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To Atone and To Forgive: Jaspers, Jankélévitch/Derrida and the Possibility of Forgiveness

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Vladimir Jankélévitch and the Question of Forgiveness

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Chapter Nine

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Jaspers, Jankélévitch/Derrida, and the Possibility of Forgiveness

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"Even this must have a preface—that is, a literary preface, and I am a poor hand at making one." It could be me saying this before you, it is certainly true, but these are the words that Ivan Karamazov spoke to his younger brother Alyosha as he prepared to tell him his story of "the Grand Inquisitor" in Dostoevsky's *Brothers Karamazov*. Ivan is of course a highly intellectual young man, rational in his thought, and perhaps embodying the secular ideals of objective science; this in distinction from his younger brother Alyosha, the naïve but deeply religious novice monk. The story is well known and has been combed over many times.

As Ivan tells Alyosha, it concerns the return of Jesus Christ "who deigned to appear for a moment to the people, to the tortured, suffering people, sunk in iniquity, but loving Him like children. [The] story is set in Spain, in Seville, in the most terrible time of the inquisition, when fires were lighted everyday to the glory of God, and in the splendid *auto da fé* the wicked heretics were burnt." He does not say a word, but the people recognize him, flock around him, and follow him. His actions are graceful: he blesses the crowds, gives sight to the blind, and even raises a young girl from the dead with the only words uttered from his lips "Maiden, arise!" All seem to welcome him with "responsive love." All that is except for one man, the Grand Inquisitor, who has witnessed everything. "He is an old man, almost ninety, tall and erect, with a withered face and sunken eyes, in which there is still a gleam of light." As he watches the events unfold his face darkens and with a solemn gesture he orders his guards to take Him. The power of the Grand
Inquisitor is such that the crowd part and silence falls throughout the square. The people all bow to the Grand Inquisitor as one and he blesses them while the prisoner is led to the “vaulted prison in the ancient palace of the Holy Inquisition and shut in it.”

To be sure, we don’t really know if the prisoner is Jesus Christ returned or if this is merely a case of mistaken identity though Ivan tells us that this does not matter. “All that matters is that the old man should speak out, should speak openly of what he has thought in silence for ninety years.” I would like to focus on this point. Despite the fact that the Grand Inquisitor informs his prisoner that he intends to burn him as a heretic the next day, that he and the world no longer have need of Jesus nor his teachings, and that “the very people who have today kissed Thy feet, tomorrow at the faintest sign from me will rush to heap up the embers of Thy fire,” he takes this opportunity, he is compelled, to tell the prisoner of his actions, his choices, and the reasons behind them. But why?

Given the power dynamic between the two, the Grand Inquisitor need not give the Prisoner a single word. But he does, and at one level his argument is persuasive. The Grand Inquisitor tells Jesus that they “have corrected Thy work and have founded it on miracle, mystery, and authority. And men rejoiced that they again were led like sheep, and that the terrible gift that had brought them suffering was at last, lifted from their hearts.” The Grand Inquisitor does not act out of malice but out of love for humanity. Ivan’s Inquisitor evokes a protestant Jesus Christ who asks too much of human kind in requiring that they assume the personal burden of faith. By contrast, the Grand Inquisitor claims to give them what they need, acknowledging their “feebleness, lovingly lightening their burden, and permitting their weak nature, even sin, with our sanctions” so that “all will be happy, all the millions of creatures except the hundred thousand who will rule over them. For only we who guard the mystery, shall be unhappy. There will be thousands of millions of happy babes and a hundred thousand sufferers who have taken upon themselves the curse of the knowledge of good and evil.” And here we have a clue as to the reasons for the Grand Inquisitor’s confession. The Grand Inquisitor acts on behalf of all humanity, he serves what he believes to be a greater good but in so doing is fully cognizant of the ways that this conflicts with his personal understanding of Good and Evil.

The Grand Inquisitor recognizes Jesus Christ but has forsaken Him in pursuit of a greater societal good all the while knowing what he has done. Here, Ivan’s story can be said to revolve around a division between the particular and the universal, the individual and the state, or perhaps the moral and the political. The Grand Inquisitor is able to justify his actions through intellecution and reason. Furthermore, his actions are legal. He represents the state, the law, and the faith. But despite his best attempts, his eloquence, and argument, both the fact and content of his words to the Prisoner betray his compulsion to confess. For what is justifiable on legal or political grounds is not necessarily so on moral or metaphysical ones. But here we have already introduced the famous and controversial categories introduced by Karl Jaspers in his post–World War II work, _The Question of German Guilt_. Jaspers defines four categories of guilt [schuld]:

1. Criminal guilt: where crimes are acts capable of objective proof and violate unequivocal laws. Jurisdiction rests with the court which is relied on to apply the law.

2. Political guilt: this involves the deeds of statesmen and of the citizenry of the state. One must bear the consequences of the deeds of the state whose power governs one, but jurisdiction rests with the power and will of the victor. That is, with the party in power as “success decides.”

3. Moral guilt: in which “I, who cannot act otherwise than as an individual, am morally responsible for all my deeds, including the execution of political and military orders . . . . Jurisdiction rests with my conscience, and in communication with my friends and intimates who are lovingly concerned about my soul.”

4. Metaphysical guilt: Here, Jaspers claims there is a “solidarity among men as human beings that makes each co-responsible for every wrong and every injustice in the world.” For this, “jurisdiction lies with God alone.”

Now at one level, the Grand Inquisitor’s confession, or rationalization, or whatever we may call it, is a gratuitous act. For if the Prisoner is Jesus Christ returned, then He knows already of the Grand Inquisitor’s actions and intentions. If he is not, then the Grand Inquisitor is all the more justified in his actions and beliefs. Furthermore, the Grand Inquisitor has not broken the law and he is convincing in his utilitarian argument. But in the gratuitous act of confession, a gift of exchange that has no earthly justification, he reveals that he has not convinced himself. What is legally and politically permissible, one could even say just, does not coincide with what is morally and metaphysically so.

But despite, or because of, the Grand Inquisitor’s clarity as to his moral and metaphysical guilt, the Prisoner forgives him. “When the Inquisitor ceased speaking he waited some time for his Prisoner to answer him. His silence weighed down upon him. He saw that the Prisoner had listened intently and quietly all the time, looking gently in his face and evidently not wishing to reply. The old man longed for Him to say something, however bitter and terrible. But He suddenly approached the old man in silence and softly kissed him on his bloodless aged lips. That was all his answer.”
Now we have moved beyond the work of Jaspers and to the realm of Jankélévitch and forgiveness. On my reading, and for today, I will tell you that this is a tale of atonement and forgiveness. The Prisoner’s kiss is an act of pure forgiveness unfettered from words of justification, cause, or reason. For, as Jankélévitch states, “if one were to speak, instead of silently giving the kiss of peace, it would be in order to roll out objections against forgiveness, to prove the entire responsibility of the guilty person. [. . . ] [F]or we speak in order to accuse . . . In short, only forgiveness of the guilty person has nothing to say.”11 The Prisoner forgives the Grand Inquisitor and in return the Grand Inquisitor “went to the door, opened it and said to Him, ‘Go, and come no more . . . Come not at all; never, never!’ And he let Him out into the dark alleys of the town. The Prisoner went away.”12 The Grand Inquisitor pardons the Prisoner. To be sure, the acts are not symmetrical.13 The Grand Inquisitor’s gesture is legal or political and likely calculated. By contrast the Prisoner’s act seems beyond human comprehension. It is an impossible gesture. A gesture suited only for a God or presented as a literary device. But maybe this should not surprise us, after all Jankélévitch characterizes pure forgiveness as “an event that has perhaps never occurred in the history of man; pure forgiveness is a limit that is barely psychological, a peak state that is hardly lived.”14 Does this mean it can only be a goal or a fantasy, a dream or a delusion or can we move from the realm of the literary to try to pin it down? Is forgiveness possible in our lives and in our world?

My choice of the Grand Inquisitor was deliberate and relates to a passage in a later text by Jankélévitch. In “Shall We Pardon Them?” (a chapter in L’imprescriptible), Jankélévitch states: “As the Inquisitors, by annihilating the heretics with exterminating fire, suppressed the Other, which existed only by some inexplicable inadvertence of God, and thus claimed to accomplish the divine will, so the Germans, by annihilating the accused race in the ovens of the crematoria, radically suppressed the existence of those who should not have existed.”15 Here Jankélévitch pushes us up against the limit of what even he can conceive of as “forgivable.” Shall we pardon them? Or perhaps can we pardon them? Is it possible? Are there certain conditions that must be met to be worthy of forgiveness? Are certain acts unforgivable regardless? The answer is not clear, and this brings weight to Jankélévitch’s claim in Forgiveness that it is “forgiveness [itself] that poses the true moral dilemma.”16 What is clear is that there is a tension between Jankélévitch’s work of 1967, Forgiveness and his “later” but also “earlier” work “Shall We Pardon Them?” first presented as a letter to Le monde published in 1965 and then as Pardonne? in 1971. It is in response to this tension and specifically to the claim in the latter that forgiveness must be asked in order to be obtained that Jacques Derrida contests what he sees to be the “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 the fault, the transformation of the guilty, and the at least implicit obligation to avoid the return of evil.”17 If we follow the logic that Derrida ascribes to Jankélévitch (and I am not ready to agree with Derrida on this point), then one can only forgive on the condition that the one who has wronged you has atoned for their transgression. To atone and to forgive, they are inextricably linked.

But let us uncouple them for a moment and remove them from the realm of abstract logic and return them to two historical moments. The moment of Karl Jaspers’s The Question of German Guilt in 1947: to atone; and the moment of Vladimir Jankélévitch’s Forgiveness in 1967: to forgive. Twenty years separate these two works, and that is not an insignificant number, it appears repeatedly throughout Jankélévitch’s tome. Jaspers’s work was first presented as a series of lectures that confronted the immediate aftermath and legacy of Nazi Germany. Paramount among his objectives was to “clarify the question of German guilt. This is our business. It is independent of outside charges, however much we may hear and use them as questions and mirrors.”18 The most prominent of these “outside charges” were made explicit through the events of the Nuremberg Trials, and this is a key catalyst for Jaspers’s work as he sought to distinguish the legal, political, moral, and metaphysical consequences of Nazi rule. This is especially so regarding the legal category of “Crimes Against Humanity” as defined in article 6c of the London Charter of the International Military Tribunal.19 I will return to this legal precedent.

Jankélévitch’s work Forgiveness is also forged against such legal distinctions, and both Forgiveness and Pardonne? must be read in the context of the twenty-year statute of limitations on Vichy War Crimes, the public debate and formal vote as to whether France should “pardon” Germany and the Germans for Nazi war crimes, and the French law of 1964 that determined that “crimes against humanity,” unlike other crimes, are not subject to any statute of limitations. Indeed, we could think specifically of Paul Touvier, who later would become the first Frenchman to be charged with “crimes against humanity” but who was initially charged and convicted in absentia of treason and conspiring with the enemy in 1947 and whose statute of limitations for the crimes he committed expired in 1967. Legally “what had been unforgivable until May 1967 had abruptly ceased to be in June 1967.” It is indeed necessary to set a date, is it not? And so official forgetting begins tonight at midnight. What a mockery! If we have to have a waiting period, why wait twenty years? Why not right away?”20 The legal category provokes a deeper question as to whether there could be something like a “statute of limitations” on forgiveness itself. Or to reverse the movement, is there a moment when it is simply too late to atone for one’s misdeed? On Derrida’s reading, this would obviate the possibility of...
forgiveness. Is there a moment when it is too late to forgive? Is there a moment when the very possibility of forgiveness expires?

Jankélévitch certainly opens this possibility when he tells us that “sooner or later, the rancorous person will give in to the omnipotence of time and to the weight of the accumulated years, for time is almost as omnipotent as death, and time is more tenacious than the most tenacious of wills, for it is irresistible! And the rancorous person will grow weary of holding a grudge against his opponent before becoming grows weary of becoming... No, nothing resists this silent, continuous, and implacable force, this truly infinite pressure of progressive forgetting.”

Now here it is important to remember that for Jankélévitch, forgiveness favors “becoming” because it implies change and transformation, while resentment, rancor, resists becoming because it arrests time at the moment of resentment and will not allow it to change. But for Jankélévitch, “becoming” always triumphs because the chronology only moves in one direction. If not through the transformative power of “forgiveness” then through the inevitable transformation brought on by time. “Centuries follow upon centuries; in the end, it is as if the exploit never took place... and we come to doubt whether the unforgivable crime was ever actually committed.”

In this way, time achieves the same ends as forgiveness by undoing the shackles that “tie us down to the past” but it should not be taken for “forgiveness.” It is more “amnesia than amnesty” Jankélévitch tells us, because it has no concern for atonement nor does it do the work of forgiveness. There are no moral or ethical obligations involved in the act of forgetting because “time is ethically neutral. Days and weeks flow in the same way for repentant people as for unrepentant people without there being any differential element that permits a distinction between the time of good people and the time of wicked people... Innocent springtime glows for wicked people as well as for good people... Each year, trees blossom in Auschwitz just as they blossom everywhere, and grass is not disgusted to grow in these places of inexpressible horror.”

With similar sentiment Jaspers tells us: “the sun shines alike upon the just and unjust. The distribution of fortune and the morality of actions do not seem to be interconnected.”

While neither Jaspers nor Jankélévitch is ready to concede to the possibility that time could erase the transgression, which would thus deny the possibility of atonement or forgiveness, it also seems to be the case that the unchecked process of time provides a sort of “statute of limitations” no less arbitrary than the legal form. It does not mean that the transgression never happened but that at some point a “veil was drawn over the past” that denies access to it. At this point, the time to atone and the time to forgive have passed and forgiveness is no longer possible.

But in the face of this seemingly inevitable consequence both Jaspers and Jankélévitch take a stand. For to forego the ethical and perhaps metaphysical rewards that Jaspers and Jankélévitch ascribe to atonement and forgiveness (however different those rewards might be) is to descend to the realm of indifference and apathy. Instead, it is only through the force of sheer will in the act of memory that anything like atonement or forgiveness could be possible. For atonement this equation seems relatively straightforward as Jaspers asks his fellow Germans to “purge [them]selves of whatever guilt one finds in himself, as far as this is possible by restitution, by atonement, by inner renewal and metamorphosis.” This is a ceaseless and solitary act of “doing what is within one’s power” by the force of one’s own will. Jankélévitch tells us “What is operative in repenting is the sincerity of the regret and the intensive ardor of the resolution. Repenting is redemptive because it is, first, an active will of redemption.”

Similarly, memory (which is a necessary condition for forgiveness as it would mean and cost nothing to forgive an act of no consequence) is also an act of will. It is the means by which the past is kept alive and not allowed to pass. The means by which the statute of limitations imposed by limitless time and inevitable forgetting is not allowed to expire but it is only done so through a tremendous act of will. “It is not the present that needs our aid; it is rather the past. It is not the present people who have need of our loyalty, it is the absent ones. Yes, it is the past that demands to be ceaselessly recalled, expressly recollected, and piously commemorated. The past, no longer existing, needs that one honor it and be loyal to it; for if we ceased to think about it, then it would be completely annihilated. The past will not defend itself alone.”

But while memory and atonement are acts of will, forgiveness is not. Thus the equation becomes more complex. Jankélévitch is explicit on this point: “Forgiveness is certainly not a decision of the will, as is the victory over temptation or the acts of memory and atonement, but like a decision it is an event that is initial, sudden, and spontaneous.”

No, for the task of forgiveness the will is not enough. But while memory is the necessary condition for forgiveness because the “forgetful person, off whom the offense glides without leaving the least trace, does not even know what he is supposed to forgive,” it is not in itself sufficient. It can even be an impediment to forgiveness. After all, we have already addressed the way that memory of the past transgression arrests time at the moment of resentment and does not allow it to change. Here, the offender and offended are locked in stasis, and all that remains is the promise of forgetting in spite of the will to remember.

Instead, memory to serve the higher purpose of forgiveness, “it is a matter of becoming in the direction of time and not of coming back against the grain of time.” Whereas what Jankélévitch calls the historic man “relies on time to wear away the memory of a misdeed that is quite real but that becomes more and more phantom like,” “Forgiveness does not deny that the misdeed has been effectively committed but it behaves as if it had not been committed.” This is the seemingly impossible task of forgiveness that declares the sin null and as not having come to pass although it knows full well
that it did as well as its cost.²⁹ It is the conservation of the memory that does not remain fixed in the past but allows progress toward the future. But this is not an act of will, one cannot force oneself to forgive.

The will to memory is not the only or most obvious impediment to forgiveness. We have discussed the natural tendency toward forgetting which I have characterized as a statute of limitations before the law and against which the will to remember must exert its force; but in distinction from the natural act of forgetting, the statute of limitations or the pardon as law points to forgetting as an act of will. This is an institutional or legal imperative to forget. Here, the crime is expiated. The guilty party is exonerated, and there is no legal or political reason to atone nor forgive. The pardon has been granted. Thus the question of German guilt announced by Jaspers in 1947 (at least in its political and criminal forms) would have expired by 1967 had the West German Government enacted its proposal that the twenty-year statute of limitations on all war crimes, including crimes against humanity, take effect as of May 1965. Indeed, it was the case that Paul Touvier’s death sentence was lifted, and he filed a petition for pardon as the statute of limitations on his crimes expired. In 1971, Touvier was granted his pardon by President Georges Pompidou. To be clear, Pompidou did not in any way address the issue of forgiveness but enacted a legal pardon. In an attempt to justify his decision, Pompidou asked: “Hasn’t the time come to draw a veil over the past, to forget a time when Frenchmen disliked one another, attacked one another, and even killed one another?”³⁰ In the act of the pardon as a result of the statute of limitations, President Pompidou directed his nation to forget (not to forgive), exhorting them to “draw a veil over the past.” Jankélévitch had anticipated such a gesture: “He utters the magic word for this and makes the ritual gesture; the reverence and salutation which, like open-sesame will mobilize anew social relations, will loosen the tension, and will permit the partners to carry on regardless.”³¹ For Jankélévitch, this exhortation is scandalous because “there will always be many swimmers in the water of Lethe. Men already have too much tendency to forget and ask only for that.”³² This move has repercussions for Jaspers as well because it permanently severs moral and metaphysical guilt from criminal and political guilt. Still, there is room in the economy of Jaspers’s system to accommodate such an outcome. For Jankélévitch, it pinches forgiveness between the inevitable occurrence of forgetting over time and the willed directive to forget.

To be sure this particular legislative act of will was superseded by a series of other legislative actions. The first involves a bill enacted by the French Parliament in 1964 that suspended the statute of limitations for crimes against humanity which itself was a response to the proposed German legislation. The second was in 1973, when Touvier was charged with “crimes against humanity,” a charge that could not expire, and here I would like to explore the peculiarities of this particular legal category. First, I want to be clear that for both Jaspers and Jankélévitch, there is a distinction between legal-juridical or political guilt, which is subject to the laws and rule of the state, and moral or metaphysical guilt, which requires true repentance before oneself or God. Beyond both of these lies forgiveness. But it is at the level of the moral and metaphysical that one can see how they all are related and it is precisely at the moment when the legal and political break down that one is confronted with the force or impotence of the moral and metaphysical.

The category of “crimes against humanity” was invented in response to just such a breakdown and with the realization that the category itself was in no way adequate to the crimes it was designed to encompass. But as if to compensate for these inadequacies, “crimes against humanity” was given extra-legal attributes that transcend the boundaries of conventional law. Most notably, the charge of “crimes against humanity” is not restricted by time or space. It is applicable regardless of whether or not it is in “violation of the domestic law of the country where perpetrated” and it is applicable retroactive to the time in which it was enacted.³³ Jaspers attempts to justify this with the claim: “In the sense of humanity, of human rights and natural law, and in the sense of the Western ideas of liberty and democracy, laws already existed by which crimes may be determined.”³⁴ But beyond these leaps, they are applicable in perpetuity and thus gesture toward the infinite. It is in this light that Jankélévitch wrote in Pardonnez?: “The vote of the French Parliament quite rightly expresses a principle and, as it were, an a priori impossibility. Crimes against humanity are imprescriptible, that is, the penalties against them cannot lapse; time has no hold on them. This is not to say that a prorogation of ten years would be necessary to punish the guilty that remain. It is in general incomprehensible that time, a natural process without normative value, could have a diminishing effect on the unbearable horror of Auschwitz.”³⁵ These are crimes that never expire, that should never be forgotten, and by this logic can never be forgiven. This is why for Derrida, “the concept of ‘crime against humanity’ remains on the horizon of the entire geopolitics of forgiveness” but here the moral and metaphysical grounds of forgiveness have become the basis for legal and political claims.³⁶

Jaspers articulates it this way: “What happens in Nuremberg, no matter how many objections it may invite, is a feeble, ambiguous harbinger of a world order, the need of which mankind is beginning to feel. This is the entirely new situation.”³⁷ Thus in response to the transgressions of Nazi Germany, in the face of the abominable and incomprehensible acts committed under Nazi law, a new world order is required to protect us from such transgressions. But the law itself, designed to preclude such actions, is predicated on the fact that those actions took place and the simultaneous disavowal of their necessity in the creation of the new law. For Derrida, this means that
when in 1964, France judged it opportune to decide that the crimes against humanity were to remain imprescriptible, in this it implicitly called on a sort of beyond the law in the law. The imprescriptible, as a juridical notion, is certainly not the unforgivable [...]. But the imprescriptible signals toward the transcendent order of the unconditional, of forgiveness and the unforgivable, toward a sort of ahistoricity, even eternity and the Final Judgment, goes beyond history and the finite time of the law: for ever, "eternally", everywhere and always, a crime against humanity will always be subject to judgment, and it will never be effaced from the judicial archive.

In essence, this is the secularization of a theological principle: what was once authorized by God, now rests with man.

Jaspers grounds the legitimacy of the criminal and political jurisdiction of the Nuremberg trials by stating: "Whenever men become aware of their humanity and recognize man as man, they grasp human rights and base themselves on a natural law to which both victor and vanquished may appeal." But this legitimation is not based on the political or criminal, instead its premise is the claim that "Metaphysical guilt is the lack of absolute solidarity with the human being as such—an indelible claim beyond morally meaningful duty." Here the moral, political, and criminal all find their bases in the transcendent claim of "humanity." For Jankélévitch there is concord and discord: "of all values, love for humans is the most sacred, but indifference to crimes against humanity, but indifference to crimes against the essence and hominy of the person is the most sacrilegious of all misdeeds." On the one hand, one can see how crimes against humanity trouble the most sacred principle of "love for humanity" and thus are imprescriptible and unforgivable. But on the other hand, that love for humanity demands that all can be forgiven... that the statute of limitations on atonement and forgiveness never expires.

Derrida seizes this point to argue that any understanding of the concept of forgiveness must begin with this paradox, this aporia, "which can be described in its dry and implacable formula, without mercy: forgiveness forgives only the unforgivable." Thus for Derrida (and I think for Jankélévitch as well), "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 historical temporality." This is why Derrida claims: "the transcendental principle of a system doesn't belong to the system. It is as foreign as an exemption."

At this level, forgiveness, the pure act of love for humanity, is the foundational principle for all of Jaspers's categories of guilt perhaps as Jesus Christ serves as the foundational principle for the Grand Inquisitor's Christianity in Ivan's story. But for Jankélévitch, "Forgiveness, in the moment in which it forgives, has to make a violent effort over itself in order to absolve the guilty person instead of condemning him." This is the paradoxical state of forgiveness that in the aftermath of the Second World War becomes the condition of legal and political justice but whose endeavor is in its very nature destined to transgress those limits. The act of pure forgiveness is uncoupled from the institutional application of its principles in the same way that Jankélévitch's work Forgiveness is uncoupled from Pardonner? Derrida asserts: "this foundational violence is not only forgotten. The foundation is made in order to hide it; by its essence it tends to organize amnesia, sometimes under the celebration and sublimation of the grand beginnings."

Here I return to our Grand Inquisitor, whose ethico-religious role was founded on the teachings of Jesus Christ now imprisoned in the vaulted prison of the ancient palace of the Holy Inquisition. I return to President Pompidou, who sought to "draw a veil over the past" in his attempt to restore French unity in the name of liberty, equality, and fraternity. It is certainly the case that both the Grand Inquisitor and Pompidou granted pardons to their respective prisoners but these are legal/political actions akin to Jaspers's first two categories and not "forgiveness" as defined by any of the thinkers discussed in this paper. What is of note is that both acts are based on a foundational or authorizing principle that the actions themselves betray. And I return to Jankélévitch, where the ethical imperative evidenced by a humanity capable of forgiving articulated in Forgiveness, an ethical imperative that becomes the basis of legal and political justice, is effaced and hidden by the proclamation in Pardonner? that some crimes, crimes against humanity, are imprescriptible and thus unforgivable. In this light, it appears that Jankélévitch posits forgiveness only to deny it. The emphasis on will, and specifically the "will to remember" (presented as the condition for forgiveness in Forgiveness), betrays an anxiety about forgetting past transgressions that reveals itself in Pardonner? not in order to promote forgiveness but to withhold it from the perpetrators of a crime so heinous it should never be forgiven or forgotten. But in doing so, the "foundational violence" of forgiveness is suppressed.

In Pardonner?, the work of Forgiveness is locked in the vaulted prison, it is hidden by the veil over the past. What is obfuscated or buried is that while the category of "crimes against humanity" is enacted as a guarantee to ensure that all peoples respect the basic humanity of each other, the basis for this law is the very human potential to commit such crimes. But is there not danger in this obfuscation? After all, at the level of the political and juridical one could argue that the intentions of our Grand Inquisitor and of President Pompidou were good. To be perverse, one might argue (as Lacoue-Labarthe has) that the Nazi regime and its policies were enacted in the name of an exclusionary humanism that sought to defend that which they defined as what was best in humanity. Certainly, those who supported this cause saw it as embodying a greater political and legal good. Now I don't say this to be shocking but to point to the way that obfuscation of this point relegates the
actions of the Nazi regime to an “other side” of humanity that in one way it is. But one should not deny or avoid the reality of a world where such actions exist in the realm of human possibility. The Shoah was not the last genocide nor was Nuremberg the final trial for “crimes against humanity.” If there are transgressions that can never be pardoned than then there can never be true forgiveness.

This is Derrida’s position: “If one is only prepared to forgive what is forgivable, then the very idea of forgiveness would disappear.” Instead, Derrida boldly counters that it is because “in this century, monstrous crimes (‘unforgivable’ then) have not only been committed—which is perhaps itself not so new—but have become visible, known, recounted, named, archived by a ‘universal conscience’ better informed than ever; because these crimes, at once cruel and massive, seem to escape, or because one has sought to make them escape, in their very excess, from the measure of any human justice, then well, the call to forgiveness finds itself (by the unforgivable itself) reactivated, remotivated, accelerated.” But on this reading Derrida confronts us with an act of forgiveness that “must announce itself as impossibility itself. It can only be possible in doing the impossible.”

For Derrida, “pure unconditional forgiveness, in order to have its own meaning must have no ‘meaning’, no finality, even no intelligibility.” Derrida calls for an impossible, incalculable, and indeterminable gesture, and here I return to the Prisoner’s silent and incomprehensible act of forgiveness when he kisses the Grand Inquisitor on “his bloodless aged lips.” A gesture suited only for a God or presented as a literary device. The parallel is instructive on another level for the Grand Inquisitor, like the unpunished war criminal, never “asks” for forgiveness.

But by appealing to the register of the impossible, Derrida too seeks to escape responsibility for the “monstrous crimes” at once “cruel and massive.” After all, the death camps are not the place where the impossible happened but where everything became possible. If our definition of “forgiveness” is that we can forgive the very worst that is humanly possible in the name of the “impossible” then we have gone too far. In asking for the impossible, Derrida asks for too much and too little. Too much in so far as the impossible by definition lies beyond our reach but too little insofar as by setting the bar beyond it there seems little chance that one will feel compelled to try.

But now I fear that I have taken on the role of Ivan in Dostoevsky’s tale, trapped between the cynical calculations of the Grand Inquisitor and the impossible ideal of the Prisoner. I had rather hoped to play the role of Alyosha. Perhaps the answer lies in the interstices between our capacity to do the worst and our ability to do the best. This seems in line with Dostoevsky’s novel. It also seems to coincide with Jankélévitch too, at least as far as true forgiveness must coincide with the committing of a misdeed. But this is not the conditional exchange that Derrida detects using Pardonner to decipher Forgiveness. To wait for misdeeds, to derive a calculus, a calculation by which one could understand and thus regulate the act of transgression would be the way of the Grand Inquisitor. But neither is it the gratuitous act of the Prisoner by which forgiveness is rendered inaccessible to humankind. No, forgiveness must be something more like a contingent occurrence where the coordinates line up: “in culpability, forgiveness does not seek, even retrospectively, for reasons that would justify abolution; it forgives with complete lucidity; it courageously faces the misdeed of the guilty person and looks the misdeed in the eyes, straight in the face, without deceiving itself with myths and chimeras.”

To be sure, there will always be those who transgress, and there are some crimes that one could never imagine forgiving. But the possibility of forgiveness remains and speaks to our higher angels, to the goodness that resides in us. One need not necessarily forgive, but it is always possible that one will. And if we take seriously this logic of the possible, of the good and the evil
that we can do, then perhaps we will no longer vacillate between a will to remember a past that cannot be undone that then becomes the disavowed foundation of our legal/juridical world; and the purely metaphysical or religious gesture that requires we do the impossible, that asks us to do what cannot be done. To return to Jaspers’s categories in relation to forgiveness: if the emphasis is on the juridical or political (the universal), it focuses on the past to the exclusion of the present and future. If the emphasis is on the moral and metaphysical (the individual), the focus is on an impossible future that disallows action in the present and discounts the past. In both cases “forgiveness” is relegated to an “other side” (an irretrievable and unforgivable past or an unreachable and impossible future) that precludes, or at least delays, ethical action in the present. For as one debates the forgiveability of crimes in the past or the possibility of the impossible in the future, one evades the horrors that occur in our present. To focus on the possibility of forgiveness, to assume the position of transgressor and transgressed, to confront our very worst and very best, what we have done and what we will do, is to rehearse the ethical dilemma in the present and in relation to the here and now. Forgiveness is possible because we do wrong, but by knowing we do wrong and not denying it we can aspire to do right.

BIBLIOGRAPHY


NOTES


2. This paper was completed after the death of my student Johanna Justin-Jinich, who was shot and killed in May 2009. The event has shaped my thoughts on “forgiveness” and serves as a thread (at least for me) throughout the paper. I would like to thank Alan Udoff and the participants at the conference as well as Berel Lang, Michael Roth, Mary-Jane Rubenstein, Jonathan Judaken, and Eugene Sheppard for their thoughtful and provocative comments on the initial draft.

3. Ibid., 229.
45. Jankélévitch, Forgiveness, 127.
46. Derrida, Cosmopolitanism and Forgiveness, 57.
47. Ibid., 32.
48. Ibid., 33.
49. Ibid., 45.
50. Jankélévitch, Forgiveness, 147.
51. Ibid.