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The Moral Legitimacy of Anger

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Abstract

This article seeks to contest the frequently repeated assertion that anger poses the greatest threat to transitional societies moving from authoritarianism to democracy. Against suggestions that victims of past injustices should forswear their 'negative emotions' lest they spark a renewed cycle of violence, it argues that it is important to recognize the moral legitimacy of their anger. While anger is notoriously (though contestably) vulnerable to excess and needs to be moderated in reference to shared norms of reasonableness, it represents an appropriate response to wilful harm and needs to be afforded a central role in any conception of justice.

Key words

■ anger ■ forgiveness ■ justice ■ recognition ■ reconciliation

And neither by singeing flesh
Nor tipping cups of wine
Nor shedding burning tears can you
Enchant away the rigid Fury.¹

In Christian-inspired morality (and the same applies to certain strands of the Graeco-Roman ethical tradition), anger tends to be regarded as one of the biggest threats to the recognition and realization of our common humanity. To the extent that it generally arises in relation to an injury that has been wrongfully inflicted, anger is of course intimately connected with, if not equivalent to, our sense of injustice. Yet, since part of what appears to define it as an emotion is a wish that the aggressor suffer – a wish that tends to be accompanied by an anticipation of pleasure – anger always threatens to become what it deplures, to turn the one who suffers into the one who causes suffering. However justified it might be, in other words, the vengeful tendencies that anger inspires (and which, for some people at any rate, is part of what anger is) make it a serious risk both to the virtue of the victim and to the humanity of those it turns upon in retaliation. With this in mind, the moral injunction against anger that we find in Christianity, an injunction inspired by and realized through neighbourly love, appears to be as sensible as it is demanding. As Trudy Govier has recently pointed out, 'Christian love' reaches its apogee in forgiveness because it requires us, in the name

of a higher social good, to renounce some of our most delicious, dirty pleasures: holding a grudge, being hateful, vindictive, and in quest of revenge (Govier, 2002: 159).

To speak of the moral legitimacy of anger is, therefore, to enter into dangerous territory. Even if we acknowledge that there are certain things that we ought to get angry about, life seems better or, at any rate, a lot safer without it. In this article, I draw upon the work of Martha Nussbaum to examine the role of anger in transitional societies, to identify its problematic nature and provide it with a qualified defence. The argument develops in three parts. In the first section, I examine the claim that truth commissions make possible an alternative model of justice which restores dignity to victims by giving them an opportunity to tell their story in public and gain a kind of emotional recognition. I suggest that advocates of truth commissions frequently mischaracterize the nature of storytelling in a way that veils the contingent and unpredictable nature of the struggle for recognition. In the second section, I focus upon the South African Truth and Reconciliation Commission (TRC) in order to examine the difficulties and paradoxes that arise in relation to the recognition of one particular affect: anger. I argue that under conditions of transition marked by heightened fears of retaliatory action, truth commissions can lose sight of the rightfulness of anger in their attempts to eliminate it as a threat to public life. In the third section, I suggest that anger can be recovered as a critical emotion in liberal democratic societies once it is differentiated from associated affects such as resentment and revenge.

Sacrificing Justice?

It is instructive that amidst all the modifications and inversions in the iconography of justice one thing has remained remarkably constant: 'Justitia', the Roman Goddess of justice, 'is never depicted without her unsheathed sword' (Jay, 2003: 97). More so even than the scales, it is this symbol of retribution that has tended to define and exhaust what justice can mean. 'For most people', as Judith Shklar once put it, 'retributive justice *is* justice' (Shklar, 1990: 94). This is not to say, as Shklar herself readily concedes, that it does not on occasions pale in comparison with the 'exhilaration of revenge' (1990: 97). Yet, in passing responsibility for punishment into the hands of a third party (the sovereign) and imposing only a proportionate harm on the perpetrator, retribution goes a long way towards satisfying the demands of moral accountability without, at the same time, perpetuating cycles of violence. As Govier has noted, it was the 'exaggerated, unreliable, and anarchic tendencies of personal revenge' that first led human societies to 'develop legal systems and seek to establish the rule of law' (2002: 8–9). This is, of course, precisely the transformation dramatized in the tragic play that provides the epigraph for this article: Aeschylus' *Oresteia*. In this, perhaps our most powerful foundation myth of justice, the use of punishment as a mechanism for preventing anarchy and despotism (these being the two alternative extremes of political ill) is eventually passed out of the hands of private individuals and into the hands

of a public court. While the threat of revenge continues to cast its shadow across the face of justice, it is now a threat tempered by reason, independence and mercy (Kitto, 1973: 93–5; Murphy, 2003: 20).²

It is scarcely surprising, therefore, that critical appraisals of the new, non-judicial responses to violence frequently start from the premise that any departure from criminal trials incurs a 'heavy moral burden' (Gutmann and Thompson, 2000: 22). Having accepted that prosecution and punishment is 'the defining response from the point of view of justice' (Rosenblum, 2002: 78), they are concerned to discover whether the alternative goods delivered by innovative institutions like truth commissions are of equivalent moral value. From this perspective, the central question is not how justice should be understood, but whether it is legitimate to 'sacrifice justice' for the sake of other goals such as historical truth and social reconciliation (Greenawalt, 2000: 192; Gutmann and Thompson, 2000: 22; Kiss, 2000: 69). Answers to this question – which is, in essence, a question about the conditions under which amnesty could be deemed morally acceptable – have tended to be deeply equivocal because they turn on the inherently contestable value assigned to uncovering past injustices, on the one hand (truth), and restoring broken relationships, on the other (reconciliation). Rather than provide clarification, in other words, arguments about the moral status of truth commissions tend to be drawn into a complex economy of sacrifice in which the values of justice, truth and order are traded and balanced against one another in a variety of different and morally indeterminate patterns.

One of the ways in which critics have attempted to escape this economy of sacrifice is by exploring the possibility that truth commissions provide an institutional instantiation of an alternative and possibly even enriched conception of justice. Commonly, if not entirely satisfactorily, referred to as 'restorative justice', this alternative conception is generally distinguished from its retributive counterpart on the basis that it is 'victim-centred' or 'victim-oriented' (Du Toit, 2000: 127; Kiss, 2000: 73; Minow, 2000: 38; Rosenblum, 2002: 79).³ According to Martha Minow, for instance, truth commissions are superior to criminal trials in certain respects because they are more attentive to the voices of the aggrieved. Unlike trials, which, in her words, 'consult victims only to illustrate the fact or scope of the defendants' guilt', truth commissions provide a public space for them to 'convey directly the narrative of their experience' (Minow, 2000: 238). Story-telling of this kind, closer to the genre of memory than history, is rendered possible because truth commissions make room for personal 'testimony' as well as forensic 'evidence' within their model of 'truth-telling' (Kiss, 2000: 74). By setting aside, or at least not insisting upon, the strict evidentiary criteria and procedural rules governing criminal trials, they put themselves in a position to acknowledge 'the self-understanding of victims and to address their experience of injustice' (Rosenblum, 2002: 79).

The 'justness', as well as the therapeutic benefits, of this approach rests on the claim that story-telling helps to restore human and civic dignity to victims (Du Toit, 2000: 134; Kiss, 2000: 83; Villa-Vincencio, 2000: 72). At the most general level, according to sympathetic critics, truth commissions create a public space

of remembrance in which victims can tell and retell what happened to them. Story-telling of this kind fulfils a moral duty, it is argued, not necessarily because it helps to heal trauma or, in Freudian terms, facilitate the 'work of mourning' (though this too *may* be one of its effects),⁴ but because it recognizes the suffering of victims as significant; that is, as something that ought not to be forgotten. As Villa-Vincencio has pointed out, the acknowledgement of past atrocities in the TRC was not simply about 'confronting cynical non-believers with what victims knew all along'. It was also about restoring a sense of worth to those whose self-image had been damaged through violation:

To have the opportunity, often for the first time, to tell the nation and a commission appointed by parliament with a brief to report to the President what violations had been suffered by specific, named people, meant more to some victims and survivors than what any monetary compensation could offer. It was potentially for an abused person an opportunity to say: 'I am somebody. I matter' (Villa-Vincencio, 1999–2000: 175).

For Villa-Vincencio, in other words, it is enough that victims have an opportunity to testify in public for their dignity to be restored. By affirming that their experience matters, testimony redresses, in much the same way as does the punishment of an offender, the 'implied *imbalance of human worth*' between themselves and those who wronged them (1999–2000: 175).

It should be evident from this justification that retribution is far from discounted as a means of restoring a sense of moral worth. Even the more sympathetic exponents of the restorative model of justice concede that 'legal punishment of rights violators remains a powerful way of affirming the dignity of victims' (Kiss, 2000: 79). Yet, advocates of truth commissions tend to hold to the view that the trial process does not go far enough in attending to the suffering of victims. As they see it, trials construe criminal behaviour as 'offences against a faceless state' rather than 'violations against human beings' (Villa-Vincencio, 2000: 69). The experience of victims is thus officially marginalized and contained, leaving their emotional violation largely untouched and largely unacknowledged. By shifting the moral centre of gravity from the accused to the aggrieved, and explicitly taking on the role of the sympathetic witness, truth commissions are thought to open themselves up to the emotional lives of victims in ways that enrich and deepen the possibilities of recognition. According to Minow, for instance, adopting a victim-oriented approach makes it possible to 'move beyond a plain statement of facts' to the 'emotional and bodily responses' of survivors in all their richness and complexity (2000: 245). In contrast to criminal proceedings, in other words, truth commissions seek to give public witness, not only to the fact that someone was treated in an inhumane way, but how it felt to be treated in that way.

Despite its intuitive attractiveness, this account of restorative justice frequently elides the dimension of struggle from the process of recognition, making it appear much less precarious and much less paradoxical than it actually is. By treating story-telling as a one-way process in which 'victims' simply express their anger and reveal their suffering to others, sympathetic critics make it seem as if truth commissions (and the public that stands behind them) do not play an active role

in evaluating the self-understanding, including the complex emotional responses, of those giving testimony. In their account, the public is predefined as a sympathetic witness whose task is not to assess or to judge, but to listen. Construed in this way, the act of story-telling ceases to be a site at which the struggle for recognition is enacted and becomes instead a vehicle for the emotional catharsis of those giving testimony. It is symptomatic of this approach that the former Director of Research for the TRC, Charles Villa-Vincencio, should suggest that 'the genre of memory must be allowed to flow where it will, giving expression to bitterness and anger as well as life and hope' (Villa-Vincencio, 2000: 71). Here, as elsewhere, the prevailing view is that the emotions of 'victims' simply are what they are and truth commissions have no role to play either in assessing their reasonableness or disciplining their expression. The value of entering the 'genre of memory', in other words, is nothing more or less than to open the valve through which the emotions can 'flow'.

By its very nature, however, story-telling establishes a circuit of recognition between narrator and audience whose outcome cannot be predicted or settled in advance. As Maurizio Passerin d'Entrevès has noted in his gloss on Hannah Arendt's conception of remembrance, there is no way of knowing the full significance of events or their implications for those who experience them prior to their incorporation in narrative. 'Storytelling, or the weaving of a narrative out of the actions and pronouncements of individuals is', he suggests, 'partly constitutive of their meaning, because it enables the retrospective articulation of their significance and import, both for the actors themselves and for the spectators' (d'Entrevès, 2006: 13). Precisely how those giving testimony come to understand themselves, in other words, will depend upon the meaning their experiences take on in the act of telling the story to others. Moreover, since these others, the public constituted by the truth commission, are active participants in the construction of meaning, there is no guarantee that the 'flow' of emotions will not be resisted by certain kinds of counter-narratives. It is entirely possible, for instance, that the audience will refuse to recognize the legitimacy of certain emotions (the anger of the black activist, the grief of the white widow) and in doing so force the story-teller to re-evaluate her self-understanding. To assume that all those giving testimony will be granted the kind of recognition they set out to 'win' is, thus, to predetermine the shape of their narrative and depoliticize the genre of public memory.

To the extent that it fails to attend to the inherently contestable nature of public storytelling, then, the restorative justice approach misconceptualizes the possibilities for 'recognition' in two ways. In the first place, it fails to acknowledge the way in which emotional experiences are bound to public norms and judgements that can go against the 'victim'. As Martha Nussbaum has argued, societies make value judgements about the kinds of emotions that are reasonable to have in response to certain actions or in relation to certain circumstances. Rather than simply endorse each and every outburst of anger, for example, they measure individual cases against a background understanding of the kinds of things it is appropriate or reasonable to get angry about. These 'norms of reasonableness in emotions', as Nussbaum puts it, play a determining role in bids for

recognition (2001: 10). It is quite conceivable, for instance, that a person harbouring a powerful sense of grievance might be denied the 'right' to be angry (and, thus, the identity of the victim) by those listening to her account of events. This might occur, according to Nussbaum, because the person in question has relied on false information, 'as when someone gets angry at X in the belief that X has assaulted her child, but no such crime has occurred (or someone else did it)'. It may also occur because the complainant has a distorted sense of the 'size' of the injury suffered, 'as would be the case if someone reacted with overwhelming anger to a minor insult'. Finally, it might occur because the injury complained of is perceived, not as the product of wilful wrong-doing, but as a mistake or accident (2004: 12, 26).

The second, closely related, problem within the model of restorative justice is that it fails to acknowledge that truth commissions represent a special instance of the politics of recognition – one in which the very basis of judgement (the 'norms of reasonableness in emotions') is itself in a process of being contested and reconstituted. As André du Toit has pointed out, truth commissions 'are not part and parcel of the regular institutional arrangements of "normal" democracies'. They are 'historical founding projects' in which new standards of evaluation are established and, in effect, used to retrospectively designate certain past events as instances of justice or injustice (du Toit, 2000: 124–5). Translated into Nussbaum's terminology, this means that truth commissions do not so much measure testimony according to certain predetermined norms of reasonableness, as constitute story-telling as a political site where such norms can be contested and applied. Far from simply giving people an opportunity to express their feelings, in other words, truth commissions use public storytelling to establish the grounds upon which recognition will be granted or withheld. This is in part about compiling a historical record against which allegations (or more likely denials) of crimes can be assessed for their factual accuracy. Yet, it also is about constituting the norms in relation to 'size' (what constitutes a significant injury) and 'intentionality' (what constitutes wrong-doing) that makes it possible to determine whether a complainant has the right to be angry in the first place.

If there is a weakness within the conception of restorative justice as it is generally outlined, therefore, it might not lie in the fact that criminal trials remain, after all, the only legitimate response to wrongdoing. To the extent that such a claim assumes that retribution exhausts the field of justice, it lacks the complexity of vision shown by those who have embraced restorative, 'victim-oriented', approaches either as a component of a more holistic model of justice (Minow, 2000: 254; Rosenblum, 2002: 94; Villa-Vincencio, 2000: 70) or as an exceptional model of justice that is morally appropriate to transitional regimes (Du Toit, 2000: 123–4). The weakness might instead lie in the fact that the concept of recognition located at its core does not work in the way that its advocates generally assume. As I have tried to show, recognition is not granted automatically to every person who appears at a truth commission to tell their story. Regardless of whether their exponents acknowledge it, truth commissions and their constituted publics play a vital (and necessary) role in identifying victims as victims by

passing judgement on the 'reasonableness' of their emotions. In many cases such judgements will affirm those giving testimony and give reality to experiences wrongfully denied or delegitimated in the past. Yet it is also possible, given the contested nature of the grounds of recognition, that such judgements will delimit, contradict, or simply override their 'self-understanding'.

Justified Rage and the Cultivation of Humanity

The fact that certain individuals or groups will fail in their bid for recognition is not, of course, necessarily problematic. Since part of what it means to establish a conception of justice is to sort out legitimate from illegitimate expressions of affects like anger, it is by no means inappropriate for truth commissions to withhold recognition in certain instances. The risk is rather that the attempt to set norms of reasonableness in relation to the emotions will become distorted by the exigencies of transitional regimes. There are two different, and potentially contradictory, imperatives at work here. In the first place, as intimated earlier, truth commissions do justice to the past (and its victims) by resetting the tables in relation to the kinds of sentiments individuals might reasonably be expected to have (and to have had) in relation to certain situations. By publicly disavowing apartheid as a racially-based system of exploitation and oppression, for instance, the TRC effectively recalibrated norms of reasonableness in relation to anger. Those who had been subject to key policy instruments of the apartheid regime – the pass laws, Bantu education, forced removals, the Group Areas Act – suddenly found themselves with a post-facto justification for the rage they had carried for so long. Out of the disturbance and re-evaluation of the past, in other words, came a newly affirmed right to be angry, which in effect meant the right to express that anger *publicly*.

The historical re-evaluation undertaken by truth commissions can, then, legitimate (and thus provide outlets for) affects that were formerly considered unreasonable. Yet, the instability of transitional societies also creates counter-veiling pressures which have the potential to distort these newly established norms of reasonableness in relation to the emotions and, in so doing, compromise the conception of justice being established. Since tensions and divisions can easily be inflamed by revelations of abuse and suffering, there is considerable pressure in such societies to regulate the emotional lives of individuals in ways that, at worst, do not jeopardize the fragile peace and, at best, actively contribute to future harmony. To quote Pumla Gobodo-Madikizela:

An important goal of democratisation after totalitarian rule is to forge a vocabulary of peace and reconciliation in the aftermath of mass tragedy. One of the challenges of this phase of transition is how to create the conditions that will make old enemies regard one another as fellow human beings. (2002: 20)

In the context of a democratizing society like South Africa, in other words, certain kinds of emotions, anger not least among them, become especially problematic.

If old enemies are to reach a point where they can regard one another as ends in themselves rather than targets of violence, rage (however justified) must somehow be eradicated or overcome. At the very moment that the anger of victims is finally recognized as legitimate, therefore, every effort is made to bring them into a process of reconciliation in which they can set aside what Minow has described as their 'understandable and even justifiable desire for revenge' (2000: 254).

Viewed from a more general perspective, the problem being sketched here (the problem of what to do with anger in public life) arises from what Nussbaum has called the 'doubleness in anger' – its simultaneously humanizing and dehumanizing tendencies (1994: 404). On the one hand, according to Nussbaum, anger is commonly recognized as a healthy response to mistreatment and a primary defence against personal and systemic injustice. 'In circumstances where evil prevails', she writes, 'anger is an assertion of concern for human well-being and human dignity; and the failure to become angry seems at best "slavish" (as Aristotle put it), at worst a collaboration with evil' (p. 403). Without anger, in other words, our 'sense of injustice' would be vastly diminished, if not completely inoperative, and all manner of inhumanity would simply be endured as part of the natural order of things. On the other hand, anger threatens humanity (or, conversely, invites brutality) by instantiating a 'we–them' mentality (p. 427). As Nussbaum points out, '[s]eeing others as anger sees them – as people who ought to suffer – is a way of distancing oneself from their humanity' (p. 403). This distancing makes it possible to do terrible things to them and, in turn, does nothing to elevate the humanity of the victims it turns into perpetrators. The central question that must be confronted, therefore, is whether it is possible to separate righteous anger from murderous revenge. Is it possible, as Nussbaum puts it, to cultivate humanity in public life either with anger or without it (p. 405)?

In the proceedings of the TRC, the problem presented by anger found its (one-sided) 'resolution' in the Christian ethic of forgiveness.⁵ Although occasionally described in the literature as 'the best form of self-interest' (Tutu, 1999: 35), forgiveness is more commonly understood as a moral (rather than instrumental) response to wrong-doing in which victims attempt to rid themselves of their anger, resentment and revenge, not because they stand to benefit materially or even psychologically, but because it is the right thing to do (Eisikovits, 2004: 32; Murphy, 2003: 16). According to this moral model, anger, resentment and revenge are at one and the same time both a 'natural' and a 'negative' emotional response to wrongdoing. Natural in the sense that they arise intelligibly and rightfully from the experience of wilful harm and negative in the sense that they remain tied to the logic of the *lex talionis*. In demanding that pain be inflicted back upon the perpetrator, this cluster of affects is not only assumed to preclude the transformation of social relations but to fall into the morally contradictory position of turning a wrong (causing harm to another) into an obligation (Govier, 2002: 16). In order to forgive, then, victims must undergo a process of self-transformation in which they decide to renounce their 'negative emotions' out of a moral concern both for the humanity of the perpetrator and for the preservation of social harmony. Considered as a form of 'emotion language',

according to Cheshire Calhoun, the phrase 'I forgive you', effectively 'tells you that I have undergone a change of heart – have forsworn resentment, anger, or other hard feelings' (Calhoun, 1992: 77).

It is by no means insignificant to judgements of the TRC that the offer of forgiveness did not always arise spontaneously from victims. In fact, as several authors have pointed out, the public exposure of gross violations of human rights in the course of the public hearings often exacerbated feelings of anger rather than encouraged victims to forswear or overcome them (Kiss, 2000: 88; Ntsebeza, 2000: 165). If forgiveness became, in a sense, *the* truth of the commission, it was due in large measure to a deliberate attempt to educate the public into the spirit of reconciliation through carefully selected *exempla*. The touchstone in this regard was, of course, Nelson Mandela whose charismatically grounded authority effectively blurred the lines between the political and the personal. In the figure of Mandela, a strong connection was created between the (external) transition from authoritarianism to democracy and the (internal) transition from anger to forgiveness (Kiss, 2000: 81; Tutu, 1999: 7).⁶ This association between the political transformation, on the one hand, and the transformation of the soul, on the other, clearly informed the work of the TRC and accounts for the fact that its most publicly celebrated moments were those in which 'individual victims and perpetrators reached out to one another and achieved some measure of reconciliation' (Kiss, 2000: 81–2). If it is possible to conceive the TRC as a therapeutic exercise, therefore, its therapy frequently seemed to be as much about the extirpation of anger in public life as the public recognition of personal trauma.

Considered as a general moral imperative (a refusal to treat others as means to an end) or even as an ethics of self-cultivation (a kind of therapy for the raging soul), this attempt to 'treat' anger through forgiveness is, in many ways, difficult to fault. Even more so, perhaps, in the context of transitional societies where the risk of retaliation remains powerfully present. And yet, this push to forgive those guilty of gross injustice and to 'steer victims towards reconciliation' (Minow, 2000: 248) appears at times to come perilously close to the slavishness criticized by Nussbaum. This is not to deny, as Tutu and Gobodo-Madikizela among others have argued, that 'forgiveness' can have therapeutic benefits for victims in danger of choking upon their own anger and resentment (Gobodo-Madikizela, 2002: 14; Tutu, 1999: 35).⁷ Yet, to the extent that it becomes a political project rather than a personal undertaking, forgiveness may undermine rather than restore the dignity and self-respect of victims by denying their entitlement to anger. As Cheshire Calhoun points out, the suggestion that a perpetrator *deserves* to be forgiven carries the implication that the anger of victims is not well-founded (Calhoun, 1992: 78).⁸ The danger in such cases is that forgiveness will be granted, not because the victim has consciously decided to renounce their justified anger for the sake of interpersonal or social harmony, but because they have lost sight of the perpetrators' culpability or, what amounts to the same thing, do not esteem themselves sufficiently to protest against unjust treatment.

The problem being outlined here is as much political as it is personal. It is not simply that forgiveness offered too readily and at the insistence (or perhaps

simply the encouragement) of a public commission, risks further damage to the self-respect of the injured party. It is also that an uncritical celebration of the morality of forgiveness has the potential to undermine the political integrity of the society as a whole. When victims fail to protest against injury or are too quick to forgive their oppressors, it is not simply their suffering which is devalued, but the principle of equal value itself. However unintended a consequence, the denial or forswearing of anger can undermine the principle of citizenship by allowing the inequality between victim and perpetrator implied by the original act of wrong-doing to go unchallenged. If anger has moral standing in liberal democratic societies, in other words, it is not just because it indicates a healthy level of self-esteem among victims, but because it points to a generalized principle of respect for persons (Murphy, 2003: 35).⁹ Hence Gutmann and Thompson's decidedly political reservations about whether forgiveness, even if offered freely, was the right course of action for victims of the apartheid regime in South Africa: '[f]rom the perspective of other citizens and with the aim of the future democratic government in mind, we must ask whether, even if many victims would choose to forgive, it is desirable for them to do so' (Gutmann and Thompson, 2000: 31).¹⁰

Reconciling with Anger

The most powerful justification offered for pursuing forgiveness in this, morally questionable, way lies in the commonsense view of anger as an uncontrollable passion which, once unleashed, rushes masterless into indiscriminate acts of revenge (Eisikovits, 2004: 33). In his Foreword to the final report of the TRC, for instance, Archbishop Tutu effectively turned forgiveness into a moral imperative by invoking the counter-factual of an unreconciled South Africa 'soaked in the blood of her children of all races and of all political persuasions' (cited in Kiss, 2000: 81). Admittedly, Tutu's dramatic, biblically inflected, juxtaposition of the 'orgy of revenge' against the 'miracle of reconciliation' (Tutu, 1999: 25, 209) was more excessive and more Manichean than anything recorded elsewhere. Yet, the threat of revenge haunts the literature on restorative justice like a spectre and marks a point at which critics tend to abandon their moral commitment to restoring the dignity of victims in favour of the more pragmatic objective of arresting the downward spiral of violence. According to Trudy Govier, for instance,

people cannot come together in a lasting way and cooperate as they will need to in a jointly run society if they remain angry, vengeful, suspicious, and insecure. The need for forgiveness lies in its relevance to two very practical aspects of reconciliation: cooperation and sustainability. (2002: 144)

For Govier, in short, 'resentment and anger will need to be removed' because they undermine the trust that sustains social cooperation (2002: 144). The implication of this practical insistence on forgiveness, as Villa-Vincencio recognized well enough, is to reinscribe the logic of sacrifice within the very model of justice that

was meant to overcome it: 'in South Africa the victims have been asked to rise above being aggrieved individuals in order to exercise a costly, yet politically responsible, act as a further contribution to peace' (1999–2000: 184).

It would be foolish (and critically irresponsible) to slight fears about the collapse of social trust and the perpetuation of cycles of violence. Even critics like Nussbaum who are interested in recovering anger as a signal of injustice are far from insensible of the fact that it also represents a serious threat to the very attachments – to the self, to things, and to others – whose rupture it cries out to protest. Indeed, setting aside for the moment the possibility that the judgements upon which anger is based may contain factual and normative errors, there is good reason to question its value as a form of political speech or as an instrument of justice. As Nussbaum (1994) readily concedes, even legitimate forms of anger are susceptible to two kinds of excesses. In the first place, it can cause people to exact more in retribution than is warranted by (or proportional to) the original injury. Second, it can cause people to lose any sense of discrimination, leading them to wreak havoc upon the innocent and the guilty alike. As the paradigmatic case of Achilles indicates, anger can be righteous and hideous at the same time. Although, arguably, Achilles is justly enraged by the insult to his honour, his anger is too sweet in his mouth, 'sweeter than dripping streams of honey' (Homer, 18: 127), and too murderous in his hands, 'insane to hack more flesh' (Homer, 21: 37), to bring much comfort to advocates of justice. Despite its value both as a sign of and a response to wrongful damage, in other words, justified rage has a disturbing tendency to slip all too readily into 'brutality and a delight in vengeance for its own sake' (Govier, 2002: 35; Nussbaum, 1994: 403).

At the same time, there are grounds for suggesting that the tendency to conflate anger, resentment and revenge, to see them as an emotional chain which carries subjects inexorably from one link to the next, needs to be more closely examined. If, as Nussbaum has suggested, anger is not an instinct, but an emotion, a complex imaginative structure based on beliefs, there is no reason to suppose (as the Stoics did) that it inevitably leads to violent excess. As she presents it, two discrete judgements are necessary for anger: first, that a deliberate or culpable wrong has been done to me or someone important to me and, second, that the person who did this wrong ought to suffer (Nussbaum, 1994: 414–5). The obvious risk entailed with emotions is that these judgements can be mistaken, in which case our anger and, more particularly, the suffering it wishes upon the perpetrator would be entirely unjustified. Yet, if Nussbaum's emotional dissection is correct, it does nothing to support the conclusion that 'in turning ourselves over to anger we become out of our own control, unable to stop where we wish' (1994: 413). It is quite conceivable that the angry person could take satisfaction in criminal retribution, in public shaming (though this is not an option Nussbaum favours) or simply in the private hope that the perpetrator comes to grief in some way. In other words, it should not be presumed that anger necessarily descends into resentment and revenge. It is possible to be angry without succumbing to a violent rage that wreaks havoc in an entirely disproportionate and indiscriminate fashion.

It remains to be determined what supplementary conditions are needed for anger to become transformed into a lust for revenge, though the denial of justice would surely rank highly among them (Mamdani, 1998). Yet, this account of the structure of anger provides at least *prima facie* grounds for revisiting its status as a wholly 'negative emotion'. Unlike affects such as disgust, shame and hate, according to Nussbaum, anger does not 'draw sharp boundaries around the self, insulating it from contamination by external objects' (2001: 300). On the contrary, like love and grief, or fear and compassion, it works to 'expand the boundaries of the self' by picturing it 'as constituted in part by strong attachments to independent things and persons' (p. 300). For Nussbaum, anger characteristically arises in contexts where our fragile, all too human, attachments to our bodily integrity, our possessions and the fate of others are intentionally ruptured by a wrongdoer. It is the emotional trigger that moves people to protest when they or someone close to them suffers significant damage at the hands of others and, to this extent, it underscores (as well as manifests) our shared vulnerability to suffering (Nussbaum, 2001: 394, 2004: 6–7, 345). One of the primary, and primarily healthy, ways in which individuals in liberal democratic societies come to terms with the insecure aspects of their world, therefore, is to 'give public and legal recognition to the fact that reasonable people become enraged at certain types of damages to themselves or their loved ones' (Nussbaum, 2004: 39).

The point here is not that anger is a completely benign emotion against which we need take no precautions, nor even (more contentiously) that forgiveness is a purely private affair that has no place in the political realm.¹¹ The point is rather that anger should not be regarded as something antithetical to the cultivation of humanity which should be eradicated at any cost. If, following Nussbaum, we accept that the foundation of liberal democratic societies lies in a shared sense of human vulnerability, then an affect like anger that 'tracks harm' will need to be granted its place among our most important moral sentiments. It could, of course, be argued that human beings would be better off if this vulnerability to harm (and the affects that arise from it) could somehow be diminished or eliminated. If, as the Stoics counselled, we refused to put any store in our attachments, we would have no reason to fear their loss, get angry when they were taken away from us or feel compassion for others who were deprived of them. Yet, as Nussbaum rightly points out, this kind of insensitivity to damages would not only render us less human in some fundamental way, less in touch with our animality, mortality and finitude, it would rob us of any feeling of sympathy for our fellow human beings (2004: 345–7). To become indifferent to the worldly attachments that lead to anger would be to simultaneously take away the basis for compassion and this, perhaps more certainly than any of the excesses of anger, would certainly put an end to the hope of reconciliation.

It would be quite misguided, therefore, to insist that individuals renounce their anger in the belief that the only alternative to revenge is forgiveness. This is not to say, *contra* Gutmann and Thompson, that it is the task of a truth commission (or its critics) to question individuals who forswear their anger and freely extend forgiveness to their former enemies. Such gestures, precisely because they emerge

from the unfathomable depths of the human heart, are beyond criticism and possibly even beyond attempts at understanding. Is Derrida not right to say that '[t]he secret of this experience remains'? (Derrida, 2001: 55). Yet, truth commissions do need to ensure that they do not sponsor rituals of forgiveness that throw into question the moral legitimacy of anger. As I suggested earlier, such commissions have a legitimate role to play in establishing norms of reasonableness in relation to emotions like anger and this will sometimes mean that those who imagine themselves to be victims will fail in their bid for recognition. Subjecting 'victims' to the vagaries of public evaluation is, however, quite different from encouraging them, implicitly or explicitly, to forswear sentiments that they legitimately hold. To move in this direction is to put at risk the very dignity that truth commissions aim to restore. Under these circumstances, the claim that restorative forms of justice are 'victim-centred' will hold only in the sense that those who have suffered abuse will be asked to sacrifice themselves for the sake of social harmony.

Notes

- 1 This quote is from Aeschylus, *Agamemnon* (1981: 75–8).
- 2 In effect, as René Girard has persuasively argued, 'our judicial system *rationalises* revenge and succeeds in limiting and isolating its effects in accordance with social demands' (1972: 22).
- 3 This reading of restorative justice is complicated by the fact that it is also frequently taken to imply the restoration of the humanity of perpetrators and social harmony. As the TRC Report indicated, however, the 'essence' of the commitment to restorative justice 'is an effort to restore and affirm the human and civil dignity of victims' (Kiss, 2000: 71).
- 4 Whether or not truth commissions help victims (and communities) work through trauma is a hotly contested issue. According to Minow, truth commissions can facilitate a therapeutic process by encouraging victims to confront the past and reintegrate their experiences into a meaningful narrative of loss. Whether returning to the past is the best way of dealing with trauma can depend, however, on the circumstances specific to each victim, some of whom, like Walter Benjamin, may even see the work of mourning as a betrayal of those who did not survive. Moreover, as Minow herself acknowledges, healing is heavily reliant upon the presence of sympathetic witnesses who can replicate the therapeutic relationship by adopting a position of solidarity with the victim. The TRC went some way towards this by displacing the 'neutral and remote tone of a court' for an ethic of care in its institutional design. Yet, the diversity of interests brought together by the public nature of the commission ensured that the response to victims was not always sympathetic (see Jay, 2003: 11–25; Minow, 2000: 243–52; Prager, 2008).
- 5 While it was by no means wholly uncontested, the morality of forgiveness became inscribed in both the hearings of and the discourse about the TRC to the point where it largely defined the reconciliation project. It should be noted in passing that the Stoic concept of magnanimity was also frequently invoked in connection with the TRC. While its roots were nowhere seriously explored, the term magnanimity was used to denominate a certain generosity of spirit that was either consistent with (or

provided the necessary underpinnings of) forgiveness. However, to the extent that Stoic magnanimity is premised upon a strong sense of self, that is, a self *above* resentment and revenge, it would appear to render forgiveness superfluous. This, at least, is the position taken by Griswold: 'the Stoic Sage is pictured as invulnerable to injury, and consequently would never judge it appropriate for him to forgive' (Griswold, 2007: 12–3). For references to magnanimity in the literature on reconciliation, see Tutu (1999: 7, 219); Kiss (2000: 81); and Villa-Vincencio (1999: 185). For a more general account of this ethic in ancient philosophy, see Nussbaum (2001: 365–6); and Griswold (2007: 2–19).

- 6 According to Elizabeth Kiss, 'the priority of reconciliation over retribution was powerfully expressed through the exemplary magnanimity of President Nelson Mandela' (2000: 81). In his book, *No Future without Forgiveness*, Tutu speaks of Mandela in a similar way:

Only a few years previously he had been their prisoner, and if free would have been a terrorist they would have hunted down. What a metamorphosis, what an extraordinary turnaround. He invited his white gaoler to attend his inauguration as an honoured guest, the first of many spectacular gestures he made that showed his breathtaking magnanimity and willingness to forgive. He has been a potent agent for the reconciliation he urged his compatriots to work for and which was central to the purpose of the Truth and Reconciliation Commission he appointed to deal with our country's past. (Tutu, 1999: 7)

- 7 I have placed forgiveness in inverted commas here since the therapeutic view differs significantly from the moral one outlined earlier. I follow Griswold in assuming that 'Forgiveness is not simply a matter of finding a therapeutic way to "deal with" injury, pain, or anger – even though it does *somehow* involve overcoming the anger one feels in response to injury' (Griswold, 2007: xiv).
- 8 For Calhoun (as for Derrida), the paradox of forgiveness lies in the fact that it is only possible when it is deserved (that is, when the anger of victims is *not* well founded) and only necessary when it is not deserved (that is, when the anger of victims *is* well founded).
- 9 According to Murphy:

When I am wronged by another, a great part of the injury – over and above any physical harm that I may suffer – is the insulting or degrading message that has been given to me by the wrongdoer: the message that I am less worthy than he is, so unworthy that he may use me merely as a means or object in service to his desires and projects. Thus failing to resent (or hastily forgiving) the wrongdoer runs the risk that I am endorsing that very immoral message for which the wrongdoer stands. (2003: 35)

- 10 Such comments echo earlier sentiments from Peter Digeser that 'forgiving can be passive and incompatible with civic engagement' for its roots often lie in the fact that people are too cowed, fearful or alienated to take public action against their former oppressors (1998: 706).
- 11 Whether or not forgiveness should be confined to interpersonal conflicts or extended to the political domain (under certain conditions) turns largely on the definition of forgiveness itself. Peter Digeser has made the case that political forgiveness is appropriate when harms result from tragic choices or imperfect procedures, such as trial

by jury (Digeser, 1998: 707). Not dissimilarly, Andrew Schaap has drawn upon Hannah Arendt to suggest that political forgiveness is an essential correlate of the non-sovereign nature of political action (Schaap, 2005: 109–12). According to Griswold, by contrast, the appropriate language for politics is not forgiveness, which for a series of reasons relating to the question of agency is best left to interpersonal relations, but apology and acceptance (2007: 138–42).

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