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The Duty to Forgive:

Kant and the Moral Obligation to Forgive in the Context of the South African Commission for  
Truth-and-Reconciliation

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## Introduction

*„Do you, do you know what that means? To forgive. It’s a decision we make to release a person from the feelings of anger we have at them.” – Mr. Rodgers in ‘A Beautiful Day in the Neighbourhood’*

Forgiveness. A word whose weight we can hardly put at par with most of our other daily utterances. A word that reveals to have profound moral, even spiritual implications and while it is sweet in some ears it appears to taste like a big gulp of vinegar in others. Surely, a lot more could be said which would likewise serve as a small window to the explanation of why forgiveness with its implications has remained utterly relevant throughout time. Great writers in the history of philosophy – Hegel, Kierkegaard, Arendt, just to name a few – have rigorously treated the subject. These have passed on the torch to Jankélévitch, Ricœur, and Derrida who produced weighty contributions within the 20<sup>th</sup> century (Kodalle 2002, p. 88ff.). So, alongside the religious camp, the examination of forgiveness has likewise sparked interest in the secular domain. A multiplicity of angles and approaches could be listed at this point but whatever stance one may prefer here does not matter for now. What we need to see is forgiveness’ weight and complexity. Only then we can understand how the concept is strong enough to having found its way into today’s political arena.

In recent decades there has been a pervasive trend of apologies given, forgiveness granted, and reconciliation pursued within the public sphere (Van Stokkom et. al. 2012, p. 1). As paradigm example thereof serves the truth-and-reconciliation commission (TRC) in South Africa. Under the main supervision of Archbishop Desmond Tutu, the TRC stepped into the shambles apartheid had left the country in and was able to bring about impressive achievements of restorative justice (Ephgrave 2015, p. 188; Tutu 1999, p. 69). By bringing together perpetrators and victims alike an effort was made to provide truth for society and acknowledgment (sometimes compensation) for victims (Mamdani 2002, p. 33)<sup>1</sup>. This “bringing together” of perpetrators and victims can be roughly envisioned as in the following. Former collaborators of the apartheid system were identified and given an opportunity to give an account of their malicious actions, to provide the truth. This was done in a publicly accessible hearing (overseen

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<sup>1</sup> When it comes to the aspect of compensation, I am hesitant to follow Mahmood Mamdani. Janine N. Clark (2012, p. 201) for instance, in highlighting the story of Brian Mitchell, illustrates his moral turnaround and the following compensative effort as quite exceptional case.

by the TRC) with the victims present. The victims then likewise were invited to give an account on their side of what they remember was done to them. As a result of the process, amnesty was granted to the wrongdoers (Mamdani 2002, p. 33).

Despite all the accomplishments and praise, however, the TRC's approach to reconciliation also faced a considerable amount of criticism and worries. This is because liberal writers were especially concerned with the religious maxims that stood core to the forgiveness practiced within its context (Van Stokkom et. al. 2012, p. 6). This (path to reconciliation) constituted an illiberal aim to Amy Gutmann and Dennis Thompson since it meant to expect

“an entire society to subscribe to a single comprehensive moral perspective” (Gutmann and Thompson 2000, p. 32). But “the difficulty”, they mention elsewhere, “is that many victims do not share Archbishop Tutu's Christian faith, and even those who may[,] hold a different view about the appropriateness of forgiveness in such situations” (Gutmann and Thompson 2000, p. 30).

Hence, such an unwelcome intrusion of religion into the public sphere was deemed a “deeply illiberal idea” (Gutmann and Thompson 2000, p. 32). This sceptical stance on such ‘forced’ forgiveness and reconciliation, as propagated by the TRC, is usually postulated by proponents of the minimalist account (Van Stokkom et. al. 2012, p. 5f.). What authors of this camp (as Gutmann and Thompson) call for is “reconciliation without forgiveness” since to advocate the latter is deemed counterproductive and maybe even harmful (Van Stokkom et. al. 2012, p. 5f.). All of this, minimalists may agree, is a major contribution to the racial tensions, divisive atmosphere and dissatisfaction still prevalent years after the TRC process in the South African population (Gibson 2004, p. 130).

A common defence to the TRC's proposed form of forgiveness is found in the maximalist account which lines out the minimalist's lack of understanding of the contextual sensitivities. Since liberal proponents of this camp argue with “implicit Western biases, such as individualism and competitiveness”, they are blind to consider the spiritual and community-oriented aspects of African society (Van Stokkom et. al. 2012, p. 8). Though I am sympathetic to this line of reasoning, it will not serve as the basis for my argument to address the minimalist's concern.

What I am offering is a different solution to the debate. The two central charges brought forth by Gutmann and Thompson on behalf of the minimalist side stand tall. First, we see the problematic of expecting “a single comprehensive moral perspective” for society. With this, I presume, Gutmann and Thompson sceptically refer to a single comprehensive Christian or

religious perspective since not everyone “share[s] Archbishop Tutu’s Christian faith”. So, what an answer needs to present is a sufficiently ‘universal’ moral perspective – a perspective everyone (minimalist proponents included) would adhere to. Second, comes the question of “the appropriateness of forgiveness in such situations”. The notion of ‘appropriateness’ here inevitably steers the discussion towards the question of the ‘moral permissibility’ of forgiveness in the context of the TRC<sup>2</sup>. If, however, one were to establish a moral requirement to forgive, the question of ‘permissibility’ need not even be raised. What’s morally required by default is morally permissible. Thus, a second part of an effective answer to minimalists needs to provide an account that formulates a duty to forgive. I think by employing Kant’s thought a satisfying solution can be offered to both problems raised by the minimalist camp and the still prevalent public tensions. On the one hand, his rationalist philosophy provides a common basis for everyone who is responsive to ‘universal’ moral reasons. On the other hand, (based on this universal acceptance or validity) the formulation of a moral duty is characteristic of Kant.

Besides employing Kant, to give a precise answer I need to shed light on a distinction the minimalist critics seem to neglect. Forgiveness – given its mentioned complexity – is a concept that changes its content depending on the dimension it is used in. This means that ‘what it means to forgive successfully or truthfully’ differs for an act of private or public forgiveness. Marilyn McCord Adams is one of the few writers who acknowledges this distinction and in her pluralist account offers two dimensions, forgiveness in the public (‘performative’ forgiveness) and personal sphere (forgiveness ‘from the heart’). It is fruitful to use Adams’ framework since by coming from a Christian stance she is more sensitive to the South African context, whereas she still regards the public-private distinction which is essential to the liberal critic. Furthermore, since Adams only provides a descriptive distinction my approach of formulating a normative point (with the help of Kant’s philosophy) will prove to be useful in both dimensions.

This then raises the question of how I will go about to answer the stated minimalist’s charges. In the following, I will discuss the technicalities and character of forgiveness in the two spheres,

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<sup>2</sup> Here one may reprimand me in saying that ‘appropriateness’ need not be the same as ‘moral permissibility’. It surely is ‘inappropriate’ to eat a bag of crunchy crisps while being in a lecture (as other students are desperately trying to follow the train of thought of the professor). Yet it remains ‘morally permissible’. Now, by elevating the word from the merely everyday usage to the moral sphere (denoting it ‘moral appropriateness’), its meaning, I think, comes sufficiently close to the one of ‘moral permissibility’. I also hold that it’s justified to believe that Gutmann and Thompson understand the notion of appropriateness in their critique not in common terms but exactly in this moral sense.

public and private. Then I will provide a Kantian account of a duty to forgive in both. Besides providing rationalist ‘universal’ grounds for forgiveness, Kant is used because his account can be fruitfully mended into both presented dimensions. Furthermore, it is his moral imperative in his deontological approach that makes especially his ethics relevant to my response.

I choose to operate within the both dimensions for two reasons. First, by reading the minimalist’s concern precisely, it is the introduction of forgiveness in the public sphere (as practiced in the context of the TRC) they see as problematic as it appears to be “forced” and so, detrimental to the victims. But as will become apparent by fleshing out what public forgiveness really consists in this charge can be circumvented. Second, the minimalist then might escape this challenge and insist that people have unjustifiably been pushed into personal forgiveness (‘from the heart’) as is characteristic of religious notions of forgiving. To deal then with this problem a ‘universal’ justification of forgiveness in the personal sphere needs to be given.

Hence, in this thesis, I will elucidate whether Kant’s account of forgiveness, primarily drawn from his doctrine of virtue, effectively establishes a moral duty to forgive in the both dimensions – ‘performative’ and ‘from the heart’ – offered by Adams within the context of the South African TRC. As a corollary, I will examine what consequently is morally required from the Kantian agent and ultimately, the victim being part of a hearing of the TRC.

In section two I will begin by elucidating the conceptual foundation of the TRC in South Africa as it serves as the experiential backdrop for our analysis. I will explain its workings in terms of many-to-one and one-to-one political forgiveness as well as rebut an objection raised by Jacques Derrida concerning the possibility of political forgiveness. In the third section, I will show the congruency of Adams’ dimension of ‘performative’ forgiveness and the concept of political forgiveness given by Peter Digeser. I will point out the teleological symmetry as well as the striking resemblance in their *modus operandi*. This move is necessary so that I can employ Digeser’s arguments for a perfect (juridical) and imperfect (ethical) duty to forgive in Adams’ performative sphere. Both have profound Kantian roots. Especially the latter argument from an imperfect (ethical) duty will serve as a stepping stone into a deeper Kantian examination of (ethical) forgiveness in the performative dimension. In the fourth section then I will come to terms with, first, a seemingly Kantian argument for a perfect duty to forgive politically and see the problem of an infinite regress. Another more pragmatical problem, leading to an incoherence, will be rebutted by what Digeser denotes as ‘narrowing the scope’. Second, I will dive into the debate regarding an imperfect duty to political forgiveness. By drawing on Claudia Blöser’s formulation from beneficence I will argue that there exists an imperfect duty to forgive

on Kantian grounds, which, absent defeating reasons, resembles an exceptionless obligation to political forgiveness. This will help me to address the two stated minimalist's concerns – of a moral perspective too narrow and a forgiveness not really appropriate. Then, in section five we will change the scenery and discuss Adams' personal dimension to forgiveness (forgiveness 'from the heart') and see how Kant fits into this second modality of her framework. Two decisive components of such forgiveness – role release as well as the psychological dimension – will be thematized and similarities between Adams' and Kant's approach demonstrated. In section six I will explore Kant's approach to a forgiveness 'from the heart'. By solving the interpretative technicalities between Blöser and Kate Moran it will become apparent that there indeed is an imperfect duty to forgive personally on Kantian grounds. I will argue that Blöser's 'emotion-based' conception is wrong since it neglects to fully consider the nature of what Kant calls 'passions'. In one of her solution attempts I am led to conclude that she deserts to Moran's position, seeing forgiveness as 'action-related' phenomenon. Lastly, I will explain what this account consists of, why it is to be preferred, and the moral obligations that come along with it. In conclusion – with a moral duty to forgive personally and its implications in place – I will use this 'universal' justification of forgiveness in Adams' personal or 'from the heart' sphere to respond to the minimalist's remaining charge.

## **Section 2. Conceptual Foundation and Practice of the Truth-and-Reconciliation Committee**

To now better understand the experiential backdrop of my analysis throughout the paper, we need to establish the conceptual foundations of the TRC in South Africa and understand its workings and operating principles.

Having been shaken as a nation through the systems of apartheid and its supporters the TRC was found to be the only feasible option to deal with the past of the newly established democratic South Africa (Tutu 1999, p. 11, 30). The extremes of relentless justice such as practiced in the Nuremberg trials on the one hand and blanket amnesty or amnesia<sup>3</sup> on the other were rejected (Tutu 1999, p. 30). The former was a justice too relentless and furthermore would

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<sup>3</sup> A blanket amnesty or amnesia here may be seen as an unconditional remission of punishment. In contrast to a conditional remission or amnesty the perpetrator does not have to fulfil any further minimum requirements of justice (see below).



have put an immense financial burden on the already strained judicial systems (Tutu 1999, p. 22). The latter was found inadequate to deal with the still fresh memories of terror and tragedy (Tutu 1999, p. 19). The third way – the approach of the TRC – was a conditional amnesty granted to individuals in exchange for the full disclosure of truth of the crime “for which amnesty was being sought” in a public hearing (Tutu 1999, p. 30; Digeser 2001, p. 140). In this way both groups were addressed, victims and perpetrators alike. Perpetrators had to own up to their wrongdoing, tell the truth, and accept the status as guilty (Mamdani 2002, p. 33). It was not, however, necessary to express sorrow or contrition (Digeser 2001, p. 140). It was the acceptance of responsibility for the crime that was paramount (Tutu 1999, p. 54). The victims, conversely, forfeited the right to persecute their tantalizer in courts of law (Mamdani 2002, p. 33). In a nutshell, individual amnesty was given to the perpetrator, truth was revealed for society and the victim was granted acknowledgment. This was the fundamental legislation that constituted the TRC (Mamdani 2002, p. 33).

In order to understand the dealings of the TRC one more distinction needs to be elaborated. This distinction consists of the TRC exhibiting two notions of forgiveness that need to be distinguished. One of them is what is called one-to-one political forgiveness which may also be seen as the TRC’s ultimate legacy. However, it mustn’t be forgotten that this did not represent the only kind of forgiveness the process brought forth (Digeser 2001, p. 139). As a second form, the commission made use of what is called many-to-one forgiveness, termed differently as “pardoning”. In the following, the precise distinction will be given, starting with “pardoning”, so that the terminology remains clear for the rest of the thesis.

## **2.1. Many-to-One Political Forgiveness**

Pardoning ultimately creates a reconciliatory state between the government and former aggressors (Digeser 2001, p. 139). When talking about pardon Digeser precludes random and non-random aggregates as suitable and only declares conglomerates – such as government – as fit. Conglomerates exhibit a joint decision-making process and a clear set of purposes. Political forgiveness “as an act of self-disclosure<sup>4</sup>” avoids the necessity for the government as respective agent to have feelings. For now, it suffices to understand that pardoning is not an endeavor to eliminate some group sentiment and is justified in the following way by Digeser (2001, p.

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<sup>4</sup> What is meant by an “act of self-disclosure” will be thematized in the subsequent section more precisely.

116ff.). First, we need to remind ourselves that governments can have interests and are oriented towards outcomes or states of affairs because they can flourish or languish given their context. Hence, these interests can also be harmed. But being harmed or wronged is not the same thing. Only if the stated interests would be important enough to be called “rights”, then we end up in the moral category. Digeser here draws on Joel Feinberg who argues that we, individuals, roughly have the same set of social welfare interests which provide “valid claims against others (moral rights) par excellence” (Feinberg 1987, p. 112; Digeser 2001, p. 117f.). Now, by considering a stronger form of communitarianism (which we may reasonably do in the South African context) governments are more likely to be seen as independent moral agents. And being an independent moral agent opens up the possibility to also concede them to have welfare interests. These welfare interests ultimately depend on preserving the welfare interest of each and every citizen as governments flourish as long as the individual’s welfare interests are secured. This seems intuitively plausible and is coherent with the view that a just state enables its citizens to pursue the good (or valuable) in their lives. Hence, being bound to justice the government has a moral standing as it tries to live up to this normative conception. This Digeser states to have defended in an earlier work (see Digeser and Miller 1995). For now, this suffices for our purposes. An action that interferes or prevents citizens in their pursuit of the good life, which in turn is enshrined in the government's commission to ensure, is thus, morally wrong towards both (the government and the citizen). So, if a government can be wronged, it is also in the rightful position to forgive and hence, pardon. Pardon, just as the following notion of one-to-one political forgiveness, is conditional in character, meaning that the minimum requirements of justice have to be met (Digeser 2001, p. 74). If one were to ask why these requirements were essential, Tutu here fittingly responds by pondering the collateral damages brought about by apartheid: “We could not pretend that it had not happened. Much of it was too fresh in the memories of many communities” (Tutu 1999, p. 19). These requirements were fulfilled by the stated disclosure of the crime by the perpetrator in a public context and a consensus of the report’s truth between aggressor and victim (Digeser 2001, p. 200; Tutu 1999, p. 50).

## **2.2. One-to-One Political Forgiveness**

Now after having defined what is meant in the TRC’s operation of pardon, let us draw to the second kind of forgiveness involved in the process (Digeser 2001, p. 140). It is this notion of forgiveness that will be of major interest to us. As previously mentioned, the paradigmatic

practice of one-to-one political forgiveness was characteristic of the TRC. What is it that is exactly meant by one-to-one political forgiveness then? Digeser in his book gives various elaborations, two of which are relevant to us. The first one which is subject to our analysis is citizens forgiving other criminal citizens. Here, an individual commits a crime and thus violates another citizen's personal or political right. Hence, crimes don't merely exhibit a private but also political or public dimensions (Digeser 2001, p. 198f.). The second one is citizens forgiving collaborating citizens of an unjust regime. For this kind of political forgiveness, two conditions must be met. First, the unjust government has been replaced by a more just set of arrangements. Second, not only the victim must be in the knowing of what happened, but the offender also has to share a public account that is to be verified by the victim of what happened and "who did what to whom". (Digeser 2001, p. 200). This can be done through the means of a commission or other sorts of investigation (Digeser 2001, p. 201). Otherwise, one circumvents the mentioned crucial minimum requirements of justice. If these steps are taken, then one-to-one political forgiveness is said to be a justifiable response to wrongdoing. Both of these elaborations about the use-case of such forgiveness shed light on the concept we will employ throughout the thesis whereas it is especially the second one that exhibits strong similarities with the elected historical context of the TRC. The vicious regime of apartheid set up, designed, and led by Dr. Hendrik Verwoerd (Tutu 1999, p. 16) was replaced by the African National Congress with Nelson Mandela at its forefront – a substantially more just establishment (Tutu 1999, p. 4). Also, a public account had to be given by the perpetrator where the victim had a role to play in terms of verifying the stated facts concerning the crime (Tutu 1999, p. 50). Thus, having elaborated on the theoretical notion of one-to-one political forgiveness and demonstrated its application in the TRC we now turn to the possibility of political forgiveness. Also, in the remainder of this thesis, I will label one-to-one political forgiveness simply as political forgiveness.

### **2.3. The Possibility of Political Forgiveness**

Before I get to the core of my examination, I need to deal with an objection raised by Jaques Derrida. As in the usual case, the survivor, the bereaved family member, is not ready to swap places with the dead person. So, in a sense, Derrida is correct when saying that "only the dead man could legitimately consider forgiveness" (Derrida 2001, p. 44). Hence, we need to consider the technicalities of what exactly is meant by 'forgiving' when speaking of political forgiveness. If we cannot find an answer to Derrida's concern, then our whole argument for a duty to forgive

politically doesn't even get off the ground. So, let's set this straight. Earlier in his book Digeser argues "that certain acts are politically unforgivable". He thereby posits a strict and loose interpretation. The strict interpretation holds that in case of gross civil rights violations, such as those done within the systems and procedures of apartheid, actions are outside the scope of a potential discussion to forgive them politically. This refers not only to primary victims – individuals having been physically hit by the crime – but also to secondary victims. Secondary victims are the ones who also were affected by the evil and hence, suffered indirectly through trauma and sorrow. The loose interpretation, however, makes a moral distinction between those primary and secondary victims. But what still holds is that a family member cannot forgive "on behalf of the victim" (Digeser 2001, p. 141). As Derrida rightly points out it is strangely problematic to forgive in the place of the abducted, disappeared, killed (Derrida 2001, p. 44). However, what the loose interpretation with its distinction allows for is that a family member indeed is in the position to forgive for the indirect suffering and mental trauma that was caused. This is because the act was not targeted at the family itself but at a specific and isolated personality, the direct victim. Hence, if the minimum requirements of justice were met in such a case, then to forgive politically could plausibly emerge as a justifiable response. Now, what this kind of forgiveness specifically requires from the secondary victim will be the focus of discussion in the subsequent section. Note that this argument mends our discussion into the direction of forgiveness by the bereaved. Primary victims, even in the loose interpretation, should not forgive (Digeser 2001, p. 141). One may point out here, that this elucidation leaves out the explanation for the possibility of a pardon. Rightly so, but since it is political forgiveness that will be the focal point of discussion from now on the issue will be set aside.

Furthermore, after having seen the role of pardoning in the overall process of the TRC, the relevance of political forgiveness is still given. As mentioned, we mustn't forget that besides pardoning the TRC did not practice a merely one-sided approach (Digeser 2001, p. 140). Victims could oppose an application if they could show that the conditions given for amnesty were not met (Tutu 1999, p. 50). Furthermore, as a country, South Africa was and is not only dependent on a reconciliatory state between the government and aggressors but also between citizens. Failing to understand the nature of "one's act of political forgiveness" or not living up to it (since one does not consider the nature and implications of such an act) consequently disturbs the state of reconciliation (Digeser 2001, p. 71). As a corollary, we witness today's public disgust and indignation (Gibson 2004, p. 130) that still has the potential to divide the population anew.

### **Section 3. The Congruency of ‘Performative’ and Political Forgiveness**

By now having set the experiential and definitional bedrock for the paper, I laid aside Adams’ framework for the moment and heavily thematized Digeser’s notion of political forgiveness. I now want to answer the question of why this was necessary. In the following, I will explain the striking similarity between both Digeser’s notion of political forgiveness and Adams’ performative forgiveness. This is necessary because only if we understand what such kind of forgiveness really requires of the victim, we can fruitfully discuss whether it can be promulgated as a duty and so, address the minimalist’s challenge. Furthermore, to be able to fruitfully operate in Adams’ framework and employ arguments for a duty to forgive, it is paramount to use a concept of forgiveness that matches with her understanding.

#### **3.1. Teleological Symmetry**

The first apparent similarity between Adams’ and Digeser’s forgiveness lies in their teleology. So, what do I mean then exactly by teleological symmetry? By borrowing the term from Aristotle, I will demonstrate that both concepts exhibit an identical ‘telos’ – a goal or purpose. Sticking for now with Digeser’s conception, he holds that political forgiveness can evoke reconciliatory effects, and so trigger a reconciliatory process that has the goal to restore the civility of and trust to the former wrongdoer (Digeser 2001, p. 67). This recovery of civility then is pursued by extending the invitation to forgive beyond the immediate parties involved since in the eyes of the communality the wrongdoers, because of their actions, hold a detrimental public reputation. Hence, the people being informed of this status are included to reconsider the former perpetrator’s standing for the whole of society. This reconsideration should at least extend to public interactions with the individual in question (Digeser 2001, p. 69).

In this way, the perpetrator is granted a re-establishment of personal and political rights that ought not to be violated by others. Hence, the offender is ‘made righteous’ before the law (Digeser 2001, p. 199) and invited into some sense of common civility or civic friendship with the wider society (Digeser 2001, p. 69). However, for a meaningful civic friendship to happen

we are in need of the second crucial component – trust (Digeser 2001, p. 68)<sup>5</sup>. Hence, the lost sense of moral trustworthiness needs to be restored. In the example of the TRC it can be said that this moral accountability was legitimately reestablished by the wrongdoer's yielding to the minimum requirements of justice given by the commission. In sum, this re-establishment of civility and trust (or in other words this reinstatement into civic *and* moral equality) represents the telos of political forgiveness.

What about Adams' notion of performative forgiveness then? As her account primarily aims at the "formal structure" of relationships it exhibits a strikingly similar teleology (Adams 1991, p. 294). Here, likewise, it can be argued her approach to forgiveness welcomes back wrongdoers into society not with the status of a criminal but as a citizen with official rights and privileges. Hence, the aim is directed towards the reestablishment of the formal (or political) relationship and so, strongly resembles Digeser's restoration of the perpetrators' civic positions. What's more is that it also focusses on externalities such as behaviour and compensation (Adams 1991, p. 294). Hence, it is a forgiveness with conditions to it. Compensations are another indicator of credible repentance and moral accountability of a former criminal. Both of these components Adams adopts, strongly thematize the previously discussed crucial second component – trust. By stressing these two conditions, Adams here advocates a form of forgiveness that heavily contributes not to the re-establishment of a deep personal bond of friendship but, as Digeser, rather enables and aims at harmonious interaction between citizens within a political body.

### **3.2. Modus Operandi**

Now as we know what both authors' forgiveness is geared towards, I will demonstrate the second notable congruency in the way they operate. Starting again with Digeser, he argues that political forgiveness operates like a promise (Digeser 2001, p. 23f.). The logic can be explained as in the following. Given that we hold a common understanding of the word in everyday experience, you may promise me to do something in spite of the anger, warmth, or pity you feel towards me. For this promise to be successful you'd have to follow up on the usual conditions of what it means to fulfil it. Motivations don't really matter. This is because it's not any less a promise if you grudgingly pledge to do the dishes. Therefore, here we don't talk

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<sup>5</sup> Digeser here talks primarily about financial trustworthiness. However, he repeatedly illustrates processes of financial reconciliation as akin to processes of political reconciliation. This makes my choice to transfer the notion of 'trust' (from the financial to the political/moral domain) intuitive and plausible (see Digeser 2001, p. 68f.).

about self-enactment but self-disclosure (here comes to completion of what we touched upon in the section for pardoning). This means, you the promiser, pursue a goal under the usual terms of the practice of promising, independent of underlying feelings or motivations. Similarly, one's act of political forgiveness would be an act of self-disclosure. The success of the action would not depend on one's feelings or motivation but on whether one "lives up to the public rules that govern its practice" (Digeser 2001, p. 24). This might require among other things accepting a former perpetrator's now renewed standing of civic and moral equality. This sentiment-free understanding of political forgiveness reveals its public character (Digeser 2001, p. 28).

For political forgiveness to be counted successful it also must qualify not only as a locutionary but as an illocutionary act. Thus, two required conditions need to be met. One is the aspect of *uptake* (Austin 1975, p. 116). The locution – meaning the verbal expression of forgiveness – needs to be heard and rightly understood (Digeser 2001, p. 29). This implies that an audience is in place and correctly grasps the meaning of what is expressed. If this is not the case then criminals might miss the message of having been released of their debts and so may mistakenly interpret it as a slip, blunder, or corruption. This must be avoided because only if they understand that their moral debt has been released, then the forgiving act can count as successful, and the purpose of political forgiveness to settle the past and restore political relationships can unfold. "So, the performance of an illocutionary act involves the securing of uptake" (Austin 1975, p. 116). Whereas a locutionary and illocutionary act resemble on this condition they diverge on the next one. Illocutionary acts, contrary to locutionary ones, have to *take effect* (Digeser 2001, p. 28f.; Austin 1975, p. 116). In terms of political forgiveness, this can be most vividly seen in the releasing character of the action. It releases "transgressors from what they owe" to the victim (Digeser 2001, p. 30). Thus, in following John L. Austine, Digeser holds that the verbal utterance of the victim to forgive the former perpetrator "must have certain nonphysical consequences" (Digeser 2001, p. 29f.). So, by really settling such a debt, an act of political forgiveness meets this second requirement and hence, renders the act of political forgiveness successful.

Having shed light on the *modus operandi* of forgiveness in the political dimension we now again turn to Adams' performative account. Here, forgiveness likewise exhibits the mechanism of a promise as "like promising, performative forgiveness is a conscious, decisional act, paradigmatically, a favourable response to an official or formal apology (Adams 1991, p. 294). Just as previously carved out, it is the verbal utterance that primarily matters to constitute an acceptance to an official or formal apology, not underlying sentiments. Adams' performative forgiveness also meets the two delineated conditions of a successful illocutionary act. First, the

*uptake* is secured by ensuring forgiveness' public character in directing it "to the offender or to some appropriate official personage" (Adams 1991, p. 294). To Adams, the act of forgiving cannot be a mere omission, failing to press one's rights or deciding not to do so. It needs to be communicated (Adams 1991, p. 294). Second, performative forgiveness, according to Adams, *takes effect* as it "is relevant to cases in which a civil suit could be pressed but is legally and officially waived." (Adams 1991, p. 294). Hence, the act has non-physical consequences as, to the forgiver, the debt (in terms of the trauma and suffering experienced because of the loss) has been dealt with and must not be brought up again.

Having shown how both conceptions strikingly resemble each other, I will now also need to briefly explain what political (or performative) forgiveness is not. As was already coming to the fore to a certain extent in the previous lines, political forgiveness does not mean for the victim to be free of "resentment, anger or disgust toward the offender" let alone being open to some personal or private associations or friendship (Digeser 2001, p. 199). It is only the acting on those emotions (presumably in a public context) that the victim professes to forswear (Digeser 2001, p. 142). This is important since in this way we see its contrast with accounts of personal forgiveness where we intuitively expect the addressing of "inner attitudes and feelings" (Adams 1991, p. 294). So far so good.

#### **Section 4. The Duty to Forgive and the Performative Sphere**

As I have shown, there is a strong overlap – even a congruency I would insist – between the concepts of forgiveness raised by Digeser and Adams. This was necessary since only now I am willing to employ Digeser's argument for a duty to forgive in Adams' performative sphere. As will become apparent it will serve as a steppingstone into the deeper Kantian debate within that side of the framework. We now do well to briefly call into remembrance what exactly the aim of my examination is. Minimalists, I have stated, are concerned with the intrusion of all-comprising religious maxims into the public sphere and remain skeptical about the appropriateness (permissibility) of forgiveness within the given context. So, while remaining in the public (or performative) dimension for now, I will by appealing to 'universal' moral reasons investigate a potential duty to forgive. For the examination, we, you and I, will do well to put ourselves into the shoes of the victim, facing the perpetrator, in a public hearing of the commission. This implies the imagination of having lost a loved one to the malicious actions of an evil regime, human caprice, or, one may add, hell's schemes. However, since I am aware



of the pitfall of sentiments ruling moral judgement, I will not insert a paradigmatic example of a real TRC case here, as they are hard to stomach and have the potential to cloud our ability to discern solemnly. So, while staying in the slightly more abstract domain it is crucial to bear in mind the experiential context since without existential traction my moral examination runs the risk of remaining void.

To find out whether there can be such a thing as the duty to forgive politically, three necessary prerequisites have to be met. First, Digeser holds that the discussion only gets relevant if political forgiveness represents the only feasible and sensible option (Digeser 2001, p. 77). As I have promulgated in section two, this was decisively the case in the post-apartheid South African context. Second, the minimum requirements of justice would have to be met, as was impressively done by the commission (Digeser 2001, p. 139). Third, the relationship in question needed to be valuable or worthy of respect. In answering this requirement, one may briefly appeal to the African Weltanschauung – ubuntu. In following Western thought, what makes a person is their rational capacity (“I think, therefore I am”). Ubuntu on the contrary emphasizes our relational capacity (“I relate, therefore I am”). As social harmony represents the greatest good, there naturally arises the aspect of responsibility towards the community (Tutu 1999, p. 31). Hence, the relationships in question can be reasonably held as being invaluable and worthy of respect in the eyes of the South African community since to maintain them is indispensable to reach social harmony.

Now, with these prerequisites in place, is it possible then to formulate convincingly a duty to forgive on universal, rationalist grounds? In an effort to answer this question, Digeser here offers the insightful distinction between a perfect (narrow) and imperfect (wide) obligation (Digeser 2001, p. 78). While not explicitly drawing on Kant, I assert and will show that there are good grounds to presume he employs Kantian thought in his argument. For this reason, I will employ Kantian terminology to shed light on the given distinction.

In a perfect duty of right, the law of action is given by the “will in general” and not merely (as the domain of ethics in principle suggests to Kant) one’s own will (1797/1996, p. 520, 6:389). This law then (for the will in general) provides a narrow duty of right, or in other words a juridical duty (1797/1996, p. 520f., 6:389f.; Wood 2009, p. 230). To avoid lying, an intentional untruth that violates someone else’s right, is such a juridical duty within the doctrine of right (1797/1996, p. 552, 6:429). Lying, however, represents a prime example, as also ethically impermissible (Mahon 2006, p. 656). Thus, there is also a perfect ethical duty not to lie to others. ‘Perfect’ then means no exceptions can be made “in favor of inclination” – one ought to

tell the truth, no matter what (1785/2011, p. 71, 4:421n). There is no playroom. This law for a specific action is characteristic of a perfect duty. Imperfect duties are the ones where “the [moral] law can prescribe only the maxims of action” (1797/1996, p. 521, 6:390). Maxims of actions, Kant holds, “can be arbitrary and are subject only to the limiting condition of being fit for a universal law” (1797/1996, p. 520, 6:389). Contrary to perfect duties, imperfect ones may allow for such playroom or latitude (*latitudo*) (1797/1996, p. 521, 6:390).

#### 4.1. Arguments for a Perfect Duty to Forgive

Hence, when talking about a perfect (juridical) duty to forgive in the performative sphere, the implication is that the victim would be morally obligated to forgive politically in every case, no exceptions. So, leaving aside possible indignation that may immediately arise when postulating such a thought, the question remains, does this work? Can there really exist a perfect duty to forgive which would in turn immediately shut down the minimalist’s charge? Digeser here argues as in the following, seemingly picking up on Kant’s doctrine of right (Digeser 2001, p. 78). First, assume agent A wronged Agent B. A perfect duty then requires B to forgive A, labelling it morally wrong not to do so. Second, following this reasoning, A “has the right to be forgiven”, and so, forgiveness is what is due to the offender. Third, Digeser asks his readers here to remind themselves what forgiveness in a political sense is – it is plainly to release somebody from what is due to them (by means of a verbal utterance). So, B has a duty to forgive A, to release A from what is due to A<sup>6</sup>. This is because A had a right in the first place to be released from a moral obligation (to pay a kind of moral debt to B). That is why B, likewise, has a right to be released from a moral obligation (to forgive A). So, in a fourth step, A consequently has the duty to release B of what is due to B – the duty to forgive A. Fifth, again A has the right to be released from a moral obligation (to forgive B by releasing her from her duty to forgive A). So, B has the duty to forgive A anew – to release A of the duty to release B of her duty to forgive A. Stopping here the problem, Digeser says, becomes apparent as “systems in which it is wrong not to forgive [to release what is due] have the potential to create an infinite regress” (Digeser 2001, p. 78).

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<sup>6</sup> This line of Digeser’s reasoning seems somewhat counterintuitive. In an effort of charitable reading, one could exchange the phrase ‘what is due to A’ with ‘what is morally expected of A’. Another possible defence is to say what is due to A is actualized (instead of released) because of the perfect duty in place which grants rights to A.

When it comes to the perfect duty of political forgiveness another more pragmatical problem can be lined out. To show this, it is necessary to take a minor detour. The whole logic of political forgiveness can be readily transferred to the domain of financial matters. In doing so, debtors then would adopt the expectation to have a right to forgiveness. So, loans wouldn't need to be paid back. As a corollary, there would be little difference left between "giving a loan and giving a gift" (Digeser 2001, p. 78). Those receiving a loan would ultimately expect to be forgiven, to be released of what is due. And so, the reasoning follows the same pattern as laid out above and ends in an infinite regress (Digeser 2001, p. 78f.). Now, a second aspect of incoherence with forgiveness in financial matters "is that if loans become de facto gifts, then there may be little incentive for creditors to extend any credit (aside from those who want to give gifts)" (Digeser 2001, p. 79). Hence, the whole idea of loaning money to people would make little sense. If to give a loan becomes a gift, one may analogously say that in the moral domain, forgiveness becomes a license for abuse. So, there remains little incentive (or sensibleness) in extending forgiveness in the first place, let alone in every possible case as a perfect duty suggests.

A possible answer to this lies in what is deemed 'narrowing the scope'. Now, what is meant by that? A perfect duty to forgive, Digeser suggests, can be established in the financial domain, "when the debt has become crushing" (Digeser 2001, p. 79). A crushing debt is a debt so large that the debtors can only be expected to return the money by taking upon themselves exorbitant hardship. Then, and only then, scenarios for a perfect duty to forgive (in the financial domain) could be reasonably developed (Digeser 2001, p. 80). Now, I think it's fair to say that the same reasoning can be applied to the moral domain. But first, we need to get a glimpse of how high the moral debt is in the described context. This can be done by either illustrating the amount of suffering brought on the victim or depicting a wrongdoer's sense of his or her own moral indebtedness<sup>7</sup>. For my argument, I will choose the latter option and use anecdotal evidence from a private letter sent to Archbishop Tutu. Helena, a South African woman, is laying bare her experience of her lover being convened by the South African's 'special forces' for so-called 'trips' in the times of apartheid. After three years when she was witnessing the mental and psychological deterioration of her partner – him being pale and his "eyes bewildered but dull like the dead" – she one night received a confession and description of his condition:

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<sup>7</sup> With this claim I am aware that (in my view, in keeping with Kant) I am positing the existence of an objective moral standard, and hence the reality and possibility of moral indebtedness which may be labelled guilt.

“they can give me amnesty a thousand times”, he said. “Even if God and everyone else forgives me a thousand times. I have to live with this hell. The problem is in my head, my conscience. There's only one way to be free of it. Blow my own brains out. Because that's where my hell is" (Tutu 1999, p. 52f.).

Given the fettle of the man, we get a picture of the frightening moral, mental, and spiritual bankruptcy and indebtedness of a former apartheid collaborator. This justifiably raises the question of how such a person should or could ensure the repayment of the moral imbalance caused by his actions? Surely to demand transformation, community work, and consolation to the victims ‘by the sinner’ seems ludicrous and comes close to an exorbitant hardship the perpetrator could not bear considering his state. One of course could think of another option, the one of monetary compensation. This, however, also appears to be problematic in two ways. Either one agrees to transfer an amount so high to the respective victims which again would be insurmountable to the perpetrator or an amount so low that cannot be seriously seen as giving to the victims what is rightfully due (keep in mind that our discussion still revolves around secondary victims). This also leaves aside for the moment the vexed question of how to determine the respective primary victims’ lives (the actual victim) in monetary value. Hence, in such a case we are left with little options but to choose a perfect duty to forgive politically<sup>8</sup>. The critic here may insist that such a perfect duty in this case will be seen as the ‘easy way out’ for perpetrators and so, a license for abuse. Albeit the concern for abuse is legitimate in the question of a perfect duty to forgive, it can be mitigated by two considerations. First, by just slightly imagining the mental estate and rumors of Helena’s partner it is highly unlikely for him to voluntarily engage again in similar kinds of activities<sup>9</sup>. Second, with Nelson Mandela at the forefront of the African National Congress (ANC), a new, just government had been put in place which had no malicious intents to coerce citizens again into cohorts of ‘special forces’ with the mission to mistreat parts of the population (Tutu 1999, p. 40f.).

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<sup>8</sup> Here an objection that slightly diverges from the core of the argument could be why it would be necessary to think of a perfect duty to forgive if the scope is narrowed while imprisonment and execution appear to be more feasible options. This thought is intuitively valid but as stated in chapter two, the pursuit of relentless justice in the given context would have put a financial burden on the strained judicial system it could hardly carry. Hence, the path to reconciliation was chosen and within that path the thought of a perfect duty to forgive is plausible.

<sup>9</sup> I concede that here I presuppose such a reaction of utter remorse to be indeed the one that is to be expected of such tantalizers. Given that there might be a small fraction of people who would feel no remorse whatsoever my argument is ultimately tied to the psychological saneness of the individual in question.

If my argument is correct, then ‘narrowing the scope’ solves the second, more pragmatical problem of concern for abuse of a perfect duty to forgive in the performative sphere. However, it still leaves us with the first problem of an infinite regress. Digeser in his reasoning arguably appeals to Kant’s doctrine of right, which would label political forgiveness a juridical duty and suggests no way to get around the stated infinite regress-problem. So, seemingly the case for a perfect duty to forgive hardly gets off the ground. Since Kant (and Digeser) do not formulate a perfect ethical duty for forgiveness, I will now consider the alternative discussion in an attempt to answer the minimalist’s charge. Hence, I will turn to the possibility of an imperfect (ethical) duty to forgive politically.

#### **4.2. Kantian Arguments for an Imperfect Duty to Forgive**

An imperfect duty, very roughly speaking, can be spelled out as “something that should be done but does not need to be done on every occasion”, according to Digeser (Digeser 2001, p. 79). Now, there is an obvious latitude in that statement that immediately seems seriously problematic when talking about a ‘real’ duty – but I will deal with that later. First, we need to find out whether there is an intuitive and universally acceptable ground for an imperfect duty to forgive. Based on that result, I will then demonstrate what is required of the moral agent (the victim) and how this constitutes a fruitful answer to the minimalist’s challenge.

Interestingly, though the “ideas of obligation, responsibility and guilt” take such a pivotal position in Kant’s thought he seems to give little emphasis on the concept of forgiveness. Nothing thereof is to be found in the *Groundwork* or even the *second* critique. Among these, it is only then in his metaphysics of morals where he develops an account of forgiveness as part of his applied moral philosophy (Sussman 2005, p. 85). But here also, Kant gives no definite answer as to where this “duty to be forgiving” comes from. Paula Satne strongly holds that such a duty is to be categorized within the duties of sympathy “which, together with the duties of gratitude and beneficence, constitute the [wide or imperfect] duties of love to other men” (Satne 2020, p. 2005). This stands to reason since the one and only time Kant explicitly mentions forgiveness (*placabilitas/Versöhnlichkeit*) in the metaphysics of morals follows the section of “sympathetic feeling” being “a general duty” (1797/1996, p. 222, 6:456). It is, however, not the

only interpretation. Digeser<sup>10</sup>, just as Kate Moran and Claudia Blöser, classifies forgiveness as a duty of beneficence – a duty to promote others’ happiness. Also, one mustn’t forget that the duty of self-respect takes share in a Kantian conception of forgiveness. Nevertheless, this duty to ourselves, aids the interpreter primarily in ascertaining when to withhold forgiveness on Kantian grounds, rather than when to grant it (Moran 2013, p. 419). Since the interpretative question cannot be settled here, I will maintain the dominant view of forgiveness as a duty of beneficence.

As basis for further elaboration serves a Kantian argument for forgiveness, eloquently brought forth by Blöser. It can be constructed as in the following:

- (1) Kant says “everyone who finds himself in need wishes to be helped by others” (1797/1996, p. 220, 6:453)
- (2) If we want others to meet us in such point of needs, we cannot develop a maxim to ignore their needs and at the same time will exactly these maxims to be universal laws.
- (3) We should, therefore, develop such maxims of helping others when in need.
- (4) Since we all have a need for forgiveness, we can transfer the logic from the argument of beneficence into the domain of forgiveness (Blöser 2019, p. 8).

From a Kantian perspective, we all indeed have a need for forgiveness. Why this is the case I will more elaborately demonstrate in the subsequent section. Holding this as uncontroversial (which I believe is justified) will suffice for now. The upshot of this reasoning from beneficence is that it is not only acceptable to those adhering to Kant’s moral philosophy but that it is plausible in general (Blöser 2019, p. 8). This is because it indeed seems crude morally to make exceptions for ourselves. If I want others to meet my need for forgiveness, it would be implausible (or even hypocritical) of me to (always) refuse to extend the same forgiveness to answer the same need “on the part of others”, so Blöser (2019, p. 8).

As we can deduce from the categorization laid out above the duty of beneficence is not a narrow or perfect duty that “prescribes or forbids specific actions” (as in the example of lying). Instead, it adopts a general end, namely the ‘happiness of others’ as maxim of action, and so, constitutes a wide or imperfect duty (Blöser 2019, p. 8). Having an imperfect duty implies that one may choose an obligation (more) freely. To Kant, to fulfill such duties is merit (*meritum*) but not to

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<sup>10</sup> Digeser (2001, p. 79) emphasises in his book an imperfect obligation to be charitable which I hold to be synonymous with an imperfect obligation of beneficence.

do so “is not in itself culpability (demeritum)” (1797/1996, p. 521, 6:390). This means that by not fulfilling them one may get subject to moral disapprobation but is not necessarily acting morally wrong<sup>11</sup>. Hence, this leaves the agent with playroom “with regards to how and to what extent” to fulfill such a duty (Blöser 2019, p. 8). This then, according to Blöser, gives a plausible and intuitive understanding of forgiveness, namely as “an attitude we have moral reason to adopt without making [it] obligatory in each particular case”.

Thus, this seemingly elective character does not mean “that there could not be moral reasons for forgiving” (Allais 2013, p. 642). Rather, whatever moral reasons we have to forgive, it does not involve giving what is due to the perpetrator (as a perfect juridical duty would suggest according to Digeser). Lucy Allais supports this reasoning with the analogy of a wedding gift. We all would agree, she says, that there are good moral reasons in place to gift the newly married couple. These, however, are not reasons that make us think that a gift is owed or due to them or that they are in the position to demand it (Allais 2013, p. 652). One could receive moral disapprobation in the eyes of others though be assured not to have acted morally wrong. Hence, two central implications stand tall for the elective character of forgiveness. First, there is no such thing as a right to forgiveness. Second, as Oliver Hallich and Blöser suggest, forgiveness (just as the wedding gift) remains a free gift “one may grant or withhold without being irrational” (Hallich 2016, p. 1009; Blöser 2019, p. 8). Summing up the argument, a wide or imperfect duty preserves this electiveness while still suggesting we are off track if we refuse to forgive on principle (Blöser 2019, p. 9). Now (in mainly having drawn on Blöser’s work, references, and discussion) I have set the pre-work to understand a Kantian argument for an imperfect duty to forgive. This already provides us with a partially satisfying answer on whether there exists a moral duty to forgive acceptable to everyone’s moral intuition. However, with the given characterization of an imperfect duty, the critic will not yet be satisfied since I have not really given a specific response to whether there is a binding moral obligation to forgive for the victim of apartheid. The initially raised problematic of playroom or latitude stands in the way. The minimalist may simply reply here that I may have established some sort of obligation but since this obligation is freely choosable there is no real moral requirement for victims to forgive. I will now deal with this apparent arbitrariness.

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<sup>11</sup> A similar reasoning process can be seen in Digeser (2001, p. 79).

Concerning the issue of playroom two interpretations are possible (Blöser 2019, p. 8). The former, more rigoristic one, holds that other, stronger<sup>12</sup> duties determine *how* to forgive on a case-by-case basis. Note that it merely emphasizes on the way forgiveness will be practiced and not *if* it will be practiced (Blöser 2019, p. 9). Jens Timmermann (referenced by Blöser), a strong proponent of the rigoristic reading, lucidly describes what is meant by it at the end of his analysis:

“Again, the conclusion must surely be that whenever an action presents itself to us as morally good we are morally required to do it. Wide or imperfect duties are less binding than perfect duties only in the sense that they are restricted by the former, and that they crucially depend on the ‘appearance’ of the right kind of situation to apply—but if and when they apply, they are just as binding as the other kind of duty” (Timmermann 2005, p. 23).

The latter interpretation, preferred by Blöser, preserves the described elective character. Agents in this scenario may choose alternative actions that are not required by the imperfect duty to forgive and still remain morally irreproachable. Here it is important to see that not only the way in which forgiveness will be practiced is up to discretion but also the ‘when’ and ‘to whom’ (and thus, *if* it will be practiced) (Blöser 2019, p. 8). In keeping with this view, Blöser refers to Thomas Hill. Kant, according to Hill, in maintaining “an imperfect duty of beneficence” proposes “a principle of duty to promote the happiness of others sometimes” and so, one may also avoid it at any time, depending on whether one feels inclined. Though, as already promulgated, not at all times (Hill 2020, p. 159), since then one would collapse back into the unacceptable maxim of making exceptions for ourselves. This then would imply quite a capricious mechanism of when to forgive and when not to. One that strongly resembles Digeser’s suggestion of an imperfect duty in the beginning of the section. Hill rests this strong claim on Kant’s elaboration that perfect duties “allow of no exception to the advantage of inclination” and hence, boldly infers that imperfect duties indeed do (1785/2011, p. 71, 4:421n; Hill 2020, p. 148). If Hill is right here, what we are left with is a sentiment-based understanding of when to forgive and when not to, namely simply if one feels inclined. Blöser at this point rightly concedes that we really haven’t gotten rid of the playroom problem. We just shifted the goalpost. What possible solutions are there then to the question of whether the victim indeed

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<sup>12</sup> It is not entirely clear whether by ‘stronger’ Blöser necessarily means ‘perfect’ duties. In regarding the following quotation from Timmermann (see below) it stands to reason that perfect duties are meant here.



has an effective moral obligation to forgive? If we remain with this latitude imperfect duties present us with, the minimalist may easily withstand my answer. The moral obligation that is postulated at this point seems as freely choosable as any act of supererogation.

Blöser here gives three points that will be of help to solve this question. The first Kantian consideration she posits is that closer relatives have priority over strangers with respect to beneficence (Blöser 2019, p. 10). It is this consideration that reveals a flaw in Blöser's approach and brings us to solve the problematic notion of latitude. So, in keeping with her favoured second interpretation such a priority of family over strangers (next to Hill's suggested feeling as when to forgive) adds another rather vague indicator. But the real problem is that a precise reading of Kant posits a fundamental difficulty to this interpretation which in my view it cannot resolve. When Kant is granting the freedom to prioritize between actions, he is not permitting a freedom to do as 'one feels inclined'. Instead, he professes that

“a wide duty is not to be taken as permission to make exceptions to the maxim of actions but only as permission to limit one maxim of duty by another (e.g., love of one's neighbour in general by love of one's parents)” (1797/1996, p. 521, 6:390).

This then implies that an imperfect duty gives us the (moral) freedom to choose only when in conflict with another duty. “The practice of virtues is widened”, not made arbitrary on emotions (1797/1996, p. 521, 6:390). Satne, in her account strongly emphasizes the role of reasons for forgiving and likewise rejects the approach to not forgive merely “because one does not feel like it, or is not inclined” (Satne 2020, p. 2008). Hence, the first, more rigoristic, interpretation of Kant stands out as the more accurate one. This means that an imperfect moral obligation to forgive, absent any conflicting duties, exhibits an absolutely binding and exceptionless requirement of agents to forgive (akin to the workings of a perfect duty). Since in the given experiential backdrop of the TRC there is little evidence of such a conflict of duty, this suggests that the victim indeed would have an obligation to forgive. This duty exhibits the characteristic strong bindingness we intuitively assume when speaking of a moral requirement.

Nevertheless, this is not all there is to say. A defeater for beneficence – and so for a victim's duty to forgive – would be if the transgressing party pursues an immoral end (Blöser 2019, p. 10). Blöser, though not very clear at this point, most likely derives this condition from the duty of love to others which may “also be expressed as the duty to make others' ends my own (provided only that these are not immoral)” (1797/1996, p. 569, 6:450). In picking up on this restraint Moran explains that “the happiness that an offender receives from a victim's forgiveness can often be happiness that is achieved as a result of the wrongdoing and at the

expense of the victim.” If you were to steal my money and instead of demanding amends, I simply forgave you, the natural consequence might very likely be that you recognize that you can attain your ends more easily. This would then imply very little lunch money for me in the near future (Moran 2013, p. 427). In our example, such a defeater seems intuitively correct, since it appears morally crude (or even cruel) to have the obligation to grant perpetrators in front of a commission an amnesty only for them to maintain their oppressive and discriminatory behaviour towards the victim and others. What adds to this constraint is that the Kantian duty of self-respect (which is “repeatedly described as duty to ourselves”) implies a duty to withhold forgiveness in case one would merely get harmed again (Moran 2013, p. 419). Kant stresses that forgiveness is “not be confused with *meek toleration* of wrongs (*mitts iniuriarum patientia*), [...] for then a human being would be throwing away his rights and letting others trample on them, and so would violate his duty to himself” (1797/1996, p. 578, 6:461). Therefore, if releasing what is due to someone is inconsistent with this duty to ourselves, forgiveness ought to be withheld (Moran 2013, p. 423). This aspect naturally reveals a strong link to repentance which to both Blöser and Satne represents a possible relevant condition to forgiveness. To Satne, Kantian forgiveness is even contingent on the wrongdoer’s commitment to moral self-reflection and self-reform (Satne 2020, p. 2008).

Now after having lined out these constraints on an obligation to beneficence, and so, forgiveness, the question is: do these practically apply and hence, negate a duty to forgive for the victims of apartheid? First, a project of moral transformation and repentance of the criminal can be impressively traced back to the effects of the TRC (Clark 2012, p. 201). Such an all-embracing moral change of attitude and behaviour may not be possible (as in the example of Helen’s lover) or apparent in every particular case. But by meeting the mentioned minimum requirements of justice (in pleading guilty and taking up responsibility for the crime) the participants exhibit a fair amount of a moral turnaround. Second, the self-respect of victims seems not to be infringed by the beneficent act since future threats are annihilated by the new just establishment. This then, thirdly, also considerably reduces the risk of a wrongdoer further pursuing an immoral end. The attitudes ‘of the heart’ might not yet have changed, but practical immoral ends definitely are not further pursued and realised. Thus, none of the stated constraints on a duty of beneficence ultimately pertain. So, there remains a duty to forgive for the victim in the given context of the TRC.

As a last hurdle to a duty to forgive, Blöser lists the constraint of self-prudence (Blöser 2019, p. 10). To help others “to the extent that [oneself] would finally come to need the beneficence of others” to Kant is unacceptable (1797/1996, p. 572, 6:454). This maxim within the

experiential peculiarities of the victim-perpetrator exchange in front of the commission may be seen as: don't forgive if that might deteriorate your (emotional, mental) condition so that ultimately, you'd be in need of another's beneficence and care. Such a maxim is intuitively sound and echoes the liberal concerns of the minimalist camp: 'forced' forgiveness as advocated by the TRC might have detrimental effects (presumably on the psyche of victims). Though this worry bears legitimacy, the problem of such 'forced' forgiveness can be circumvented by looking at what exactly is required of the victim. As repeatedly stated, by an act of political forgiveness one is neither forced, nor required or urged to let go of the anger, disgust, or indignation towards the wrongdoer. Forgiveness within the performative sphere is merely to release someone of what is due via speech act and so, reestablish their civil and moral status. Interior<sup>13</sup> dimensions of forgiveness are solely addressed in the second sphere Adams labels forgiveness 'from the heart'. Therefore, such an act of forgiveness resembles for a large part the reacceptance of a former criminal. In that sense, no psychological pressure is enforced on the victim to undermine their emotions<sup>14</sup>.

Hence, in conclusion, by drawing on Blöser, I have shown that on Kantian grounds an imperfect duty to forgive can be formulated and established which is "plausible in general" and thus, sufficiently universal. Then I have argued the rigoristic interpretation to be the more accurate reading of Kant. As a corollary, it became apparent that (absent defeaters) an imperfect duty exhibits a strong moral obligation that only leaves room on *how to* but not on *whether to* forgive. Next, I have discussed potential defeaters – the pursuit of an immoral end, the duty to ourselves, the condition of repentance – and established that none of these apply to the given context of the TRC. How does this then answer the minimalist's charge? As an effective response, I lined out two points (see, as stated in the introduction). First, minimalists showed concern about the too narrow religious perspective as to be comprehensive for the whole of society. So, by leaning on Kant I have offered a moral perspective not drawing on exclusive religious maxims but appealing to everyone responsive to 'universal' moral reasons. Second, came their worry about "the appropriateness of forgiveness in such situations". But the outcome of my analysis showed that there exists a strong duty to forgive in the performative sphere which nullifies the problem of 'appropriateness' (or permissibility). Political forgiveness in the context of the TRC, thus, is not only appropriate but required. Finally, I addressed the last hurdle to political forgiveness,

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<sup>13</sup> I have used here 'interior' as a useful label by drawing from Paul M. Hughes and Brandon Warmke (2024).

<sup>14</sup> For a variety of emotion-based accounts which put into the centre the processing of emotions as integral part of forgiveness, see Hughes and Warmke (2024).

self-prudence, and showed that it can be circumvented by regarding what is actually required of the moral agent. Political forgiveness, I explained does not consist in the release of “feelings of anger” (disgust or indignation) as Mr. Rodgers (in ‘A Beautiful Day in the Neighbourhood’) suggests. Rather what is morally required from the Kantian agent and so, the victim of apartheid in the performative sphere, is to release someone of what is due via speech act and so, reestablish their civil and moral status. I chose to operate in the public sphere because minimalists saw forgiveness in this dimension as problematic, “forced” and detrimental to victims. I have established that it is not so, given the character of political forgiveness. What possible resort the minimalist now has, is to insist that people were not only required to forgive politically but personally (‘from the heart’) as is characteristic of religious notions of forgiving. If so, then one could still speak of a forgiveness that is ‘forced’ and therefore, illegitimate. This is why I will now continue my examination within Adams’ second dimension in her pluralist account – forgiveness ‘from the heart’.

## **Section 5. Kant and Forgiveness ‘from the Heart’: Requirements**

In the previous section, I have demonstrated that the more rigoristic interpretation of the workings of imperfect duties to be the correct reading. Then I have considered various defeaters for an obligation to forgive. As I have established, none of these defeaters practically apply to the context I proposed – to victims facing their perpetrators in front of the commission for truth and reconciliation in South Africa. This led me to the conclusion, that there exists a strong moral obligation (absent defeaters) for victims to forgive politically on Kantian grounds. Now, the characterization of forgiveness I employed in previous sections of course leaves out fundamental aspects one would intuitively ascribe to the term. The act of forgiveness in the performative sphere did not address any interior (emotional or psychological) component within the forgiving agent. As I have said the minimalist might exactly intervene at this point (though she or he did neglect the distinction of the various kinds of forgiveness in the first place). Forgiveness in the context of the TRC, she or he could insist, was of ‘personal’ character. So, there may well be a duty to forgive politically (or performatively) but the pressure of personal forgiveness practiced by the commission still was illegitimate. My response to this challenge is not to line out what exactly the truth commission has required or earnestly requested of the victims. Rather I will focus on a possible moral requirement to also forgive personally from a Kantian perspective. Then, based on the outcome of my investigation the implications for the victim will be lined out.

So, it is necessary to now turn to the second dimension of Adams' framework which she calls forgiveness 'from the heart'. This second modality I understand to be synonymous with personal forgiveness, encompassing the internal features I until now kept away from the discussion. To ascertain whether a duty to forgive 'from the heart' in the Kantian sense applies, I first need to establish what such forgiveness requires for Adams and how Kant's account corresponds to these requirements. As will become apparent there is a significant congruency within the first relevant feature (role release) between both. As for the second feature (psychological dimension), I will show that Kant sufficiently incorporates the emotions pertinent to Adams' forgiveness 'from the heart'.

### **5.1. Role Release**

Now what stands in need of further elucidation is what exactly is meant by this role release. By being a victim or having been subjected to the status of victimhood, Adams explains that our natural tendency is to see ourselves as fit for the role as "judge, jury or executioner" (Adams 1991, p. 295). After all, no one else is better informed of the damage and suffering done to us. Needless to say, that this seems to qualify us to estimate best which suffering would be commensurate as retribution (Adams 1991, p. 295). So far, I assume we all agree. The moral impulse to elevate ourselves after having been wronged can hardly ever be avoided. However, here Adams takes a turn to the displeasure of our self-given perception as rightful judiciary. The approach seems to be flawed in two ways according to Adams. First, she holds that retributive emotions decidedly skew reality and so, all fair estimations of proportionality. Second, judging the aggressor from a point of victimhood is to evaluate another agent based on the offensive act alone, completely neglecting a person's "metaphysical value as human being" (Adams 1991, p. 295). Concluding from these two premises<sup>15</sup> she posits that no one is in the position or competent enough to evaluate another human being, lest ourselves (Adams 1991, p. 295). Since Adams defends this position from a Christian stance, she holds that only God is capable to see the depth of the human heart in its whole depth (Adams 1991, p. 295). The words of the Old Testament prophet Isiah "but we are all like an unclean thing, and all our righteousnesses are like filthy rags" (Isiah 64:6) can be added here to most vividly illustrate Adams' point. Hence, validation and judgment are left to the one who alone is morally supreme. Since we are not

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<sup>15</sup> Ultimately this is not Adams' line of reasoning but the argument in my view is reconstructed most fruitfully in this way.

capable of such a meta-perspective the only sensible way forward is to ‘release our role’ – to let go of our own limited point of view (Adams 1991, p. 295). This first feature is partially furnished by religious and metaphysical assumptions (like the metaphysical value of a human being). But instead of thematizing and testing them, for now, I will need to show whether Kant arrives at the same conclusion as Adams.

I suggest that Kant starts his argument at a side note of Adams’ conclusion – the potential moral fallibility of us all (since there is only one who is morally supreme). No matter how long the sequence of good conduct, to Kant (and common sense) it does not preclude a person’s potential to a morally bad disposition (Blöser 2019, p. 5). People who pride themselves in good conduct Kant decidedly declares self-conceited and “strictly speaking only in their good fortune [have] so far escaped temptations to public vice” (1797/1996, p. 577, 6:460). This is because Kant holds that ultimately no one “can be sure about their fundamental maxim” (Blöser 2019, p. 5). If pressed to our limits Kant does not profess much faith in the human race’s ability to remain upright before the moral law. We may be acting morally as long as it is in our self-interest. But by taking Blöser’s exegesis of Kant at face value, no one at the end of the day unreservedly follows the universal ethical command to “act in conformity with duty from duty” (1797/1996, p. 522, 6:391; Blöser 2019, p. 5). But not only does Kant carve out our susceptibility to moral failure but insists that everyone *has* already failed (Blöser 2019, p. 5). In the doctrine of virtue, he states that we all “[*have*] enough guilt of [our own] to be greatly in need of forgiveness” (1797/1996, p. 578, 6:461). I think Blöser justifiably infers here that Kant is not only referring to the potentiality but acknowledges the actuality that all *have* failed. Kant “explicitly refers to the past” (Blöser 2019, p. 5). Thus, everyone is guilty of having succumbed to a temptation to act immorally at one point or another (Blöser 2019, p. 5). As a side note, it is in this potential (and actual) moral defectiveness that Kant grounds this need for forgiveness<sup>16</sup>. Hence, forgiveness answers a certain need and so, “is an expression of concern” or beneficence (Blöser 2019, p. 11). Coming back to the main thread of the argument, Kant, thus, just as Adams, challenges this authority we give to ourselves to judge one another since “as guilty we lack

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<sup>16</sup> Here I am explaining what I postulated as uncontroversial in section four (our common need for forgiveness according to Kant). In my view, Blöser holds that Kant grounds this need for forgiveness in our potential moral fallibility (Blöser 2019, p. 5f). In grounding the need for forgiveness, I go beyond her point and posit that Kant not only then grounds this need in our potential but also in our actual moral defectiveness.

moral standing to accuse” each other (Adams 1991, p. 287)<sup>17</sup>. Accordingly, the role of punishment (and thus, judgment) is to be handed over to “the supreme moral lawgiver”, for we humans are not fit for the task (1797/1996, p. 578, 6:460). From this, I conclude the significant similarity between Kant's and Adams’ account within the sphere of personal forgiveness.

## 5.2. Psychological Dimensions

The second feature necessary for a forgiveness ‘from the heart’ is the psychological aspect. Having conducted such a role release “will [then] involve many changes in judgements, attitudes, feelings and desires” according to Adams (1991, p. 294). These internal aspects are paramount to an honest act of personal forgiveness. So, the agent deliberately “chooses to let go of and prays to overcome” such “retributive feelings and attitudes”. Now, what Adams most likely has in mind when thinking of such feelings and attitudes gets clear in the following lines when she talks about “hatred and resentment, anger and indignation” (Adams 1991, p. 297). Hence, in this side of the framework emotions of the victim are of fundamental importance to forgiveness.

Now the question is whether Kant’s moral philosophy can likewise deal with the complexity of our moral interior life. I think it can, and it does so by addressing the workings of these three (moral) emotions “associated with the recognition of wrongdoing” (Moran 2013, p. 421). Hereby I understand hatred to be synonymous with (excessive) resentment and vengeance<sup>18</sup>. Anger and indignation follow as separate relevant sentiments whereby the latter constitutes the hallmark of a moral emotion to Kant (Moran 2013, p. 420). More precisely, indignation comes through the recognition of wrongdoing. It is a “feeling brought by recognition of the moral law” and even more so by the realization that this law has been broken (Moran 2013, p. 420). To Moran, indignation and our duty of (moral) apathy are consistent. This duty of apathy is to forbid oneself to be governed by one’s feelings and inclinations. The moral feeling of respect for the law ought to be stronger than any other feeling that arises from sensible impressions (1797/1996, p. 536, 6:408) – meaning that no experience of a situation should override our calm

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<sup>17</sup> Adams here refers to the work of Jeffrie G. Murphy (“Forgiveness, Mercy and the Retribute Emotions”). I hold it to be a reading of (1797/1996, p. 578, 6:460f.).

<sup>18</sup> To understand how I came to this categorisation compare with Blöser (2019, p. 13) where she holds hatred as equivalent to excessive resentment. Furthermore, Moran (2013, p. 421) synthesises the terms hatred and vengeance in her analysis as both violating “our duty to wish for the wellbeing of others”.

reflection which puts the law at the center. Anger, on the contrary, is opposed to the duty of apathy (1920/1997, p. 416, 27:687) and a so-called ‘affect’ (1798/2007, p. 354, 7:252). This is because, anger, though a short-lived-feeling it may be, is “rash” and grows to an intensity of feeling that “makes reflection impossible” (1798/2007, p. 354, 7:252). But this is not to say that anger for Kant is entirely evil. It may well spring from a motive of “utmost love towards the other” (1920/1997, p. 416, 27:687). Hatred, on the contrary, is worse and “essentially different from anger” (1920/1997, p. 416, 27:687). It is a passion (1798/2007, p. 354, 7:252). This means that it is “paired with the calmest reflection” and not thoughtless, unlike affects (1798/2007, p. 367, 7:265). It takes its time and roots itself deeply (1798/2007, p. 354, 7:252). Likewise, it is not directed against the injustice itself (as indignation is, in response to a violation of the moral law) but against “he who is unjust” (1798/2007, p. 372, 7:271). Such hatred may be denoted as the “desire for vengeance”, which is according to Kant, “one of the most violent and deeply rooted passions” (1798/2007, p. 371, 7:271). This passion goes beyond any proportional considerations to defend our rights (1920/1997, p. 194, 27:435). It is a resentment too extreme, too excessive that only seeks harm for its opponent.

This concise overview of the major moral emotions in question demonstrates that Kant’s moral thought sufficiently addresses the components of this side in Adams’ framework. From having laid this foundation – by showing the striking overlap in both features – I have done the necessary pre-work so that now I can go on to expound a Kantian understanding of a duty to forgive ‘from the heart’ (as Adams would put it in this side of her framework). In the next section, I will promulgate such a duty within the given contextual sensitivities of the TRC and especially the implications that come along with it for the victim.

## **Section 6. Kant: An Approach to Forgiveness ‘from the Heart’**

But before we get to the interpretative technicalities, let’s revisit what I have established so far. In section four, by choosing the predominant approach in the literature I detailed the argument from beneficence, brought forth by Blöser, for an imperfect obligation to forgive. Consequently, I have argued for a moral duty to political forgiveness which (absent defeaters) resembles the exceptionless application akin to the one of a perfect ethical duty. I have then also explained the implications of such political forgiveness for the victim of apartheid. By regarding the minimalist’s subsequent charge of ‘enforced personal forgiveness’, I then turned to the ‘from the heart’ sphere of Adams. Thus, in section five I have illustrated the striking similarity



between Adams and Kant in regard to personal forgiveness. Forgiveness for both involves a role release as much as the consideration of the psychological dimension. Within this psychological dimension, I indicated the three major moral emotions (hatred, anger, indignation). By naming them ‘(moral) emotions’ I follow Moran who uses this as umbrella term to describe these three dispositions. Strictly speaking, it is of course true that hatred is not an emotion but a passion, meaning that it is an inclination (or ‘habitual sensible desire’) that can only be overcome with difficulty (1798/2007, p. 353, 7:252). Now, with all this in place, I am aiming to address the minimalist’s resort touched upon in section four (and in the introduction). The critic, after having seen that there exists a duty to forgive politically, may insist that the TRC enforced forgiveness of the personal kind on the basis of religious maxims. Such kind of enforced obligation then would be detrimental or harmful to victims and thus, highly problematic. Unfortunately (to the minimalist) the argument from an imperfect duty to forgive politically can be readily transferred into the personal sphere. Hence, a duty to personally forgive on Kantian grounds, moral emotions included, is mostly uncontroversial<sup>19</sup>. Therefore, having to establish in the first place whether there is a duty to forgive in Adams’ personal (‘from the heart’) sphere will not be of primary importance in this section. Rather, with the obligation in place, the question will be what to forgive personally really consists in. Only then the implications of such a moral requirement to the Kantian agent and ultimately the victim become clear. To give a satisfying answer I will have to settle the interpretative debate (which will mainly revolve around the accounts of Blöser and Moran). This is important because the result of this examination massively matters to understand which requirements come along with a Kantian duty to personal forgiveness. Having shown a duty to forgive personally, will then help to nullify the minimalist’s concern of forgiveness being ‘enforced’ since there is a demand on forgiveness they would accept as sufficiently ‘universal’. With the implications that follow in place, I will then be in the position to even more elaborately address the minimalist’s charge and show how the moral demands on the victim are much higher than the critic would wish them to be.

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<sup>19</sup> It is uncontroversial since the argument from beneficence for a duty to forgive (politically) is plausible (see section 4). Then to justify a duty to forgive personally one may legitimately hold that Kant grounds this in our common need for forgiveness, as we are all morally defective (see section 5 and Blöser 2019, p. 11). This also makes sense. Furthermore, when examining the accounts of Blöser and Moran (who consider moral emotions in their approach to Kantian personal forgiveness) the emphasis in my view is not on *whether* such a duty exists but *how* to formulate it most faithfully.

## 6.1. The Debate: Blöser and Moran on a Kantian Duty to Forgive Personally

I have shown that sentiments are crucial to this side of Adams' framework. But it is not only the existence of such emotions that Adams emphasizes but also a change of such (see above). Blöser's interpretation of Kant offers a good fit for this sensitivity to change. In the "emotion-based account" she promulgates the "core of forgiveness consists in overcoming resentment toward the wrongdoer" (Blöser 2019, p. 12). Resentment and hatred are used synonymously by Blöser at this stage (although she proceeds by mainly drawing on the notion of hatred). This apparent aspiration to a 'change of feelings' by 'overcoming' them very well resembles Adams' approach.

Blöser, in backing up her strategy, refers to the doctrine of virtue and explains forgiveness as "refrain[ing] from repaying another's enmity with hatred out of mere revenge" (1797/1996, p. 578, 6:460). Concludingly, she takes this as the moral imperative to "withdraw any hatred we might *feel*" (Blöser 2019, p. 12). Fundamentally what she suggests is that we again should start having 'positive' or 'good' feelings toward our opponent. The victim of apartheid for instance would then be required to exchange feelings of hatred with more positive (or at least neutral) ones. This is why Blöser ultimately sees hatred (and forgiveness) as emotional or "affective phenomenon" (Blöser 2019, p. 12). There is of course an alternative interpretation. It is to see Kantian forgiveness as "action-related phenomenon" (brought forth and defended by Moran) (Blöser 2019, p. 12). And though Blöser acknowledges this possibility she unceremoniously dismisses it by merely saying that her account is "the more natural reading" of Kant (Blöser 2019, p. 12). This is where I disagree with her. It seems to me Blöser is committed to an emotion-based account from the inception of her argument.

Although it is not entirely clear how she ultimately perceives hatred, she (rightly) acknowledges it as moral emotion (seemingly in keeping with Moran's categorization). However, it seems to me that she then goes on to tout it as more of one of our ordinary 'everyday sentiments'. Hence, she presupposes that hatred is an emotion susceptible to change and transitory in character (e.g. such as anger) (1798/2007, p. 367, 7:265).

As an example, let's revisit Blöser's selected passage from the doctrine of virtue. Forgiveness according to Kant she says here is "to refrain from repaying another's enmity with hatred out of mere revenge" (1797/1996, p. 578, 6:460). Not to unleash our hate onto the wrongdoer clearly is paramount to Kant. So, this means that forgiveness cannot consist in a retaliation of the victim towards the wrongdoer. So far so good. Blöser here then suggests that Kant wants us to "withdraw any hatred we might *feel*" (Blöser 2019, p. 12). But from this reference alone this

simply does not follow. Given the excerpt of the doctrine of virtue, it is too big of a jump to assert a Kantian claim that one is required to change one's emotions<sup>20</sup>. To me, Kant much more suggests something action-related ("refrain from") rather than demanding an emotional change.

If we revisit what we know from section five for the moment, it will become apparent that hatred is a passion and what this entails (Blöser at this stage likewise denotes hatred a passion but seemingly omits to consider the implications of the concept). A passion, I have said, "roots itself deeply" (1798/2007, p. 354, 7:252) and is "paired with the calmest reflection" (1798/2007, p. 367, 7:265). What this means is that it is coexistent with rationalizing (1798/2007, p. 367, 7:265). It "graft[s itself] on to our reason" as Moran fittingly remarks. Now, why is that a problem for Kant? It is because a passion is an inclination (a sensible desire) that "prevents reason from comparing it with the sum of all inclinations in respect to a certain choice" (1798/2007, p. 367, 7:265). We get wholly and totally blind to other ends that we have (1798/2007, p. 368, 7:266). It is not a momentary impairment to freedom but discards freedom altogether and finds "satisfaction in a slavish mind" (1798/2007, p. 368, 7:267). I will stop this gloomy excursion here. However, it was necessary to understand why Kant holds passions as evil without exception (1798/2007, p. 368, 7:267). Now his verdict on passions becomes more accessible as he concludes

"passions are cancerous sores for pure practical reason, and for the most part they are incurable because the sick person does not want to be cured and flees from the dominion of principles, by which alone a cure could occur" (1798/2007, p. 367, 7:267).

In another example, he explains passions

"an illness that abhors all medicine, and it is therefore far worse than all those transitory emotions that at least stir up the resolution to be better; instead, passion is an enchantment that also refuses recuperation" (1798/2007, p. 367, 7:266).

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<sup>20</sup> Here one may accuse me of an uncharitable reading of Blöser as she might only talk about the controlling of one's emotions, and not the alteration of them. This, however, I think is difficult to defend since she explicitly uses terms such as "withdraw" and "overcome" (in regard to hatred) which clearly indicates a change of states or dispositions. Thus, I am convinced that it is more natural to read her in the latter way.

Based on the two excerpts a strong case can be made for passions being the most severe of moral emotions<sup>21</sup> and for the most part unchangeable<sup>22</sup>.

In light of my discussion, the major problem comes to the fore for Blöser's account. Given the textual evidence, it is difficult to maintain the position that hatred is susceptible to change as other transitory moral emotions. The revision of a disposition of hatred to Kant clearly is not feasible since, once there, it is for the most part 'incurable' and 'refuses recuperation'. Moran is correct in my view in her conclusion that the "claim that we have a duty to revise these feelings<sup>23</sup> would thus be a claim that we ought to do something that we cannot do" (Moran 2013, p. 422).

Thus, I conclude that Blöser's emotion-based understanding of a Kantian duty to personal forgiveness is flawed. So, to demand an emotional change of victims it seems is not what Kant requires in a forgiveness 'from the heart'. It is important, however, to acknowledge that Blöser addresses the problem herself, though in a different way. Also, to show that Blöser's interpretation is wrong is not automatically to have proven that Moran is right. Hence, I will now revisit Blöser's first solution attempt and reveal that it is flawed for the same reasons already given. Then I will consider her second solution where I cannot but get the impression she deserts to Moran's position. By doing so it will be revealed that both agree on the existence of a duty to forgive personally as well as on the implications thereof for the agent (where the latter will be of major interest). Thirdly, I will explain the action-related account, why it makes sense, and what it ultimately requires of us. With all this in place, I will be in the position to answer the minimalists' concern. Namely by showing that personal forgiveness in the context of the TRC need not be seen as 'forced' but can be morally demanded of victims. This then consequently entails specific moral obligations on the victim's side. But first, let's get back to Blöser.

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<sup>21</sup> I label passions here 'moral emotions' in keeping with Moran's categorisation (see above). As said, strictly speaking, it is not correct to see passion as a mere emotional phenomenon.

<sup>22</sup> In another passage Kant says "[an] inclination that can be conquered only with difficulty or not at all by the subject's reason is *passion*" (1798/2007, p. 353, 7:251). This leaves room for the suggestion that some passions may be overcome, even if with great difficulty. However, given what Kant thinks about the passion of vengeance, and presumably hatred (namely to be "one of the most violent and deeply rooted passions"), I think it remains fair to posit that the passions in question are unalterable dispositions (1798/2007, p. 371, 7:271). Thus, they cannot be conquered.

<sup>23</sup> Moran is referring here to anger and vengeance as moral emotions.

Here I must confess, it is not entirely correct having stated that Blöser addresses or recognizes ‘the’ problem – rather she tries to solve ‘a’ problem. Namely, in seeing the difficulties that arise with her emotion-based approach she says that Kant holds that there can’t be an “obligation to have feelings” (Blöser 2019, p. 12; 1797/1996, p. 569, 6:449). So, no obligation to revise our feelings into more positive ones. This then cannot match with the existing duty to be forgiving. But, according to Blöser, the indirect duty to cultivate feelings (like compassion) offers a loophole to this conundrum. Certain actions supposedly produce certain feelings, giving us indirect control over them. Thus, the logic goes as follows: performing certain actions, like keeping us from reproaching the wrongdoer, can bring about positive feelings and so, we may *overcome* hatred (Blöser 2019, p. 13). Granted, this approach exhibits a considerable amount of creativity. It nevertheless falls short since it postulates a wrong premise: if we perform certain actions of compassion then hatred will *dissolve*. Given my examination of hatred above, in a strict Kantian sense, it simply cannot be that we revise such a passion.

This brings me to Blöser’s second attempt. Here she clearly emphasizes the difference between an affect (such as anger) and passions. The latter she rightly says, “permits reflection and allows the mind to form principles upon it” (1797/1996, p. 535f., 6:408; Blöser 2019, p. 13). Hence, we retain much more control over their development. Based on this distinction she eventually comes to develop an account of a duty to be forgiving on an interpersonal basis:

“Adopt a maxim to cultivate an emotional attitude towards wrongdoers that is free of hatred, and, where hatred is still present, refrain from forming principles on its basis” (Blöser 2019, p. 13).

Now, the first part of the given maxim very well mirrors the outcome of my analysis above. In order to be forgiving we need an emotional attitude that is free of hatred. Otherwise, to Kant, we are like horses with blinkers on, unable to attain other ends than the satisfaction of our slavish minds (1798/2007, p. 368, 7:267). Hence, this part of the sentence indicates nothing in terms of feelings (of hatred and vengeance) that need to be *changed* or *overcome*. As I have shown, they simply can’t be. What’s more is that hatred and vengeance violate our duty to promote the happiness of others – the duty of beneficence (Moran 2013, p. 3). Since these passions stand in contradiction towards our duty to be beneficent (and hence, to be forgiving), we are required to avoid them by all means. The second part of the sentence (“where hatred is still present, refrain from forming principles on its basis”) reveals a much more intuitive and action-related reading of the Kantian reference in question. Again, Kant says in the doctrine of virtue, to forgive is to “refrain from repaying another’s enmity with hatred out of mere revenge”

(1797/1996, p. 578, 6:460). Blöser now insists that we even are to refrain from forming principles based on hatred in the first place.

I hold it as uncontroversial that to ‘refrain from forming principles’ is logically prior to ‘refrain from acting on them’. Now, I also think it is apparent that both (Kant and Blöser) command us (not) to do something or (not) to act in a certain way. Hatred may be present, but we ought not to act on it<sup>24</sup>. Thus, I conclude that Blöser here departs from her stance that a disposition of hatred needs to be changed and adapts Moran’s viewpoint of forgiveness being an action-related phenomenon. Hence, as said, here we see that both Moran and Blöser agree on the existence of a forgiveness ‘from the heart’ from the Kantian stance. They also resemble each other on the descending implications: we must (not) act in a certain way. Both are important to answer the minimalist’s charge of personal forgiveness being illegitimately enforced. But the questions then remain what really is forgiveness – “the action” – in the action-related account, why is to be preferred, and most importantly what obligations come along with it?

## 6.2. The Duty to Forgive: An Action-Related Phenomenon

Moran highlights that when talking about “interpersonal wrongdoing and forgiveness”, we are in the domain of ethics. Thus, the emphasis is on moral, not civic punishment (Moran 2013, p. 423; 1797/1996, p. 578, 6:460). Such moral punishment is typically retributive in character (1920/1997, p. 79, 27:286). In her reading of Kant, Moran as an example especially stresses the restoration of rights and material goods which fall under the broad notion of compensation (Moran 2013, p. 423). And so, a punishment stemming from a wronged minority group may be the waging of an aggressive public campaign against oppressors. In a more personal context, it may well be to give someone ‘the cold shoulder’ or ‘the evil eye’ (Moran 2013, p. 423). Now, actions of retribution to demand compensation are generally speaking right, if flowing from “a desire of justice” (1920/1997, p. 417, 27:688). Again, forgiving “must not be confused with *mEEK toleration* of wrongs (*mitts iniuriarum patientia*), renunciation of rigorous means (*rigorosa*) for preventing the recurrence of wrongs by others; for then a human being would be throwing away his rights and letting others trample on them, and so would violate his duty to

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<sup>24</sup> The thought of hatred being present and not acted upon – as elaborated on the latter part of Blöser’s maxim – can be seen as controversial. With the Kantian reference in question (“refrain from repaying another’s enmity with hatred out of mere revenge”) I see a legitimate reading of hatred (as passion) being prevalent and still not pursued by the agent.

himself” (1797/1996, p. 578, 6:461). As touched upon in section four, this duty to ourselves particularly is tied to the possibility and prevention of getting harmed again. This naturally (as discussed) exhibits a strong like to repentance. As a sign thereof, damages (*reparation damni*) then must be brought forth by means of compensation or apology of the offender. If both are not wanted by the victim, then at least the aggressor’s acknowledgement of the injustice is required as token of a moral turnaround (1920/1997, p. 417, 27:688). Given that such (minimal measure of) repentance is in place, then to still punish would go beyond a mere desire for justice. Hence, making it part of a disposition of hatred and vengeance. The conduct of giving someone ‘the cold shoulder’ after repentance (at least by means of acknowledgement) was prevalent, reveals such a disposition of vengeance Kant rebukes. What personal forgiveness then consists of is in “ceasing these activities” toward the opponent (Moran 2013, p. 423). One may call it the remission of retribution<sup>25</sup>. It is to (not) act in a certain way. In forgiving, Kant says, we “consign his offence to oblivion, in regard to saying anything about it, and to display towards him the appearance of no longer recalling it” (Moran 2013, p. 423; 1920/1997, p. 418, 27:690).

Having clarified what is comprised by the action-related account of personal forgiveness, it evidently follows why it ought to be the preferred interpretation of Kant<sup>26</sup>. For one reason it provides a more complete and cogent understanding of Kant’s view of the concept of passion and the implications that come along with it. For another, it shows itself to be the straightforward and more precise reading of what Kant actually understands by forgiveness.

Last and most importantly, what obligation now comes along for the agent in Moran’s view? This became apparent by describing what the ‘action-related account’ ultimately consists of. Primarily, as indicated, it puts the demand on Kantian agents to cease activities which go beyond

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<sup>25</sup> Moran in her work calls forgiveness the “remission of compensation” (Moran 2013, p. 422f.). Having drawn from this thought, I ultimately found my formulation (“remission of retribution”) to be the more suitable one.

<sup>26</sup> Seeing that also raises the question of whether this account of forgiveness still fits into Adams’ sphere of forgiveness ‘from the heart’. As briefly discussed above she thematizes not only the occurrence but also the potential change of retributive feelings such as hatred, anger, and indignation. Granted, the concept of passion brings a greater rigidity into the analysis. I still think, however, that an action-related account fits this side of Adams’ framework for two reasons. First, the feelings of anger and indignation remain susceptible to change. Second, overall, I think that Kant presents us with a profound and far-reaching analysis of the moral emotions (hatred, anger, indignation) that are key to Adams and so, is highly fitting – even if hatred in the end appears to remain mostly unresponsive to change.

a desire for mere justice (Moran 2013, p. 423; 1920/1997, p. 417, 27:688). This is because actions then are already entrenched in a disposition of hatred and vengeance. It is what can be most fittingly described as the remission of retribution. It therefore most accurately resembles what is commonly used as the Kantian maxim of forgiveness, namely “to refrain from repaying another’s enmity with hatred out of mere revenge” (1797/1996, p. 578, 6:460). Blöser in her formulation as she deserts to Moran’s position calls it to “refrain from forming principles on its [hatred] basis” (Blöser 2019, p. 13). But apart from this negative formulation (to cease or refrain from activities) Moran then also offers a positive one. To forgive is to “consign [the] offence to oblivion, in regard to saying anything about it, and to display towards [the wrongdoer] the appearance of no longer recalling it” (Moran 2013, p. 423; 1920/1997, p. 418, 27:690). To actively wipe it out so to say and by doing so not letting the remembrance of the wrong tempt us into a disposition of hatred. This positive formulation can also be established by going beyond Moran’s account. By yielding to what has been argued, such a positive approach to a Kantian obligation to personal forgiveness can be detected. Since passions like hatred and vengeance corrupt our ability to reason unto other ends (1798/2007, p. 368, 7:266) and violate our duty of beneficence (Moran 2013, p. 3), they need to be avoided by all means. The former part of Blöser’s formulation covers this requirement well as we are to “cultivate an emotional attitude towards wrongdoers that is free of hatred” in the first place (Blöser 2019, p. 13).

### **6.3. The Overall Response to Gutmann and Thompson and the Minimalist Camp**

Now, it stands to question how does all this give an effective response to the minimalists’ concerns? In section four I have repeated Gutmann’s and Thompson’s worries about the too narrow Christian stance as fit for the whole of society. To deal with that I have offered a moral perspective on Kantian grounds I reckon they will accept as sufficiently ‘universal’. Second, then came their concern for the appropriateness or permissibility of forgiveness in the given context. This I have shown to be groundless by demonstrating that there exists a strong moral requirement to invariably forgive politically (absent defeaters) from a Kantian point of view in the performative sphere in the context of the TRC. I hold it as plausible that an act that is morally required by default is permissible. Then I have explained the potential resort minimalists might choose. Namely to claim that the forgiveness the TRC propagated and highly encouraged the victims to, was of a personal kind (as is characteristic of religious notions of forgiving). Such a personal forgiveness then seems forced, which ultimately renders it illegitimate. For this reason,



I switched focus from Adams' 'performative' sphere to her second dimension – forgiveness 'from the heart' – in sections five and six. Though it was not the primary aspect of my discussion, in solving the interpretative technicalities it came to the fore that in the personal dimension, too, there exists a strong moral requirement to forgiveness (absent defeaters<sup>27</sup>). This ultimately invalidates the minimalist's assertion that forgiveness, as encouraged (maybe even to the point of exerted pressure), was illegitimate, even if of the personal kind. And there is more. When considering the implications for or demands on the victim the 'from the heart' dimension exceeds the 'performative' one by far in terms of demandingness. In the 'performative' sphere, (political) forgiveness on the one hand demanded the victims to release the wrongdoers from what is due (moral debt) via speech act. This was done in the midst of moral emotions such as "resentment<sup>28</sup>, anger or disgust" (Digeser 2001, p. 199). On the other hand, this type of forgiveness required victims to deal with former wrongdoers in a way that guaranteed their rights and privileges after now having been re-assigned with equal civil and moral status. Forgiveness in the personal sphere – 'from the heart' – appears to be much more demanding in both respects.

First, it puts the moral requirement on the victim not only to release the wrongdoer from the moral debt via speech act but 'in the heart'. So, within the context of apartheid and its aftermath, agents from a Kantian perspective are to actively "consign [the] offence[s] to oblivion" by not making them a matter of discussion. They are also summoned to "display towards [the perpetrator] the appearance of no longer recalling it". So, to (at least by outer appearance) display no remembrance of the malice to others (Moran 2013, p. 423; 1920/1997, p. 418, 27:690). Now, to let go of the mockery, the oppression and the atrocities might sound like total nonsense to the persons concerned. But what I think Kant in his philosophy is calling the apartheid victim to is not to meekly tolerate injustice, neither is it to forget the blatant inequity. What he promulgates is that the victim ought not to harbor the remembrance of pain and injustice and so, drift into a disposition of hatred. On the contrary, one is required to stay within a forgiving attitude. Do not, as Christians call it, 'harden your heart'. Do not, as Kant would put it 'give into the passion of hatred and vengeance'. Because to both, there is a point of no return.

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<sup>27</sup> The defeaters I mention here are the defeaters I elaborated on in section four – the pursuit of an immoral end, the duty to ourselves, and the condition of repentance.

<sup>28</sup> It is not entirely clear here whether Digeser talks about appropriate or excessive resentment. I think it stands to reason that he has both notions in mind. Blöser (in keeping with Bishop Butler's terminology), in my view, uses the excessive kind interchangeably with hatred (Blöser 2019, p. 13).

And whatever maxims of action we formulate from there, according to Kant, will never be free but only find “satisfaction in a slavish mind” (1798/2007, p. 368, 7:267). Second, then, comes the additional Kantian requirement of a forgiveness ‘from the heart’, namely, to cease any activity that goes beyond a desire for mere justice (Moran 2013, p. 423; 1920/1997, p. 417, 27:688). This then not only refers to the context of public interaction and the preservation of former wrongdoers’ rights as the duty to forgive in the performative dimension prescribes. Rather it also extends to interaction in the very private domain. As previously explained, to give someone ‘the cold shoulder’ or ‘the evil eye’ are seemingly insignificant actions unacceptable to Kant (Moran 2013, p. 423). So, for victims of apartheid, this would mean to refrain from any venomous act, no matter how small. No action from malevolence, in any social setting. That’s Kant’s premise. Thus, the chosen resort of personal forgiveness being illegitimately enforced falls back on the minimalist. By examining what is really demanded on Kantian (universal) grounds in terms of forgiveness ‘from the heart’, we now see that it exceeds by far the obligations tied to a duty to forgive ‘performatively’. Hence, in summary, I have extensively answered the two stated minimalist charges and the potential resort they might take.

## **Conclusion**

As set out in the beginning I explored the question of whether Kant’s account of forgiveness, primarily drawn from his doctrine of virtue, effectively establishes a moral duty to forgive in Adams’ ‘performative’ dimension within the context of the TRC. With the elucidated Kantian imperfect duty to forgive, I have shown that victims of apartheid in the stated context are indeed morally required to forgive in Adams’ respective dimension. This in turn addressed the two major minimalist concerns: first, the one of a sufficiently universal moral perspective (to forgiveness and reconciliation) and second, the seeming inappropriateness “of forgiveness in such situations” (Gutmann and Thompson 2000, p. 30). As announced, I then also investigated whether a moral duty to forgiveness can likewise be established in Adams’ ‘from the heart’ sphere. The result of my analysis exhibited that, here also, victims are required to forgive. This duty to forgive personally or ‘from the heart’ then nullified the potential resort minimalist critics might choose. Namely, to deem the forgiveness (the TRC propagated) to have been illegitimately enforced because it was of the personal kind.

Furthermore, in terms of relevance, my twofold (or two-dimensional) response is valuable for two reasons. On the one hand, it gives a credible rebuttal to the minimalist critique and sheds a

different, more positive light on the moral legitimacy of practices of the TRC. On the other hand, it may even appease part of today's citizenry's lingering dissatisfaction (Gibson 2004, p. 130) by offering a new perspective, probably not yet considered by the communality. Hence, from my argument a new twist to the debate is made visible which may help to provide the maximalist camp with a better and more thoroughgoing defence of the forgiveness practice within the process of the TRC.

As a stepping stone for useful further examination would serve a more extensive analysis on the technicalities of the changeability of passions from a Kantian stance. Moreover, what would constitute a valuable addition to my investigation in Adams' 'from the heart' sphere is a deeper reflection of Kant's thought about the human heart and how this influences his account of a duty to forgive. These two limitations to my work then provide valuable starting points for adaptations to my argument and future research.

Overall, it can be seen that even from a secular, rationalist viewpoint the approach to the forgiveness (and reconciliation) propagated by the TRC can be reasonably defended. Granted, the notion of forgiveness in the context of apartheid surely is hard to stomach. But if one (minimalists included) is capable of laying aside the immediate indignation that arises with the mere thought of it, one may be open to ponder the incredible weight and possibility of forgiveness, and then also our responsibility towards it. Forgiveness is an ability that is central to the human race, Tom Wright says (Wright 2014, p. 47). Thus, it stands to reason that we have to take seriously the moral demands it places on us and do well not to be too quick to dismiss them, even if contrary to our immediate intuition.

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