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Abstract

A common assumption in the philosophical literature on forgiveness is that one can only forgive culpable moral agents. In this paper, I will argue against this assumption. Using the notorious case of Andrea Yates, I will show one can forgive non-culpable wrongdoers. I will argue that forgiveness involves letting go of negative reactive attitudes and those attitudes arise in a wide variety of cases including accidental wrongdoing and wrongs committed by those who are mentally incompetent or insane. Responding to such wrongdoings with forgiveness is not only possible, but also often advisable.

Can we forgive Andrea Yates?

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Abstract

A common assumption in the philosophical literature on forgiveness is that one can only forgive culpable moral agents. In this paper, I will argue against this assumption. Using the notorious case of Andrea Yates, I will show one can forgive non-culpable wrongdoers. I will argue that forgiveness involves letting go of negative reactive attitudes and those attitudes arise in a wide variety of cases including accidental wrongdoing and wrongs committed by those who are mentally incompetent or insane. Responding to such wrongdoings with forgiveness is not only possible, but also often advisable.

Early on the morning of June 20, 2001, Rusty Yates left his Texas home to go to work as he would on any other day. He received a phone call later that morning from his wife Andrea stating that he needed to come home. Andrea Yates, while her husband was away, had intentionally drowned their 5 children, the youngest of which was only six months old. Yates admitted to committing the crime as soon as the officers arrived at the scene and stated that she had been considering killing them for a substantial amount of time.

Andrea Yates believed that her children had been marked by Satan, and that the only way to save them from hell was to kill them. She believed that when she was punished for killing her children, Satan would be destroyed. She had a long, complex history of mental health problems complicated by the hormonal aftermath of giving birth. Shortly after giving birth to her first child, Yates began having hallucinations. After the birth of her fourth child, she attempted to overdose on medication, self-harmed, and held a knife to her own throat. These and many other psychotic episodes plagued the life of Andrea Yates, calling into question the accountability of Yates in the murder of her children.

Andrea Yates was convicted of capital murder and sentenced to life in prison in her first trial. Due to false evidence given by a witness, her conviction was later overturned. In

her second trial, Yates was found not guilty by reason of insanity and sent to a mental institution to receive treatment. In order for Andrea Yates to successfully plead insanity in the state of Texas at the time, she must have met the criteria specified by the revised M'Naughten test.¹ This test holds that an individual is insane at the time of a crime if she was unable to either "know the nature or the consequences of an act" or "know that the act was right or wrong". The defense ultimately claimed that Yates believed killing her children was morally right on the grounds that it would save them from damnation, even though she recognized that doing so was against the law (Ewing & McCann, 229-238).

Criminal cases involving the mentally ill or those with diminished cognitive capacities have arisen again and again. The standards for defining insanity have been debated and range from a cognitive test of whether the offender knew the action was wrong to behavioral tests that question whether or not the individual would have committed the crime in the presence of a police officer (Costanzo & Krauss, 161). Those with intellectual disabilities and certain types of mental illness are also subject to competency examinations. If the wrongdoer is not competent and competency cannot be restored, the individual will be civilly committed, but not found guilty of any crime (Costanzo & Krauss, 182).

One thing that is certain is that the case of Andrea Yates often provokes strong emotions, horror, and outrage. These emotions tend to arise whether or not the individual believes that Yates was "legally insane" at the time she committed the crime. Those close to Yates and her children must have been all the more hurt and outraged at the news of the death of the children. If the family and friends of Andrea Yates were to continue a positive relationship with Yates after the crime, something seemingly must happen to lessen these feelings of anger, outrage, resentment, etc.

Jessica Wolfendale states, "Both resentment and forgiveness require a belief that the other is a culpable and responsible moral agent who intentionally committed a wrong action. We can only forgive those who we believe are responsible for their actions" (Wolfendale, 349). Jeffrie Murphy believes that forgiveness is often confused with other responses to wrong-doing, such as excusing. If conduct is excused, the action performed was morally wrong, but the wrong-doer lacks the ability to behave in normative manner or cannot, for reason of mental disorder for example, be deemed a responsible agent. Murphy thinks that resentment of such an individual is irrational, and

¹ The revised M' Naughten test, while still the most common standard, is debated. Several states have entirely abolished the insanity defense while others have added volitional clauses to the M' Naughten standards. The philosophical debate over the adequacy of this standard of insanity is interesting in its own right, but will not be addressed here. Even if a specific standard for deciding legal insanity is yet to be determined, it seems that Andrea Yates would be considered to be clearly insane under any standard.

forgiveness is again out of place. (Murphy, 13) In addition, he holds that some emotions are based on beliefs that are either rational or irrational. Most individuals who claim an emotion is irrational do so because it seems to lack a purpose or use, it “is not fitting to its object”, or because it is self-defeating or based on an unjustified belief. In the case of Andrea Yates, Murphy would hold either that resentment is not fitting to its object because Yates could not be considered a responsible moral agent at the time she committed the crime or that the emotions felt towards Yates were based on irrational beliefs about the status of Yates as a moral agent.

Similarly, Charles Griswold holds that, unless a wrong-doer is shown to be a responsible moral agent, “pardoning” or “excusing” takes the place of forgiveness. Forgiveness is only appropriate in cases where the wrong was “done (in some sense) voluntarily” (Griswold, 7). Griswold draws a distinction between mitigating factors and exculpatory factors. Mitigating factors serve to lessen the severity of the wrong or the pain caused by the wrong. For example, the pain I caused my friend by yelling at them may be lessened if my friend knows that I had a frustrating day at work. Exculpatory factors are those that exonerate the wrong-doer of guilt completely. Mental illness and the insanity defense would fall under this category.

When it comes to punishment, especially in the legal sense, exculpatory factors completely absolve the offender of guilt, therefore abdicating the need for punishment. Griswold and many others seem to lump forgiveness into the same category because forgiving a wrong-doer entails that the wrong-doer is a moral agent who committed the act with no exculpatory factors (Griswold, 7). However, anger and resentment seem to be directed at the wrong-doer regardless of if the wrong-doer qualifies as a genuine moral agent. Murphy’s claim that this response is irrational does not negate the fact that an angry or resentful response often still occurs. As seen in the Yates case, it seems implausible to expect those closest to Andrea Yates to feel no resentment or anger towards her, even given her psychological state at the time of the crime. While it is debatable that these emotions are a rational response, they need not be fully rational for forgiveness to be an appropriate response, as will be argued later. The presence of these negative emotions directed at the wrong-doer after being the victim of a wrong is sufficient for forgiveness to at least be an option morally, arguably a healthy one.

While the mental illness may mitigate the severity of the anger and resentment, it does not (at least in most cases) completely extinguish negative emotions towards the wrongdoer who committed the wrong action. The existence of negative emotions towards the individual seems to leave room for the victim to forgive the offender, regardless of whether the offender is considered a responsible moral agent. Even in cases that do not concern mental illness, the forgiveness of a party does not seem to hinge on the action being voluntary as Griswold and Wolfendale have suggested. For example, imagine a woman was driving down the road and happened to hit a child

completely by accident. The driver was not negligent in her attention, nor did she act recklessly or without care during her drive. It would be far from irrational to expect the child's parents to not feel anger or resentment at the driver, even after learning the accidental nature of the incident. In fact, we would probably assert that something was wrong with the parents if they did not exhibit some negative emotional reaction towards the individual who killed their child. Furthermore, we would probably think the driver was morally questionable if he or she did not feel some degree of self-resentment after the incident.

These examples provide motivation for the possibility that the wrong-doer's status as a moral agent who, at least in some sense, committed the action voluntarily is unnecessary for forgiveness. Forgiveness seems to hinge on two factors:

1. Person X did the wrong action A.
2. Those affected by A have negative attitudes, emotions, or beliefs about X regarding A.

However, the addition of the third condition:

3. A is a rational moral agent capable of recognizing the wrongness of X who did the action voluntarily, at least in some sense is not necessary under several common accounts of forgiveness, especially those that define forgiveness as a reduction in negative emotions towards the wrong-doer, with or without the addition of positive attitudes. The absence of the third condition does not serve as exculpatory when it comes to the emotions of victims, leaving room for forgiveness to occur.

It is important to distinguish between two types of anger at this point: moral anger and raw, situational anger. Moral anger occurs in response to the violation of the moral code or in response to being treated in a way that the standards of morality condemn by another moral agent. Raw anger is anger felt that has nothing to do with the moral code. It can be the anger felt when one stubs his toe, or just the morality-independent anger felt when we are harmed by another. When one is the victim of a wrong, part of the anger is based in a respect for the moral code and being treated in a way that goes against that code. However, moral anger alone does not account for the entire emotional response. When one takes a wrong personally, raw anger co-occurs with moral anger. Both types of anger can be appropriately responded to with forgiveness provided conditions 1 and 2 are met. While forgiveness is appropriate for moral anger, its boundaries extend to include cases of raw anger that involve a relational aspect with another human being.

Several prominent theories of forgiveness could function equally as well without condition 3 while better capturing our intuitions in cases like the Yates example. While Murphy does hold that 3 is necessary, several of his ideas serve to bolster the argument against condition 3. Murphy defines forgiveness as, “the overcoming, on moral grounds, of what I will call the vindictive passions.” (Murphy, 16). These vindictive passions (anger, resentment, hatred, etc.) prompt acts of vengeance against the wrong-doer, where vengeance is defined as intentionally causing the wrong-doer to suffer in order to satisfy vindictive emotions. In cases of mental illness and accidental wrong-doings, these negative feelings often arise. These vindictive passions can play a “morally valuable role in human psychology”. While vindictive passions may prompt immoral acts, they are tied to self-respect and self-defense (Murphy, 18).

In reality, resentment serves to defend three important values: self-respect, self-defense, and respect for the moral order. In the chapter “Two Cheers for Vindictiveness,” Murphy states that resentment “stand[s] as emotional testimony that we care about ourselves and our rights.” (Murphy, 19). Therefore, a lack of resentment in the face of a wrong-doing may reflect a lack of respect for oneself as a moral being. Moreover, such emotional reactivity is necessary for the morally virtuous person. Motivation is driven primarily by emotion, and the morally virtuous person is one who will be motivated to act in response to a wrong-doing. Having a mere intellectual belief about wrongness or one’s worth is not the same as having an emotional reaction. A moral agent who truly respects himself as thus will react both emotionally and intellectually to a wrong-doing committed against him. Similarly, this emotional reaction will show the agent’s allegiance to the moral order itself, which Murphy thinks we all have a duty to support.

Murphy’s upholding of condition 3 still commits him to saying that anger and other vindictive emotions are irrational in the case of Andrea Yates. However, this claim seems to fall victim to his own criticisms. In this scenario, the moral person seemingly would not just intellectually accept the wrong action as an unfortunate consequence of psychosis. Instead, the moral person would be one who was truly upset by the action and, in some sense, felt resentment towards Yates or towards the mental illness that prompted the action. A cold, detached statement that Yates is excused due to mental illness seems to show that something is wrong with the individual who espoused this view so calmly. If forgiveness is the reduction of the types of emotions described by Murphy, and a rational individual would feel these emotions after being the victim of a crime committed by someone who is not acting voluntarily and as a moral agent, forgiveness is potentially applicable in these cases. We will examine the rationality of anger in this case later in the paper.²

² Another common conception of forgiveness involves not holding the offense against the wrong-doer, or “wiping the slate clean”. Lucy Allais argues that wiping the slate clean requires a change in affective attitudes towards the wrong-doer and no longer attaching the wrong-doing to the offender’s character, or “making some kind of separation between the wrong-doer and his wrong

While the third condition is at least not necessary for forgiveness on the preceding account, it does seem to be necessary for Griswold's ideal forgiveness. Griswold lists six actions the wrong-doer must take in order for this to be accomplished. For example, the wrong-doer must take responsibility for taking the wrong acts in question. A failure to do so would further insult or hurt the victim and undermine the wrong-doer's trustworthiness and commitment to not repeating the act. Without an acknowledgment of responsibility, the most that can be accomplished is condonation. Another condition is that the wrong-doer must reject the wrong action and deny the desire or willingness to commit similar acts in the future. This repudiation must be sincere and assure the victim that the wrong-doer is not the same person as the individual who committed the wrong act. The completion of requirements like these allows the victim to be sure that the correct act has been targeted and that forgiveness is the right course of action (Griswold, 47-59).

The completion of these requirements seems to be in tension with the possibility of forgiving someone who was not morally responsible for the wrongdoing. The wrong-doer would obviously not be able to take responsibility for the crime. While Yates did admit to carrying out the action, her inability to recognize it as wrong precludes her from taking responsibility in any meaningful way. The wrongdoer also seems less able to distance herself from the wrong action because the wrong action was not under the offender's control.

Griswold's ideal forgiveness is not available in cases involving extreme psychosis, but a "less ideal" version may still be available. It is unclear whether or not Griswold thinks that these conditions are necessary for any forgiveness or only for ideal forgiveness. Intuitively, forgiveness seems to occur in cases where these conditions are not met. It seems plausible that we can forgive a stranger, for example. If someone broke into my car and stole money from me, it seems like I can forgive them while never learning their identity. Griswold may also be making a normative claim about when a victim should forgive, that is when all of the conditions have been met by both the victim and the wrong-doer. Therefore, while the example of Andrea Yates may not be able to meet all of Griswold's conditions, that does not preclude it from counting as a genuine example of forgiveness, even if not in the "ideal" sense.

act in the way she feels about him, such that the wrong act does not play a role in the way the victim affectively sees the wrongdoer" (Allais, 51). This type of forgiveness could also apply in the case of Andrea Yates. It would not seem odd to say that her action affected how those close to her viewed her from an emotional standpoint. Upon the sight of Andrea Yates, negative emotions and thoughts her wrong actions could arise. Yates would be forgiven if her family and friends became able to see her as more than just this wrong action or did not hold this wrong action against her in terms of affective attitudes towards Yates. Furthermore, an appreciation of her mental illness might serve as a mitigating factor, making forgiveness easier for the victims.

One potential objection is that the anger and negative emotions that arise in these cases are not directed at the wrongdoer. If a tornado were to destroy my house, I would probably experience a strong, negative emotional reaction. The reaction is akin to anger at the unfairness of life or something similar. Perhaps the emotions of those who knew Andrea Yates and her children are similar in nature. They are not directing our negative emotions at Yates, but instead are angry that they live in a world in which these types of horrors occur. While this objection is convincing, I think that it lacks explanatory power. The negative emotions that occur as a result of a Yates like scenario seem to resurface when in the presence of the wrong-doer. If the anger were not directed specifically at Yates, then an increase in emotion in her presence would seem unwarranted.

In some cases, however, negative emotions do arise in the presence of non-human objects related to the wrongdoing. Although PTSD such as scenarios do occur in the presence of inanimate objects, that does not undermine the idea that the anger is directed at Yates. It may be true that after being in a car accident the driver will have fear and negative emotions in the presence of cars. The emotions felt in the Yates case still seem to differ. It seems unlikely that any object related to the incident, a bath tub for example, would bring about the same type of emotion that would be felt towards Yates.

Along the same lines, one may object by saying my second condition

2. Those affected by A have negative attitudes, emotions, or beliefs about X regarding A is not strong enough. If rationality were built into condition 2 in the appropriate way, the third condition would be necessary as the common view suggests.

The stronger version of 2 could read as follows:

- 2*. Those affected by A have *rational* negative attitudes, emotions, or beliefs about X regarding A.

By building rationality into the clause about the types about emotions, we rule out forgiveness in the case of irrational emotions. In order to hold that forgiveness is appropriate in the case of Andrea Yates, I must either defend the anger towards Yates as rational, reject 2*, or reject that 2* necessitates condition 3.

One potential response is to hold that anger towards Andrea Yates is a rational negative attitude. Based off of Murphy's ways in which an emotion may be irrational, we conclude that the emotion must be self-defeating, not fitting to its object, or based on an irrational belief. It seems unlikely to be self-defeating in any sense, but the second two

possibilities seem more probable. Anger towards Yates could seemingly be irrational because such emotions are not fitting when expressed towards an individual who is not a moral agent or because it is based on the erroneous belief that Yates was a capable moral agent who acted at least in some sense intentionally. These two options require too much to satisfy the conditions, and are, in fact, more than substantive thoughts that those on which individuals typically base emotions.

When we are the victims of a wrongdoing, thoughts concerning the moral status of the offender do not readily come to mind. Our initial emotional reaction is based off of the belief that a wrong-doing has been done of which you are a victim and that wrong-doing has caused you, at least to some extent, emotional and/or physical harm. In part, this may be due to the inability of the victim not to blame the wrong-doer at least in part. It seems unlikely that the victim could ever be completely certain that the offender was not a moral agent or that the wrong was entirely accidental and unavoidable. All that matters is that the offender played a causal role in the pain the victim is currently feeling. After reflection, the mental state of the offender or the accidental nature of the crime may serve to mitigate the pain felt, but such thoughts are absent in the formation of the original emotional response. The belief on which the emotions are founded seems to have little to do with the status of the offender as a moral agent, so it seems unfit to call the emotion irrational. The belief on which the emotion was founded was a rational belief that need not include any ideas about the agency of the offender, something akin to the belief that “You played a large causal role in how I feel or in my being currently in a state of pain.” An individual may not be blameworthy for the wrong act, but a wrong act did occur and brought about negative reactions in the victim.

The stronger argument in favor of forgiveness in these cases is that it seems quicker and easier to forgive rather than go through a cognitive restructuring involving a reappraisal of the events and wrong-doer in order to reduce negative emotions. Attempting to take into account all of the surrounding circumstances and the mental state of the offender at the time is a laborious, time-consuming task. Furthermore, we would have to be capable of clearly distinguishing mitigating factors from exculpatory ones. As evidenced by the abundance of standards by which the insanity defense has been judged, determining whether an individual was a responsible agent who acted intentionally seems difficult at best. In cases of accidental wrongs, it seems as though we would have to have some standard by which we determined if it were accidental enough to be exculpatory or just mitigating. If my friend broke my favorite pen and claimed that it was completely accidental, my excusing them would depend on both it actually being an accident and me believing my friend's account of the accidental nature of the wrong. In this case, my friend may very well be lying so that he will be excused. If his story is a lie, I would have then excused wrongly in a situation where forgiveness was the appropriate response. Proposing that we do forgive in the case of accidents and in cases like that of Andrea Yates avoids the problems brought about by our inability to

determine the status of the moral agent or the accidental nature of the wrong. Rather than dealing with standards of insanity and whether or not an agent meets or does not meet them, we could instead opt for forgiveness while allowing the circumstances to mitigate the feelings of resentment.

While this may not be an “ideal” sense of forgiveness, it is a legitimate one. In the case of Andrea Yates, forgiveness intuitively seems appropriate and seems to be the more pragmatic option considering the controversy of the insanity defense. This pragmatic rationale holds even if the emotions we are reducing are not fully rational emotions in Murphy’s sense. What matters for forgiveness is that these emotions are present, rationally or not, and must be dealt with somehow for the sake of the victim and the offender. Ruling out forgiveness as an option seems to unnecessarily limit the responses a victim may have and commit them to a heavy cognitive burden of convincing him or herself that the offender has met the exculpatory burden. Being rational may be necessary for “ideal” forgiveness, but when it’s acceptable or pragmatic to forgive need not meet these high standards

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