

Impossibly beneficent: Political Forgiveness in Hannah Arendt and Jacques Derrida

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Abstract:

For many, forgiveness is a commonplace reaction to transgression. The capacity to forgive is what allows for the repair of sundered relationships and the possibility to begin anew. Such is the vision of forgiveness found in the work of Hannah Arendt. Without the possibility of release that forgiveness offers, Arendt argues humans would be trapped in a condition in which acting anew is impossible. I will argue the result of Arendt's stance is that forgiveness becomes the condition of possibility of politics itself. By contrast, the salience of forgiveness in Jacques Derrida's thought is not the possibility of its unconditioned abundance but rather its impossibility. For Derrida it is the unforgivable that imbues forgiveness with any meaning at all. This leads Derrida to hyperbolically claim that "forgiveness forgives only the unforgivable." Thus, I argue it is the case that for Arendt forgiveness is impossibly beneficent, for Derrida the beneficence of forgiveness is itself an impossibility. Underlying the gap that separates Arendt and Derrida's analysis of the beneficence of forgiveness there is a locus of reconciliation, in what is perhaps best described as an inclination, that practices of dispensing or withholding of forgiveness possess the capacity to maintain a political valance while evading sovereign politics.

To err is human. To forgive divine...
Alexander Pope, *An essay on criticism*

Father, forgive them; for they know not what they do.
Luke 23:34

Alternative possibilities:

It is inevitable, we will be wronged, and we will do wrong. As a result of these twin facts the opportunity to forgive endlessly presents itself as an option that one can either exercise or withhold. In the former condition, the possibility of forgiveness is realized, yet in the latter condition the withholding of forgiveness does not mean that its realization is necessarily foreclosed. The exercise of forgiveness in the political realm is conditioned by these very same possibilities.

In her book *Political Forgiveness*, P.E. Digeser argues that when successful, the exercise of political forgiveness has the capacity to mend past injustice.¹ In this way, Digeser understands political forgiveness to be beneficent. Therefore, political forgiveness should be practiced in abundance with an eye towards achieving the beneficence associated with settling “past claims.”² In contrast to Digeser’s position, Jeffrie Murphy advances the argument that those who forgive too easily lack self-respect. Murphy explains, “proper self-respect is essentially tied to the passion of resentment, and that person who does not resent moral injuries done to him is almost necessarily a person lacking self-respect.”³ This means that for Murphy the beneficence of forgiveness is always in question, furthermore, there are myriad circumstances in which forgiveness is not beneficent at all. The conclusion to be drawn here is that forgiveness should not be dispensed frivolously, or perhaps at all.

Hannah Arendt’s thought on forgiveness corresponds to the former approach that views political forgiveness as beneficent. Jacques Derrida’s thought corresponds to the latter approach

that views political forgiveness with a healthy degree of skepticism and thus, I will argue, he questions whether achieving beneficence from forgiveness is possible at all.

It is commonplace to understand forgiveness as that which allows for the repair of sundered relationships and the possibility to begin anew. Such is the vision of forgiveness found in the work of Arendt. Without the possibility of release that forgiveness offers, Arendt argues humans would be trapped in a condition in which acting anew is impossible.⁴ The result of Arendt's stance is that forgiveness becomes the condition of possibility of politics itself. By contrast, the salience of forgiveness in Jacques Derrida's thought is not the possibility of its unconditioned abundance but rather its impossibility. For Derrida it is the unforgivable that imbues forgiveness with any meaning at all. This leads Derrida to hyperbolically claim that "forgiveness forgives only the unforgivable."⁵ Thus, I argue it is the case that for Arendt forgiveness is impossibly beneficent, for Derrida the beneficence of forgiveness is itself an impossibility. An idea central to this latter claim is that there is an inherent power in forgiveness withheld. Even though Derrida believes the beneficence of forgiveness is itself an impossibility, this does not mean he forecloses the possibility of the importance of political forgiveness, especially when it is withheld.

In pursuit of these arguments, first I discuss the historical and political contexts that gave rise to Arendt and Derrida's interest in political forgiveness. Through this discussion I will show that even though Arendt and Derrida draw different conclusions about forgiveness they are both motivated by similar concerns. Second, I will draw out the specific contours of Arendt and Derrida's political forgiveness. In doing so I ground my claim that Arendt understands forgiveness to be impossibly beneficent while Derrida thinks that it is impossible that, in its dispensation, forgiveness might achieve beneficence. Then I turn to a consideration of the

relationship between forgiveness and the related concepts of judgement and justice as it is found in the thought of both Arendt and Derrida. I conclude the paper with a consideration of the significance of a singular conceptual intersection pertaining to forgiveness shared between Arendt and Derrida, a shared suspicion over the relationship between forgiveness and sovereignty.

Political forgiveness, a constant presence:

Both Arendt and Derrida discuss forgiveness in an explicitly political context. But are the two even correct to speak of political forgiveness? Has the proverbial cart not been placed before the horse? We have already seen above that Murphy, for instance, thinks that political forgiveness is a reality, but one that ought not to be entertained. There is also the position of Charles Griswold, who prefers the idea of political apology over and above that of forgiveness.⁶ Against their arguments, I defend the idea that there is something called political forgiveness, an argument I ground in the rich history of political thought that tends to support my claim. Following this I discuss the contexts and concerns that led both Arendt and Derrida to their considerations of political forgiveness. I do so to demonstrate that they are both motivated by similar concerns, despite their (mostly) differing conclusions.

The history of political thought is rich with references to political forgiveness. In each epoch that political theory attends to one can find ample evidence that forgiveness is a concept that has always been treated with gravitas. Here I catalog three examples from ancient, modern, and contemporary literature to defend this claim.

In AD 55-56, Lucius Annaeus Seneca wrote *On Clemency* as an address to Nero so he might better know how to wield political forgiveness in his newly appointed position. Seneca's musings demonstrate the deep and indelible structure of forgiveness that render it both beneficent and deleterious to political life. Seneca wrote that "clemency should be neither promiscuously indiscriminate nor very restricted: it's just as cruel to forgive all as to forgive none."⁷ Seneca argued that clemency was a virtue best suited to kings and princes, a sentiment that today still finds its expression in the sovereign prerogative to pardon. In addressing the concept of clemency Seneca was also addressing the very same question I am interrogating here, that of the beneficence of forgiveness. He wrote that forgiveness, as a resource of kings and princes, could, "bring honor and glory" but it also had the capacity to be expressed as "a baneful sort of power."⁸

Centuries later, Jean Bodin would continue the tradition of heralding the importance of forgiveness in politics. He would do this by suturing forgiveness to the concept that Bodin is most credited with theorizing: sovereignty. Sovereignty, according to Bodin, is "the highest power of command."⁹ Constitutive of this power of command is the power over life and death. "The highest degree of compulsion is power of life and death, that is on condemning to death, or of pardoning those who have incurred this sentence. This is the highest attribute of sovereignty, proper to the majesty of a prince, and inherent in him to the exclusion of all other public persons."¹⁰ Bodin is emphatic on this point, he writes, "in a well-ordered state, this power [the power to pardon] ought not to be conceded to anyone either by commission or by right of office."¹¹ It is therefore not only the power of death, but concomitantly the power of forgiveness that constitutes the sovereign's highest prerogative. So important is this power that Bodin argues

that “the right of pardon cannot be given away without giving up the crown itself.”¹² Thus, Bodin ties political forgiveness directly to the sovereign’s power of life and death.

Forgiveness is not only constitutive of sovereignty, but also recuperative of sovereignty. This point is made in the work of Michel Foucault. In *Discipline and Punish*, Foucault recounts the grizzly torture and execution of Damiens the regicide. In her book *Starve and Immolate*, Banu Bargu draws her reader’s attention to the opening scene of *Discipline and Punish* and the inability of Damiens’ torturers to extract a confession.¹³ Bargu notes that Damiens calls out to God, Jesus, and his “Lord,” but never begs pardon of his sovereign.¹⁴ It is the absence of Damiens' request for clemency, pardon, and forgiveness, that drives the sovereign to such lengths of brutality. The garish display of brutality is not the point, but paradoxically it is the garish display of brutality that creates the conditions of possibility for being begged for pardon that the sovereign can then forgive and be recuperated, rehabilitated, and made whole once more.

These examples (and the countless other examples that could have been deployed to demonstrate the abundance of forgiveness in political thought) raise the question of why Arendt would claim that it “has been in the nature of our tradition of political thought to be highly selective and to exclude from articulate conceptualization a great variety of authentic political experiences among which we need not be surprised to find some of an elementary nature.”¹⁵ The authentic political experience that Arendt alludes to here is forgiveness. This position (however puzzling) did not preclude Arendt from developing a sophisticated approach of her own to political forgiveness. Surprisingly, it was not the events of the second world war that would inspire Arendt to turn to forgiveness, this despite her work in *The Origins of Totalitarianism* and *Eichmann in Jerusalem*. Arendt would say that the abhorrent events that she cataloged in those works were the result of “willed evil,” which she describes as rare, rarer even than good deeds.¹⁶

Rather, it was in the fabric of everyday life, and the frequency with which humans err, that Arendt located her interest in and the necessity of forgiveness. Arendt gave expression to this by arguing that “trespassing is an everyday occurrence which is in the very nature of action’s constant establishment of new relationships within a web of relations, and it needs forgiving, dismissing, in order to make it possible for life to go on by constantly releasing men from what they have done unknowingly.”¹⁷

Unlike Arendt, who found the necessity of forgiveness in everyday life, it was the historical context of the late 1990s that drew Derrida’s attention to the import (or better perhaps, hollowness) of political forgiveness. Derrida’s explicit work on the subject, *On Cosmopolitanism and Forgiveness*, came at the end of the 1990s, a decade when the world was awash in exercises of ‘political forgiveness’ like the South African Truth and Reconciliation Commission. Despite the then contemporary interest in political forgiveness, for Derrida the possibility of such a concept began some five decades earlier. Derrida argues that although the scenes of forgiveness have multiplied, each one operates “against the historical and juridical background that brought about the institution, invention, and foundation of a juridical concept coming out of the Nuremberg trials of 1945, a concept hitherto unknown, that of crime against humanity.”¹⁸ Despite his interest in forgiveness being kindled by the novelty of the contemporary context, Derrida did eventually come to locate a reading of forgiveness in the history of political thought. His posthumously published *Pardon and Perjury* attests to this. In that work Derrida traces the place of forgiveness and its political nature through a variety of thinkers including Saint Augustine, Saint Paul, he finds it and critiques it in the work of William Shakespeare, and Hannah Arendt herself as well. Derrida cites the former figures in this list favorably, but his discussion of Arendt’s understanding of forgiveness is notably more critical (despite its brevity).

In what follows I establish Arendt's concept of forgiveness, and critique it, although for different reasons than Derrida.

Impossibly beneficent:

For Arendt forgiveness is the condition of possibility of political life itself. As a result, Arendt viewed forgiveness as impossibly beneficent. To understand Arendt's position regarding forgiveness there is the prerequisite of grasping her conception of politics. Therefore, before progressing to Arendt's views on forgiveness, I offer a reconstruction of what she meant by politics.

There is a distinct specificity to political life for Arendt. That which gives rise to the capacity for political life are the twin human faculties of speech and action.¹⁹ Through these faculties humans can create in concert with one another, collectively and collaboratively. Political life can only take place publicly, in what Arendt called the "space of appearance."²⁰ But that political life can emerge in this space of appearance is not a given, simply a possibility. A possibility that can be realized only when people come together, "in word and in deed," "where words are not empty and deeds not brutal, where words are not used to veil intentions but to disclose realities, and deeds are not used to violate and destroy but to establish relations and create new realities."²¹ Notice the importance of the structure of intentions for Arendt. For the possibility of politics to be realized words and deeds need to coincide with certain intentions, and that which is mutually exclusive to these intentions are actions that would comport with destruction and violence. Despite the importance of the structure of intentions that we bring to

the space of appearance, Arendt knows that our best intentions often go awry, and this is a predicament.

For Arendt forgiveness is the answer to “action’s predicament.”²² The content of this predicament for Arendt is that when people act, to paraphrase the epigraph at the beginning of this paper, they know not what they do. Arendt explains that people’s actions result in outcomes that are both unpredictable and irreversible.²³ Elsewhere Arendt offers a reformulation of this equation, she writes that very often we “intend good and achieve evil, and vice versa,” hence the necessity of the “faculty of forgiving.”²⁴ Arendt argues that forgiveness is what releases us from unpredictability and irreversibility and enables to act freely. So important is the capacity to forgive and the opportunity of being forgiven that Arendt claims, “our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences forever, not unlike the sorcerer’s apprentice who lacked the magic formula to break the spell.”²⁵ Elsewhere Arendt likens the condition of not being able to forgive or offer forgiveness to a circumstance akin to being like a person in a “fairy tale who is granted one wish and then forever punished with that wish’s fulfillment.”²⁶ This is because, “forgiving attempts the seemingly impossible, to undo what has been done, and that it succeeds in making a new beginning where beginnings seemed to have become no longer possible.”²⁷ Arendt’s claim is that forgiveness is a faculty, another way of saying it is a capacity, meaning it is something that a person can possess and exercise, as a power. A power so great that Arendt equates it with the supernatural, with magic itself, and with the power to unbind wishes. It is in this way that Arendt makes forgiveness the very possibility of politics itself. For if politics, in Arendt’s thought, is equated with the capacity to act and act anew, in concert with others, then engaging in that act, freely, unfettered by the fear of being trapped by action’s predicament, requires

forgiveness. With this appraisal of forgiveness one can understand why Arendt thought it was so beneficent. In fact, in Arendt's thought forgiveness, in its near supernatural capacity, hardly has an expression which can be appraised as negative. This is not to say that everything can be forgiven. Arendt, as mentioned above, argues that there is the unforgiveable.

Some acts are so heinous that an appropriate punishment cannot be found, it is here that one finds the threshold of the unforgiveable. These trespasses that transcend the wrong we inevitably do through no fault of our own when we act are what Arendt calls "radical evil."²⁸ One imagines that the crimes of Eichmann, the experiences of the displaced populations, and the horrors of the camps are the kinds of acts for which there are no suitable punishments and therefore are unforgivable offenses.²⁹ Arendt wrote specifically of what occurred in 1941, 1942, 1943, as "something men could neither punish adequately nor forgive."³⁰ These kinds of acts may be unforgiveable, but are they unforgiveable in a strictly Arendtian political sense?

Violence, Arendt explains, amounts to, "-acting without argument or speech and without counting the consequences-"in their muteness such violence is destructive to power, and as a result, "anti-political."³¹ Power, Arendt argues, is that which "preserves the public realm and the space of appearance," and as such is generative and preservative of the political itself. This means that for Arendt there are no political actions which are strictly unforgiveable. To be sure, that there are heights of violence that reach the threshold of the unforgivable matters a great deal, that violence destroys the capacity for political life, that violence has the capacity to repress, and or fill the void of power's absence, this is irrefutable. Yet, it seems that despite the presence of the unforgivable, forgiveness persists, and politics does as well.

Reflecting on the epigraphs that this paper began with, it is fair to say that Arendt's thought on forgiveness pertains to both Pope's reflections on forgiveness as well as Luke's. Arendt

certainly would agree that to err is human, but for all her supernatural associations with forgiveness, likening it to magic, or imbuing it with the capacity to break wishes, it is a human faculty well within our grasp, and therefore not divine. Arendt's idea of forgiveness finds a much more neat and tidy correspondence with Luke's gospel that cites the teaching that we should forgive, because in acting we know not what we do. The persistence of political life is a constant reminder to us that not only do we have the capacity to forgive, the faculty to forgive, the power to forgive, but we dispense with it habitually. If, following Arendt, we understand the faculty of forgiveness as a power inherent in an individual or group, it is incumbent upon us to exercise this power...lest we want ...to be filled by opportunistic violence. In doing so we keep alive the potential to act communally in word and in deed, through forgiveness we keep the space of appearance open, and as such the promise of forgiveness is impossibly beneficent.

On the impossibility of beneficence:

To begin with, I would like to suggest that Derrida offers his reader a negative theory of forgiveness. This is to say, the best way to understand what Derrida believes forgiveness *is* is to understand all those things which forgiveness *is not*. Derrida tells us that forgiveness is not “excuse, regret, amnesty, prescription, etc.” (a list to which we can safely add pardon) because these concepts are bound up with, “a penal law from which forgiveness must in principle remain heterogenous and irreducible.”³² Arguing that forgiveness is an experience (and here Derrida would insist on using the word experience) between two who are “face to face,” it is necessary to think of forgiveness as, “an experience that is foreign to the domain of law, punishment, or penance, of public institutions, judicial calculations etc.”³³ But Derrida is not content to offer a

descriptive outline of all those things which forgiveness is not, he goes further and makes a normative claim. He writes that:

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 re-establish a normality (social, national, political, psychological) by a work of mourning, by some therapy or ecology or memory, then the ‘forgiveness’ is not pure – nor is its concept. Forgiveness is not, it *should not be*, normal, normative, normalizing. It *should* remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the ordinary course of history.

The attentive reader should certainly be able to see that what Derrida is establishing here is nothing short of the impossibility of forgiveness. Why impossible? Because for Derrida, “forgiveness, if there is such a thing,” (here Derrida eludes again to its potential impossibility), “must and can forgive only the un-forgivable, the inexpiable, and so do the impossible. To forgive the forgivable, the venial, the excusable, what one can always forgive, is not to forgive.”³⁴ This leads Derrida to, as he calls it, the aporia that “forgiveness forgives only the unforgiveable.”³⁵

To this aporetic critique, Derrida embarks on a parallel problematization, one which presents further problems for the potential realization of forgiveness in the political sphere. Derrida begins this aspect of his critique by drawing his reader’s attention to the hegemonic, what he calls variously Abrahamic, or Biblio-Koranic, construction of forgiveness as that which is conditioned on the logic of exchange.³⁶ It is within this tradition that Derrida locates the

tendency towards understanding forgiveness and forgiving as an economic relationship between parties. One can imagine the scene, there are two parties, one has wronged the other, the guilty party asks for forgiveness and the party that has been wronged grants it (or perhaps withholds it, or perhaps they *should* withhold it). This is what Derrida calls the conditionality of forgiveness. The problem that such a model of forgiveness presents is that once it is adopted by political structures the number of agents party to an act of forgiveness is multiplied. As a multitude of scholars have pointed out, these kinds of acts of forgiveness, might not even engaged the guilty party, or the victims of crime.³⁷ The explicit question that Derrida begs is how can the state, or a state actor be forgiven when the victim that would be responsible for offering forgiveness has been disappeared, or is deceased? These circumstances, in which the state, state actors, and judicial systems are involved, cases where “a third party intervenes, one can again speak of amnesty, reconciliation, reparation, etc. but certainly not of pure forgiveness in the strict sense.”³⁸ In this sense, Derrida is absolutely correct to point out that in all of these scenes of forgiveness, each one of these acts that masquerade as forgiveness, rests on the sovereign prerogative. The prerogative of forgiveness that Bodin inscribed into sovereignty, the right of clemency, the right of life in the final instance, hoists the “idea” of forgiveness above the law and excepts it from that law.³⁹

Derrida offers one additional intervention into what forgiveness *may* not be. Forgiveness may not be a capacity or a power of human agency. Throughout *Perjury and Pardon*, Derrida continually returns to a critique of Arendt and Vladimir Jankélévitch and their insistence that forgiveness is both a capacity and power. But this position is not even their original misunderstanding according to Derrida. Rather, Arendt and Jankélévitch fall prey to adopting the earlier developed Abrahamic, Biblio-Koranic theorization of forgiveness.⁴⁰ Derrida writes that

they “both began, without ever suspecting the slightest problem, by defining forgiveness, the act of forgiveness, as a power.”⁴¹ The problem that Derrida identifies here is that it treats forgiveness as “something one can, must, or must not be able to do.”⁴² In the vernacular of beneficence this means that it is good that we can forgive, forgiving itself creates good, and when we neglect to forgive it is bad. This says little, if anything, of the circumstances that lay in potential if we consider the impossibility of forgiveness. I insist on equivocating on this point, that forgiveness may not be a capacity, for although Derrida makes this argument explicitly, I remain convinced that he leaves the door open with his idea of hyperbolic ethical forgiveness.

Despite these critiques Derrida does not once and for all give up on forgiving, despite its apparent impossibility. Derrida occupies a position between what he calls “a ‘hyperbolic’ ethical vision of forgiveness, pure forgiveness, and the reality of a society at work in pragmatic processes of reconciliation.”⁴³ The former hyperbolic version of forgiveness is that which I have called here the forgiveness whose beneficence is impossible, the latter finds its expression as the form of forgiveness that forgives only venial sins, and therefore is not forgiveness at all. I would argue, with Derrida (I think), that paradoxically, it is in the very impossibility of forgiveness that one can locate beneficence. As a hyperbolic idea, forgiveness is an abstract and unattainable idea, but in its very status as exceptional, as excepted from all possibility, forgiveness retains the capacity to push towards positive change.⁴⁴ Ironically, it is in the sovereign prerogative of pardon, as an exception to law, that Derrida finds the necessary inspiration to think forgiveness as excepted from all possibility. It is here that we find that Derrida’s negative theorization of forgiveness, unlike Arendt’s, find its highest expression in the epigraph that cites Alexander Pope which I began with. To err may be human, but to forgive truly is divine.

Judgement and justice, aporetic ciphers of forgiveness?

In Arendt's thought the faculty of judgment is something of an aporia. I have argued that for Arendt forgiveness is the condition of possibility of politics itself. This led me to align Arendt's thought on forgiveness with Luke's gospel, which Arendt herself cites approvingly, to aid my claim that in her thought forgiveness is impossibly beneficent. Yet, even if one accepts this and finds purchase in the teaching of Luke's gospel, as Arendt does, one cannot maintain such a stance without the inclusion of the human faculty of judgement. Even if one practices forgiveness with great abundance, as Arendt would counsel one to do, this means one has, in each case of forgiveness dispensed, judged that they were wronged, and that the person who wronged them should be forgiven. It means passing judgment on another person. It is here that the aporia appears. For Arendt argues that there is a human faculty of judgment, and that we should use it, but people tend not to.

In her essay, *Personal Responsibility Under Dictatorship*, Arendt claims that there "is a widespread fear of judging" in our society.⁴⁵ Arendt argues further that, "behind the unwillingness to judge lurks the suspicion that no one is a free agent, and hence the doubt that anyone is responsible or could be expected to answer for what he has done."⁴⁶ It is not only that we are unable to judge our own actions, but this inability, or unwillingness to judge extends to the acts of others because of this logic. Hence the aporia, if everyone were simply to forgive the conundrum of judgment would be solved, but forgiving requires judgment, and so here we find what appears to be an irreconcilable contradiction; if nobody is willing to judge, then nobody will be willing to forgive. Arendt intimates, and this is crucial, that it is not simply a society wide inability to cast judgment on the powerful this phenomenon seeps down to the very place where

individual gather to act in concert in word and in deed.⁴⁷ We might think of this as a failure of overt social judgement. Is forgiveness practicable in the absence of overt social judgment? This presents a serious problem for Arendt's account of forgiveness as that which not only acts but reacts, as if spontaneously. If forgiveness were a reasoned response perhaps this would not present the problem it does here. In that case the fact of an unwillingness to judge would foreclose the possibility of reasoning through whether one should be forgiving or not.

But, forgiveness, according to Arendt, arrives "unexpectedly," "unconditioned by the acts which provoked it" two possibilities flow from this.⁴⁸ I propose that the concepts of spontaneity and unconditioned dispensation provide the necessary means for Arendt to maintain a coherence in her thought between the requirement of forgiveness's abundance and the failure of overt social judgment. The first is that forgiveness, in its unexpected spontaneity, is prior to judgment, the second is that forgiveness arrives and occludes the judgment which precedes it. Luke's gospel accords with the latter of these two possibilities, for there is judgment implicit in the call to "forgive...for they know not what they do." In this way forgiveness stands as a cipher for judgment. And, as it's cipher, forgiveness fulfills the role of overt social judgment resolving its failure. In this way the beneficence of judgment and forgiveness are maintained.

If I am correct and judgement functions as a cipher for forgiveness in Arendt's thought, then perhaps I might also be vindicated in my suspicion that justice fulfills a similar role in Derrida's thought. But things are not so straightforward here. To get at Derrida's understanding of justice it is necessary to begin with *droit*, the relationship (or better yet, non-relationship) between *droit* and justice, and finally justice itself.

In his discussion of *droit* in "Force of law," Derrida immediately draws his readers attention to the lack of specificity that the word *droit* possesses. *Droit* simultaneously means

right, justice, and law. In its manifestation as law, *droit* requires enforcement, “enforceability, is not an exterior or secondary possibility that may or may not be added as a supplement to law. It is the force essentially implied in the very concept of *justice as law (droit)*, of justice as it becomes *droit*, of the law as “*droit*.”⁴⁹ The problem that Derrida has begun to allude to is that of the justness of the violence that will be required to enforce law. “What difference is there between, *on the one hand*, the force that can be just, or in any case be deemed legitimate,” essentially, how can *droit* be just, asks Derrida, “and *on the other hand* the violence that one always deems unjust?” In sum, is there a justice that can, and should, find its natural expression in the field of law (*droit*) while simultaneously remaining faithful to the sense that justice is tied up with non-violence. Of this becoming just of justice Derrida argues that “justice isn’t justice, it is not achieved if it doesn’t have the force to be “enforced; a powerless justice is not justice, in the sense of *droit*.”⁵⁰ In the sense of *droit*, one might well ask Derrida, but what other sense of justice is there? The genesis of the polemical relationship between justice and *droit*, Derrida goes on to argue, can be found at the point of laws founding.

The founding of law (*droit*) by necessity involves a founding violence. The perpetuation of the law, once the foundational act has occurred, similarly requires violence to preserve that law. Derrida argues that this kind of foundational violence is not just, nor is it unjust (perhaps it can be justified?). There is a sense of an arbitrariness here that Derrida captures by claiming that “the position of the law can’t by definition rest on anything but themselves, they are themselves a violence without ground.”⁵¹ So, what is justice? It is, much like Derridian forgiveness, “an experience of the impossible.”⁵² And, apropos of what I described as Derrida’s negative theory of forgiveness, we know what justice is not. “Law (*droit*) is no justice.”⁵³ By extension, justice is not law. This experience of the impossible finds its expression in what Derrida calls, “a call for

justice.”⁵⁴ Does this not call to mind the formula that forgiveness forgives only the unforgivable? Just as Derrida desires for forgiveness to be excepted from the law, to remain in each case completely exceptional, so too does it seem that he wants justice to possess the same exceptional status. Early on in *The force of law* he writes, “I want to insist right away on reserving the possibility of a justice, indeed of a law that not only exceeds or contradicts “law” (*droit*) but also, perhaps, has no relation to law, or maintains such a strange relation to it that it may just as well command the “*droit*” that it excludes.”⁵⁵ It is at this point that Derrida engages three aporias he ascribes to justice, first; the rule, second; the ghost of the undecidable, finally; the urgency that obstructs the horizon of knowledge. It is the last of these aporias that share an affinity with Derrida’s conceptual development of forgiveness.

The final of Derrida’s three aporias pertaining to justice addresses the demand for justice, that justice be dealt, that justice not be withheld. As Derrida says, “a just decision is always required *immediately*, “right away.” The contemporary horizon for the attainment of justice is not one that recedes on an infinite horizon but posits itself, as Derrida says, a “*decision*,” in “a finite moment of urgency and precipitation,” no time must be wasted in the attainment of justice.⁵⁶ Is this not the case with forgiveness as well? The moment of the cessation of a violent politics, the drawing to the close of a war, the realization of a miscarriage of justice one must always engage in reconciliation, in amnesties, in pardons. Yet, we know that Derrida does not foreclose the possibility of a forgiveness that is excepted from the (already excepted in the above cases) law in his maintenance of a belief in hyperbolic ethical forgiveness. Similarly, Derrida speaks of a justice “to-come.” Justice remains a possibility, like forgiveness, a “perhaps” as Derrida says, “there is no justice except to the degree that some event is possible which, as event, exceeds calculation, rules, programs, anticipations and so forth.”⁵⁷

What appear at first to be aporias turn out to be consistent with the moorings of their separate approaches to forgiveness. The logic of Arendt's approach to judgement and Derrida's to justice further solidifies their stances on forgiveness as, in the case of the former, impossibly beneficent, and in the latter, the beneficence of which is impossible. But there is more, if we accept the relationships set forth above, then perhaps there is a reading of Arendt and of Derrida that might substitute, or recognize the potential of forgiveness as that which might attain justice or function as judgement without the fetters of law, a concept both thinkers are suspicious of, although in different dimensions.

Reconciled views

Despite their differences, there is a point of synthesis between Arendt and Derrida's thought on forgiveness. These two thinker's otherwise divergent approaches to the politics of forgiveness overlap in their resistance to sovereignty. For Arendt and Derrida forgiveness may be political, but cannot, should not, be an extension of sovereign politics. Recall Arendt's criticism of negative political forgiveness and Derrida's critique of amnesty, pardon, and recent truth and reconciliation commissions. The two share a suspicion that forgiveness and sovereignty, political or otherwise, are mutually exclusive categories. This is because both thinkers, albeit for different reasons, have a tortured relationship to sovereignty.⁵⁸ And even more so, because both thinkers believe that sovereign forgiveness usurps the authentic political virtue that is forgiveness.

For Arendt the problem with sovereignty is that it is both inauthentic and a form of domination. "Sovereignty," Arendt writes, "which is always spurious if claimed by an isolated

single entity, be it the individual entity of the person or the collective entity of a nation, assumes, in the case of many men mutually bound by promises, a certain limited reality.”⁵⁹ But, sovereignty falls prey, just as promises do under the conditions of non-sovereign plurality, to actions predicament, contingency, and unreliability. Therefore, sovereignty offers only “limited independence from the incalculability of the future, and its limits are the same as those inherent in the faculty itself of making and keeping promises.”⁶⁰

According to the dominant tradition the opposite of sovereignty is what Arendt calls non-sovereignty (although as will become clear Arendt does not think that these concepts can so easily be separated out and opposed). Non-sovereignty is a condition in which ‘men’ (as Arendt would say) confront the conundrum of action, or rather, a lack thereof because the condition of non-sovereignty exposes the weakness of plurality, or as would perhaps be more widely recognized, the problem of collective action under anarchic conditions in which every ‘man’ is a wolf to other men.

Yet, for Arendt sovereignty and non-sovereignty are not mutually exclusive categories. Sovereignty does not supplant non-sovereign political practices, but what it does is obscures them, or, as James Martel aptly puts it, sovereignty eclipses non-sovereign practices. (Divine Violence) The point is, the non-sovereign political practices remain, they are just difficult to discern. Arendt’s conundrum is how to think the capacity for the maintenance of one’s freedom under the conditions of non-sovereignty. Said another way, as James Martel has asked and continues too, is there such a thing as non-sovereign politics, or politics without sovereignty? Reformulated in Arendt’s terms, “or to put it another way, whether the capacity for action does not harbor within itself certain potentialities which enable it to survive the disabilities of non-sovereignty.”⁶¹ Arendt cheekily answers, indeed it does.

Derrida's claim against sovereignty is not that it is spurious, but rather that it is an abuse of power. In his *Rogue States*, Derrida writes that when "there is sovereignty, there is abuse of power and a rogue state. Abuse is the law of use, it is the law itself, the "logic" of a sovereignty that can reign only in not sharing."⁶² The thorny question for Derrida becomes, what to do about this state of affairs? Derrida is more ambiguous about the possibility of non-sovereign political practices persisting under the eclipse of sovereignty. Rather, as with his idea of *democracy to come*, or hyperbolic ethical forgiveness that forgiveness the unforgivable, or his messianic conception of justice, the question is not one of non-sovereign politics, but rather alternative sovereign politics. We can see this most clearly in his lectures on *The Beast & the Sovereign*. In these lectures Derrida engages in a deep critique of the dominant (Schmittian) conception of state sovereignty in its decisionist articulation (although to be fair such a critique can be found in many other of his late works). It is of course this understanding of sovereignty that underlies Derrida's own criticism of all those forms of political forgiveness that are in fact not forgiveness at all. Recall that it is the sovereign decision that enables the exceptional exercise of the power of amnesty, pardon, and the institution of truth and reconciliation commissions. Derrida's point of entry is to make the case not for the erasure of sovereignty, but rather its displacement. Derrida argues that "there is no contrary to sovereignty, even if there are things other than sovereignty. Even in politics...the choice is not between sovereignty and nonsovereignty, but among several forms of partings, partitions, divisions, conditions that come along to broach sovereignty that is always supposed to be indivisible and unconditional."⁶³ We can also tie the violence of this decisionist sovereignty that is the subject of Derrida's critique to his views on forgiveness. It is in sovereignty's non-reciprocity, or rather, as we will see, its imposed reciprocity, that such a

through line can be identified. This relationship between forgiveness and sovereignty is what can make the experience of being forgiven so loathsome. Derrida explains that “what makes the ‘I forgive you’ sometimes unbearable or odious, even obscene, is the affirmation of sovereignty. It is often addressed from the top down, it confirms its own freedom or assumes for itself the power of being forgiving, be it as victim or in the name of the victim.”⁶⁴ It is certain that this is true even in the face-to-face relationship that Derrida excepts from instances of political forgiveness, and it is doubly certain in all those cases of what Derrida argues forgiveness is not.

Of what consequence is the existence of Arendtian non-sovereign politics or Derrida’s critique of Schmittian sovereignty? The beneficence of forgiveness is found in it keeping open the space for non-sovereign politics and in doing so subverting sovereignty itself. This includes judgement, for judgement is a faculty typically reserved for sovereign actors. Arendt can therefore help us understand that forgiveness lets us act freely, not sovereignty. Forgiveness is the possibility of politics itself, not sovereignty. Therefore, in Arendt’s conception we do not necessarily need to overcome sovereignty if we surreptitiously act and forgive, creating alternative sights of politics. The impossibility of forgiveness’s beneficence also bears within it a lesson. With Derrida we see again that it is not sovereignty that must be overcome. Withholding forgiveness pushes back against sovereignty, resists the force of sovereignty and points toward the necessity of rearticulation of sovereignty if it is forgiveness, democracy, or justice we wish to achieve. Synthesizing their views suggests the following, it is possible that we must be prepared to accept the spurious nature of what we have here to fore accepted as justice. With the recognition that we will need to look for alternative sources of and articulations of justice and judgement, but which may be at our fingertips.

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- ¹ P.E. Digeser, *Political Forgiveness*, (Ithaca: Cornell University Press, 2001), 4.
- ² Ibid.
- ³ Jean Hampton and Jeffrie G. Murphy, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988), 16.
- ⁴ Hannah Arendt, *The Promise of Politics*, (New York: Schocken Books, 2005), 59.
- ⁵ Jacques Derrida, *On Cosmopolitanism and Forgiveness*, (London: Routledge, 2001), 32.
- ⁶ Griswold
- ⁷ Lucius Annaeus Seneca, *Anger, Mercy, Revenge* trans. Robert A. Kaster, (Chicago: University of Chicago Press, 2010), 148
- ⁸ Ibid., 149.
- ⁹ Jean Bodin ed. Franklin, *On Sovereignty*, (Cambridge University Press: New York, 1992), 1.
- ¹⁰ Jean Bodin, *On Sovereignty: Six Books of the Commonwealth* trans. M. J. Tooley (Oxford: Seven Treasures Publications, 1995), 130.
- ¹¹ Bodin ed. Franklin, *On Sovereignty*, 75.
- ¹² Ibid.
- ¹³ Banu Bargu, *Starve and Immolate: The Politics of Human Weapons* (New York: Columbia University Press, 2014), 56.
- ¹⁴ Ibid., 57.
- ¹⁵ Hannah Arendt, *The Human Condition*, (Chicago: University of Chicago Press, 1998), 238-239.
- ¹⁶ Ibid., 240.
- ¹⁷ Ibid.
- ¹⁸ Jacques Derrida, *Perjury and Pardon volume 1*, trans. David Wills (Chicago: The University of Chicago Press, 2022), 8.
- ¹⁹ Arendt, *The Human Condition*, 25.
- ²⁰ Ibid., 199.
- ²¹ Ibid., 200.
- ²² Ibid., 236.
- ²³ Ibid.
- ²⁴ Arendt, *The Human Condition*, 237.
- ²⁵ Ibid.
- ²⁶ Arendt, *The Promise of Politics*, 59.
- ²⁷ Ibid., 58.
- ²⁸ Arendt, *The Human Condition*, 241.
- ²⁹ For Arendt's discussion of Eichmann see: Hannah Arendt, *Eichmann in Jerusalem: a report on the banality of evil*, (New York: Penguin Classics, 1964). On the experience of the displaced people and the camps see: Hannah Arendt, *The Origins of Totalitarianism*, (Orlando: Harcourt Inc., 1968), 267-302.
- ³⁰ Hannah Arendt, *Responsibility and Judgement*, (New York: Schocken Books, 2003), 23.
- ³¹ Hannah Arendt, *On Violence*, (Orlando: Harcourt Inc., 1970), 64.
- ³² Jacques Derrida, *On Cosmopolitanism and Forgiveness* trans. Mark Dooley and Michael Hughes, (London: Routledge, 2001), 27.
- ³³ Derrida, *Pardon and Perjury*, 7.
- ³⁴ Ibid., 14.
- ³⁵ Derrida, *On Cosmopolitanism and Forgiveness*, 32.

³⁶ For Derrida's discussion of the Abrahamic nature of forgiveness see: Derrida, *On Cosmopolitanism and Forgiveness*, 31. For Derrida's description of the Biblio-Koranic hegemony of forgiveness see: Derrida, *Perjury and Pardon*, 80.

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³⁸ Derrida, *On Cosmopolitanism and Forgiveness*, 42.

³⁹ I insist on the "idea" of forgiveness in this statement as Derrida clearly does not understand these acts as forgiveness, but they do remain in the public imagination as an ideation of forgiveness.

⁴⁰ Derrida, *Perjury and Pardon*, 82.

⁴¹ *Ibid.*, 80

⁴² *Ibid.*, 82.

⁴³ Derrida, *On Cosmopolitanism and Forgiveness.*, 51.

⁴⁴ One should not lose sight of the fact that Arendt too inscribes an exceptionality to forgiveness. It is in her association of forgiveness to ... I need to draw this...

⁴⁵ Arendt, *Responsibility and Judgment*, 19.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, 21.

⁴⁸ Arendt, *The Human Condition*, 214.

⁴⁹ Jacques Derrida, "Force of Law: The Mystical Foundation of Authority" 5

⁵⁰ *Ibid.*, 10.

⁵¹ *Ibid.*, 14.

⁵² *Ibid.*, 16.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, 5

⁵⁶ *Ibid.*, 26.

⁵⁷ *Ibid.*, 27.

⁵⁸ James Martel has provided a thorough discussion of how both Arendt and Derrida understand and critique the concept of sovereignty in his "Divine Violence." See; James Martel, *Divine Violence: Walter Benjamin and the Eschatology of Sovereignty* (New York: Routledge, 2012).

⁵⁹ Arendt, *The Human Condition*, 245.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, 236.

⁶² Jacques Derrida, *Rogue States* trans. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 2005), 102.

⁶³ Jacques Derrida, *The Beast and the Sovereign volume I* trans. Geoffrey Bennington (Chicago: University of Chicago Press, 2008), 76.

⁶⁴ Derrida, *On Cosmopolitanism and Forgiveness*, 58.

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