

*Memory, History,
Forgetting*

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THE UNIVERSITY OF CHICAGO PRESS

Chicago & London

2004

What, then, is there to say about the alleged duty of forgetting? Besides the fact that any projection into the future in the imperative mood is just as incongruous in the case of forgetting as it was for memory, a command of this sort would amount to a commanded amnesia. If this were to happen—and unfortunately nothing stands in the way of crossing the thin line of demarcation separating amnesty from amnesia—private and collective memory would be deprived of the salutary identity crisis that permits a lucid reappropriation of the past and of its traumatic charge. Short of this ordeal, the institution of amnesty can respond only to the need for urgent social therapy, in the name not of truth but utility. I shall say in the epilogue how the boundary between amnesty and amnesia can be preserved in its integrity through the work of memory, which work is completed by the work of mourning and guided by the spirit of forgiveness. If a form of forgetting could then be legitimately invoked, it would not be as a duty to silence evil but to state it in a pacified mode, without anger. This enunciation will no longer be a commandment, an order, but a wish in the optative mood.

EPILOGUE

Difficult Forgiveness

Forgiveness raises a question that in its principle is distinct from the one that, beginning with the preface to this book, has motivated our entire undertaking, namely, the question of the representation of the past on the plane of memory and of history at risk of forgetting. The question now posed concerns an enigma different from that of the present representation of an absent thing bearing the seal of the anterior. It is twofold: on the one hand, it is the enigma of a fault held to paralyze the power to act of the “capable being” that we are; and it is, in reply, the enigma of the possible lifting of this existential incapacity, designated by the term “forgiveness.” This double enigma runs diagonally through that of the representation of the past, once the effects of the fault and those of forgiveness have traversed all the constitutive operations of memory and of history and have placed a distinctive mark on forgetting. But, if fault constitutes the occasion for forgiveness, it is the word forgiveness that gives its tone to this epilogue as a whole. This is the tone of an eschatology of the representation of the past. Forgiveness—if it has a sense, and if it exists—constitutes the horizon common to memory, history, and forgetting. Always in retreat, this horizon slips away from any grasp. It makes forgiving difficult: not easy but not impossible.¹ It places a seal of incompleteness on the entire enterprise. If forgiveness is difficult to give and to receive, it is just as difficult to conceive of. The trajectory of forgiveness has its origin in the disproportion that exists between the poles of fault and forgiveness. I shall speak throughout this chapter of a difference in altitude, of a vertical disparity, between the depth of fault and the height of forgiveness. This polarity is constitutive of the equation of forgiveness: below, the avowal of fault; above, the hymn to forgiveness. Two speech acts are at work here; the first one brings to language an experience of the same order

as solitude, failure, struggle, those “givens of experience” (Jean Nabert)—those “boundary situations” (Karl Jaspers)—upon which reflective thinking is grafted. In this way, the place of moral accusation is bared—imputability, that place where agents bind themselves to their action and recognize themselves as accountable. The second can be heard in the great sapiential poetry that in the same breath celebrates love and joy. There is forgiveness, this voice says. The tension between the avowal and the hymn will be carried almost to a breaking point, the impossibility of forgiveness replying to the unpardonable nature of moral evil. In this way the forgiveness equation will be formulated.

Begun in this way, the trajectory of forgiveness will then take the form of an odyssey destined to lead forgiveness step-by-step back from the regions furthest removed from selfhood (the juridical, the political, social morality) to the place of its presumed impossibility, namely, imputability. This odyssey crosses through a series of institutions established for the purpose of public accusation. These institutions themselves appear to exist in several layers depending on the degree of internalization of guilt indicated by the social rule: it is on the judicial level that the formidable question of the imprescriptibility of crimes is raised, which can be considered to be the first major test of the practical problematic of forgiveness. This course will be pursued from the plane of criminal guilt to that of political and moral guilt inherent in the status of shared citizenship. The question then raised concerns the place of forgiveness at the margins of the institutions responsible for punishment. If it is true that justice must be done, under the threat of sanctioning the impunity of the guilty, forgiveness can find refuge only in gestures incapable of being transformed into institutions. These gestures, which would constitute the incognito of forgiveness, designate the ineluctable space of consideration due to every human being, in particular to the guilty.

In the second stage of our odyssey, we take note of a remarkable relation which, for a time, places the request for forgiveness and the offering of forgiveness on a plane of equality and reciprocity, as if there existed a genuine relation of exchange between these two speech acts. Our exploration of this track is encouraged by the kinship found in numerous languages between forgiving and giving. In this regard, the correlation between the gift and the counter-gift (the gift in return) in certain archaic forms of exchange tends to reinforce the hypothesis that the request for and the offer of forgiveness are held to balance one another in a horizontal relation. It seemed to me that, before correcting it, this suggestion deserved to be

pushed to its limit, to the point where even the love of one’s enemies can appear as a mode of reestablishing the exchange on a nonmarket level. The problem then is to recover, at the heart of the horizontal relation of exchange, the vertical asymmetry inherent in the initial equation of forgiveness.

The realization of this unequal exchange must then be carried back to the heart of selfhood. A final effort of clarification resting once again on a horizontal correlation will therefore be proposed with the pair, forgiveness and promise. In order to be bound by a promise, the subject of an action must also be able to be released from it through forgiveness. The temporal structure of action, namely, the irreversibility and unpredictability of time, calls for the response of a twofold mastery exerted over the carrying out of any action. My thesis here is that a significant asymmetry exists between being able to forgive and being able to promise, as is attested by the impossibility of genuine political institutions of forgiveness. Thus, at the heart of selfhood and at the core of imputability, the paradox of forgiveness is laid bare, sharpened by the dialectic of repentance in the great Abrahamic tradition. What is at issue here is nothing less than the power of the spirit of forgiveness to unbind the agent from his act.

There remains the attempt to recapitulate the entire course traveled in *Memory, History, Forgetting* in light of the spirit of forgiveness. What is at stake is the projection of a sort of eschatology of memory and, in its wake, of history and of forgetting. Formulated in the optative mood, this eschatology is structured starting from and built on the wish for a happy and peaceful memory, something of which would be communicated in the practice of history and even in the heart of the insurmountable uncertainties that preside over our relations to forgetting.

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THE FORGIVENESS EQUATION

Depth: The Fault

The fault is the existentiell presupposition of forgiveness (I am using the term “existentiell” in order to emphasize the impossibility of distinguishing here between a trait that is inseparable from the historical condition of the being that we in each case are and a personal and collective experience shaped by a historical culture whose universal character continues to be alleged).

The experience of fault is given essentially in a feeling. This is the first difficulty, inasmuch as philosophy, and more specifically moral philosophy, has given little consideration to feelings as specific affections, distinct from emotions and passions. The notion of self-affection stemming from Kant remains a difficult one in this regard. Jean Nabert, the rationalist philosopher who has ventured farthest in this direction, places the experience of fault, along with those of failure and of solitude, among the “givens of reflection.”² He thus joins Karl Jaspers, less dependent on the Kantian tradition, who situates culpability, another name for fault, among the “boundary situations,” that is to say, those nonfortuitous determinations of existence that we always find already there, such as death, suffering, struggle.³ In this sense, culpability, guilt, like the other “boundary situations,” is implied in every contingent situation and belongs to what we ourselves have designated by the phrase our “historical condition” on the level of an ontological hermeneutics.

The experience of fault offers itself as a given to reflection. It gives rise to thought. What is first offered to reflection is the designation of the fundamental structure in which this experience comes to be inscribed. This is the structure of the imputability of our actions. There can, in fact, be forgiveness only where we can accuse someone of something, presume him to be or declare him guilty. And one can indict only those acts that are imputable to an agent who holds himself to be their genuine author. In other words, imputability is that capacity, that aptitude, by virtue of which actions can be held to someone’s account. This metaphor of an account constitutes an excellent framework for the concept of imputability, one that finds another fitting expression in the syntax common to languages that employ the modal verb “can”: I can speak, act, recount, hold myself accountable for my actions—they can be imputed to me. Imputability constitutes in this respect an integral dimension of what I am calling the capable human being. It is in the region of imputability that fault, guilt, is to be sought. This is the region of articulation between the act and the agent, between the “what” of the actions and the “who” of the power to act—of agency. And this articulation, in the experience of fault, is in a sense affected, wounded by a painful affection.

This articulation is not unknown to us: we explored it in the first part of this work at the crossroads of an objective analysis of memories as objects and of a reflexive analysis of memory of oneself (part 1, chap. 3). It was already a question there of a *nexus* between the “what” of memories and the “who” of memory. On that occasion we tested the concept of attribution of memories to a subject in which they inhere and proposed redistributing attribution along a threefold axis of mineness, of the close, and of the distant.

In the third segment of this epilogue we will once more have occasion to apply this tripartite division of attribution to forgiveness. At this initial stage of the present investigation, the radical nature of the experience of fault requires us to confine ourselves within the limits of the self-ascription of fault, to sketch out at this level the conditions for a common recognition of a fundamental guilt. The specific form taken by such attribution of fault to the self is avowal, admission, that speech act by which a subject takes up, assumes the accusation. This act assuredly has something to do with remembering inasmuch as in remembering a power of connection capable of engendering history is confirmed. But remembering is, in principle, innocent. And it is as such that we have described it. Or rather, as I put it in *Freedom and Nature*, based upon the hypothesis of the *epoché* of guilt,⁴ it is within the eidetic indeterminateness of a description that as a consequence of its method does not recognize the distinction between innocence and guilt that the phenomenology of memory has been conducted from start to finish. The *epoché* is now removed and, with respect to this intended lack of distinction, fault belongs to the *parerga*, the “asides” of the phenomenology of memory. The enigma of fault then only becomes greater. The question remains to what extent the fault treated in Nabert’s vocabulary as a “given of reflection” constitutes, in another vocabulary—that of Jaspers—a boundary situation of the same nature and of the same order as suffering, failure, death, and solitude. The avowal, in any event, bridges the abyss between innocence and guilt hollowed out by a conscientious doubt as methodical as is Cartesian hyperbolic doubt.

In turn, beyond the abyss separating empirical guilt from an innocence termed methodical, avowal bridges another abyss, the abyss between the act and its agent. It is this abyss, and this one alone, that will interest us here. To be sure, it is legitimate to draw a line between the action and its agent. This is what we do when we morally, legally, or politically condemn an action. On its objective side, fault consists in transgressing a rule, whatever it may be, a duty, including its recognizable consequences, that is, fundamentally, a harm done to others. It is acting badly and, as such, is blameworthy, receiving an evaluation in negative terms. In the vocabulary of the Kantian essay on negative magnitudes, fault is a negative magnitude of practice.⁵ In this first sense, fault is as limited as the rule it infringes, even if the consequences are through their repercussions themselves indefinite in nature in terms of the suffering inflicted. It is a different matter in the case of the implication of the agent in his or her act. This amounts to a transfer, in the words of Nabert, “produced from the quality of a particular action to the causality

of the self."⁶ With regard to avowal, what is at issue is, "behind the quality of the action, the quality of the causality from which its action issued" (6). At this level of depth, self-recognition is indivisibly action and passion, the action of acting badly and the passion of being affected by one's own action. This is why recognizing the tie between action and the agent is never without a surprise for consciousness, astonished, after the action, "no longer being able to dissociate the idea of its own causation from the memory of the particular act which it has performed" (4). In this regard, the representation of the act prevents, as it were, the return of the action to the agent. The fragmentary representations of memory follow the lines of dispersion of memories. Reflection, on the other hand, leads back to the center of the memory of self, which is the place of the affection constitutive of the feeling of fault. The path from the act to the agent retraces the path from the memory-object to reflecting memory. It retraces it and detaches itself from it, in the feeling of the loss of its own wholeness. The lack of limitation is at the same time the feeling of the unfathomable. Consciousness of the past, escaping the feeling of disjointedness and of what is over and done with, becomes the appropriation of the power to act in its state of dereliction. Between the evil that lies in its action and the evil that lies in its causation, the difference is that of an inadequation of the ego to its deepest desire. This desire can hardly be expressed except in terms of the desire for wholeness; the latter is better known through failings in the effort to exist than through the approximations of its ownmost being. We could speak in this regard, if not of an immemorial past, at least of "a past that goes beyond the limits of its memories and of all its empirical history" (11). It is the virtue, as it were, of fault to provide access to this pre-empirical past, but not absent its history, so closely does the experience of fault adhere to this history of desire. So it is with prudence that we speak here of metaphysical experience in order to express the anteriority of defective constitution in relation to the chronology of action. The signification of this anteriority has to remain practical and resist any speculative appropriation.

Is this to say that even speculation that would remain under the control of practice is forbidden? I do not see how we could keep this resolution, since the vocabulary of being and nonbeing is already caught up in it through every expression designating the being that we are, through the categories of the desire to be and the effort to exist: in short, the being proper to desire itself. The very term "causation" applied to the power to act and to the powerlessness that represents the fault attests to what I formerly called the ontological vehemence of discourse about the self. This ontological vehemence, which

is that of attestation, seems to me to be marked in language by the characterization of fault as evil, a moral evil to be sure, but evil nonetheless.

In Nabert, the substitution of the term "evil" for the term "fault" in the book titled, precisely, *Essai sur le mal* is indicative and exemplary in this regard.⁷ The unsettling proximity of "metaphysical" discourses that have become untenable should not paralyze the mind's curiosity to the point of excluding the use of the verb "to be" in the negative form of nonbeing, as the term "moral evil" suggests. However, this is on the condition of adhering to the acceptance of being as power and act rather than as substance, attribute, and accident. This deepening of the depth, so to speak, is not without advantages on the very plane of the phenomenology of fault. I will enumerate these.

First, under the aegis of the metacategory of nonbeing, the experience of fault is placed in relation to other negative experiences that can also be said to participate in nonbeing. For example, failure as the contrary of success in the dimension of efficacy, of effectiveness as such, has its specific vocabulary in terms of power and act, of project and realization, of dream and accomplishment. In this way, failure continues the experience of fault in line with the metaphysics of being and power, which corresponds to an anthropology of capable being. The experience of solitude is no less rich in ontological harmonics: to be sure, it adheres to the experience of fault inasmuch as the latter is essentially solitary, but at the same time, on the contrary, it assigns value to the experience of being-with and, in the name of this dialectic of solitude and sharing, authorizes our saying "us" in all truth. In another language, that of Hannah Arendt, solitude is the counterpart of the fact of human plurality. Solitude remains fundamentally an interruption in reciprocal human communication and an expression of its intermittence. In turn, the boundary situation of conflict, according to Karl Jaspers, adds to the intermittence belonging to solitude the idea of an insurmountable antagonism upon which an agonistics of discourse and action are grafted: an agonistics of discourse that imposes the irreducible character of *dissensus*, referred to on several occasions in this book, on the political and social plane—an agonistics of action, which appears inseparable from the fact that all action is acting on . . . , hence a source of asymmetry between the author of the action and its recipient. Placed back into this array, the negative experience of fault contains the dimension of evil.

Another effect of pairing fault with evil in this way: the reference to evil suggests the idea of an excess, of an unbearable overabundance. This aspect of things is particularly stressed in the opening pages of Jean Nabert's *Essai*

sur le mal. The chapter is titled "The Unjustifiable." What is signified by this word, which was not used in the *Elements for an Ethic*? It is noteworthy that it is first on the side of action that the notion of evil enters the field of reflection on the unjustifiable, before being referred back to the subject. Considered from the side of the object, the unjustifiable designates this excess of the non-valid, what goes beyond infractions measured by the yardstick of the rules recognized by conscience: a type of cruelty, of baseness, of extreme inequality in social conditions distresses me without my being able to name the norms violated. It is no longer a matter of a simple contrary that I would understand in opposition to what is valid. These are evils that belong to a more radical contradiction than that of the valid and the non-valid, and that give rise to a demand for justification for which performing one's duty is not enough to satisfy. This excessiveness of the non-valid can be suggested only by crossing through the valid to its limit. According to Jean Nabert, "these are evils, these are wounds of inner being, conflicts, sufferings, without any conceivable alleviation." These evils are then indescribable misfortunes for those who suffer them.⁸ The accounts of the survivors of the Shoah, so difficult simply to listen to, have pointed in this direction throughout our text: Saul Friedlander spoke in this sense of the "unacceptable," which is an understatement. Considered from the side of the agent to whom these acts can be imputed, the excess belonging to the unjustifiable constitutes another sort of non-limitation different from that of the unfathomable causality hollowed out behind the actions in the interiority of the subject. It is a non-limitation symmetrical to that of the harm done to others, the possibility of which is always inscribed within the harm par excellence, namely, murder, death not suffered but inflicted on the other, in short "the evil that man does to man."⁹ Over and beyond the will to make others suffer and to eliminate them indeed stands the will to humiliate, to deliver the other over to the neglect of abandonment, of self-loathing. The unjustifiable goes further than the experience of fault, when an admission of the complicity of the will on the side of the agent is added to the admission of exceeding what is not valid on the side of actions. Here we reach an intimate impediment, a radical powerlessness to coincide with any model of dignity, at the same time as a frenzy of commitment to action which can scarcely be measured in terms of hatred and which explodes the very idea of the subject's being affected by his or her own actions. Even the notion of "impure causation" proposed by Nabert seems inadequate. The idea of an irremediable fall is hardly any more acceptable. It is therefore the extreme evil done to others, rupturing the human bond, that

becomes the index of that other extreme, that of the intimate malevolence of the criminal. It is at this point that notions such as the irreparable on the side of effects, the imprescriptible on the side of criminal justice, and the unpardonable on the side of moral judgment present themselves. The final moment of this epilogue will confront these notions. What extreme form of justification still remains accessible in return?¹⁰

Final benefit of a connection between the idea of fault and the idea of evil: the conjuncture invites us to search within the great cultural imaginary that has nourished the mythical expressions of thought. No theme outside of death and love has given rise to as many symbolic constructions as evil.¹¹ What remains philosophically instructive is the narrative treatment of the question of the origin with respect to which purely speculative thought loses itself and proves its failure. With the narrative, as we see in the Adamic myth of the Jewish Torah, comes the idea of a primordial event, the idea, as it were, of a transhistorical contingency. The loss of innocence is something that takes place in a primordial time, without connection to the time of history, and hence as something that ought not to have happened. The idea is suggested of an evil that was always already there in experience and yet is fundamentally contingent in the primordial order. It is philosophically interesting in that a distance is established in this way between the agent and the action. The action is henceforth universally reputed to be evil and as such universally deplorable and deplored. But something of the subject is exempt from this, which might not have been dissipated in the adherence of the will to the evil act committed, an innocence which perhaps is not completely abolished and which could reappear on the occasion of certain experiences of extreme happiness. I have elsewhere argued in favor of the thesis that guilt constitutes a boundary situation different from the finiteness constitutive of the human condition. Discontinuity, I thought, would justify the fact that one could pass from an eidetics of the voluntary and the involuntary in the Husserlian manner to a hermeneutics open to the primary symbols of the fault, such as stain, sin, and guilt, and to the secondary symbols structured by the great myths that have nourished in particular the thought of the West, to say nothing of the rationalized myths, belonging to the various gnosés, including the Christian antignostic gnosis of original sin. For our present investigation, this attention given to the myths of guilt retains its interest, not so much for a speculation on the origin of evil, the vanity of which seems irremediable to me,¹² but for an exploration of the resources of regeneration which have remained intact. We shall have recourse to these at the end of

our investigation. A place for forgiveness will be sketched out in the hollows of the narrative and mythical treatment of the origin of evil.

Height: Forgiveness

If a single word had to be uttered at the close of this descent into the depths of the experience of fault, abstracting from any escape into a mythical imaginary, it is the term “unforgivable.” The word is applicable not only to those crimes that, by reason of the immensity of the misfortune that crushes its victims, fall under the heading of the unjustifiable, according to Nabert. It is applicable not merely to the actors who are named as perpetrating these crimes. It also applies to the most intimate tie that unites the agent to the action, the guilty, to the crime. Regardless of what may in fact be the pre-empirical contingency of the founding event of the tradition of evil, human action is forever submitted to the experience of fault. Even if guilt is not ordinary, it is forever radical. It is this adherence of guilt to the human condition that, it seems, renders it not only unforgivable in fact, but unforgivable by right. Stripping guilt from our existence would, it seems, destroy that existence totally.

This consequence was drawn with implacable rigor by Nicolai Hartmann in his *Ethics*.¹³ If forgiveness were possible, he says, it would constitute a moral evil, for it would place human freedom at God’s disposal and would offend human self-respect. “The being-guilty associated with bad action cannot be suppressed for anyone, because it is inseparable from the guilty party.”¹⁴ We are carried back to the starting point of the preceding analysis, to the concept of imputability, the capacity to hold ourselves accountable for our actions as their true agent. The experience of fault adheres so closely to imputability that it becomes its organ and its means of revelation. To be sure, Hartmann concedes, one can lessen the bite of guilt, its sting, in relations between communities, but not guilt itself: “There is indeed a victory over evil on the moral plane . . . but not an abolishment of fault.” One can arrive at comprehending the criminal, but one cannot absolve him. Fault in its essence is unforgivable not only in fact but by right.

Like Klaus M. Kodalle, I will take these statements by Nicolai Hartmann as a warning addressed to any discourse on forgiveness by a philosophical ethics that considers itself immunized against the infiltration of theology. The tie between fault and self, guilt and selfhood seems indissoluble.

The proclamation summed up in the simple phrase: “There is forgiveness” resonates like an opposing challenge.

The expression “there is” is intended to protect what Levinas called *illéité* in every proclamation of the same sort. Here, *illéité* is the height from which

forgiveness is announced, without this height being too hastily assigned to someone who would be the absolute subject. The origin is, to be sure, no less than a person, in the sense that it is a source of personalization. But the principle, Stanislas Breton reminds us, is none of that which proceeds from it. The “there is” of the voice of forgiveness says this in its own way. This is why I will speak of this voice as a voice from above. It is from above, in the way that the admission of fault proceeds from the unfathomable depths of selfhood. It is a silent voice but not a mute one. Silent, because there is no clamor of what rages; not mute, because not deprived of speech. An appropriate discourse is in fact dedicated to it, the hymn. A discourse of praise and celebration. It says: *ilya, es gibt*, there is . . . forgiveness—the form of the universal designating *illéité*. For the hymn has no need to say who forgives and to whom forgiveness is directed. There is forgiveness as there is joy, as there is wisdom, extravagance, love. Love, precisely. Forgiveness belongs to the same family.

How could one not evoke the hymn to love proclaimed by Saint Paul in the First Epistle to the Corinthians? But, attention: what the hymn names is not someone, at least not in the first stage of thinking, but a “spiritual gift”—a “charisma”—granted by the Holy Spirit: “About the gifts of the Spirit, there are some things of which I do not wish you to remain ignorant.” Thus begins the hymn (1 Cor. 12:1). And the Introit properly speaking goes further: “The higher gifts are the ones you should aim at. And now I will show you the best way of all” (12:31). There follows the famous litany of the “I may . . .” (I may speak in tongues of men or of angels, I may have the gift of prophecy, I may have faith, I may dole out all I possess or even give my body to be burnt . . .) and the litany of “if I have no love . . .” (if I have no love, I am nothing; I am a sounding gong or a clanging cymbal). This rhetorical attack that articulates its theme by denouncing a defect, a lack, at the connecting point of having and being, expresses in negative terms the path of eminence—the path of that which goes beyond all other spiritual gifts. The apostle can then unleash an effusive discourse in the present indicative tense: love is this . . . is that . . . is what it does. “Love keeps no score of wrongs; does not gloat over other men’s sins, but delights in the truth. There is nothing love cannot face; there is no limit to its faith, its hope, and its endurance.” If love keeps no score of wrongs, this is because it descends to the place of accusation, imputability, where one’s scores, one’s accounts are kept. If love declares itself in the present, this is because its time is that of permanence, of the most encompassing duration, the least distended, one would say in the language of Bergson. And it “will never come to an end,”

it "endures." And it endures in a more excellent manner than the other gifts: "In a word, there are three things that last forever: faith, hope, and love; but the greatest of them all is love." The greatest: because it is Height itself. Now if love excuses everything, this everything includes the unforgivable. If not it would itself be annihilated. In this regard, Jacques Derrida, whom I meet up with again here, is right: forgiveness is directed to the unforgivable or it does not exist. It is unconditional, it is without exception and without restriction. It does not presuppose a request for forgiveness: "One cannot or should not forgive, there is no forgiveness, if there is any, except where there is the unforgivable."¹⁵ All that ensues in the problematic results from this, from what Pascal called "disproportion," in a vocabulary marked by cosmic geometry and the algebra that opposes two infinities. This disproportion between the depth of the fault and the height of forgiveness will be our torment to the end of this essay. For this infinite exigency, emanating from an unconditional imperative, is in fact masked by two sorts of factors belonging to the actual inscription of the imperative in history.

First of all, the commandment to forgive is transmitted to us by a determinate culture, whose broad scope does not succeed in concealing its limitation. It is, Derrida notes, "to a religious heritage, let us say Abrahamic, to gather under it Judaism and the various forms of Christianity and Islam" ("Le Siècle et le pardon"), that the language we are attempting to fit into the imperative mood belongs. This complex and differentiated, even conflicting, tradition is at once singular and in the process of universalization. It is singular in the sense that it is carried by "the Abrahamic memory of the religions of the Book and in a Jewish, but more especially Christian interpretation of the neighbor and the fellow human being" (ibid.). In this regard, no one is unaware that Saint Paul's hymn to love is inseparable from the kerygma of Jesus Christ, from its inscription in a trinitarian proclamation and a typology of "gifts" within the community of the early church. Its enthronement, however, is universal, or at least in the process of universalization, which amounts, in fact, Derrida notes, to a "Christianization which no longer has need of the Christian Church," as one sees on the Japanese stage and on the occasion of certain expressions of a "global-latinization" of Christian discourse. This simple observation raises the considerable problem of the relations between the fundamental and the historical for any ethical message with a universal intent, including the discourse of human rights. In this regard, one may speak of an alleged universal in the process of formation on a worldwide scale, submitted to the discussion of public opinion. Lacking any such ratification, there is reason for concern about banalizing the test

of universalization, feeding the confusion between universalization on the moral plane, internationalization on the political plane, and globalization on the cultural plane. There would be little to say about this banalization, except to call for greater semantic vigilance in public discussions, if a second factor, which Jacques Derrida calls "staging," did not intervene. He is thinking of "all the scenes of repenting, of confessing, of forgiving, or of making excuses that have been multiplying on the geopolitical stage since the last war and which have accelerated in the last few years." And it is by virtue of these that the Abrahamic language of forgiveness has spread in an uncritical manner. What can be said about "the theatrical space" in which "the great scene of repentance" is played? What about this "theatricality"? It seems to me that one may suspect a phenomenon of abuse to be at work here, comparable to those denounced repeatedly in this work, whether it be a matter of the alleged duty of memory or of the era of commemoration: "But the simulacrum, the automatic ritual, the hypocrisy, the calculation or mimicry have often joined in and invited themselves along as parasites to this ceremony of guilt." In fact, this involves one and the same complex of abuses. But the abuse of what? If we say, again with Derrida, that there is "a universal urgency for memory" and that "we must turn toward the past," the question ineluctably arises of inscribing this moral necessity within history. Derrida admits this when he asks, rightly, that this act of memory, of self-accusation, of "repentance," of summons to appear, be carried "at once beyond the political institutions and beyond the nation-state." But it is then a serious question to know whether a margin beyond the legal and the political can be identified at the heart of either order, in a word, whether the simulacrum can mimic authentic gestures, even legitimate institutions. The fact that the notion of a crime against humanity remains in this respect "on the horizon of the entire geopolitics of forgiveness" is doubtless the ultimate test of this vast interrogation. For my part, I will rephrase the problem in these terms: if there is forgiveness, at least on the level of the hymn—of the Abrahamic hymn, if one likes—is there some forgiveness for us? Some forgiveness, in the sense of the French *partitive* [as in *du pardon*]. Or must one say, with Derrida: "Each time that forgiveness is in the service of a finality, be it noble and spiritual (repurchase or redemption, reconciliation, salvation), each time that it tends to reestablish a normalcy (social, national, political, psychological) through a work of mourning, through some therapy or ecology of memory, then 'forgiveness' is not pure—nor is its concept. Forgiveness is not, and it should not be, either normal, or normative, or normalizing. It should remain exceptional and extraordinary, standing the test of the impossible: as if it interrupted the

ordinary course of historical temporality.” This “test of the impossible” is what we must now confront.

THE ODYSSEY OF THE SPIRIT OF FORGIVENESS: THE PASSAGE THROUGH INSTITUTIONS

The situations globally classified under the heading institution—of the distant other—have in common the fact that fault is placed under the social rule of indictment. Here, within an institutional framework that authorizes it, when someone accuses someone else according to the rules in force, that person becomes an accused, someone who is charged, indicted. A connection that has not yet been mentioned is set into place, the connection between forgiveness and punishment. The axiom goes as follows: in this social dimension, one can forgive only where one can punish; and one must punish where there has been an infraction of the common rules. The series of connections is rigorous: where there is a social rule, there is a possibility of infraction; where there is an infraction there is the punishable, punishment aiming at restoring the law by symbolically and effectively negating the harm committed at the expense of the other, of the victim. If forgiveness were possible at this level, it would consist in lifting the punitive sanction, in not punishing when one can and should punish. It is impossible to do this directly; forgiveness creating impunity is a great injustice. In terms of indictment, forgiveness cannot meet fault head-on but can only marginally encounter the guilty party. De jure unforgivability remains. To guide us through the labyrinth of institutional levels, I am adopting a reading grid similar to that proposed by Karl Jaspers in *Die Schuldfrage*—that shocking work of the early postwar period, translated as *The Question of German Guilt*, which, more than a half-century later, should be restored in its full conceptual scope.¹⁶

Jaspers distinguishes four types of guilt, all bearing on actions and through them on the persons submitted to the judgment of the court. These acts correspond with the following criteria: what is the category of fault? before what court? with what effects? permitting what sort of justification, exoneration, or sanction? Jaspers places criminal guilt at the fore, as we will do here: this has to do with acts in violation of univocal laws; the competent agency is the court within the framework of the trial; the effect produced is the punishment. The question of legitimacy, one should add, shifts from the plane of an international law in the process of formation to the plane of public opinion educated by *dissensus*, following the schema suggested above in our discussion of the relations between the judge and the historian. I will

provisionally set aside the three other sorts of guilt: political guilt associated with the citizen by reason of belonging to the same political body as state criminals; moral guilt related to all the individual acts susceptible of having actually contributed, in one way or another, to crimes of state; and, finally, the guilt termed “metaphysical” that arises from the fact of being a human being, in a transhistoric tradition of evil. This final sort of guilt is the one that was considered at the start of this epilogue.

Criminal Guilt and the Imprescriptible

The twentieth century brought criminal guilt to the forefront on the occasion of the crimes that belong to Nabert’s category of the unjustifiable. Some of these were judged at Nuremberg, in Tokyo, in Buenos Aires, in Paris, Lyon, and Bordeaux. Others are being or will be judged at the Hague before the International Criminal Court. Judging these crimes has given rise to special criminal legislation of both international and domestic law defining these crimes as crimes against humanity, distinct from war crimes, and among these, the crime of genocide. This legal provision touches on our problem of forgiveness through the question of imprescriptibility.

The question of imprescriptibility arises because prescription exists in the law for all violations and crimes. On the one hand, the legislation of civil law itself includes a dual form, acquisitive and liberating. Under the first form, it provides that, after a certain period of time, a claim of ownership of property cannot be opposed to the one who has possession of it in fact; it thus becomes a means of acquiring definitive ownership of property. Under the second form, one is freed from an obligation, from a debt, through its liquidation. On the other hand, prescription is a provision of criminal law, where it consists in the termination of legal action. Once a certain period of time has passed, it forbids the plaintiff from bringing a suit before the competent court. Once the court has taken up a matter, it prevents the continuation of legal action (in France, with the exception of the crimes of desertion and insubordination defined by the code of military justice). Under all its forms, prescription is an astonishing institution, which is reluctantly authorized by the presumed effect of time on obligations that are supposed to persist over time. Unlike amnesty, which, as was shown at the end of the chapter on forgetting, tends to erase the psychical or social traces, as if nothing had happened, prescription consists in a prohibition against considering the criminal consequences of the action committed, including the right and even the obligation to begin criminal proceedings. If prescription has to do with time, if it is “an effect of time” as the French Civil Code declares,¹⁷

then it is irreversibility that is at issue: it is refusing, after a lapse of arbitrarily defined years, to move back up the course of time to the act and to its illegal or irregular traces. The traces are not erased: it is the path back to them that is forbidden, and this is the meaning of the word "cessation" applied to debts and to the right of criminal prosecution. How can time of itself—which is already a manner of speaking—result in prescription without there being a tacit consent by the public to inaction? Its justification is strictly utilitarian. It is a matter of public utility to set a term to the possible proceedings involving the taking of property, the recovery of debts, and the public action directed against those who infringe the social rule. The prescription regarding taking serves to consolidate ownership; the liberating form of prescription protects against indefinite indebtedness. The prescription of public action in criminal matters reinforces the conclusive, "definitive," character of criminal verdicts in general, which are supposed to put an end to the condition of legal uncertainty leading to proceedings. In order to terminate proceedings, they must not be reopened or not opened at all. The concept of termination (*extinction*)—termination of debt in civil law, termination of the right to prosecute in criminal law—is significant in this respect. It includes both a phenomenon of passivity, of inertia, of negligence, of social inaction and an arbitrary social gesture that authorizes considering the institution of prescription to be a creation of positive law. The role of social regulation exercised here is of a different order than forgiveness. Prescription has a role in preserving social order over a long time frame. Even if forgiveness has an important social role, as will be demonstrated later in company with promising, its nature and origin are inscribed within the social function, even when it is most deeply affected by the concern with domestic peace.

It is against this backdrop that we must place the legislation that declares the imprescriptibility of crimes against humanity, and among these the crime of genocide.¹⁸ Imprescriptibility signifies that the principle of prescription has no reason to be invoked. It suspends a principle that itself consists in an obstacle to the exercise of public action. By suppressing the statute of limitations, the principle of imprescriptibility authorizes the indefinite pursuit of the authors of these immense crimes. In this sense, it restores to the law its force to persist despite the obstacles to carrying through the effects of the law. The justification for this suspension of a rule which itself is suspensive draws upon several arguments. Fundamentally, it is the extreme gravity of the crimes that justifies tracking down the criminals without any time limit. Confronting the fallacious argument of the wearing away of public outrage through the mechanical effect of time, the presumption is that the

reprobation regarding the crimes considered knows no limit in time. Added to this argument is the consideration of the perversity of concerted plans, as seen in the restrictive definition of a crime against humanity in French domestic law. Such circumstances justify a particular zeal in tracking criminals, taking into account the impossibility of a rapid judgment, so good are the guilty at hiding from justice either by fleeing or changing their identity. In the face of these ruses, proofs are needed that resist time's attrition, as is a language that does not recognize the statute of limitations. Having said this, what about the relations between the imprescriptible and the unforgivable? In my opinion, it would be an error to confuse the two notions: crimes against humanity and the crime of genocide can be said (improperly) to be unpardonable only because the question does not arise. As we suggested above: justice must be done. Pardon cannot be substituted for justice. To forgive would be to ratify impunity, which would be a grave injustice committed at the expense of the law and, even more so, of the victims. The confusion has, however, been encouraged by the fact that the enormity of the crimes breaks with the principle of proportionality governing the relations between the scale of infractions or crimes and the scale of punishment. There is no punishment appropriate for a disproportionate crime. In this sense, a crime of this sort constitutes a *de facto* instance of the unforgivable.¹⁹ What is more, this confusion could have been encouraged by the related concept of expiation. We do speak of an inexpiable crime. But what would expiation be, if not an absolution obtained from the punishment itself, which would have emptied, so to speak, the cup of wickedness? In this sense, the effect of expiation would be to terminate proceedings, as prescription requires. From then on, to call certain crimes inexpiable would amount to declaring them unforgivable. But this problematic is inappropriate for criminal law.

Is this to say that the spirit of forgiveness can give no sign of itself on the level of criminal guilt? I do not think so. It has been noted that this sort of guilt continues to be measured by the yardstick of the infractions of univocal laws. These are crimes that are said to be imprescriptible. But it is individuals who are punished. Inasmuch as guilty signifies punishable, guilt moves from the acts back to the authors. But something is owed to the guilty. One may call it consideration, the opposite of contempt. One can understand the scope of this provision of the spirit only if one leaves the special region of extreme crimes and returns to common crimes. Their authors have the right to consideration because they remain human beings like their judges; as such, they are presumed innocent until they are found guilty. In addition, they are summoned to appear along with their victims on the same stage

within the framework of the trial; they too are authorized to be heard and to defend themselves. Finally, they submit to the sentence which, even when it is reduced to a fine and to the deprivation of freedom, remains one form of suffering added to another, especially in the case of lengthy sentences. Consideration, however, is not limited to the framework of the trial, or to the framework in which the sentence is served. It is called upon to permeate all of the operations implied in the treatment of criminality. It involves, to be sure, police operations. But, even more significantly, consideration concerns the spirit in which criminal matters should be approached. If it is true that one of the functions of the trial is to substitute discourse for violence, discourse for murder, it is a fact that everyone does not have the same access to the arms of discussion. There are those who are excluded from speech, who, dragged before the courts, in particular in the case of those apprehended in flagrante delicto, can view their appearance in court as one more instance of what they experience on a daily basis as institutional violence. It is then the judgment on the law made from outside by morality that justifies the adage: *summum jus, summa injuria*. This judgment made by morality on justice is extended to a judgment made within the judicial system, in the form of injunctions addressed to justice, requiring that it be ever more just, that is to say, at once more universal and more singular, more concerned with the concrete conditions of equality before the law and more attentive to the narrative identity of those who appear before it. All of this is implied in the consideration of persons.

The fact that the horror of immense crimes prevents extending this consideration to their authors is the mark of our inability to love absolutely. This is the sense of Jankélévitch's last admission: "Forgiveness is as strong as evil, but evil is as strong as forgiveness." This statement concurs with that of Freud, whose discussion of the battle of the giants in the confrontation between Eros and Thanatos concludes with a similar hesitation.

Political Guilt

It is important to distinguish, as Karl Jaspers does, the political guilt of citizens and politicians from criminal responsibility under the jurisdiction of a court and hence from the criminal proceedings governing the course of the trial. Political guilt results from the fact that citizens belong to the political body in the name of which the crimes were committed. In this sense, it can be termed collective on the condition of not being criminalized: the notion of a criminal people must be explicitly rejected. But this sort of guilt involves

the members of the political community independently of their individual acts or of their degree of acquiescence to state policies. Whoever has taken advantage of the benefits of the public order must in some way answer to the evils created by the state to which he or she belongs. Before whom is this sort of responsibility (*Haftung*) exercised? In 1947 Jaspers answered: before the victor—"to which the very fact of being alive logically forces all to submit" (*The Question of German Guilt*, 43). Today one would say: before the authorities representative of the interests and the rights of the victims and before the new authorities of a democratic state. This is still a matter, however, of power, of domination, if only the power of the majority with respect to the minority. As for the effects, they are parceled between punitive sanctions, pronounced by courts of justice in the name of a policy of purification, and the long-term obligations of reparation assumed by the state produced by the new power relations. But more important than punishment—and even reparation—remains the word of justice that establishes the public responsibilities of each of the protagonists and designates the respective places of aggressor and victim in a relation of appropriate distance.

The limits of this guilt are certain: power relations remain in play. In this regard, we must refrain from casting the history of force as the world tribunal. But, within these limits, conflicts have their place and are of concern to the problematic of forgiveness. We are always in the domain of guilt, of accusation, insofar as we remain within the field of reprobation and condemnation. The strategies of exoneration are then given free reign, acting as an obstacle to the progress of the spirit of forgiveness in the direction of the guilty self. The defense always has arguments: facts can be opposed to facts; rights of individuals can be invoked in opposition to national rights; the self-interested purposes of the judges can be denounced, even the accusation that they have contributed to the scourge (*tu quoque!*); or, yet again, an attempt can be made to submerge the local misfortunes in the vast history of world events. It then becomes the task of enlightened opinion to always bring the examination of conscience back from that vast stage to the small stage of the state in which one grew up. In this regard, a long-honored form of exoneration has to be denounced, the one invoked by the citizen who considers himself not concerned with the life of the body politic. "The ethos of politics," Karl Jaspers recalls, "is the principle of a state in which all participate with their consciousness, their knowledge, their opinions, and their wills" (35). On the other hand, the consideration due to the accused, on the political level, takes the form of moderation in the exercise of power, of self-limitation in

the use of violence, even of clemency with respect to the vanquished: *parcere victis!*—clemency, magnanimity, the shadow of forgiveness . . .

Moral Guilt

With moral responsibility, we move one step further away from the structure of the trial and we come closer to the center of guilt, the bad will. This concerns the mass of individual acts, small and large, that contributed by their tacit or explicit acquiescence to the criminal guilt of the politicians and to the political guilt of the members of the body politic. Here, the collective responsibility of a political nature ceases and personal responsibility begins: "Jurisdiction rests with my conscience, and in communication with my friends and intimates who are lovingly concerned about my soul" (*The Question of German Guilt*, 32). What is sketched out here is the transition from the accusation to the exchange between request and forgiveness, to which we shall return in a moment. But it is also at this level that the strategies of exoneration run rampant: they draw support from the quibbles over who is right. Nowhere are intellectual honesty and the will to be lucid with regard to oneself more necessary than on this plane of complex motivations. Once again here we find the will not to know, the refuge of blindness, and the tactics of semi-passive, semi-active forgetfulness discussed above. But we must also mention the inverse excesses, those of ostentatious and shameless self-accusation, the sacrifice of personal pride that can quickly turn to aggression against fellow citizens who remain mute.²⁰ One is reminded of the verbal staging of the "penitent judge" in Camus's work *The Fall*, in which the roles of the accuser and the accused are cleverly combined, without the mediation of an impartial and benevolent third party.²¹ The immediate postwar situation was not, however, to focus attention solely on the moral responsibility involved in the relations between individuals and the public powers of the national state and the internal problems posed by totalitarianism. Wars of liberation, colonial and post-colonial wars, and even more so the conflicts and wars produced by the demands of ethnic, cultural, and religious minorities have projected onto the foreground a disturbing question, which Klaus M. Kodalle places at the start of his reflections on the public dimension of forgiveness: are peoples capable of forgiving? The question is addressed, to be sure, to individuals taken one by one. This is why it is indeed a matter of moral responsibility concerning specific behavior. The motivation of the acts, however, is transmitted by the collective memory on the scale of historical communities laden with history. In this regard, the conflicts that are spread out over the entire planet share with the conflicts evoked in the great criminal

trials of the twentieth century the same structure of entanglement between the private and the public. Kodalle's question is raised on this final level. The answer, unfortunately, is negative. One must conclude that discourses on "the reconciliation of peoples remains a pious vow." The collectivity has no moral conscience. Confronted in this way with "outside" guilt, peoples slip back into rehashing old hatreds, ancient humiliations. Political thinking runs up against a major phenomenon here, namely, the irreducibility of the friend-foe relationship, upon which Carl Schmitt constructed his political philosophy, to relations of enmity between individuals. This reluctant observation is particularly troublesome for a conception of memory like the one proposed in this work, which is based upon continuity and the reciprocal relation between individual memory and collective memory, itself established as historical memory in Halbwachs's sense. Love and hate operate differently, it seems, on the collective scale of memory.

Confronting this somber result, Kodalle proposes as a remedy for these diseased memories the idea of normalcy in the relations between neighboring enemies. He conceives of normalcy as a sort of *incognito* forgiveness (*Inkognito der Verzeihung*) (*Verzeihung nach Wendezeiten?* 14). Not, he says, fraternization but proper behavior in relations of exchange. And he attaches this idea to a culture of consideration (*Nachsichtlichkeit*) on the civic and cosmopolitan scale. We encountered this notion on the plane of criminal guilt. It has been extended to the plane of political responsibility in the form of moderation, of mansuetude, of clemency. It can also appear, finally, on the level of moral responsibility in the confrontation with "hereditary hatreds" in the form of a stubborn will to understand those others whom history has made our enemies. Applied to oneself, it implies the refusal to indulge in cheap exoneration with regard to the stranger, the enemy, or the former enemy. Goodwill on this level requires, in particular, an attention to founding events that are not my own and to the life stories that belong to the other side; this is the place to repeat the adage: "learn to recount otherwise." It is within the framework of this culture of consideration applied to the relations of foreign policy that gestures that cannot be transformed into institutions, like Chancellor Brandt's kneeling down in Warsaw, take on meaning. What matters is their exceptional character. It is by virtue of their secret alchemy that they are able to act on institutions, by producing a "disposition to consideration," to use Kodalle's expression. As it happens, these gestures are also requests for forgiveness. As such, they signal their membership in two orders of thinking, that of guilt, which is also the unforgivable, and that of the exchange between a request and an offer, in which the unforgivable

begins to be chipped away. It is in the direction of this new order that we must now proceed.

THE ODYSSEY OF THE SPIRIT OF FORGIVENESS: THE STAGE OF EXCHANGE

Let us take a step outside the circle of accusation and punishment, the circle within which there is but a marginal place for forgiveness. This step is suggested by the sort of question raised by Jankélévitch: "Has anyone asked us for forgiveness?" The question presupposes that, if the aggressor had asked for forgiveness, whether to forgive him would have been an acceptable question. Now this very assumption is directly opposed to the primary characteristic of forgiveness, its unconditionality. If there is forgiveness, we said with Derrida, then it has to be able to be granted without the condition of a prior request. And yet we believe, on the level of practice, that there does exist something like a correlation between forgiveness requested and forgiveness granted. This belief shifts fault from the unilateral sphere of guilt and punishment into the sphere of exchange. The gestures of government leaders asking their victims for forgiveness draws attention to the strength of the request for forgiveness in certain exceptional political conditions.

My thesis here is that, if forgiveness's entrance into the circle of exchange signals taking into account the bilateral relation between the request for and the offer of forgiveness, the vertical character of the relation between height and depth, between unconditionality and conditionality, continues to go unnoticed. The dilemmas peculiar to this nevertheless remarkable correlation attest to this. As Olivier Abel notes in the afterword he writes to an inquiry on forgiveness, one can offer, at least at this stage, only a "geography of dilemmas."²² These dilemmas are grafted onto the face-to-face confrontation of two speech acts, that of the guilty person who speaks of the fault committed, at the price of a formidable work of formulating the wrong, of a painful employment, and that of the presumed victim capable of uttering the liberating word of forgiveness. The latter instance perfectly illustrates the force of a speech act that does what it says: "I forgive you." The dilemmas specifically concern the conditions of such an exchange of words and are presented as a string of questions: "Can one forgive someone who does not admit his fault?" "Must the one who pronounces forgiveness himself have been offended?" "Can one forgive oneself?"²³ But even if a given author decides one way rather than the other—and how could the philosopher not

be caught up in this, at least if his task goes beyond simply registering the dilemmas—there is always room for objection.

Confronting the first dilemma, it seems to me that it is a matter of respecting the sense of self of the guilty person—showing him the consideration we spoke of earlier—to expect an admission from him. The second dilemma is more disturbing: the circle of victims continues to grow, taking into account relations of filiation, the existence of community ties, cultural proximity, and so on up to a limit that political wisdom has to determine, if only to be in a position to confront the excesses in the contemporary tendency toward victimization. But it is the counterpart to the question raised that remains troublesome: is it only the primary offender who is in a position to ask for forgiveness? Beyond the suspicion of banalization and theatricalization, the public scenes of penitence and contrition, mentioned above, give rise to a question of legitimacy: on what authority can a political leader in office or the current head of a religious community presume to request forgiveness from the victims, with respect to whom he or she was not personally the aggressor and who themselves did not personally suffer the harm in question? This presents the question of representativeness in time and in space along the line of continuity of an uninterrupted tradition. The paradox is that institutions have no moral conscience and that it is their representatives, speaking in their name, that confer on them something like a proper name and, with it, historical guilt. Certain members of the communities involved can, nevertheless, not feel personally concerned by a cultural solidarity that possesses a force different from the political solidarity from which the collective responsibility mentioned above results.²⁴

The third dilemma will receive a complete response only in the final stage of our odyssey. The hypothesis of forgiveness accorded by the self to itself poses a twofold problem. On the one hand, the duality of the roles of aggressor and victim resist complete internalization: only another can forgive, the victim. On the other hand, and this reservation is decisive, the difference of height between forgiveness and an admission of fault is no longer recognized in a relation in which the vertical structure is projected onto a horizontal correlation.

It is this misunderstanding that, in my opinion, results in the overhasty assimilation of forgiveness to an exchange defined by reciprocity alone.

The Economy of the Gift

In order to clarify this equivocalness, I want to consider the particular structure of the dilemmas of forgiveness along with the difficulties that result from

extending the problematic of forgiveness to a model of exchange tied to the concept of the gift. The etymology and the semantics of numerous languages encourage this comparison: *don-pardon*, gift-forgiving, *dono-perdono*, *Geben-Vergeben*. Now the idea of gift has its own difficulties, which can be divided into two parts. It is important first to recover the reciprocal dimension of the gift in contrast to an initial characterization of it as unilateral. It is then a matter of restoring, at the heart of the relation of exchange, the difference in altitude that distinguishes forgiving from giving, following the essence of exchange.

Concerning the first confrontation, one must admit that the thesis of the free gift (*le don sans retour*) is forceful indeed and demands significant attention: to give, the *Robert* dictionary says, is “to deliver over to someone in an intention of generosity, or without receiving anything in return, something one possesses or which one enjoys.” The emphasis is, in fact, placed here on the absence of reciprocity. There appears to be complete asymmetry between the one who gives and the one who receives. As a first approximation, this is not false. Giving more than one has to does, in fact, constitute a parallel to giving without receiving anything in return. But, on another side, a different logic propels the gift toward reestablishing equivalence on a level other than the one spurned by the logic of superabundance.²⁵ In this regard, Marcel Mauss’s classic book on the gift, the archaic form of exchange, must alert us.²⁶ Mauss does not oppose gift to exchange, but to the market form of exchange, to calculation and to self-interest: “A gift given always expects a gift in return,” reads an old Scandinavian poem. The counterpart to the gift, in fact, is not receiving but giving in return, giving back. What the sociologist intends “to isolate [is] one important set of phenomena: namely, prestations which are in theory voluntary, disinterested, and spontaneous, but are in fact obligatory and interested” (1). The question is this: “What force is there in the thing given which compels the recipient to make a return?” (1). The enigma lies in the connection between three obligations: giving, receiving, giving back. It is the force of this connection that, according to the spokespersons for these populations,²⁷ underlies the obligation of the gift in return. The obligation to give back stems from the thing received, which is not inert: “In the things exchanged at a potlatch there is a certain power which forces them to circulate, to be given away and repaid” (*The Gift*, 41).²⁸ The backdrop against which the market school and its notion of individual self-interest, whose triumph is celebrated by Mandeville’s *Fable of the Bees* (74), stand out must remain a foundation to which we return:

“Here, we touch bedrock” (68). “Give as much as you receive, and all is for the best,” says a lovely Maori proverb.

Gift and Forgiveness

Does the archaic model revisited in this way offer sufficient support to resolve the dilemmas of forgiveness? The response can be positive at least as concerns the first part of the argument concerning the bilateral and reciprocal dimension of forgiveness. However, an objection arises in the following manner: by purely and simply aligning forgiveness with the circularity of the gift, the model no longer permits us to distinguish between forgiveness and retribution, completely equalizing the partners. We may then be tempted to reverse the matter and leap to the other pole of the dilemma. With what are we then confronted? With the radical commandment to love our enemies unconditionally. This impossible commandment seems to be the only one to match the height of the spirit of forgiveness. The enemy has not asked for forgiveness: he must be loved as he is. This commandment not only turns against the principle of retribution, not only against the *lex talionis* that this principle claims to correct, but, ultimately, even against the Golden Rule that is supposed to break with retaliation. “Don’t do to someone else what you would not want him to do to you,” says the Golden Rule. There is no point in writing: “Don’t do to others what they would not want you to do to them.” It is a matter of reciprocity. Little by little, suspicion is directed against private or public actions that claim to be inspired by a spirit of generosity (volunteer work, public collections, responses to poverty), to say nothing of the attacks that are made today against nongovernmental humanitarian organizations. The adversaries argue this way: giving obliges giving back (*do ut des*); giving secretly creates inequality by placing the givers in a position of condescending superiority; giving ties the beneficiary, placing him or her under obligation, the obligation to be grateful; giving crushes the beneficiary under the weight of a debt he cannot repay.

The criticism is not necessarily malicious. The gospel writers place it in the mouth of Jesus, precisely, just after the reminder of the Golden Rule. We read: “If you love only those who love you, what credit is that to you? Even sinners love those who love them. . . . But you must love your enemies and do good; and lend without expecting any return” (Luke 6:32–35). The earlier criticism is thereby radicalized: the absolute measure of the gift is the love of one’s enemies. And with this is associated the idea of a loan without any expectation of return. Far from softening, the critique

becomes more radical under the pressure of an (almost) impossible commandment.

I would like to suggest that not only is the market exchange attacked by the critique, so too is a higher form of exchange extending all the way to the love of one's enemies. All the objections, in fact, presuppose a form of self-interest hidden behind generosity. They therefore are themselves situated within the space of market goods, which does have its own legitimacy but, precisely, in a domain in which the expectation of reciprocity takes the form of monetary equivalence. The commandment to love one's enemies begins by breaking the rule of reciprocity and requiring the extraordinary. Faithful to the gospel rhetoric of hyperbole, according to this commandment the only gift that is justified is the one given to the enemy, from whom, by hypothesis, one expects nothing in return. But, precisely, the hypothesis is false: what one expects from love is that it will convert the enemy into a friend. The potlatch celebrated by Marcel Mauss breaks up the order of the market from within through munificence—as does in its own fashion the “expense” formulated by Georges Bataille. The Gospels do this by giving to the gift a measure of “extravagance” that ordinary acts of generosity can only approach from afar.²⁹

What name should be given to this nonmarket form of gift? This is no longer an exchange between giving and giving in return, but between giving and simply receiving.³⁰ What was potentially offended in the act of generosity, which was still a part of the market sphere, was the dignity of the recipient. Giving in honoring the beneficiary is the form that consideration takes on the level of exchange discussed above. The reciprocity of giving and receiving puts an end to the horizontal asymmetry of the gift with no expectation of return, under the aegis of the singular figure constituted by consideration. Recognizing the reciprocal dimension of the relation between the request for and the offer of forgiveness constitutes only a first stage in the complete reconstruction of this relation. What remains to be taken into account is the vertical distance between the two poles of forgiveness: this is at issue in the confrontation between the unconditionality of forgiveness and the conditionality of the request for forgiveness. This incessantly reemerging difficulty reappears at the very heart of the model of exchange applied to forgiveness, in the form of a question: what makes the parties capable of entering into the exchange between admission and forgiveness? The question is not an empty one, if we evoke once again the obstacles that impede access to the admission and those, no less great, that block the threshold of the

word of forgiveness. Asking for forgiveness is, indeed, also being prepared to receive a negative response: no, I cannot, I cannot forgive. The model of exchange takes for granted the obligation to give, to receive, and to give in return. Mauss, as we saw, attributes the origin of this to the quasi-magical force of the thing exchanged. What about the invisible force that unites the two speech acts of admitting and forgiving? The problematical character of the presumed transaction results from the asymmetry, which can be termed vertical, tending to mask the reciprocity of the exchange: in truth, forgiveness spans an interval between the high and the low, between the great height of the spirit of forgiveness and the abyss of guilt. This asymmetry is constitutive of the forgiveness equation. It accompanies us like an enigma that can never be fully plumbed.

I would like to mention, in light of these puzzles, the specific difficulties courageously assumed by the initiators of the famous Truth and Reconciliation Commission, desired by the president of the new South Africa, Nelson Mandela, and presided over with panache by Bishop Desmond Tutu. The mission of this commission, which met from January 1996 to July 1998 and presented its five-volume report in October 1998, was to “collect testimony, console the injured, indemnify the victims, and amnesty those who confessed to committing political crimes.”³¹

“Understanding, not revenge” was the motto here, in contrast to the punitive logic of the great criminal trials of Nuremberg and Tokyo.³² Neither amnesty nor collective immunity. In this sense, it is indeed under the aegis of the model of exchange that this alternative experience of purging a violent past deserves to be mentioned.

It is certainly too early to measure the effects of this enterprise of reparative justice on the populations involved. But reflection has been carried quite far by the protagonists, and the testimonies of many direct witnesses allow us to make a provisional assessment concerning the obstacles encountered and the limits inherent in an operation that aims not at pardoning but at reconciliation in its explicitly political dimension, as Jaspers defined it under the heading of political guilt.

On the side of the victims, the benefits are undeniable in therapeutic, moral, and political terms, all together. Families who fought for years to know the facts were able to express their pain, vent their hatred in the presence of the offenders and before witnesses. At the price of long hearings, they had an opportunity to tell of tortures and to name the criminals. In this sense, the hearings truly permitted the public exercise of the work

of memory and of mourning, guided by an appropriate process of cross-examination. In offering a public space for complaints and the recounting of suffering, the commission certainly gave rise to a shared *katharsis*. In addition, it is important that, beyond the individuals summoned to appear, there were also professionals coming from the world of business, the press, civil society, and the churches, all of whom were invited to search their memories.

This being so, it is perhaps expecting too much from this unprecedented experience to ask to what extent the protagonists progressed along the path toward genuine forgiveness. It is difficult to say. The legitimate concern with distributing indemnities could have been satisfied without carrying the purification of memory to the extinguishing of anger, tied to the sincere request for forgiveness, as this did occur in the case of subjects possessing religious or meditative consciousness or those familiar with the incantations harkening back to ancestral wisdom. Many, on the other hand, publicly rejoiced when amnesty was denied to those responsible for their loss or who refused the apologies of those who injured their close relations. In this way, the amnesty granted by the competent committee did not amount to forgiveness on the part of victims, who were deprived of the satisfaction that ordinarily results from the sanction of a trial.

On the side of the accused, the assessment is more mixed and especially more equivocal: was not public confession more often a stratagem in view of requesting and obtaining amnesty, freeing the individual from judicial proceedings and criminal conviction? Confessing, so as not to end up in court... Not to answer the questions of the victim but to satisfy the legal criteria on which amnesty depends... The spectacle of public repentance leaves one puzzled. In fact, its public use as a mere linguistic convention could not help but be the occasion for efforts aiming simply at political amnesty. Admitting excesses without relinquishing in any way the conviction that one was right was to make the most economical use of the rules of the game of confession. What then is there to say about those among the accused who turned to their advantage the procedures of confessing by informing on their superiors or their accomplices? To be sure, they helped to establish the factual truth, but at the cost of the truth that liberates. The *de facto* immunity for earlier crimes was transformed for them into *de jure* impunity in return for admissions without contrition. In contrast, the haughty refusal of some former leaders, who did not let themselves ask for forgiveness, deserves greater respect, although this refusal is politically harmful as it perpetuates the culture of contempt.

These perplexities, arising on both sides of the exchange between admission and forgiveness, invite us to consider the limits inherent in a project of reconciliation like this. The very establishment of the commission resulted from intensely impassioned negotiations between the former leaders and the new power, to say nothing of the confrontations between rival factions forced to share the victory. More profoundly and more enduringly, the violence of apartheid left wounds that a few years of public testimony were unlikely to heal.³³ This leads us, regretfully, to a viewpoint similar to Kodalle's disturbing observation that peoples do not forgive. The initiators and the advocates of the Truth and Reconciliation Commission dared to give the lie to this disillusioned belief and to provide a historic opportunity for a public form of the work of memory and of mourning in the service of public peace. Often, the commission exposed brutal truths that the agencies of political reconciliation between former enemies could not accept, as is shown by the rejection of the commission's report by many people. It is not a sign of despair to recognize the noncircumstantial, but more properly structural, limitations belonging to an enterprise of reconciliation which not only requires a great deal of time but also a work upon the self, in which it is not an exaggeration to see under the figure of a public exercise of political reconciliation something like an *incognito* of forgiveness.

Due to the very perplexities it has raised for its protagonists and its witnesses, the painful experience of the Truth and Reconciliation Commission has taken us back to the point where we interrupted our discussion of the relations between forgiveness, exchange, and gift. As is suggested by the title given to this section of the epilogue, this discussion was no doubt only a stage along the trajectory stretching from the formulation of the equation of forgiveness and its resolution on the most secret level of selfhood. This stage, however, was necessary in order to make apparent the dimension of otherness in an act that is fundamentally a relation. We attached this relational character to the *vis-à-vis* that confronts two speech acts, that of admission and that of absolution: "I ask you for forgiveness." "I forgive you." These two speech acts do what they say: the wrong is actually admitted; it is actually forgiven. The question is then to understand how this happens, taking into account the terms of the equation of forgiveness, namely, the apparent incommensurability between the unconditionality of forgiveness and the conditionality of the request for forgiveness. Is this abyss not bridged in a certain manner by virtue of a type of exchange that preserves the polarity of the extremes? The model is then proposed of the gift and its dialectic of the gift in return. The disproportion between the word of forgiveness and that of admission

returns under the form of a single question: What force makes one capable of asking, of giving, of receiving the word of forgiveness?

THE RETURN TO THE SELF

It is now to the heart of selfhood that our investigation must be directed. But to what power, to what courage can one appeal in order simply to ask for forgiveness?

Forgiving and Promising

Before entering into the paradox of repentance, we must test an attempt at clarification that will be the last for us, after that of exchange and the gift. It is from our ability to master the course of time that the courage to ask for forgiveness seems able to be drawn. This is what Hannah Arendt attempts to show in *The Human Condition*,³⁴ whose reputation is not undeserved. Her argument rests on reestablishing a very ancient symbolism, that of *unbinding/binding*, then on pairing forgiving and promising under this dialectic, one of which would unbind and the other bind us. The virtue of these two capabilities is that they answer in a responsible manner to the temporal constraints on the "continuation of action" on the plane of human affairs.³⁵

Action, as we recall, is the third category of a threesome: labor, work, action. This is the basic triad of the *via activa* considered in terms of its anthropological structures, at the union of the fundamental and the historical. It is by its own characteristic temporality that action is distinguished from the other two terms. Labor is consumed in its consumption, the work is intended to outlast its mortal authors, action simply wants to continue. Whereas in Heidegger there is no category of action, properly speaking, that in connection with care would be capable of providing a base for an ethics and a politics, Hannah Arendt has no need to take the road through *Mitsein* to give care, which in *Being and Time* continues to be marked with the seal of incommunicable death, a communal dimension. Right from the start action unfolds in a space of public visibility where it manifests its network, its web of relations and interactions. Speaking and acting take place in the public space of the manifestation of the human, and this is done directly without any transposition from the private to the public, from inwardness to socialness. Human plurality is primary. Why, then, is it necessary to pass by way of the power to forgive and to promise? Because of what Arendt calls the intrinsic "weaknesses" of plurality. The fragility of human affairs is not, in

fact, reducible to the perishable, mortal character of undertakings subjected to the merciless order of things, to the physical effacement of traces, that purveyor of oblivion. The danger has to do with the character of uncertainty that attaches to action under the condition of plurality. This uncertainty is to be related, on the one hand, to the irreversibility that destroys the desire for sovereign mastery applied to the consequences of action, to which forgiveness responds, and, on the other hand, to the unpredictability that destroys confidence in an expected course of action, the reliability of human action, to which the promise responds.³⁶

The position assumed by Hannah Arendt marks a significant distance with respect to the problematic we have engaged in from the first sequence of the present section, where forgiveness was seen as coming from above: "The remedy against irreversibility and unpredictability of the process started by acting does not arise out of another and possibly higher faculty, but is one of the potentialities of action itself" (*The Human Condition*, 236–37). Using the vocabulary of faculties, she speaks of "the faculty of forgiving" and "the faculty to keep and make promises" (237). Should one say that no one can forgive himself or herself and that left to ourselves we would wander without strength or aim? This is true: "Both faculties, therefore, depend on plurality" (237). Human plurality is the required vis-à-vis on both sides. The faculty of forgiveness and the faculty of promising rest on experiences that no one can have in isolation and which are based entirely on the presence of others. If the origin of these two faculties is inherent in plurality, their area of exercise is eminently political. On this point, Arendt uses to her own advantage the exegesis of the gospel texts most favorable to her interpretation. These texts say that it is only if humans exchange forgiveness among themselves that they can hope to be forgiven by God as well: the power to forgive is a human power.³⁷ Arendt notes: "Only through this constant mutual release from what they do can men remain free agents" (240). Confirmation is provided, on the one hand, by the opposition between forgiveness and vengeance, these two human manners of reacting to offenses; on the other hand, by the parallel between forgiveness and punishment, each of them cutting short an endless series of wrongs.³⁸

It is this precise symmetry between forgiving and promising in terms of power that I would like to question. It did not escape Hannah Arendt that forgiveness has a religious aura that promising does not. Promising responds to the unpredictability resulting from the intermittenencies of the heart and from the complexity of the chains of consequences of our actions. The promise opposes to this twofold uncertainty of human affairs a faculty for

mastering the future as if it were the present. And this capacity finds immediate political inscription in the conclusion of accords and treaties consisting in the exchange of promises declared inviolable. On this point, Arendt concurs with Nietzsche in the second essay of *On the Genealogy of Morals*, in which the promise is announced as the “memory of the will” victorious over the laziness of forgetting.³⁹ To this trait, coming from Nietzsche, Arendt adds the inscription of the act of promising in the play of plurality, which, in its turn, marks the entrance of promising into the political field.

It is a different matter for forgiveness, whose relation to love keeps it at a distance from the political.

We find proof of this *ad absurdum* in the sometimes monstrous failure of all efforts to institutionalize forgiveness. Whereas there are reliable institutions of promising, relating in various ways to the order of oaths—there is nothing like this in the case of forgiveness. We mentioned above the caricature of forgiveness found in amnesty, the institutional form of forgetting. One can also think, however, of the perplexities arising in an entirely different dimension from the sacrament of penance in the Catholic Church.⁴⁰ And exactly opposite to the exercise of a power to bind and to unbind with the aim of reassuring and forgiving within a well-ordered ecclesiastical community stands the figure of the Grand Inquisitor of Dostoyevsky’s *Brothers Karamozov*.⁴¹ The legend of the Grand Inquisitor is the yardstick by which the most benign attempts to win the salvation of men at the price of their freedom must be measured. There is no politics of forgiveness.

This is what Hannah Arendt foresaw. She says this starting from the opposite pole to that represented by the Grand Inquisitor, the pole of love: love, “one of the rarest occurrences in human lives” (*The Human Condition*, 242), proves to be foreign to the world and, for this reason, not only apolitical but antipolitical. This discordance between the levels on which forgiveness and promising operate is of great importance to us. It is simply masked by the symmetry between the two “weaknesses” that human affairs owe to their temporal condition, irreversibility and unpredictability. Yet this symmetry appears to authorize the leap that Arendt makes in these terms: “Yet what love is in its own, narrowly circumscribed sphere, respect is in the larger domain of human affairs” (243). And she evokes here, rather than the *agapē* of the apostle, the *philia politikē* of the philosopher, that sort of friendship without intimacy, without proximity. This last observation carries forgiveness back to the plane of horizontal exchange examined in our preceding section. It is at the heart of human plurality that forgiveness exerts the same power of revealing the “who” contained in action and in speech.

Arendt even seems to suggest that we could forgive ourselves if we were able to perceive ourselves: if we are said to be unable to forgive ourselves, this is because “we are dependent upon others, to whom we appear in a distinctness which we ourselves are unable to perceive” (243).

But does everything occur within the space of visibility of the public sphere? The final pages of the chapter on action in *The Human Condition* abruptly introduce a meditation on mortality and birth that carries over to human action: “If left to themselves, human affairs can only follow the law of mortality, which is the most certain and only reliable law of a life spent between birth and death” (246). If the faculty of acting, joined to that of speaking, can interfere with this law to the point of interrupting its inexorable automatic processes, it is because action and language possess their own resources in the “fact of natality” (247). Must this not be understood as a discreet yet stubborn protest addressed to the Heideggerian philosophy of being-toward-death? Should we not see action as “an ever-present reminder that men, though they must die, are not born in order to die but in order to begin” (246)? In this respect, “action . . . looks like a miracle” (246).⁴²

The evocation of the miracle of action, at the origin of the miracle of forgiveness, seriously calls into question the entire analysis of the faculty of forgiveness. How can the mastery of time be joined to the miracle of natality? It is precisely this question that sets our entire enterprise into motion again and invites us to pursue the odyssey of forgiveness to the center of selfhood. In my opinion, what is lacking in the political interpretation of forgiveness, which assures its symmetry with promising on the same level of exchange, is any reflection on the very act of unbinding proposed as the condition for the act of binding.⁴³ It seems to me that Hannah Arendt remained at the threshold of the enigma by situating the gesture of forgiveness at the point of intersection of the act and its consequences and not of the agent and the act. To be sure, forgiveness has the effect of dissociating the debt from its burden of guilt and in a sense of laying bare the phenomenon of the debt, as a dependence on a received heritage. But forgiveness does more. At least, it should do more: it should release the agent from his act.

Unbinding the Agent from the Act

Let us be clear about what is at issue here. Our entire inquiry into forgiveness began with the analysis of the admission by which the guilty person assumes his fault, internalizing in this way an accusation, which, then, points to the author behind the act: what the codes disavow are violations of the law—but what the courts punish are persons. This observation leads us to Nicolai

Hartmann's thesis affirming the inseparability of the act and the agent. From this position, held up as a provocation, we reached the de jure unforgivable character of the guilty self. It was then in reply to this de jure unforgivability that we established the requirement of impossible forgiveness. And all of our subsequent analyses have been an exploration of the gap opened between the unforgivable fault and this impossible forgiveness. The exceptional gestures of forgiveness, the precepts concerning the consideration owed to the defendant, and all the behaviors that we ventured to maintain on the planes of criminal, political, and moral guilt, for the *incognitos* of forgiveness—and which are often no more than alibis for forgiveness—were applied, with difficulty, to fill this gap. Everything, finally, hangs on the possibility of separating the agent from the action. This unbinding would mark the inscription, in the field of the horizontal disparity between power and act, of the vertical disparity between the great height of forgiveness and the abyss of guilt. The guilty person, rendered capable of beginning again: this would be the figure of unbinding that commands all the others.

It is the unbinding that governs all the others. But is it itself possible? Here I concur one last time with Derrida's argument: separating the guilty person from his act, in other words forgiving the guilty person while condemning his action, would be to forgive a subject other than the one who committed the act.⁴⁴ The argument is serious and the response difficult. It is to be sought, in my opinion, on the side of a more radical uncoupling than that supposed by the argument between a first subject, the one who committed the wrong, and a second subject, the one who is punished, an uncoupling at the heart of our very power to act—of agency—namely, between the effectuation and the capacity that it actualizes. This intimate dissociation signifies that the capacity of commitment belonging to the moral subject is not exhausted by its various inscriptions in the affairs of the world. This dissociation expresses an act of faith, a credit addressed to the resources of self-regeneration.

To account for this ultimate act of trust, there is no recourse but to assume an ultimate paradox proposed by the Religions of the Book and which I find inscribed in the Abrahamic memory. It is stated in the form of a pairing we have not yet mentioned, one that operates on a level of intimacy that was not reached by any of the other pairs mentioned up to now: the pair forgiveness and repentance.

This is something quite different from a transaction.⁴⁵ Rather than constituting a dilemma, this paradox suggests the idea of an entirely unique kind of circle by reason of which the existential response to forgiveness is implied, as it were, in the gift itself, while the antecedence of the gift is recognized

at the very heart of the inaugural gesture of repentance. To be sure, if there is forgiveness, "it remains," as is said of love in the hymn that celebrates its greatness. If it is the supreme height, then it permits neither before nor after, whereas the response of repentance occurs in time, whether it be sudden as in certain spectacular conversions, or progressive over the course of an entire life. The paradox is precisely that of the circular relation between what "remains" forever and what comes to be in each instance. We are familiar, in this regard, with so many dogmatic modes of thought that have allowed themselves to be caught up in disjunctive forms of logic: grace first of all, even grace alone, or human initiative first. The impasse becomes complete with the arrival of the idea of causation, be it anticipatory, auxiliary, sovereign, or other. Let us therefore leave the paradox in its stage of emergence, far removed from speculative additions, and confine ourselves to saying how it is inscribed in our historical condition: under the various figures of unbinding affecting the relation of the agent to his act.

This act of unbinding is not a philosophical aberration: it conforms to the lines of a philosophy of action in which the emphasis is placed on the powers that together compose the portrait of the capable being. In turn, this philosophical anthropology is based upon a fundamental ontology which, in the vast polysemy of the term "to be" in Aristotle's metaphysics, accords preference to being as act and as power, in contrast to the preference for an understanding in terms of a concept of substance that prevailed in metaphysics up to Kant. This fundamental ontology of power and act, which can be traced in Leibniz, Spinoza, Schelling, Bergson, and Freud, reemerges, in my view, on the borders of moral philosophy, at the point where a philosophy of religion is grafted onto a deontological conception of morality, as we see in Kant himself in the final section of the essay "Of the Radical Evil in Human Nature," placed at the head of the *Religion within the Boundaries of Mere Reason*.⁴⁶ As radical as evil may be, Kant states—and it is indeed radical as the first of all the maxims concerning evil—it is not original. Radical is the "propensity" to evil, original is the "predisposition" to good. It was this predisposition to good that was assumed in the famous formula with which the first section of the *Foundations of the Metaphysics of Morals* opens: "Nothing in the world—indeed nothing even beyond the world—can possibly be conceived which could be called good without qualification except a *good will*." This declaration does not only signal the explicit absorption of a teleological ethics into a deontological morality, but also, in the opposite direction, the implicit recognition of the rootedness of the latter in the former. This rootedness is reaffirmed in the formulas of *Religion within the Boundaries*

of *Mere Reason* that mark the link between the propensity to evil and the predisposition to good: the entire discourse on predisposition (*Anlage*) is in fact a teleological discourse that connects together the predispositions to animality, to rationality, and finally to personality. This threesome is summed up in the affirmation that “the original predisposition in [man] is good” (General Observation). Thus the inaugural formula of moral philosophy and the concluding formula in the essay “Of the Radical Evil in Human Nature” precisely correspond to one another.

It is in the “original predisposition to the good” that the possibility of “the restoration to its power” resides. I would say that under this modest heading—“the restoration . . . of the original predisposition to the good” (89)—the entire project of a philosophy of religion centered on the theme of the liberation of the ground of goodness in human beings is veiled and unveiled. Regarding this “incentive for good,” Kant declares, “were we ever to lose it, we would also never be able to regain it” (91). This conviction finds a basis in the philosophical rereading of the old myths dealing with the meta- or trans-historical origin of evil. We earlier referred in this regard to the Adamic myth in which the fall is recounted as a primordial event inaugurating a time after innocence. The narrative form thus preserves the radical contingency of a historical status now irremediable but in no way inevitable as to its occurrence. This gap with respect to the state of creation holds in reserve the possibility of another history inaugurated in each case by the act of repentance and punctuated by all the irruptions of goodness and of innocence over the course of time. This existential-existential possibility, placed under the protection of the narrative of origin, is echoed by the predisposition to good upon which the Kantian philosophy of *Religion within the Boundaries of Mere Reason* is constructed. What then can be added in the service of this immense project of restoration would be, on the one hand, the symbols—such as that of the suffering servant and of his christological expression—that nourish the Jewish and Christian imagination; and, on the other hand, the metapolitical institutions—such as, in Christianity, the visible forms of the church placed in the dual position of disciple and guardian with respect to this gift to the imagination. In the remainder of *Religion within the Boundaries of Mere Reason*, which is devoted to these symbols and institutions, which Kant develops, it is true, a more and more vehement tone addressing the historical forms espoused by this basic religious spirit which today we would call the Religions of the Book.

Against the backdrop of this philosophical reading of Western religions, the enigma of forgiveness stands out in the sphere of meaning belonging to

these religions. Discussing the inscription of the spirit of forgiveness in the operations of the will, Kant confines himself to assuming the “supernatural cooperation” (89) capable of accompanying and of completing the inclusion of moral “incentives in the maxims of our power of choice” (94). This knot is at one and the same time the unbinding of forgiveness and the binding of promising.⁴⁷

What is there to say, then, about the intelligibility of this conjunction? Regardless of the solutions attempted in the course of theological debates on the theme of freedom and grace, from which Kant dissociates himself in the third part of *Religion within the Boundaries of Mere Reason*, it does not seem that the vocabulary of the unconditional and the conditional, inherited from the antinomies of the dialectic of pure reason, is appropriate for the problematic of forgiveness and repentance. To disjunction, to dilemma, one must, it seems, oppose paradox. And regarding this paradox, one must give up any attempt to speak in the speculative or transcendental mode.⁴⁸ Possessing an irreducibly practical nature, it can be uttered only in the grammar of the optative mood.

Under the sign of forgiveness, the guilty person is to be considered capable of something other than his offenses and his faults. He is held to be restored to his capacity for acting, and action restored to its capacity for continuing. This capacity is signaled in the small acts of consideration in which we recognized the *incognito* of forgiveness played out on the public stage. And, finally, this restored capacity is enlisted by promising as it projects action toward the future. The formula for this liberating word, reduced to the bareness of its utterance, would be: you are better than your actions.

LOOKING BACK OVER AN ITINERARY: RECAPITULATION

Once the trajectory of forgiveness has circled back to its starting point and the self has been recognized in its fundamental moral capacity, imputability, the question arises as to what sort of gaze our reflections on the act of forgiving allow us to cast on the whole of the path covered in this book. What is there to say about memory, history, and forgetting, touched by the spirit of forgiveness? The response to this final question constitutes, as it were, an epilogue to this epilogue.

The discourse that suits this recapitulation is no longer that of phenomenology, nor of epistemology, nor of hermeneutics; it is the discourse of the exploration of the horizon of completion of the chain of operations

constituting this vast memorial to time which includes memory, history, and forgetting. I venture to speak in this respect of eschatology to underscore the dimension of anticipation and of projection belonging to this ultimate horizon. The most appropriate grammatical mood is that of the optative of desire, at equal distance from the indicative of description and the imperative of prescription.

In truth, I only recently identified this presumed tie between the spirit of forgiveness and the horizon of completion of our entire undertaking. It is clearly a consequence of rereading. Has the presentiment of this tie guided me from the beginning? Perhaps. If this is the case, will I apply to it the distinction proposed at the beginning of *Oneself as Another* between the underlying current of motivation and the mastered development of the argumentation? Or, yet again, the distinction I owe, I believe, to Eugen Fink between operative concepts, never entirely present to the mind, and thematic concepts, displayed as relevant objects of knowledge? I could not say. What I do know, however, is that the object of the entire quest merits the beautiful name of happiness.

Happy Memory

I can say after the fact that the lodestar of the entire phenomenology of memory has been the idea of happy memory. It was concealed in the definition of the cognitive intention of memory as faithful. Faithfulness to the past is not a given, but a wish. Like all wishes, it can be disappointed, even betrayed. The originality of this wish is that it consists not in an action but in a representation taken up again in a series of speech acts constituting the declarative dimension of memory. Like all speech acts, those of declarative memory can also succeed or fail. For this reason, this wish at first is not seen as a vow but as a claim, saddled with an initial aporia, one which I have repeated over and over in the following words: the aporia that is constituted by the present representation of an absent thing marked with the seal of anteriority, of temporal distance. If this aporia has constituted a genuine difficulty for thought, it has never been cast as an impasse. The typology of mnemonic operations was thus from start to finish a typology of the ways in which the dilemma of presence and of absence can be overcome. The royal theme of the recognition of memory was gradually developed on the basis of this arborescent typology. At the start it was simply one of the figures of the typology of memory, and it is only at the end, in the wake of the Bergsonian analysis of the recognition of images and under the fine name of the

survival or revival of images, that the preeminence of the phenomenon of recognition was confirmed. Today, I discern in it the equivalent of what was characterized as the *incognito* of forgiveness in the preceding sections of this epilogue. But only an equivalent, to the extent that guilt is not the discriminating factor here but rather reconciliation, which places its final stamp on the entire series of mnemonic operations. I consider recognition to be the small miracle of memory. And as a miracle, it can also fail to occur. But when it does take place, in thumbing through a photo album, or in the unexpected encounter with a familiar person, or in the silent evocation of a being who is absent or gone forever, the cry escapes: "That is her! That is him!" And the same greeting accompanies step by step, with less lively colors, an event recollected, a know-how retrieved, a state of affairs once again raised to the level of "recognition." Every act of memory (*faire-mémoire*) is thus summed up in recognition.

The rays extending from this lodestar spread beyond the topology of memory to the whole of the phenomenological investigation.

The reference to happy memory allowed me from the start to put off the contribution of the neural sciences to the knowledge of memory until the end of this book. The underlying argument was that the understanding of mnemonic phenomena takes place in the silence of our organs as long as dysfunctions on the plane of actual behavior and of the conduct of life do not require taking into account the forms of knowledge that have the brain as their object.

It was the same presupposition of self-clarity in the phenomenon of recognition that next supplied the blade that cuts between two types of absence—the anterior and the unreal—and so, as a matter of principle, sunders memory from imagination, despite the disturbing incursions of hallucination into the mnemonic field. I believe that most of the time I can distinguish a memory from a fiction, even though it is as an image that the memory returns. Obviously, I would like always to be capable of making this distinction.

It is still the same gesture of confidence that accompanied the exploration into the uses and abuses that flag the reconquest of memory along the paths of recall. Blocked memory, manipulated memory, commanded memory—so many figures of difficult, but not impossible, recollection. The price to be paid was the conjunction between the work of memory and the work of mourning. But I believe that in certain favorable circumstances, such as the right given by another to remember, or better, the help contributed by others in sharing memories, recollection can be said to be successful and mourning

to be checked along the fatal slope of melancholy, that attraction to sorrow. If it were so, happy memory would become memory at peace.

Finally, the reflexive moment of memory culminates in the recognition of oneself in the form of a wish. We resisted the fascination with the appearance of immediacy, certainty, and security likely to be found in this reflexive moment. This too is a vow, a claim, a demand. In this respect, the sketch of a theory of attribution, under the threefold figure of the attribution of memory to the self, to close relations, and to distant others deserves to be reconsidered from the perspective of the dialectic of binding and unbinding proposed by the problematic of forgiveness. In return, by extending in this way to the sphere of memory, this dialectic is able to move out of the sphere specific to guilt to attain the scope of a dialectic of reconciliation. Placed back in the light of the dialectic of binding-unbinding, the self-attribution of the set of memories that compose the fragile identity of a singular life is shown to result from the constant mediation between a moment of distantiation and a moment of appropriation. I have to be able to consider from a distance the stage upon which memories of the past are invited to make an appearance if I am to feel authorized to hold their entire series to be mine, my possession. At the same time, the thesis of the threefold attribution of mnemonic phenomena to the self, to close relations, and to distant others invites us to extend the dialectic of binding-unbinding to those other than oneself. What above was presented as the approbation directed to the manner of being and acting of those I consider to be my close relations—and approbation counts as a criterion of proximity—also consists in unbinding-binding: on the one hand, the consideration addressed to another's dignity—and which was credited above with being an *incognito* of forgiveness in situations marked by public accusation—constitutes the moment of unbinding stemming from approbation, while sympathy constitutes the moment of binding. It will be up to historical knowledge to pursue this dialectic of unbinding-binding onto the plane of the attribution of memory to all the others beyond myself and my close relations.

In this way the dialectic of unbinding-binding unfolds along the lines of the attribution of recollections to the multiple subjects of memory: happy memory, peaceful memory, reconciled memory, these would be the figures of happiness that our memory wishes for ourselves and for our close relations.

"Who will teach us to decant the joy of memory?" exclaimed André Breton in *L'Amour fou*,⁴⁹ providing a contemporary echo, beyond the Beatitudes of the Gospel, to the apostrophe of the Hebraic psalmist: "Who

will make us see happiness?" (Psalm 4:7). Happy memory is one of the responses given to this rhetorical question.

Unhappy History?

Applied to history, the idea of eschatology is not without equivocality. Are we not returning to those metaphysical or theological projections that Pomian places under the heading of "chronosophies," in opposition to the chronologies and chronographies of historical science? It must be clearly understood that we are concerned here with the horizon of completion of a historical knowledge aware of its limitations, whose measure we took at the beginning of the third part of this work.

The major fact made apparent by the comparison between history's project of truth and memory's aim of faithfulness is that the small miracle of recognition has no equivalent in history. This gap, which will never be entirely bridged, results from the break—it could be termed epistemological—made by the system of writing imposed on all the historiographical operations. These, we have repeatedly stated, are from start to finish types of writing, from the stage of archives up to literary writing in the form of books and articles offered to reading. In this regard, we were able to reinterpret the myth of the *Phaedrus* concerning the origin of writing—or at least of the writing entrusted to external signs—as the myth of the origin of historiography in all of its states.

This is not to say that every transition between memory and history has been abolished by this scriptural transposition, as is verified by testimony, that founding act of historical discourse: "I was there! Believe me or not. And if you don't believe me, ask someone else!" Entrusted in this way to another's credibility, testimony transmits to history the energy of declarative memory. But the living word of the witness, transmuted into writing, melts away into the mass of archival documents which belong to a new paradigm, the paradigm of the "clue" which includes traces of all kinds. All documents are not testimonies, as are those of "witnesses in spite of themselves." What is more, the facts considered to have been established are also not all point-like events. Numerous reputedly historical events were never anyone's memories.

The chasm between history and memory is hollowed out in the explanatory phase, in which the available uses of the connector "because..." are tested. To be sure, the coupling between explanation and understanding, which we have continued to underscore, preserves the continuity with the capacity for decision-making exercised by social agents in situations of indecision and, by this means, the continuity with self-understanding dependent

on memory. Historical knowledge, however, gives the advantage to those architectures of meaning that exceed the resources of even collective memory: the articulation between events, structures, and conjunctures; the multiplication of the scales of duration extended to the scales of norms and evaluations; the distribution of the relevant objects of history on multiple planes—economic, political, social, cultural, religious, and so on. History is not only vaster than memory; its time is layered differently. History's greatest distance from memory was reached with the treatment of the facts of memory as "new objects," of the same order as sex, fashion, death. Mnemonic representation, our vehicle of our bond with the past, itself becomes an object of history. The question was even legitimately raised whether memory, the matrix of history, had not itself become a simple object of history. Having arrived at this extreme point of the historiographical reduction of memory, we allowed a protest to be heard, one in which the power of the attestation of memory concerning the past is lodged. History can expand, complete, correct, even refute the testimony of memory regarding the past; it cannot abolish it. Why? Because, it seemed to us, memory remains the guardian of the ultimate dialectic constitutive of the pastness of the past, namely, the relation between the "no longer," which marks its character of being elapsed, abolished, superseded, and the "having-been," which designates its original and, in this sense, indestructible character. That something did actually happen, this is the pre-predicative—and even pre-narrative—belief upon which rest the recognition of the images of the past and oral testimony. In this regard, events like the Holocaust and the great crimes of the twentieth century, situated at the limits of representation, stand in the name of all the events that have left their traumatic imprint on hearts and bodies: they protest that they were and as such they demand being said, recounted, understood. This protestation, which nourishes attestation, is part of belief: it can be contested but not refuted.

Two corollaries result from this fragile constitution of historical knowledge.

On the one hand, mnemonic representation, lacking the assurance of recognition, has as its sole historical counterpart the concept of standing for, whose precarious nature we have underscored. Only the work of revising and of rewriting engaged in by the historian in his workshop is capable of reinforcing the merit of the presumption that the constructions of the historian can be reconstructions of events that actually occurred.

Second corollary: the competition between memory and history, between the faithfulness of the one and the truth of the other, cannot be resolved on

the epistemological plane. In this respect, the suspicion instilled by the myth of the *Phaedrus*—is the *pharmakon* of writing a poison or a remedy?—has never been dispelled on the gnoseological plane. It is reawakened in Nietzsche's attacks against the abuses of historical culture. A final echo resounded in the testimonies of some prominent historians regarding the "uncanniness of history." The debate must then be transferred to another arena, that of the reader of history, which is also that of the educated citizen. It is up to the recipients of the historical text to determine, for themselves and on the plane of public discussion, the balance between history and memory.

Is this the final word on the shadow that the spirit of forgiveness would cast on this history of the historians? The true response to the absence in history of an equivalent to the mnemonic phenomenon of recognition can be read in the pages devoted to death in history. History, we said then, has the responsibility for the dead of the past, whose heirs we are. The historical operation in its entirety can then be considered an act of sepulcher. Not a place, a cemetery, a simple depository of bones, but an act of repeated entombment. This scriptural sepulcher extends the work of memory and the work of mourning on the plane of history. The work of mourning definitively separates the past from the present and makes way for the future. The work of memory would have attained its aim if the reconstruction of the past were to succeed in giving rise to a sort of resurrection of the past. Must we leave to the avowed or unavowed emulators of Michelet alone the responsibility for this romantic wish? Is it not the ambition of every historian to uncover, behind the death mask, the face of those who formerly existed, who acted and suffered, and who were keeping the promises they left unfulfilled? This would be the most deeply hidden wish of historical knowledge. But its continually deferred realization no longer belongs to those who write history; it is in the hands of those who make history.

How could we fail to mention here Klee's figure titled *Angelus Novus*, as it was described by Walter Benjamin in the ninth of his "Theses on the Philosophy of History"?⁵⁰ "A Klee painting named *Angelus Novus* shows an angel looking as though he is about to move away from something he is fixedly contemplating. His eyes are staring, his mouth is open, his wings are spread. This is how one pictures the angel of history. His face is turned toward the past. Where we perceive a chain of events, he sees one single catastrophe which keeps piling up wreckage upon wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed.⁵¹ But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer close

them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress" (257). What, then, is for us this storm that so paralyzes the angel of history? Is it not, under the figure of progress which is contested today, the history that human beings make and that comes crashing into the history that historians write? But then the presumed meaning of history is no longer dependent on the latter but on the citizen who responds to the events of the past. For the professional historian there remains, short of that receding horizon, the uncanniness of history, the unending competition between memory's vow of faithfulness and the search for truth in history.

Should we now speak of unhappy history? I do not know. But I will not say: unfortunate history. Indeed, there is a privilege that cannot be refused to history; it consists not only in expanding collective memory beyond any actual memory but in correcting, criticizing, even refuting the memory of a determined community, when it folds back upon itself and encloses itself within its own sufferings to the point of rendering itself blind and deaf to the suffering of other communities. It is along the path of critical history that memory encounters the sense of justice. What would a happy memory be that was not also an equitable memory?

Forgiveness and Forgetting

Should we confess *in fine* something like a wish for a happy forgetting? I want to express some of my reservations regarding assigning a "happy ending" to our entire enterprise.

My hesitations begin on the plane of the surface manifestations of forgetting and extend to its deep constitution, on the level where the forgetting due to effacement and the reserve of forgetting intertwine.

The ruses of forgetting are still easy to unmask on the plane where the institutions of forgetting, the paradigm of which is amnesty, provide grist to the abuses of forgetting, counterparts to the abuses of memory. The case of the amnesty of Athens, which concerned us in the final chapter on forgetting, is exemplary in this regard. We saw how the establishment of civil peace was based upon the strategy of the denial of founding violence. The decree, accredited by oath, ordering that "the evils not be recalled" claims to do no less than to hide the reality of *stasis*, of the civil war, the city approving only external war. The body politic is declared to be foreign to conflict in its very being. The question is then posed: is a sensible politics possible without something like a censure of memory? Political prose begins where vengeance ceases, if history is not to remain

locked up within the deadly oscillation between eternal hatred and forgetful memory. A society cannot be continually angry with itself. Then, only poetry preserves the force of unforgetting concealed in the affliction that Aeschylus declares "lust of power insatiate" (*Eumenides*, v. 976). Poetry knows that the political rests on forgetting the unforgettable, "that never formulated oxymoron," says Nicole Loraux (*La Cité divisée*, 161). The oath can evoke and articulate it only in the form of the negation of the negation, which decrees the non-arrival of this misfortune, which Electra proclaims to be itself a "sorrow, which . . . cannot be done away with, cannot forget" (*Electra*, v. 1246-47). Such are the spiritual stakes of amnesty: silencing the non-forgetting of memory. This is why the Greek politician is in need of the religious figure to uphold the will to forget the unforgettable, under the form of imprecations verging on false oaths. Lacking the religious and the poetical, we saw that the ambition of the rhetoric of glory, at the time of kings, mentioned in connection with the idea of greatness, was to impose another memory in place of that of Eris, Discord. The oath, this ritual of language—*horkos* conspiring with *lēthē*—has perhaps disappeared from democratic and republican prose, but not from the city's praise of itself, with its euphemisms, its ceremonies, its civic rituals, its commemorations. Here, the philosopher will refrain from condemning the successive amnesties that the French Republic in particular has so often employed, but he will stress their purely utilitarian, therapeutic character. And he will listen to the voice of the unforgetting memory, excluded from the arena of power by the forgetful memory bound to the prosaic refounding of the political. At this price, the thin wall separating amnesty from amnesia can be preserved. The knowledge that the city remains "a divided city" belongs to practical wisdom and to its political exercise. The fortifying use of *dissensus*, the echo of the unforgetting memory of discord, contributes to this.

Our uneasiness concerning the right attitude to take with regard to the uses and abuses of forgetting, mainly in the practice of institutions, is finally the symptom of a stubborn uncertainty affecting the relation between forgetting and forgiveness on the level of its deep structure. The question returns with insistence: if it is possible to speak of happy memory, does there exist something like a happy forgetting? In my opinion, an ultimate indecisiveness strikes what could be presented as an eschatology of forgetting. We anticipated this crisis at the end of the chapter on forgetting by balancing forgetting through the effacement of traces against the forgetting kept in reserve. And it is once again a question of this balance within the horizon of a happy memory.

Why can one not speak of happy forgetting in precisely the same way we were able to speak of happy memory?

An initial reason is that our relation with forgetting is not marked by events of thinking comparable to the event of recognition, which we have called the small miracle of memory—a memory is evoked, it arrives, it returns, we recognize in an instant the thing, the event, the person and we exclaim: “That’s her! That’s him!” The arrival of a memory is an event. Forgetting is not an event, something that happens or that someone causes to happen. To be sure, we can notice that we have forgotten, and we remark it at a given moment. But what we then recognize is the state of forgetfulness we had been in. This state can, certainly, be termed a “force,” as Nietzsche declares at the beginning of the second essay in *On the Genealogy of Morals*. This is, he says, “no mere *vis inertiae*,” “it is rather an active and in the strictest sense positive faculty of repression” (57). But how are we made aware of this power that makes forgetting “a doorkeeper, a preserver of psychic order, repose, and etiquette” (58)? We know it thanks to memory, that faculty “with the aid of which forgetfulness is abrogated in certain cases—namely in those cases where promises are made” (58). In these specific cases, one can speak not only of a faculty but of the will not to forget, “a desire for the continuance of something desired once, a real *memory of the will*” (58). It is in binding oneself that one unbinds oneself from what was a force, but not yet a will. It will be objected that the strategies of forgetting, which we spoke of above, consist in more or less active interventions, which can be denounced as responsible for omission, negligence, blindness. But if a moral guilt can be attached to the behaviors resulting from the class of non-action, as Karl Jaspers required in his *Schuldfrage*, this is because what are involved are a large number of punctual acts of non-acting, the precise occasions of which can be recalled after the fact.

A second reason for setting aside the idea of a symmetry between memory and forgetting in terms of success or accomplishment is that, with respect to forgiveness, forgetting has its own dilemmas. They have to do with the fact that, if memory is concerned with events even in the exchanges that give rise to retribution, reparation, absolution, forgetting develops enduring situations, which in this sense can be said to be historical, inasmuch as they are constitutive of the tragic nature of action. In this way action is prevented from continuing by forgetting, either by the intertwining of roles that are impossible to untangle, or by insurmountable conflicts in which the dispute is unresolvable, insuperable, or yet again by irreparable wrongs often extending back to far-distant epochs. If forgiveness has anything to do in these situations

of growing tragedy,⁵² it can only be a matter of a sort of nonpunctual work bearing on the manner of waiting for and welcoming typical situations: the inextricable, the irreconcilable, the irreparable. This tacit admission has less to do with memory than with mourning as an enduring disposition. The three figures evoked here are in fact three figures of loss. The admission that loss is forever would be the maxim of wisdom worthy of being held to be the *incognito* of forgiveness in the tragedy of action. The patient search for compromise would be its minor coin, but so would the welcoming of *disensus* in the ethics of discussion. Must one go so far as to say “forget the debt,” the figure of loss? Yes, perhaps, inasmuch as debt confines to fault and is enclosed within repetition. No, inasmuch as it signifies the recognition of a heritage. A subtle work of unbinding and binding is to be pursued at the very heart of debt: on one hand, being released from the fault, on the other, binding a debtor who is forever insolvent. Debt without fault. Debt stripped bare. Where one finds the debt to the dead and history as sepulcher.

The most irreducible reason for the asymmetry between forgetting and memory with respect to forgiveness resides in the undecidable character of the polarity that divides the subterranean empire of forgetting against itself: the polarity between forgetting through effacement and forgetting kept in reserve. It is with the admission of this irreducible equivocality that the most precious and the most secret mark of forgiveness can come to be registered. Admitting that “in human experience there is no superior point of view from which one could perceive the common source of destruction and of construction”: such was, above, the verdict of the hermeneutics of the human condition with respect to forgetting. “Of this great drama of being,” we said in conclusion, “there is, for us, no possible balance sheet.” This is why there cannot be a happy forgetting in the same way as one can dream of a happy memory. What would be the mark of forgiveness on this admission? Negatively, it would consist in inscribing the powerlessness of reflection and speculation at the head of the list of things to be renounced, ahead of the irreparable; and, positively, in incorporating this renouncement of knowledge into the small pleasures of happy memory when the barrier of forgetting is pushed back a few degrees. Could one then speak of an *ars oblivionis*, in the sense in which an *ars memoriae* has been discussed on several occasions? In truth, the paths are difficult to trace out in this unfamiliar territory. I propose three tracks for our exploration. One could, after the manner of Harald Weinrich, to whom I owe the expression,⁵³ develop this art in strict symmetry with the *ars memoriae* celebrated by Frances Yates. If the latter art

was essentially a technique of memorization rather than an abandonment to remembering and to its spontaneous irruptions, the opposite art would be a "lethatechnique" (*Lethe*, 29). If it were, indeed, to follow the treatises on the mnemonic art contemporaneous with the *ars memoriae*, the art of forgetting would have to rest on a rhetoric of extinction: writing to extinguish—the contrary of making an archive. But Weinrich, too tormented by "Auschwitz and impossible forgetfulness" (253ff.), cannot subscribe to this barbarous dream. This sacking, which in another time was called an auto-da-fé, is traced out against the horizon of memory as a threat worse than forgetting through effacement. Is not this reduction to ashes, as a limit-experience, the proof by absurdity that the art of forgetting, if there is one, could not be constructed as a distinct project, alongside the wish for happy memory? What is then proposed in opposition to this ruinous competition between the strategies of memory and forgetting is the possibility of a work of forgetting, interweaving among all the fibers that connect us to time: memory of the past, expectation of the future, and attention to the present. This is the path chosen by Marc Augé in *Les Formes de l'oubli*.⁵⁴ A subtle observer and interpreter of African rituals, he sketches three "figures" of forgetting that the rituals raise to the level of emblems. To return to the past, he says, one must forget the present, as in states of possession. To return to the present, one must suspend the ties with the past and the future, as in the games of role reversal. To embrace the future, one must forget the past in a gesture of inauguration, beginning, and rebeginning, as in rituals of initiation. And "it is always in the present, finally, that forgetting is conjugated" (78). As the emblematic figures suggest, the "three daughters" of forgetting (79) reign over communities and individuals. They are at one and the same time institutions and ordeals: "The relation to time is always thought in the singular-plural. This means that there must be at least two people in order to forget, that is to say, to manage time" (84). But, if "nothing is more difficult to succeed than a return" (84), as we have known since the *Odyssey*, and perhaps also than a suspension and a rebeginning, must one not try to forget, at the risk of finding only an interminable memory, like the narrator of *Remembrance of Things Past*? Must not forgetting, outsmarting its own vigilance, as it were, forget itself?

A third track is also offered for exploration: the path of a forgetting that would no longer be a strategy, nor a work, an idle forgetting. It would parallel memory, not as the remembrance of what has occurred, nor the memorization of know-how, not even as the commemoration of the founding events

of our identity, but as a concerned disposition established in duration. If memory is in fact a capacity, the power of remembering (*faire-mémoire*), it is more fundamentally a figure of care, that basic anthropological structure of our historical condition. In memory-as-care we hold ourselves open to the past, we remain concerned about it. Would there not then be a supreme form of forgetting, as a disposition and a way of being in the world, which would be insouciance, carefreeness? Cares, care, no more would be said of them, as at the end of a psychoanalysis that Freud would define as "terminable." . . . However, under pain of slipping back into the traps of amnesty-amnesia, *ars oblivionis* could not constitute an order distinct from memory, out of complacency with the wearing away of time. It can only arrange itself under the optative mood of happy memory. It would simply add a gracious note to the work of memory and the work of mourning. For it would not be work at all.

How could we not mention—echoing André Breton's apostrophe on the joy of memory and in counterpoint to Walter Benjamin's evocation of the angel of history with its folded wings—Kierkegaard's praise of forgetting as the liberation of care?

It is indeed to those who are full of cares that the Gospel's exhortation to "consider the lilies of the field and the birds of the air" is addressed.⁵⁵ Kierkegaard notes, "Yet this is so only if the person in distress actually gives his attention to the lilies and the birds and their life and forgets himself in contemplation of them and their life, while in his absorption in them he, unnoticed, by himself learns something about himself" (161–62). What he will learn from the lilies is that "they do not work." Are we then to understand that the even the work of memory and the work of mourning are to be forgotten? And if they "do not spin" either, their mere existence being their adornment, are we to understand that man too "without working, without spinning, without any meritoriousness, is more glorious than Solomon's glory by being a human being"? And the birds, "sow not and reap not and gather not into barns." But, if "the wood-dove is the human being," how can he manage not to be "worried" and "to break with the worry of comparison" and "to be contented to be a human being" (182)?

What "godly diversion" (184), as Kierkegaard calls "forgetting the worry" to distinguish it from ordinary distractions, would be capable of bringing man "to consider: *how glorious it is to be a human being*" (187)?

Carefree memory on the horizon of concerned memory, the soul common to memory that forgets and does not forget.

Under the sign of this ultimate *incognito* of forgiveness, an echo can be heard of the word of wisdom uttered in the Song of Songs: "Love is as strong as death." The reserve of forgetting, I would then say, is as strong as the forgetting through effacement.

Under history, memory and forgetting.

Under memory and forgetting, life.

But writing a life is another story.

Incompletion.

§ Paul Ricoeur

NOTES

PART ONE, CHAPTER ONE

1. Spinoza, *Ethics*, trans. Edwin Curley, in *The Collected Works of Spinoza* (Princeton: Princeton University Press, 1985), 1:465.
2. Plato, *Theaetetus*, trans. M. J. Levett, rev. Myles F. Burnyeat, *Plato: Complete Works*, ed. John M. Cooper (Indianapolis: Hackett, 1997), 181.
3. On all of this, see David Farrell Krell, *Of Memory, Reminiscence, and Writing: On the Verge* (Bloomington: Indiana University Press, 1990). What, the author asks, can be the truth of memory once past things are irrevocably absent? Does not memory seem to place us in contact with them through the present image of their vanished presence? What about the relation of presence to absence that the Greeks explored under the guidance of the metaphor of the imprint (*typos*)? These are the implications of the tie between typography and iconography that he explores in close proximity to Jacques Derrida's works on writing. Regardless of the fate of this metaphor as it moves into the era of neuroscience, thinking is doomed by the aporia of the presence of absence to remain on the edges, "on the verge."
4. This passage is Krell's alternative translation (with his emphases, 27).
5. A careful discussion in the tradition of English-language analytical philosophy of the strictly epistemic argumentation can be found in Myles Burnyeat, *The Theaetetus of Plato* (Indianapolis: Hackett, 1990). According to the author, all the most important commentaries of the *Theaetetus* are in English. On "false judgment," its possibility and its eventual refutation (65ff.); on the "wax block" (90ff.); on the "aviary" (105ff.).
6. The model of the block of wax had failed in the case of the faulty identification of a number by means of the sum of two numbers; abstract errors like this defy an explanation in terms of a misfit between perceptions.

of the present incuriosity what comes before is forgotten (319). Those who lose themselves in the world of tools, must forget themselves (324). One can then employ the oxymoron in speaking of “the forgetting that awaits” (337). Forgetting, in this sense, is characteristic of the they, “blind to possibilities,” “incapable of retrieving what has been” (357). Caught up in the present of care, forgetting signifies a temporality that “does not await” (374), irresolute, “in the mode of a making present that does not await but forgets” (377). As temporality sinks down into the vulgar conception of so-called “infinite” time, this movement is punctuated by “the self-forgetful ‘representation’ of the ‘infinite’ of public time” (389). To say that “time passes” is to forget the moments as they slip by (389). Against the backdrop of this litany of inauthenticity, the sole allusion in *Being and Time* to the relation of forgetting to memory stands out: “Just as expectation is possible only on the basis of awaiting, remembering is possible only on the basis of forgetting, and not the other way around. In the mode of forgottenness, having-been primarily ‘discloses’ the horizon in which Da-sein, lost in the ‘superficiality’ of what is taken care of, can remember” (312). It is not clear whether the disavowal of forgetting entails the work of memory in its *Verfallen*, or whether the grace of recognition of the past could raise forgetting from this entanglement, this falling-prey, and elevate it to the level of the reserve of forgetting.

24. Henry Rousso, *The Vichy Syndrome: History and Memory in France since 1944*, trans. Arthur Goldhammer (Cambridge, Mass.: Harvard University Press, 1991); *Vichy: An Ever-Present Past*, trans. Nathan Bracher (Hanover, N.H.: University Press of New England, 1998); *The Haunting Past: History, Memory, and Justice in Contemporary France*, trans. Ralph Schoolcraft (Philadelphia: University of Pennsylvania Press, 2002). Let us note that the expression “a past that does not pass,” a synonym of obsession, is found in the controversy of the German historians. In this sense, evoking the works of Henry Rousso here should be joined to the discussion of his German colleagues: the difference in the situations in which the French historians and the German historians work could constitute by itself a theme for historians. The works conceived on either side of the Rhine intersect at another sensitive point: the relation between the judge and the historian (“What Court of Judgment for History?” in *The Haunting Past*, 48–83).

25. On the history of memory, see Rousso, *The Vichy Syndrome*, 3. The tie is made here with Pierre Nora’s notion of “places of memory.”

26. See above, part 3, chap. 1, “The Historian and the Judge.” The same sort of evidence is also included in the file of the Franco-German wars and in the file of the great criminal trials: films (*The Sorrow and the Pity*), plays, etc.

27. “What is borrowed from psychoanalysis is simply a metaphor, not an explanatory schema” (*The Vichy Syndrome*, 11).

28. Pierre Vidal-Naquet, *Assassins of Memory: Essays on the Denial of the Holocaust*, trans. Jeffrey Mehlman (New York: Columbia University Press, 1992); Alain Finkielkraut, *The Future of a Negation: Reflections on the Question of Genocide*, trans. Mary Byrd Kelly (Lincoln: University of Nebraska Press, 1988).

29. Immanuel Kant, “The Right to Pardon,” *The Metaphysics of Morals*, part 1, *The Metaphysical Elements of Justice*, trans. John Ladd (Indianapolis: Bobbs-Merrill, 1965), Second Part, “Public Law,” general remarks E: “The Right to Punish and the Right to Pardon.” “The right to pardon a criminal, either by mitigating or by entirely remitting the punishment, is certainly the most slippery of all the rights of the sovereign. By exercising it he can demonstrate the splendor of his majesty and yet thereby wreak injustice to a high degree” (107–8). And Kant adds: “He can make use of this right of pardon only in connection with an injury committed against himself” (108).

30. Nicole Loraux devotes an entire book to this: *La Cité divisée: L’Oubli dans la mémoire d’Athènes* (Paris: Payot, 1997). The path the book takes is significant: it begins with a discussion of the deep connection between “sedition” (*stasis*) and the mythical descendants of the “Children of the Night” in the figure of Eris, Discord (“Eris: The Archaic Form of the Greek Reflection on Politics,” *ibid.*, 119). The analysis crosses through the levels of poetry moving toward the prose of the political, assumed and proclaimed. The book ends with the “politics of reconciliation” (195ff.) and attempts to measure the price paid in terms of denial with regard to the repressed ground of Discord. For reasons of personal strategy, I will follow the inverse order, moving from the amnesty decree and the pledge of non-memory in the direction of the invincible ground of “un-forgettable” Anger and Affliction, to borrow the strong language of the author (165).

31. Thierry Wangfleteten, “L’idéal de concorde et d’unanimité: Un rêve brisé de la Renaissance,” *Histoire européenne de la tolérance du XVIIe au XXe siècle* (Paris: Livre de Poche, 1998).

32. Stéphane Gacon, “L’oubli institutionnel,” *Oublier nos crimes: L’Amnésie nationale. Une spécificité française?* (Paris: Autrement, 1994), 98–111. The presentation of the grounds of the proposed law regarding the abolition of certain criminal proceedings at the time of the Dreyfus affair contains the following statement: “We ask parliament to add forgetting to clemency and to approve the legal dispositions which, while safeguarding the interests of third parties, render passions powerless to revive that most painful conflict” (101).

EPILOGUE

1. The title of this epilogue was suggested to me by Domenico Jervolino’s excellent work, *L’Amore difficile* (Rome: Edizioni Studium, 1995).

2. Jean Nabert, *Elements for an Ethic*, trans. William J. Petrek (Evanston, Ill.: Northwestern University Press, 1969), book 1, “The Givens of Reflection,” chapter 1, “The Experience of Fault,” 3–15. “Feelings nourish reflection, they are its matter: they make reflection, although free, appear as a moment within the history of desire that is constitutive of our being” (4).

3. Karl Jaspers, *Philosophy*, vol. 2, *Existential Elucidation*, trans. E. B. Ashton (Chicago: University of Chicago Press, 1970), part 3, “Existenz as Unconditionality in Situation; Consciousness and Action: Guilt,” 215–18.

4. *Freedom and Nature*, general introduction, “Abstraction of the Fault,” 20–28.

5. Immanuel Kant, “Attempt to Introduce the Concept of Negative Magnitudes into Philosophy” [1763], *Theoretical Philosophy, 1755–1770*, trans. David Walford, with Ralf Meerbote (Cambridge: Cambridge University Press, 1992), 203–41.

6. Nabert, *Elements for an Ethic*, 5.

7. Jean Nabert, *Essai sur le mal* (Paris: Aubier, 1970).

8. Jean Améry, *Par delà le crime et le châtement: Essai pour surmonter l'insurmontable* (Paris: Actes Sud, 1995).

9. Myriam Revault d'Allonnes, *Ce que l'homme fait à l'homme: Essai sur le mal politique* (Paris: Seuil, 1995).

10. “Does the absolutely unjustifiable exist? In this question all questions converge, and we have said nothing if it remains unanswered” (Nabert, *Essai sur le mal*, 142).

11. See André LaCocque and Paul Ricoeur, *Thinking Biblically: Exegetical and Hermeneutical Studies*, trans. David Pellauer (Chicago: University of Chicago Press, 1998).

12. Paul Ricoeur, “Evil, a Challenge to Philosophy and Theology,” *Figuring the Sacred: Religion, Narrative, and Imagination*, ed. Mark Wallace, trans. David Pellauer (Minneapolis: Fortress Press, 1995), 249–61.

13. Nicolai Hartmann, *Ethics*, trans. Stanton Coit (London: Allen and Unwin, 1932).

14. Quoted by Klaus M. Kodalle, *Verzeihung nach Wendezeiten?* Inaugural lectures given at the Friedrich Schiller University of Jena, June 2, 1994 (Erlangen and Jena: Palm and Enke, 1994).

15. Jacques Derrida, “Le siècle et le pardon,” *Le Monde des débats* (December 1999).

16. Karl Jaspers, *Die Schuldfrage* [1946] (Munich: R. Piper, 1979); *The Question of German Guilt*, trans. E. B. Ashton (New York: Dial Press, 1947).

17. Article 2219 of the French Civil Code bluntly states the argument of the effect of time: “Prescription is a means of acquiring or being freed from something

due to a lapse of time, and under the conditions determined by the law.” Due to a certain lapse of time? By virtue of time, one person can be robbed at a certain moment and another amnestied with respect to his original violence. G. Bautry-Lacantinerie and Albert Tissier, in their *Traité théorique et pratique de Droit civil: De la prescription* (Paris: Sirey, 1924), cite one of Bourdaloue’s Sermons: “I call upon your experience. Look over the houses and the families distinguished by wealth and by the abundance of goods, those who pride themselves on being the most honorably founded, those who would appear to be models of probity and religion. If you were to move back to the source of this opulence, you would find, from the beginning and in the very principle, things that would make you tremble” (25).

18. Crimes against humanity were defined by the charters of the Nuremberg and Tokyo international military tribunals on August 8, 1945 and January 12, 1946. These texts distinguish: inhuman acts committed against the entire civilian population before and during the war, including assassination, extermination, enslavement, and deportation; and persecutions for political, racial, or religious reasons. The United Nations made this notion more precise in the Convention on Genocide of December 10, 1948. The Convention on Imprescriptibility of November 26, 1968 and the resolution of December 13, 1973 recommending international cooperation for the prosecution of criminals placed the seal of international law on the notion. Similarly, the notion of crimes against humanity was included in domestic French law by the December 26, 1964 law that “recognizes” the imprescriptibility of crimes against humanity and of genocide in reference to the 1946 United Nations resolution: these crimes are declared “by their nature imprescriptible.” French jurisprudence, as expressed by a series of decisions by the Cour de cassation (the Supreme Court of Appeal) on the occasion of trials in which these accusations were brought (the Touvier and Barbie affairs) has led to recognizing as imprescriptible crimes “the inhuman acts and the persecutions which, practicing a politics of ideological hegemony in the name of the state, were committed in a systematic manner, not only against persons by reason of their membership in a racial or religious community, but also against the adversaries of this politics regardless of the form of their opposition.” One initial common element concerns the existence of a concerted plan. A second common element: the victims are persons and never goods, unlike war crimes. The definition of a crime against humanity is henceforth established by Articles 211–1 and following of the new Criminal Code of 1994. Genocide is defined therein as a crime against humanity leading to the destruction of a group, voluntarily threatening life, physical or mental integrity, or submitting the members of a group discriminated against “to conditions of existence of a nature to lead to the total or partial destruction of the group, including abortion, sterilization, separation of adults in condition to procreate, forced transfer of children.” All these criminal acts foster the rupture of equality between human

beings affirmed by the first and third Articles of the International Human Rights Charter.

19. It is in this way, I believe, that one can understand the variations on this subject by Vladimir Jankélévitch. In an initial book, titled *L'Imprescriptible*, first published in 1956 (Paris: Seuil, 1986) at the time of the polemics over the prescription of Hitlerian crimes, he argued, by his own admission, against forgiveness. But was this really the question? In any event, that book was, in its tone, more of an imprecation than an argument, in which the other side had no voice. He was right on one point: "All the legal criteria customarily applicable to crimes of law with respect to prescription fall short here" (21): "international" crime, crime against "the human essence," crime against "the right to exist," are all crimes beyond all proportion; "to forget these gigantic crimes against humanity would be a new crime against the human race." This is precisely what I am calling the de facto unforgivable. His study on *Le Pardon* (Paris: Aubier, 1967) takes a different tack, where the time of forgiveness is identified with the time of forgetting. This is, then, the time that wears away ("L'Usure," 30). A third approach followed in 1971 with a title in the form of a question, *Pardonner?* (Paris: Pavillon, reprinted in the 1986 edition of *L'Imprescriptible*). Here, we read the famous exclamation: "Forgiveness! But have they ever asked us for forgiveness?" (50). "It is the distress and the destitution of the guilty that alone would give a sense to and a reason for forgiveness" (50). Here we enter into a different problematic, where in fact a certain reciprocity would be reestablished by the act of seeking forgiveness. Jankélévitch is well aware of the apparent contradiction: "Between the absolute of the law of love and the absolute of wicked freedom there exists a tear that cannot be entirely ripped apart. We have unceasingly attempted to reconcile the irrationality of evil with the all-powerfulness of love. Forgiveness is as strong as evil but evil is as strong as forgiveness" (foreword, 14–15).

20. Kodalle, who is by no means suspected of complacency with regard to cheap exoneration, is nonetheless severe toward "arrogant hypermoralism" (*Verzeihung nach Wendezeiten?* 36) that is paired with it. Confronting the same question after World War I, Max Weber denounced those fellow citizens who, as vanquished, indulged in self-flagellation and in hunting down the guilty: "Everyone with a manly and controlled attitude would tell the enemy: 'We lost the war. You have won it. That is all over. Now let us discuss what conclusions must be drawn according to the objective interests that came into play and what is the main thing in view of the responsibility towards the future which above all burdens the victor.'" "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 118. Twenty-five years later, Karl Jaspers asks for even greater contrition from his fellow countrymen.

21. Cf. P. Gifford, "Socrates in Amsterdam: The Uses of Irony in 'La Chute,'" *Modern Language Review* 73 (1978): 499–512.

22. Olivier Abel, "Tables du pardon: Géographie des dilemmes et parcours bibliographique," in *Le Pardon: Briser la dette et l'oubli* (Paris: Autrement, 1992), 208–36.

23. *Ibid.*, 211–16.

24. See Walter Schweidler, "Verzeihung und geschichtliche Identität, über die Grenzen der kollektiven Entschuldigung," *Salzburger Jahrbuch für Philosophie* 44–45 (1999–2000).

The author discusses the public excuses of political leaders in America, Australia, Japan, as well as the South African Truth and Reconciliation commission, and even the request for forgiveness formulated by Catholic bishops and the pope himself for the Crusades and the Inquisition. What is in question here is a form of moral responsibility that implies the existence of a "moral memory" on the scale of a community, in other words, the recognition of a moral dimension in collective memory, a moral dimension that would be the source of a "historical identity" for a human community. Memory, the author says, is also something public related to moral judgment. He, too, admits the existence of moral dilemmas relating to the problematic of *perplexio*: the transmission of guilt in the sphere of hyperpolitical human solidarity should not, as a matter of fact, feed the attempts at exoneration of individuals on the plane of what we earlier called moral guilt. Exoneration can indeed be more surreptitious than accusation, which on its own side is in danger of exaggeration. According to Schweidler, the solidarity at issue here belongs to those duties that Kant called "imperfect," and which would be better categorized in terms of Augustine's *ordo amoris*.

25. In "Love and Justice," in *Figuring the Sacred* (315–29), I opposed the logic of superabundance proper to what I termed the economy of the gift to the logic of equivalence proper to the economy of justice, with its weights and measures, even in the application of penalties. Cf. also Luc Boltanski, *L'Amour et la Justice comme compétences*.

26. Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, trans. Ian Cunnison (New York: Norton, 1967). Mauss's work is contemporary with that of Malinowski in the same field and with the work of the French sociologist Georges Davy in the sociology of law and institutions, on pledging one's word (1922).

27. It is this language that Claude Lévi-Strauss questions in his well-known *Introduction to the Work of Marcel Mauss*, trans. Felicity Baker (London: Routledge and Kegan Paul, 1987): the notions received from the populations studied are not scientific notions. They do not clarify what is to be explained but are a part of

it. Notions like *mana* represent the surplus of meaning, the free-floating signifier, which is available to man to understand the world. To move beyond mere repetition, tautology, science can see only the pure form of the relation of exchange in one of its prescientific interpretations. Our problem is quite different: it concerns the persistence of this archaic structure on the phenomenological plane of practice and of the understanding we have of the residual forms of nonmarket exchange in the age of science. There is a discussion of Lévi-Strauss's objections in Vincent Descombes, "Les Essais sur le don," in *Les Institutions du sens* (Paris: Minuit, 1996), 237–66. It is framed by a logical analysis of triadic relations and includes the exchange of gifts as a special case (giver, gift, recipient). Descombes holds that Lévi-Strauss's reproach against Mauss for having simply taken the description offered by the participants in the gift transactions in question does not concern the legal character of the obligation presiding over the exchange. To seek the efficient cause of the obligation in an unconscious structure of mind would be to treat obligation as an explanation for which one would have given only an illusory version in terms of "mystical cement." Unlike explanation in terms of the unconscious infrastructures of the mind, "Mauss's *Gift* is written in a descriptive style that cannot help but satisfy philosophers, who, along with Peirce, hold that the relation of the gift includes the infinite and exceeds any possible reduction to brute facts, or yet again, with Wittgenstein, that the rule is not an efficient cause of conduct (a psychological or other sort of mechanism) but that it is a norm that people follow because they want to make use of it to guide themselves in life" (257). It seems to me that the question raised here is that of the relation between the logic of triadic relations (giving something to someone) and the obligation to put it to use in concrete situations of a historical nature. Our problem here then legitimately arises, the persistence of the presumed archaic nature of potlatch in the practice of nonmarket exchange in the age of science and technology.

28. From the start of the investigation conducted among contemporary populations as diverse as North-Western American tribes (from whom the term "potlatch" comes), to tribes from Melanesia, Polynesia, and Australia, the question is raised, for us the readers, regarding the persistence of traces left in our contractual relations by this archaic element in a sphere of exchange prior to the establishment of markets and of their main invention, currency properly speaking. One finds there, Mauss notes, a form of functioning underlying our morality and our economy—"we believe that in them we have discovered one of the bases of social life" (*The Gift*, 2). What this form of exchange between the offering and the counter-offering values is competition in munificence, excessiveness in the gift which gives rise to the gift in return. Such is the archaic form of exchange and its basis. Mauss discerns the relics of this form in ancient laws (very ancient Roman law) and ancient economies (the pledges of Germanic law). It is Mauss's "moral

conclusions" that are therefore of interest to us here: "Our morality is not solely commercial," exclaims the moralist encouraged by the sociologist (63). He adds, "Today the ancient principles are making their influence felt upon the rigors, abstractions, and inhumanities of our codes. . . . This reaction against Roman and Saxon insensibility in our regime is a good thing" (64). And so is joining politeness to hospitality under the aegis of generosity. Note the unsettling movement of the allegedly deadly gift, as is confirmed by the double meaning of the word gift in Germanic languages: a gift on the one hand, a poison on the other. How could we fail to think in this regard of Plato's *pharmakon* in the *Phaedrus*, which has occupied so much of our attention?

29. I will venture to say that I find something of biblical hyperbole even in the political utopia of Kant's "perpetual peace": a utopia that confers on every person the right to be received in a foreign country "as a guest and not as an enemy," universal hospitality constituting in truth a political approximation of the gospel love of enemies.

30. Peter Kemp, *L'Irremplaçable* (Paris: Corti, 1997).

31. Sophie Pons, *Apartheid: L'aveu et le pardon* (Paris: Bayard, 2000), 13. The commission, composed of twenty-nine persons representing religious, political, and civic groups, contained three committees: the Committee on Human Rights Violations, whose mission was to determine the nature, the cause, and the scope of the abuses committed between 1960 and 1994, and which was granted broadened powers of investigation and summons; the Committee on Reparation and Damages, whose mission was to identify victims and to study their grievances in view of indemnification, material aid, and psychological support; the Amnesty Committee, charged with examining requests for pardon, under the condition of complete confessions proving the political motivation of the accused acts.

32. "The greatest innovation of the South Africans had to do with a principle, that of individual and conditional amnesty, in opposition to the general amnesties issued in Latin America under the pressure of the military. It was not a matter of erasing but of revealing, not of covering over crimes but, rather, of uncovering them. The former criminals were obliged to participate in rewriting national history in order to be pardoned: immunity had to be deserved, it implied public recognition of one's crimes and the acceptance of the new democratic rules. . . . From the earliest times, it has been said that every crime deserves punishment. It is at the tip of the African continent, at the initiative of a former political politician and under the guidance of a man of the church, that a country explored a new path, that of forgiveness for those who recognize their offenses" (*ibid.*, 17–18).

33. To the political weight of what was left unsaid must be added the teachings of contempt, the obsession with ancestral fears, the ideological, even theological, justifications of injustice, the geopolitical arguments dating from the cold war

period and the whole set of motivations concerning personal and collective identity. All of this forms an immense mass to lift.

34. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).

35. A step in this direction was also taken by Jankélévitch in *L'Irréversible et la nostalgie* (Paris: Flammarion, 1974). The irreversible is an expression of the fact that man cannot return to the past, nor can the past return as past. The irrevocable signifies that “having been”—mainly, “having done”—cannot be annihilated: what has been done cannot be undone. This leads to two inverse impossibilities. Nostalgia, the first sentiment explored by Jankélévitch, belongs on the side of the irreversible. It is regret over what is no longer, which one would like to retain, relive. Remorse is something else: it is the desire to efface, to “unlive” (219). Remorse opposes its specifically ethical character to the aestheticizing and intensely felt character of regret. It is no less poignant for this. If “forgetting does not annihilate the irrevocable” (233), if the latter is ineffaceable, one must not count upon temporal erosion to revoke the past but upon the act that unbinds. One must then keep in mind the idea that “revocation leaves behind it an irreducible residue” (237). This is the ineluctable element of mourning. The unpardonable is touched upon here, and with it the irreparable, ultimate vestiges of “having been” and of “having committed.” The impossible undone, as Shakespeare says in *Macbeth* (241). At the end of this chapter Jankélévitch pronounces the phrase printed on the door of his home and placed at the start of this book: “He who has been, henceforth cannot not have been: henceforth this mysterious and profoundly obscure fact of having been is his viaticum for all eternity” (275).

36. The strict polarity between the schemata of binding and unbinding has produced an interesting exploration of its resources of articulation in new areas. François Ost applies to the temporality of law “a four-beat measure”: binding the past (memory), unbinding the past (forgiveness), binding the future (promising), unbinding the future (questioning). The time of which the law speaks “is the present, for it is in the present that the four-beat measure of time is played.” *Le Temps du droit* (Paris: Odile Jacob, 1999), 333.

37. In Matthew 18:35, we read: “And that is how my heavenly Father will deal with you, unless you each forgive your brother from your hearts.” Or, again: “For if you forgive others the wrongs that they have done, your heavenly Father will also forgive you; but if you do not forgive others, then the wrongs you have done will not be forgiven by your Father” (Matthew 6:14–15). Luke 17:3: “If your brother wrongs you, reprove him; and if he repents, forgive him. Even if he wrongs you seven times in a day and comes back to you seven times saying, ‘I am sorry,’ you are to forgive him.”

38. On this point, Hannah Arendt marks a moment of hesitation: “It is therefore quite significant, a structural element in the realm of human affairs, that men are unable to forgive what they cannot punish and that they are unable to punish what has turned out to be unforgivable. This is the true hallmark of those offences which, since Kant, we call ‘radical evil’ and about whose nature so little is known, even to us who have been exposed to one of their rare outbursts on the public scene. All we know is that we can neither punish nor forgive such offences and that they therefore transcend the realm of human affairs and the potentialities of human power, both of which they radically destroy wherever they make their appearance. Here, where the deed itself dispossesses us of all power, we can indeed only repeat with Jesus: ‘It were better for him that a millstone were hanged about his neck, and he cast into the sea’” (*The Human Condition*, 241).

39. Nietzsche opens the Second Essay with a cymbal clash: “To breed an animal with the right to make promises—is not this the paradoxical task that nature has set itself in the case of man? Is it not the real problem regarding man? That this problem has been solved to a large extent must seem all the more remarkable to anyone who appreciates the strength of the opposing force, that of *forgetfulness*.” Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, trans. Walter Kaufmann and R. J. Hollingdale (New York: Vintage Books, 1969), 57. And how is it resolved? By the promise set over against such forgetting. Yet forgetting, for its part, is not taken to be a simple force of inertia, but rather as “an active and in the strictest sense positive faculty of repression.” Promise-making therefore figures in Nietzsche’s genealogy as a second-order conquest, a conquest over forgetting which itself conquers the agitation of life: “That is the purpose of active forgetfulness, which is like a doorkeeper, a preserver of psychic order, repose, and etiquette” (158). Memory works through the encounter with such forgetting, not just or this or that memory, not with memory as the guardian of the past, preserving the past event, the over and done with past, but with that memory that confers on man the power to keep promises, to be constant to himself; the memory of ipseity, I would call it, a memory that, in ordaining the future on the basis of past commitments, makes man “calculable, regular, necessary,” hence “able to stand security for his own future” (158). It is against this proud background that unfolds that other “lugubrious affair”: debt, fault, guilt. See here a wonderful book, Gilles Deleuze, *Nietzsche and Philosophy*, trans. Hugh Tomlinson (New York: Columbia University Press, 1983).

40. “No other Christian church, no other religion has accorded as much importance as Catholicism to the detailed and repeated confession of sins. We continue to be marked by this incessant invitation and this formidable contribution to self-knowledge.” Jean Delumeau, *L’Aveu et le pardon: Les difficultés de la confession*,

XIII–XVIII siècle (Paris: Fayard, 1964, 1992). One question is whether granting forgiveness at the price of confession has been more a source of security than of fear and guilt, as Delumeau pondered in the course of his works on *La Peur en Occident* (1978) and *Sin and Fear: The Emergence of a Western Guilt Culture, 13th to 18th Centuries*, trans. Eric Nicholson (New York: St. Martin's, 1990). "To make the sinner confess in order to receive divine forgiveness from the priest and to leave reassured: such has been the aim of the Catholic Church, especially from the time it made private confession obligatory once a year and required in addition of the faithful the detailed confession of all their 'mortal' sins" (*L'Aveu et le pardon*, 9). It is another matter to clarify the presuppositions of a system that confers the "power of the keys" to its clergy, set apart from the community of the faithful, in the triple role of "doctor," "judge," and "father" (27).

41. As the figure of the Anti-Christ—and the jailer of Christ, he who vanquished the three satanic temptations according to the Gospels, but who was vanquished by history—the Grand Inquisitor offers to the multitude a peaceful conscience and the remission of sins in exchange for submission: "Did we not love mankind, so meekly acknowledging their feebleness, lovingly lightening their burden, and permitting their weak nature even sin with our sanction? Why hast Thou come now to hinder us? . . . But with us all will be happy and will no more rebel nor destroy one another as under Thy freedom. . . . We shall tell them that every sin will be expiated, if it is done with our permission, that we will allow them to sin because we love them, and the punishment for these sins we take upon ourselves. And we shall take it upon ourselves, and they will adore us as their saviors who have taken on themselves their sins before God. And they will have no secrets from us" Fyodor Dostoyevsky, *The Brothers Karamozov*, trans. Constance Garnett (New York: Modern Library, 1950), 305–8.

42. "Action is, in fact, the one miracle-working faculty of man, as Jesus of Nazareth, whose insights into this faculty can be compared in their originality and unprecedentedness with Socrates' insights into the possibilities of thought, must have known very well when he likened the power to forgive to the more general power of performing miracles, putting both on the same level and within the reach of man. The miracle that saves the world, the realm of human affairs, from its normal, 'natural' ruin is ultimately the fact of natality, in which the faculty of action is ontologically rooted. . . . It is this faith in and hope for the world that found perhaps its most glorious and most succinct expression in the few words with which the Gospels announced their glad 'tidings': 'A child has been born unto us'" (Arendt, *The Human Condition*, 246–47).

43. Hannah Arendt's union of the pair that forgiveness and promising form together on the basis of their relation to time is not the only possible one. As the

author of *The Human Condition*, she chose the themes of irreversibility and unpredictability, whereas Jankélévitch chose those of irreversibility and irrevocability. Olivier Abel, in unpublished work that I had the opportunity to consult, refers to the temporal sequence constituted by the capacity to begin, to enter into an exchange, to which he joins promising, the capacity of maintaining oneself in the exchange, under the heading of the idea of justice, along with that of moving outside of the exchange, where this is forgiveness. Between these two poles, he says, stretches the interval of ethics.

44. More precisely, speaking of the conditional forgiveness explicitly requested, Derrida continues: "And who then is no longer through and through the guilty party but already an other, and better than the guilty person. To this extent, and on this condition, it is no longer the guilty person as such whom one forgives" (*Le Siècle et le pardon*). The same, I would say, but potentially other, though not an other.

45. Annick Charles-Saget, ed., *Retour, repentir et constitution de soi* (Paris: Vrin, 1998). The essays from the Centre A. J. Festugière of Paris-X Nanterre which are collected here deal with the interconnections between biblical repentance and the return to the Principle in Neoplatonism. The former takes root in the Hebraic *Teshuvah* as a return to God, to the Covenant, to the straight path, under the sign of the Law. Mark's Gospel, in turn, evokes the baptism of repentance (*metanoia*) of John the Baptist (*metanoia* will be *conversio* in Latin). Christian repentance presents itself, then, less as a "return" than as an inaugural gesture. The Greek of the Septuagint and of the wisdom writings borrows from the figure of the return, of the "Turn," of the *epistropha*. Plotinus' *Enneads*, on the other hand, propose the purely philosophical movement of the *epistrophē*, which is a quest for knowledge at the same time as an affective impetus. With Proclus, the return to the Principle forms a closed circle with itself. It is only with the school of inwardness (see above, part 1, chapter 3) that the question of the contribution of returning or of repentance to the constitution of the self is posed—and, with this question, the series of paradoxes evoked here.

46. Immanuel Kant, *Religion within the Boundaries of Mere Reason*, in *Religion and Rational Theology*, edited by Allen W. Wood and George Di Giovanni, translated by George Di Giovanni (Cambridge: Cambridge University Press, 1966), 39–215.

47. "Granted that some supernatural cooperation is also needed to his becoming good or better, yet, whether this cooperation only consist in the diminution of obstacles or be also a positive assistance, the human being must nonetheless make himself antecedently worthy of receiving it; he must *accept* this aid (which is no small matter), i.e., he must incorporate this positive increase of power into his

maxim: in this way alone is it possible that the good be imputed to him, and that he be acknowledged a good human being" (Kant, *Religion within the Boundaries of Mere Reason*, 89–90). A philosophy of religion within the boundaries of mere reason cannot allow itself to choose between the two interpretations that concern personal existential commitment, guided by one or another of the traditions of reading and interpretation within the framework of the Religions of the Book. The final section of the "General Observation" exhorts each person to make use of his original predisposition to good in the hope that "what does not lie within his power will be made good by cooperation from above" (95).

48. "How it is possible that a naturally evil human being should make himself into a good human being surpasses every concept of ours. For how can an evil tree bear good fruit? But, since by our previous admission a tree which was (in its predisposition) originally good did bring forth bad fruits, and since the fall from good into evil (if we seriously consider that evil originates from freedom) is no more comprehensible than the ascent from evil back to the good, then the possibility of this last cannot be disputed. For, in spite of that fall, the command that we *ought* to become better human beings still resounds unabated in our souls; consequently, we must also be capable of it, even if what we can do is of itself insufficient and, by virtue of it, we only make ourselves receptive to a higher assistance inscrutable to us" (ibid., 90).

49. André Breton, *L'Amour fou* (Paris: Gallimard, 1937).

50. Walter Benjamin, "Theses on the Philosophy of History," *Illuminations*, trans. Harry Zohn (New York: Schocken Books, 1969), 253–64.

51. This would, in truth, be the case if the future could save the history of the vanquished from oblivion: everything would finally be "recalled." At this future point, revolution and redemption would coincide.

52. Olivier Abel, "Ce que pardon vient faire dans l'histoire," *Esprit*, no. 7 (1993): 60–72. Note the proximity of this problematic to Hegel's in the *Phenomenology of Spirit*, in which forgiveness rests on a reciprocal standing down of the parties, on each side giving up its partiality.

53. Harald Weinrich, *Lethé: Kunst und Kritik des Vergessens* (Munich: Ch. Beck, 1997).

54. Marc Augé, *Les Formes de l'oubli* (Paris: Payot, 1998).

55. Søren Kierkegaard, "What We Learn from the Lilies in the Field and from the Birds of the Air," *Upbuilding Discourses in Various Spirits*, trans. Howard V. Hong and Edna H. Hong (Princeton: Princeton University Press, 1993), 155–212.

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