



Derrida and the Impossibility of Forgiveness

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Derrida's recent book, *On Cosmopolitanism and Forgiveness*, offers a succinct and elegant understanding of forgiveness as 'impossibility', unencumbered by any conditions or threats of instrumentalization. However it also contains a disturbing implication. The first part of this article discusses the theory at length, followed by a series of critiques in the second part that shows how his aporetic theory of forgiveness is morally dangerous, for it unwittingly rests upon erasing the memory of the transcendental shortcomings of his conception. The article goes on to outline an alternative theory of forgiveness.

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Over the past 20 years, societies emerging from histories of mass atrocity and widespread human rights violations have sought new moral discourses to deal with their violent pasts¹ (Rotberg and Thompson, 2000; Rigby, 2001). Certainly, part of this search is a product of the practical limits placed on retributive justice and trials through amnesty provisions in negotiated transitions. However, some thinkers argue that the pressing need to reconcile erstwhile enemies points to a more profound demand for a new political vocabulary of social and moral reintegration, something which even retribution cannot adequately address. These advocates see forgiveness as a crucial element of this new vocabulary (Graybill, 1995, 2001).

Nevertheless, at the normative level politics has found little success in incorporating forgiveness on its *own* terms, instead subsuming it under instrumentalist accounts that emphasize the value of forgiving violators as a means of reconstituting a badly fractured polis. The benefits of understanding political forgiveness in this manner are significant, and include the possibility of ending cycles of vengeance that destroy communities and brutalize their members (Helmnick and Petersen, 2001). However, critics have rightly pointed out that it is not clear that all violations are forgivable, and even if they are *in a theoretical sense*, it is not the case that such forgiveness is necessarily required, or should be for the larger cause of reconciliation. From this perspective, commentators have argued that forgiveness is a faculty that rests on its *own*



terms, and should not be pressed into service for other ends. Jacques Derrida has provided what is probably one of the most succinct and powerful theorizations of this latter approach, eschewing the instrumentality of some political conceptions in favor of an essentially aporetic understanding which roots forgiveness in its own ‘impossibility’.

This article discusses Derrida’s approach as a paradigmatic instance of aporetic forgiveness, highlighting its strengths but ultimately rejecting it on account of an unintended and disturbing implication: its subtle need for forgetfulness as a component of forgiveness for radical crimes. I first outline his conception developed in his recent book, *On Cosmopolitanism and Forgiveness* (Derrida, 2001), and follow with an immanent critique arguing that his notion does not offer the sublime and transformative purity he believes it does, but rather founders on its own conceptual limitations. I then turn to some broader transcendental considerations, and conclude by indicating how these considerations can offer a first step at creating an alternate and more robust theory of forgiveness.

Impossible Derrida: Forgiveness and Non-Conditionality

When speaking of forgiveness, we are discussing a moral faculty: an inherent moral ability or power that a free agent has in order to make or change a particular relationship. Forgiveness is not automatically or naturally deduced from a series of procedures — a kind of ‘if you do X, Y, and Z you will be forgiven’ — although there may or may not be some conditions and stipulations required before its use, provided that the agent still maintains sufficient moral autonomy to forgive if she feels her dignity is enhanced, or at least not reduced, by doing so. Forgiveness is, in other words, an unconstrained possibility, not the outcome of a series of (quite possibly coercive) rules. The victim should always have available the possibility of not forgiving; otherwise it loses its quality of moral faculty. I will return to this in a later section below; however, this provisional definition will serve our purposes here.

In the chapter ‘On Forgiveness’, Derrida begins with an understanding of forgiveness as faculty and proceeds to argue that forgiveness is rooted in its own impossibility, and thus is at its very root aporetic: ‘forgiveness forgives only the unforgivable’, and ‘forgiveness must announce itself as impossibility itself’ (Derrida, 2001, 32, 33). A crime that is potentially forgivable does not need forgiveness, for it lacks the criminality, at an ontological level, to warrant forgiveness. Or, conversely, we may argue that because the transgression is not radically evil, any attempt to forgive the perpetrator would not constitute true forgiveness, but instead would simply be an acknowledgement that a criminal act had been committed. We would consider this merely pseudo-forgiveness, a kind of recognition that a trespass had occurred, but not one sufficiently grave



to warrant forgiveness. What exactly constitutes a ‘radically evil’ crime is itself open to some dispute. Kant (1960, 32), who introduced the term, did not seem to have in mind the kind of monstrosities that would later occur in the 20th century, such as the Holocaust, the Gulag or the Armenian genocide. For him, evil refers to the ‘propensity not to do what duty requires, not to follow the moral law’ (Bernstein, 2002, 28). Radical refers to the ‘rootedness’ of this propensity in human nature manifested as the corruption of the will. However, radical is used only in its etymological sense as related to root, not in any ontological sense. Arendt’s understanding of it as something that ‘confronts us with its overpowering reality and breaks down all standards we know’ (Arendt, 1976, 459) is closer to Derrida’s use of the term. For Derrida, the perpetrator must have committed an act that is unforgivable by its very nature, one that goes beyond the ‘realm of human affairs’ (Arendt, 1989, 241).²

Derrida’s preoccupation with the impossibility that forgiveness demands is understandable, for forgiving a relatively minor trespass is easy both for the injured party and the violator. In this scenario, forgiveness helps reconstruct the broken relationship but dwells very little on the infraction itself. To be sure, the range of these infractions can be expanded significantly without reaching the ethical horizon of radically evil crimes, and to the extent that it falls short of this horizon, forgiveness need not confront the limit of its power. Contrary to more quotidian transgressions, crimes against humanity and other similarly radical evils strain not only the juridical concepts of responsibility and punishment but also the moral faculties of forgiveness and redemption.

But Derrida is not only arguing that forgiveness reaches its limit in the face of radical evil. His claim is more provocative. He argues that it does not end here, but begins precisely at this point: ‘the concept of the ‘crime against humanity’ remains on the horizon of the entire geopolitics of forgiveness. It furnishes it with its discourse and legitimation’ (Derrida, 2001, 30). It follows that forgiveness can only occur in the realm beyond that of human affairs and, consequently, forgiveness has an ontological connection to radical evil.

Forgiveness must also be limitless, and impose no meaning or make any demands in its enunciation; it must be, in other words, extraordinary and outside the world of mundane pardons and reconciliation. ‘In principle, there is no limit to forgiveness, no measure, no moderation, no ‘to what point?’ (Derrida, 2001, 27). Whether it results in the cessation of violence and surrender of vengeance is not an issue; forgiveness should not be part of an economy of reparation, and should eschew any telos of reconciliation.

Each time forgiveness is at the service of a finality, be it noble and spiritual (atonement or redemption, reconciliation, salvation), each time that it aims to reestablish a normality (social, national, political, psychological) by a work of mourning, by some therapy or ecology of memory, then forgiveness



is not pure — nor is its concept. Forgiveness is not, should not be, normal, normative, normalizing. It should remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the course of historical temporality (Derrida, 2001, 32).

Derrida's concerns with finality reflect a deeper worry about the *instrumentalization* of forgiveness, particularly in politics. He notes, rightly I think, that formal apologies and pleas for forgiveness on the part of state leaders often serve to limit a more profound engagement with the past, preemptively suturing discourse and closing off any hermeneutical, and ethical, discussions of memory and responsibility. Even where the apology seems sincere, as in the case of Chilean president Aylwin's request for forgiveness for the crimes committed by the Pinochet regime, the apology itself carries a certain performative force; for some, the acknowledgement of wrongs and subsequent apology already bestow a certain 'forgiveness', or at least understanding, on the state. A more complicated instance occurred in South Africa. Archbishop Tutu, chairperson of that country's Truth and Reconciliation Commission, encouraged victims and survivors to forgive their violators, thus (ostensibly) canceling the moral distance between them and contributing to the development of a new fraternal political order based on mutual respect and tolerance. It is important to emphasize that the commission's mandate was not to encourage forgiveness (*Truth and Reconciliation Commission of South Africa*, 1999, Vol. 1, ch. 4, par. 1–5, 31–36); however, Tutu's powerful moral presence certainly set the tone as one of forgiveness and 'restorative justice' over retribution, aims he openly and often promoted (Tutu, 1999). In both of these cases and numerous others, there exists the very real possibility that forgiveness serves as a catchword for suturing, for closing the necessary space of political discourse about accountability and recognition that ought *not* be excised prematurely from broader debates about historical and political memory (McClure, 1998). Even where the goal is therapeutic, that is, one of helping victims, forgiveness loses its singular capacity of expiation, for it becomes relegated to the secondary status of a method for bringing about some other end. As forgiveness becomes instrumentalized, it is drained of its transformative power and simply becomes a tool in larger political and social projects. It ceases, in other words, to be a moral action in its own right when it is appended to broader moral or political ends.

Derrida identifies a second challenge, that of *conditionality*. He argues that forgiveness cannot be based on a condition, explicit or implicit, that the perpetrator first repent and begin the process of moral transformation before being forgiven. This amounts to forgiving someone

...other than the guilty one. In order for there to be forgiveness, must one not on the contrary forgive both the fault and the guilty as such, where the



one and the other remain irreversible as the evil, as evil itself, and being capable of repeating itself, unforgivably, without transformation, without amelioration, without repentance or promise? (Derrida, 2001, 39)

True forgiveness rejects any conditionality. It makes no demand that the violator undergo some process of repentance before seeking forgiveness, nor does it emphasize the moral transformation — for both the victim and the perpetrator — that ostensibly follows the act of forgiving. This is part of his broader rejection of forgiveness as exchange, or *quid pro quo*; for it to be ‘unconditional, gracious, infinite’ (Derrida, 2001, 34), and thus pure, forgiveness must eschew any semblance of economic exchange, any logic of transaction that would place a burden on the recipient and thus undermine the act of forgiving. This has a further implication. If forgiveness requires that no conditions be placed on the perpetrator because a burden of any sort would undermine its ‘gracious’ and ‘infinite’ character, then an existential or moral debt on the recipient is impermissible because it undermines the status equality between victim and perpetrator that forgiveness aims to (re)create. In other words, the difficulty with conditional forgiveness is not only that (a) it addresses a subject morally different from the guilty person (because the person has repented before that act of forgiveness takes place), but, (b) more importantly, that conditions impose an existential *burden* on the perpetrator, in effect making forgiveness contingent on an element of exteriority — transformation, repentance, or any other condition — at the expense of its own internal logic of actualization.

Derrida acknowledges conditional forgiveness as an opposite ‘pole’ to aporetic forgiveness. In this respect, they remain ‘indissociable’ for the obvious reason that an attempt at offering true forgiveness will probably always fail, and one will be left with some sham forgiveness, conditioned, and instrumentalized. Critchley and Kearney (2001, xi) emphasize the ‘negotiation between the unconditional and the conditional, between the absolute and the relative, between the universal and the particular’ in their reading of Derrida, two poles which ‘are absolutely heterogeneous, and must remain irreducible to one another’ (Derrida, 2001, 44–45). However, this focus on the intersection between the two poles appears too charitable a reading of the theory. While Critchley and Kearney are right to point out that Derrida is aware of the contradiction between the conditional and the unconditional, Derrida clearly sees unconditional forgiveness as the only true form of the faculty; indeed, forgiveness as impossibility is his definition of forgiveness. In typical rhetorical fashion he notes approvingly, ‘must one not maintain that an act of forgiveness worthy of its name, if there ever was such a thing, must forgive the unforgivable, and without condition?’ (Derrida, 2001, 39). Derrida’s privileging of the unconditional and disparagement of the conditional appears



throughout the essay, as when he tells us that ‘in principle there is no limit to forgiveness’ (Derrida, 2001, 27); ‘each time forgiveness is at the service of a finality... then the ‘forgiveness’ is not pure’ (Derrida, 2001, 31–32); ‘forgiveness forgives only the unforgivable’ (Derrida, 2001, 32); and ‘there is only forgiveness, if there is any, where there is the unforgivable’ (Derrida, 2001, 32–33). I emphasize this because other readers such as Critchley and Kearney have underscored Derrida’s purported focus on *negotiating* the possible and impossible aspects of forgiveness, resulting in a reading that evades the parsimony and ‘purity’ of Derrida’s understanding while attempting to surreptitiously fill its deficiencies without acknowledging them. A careful reading of ‘On Forgiveness’, as I provided in this section, shows that for Derrida forgiveness is properly theorized as unconditional, impossible and pure, and not as a negotiation of the two poles.

Consider, furthermore, his discussion of Vladimir Jankélévitch. Derrida sums up the argument of the latter’s ‘L’ Imprescriptible’ thusly: ‘If they [the Germans] had begun in repentance by asking for forgiveness, then we could have conceived in granting it to them, but that was not the case’ (Derrida, 2001, 35). For Derrida, this mischaracterizes the nature of forgiveness by engaging in an ‘economical transaction’ based on the ‘logic of the exchange’ (Derrida, 2001, 34). To the extent that forgiveness effaces the distinction between victim and perpetrator through an act of grace, it is imperative, from a Derridean perspective, that no burden or debt be created which would undermine its singularly transformative power. Thus, the issue is not only one of conditionality imposed by the victim, but any external factor that could limit or otherwise undermine the faculty of forgiveness.

Immanent Tensions

Gift, debt, and status differentiation

If forgiveness does not permit conditionality or instrumentality, then what is its relation to memory? One answer is to say that memory serves as second limit point for forgiveness, specifically because the memory of a transgression ought never be erased, even if the perpetrator can be transformed. If we adopt, for the moment, Derrida’s aporetic forgiveness, we are then met with another challenge: it is precisely those crimes which are candidates for forgiveness in a theoretical sense, radically evil crimes, on which memory makes its greatest demands. There is an imperative that crimes against humanity not be forgotten, for to do so would constitute the erasure of a monstrous history, an affront to us all *qua* humans, and secondly, it would amount to a second crime against the victims; first they are slaughtered, then they are forgotten. The imperative is a powerful one, but even if we allow that forgiveness could



only operate at this register, where memory makes its most powerful claim, it is not at all clear that the two can coexist comfortably in Derrida's conceptualization.

To better comprehend the complex relationship between memory and forgiveness, we will first turn to another text of Derrida's where he discusses gift-giving and the debt (Derrida, 1992b). Similarly to forgiveness, Derrida argues that a true gift cannot include conditionality or instrumentality: 'for there to be a gift, there must be no reciprocity, return, exchange, counter-gift or debt' (Derrida, 1992b, 12). It is in this sense also aporetic. 'The gift is impossible', because its very offering places one immediately in a circle of exchange that turns the gift into a debt for the recipient (Derrida, 1992b, 7). This exchange creates a double bind between the giver and the receiver, where the receiver incurs a debt against the giver because the former is expected to offer a gift in return, reproducing this relationship endlessly. Thus, the gift ceases to be an exceptional object, and becomes normalized through its circulation in an economy of exchange and reciprocity. Derrida writes

From the moment that a gift would appear as gift, as such, as what it is, in its phenomenon, its sense and essence, it would be engaged in a symbolic, sacrificial or economic structure that would annul the gift in the ritual circle of the debt. The simple intention to give, insofar as it carries the intentional meaning of the gift, suffices to make a return payment to itself. The simple consciousness of the gift right away sends itself back the gratifying image of goodness or generosity, of the giving-being who, knowing itself to be such, recognizes itself in a circular, specular fashion, in a sort of auto-recognition, self approval, and narcissistic gratitude. (Derrida, 1992b, 23)

The incurred debt represents not only the consequences of an instrumentalized, economized relationship — one where the unique object (the gift) is turned into a commodity with a certain exchange value — but also a change in the *status relationship* between the giver and the receiver. The *giver's* status is increased; she is seen as magnanimous and praiseworthy, gratified with herself for her generosity and munificence and recognized by others as a charitable and good person. Thus, giving also means receiving, receiving praise. The *receiver*, however, acquires a debt, and until he replies with his own gift, the debt remains. In other words, until he participates in the 'ritual circle', he is saddled with an existential debt, resulting in a *loss of status* compared to the gift-giver. Indeed, it is the status differentiation that requires that a gift be made in return.

Forgiveness differs from gift-giving in one important sense: it has a unique structural limitation not found in gift-giving. In the circle of exchange described above, the giver becomes the recipient when a gift is returned. Thus there is a certain possibility of symmetry, requiring only that the indebted agent give a gift in return and thus transfer the debt to the other. However, with



forgiveness, this is not possible. The perpetrator and the victim have, after all, entered into a relationship with already fixed identities; one through his actions, the other as the victim of those actions. There is no space for an infinite economy of exchange to take place precisely because the perpetrator cannot forgive the victim. It is a unidirectional relationship. This unidirectionality reflects the particular circumstances, or subject positions, in which the actors find themselves, and prevents the possibility of a symmetrical relationship. *Nevertheless, there is a debt created between the forgiver and forgiven*, for the latter remains indebted to the magnanimity and grace of the forgiver. The forgiven person, then, is burdened with feelings of resentment towards the Other, creating a new debt, or status differentiation, between the two. To the extent that Derrida does not require repentance and personal transformation as necessary corollaries to forgiveness, any ontological transformation on the part of the perpetrator is not a part of forgiveness. There remains a rupture (and not a reconciliation, which he dismisses as an 'instrumental' end) between the two agents. There remains, in other words, a debt, reflected in a continuing status differentiation between the two.

This status differentiation is at the core of Derrida's discussion of both gift-giving and forgiveness. His refusal to countenance any consideration of conditionality in forgiving reflects a deeper concern about the status divisions that would result, turning forgiveness into a means of some other goal (be it broad based reconciliation or, more disturbingly, a way to exact something from the recipient, such as repentance or apology) and permitting one actor to leverage power over the other. Speaking on forgiveness, Derrida remarks

I would be tempted to contest this *conditional* logic of the *exchange*, this presupposition, so widespread, according to which forgiveness can only be considered on the condition that it be asked, in the course of a scene of repentance attesting at once to the consciousness of fault, the transformation of the guilty, and the at least implicit obligation to do everything to avoid the return of evil. (Derrida, 2001, 34)

However, precisely because aporetic forgiveness does not place any conditions on the recipient, a debt of *resentment* may develop, a debt that cannot be displaced or returned back to the victim (for the perpetrator cannot forgive the victim; this would make no sense). I do not use resentment in an explicitly Nietzschean sense, although there are obviously certain parallels. While there is a large literature on the concept of resentment (Scheler, 1994; Brown, 1995), what I mean here can be articulated in the following manner: as an attitude that develops from the repression of accumulated feelings of anger, hatred, and righteous indignation at having been accused of something not personally recognized as criminal or immoral. Because of the unidirectional situation, the 'forgiven' person cannot act these feelings out against the person evoking them,



the forger, and thus may develop a sense of impotence, frustration, and resentment. The perpetrator feels wrongly accused and resents being forgiven for what in his mind was not a transgression.

To clarify, resentment may occur for three related reasons: first, there is no requirement that the perpetrator recognize his actions as injurious and evil. Thus, he may continue to find them justified. Second, if he has not repudiated them, the perpetrator may very well remain ethically close to his actions. There is, then, no guarantee that moral distancing between the actor and the acts has occurred. Third, any suggestion that he requires transformation, much less forgiveness, he sees as an attack. Thus, he perceives forgiveness as a ploy to disrupt the status relation between him and the victim. He perceives it, in other words, as merely a political strategy to transfer symbolic capital to the victim. As Shriver (1995, 7) remarks, ‘... alleged wrongdoers are weary of being told that someone forgives them. Immediately they sense that they are being subjected to some moral assessment, and they may not consent to it.’ The upshot is deep bitterness and resentment, which remain because the forgiven perpetrator knows that he cannot displace the debt back on to the forger. Rather, the perpetrator remains the object of forgiveness and *indebted* to the victim for her kind grace. The debt remains squarely on the perpetrator.

I want to emphasize this point: the issue is not that the perpetrator always remains indebted to the forger in every model of forgiveness, but only in this Derridean model. The lack of conditionality means that there is no theoretical protection against the development of resentment. In other approaches (Hampton, 1988; Herschel, 1997) which require the perpetrator to repent and plea for forgiveness (which require, in other words, that certain *conditions* be met), the forgiveness that follows need not incur a debt of resentment because the perpetrator has already undergone an ontological and moral transformation before even being forgiven, and has thus separated himself from his actions — not in terms of responsibility (he is, course, still responsible), but rather he no longer justifies them, and enjoys sufficient reflective distance to recognize their immorality. Here, forgiveness acts as a release from the past, both for the forger and the forgiven.³ In the Derridean case, however, there are no conditions that must be met before being forgiven, thus there is the very real possibility of creating a feeling of resentment, a debt or burden, which cannot be repaid because of the unique structural limitations, the unidirectional aspect, that perpetrators and victims find themselves in. The status differentiation remains, undermining the transcending quality Derridean forgiveness is supposed to offer.

How can we salvage forgiveness as something in-itself, freed from debt and still aporetic? How can we conceive of condition-less, debtless forgiveness?



Forgiveness, memory and erasing the debt

Es preferible olvidar que sufrir...

Trio Los Panchos (1983)

Derrida does not directly address the relationship between forgiveness and the debt in 'On Forgiveness', but an answer nonetheless exists in his discussion of the gift in *Given Time* (1992b).

For there to be a gift, it is necessary that the gift not even appear, that it not be perceived or received as a gift... For there to be a gift, not only must the donor or donee not perceive the gift as such, have no consciousness of it, have no memory, no recognition, he or she must forget it right away... This forgetting must no longer even be forgetting in the sense of repression [because] repression does not destroy or annul anything; it keeps by displacing. We are speaking here of an absolute forgetting — a forgetting that absolutely absolves. (Derrida, 1992b, 16)

The gift must erase all trace of itself, otherwise its presence will signal a differentiation of status between the agents, impose a demand for reciprocity, and place a debt on the recipient until he has likewise given a gift. In that process, the gift is instrumentalized and ceases to be a gift. However, erasing all trace of itself as a prerequisite for it to remain a gift means erasing both the act of giving — keeping it a secret from everyone, including the giver — and the *memory* of the act. It implies 'an absolute forgetting — a forgetting that absolutely absolves.'

We can extrapolate a similar answer regarding forgiveness: the act of forgiveness must erase itself in its very performance, it *must not appear* in order to avoid instrumentality and creating a debt of resentment carried by the recipient. This means at least three things. First, it means that forgiveness itself must remain hidden — and in this different sense also 'impossible' — from *the receiver* so that a debt does not develop. Second, it also means keeping it hidden from the light of *publicity*, otherwise forgiveness may suffer from the instrumentality that Derrida so ardently wishes to avoid. It runs the risk of becoming an instrument through which the forgiver receives accolades and respect for her willingness to forgive. Third, it means erasing the *memory of the transgression* itself — and recall here that we are speaking about radical evil — for otherwise, the memory of the act will continue to promote status differentiation between the two agents. Erasure of the debt, in other words, means requiring absolute forgetfulness. I discussed above that other models of forgiveness which posit conditionality do not face this uncomfortable situation, for memory can be preserved precisely because there exists a clear theoretical separation between forgiving the perpetrator and the



transgression; the former is forgiven after satisfying certain *conditions*, and the latter, as an act rather than an agent, is not forgiven, but remembered. Therefore, there is no debt, as there exists no reason for the perpetrator to remain resentful (a repentant person is more likely to feel shame and remorse. His only salvation comes from the forgiveness granted by the victim, or possibly by God.)

In the Derridean sense, this separation between actor and act does not hold; for forgiveness to remain pure and unconditional it must erase any element that could cause status differentiation between the victim and perpetrator, and *this includes the memory of the act itself*. This is the only theoretically consistent manner to ensure that no economy of obligation or resentment develops between the two actors. A model such as this one that does not allow for conditionality cannot distinguish between the violator and the violation because it does not require the violator's moral transformation, which is precisely what separates him from the act. Without the separation engendered by conditionality, forgiveness can only result in the erasure of both the perpetrator's responsibility and memory of the transgression itself. Only a theory that makes a clear distinction between a transformed perpetrator worthy of forgiveness and the objective violation can allow for both forgiveness of the perpetrator and the continued protection of memory.

Derrida's conclusion is troublesome, since it means that the destruction of memory, or at any rate the eclipse of remembrance by forgetfulness, is a fundamental component of aporetic forgiveness. This is all the more troublesome when we consider that a large part of his work over the past 40 years can be understood, in a certain sense, as an engagement with memory, or at least with the trace other potential interpretations and histories may leave in any given text. Deconstruction is not a method of erasing the past through the relativization of narrative, as some critics have argued, but precisely the opposite. Derrida's concern with unearthing hidden hierarchies by deconstructing texts reveals a commitment to identifying alternate meanings and narratives, in all of their manifestations, and, consequently, reflects a commitment to memory itself. His notions of 'trace' and 'deconstruction' can be seen as a contribution to precisely this: a sympathetic engagement with the heterodox memories and meanings contained in every text, or, in this case, every normative concept. However, the attempt at suturing the meaning of a normative concept such as forgiveness in the manner he proposes runs the risk of repressing all memory, of burying past events in a tomb of silence. This is not only morally unsatisfactory, but also at odds with the implicit ethical commitment in much of his other work (Derrida, 1976, 1978; Derrida, 1981, 61–172; Miller, 1987; Critchley, 1992; Fritsch, 2002).



Transcendental Considerations

The previous discussion offered an immanent critique of Derrida's theory, demonstrating how the aporetic model of forgiveness is theoretically untenable and morally dangerous, requiring that forgiveness include the erasure of memory. However, I have yet to address some of the broader, or transcendental, shortcomings in the theory. In the following sections I will consider these and then conclude with an alternative model, one that includes several key constituent elements that offer a richer conception of forgiveness while retaining the faculty's transformative power.

Against bracketing: hermeneutics and plurality in forgiveness

The dead-end in which aporetic forgiveness finds itself is not only a product of its internal structure, but also reflects certain theoretical presuppositions that underpin its entire formulation. Derrida presupposes a phenomenological bracketing of forgiveness and the agents, separating them from the larger world. He is explicit: '...forgiveness must engage two singularities: the guilty (the perpetrator, as they say in South Africa), and the victim. As soon as a third party intervenes, one can again speak of amnesty, reconciliation, reparation, etc but certainly not of pure forgiveness in the strict sense' (Derrida, 2001, 42). What exactly does Derrida mean here? The presence of a third actor introduces myriad other concerns, such as achieving peace, implementing reparations, and otherwise privileging the needs of others and the community over the particularities of the relationship between the guilty and the victim. Regardless of how these concerns are addressed, the issue for Derrida is that the *purity* of forgiveness — as an act kept between two discrete agents, unsullied by outside pressures — is compromised when a 'third' is brought in. In this respect, the 'third' represents the claims of the community and other worldly affairs, and these exigencies detract from the expiatory power of forgiveness by saddling it with other, extrinsic concerns and demands.⁴ Derrida's concern for keeping forgiveness pure and uncorrupted by instrumentality or conditionality requires, then, a separation from the 'third' both at the level of theory and praxis. Forgiveness must remain an 'exceptional' and 'extraordinary' moment, 'as if it interrupted the course of ordinary historical temporality' (Derrida, 2001, 32). However, this exceptional moment disparages the relevance of other related moral actions, and fails to highlight the complex normative relationship between forgiveness and retribution, reconciliation, transformation, and personal and historical memory, all issues that become particularly salient in the context of crimes against humanity. It creates an *artificial distinction* between forgiveness and other moral faculties, and fails to articulate how already existing social



understandings of forgiveness inform any given act of forgiveness and the normative impact this has on the larger community.

Why artificial? Because these normative concepts — forgiveness, retribution, reconciliation, transformation, memory — imply one another in important ways, and cannot be understood singularly. There is a three-fold multiplicity at work here, a three-fold artificial distinction that must be overcome. First, at the level of hermeneutic understanding; second, regarding human plurality and social impact; and, third involving the imbrication, or at least implication, of each of these concepts in one another. Let me explain.

First: the meaning of forgiveness results from the interaction between the victim's conception of forgiveness and its broader societal and ethical understandings. It is not the case that the victim simply uses extant notions of forgiveness without any reflection. Rather, she draws on existing normative principles and refashions them, engaging in a kind of hermeneutic of meaning construction with general moral and ethical concepts. These concepts are themselves rooted in specific social discourses (cultural, religious, literary, legal, and so on),⁵ yet become meaningful at a personal level only to the extent that the individual appropriates and employs them, in the process personalizing them. Its construction is not monological but interpretative, and her personal experiences inform the meaning given to general notions of forgiveness (Krog, 2000, 131–175). In this first sense, then, forgiveness becomes meaningful through a hermeneutic encounter with already socially present conceptions. The importance of this hermeneutic becomes clear when the individual is actually faced with the possibility of granting forgiveness; she is forced to reflect on its meaning and consequences, and thus arrive at a judgment on whether is it desirable and appropriate, and what this would all mean.

Although this reflection is a personal matter, the substance of reflection — existing conceptualizations of forgiveness rooted in particular discourses that go beyond the present context — already points to one way in which forgiving itself is connected to discourses outside of its specific use. Here, clearly, bracketing forgiveness as an exceptional moment fails to capture its particularly worldly character and the degree to which its very articulation is rooted in an already existing (though quite possibly changing) context. Thus, we can say that forgiveness cannot be completely bracketed off from the rest of world. Its articulation in any given circumstance reflects a broader interaction between the personal and the general, giving it at least a partially social character.

There is a second aspect to forgiveness that undermines the possibility of neatly bracketing it theoretically. If the hermeneutic of reflection points to the impossibility of bracketing forgiveness, it also has a broader social impact. Precisely because we are dealing with crimes of a radically evil nature, the



relationship between the community and the victim requires theorization and cannot simply be written off as an epiphenomenal aspect of forgiveness. The issue, of course, is not that Derrida is unaware that forgiveness is often used in politically delicate situations — he briefly discusses its use in France's 1951 amnesty, its relations with Algeria, and Tutu's endorsement in South Africa — but rather that he fails to address satisfactorily the contextual and worldly dimensions of the faculty, instead considering these as mere political dissimulations and strategies. More importantly, he considers any instance where the forgiver takes account of impact and context a betrayal of pure forgiveness. He attempts, in other words, to divorce it theoretically from (seemingly) extraneous concerns. However, forgiveness is not simply an event that takes place between two discrete agents, rather it occurs in a larger world inhabited by other moral beings, and part of its significance consists in its resonance in the affected communities. Several affected communities can be theorized here: the community to which the victim belongs, the perpetrator's community, the broader polis to which they both may belong (and may very well include the morally compromised category of bystander⁶), and ever increasingly 'broader communities', ending with the category of humanity — it is here, after all, where the crime against humanity as a radical evil gets its peculiar ontological status, for it is seen as a crime noxious to all humans, and not simply the affected groups. If we are discussing radically evil crimes, as Derrida asks us to, then this final category cannot be overlooked. The actual constellation of affected communities depends of course on the specific context of the transgression, such as whether it occurred in a domestic setting among groups with strong cultural interpenetration or whether the transgression also traces a boundary between groups, and thus there exist significantly mitigated forms of cross-cultural understanding. The Cambodian genocide of the late seventies points to the first case scenario: the violence was mostly committed by Khmer against Khmer in an ethnically, religiously and linguistically largely homogenous country (though ethnic Cham, Chinese, Vietnamese, and Laotians were also targeted for extermination, (Kiernan, 1996)). From the point of view of shared normative and ethical understandings, the perpetrator and victim communities overlapped significantly. In an alternative scenario, perpetrator and victim may come from radically different cultural backgrounds, and thus a certain 'fusion of horizons' would have to take place in order to make forgiveness morally intelligible. Take, for example, the 1905 German genocide against native Herero and Nama populations in German South West Africa. There existed little cross-cultural interaction, and in the aftermath of the butchering, it is not surprising that any efforts at morally dealing with the past faced significant obstacles to understanding. Of course, this was a difficulty only to the extent that the German settlers and army showed any remorse for their actions; in reality, there was very little of this, as



the pervasive racist stereotyping characteristic of the era virtually guaranteed that the colonizers would not find their actions unjust in the first place. Still, some German missionaries attempted to seek forgiveness, and *these* efforts faced profound difficulties (Dreschler, 1980; Bridgman, 1981).

In their fieldwork on the psychological transformations of perpetrators and victims in Rwanda, Ervin Staub and Laurie Anne Pearlman have documented how forgiveness after mass atrocity always contains a distinctly communal element, in some sense shaping how reconciliation unfolds (Staub and Pearlman, 2001, 195–218). Victims wrestled with whether to forgive or not, and their understandings of what this meant — for them individually, for the perpetrators, and for the community as a whole — were strongly informed by conversations with friends, family members, and others who had suffered in the genocide. The complexity and ambiguity in understandings were significant, however several points became salient: the researchers found that group discussions of what victims had experienced often developed into conversations about the merits of punishment and forgiveness, with a great deal of contention over what this all entailed. This is not to say that victims necessarily agreed on the superiority of forgiveness; to the contrary, some identified impunity with forgiveness and therefore sought retribution. However, to the extent that others were convinced of the merits of forgiving, they reached an understanding of this precisely through discussion with fellow victims and references to communal understandings of the faculty. Additionally, victims were more likely to forgive if a select few had already forgiven and done so publicly, particularly if they first began by forgiving ‘those who had not themselves planned or directly perpetrated the violence’ (Staub and Pearlman, 2001, 203).

This discussion of communities is not to say that forgiveness is therefore a strictly public action; perpetrators are, after all, forgiven by individuals, and not by collectivities. In this rather obvious sense forgiveness occurs between the forgiver and the forgiven, and has a *private* character. However, the end result of forgiveness — the abrogation of estrangement between erstwhile enemies — has important consequences for the community as a whole. It (ideally) allows for the possible reintroduction of the former perpetrator back into the shared moral sphere and serves as an important step in repairing a torn moral fabric, both between the individuals concerned and in the polity as a whole. This is *not* to say, and here I follow Derrida, that forgiveness should be given for instrumental reasons. Rather, the victim should feel that her dignity is enhanced, or at the very least not diminished by, forgiving the perpetrator. In this sense, no one should be ‘required’ to forgive for the good of the community. However, the broader impact of forgiveness on a community should not be ignored. We must remain sensitive to the difficulty of translating culturally specific models of forgiveness into universals, and give special attention to the social impact of forgiveness in a fractured



society. Its capacity to shift the moral discourse of responsibility and offer novel methods of reintegration require theorization, and consequently social impact should be treated as a crucial and constitutive element of any theory of forgiveness.⁷

Different moral communities have different understandings of forgiveness, shame, and guilt (indeed, any given moral community has multiple and contested definitions of these concepts, and thus a certain sensitivity to multiplicity must accompany internal discussions as well). The meaning of forgiveness, then, is not a simple given, but is produced through the dialogical engagement with others both within and outside of one's community, and because of the different ethical understandings that may accompany this any theory of forgiveness must be attuned to the plurality of ways in which its meaning may resonate. The theorist of forgiveness must pay special attention to how disparate yet affected communities react to forgiveness in the context of radically evil crimes. This concern with impact — which is a theoretical, and not simply empirical concern — problematizes the neat bracketing that Derrida insists upon.

I have argued that forgiveness must be understood as something broader than its immediate articulation between two individuals, that we must (a) recognize its very meaning comes from a hermeneutic mediation between existing conceptualizations and the individual's particular appropriation of these conceptualizations, and (b) that forgiveness has an impact on the relevant communities that goes beyond the specific bounds of its two interlocutors. Both of these observations require that we dispense with Derrida's bracketing. There is a third set of issues I would like to address: the connection between forgiveness and other moral concepts: retribution, reconciliation, transformation, and personal and historical memory.

Against bracketing: other moral concepts and forgiveness

Derrida's sharp distinction between forgiveness and other moral concepts leaves out the rich and complex interstices it has with retribution, reconciliation, transformation, and memory. Following Arendt (1989, 256), we could argue that forgiveness is not a completely isolated faculty, but instead contains a basic structural similarity with *retribution*: both aim to put an end to a destructive cycle of violence. Retribution here is not the same vengeance. Although both imply a certain proportionality and reciprocity in punishment — a kind of just deserts (Nozick, 1981; Kant, 1996) — vengeance carries with it the damaging possibility of promoting an insatiable impulse to destroy the opponent, and in the process establishes an economy whose currency is violence. It can quickly degenerate into brutal vindictiveness and a reciprocal desire for revenge. Retribution as I have in mind is the antithesis of this. It



means the use of punishment as a way closing the past, while at the same time maintaining the memory of the transgression alive as a historical (and moral) artifact. It does not shirk from assigning responsibility and demanding accountability, but realizes that punishment must have an end, for otherwise it simply perpetuates the exchange of violence.

In this understanding, forgiveness and retribution both imply closure, and allow for the creation of a new moral community that is informed by but does not remain anchored to the past. Of course, in practice the suturing is never so neat; witnesses the ongoing and complex moral engagements with past crimes in countries such as Argentina, Chile, El Salvador, South Africa, Rwanda, Timor, and numerous other nations scarred by horrific histories of violence. Nevertheless, at a theoretical level both forgiveness and retribution aim at the same thing — they have the same telos, so to speak — and this forward-looking sense of closure underscores a critical structural similarity they both enjoy. They are not disconnected, but rather form different dimensions of a complex moral desire for closure.

Consequently, forgiveness cannot be understood without investigating its relationship with *reconciliation*. To the extent that forgiveness and retribution both aim at ending cycles of violence, they point to the possibility of eliminating the estrangement between erstwhile enemies. Reconciliation is concerned with precisely this: the reconstruction of badly fractured social relations broadly understood (rather than merely relations between individuals). Still, reconciliation itself is a fraught term. I would like to devote some space to discussing exactly what I mean by it in order to identify its relationship with forgiveness.

Reconciliation can be defined as the successful reintroduction of former enemies into the same social, political, and possibly moral spaces, where interactions are ruled by norms of tolerance and respect rather than violence.⁸ This includes at least two dimensions. The first concerns a quasi-legal component, one predicated on fidelity to a basic set of fair norms of negotiation, arbitration and decision-making between former enemies. This should be articulated in such a way that permits political enemies to become political opponents (that is, bound by the rule of law) while maintaining the fundamentally agonistic element that politics at its core presupposes (McAdams, 1997; Teitel, 2000). A second dimension includes active engagement with key normative issues of (a) accountability; (b) truth telling; and (c) victim acknowledgement, and possibly others as well.

I want to emphasize that reconciliation is a multilevel process, one characterized by specific logics and strategies operating at four levels: the *political*, *legal*, *civil society*, and *personal* levels. We can say that the normative issues (a,b,c) need to be satisfactorily addressed at each level for reconciliation to occur, although how exactly this is manifested differs by level and context.



For example, truth commissions and tribunals address issues of victim recognition, factual accounts of the past and accountability at a legal (and in the latter case possibly civil society) level, but do not exhaust all of the demands for reconciliation (Orentlicher, 1991; Nino, 1996; Hayner, 2001). Political society elites, acting through the state, may introduce education policies dealing with the past and occasionally embark on broader public memory projects (monuments, museums, etc.) to the same ends. Through public deliberation and pressure, civil society actors (NGOs, community associations, etc.) can prevent the premature closing of political debate by political elites, influence the way the state formally represents the past, and challenge simplified, reified accounts that may give short shrift to survivors. They may also help guide and influence the direction of public discourse by informing the articulation of categories of victims, perpetrators and 'bystanders' (Crocker, 1998). Moreover, the last two decades have witnessed the development of a sophisticated body of literature and therapeutic techniques for treating survivors of violence (Herman, 1997). The need for such micro-level, personal engagement with atrocity and trauma is further indication that reconciliation is a complex process, operating on multiple levels.

These four levels are, of course, ideal types. Reconciliation through the smooth and even integration of these levels is rarely, if ever, achieved empirically. In fact, there is no guarantee that these different types of responses to the past will work in harmony. They may work at cross-purposes, undermining the larger goal of social reconstruction. Trials may end in politically motivated acquittals, resulting in demands for extra-legal vengeance; truth commissions may unearth shocking crimes and yet lack the means of holding perpetrators responsible; civil society actors may radicalize public discourse and undermine any possibility of creating a peaceful society (or, conversely, some actors may actually serve as apologists for past crimes, arguing that they were legitimate responses to a real or perceived threat); and efforts at treating victims can sometimes miscarry. Rather than find new ways of coping, survivors may fall into greater despair at having painful memories unearthed (Krog, 2000). Thus, reconciliation is not an even process unfolding harmoniously along different levels. Rather, it is best understood as *disjunctured* and *uneven*, and its complex and multivalent character means that responses at any one level are by themselves insufficient to guarantee its success (a point more widely recognized today, after the initial euphoria surrounding the South African truth commission died down). Indeed, the challenges to achieving reconciliation are formidable, as Wilson (2001) and Mamdani (1996) among others have noted.

What then of forgiveness? If we understand reconciliation as a disjunctured, multivalent and uneven process, we see that forgiveness occupies a privileged,



though by no means unique, position. Forgiveness is primarily rooted at the personal level as a faculty used between individuals to help rebuild broken relationships, though as Ronald Slye has perceptively noted the effects of this may resonate at the social and political levels as well, particularly through the encouragement of social tolerance and mutual respect (Slye, 2000, 181). Forgiveness can aid social reconstruction by promoting the rejection of both vengeance and forgetfulness, and in the process contribute to broader moral engagements with the past.⁹

Nevertheless, we should be careful not to equate forgiveness with reconciliation; as indicated above, the latter includes moral imperatives of accountability, victim recognition, truth telling, respect, tolerance, and the rule of the law that far exceed the scope of forgiveness. Furthermore, whether reconciliation is best achieved through retribution or forgiveness is an open empirical question, dependent on a number of contextual factors (Forsberg, 2001). However, for our purposes, it is sufficient to highlight the *link* between reconciliation and forgiveness as fundamental, for both aim at morally engaging the past in a similar fashion, and forgiveness constitutes one particular reconciliatory device.¹⁰

This link revolves around the relevance of what Derrida calls instrumental-ity. His concern about the instrumentalization of forgiveness collapses several different uses of the term, dismissing all of them as unacceptable because they stray too far from the immediately expiatory element of the faculty. This wholesale rejection of any transcendental goal ignores the myriad ways in which forgiveness can legitimately contribute to other moral objectives. Certainly, forgiveness can be abused, used as an instrument to ignore past events and carry on as if they were of little import to present and future concerns (Derrida, 2001, 40). The political and legal correlate to this abuse is amnesty, where perpetrators are given protection from prosecution. Dipped in a patina of legitimacy and concern for 'reconciliation', proponents argue that amnesties guarantee a final break with the cycle of violence mimicking, at the legal level, the work of forgiveness.¹¹ However, this is a perversion of the transformative power of forgiveness, for it carries none of the faculty's redemptive power, instead relegating it to the status of accomplice to forgetfulness. In this sense, forgiveness would be instrumentalized and would lose much of what makes it such a powerful moral action. Amnesty may offer a path to the cessation of political violence, but this is a political and legal solution, and not a correlate of forgiveness.

It is possible for forgiveness to serve other aims without becoming their mere instrument. It can help bridge the moral gap between victim and perpetrator, provided the transformation on the part of both is sincere and genuine. On this alternate reading, forgiveness becomes a means towards broader reconciliation,



though it also maintains its transcendent nature. It transcends present circumstances by rejecting their overbearing facticity and claims to determine future relations, moral and practical. It is against the apparently insurmountable presence of the past and the unbearable nature of the injury that the victim as a free self forgives. She does this not on grounds of forgetfulness, complacency, or weakness, but on grounds of transcendence, as an attempt to exceed both the injury and the wrongdoer and yet remain faithful to preserving the memory of the crime. Forgiveness seeks to reconcile the perpetrator and victim, and eschew the corrosiveness of the past on the future. It is in this sense that it remains transcendental.

However, it is important to identify that forgiveness *is* conditional. The victim can require certain conditions be met — even if these demands are not explicitly made — for conditionality is not the perversion of forgiveness, but rather one of its constitutive elements. There are at least three conditions that should be met before forgiveness is possible, though even then it ultimately depends on whether the victim chooses to forgive. The perpetrator must recognize (a) the moral criminality of his actions, (b) a sense of personal responsibility for those actions, and (c) the injured party as a victim of those actions. Following this, he should undergo some form of personal transformation, a process of moral reckoning with himself where he repents and seeks forgiveness. Repentance means accepting responsibility, but also condemning those actions as immoral, and this is an important step in the transformation of the violator. As Kiss (2000, 79) remarks, ‘repentance requires a moral transformation on the part of the perpetrator, and makes possible a transformed relationship between the perpetrator and others in the community.’ Nevertheless, forgiveness should only follow if the victim feels that her dignity will be increased, or least not diminished, by the act (Bhargava, 2000, 61).

An alternate way of formulating this is the following, where C constitutes the conditions set forth above:

1. I will forgive you if C;
2. I would have forgiven you if C;
3. I may forgive you if C.

Only the third proposition maintains the agency of the victim, for it avoids the procedural determinism implicit in the other two. The third formulation underscores that none of these conditional steps categorically implies the next, since each move is fundamentally a moral act that cannot be completely generated from the previous acts. It retains, in other words, its character as a moral faculty, an inherent ability to change a particular relationship while protecting the agent’s moral autonomy from crass proceduralism.



As Shriver (1995, 7) has argued, ‘forgiveness begins with memory suffused with moral judgment.’ Rather than equating forgiveness with the displacement of memory, forgiveness combines remembrance with the moral judgment of wrongs and injustice. Additionally, this formulation separates the transgressor from the transgression, thus preserving memory and severing Derrida’s unintentional link between forgiveness and forgetfulness. These conditions also avoid the possibility of resentment developing between the perpetrator and the victim since forgiveness here is not possible without the perpetrator’s repentance in the first place. Under these conditions, resentment resulting from status differentiation does not occur.¹²

Conclusion

Derrida offers a succinct and elegant understanding of forgiveness, one that is unencumbered by demands for conditions or the threat of abuse. However, while elegant, such parsimony requires forgetfulness as a necessary though unintentional constitutive element. In this article I have shown why this is so: his rejection of conditionality tout court does not permit a separation between the perpetrator and the transgression, with the result that the only way to avoid any form of status differentiation between the victim and the perpetrator is to obliterate the memory of the transgression itself — a high price to pay for forgiveness. This result, I believe, reflects his tendency to think of forgiveness as completely bracketed from the rest of the moral and empirical world, a tendency manifested most clearly in his disinclination to consider any theoretical connections between forgiveness and other moral concepts. An alternative theory, which I only begin to sketch here, would allow for conditionality yet retain the transcendently expiatory power of the faculty.

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Notes

- 1 Special thanks to S.W. Raly and anonymous referees for their comments on earlier drafts of this paper.
- 2 It must be emphasized that Derrida is *not* arguing that one *must* forgive radically evil crimes, or that the evil nature of a crime demands that the perpetrator be forgiven. There is no categorical imperative. Rather, the decision to forgive (or not) becomes an issue only in the face of exceptional evil, and not in lesser transgressions. Whether one decides to forgive or not is wholly an individual decision.
- 3 It goes without saying that in the scenario of conditional forgiveness, only if the perpetrator has repented can he be forgiven. If he has not repented, he will certainly feel resentful of any act of forgiveness, but then it would not be forgiveness, since he had not met the conditions the model requires in the first place.



- 4 It is interesting to note the destabilizing effect of the 'third' for both Derrida and Levinas. For the former, the 'third' corrupts forgiveness; for the latter, the 'third' corrupts the overwhelming ethical demands of the face-to-face and introduces the mediating term of justice.
- 5 These discourses, in turn, are heterogeneous in nature, the result of the interaction with other discourses that shape them.
- 6 The category of bystanders — persons who are not active participants in a crime yet through their inaction can be considered complicit and even beneficiaries in some substantial way — requires a slightly different theorization of responsibility and thus forgiveness (and punishment). Though bystanders may not have direct material responsibility, they are nevertheless burdened with a kind of guilt rooted in their inaction. It is assumed that bystanders could have acted, either practically or symbolically, but *chose* not to. If they had no choice, they are not bystanders in a normative sense. The moral ambiguities surrounding the bystander phenomenon are discussed in Jaspers (1961), Ricoeur (2000), and Barnett (1999).
- 7 Following the examples of the Khmer and the Herero, we could argue a typology of obstacles could be assembled based on whether the perpetrators and victims share a similar cultural understanding of certain key normative concepts (say forgiveness, responsibility, justice, etc.), or whether their backgrounds are so different that just introducing these concepts would require a first order hermeneutic engagement.
- 8 Nevertheless, I am not arguing that reconciliation is equivalent to the erasure of all contestation (a kind of 'full' reconciliation); rather it is premised on the transformation of political enemies into political opponents. Aletta Norval has persuasively argued that through its rejection of difference and contestation *tout court*, 'full' reconciliation runs the risk of replacing one totalizing narrative with another. "The idea of full reconciliation thus comes closer to an indentitarian image of apartheid than to a democratic post-apartheid society which takes difference and not singular unity, both as its starting point and as its impossible goal" (Norval, 1998, 261).
- 9 Retribution too can have a positive impact: both retribution and forgiveness, as I outline them here, fall under the broader rubric of reconciliation, insofar as they represent a moral response to the past. Both eschew forgetfulness, and both reject vengeance. Whether one is desirable over the other is a separate question that cannot be addressed here. For important statements on this issue, see Lang (1999), Minow (1998, 2002), Weschler (1990), Shriver (1995).
- 10 Whether generally speaking reconciliation should be sought through forgiveness in another matter. In the context of radically evil crimes, I (generally) support retributive measures to the extent possible, in conjunction with memory preserving efforts, as the approach for achieving long-term reconciliation — after all, reconciliation and impunity do not really mix. However, whether forgiveness is viable or not is not a criticism that can be fairly leveled at Derrida, since his theory does not hinge on when one should forgive. Rightly, he leaves this decision to the individual victim.
- 11 Many proponents take a significantly more practical view, arguing that restrictive contextual factors may require amnesty but this in no way amounts to a moral action. It is simply the best one can hope for in a bad situation. On this debate, see Kritz (1995), Teitel (2000), Hayner (2001, 1–32, 133–154).
- 12 Space limitations do not permit a comparison of Derrida's different uses of the concept of aporia in his other works. Still, I would like to mention one inconsistency. It is curious that he offers a theory of justice that is, in at least one sense, in opposition to his understanding of forgiveness. Derrida (1992a) develops an aporetic theory of justice based on its own impossibility. It is impossible because (he argues) no formal set of criteria can be developed that will generate, *a priori*, a just answer to a normative question of dilemma. In the final calculus, discourses on justice must remain open to "the undecidable, the incommensurable or the incalculable... singularity... difference, heterogeneity" (Derrida, 1992a, 7). Even the use of



procedures must be open to a moment of forcing a decision, of privileging one interpretation over another. Thus, justice contains a certain aporetic moment of decision-making that cannot be subsumed under formal rules of judgment. Without entering the debate surrounding the plausibility of this understanding, it bears noting that for Derrida the dangers of instrumentalization, and even abuse, of judgment always remain. There remains, in other words, a constitutive element of danger, a precariousness, in his theory of justice. However, with forgiveness, Derrida rejects the possibility of abuse (either through conditionality, instrumentality, or any other impurity), arguing instead that forgiveness must remain pure at a theoretical level. His refusal to countenance the possibility of profaning or desecrating the concept is in strange juxtaposition to his theorization of justice.

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