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## **Guilt, Righteous Anger and Forgiveness as Issues in Transitional Justice**

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**Institute of Advanced Study, Warwick University**

**Transitional Justice, the Legacy of Guilt and the Question of Punishment**

**One day conference, 4 March 2016**

**Guilt, anger and forgiveness as issues in transitional justice**

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My talk will be about emotions generally in transitional justice and specifically about guilt, anger and forgiveness as legacy emotions. Emotions are still in the shadowlands within transitional justice studies and are mentioned largely in routine ways. Emotions like anger, hatred and revenge get raised in discussions of victims; shame-guilt in respect of restorative justice approaches to ex-combatants; and fear, anxiety and distrust in relation to the problems of dealing with the past. This isolates specific emotions and tends to direct attention onto what are called 'negative emotions'. This concentration on negative emotions is a consequence of the popularity of the restorative justice paradigm in transitional justice studies. Restorative peace building can be rendered primarily into a shame-guilt-reintegration paradigm: the discussion of emotions in transitional justice studies is really a debate about shame.

A similar emphasis is not placed on the corollary of 'positive emotions', such as hope, forgiveness, compassion, empathy, tolerance, and humanitarian sensibility. While forgiveness has been widely canvassed as one positive emotion in the transitional justice literature, it is strongly associated with Christian eschatology, which makes it problematic in the secularised West and to the majority in the non-Christian Global South.

Incidentally, I contend that the distinction between negative and positive emotions is no longer useful, precisely because the three emotions I address here – guilt, anger and forgiveness – require a less moralistic and judgmental vocabulary and are more subtle in their effects on conflict transformation than the distinction between negative and positive emotions suggests. I proffer instead, for reasons that will become clear, a distinction between past-focused and forward-focused emotions.

In reflecting here on the place of emotions in transitional justice studies, I have two arguments:

- There are distinct stages in conflict transformation and emotions emerge as an issue quite differently in each, with specific emotions assuming importance at different stages.
- The particular emotions of guilt, anger and forgiveness need to be conceptualised more broadly within transitional justice studies and, on the back of this, transitional justice practitioners need to adjust their practices to accommodate their expression in societies emerging out of conflict.

In twenty or so minutes I can do no more than sketch this approach, and leave you dissatisfied with the detail, so I apologise at the beginning for disappointing you.

My first line of argument points to the importance of recognising a broad range of emotions as relevant to transitional justice; the second to the need specifically to reconceptualise guilt, anger and forgiveness if we are to understand how they work in moments of transition and in dealing with the legacy conflict leaves. These three emotions form an unholy trinity that actually clouds our understanding of the emotional landscape of societies emerging out of conflict.

Coming to the first point of departure, there are I think three stages to a process of conflict transformation, and emotions impact on them quite differently. There are:

- the emotions aroused during the conflict by the violence itself, emotions which are left as a legacy of the violence and which need to be managed in the peace negotiation phase;
- the emotions aroused by the idea of peace itself and the emotional adjustments which either non-violence or dramatically reduced levels of violence provoke during the post-conflict phase; and
- the emotions invoked by having to learn to live together in tolerance once the conflict is over, either for the first time or after a long time.

Fear, mistrust, anger, revenge, hate, hope, empathy – these emotions are all part of the problem protagonists bring to the table when discussing a peace settlement; and some cause negotiators problems in trying to convince the protagonists to stay at the table. Not many political scientists would accept this but managing the emotional dynamics of peace discussions is as important as the political deals they discuss.

One of the realities overlooked in transitional justice studies is that peace itself comes with an emotional cost. I mean more than the suffering people endured so that others can experience the benefits of peace – the grief, depression, suicidal feelings, and feelings of loss and pain that victims and survivors live with daily. There is, however, something even more emotionally powerful than this. People have to recalibrate who the enemy is and thus reassess their own identity in relation to those who perhaps for a very long time have been considered outsiders. Peace itself can cause a whole range of emotions – fear, anxiety, suspicion, mistrust – in response to this ontological readjustment.

Two things should be clear by now: the same narrow range of emotions recur in discussions of conflict transformation – fear, guilt, anger, anxiety, revenge, hate; but rarely a broader scope of emotions like hope, tolerance, forgiveness, empathy, compassion, compromise, and humanitarian sensibility. Why is this so?

It is because the different stages a peace process goes through isolate past-focused emotions in ways that reinforce their prominence in public debate. Debate about the legacy of the conflict will always emerge in the post-conflict phase, giving the past an unwarranted role as the arbiter of the future. Discussions about the past are backward looking, so that emotions that might direct

society's attention to the future – what I call future-focused emotions, like hope, empathy, tolerance, compassion, humanitarian sensibility – are made secondary to those emotions provoked by discussions of the morality of the past, which is why I call them past-focused emotions. Fear, mistrust, revenge, anger, hate become the currency, and those groups most likely to feel, express and perform these emotions, are the stakeholders who are given public attention. It is for this reason that debates about emotions in transitional justice almost exclusively focus around victims, survivors and perpetrators.

These legacy issues have an impact on the emotional repertoire of people living in societies emerging out of conflict. In isolating and prioritising this narrow range of past-focused emotions post-conflict societies tend to see the future through the eyes of those who suffered most in the past, not through the perspective of generations yet unborn. This has the effect of making the task of learning to live together in tolerance as difficult a stage in peace processes as conflict transformation itself. Emotions complicate the process of social transformation as much as the process of conflict transformation.

I am not sure transitional justice theorists or practitioners working toward social transformation after conflict actually realise this. Learning to live together in tolerance is not instrumental but value oriented, cultural and symbolic not political and economic. If money alone solved peace processes, Northern Ireland would be the most peaceful place this side of heaven, for the finances thrown at its social transformation by the USA, Europe and the Irish and British governments surpass the Gross Domestic Product of many countries in the Global South.

Values, culture and symbols invoke emotions in the way instrumental policy decisions do not. This means that transitional justice specialists working in post-conflict societies that are learning to live together in tolerance need to give attention to the emotional repertoire that undergirds such tolerance.

For example, I and colleagues have just completed six years' of work with victims in Northern Ireland, South Africa and Sri Lanka that explores the development of compromise and humanitarian sensibility as social practices in many victims, and which examines the social structural and interpersonal factors that both support and undercut these social practices.

There is a bigger question embedded here, though. What are the emotional inhibitors and the emotional enablers that affect peace? I ask that question knowing fully that it is not a question that is even posed in transitional justice studies, let alone has answers. This is yet more reason why emotions need to emerge from the shadows in transitional justice studies.

I come now to my second line of argument. In order to illustrate the need for a new conceptual map through which transitional justice studies might understand the problem of emotions in post-conflict societies, and which implicates new strategies by transitional justice practitioners, I want to isolate three emotions – guilt, anger and forgiveness – to show their subtlety and complexity, and the inadequacy of current mapping in transitional justice studies.

These three emotions form a closely linked triumvirate but I want to isolate them for purposes of remapping. First, let me deal with the emotion of guilt. Shame-guilt-reintegration is too limiting a

lens through which to understand guilt. Conflict transformation causes five particular forms of guilt that require distinction and which deserve more attention in transitional justice studies. I call these:

- bystander guilt (the guilt feelings amongst those who stood by and did nothing actively for peace);
- survivor guilt (feelings of guilt amongst victims for not having been killed in incidents that took others and which tends to lead to enhanced emotional empathy with other survivors);
- perpetrator guilt (the feelings of remorse amongst those who participated in the violence);
- cultural guilt (guilt feelings that shape cultural responses to past violence and help toward mobilising senses of cultural trauma); and
- guilt denial (forms of justification and normalisation that declare there is nothing to be remorseful for, the very expression of which often leads to emotional responses and reactions from others).

Transitional justice studies focuses primarily on the third type, trauma and psycho-therapy studies the second, cultural sociologists on the fourth, while criminological studies of ex-combatants make us fully aware of the fifth. While all five forms of guilt are relevant to understanding the legacy problem of dealing with the past, I suggest, however, that bystander guilt is particularly relevant to transitional justice studies because it allows us to compare the way in which bystanders can have higher levels of un-forgiveness and retribution compared to many victims. My research amongst victims shows that the victimhood experience can often facilitate an emotional empathy with the erstwhile enemy that many bystanders lack. This emotional empathy is often rooted in strong levels of survival guilt that promotes a sense of a shared victimhood experience with the other. Rooted in bystanders' withdrawal or disengagement from the conflict and the subsequent peace, survey and interview data show that bystander guilt causes some non-victims to be more punitive, less tolerant and less forgiving than many victims.



We also need to better understand anger as an emotion. Conflict transformation often provides no appropriate cultural space for expressions of people's anger, grief, loss, pain and suffering. The moral obligation placed upon victims to 'forgive', to 'move on', to 'put the past behind them', means these cultural spaces are few, especially in the public sphere. This is because 'anger' is thought of as dysfunctional to peace, and often in public space we still see too much of it in post-conflict societies. However, to see anger only as dysfunctional is to view it narrowly.

I suggest we need to distinguish three types of anger relevant in transitional justice studies:

- righteous anger (justified and merited but expressed and enacted within fairness rules that are orientated to its effects on others);
- self-righteous anger (justified and merited but expressed and enacted without fairness rules so that it is self-oriented rather than oriented to the other); and
- unrighteous anger (unjustified and unmerited but expressed and enacted regardless).

In fact, righteous anger is functional in peace processes; it allows people's narratives to be heard rather than repressed, it overcomes silent, voiceless, suffering, and accompanied with a fairness rule that ensures the other is not morally enervated and stripped of human dignity, it can restore broken relationships at the same time. It follows that transitional justice practitioners need to create spaces for the expression of righteous anger. It is self- and un-righteous anger that gives us the so-called problem of anger. And in as much as the moral obligation to forgive squeezes the cultural space for the expression and enactment of righteous anger, I think that forgiveness is not the panacea it is claimed to be, for it too can be dysfunctional.

Let me come then to forgiveness, for it is also simultaneously more subtle and complicated than the current literature accepts. Forgiveness can be defined as intentional forbearance of the emotional

and behavioural reactions that social actions otherwise deserve in order to continue with or restore social relationships. This does not involve the offending action being sanitized, normalized or made excusable; and the responses it provokes are not denied, undervalued or diminished.

Forgiveness means pardoning the action *despite* its wrongfulness and refusing to respond to it in ways that might otherwise be expected or deserved. Forgiveness do not suggest that perpetrators deserve to be forgiven; nor should victims lose sight of perpetrators' culpability and deem themselves so lacking in esteem and moral worth as not to protest their victimhood. Forgiveness needs to be understood in a way that makes clear that perpetrators forego what is otherwise deserved and that no denial or denuding of the moral wrongfulness of the acts is implied by forgiving it.

However, three factors complicate current approaches to forgiveness in the transitional justice literature. The problem of multiple victimhood means that people can be members of groups that are perpetrators and victims at the same time, such that the boundary between victim and perpetrator is morally ambiguous. Secondly, victims have shown a remarkable capacity to forgive even the most heinous crimes. Thirdly, forgiveness is not only the right of victims, for once conceptualised properly, forgiveness has properties that permit perpetrators to forgive themselves, and for third parties to forgive on others' behalf.

I suggest we need to distinguish between three kinds of forgiveness.

- Two-party forgiveness. This is the conventional kind, modelled on religious forms. It is exogenous, coming from the outside, whether from God, the injured faction or both. This grants the power to forgive to the other party, equating forgiveness with the issuing of the

pardon and the mercifulness shown in not responding in ways that otherwise would be justified, leaving the first party powerless, dependent on the other's magnanimity.

- One-party forgiveness. This is self-forgiving and it is endogenous, coming from within, which is what forgiving oneself literally means. We have the capacity to forgive ourselves separate from another's forgiveness of us, and can engage in repair independent of it by carrying our forgiveness of ourselves into forgiving those whom we need to.
- Third-party forgiveness. This involves people forgiving on their own behalf for wrongs done to the collectivity that they experienced as personal. Other parties for whom the conflict was experienced as personal can become forgivers with respect to their *own* individual responsibilities as a result of the figurative and symbolic acts of forgiveness displayed by third-parties.

These are not hierarchical. Third-party forgiveness, however, needs elaboration. Given that two-party forgiveness is prosaically understood as the only kind, in which victim and perpetrator come together to initiate the exchange of apology, pardon and redemption, third-party forgiveness might be thought no forgiveness at all.

Quite the contrary; it can be very effective as an alternative to two-party forgiveness. The redemptive value of forgiveness is more likely to be released when forgiveness is done in symbolic form precisely because it is not dependent on the other party fulfilling their part face-to-face. When co-presence reignites emotional feelings, making it harder to ask for or grant forgiveness, one or both parties can rile against the others' refusal to the point where the exchange degenerates into mutual recriminations, with no knock-on effect for the quality of other relationships. For these reasons, figurative rather than literal forgiveness is always likely to be more redemptive. Forgiveness in figurative form is done via public statements in the press, on television, at 'truth' recovery forums, such as public enquiries and 'truth' commissions, in civil society workshops, seminars or public lectures devoted to the topic, at citizenship education forums, during religious

services, debates in parliament and political assemblies or in submissions at courts of law. These settings constitute what we might call 'social spaces of forgiveness-redemption'.

It is the *publicness* of the emotional display in figurative forgiveness that brings greatest redemptive value, for even if we can imagine a situation in which the injured party would prefer the request to be made face-to-face in order to agree to forgive, this repairs only the inter-personal relationship. The redemption earned by public statements, however, is experienced vicariously by many of the witnesses to them, for whom the statements speak to their own circumstances. This socially disseminates the effect of the public statements broadly to a 'community of forgivers' that has been touched by the public statements. Third-party forgiveness can create a public climate in which a thousand acts of private repentance became possible.

Let me close. One point is probably more than enough for a short talk, but I have made two, although they are closely related. Transitional justice studies needs to broaden the range of emotions it considers relevant to practitioners, for the various stages of transition bring a variety of different emotions to relevance. The legacy stage, when societies emerging out of conflict are trying to learn to live together in tolerance, tends to witness a very limited range of emotions become priorities in transitional justice – the trinity of guilt-anger-forgiveness. I have suggested that a useful starting point for transitional justice studies to begin to elaborate its conceptual map is to appreciate the difference between past-focused and forward-focused emotions. By so doing it makes obvious that anger and guilt cannot be conceptualised simply as negative emotions and forgiveness of positive. Re-conceptualising guilt, anger and forgiveness in the way I have suggested shows that some forms of guilt and anger are forward-focused; and that some forms of forgiveness past-focused. The emotional landscape in transitional societies is more complicated than the trinity of

guilt-anger-forgiveness suggests and by bringing emotions out from the shadows transitional justice studies might benefit as a discipline, as would practitioners as activists on the ground. Thank you.