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Transitional Justice and the Ethics of Anger

> *My first thought was for the commander who gave the order to attack. I hope he burns in the hottest corner of hell. My second thought was for the soldiers who loaded the breeches and fired the guns. I hope their sleep is forever punctuated by the screams of the children and the cries of their mothers*
>
> (Maass 1996:189)

> *Sometimes when I sit alone in a chair on my veranda, I imagine this possibility: one far-off day, a local man comes slowly up to me and says, "Bonjour Francine. I have come to speak to you. So, I am the one who cut your mama and your little sisters. I want to ask your forgiveness." Well, to that person I cannot reply anything good. A man may ask for forgiveness if he had one Primus too many and then beats his wife. But if he has worked at killing for a whole month, even on Sundays, whatever can he hope to be forgiven for?*
>
> (Hatzfeld 2006:196)

> *Every morning when I get up I can read the Auschwitz number on my forearm, something that touches the deepest and most closely intertwined roots of my existence. . . . My neighbor greets me in a friendly fashion, Bonjour, Monsieur; I doff my hat, Bonjour, Madame. But Madame and Monsieur are separated by interstellar distances; for yesterday a Madame looked away when they led off a Monsieur, and through the barred windows of the departing car a Monsieur viewed a Madame as if she were a stone angel from a bright and stern heaven, which is forever closed to the Jew.*
>
> (Améry 1999:94)

Dwelling on the Negative

Are the strongly vindictive desires expressed in the first quote above by the witness to a massacre of civilians in Sarajevo fundamentally undesirable or unjustified? Would it have been more commendable if he had rather expressed a desire to see justice done in order to prevent such atrocities from happening again? Or should one at least hope that he has since then been able to transform vindictiveness to

a more compassionate attitude to the perpetrators of the heinous crime: hating their acts, but forgiving the agents? What is the moral significance of the experience and expression of anger in the face of evil?

And what should we think about the attitude of Francine, a survivor of the genocide in Rwanda in 1994, which is expressed in the second quote. During the massacres, she witnessed people being hacked to death, she herself barely survived, and her family was brutally murdered. Equally dismissive of both forgiveness and vengeance, Francine hopes that justice could bring some share of peace of mind (Hatzfeld 2005:21–28).

Advocates of forgiveness sometimes argue that forgiveness would be meaningless if it only forgave the forgivable, that forgiving is not just a sign of personal virtue but also brings healing to the victim and is a prerequisite for social reconciliation. Moreover, the unforgiving victim is typically represented as consumed by bitterness and a lust for revenge. Indeed, this is why there is allegedly no future without forgiveness. Yet, how does all of this seem to apply to Francine and her refusal to forgive? Would a more forgiving and conciliatory response to the returnee have been testimony of a more generous and admirable character? Is there something about forgiveness that she has not understood, and is her wish for some measure of justice really just a disguised thirst for revenge?

Finally, with the third quote, there is Jean Améry. He wrote this passage twenty years after his liberation from the Nazi death camps. Yet in it he speaks as if the past was still present, and it seems that his identity as a former Nazi victim had become the defining feature of his existence. Was he so traumatized that it had become impossible for him to let go of the past? Or was he wallowing in his grievances, obsessed perhaps with his victimhood? When societies try to "move on" after mass atrocity, victims who cannot or will not abide with the call to forgive and reconcile are often pictured as "prisoners of the past": traumatized, self-preoccupied, resentful, and vindictive. To be able to forgive or forget is generally taken to be morally and therapeutically superior to harboring resentment and other "negative" emotions. But, perhaps, sometimes, when one is dealing with extreme horrors and evildoers, it could be the other way around. Possibly, there are circumstances in which forgiving is a temptation, a promise of relief that might be morally dubious. Indeed, the refusal to forgive may represent the more demanding moral accomplishment. Perhaps even long-standing resentment has to be judged differently when societies abandon survivors and grant amnesty to the perpetrators of heinous deeds.

Questions like those posed above are rarely taken seriously in current discourses of forgiveness and reconciliation after mass atrocity, which assume that forgiveness and compassion are morally superior to anger and resentment. Indeed, in the context of efforts to promote forgiveness and reconcilia-

tion, anger and resentment are often seen not merely as inferior emotions. More than that, they connote self-preoccupation, weakness, and danger insofar as they are seen as intimately connected to desires for revenge. Atrocity survivors[1] who express their willingness to forgive or who testify in court with decorum are commonly admired and appreciated. They incarnate magnanimity, strength, and humanity—and they provide reasons to hope that recovery and reconciliation are possible even in the worst of cases. For example, in his reflections on the proceedings of the Truth and Reconciliation Commission (TRC) of South Africa, Desmond Tutu has repeatedly marveled and expressed his exhilaration at victims who were willing to let go of anger and to forgive despite having been injured grievously. But what about those who would not forgive? They demonstrated, according to Tutu, "the important point that forgiveness could not be taken for granted; it was neither cheap nor easy" (1999:271). Thus he pays attention to the unforgiving others only as a means of expressing even more admiration for those who were willing to forgive. To the extent that current discourses of forgiveness and reconciliation focus on emotions and attitudes of people who have been seriously wronged, a similar picture prevails: forgiving is studied and promoted with a nuanced attention to its nature and benefits, but anger and resentment are either rejected without serious analysis or examined mainly to understand what forgiveness is and why it is desirable (Govier 2002:50).

As Tutu puts it, the study of forgiveness has become a "growth industry" (1999:271). This book offers a counterpoint to the near-hegemonic status afforded to the logic of forgiveness in the literatures on transitional justice and reconciliation (Fletcher and Weinstein 2004:574, Kritz 1995, Teitel 2000).[2] It is meant to complement the scores of writings in which outrage, resentment, and refusals to forgive or reconcile are hastily rejected as the negative to be overcome: the irrational, immoral, and unhealthy or understandable but unfortunate attitudes of victims who are not—at least not yet— "ready" or "capable" of forgiving and healing.

I do not deny the possibility that the refusal to forgive and reconcile and the preservation of anger and outrage *can* be pathological and morally unjustifiable. People sometimes are consumed by anger, and anger sometimes leads to dehumanizing and heinous acts of excessive revenge. Equally real is the dwelling on or wallowing in litanies of suffering: "the temptations of grievance and victimhood" (Govier 2002:152). The point is simply that the negative aspects of anger and resentment are already much referred to and already well known. Similarly, the rhetorical attention to excess and pathology has overshadowed the fact that negative emotions are not only understandable in the aftermath of mass atrocity but that they also possess a moral component that is often ignored by the boosters of reconciliation. I hope to contribute to an undoing of notions that victims' resistance to calls for forgiveness is always

the sign of a lust for revenge or some kind of personal deficiency or failure. Although I am sympathetic to the need for more complex accounts of the avenger and of vengeance and vindictiveness, the focus in this book rather lies on the moral significance of various kinds of resentment (for books on vengeance cf. French 2001, Jacoby 1988, Murphy 2003, Phelps 2004, Solomon 1999, Tobias & Zinke 2000, R. Wilson 2001).[3] I argue that, in some circumstances, the preservation of outrage or resentment and the refusal to forgive and reconcile can be the reflex expression of a moral protest and ambition that might be as permissible and admirable as the posture of forgiveness. When this possibility is neglected and when advocates or scholars arguing the case for forgiveness and healing lose sight of the contestability of the values they promote, they also lose sight of the possible moral legitimacy of some victims' preservation of resentment. This neglect is not fair—and in fact it can be deeply offensive.

In short, I hope to contribute to a more complex and philosophically nuanced understanding of the negative emotions and attitudes of anger and resentment. I dwell on the negative to show that there is more to the harboring of resentment and resistance to forgiveness than advocates of the value of forgiveness, healing, and reconciliation commonly acknowledge. This is, in a nutshell, the *raison d'etre* of this book. The overall undertaking involves continuous discussion with the philosophical tradition, as well as a critical reappraisal of Desmond Tutu's advocacy of forgiveness. Most important, this challenge to current thinking about resentment and reconciliation is built on a careful reading of Jean Améry's essays on the condition of the Nazi victims and on their resentment in particular.

A theologian speaking of compassion and forgiveness once told me that his work was an attempt to contribute to an ethics for judges and those who judge others. If the following examination is to be seen as the development of an ethics directed at any particular group, it must be to those who act as conciliators and those who encourage the wronged (or their relatives) to forgive others.

Alchemies of Reconciliation after Mass Atrocity

Moral questions about the nature and value of the negative emotions arise in a broad variety of contexts: for example, in our daily life and personal relations, in courtrooms, during practices of mediation, and in the context of psychological counseling. This book's focus is limited to the aftermath of mass atrocities and to the question of how to think about the emotions and attitudes of people who have survived genocide, persecution, or torture and who endure the loss of loved ones, safety, health, and less tangible elements, such as hope or a sense of trust in the world.

In the literature on transitional justice or responses to collective violence, the terms "mass atrocities" and "atrocity crimes" typically encompass the most grave and massive crimes in international law: genocide, crimes against humanity, and serious war crimes (see Appendix 2 for an explanation of the concepts of genocide and crimes against humanity). Cases of mass atrocities include the Holocaust and the genocides in Cambodia, Rwanda, and Bosnia. The large scale and extreme gravity of such crimes leave behind a legacy with which individuals and societies, institutions, and organizations can struggle for decades.

This study is focused on the time *after* the violence has been brought to an end. "After" connotes that something is finished, over, or done with. Yet, although mass killings have been stopped, camps have been opened, and restitution has been offered, the past is often still intensely alive long after the actual atrocities take place—in the lives of the survivors, bystanders, and perpetrators, as well as in the postconflict societies in which they live.[4] The blurred borders between past and present also mean that one should take care not to adopt a too narrow perspective on victims' resentment. The cluster of violations that evoke their resentment may involve more than the granting of amnesties, the violations of human rights, denial and forgetfulness, and the attitudes that government institutions and societies may direct toward the victims when reconciliation is on the agenda. In various ways, the resentment occasioned by such postatrocity conditions is connected to the resentment related to the original atrocities. Whereas the legitimacy or propriety of outrage in response to the horrors of mass atrocity is beyond question, it is more difficult to gain clarity about the moral nature and value of responses to the policies and attitudes of the aftermath. Is it not, at some point, legitimate or appropriate to expect victims of mass atrocity to overcome their resentment against perpetrators? Communities can lose patience with survivors and relatives who seem stuck in grievances or who appear to nurse their victimhood (perhaps for political reasons). At some point, societies can tire of survivors' talk of the past and demands on the present.[5] Their rage, some may say, *was* understandable, but it has had its time. Prosecutions were necessary and legitimate, but after several decades prosecutorial zeal may come to be seen as merely the expression of sheer vengeance.[6] "Now" it is time to let go; true grief and anger have an end. The past cannot be changed anyway, and it is more reasonable to accept loss and begin to look ahead. Indeed, the passing of time often seems to explain or justify the changing of attitudes. Indeed Chapter 9 focuses on the moral significance of the passing of time.

A study of conflicting normative perspectives on emotions and attitudes might seem completely irrelevant to the concerns that are central to studies of transitional justice and reconciliation after political mass violence. Indeed, the emotional aspects of transitions are a neglected area, and this book seeks to

establish a recognition of the role of emotions in the transitional justice literature.[7]

Over the last couple of decades, the question how emerging democracies should address mass violations of human rights in their pasts has become the subject of a global conversation. A continuously growing scholarly literature of transitional justice studies addresses the hard choices facing such societies. At the same time, the topic is eminently practical and political and of concern to practitioners as well as occupying powers, foreign ministries, and policy institutes. An interdisciplinary scholarly undertaking, transitional justice as a discipline is still under development. Its emergence is related to the upsurge of innovative legal institutions, most prominently the truth commissions and the international criminal tribunals in South America, Africa, and Europe.[8] Because the field is focused on institutions, justice, law, policies, and instruments, it seems mainly to call for legal and sociological studies, policy papers, and the like. However, whether one considers the discourses of the practitioners or the scholarly works on transitions and reconciliation, it is clear that emotions—and the politics or therapy of the emotions—do matter.

Most discussions of how societies can deal with past mass atrocity share the assumption that people who have been seriously wronged will be seething with a lust for revenge. This lust is commonly pictured as manifesting in *cycles* of hatred, violence, or revenge,[9] which is one reason why the transformation of victims' emotional responses to injustice and injury is a central concern of efforts to promote reconciliation after mass atrocity. Yet, even though recent empirical studies of what victims desire in the aftermath of mass atrocity do mention revenge, it is only one such want or desire: victims also demand to know the truth of what happened, public acknowledgment of the criminal nature of the events, and legal punishment for the perpetrators (Stover 2003, Walker 2006). Thus, the importance given to the picture of the victim craving revenge is empirically misleading and testifies to the need for a much closer examination of the nature and significance of emotions like outrage and resentment. Moreover, across the field one often finds the use of therapeutic language and aspirations.[10] The "wounds" caused by past atrocity have to be "cleansed," and the goal is often thought of as the healing of victims and societies. More precisely, notions of the overcoming or taming of emotion inform many conceptions of the process of reconciliation.

Therefore, one can talk of *alchemies* of reconciliation, because notions of cathartic emotional transmutations sometimes seem more like wishful thinking than conceivable outcomes.[11] For example, both trials and truth commissions have been pictured as vehicles of emotional healing and cathartic transformation. It is commonly hoped that trials will channel or placate victims' and relatives' retributive emotions. For example, the Victims' Trust Fund of the International Criminal Court claims that trials are beneficial, because

(among other things) they can express the community's abhorrence of the atrocities committed and "can placate a victim's desire for vengeance."[12] Or, as Antonio Cassese, former president of the International Criminal Tribunal for the Former Yugoslavia (ICTY), has said, when lobbying in 1994 for the tribunal before the General Assembly of the UN, "Only international justice can dissolve the poisonous fumes of resentment and suspicion, and put to rest the lust for revenge" (Landgren 1998). The religious-redemptive discourse cultivated by Desmond Tutu during his time as the chair of the TRC exemplifies an even more extravagant project of emotional transformation. That is, its ideal was that of victims *overcoming* their anger and desires for revenge, not appeasing them by retribution.

Despite the many references to emotions, the understanding of resentment and other negative emotional attitudes is typically tied to rationalist, therapeutic, or moralist accounts that do not give these attitudes their due. What permeates contemporary discussions of responses to mass atrocity is a consensus that one needs to *deal* with the dangerous and undesirable emotions in question. Political leaders, commissioners, and presidents of criminal tribunals often talk of the goal of "closure": the shutting of the door on the past in order to move into a more "glorious" future. The task is to release societies and individuals from the ongoing threats or emotional remainders of the past: the cycle of violence must be broken, the guilt and shame of the perpetrators and bystanders need to be acknowledged and atoned, and the persistent grief and resentment of the surviving victims and their relatives should be brought to an end to make a "new" life possible. The question is what is needed to make possible the transition to peace, reconciliation, and a new and peaceful future.

The conceptual tags themselves of these areas of study—transitional justice, forgiveness and reconciliation, or conflict resolution—express the basic sense in which the scholarly field is guided by the possibility of restoration of trust and hope in the wake of mass atrocity. "Transitional justice histories are," as Ruti Teitel ascertains, "redemptive stories, of return, of wholeness, of political unity" (2004:219).[13] There are, of course, voices within the field that caution against this general trend. For example, Elizabeth V. Spelman warns that "a voracious appetite for fixing can lead to poor judgment about what is and what is not desirable or even possible to repair" (2003:239). In a similar vein, Martha Minow asks, "When is the language of healing itself an insult to those whose devastation is inconsolable, untellable, unassimilable?" (1998:22). As a final example, Payam Akhavan, the former legal advisor for the Prosecutors Office at the ICTY, cautions that "illusory closure can easily be sought through the ritual of legal process. To imagine that the horrors of genocide can be contained within the confines of judicial process is to trivialize suffering that defies description" (2001:8).

Still, much literature on transitions and reconciliation is animated by a spirit of repair and redemption. The appetite for fixing, the spirit of forgiveness and reconciliation, and the language of healing and recovery mean that there is little interest left to consider the possible value and legitimacy of victims' negative emotions. The recent philosophical rediscovery of emotions as sources of understanding and as partly cognitive in nature has not yet found any strong spokespersons in the context of transitional justice thinking.[14] Victims' resentment and hatred are rather cast in the rationalist image as blind forces or energies: this is where the talk of the need to "tame," "channel," or "placate" the compulsive desires in question enters. Next, when negative emotions are treated from a public health perspective, they appear as "health effects" and "healthy psychological and physical functioning requires [their] overcoming" (Halpern and Weinstein 2004:562). Finally, when forgiveness, healing, and reconciliation are seen as absolute and flawless goods, the advocate may assume that the problem is only how to further their realization. When anger and resentment are overcome, nothing of any positive value is left behind.

According to Barbara Herrnstein Smith, there is no illusion more powerful "than that of the inevitability and propriety of one's own beliefs and judgments" (Smith 1997:54). In her exploration of the dynamics of belief and resistance in intellectual controversies, Smith considers how the believer deals with another person's skepticism or different belief. If what I believe is good and true, then how is opposition to it possible? As Smith points out, the two favored solutions in such situations seem to be "demonology and, so to speak, dementology":

> That is, the comforting and sometimes automatic conclusion that the other fellow (skeptic, atheist, heretic, pagan, and so forth) is either a devil or a fool—or, in more (officially) enlightened terms, that he or she suffers from defects or deficiencies of character and/or intellect: ignorance, innate capacity, delusion, poor training, captivity to false doctrine, and so on (Smith 1997:xvi).

Let us apply Smith's argument to the context of mass atrocity: *if* the unforgiving and unreconciled survivors understood more about the background of the perpetrators or about what ideals and values really counted, if they were more capable of managing their anger, and if they thought more rationally about their own good or the good of the nation, *then* they would try to forgive or let go of their resentment and engage more constructively in the process of reconciliation. Relentless, backward-looking resentment must be the sign of some kind of moral failure, personal deficiency, or malfunction. In short, much talking and thinking about postconflict justice and reconciliation have

focused on a model of an idealized actor who demonstrates a readiness to forgive and reconcile and a capacity to let go of the past in order to move ahead. It is time to examine more closely the moral nature and value of victims' refusal to forgive, resistance to reconciliation, and preservation of resentment. This examination should be made not only to "understand what forgiveness is and why it is desirable" (Govier 2002:50) but also because that resistance, refusal, and resentment are humane responses that might be preserved for genuinely moral reasons.

Anger, Resentment, and *Ressentiment*

"Wrath—Goddess, sing the wrath of Peleus' son Achilles." As is indicated by the first line of the *Iliad*, anger—in its variety of forms and in its relation to virtue and justice—has been a topic of reflection since antiquity (Harris 2001:131). Questions of the nature and value of the passions or emotions in responses to wrongdoing have deep roots in the history of ethics. Other than when they slumbered during the heyday of positivist and analytical philosophy, philosophers and theologians have been awake to and aware of anger and resentment as a topic of philosophical ethics since antiquity. Seneca may be seen as representative of a Stoic and Christian approach according to which anger is first and foremost an unmitigated evil, sickness, or sin. Of course, there are Christian writers and theologians who have maintained a more ambivalent message, but they constitute an exception. Desmond Tutu, as we shall see, seems to be thinking along the lines of the dominant tradition in which anger is a deadly vice.[15] One can place Aristotle opposite to Seneca. Like Seneca, Aristotle acknowledged the vice of excessive anger, but he was also cognizant of the vice tied to a lack of anger in the face of injury. Thus, one may position Aristotle as the "founding father" of a long line of thinkers who have argued that anger should not be seen as absolutely bad. To the contrary, they posit that anger—when justified and appropriate—is a valuable aspect of a virtuous person and of life in society.[16]

The concept of resentment has a distinct history and meaning in the Anglo-American philosophy of moral emotions and attitudes. In a long tradition that includes such classical thinkers as Joseph Butler and Adam Smith and such contemporary philosophers as Jeffrie Murphy and Richard Wallace, resentment is seen as a legitimate and valuable form of anger responding to perceived moral wrongs. For example, according to Butler, resentment functions as "a weapon, put into our hands by nature, against injury, injustice, and cruelty" (1897:121). These philosophers may differ about the conditions and circumstances under which anger or resentment is appropriate or honorable, but one of the distinguishing features of the philosophical approach to resentment is the drawing of a distinction between excessive and pathological

forms of anger and resentment, on the one hand, and appropriate and valuable forms, on the other hand. Let me offer this passage from Adam Smith's *Theory of the Moral Sentiments*, originally published in 1854, as an example:

> The insolence and brutality of anger, in the same manner, when we indulge in fury without check or restraint, is, of all objects, the most detestable. But we admire that noble and generous resentment which governs its pursuit of the greatest injuries, not by the rage which they are apt to excite in the breast of the sufferer, but by the indignation which they naturally call forth in that of the impartial spectator . . . which never, even in thought, attempts any greater vengeance, nor desires to inflict any greater punishment, than what every indifferent person would rejoice to see executed (Smith 1854/2000:27).[17]

Leaping ahead to present-day philosophers, Jeffrie Murphy has argued that "resentment stands as emotional testimony that we care about ourselves and our rights" (2003:19). Not to have resentment when our rights are violated "conveys—emotionally—either that we do not think we have rights or that we do not take our rights very seriously" (Murphy and Hampton 1988:17). This does not mean that resentment may not be unjustified or that it should never be overcome, but rather that it should not be condemned in principle; it allows for the argument that resentment can be transcended too hastily or even wrongly. In Murphy's and several other philosophers' works, resentment is also seen to play a valuable social-ethical role. According to Richard Wallace, in expressing emotions like resentment we are not just venting feelings of anger and vindictiveness; rather, "we are demonstrating our commitment to certain moral standards, as regulative of social life" (1994:69). In a similar vein, Margaret Walker aims to provide an explanatory account of the moral work done by resentment in interpersonal and social relationships. According to Walker, resentment is not simply about injuries to oneself; the resentful person is not necessarily self-preoccupied. Resentment is an accusing anger that responds to threats or perceived violations of norms. A person showing resentment not only expresses an inner turmoil but also invites a response:

> The "aim" of resentment is, ideally, to activate protective, reassuring, or defensive responses in some individuals, or in a community that can affirm that the victim is within the scope of that community's protective responsibilities, or that the resenter is in fact competent in grasping and applying the community's shared norms. The transgressor can reassure the wronged party, and also the community by "getting the message": she might respond with acceptance of rebuke, with

> evidence of remorse or shame, and might offer apology or amends (Walker 2006b:135).

Resentment, as it is used in this book, is distinguished not by how it feels, but by the way in which those who account for their feeling make reference to perceived injustice, injury, or violation. Thus construed, resentment is not defined by a certain (low-state) kind of emotional intensity, but can range from a momentary irritation to outrage.

The contrast between these philosophical perspectives and the talk of anger and resentment as dehumanizing forces—corrosive of humane relationships—is marked. Spanning the differences separating the approaches of the philosophers discussed here is an understanding of resentment as being part and parcel of living in humane relationships. Probably, the main source of this conception is a very influential essay by Peter F. Strawson. As Strawson put it, "Being involved in inter-personal relationships as we normally understand them precisely is being exposed to the range of reactive attitudes and feelings [i.e. resentment, indignation, gratitude etc.]" (1974:11). He argues that it is possible to adopt what he calls an "objective attitude" to the other human being; that is, to see the other person as an object of social policy, a subject for treatment, as something to be dealt with or cured. Relating to the other in such "objectivizing" ways precludes reactive attitudes like resentment. However, doing so also means not relating to the other as a fellow human being: "If your attitude towards someone is wholly objective, then though you may fight him, you cannot quarrel with him, and though you may talk to him, even negotiate with him, you cannot reason with him" (Strawson 1974:9). In other words, being susceptible to anger or resentment is inextricably tied to participation in "the general framework of human life." A social life bereft of resentment is an impossible and, insofar as it is imaginable, impoverished life.

Resentment is an ambiguous term, not just because resentment itself, as well as the anger of which it is a specific kind, can appear in so many different guises but also because of the kinship between resentment and *ressentiment*. Our understanding of the concept of *ressentiment* is strongly colored by Nietzsche's picture of the loathsome and pathological "man of *ressentiment*" in *On the Genealogy of Morals* (Nietzsche 1887). *Ressentiment* connotes self-poisoning, hypersensitivity, deceitfulness, and emotions like vindictiveness, hatred, malice, spite, and envy. Nietzsche coined the term "the man of *ressentiment*," but the type has also been described vividly in Dostoyevsky's *Notes From the Underground* (1864/1993). Here we find the "mouse-man" wallowing in a self-poisoning preoccupation with the past (11):

> There, in its loathsome, stinking underground, our offended, beaten-down, and derided mouse at once immerses itself in cold, venomous,

> and, above all, everlasting spite. For forty years on end it will recall its offense to the last, most shameful details, each time adding even more shameful details of its own, spitefully taunting and chafing itself with its fantasies. It will be ashamed of its fantasies, but all the same it will recall everything, go over everything, heap all sorts of figments on itself, under the pretext that they, too, could have happened, and forgive nothing.

To speak of "resentment" in English is sometimes to speak of "*ressentiment*" (cf. Wallace 1994:247, n. 17). At the same time, the case for resentment has in part been argued by distancing it from *ressentiment*. As Jeffrie Murphy puts it, "*Ressentiment* is, by definition, an irrational and base passion. It means, roughly, 'spiteful and malicious envy.' It thus makes no sense to speak of rational or justified or honorable *ressentiment*" (Murphy 1999:152). Whereas there is certainly a case to be argued for resentment, it seems nearly absurd to try something similar with regard to *ressentiment* or with regard to the moral standing of its holders.

This brings us to Jean Améry and a point that has not been discussed in Anglo-American discussions of his reasoning. In the generally cogent English translation of his works provided by Sidney and Stella P. Rosenfeld and in Anglo-American discussions of Améry, "resentment" is the key term. However, in the original German text Améry uses the term *ressentiment*—this emotion is what he unabashedly harbors and what he sets out to examine and to justify. He even describes himself as a self-professed man of *ressentiment*. As he puts it: "a less rewarding business of confession cannot be imagined" (Améry 1999:64). The English translation of *ressentiment* as resentment can hide the distinct and more negative connotations that are deliberately embraced by Améry. However, reading Améry, it soon becomes clear that the *ressentiments* to be justified are claimed to be of a "special kind," known by "neither Nietzsche nor Max Scheler" (1999:71). In several respects, Améryean *ressentiments* seem close to the morally legitimate and socially valuable emotion conceptualized as resentment in the moral philosophical works mentioned above. At the same time, his reasoning also reveals certain affinities to *ressentiment* as conceived by Nietzsche and Scheler.

Therefore, in this book, I position Améryean *ressentiments between* the familiar concepts of resentment and *ressentiment*. A principal objective of Part Two is to attain clarity about the nature and value of these Améryean *ressentiments.* Améry's reflections generally manifest a tension between conventional vocabulary and the particular experiences and situation that he wants to conceptualize as precisely as possible. In his effort to address his contemporaries, Améry picks up conventional concepts (apparently applicable to him and his "kind") in order to turn them around until they come to capture more

adequately the particularities of the Nazi crimes or the survivor's condition during and after the Holocaust.

All during the process of writing this book, I wondered whether to coin a new term (e.g., "ressentment" or "resentiment") to mark clearly the focus on that "something" on which Améry stands between the philosophical concept of resentment and Nietzschean notions of *ressentiment*. Using either of these terms is both partly appropriate and partly misleading, and in Chapter 14 I explain why. However, I needed to make a choice of terminology. In the close examination of Améry's reflections, I use the term he actually used—"*ressentiment*"—while consistently amending the English translation on this single point. Yet, in the chapters that do not focus on Améry's thinking, I use the term "resentment." That is, for the more general discussion of the ambiguities and moral aspects of victims' resentment, "resentment" is a more capacious and appropriate term (and thus is included in the title of this book).

Philosophy on the Border

As should be clear by now, the sources I draw from to explore Améry and the South African case are quite varied and include the following: Holocaust and genocide studies; studies in international law and the ethics of criminal law; psychological literature on trauma and recovery; works on transitional justice and studies of reconciliation processes, restorative justice, forgiveness, and the South African TRC in particular; the critical reception and discussion of the works of Jean Améry; the history of postwar Germany; and finally a host of testimonies and reflections by surviving victims of genocide and crimes against humanity. Of course, my examination of the topic is also informed by sources from the philosophical tradition. I draw on the works of a range of philosophers who have all written on the moral nature and value of the reactive emotions and attitudes to being wronged: anger, indignation, resentment, and forgiveness. Despite a number of differences, these sources share an intention to deepen and widen our understanding of negative reactive emotions and attitudes and to contradict hastily drawn pictures of the goodness of forgiveness and the badness of resentment. Several scholars—Lawrence Langer, James E. Young, and Katharina von Kellenbach—have questioned the validity and desirability of the language or logic of repair and redemption, forgiveness, and reconciliation in responses to the Holocaust. These works have all been of significant inspirational value to the inquiry. Hence, although my own background is in philosophy and in ethics in particular, *Resentment's Virtue* is not a philosophical study in any narrow sense. I have tried to write a book that is accessible to those who are interested in the given ethical issues and that cuts across what sometimes seems like gaps between empirical studies and philosophical reflection.

Unlike many philosophical books, the present one pays a lot of attention to concrete contexts and to the untidy reflections of a person whose essays have never been reprinted in a single anthology of philosophical papers. I chose the contextual approach—philosophy from the bottom up, as one might put it—for two reasons. The first one has to do with how best to think about emotions and attitudes. Even though it is possible and desirable to consider general features of resentment or the unwillingness to forgive, our understanding of the dynamics and value of these and other emotions and attitudes would benefit from case studies. Martha Nussbaum is among several philosophers who have argued that the questions we are most likely to ask about the emotions are inherently domain or case specific (cf. Bandes 1999). Does, for example, the relentlessly unforgiving victim have the right view of the situation and what is at stake in it? As Nussbaum writes, such questions "will usually be asked well only in the concrete. Anger as a whole is neither reliable or unreliable, reasonable or unreasonable; it is only the specific anger of a specific person at a specific object that can coherently be deemed unreasonable" (Nussbaum 1999:21). At the same time, as Nussbaum continues, some emotions seem "always suspect or problematic" (21). Because r*essentiment* is one of those emotions, it is interesting to consider whether Améry is able to demonstrate successfully the need for a redefinition and reevaluation of *ressentiment*.

The second reason why I chose my approach has to do with the extreme aspects of the subject matter. Primo Levi wrote that if the Nazi camps had lasted longer, "a new, harsh language would have been born" (1987:113). One cannot presume that conventional conceptualizations and categories can do justice to the phenomena and problems related to genocide. Hence, the scholar wishing to write about subjects related to mass murder needs to adopt a probing and tentative approach to existing vocabularies and at least be informed by the reflections of people who have faced atrocities or their legacies first hand. Professional philosophers who would like to contribute to the interdisciplinary study of responses to mass atrocities cannot assume that they have something deep or helpful to add only on the basis of their extensive readings in the academic philosophical literature. What has been said about the philosophical study of the Holocaust applies, I think, to philosophical studies of crimes against humanity and their legacies in general: although philosophers are neither trained nor commonly inclined to reckon with detail and particularity, that is exactly what is required here.[18] And it is required not as pedagogical illustrations or as examples on which a normative ethical theory can be tested, but rather as the concrete occasions for philosophical reflection. Hannah Arendt once said that every thought is an *afterthought,* and to the extent that this book is an exercise in philosophical ethics, it is not "applied ethics," but ethical afterthoughts on victims' resentment and resistance to forgiveness.

I am not an enemy of philosophical abstraction or the articulation of theoretical frameworks. Simply, the point I make here is that the philosophical examination of concepts, distinctions, moral issues, and frameworks has to pass through a consideration of the particular and concrete.[19] The problem is not abstraction as such, but rather what Berel Lang has called the *flight* into abstraction (2005:181). However, this book claims that the reflections of Améry are relevant to thinking about resentment and reconciliation in the aftermath of mass atrocities more generally. Offhand, this claim might itself be thought to imply an indulgence in hasty abstractions and equalizations of what is very unequal. That is, one may argue that the historical context and trends against which Améry fought are incomparable to the situations of victims in current postconflict societies; that his reflections are solely relevant to an illumination of the condition of the Nazi survivor (because of the unique features of the Nazi genocide); and indeed that to try to use his reflections in relation to a broader discussion of mass atrocities is even offensive insofar as it subsumes the Holocaust as "no more" than a mass atrocity among others. Or, finally and from an opposite perspective, one may assert that this claim is counterproductive in relation to a practical agenda because attention to the Holocaust will undermine the book's comparative relevance ("these other cases are not as bad, so . . ."). Obviously, I do not think that any of these objections apply to the present undertaking. The proof lies in the quality of the following chapters, but I also touch on the relevance of Améry's reflections in the transition between the two parts of the book and in the final chapter.

Book Outline

The study is divided into two parts. Part One explores how resentful and unforgiving victims, appearing before the Truth and Reconciliation Commission of South Africa, were seen and treated by prominent representatives and staff of the commission. The attention is primarily directed toward the "reconciliators" and their understandings of emotions and attitudes as colliding with the commission's promotion of forgiveness and reconciliation. Drawing on transcripts of the hearings of the TRC as well as on the writings of some of its spokesmen, the chapters seek to demonstrate how the reconciliators characterized victims' resistance to forgiveness and how they responded to resistance when it was explicitly articulated. This examination differs from most existing philosophical reflections on the commission in its attempt to cut across what sometimes seems like a gap between empirical studies and philosophical commentary. Thus, the exploration begins in the actual hearings of the commission and ends in the writings of its chair, Desmond Tutu. I argue that the TRC neglected or denied in various ways the moral nature and legitimacy of victims' anger and unwillingness to forgive.

The praise heaped on forgiving victims often included vilifications of the imagined alternative. Concrete resistance expressed during the hearings—for example, by victims who stated their refusal to forgive or reconcile—would sometimes be met with pressure by commissioners eager to move the victims in the direction that would fulfill the mandate of the commission. Although no one was forced to forgive, the TRC policed and directed the display of emotions and attitudes to conform with its mandate. Moving from the hearings to writings by some of its most prominent spokesmen, focus is turned to an essay by Charles Villa-Vicencio (who served as the head of the TRC's research unit), I show how therapeutic language can reduce victims' anger to trauma, a mental problem of the victim, and a sign of self-preoccupation; in other words, something that the traumatized person should deal with for his or her own sake to be able to move on and take responsibility as a co-citizen. Furthermore, in the writings of Desmond Tutu, resentment and desires for retribution appear as completely destructive and dehumanizing forces that should be "avoided like the plague." The ostensibly total disqualification of resentment seems premised on an absolute notion of social harmony that is completely devoid of conflict. It goes together with what can be called a "boosterism" of forgiveness.

The second—and longer—part unfolds as a thorough interpretation of an essay entitled "*Ressentiments*," published originally in Germany in 1966 by the writer and Holocaust survivor, Jean Améry, and included in the 1999 collection of essays, *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and Its Realities.* The shift from Part One to Two brings with it a shift of geographical and historical context as well as a change of perspective. Whereas Part One was primarily occupied with the voice and reflections of those trying to encourage others to forgive and reconcile, Part Two gives voice to the victim: a shift, in other words, from the third- to the first-person perspective on resentment and unforgiveness. Challenging commonly held beliefs in the moral superiority of the forgiving person, Améry casts the preservation and voicing of resentment in the face of social pressure and in spite of the passing of time as a moral and humane accomplishment. A bias toward the future and a concern about self-preservation might be natural, but as moral beings, human beings should be expected not to simply move on as if they were a piece of unaffected nature or nothing but a part of the social body. Améry builds his case on a certain picture of the moral person and of the relationship among morality, society, and nature. He aims to show that we should respect, not chastise, the person who preserves resentment when moral repair fails to be achieved and when the voicing of resistance invites demonizing and pathologizing social responses. This kind of resentment should not be considered a moral taint on the person nor should it be reduced to an illness to be

treated. Resentment can also be the reflex expression of an honorable emotional response to inexpiable evil or wrongs and legitimate moral expectations that have not been properly dealt with.

I initially chose to examine Améry's essay, "*Ressentiments,*" because of its significant value as a challenge to current studies of transitional justice and reconciliation. However, in addition to its contribution to the overall aims of this book, the purpose of Part Two is also to contribute to a more comprehensive understanding of Améry's thinking. Considering the existing critical reception of Améry's essay, one has the impression that the interpreters have read at least two entirely different essays. I try to show that these interpretations have not accounted for the ambiguities suffusing the essay and hope to open the reader to a dialectical understanding that is sensitive to the tensions within Améry's reflections.

Having to settle on a given organization of the book, I faced the dilemma whether to begin with the reading of Améry or with the exploration of the TRC. Reasons for beginning with Améry included not only the obvious beauty of following the historical timeline but, more important, of also being able to use insights drawn from Améry's reflections more explicitly in the examination of the TRC. Yet, obviously the reasons for commencing with the examination of the TRC turned out to be weightier. They included a pedagogical preference to begin and end the book in the present; the narrative "charms" of moving from a well-known case to a widely unknown treasure and from the well-known voices of prominent advocates of forgiveness to the seldom heard voice of the resentful and unforgiving victim. Moreover, the exploration of the South African case is tied to this introduction as the particular to the general. It reveals, in a more concrete way, a lack or a deficiency in the discourse of forgiveness and reconciliation, and it *exposes* the fact that the negative emotions and attitudes need a fairer hearing. In this way, the examination in Part One is meant to show in more detail why it is so important to dwell on the "negative" emotions and to bother with Améry's untidy and contra-intuitive perspective. However, in order to compensate for the postponement of the investigation of the "negative" emotions, and in order to at least provide the reader with a rough sense of the meaning of "resentment" and related concepts, I added the previous section "Anger, Resentment, and *Ressentiment*."

Originally, I had planned to write a rather more traditional philosophical work offering a systematical philosophical argument and, in conclusion, a synthetic philosophical account of the moral significance of resentment in an ethics of reconciliation. That did not happen. The contextual analysis and critique came to occupy the ground. However, for the reasons mentioned above, I am convinced that the book *begins* where it should begin. It is a

necessary first exploration on the basis of which might be constructed a more general framework or an ethics of reconciliation. Of course there is always more to be done, but as the Danish philosopher Søren Kierkegaard once insisted, when you want to build a house, you had better begin with the foundation.