.

Identification with concrete difference

In England, Madeleine Black regrets the earlier lives of the two teenagers who violently raped and abused her at the age of 13 for they had started out just like her:

'Most of my life, I hated the men who raped me and wished them a slow, painful death. However ..., something happened that I never set out to do and that was I chose to forgive them. I used to think they were evil, but I started to understand that they didn't come into this world that way. They were born just like me as an innocent baby, and then I wondered how they knew to be so violent and cruel to another human at such a young age. It made me think they couldn't have had the best of lives and had witnessed or experienced violence themselves' (Cantacuzino 2015, 66).

Similarly in England, Marian Partington has the following to say of Rose West, a serial killer of young women, who, with her husband Fred, murdered Marian's younger sister. West's story 'seems to be about the impoverishment of a soul that knew no other way to live than through terrible cruelty. A

life deprived of truth, beauty or love. I imagine that the deviant ignorance that fed her sadistic, egotistical crimes was rooted in her ruined, crooked childhood.’ She wonders: ‘Will she ever know the sacredness of life?’ (Cantacuzino 2015, 152). These are moments of identification with the other in their otherness, in their concrete singularity, but this is only possible if one posits something shared, a fundamental similarity.

Metaphysical depth and the concrete singular

As for her own experience, Marian Partington argues that seeking to forgive Rose ‘seems to be the most imaginative way of becoming free and offering freedom.... In this way I can use my life to transform the cycle of violence.’ In so doing she describes how she has sometimes ‘experienced the sacredness of my own life and the inter-connectedness of all our lives. In this place forgiveness is spontaneous.... I feel I’m honouring Lucy by lining myself up for forgiveness’ (Cantacuzino 2015, 153). This is surely what it means ‘to soar, to go higher’: to find the value of life, its ‘sacred’ and universal quality through the violation.

While Partington was influenced by Buddhist meditation, Jean Paul Samputu comes from the Christian tradition and has this to say about his religious experience and love: ‘... I heard a voice telling me that even if you become a Christian it’s not enough; you need to forgive the man who killed your father because you cannot love again if you still have hatred in your heart’ (Cantacuzino 2015, 160). Samputu’s reference to his religious conviction perhaps suggests that it is that conviction that drives his views. Wilma Derksen approaches the murder of her daughter as a Mennonite. It would be wrong however to think that these reactions of forgiveness simply reflect a pre-existing religious commitment.¹³ The expression of love, for self and for other, and sometimes taking a ‘religious’ form, can be as much engendered by the experience of violation as led by a pre-existing

¹³ The forty accounts collected in Cantacuzino 2015 are drawn from people from a variety of religious backgrounds (Buddhist, Christian, Jewish, Muslim) as well, so far as one can tell, from those without any formal religious conviction.

belief. Here for example is Madeleine Black's account of a metaphysical projection that accompanied her victimisation:

'During the event I became aware of a young Tibetan monk in burgundy robes ... by my right-hand side. I was also aware that I had floated out of my body and was on top of the wardrobe watching what was happening The monk was praying next to my body and telling me I was going to be OK. He covered up my naked body ... and calmed me down.'

In a later period, when she had found stability in her life, but was experiencing flashbacks, she describes the ongoing mystical experience that expressed her love for herself as a valuable human being:

'When my eldest daughter was nearly 13, I started to have lots of flashbacks. I had nightmares for about three years... and I could feel the presence of the young men in the room.... But the monk was always beside me too.' (Cantacuzino 2015, 63, 65).

These are moments of experiencing the universal within the self, one's own concrete universality/singularity, by virtue of reflection on one's own unique value, either directly or by means of a psychological projection. The monk is a symbol of self-love, but this is given a spiritual, metaphysical representation which reflects a deeper understanding of the value of what it is to be human. It is as much the reaction within her moral psychology that generates the quasi-religious projection as any pre-existing religious stance dictating the moral psychology.

FORGIVENESS: ITS NATURE AND LIMITS

In this section, I analyse what it means to forgive in terms of the relationship between the forgiver and the forgiven in light of the five circles of love, and I then consider some of the ways in which forgiveness is limited, by personal circumstances and the nature of moral choice, by law, and by politics.

Giving to and giving up

With these views of the connection between an ethics and a metaphysics of love and the moral psychology of forgiveness in place, we are now in a position to explore some features of forgiveness in more depth. It would be quite wrong to think of forgiveness as being 'just like love' in some 'normal' sense of how people in loving relationships are with each other. When all is said and done, this is the relationship of a victim and a perpetrator, or their families, in the aftermath of violation and the grief it brings. It is built on a place of loss, ruin and tragedy. If being in love with another is often hard, how much harder must it be to seek to have a loving relationship with the perpetrator of a crime against oneself or one's close family? Nor should any kind of misty-eyed sense of an attachment between perpetrator and victim be entertained since the relationship here is never chosen nor celebrated in its own right. What is at stake here is a relationship based on often terrible victimisation and violation.¹⁴ All that said, there is something profound for victims and perpetrators to be found in these unwelcome relationships. There is a soaring or a going higher, linked to a sense of bareness and vulnerability, and there is a meeting with another in the process at this higher level, an identity or unity with another in the light of a sense of the universal human condition. This is I think the mysterious chemistry between people that flows out of love and into forgiveness. But how can this happen if forgiveness is something that the victim gives *to* the perpetrator? How does *the victim* come to meet with the perpetrator at this higher level?

For this to happen requires a revision of what we might normally understand by forgiveness.¹⁵

Forgiveness might be thought of as a gift, something that is given, as what the perpetrator receives from the victim. It is usually thought of as going in one direction, and in a sense this is clear. Despite a deep potential for commonality, the starting point is asymmetrical. A perpetrator cannot after all expect in normal circumstances to forgive her victim. The perpetrator is the perpetrator, the victim

¹⁴ Jeffrie Murphy's persistent scepticism about what he calls the 'uncritical boosterism' around forgiveness (Murphy 2012, x) and its glib popularisation is entirely apposite, but should not deny its underlying ethical significance.

¹⁵ I also discuss this more briefly in Norrie 2018b.

the victim; one 'the doer', the other 'the done to'.¹⁶ Despite this, the term forgiveness is in fact directionally bivalent. It can mean either a 'giving to' (I forgive you for what you have done) or a 'giving up' (I give up my claims on you). The latter occurs in relation to the perpetrator but its focus is on the victim and her own position. Forgiving in this sense is like 'forgoing' or 'forswearing', that is, it is in relation to the self and not the other. The word itself reflects this bivalence: *forgiving* as giving up, *forgiving* as giving to.

We saw already that a love of self is reflected in forgiveness, so this confirms its moral centrality to the relationship. Here are two further illustrations which focus on the importance of forgiveness in the sense of giving up. The first of them, from Anne Marie Hagan, also illustrates the moral chemistry that links, in this case, the way in which the grief of the perpetrator at his guilt can open up the victim, to release both. Anne Marie Hagan's father had been axed to death by a 30 year old man suffering from mental ill health:

'I could never have imagined that in [forgiving him] I would set myself free. Finally I was able to let go of all the pain and torment that had held me captive, realising I had been my own jailer.... I felt joy again; the numbness was gone.... As he started to cry and said, 'I'm to blame, I'm to blame', I couldn't take it anymore. I rushed around the table and hugged him, telling him that I forgave him. I remember saying to him, 'Blame is too strong a word, blame is too strong a word.' (Cantacuzino 2015, 72)

Or, consider Eva Kor, who as a young child in Auschwitz had been used in twins experiments by Josef Mengele, her twin sister dying prematurely as a result.

'As I [read my letter of forgiveness at Auschwitz in 1995], I felt a burden of pain was lifted from me. I was no longer in the grip of hate; I was finally free. The day I forgave the Nazis,

¹⁶ On the asymmetrical relationship between forgiver and forgiven, see Griswold 2007, 47-59. In Murphy and Hampton's (1988) dialogue, Murphy focuses primarily on what it is to forgive, Hampton on what it means to be forgiven.

privately I forgave my parents whom I hated all my life for not having saved me.... Children expect their parents to protect them; mine couldn't. And then I forgave myself for hating my parents. Forgiveness is really nothing more than an act of self-healing and self-empowerment' (Cantacuzino 2015, 37).¹⁷

It is this sense of forgiving as both freeing oneself and absolving the other that I think lies behind the possibility of an emotional and loving connection between the erstwhile victim and perpetrator. It is only if *both* can meet on the higher plane of a universal solidarity that this 'mysterious' relationship can be understood. There is a metaphysics at play here, grounded in love, that picks up Jaspers's philosophy of solidarity with the other and Levi's practical experience of guilt as a universal human possibility. Giving to and giving up, and the connection between them, informs the loving relationship between victim and perpetrator before broadening into the social context and then deepening into the metaphysical dimensions of concrete and spiritual identification with and between self and other.

Three processual conditionalities

That said there are a number of conditionalities attached to this reaching to the higher, the universal, level, and here I will briefly mention three. They all reflect aspects of the processual quality of forgiveness in the actual world. They concern: (1) the psychological difficulties of forgiveness, (2) the relationship between forgiveness and legal (public/ juridical) form, and (3) the ways in which political violence blocks forgiveness.

Forgiveness as psychological process

¹⁷ Kor was criticised for forgiving the Nazis publically by others of their victims, who felt she had no right to forgive on behalf of others. Her response was to say that she only forgave for herself and that she believed that none of those who suffered would wish her to carry the burden of that suffering throughout her own life too. Compare this with the words of Riham Musa, discussed below: 'it is not for me to forgive my mother's tears' (Cantacuzino 2015, 180).

The first is that we are here talking of a psychological *process* that is often ongoing and rarely complete. People work towards forgiveness, through their psychological or emotional reactions. They do not get there by an act of metaphysical reflection alone, and of course sometimes they do not get there at all. The same Cathy Harrington, who felt a powerful bond of identity with the mother of the young man who killed her daughter dreads the thought of meeting the perpetrator himself: 'I'm not [at forgiveness] yet, and the thing that terrifies me most is the thought that one day I may need to meet Eric Copple. I've been in the dark for many years; it's getting clearer now. Lots of things in life are senseless. There's so much we can't explain, but we need to be able to love the questions' (Cantacuzino 2015, 165). That victims can spend their lives in the traumas of violation is the tragic moral truth that accompanies the possibilities of love and forgiveness. The process is difficult, cannot be forced and may not be embarked upon at all. If it is not, no judgment can be attached to the victim, no 'you ought to forgive'.¹⁸

Similarly, there is the case in Australia of Kelly Connor who in 1971 at the age of 17 hit and killed an elderly woman, driving her car at 45mph in a 35mph limit. In this case, the police out of kindness turned a blind eye to the fact she had been speeding. Connor was the perpetrator here. Her problem throughout her life has been to forgive herself: 'I still almost choke to say I forgive myself and sometimes I can't integrate it into my life, but I've reconciled that that's how it has to be. The moment I've fixed forgiveness, it's no longer real. It has to be changing and constantly challenging. What I forgive myself for today, I don't know it will apply tomorrow' (Cantacuzino 2015, 141-2). There is the sense that forgiveness, of oneself or another, may never be the last word on a harm caused. What would it mean for Kelly Connor to be able to forgive herself? It could not mean that she ceased to be the person who killed the elderly lady, a moral responsibility she will always carry.

¹⁸ At least in relation to the kinds of severe victimisation described in the *Forgiveness Project*. With lesser forms, Griswold (2007, 70) may be right that it shows praiseworthy character to forgive where a wrongdoer has shown appropriate remorse.

Yet to be able to forgive herself nonetheless represents a valid and profound readjustment of the self in relation to the harm.

Forgiveness and law as juridical and public process

In the literature on love and forgiveness, for example in Nussbaum's (2016) work, law may appear as part of the problem. It is after all law that is the home of retributive theory and therefore (on one interpretation of that theory) the place of 'payback'. Payback is not about forgiveness, but rather the infliction of pain in return for pain. The categories of criminal justice are bare and abstract, reflecting a sense that the perpetrator has broken a social contract with the sovereign (Hobbes, Locke) or a rule of categorical reason established by herself (Kant). Responsibility is not related to the humanity of the perpetrator, save insofar as she has broken a political or rational obligation. The victim for her part hardly features in the picture at all, save perhaps as a means of increasing punishment, for example in sentencing impact statements. Legal punishment can appear as a block on forgiveness, a means of repeating violation, only this time on the mind and body of the perpetrator.

That said, there are aspects of a public criminal process that play an important part in understanding how forgiveness comes about. For example, Kelly Connor felt a strong need to confess to the police that she had lied about the speed at which she had been travelling, and did so four years after the accident. Similarly, there is the case of Bassam Aramin, whose 10 year old daughter was shot dead by an Israeli soldier in Palestine. He feels the need for a public process to recognise the wrong that was done as a precondition for him to be able to forgive: 'I want to bring this man to justice because he killed my ten year-old daughter; not because he's an Israeli and I'm a Palestinian but because my child was not a fighter, nor was she a Fatah or Hamas member. For there to be reconciliation, and for me to consider forgiveness, Israel has to recognise such crimes' (Cantacuzino 2015, 62). There needs to be a public recognition of wrongs done.

This is a case like that of Ginn Fourie, where forgiveness requires the setting of the violation in the broader social and political context of oppression. But more than this, it is an example of how a

public, legal, process can act as the universal setting within which victims and perpetrators can reach each other. However, I think we have to be careful here. The public setting can, I would say, become a kind of proxy in these cases for a universal place of judgment. That is not to claim that public legal settings *are* universal places of judgment. Rather, they may be seen as places that aspire to produce universally based judgment, but where such judgment is systematically broken (Norrie 2017a). They may be in various ways flawed, partial and partisan; put simply, law and legal system sit between juridical protocols and political power. Their impartiality depends on what they are required to decide in the context in which they act. Nonetheless legal process can play something of this public-as-universal role. To the extent, of course that a flawed public process produces flawed findings of who did what, to that extent such a process will fail, because its public role will come under criticism precisely for its lack of impartiality, for its inability to establish a judgment commanding universal support.¹⁹ Still, there is something potentially powerful in the idea of a public authority and its ability to act as a placeholder for a universal.

Politics and the possibility of forgiveness

Here I want to reflect on the relationship between the first three forms of love and the fourth identified in the middle section of this essay. To what extent does the connection between an individual act of victimisation and a social context of systematic violence render forgiveness the more difficult, especially when that context leads to political counter-violence? The perpetrator can experience moral conflict between what they see as a valid political end, and how they reflect on actions as they step back and consider their victim as simply another human being. Linda Biehl reports for example the words of one of the killers of her daughter: 'Easy has told me it's one thing

¹⁹ Here I am reflecting something of the move made by Benjamin (2018) in her development of the idea of the moral Third from the infant/ parent and patient/ analyst settings to the social, political and legal stage (see note 8 above). To her ideas of the 'rhythmic', the 'differentiated' and the 'moral' Third, we might add ideas of the 'public' or the 'legal' Third, places of judgment and lawfulness that have their own mechanisms, modes of organisation, forms of regulation, and their own difficulties - especially as they relate to the 'moral Third'. In line with the idea of a broken dialectic (Norrie, 2017a), I think we might speak here about a 'broken Third' as a way in which social, public and legal processes are problematically constructed to provide deeply problematic moral resolutions.

to reconcile what happened as a political activist, quite another to reconcile it in your heart' (Cantacuzino 2015, 134). Similar examples come from the middle East. As a teenager, Khaled al-Berry belonged to a radical Islamic group in Egypt, and felt violence was justified in light of the experiences of his people. Later he came to think this was wrong, yet he now feels 'equally ... guilty if I talk in a humanist way about the lives of people who don't have the basic right to live safe in peace. There needs to be transparency before forgiveness' (Cantacuzino 2015, 138). Human solidarity is blocked by the ongoing lack of universal experience 'on the ground'. An important case here is that of Patrick Magee and Jo Berry (Cantacuzino 2015, 78-81; Norrie 2018b). Magee was involved in planning a bomb on behalf of the Irish Republican Army that killed Berry's father in 1984. They have since engaged in a longstanding dialogue in which Magee has both expressed the need to find forgiveness and stated that he feels no need for it (Cantacuzino 2015, 80). What he did he did for justifiable political reasons. The conflict reflects a similar tension to that found in the cases of Easy Nofemela and Khaled al-Berry: a tension between a guilt that needs forgiveness for killing other human beings, and an insistence that one cannot feel guilt for having acted in conditions that justify one's acts.

What is true for the perpetrator is also true for the victim. Riham Musa was shot in the stomach by a soldier aged 15 in Palestine and is now a lawyer. While stating that 'I still hate the Israeli army', she also says she doesn't 'feel violent towards them anymore. I'm a forgiving person and it's not in my nature to hate people'. That said, 'because of the way we live in the West Bank, hatred has been forced upon me.... It's not easy to talk of forgiveness in the midst of violent conflict, and forgiveness is not just mine to give. There are many repercussions, and it is not for me to forgive my mother's tears' (Cantacuzino 2015, 180). The personal moral instinct must be weighed against the overall social context of violation, and how can the victim speak for all the others victimised in the same

context? And how can a victim give forgiveness fully to a perpetrator who expresses a need for it, but then also denies it in the political context?²⁰

In a place of collective political suffering, the universal love expressed in forgiveness will be limited by the systematic continuation and structural persistence of violence. Here the law as proxy for the universal asserts itself in vain. In thinking through the ways in which a political situation blocks a possible reconciliation, I return to the argument that the modern politics of human rights acts to defer justice, providing symbolic victory in transitional justice settings and protecting existing socio-economic privilege (Meister, 2011). However, I also wish to affirm the moral drive to justice, guilt and forgiveness that is reflected in the moral work of victims and perpetrators as they engage in dialogue and other transactions, including those provided by law. The position is multi-faceted. In terms of Jessica Benjamin's account of the 'moral Third' (Benjamin 2018) in public settings (what we can call the 'public' or 'legal Third' – see footnotes 8 and 19), I would like to reflect the interaction between public processes with their complicities with power and underlying moral processes in a way that holds onto the value in human moral psychology while recognising the difficult and complex relationship between that psychology and processes that may purport to embody it, but as often only interact with it in a highly problematic and 'broken' fashion.

ON THE MORAL PSYCHOLOGY OF LOVE AND FORGIVENESS

This essay thinks through a relationship between metaphysical love and the transactions between victims and perpetrators. I want to assert the importance of love as an ethical category to engagements and transactions between victims and perpetrators. I want to depict the necessary but

²⁰ See my discussion of Jo Berry's situation in Norrie 2018b.

difficult terrain of forgiveness that involves both an ethical meeting place on the ground of love and a place of engagement with violation which exists in the here and now.²¹

What is at stake is a moral psychology of guilt and forgiveness, not a programmatic understanding of how the two ought to be configured according to normative political or legal theory. This accounts for the heterogeneous nature of individual engagements where sometimes a perpetrator asks for forgiveness and sometimes a victim provides it without being asked. Sometimes, also, a victim forgives alone, without even identifying the perpetrator. Sometimes, equally, a victim may resolutely refuse to forgive. Processes of forgiveness may never take off, or they may get stuck, or need further completion, or be blocked in particular political settings. Underlying this, however, is a moral psychology of grief and grieving, for victims and often perpetrators, where reconciliation depends on finding a higher ground. Participants in *the Forgiveness Project* show us how this works in practice, and allow us to see that these are real possibilities for human beings.

At work in all these situations, both at the personal and the social level, is a dialectical process that is both synchronic and diachronic. It is synchronic in that we are faced with perpetrators and victims in a relationship of one kind or another, in which the human capacity for love is (normally) present, even if only latent or unactualised. The synchronic dialectic is between the universal claims of love (towards oneself, another, a relationship between the two, a wider social and political context, and a deeper metaphysical sense of self and other) and the particularity of persons in the world (where personal histories and lived contexts constitute concrete beings) at any given time. Sometimes this works towards reconciliation and forgiveness, sometimes it does not. Often times it may never get going, yet it remains a latent possibility in the human condition.

²¹ I thus agree with Martha Nussbaum's (2016) way of formulating the issue as it concerns love, but argue for the need - in general, but not always: it is a question of individual moral experience - to accept the significance of dialogue around blame, culpability, responsibility and forgiveness that her account of unconditional love wishes to set aside. See Norrie 2018b for discussion.

The diachronic dialectic is the process itself in which perpetrators, victims, legal and political settings intermesh in time and space. Through time, an emergent engagement based on guilt and forgiveness may occur from which flow possibilities of success and failure, of breaks and stallings, of headway made and lost. Then, ultimately, we are back in geo-historical time and place, the structural settings that make it easier or harder for moral progress to be made. In the meantime, however, we have seen how an ethics of love can play a central role in how victimisation and violation could be resolved, in the demonstration of how human goodness could lie at the heart of a future better than the past or present. How that is translated into social and political change remains an unresolved question.

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