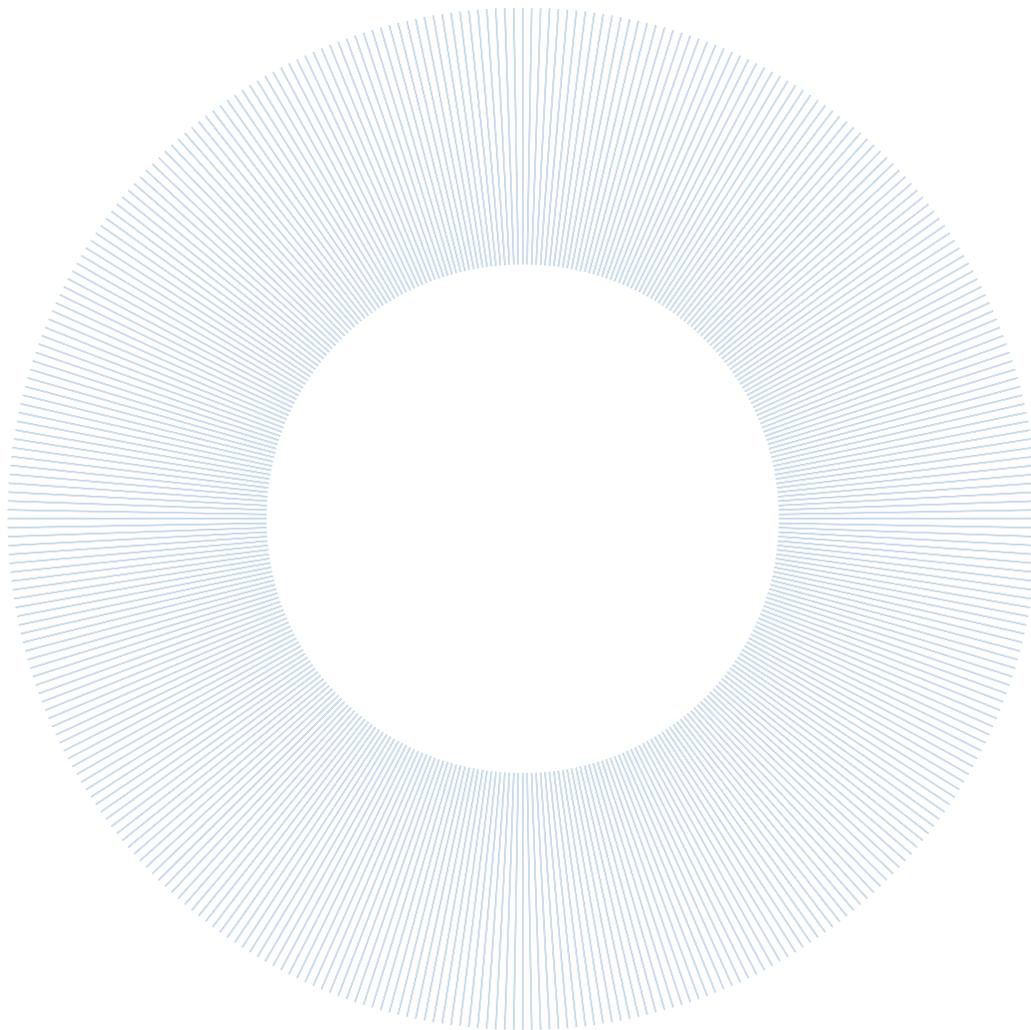


# Why Do We Humans Seek Revenge, and Should We?



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## WHY DO WE HUMANS SEEK REVENGE, AND SHOULD WE?

*'Eye for Eye' is the Biblical injunction to take revenge for an injury by inflicting an equivalent injury on the wrong-doer. It is also the title of an essay by the French existentialist thinker, Simone de Beauvoir, concerning the punishment of those who had collaborated with Nazi atrocities in France during the Second World War. Using Beauvoir's essay as a focal point, and concentrating on revenge as a response to politically motivated atrocities, this paper addresses the following issues: whether or not the desire for revenge is a 'natural' emotion; why we often seek revenge even when we are not the injured party; what might be the relationship between revenge and justice; and whether or not projects of reconciliation (exemplified by the South African Truth and Reconciliation Commission) may offer a preferable strategy to vengeful punishment of perpetrators.*



**E**'ye for eye, tooth for tooth, hand for hand, foot for foot...' (Exodus 21:24). The Biblical injunction to *avenge* injury with injury – is millennia old; and revenge seems so widespread that it is usually assumed to be a natural or instinctive response to injury. However, today, in a world where what we now call 'crimes against humanity,' where mass atrocities – such as the holocaust, more recent genocides, or state violence perpetrated against civilian populations – are all too common, the call is often made to *avoid* revenge in their aftermath. Instead, the emphasis is increasingly on the need for 'healing,' 'reconciliation,' and even for 'forgiveness' on the part of victims (for example, Card, 2002; Minow, 1998, 2002; Oliver, 2001; Philpott, 2006). Revenge is now seen as barbaric; as a desire that, in this day and age, we should be 'civilized' enough to overcome. 'Vengeance,' complains the philosopher Peter French, 'is generally decried as barbaric by the standard of modern moral theories [and] has fallen into disrepute without being seriously examined' (French, 2001, p. x).<sup>1</sup> Instead of seeking retributive punishment, an increasingly common response to mass atrocities is to set up 'truth and reconciliation' commissions, of which the one established in South Africa after apartheid is the best known.<sup>2</sup>

This paper seeks to explore several questions concerning the nature and purposes of revenge, and to explore whether its existential and social aims may better be addressed by other means. The questions include the following: (1) whether the desire for revenge is so widespread because it is natural, or whether it is not rather a profoundly social desire; (2) why we may often desire revenge even when we are not ourselves the victim of an atrocity; (3) whether or not, when governments determine punishment through the process of law, this is merely another form of revenge; (4) whether, finally, reconciliation may be a preferable response to atrocities than revenge.

### *Is Revenge a Natural Desire?*

**T**he vocabulary in which the desire for revenge is most often described – be it approvingly or not – suggests that it is a part of our fundamental biological equipment. Revenge is 'primitive,' 'animalistic.' It is an 'appetite.' As Cose puts it: 'Lurking in virtually all of us

is a bit of a monster, a fiend who cackles – wickedly, uncontrollably – as he savors revenge. There is something exhilarating, deliciously primal about payback [...]. The instinct as we will call it, is older than the Bible' (Cose, 2004, p. 65). An 'instinct,' an 'appetite,' an 'urging,' an 'impulse' – the desire for revenge has been compared to the desire for sex in its intensity. 'The taboo attached to revenge in our culture today is not unlike the illegitimate aura associated with sex in the Victorian world,' writes Susan Jacoby and she warns that misguided attempts to deny outlets to what she calls this 'ineradicable impulse' are, like sexual repression, harmful to society (Jacoby, 1983, pp. 5 and 12–13). Other authors describe the desire for revenge as genetically 'hard-wired' into us (for example, Mackie; discussed in French, 2001, pp. 81 and 98–9).

However, little that we humans do is 'natural,' in the sense of being biologically or genetically programmed. And I argue that, far from being 'instinctive' or 'hard-wired,' revenge is a profoundly *social* desire; and it is one of the desires that *distinguishes* us from other species of animal. Revenge is probably not an occurrence in the animal kingdom. Of course, intra-species aggression is common among animals. But *aggression* is almost always future-oriented: that is, animals fight to gain or defend territory, for status within the group, or to win a mate. Revenge, by contrast, involves aggression that refers back *only* to a past action, and so is unlikely to exist among animals. Primatologists have observed a few cases of aggression among higher primates that could plausibly be interpreted as acts of revenge. But these are not a widespread or routine part of higher primate behaviour. Moreover, the primatologist Frans de Waal claims that, when he observed such actions among chimps, they were not instinctive but rather intentional actions. Revenge, if it takes place at all, is far from instinctive or hard-wired behaviour even in chimps.<sup>3</sup> Thus, if the desire for revenge is as widespread as it seems to be, we will need to look elsewhere than to biology, or to our primate ancestry, or genes, to account for this phenomenon.

To offer an explanation, it is to our ability to develop subjectivity that I turn. Subjectivity, the experience of ourselves as individuated persons, is a core human quality. But it is not one that we are born with; and it is not one that we may develop outside the framework of social life. There are numerous and competing explanations on offer as to how human subjectivity develops – Hegelian, Freudian, Marxist, Foucauldian, and so on. But there is a broad consensus that human beings become subjects only through their interactions with others. It follows that, when others refuse to recognize our subjectivity, when instead we are treated as objects or things, our personhood is denied. We are dehumanized. This is what occurs when, for example, women are treated as no more than sexual objects; or when working people are treated as no more than units of labour. It is what takes place to a yet more extreme degree in the kind of atrocities that kill and maim. Revenge is best understood as a *response* to such acts of dehumanization. For revenge is the attempt to obtain recognition of one's personhood from the perpetrator (or perpetrators) through a reversal of roles. But if revenge is a very human desire, a very social and not a natural one, it is also in many ways self-defeating.

To develop these claims further, I now turn to an essay by Simone de Beauvoir. Beauvoir is best known as the author of *The Second Sex* (1949), the founding work of twentieth century feminism, but she also wrote many essays in which she reflected on the political situation in post-war France. The essay I consider here is one in which she reflects on the trial and execution of a man who had collaborated with the Nazis when they occupied Paris during World War Two and whose actions had contributed to the death of many Jews. Why, Beauvoir asks, was he tried and executed after Nazism had been roundly defeated? Since the Nazis were gone for good, his execution could not be justified on any practical grounds,

such as preventing him from committing further crimes, or deterring others from committing similar ones. The most common utilitarian justifications for punishing wrong doers, all of which assume that some future benefits to society will ensue, do not apply in this situation.<sup>4</sup> Instead, what we seem to be dealing with here is a case of revenge pure and simple; a case in which the various other social functions that punishment is said to fulfil are absent. For revenge, in its pure form, looks only backwards. It demands a death only because there has been a death.

In February 1946, in a France still riven by the bitter animosities of the German Occupation and the Vichy regime, and against the backdrop of the ongoing Nuremberg trials, Simone de Beauvoir published her essay, 'Eye for an Eye.'<sup>5</sup> Her title, of course, refers to the Old Testament notion of revenge. It also refers, in the context of France in 1946, to the 'purges' of those who had collaborated with the Nazis during the Occupation. Many of these became targets of extra-legal spontaneous revenge, meted out by former members of the Resistance (Lottman, 1986). Others were tried by the newly created French government and, in some cases, executed.

The specific focus of Beauvoir's essay was the high-profile trial and execution, in early 1945, of Robert Brasillach. Brasillach was a young, right-wing intellectual. He had been editor-in-chief during the Occupation of the fascist weekly newspaper, *Je suis partout*. The paper would regularly list the names and whereabouts of Jews, who would then face Nazi deportation, torture, extermination.<sup>6</sup> Beauvoir published her essay a year after the trial. In it, she reflects on the trial's significance in post-war France, as well as on her own feelings, and her refusal to sign a petition that circulated among French intellectuals asking for clemency for Brasillach.

Beauvoir had been firmly opposed to the death penalty before the War; and she had also believed herself to be above such base sentiments (as she saw them) as hate and revenge. But with the Occupation her feelings changed in dramatic and disturbing ways. She writes: 'Under the Nazi oppression, faced with traitors who became their accomplices, we saw poisonous sentiments bloom in our hearts [...]. Since June 1940 we have learned rage and hate. We have wished humiliation and death on our enemies' (2004, p. 245-6; TA). Beauvoir suffered from the fears, scarcities and humiliations of daily life in German occupied Paris. But, although people she cared for deeply were arrested and killed, she was not herself an immediate victim of Nazi atrocities. She was, rather, what we might call a *bystander*, and she was shocked and puzzled by the intensity of her feelings. How, she wondered, as a good humanist, could she feel such things?

Beauvoir's initial focus in the essay is on the kind of punishment that is purely vengeful. Punishment, as she defines it, aims only at the individual who undergoes it and it is not justified by realistic social considerations, such as deterrence. Indeed, seeking revenge may *not* be useful to society at all! Furthermore, the pursuit of revenge is almost always a failure in its own terms. For it cannot actually restore the prior situation. It cannot cancel out the prior suffering of victims. Nor can it provide an adequate experience of restitution to them. Even so, she insists (rightly, in my view) that the desire for revenge should not be dismissed as irrational. It is not merely a 'primitive' or 'unquenchable urge,' and it may be an appropriate response to those who commit atrocities (2004, p. 248).

As argued earlier, we develop subjectivity only through our interactions with others. We need others to recognize us in order to develop – and to sustain – our subjectivity. Importantly, Beauvoir also points out, subjectivity is always an attribute of *embodied* subjects. It is

because we do not encounter each other as pure consciousnesses, but as embodied, that it is possible for us to deny the subjectivity of others and to treat them as mere physical objects. In denying the subjectivity of another we engage in what Beauvoir calls 'oppression,' or 'objectification,' or the degradation of a person into a 'thing' (2004, p. 248). She describes such acts of objectification, especially at their most extreme, when they destroy subjectivity by maiming or destroying bodies, as 'absolute evil.'

Many of the victims of the Occupation atrocities were no longer there in person to demand revenge after the War. Thus, Beauvoir invites us to explore this desire in three rather different situations. The first is when one seeks revenge on one's own behalf; the second is when one is not the directly injured party but seeks revenge on behalf of others; the third (which may move beyond pure revenge) is when society as a whole seeks to punish the perpetrators of atrocity through its legal system.

### *Turning the Tables: Seeking Revenge on One's Own Behalf*

In the most straightforward case, what I shall call the paradigm case, the still-living victim of an atrocity attempts to turn the tables on the perpetrator. What the victim demands, Beauvoir argues, is not *only* an equivalence of physical suffering ('an eye for an eye'), but also a reciprocal recognition of his (or her) subjectivity from the one who had previously denied it. In some instances, when the concentration camps were liberated, the inmates turned on their Nazi jailers. Then, says Beauvoir, 'revenge existed for them in the most concrete and obvious way possible. The victims and their torturers had really exchanged situations' (2004, pp. 250–1).<sup>7</sup> For revenge, in its paradigm form, seeks a direct reversal of the relations among these *embodied* selves with the expectation of restoring recognition. The perpetrator of evil should now be made to acknowledge both his own embodiment (through physical suffering, or through facing his annihilation in death) and, by expressing remorse, at the same time acknowledge the subjectivity of his former victim, whom he had reduced to no more than a body, or a thing. Beauvoir writes:

The torturer believes himself to be sovereign consciousness and pure freedom in the face of the miserable thing he tortures. When his turn comes to be made into a tortured thing himself, he feels the tragic ambiguity of his condition as a man. What he must understand though, is that the victim, whose abjection he shares, also shares with him the privileges that he believed he could arrogate to himself. And he must not understand this by thought alone, in a speculative manner, but must realize this reversal of situation concretely [in a] process by means of which our entire being realizes a situation (2004, p. 248).

But even in the paradigm case a full reversal is very rare, and is only ever briefly possible. For the former victim is faced with the paradox that one cannot compel a person to feel remorse by imposing suffering on him. One cannot obtain remorse and recognition from somebody whom one totally dominates. If the torturer is himself in turn reduced to 'a thing,' to a mere lump of 'panting flesh,' as Beauvoir puts it, then his consciousness is so overwhelmed with pain that he is rendered incapable of feeling the remorse or offering the recognition demanded by his former victim. However, if his consciousness is not overwhelmed in this way, then he is still free to withhold the remorse demanded of him. 'It is because of this contradictory character that vengeance can never be satisfied,' Beauvoir writes (2004, p. 249). It seeks 'to re-establish an impossible reciprocity' (2004, p. 251).<sup>8</sup>

## *Desiring Revenge on Behalf of Others*

Much of the literature on revenge focuses on the paradigm case; that is, on revenge as the desire to reverse the roles of victim and perpetrator. But a further question, that is less often addressed, is why we so often desire revenge when we are not the directly injured party; when (like Beauvoir) we are bystanders. Here we need to widen the discussion beyond a consideration of the relations of an individual victim and perpetrator, to address some of the broader social qualities of being human. And we will not be able to address it adequately if we begin from a narrow notion of human beings as, above all, autonomous, self-interested and rational actors. For such notions of the self, central to the liberal tradition, are too thin. To be a 'bystander' is not to occupy the position of a detached observer, and it is not only through dispassionate, or rational, evaluations that we decide that certain persons should be punished. Importantly, because we are embodied and social beings, there are also sentient and affective ways in which we are linked with others. As a consequence their suffering may profoundly affect us, and may also bring us suffering. This is why we will desire revenge on behalf of others.

An important element here is that learning of, or even imagining, a physical injury to others may arouse pain in our own bodies. This is not, of course, to say that we literally feel the same pain as the victims of an atrocity. But we may have a visceral, or 'gut,' response to the suffering of others that is itself painful.<sup>9</sup> For example, we may feel nauseous at the sight of another's bloody wounds. Such bodily responses may arise not only if we actually see the wounds but also in more distanced situations, if we see them on film or read about them, for example. However, such visceral, or 'gut,' responses are never purely physiological. For if they were, we would also experience them when we want others to suffer, and this is not the case. Thus other elements are also at play when we come to experience the pain inflicted on others as an injury to ourselves.

Felt commonality of place, or world, is often one such vital element. Mass rape, murder, even genocide, in such distant places as Srebrenica, or Rwanda, or Sudan, may stir us in Western Europe to a degree of moral outrage. However, they are not likely to provoke the same overwhelming 'gut' feelings as the intrusion of violence into our more immediate world. For these more distant atrocities do not put the stability and normality of our own world into question. By contrast, the violation of what we feel to be 'our' place, whether a national territory or the local spaces which we inhabit daily (the specific street of Paris through which she routinely passes and the cafes, now full of Germans, for Beauvoir), may be experienced as a profound violation. For such places are felt and lived as extensions of ourselves.

Our world is also suffused by the presence of other people. Indeed, we could even say that 'I am other people' insofar as their presence and my affective relations with them become irreducible, constitutive elements of my selfhood.<sup>10</sup> As well as particularistic relations with family, friends, colleagues and so forth, we generally also have a sense of belonging to more diffuse groups. My sense of belonging (or of not belonging) to various groups will shape the social and cultural identities that permeate me. These identities will often include a language shared with others and a citizenship-based identity. Being 'French' for Beauvoir was among the untheorized background conditions for the intense experience of 'absolute evil' that she recounts. Such background conditions suffuse what we normally take for granted as our field of action; and they often affectively colour our relations with others within that field. Our tacit assumptions (irrespective of whether right or mistaken) are that those who live within 'our' political system, who speak 'our' language, share 'our' spaces, are sufficiently 'like' us that,

even if we do not know them in person, an injury to them is felt also as an injury to ourselves. Although we may extend this sense, that we are integrally bound up in the injury of others, to groups with whom we have no physical proximity or daily contact (such as victims of atrocity in Srebrenica or Rwanda or Sudan), still distances of various kinds stretch our affective bonds thinner, for our own world does not spin into crisis because of their suffering.

When we have known the victims of atrocity in person, then our world is even more profoundly shattered. Thus Beauvoir writes, in her autobiography of the murder by the Germans of a young man called Bourla – 19 years old, Jewish, a former student of Sartre's, a member of the 'little family' of close friends she and Sartre had created around themselves – as tearing her world apart. She tries to imagine Bourla's last moments in Drancy (the holding centre for Jews on the edge of Paris where, she learned, he was killed):

had he stood for an instant and seen his end, looked death in the face? [...] If he was conscious, I felt certain, he must have cried *No!*, aloud or in his heart, a last frantic, terrible spasm that was all for nothing – and remained thus, rooted in eternity. He had cried *No!*, and then there had been – nothing. I found the very thought unbearable; but I had to bear it [...]. Because of his death and all it signified, my moments of agony and despair reached an intensity I had never hitherto known, which could only be described as hellish (1962, pp. 457–8).

How then could she not hate his murderers? And how could she not desire vengeance against those who were complicit in this death, a death that was now a part of her life? Above all, the French collaborators, and especially those Parisian intellectuals who were collaborators, were the object of her hatred. For they had, in many ways, shared her world and so had destroyed it from within. Thus she wrote in her autobiography:

While I condemned all collaborators, I felt a sharply defined and quite excruciating loathing for those of my own kind who joined their ranks – intellectuals, journalists, writers. When artists or men of letters went to Germany to assure the conquerors of our spiritual loyalty, I felt I had been personally betrayed (1962, p. 398).

As already mentioned, when Brasillach was found guilty and condemned to death, Beauvoir refused to sign the petition asking for clemency for him. Now, we better understand why. She was not just a bystander, she was not a dispassionate observer. She names those friends who had died or suffered at the hands of the Nazis and their collaborators: 'it was with these friends, dead or alive, that I felt solidarity,' she writes, 'if I lifted a finger to help Brasillach, then it would have been their right to spit in my face. There was not even a moment's hesitation on my part, the problem did not even arise' (1964, p. 21).

The desire for revenge – the demand for recognition that the dead can no longer make – now becomes the immediate, unreflective, project of the living. For the dead live on within us. Their absence is a presence that still inhabits our world, as Beauvoir had said of Bourla. To refuse to avenge their deaths would not only be to destroy our solidarity with them, but would also be to deny a vital part of ourselves.

However, here again, revenge must also *fail*. For although we carry their deaths within us, still we are not those who have died and nothing can restore them or fully heal the loss. Furthermore, there are practical dangers that ensue if we act spontaneously upon this intensely felt desire – as many did in France at the end of the German Occupation. Responding spontaneously, 'taking the law into one's own hands,' may lead to the mistaken murder of the innocent. It also risks unleashing further cycles of vengeful violence.<sup>11</sup> Thus, although Beauvoir helps us to *make sense* of such actions, she does not condone them. Instead,

she turns to consider government prosecutions, or 'legal justice,' as an alternative. Beauvoir attended Brasillac's trial as an observer, and although she felt personal satisfaction at his sentencing and execution, she was also profoundly disturbed. The trial, she said, 'left the taste of ashes' in her mouth.

### *'Legal Justice' and Revenge*

A much debated question is whether or not legal justice is merely another form of revenge. Here thinkers profoundly disagree. In what we might call the Nietzschean view, it is argued that society itself simply takes on the role of the avenger through the use of legally sanctioned punishment. Thus, what is called 'justice' is but another name for revenge, for the desire simply to make transgressors suffer. Others, however, insist that revenge and legal justice are radically different. For example, the political philosopher Judith Shklar writes that revenge is 'the very opposite of justice in every respect, and inherently *incompatible* with it [...] [for unlike justice] revenge is not detached, impersonal, proportionate or rule bound' (Shklar 1990, p. 93; my emphasis).

Beauvoir also argues that legal justice, although punitive in Brasillac's case, was *not* merely about revenge; and she insists that the sentence also carried a social and moral value. More was achieved by Brasillac's execution than 'a life for a life.' For the sentence was *future* oriented. Since one cannot resurrect the dead, she writes: 'it is the future that the judges aim at. They want to restore a human community to its own ideal of itself, to uphold values that the crime has negated. They refuse [...] in the name of the whole society, this wrong that cannot be effaced.' However, she adds, 'such a refusal cannot be merely a matter of words [and] death is the only penalty which can express the violence with which society refuses certain crimes' (2004, p. 252; TA).

Yet, even while celebrating the trial, Beauvoir was deeply troubled by those very same 'detached' and 'impersonal' qualities of legal justice that Judith Shklar applauds. For what the legal justice gives rise to is a troubling disjuncture between the atrocity, or 'crime,' and the punishment. The *immediacy* of the relationship between former victim and perpetrator, or between deeply affected survivor and perpetrator, is absent here. As a result, the perpetrator himself is turned into an abstraction. He is no longer considered as a flesh and blood person, but is reduced to 'a *symbol* of the evil that society rejects' (2004, p. 232).

In the paradigm case revenge aims (albeit unsuccessfully) to establish an immediate relationship of reciprocity between victim and perpetrator. But legal justice distances; it abstracts and becomes itself a form of dehumanization. Thus she writes:

death is a real concrete event, not the completion of a rite. The more the trial takes on the aspect of a ceremony, the more abominable it seems that it might end in a real spilling of blood [...]. The questioning, the lawyer's summations unrolled with all the pomp of a comic drama. Only the accused belonged to that world of flesh where bullets can kill. Between these two universes no passage seemed conceivable. In renouncing vengeance, society gives up on concretely linking the crime to the punishment. So punishment appears to be but an arbitrarily imposed penalty. For the guilty party it is nothing but an atrocious accident. [...] for all their concern for purity, legal sanctions fail to achieve the concrete goal they have set themselves (2004, p. 254).

Hence the 'taste of ashes' in her mouth. And yet Beauvoir still insisted that the death penalty was necessary in a case such as Brasillac's. For society could express its revulsion at the

magnitude of the evil committed, and could reaffirm its values for the future, in no other way. But is there no other way?

### *Reconciliation after Atrocities?*

In the last two decades, Truth and Reconciliation Commissions (hereafter TRCs) have been established after mass atrocity in many countries, ranging from Peru, to South Africa, to East Timor. Their advocates argue, contrary to Beauvoir, that these may affirm society's abhorrence of atrocities as effectively as legal justice, and in a manner that may overcome the deep social divisions that atrocities leave behind. They also argue that TRCs better provide individual victims with the recognition they seek and aid them to 'heal.' TRCs offer a form of what is now called 'restorative justice,' which is said to be distinct from, and preferable to, 'retributive justice' or to revenge.<sup>12</sup>

The South African Commission, although not the first, is the best known and has inspired many others. Archbishop Desmond Tutu, its chairperson, described the TRC as engaging in something new: 'a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation' (1998, p. 9). The TRC asked surviving victims, and others affected by atrocity under apartheid, to forgo not only direct revenge but also punitive forms of legal justice. In exchange, a space was provided where they could speak about what had been done to them and where, under the protection of amnesty, the perpetrators of atrocity would also publicly confess their evil deeds. Amnesty was seen as the most effective way of obtaining a full record of the past, on the basis of which both national and individual healing could begin.<sup>13</sup> 'Revealing is healing,' claimed banners at the TRC headquarters (Hamber, 2003, p. 160). While Archbishop Tutu wrote: '[T]he past refuses to lie down quietly. It has an uncanny habit of returning to haunt one. [...] However painful the experience, the wounds of the past must not be allowed to fester. They must be opened. They must be cleansed. And balm must be poured on them so they can heal' (1998, p. 7). It is useful to distinguish between the *societal* level and the individual level in discussing this ideal.

Many celebrate the TRC as a bold new step that has helped to prevent cycles of revenge; others are more critical. Some question how far establishing the truth does help reconciliation, rather than keeping wounds open. Others question whether an agreed-upon account of the truth of apartheid's atrocities can even be established.<sup>14</sup> Most agree that the TRC did help to contribute to a much needed national unity by providing South Africans with what has been described as 'a semi-official narrative of a common past' (Forsberg, 2003, p. 73). Perhaps most important, at the level of public discourse, it promoted the values of human rights and due process that had been absent under apartheid.

However, the practical effects may have been less positive. In particular, because those granted amnesty not only escaped legal penalties but also kept their jobs, some commentators have talked critically of a 'culture of impunity,' and they have suggested that this contributes to the fact that levels of police violence remain disturbingly high in post-apartheid South Africa.<sup>15</sup> For even policemen who had confessed to the routine use of torture and murder continue to hold their jobs. In addressing critics of amnesty, Archbishop Tutu insisted that amnesty was not impunity: not all applications for amnesty were accepted; when they were, applicants had to admit responsibility for their actions 'in the full glare of publicity' and the costs to them were high. They underwent 'public shaming,' and often their exposure before family and friends, who had no previous knowledge of their actions, was life-shattering (1998, p. 9). For

many these must have seemed rather trivial penalties, given the kind of atrocities committed. However, most evaluations of the TRC conclude that, for all its flaws, it played a significant role in expressing societal revulsion at former atrocities. It also affirmed humanistic values as a basis for the new South Africa. And, importantly, it did so without recourse to the punitive element that Beauvoir had thought necessary in the context of post-Occupation France, or the 'victors' justice' meted out at the Nuremberg trials.<sup>16</sup>

Turning now to consider the individual level, victims of atrocity were invited to come forward and give testimony; they were offered a space where they could speak out about what they had undergone. For some, this did offer a means to re-affirm their personhood. They could speak and be heard; their personal stories were listened to and they felt their subjectivity was acknowledged. Indeed, some individual victims have described experiencing a real catharsis. For example, one man who had been shot in the face and blinded told the Commission: 'I feel that what has been making me sick all the time is the fact that I couldn't tell my story. But now it feels like I got my sight back by coming here and telling you my story' (cited Hamber, 2003, p. 159). On some occasions personal reconciliation between a remorseful perpetrator and his victim did take place.

However, for many other victims their brief moment of testimony before the Commission did little to repair wounds (Hamber, 2003), and for some the process had strongly negative consequences. The process of testifying could itself be very stressful and induce 're-traumatisation,' and it could also have (or be feared to have) practical consequences such as harassment by neighbours or loss of a job (Picker, 2005). Some, but not most, victims were able directly to confront their torturers, or the murderers of their loved ones.<sup>17</sup> In some instances, perpetrators not only gave full accounts of their deeds but also expressed deep remorse. But more often they denied much of what they had done, or expressed only the most pro-forma regret, or none at all. Expressions of remorse were not required for amnesty – and, as Beauvoir pointed out, remorse cannot be coerced but must be freely given. For some victims, it was a further devastating experience when no acknowledgment or remorse was forthcoming. One former victim of torture and rape later described her shattered expectations to the journalist, Ellis Cose. Before she met him this woman had imagined a confession coming from her torturer, remorse, an apology – and then herself forgiving him. But it did not work out that way: she said: 'That was my chance to tell him, "Everything that you and your friends did to me, I forgive you." But I couldn't say that because he was saying, "I don't know you. I haven't seen you." And I said, "You are the one who suggested that black policeman should put a sack over my head. *You* are the one." He said, "No, I don't remember." [...] I felt like I was empty' (cited Cose, 2004, p. 15). Victims have expressed outrage at the lack of penalties for perpetrators. That torturers and murders should not only be walking free but still have well-paying jobs, especially when the victims' own lives continued to be so hard, seemed profoundly unjust. The same woman continued: 'If I say "I reconciled with my perpetrator" and my perpetrator is now a station commander and is earning fifty thousand rands a month and I am living in a shack, can you call that reconciliation?'<sup>18</sup> (cited Cose, 2004, p. 16). Surveys have shown that most of the victims who testified felt there should have been legal proceedings against perpetrators<sup>19</sup> – in short they wanted something more, or other, than reconciliation. They wanted the legal system to supply them with an element of revenge.

### *Some (Necessarily) Inconclusive Final Thoughts*

**W**ould legal punishment of a revengeful kind have been preferable in South Africa, if it had been practical? Perhaps not. Beauvoir points out that, even in the paradigm case,

where the victim *is* able to reverse the roles and inflict suffering on the torturer, revenge is most often a failure. Revenge is not able to make adequate restitution for lives ended or maimed; nor is it likely to restore to former victims the recognition that they seek. However, the TRC experience suggests that non-punitive projects of restoration, of ‘truth and reconciliation,’ may also frequently fail individual victims.

The legal scholar Martha Minow, has rightly described forms of restorative justice, such as TRCs, as ‘the attempt to repair the irreparable’ (Minow, 2002, p. 23). Atrocities cannot be reversed, and neither revenge *nor* reconciliation can restore the dead, or make the physically or psychologically maimed whole again. Yet we cannot let such evils sink silently into historical oblivion; and so we must seek repair or revenge, even as we acknowledge the necessary failures that will accompany each path.

This paper began by describing the modern-day tendency to criticize revenge; to dismiss it as ‘primal’ or ‘primitive,’ and to assert that we can and should move ‘beyond’ it. Other things being equal, it surely *is* better not to act in purely vengeful ways; it is better not to repay violence with violence, it *is* better not to take an eye for an eye. Yet, we should not be too hasty in urging reconciliation or repair as the preferable path for those who have been subjected to atrocity. For other things rarely *are* equal; and perhaps it is too easy for those of us who live in stable, liberal, Western societies, and who have not directly encountered atrocities, to disparage the desire for revenge. Instead, we should acknowledge that this desire is a profoundly human one.



## Notes

<sup>1</sup>Other than French, Murphy has offered the main recent philosophical defense of retributive punishment. What he calls 'retributive hatred' is, he argues, sometimes justified: 'it is not obviously irrational or immoral. Indeed, it is sometimes both therapeutic for the victim and appropriately directed toward the wrongdoer and is not to be dismissed with a few pious clichés' (Murphy, 1998, p. 90).

<sup>2</sup>There are also other ways of trying to deal with the aftermath of atrocity in non-revengeful ways. These include material reparations, mediation processes, and the issuing of formal state-level apologies. But truth and reconciliation commissions have probably been the most widely used instrument in recent years.

<sup>3</sup>See de Waal, 1990, especially pp. 240–1, 270–1; see also Silk, 1992. Silk cites the definition of a 'revenge system' that de Waal provides in another paper: a 'revenge system' is one 'in which individuals intervene selectively against the individuals who most often intervene against them' (cited Silk, 1992, p. 319). However, human revenge involves not only inflicting suffering on another but having a particular *motive* for doing so, and there are far more likely explanations than revenge for primate aggression against aggressors, such as deterrence or maintaining status in the group. The motive of 'revenge' has to be imputed here, and doing so may involve projecting human behaviour back onto higher primates.

<sup>4</sup>Jeremy Bentham still provides the locus classicus for utilitarian theories of punishment (the main alternative to retributive theories) with his argument that, since all suffering is evil, punishment is only justified when it may prevent a greater evil and so maximize 'happiness.'

<sup>5</sup>The essay was originally published as 'Oeil pour oeil' in the journal 'Les temps modernes,' no. 5, February 1946, pp. 813–30, and was republished as chapter 4 of Beauvoir's book, *L'Existentialisme et la sagesse des nations*, Paris: Nagel, 1948, pp. 125–64. When I have altered the English translation (Beauvoir, 2004) I use the abbreviation TA for 'translation altered.'

<sup>6</sup>However, the charges brought against Brasillach were the more general ones of treason, and did not accuse him of being an accessory to the death of any specific individuals; nor did they specifically refer to his anti-Semitism (see Kaplan, 1993).

<sup>7</sup>This seems to have occurred, but only rarely. Or, at least, it has not been well documented in Holocaust research. For a recent discussion of what little is known, and why direct revenge may have been ignored in 'post-holocaust' studies, see Lang, (2005, pp. 17–23); see also John Sack's controversial book on this topic – also entitled *An Eye for an Eye* (Sack, 1995). There were also acts of immediate revenge for the death of close family members, carried out by survivors who returned to their former places of residence in Eastern Europe with partisan groups at the end of the War: 'We [the partisans] found out that a German officer would be at the farmhouse of a Pole who had betrayed Jews to him. The German was probably delivering the two bottles of Vodka as payment for the two Jews the Pole had handed over. We tied them up and cut a small hole in each one's arm. For hours we put salt into the open wound. Then we shot both of them' (cited in Hass, 1996, p. 68). For a rather different story, in which a survivor returning to his village in Poland with the Red Army spares the life of the murderer of his mother, sister and niece, instead

handing him over for 'legal justice,' see Diamond (2008, p. 86). However, the murderer was released after only a brief imprisonment, and Diamond says that the survivor (in fact his father-in-law) experienced profound and life-long remorse that he had not himself avenged the deaths.

<sup>8</sup>Killing the perpetrator of atrocity may perhaps seem better to satisfy the desire for revenge than other forms of punishment. For as Beauvoir observes, even if one could momentarily succeed in effecting the desired reversal, still 'vengeance cannot keep a consciousness in subjection its entire life.' Death produces a definitive moment of closure, for it freezes the flux of time in which the project of revenge must otherwise be dissipated. But even here there is a defeat, for the possibility of a reciprocal recognition from the perpetrator has now been definitively foreclosed. The act of execution extinguishes the life of the evil doer 'with the hope that the abjection of those last instants will be finalized by death.' Thus 'the moment when Mussolini cries "No, no" in front of the firing squad satisfies hate far more than the moment when he collapses beneath the bullets' (2004, p. 250). More recently, the baiting of Saddam Hussein on the gallows provides another example of this.

<sup>9</sup>I discuss this phenomenon more fully in Kruks, 2001, ch. 6, pp. 153–76.

<sup>10</sup>Thus Beauvoir later writes of her experiences during the Occupation period as follows: 'My emotions and expectations and anxieties and rebellious instincts were all shared with a multitude of people. They were anonymous and faceless, but present all about me, both externally and within my own mind: it was they who, through the beating of my heart, were stirred to passion or hatred' (1962, p. 398).

<sup>11</sup>Beauvoir gives a very negative portrait of such killers in her novel *The Mandarins*, in the character Vincent. Vincent is a sullen and angry youth, who has killed a dozen Nazis or collaborators during the war while in the Resistance and who does not want to stop killing now the war is over. He and a gang of his friends are going round killing alleged collaborators. Beauvoir puts her objections into the mouth of Henri, a character with whom she said (in her autobiography) she identified herself: 'I've heard talk about gangs who enjoy playing at being judges. Now if it is a question of settling a personal account, I can understand. But guys who think they're saving France by killing a few collaborators here and there are either sick men or stupid bastards' (Beauvoir, 1972, pp. 164–5). And, later in the novel: 'Killing collaborators in 1943, that was all right. But now there's no point to it. There's practically no risk involved, it's not action, it's not work, it's not even a sport. It's just an unhealthy little game, and there are many better things to do' (1972, p. 202).

<sup>12</sup>Reparations may be another important form of restorative justice, as may government apologies. Schiff describes 'victim orientation, perpetrator rehabilitation,' and the 'full exposure of history 'as the central foci of the new 'restorative justice' (2008, p. 33).

<sup>13</sup>It was generally acknowledged that amnesty was also a necessary compromise with the apartheid regime to enable a peaceful transition: 'There is no doubt that members of the security establishment would have scuppered the negotiated settlement had they thought they were going to run the gauntlet of trials for their involvement in past violations' (Tutu, 1998, p. 5) .

<sup>14</sup>Andre Brink, the white South African author, has described the process as establishing a narrative 'in which not history but imaginings of history are invented' (cited in Forsberg, 2003, n. 21, p. 83.)

<sup>15</sup>In 2001–2002, for example, three years after the TRC report, it was reported by the Independent Complaints Directorate that over 500 people died in police custody or in police actions (Hamber, 2003, p. 164).

<sup>16</sup>Tutu made it very explicit that what was aimed at was not Nuremberg-style justice. (1998, p. 5).

<sup>17</sup>Many more victims than perpetrators testified, and not many of the victims' cases went to a full hearing. A total of about 22,000 victims' depositions were taken, of which only about 8% were taken to Human Rights Violations Committee for a full and public hearing (Picker, 2005). It was the TRC that decided which cases should go forward, and it has been argued that this process was too 'top down' to satisfy many victims, since cases were often chosen as 'show' events (Van der Merwe, 2003). Cases where perpetrators asked for amnesty went to a separate Amnesty Committee, and totaled 7094, of which 1,160 were granted (Amnesty International, 2003). The high profile cases were extensively broadcast and discussed in the media, and their political impact was thus greater than the numbers alone suggest.

<sup>18</sup>One of the three committees of the TRC was concerned with reparations, but it was the least active part of the Commission and few victims actually received monetary recompense. In a follow-up study of victims who had participated in Human Rights Violations hearings, Picker (2005) found that many had expected reparations after testifying, and the TRCs' failure to provide these often undermined trust and possible healing. She concludes: 'the issue of monetary reparations takes on paramount importance for impoverished survivors of violence – the majority of the South African victims. [...] To see the perpetrators gaining immediate benefits from the TRC in the form of amnesty while they have to wait a very long time for reparations [many waited in vain] fuels their perception of the process as biased and unjust.'

<sup>19</sup>Hamber cites studies that claim that 'The granting of amnesty is also at odds with the feelings of most survivors of violence. Ideally these survivors want truth from the perpetrators, but they also want them to be prosecuted. Justice through the courts is the preferred way of dealing with perpetrators among victims' (2003, p. 165–6).

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