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**HAUNTED DEMOCRACIES AND THE POLITICS OF POSSIBILITY:
A DECONSTRUCTIVE ANALYSIS OF TRUTH COMMISSIONS**

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by

Leigh M. Johnson

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The thesis of Leigh M. Johnson was reviewed and approved* by the following

Shannon Sullivan
Philosophy Department Head and Associate Professor of Philosophy, Women's
Studies and African and African-American Studies
Thesis Advisor and Chair of Committee

John Christman
Associate Professor of Philosophy

Vincent Colapietro
Professor of Philosophy

Paul Tiyambe Zeleza
Professor of History and African and African-American Studies

John D. Caputo
Thomas J. Watson Professor of Religion and Humanities and Professor
of Philosophy, Syracuse University
Special Member

*Signatures are on file in The Graduate School

ABSTRACT

This study is a deconstructive analysis of the contemporary political innovation known as the “truth commission.” As such, it has a two-fold aim: first, to demonstrate the relevance and force of deconstruction for political analysis through an explication of key concepts and insights in the work of Jacques Derrida and, second, to reinforce this interpretive claim by applying deconstructive analysis to the study of contemporary truth commissions. With regard to the first aim, I argue that political concerns are evident in Derrida’s entire corpus, from his earliest work in *Of Grammatology*, *Writing and Difference* and *Margins of Philosophy*, through his later (more explicitly ethical and political) work in *Specters of Marx*, *The Politics of Friendship*, *Monolingualism of the Other* and *Rogues*. Using three dominant deconstructive tropes—autoimmunity, the aporia, and specters/ghosts (or the critique of the metaphysics of presence)—I show the implicit consonance between the philosophical methodology of deconstruction and the theory and practice of democracy. This consonance is further elaborated in my analysis of two key concepts employed by truth commissions (most especially, the South African Truth and Reconciliation Commission)—truth and forgiveness/reconciliation. I argue that not only is deconstruction helpful for understanding the work of truth commissions, but that the work of truth commissions is helpful in concretizing and making real the implications of deconstruction. Using the examples of recent political transitions (in Argentina, Chile and South Africa, among others), I characterize these transitional polities as “haunted democracies” attempting to reckon with the memory of gross violations of human rights. Their attempts to do so in the form of a truth commission, I contend, offers historical evidence of what I call the “politics of possibility,” that is, the attempt to rethink and refigure democracy as something that is pursued, rather than achieved. In the end, I address the important relationship between memory and the future (or what Derrida calls the *a venir*) for emergent or extant democracies—a relationship, I argue, which is essential to understanding both the full implications of deconstruction and the possibility for successfully executing the truth commission form.

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DEDICATION

This work is dedicated to the three grandparents that I lost while in graduate school, Mack W. Johnson, Sr., Jack Crouch and Dorothy Crouch, who would have been proud to see it finished, as well as to my last living grandmother, Barbara Johnson, who is proud.

*Monsters cannot be announced.
One cannot say: "here are our monsters" without
immediately turning the monsters into pets.*

--Jacques Derrida

*History, despite its wrenching pain, cannot be unlived,
but if faced with courage need not be lived again.*

--Maya Angelou

INTRODUCTION: DECONSTRUCTING A MIRACLE

The most astonishing thing about miracles is that they happen... As has been well expressed in the paradox of Poe, wisdom should reckon on the unforeseen.

--G. K. Chesterton in *The Innocence of Father Brown*¹

Miracles, for the most part, fall outside the purview of professional philosophy. In fact, the miraculous is by definition anathema to organized, coherent and rational systems of thought. Miracles can be neither anticipated nor predicted; their probability is incalculable and their occurrences are, by most philosophical standards, inexplicable. When philosophers witness events that defy systematic account, “we” are more inclined to banish them to the corridors of religion and mythology or, at most, to reluctantly grant that there are still limits to the exercise of human understanding rather than to admit that our systems of thought *per se* are tenuous, provisional, incomplete, and often inadequately makeshift.

And, yet, but (as Jacques Derrida was fond of saying)... miracles happen. This is a dissertation about something miraculous—a social, political and ethical phenomenon of monumental significance in the last thirty years that none predicted, very few anticipated, and even fewer have ventured to understand philosophically.

The etymology of the word “miracle” suggests, interestingly, that miracles *should* be the primary interest of philosophers. The English word “miracle” derives from the Latin *miraculum* (“object of wonder”), from *mirari* (“to wonder at”), which should remind us of the words Plato so carefully placed in Socrates’ mouth in the *Theaetetus*:

¹ G.K. Chesterton, *The Innocence of Father Brown* (Rockville, Md.: Wildside Press, 2004).

“...wonder is the feeling of the philosopher, and philosophy begins in wonder.”² Later, of course, the term took on a religious significance as it became more widely translated in Church Latin as “marvelous event caused by God.” The Greek words rendered as “miracle” in the English Christian Bibles were *semeion* (“sign”), *teras* (“wonder”), and *dynamis* (“power”)—in Vulgate translated respectively as *signum*, *prodigum*, and *virtus*. That is to say, the miraculous, the wondrous, the powerful signs—whether rooted in God, in Nature, in human being or in human making—were for ages the recognized stimuli for philosophical activity.

With the rise of scientific rationalism during and after the Enlightenment, the miracle was displaced, and it was even more radically devalued in the ideological secularism that came to dominate philosophical activity in the twentieth and twenty-first centuries. Yet, contemporary wonders—powerful and seemingly inexplicable signs of change, of innovation, even of horror—continue to pique human imagination and to stymie (and oblige) human understanding. What I hope to demonstrate, in the following study, is that we neither need to abandon entirely the rigors of rational thought nor to relocate ourselves to the mysteries and ambiguities of religion in order to still wonder at (indeed, “philosophize” about) what appears to us as miraculous.

I came to the topic of truth commissions through an accidental, but serendipitous, exposure to the South African Truth and Reconciliation Commission (TRC) which, at the time of my introduction to it in 2000, was still concluding its work.³ The TRC posed two

² Plato, *Theaetetus*, trans. Benjamin Jowett (New York: Penguin Classics, 1987), 155d.

³ In 2000, I was working for the non-profit M.K. Gandhi Institute for the Study of Nonviolence (in Memphis, Tennessee). The same year, Nelson Mandela was honored with the Freedom Award from the National Civil Rights Museum, which provided me with the opportunity to meet Mandela and several other South Africans who had come to Memphis for the awards ceremony. It was in preparation for this event that I came to learn of the Truth and Reconciliation Commission.

powerful objects of wonder to my mind: one was a horrible and horrifying wonder, and the other was awe-inspiring. I was taken with the magnitude—what Kant would call the “sublime” mystery—of two questions made salient by South Africa’s political transition: first, how to understand the mechanics and motivations behind the immense political cruelty and human suffering that went by the name of *apartheid* and, second, how to account for the motivations and mechanics of forgiveness and reconciliation, redemption and restoration, after such utter moral, political and spiritual debasement. Later, I became aware of similar commissions across the globe that had preceded or attempted to repeat, to varying degrees of success, the work of the South African TRC in response to gross violations of human rights committed (or suffered) in their countries. These commissions appeared to me as radically novel developments in twentieth-century political activity and, by extension, they seemed to hold the potential for genuinely new theoretical developments with regard to what is politically possible in their wake. But, even at the turn of the millennium, truth commissions were still *very* recent developments and, consequently, the scholarship surrounding them was limited.

In the last decade, this body of scholarship has, quite literally, come into its own. In fact, the scholarship surrounding democratic transitions and “transitional” politics in general has become its own sub-discipline within many of the established social sciences.⁴ However, my impression was (and continues to be) that philosophy, as a discipline, had contributed little to this body of scholarship, despite the very obvious contributions that were to be made there. One explanation for this void, I would venture, has to do with the unprecedented and seemingly inexplicable—arguably, “miraculous”—

⁴ Most significantly, transitional studies has become a significant sub-discipline in political science, economics, sociology/anthropology, and legal theory.

nature of truth commissions, the political situations in which they arise, and the work they hope to (or actually *do*) perform. Yet, I am convinced that there are philosophical resources available for contributing to this developing area of scholarship, and it is my aim in this project to fill in that gap just a bit.

Later in his life, French-Algerian philosopher Jacques Derrida turned his attention to explicitly ethical and political concerns, causing much consternation for some of his readers, but for others, like myself, confirming the implicit trajectory of his work over his long and prolific career. Derrida's cryptic formulation, "the democracy to come," served as a kind of cipher for a broad spectrum of social and political topics in this later stage of his work. The idea of the "democracy to come" was Derrida's way of exploring what I want to call the "politics of possibility," that is, the range of promises and potential dangers inherent in political activity of the "democratic" sort. Although he was generally unwilling to make definitive *prescriptions*, Derrida realized that we could, and *should*, nevertheless attempt provisional *descriptions* with regard to these political possibilities. In my view, Derrida's work was perfectly suited for attempting to de-cipher the work of truth commissions, which are political bodies somewhat precariously situated in the midst of the most ambiguous potentialities for democracy's realization... or its ruin. In fact, it would not be a stretch to situate Derrida's work concerning the "democracy to come" solidly within the burgeoning scholarship on "transitional" studies, as Derrida clearly viewed democracy *per se* as always in process or transition, always "to come" (*a venir*) and, correspondingly, never stable or staid.

The immediate challenge one faces when attempting to "apply" deconstruction in concrete political analyses is that Derrida, unlike other contemporary "political"

philosophers (like Rawls, Nozick, Kymlicka, Ignatieff et al), seldom provides clear signposts for *how* deconstruction is to be applied, especially in terms of offering determinative judgments for solving political problems. In this way, Derrida's work often seems to suffer the same drawbacks that many find in the work of his contemporary, Michel Foucault. That is, both philosophers tend to offer meticulous and thorough analyses that are eminently helpful in providing *descriptive* accounts (of cultural practices, modes of discourse, configurations of power, institutions and traditions), but less helpful in providing *prescriptive* accounts. My work herein aims to combat, to a degree, this perceived limitation in Derrida's work. I argue that deconstruction is a philosophical methodology under-utilized in addressing contemporary political problems—less as a result of limitations inherent to it than a lack of imagination on the part of its practitioners. That is not to suggest that there is a “secret” political ideology waiting to be uncovered in deconstruction—in fact, Derrida has been clear that the search for just such a secret and comprehensive “answer” is, at best, symptomatic of the (especially Western) philosopher's *hubris*, rather than its achievement. My contention, rather, is that deconstruction is uniquely valuable for parsing out the issues and claims at stake in various social, cultural and political questions... and for *evaluating* those issues and claims against one another.

In general, I am suspicious of over-emphasizing the “biographical” aspects of a philosopher's life when attempting to evaluate the relative merits of his or her work. However, in Derrida's case, I have become persuaded that a brief glimpse into some of the complexities of his own life may be more telling than distracting. Derrida was born into a Jewish family in Algeria in 1930, a country that during the long and violent years

of its French rule lost nearly a third of its population, many of them Jews. As a boy, he was expelled from at least one school because there was a 7% limit on the Jewish population, and he is reported to have withdrawn from another because of the rampant anti-Semitism. Algerian Jews like Derrida had a very tenuous attachment to their French citizenship, which was granted and revoked and granted again, but always remained somewhat sullied and tempered by an attachment to the corresponding invective “*pie-noir*.” To that end, Derrida’s own experiences offer us a glimpse into what has become one of the uniquely contemporary identity-formations—that of the “post-colonial” (which I discuss in Chapter One, following). When Derrida finally transferred himself to the “Motherland,” he was twice refused a position in the prestigious *Ecole Normale Supérieure*, before finally being accepted in 1949. And even after becoming one of the most famous “French” philosophers of the twentieth century, Derrida never really embraced either his ethnic or his Jewish identity—in fact, the closest he ever came to doing so was his claim, in his semi-autobiographical *Circumfessions*, that he is “the last of the Jews.” Derrida provocatively wrote of his circumcision that it was the only “time of a proper name” for him and that, even more provocatively, “the rest is literature.”⁵

It should come as no surprise, to anyone even passingly familiar with the complicated social and political history of Algeria or of the impact of colonialism and postcolonialism on identity-formation in the contemporary world, that Derrida’s own lived-experience would make him particularly sensitive to the plight of the marginal, the abject, the oppressed, and “other” categorizations that have become characteristic of not only his work but of twentieth century thought in general. But what is interesting to me

⁵ Jacques Derrida and Geoffrey Bennington, *Jacques Derrida/Circumfessions* (Chicago : University of Chicago Press, 1993), 121.

about Derrida's biography is that, somehow, he never unambiguously took up this "postcolonial" identity. If anything, Derrida is a figure of the manifestly complicated manner—sometimes reactionary, sometimes revolutionary, sometimes self-affirming and sometimes even self-hating—in which those who have been forced to straddle the border between the colony and the metropole navigate their lives. Derrida's story, in my estimation, is an example of the kind of stories that are told—and the stories still yet to be told—in the context of many contemporary truth commissions, and it is the reason that I have indulged here the temptation to bring Derrida's own biographical details to bear on his philosophy.

I do not propose that my analyses herein, my attempt to "deconstruct" this mystery and miracle of the truth commission, will provide an unambiguous or transparent rejoinder to the problems that truth commissions are designed to address, nor will it provide an unequivocal evaluation of the worth of truth commissions themselves. Miracles, like tragedies, unfortunately do not permit such easy deciphering. However, I do believe that my attempt to situate deconstruction as a valuable resource for political analysis and, subsequently, to deconstruct some of the central themes at work in truth commissions *does* offer a unique means of approaching, in a more felicitous manner, many of the political possibilities and impossibilities generated by these unique bodies. And, in the most general sense, I would argue that honestly confronting the possibilities and impossibilities of what appear as otherwise undecidable dilemmas of human life and community is not only the best version of political analysis, but the greatest virtue of deconstruction.

The structure of this work

In Chapter One, “Derrida’s Deconstruction: Political and Postcolonial,” I tackle the first of two main objectives of this project, that is, to argue that deconstruction *should* be understood as a fundamentally “political” philosophy. The dominant readings of deconstruction tend toward interpreting it as either an extension of the philosophy of language (following Saussure and consistent with the larger “poststructuralist” movement), a strategy of literary criticism (following its uptake by English academics in the United States in the late 1970’s), or a somewhat ambiguous representative of the limit or “end” of the long phenomenological tradition (following Husserl and Heidegger). But there is emerging another, less prominently acknowledged, reading of deconstruction that emphasizes Derrida’s turn to explicit social and political concerns late in his life and “uses” deconstruction as a tool in the analyses of uniquely contemporary political problems. I argue in my first chapter that a strong political undercurrent can be identified in Derrida’s work throughout his career, and I attempt to highlight this aspect of his work by drawing out the political resonances in his early texts (e.g., *Of Grammatology*, *Margins of Philosophy*, and *Writing and Difference*) and demonstrating their parallels with his later works (e.g., *Monolingualism of the Other*, *Rogues*, *The Politics of Friendship*, et al). Further, I argue that deconstruction is demonstrably consistent with a particular expression of contemporary political philosophy, namely, the influential and still-emerging “postcolonial” discourse. My aim is to lay the groundwork for a reading of deconstruction that emphasizes the manner in which its anti-essentialist and anti-

foundational themes can be productively applied to the actual—i.e., *historical* and *political*—effects of essentialist and foundationalist thinking.

In Chapter Two, “Deconstructive and Democratic Practices,” I elaborate three dominant tropes in Derrida’s work that are particularly crucial to understanding the political application of deconstruction. I contend that an elaboration of these themes—what I call “deconstructive practices”—is not only critical to understanding the more subtle operations of deconstruction, but also to understanding the special connection that Derrida wants to draw between deconstruction and democracy. The first of these deconstructive tropes is *autoimmunity*, elucidated in Derrida’s later works “Faith and Knowledge” and *Rogues*. In particular, I emphasize the manner in which Derrida focuses on what he terms the “immunitary/autoimmunitary” function at work in democratic polities, which tend to oscillate between securing those political communities and putting them at risk in a manner that is ultimately, to use Derrida’s formulation, “undecidable.” The second deconstructive practice that I identify is the *aporia*, which I view as central to the philosophical strategy of deconstruction in general. With special reference to the aporias at work in democratic theory and the practice of democratic power/sovereignty, my aim in this section is to resist the trend (in Derridean scholarship) to view the aporia as primarily a sign of deconstruction’s “ethical” implications. Rather, I argue that the aporia—and the associated themes of “undecidability,” “responsibility,” and judgment or the “decision”—are in fact indications of deconstruction’s *political* relevance and offer the first clues to the potential analytic force of deconstruction for political analysis. Finally, I turn to the third deconstructive trope—the “specter/ghost”—which I view as intimately bound up with Derrida’s more general critique of the “metaphysics of

presence.” I focus on the manner in which deconstruction aids us in locating and identifying “traces” of otherwise suppressed or repressed meaning not only in texts, but in actual political practices as well. Employing his work in *Specters of Marx*, I emphasize Derrida’s move away from classical metaphysics and ontology to a political *hauntology*, or a manner of thinking that attempts to reckon with the marginal, the repressed, the absent—in a word, the “ghosts”—that are also constitutive of meaningful thought and action, not to mention meaningful political communities. In the end, I propose that these three deconstructive practices will serve as aids in navigating the ambiguous concepts and practices at work in truth commissions, as well as aids for evaluating the relationship of truth commissions to democracy.

Chapter Three, “Haunted Democracies: Truth Commissions and the South African TRC,” serves as an introduction to the truth commission form, as well as to some of the historically important manifestations of that form. There, I first situate truth commissions within the broader scholarship surrounding transitional justice and emergent democracies, before turning to the earliest significant formations of truth commissions in Latin America (especially Argentina and Chile) and then to the most famous and storied truth commission, the South African Truth and Reconciliation Commission. I want to carefully position these commissions in their respective histories in order to highlight some of the unique political pressures out of which they arise. I carry forward one of the concluding themes of my previous chapter by characterizing these countries as “haunted democracies” in an attempt to stress the complex and ambiguous set of political challenges that made “alternative” mechanisms for democratic justice (like truth commissions) necessary.

In Chapter Four, “Transitional Truth,” I take seriously the possibility—assumed almost axiomatically by most deconstructionists—that the “truth” is not a simple, and perhaps not even a fully knowable, thing. It is, of course, one thing to conjecture a kind of relativism about the merits of various philosophical systems of thought or the interpretation of literary classics, and a wholly other thing to claim the same sort of relativism about the historical “facts” of gross violations of human rights, torture, political assassinations and disappearances, or institutionalized oppression and exploitation. I am aware of the slippery slope of relativism and in this chapter I carefully attempt to deconstruct and delimit traditional claims about factual or forensic truth, without falling over the precipice into moral irresponsibility and political complicity. I employ what I call the South African Truth and Reconciliation Commission’s “taxonomy of truth” (elaborated in the *Final Report* of that body) as an example of the subtle, but recognizably deconstructive, analytic force of such delimitations of the classical conception of truth as a fixed, ahistorical and immutable thing. Taking into consideration the unique situation of transitional polities, I offer the term “transitional truth” as a way to think of the manner in which truth can be deconstructed without being utterly “destroyed.” My aim is to show, first, how many of the insights that we see in Derrida’s work were actually (if unknowingly) utilized by the men and women on the ground in the midst of South Africa’s transition from apartheid to democracy. But in addition to this, I also want to insist on the immense resources available within deconstruction to *both* critique the overly essentialist formulation of “capital-T-Truth” as fixed and foundational *and* serve as a framework for evaluating the more contextualized and provisional truths that can be taken up in its stead.

In Chapter Five, “Forgiveness and/or Reconciliation,” I consider one of the most controversial and innovative means of South Africa’s Truth and Reconciliation Commission (forgiveness) and the ostensible goal toward which this means was employed (reconciliation). I also consider the criticism, provided by Derrida in his analysis of the TRC, that questions whether or not “forgiveness” ever can or should be a “means” toward accomplishing something else, even something as monumentally important as political reconciliation. I am particularly interested in parsing out the complexities at work in any attempt to formulate a conception of “political forgiveness,” that is, forgiveness as something *possible within* (and, some would conjecture, *essential to*) the political domain. Although “reconciliation” is a familiar and common theme in the history of philosophy, the relationship between forgiveness and politics has received far less consideration by philosophers, at least until the recent increase in attention it has been given as a direct result of the rise of truth commissions. Therefore, in this chapter, I rehearse the contributions of Arendt, Nietzsche, Hegel, and other contemporary theorists of forgiveness and reconciliation, in order to reinforce the special dilemma that Derrida identifies in what he calls “the aporia of forgiveness.” This application of deconstruction to the concepts of forgiveness and reconciliation at work in political transitions is particularly fertile, I argue, because it demonstrates the value of deconstruction for elucidating and evaluating both democracy’s dangers and its promises.

In my conclusion, “Memory and the *a venir*,” I want to gesture toward some of the broader implications of the work I have conducted in this study. There, I make clear an implicit assumption of my study throughout, which is that I view truth commissions (in their best form) as novel and radically productive ways of opening up democracy to

the best of its inherent possibilities. *And, yet, but...* improperly considered and improperly structured truth commissions hold the potential for closing democracy in on itself and, correspondingly, realizing many of democracy's inherent dangers. This double possibility is always haunting democratic politics and can only be fully understood, I propose, if one takes seriously the relationship between the work of memory (or mourning) and the future (or hope). Truth commissions are the actual instantiation of this relationship between a democratic memory and a democratic future, and it is my assertion throughout this work that deconstruction is the philosophical resource best suited for articulating the most productive formulation of that relationship.

1. DERRIDA'S DECONSTRUCTION: POLITICAL AND POSTCOLONIAL

Despite the fact that, in the last two decades of his life, Jacques Derrida's work engaged social and political issues in a decidedly more explicit manner, to many of his readers he still had neither satisfactorily elucidated the host of political implications that seemed latent in deconstruction nor, in the words of Geoffrey Bennington, expressly "come clean about politics."¹ In response to the rather widespread insistence upon this lack or absence in his work, Derrida provocatively countered in 1992 that deconstruction rather appears "too political" for some, and is especially demobilizing to those who "only recognize the political by means of pre-war signposts."² Derrida seemed to insinuate that, while his detractors appealed for and impatiently waited on an unequivocal political declaration from him, he instead viewed his own political persuasion (departing from the tradition of the "French Intellectual") less in the image of an identifiable position than in the more ambiguous and undecidable deployment of a (deconstructive) strategy of engagement. For better or worse, this problematically undercut clear signposts to his projects, "pre-war" or otherwise, but it did *not* prevent his commitment to engaging those issues that presented themselves as traditionally or conventionally "political" issues. In fact, throughout the 1990's and into the first few years of the new millennium, Derrida repeatedly demonstrated the fact that deconstruction was a ready and under-utilized resource for analyzing the vicissitudes of realpolitik: socio-economics³, the relationship

¹ Geoffrey Bennington, *Interrupting Derrida* (London: Routledge, 2000), 18. See also Bennington's "Demanding History" in his *Legislations: The Politics of Deconstruction* (London: Verso, 1994), 61-73.

² Jacques Derrida, "Mochlos, or the conflict of the faculties" trans. Richard Rand and Amy Wigant, in *Logomachia: The Conflict of the Faculties*, ed. Richard Rand (Lincoln: University of Nebraska Press, 1992), 23.

³ See *Spectres of Marx: The State of the Debt, The Work of Mourning, and the New Internationalism*, trans. Peggy Kamuf (London: Routledge, 1994).

between law and justice⁴, postcolonialism⁵, immigration and cosmopolitanism⁶, technology⁷, the role of the university⁸, globalization⁹, the idea of “Europe”¹⁰, terrorism¹¹, state racism¹² and, perhaps most famously, democracy and sovereignty.¹³

. My contention is that Derridean “deconstruction” is, and has always been, a fundamentally political philosophy. Hence, my argument in the first section of this chapter is intended to put forth what I contend is a “corrected” reading of Derrida and deconstruction as most apposite to the tradition of political philosophy rather than, as is more widely assumed, the philosophy of language or literary analysis. I will show the congruency between some of his earliest work (like *Of Grammatology* and the seminal essay “*Différance*”) and his later explicitly ethical and political work (like *The Politics of Friendship*, *On Hospitality*, *Rogues*, *Acts of Religion*, and the two pieces which directly take up the South African situation, “Racism’s Last Word” and *On Cosmopolitanism and Forgiveness*). This is intended to prefigure my argument (in later chapters) for the

⁴ See “Force of Law: The ‘Mystical Foundations’ of Authority” *Cordozo Law Review* 11/5-6 (1990) 920-1045.

⁵ See *Monolingualism of the Other, or, The Prosthesis of Origin*, trans. Patrick Mensah (Stanford: Stanford University Press, 1998).

⁶ See *Of Hospitality*, trans. Rachel Bowlby (Stanford: Stanford University Press, 2000) and *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (London: Routledge, 2001).

⁷ See *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago: University of Chicago Press, 1995).

⁸ See *Who’s Afraid of Philosophy?: Right to Philosophy 1*, trans. Jan Plug (Stanford: Stanford University Press, 2002) and *Eyes of the University: Right to Philosophy 2*, trans. Jan Plug (Stanford: Stanford University Press, 2004).

⁹ See *Ethics, Institutions and the Right to Philosophy*, trans. Peter Pericles Trifonas (New York: Rowman and Littlefield, 2002).

¹⁰ See “After the War: The Rebirth of Europe”, a 2003 article authored by Jürgen Habermas but endorsed and co-signed by Derrida. See Habermas and Derrida, “February 15th, or What Binds Europeans Together: A Plea for A Common Foreign Policy, Beginning in the Core of Europe” trans. Max Pensky, *Constellations* 10 (2003): 291-297.

¹¹ See Giovanna Borradori’s *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida* (Chicago: University of Chicago Press, 2003).

¹² See “Racism’s Last Word” *Critical Inquiry* 12 (Autumn 1985) 290-299, and his response to critics of that work “But, beyond... (Open letter to Anne McClintock and Rob Nixon)” *Critical Inquiry* 13 (Autumn 1986): 155-170. See also “The Laws of Reflection: Nelson Mandela, in Admiration” in *For Nelson Mandela*, Eds. Jacques Derrida and Mustapha Tlili (New York: Seaver Books, 1987) 11-42.

¹³ See *The Politics of Friendship*, trans. George Collins (London: Verso, 1997) and *Rogues: Two Essays on Reason*, trans. Pascale Anne-Brault and Michael Naas (Stanford: Stanford University Press, 2005).

analytic force of his “deconstruction” of foundationalist conceptions of truth in political and historical discourses, in particular those that ground racism and racial conflicts. In the second section of this chapter, I will argue for the strong “postcolonial” tendency in Derrida’s work. Postcolonial theory is, for better or worse, a rich but extremely ambiguous area of scholarship. I primarily view Derrida’s place in it as consistent with postcolonialism’s “critical” formulations, that is, its critique of colonial or imperial modes of discourse, subject-formation, power practices, and philosophical and political commitments. By comparing Derrida’s work in *Monolingualism of the Other, or, The Prosthesis of Origin* with the analyses of Frantz Fanon in *Black Skin, White Masks*, I will demonstrate the implicit parallel between the projects of Fanon and Derrida, which draw out the fundamental duplicities and contradictions at work in dominant “Western” discourse as well as their political, ethical, cultural and psychological effects.

Part I: Derrida’s Last Word

In his seminal essay “*Différance*,” Jacques Derrida warns that we must always resist the impulse to locate a “unique word,” that is, any appellation that might portend some manner of final authority. Derrida spares no rhetorical force in denouncing the general project of metaphysics as one of attempted mastery, and its outcome as a dangerous illusion of stability. The aim of “*Différance*,” and deconstruction in general, is to displace the confidence and authority of metaphysics by soliciting its suppressed aporias, thereby causing it to tremble under the weight of its own tendency toward capitalization. In the essay’s final remarks, Derrida contends: “What we know, or what we would know if it were simply a question here of something to know, is that there has never been, never

will be, a unique word, a master-name.”¹⁴ The problem with master-names, on Derrida’s account, is that they purport to escape the structural play of language and to sediment themselves in some immediacy of meaning. On the contrary, Derrida argues that names are themselves no more than nominal effects; it is always possible, within the semiological structure, to recontextualize any word and hence to usurp its previous claim to an immediate meaning or authority. In fact, the final meaning of a word is, in the end, undecidable.

However, at a 1983 exhibition of the Association of Artists of the World against Apartheid, Derrida gave an address entitled “*Le Dernier Mot du racisme*” (translated as “Racism’s Last Word”). In that address, Derrida begins with the following appeal:

APARTHEID—may that remain the name from now on, the unique appellation for the ultimate racism in the world, the last of many.¹⁵

One should rightly ask of this bold and prophetic statement: how is it possible for Derrida to locate such a “unique appellation” in the word “apartheid”? Given the argument of “*Différance*,” how could there ever be a last word, *le dernier mot*? Derrida did, in fact, gain critics on these very grounds, and was forced to defend his address in a public debate with his detractors.¹⁶ In an open letter defending himself, Derrida claims that his critics “quite simply *did not read* my text in the most elementary and quasi-grammatical sense of what is called *reading*.”¹⁷ Yet, it is fair to ask whether or not this defense is in

¹⁴ Derrida, Jacques. “*Différance*” in *Margins of Philosophy* (Trans. Alan Bass. Chicago: University of Chicago Press, 1982), 27.

¹⁵ “Racism’s Last Word”, 291.

¹⁶ See the critique by A. McClintock and R. Nixon “No names apart: the separation of word and history in Derrida’s ‘Le Dernier Mot du Racisme’” *Critical Inquiry* 13 (Autumn 1986): 140-54, and Derrida’s response “But, beyond... (Open letter to Anne McClintock and Rob Nixon)” in the same issue, pp. 155-170. See also Paul Cilliers “On Derrida and apartheid” in *The South African Journal of Philosophy* 17:1 (1998) 75-88 for an interesting analysis of the *Critical Inquiry* exchange between Derrida and McClintock/Nixon.

¹⁷ “But, beyond...(Open letter to Anne McClintock and Rob Nixon),” 157.

good faith or, alternatively, whether Derrida must significantly change his philosophical strategy if he wants to engage in something akin to realpolitik. That is to say, we must ask whether a real historical or socio-political event, even one as deplorable as apartheid, is ever the proper *mise en scene* for a deconstructionist, especially one who claims to be badly read.

In the following, I will address the main arguments of both “*Différance*” and “Racism’s Last Word” in an attempt to demonstrate that Derrida, as he rightly claims, is not inconsistent in these two texts. Further, I will show that while it is important to read “*Différance*” as a central text in deconstruction *as* a philosophy of language, it is equally, if not more, important to read it *as* a political philosophy. This is precisely the sort of *reading* that Derrida argues his critics fail to carry out, and which threatens to consign deconstruction not only to inconsistency, but also to irresponsibility.

Reconciling différence and le dernier mot

The central motifs of “*Différance*” and “Racism’s Last Word” are in many ways parallel. In the former, Derrida trains his focus on the neographism *différance*, which is “literally neither a word nor a concept.”¹⁸ Rather, the word *différance* effects a difference in meaning that can only be apprehended in writing; in French, the difference between the “e” and the “a” of *différence/différance* cannot be spoken or heard. As such, Derrida argues that the graphic difference of *différance* must refer to an order other than mere sensibility or intelligibility, and hence lies somewhere *between* the traditional opposition of speech and writing. *Différance* is a strange word that affects two meanings at once—both “to differ” and “to defer”—by cleverly resisting the mutually exclusive opposition

¹⁸ *Margins of Philosophy*, 3.

of two (or more) possible meanings for the same word. By way of an otherwise insignificant and slight alteration of graphemes, *différance* loosens the authority of the word and allows for multiple meanings to present themselves together. The word, *différance*, remains somewhere between these two meanings, such that it is partly in the disappearance of the word as an authority or determination that its differential possibilities are enacted. Derrida insists that this word *différance* is strategic, though in a very special sense. Because of the different meanings at play in the word, it keeps itself beyond the logic of simple opposition. That is, it is impossible to decide, in any given use of the word *différance*, whether it means “to differ” or “to defer.” The undecideability, or the play of possibility, between these two options *is* the meaning of the word.

Derrida draws attention to this word *différance* as a kind of exemplar of the way in which meaning within language works. On the one hand, he agrees with Saussure and the semioticians who follow in his wake that language itself is no more, and no less, than a complex system of signs. There is no natural or essential link between a thing and the word that names it; language is a system of conventions that its users deploy as a means for other ends (e.g., identification, communication, determination, etc.). Correlatively, in language, one never has the immediate presence of the thing named in the naming of the thing. Linguistic signs are “arbitrary and differential” and the “meanings” that they carry with them are in fact products of their use.¹⁹ That is to say, as users of language we rather arbitrarily space out phonemes and graphemes (in speech and writing, respectively) in order to construct meanings; in turn, the conventional use of these arbitrary signs

¹⁹ *Margins of Philosophy*, 10. See also Ferdinand de Saussure’s *Course in General Linguistics* (Trans. Roy Harris. London: Suckworth, 1983).

produces still more meanings. The “meaning” of any word, then, does not lie in some essential or ideal reference to the thing that it names, but rather in its reference to other words and the entire system of language itself. As Saussure argued, “in language there are only differences *without positive terms*,”²⁰ and the play of differences within the general system is, according to Derrida, what makes presence (positivity) itself possible.²¹

Thus, the “spacing” at work in language is a play of differences that is relatively systematic, and therefore productive of meaning. However, the meanings that are produced as a result of this systematic differentiation are not only never fully present, but also never final in their determinations. Drawing on the second sense of *différance*—“to defer”—Derrida insists that, structurally speaking, the meaning of any given word is always revisable. Because language is a system of arbitrary signs, every word carries with it the possibility of recontextualization. It “defers” its meaning in a way, which is not to say that all language is nonsense, but rather that all language is *provisional*. The word/sign neither refers to an original presence of the thing that it names nor to a final presence of something that is, at present, merely absent. The sign is a “detour” that we must go through when we do not have the full presence of the thing we wish to name. We put the sign in place of the thing, but the sign itself only operates as a reference to other signs. Hence, along with classical semiology, Derrida argues that the meanings that are produced in language are best understood through both the *spacing* and *temporization* of signification:

²⁰ Saussure, 117-18, 120.

²¹ *Margins of Philosophy*, 11.

...the substitution of the sign for the thing itself is both *secondary* and *provisional*; secondary, due to an original and lost presence from which the sign thus derives; provisional as concerns this final and missing presence toward which the sign in this sense is a movement of mediation.²²

Différance, then, as both the spacing and temporization of meaning in language, is the movement that “produces” differences and the effects of differences in language.

Différance, however, is not an “original difference,” but rather the “non-full, non-simple, structured and differentiating origin of differences.”²³

What seems like a very complicated and dizzying manipulation on Derrida’s part is, in the end, a fairly straightforward account of the movement by which any system of referral is constituted. We only understand meaning through the internal reference of words (signs) to one another, in the very same way that we define a word, in a dictionary for example, by reference to other words within the system of language. It would be no different if dictionaries were entirely comprised of pictures to define words, or even if a dictionary were comprised of sound-recordings of the words instead of definitions; either way, the sign itself only has meaning in reference to other signs, and not to the original presence of thing itself (referent). When Derrida insists that the meaning at work in language has no “presence,” he is simply resisting a kind of essentialism that would assign an ideal or immediate reference to signs (as in classic Platonism, for example). *Différance* is Derrida’s word for the play of differences in language, which can be frustrating (as Derrida admits) because it makes no sense to ask “what” *différance* is. Because it resists simple oppositions or any kind of ideal reference, *différance* is “no

²² *Margins of Philosophy*, 9.

²³ *Margins of Philosophy*, 11.

more static than it is genetic; no more structural than historical... Or is no less so.”²⁴

Rather, *différance* names the movement or play that makes oppositions, meaning, definitions, and the entire system of language itself possible.

Derrida does augment the Saussurian model, however, by adding that language, as a general system of referral, is not a “closed” system. The references and differences that produce meaning in language are, to a certain extent, regular and orderly. However, because of the manner in which signs operate, it is always *structurally* possible to revise—recontextualize—the meaning of any particular sign. In that sense, deconstruction attempts to “solicit” the open-ended system of language, that is, the possibility of language *as a system* to be different from itself. Language operates by producing spatial and temporal “intervals” between signs, which in turn produces the contexts that make meaning possible, but which also makes revision and nonsense possible. (This is, in part, what makes poetry unique; it “plays” with the system of language in a way that produces unexpected or differential meaning.) Of the “interval,” Derrida writes:

An interval must separate the present from what it is not in order for the present to be itself, but this interval that constitutes it as present must, by the same token, divide the present in and of itself, thereby also dividing, along with the present, everything that is thought on the basis of the present, that is, in our metaphysical language, every being, and singularly substance or the subject. In constituting itself, in dividing itself dynamically, this interval is what might be called *spacing*, the becoming-space of time or the becoming-time of space (temporization).²⁵

²⁴ *Margins of Philosophy*, 12.

²⁵ *Margins of Philosophy*, 13.

Thus, the way that we understand both time and space is structured in the same way that we understand speech and writing. We can discern the difference between “here” and “there”, between “now” and “then” or “to come,” only by way of dividing these things that we call time and space into meaningful units that we can then refer to one another. This is why Derrida is able to say that *différance*—differing and deferring understood together—can be called an “archi-writing.”²⁶ It is by virtue of *différance* that we can understand differences, or more accurately, it is by virtue of *différance* that differences are meaningful. *Différance*, as archi-writing, is not a proper origin, because it is not a “what” at all, but it is the play of differences that produces differences as its effect.

In the end, Derrida’s aim is to intensify the play at work in *différance*, rather than to repress it. As a result, he shifts the focus not only away from the language of metaphysics (with its oppositions and determinations) but also away from classical semiology (with its hidden metaphysical presuppositions about the “original difference” at work in linguistic signs). In their stead, Derrida offers *grammatology*, what he calls “writing before the letter” or *différance* understood as archi-writing. In so doing, Derrida does not claim that everything is linguistic, but that *like* language, difference and meaning operate in a way that is ordered *and* arbitrary, structured *and* provisional. “Archi-writing” is the name for that play, like *différance*, that gives us meaning and sense. Its “archi-” is not an origin in the proper sense, but simply an indication that the play of differences is “older,” in an improper sense, than the differences themselves. Hence, the repression of that play is what is to be avoided, even in the thinking of *différance*. Derrida writes,

²⁶ Ibid.

There is no essence of *différance*; it (is) that which not only could never be appropriated in the *as such* of its name or its appearing, but also that which threatens the authority of the *as such* in general, or of the presence of the thing itself in its essence.²⁷

Différance still remains within the bounds of metaphysics as a name, inasmuch as all names are metaphysical. But what should be indicated in the word *différance* is something that solicits metaphysics beyond its impulse for determinative knowledge. *Différance*, like every other word, is a nominal effect of the play of differences; it attempts to refer to something that can never be made present, and in so doing, indicates yet another false exit from the entire system of signs. It is, however, the *function* of the system to produce the possibility of these exits; it is the way that language and meaning remains open and productive. Thus, what *différance* indicates is its own erasure, that is, that “what we should know, or what we would know if it were simply a question here of something to know, is that there has never been, never will be, a unique word, a master-name.”²⁸ Master names aim at closing-off the system of signs, of sedimenting meaning and appropriating it, of delimiting meaning as if it were a matter of propriety or property. Metaphysics wants to posit master names as something unquestionable, and for Derrida, this is tantamount to violence.²⁹

Hence, one must ask why Derrida would have ever suggested that there is such a thing as *le dernier mot*? Why is the “last word” not just an example of a master name? First, it is important to remember that deconstruction is a *strategy*. In “*Différance*”,

²⁷ *Margins of Philosophy*, 25-6.

²⁸ *Margins of Philosophy*, 27.

²⁹ See Derrida’s essay “Violence and Metaphysics: An Essay on the Thought of Emmanuel Levinas” in *Writing and Difference* (Trans. Alan Bass. Chicago: University of Chicago Press, 1978), 79-153.

Derrida tells us that “thought”—and by this he clearly means thought in the way that traditional Western metaphysics thinks it—is always maintained in a “certain necessary relationship with the structural limits of mastery.”³⁰ The *strategy* of deconstruction is to “think” differently, to “think” *différance*, which amounts to thinking that thought is never finalized or identical to itself. On that score, we must remember that “Racism’s Last Word” begins not with a description of this word and thing “apartheid,” but with an appeal. Derrida writes, “APARTHEID—*may that remain* the name from now on, the unique appellation for the ultimate racism in the world.”³¹ Thus, it is a clever strategy that Derrida employs from the very start, one that mimics—with a difference—the thought of metaphysics. “Apartheid,” we hope, *will pass* from what it is now (the present institution of the ultimate racism in the world) and then *will remain* what it will be (a past regime). By playing on the temporalization of this word “apartheid,” Derrida is hoping that the word will never be what it purports to be, that is, the presence of mastery. Rather, Derrida claims, prescriptively, let apartheid *sometime in the future* be what it purports to be, *but only as a memory*.

One of the ways that Derrida undertakes this strategy in “Racism’s Last Word,” is by putting into question the meaning of “*le dernier*” (“the last”) from the very start.³² Derrida writes that *le dernier* can signify three different meanings: it can mean (1) “the worst” or “the lowest/basest” (2) “the most recent” or the “oldest and youngest,” or (3) “the one remaining.” Hence, when Derrida makes his appeal for the word *apartheid* to be the “last word” of racism, he is invoking, primarily, the polyvalence of the adjective *le*

³⁰ *Margins of Philosophy*, 7.

³¹ “Racism’s Last Word”, 291. (emphasis added)

³² In this way, “Racism’s Last Word” strongly resembles the strategy in “Ends of Man” (*Margins of Philosophy*, 109-136). In the latter, Derrida plays on three different meanings of the word “*le fin*” in his treatment of Hegel, Husserl, and Heidegger.

dernier. The uniquely sinister renown of the word *apartheid*, Derrida claims, is that it assumes and signifies all three senses of “the last.” He writes,

Apartheid is famous, in sum, for manifesting the lowest extreme of racism, its end and the narrow-minded self-sufficiency of its intention, its eschatology, the death rattle of what is already an interminable agony, something like the setting in the West of racism—but also... racism as a Western thing.³³

The word *apartheid* is a unique appellation, in part, because it has remained, without exception, untranslated. No other language in the world has translated this word into its own; *apartheid* has always been its own last word in this way. Derrida speculates that this is a defensive move. All languages refer to this political idiom by the same name, first of all, to resist incorporating the thing by means of the word, “refusing to let themselves be contaminated through the contagious hospitality of the word-for-word.”³⁴ But there is also something in the word and thing *apartheid*, something of the connection between the word and thing *apartheid*, which *forbids* contact. Analyzing the obsessive singularity of the word, Derrida writes:

Within the limits of this untranslatable idiom, a violent arrest of the mark, the glaring harshness of abstract essence (*heid*) seems to speculate in another regime of abstraction, that of confined separation. The word concentrates separation, raises it to another power and sets separation itself *apart*: “apartitionality,” something like that. By isolating being apart in some sort of essence or hypostasis, the word corrupts it into a quasi-ontological separation.³⁵

³³ “Racism’s Last Word”, 293.

³⁴ “Racism’s Last Word”, 292.

³⁵ *Ibid.*

Racism tends toward the same kind of hypostasis that the word *apartheid* signifies. All forms of racism hypostasize segregation (being-apart) as a natural, or even sometimes theological, thing. Hence, the unique monstrosity of *apartheid* is that it is the political idiom that expresses racism—“purely” in a way, without translation—in language. It posits itself as the “last word” of racism. Derrida insists that the point here is not merely that there is no racism without language, but that in the case of *apartheid*, acts of racial violence are not *only* words, “but rather that they *have to have* a word.”³⁶ Specifically, they have to have a hypostasized word, a “last word.”

Derrida argues that the abstraction and reification of the being-apart that one finds in institutionalized racism belongs to a specifically Western form of logic, and it is on this score that the arguments of “*Différance*” and “Racism’s Last Word” begin to join up. *Apartheid*, not only as a word or concept, but also as a real political institution of state racism, would be meaningless apart from the European discourse of metaphysics, which Derrida already argued (in “*Différance*”) is a discourse of mastery.

The judicial simulacrum and the political theater of this state racism have no meaning and would have had no chance outside a European “discourse” on the concept of race. That discourse belongs to a whole system of “phantasms,” to a certain representation of nature, life, history, religion, and law, to the very culture which succeeded in giving rise to this state takeover.³⁷

Following the argument of “*Différance*,” we know that master names are dangerous metaphysical illusions, which present themselves as “last” words or “unique appellations.” The word and thing *apartheid* is a preeminent case of this, because in

³⁶ Ibid. (emphasis added)

³⁷ “Racism’s Last Word”, 294. The specific “state takeover” to which Derrida refers is the imposition of *apartheid* by a white European minority on four-fifths of South Africa’s population.

apartheid the mastery of essential difference, the essentializing of difference such that it can be mastered, is what is named. *Apartheid* is the stubbornly resistant antonym of *différance*. *Apartheid* is static differentiation, essential differentiation, the essence of differentiation.

Even though it offers the excuse of blood, color, birth—or rather, *because* it uses this naturalist and sometimes creationist discourse—racism always betrays the perversion of a man, the “talking animal.” It institutes, declares, writes, inscribes, prescribes. A system of marks, it outlines space in order to assign forced residence or to close off borders. It does not discern, it discriminates.³⁸

It is precisely this inability on the part of metaphysical thinking to *discern*, and not merely to discriminate, that Derrida bases his argument for the importance of understanding *différance*. The kind of security that the Western logic of mastery promises is an illusion, a “provisional stasis in a precarious equilibrium.”³⁹ Derrida argued in “*Différance*” why this is the case, that is, because there is a movement “older” than differences that constantly destabilizes them. In “Racism’s Last Word,” Derrida argues why it would *matter* that this is the case, that is, because the language and logic of mastery is not *only* a language and logic. *Différance*, strictly speaking, was neither a word nor a concept nor a thing; *apartheid*, on the other hand, is all of these.

Thus, Derrida’s appeal—that *apartheid* may be the last word of racism—is not inconsistent with his argument about *différance*—that what we should know is that there never is a “last word.” What Derrida wants is to let loose the contradictions internal to Western metaphysical logic, the sorts of contradictions that attempt to institutionalize

³⁸“Racism’s Last Word”, 292.

³⁹“Racism’s Last Word”, 298.

themselves in something like a state racism. *Apartheid* is only possible on the basis of a thinking that sediments differences into essences, and consequently refuses any discernment of those differences. *Apartheid* is the logic of discrimination made historical, existent, effective. It forces one, not only in language but also in life, to ignore the effects of *différance*, which always orient one toward *more* differences, *other* differences, or a different meaning of present differences. *Apartheid*, like all master names, depends on a strict logic of opposition, of black and white, and resists above all the contamination of the “proper” spaces of its oppositional terms. Derrida’s appeal, then, is to let this be true of apartheid, *as a memory*. That is, let *apartheid* be the “last word of racism” (in the sense of the “last manifestation” in history of racism, the dying words of racism) so that, in memory, we can remember it with vigilance as the “last word of racism” (the finality and baseness of separation, the essence of being-apart that racism promised to be). Apartheid can only ever be “present” as a contradiction, a violent and oppressive simulacrum of stability. “But, beyond...,” as Derrida writes, *apartheid* is nonetheless an extant institution of oppression, pain, humiliation, death, and closure in the most final sense. If in the future we are fortunate enough to witness the demise of the real, historical thing *apartheid*, perhaps we can remember its name as a “unique appellation” for the ultimate form of racism. Let us amplify the contradiction of this name, Derrida solicits, so that *apartheid* may be brought to its “last.”

(Mis)reading Derrida and deconstruction

In responding to his critics, both in reference to the specific context of “Racism’s Last Word” but also in general, Derrida has often offered as a defense: “you did not read me

correctly.”⁴⁰ In Derrida’s case, this is certainly a more complicated defense than it might be for others. Much of the criticism directed at Derrida and deconstruction revolves around the initial formulations of *différance* and “grammatology.” Specifically, Derrida complains, deconstruction has been misread largely on these two issues, and especially the combination of the two, culminating in Derrida’s most (in)famous statement: *il n’y a pas de hors-texte* (“there is nothing outside the text”).⁴¹ Mimicking the mistaken position of his critics, Derrida writes:

Let no “deconstructionists” concern themselves with politics since, as we all know, don’t we, deconstruction, difference, writing, and all that are (in the best of cases) politically neutral, ahistorical! Those people are not to concern themselves with politics because we always believed that they never did... When a “deconstructionist,” as one says, concerns himself with *apartheid*, even if he is on the “good” side, his strategy is all wrong, he’s getting mixed up with the things that are none of his business because he’s going “*beyond* the text!” He exceeds the limits of his competence, leaves his own territory!⁴²

The mistake, the misreading, is to consider deconstruction as if it were only ever a theory of language. Hence, those critics who “read him badly” in this way never get beyond the “old” sense of the “text.” In the interest of demonstrating the irrelevance of deconstruction for anything other than literary analysis, Derrida’s critics represent deconstruction as “a turning inward and an enclosure by the limits of language.”⁴³ On the

⁴⁰ Concerning this debate, see “But, beyond... (Open Letter to Anne McClintock and Rob Nixon).” For the same kind of exchange between Derrida and other philosophers/critics (most notably, Searle and Habermas) see the *Afterword to Limited, Inc.* (Evanston: Northwestern University Press, 1988).

⁴¹ Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1974), 159.

⁴²“ Racism’s Last Word”, 169.

⁴³“ Racism’s Last Word”, 168.

contrary, deconstruction has always *begun* by deconstructing “logocentrism, the linguistics of the word, and this very enclosure itself.”⁴⁴ This was, in part, the reason for Derrida’s shift away from the strict Saussurian model of semiotics to a *grammatology*. His entire work *Of Grammatology* is devoted to demonstrating that, far from being consigned to the “book,” deconstruction’s revolutionizing of the sense of the “text” includes *all* systems of referral, *all* institutions and hierarchies, *all* orders that are marked by spacing and *différance*, even before “writing” in the strict and narrow sense.⁴⁵ This is why *différance* is a kind of archi-writing; it refers to any context in which differences are in play, effective and affective, differing and deferring. Even when one tries to ignore or pass over *différance* “outside” of the “text” in the literal sense—for example, in history, politics, relationships, institutions—then one is simply forgetting that “the relation among the reality, the concept, and the word is always more complex than one would suppose.”⁴⁶ Derrida admits that “one can always act as if it made no difference,”⁴⁷ that is, as if *différance* made no difference outside of the “book,” but that would simply not be reading the “text,” or Derrida, correctly.

If deconstruction is not simply a linguistic philosophy, if grammatology is not simply semiology, if *différance* is not merely difference, then how should we read Derrida? His critics (those who “misread”) find Derrida’s more explicit turn to ethical and political matter since the 1980’s an anomaly. Yet, even Derrida’s earliest texts indicate that deconstruction has always been a philosophy of engagement. The second sense of *différance*—to defer—is the sense that revolutionized Derrida’s understanding of

⁴⁴ Ibid.

⁴⁵ See especially *Of Grammatology*, 149-202.

⁴⁶ “Racism’s Last Word”, 163.

⁴⁷ *Margins of Philosophy*, 3.

the “text” and opened up the system of language previously closed off by metaphysics and traditional semiotics. “Deferral” augmented the notion of difference as “spacing” by also putting differences in time. Yet, it is a very particular sense of time that Derrida emphasizes with his strategy of deconstruction. It is, first and foremost, an orientation toward the *future (a venir)*, in the deferral of meaning, which frustrates language’s attempt at being a system of mastery. By analogy, it is the same orientation toward the future that incessantly reorients our understanding of differences in general, such that differences themselves resist sedimenting into essences. Hence, the “text,” through its orientation to the absolutely undecidable (the future) is radically opened up to include, literally, everything. *Il n’y a pas de hors-texte.*

With this radicalization of the text, we (as newly radicalized readers) have a different project. It is no longer a project of knowledge or mastery, but of decision. We must become all the more attentive to the complicated way in which historical and political reality, concepts, and words are connected, but also to what can dissociate them. Lacking any immediate knowledge of essences or foolproof references, we must engage in meaning-making in newly effective ways. Thus, Derrida claims, given the fact that the text is always a heterogeneous, differential, open, polyvalent and undecidable field of forces, deconstruction is not only a strategy for discourse or analysis, but also for effective and active interventions.

...the strategic reevaluation of the concept of text allows me to bring together in a more consistent fashion, in the most consistent fashion possible, theoretico-philosophical necessities with the “practical,” “political,” and other necessities of what is called deconstruction.... On one side and the other, people get impatient

when they see that deconstructive practices are also and first of all political and institutional practices.⁴⁸

Should this come as any surprise, that deconstruction is a political philosophy? After all, the essay “*Différance*” concludes with a warning against mastery, and a call for “decapit(liza)ion.”⁴⁹ The hardly dissimulated appeal for regicide can be traced throughout Derrida’s entire corpus.

There is a strictly academic reason for insisting on reading deconstruction as a political philosophy. The alternative—that is, to view deconstruction as simply a philosophy of language, as apolitical or ahistorical—leaves Derrida woefully inconsistent. To that end, those who criticize Derrida’s explicit political engagements read him correctly, according to their own misreading. If one were to consider *différance* to be limited to language, and the “text” to be limited to the “book,” then any of Derrida’s affirmative ethical or political statements would be, at best, irrelevant. Deconstruction limited to *words* alone could generate no more than a somewhat interesting, slightly novel, relativism. However, if one grants, as Derrida insists we must, that deconstruction has always been anti-imperialist, anti-essentialist, and most importantly, engaged, then one finds that rather than contradicting one another, the early arguments of “*Différance*” and *Of Grammatology* supplement and are supplemented by the later political works (such as “Racism’s Last Word”). Even racism itself has never been far from Derrida’s texts as a central motif; in the famous essay “White Mythology,” Derrida writes:

White mythology—the white mythology which reassembles and reflects the culture of the West; the white man takes his own mythology, Indo-European

⁴⁸“Racism’s Last Word”, 168.

⁴⁹ *Margins of Philosophy*, 27.

mythology, his own *logos*, that is, the *mythos* of this idiom, for the universal form of that he must still wish to call Reason... White mythology—metaphysics has erased within itself the fabulous scene that has produced it, the scene that nevertheless remains active and stirring, inscribed in white ink, an invisible design covered over in the palimpsest.⁵⁰

The more one reads deconstruction as a political philosophy, the more Derrida's texts begin to accumulate in their consonance. The “apartitionality” of metaphysics, of essentialism, of oppressive political institutions, of rigid ethical schemata are all part of the Western idiom of the *logos* that has forgotten the “fabulous scene” which produced it.

Institutionalized racism, in one sense, is just one more idiom of the West.

Apartheid is just one more attempt to sediment a long discourse of nature into law.

However, the advantage of deconstruction as a political philosophy is that it offers some manner of resistance to the continued proliferation of what this word and thing *apartheid* wants to institute (as separation) and erase (as contradiction) at the same time.

Deconstruction offers a way to think outside of the hypostasis or essentializing (*heid*) of strict identity and opposition (*apart*)—not “outside” in the sense of yet another opposition, but “outside” in the temporal sense, in the sense of a *time* when such things as “essences” (racial or otherwise) could be recontextualized. This is, of course, also advantageous for reading “books” and for thinking “philosophy,” as Derrida no doubt learned from Heidegger before him. Even still, the *primary* strategy of deconstruction is to de-limit the text, beyond the book, such that there is no “beyond” the text. Above all, deconstruction opens the text such that *any* book, or tradition of discourse, will be

⁵⁰ *Margins of Philosophy*, 213.

insufficient for defining differences over and against the differing and deferring play of *différance*.

Of course, it is true for Derrida that what we should know is that there are no master names. “But, beyond...,” as Derrida writes, there are nonetheless last words that aim at mastery. For deconstruction, last words are best *in memoriam*; they are best when they can be remembered for their failure. In the meantime, deconstruction continues to insist upon and solicit those failures *a venir*. Just as it is not inconsistent for Derrida to be resolute about the fact that all language and meaning is provisional *and yet* there is still meaning, so also is it not inconsistent for Derrida to argue that there are no master names, except as contradictions and illusions, but which nonetheless have real effects that must be recognized in order for those contradictions to be solicited.

Part II: Mastery, Monologism, Monoligualism

*“I only speak one language, (and, yet, but) it is not mine.”*⁵¹

In “*Sauf le Nom*,” a fictive dialogue ostensibly concerning God and poetry, Derrida promises to speak—to and with himself, in writing—about what he names the “end of monologism.”⁵² By monologism, Derrida is referring to a view of language that considers every name as adequate to what it names, and to itself. The ipseity and authority of a monologue or a “metalanguage,” in this sense, is absolute: the one voice of the one *logos*, without addressee, circumscribing all meaning and sense in language.

⁵¹ *Monolingualism of the Other, or The Prosthesis of Origin*, 27.

⁵² Jacques Derrida, “*Sauf le Nom (Post-Scriptum)*” in *On the Name*, Ed. and Trans. Thomas Dutoit (Stanford: Stanford University Press, 1995), 35. “*Sauf le Nom*” was originally written as a response for a conference at which Derrida was not present. Given his absence, and the inability for him to really “be” a part of the conference dialogue, Derrida wrote and submitted “*Sauf le Nom*” in the form of an imaginary dialogue. The different “speakers” in Derrida’s essay are neither named, numbered, nor gendered, giving the piece and even greater air of polyvalent disruption and interruption.

Alternatively, Derrida and deconstructionists have argued that language itself is affected by a play of differences (or *différance*) and that any experience of language as a coherently meaningful “unity” is an effect of that play. Hence, in letting loose the “multiplicity of voices” and interrupting his own monologue, Derrida attends to what he considers to be an apophatic impulse within language, the negative or interrogative form that language adopts, in part, to limit or call into question its own domain.⁵³ Apophasis, according to Derrida, is the “boldness of...a poetic or metaphoric tongue”⁵⁴ that is always pressing and (*très*)passing the monological limits of language. In fact, to speak of the “experience” of language would—and *must*—resound as a cacophony of voices: polyvalent, polyphasic, polysexual, polyformal, polyglot. Far from being a *monologue* (i.e., language has only me for its voice), the experience of language for Derrida is a *monolingualism*, that is, “I have only one language” (among many). Further, due to the extant peculiarity of heteroglossia, any language that I “have” is something that comes to me from elsewhere, a language or a mother tongue that I am arbitrarily given, that I am “born into” or taught, that I do not choose, but that chooses me: a “monolingualism of the other.” Consequently, Derrida offers the cryptic allegation of *Monologualism of the Other*: “I only speak one language, (and, yet, but) it is not mine.” The effect of Derrida’s claim, which troubles the sovereignty of monologism, is this: the language most proper to us is neither our property nor a measure of our propriety.

⁵³ *SN*, 35 *et passim*. Elsewhere, a similar impulse is named by Derrida “autodeconstruction,” or the tendency for theoretical or linguistic systems to disrupt and interrupt the integrity of their own logic. For Derrida, autodeconstruction is an operation of *différance*, which is the performative loosening of both language and meaning in such a way that each reveals more than it intends (sometimes revealing the opposite of what it intends). This function, in part, is an inheritance of Heidegger’s concept of *aletheia*, though in the care of Derrida the “unconcealing” function of language has little to do with the “truth” of language.

⁵⁴ *Sauf le Nom*, 35.

The “proper” subject of Derrida’s *Monolingualism of the Other, or The Prosthesis of Origin* is not only language but, variously, citizenship and autobiography, politics and poetics. In many ways, it takes up Derrida’s earlier themes from “*Sauf le Nom*” of the ambiguity inherent in negotiating the form and function of names, of both grammatical and political subjects. Derrida is suspect of the monological view of language in large part because of what it limits; in particular, Derrida fears, monologism suppresses and represses the “experience” of language, which is not an experience of self-adequation, but one of self-differentiating relation.⁵⁵ Structurally, this suspicion is akin to much of what is suspect to “postmodernism” (or, in an alternative idiom, philosophy after the “linguistic turn”), which looks uneasily upon the absolute sovereignty and ideality of a “homo-hegemony” (of thought, language, politics, ethics, etc.) that “tends, repressively and irrepressibly, to reduce language to the One, that is, to the hegemony of the homogeneous...effacing the folds and flattening the texts.”⁵⁶ The danger of monologism is that, in its articulation, it threatens to do away with the differences that make a difference. (This is why, not coincidentally, Derrida chooses to focus on the interdict as a dangerous political, cultural, and linguistic form.⁵⁷) As a counter-move to monologism, Derrida aims to reintroduce relations of alterity (or the play of *différance*) among and within languages in order to describe the “experience” of language. Consequently, any monolingualism of the other will accent a mutual contamination of the universal and the singular, or, in Derrida’s own idiom, the mark and the re-mark. For Derrida, the

⁵⁵ Consequently, Derrida borrows an expression from Edouard Glissant when he promises to speak of both the “poetics” and the “politics” of relation. See also Edouard Glissant’s *Poétique de la Relation* (Reprinted in English as *Poetics of Relation*, Trans. Betsy Wing, University of Michigan Press, 1997).

⁵⁶ *Monolingualism*, 40.

⁵⁷ *Monolingualism*, 37-43.

experience of language is “the articulation between the transcendental/ontological universality and the exemplarity or testimonial singularity of *martyred* existence.”⁵⁸

It is in the attempt to articulate oneself—that is, to speak in one’s own language, to *identify* oneself as belonging or not-belonging to (a) language—that a relational space is exposed between the universal and the singular.⁵⁹ As a result, any attempt at identification, even and especially the inaugural pronouncement of autobiography (or -self-identification), is a monumental act of translation. The “I” who endeavors to speak an *I can, I desire, I will, I should*, or even *I am* will first collide with the impossible demand of anamnesis; that is, to “have” a language means first to remember which language “has” you, to go “in search of a history and a filiation” with some “mother tongue,”⁶⁰ to discover in which language the idiom that one *is* makes sense and can be articulated. For Derrida, there is a double law inherent to language, the “antinomical duplicity of this clause of belonging,” which drives the genealogical impulse of any attempt at identification in language. That double law is this:

1. *We only ever speak one language—or rather one idiom only.*
2. *We never speak only one language—or rather there is no pure idiom.*⁶¹

To relieve Derrida’s claim of the somewhat cumbersome parlance of deconstruction, what is being conjectured here, as an antinomy, is that the difference between the singularity of any speaker (or writer) and the universality of a formal language must be perpetually negotiated. The one must be translated into the other, the mark (universal sign) into the remark (singular sign), and vice versa, in every event of language. The law

⁵⁸ *Monolingualism*, 27.

⁵⁹ For a discussion by Derrida on relational space, or the space of spacing, which is the condition for both the possibility and the impossibility of language, see his essay “*Khora*” in *On The Name* (pp. 89-130).

⁶⁰ *Monolingualism*, 8.

⁶¹ *Ibid.*

of translation, far from being an imperative opened up in the relational space between different languages, is most apposite to the relational space opened up between the universal and the singular *within* any one language. Hence, autobiographical anamnesis—a complicated way of saying “I”—presupposes not identity, but a work of *identification*: identification with a home, with a country or state, with a mother tongue, with a familiar idiom of “cultural, symbolic, and sociocultural figures.”⁶²

Language and citizenship: the poetics and politics of relation

To announce the “end of monologism” means that any universal discourse or metalanguage will be grossly insufficient to attend to the singularities of a particular existence. Yet, and at the same time, individual subjects need a certain homo-hegemony, provided by the universality of law and language, in order to communicate intelligibly. The aporetic nature of language, for Derrida, is that it both belongs to the subject (as his or her only access to intelligibility) and does not belong to the subject (insofar as it resists and is exceeded by the singularity of any particular instance of subjectivity). Because the “experience of language” is an *aporia*, the necessity to translate between two incommensurable orders, then the formation of the “I” of autobiographical anamnesis is, in fact, a *disorder of identity*.⁶³ By way of example, Derrida recounts how closely language and citizenship are linked, a mother tongue and a natal place, “the relationship between birth, language, culture, nationality, and citizenship.”⁶⁴ To self-identify, in Derrida’s instance, as “Franco-Maghrebian” (that is, European-Arabic-African) does not amount to a strong sense of identity (i.e., *ipseity*), but neither is it “some superficial or

⁶² *Monolingualism*, 28-9.

⁶³ *Monolingualism*, 14 and passim.

⁶⁴ *Monolingualism*, 13.

superstructural predicate floating on the surface of existence.”⁶⁵ Even in its hyphenated complexity, “Franco-Maghrebian” is a name that relates Derrida to a home and a country, to a language and a history, to a certain nexus of access and exclusion, which makes him understandable to some and foreign to others, and which designates his “status” as much as his “state.” Citizenship, like language, is sometimes erroneously considered “natural,” and also like language, the “artifice and precariousness of citizenship appear better when it is inscribed in memory as a recent acquisition.”⁶⁶ The point of the analogy between citizenship and language is not only to allude to a certain mode of *belonging* necessary for but excessive of self-identification, but also to highlight the precariousness of that belonging.

The threat of loss is structurally immanent in citizenship; the “status” that citizenship provides can always be revoked, suspended, or altered at the caprice of the state that provides it.⁶⁷ Because citizenship is *not* natural—as Derrida retorts, it does not “sprout up just like that”⁶⁸—it harbors within it the internal instability of all social constructions, that is, the possibility of its own de(con)struction. Demonstrating an acute sensitivity to the postcolonial situation, Derrida points out that often, merely by fiat, the order of one’s identity—one’s status as a citizen—can be withdrawn as swiftly as tugging a carpet from beneath one’s feet, and just as devastatingly. Derrida conjectures that the unstable identification at work in citizenship is more akin to the experience of language than we think. The safekeeping of identity assumed by the monological view of language grants a false sense of security with regard to self-identification, not dissimilar

⁶⁵ *Monolingualism*, 15.

⁶⁶ *Ibid.*

⁶⁷ See especially Derrida’s account of the revoking of French citizenship for Algerian Jews under the Occupation (1940) in the abolishment of the Crémieux decree of 1870 (*Monolingualism*, 16-17).

⁶⁸ *Monolingualism*, 16.

to the false sense of security possessed by those who consider themselves “natural” citizens. Having never suffered the disorder of identity that accompanies a conferral or revocation of citizenship, “natural” citizens do not fear their own political status as something alien or strange, something granted to them from elsewhere. “Natural” citizenship supposes an isomorphism between citizen and the state, a one-to-one correspondence of identity secured as solidly as the (literal) ground of beneath one’s feet. The spectral nature of citizenship, on the other hand, is particularly acute to those (like colonial and postcolonial subjects) who do *not* consider it their birthright or “natural” due, but who know, whether through colonization, immigration, or displacement, that the status citizenship confers is a gift that resembles a Trojan horse as often as an olive branch.⁶⁹ The experience of language is, likewise, a relation to something *umheimlich*, though a much deeper and more intimate relation, inasmuch as the strange to which one is related is the language (“mother tongue”) that is purportedly one’s most own. Like citizenship, the possession of a language is a strange possession, a possession of the strange, a being-possessed by the strange, *as one’s own*. Derrida asks,

But who exactly possesses it? And whom does it possess? Is language a possession, ever a possessing or possessed possession? Possessed or possessing

⁶⁹Consequently, Derrida’s analysis of language as analogous with citizenship in *Monolingualism of the Other* is particularly apropos to the larger discourse of colonial and post-colonial theory, in which both language and citizenship fall under the complex analysis of a “poetics and politics of relation” or a liminal space—that is, as something fundamentally related to and with the *umheimlich*. For an excellent analysis of the operations of language and citizenship within the colonial experience, see Frantz Fanon’s *Black Skin, White Masks*, Trans. Charles Lam Markmann (New York: Grove Press, Inc., 1967), especially Chapter One “The Negro and Language” and Chapter Four “The So-Called Dependency Complex of Colonized Peoples.” For an analysis of the “post-colonial” situation, see Homi K. Bhabha’s *The Location of Culture* (London: Routledge, 1994), which is widely considered to be one of the foundational texts of postcolonial theory, and is particularly relevant here in its articulations of liminal space and hybridity (the in-betweenness of relation). See also Derrida’s essay “*Khora*” for an interesting intersection with Bhabha. Most directly related to Derrida’s *Monolingualism of the Other*, and cited throughout, is the work of Edouard Glissant (noted above) and Abdelkebir Khatibi’s *Du bilinguisme* (Paris: Denoël, 1985) and *Amour bilingue* (translated as *Love in Two Languages* by Richard Howard, Minneapolis: University of Minnesota Press, 1990).

in exclusive possession, like a piece of personal property? What of this being-at-home [*être-chez-soi*] in language toward which we never cease returning?⁷⁰ Hence, the real question of both language and citizenship—who possesses? who is possessed? whose property is this strange being-at-home in the strange?—is how to identify the subject, or “I”, in the operations of identification. Yet, even this autobiographical problem asserts itself as a “strange” necessity; Derrida suggests that a project of self-identification is, at best, a “sketch” of a figure, a kind of “*ecce homo* in parody.”⁷¹ Any answer to the question of possession, of property or propriety within language, of who or what it is that says “I”, will only bear a “vague resemblance to myself and to the kind of autobiographical anamnesis that always appears like the thing to do when one exposes oneself in the space of *relation*.”⁷²

When Derrida suggests that autobiographical anamnesis, which “appears like the thing to do” in a description of the experience of language, is also a project to be undertaken in the space of relation, he is careful to delimit what he means by “relation.” Borrowing a trope from Edouard Glissant (author of *Poetics of Relation* and also, significantly, a “postcolonial” author⁷³), Derrida insists that he understands “relation” in the sense of “narration, the narration of the genealogical narrative, for example.”⁷⁴ That is to say, autobiographical anamnesis is a form of *testimony*, or attestating to a purportedly unique relation by tracing a genealogical story, attempting to locate the origin of an “I”

⁷⁰ *Monolingualism*, 17.

⁷¹ *Monolingualism*, 19.

⁷² *Ibid.*

⁷³ I am acutely aware of the problem of identifying certain writers as “postcolonial.” Postcolonial theory, in my view, is hardly a coherent or homogeneous body of work. In some cases, it appears to me that the “postcolonial” identification refers problematically to the cultural or racial origin of the author rather than to a philosophical orientation or commitment. Within the limits here, it is not possible to consider how Derrida’s analysis in *Monolingualism of the Other* might bear on the process of identifying (whether in the first or third person) exactly “who” is postcolonial. However, this remains an implicit question throughout.

⁷⁴ *Ibid.*

that does not precede the telling of its story in language. “I” can only testify to “my” story in a language of which “I” am not independent, a monolingualism from/for/of the other that “I” borrow, as anyone else could, in which “I” hope to narrate and translate a distinctive and singular genealogy. Derrida asks,

What happens when someone resorts to describing an allegedly uncommon “situation,” mine, for example, by testifying to it in terms that go beyond it, in a language whose generality takes on a value that is in some way structural, universal, transcendental, or ontological? When anybody who happens by infers the following: “What holds for me, irreplaceably, also applies to all. Substitution is in progress; it has already taken effect. Everyone can say the same thing for themselves and of themselves. It suffices to hear me; I am the universal hostage.”⁷⁵

The *aporia* of autobiographical anamnesis, or testimony, is one of an always-imperfect substitution. In relating the “I” to a language by re-telling the “I” in a language—translating a singularity into intelligibility by means of a structural universality—the genealogical narrative presents itself as more of a phantasm than an adequation. One can only ever borrow the grammatical place of the subject, whose effective content rotates when any other comes to occupy its position. The grammatical subject, like the “universal” citizen, is structurally iterable, infinitely translatable, and hence, impossibly deficient. The experience of language, then, abides by a contaminated logic; when I say “I”, I am caught in the “performative contradiction of enunciation.”⁷⁶ Every testimony promises to present a singular experience, something as proper to a person as her own

⁷⁵ *Monolingualism*, 20.

⁷⁶ *Monolingualism*, 3.

birth or death. Yet, unlike birth and death, which cannot be transferred or translated, testimonies must couch themselves in a language that is not exclusively their own. In the language of the other, autobiographical testimony becomes an interbreeding of two logics: “that of exemplarity and that of the host as hostage.”⁷⁷ When I testify, I ask to be heard by another and I implicitly beckon the other to believe in the unique veracity of my narration. I “host” the other in my testimony. Yet, to be understood, I must remain “hostage” to the other’s language, the language that the other understands.

Derrida’s poetics of relation, his articulation of the contours of the grammatical or linguistic subject, is virtually inseparable from a politics of relation, a description and delimitation of the political subject. Himself a citizen of a colonized state (Algeria), as well as a speaker whose “mother tongue” (French) is a foreign tongue, Derrida’s emphasis on a monolingualism that comes from somewhere else (*renvois d’ailleurs*⁷⁸), of and for the other, is itself a testimony. The implicit allegory that Derrida is working contends that the experience of language is very much like being born the citizen of a colonized state. Being-at-home in a language is not measured by one’s “mastery” of a language any more than being-at-home in a state is measured by the “naturalness” of citizenship. Both are borrowed statuses; one can no more “speak of a language except in that language” than one can be a citizen except in a state.⁷⁹ The experience of being monolingual, of “having” only one language, is not an experience of “property, power of mastery, pure ipseity,” but rather an experience situated by “colonial alienation or

⁷⁷ *Monolingualism*, 20.

⁷⁸ The title of the conference at which Derrida first presented the concept of a monolingualism of the other was entitled “Echoes from Elsewhere.”

⁷⁹ *Monolingualism*, 22.

historical servitude.”⁸⁰ Mastery and property are pretensions of language, but aporetic pretensions, as the experience of language harbors within it a peculiar duplicity with regard to its internally competing logics. On the one hand, the structural universality of language (the iterability of the mark, or the name) promises an unconditional hospitality, a mastery of the position of “host” such that a place is forged from which one’s testimony can be articulated. On the other hand, that same structural universality threatens the existence of any idiom, the singularity of any testimony or re-mark. Unconditional hospitality at the same time presents the possibility for a “terror inside language,” for a taking- or holding-hostage. The risk is that mastery of a language may become synonymous with a language of the master. The other face of the host, never to be underestimated, is the colonist.

It is no doubt true that the description of language and citizenship that Derrida is putting forth here will sound more fitting to people for whom language and citizenship bear an explicit trace of the *umheimlich*. The ostensibly unique situation of the colonized, to which the colonized alone seemingly can give testimony, is that of a language and a citizenship that is “strangely familiar and properly improper.”⁸¹ Insofar as language and citizenship are the primary markers of cultural identification, Derrida would appear to situate politically colonized subjects as possessing a constitutive cultural lack, an unsituatable experience of “ex-appropriation.”⁸² Yet, for Derrida, the idiom of colonialism and colonization are “high points [*reliefs*], one traumatism over another” that indicate a deeper structural violence or a “coloniality of culture.”⁸³ Nevertheless, the

⁸⁰ *Monolingualism*, 23.

⁸¹ *Monolingualism*, 29.

⁸² *Monolingualism*, 24.

⁸³ *Ibid.*

experience and testimony of actual, extant, historically colonized peoples are not simply examples, but exemplars of the “inalienable alienation” at work in language and citizenship. In Derrida’s strange reversal of station, the mastery of the master is a pathology, not a paragon. Mastery itself is a phenomenon, a phantasm⁸⁴, which cannot help but be undermined in its attempt to unequivocally occupy the position of the host. For the host, too, must abide within the monolingualism of the other—“the absolute impossibility of a metalanguage. . . the impossibility of an absolute metalanguage”⁸⁵—even in attempting to relax the specificity of his situation, and convince himself that his monolingualism is a circumscriptive monologism. Derrida displaces the myth of the propriety of the master when he writes,

. . . the master is nothing. And he does not have exclusive possession of anything. Because the master does not possess exclusively, and *naturally*, what he calls his language, because, whatever he wants or does, he cannot maintain any relations of property or identity that are natural, national, congenital, or ontological, with it, because he can give substance to and articulate [*dire*] this appropriation only in the course of an unnatural process of politico-phantasmatic constructions, because language is not his natural possession, he can, thanks to that very fact, pretend historically, through the rape of a cultural usurpation, which means always essentially colonial, to appropriate it in order to impose it as “his own.”⁸⁶

⁸⁴ “But here, we must say the *phenomenon* as *phantasm*. Let us refer for the moment to the semantic and etymological affinity that associates the phantasm to the *phainesthei*, to phenomenality, but also to the spectrality of the phenomenon. *Phantasma* is also the phantom, the double, or the ghost. We are there.” *Monolingualism*, 25.

⁸⁵ *Monolingualism*, 22.

⁸⁶ *Monolingualism*, 23.

Nonetheless, it must be highlighted that emphasizing linguistic or political mastery as a kind of “spectral phantasmaticity”⁸⁷ does not rescue anyone from the violent effects of mastery. Displacing the master, denouncing the impulse toward homo-hegemony and announcing the end of monologism, does *not* alleviate the trauma of extant historical situations in which colonized subjects are haunted, even terrorized, by the apparent mastery of monologism. When Derrida claims “I speak one language, (and, yet, but) it is not mine,” he is testifying to the exemplarity, the structural universalizability, of the colonized experience over and against any experience of language as appropriative mastery or masterful propriety. In so doing, Derrida demonstrates that testimonial exemplarity undoes itself, undermines its own singularity, every time it tries to remark upon its own experience, “for one cannot speak of a language except in that language . . . even to place it outside of itself.”⁸⁸ The language of the master or colonizer cannot be utterly forsaken without also making the testimony of the hostage or colonized a real impossibility: unspeakable, illegible, illegitimate, unremarkable.

Hence, the experience of language is neither the experience of the host nor the hostage, (and, but, yet) *both* the experience of the host *and* the hostage. That is, the experience of language is not finally, transcendently, structured as a proper experience, for the “subject” does not exclusively occupy a monologic sphere of ownness as some *le corps propre*. Rather, the experience of language is an intervention, a translation of the universal mark into something singularly remarkable and vice versa, the contamination of a whole “semantic chain that works on the body of hospitality as well as hostility—*hostis, hospes, hosti-pet, postis, despotes, potere, potis sum, possum, pote est, potest, pot*

⁸⁷ *Monolingualism*, 26.

⁸⁸ *Monolingualism*, 22.

sedere, possidere, compos, et cetera.”⁸⁹ Even still, Derrida wants to grant a strategic privilege to the testimony—or memory, autobiographical anamnesis—of the hostage’s situation, the exemplarity of the colonized’s poetic and political relation to the other. Where monologism represses or attempts to erase the *umheimlich* in linguistic and political identification, the experience of a monolingualism of the other “allows one to read in a more dazzling, intense, or even *traumatic* manner the truth of a universal necessity.”⁹⁰ The testimony of inalienable alienation, of proper strangeness and strange property, remarks upon the unique *umheimlich* that haunts and terrorizes every ostensibly universal linguistic or political situation. The situation that is not merely another example in a series, to which Derrida wants to testify as remarkable, is the lived experience (*l’expérience vécu, das Erlebnis*) of the hostage, the colonized, the enslaved, the violated. The hostage bears the marks and scars of mastery, in such a way that the singular testimony of the hostage also bears witness to much that is other than herself.

The structure appears in the experience of the injury, the offense, vengeance, and the lesion. In the experience of terror. It is a traumatic event because at stake here are blows and injuries, scars, often murders, and sometimes collective assassinations. It is reality itself, the scope [*portée*] of any *férance*, of any reference as *différance*.⁹¹

If the master is indeed nothing, if the hegemony of monologism is a phantasm that terrorizes with its intentional blindness to its own relativity, if the claim of propriety and identity is a *quasi*-transcendental claim (and not, properly speaking, transcendental), then Derrida is insinuating that what is remarkable in the experience of language is not the

⁸⁹ *Monolingualism*, 14.

⁹⁰ *Monolingualism*, 26.

⁹¹ *Ibid.*

structural universality of the mark, but the what the mark (the mother tongue, the state) intends and pretends to exclude: “the *experience* of the mark, the re-mark or the margin.”⁹² The experience of the mark is proper to—though properly improper—the *marked*, the marked-upon and the marked-out. Yet, how do we speak of these remarkable testimonies of what are essentially stateless people? How do we hear, in testimonies of identification, the words *jamais* or *sans*?⁹³ (A task, no doubt, as impossible as speaking of a language outside of language.) Or, as Derrida asks, “what status must be assigned to the exemplarity of the re-mark?”⁹⁴

To think about the status of testimony and re-mark means to think about the singular as haunting the universal, rather than the universal as structuring the singular. It is a reversal of the logic of the strange, such that the state and monologism no longer give order and sense to the strange or the senseless, but the strange and senseless disorders and re-marks the identity of the state and language(s). It is, fundamentally, the thought of difference, thinking the poetics and politics of relation, which permits the *umheimlich* to present itself in linguistic and political identification and to upset the *ipseity* of identity. In attempting to “possess” language, the secure custody that universal thinking wants to provide in fact disseminates into the antinomy of a monolingualism of the strange.

For it is in the form of a thinking of the unique, precisely, and not of the plural, as it was too often believed, that a thought of dissemination formerly introduced itself as a folding of thought of the fold—and as a folded thought of the fold.⁹⁵

Because the fold of such a *re-mark* is there, the replica or re-application of the

⁹² *Monolingualism*, 27. (my italics)

⁹³ *Ibid.*

⁹⁴ *Monolingualism*, 26.

⁹⁵ See Derrida’s *La Dissémination* (Paris: Seuil, 1972), pp. 50, 259, 283, 291ff. and passim.

quasi-transcendental or quasi-ontological within the phenomenal, ontical, or empirical example, and within the phantasm itself where the latter presupposes the trace in language, we are justifiably obliged to say at once that “we only ever speak one language,” and “we never speak only one language” or “I only speak one language, (and, but, yet) it is not mine.”⁹⁶

Articulating the space between two poles of an antinomy—“I only speak one language” and “I never only speak one language (it is not mine)” —gives rise to the experience of language as an intervention of the strange, an intrusion of the alien, *l'invention de l'autre*.⁹⁷ Hence, testimony to real politico-historical experiences and situations of colonization, displacement, alienation, and enslavement offer themselves up as exemplars of the remarkable experience of both language and citizenship (poetics and politics), which is the re-inscription of a transcendental or ontological universality upon the body of an irreplaceable and interminably resistant singularity. Such is the strange “status” of the remark, of testimony, of autobiographical anamnesis, but also of the hostage’s *l'expérience vécu du langue*. For Derrida is also evoking the hostage “proper,” martyrdom and passion, and when he speaks of marks and remarks he is careful to emphasize that the terror at work here “is practiced at the expense of wounds inscribed upon the body.”⁹⁸ The mutual contamination of a poetics and a politics can be no more transparent than when Derrida writes,

And when we mention the body, we are naming the body of language and writing, as well as what makes them a thing of the body. We therefore appeal to what is,

⁹⁶ *Monolingualism*, 26-7.

⁹⁷ See Derrida’s “Psyche: Inventions of the Other,” trans. Catherine Porter, in *Reading de Man Reading*, Eds. Lindsay Waters and Wlad Godzich (Minneapolis: University of Minnesota Press, 1989), pp. 25-65.

⁹⁸ *Monolingualism*, 27.

so hastily, named the body proper, which happens to be affected by the same ex-appropriation, the same “alienation” without alienation, without any property that is forever lost or to be ever reappropriated.⁹⁹

There is no proper language to and for the hostage, no language that is the hostage’s property or possession, just as there is no proper state or status that belongs to the hostage. The passion of the hostage testifies to the “universal destiny which assigns us to a single language while prohibiting us from appropriating it.”¹⁰⁰ The language of the hostage (monolingualism of the other), unlike the language of the master (monologism), is language speaking itself, which can only “promise and promise itself by threatening to dismember itself.”¹⁰¹

Postcolonial critique: Fanon, Derrida, Spivak

The speaking-I [*dire-je*] or the me-I [*moi-je*] has no proper location or origin, no sense of being-at-home that is more than “strangely familiar or properly improper”; it must invent itself in a language of the other and fashion a prosthetic origin for itself in the strangeness of that language.

This *I* would have formed itself, then, at the site of a *situation* that cannot be found, a site always referring elsewhere, to something other, to another language, to the other in general. It would have *located* [*situ *] itself in a *nonlocatable* [*insituable*] experience of *language* in the broad sense of the word.¹⁰²

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ *Monolingualism*, 22.

¹⁰² *Monolingualism*, 29.

Certain people, perhaps all people, must yield to the dominant language and law of their state, to the One of homo-hegemony, in order to situate themselves. As Derrida claims, there is no “thinking or thinkable I” outside of a situation, a poetics and politics of relation. Though there are languages, even the possibility of plurilingualism, subjects *subject themselves* to the language of the masters, just as they do to power, capital and machines. The tragic economy of language, which echoes with an unmistakably postcolonial resonance, is this: some must “lose their idiom in order to survive or live better.”¹⁰³ Languages, like states, promise community, the aggregation of identifiable groups, and an integration of meaning. Yet, the intelligibility and legitimacy that languages and states promise always, structurally, threaten to dismember, disappear or disintegrate those who submit to it. The imposed language of colonization is, then, an exemplar of this inscription of the self in a forbidding and forbidden language. French Algerians (in the case of Derrida) or French Martinicians (in the case of Frantz Fanon¹⁰⁴) adopt the mother tongue of France as a necessity imposed from the metropole. Both Derrida and Fanon testify *in* “good French” though never *as* “good French.” One remarkability of *les pieds noirs* is that they “know” that their linguistic and political homes are improvised origins, unnatural, colonial. What we see in Fanon is a raging against this prosthetic attachment of France, the imposition of what he ironically calls “our ancestors the Gauls.”¹⁰⁵ Derrida’s analysis, on the other hand, seems less explicitly condemnatory than Fanon’s, which may lead one to question whether or not Derrida is simply eliding the difference between the colonized’s experience of language or political

¹⁰³ *Monolingualism*, 30.

¹⁰⁴ Again, see Chapter One of *Black Skin, White Masks* “The Negro and Language” for a parallel analysis of the experience of language for the colonized subject.

¹⁰⁵ Fanon, *Black Skin, White Masks*, 147.

power, and the structurally universal (though repressed) experience of language or political power. Yet both Derrida and Fanon insist that the hope for resistance to colonial mastery, *s'il en y a*, cannot be found in an appeal to some "original" or "authentic" identity in the *past*, but instead must insist on the *future* (what Derrida later terms the *a venir*, or "to come"). How do we, then, account for the difference in tenor? Is there in fact a difference? Or is the political tenor of Derrida's deconstruction in fact more consonant with some of postcolonialism's fundamentally critical expressions?

I would argue that both Derrida's and Fanon's analyses of the colonial situation are characterized by a commitment and a corresponding refusal. In the conclusion to *Black Skin, White Masks*, Fanon writes:

I find myself suddenly in the world and I recognize that I have one right alone:
That of demanding human behavior from the other.

One duty alone: That of not renouncing my freedom through my choices.¹⁰⁶

Similarly, Derrida writes near the end of *Monolingualism of the Other* that the structural antinomy in language (and citizenship) that he has attempted to articulate is not *merely* descriptive, but also makes a demand. Derrida writes:

In spite of appearances, this exceptional situation is, at the same time, certainly exemplary of a universal structure, it represents or reflects a type of "alienation" that it institutes in every language as a language of the other: the impossible property of language. But that must not lead to a kind of neutralization of differences, to the misrecognition of determinative expropriations against which a

¹⁰⁶ Fanon, *Black Skin, White Masks*, 229.

war can be waged on quite different fronts. *On the contrary, this is what allows the stakes to be repoliticized.*¹⁰⁷

Of course, one must be careful not to simply conflate the projects of Derrida and Fanon. Fanon is clearly calling for a new humanism in *Black Skin, White Masks*, something that Derrida has on many occasions disavowed.¹⁰⁸ Further, Fanon frames his discussion of colonial power explicitly in terms of racialized constructions of subjectivity, while Derrida has always appealed to more broadly cultural constructions (of which “race” is one example). These significant differences notwithstanding, however, both see revealed in colonial operations of mastery a kind of duplicity, and for both Derrida and Fanon the lived experience of the colonized subject is the locus of that revelation. While committed to slightly different futures—for Fanon, the “new humanism” and, for Derrida, the “democracy to come”—there is still a significant congruence to their respective refusal of the colonial order of things. The recognition of *how* mastery operates forces one to focus on the historical instances of colonial power and, in the words of Derrida, “to treat them *politically* by avoiding, above all, the reconstitution of what these phantasms managed to motivate: ‘nationalist’ aggressions (which are always more or less ‘naturalist’) or monoculturalist homo-hegemony.”¹⁰⁹ There are striking parallels in Fanon’s conclusion as well, in which he insists “I am not the slave of the Slavery that dehumanized my ancestors.”¹¹⁰ That is to say, both Derrida and Fanon refuse the reinstatement of political, racial/cultural, and linguistic forms of identification that depend on domination and mastery. That refusal is itself also a commitment—a commitment to the promise or hope

¹⁰⁷ *Monolingualism*, 63. (my italics)

¹⁰⁸ See especially Derrida’s essay “The Ends of Man” in *Margins of Philosophy*, 109-136.

¹⁰⁹ *Monolingualism*, 64.

¹¹⁰ Fanon, *Black Skin, White Masks*, 230.

of a future order, which serves as the foundation for resistance, revolution, and deconstruction in the present.

In her famous essay “Can the Subaltern Speak?,” Gayatri Spivak concluded that the attempt to find some “authentic” voice of resistance to colonial mastery (what Robert Young has called the “return-to-the-authentic-tradition-untrammelled-by-the-west”¹¹¹) is a misguided project.¹¹² In fact, when Spivak flatly declares “the subaltern cannot speak,” many hear in her claim a kind of radical erasure of the oppressed and, correspondingly, a resolute (if regrettable) confirmation of colonial power inasmuch as that power has achieved the complete silence of the oppressed. This reading would put Spivak at odds with theorists like Derrida and Fanon, who are clearly intent on resuscitating, to whatever degree possible, those very lives that colonial power appears to have extinguished. But, I would argue, what we *should* hear in Spivak’s claim is a deep sympathy with Derrida and Fanon. Colonial mastery operates in multiple domains at once, not the least of which are the two primary domains of representation, the linguistic and political. As Derrida and Fanon demonstrate, though, mastery is never complete and the “silencing” that Spivak reports is never absolute. If the colonized subject, the subaltern, the “postcolonial” cannot speak, it is because colonial ideological and political systems are structured such that (as Derrida points out) there is only one language in which to speak, and that language does not belong to the colonized, the subaltern, the postcolonial. *But it does not belong to the masters, either.* Totalizing mastery is not only impossible empirically, but also conceptually, because the fields upon which it exerts its force—language, the state, ideology—are themselves resistant to totalization. Derrida argues that this is not because

¹¹¹ Robert Young, *Postcolonialism: An Historic Introduction* (Malden: Blackwell, 2001), 418.

¹¹² Gayatri Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, Eds. Cary Nelson and Lawrence Grossberg (Chicago: University of Chicago Press, 1988), 271-313.

any of these fields are inexhaustible, but because “instead of being too large, there is something missing from it: a centre which arrests and grounds the play of substitutions.”¹¹³ Derrida’s analysis of monolingualism, then, is an exploitation of the impossible project of colonial mastery, an example of what Robert Young has called the “surgical operation of deconstruction.” Young writes:

The surgical operation of deconstruction was always directed at the identity of the ontological violence that sustains the western metaphysical and ideological systems with the force and actual violence that has sustained the western nations in the colonial and imperial politics, a structural relation of power that had to be teased apart if it was ever to be overturned... In any system of force there will always be sites of force that are, precisely, forced, and therefore allow for pressure and intervention.¹¹⁴

What is thus consistent among Spivak, Fanon, and Derrida is this: the fact that the subaltern cannot speak should not be taken as a conclusion in some end-game analysis of colonial mastery, but an inaugural commitment to interrogating, or intervening at, exactly the point of that silence.

Anti-colonial politics, unfortunately, has not seen the end of its historical relevance. Yet, many of the old theoretical paradigms in which anti-colonial politics was articulated—liberalism, humanism, Marxism, nationalism—have proven unsatisfactory, if not effectively regressive. Derrida’s *Monolingualism of the Other* should be read as both in the line of the anti-colonial tradition as well as a redirection of it. The poetics and politics of colonial relations, inseparable and mutually constituting, require above all that

¹¹³ Derrida, “Structure, Sign, and Play” in *Writing and Difference*. Trans. Alan Bass (Chicago: University of Chicago Press, 1978), 289.

¹¹⁴ Young, *Postcolonialism: An Historical Introduction*, 417-418.

we remember that abandoning the politics of mastery necessitates abandoning the language of mastery, and vice versa. Derrida's text—in the broad, deconstructive sense of “text”—is a warning against passive capitulation to both mastery and authority. He writes:

“Listen, pay attention, now that is enough, you must wake up and leave, otherwise some misfortune will strike you or nothing at all will happen to you, which amounts a bit to the same thing... One day, you will see that what you are calling your mother tongue will no longer even respond to you.... Listen, believe me, do not believe so quickly that you are a people, cease listening without protest to those who say ‘listen’...”¹¹⁵

Neither our language nor our state belongs to us, no more so than we belong to our language and our state. Uncritical belief in the benevolent custody of these systems is itself the subtlest of colonizing operations, and such belief is the fulcrum for the particularly “postcolonial” critique that one finds in not only Fanon and Spivak, but Derrida as well.

Deconstruction as “postcolonial” political critique

I hope to have demonstrated, in the above, not only that Derrida's deconstruction can be fruitfully read as a *political* philosophy, but also that the political tenor of it has much in common with what is today called “postcolonial theory.” Postcolonial theory has gained influence largely in Western academia since the late 1970's when Edward Said's influential *Orientalism* was published.¹¹⁶ Like *Orientalism*, studies that fall under the

¹¹⁵ *Monolingualism*, 34.

¹¹⁶ See Edward Said, *Orientalism* (New York: Vintage, 1979).

broad umbrella of “postcolonialism” tend to focus on the relationship between Western powers (particularly Britain, France and the United States) and their former colonies (among which the United States is also sometimes included). However, the foci of studies on this fundamental power relationship vary widely—from economics and labor history, to cultural studies, to literary and aesthetic criticism, to analyses of race, gender, class and sexuality. Because of the wide span of application within postcolonial studies, as well as the vastly divergent theoretical and methodological commitments, it has been argued that “postcolonial theory” is a misnomer and that no coherent or unified meaning can be assigned to it.

I want to note by way of conclusion here that, in the strictest sense, I agree with the conjecture that there is no single, coherent definition for what academics refer to as “postcolonialism.”¹¹⁷ I follow Ania Loomba in making the important distinction between “postcolonial” in the “temporal” sense (that is, referring to the historical period following decolonization) and postcolonial in the ideological or “critical” sense.¹¹⁸ Postcolonialism in the “critical” sense appears as the latest manifestation of a largely late-twentieth-century critical phenomenon that attempts to deconstruct and disrupt essentialist ideologies of race/gender/sexuality/class, absolutist ideologies of power/authority/sovereignty, and comprehensive ideologies of identity and cultural meaning. Among the Western forbears of postcolonial theory should be included not only the quite recent *Orientalism* by Said, but also Gramsci’s articulation of “hegemony,”

¹¹⁷ This lack, by itself, is not uncommon among academic specialties or sub-disciplines; I would contend that one could make the same estimation of “feminism” or “race theory.” Both of these sub-disciplines include within their ranks heterogeneous, and often competing, positions. Nevertheless, in my view, there are some *general* tropes and concerns that characterize postcolonial theory, and thereby allow us to recognize it as a unique area of study.

¹¹⁸ See Ania Loomba’s *Colonialism/Postcolonialism* (London: Routledge, 1998), 7-14.

Althusser's analysis of interpellation and misrecognition as essential moments in identity-formation, Foucault's expanded definition of "discourse," and the Lacanian reformulation of Freudian psychoanalysis.¹¹⁹ To these, theorists like Loomba add Saussure's influential "linguistic turn," as well as the disparate traditions that follow in the wake of Saussure, which include both Levi-Strauss's structuralism and the work of Derrida, both poststructuralist and deconstructionist.¹²⁰

My claim that Derrida's deconstruction is consonant with "postcolonial" political theory will be made more evident in subsequent chapters. However, it should suffice here to concede that there is a noticeable—though not unproblematic—hospitality between Derridean deconstruction and postcolonial theory. That is, not only has deconstruction become one of the preferred methodological strategies of postcolonial writers, but Derrida's own selection of topics in his later years concentrated on issues of central concern to postcolonial critical theory. Interestingly, a central one of these issues is the relationship of colonialism/postcolonialism to *democracy*, which is paradoxically *both* the political form under which many colonial powers historically operated *and* the political form to which former colonies attempted to transition after rejecting their colonizers. Derrida's later work, in particular, is helpful in parsing out the complex relationship between these strange bedfellows. Of course, Derrida is most famous for bringing to light many of the duplicities that underscore (but remain hidden within)

¹¹⁹ See Antonio Gramsci's *Selections from the Prison Notebooks*, eds. Q. Hoare and G.N. Smith (London: Lawrence and Wishart, 1971); Louis Althusser's *Lenin and Philosophy and Other Essays*, trans. B. Brewster (New York: Monthly Review Press, 1971); Michel Foucault's *The Order of Things: An Archaeology of the Human Sciences*, trans. Alan Sheridan-Smith (New York: Pantheon Books, 1970) and *The History of Sexuality, Volume 1*, trans. R. Hurley (New York: Vintage, 1990); Jacques Lacan's *Ecrits*, trans. Bruce Fink (New York: W.W. Norton, 2005).

¹²⁰ Loomba, 35. See also Claude Levi-Strauss's *Structural Anthropology*, trans. Claire Jacobson and Brooke Schoepf (New York: Basic Books, 2000) and *Myth and Meaning: Cracking the Code of Culture* (Toronto: University of Toronto Press, 1978).

traditional democratic theory, including the racism, sexism and ethnocentrism that has historically attended Western “humanism” and Western ideas of “community”—and it is on that score that the consonance between Derrida’s critical work and the critical aspects of postcolonial theory are most pronounced. But what is more interesting about Derrida’s engagement with the ambiguities of the political form that we know as “democracy” is the manner in which his work *fundamentally redefines* “democracy” as something essential to deconstruction...and, even more provocatively, his figuring of deconstruction as something essential to democracy.

In the end, I would argue that the political tenor of Derrida’s deconstruction cannot be adequately grasped without some reference to postcolonial identity and the critical stance of the discourse that attends that identity. By extension, the various critical discourses that have grown out of postcolonialism—which include critical race theory, the later stages of critical feminism, “queer” theory, both theories of cultural hybridity and cultural identity conservation—depend in large part on the theoretical insights of Derrida’s work. In fact, the late-twentieth century expression of critical theory has in many ways moved beyond Kant’s “transcendental” definition of critical philosophy *qua* “determining the conditions for the possibility of *x*” to the distinctively deconstructive “quasi-transcendental” definition that reckons with the centrality of the *aporia*, or the coincidental and coterminous conditions that *both* “determine the possibility of *x*” *and* “determine the impossibility of *x*.” Derrida figures “democracy” as a kind of Petri dish in which just such aporias are not only cultivated and nurtured, but in which these aporias are also, paradoxically, viewed as threats. That is to say, the very same structure that keeps democracy open to the kind of pluralism that secures democracy’s promises of

“liberty, fraternity, and equality” is the same structure that compels democracy to guard against the implicit power of those freedoms to, effectively, destroy democracy. It is to this implicit symmetry between democratic practices and deconstructive practices that I will turn in this next chapter, in order to reinforce the political implications of deconstruction as well as the deconstructive implications of democracy.

2. DECONSTRUCTIVE AND DEMOCRATIC PRACTICES

Democracy is finding proximate solutions to insoluble problems.

--Reinhold Neibuhr

Terror is only justice: prompt, severe and inflexible; it is then an emanation of virtue; it is less a distinct principle than a natural consequence of the general principle of democracy, applied to the most pressing wants of the country.

--Maximilien Robespierre

Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide.

--John Adams

Beginning in roughly 1989-1990, by Derrida's own calculation, his work began to evidence an increasing interest in the concept of "democracy" and its relevance, even indispensability, to deconstruction.¹ Though Derrida remained characteristically ambiguous, even up to his death, about the precise status of his concept of the "democracy to come"—a concept which appeared variously as idealistic, regulative, critical, messianic, dialectical and sometimes even polemical—it should have been clear to Derrida's readers by the publication of *The Politics of Friendship* that he believed there was "no deconstruction without democracy, no democracy without deconstruction."² In the following, I want to clarify this association of democracy and deconstruction by elucidating three tropes of deconstruction that are particularly germane to Derrida's analyses of democracy and democratic practices. These three themes are: (1) autoimmunity, (2) the aporia, and (3) the specter/ghost or, more generally, the critique of the metaphysics of presence. I will argue that the deployment of these tropes within Derrida's philosophical work are not accidental, but are rather fundamentally critical

¹ *Rogues*, 81-82; cf. *Who's Afraid of Philosophy?*, 22-31.

² *The Politics of Friendship*, 105.

deconstructive “practices” that ground those particular practices by and within democracies that Derrida finds both (and, for the most part, undecidably) promising *and* precarious.³

More specifically, my exposition of these three tropes—autoimmunity, the aporia and the specter/ghost—also will serve as a *précis* for the application of deconstructive analyses to the contemporary and novel democratic practices of truth commissions that I will take up in subsequent chapters. To that end, Derrida’s association of deconstruction and democracy should not be read as merely (or exclusively) applicable to democracies as we traditionally think of them or democracies showing their best face—that is, extant parliamentary or representative democratic regimes. Rather, the unique contribution of Derrida’s deconstructive analyses of democracy is that they allow for the unpredictable and variant expressions of democratic practices that include, as Derrida so provocatively argues in *Rogues*, even those that appear anti-democratic.⁴ That is not to suggest, as Derrida’s critics (like Charles Taylor, Richard Rorty, John Searle and others⁵) have, that

³ I want to make it clear at the outset that I am using the term “practice” here in a decidedly ambiguous manner. As I will demonstrate in the following, my use of the terms “deconstructive practices” and “democratic practices” should not be taken to simply refer to the actions of “deconstructionists” or “democrats,” though I do mean to include these references as well. More often, however, I intend to refer to the sorts of “practices” (personal, institutional, ideological, structural) that occur in democracies and in deconstruction.

⁴ See in particular the analyses of the cancelled Algerian election and the French presidential election of 2002 in *Rogues*, 30-34 and passim. As I will argue in the following, some of the practices of truth commissions (especially those that take place in “transitional” democracies), in many respects, can also appear “undemocratic.”

⁵ See Charles Taylor’s “The Politics of Recognition” in *Multiculturalism*, ed. Amy Gutman (Princeton, Princeton University Press, 1994), 70 and Richard Rorty, *Contingency, irony and solidarity* (Cambridge: Cambridge University Press, 1989), 122-140 and his *Achieving Our Country: Leftist Thought in Twentieth-Century America* (Cambridge: Harvard University Press, 1998). The Searle-Derrida debate stretches back at least three decades, but for a representative example see the following: “Postmodernism and the Western Rationalist Tradition” in *Campus Wars: Multi-Culturalism and the Politics of Difference*, ed. John Arthur and Amy Shapiro (Boulder: Westview Press, 1995) 28-48; “The Storm Over the University,” *New York Review of Books* 27, No. 19 (December 6, 1990); “Is There a Crisis in American Higher Education?” *The Bulletin of the American Academy of Arts and Sciences*, 46, No. 4 (January 1993). For similar charges of deconstruction’s relativism by Amy Gutman and Allan Bloom, see Gutman’s “Relativism, Deconstruction,

deconstruction radically levels all political phenomenon and thereby serves only as a sophisticated “postmodern” version of what amounts to unsustainable and irresponsible relativism. Rather, the deconstructive analyses of autoimmunity, aporia and the specter/ghost help to reinforce what Derrida views as an irreducible, if antinomical, principle of democracy: “the great question of modern parliamentary and representative democracy, perhaps of all democracy...is that the *alternative to* democracy can always be *represented* as a democratic *alternative*.”⁶ It should be remembered that Derrida never intends, as Alex Thomson has pointed out, simply a “form of government” when he uses the term “democracy,” but rather “a whole political culture: equality, rights, freedom of speech, [and] protection of minorities from majority oppression.”⁷ Hence, there is much at stake in the deconstructive analysis of democracy beyond democracies and democratic practices that we may commonly recognize as such. This is made most evident, I contend, in the exposition of Derrida’s use of the following three fundamental deconstructive strategies.

Autoimmunity

Autoimmunity is a concept that Derrida borrows from the biological sciences. Biologically speaking, the immune system is what protects the body against pathogens, antigens or other threats from the outside. The body’s immune system functions most effectively on the basis of an ability to discern the difference between itself and organisms that are foreign (and presumably hostile) to it. This system is essential, but

and the Curriculum” in *Campus Wars* (cited above) and Bloom’s *Closing of the American Mind* (New York: Simon & Schuster, 1987).

⁶ *Rogues*, 30-31.

⁷ Thomson, “What’s to Become of ‘Democracy to Come?’” 6.

extremely delicate. The body is severely compromised by anomalies in the immune system's functioning, most commonly when deficiencies in the body's ability to generate adequate immune responses result in life-threatening illnesses. (This is why the immune system sometimes requires assistance from what used to be known as "booster" shots—or vaccines/inoculations.) On the opposite end of the spectrum, *autoimmunity* is a physiological anomaly that results in the body's confusion or inability to discern the difference between self and other, consequently resulting in a misdirected kind of hyperactive immune response. In "autoimmune diseases," like arthritis or diabetes, the body (somewhat inexplicably) develops auto-antibodies that attack its own cells *as if* they were foreign—that is to say, the immune system begins to attack the very same body it is designed to protect due to an inability to "distinguish between what it protects and what it protects against."⁸ What Derrida exploits in his borrowing of this concept from biology is the always-possible failure of (physiological) systems of self-protection. In order to insure good health, we require that our immune systems be "perfectly" vigilant to bodily dangers; if immune systems are deficient, we suffer disease and, if they are excessive, our bodies destroy themselves. Yet, the only way to achieve the perfect vigilance that is required for perfect health is by the immune system distinguishing perfectly between the natural and the foreign, the self and the other, what belongs *inside* and that which comes from the *outside*.

Derrida's earliest articulations of deconstruction demonstrate that these distinctions are none too easy to make, even for the most well-designed systems of self-defense. His deconstructive analyses, as early as the readings of Rousseau in *Of Grammatology* and Plato in *Dissemination*, demonstrate that, analogous to the body's

⁸ Ibid.

system of immunity, all “texts” or systems of meaning include gaps, anomalies, inconsistencies, counter-productive impulses, possible failures and otherwise unpredictable operations of “autodeconstruction.”⁹ Hermetically sealed, perfectly sound and maximally coherent “texts” are just as elusive—and impossible—as perfect health. In a 1997 roundtable discussion, Derrida reiterated the oft-overlooked point that “deconstruction is not a method or some tool that you apply to something from outside of it,” but rather that “deconstruction is something that happens and happens inside.”¹⁰ The point here is not to reinforce or reify the inside/outside distinction, but to show that our reliance on this distinction is many times misleading... and dangerous. “Autoimmunity” is the term that Derrida assigns to this phenomenon, when systems of ostensible protection or defense (against foreign invasion, misunderstanding, recontextualization, *dis-ease*) mysteriously generate their own hazards and risks, that is, the means for their own undoing.

Derrida’s first explicit engagement with the idea of “autoimmunity” was in his treatment of the relation between religion and technological modernity entitled “Faith and Knowledge: the Two Sources of ‘Religion’ at the Limits of Reason Alone.”¹¹ There, Derrida analyzes the way in which religion makes use of one of the greatest achievements of modern technology, the communications infrastructure of late-industrial society (what Derrida calls “tele-mediatization”), employing what seems to threaten it as a means for its own survival. Derrida writes,

⁹ See Part II “Nature, Culture, Writing” in *Of Grammatology* and “Plato’s Pharmacy” in *Dissemination*.

¹⁰ *Deconstruction in a Nutshell*, ed. John Caputo (New York: Fordham University Press, 1997), 9.

¹¹ “Faith and Knowledge: the Two Sources of ‘Religion’ at the Limits of Reason Alone,” in *Acts of Religion*, ed. Gil Anidjar (New York: Routledge, 2002), 40-101.

...[religion] conducts a terrible war against that which gives it this new power only at the cost of dislodging it from all its proper places, *in truth from place itself*, from the *taking-place* of its truth. It conducts a terrible war against that which protects it only by threatening it, according to this double and contradictory structure: immunitary and auto-immunitary.¹²

Religious communities, like all communities, aim to exclude the “outside-of-oneself” upon which they paradoxically depend for survival. In *The Politics of Friendship*, Derrida expounds upon his previous disavowal, or at least skepticism, of the language of “community” on precisely these immunitary/auto-immunitary grounds. Ideally, communities promise a kind of openness and inclusiveness—which he calls *aimance* or, taking up the Greek philosophical heritage, “friendship”—that they can only sustain by strategically undermining it.¹³ That is to say, communities (religious or otherwise) only *make sense* as communities when they can identify who belongs and who *doesn't*, which means that in constituting and sustaining themselves they often betray a fundamental axiom of their constitution and sustenance, that is, the notion of the “common” or the “being-in-common.” Commonality or community is sensible, i.e. sustainable, only to the degree that it can identify those that are uncommon, outside or foreign, even enemies (as Derrida identifies in the tradition following Carl Schmitt).¹⁴ Derrida describes community, as “com-mon autoimmunity,” as such:

...no community <is possible> that would not cultivate its own auto-immunity, a principle of self-sacrificial self-destruction ruining the principle of self-protection

¹²“Faith and Knowledge,” 82.

¹³ *The Politics of Friendship*, 297-298.

¹⁴ *The Politics of Friendship*, 75-111. See also Carl Schmitt, *The Concept of the Political*, trans. George Schwab (New Brunswick: Rutgers University Press, 1976).

(that of maintaining its self-integrity intact), and this in view of some sort of invisible and spectral sur-vival. This self-contesting attestation keeps the auto-immune community alive, which is to say, open to something other and more than itself: the other, the future, death, freedom, the coming or the love of the other, the space and time of a spectralizing messianicity beyond all messianism.¹⁵

To return to the analogy Derrida makes with physiological autoimmunity: religious communities—all communities—insure their own survival in part by putting themselves at risk.¹⁶ In the same way that the (physical) body *must* remain open to what lies outside—a body completely closed in on itself would surely succumb to madness or death—even at the risk of confusing the pathogen with the healthy cell, communities likewise always put at risk their integrity in order to insure their own livelihood, their own potential for life and growth, and to realize the openness which remains (despite its dangers) the law of survival for community.¹⁷

The “political” resonance of autoimmunity and its specific manifestation in democratic practice becomes clearer in Derrida’s application of it to real-world historical examples in *Rogues* and his post-9/11 interview with Giovanna Borradori entitled “Autoimmunity: Real and Symbolic Suicides.”¹⁸ In these elaborations (or, more

¹⁵“Faith and Knowledge,” 87. For the importance of Derrida’s use of “spectralizing messianicity” here, see my discussion of specters/ghosts below.

¹⁶ I discuss this ambiguous relationship between security and risk further in my essay “Risking Our Security, or Securing Our Risk?: Neoimperialists Play with a Stacked Deck” *Contretemps* 4 (September 2004): 45-57.

¹⁷ Significantly, Derrida’s “Faith and Knowledge” more explicitly takes up this question of livelihood and of the sanctity of life with respect to modern technological advances, including those that pertain to reproduction, the breeding and slaughtering of animals, and scientific experimentation. All of these instances are intended to reinforce Derrida’s point that every community (ideological, political, techno-scientific or religious) reinforces its own life (and its own respect for life) through a certain kind of violence.

¹⁸ “Autoimmunity: Real and Symbolic Suicides” in *Philosophy in a Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida*, Ed. and Trans. Giovanna Borradori (Chicago: University of Chicago Press, 2003), 85-136.

accurately, concentrations) of his earlier analysis of the “double and contradictory structure” of immunity/autoimmunity, Derrida aims to solicit the risks that democracy generates for and poses to itself. (And it should not be forgotten that risks are never simple affairs for Derrida; this risk always “charges itself twice...Two times rather than one: with a menace and with a chance.”¹⁹) The historical example that Derrida addresses in both *Rogues* and “Autoimmunity” is that of his original home, Algeria. This is a particularly fertile case for analysis, Derrida shows, because the colonial and postcolonial history of Algeria gives detail to the structural cycles of the immune/autoimmune phenomena that unsettle democracy. In “Autoimmunity,” he adds two other cases to the Algerian example: (1) the event of 9/11 and (2) what he calls “repression in both its psychoanalytical sense and its political sense” (of which “9/11” is both a symptom and an example).²⁰ The purpose of these interventions into real-world historical events is to accent the contamination of the immune and autoimmune processes within democracies. The “cause” for the disintegration, degeneration or destruction of democracy is ultimately posited as an undecidable matter because, Derrida conjectures, “murderous” attacks from the outside of democracy and “suicidal” attacks from within it are quite often indistinguishable.

Algeria (un)veiled

In January 1992, democratic elections were interrupted and “indefinitely” suspended in Algeria after the landslide victory of the Islamic Salvation Front (FIS) in the first round of balloting. A month later, the Algerian government declared a state of emergency and

¹⁹ “Faith and Knowledge,” 82.

²⁰ “Autoimmunity,” 99.

banned the FIS, the leading opposition party at the time. In the following twelve months, Algeria suffered an increase of violence (including assassinations, indiscriminate detentions, torture and the widespread suspension of civil rights under martial law) to levels not seen since the riots of October 1988, which had begun a period of political liberalization and reform following three-decades of one-party rule in Algeria. Before 1992, the former French colony of Algeria was widely considered a leader among democratizing countries in the region; however, the rapid disintegration of the democratic infrastructure belied the confidence many had declared in postcolonial Algeria's exemplarity. Although the Algerian government blamed its crackdown on the perceived threat posed by Islamists of the FIS, non-Islamist opposition parties like the Socialist Forces Front and the Workers Party (PT) were also banned from conducting public meetings and Algeria's independent press (until 1991, the freest in North Africa) was effectively annihilated. Emboldened by tacit support from the West (especially the United States and France), the Algerian government rejected criticism of its own suspension of democratic procedures and redoubled its resolve to prevent the Islamic "extremists" of the FIS from undermining those same democratic practices. United States Assistant Secretary of State for Near Eastern and South Asian Affairs, Edward Djerejian, validated the position of the Algerian government when he declared:

We are suspect of those who would use the democratic process to come to power, only to destroy that very process in order to retain power and political dominance.

While we believe in the principle of “one person, one vote,” we do not support “one person, one vote, one time.”²¹

Djerejian, in support of the Algerian government, thus legitimated without irony the “suicide” of democracy (by democrats) in the name of preventing its “murder” (by democratically-elected “anti-democrats”).

For Derrida, democracy has a *structural* tendency to make its murder and suicide appear indistinguishable—this is its tendency *as* an autoimmune community. That is to say, in the same way that the autoimmune response fails to distinguish between what it protects and what it protects against, so too do democracies sometimes deploy their own systems of self-protection against those who purport to represent democracy or, in what amounts to the same thing, against those that democracy purports to represent. In the case of Algeria, Derrida writes:

We have here not one but a whole series of examples of an autoimmune pervertibility of democracy: colonization and decolonization were both autoimmune experiences wherein the violent imposition of a culture and political language that were supposed to be in line with a Greco-European political ideal...ended up producing exactly the opposite of democracy (French Algeria), which then helped fuel a so-called civil war, one that was really a war for independence waged in the very name of the political ideals extolled by the colonial power. The new power *itself* then had to interrupt the democratization

²¹ “Algeria: Human Rights Developments” *Human Rights Watch World Report 1993* (Middle East Overview). Available at www.hrw.org/reports/1993/WR93. The above synopsis of the Algerian events of 1992 is taken from the same report.

under way; it had to interrupt a normal electoral process in order to save a democracy threatened by the enemies of democracy.²²

To protect itself against the “enemies of democracy”—in the Algerian case, the FIS, but for the purposes of Derrida’s larger analysis, there is a literally infinite series of possible substitutions to fill the structural place of the “enemy”—Algerian democracy effectively “secreted” its own auto-antibodies, in the forms of both anti-democratic (Algerian) martial law and anti-democratic (Islamist) revolutionary violence, each asserting some right to the claims of protecting democracy itself. The auto-immunitary response thus perverted the Algerian democracy such that “its only apparent options remained murder and suicide; but the murder was already turning into suicide, and the suicide, as always, let itself be translated into murder.”²³

Interestingly, Derrida appears to elide any clear distinction between the immune and autoimmune processes, as Alex Thomson has observed, and he often uses the term “autoimmunitary” to refer to both as if they were a single phenomenon.²⁴ However, it is precisely the mutual contamination of these seemingly distinct operations that Derrida wants to highlight. The autoimmunitary within democracy (like all *aporias*) is characterized by an undecidability that is more than simply an internal contradiction. Instead, Derrida describes the autoimmune confusion of murder and suicide as an “internal-external, nondialectizable antinomy that risks paralyzing and thus calls for the event of the interruptive decision.”²⁵ This phenomenon is not isolated to the historically-

²² *Rogues*, 34-35.

²³ *Ibid.*

²⁴ Thomson, “What’s to Become of ‘Democracy to Come?’” Thomson explains this mutability of the terms immune/autoimmune by suggesting that the “pervertibility or malfunction” of these systems of protection are “regularly and critically indistinguishable” from their proper purpose.

²⁵ *Rogues*, 35.

specific example of Algeria, where anti-Islamist fervor seized democrats and caused them to view anti-democratic practices as necessities for the survival of democracy. (At this writing, one can easily see the same fear sedimented in the United States and the dominant Western countries who allied themselves with the United States after 9/11.) The historical examples of democracies where civil liberties are suppressed—or worse—in the name of security are numerous enough to suggest that the autoimmunitary function is more foundational to democratic practices than an anomaly of them.²⁶

Such broad claims regarding the antinomical or aporetic operations of democracy are not new to *Rogues*; in fact, much of Derrida's discussion about democracy's auto-deconstructive tendencies in *Rogues* is only a further elaboration (with some complication) of his arguments in *The Politics of Friendship*. There, in a careful reading of the Western canon of political philosophy from Plato to Schmitt, Derrida solicits the manner in which the ideals of traditional liberal-democratic theory are unable to sustain clear definitions or distinctions between themselves and their opposites. Democracy *lives* on the conflicts and inconsistencies that adhere to its foundational concepts—liberty, equality, fraternity—and, moreover, *requires* their constant (deconstructive) deciphering. For example, Derrida takes as the inexhaustible provocation of *The Politics of Friendship* the famous quote Montaigne attributed to Aristotle, “O my friends, there is no friend.”²⁷ The ideal of “friendship,” which has dominated democratic theory for more than two millennia, attempts to bring together ideals that, in the end, are inhospitable to one

²⁶ Derrida mentions the rejection of Pinochet (in Chilean elections) and the almost-election of Le Pen in France as examples of the manner in which it is difficult to distinguish between democratic practices that restore or threaten democracy. The case of the Afrikaaner National Party's electoral victory in South Africa is an even more profound case, as will be discussed in subsequent chapters.

²⁷ Michel de Montaigne, “On Friendship” in *The Essays*, trans. M. A. Screech and Allen Lane (London: Penguin Press, 1991).

another. “Liberty” upsets “equality,” which in turn problematizes “fraternity,” which by turns complicates its other two philosophical brothers; all three persist in an uneasy and unstable bond that has nonetheless been transmitted through generations as a proper ground for the particular political form we call “democracy.”

Derrida argues that there is an autoimmunitary or autodeconstructive force “in the very motif of democracy, the possibility and the duty for democracy to de-limit itself.”²⁸ Democracy is fundamentally *critical*; it draws its own limits because, by definition, it does not submit itself to any other, outside authority. Its law, its power, its sovereignty are invested in and accountable to the *demos*—that impossibly, infinitely accountable and “incalculable singularity of anyone.”²⁹ Derrida writes,

Of all the names grouped a bit too quickly under the category of “political regimes” (and I do not believe that democracy ultimately designates a “political regime”) the inherited concept of democracy is *the only one* that welcomes the possibility of being contested, of contesting itself, of criticizing and indefinitely improving itself. If it were the name of a regime, it would be the name of the only “regime” that presupposes its own perfectibility, and thus its own historicity...³⁰

Alex Thomson, in a recent essay entitled “What’s to Become of the Democracy to Come?”, considers the significance of Derrida’s shift in terminology in his last few years away from the “democracy to come” (which figured so prominently in *The Politics of Friendship*) to the theme of democratic “autoimmunity.”³¹ Thomson speculates that the “futurity” (*a venir*, or “to come”) of democracy in *The Politics of Friendship* was

²⁸ *The Politics of Friendship*, 105.

²⁹ “Autoimmunity,” 120.

³⁰ “Autoimmunity,” 121 (emphasis added).

³¹ See also Thomson’s *Democracy and Deconstruction*, in my view the best elucidation of Derrida’s complicated and provocative relationship to democracy.

predominantly taken up by Derrida's readers in *hopeful* or *promising* terms. That is to say, the fact that—structurally speaking—democracy is always open to the future became the ground for a kind of political optimism, which perhaps overemphasized the “perfect” in democracy's “perfectibility.” Thomson argues that Derrida's turning toward “autoimmunity” helps to guard against this reductive optimism about the “democracy to come” and reinforces his central, if often overlooked, claim in *The Politics of Friendship*: the futurity of democracy must remain “monstrous, unimaginable because it implies the devastation of all the conceptual systems by which we reckon politics.”³² The suspended Algerian election of 1992 is a prime example not only of democracy's autoimmunity, but the “monstrous” dangers inherent to democracy's constitutive deferral.

I agree with Thomson that Derrida's shift from the language of “democracy to come” (and its implicit “perfectibility”) to that of democratic autoimmunity (and its implicit “pervertibility”) is less a conceptual shift than a politically strategic one.³³ That is, Derrida resists “the consensus of a dogmatic slumber” or a complacently “remoralized deconstruction” in order to preserve the radically mercurial picture of democracy that he believes is more faithful to the concept's tradition.³⁴ One must remember, after all, that Derrida's use of the term “democracy” is both political and *polemical*. He states,

...in the discursive context that dominates politics today, the choice of the term [democracy] is a good choice—it's the least lousy possible. As a term, however,

³² Thomson, “What's to Become of ‘Democracy to Come?’”

³³ *Ibid.*

³⁴ Derrida, “Passions” trans. David Wood in *On the Name*, ed. Thomas Dutoit (Stanford: Stanford University Press, 1995), 15.

it's not sacred. I can, someday or another, say "No, it's not the right term. The situation allows or demands that we use another term in other sentences."³⁵

In a classic deconstructive move, Derrida wants to preserve in his analyses of democracy a critical stance, an undecidability, which does not succumb to the wide-spread euphoria of post-Cold-War liberal democrats who too-quickly proclaim democracy's triumph. Algeria is a case in point here: an ostensibly triumphant, postcolonial democracy that has fallen prey to the autoimmune perversions that constitute all democracies. The "democracy to come" never meant, for Derrida, simply a future democracy that will someday be "present," because democracy is *never* "presentable"; it is not "a regulative ideal in the Kantian sense."³⁶ But democracy does, importantly, inscribe *a promise that risks* and "always risks being perverted into a threat."³⁷ Democracies generate their own enemies, their own antigens, their own "monsters" as much as they generate their own possibilities for improvement. There is an undeniable link between the autoimmunity and the undecidability of democracy—will any democratic practice, including the sometimes necessary suspension or deferral of the democratic, improve or destroy the foundations of democracy? There is no secret, pre-programmed, predictable or logical answer to these uncertainties.

9/11 and repression (psychoanalytical and political)

Although certainly not unique to the event of September 11—and "9/11," for Derrida, is an "event" par excellence³⁸—the attacks on the World Trade Center and the Pentagon

³⁵ Derrida, *Negotiations*, 181.

³⁶ "Autoimmunity," 120.

³⁷ *Ibid.*

³⁸ See "Autoimmunity," 88-90 and *passim*.

literally brought home to one of the world's most prominent and powerful democracies its own "terror." In his interview with Giovanna Borradori shortly after September 11, 2001, Derrida discussed democratic autoimmunity in what he termed three *moments*, two of which were in reference to the Cold War's (or the end of the Cold War's) "balance of terror" and the third of which was in reference to "repression" in both its psychoanalytical and political sense.³⁹ All three moments are clearly intertwined and are meant to show how democracy often suppresses (or represses) its own systems of protection, thereby generating its own threats. Of the 9/11 attacks, Derrida writes:

...here is the first symptom of suicidal autoimmunity: not only is the ground, that is, the literal figure of the founding or foundation of this "force of law" *seen to be exposed* to aggression, but the aggression of which it is the *object...comes, as from the inside*, from forces that are apparently without any force of their own but that are able to find the means...to get hold of an American weapon in an American city on the ground of an American airport. Immigrated, trained, prepared for their act in the United States by the United States, these *hijackers* incorporate, so to speak, two suicides in one: their own...but also the suicide of those who welcomed and trained them.⁴⁰

Derrida is calling attention to what, by this point, is a much-rehearsed tragic irony of 9/11: that the "terrorists" who executed the attacks on the World Trade Center and the Pentagon were in fact a part of an extended network of militants produced by the United States during the Cold War. Mahmood Mamdani, in his recent *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror*, recounts the full irony of

³⁹ "Autoimmunity," 94.

⁴⁰ "Autoimmunity," 95.

America's Cold War strategy in detail.⁴¹ Mamdani's careful historical reconstruction of post-WWII American foreign policy reinforces Derrida's claim that the contemporary phenomenon of "international terrorism" is inextricably linked to the United States' engagement after World War II in proxy wars in the Middle East, South America, and Africa intended to "contain" the Soviet threat and procure a "balance of terror." This strategy included, ominously, the arming and training of Afghani militia to combat the Soviet occupation of Afghanistan in the 1980's. Setting the stage for the autoimmunity that Derrida will elaborate, Mamdani identifies 1985 as the moment when America "tried to harness the extreme version of political Islam"—a movement that, in any other historical context, would be anathema to American democracy—against the Soviet Union.⁴² It was in 1985 that, standing on the lawn of the White House, President Ronald Reagan welcomed a group of Afghan leaders (all mujahideen⁴³) with the words: "These gentlemen are the moral equivalent of America's founding fathers."⁴⁴ At that moment, the premier American democrat served as the mouthpiece for American autoimmunity without knowing, at the time, that he was granting moral and political sanction to the same political elements that would, in less than two decades, become the new "enemy" of American democracy.

What seemed like the worst possibility during the Cold War—the complete eradication of world's most dominant powers by means of a nuclear attack—was contained in an uneasy, but relatively stable, "balance of terror" between the U.S. and its

⁴¹ See Mamdani, *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror* (New York: Doubleday, 2004), esp. chapters 2-4.

⁴² Mamdani, *Good Muslim, Bad Muslim*, 119.

⁴³ *Mujahideen* is the Arabic term for those who engage in holy war (*jihad*, or "struggle"). The word is a plural form of *mugahid*, which literally translates from the Arabic as "struggler" but is often translated in the West as "holy warrior." The Afghan mujahideen were significantly financed, trained and armed in their struggle against Soviet occupation during the Carter and Reagan administrations.

⁴⁴ Eqbal Ahmed, "Genesis of International Terrorism" *Dawn* (Karachi), October 5, 2001

avowed enemy, the Soviet Union. “Mutually Assured Destruction” (MAD) was the official name of this policy, a modified Nash Equilibrium (of game theory) in which players attempt to avoid the worst possible outcome by locking one another into a stalemate in which neither side can benefit by changing strategies unilaterally.⁴⁵ It was during this stalemate that Derrida identifies the “first moment” of American autoimmunity, when the U.S. began to train and arm its future enemies in an attempt to protect itself against its present enemies. The “second moment” of autoimmunity appeared in September 2001 when the U.S. came to realize that the Cold War threat, ostensibly the “worst” imaginable, was in fact *not* the worst. In the event of a nuclear war, hypothetically, everything would be annihilated. But the “terror” attacks of 9/11, in Derrida’s view, put forward a possibility “worse than the Cold War” inasmuch as the new threat opened a wound that “*remained open* by our terror before the *future* and not only the past”⁴⁶ This event was *more* tragic—to whatever extent it makes sense to quantify tragedy—because “it is the future that determines the unappropriability of the event, not the present or the past,” and the terror of 9/11 made the already unpredictable future radically, terrifyingly unpredictable.⁴⁷

The threat of “terrorism,” which (more than the nuclear threat) gestures toward the future and the unimaginable that *could still happen again*, represents the residual consequence of both the Cold War and the supposed “end” of the Cold War for Derrida. In the first place, the greatest threat remains the nuclear threat, which is the stamp of the Cold War on our present age. But since the declaration of the “end” of the Cold War, the nuclear threat has been disseminated, dispersed, and dislocated such that this “total”

⁴⁵ See John Nash, “Non-Cooperative Games” *The Annals of Mathematics* 54:2 (1951): 286-295.

⁴⁶ “Autoimmunity,” 96 (emphasis added).

⁴⁷ “Autoimmunity,” 97.

threat “no longer comes from a state but from anonymous forces that are absolutely unforeseeable and unpredictable.”⁴⁸ Derrida speculates that “after” the Cold War, we can no longer rely on a “balance of terror” because there is no longer a “standoff” between two exclusive powers. The threat to American democracy that was reified in the figure of the Soviet Union has now been replaced by a kind of “anonymous invisibility of the enemy.”⁴⁹ One no longer knows where the threat originates, who or what it targets, what it intends, how it will execute its terror or to what degree it will effect its destruction. The “end of the Cold War” threat is thus a hyperbole of the “Cold War” threat that nevertheless still can “simultaneously appear insubstantial, fleeting, light, and so seem to be denied, repressed, indeed forgotten.”⁵⁰ Yet, importantly, Derrida suggests that any attempt to neutralize (deny, repress, forget) the threat are “but so many desperate attempts...so many autoimmunitary movements...which produce, invent, and feed the very monstrosity they claim to overcome.”⁵¹

It is in the identification of autoimmunity’s “third movement” that Derrida begins to uncover what it a recognizably postcolonial theme: “For we now know that repression in both its psychoanalytical and political sense—whether it be through the police, the military, or the economy—ends up producing, reproducing, and regenerating the very thing it seeks to disarm.”⁵² The tendency for power structures to generate their own points of resistance is a theme familiar to postcolonial theorists, especially readers of Foucault, and it is helpful to incorporate a bit of Foucault here.⁵³ In *The History of*

⁴⁸ “Autoimmunity,” 98.

⁴⁹ “Autoimmunity,” 99.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² “Autoimmunity,” 99.

⁵³ See Foucault’s *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, trans. Colin Gordon et al (New York: Pantheon Books, 1980) and *History of Sexuality, Volume 1*, trans. R. Hurley

Sexuality, Volume 1 and elsewhere, Foucault argued that it is an error to think about “power” as only *either* repressive (of desire) *or* constitutive (of desire). Rather, we should think of power as a “multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization.”⁵⁴ Power is ubiquitous for Foucault in this sense: it infiltrates, produces, forms and regulates everything in the fields in which it operates—including (and this is the autoimmune function that Derrida highlights) the fields in which “resistance” to power manifests itself. All resistances to or oppositions of power are, in some sense, mechanisms of the power they claim to resist or oppose. Or, as Robert Young restates it, “in any system of force there will always be sites of force that are, precisely, forced, and therefore allow for pressure and intervention.”⁵⁵ Derrida uses the events of 9/11 to draw attention to just this phenomenon in American democracy: the power that the United States deployed to protect its democracy during the Cold War ended up generating resistances to American democracy. To the extent that the American psyche represses the fact of this autoimmune phenomenon, which itself “represses” or drives into the unconscious the limits of American immunity, it will continue to be traumatized not only by actual “events” like 9/11 but also by the ever-looming possibility of their repetition.

Foucault’s analytic of power bears a strong affinity with Derrida’s deconstructive notion of autoimmunity. The deconstructive operation, as noted above, never occurs by bringing something wholly “outside” of a system to bear on it, thereby disrupting the

(New York: Vintage, 1990). Among postcolonial scholars, Foucault is a privileged reference. For a representative example, see Anne McClintock (*Imperial Leather: Race, Gender and Sexuality in the Colonial Contest*), Ann Laura Stoler (*Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things* and *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*) and, of course, Edward Said (*Orientalism*).

⁵⁴ Foucault, *History of Sexuality, Volume 1*, 92.

⁵⁵ Young, *Postcolonialism: An Historical Introduction*, 117-118.

meaning, sense, or function of a system through the introduction of some foreign and threatening element. Rather, each text (or institution, or culture, or democracy, or system of meaning) possesses its own internal points of weakness, just as it possesses points of impregnability. Deconstruction, for Derrida, is not something someone “does” independent of the system being deconstructed any more than “resistance” or “revolution,” for Foucault, is something someone “does” independent of the power structure being resisted or revolted against. To the extent that a pressure point is activated in a democracy by some person or group of persons, we must understand that these are not totally self-determining actors or agents outside of democracy’s autoimmune mechanisms. To borrow Foucault’s language, we could say that democracy only produces subjects who reproduce the democracy that produced them as who they are, whether patriots or terrorists. And, as Derrida notes, a “terrorist” in one context is always a “freedom fighter” in another (for example, during the Soviet occupation of Afghanistan), sometimes using the very same weapons and strategies.⁵⁶ The context of democracy is always open for recontextualization, and any democracy in which terms that refer to “terrorist” actors and their actions make sense is not only highly mutable, but infinitely revisable.

When we use terms like “democrat,” “terrorist,” “liberator,” “axis of evil” or “rogue,” we must remember, Derrida warns, that “the more confused the concept the more it lends itself to an opportunistic appropriation.”⁵⁷ Anyone who calls him- or herself a “democrat” always also harbors a bit of the rogue (*voyou*), because—as we see in Derrida’s examples of Algeria, France and the United States—the alternative to

⁵⁶ “Autoimmunity,” 104.

⁵⁷ “Autoimmunity,” 103.

democracy can always present itself as a democratic alternative. (And Derrida reminds us that there “are rather few philosophical discourses, assuming that there are any at all, in the long tradition that runs from Plato to Heidegger, that have without any reservations taken the side of democracy.”⁵⁸) This is the fundamental antinomy of Derrida’s explication of the autoimmunitary: democracies, *because they must remain open to alternatives*, risk themselves when those alternatives prove to be hostile to democracy, *and/yet/but* “democrats” often preempt this possibility by attempting to close off those alternatives in what amounts to anti-democratic practices. Like Chomsky’s pre-2001 *Rogue States*, Derrida’s *Rogues* contends that the contemporary *practice* of democracy—as evidenced, in particular, by America’s exercise of its sovereignty in foreign policy—includes the *roguish*.⁵⁹ Derrida writes,

...the most *roguish* of rogue states are those that circulate and make use of a concept like “rogue state,” with the language, rhetoric, juridical discourse, and strategico-military consequences we all know. The first and most violent rogue states are those that have ignored and continue to violate the very international law they claim to champion, the law in whose name they speak and in whose name they go to war against so-called rogue states each time their interests so dictate. The name of these states? The United States.⁶⁰

Derrida’s point is not simply to suggest that the United States is just a *bad form* of democracy, though it may be the state in which the dangerous autoimmunity of

⁵⁸ *Rogues*, 41.

⁵⁹ For comparison, see Noam Chomsky, *Rogue States: The Rule of Force in World Affairs* (Cambridge: South End Press, 2000), which Derrida references for the “unimpeachable case” that Chomsky lays out “supported by extensive, overwhelming, although in general not widely publicized or utilized information, against American foreign policy.”

⁶⁰ *Rogues*, 96.

democracy appears most pronounced. But even the United Nations, the “international democracy,” is affected by an autoimmunity that produces its own *voyous*. In order for democracies (national or international) to be effective, to generate, sustain and enforce a system of law that can secure democracy, they need power within their ranks, what Derrida calls the *cracy* of the *demos*—in the case of the United Nations, the “world *demos*.” This requires the emergence of a kind of preeminent sovereign force (“stronger than all the other forces in the world”) that can represent and protect the “world democracy.” But this force, necessary and indispensable, will inevitably “betray and threaten” the world democratic order at every turn in an autoimmune fashion that, according to Derrida, is “just as silent as it is unavowable”—and *this* is the roguish role of the United States *within* the United Nations to which Derrida (and Chomsky) call our attention.⁶¹

Before leaving the theme of autoimmunity and turning to the next deconstructive trope (*aporia*), I want to recall the fable from La Fontaine (“The Wolf and the Lamb”) that Derrida employs in *Rogues* to underscore both the autoimmunity of democracy and the (related) *aporia* of democratic power/sovereignty. The first line of La Fontaine’s fable reads:

*The strong are always best at proving they’re right.*⁶²

La Fontaine’s fable recounts the “trial and judgment” of a prey before its predator. In another context, the arguments of Fontaine’s wolf concerning *why* he must devour the lamb would be, no doubt, humorous. We all assume, after all, that “power” in the animal kingdom does not require justification. However, Derrida wants to demonstrate in the

⁶¹ Ibid.

⁶² Jean de La Fontaine, “The Wolf and the Lamb,” *Fifty Fables of La Fontaine*, trans. Norman R. Shapiro (Chicago: University of Illinois Press, 1997), 13. Cited in *Rogues*, x and passim.

fable a particularly *democratic* concept of power or sovereignty, in which the “law of giving reason(s)” and giving them in a universal medium (like language or law) works to mask the brute force of the strongest. To provide reasons or justifications for power/sovereignty is always already to compromise it by subjecting it to “rules, to a code of law, to some general law, to concepts.”⁶³ But, Derrida suggests, such democratically required compromises make no more sense for (politically) sovereign power than they do for Fontaine’s (natural) brute. They are just as much disingenuousness and dissimulation. Hence, the *aporia* of democratic sovereignty:

The paradox of sovereignty, which is always the same, is that sovereignty is incompatible with universality, even though it is called for by every concept of international, and thus universal or universalizable, and thus democratic, law. There is no sovereignty without force, without the force of the strongest, whose reason—the reason of the strongest—is to win out over [*avoir raison de*] everything.⁶⁴

At least since the introduction of liberal political theory during the Enlightenment, the concept of political sovereignty has existed as a kind of *specter* of pure power, which is to say it has never existed or fully presented itself at all. This is a well-rehearsed theme among postcolonial theorists: those states that purport to represent liberal political ideals still resort to brute force, *in the name of those same ideals*, to sustain themselves and (more often) to prosper. (The paramount case may be the French colonial program *mission civilisatrice*, or “civilizing mission,” which the ostensibly liberal French *Republic* used to justify the “repression”—in both the psychoanalytical and political sense—of its

⁶³ *Rogues*, 101.

⁶⁴ *Ibid.*

colonial dependencies.⁶⁵) The fact that they do so under the auspices of modernity's most enlightened and "reasonable" political form—and we should hear in this all of the deliberative resonances that democracy entails—does not exempt them from opting in favor of the power that has come to attach itself to that political form. The "reason of the strongest," then, turns out *not* to be the "strongest reason" but, as in Fontaine's fable, the reason that the strong deploy to safeguard their strength. That is, "the strong are best at proving their right" not because the strong are always the most right, but because in the realm of trial and judgment, where rights are measured, the strong are best at wielding their powers of proof. "Pure sovereignty" does not exist, Derrida claims, because "it is always in the process of autoimmunizing itself, of betraying itself by betraying the democracy that nonetheless can never do without it."⁶⁶ The moment one speaks in favor of democracy—which is required above all of the democrat—when one gives reasons to or for democratic power, "democracy" is compromised and its autoimmunity is activated by this unavoidable *aporia*.

Aporia

Where to begin? Deciding this question with respect to Derrida's use of the *aporia* may itself be an *aporia*. The Greek term *απορία* (from *α-πορος*) literally means "without passage," but has been taken up by Derrida (and readers of Derrida) more or less as a radicalized synonym for "paradox" or a situation of undecidability. Within Derrida's corpus, the *aporia* is, quite possibly, everywhere, and the "motor" of deconstruction, *s'il*

⁶⁵ See Fanon's *Black Skin, White Masks* for a damning indictment of the French colonial enterprise. For an excellent postcolonial analysis of the French *mission civilisatrice*, see Robert Young, *Postcolonialism*, 30-33 and *passim*.

⁶⁶ *Rogues*, 101.

en y a, may be the detection and elaboration of *aporias*. In fact, Derrida asserted in his seminal essay “Force of Law” that deconstruction is generally practiced in two ways, the first of which is to take on *aporias*, or what he calls “the demonstrative and apparently ahistorical allure of logico-formal paradoxes.”⁶⁷ But “taking on” such paradoxes is a tricky business. Near the end of his 1993 engagement with Heidegger, Levinas and Freud entitled *Aporias*, Derrida claims that not only is the *aporia* the “law of all decisions, of all responsibilities, of all duties without duty, and of all border problems that can ever arise,” but also that “*the aporia can never be simply endured as such.*”⁶⁸ Perhaps one of the most difficult challenges in elucidating Derrida’s concept of the *aporia* is that the *aporia*, structurally, resists being addressed in the “as such.” That is to say, for Derrida, the *aporia* necessarily demands decision, decisiveness, and hence is best explicated in contexts where a decision is at stake, rather than as some thing-in-itself.

In an attempt to be responsible to this inherent demand in Derrida’s concept, I will, in the following, begin with the specific *aporia* of the gift (in Derrida’s *The Gift of Death and Given Time*).⁶⁹ The *aporia* of the gift is an especially fertile starting-ground not only because of its urgency (or, in Geoffrey Bennington’s formulation, “emergency”⁷⁰) but also because of the support it lends in illuminating other important *aporias*, for example, those of hospitality and mourning. I will follow this with a more extended treatment of “responsibility” and the “decision” that are directly linked to the *aporia* and, more importantly, directly implicate practices of democracy. In this second part, I also want to briefly address what I view as an over-emphasis in contemporary

⁶⁷ “Force of Law,” 20.

⁶⁸ *Aporias*, 78.

⁶⁹ Derrida, *The Gift of Death*, trans. David Willis (Chicago: University of Chicago Press, 1995) and *Given Time I: Counterfeit Money*, trans. Peggy Kamuf (Chicago: University of Chicago Press, 1992).

⁷⁰ See Bennington, *Interrupting Derrida*, 162-179.

Derridean scholarship on the affiliation between Levinas and Derrida, resulting in what I view as a forced, and ultimately misleading, attempt to sediment in deconstruction an “ethic” (primarily in the Levinasian sense). Against such readings, I contend that Derrida’s remarks about responsibility and decision are best understood as preparatory work for *political* interventions that—although they may harbor an “ethical” resonance—call for concrete, historical measures that tend to elude “ethics,” traditionally understood.

The Gift

In *Given Time*, Derrida argues that the “gift” is another name for the impossible. We can think about a gift, give it a name, desire it, intend it—but, Derrida qualifies, “we never know it, we never verify it, we never experience it in its present existence or in its phenomenon.”⁷¹ A true gift never “presents” itself, that is, it can never be “confused with the presence of its phenomenon”; consequently, any genuine gift cannot be understood or known *as* a gift.⁷² This is because in the act of giving, the circular economy of exchange and indebtedness is momentarily interrupted by a gesture toward something that exceeds the restrictions of economies. What the giver intends or desires is a gift of the sort that cannot, should not, or need not be “paid back” or immediately re-inscribed within an economy of equilibrium. But despite this intention or desire on the part of the giver, the logic of any economic exchange always works to balance the scales (of gift and return, of credit and debt) so that there is no surplus or madness to threaten the sense and existence of those instituted orders. All the same, Derrida argues, between any singular instance of

⁷¹ *Given Time I*, 29.

⁷² *Ibid.*

gift and return there is still a lag, a gap, an abyss, a desire for the gift to *truly* be a gift, which disrupts the economic order and signals toward something transcendental.

The gap between, on the one hand, thought, language, and desire and, on the other hand, knowledge, philosophy, science, and the order of presence is also a gap between gift and economy. This gap is not present anywhere; it resembles an empty word or a transcendental illusion.⁷³

The paradox, or *aporia*, of the gift thus harbors this double-demand: all genuine giving should exceed the logic of economic exchanges *and yet* the gift can only “present” itself economically.

For Derrida, the genuine gift, like time itself, never presents itself economically.⁷⁴

Economies function through an attempt to calculate the gift back into a “present,” similar to the way human consciousness “modalizes” and “predetermines” temporality around the phenomenal “now” (as Derrida no doubt learned from Husserl’s account of internal time consciousness).⁷⁵ Derrida, however, demonstrates the ambiguity of this modalization of temporality when he writes,

From the moment time is apprehended on the basis of the present now as general form and only modifiable or modalizable in such a way that the past and future are still presents-past and presents-to-come, this predetermination entails the aporetics of a time that is not, of a time that is what it is without being (it) [*sans l’être*], that is not

⁷³ Ibid.

⁷⁴ Richard Beardsworth, in his *Derrida and the Political* (London: Routledge, 1996), emphasizes the *aporia* of time above all others. For Beardsworth, the political resonances of deconstruction can be fundamentally explained in the consonance between the *aporias* of time and of the law. Although Beardsworth’s account can be (at times) reductive and relies (in my view) a bit too much on associating Derrida and Heidegger, his explication of the *aporia* of time is excellent. See especially Beardsworth, pp. 98-144.

⁷⁵ See Derrida’s *The Problem of Genesis in Husserl’s Philosophy*, trans. Marian Hobson (Chicago: University of Chicago Press, 2003).

what it is and that is what it is not, which is to be it without being (it) [*qui est de l'être sans l'être*].⁷⁶

To put it over-simply, the present “now” always signals toward a non-present past and a non-present future (as a more general temporal structure), but the moment the “now” manifests itself as past or future (which is always already transpiring), it is transcribed back into a logico-temporal economy in which it is no longer purely “now.” Similarly, the act of giving signals an interruption in the economic order of exchange, as something that resides outside of or beyond any self-interest or calculative strategy of exchange, but the moment it appears *as gift*, it is recalculated back into the algebra of credit and debt, and thereby ceases being purely a gift.

An expected, moderate, measured, or measurable gift, a gift proportionate to the benefit or to the effect one expects from it... would no longer be a gift; at most it would be the repayment of a credit, the restricted economy of a difference, a calculable temporalization or deferral. If it remains pure and without possible reappropriation, the surprise names that instant of madness that tears time apart and interrupts every calculation.⁷⁷

For Derrida, the “true” gift is destroyed by anything that proposes equivalence or recompense, even the unspoken “thank you” of the recipient or the implicit self-congratulation of the giver. Derrida is not making a psychological or empirical claim about the difficulty of transcending egocentric giving. He is rather elucidating a *structural* impossibility inherent to our concept of giving. This is how Derrida can claim

⁷⁶ *Given Time*, 28.

⁷⁷ *Given Time*, 147.

that the true gift never appears as such: in order for a gift to remain truly a gift (and not one pole of an “exchange”), it would require not only the anonymity of the giver, the ignorance of the recipient, but also the invisibility of the gift. Such giving, phenomenologically speaking, will always be *impossible*. But it is this structural impossibility that grounds how we think about the possibilities of giving—what it would require to give, how we can desire to give, what giving and gifts mean to us.

What Derrida is helpful (and perhaps original) in pointing out is not that there simply are no such things as genuine gifts, but that our concept of giving is aporetic and, hence, its paradoxical demands are “impassable.” Gifts are couched in a context of double, and contradictory, imperatives—conditionality *and* unconditionality. On the one hand, a genuine gift must be given unconditionally in order to fulfill its aim of transcending (and disrupting) the conventional economy of exchanges and calculations; on the other hand, actual gifts *are always conditioned* by these very same economies. That is to say, the very same conceptual structure that makes the gift *possible* also makes it *impossible*. Every gift is inevitably drawn into an economic cycle of giving-and-taking; there is an implicit demand to respond (with gratitude, or compensation, or even a recognition of undeservedness) in even the most “selfless” or unconditional gift, which undercuts the (assumed) intention of the giver to “give without return.” Such a possible-impossible structure is the definition of an aporia for Derrida. In an aporia, the conditions for the possibility of x are simultaneously and irreducibly also the conditions for the impossibility of x. (This is why Derrida often refers to the subjects of these aporias—like the gift, hospitality, mourning, friendship, forgiveness, and democracy—as

“quasi-transcendentals.”⁷⁸) The possible demand and the impossible demand, conditionality and unconditionality, are not simple contradictions that can be resolved through some sophisticated dialectic, but rather exist in an irresolvable paradox. One cannot “pass” through such structures in a logico-economic fashion since they *prima facie* prevent all such passages. And/yet/but... all aporias demand a decision that, even if it doesn’t resolve, at least cuts through this impassibility—the aporia can never be simply endured as such.

Love, in the Western philosophical and religious traditions, is often deployed as the preeminent example of a “gift without return”—especially “sacrificial” love of the sort exemplified in the story of Abraham’s sacrifice of his only son, as recounted in Genesis.⁷⁹ Abraham’s gift of love (for God, for Isaac, for the covenant) is an unintelligible gift because it is also a “gift of death,” as God required of Abraham the sacrifice of his only son and the promise of Abraham’s (and Israel’s) future, Isaac.⁸⁰ Soren Kierkegaard’s famous rendering of this story in *Fear and Trembling* (which is one of Derrida’s points of departure for *The Gift of Death*) figures Abraham as making the “leap of faith” from the ethical realm (in which Abraham has both a paternal and a legal obligation to not kill Isaac) to the religious realm (in which he has an absolute duty to love and obey his God).⁸¹ Interestingly, Kierkegaard does this through several elaborate

⁷⁸ These absolute or aporetic concepts are “quasi-transcendental” to the extent that they operate as a pole of absolute reference for our common experiences of them. Absolute or aporetic “giving,” for example, is *not* a “transcendental” in the classic philosophical sense because there is no formal set of criteria that will *a priori* generate a proper normative answer to some question of giving. Or, as stated above, the quasi-transcendental “gift” represents the conditions *both* for the possibility and the impossibility of a gift, and not (as in the case of a “transcendental” in the Kantian sense) only the conditions for the possibility of a gift.

⁷⁹ See Genesis 22.

⁸⁰ See Genesis 18:9-15, 17:16, 21:1-7; Acts 7:8; Hebrew 11:11-12.

⁸¹ Soren Kierkegaard, *Fear and Trembling and Repetition*, trans. Howard V. Hong and Edna H. Hong (Princeton: Princeton University Press, 1983), 1-124.

reconstructions of Abraham's story in which Kierkegaard speculates upon—and ultimately rejects—hypotheses of how Abraham's gift may not have been absolute. (For example, what if Abraham had compromised the secret and tried to explain his trial to his wife or to Isaac? What if he had calculated his risks and counted on what turned out to be a “good bet” at the end of the story, that is, God's substitution of the lamb for Isaac? What if Abraham left Mount Sinai infinitely resigned to the unfathomability of this gift, effectively trading his faith for it, or balanced his gift with the loss of Isaac's faith?) On Johannes de Silentio's⁸² account, the “ethical” represents the universal (like language, law and moral codes) that is always shared and consequently disclosed, as opposed to both the “aesthetic” (that is singular and hidden) and the “religious” (that is singular and secret), which both remain undisclosed.⁸³ The “leap” that the singular, or radically individuated, human must make from the universally intelligible ethical realm to the religious can only be made by a “teleological suspension” of the code that makes ethics universal. Any such suspension is, finally, absurd. This is because the singular experience of the religious person is qualitatively different than the particular experience of the aesthete—the singular experience of the religious is “secret” while the particular experience of the aesthete is “private.” What is “private,” although it is kept from being communicated, is not incommunicable *per se*. Abraham's trial of faith, on the other

⁸² “John the Silent” is the pseudonym that Kierkegaard adopts for *Fear and Trembling*. One can presume that at least one reason for this choice of pseudonyms is Kierkegaard's emphasis on the incommunicability or incommensurability of religious experience.

⁸³ This distinction is rooted in the Hegelian philosophy of language, in which language is considered a public environment shared with other people and in which we can express (otherwise private) thoughts to others. Language is universal inasmuch as it concerns itself with experiences that can be shared or communicated. Alternatively, the “aesthetic,” for Kierkegaard, deals with the private experience of the singular individual, what he or she finds beautiful, pleasurable, lovable. The contrast between the aesthete and the religious man with respect to the ethical/universal is that the aesthete is always free to “speak up,” to translate his experience in universal language, while the experience of the religious man is a true “secret,” unintelligible to anyone but himself.

hand, was a ‘secret’ and as such was impossible to communicate; it was an unintelligible event between God and Abraham that only made sense to God and Abraham—to anyone else, the gift of Isaac to God or the gift of death to Isaac would have been translated into madness or, if it was understood at all, murder.⁸⁴

As “good” as actual gifts may be—and Derrida clearly agrees with almost every ethical code in recognizing generosity as a kind of virtue—they always fall short of our concept of the pure gift. But it is precisely the tension within this concept that keeps it alive; no one simply gives up on giving because the gift always falls short of our ideal. Our concept of giving is premised upon a demand for unconditional altruism; the gift is, straightforwardly, inconceivable without it. Nevertheless, we operate in a world that is always conditioned, in various structural and institutional economies that condition all gifts, even in the most basic sense. A purely, absolutely altruistic act could never be recognized as such, would never “make sense,” would have no name in which to present itself. And yet, Derrida argues, it is necessary to respond as faithfully as possible both to the order of the gift (with its injunction to give unconditionally) and to the order of various economies (“presence, knowledge, science, economy—even philosophy”⁸⁵) that make gifts meaningful. Derrida implores us to not mistake his elucidation of the aporia of the gift for a declaration of the futility of giving when he writes:

⁸⁴ For Kierkegaard, the religious experience is an experience of passion. “Madness” is a characteristic of all passions—they do not make sense and they cannot be made sensible. In the same way that passion cannot be communicated to others, one can never experience passion by proxy—one can only experience it by succumbing wholly and singularly to it. Abraham’s test of faith was a test for Abraham *alone*. Kierkegaard’s title “Fear and Trembling” is illuminating here—it is drawn from St. Paul’s epistle (from prison) to the Philippians and his imploring of them to “work out [their] salvation with fear and trembling.” (Philippians 2:12) The fear and trembling associated with trials of faith is present because the only aid and comfort in these tests comes from God—no other can help, empathize, or understand.

⁸⁵ *Given Time*, 30.

Know still what giving wants to say, know how to give, know what you want and want to say when you give, know what you intend to give, know how the gift annuls itself, commit yourself [*engage-toi*] even if commitment is the destruction of the gift by the gift, give economy a chance.⁸⁶

It is the ever-present possibility of the gift to interrupt, disrupt, and disorient purportedly “closed” economies that, according to Derrida, “puts economy in motion.”⁸⁷ And this is not only true in the case of radical manifestations of giving (such as the case of Abraham), but also in relatively common, existential and ubiquitous examples of the same tension.

One particularly illustrative existential example is the (ostensibly) altruistic practice of hospitality. In several texts, Derrida has argued that our concept of genuine hospitality—absolute, unconditional, hyperbolic hospitality—would require giving up all claims to ownership, obligation, rights, or power.⁸⁸ This would mean, among other things, that hospitality must exceed any law or duty, that one could expect nothing of those to whom hospitality is extended (not reciprocity, not good will, not even their names), and that the “host” would have to offer up his or her home and all that s/he possesses unconditionally (even to enemies). In Derrida’s formulation, the welcome-sign of genuine hospitality reads: “come, enter, stop at my place, I don’t ask your name, nor even to be responsible, nor where you come from or where you are going.”⁸⁹ The fact that

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Derrida’s most direct treatments of hospitality are usually in relation to Levinas, as evident in *Of Hospitality*, trans. Rachel Bowlby (Stanford: Stanford University Press, 2000) and the following: *Adieu to Emmanuel Levinas*, trans. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 1999), *The Gift of Death*, and *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (New York: Routledge, 2001).

⁸⁹ *Of Hospitality*, 135.

to open oneself up unconditionally before an incalculable number of unknown others would not only be difficult, but practically impossible, is not the primary reason that Derrida calls genuine hospitality “impossible.” Rather, there is an aporia at work in the concept of hospitality that, like the gift, is both conditional and unconditional. Genuine hospitality requires non-mastery or a total relinquishing of control so that we can welcome whomever or whatever is in need of that hospitality. Yet, in order to be hospitable, one must first have the power to be the “host,” the one who welcomes the stranger or refugee to his or her house, protectorate, or nation-state. That is to say, the “host” must (categorically) retain some mastery of his or her domain and, hence, some power over the people to whom s/he is extending hospitality—if the guest turns out to be an adversary and takes over the house, then the host is no longer being “hospitable” but only victimized.⁹⁰ Thus, the aporia of hospitality illustrates that what is demanded in the concept is both the unconditional resignation of power and the conditional exercise of it. One can actually “give” the gift of hospitality only to the extent that it is not given absolutely; the conditions for the possibility of hospitality are simultaneously the conditions for its impossibility.

Another existentially significant case of the aporia is found in Derrida’s treatment of our concept and practices of mourning.⁹¹ In *Memoires: for Paul de Man*—one of many eulogistic works by Derrida⁹²—he discusses the passing of his friend Paul de Man

⁹⁰ For an excellent example of this inherent “danger” within hospitality, see Derrida’s account of the Biblical story of Lot and his daughters (a story also cited by Kant and St. Augustine) in *Of Hospitality*, 151-155.

⁹¹ This particular *aporia* is also important to the next section in which I consider the deconstructive trope of specters/ghosts.

⁹² See also the collection of Derrida’s eulogies (including those for Michel Foucault, Louis Althusser, Roland Barthes, Edmond Jabés, and others) *The Work of Mourning*, trans. Pascale-Anne Brault and Michael Naas (Chicago: University of Chicago Press, 2001).

and the political significance of de Man's alleged Nazi affiliation in his youth. In this text, Derrida is doubly pained—first, by his own sorrow at the loss of his colleague, and secondly, by the delicate nature of a scandal surrounding de Man whose death has prevented him from accounting for it himself. Yet, Derrida finds the practice of mourning to be complicated in a way that is more complex than simply enduring or expressing his pain. In fact, genuine mourning (like the gift, like hospitality) proves to be impossible. What is usually considered genuine or “successful” mourning, in which we make the memory of the deceased a part of us, is actually a form of unfaithful fidelity because this “interiorization” no longer respects the alterity of the one who has passed. The interaction with the other that we want to preserve despite his or her death is preserved only at the cost of severely compromising his or her otherness. However, the opposite practice, in which “an aborted interiorisation is at the same time a respect for the other as other,” may prolong the presence of the person in their exteriority but only at the expense of what is generally considered a “failure” to mourn.⁹³ The only way to mourn the other as other is, paradoxically, not to mourn. That is, the only possible mourning is an impossible mourning, another aporia that illustrates what Derrida identifies as a “success fails, failure succeeds” formula inherent to our concept of mourning.⁹⁴

What is particularly compelling about the aporias of the gift, hospitality and mourning is that, despite the impossibility of their “pure” or “genuine” expression, they nonetheless cannot be simply aborted as conceptual (or existential) possibilities...even necessities. And there are innumerable other examples of these aporias that demand decision because they cannot be simply endured as interminable paradoxes. It is

⁹³ *Memoires: for Paul de Man*, 35.

⁹⁴ *Ibid.*

precisely the decision, necessary and impossible, that grounds Derrida's conception of "responsibility," to which I will now turn in order to elaborate the manner in which Derrida refigures the traditionally "ethical" trope of responsibility not only with respect to how one might re-think "ethics," but more importantly as a fundamental prerequisite for political intervention.

Responsibility and the decision

The concept of responsibility has always found its traditional philosophical home in the realm of ethics. Importantly (and importantly for Derrida), the philosophical treatment of responsibility found a new voice and a new life in the latter half of the twentieth century in the work of Emmanuel Levinas and those scholars thinking in his wake. In brief, Levinas, for whom ethics was "first philosophy," resuscitated the somewhat stale philosophical concept of responsibility by emphasizing the "response" (to the other) implicit within it. That is, Levinas rejected the notion (inherited, in large part, from Kantian and post-Kantian philosophy) that responsibility was measured by the adherence to some ethical code of conduct and instead accentuated an "infinite" and absolute response necessitated by each human being's meeting with an Other. The ethical relation in Levinas' philosophy arises in the figure of the face-to-face encounter, for it is in the face of the other that one finds what Levinas calls the "moral summons."⁹⁵ More fundamentally, it is in the face-to-face encounter with the other that one finds his or her freedom to be responsible: "the other [*Autre*], absolutely other [*autre*]—the Other

⁹⁵ Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1999), 196.

[*Autruī*]—does not limit the freedom of the same; calling it to responsibility, it founds and justifies it.”⁹⁶ Levinasian responsibility, then, is a product of the ethical relation. Consequently, the conditions for responsibility, rather than preceding or constituting that relation, are instead deduced from it.

The encounter with the other, for Levinas, is always an asymmetrical relationship, which upsets the Enlightenment concept of responsibility as couched primarily in the context of equal (and equally free) subjects. This asymmetry exists, in large part, because the absolute alterity of the other’s face also conveys “the presence of a third party, the whole of humanity.”⁹⁷ It is in the event of this encounter, through the eyes of not only this other but also all possible other others, that one is faced with what Levinas terms the “call to infinite responsibility.”⁹⁸ As Alex Thomson explains, Levinas’ account of what constitutes the “ethical relation” is thus a radical departure from “ethics” traditionally conceived and at the same time a hyperbolization of “ethics”:

...this “ethical” relation is founded neither in a neutral ground (a relationship between beings which would be mediated by the relationship of beings with Being) nor in a principle of finite responsibility (based on the equivalence of the same and the other) but on the asymmetry of the relation itself. This asymmetry summons the subject as responsibility... As soon as I admit that I am responsible to the other, in whatever measure, it will never be enough: for there to be any responsibility, there must always be more responsibility... This is the “ethical” message of Totality and Infinity, which renders the common understanding of “ethics,” in the sense of an obligation I could

⁹⁶ Ibid. 197.

⁹⁷ Ibid. 213.

⁹⁸ Ibid. 245.

fulfill or a life I could possibly lead, unable to account for the true dimensions of responsibility.⁹⁹

Without a doubt, Derrida's own notion of responsibility is sympathetic, and indebted, to this dimension of Levinas' thought. In *The Gift of Death*, which is perhaps Derrida's most direct explication of responsibility and which is inextricably linked to a reading of Levinas (along with Kierkegaard and Potocka), Derrida emphasizes the "infinite" dimension of responsibility in his famous formulation: *tout autre est tout autre*. In that text, Derrida ends up making little distinction between Kierkegaard and Levinas—in spite of the obvious difference in terminology, that is, the fact that what Levinas terms the "ethical" is what for Kierkegaard amounts to a rejection of the ethical in the name of the "religious"—and this consonance between Kierkegaard and Levinas is elaborated in Derrida's own explanation of what it is he is trying to capture in the *tout autre* formulation. *Tout autre est tout autre*—"every other is absolutely other"¹⁰⁰—attempts to avoid a distinction (in the French) between the "two homonyms *tout* and *tout*, an indefinite pronominal adjective (some, someone, some other one) and an adverb of quantity (totally, absolutely, radically, infinitely other)."¹⁰¹ And it is in the vigilant avoidance, or deferral, of this distinction that one finds the Levinasian (and, to be fair, Kierkegaardian) resonances in Derrida's work.

⁹⁹ Thomson, *Democracy and Deconstruction*, 109 (emphasis added).

¹⁰⁰ There are many translations of Derrida's phrase *tout autre est tout autre*, all of which are more or less inadequate attempts to capture this French idiom that relies on the ambiguity of the French term *tout*. In the following, I will vary my uses of these translations in an attempt to capture as many resonances of this phrase as possible.

¹⁰¹ Derrida, *The Gift of Death*, 82.

Derrida claims that he is “not just playing” with the phrase *tout autre est tout autre*, “turning this little sentence around in order to make it dazzle from every angle.”¹⁰² Even still, inasmuch as Derrida’s formulation is meant to elucidate his concept of responsibility, it is perhaps more enigmatic than any other in the history of philosophy. To that end, it is helpful to return to the reading of Levinas and Kierkegaard in *The Gift of Death* that led him to that particular formulation. In the two senses of *tout* (adjectival and adverbial), Derrida sees a parallel with the two disparate senses of “otherness” within “ethics” that he finds in Kierkegaard and Levinas. These two senses appear as what Derrida calls “two alarmingly different themes [partitions, (musical) scores] that, through their disturbing likeness, emerge as incompatible.”¹⁰³ One of these senses preserves the quality of the “wholly other... *the infinite other*, for God alone, or in any case for a single other,” while the other sense “recognizes in this infinite alterity of the wholly other, every other, in other words, each one, for example each man and woman.”¹⁰⁴ One will recall that, for Kierkegaard, the rejection of the realm of the “ethical” is predicated upon the absolute alterity of *God’s* otherness, which cannot be translated into any realm (like ethics) that depends upon structures of universality or communicability. But even in Levinas’ implicit critique of Kierkegaard’s notion of ethics and generality, when Levinas posits the absolute otherness of the other human (or the face of the other human) and thus reestablishes “ethics” as the locus of absolute responsibility, he nevertheless (Derrida speculates) “stays within the game—the play of difference and analogy.”¹⁰⁵ That is, when Levinas attempts to make ethics a first responsibility and the preeminent domain of

¹⁰² Ibid. 83.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

responsibility, he elides the distinction between “the infinitely other as God and the infinitely other as another human.”¹⁰⁶ Derrida writes,

If every human is wholly other, if everyone else, or every other one, is every bit other, then one can no longer distinguish between a claimed generality of ethics that would need to be sacrificed in sacrifice, and the faith that turns towards God alone, as wholly other, turning away from human duty.¹⁰⁷

Levinas, in Derrida’s evaluation, cannot be simply opposed to Kierkegaard, because “neither one nor the other can assure himself of a concept of the ethical and of the religious that is of consequence; and, consequently they are especially unable to determine the difference between those two orders.”¹⁰⁸ In Derrida’s proposition, there would be rather a rapprochement between Levinas and Kierkegaard inasmuch as each would have to grant the other his foundational claim regarding what constitutes the “ethical” relation: Kierkegaard would have to grant to Levinas that ethics is also the order of respect for absolute singularity, and Levinas would have to grant to Kierkegaard that, within this ethical domain, it remains impossible to clearly distinguish between, on the one hand, the alterity obtaining in relations between one human and another and, on the other hand, the infinite alterity obtaining between God and every human.

What seems to be a dispute concerning the proper definition of “ethics,” however, turns out to be something else altogether for Derrida. In the section immediately following his discussion of the undecidability generated by this conflict between

¹⁰⁶ *The Gift of Death*, 84.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

Kierkegaard and Levinas (between religion and ethics as the domain of responsibility), Derrida writes,

This applies all the more to political or legal matters. The concept of responsibility, like that of decision, would thus be found to lack coherence or consequence, even lacking identity with respect to itself, paralyzed by what can be called an aporia or an antinomy...What is thus to be found at work in everyday discourse, in the exercise of justice, and first and foremost in the axiomatics of private, public, or international law, in the conduct of international politics, diplomacy, and war, is a lexicon concerning responsibility that can be said to hover vaguely about a concept that is nowhere to be found...¹⁰⁹

The above passage, in my view, cannot be overemphasized. It is but one of many, many instances in which Derrida, confronted with the (or a) “question of ethics,” opts instead to speak of politics. With respect to Kierkegaard, Derrida agrees with Levinas’ critique to the extent that Kierkegaard’s formulation of Abraham’s paradox can lead one to disregard the universal law of ethics and thus is, in both the traditional and the Levinasian sense of responsibility, irresponsible. But Derrida also agrees with Kierkegaard (*contra* Levinas) that the ethical can end up making us irresponsible, and must sometimes be refused “in the name of a responsibility that doesn’t keep account or give an account, neither to man, to humans, to society, to one’s fellows, or to one’s own.”¹¹⁰ The point is, first and foremost, that the dispute between Levinas and Kierkegaard is undecidable; but more importantly, Derrida’s point is to draw attention to the fact that the domain *where* these

¹⁰⁹ Ibid. 84-85.

¹¹⁰ Ibid. 61-62.

undecidable decisions must nevertheless be decided is most often in the realm of the political (laws, institutions, diplomacy and war).

Much recent scholarship has picked up on the consonance between Derrida and Levinas and, correspondingly, the “ethical” implications of deconstruction. The best and most obvious examples of this tendency are found in Simon Critchley’s *The Ethics of Deconstruction: Derrida and Levinas* and the work of John Caputo.¹¹¹ With respect to this trend within Derridean scholarship I want to note, first, that the association of Derrida and Levinas has led to a much-needed and highly sophisticated elaboration of some of the more opaque elements of Derrida’s notion of responsibility.¹¹² Since Derrida himself chose Levinas as the point of departure for many of his own re-formulations of the concept of responsibility, the scholarship that has made note of this association is exactly on point. However, I worry that this association may have been, at times, over-emphasized to the point of eliding important differences between Derrida and Levinas and obscuring what Derrida identifies as the explicitly political aspects of responsibility and decision-making. I tend to agree with Alex Thomson who, in his *Deconstruction and*

¹¹¹ Simon Critchley, *Ethics of Deconstruction: Derrida and Levinas* (Oxford: Blackwell, 1992) and John Caputo, *The Prayers and Tears of Jacques Derrida: Religion without Religion* (Bloomington: Indiana University Press, 1997). Critchley and Caputo are not alone in representing this tendency in Derridean scholarship; John Llewelyn and Robert Bernasconi also sometimes exhibit the same tendencies. See John Llewelyn’s *Appositions of Jacques Derrida and Emmanuel Levinas* (Bloomington: Indiana University Press, 2002), Robert Bernasconi’s *The Provocation of Levinas: Rethinking Otherness* (London: Routledge, 1998) and “What Comes Around Goes Around: Derrida and Levinas on the Economy of the Gift and the Gift of Genealogy” in *The Logic of the Gift: Toward an Ethic of Generosity*, ed. Alan Schrift (New York: Routledge, 1997) 256-273.

¹¹² The association of Levinas and Derrida has also helped to elucidate a particularly “Jewish” element in Derrida’s philosophy, which can be found most explicitly in the work of John Caputo. Although Thomson is largely critical of Caputo (like he is of Critchley), I find Caputo’s insights especially helpful in elucidating the full impact of Derrida’s conception of the “messianic” and its decidedly Jewish resonances. See Caputo’s *The Prayers and Tears of Jacques Derrida*, pp.123-124, 128-131, 134-143, 272-273 and *passim*. This element of Derrida’s thought is not an imposition on the part of Caputo, as is clearly demonstrated in Derrida’s autobiographical *Circumfession*, trans. Geoffrey Bennington (Chicago: University of Chicago Press, 1993), though the degree to which it supports a reading of deconstruction as primarily “ethical” is up for debate.

Democracy, wants to reverse the trend of simply collapsing Derrida's deconstructive project into Levinas' ethical project and, by proxy, into "ethics" in the Levinasian sense. After all, as Thomson rightly notes, in most of the texts used to associate Derrida and Levinas, Derrida "regularly discusses law, politics and justice, but only rarely does he mention ethics."¹¹³ I would add to Thomson's insight here the corresponding observation that, even when Derrida does discuss "ethics" properly-so-called, he does so in the context of not only its failures as a concept or as an identifiable domain of practice, but also in the context of the explicitly political implications of these failures.

It is beyond the scope of this project to enter into a close textual investigation of the subtle, though significant, differences between Levinas and Derrida.¹¹⁴ Rather, I think it is more helpful to turn instead to the "infinite" responsibility that Derrida picks up from Levinas and Kierkegaard in *The Gift of Death* and its specific relation to the "decision," which Derrida has variously described as urgent and impossible, unavoidable and imperative. In *The Gift of Death*, the question of the decision is formulated exactly between the two senses of tout raised by the conflict-without/within-conflict between Levinas and Kierkegaard. That is, whenever "responsibility" is in question or at stake, one is forced to negotiate two irreducible and heterogeneous domains: the singular and the general, the tout autre (the absolutely other, this absolutely other one) and the tout autre (the infinity of others, absolutely all others). Derrida writes,

¹¹³ Thomson, *Deconstruction and Democracy*, 143.

¹¹⁴ I again refer the reader to Thomson's *Democracy and Deconstruction*, especially pp. 103-143, which offers a careful reading of Levinas' major texts and Derrida's major treatments of them in the context of a reading he terms "politics against ethics." Of particular interest is Thomson's refiguring of Levinasian ethics as an "eth(n)ics" in an attempt to stress exactly the sorts of *political* problems Derrida has with Levinasian ethics. In a similar vein, Richard Beardsworth also calls for a more careful reading of Levinas' "ethical Zionism" and the political impact that stance has on the purported relationship between he and Derrida. See Beardsworth, *Derrida and the Political*, pp. 102-104, 122-144.

I can respond only to the one (or to the One), that is, to the other, by sacrificing that one to the other. I am responsible to any one (that is to say to any other) only by failing in my responsibility to all the others, to the ethical or political generality... Whether I want to or not, I can never justify the fact that I prefer or sacrifice any one (any other) to the other.¹¹⁵

Derrida goes on to ask himself, in a deceptively pedestrian example, why does he decide to feed his own cat while millions of other cats the world over die of hunger? (He adds, “Not to mention other people?”¹¹⁶) Prefiguring the question of number or calculation that dominates his later text *The Politics of Friendship*, Derrida wonders how it is that one chooses to be responsible to this one rather than another, when one is presumably called by all others in an equally compelling moral summons. We may offer empirical or historical justifications of all sorts to explain why we love this one, help that one, decide to feed, clothe, protect or defend certain ones. (“This one is part of my family”... “that one is my compatriot”... “those ones are the most proximate to me”) All of these justifications amount to no more (and no less) than admissions of one’s finitude or the finitude of one’s knowledge of the infinity of other others. Yet, none of these justifications suffice to assuage the sacrifice of all those other others one makes every time one chooses a singular other. The aporia of responsibility is just this dilemma:

There is no language, no reason, no generality or mediation to justify this ultimate responsibility which leads me to absolute sacrifice; absolute sacrifice that is not the sacrifice of irresponsibility on the altar of responsibility, but the sacrifice of the most

¹¹⁵ *The Gift of Death*, 70.

¹¹⁶ *The Gift of Death*, 71.

imperative duty (that which binds me to the other as a singularity in general) in favor of another absolutely imperative duty binding me to every other.¹¹⁷

It is an “insoluble and paradoxical contradiction” that plagues all situations of responsibility, according to Derrida, in which one is confronted with an undecidable choice between responsibility *in general* and *absolute* responsibility.¹¹⁸

What Levinas and Kierkegaard emphasized—something that profoundly influenced Derrida’s own formulation—was the manner in which the alterity of the Other (whether God or fellow human) compels us, or calls us, “to respond.” Responsibility in this sense is to be found in *not renouncing* or *rebuffing* an absolute duty to respond to the call of the Other. But it is crucial to take notice of the manner in which Derrida’s take slightly skews the Levinasian/Kierkegaardian emphasis. For Derrida, the question of responsibility is not whether or not one responds to the call of the Other (and, it must be remembered, all the other others implied in the call of the Other) but rather *how one decides to respond* to what is, in effect, a multivalent, multimodal and multivocal call. Thus, the question of responsibility is a question of making a decision regarding *which* response to make among all the possible responses, including a non-response. Not responding is itself a response, as the example of Derrida’s cat makes clear; when I do not respond to all the other cats (or people) in the world, even if I do so under the guise of being responsible to a singular one, I am still responding (albeit “irresponsibly”) to all the others. Responsibility, for Derrida, always implies a decision; it is thus indissociable from a question of judgment and, correspondingly, a question of *justice*.

¹¹⁷ Ibid.

¹¹⁸ *The Gift of Death*, 61.

The tendency to equate Derrida and Levinas obscures this displacement of the question of responsibility that Derrida makes when he emphasizes the decision. Since the option of being-irresponsible qua not-responding is not really a live alternative for Derrida, we must assume that what he is pointing to in his emphasis on the decision is a kind of assumed pre-original response antecedent to any particular encounter of one with an other. Inter-subjectivity always already involves various responses, which may be more or less “responsible” in the sense taken for granted by various formulations of the “ethical.” The Levinas-izing (and ethical-izing) tendency that Alex Thomson criticizes in the work of Simon Critchley, for example, “avoids the necessary complicity and irresponsibility” that Derrida insists upon when Critchley treats Derrida’s concept of responsibility as “ethical and personal rather than political and inter-subjective.”¹¹⁹ Such avoidance leads Critchley, and many others, to conclude that Derrida’s complex notion of responsibility leads to a kind of “ineffable politics” rather than recognizing, as I would contend, that Derrida is instead re-situating what Critchley defines as ethical in the domain of the political.¹²⁰ When Critchley claims, at the end of *The Ethics of Deconstruction*, that “there is an urgent need to re-establish the link between philosophy...and citizenship,” it seems clear that he has missed the “properly Socratic moment” (for which he pines) when politics is put into question by the philosopher.¹²¹ For Derrida, the philosopher (in a “properly Socratic” sense) is always already an integral member of the polis he inhabits, and it is always already the laws, institutions, and codes of conduct that the polis imposes that must be decided in any question of responsibility.

¹¹⁹ Thomson, *Deconstruction and Democracy*, 142.

¹²⁰ Critchley, *Ethics—Politics—Subjectivity* (London: Verso, 1999), 291.

¹²¹ Critchley, *The Ethics of Deconstruction*, 237-238.

John Caputo, in his early text *Against Ethics*, drives home the importance of the “decision” for determinations of “responsibility” in what he terms Derrida’s aporia of judgment. Although Caputo, like Critchley, is often cited as an example of those thinkers who tend to over-emphasize the Levinasian influence in Derrida’s work, Caputo (unlike Critchley) has managed to avoid the reductive de-politicization of deconstruction that seems to plague Critchley. In *Against Ethics*, Caputo returns to Derrida’s seminal essay “Force of Law” to properly situate Derrida’s aporia of judgment (or decision) in the context of a question of justice. Caputo elaborates the aporia of judgment/decision in three constitutive aporias: (1) the “aporia of suspension,” (2) the “ghost of undecidability” and (3) the “aporia of urgency.”¹²² In this elaboration, Caputo reinforces Derrida’s attempt to minimize the distinction between justice and the law, which is “not a true, strict, rigorous distinction, inasmuch as laws are supposed to be just and justice has to be dispensed in and through the rule of law.”¹²³ Caputo demonstrates that, first, the “aporia of suspension” demands that we always “suspend” the law, at least in part, in determinations of judgment because the force of laws is never a matter of simple application, but also of interpretation. Any “just” application of law, then, requires an interpretation of that law’s applicability to “each” case and, hence, a qualified suspension of its presumed universality. If judgment were simply a matter of applying a rule, then it could be turned over to a “calculative machine”; instead, judgment (in the Aristotelian and Gadamerian sense) is always also a matter of phronesis, or the recognition of the singular appropriateness of a case to which an otherwise general law properly applies.¹²⁴ The second constitutive aporia, the “ghost of undecidability,” works to reinforce the

¹²² Caputo, *Against Ethics*, 103-106.

¹²³ Caputo, *Against Ethics*, 104

¹²⁴ Ibid.

claim of Derrida's *The Gift of Death*, that is, that decisions are only "real" decisions in those cases where straightforward logical or economic calculations are inadequate.¹²⁵ Or, in Caputo's formulation, "judging is a decision...to judge is to make a cut, to de-cide, which presupposes that it takes place in the element of undecidability."¹²⁶ The third aporia, the "aporia of urgency", is perhaps the most critical, because it adds weight to the both the aporia of suspension and the ghost of undecidability, which may seem, at first glance, to minimize or mediate the indispensability of the decision. Caputo writes,

Justice may be an infinite ideal, but justice cannot wait...Derrida does not take the urgency of justice, the need to act without delay and deferral, as the refutation of *différance* but rather as a part of its axiomatic, part of its im/possibility, part of the difficulty imposed on life by *différance*. We do not always have the time to think a decision all the way through, thoroughly and exhaustively, and even if there is time for extensive deliberation, still there comes a time—"a finite moment of urgency and precipitation"—when the leap must be made, the gap crossed, the decision taken...That is called the moment of decision.¹²⁷

The aporia of urgency, as Caputo elaborates it, reinforces Derrida's emphasis on the decision by figuring the decision as indispensable to any question of responsibility.

Before turning to the last deconstructive/democratic trope (the ghost/specter), I want to more clearly illustrate the importance of Derrida's conception of responsibility and decision to the practices of democracy. Alex Thomson succinctly describes Derrida's "democracy-to-come" as follows:

¹²⁵ See the section on the "specter/ghost" below. Also, it should be noted that this "undecidability" is a fundamental characteristic of all *aporias*, as noted in the section above.

¹²⁶ Caputo, *Against Ethics*, 104.

¹²⁷ Caputo, *Against Ethics*, 105.

“Democracy-to-come” is not the name of a political project to be initiated, nor of a regulative ethical ideal against which our democracies are to be measures—although it is perhaps both of these to some extent. Rather, “democracy-to-come” is a name for a combination of both a politics of waiting without expectation, and an incessant and impatient negotiation.¹²⁸

Thomson (like Richard Beardsworth and Geoffrey Bennington, all three of whom emphasize the political resonances of deconstruction) pays particular attention to an aspect of Derrida’s deconstruction that considers every “repoliticization” (that is, every attempt to rethink or refigure the meaning of the “political”) as first and foremost a “depoliticization” (that is, a deconstruction or problematization of the meaning of the “political”).¹²⁹ This movement in Derrida’s work parallels in many ways his deconstruction and refiguring of the “ethical” in Levinas and Kierkegaard in *The Gift of Death*. In the same way that Derrida shows that being “responsive” is not really what is at question in the ethical—one already is both infinitely responsible and infinitely irresponsible, one must decide how one takes that up—he likewise figures politics (and especially democratic politics) not in terms of “being political” or “not being political,” but rather in terms of various decisive interventions one makes in the manner in which politics is practiced. Derrida’s deconstruction thus seems to assume a pre-original political engagement in the same way that it assumes a pre-original responsibility (or, more accurately, response-ability). Democracy, by virtue of being the only political form that makes space for deliberation and decision as constitutive elements, thus can be said to be situated in a kind of interminably undecidable situation. All democratic practices

¹²⁸ Thomson, *Deconstruction and Democracy*, 143.

¹²⁹ Thomson, *Deconstruction and Democracy*, 161-197 and passim; Beardsworth, *Derrida and the Political*, 98-144 and passim; Bennington, *Interrupting Derrida*, 192 and passim.

qua “decisions” reinforce one of the fundamental assumptions of deconstruction, that is, that all (textual, ethical, social, political) contexts require unremitting negotiation. Any attempt to relegate these decisions to systems of programmatic calculation is as undemocratic as it is irresponsible...and just as impossible. Bennington claims that this imposition of the necessity of decision on every detail of democracy, along with the aporetic “impossibility” of all such decisions, is what “defines deconstruction as radically political.”¹³⁰ Democracy concentrates, in a sense, the aporia of responsibility by expanding its field of applicability to even the most mundane and pedestrian decisions, which (we should not forget) comprises the bulk of what is often dismissed as the “merely” political.

Specters/ghosts, or the critique of the metaphysics of presence

In this final section, I want to consider (briefly) one last deconstructive trope that is, in the first place, essential to understanding the vicissitudes of deconstructive and democratic practice, but also necessary for setting up some of the particular practices to be discussed in later chapters with reference to Truth Commissions and emergent democracies. “Specters” and their various manifestations (or “traces”) are central to deconstruction. As P.J. Brendese has noted, in much the same way that, as a philosophical enterprise, deconstruction reveals how our terms and concepts often betray us, specters disclose how the “present” in its fullest sense refuses to provide a safe conceptual ground upon which to rest those terms and concepts.¹³¹ Derrida’s most

¹³⁰ Bennington, *Interrupting Derrida*, 192.

¹³¹ Phillip J. Brendese, “Remembering Democratic Temporality” (unpublished essay, cited with permission), 8.

explicit engagement with the question of ghosts or specters is in *Specters of Marx*, which appeared at a moment in recent history when many were triumphing the victory of liberal democracy over Marxism as championed by Francis Fukuyama.¹³² In *Specters of Marx*, Derrida is doubtlessly addressing, at least in part, academics who had become enamored with Fukuyama's neo-Hegelianism—an example par excellence of the philosophical desire for “full presence.” But what often goes unnoticed is another audience to which Derrida is attuned, those who question whether or not democracy had in fact arrived “just in time” and are fundamentally, existentially, invested in Derrida's question—What does it mean to finally live?¹³³—as is no doubt evidenced by his dedication of *Specters of Marx* to the recently-assassinated democratic advocate and anti-apartheid activist Chris Hanu.¹³⁴

Ghosts and specters, like memory (in which they are brought to life or kept alive), hover somewhere between presence and absence. They are ambiguous phenomena with which we live, though they themselves are not “living” in any easily determinable sense. Spectrality upsets the subject-object distinction, essential to most of Western philosophy and, in the words of Frederic Jameson, is “that which makes the present waver: like the

¹³² See Francis Fukuyama, *The End of History and the Last Man* (New York: Avon Books, 1992).

¹³³ See *Specters of Marx*, xvii-xx.

¹³⁴ See the dedication of *Specters of Marx*, xiv-xv. Chris Hanu, born Martin Thembisile Hanu, was an anti-apartheid activist and the leader of both the South African Communist Party (SACP) and Umkhonto we Sizwe (MK), the armed wing of the African National Congress (ANC). Hanu was assassinated on April 10, 1993 (during South Africa's volatile transition to democracy) as a part of a plot by the far-right in South Africa to derail the negotiations to end apartheid. An alleged hit list of senior ANC and SACP figures that was later found included Nelson Mandela and Joe Slovo at numbers one and two. Chris Hanu was number three. Hanu's killers later appeared before South Africa's Truth and Reconciliation Commission, claiming political motivation for their crimes and applying for amnesty on the basis that they had acted on the orders of the (Afrikaner) National Party. Their applications were denied when the TRC ruled that they were not acting on orders.

vibrations of a heat wave through the massiveness of the objective world.”¹³⁵ For Derrida, spectrality and the specter have always eluded philosophers, as that which unsettles our fundamental ontological and metaphysical concepts and exceeds both the Western philosophical tradition and the language of psychoanalysis.¹³⁶ Despite the fact that Plato’s distinction between the real and the apparent is one of the fundamental axioms of Western philosophy, the attention and emphasis of philosophers have concentrated almost exclusively on the *real*, leading Derrida to maintain:

What seems almost impossible is to speak of the specter, to speak *to the* specter, to speak with it, therefore especially *to make* or *to let* a spirit speak. And the thing seems even more difficult for a reader, an expert, a professor, an interpreter, in short, for what Marcellus calls a “scholar”... There has never been a scholar who really, and as a scholar, deals with ghosts. A traditional scholar does not believe in ghosts—nor in all that could be called the virtual space of spectrality. There has never been a scholar who, as such, does not believe in the sharp distinction between the real and the unreal, the actual and the inactual, the living and the non-living, being and non-being (“to be or not to be,” in the conventional reading), in the opposition between what is present and what is not, for example in the form of objectivity. Beyond this opposition, there is, for the scholar, only the hypothesis of a school of thought, theatrical fiction, literature, and speculation.¹³⁷

One of the things that Derrida attempts to demonstrate in *Specters of Marx* is that any essentialist ontology or metaphysic “of presence as actual reality and as objectivity” must

¹³⁵ Frederic Jameson, “Marx’s Purloined Letter” in *Ghostly Demarcations*, ed. Michael Sprinker (London: Verso, 1999), 38.

¹³⁶ Philip J. Brendese, “Remembering Democratic Temporality,” 7.

¹³⁷ *Specters of Marx*, 11.

constantly occupy itself with “the possibility of dissipating the phantom.”¹³⁸ Why is this the case? In part because, as noted above, Derrida claims that philosophers (“scholars”) are incapable of actually dealing with ghosts—they have no language, no categories, no capacity for recognition of those phenomena that do not fully present themselves and hence do not rise to the level of proper “objects.” Nevertheless, every metaphysic and ontology is *haunted* by the traces or possibilities of these specters that it can neither address nor explain.

The trace

In order to find our way to the specter, to summon the ghosts that philosophy seems unable to engage, we may be required (in characteristically deconstructive fashion) to take an indirect route. First, a detour through the “trace.” Derrida reminds us in *Of Grammatology* that

The movements of deconstruction do not destroy structures from the outside. They are not possible and effective, nor can they take accurate aim, except by inhabiting those structures... Operating necessarily from the inside, borrowing all of the strategies and economic resources of subversion from the old structure, borrowing them structurally...¹³⁹

That is to say, somewhat awkwardly, the structures being deconstructed in deconstruction auto-deconstruct.¹⁴⁰ Or, slightly less awkwardly, the “tools” of deconstruction are collected from the “traces” *within* any structure of that which causes it to auto-

¹³⁸ *Specters of Marx*, 170.

¹³⁹ *Of Grammatology*, 24.

¹⁴⁰ See the section on “autoimmunity” above.

deconstruct. Throughout his life, Derrida adopted a strategy of locating and exploiting just these traces through close textual analyses of the philosophical cannon. Over the years, he has variously described the Western philosophical tradition as dominated by logocentrism, phallo-logocentrism and, most famously, the “metaphysics of presence” (sometimes referred to in the shorthand simply as “metaphysics”).¹⁴¹ While his critical approaches to all three tendencies are often lumped together in describing “deconstruction,” they are not exactly the same. “Logocentrism,” as elaborated in texts like *Of Grammatology* and “Plato’s Pharmacy” in *Dissemination*, is the predisposition that philosophers following in the Platonic tradition have shown for speech over writing, thus suppressing the ambiguity and non-immediacy of meaning that speech ostensibly avoids and writing quite often achieves.¹⁴² “Phallo-logocentrism” is the prejudice of that same tradition toward exclusively patriarchal systems of meaning and signification, resulting in a complicated exclusion and abjectification of the existentially present, though philosophically unspeakable, “feminine” other.¹⁴³ The critique of the “metaphysics of presence,” however, is a more particular or focused critique of prejudices within the phenomenological tradition. The last of these is, arguably, the most important to Derrida’s philosophy as a whole and to understanding deconstruction as both a trace of and a major departure from the phenomenological tradition of Husserl, Sartre

¹⁴¹ These themes are articulated most explicitly in Derrida’s “early” work, primarily *Of Grammatology*, *Speech and Phenomena*, *Dissemination* and the essays collected in *Margins of Philosophy* and *Writing and Difference*. However, as should become evident, the deconstruction of logocentrism, phallo-logocentrism and the metaphysics of presence can be seen as dominating his entire corpus, even those places where it is not taken up as an explicit theme. Derrida’s formulation of his notion of *différance* is essential to many of these strategies, and I thus refer the reader to my treatment of *différance* above to supplement the following elaboration of the “trace.”

¹⁴² For the preeminent example of this tendency, see Plato’s *Phaedrus*, trans. Alexander Nehemas and Paul Woodruff (Indianapolis: Hackett, 1995.)

¹⁴³ See especially Derrida’s treatment of the theme of “woman” in Nietzsche in *Éperons/Spurs*, trans. Barbara Harlow (Chicago: University of Chicago Press, 1978). However, Derrida’s question of the place of/for the woman within philosophy is also integral to many other of his important texts, like *The Gift of Death* and *The Politics of Friendship*.

and Merleau-Ponty that appeared to dominate the philosophical landscape throughout the second half of the twentieth century.

Phenomenology, according to Derrida, relies on a notion of indivisible self-presence or, at least, the possibility of an internal adequation with oneself (as found in Husserl, for example).¹⁴⁴ Without this foundational assumption, the “phenomenological reduction,” which provides the intentional analysis of the phenomenologist with adequate grounds for the rigorous (i.e., “scientific”) analyses of experience, would be *impossible*. In *Speech and Phenomena*, Derrida trains his critique on the confidence that phenomenology holds in this “full” presence of and for the subject. Husserl’s notion of temporal immediacy—where the subject’s primary locus of experience is centered within a discrete and immediate temporal moment, the “now”—is ultimately unsustainable for Derrida. Any experience of the “now” is non-exhaustive because (as Derrida not only attempts to show himself but also finds latent in Husserl’s own formulations) every “present/now” is contaminated with and fundamentally reliant upon the residue of previous or anticipated experience. The “now” is never self-contained, and the desire to think of it as such amounts to little more than nostalgia for a proper metaphysic and the ultimate distinction between presence and absence that all metaphysics require.¹⁴⁵ What is finally at stake in Husserlian temporality and subjectivity, according to Derrida, is “the privilege of the actual present, the now.”¹⁴⁶ But what cannot be exorcised from

¹⁴⁴ *Speech and Phenomena and Other Essays in Husserl’s Theory of Signs*, trans. Peggy Kamuf (New York: Routledge, 1994), 66-68.

¹⁴⁵ I refer the reader to my treatment of Derrida’s understanding of temporal ambiguity in my section on “the gift” above.

¹⁴⁶ *Speech and Phenomena*, 63 (emphasis added).

Husserl's—and, by extension, phenomenology's—full presence and “actually” present “now” is the trace of a time that is not “now,” and which the “now” cannot do without.¹⁴⁷

The so-called “living present,” upon which the whole of the phenomenological edifice relies, collapses when one comes to understand any “fullness” of presence as interminably and structurally *deferred* or always in a somewhat ambiguous reference to that which is not (or not yet). That is to say, there remains in every notion of “full presence,” and especially in the desire to privilege the present, a trace of something which is absent. Heidegger's *Being and Time* emphasized this privileging within Western philosophy of that which is, or that which appears, to the exclusion of considering what serves as the ground for that appearance.¹⁴⁸ Especially in his later works, Heidegger seems to condemn the whole of Western philosophy as a fundamentally metaphysical (hence, nihilistic) enterprise that “forgets” Being, or the conditions for the appearance of beings, in its attempt to scientifically or technologically master the ontic realm. Derrida, in many ways, takes up where Heidegger left off and Derrida's estimation of metaphysics as a philosophical project that focuses too exclusively on objects and their objectivity (or presence) is a noticeable inheritance from Heidegger. In the “Afterword” to *Limited, Inc.*, Derrida describes his understanding of metaphysics in the following:

The enterprise of returning “strategically,” “ideally,” to an origin or to a priority thought to be simple, intact, normal, pure, standard, self-identical, in order then to

¹⁴⁷ Again, I refer the reader to Richard Beardsworth's excellent explication of Derrida's *aporia* of time, which is essential to Beardsworth's argument throughout *Derrida and the Political*.

¹⁴⁸ Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962). This is, of course, a grossly insufficient summary of Heidegger's overall project, but it serves to demonstrate the critique of “metaphysical” thinking that Derrida adopts from Heidegger.

think in terms of derivation, complication, deterioration, accident, etc. All metaphysicians, from Plato to Rousseau, Descartes to Husserl, have proceeded in this way, conceiving good to be before evil, the positive before the negative, the pure before the impure, the simple before the complex, the essential before the accidental, the imitated before the imitation, etc. And this is not just one metaphysical gesture among others, it is the metaphysical exigency, that which has been the most constant, most profound and most potent.¹⁴⁹

For Derrida, however, the fundamentally metaphysical “enterprise of returning...to an origin” can be found in Heidegger’s fundamental ontology as well.¹⁵⁰ What metaphysics and ontology both rely upon is a world constituted by a series of axiomatic dualisms—dualisms that exist only in a world *produced by* these philosophical enterprises and not simply discovered there. Deconstructive analysis, then, attempts to solicit the ways in which these dualisms are ultimately unsustainable, the way in which they operate by simultaneous and contradictory imperatives (aporias), in order to open them up for their own autodeconstruction.

One common misperception of the practice of deconstruction is to posit it as an attempt to simply “reverse” or overturn the privileges within traditional conceptual dualisms—for example, by positing writing as superior to speech, or absence as more primary than presence, or “woman” as more authentic than “man.” But these reversals end up being no more than repetitions of the same traditional structure inasmuch as they preserve the apparent stability of the dualism being overturned. Hence, the “radical”

¹⁴⁹ *Limited, Inc.*, trans. Samuel Weber and Jeffrey Mahiman. (Evanston: Northwestern University Press, 1988 edition), 236.

¹⁵⁰ “The value of proximity, that is, of presence in general, therefore decides the essential orientation of [Heidegger’s] analytic of Dasein.” Derrida, “The Ends of Man” in *Margins of Philosophy*, 127.

departures from the philosophical tradition that are often cited as demonstrative of the way in which traditional philosophy is upset—for example, the Nietzschean critique of metaphysics, the Freudian critique of self-presence, the Heideggerean destruction of metaphysics and onto-theology, and all of their analogues—are all “destructive discourses...trapped in a kind of circle” that cannot help but rely on the very systems they are attempting to exit.¹⁵¹ Derrida’s deconstructive project, alternatively, goes straight to the heart of both the metaphysical-ontological systematization of philosophy and at the same time all attempts to overturn it by insisting that every system of meaning itself provides the means for its own “false exits.”¹⁵² Derrida writes,

For there are two heterogeneous ways of erasing the difference between the signifier and the signified: one, the classic way, consists in reducing or deriving the signifier, that is to say, ultimately in *submitting* the signs to thought; the other, the one we are using here against the first one, consists in putting into question the system in which the preceding reduction functioned: first and foremost, the opposition between the sensible and the intelligible. For the *paradox* is that the metaphysical reduction of the sign needed the opposition it was reducing. The opposition is systematic with the reduction.¹⁵³

¹⁵¹ See “Structure, Sign and Play” in *Writing and Difference*, trans. Alan Bass (Chicago: University of Chicago press, 1978), 280.

¹⁵² See especially “The Ends of Man” in *Margins of Philosophy* (109-136) where Derrida demonstrates the manner in which Hegel, Husserl and Heidegger—each in an attempt to exit the philosophical domain of “humanism”—formulate what amounts to “false exits” from this structure.

¹⁵³ “Structure, Sign and Play” in *Writing and Difference*, 281.

The ‘trace’ for Derrida will be then a “breach” of the system produced by the system, never simply an overturning or a reduction of the system (which, as he states above, will always remain systematic in some sense).¹⁵⁴

Derrida uses the “trace” to try and think a way out of the closure imposed by systems of meaning—a “way out” that understands, importantly, there is no “absolute” outside and, hence, any attempt at a complete exit will always be a “false” exit. Even the attempt to reduce the “trace” to secure the coherency of metaphysics is a result of the “play” of traces, as Derrida claims

...the birthplace of “usurpation,” denounced from Plato to Saussure, this trace is the opening of the first exteriority in general, the enigmatic relationship of the living to its other and of an inside to an outside: spacing....The presence-absence of the trace, which one should not even call its ambiguity but rather its play (for the word “ambiguity” requires the logic of presence, even when it begins to disobey that logic), carries within itself... all dualisms, all theories of the immortality of the soul or of the spirit, as well as all monisms, spiritualist or materialist, dialectical or vulgar, [all of which] are the unique theme of a metaphysics whose entire history was compelled to strive toward the reduction of the trace.¹⁵⁵

The real value of deconstruction’s figure of the trace is in its signaling toward not another type of presence (that always defines metaphysics in general) but rather toward “the simulacrum of a presence that dislocates itself, displaces itself, refers itself, it properly has no site—erasure belongs to its structure.”¹⁵⁶ For example, in any text (of philosophy

¹⁵⁴ See “Différance” in *Margins of Philosophy*, 18.

¹⁵⁵ *Of Grammatology*, 70-71.

¹⁵⁶ “Différance” 24.

or anything else), we have only a “trace” of the thought of its author, a remainder or remnant, a simulacrum, a more or less adequate copy of his or her live voice in the written words he or she leaves to be read. Unlike the living presence of the voice that, at least according to the tradition, could be interrogated and interacted with in order to clarify the author’s meaning and intention, the written word—because it represents both the presence and the absence of its source of authority—always gives itself up for possible misinterpretation, misunderstanding, recontextualization.. But it also opens itself up for *more* and *different* meanings. It is the trace, Derrida conjectures, that truly allows metaphysics, ontology, philosophy to be *read*, even if it sometimes allows it to be read against itself. The text-without-a-voice must always be deciphered, which is why Derrida often conflates *reading* (the deciphering of traces) with *writing*; readers, through this deciphering, “author” the texts they read as much as the authors to whom those texts are attributed.¹⁵⁷ The trace, like *différance*, is Derrida’s way of showing the manner in which any system that relies on “presence,” always elusive and deferred, can be read against itself by reading the traces that systematic meaning or the logic of coherence attempts to suppress. Derrida claims that the intention of his seminal text *Of Grammatology*, is “to make enigmatic what one thinks one understands by the words ‘proximity,’ ‘immediacy,’ ‘presence’... the proximate [*proche*], the own [*propre*], and the pre- of presence.”¹⁵⁸ He does this through what he calls the “problematic of the trace” when he writes:

The hinge [*brisure*] marks the impossibility that a sign, the unity of a signifier and signified, be produced within the plenitude of a present and an absolute presence.

¹⁵⁷ Ibid.

¹⁵⁸ *Of Grammatology*, 70.

That is why there is no full speech, however much one might wish to restore it by means or without the benefit of psychoanalysis. Before thinking to reduce it or restore the meaning of the full speech which claims to be truth, one must ask the question of meaning and of its origin in differences. Such is the problematic of the trace.¹⁵⁹

The various scandals surrounding deconstruction are but synecdoches for the problematic of the trace: anytime something is written down, “the play of traces is engaged” and debates immediately ensue concerning its proper interpretation or meaning.¹⁶⁰ Derrida is pointing to a rather simple fact of all traditions (all of which, in some sense, are comprised of texts), that is, they entrust the transmission of their meaning to a system of signs that is subject to the play of *différance*.

Why the trace? To make our way back to the specter/ghost, it is important to remember that Derrida’s critique of the metaphysics of presence and his elaboration of the “openness” of all systems of meaning in the figure of the trace help to establish, as he states in *Of Grammatology*, that “the place of the one and the other must constantly be in movement.”¹⁶¹ This is true not only of contested differences in meaning or interpretation, but also of the poles of various dualisms on which meaning and interpretation depend: speech and writing, subjectivity and objectivity, absence and presence, Being and beings, the living and the non-living, and other metaphysical oppositions *ad infinitum*. The specter or ghost, like the trace, is that which lingers where there are no categories in

¹⁵⁹ Ibid.

¹⁶⁰ Caputo, *More Radical Hermeneutics*, 198.

¹⁶¹ *Of Grammatology*, 70.

which to give it expression—the dead among the living—like the living voice of the author in the dead letter of his or her text.

Derrida's "hauntology"

When Derrida asks, at the outset of *Specters of Marx*, “what does it mean to live finally?,” he is asking not only what is the impact of ghosts, who have lasted beyond their ownmost “finality” (in the Heideggerian sense), on our final understanding of the meaning of life?—but also, what does it mean for the living to live with ghosts? This is, as will be demonstrated in later chapters, a fundamentally political question: how does one negotiate both the inter-subjectivity of those present and those who are neither wholly present nor absent? The dead leave a trace on our lives, and our indistinct experiences of/with them appear to actively influence the varying configurations in which we understand extant intersubjectivity. Ghosts, like Hamlet’s father, are remnants, remainders of a past that has not passed and that, in its refusal to either properly “present” itself or to retreat into oblivion, both haunts the present and influences the future. In so doing, ghosts gesture toward our inability to “master” the past or the present, not to mention our inability to discern or decide finally between the two. Wendy Brown, in her *Politics Out of History*, writes:

[Ghosts] figure the necessity of grasping certain implications of the past for the present only as traces or effects (rather than as structures, axioms, laws, or lines of determination) and of grasping even these as protean. “Learning to live finally” means learning to live with this unmasterable, uncategorizable, and irreducible character of the past’s bearing on the present, and hence with the unmasterable and

irreducible character of the present as well. Learning to live means learning to live without systematization, without conceits of coherence, without a consistent and complete picture, and without a clear delineation between past and present.¹⁶²

The trouble with spirits is that they are never proactively encountered, that is, never really seen, though the spectral other no doubt “*looks at us*, we feel ourselves being looked at by it, outside of any synchrony, even before and beyond any look on our part.”¹⁶³ We are haunted by their present-which-is-not-present, that is to say, also by their absence-which-is-not-absent. Their guarded anonymity, their origin and their status is never certain. They are fundamentally anachronistic (“out of time”)—anachrony is the “law” of the specter.

Because, in the specter, we cannot clearly distinguish the difference between the thing itself and its simulacrum—that opposition does not hold up—Derrida suggests that the specter or ghost forces us to replace metaphysics/ontology with what he calls a hauntology.¹⁶⁴ Like the trace, it is in the nature of ghosts to appear in those places which, according to Adorno, “do not fit properly into the laws of historical movement.”¹⁶⁵ That is to say, they “haunt” the present, that to which we so desperately attach ourselves both existentially and intellectually, without ever wholly becoming a part of that present. They are “waste products and blind spots that have escaped the dialectic,” and it is precisely Derrida’s project in *Specters of Marx*, in his hauntology, to address what is left

¹⁶² Wendy Brown, *Politics Out of History* (Princeton: Princeton University Press, 2001), 146.

¹⁶³ *Specters of Marx*, 7.

¹⁶⁴ *Specters of Marx*, 10.

¹⁶⁵ “It is in the nature of the defeated to appear, in their impotence, irrelevant, eccentric, derisory. What transcends the ruling society is not only the potentiality which it develops but also *that which did not fit properly into the laws of historical movement*. Theory must deal with cross-grained, opaque, unassimilated material, *which has admittedly from the start an anachronistic quality*, but is not obsolete since it has outwitted the historical dynamic.” Theodore Adorno, *Minima Moralia: Reflections from a Damaged Life*, trans. E.F. Jephcott (New York: Verso, 1996), 151 (emphasis added).

unassimilated by metaphysics' (and traditional philosophy's) privileging of the present.¹⁶⁶ Hauntology replaces ontology because, as Warren Montag writes, "ontology speaks only of what is present or what is absent; it cannot conceive of what is neither...The linear time of birth, life and death, of the beginning and the end, has no place in the hauntic, which the latter alone allows to speak of what persists beyond the end, beyond death."¹⁶⁷ In the same way that the "specter of communism" reminded Marx of the distance between 19th century Europe's promises and its practices, so also does the specter of the "end of communism" (which was being heralded by Fukuyama and his adherents at the time of Derrida's *Specters of Marx*) remind us of the distance between democracy's promises and democracy's practices.¹⁶⁸ That is to say, the specters that haunted Marx (and Marx's Europe)—no doubt traces of the Hegelianism he was attempting to exorcise—are of the same order that haunt those attempting to turn Marxism on its head. Those who, at the end of the 1980's, triumphed the arrival of democracy "just in time" (like Fukuyama) neglected to reckon with the ghosts of that which it claims to have overcome, "the way in which it is constrained, circumscribed and inscribed by the past; the way in which it is haunted before we make and enter it."¹⁶⁹

To re-contextualize the figure of the specter in concrete democratic practices, we should recall that the men and women of history who have actually waited upon democracy's deferral (like the Algerians Derrida so often cites, or the South Africans to which I will soon turn, not to mention innumerable groups within the deceptively general category of "American") often have done so "without horizon of the wait, awaiting what

¹⁶⁶ Ibid.

¹⁶⁷ Warren Montag, "Spirits Armed and Unarmed: Derrida's *Specters of Marx*" in *Ghostly Demarcations*, 71.

¹⁶⁸ Brendese, "Remembering Democratic Temporality," 12.

¹⁶⁹ Brown, *Politics Out of History*, 151.

[one] does not expect yet or any longer.”¹⁷⁰ That is to say, no one ever inherits democracy without being haunted by the ghosts who have invested in its promise, even when that promise has failed. Those that wait on democracy are haunted not only by its own spectrality (in the as-yet unfulfilled promises of democracy) but also by the specters of those whom it has failed. The ghosts of democracy are more than simply the ghosts of “our forefathers”—patriots and heroes—but also the ghosts of murdered protesters, starving picketers, weary marchers, beaten and bruised dissenters, democrats and voyous of all sorts. In “Force of Law,” Derrida argued that there is no state, no law, which is not inaugurated in some violence. The political present is thus always an heir to some “bottomless wound, irreparable tragedy, the indefinite malediction that marks the history of the law and history as law.”¹⁷¹ The figure of the ghost, somewhere between presence and absence and excessive of our capacities for metaphysical thinking, helps Derrida open up traces of new and different “political” questions with stakes we could never calculate. Wendy Brown writes,

What we inherit is not “what really happened” to the dead but what lives on from that happening, what is conjured from it, how past generations and events occupy the force fields of the present, how they claim us, and how they haunt, plague and inspire our imaginations and visions for the future.¹⁷²

The questions that the ghosts of democracy raise about the inadequacies of democratic practices, and democracy’s failed promises, work to reinforce our vigilance in the present to closing the gap between democracy’s hopes and achievements. If democracy is always

¹⁷⁰ *Specters of Marx*, 65.

¹⁷¹ *Specters of Marx*, 21.

¹⁷² Brown, *Politics Out of History*, 150-151.

that which has not yet come to full presence—and, hence, is itself a kind of specter—then our relationship with the ghosts of democracy keep alive in our memories images of both what might have been and what still has yet to come.

In the latter half of the twentieth century, the world witnessed the emergence of a novel democratic practice designed to reckon not only with the specter(s) of democracy, but with its autoimmunity and aporias as well—the “truth commission.” Although not all truth commissions took place in regimes that we would recognize as “democratic,” the practice of commissioning the truth of a body politic per se, I contend, is democratic. Many of the deconstructive practices elaborated in this chapter can be seen more concretely in the context of the work of truth commissions, especially the South African Truth and Reconciliation Commission. Here, we will see at work the collective labor of undoing political failures and refiguring political possibilities—what Derrida would call the simultaneous and irreducible processes of depoliticization and repoliticization. At stake in these processes are simultaneously a politics of memory and a politics of possibility, both of which are but variations on a *political hauntology*.

3. HAUNTED DEMOCRACIES: TRUTH COMMISSIONS AND THE SOUTH AFRICAN TRC

The world witnessed the emergence of a new political phenomenon in the last thirty years—the truth commission—which did not exist before the 1970’s. In the 1980’s and 1990’s, over twenty-one recognized truth commissions were established, most of them in societies attempting a transition from repressive regimes (dictatorships, oligarchies, civil wars, apartheid, or otherwise oppressive systems) to democracy. Many scholars trace the origin of truth commissions back to the post-WWII Nuremburg Trials, when there was a collective decision on the part of the Allied victors to come to terms with atrocities committed during that war.¹ Immoral, unjust and criminal acts committed by states against their citizens (or the citizens of their enemies) were, before Nuremburg, generally swept under the historical carpet as so much collateral damage of political conflict. Victims were expected to engage in collective amnesia, perpetrators largely escaped unpunished, and victors hurried about the business of ushering in a new political order with little thought to the lingering wounds that continued to fester. But these new orders remained damaged, *haunted*, in their neglect to reckon with the past, as “silence and impunity became the norm rather than the exception.”² Although surrounded by much debate and disagreement, the Nuremburg Trials had been designed to serve as a new paradigm for exorcising these ghosts and for empowering individuals with “a legal

¹ See Gary Jonathan Bass’s excellent account of the Nuremburg Trials in *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2000), 147-205. The literature on the Nuremburg Trials is vast, so I refer the reader to two other particularly sophisticated accounts in addition to Bass: Telford Taylor’s *The Anatomy of the Nuremburg Trials: A Personal Memoir* (New York: Knopf, 1992) and Drexel A. Sprecher’s *Inside the Nuremburg Trial: A Prosecutor’s Comprehensive Account* (Lanham: University Press of America, 1999).

² Carlos Santiago Nino, *Radical Evil on Trial* (New Haven: Yale University Press, 1986), 3.

personality and human rights enforceable against the state.”³ In the end, though, Nuremburg was not easily repeatable and history has proven that it did not succeed as a transferable paradigm, least of all to transitional democracies.⁴ The failure of the Nuremburg paradigm was in part due to its reliance on the traditional justice mechanism of criminal prosecutions and the “trial” form, which in many transitional societies is either an impractical or, for various reasons, imprudent option. Truth commissions thus come into view as a novel alternative for those emergent democracies, hamstrung by severe historical, political and bureaucratic constraints, which nonetheless still viewed a reckoning with the past as an integral part of establishing a just society.

The inadequacy of criminal prosecutions to contend fully with the wide range of atrocities that trigger political transitions, coupled with the limited reach of courts in transitional states, have led to the current trend on the part of post-transition authorities to adopt official truth-seeking as a strategy for social and political reconstruction and accountability. Although these inquiries and the bodies that conduct them vary in many ways, the generic term “truth commission” has been adopted in recent scholarship as a way to refer to political bodies that conduct “an *official investigation into a past pattern of abuses*.”⁵ Priscilla Hayner, one of the foremost researchers within this still new field of scholarship, defines “truth commission” as such:

³ Jeanne M. Woods, “Reconciling Reconciliation” *UCLA Journal of International Law and Foreign Affairs* 3 (1998): 81.

⁴ Teresa Goodwin Phelps, *Shattered Voices: Language, Violence, and the Work of Truth Commissions* (Philadelphia: University of Pennsylvania Press, 2004), 77. Goodwin explains the difficulty in repeating Nuremburg in the following: “It was, first of all, a victors’ trial: the winners were prosecuting and the losers were on trial. Most contemporary transitions to democracy do not have clear winners and losers. Second, at Nuremburg the opposing sides were not attempting to build a new political community together. They were separate sovereign states whose futures would be connected at arm’s length.” (77-78)

⁵ Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2002), 23.

I use the term to refer to those bodies that share the following characteristics: (1) truth commissions focus on the *past*; (2) they investigate a pattern of abuses over a period of time, rather than a specific event; (3) a truth commission is a temporary body, typically in operation for six months to two years, and completing its work with the submission of a report; and (4) these commissions are officially sanctioned, authorized, or empowered by the state (and sometimes also by the armed opposition, as in a peace accord).⁶

Hayner retrospectively notes that many of the historical bodies that fit this description “did not at the time of their operation consider themselves to be ‘truth commissions,’ nor were they popularly understood to be such by the greater public.”⁷ Further, the various truth commissions to date have gone by many different names that indicate their range of foci, including “commissions on the disappeared” (Argentina, Uganda, Sri Lanka), “truth and justice commissions” (Haiti and Ecuador), “historical clarification commissions” (Guatemala), and “truth and reconciliation commissions” (South Africa and Chile) among others.⁸

Hayner identifies five aims of truth commissions, which are important to recount here as a basic introduction to the generic form. First, truth commissions aim *to clarify and acknowledge the truth*, specifically by establishing an official record of a country’s past abuses, in order to “lift the veil of silence and denial from a contentious and painful period of history.”⁹ Michael Ignatieff explains this function of the truth commission by contending that “the past is an argument and the function of truth commissions, like the

⁶ Hayner, *Unspeakable Truths*, 14.

⁷ Hayner, *Unspeakable Truths*, 15.

⁸ Ibid.

⁹ Hayner, *Unspeakable Truths*, 25.

function of an honest historian, is simply to purify the argument, to narrow the range of permissible lies.”¹⁰ It is crucial to understand the work of truth commissions not as making way for (merely) the acquisition of *knowledge* about past abuses, but more importantly as *acknowledging* a victimized population who suffered abuses about which the general public may have already known.¹¹ Directly related to this, Hayner identifies the second aim of truth commissions as an attempt *to respond to the needs and interests of victims*, thus granting and sanctioning a “public voice” for victims whose voices had been delegitimized during the abusive regime.¹² Thirdly, according to Hayner, truth commissions aim *to contribute to justice and accountability*, by serving as a supplement to what are often severely compromised traditional judicial systems.¹³ Although truth commissions should not be viewed as a “replacement” for traditional mechanisms of justice, like trials and punishments, their work is often seen by advocates to go hand in hand with conventional apparatuses for accountability.¹⁴ Fourthly, truth commissions’ official reports attempt *to outline responsibility and recommend reform*.¹⁵ Because truth commissions are extra-judicial bodies, they are uniquely positioned to undertake what Hayner identifies as both an “evaluative” and a “prescriptive” task.¹⁶ That is to say, unlike trials which can, at best, only accord punishment, truth commissions evaluate the extensive causes and conditions that make certain abuses possible, thereby (ideally)

¹⁰ Michael Ignatieff, “Articles of Faith” *Index on Censorship: Wounded Nations and Broken Lives—Truth Commissions and War tribunals* 25:5 (September /October 1998), Issue 172: 113.

¹¹ See the distinction between “knowledge” and “acknowledgment” in the South African TRC’s taxonomy of “truth” in Chapter 4 below.

¹² Hayner, *Unspeakable Truths*, 28.

¹³ Hayner, *Unspeakable Truths*, 29.

¹⁴ There is, of course, considerable debate concerning whether or not truth commissions replace or supplement trials. Although many critics argue that truth commissions attempt to “replace” traditional judicial mechanisms of justice and can do so only inadequately, advocates of the commission form insist that the relationship between the two must be seen as complementary.

¹⁵ Hayner, *Unspeakable Truths*, 29.

¹⁶ *Ibid.*

making way for official institutional reforms that will prevent the repetition of injustice. Finally, truth commissions often (and to varying degrees) are established *to promote reconciliation and reduce tensions resulting from past violence*.¹⁷ In several of the more successful executions of the truth commission form, the idea grounding the body's work was that only through fully airing the truth of past abuses is any hope of reconciling adversaries is possible. Or, in an alternative formulation, it is only by knowing the whole truth about *who* to forgive and *what* to forgive them for that victims can be empowered to reconcile with their victimizers. In fact, many recent scholars have focused on Article 19 of the United Nations' Universal Declaration of Human Rights (UDHR) to argue that Article 19 guarantees an oft-unrecognized human right, the "right to know."¹⁸ These scholars see the work of truth commissions, of finding and making public the truth of past abuses, as more than a "virtue" of states hoping to promote reconciliation but rather as an *obligation* of all states.¹⁹

The first truth commission, the Commission of Inquiry into the Disappearance of People in Uganda, was established in 1974 by President Idi Amin Dada with a mandate to investigate disappearances at the hands of military forces during the first years of the Amin government.²⁰ Although the Ugandan Commission was the first historical instance of an "official" truth commission, it has been judged retrospectively to have been unsuccessful, due in large part to the (predictable) lack of political support from the Amin

¹⁷ Hayner, *Unspeakable Truths*, 30.

¹⁸ The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly of the United Nations resolution 217 A (III) on 10 December 1948. Article 19 reads: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The full text of the Universal Declaration of Human Rights is available at <http://www.un.org/Overview/rights.html>.

¹⁹ See for example Juan Méndez, "Accountability for Past Abuses," *Human Rights Quarterly* 19 (1997):255-282, which argues strongly for a "right to the truth" as implied in the UDHR.

²⁰ See Hayner, *Unspeakable Truths*, 51-52.

government. President Amin did not publish the findings of the Commissions, nor did he implement any of its recommendations. (In fact, the atrocities that the Commission was meant to expose only increased in subsequent years, when the unchecked violence of Amin's military forces earned him the name "the butcher of Uganda."²¹) While a copy is held on microfiche by Amnesty International, there is no known copy of the Ugandan Commission's report within that country.²² Roughly a decade later, however, the truth commission project was resuscitated in South America—first in Bolivia and Uruguay, followed by the monumentally important commission in Argentina²³—and the work begun in that revival of the truth commission form has barely slowed since. For many scholars of truth commissions and transitional justice²⁴, the high point in this recent political history was the South African Truth and Reconciliation Commission, which (depending on the persuasion of the theorist) has served as an exemplar of either the

²¹ The first known in-depth and from-the-inside expose of Amin's rule was by Henry Kyemba (Amin's Health Minister) who used travel for a World Health Organization conference as a means for defecting. Resettled in Britain, Kyemba wrote and published *A State of Blood: The Inside Story of Idi Amin* (London: Ace Books, 1977).

²² Hayner, *Unspeakable Truths*, 51-52. The details of the Ugandan Commission are covered in Richard Carver, "Called to Account: African Governments Investigates Human Rights Violations," *African Affairs* 89 (1991).

²³ Hayner, *Unspeakable Truths*, 52-54. Bolivia's Commission, *Comisión Nacional de Investigación Desaparecidos* (National Commission of Inquiry into Disappearances), operated from 1982-1984 but disbanded before finishing a report. Uruguay's Commission, *Comisión Investigadora sobre la Situación de Personas Desaparecidas y Hechos que la Motivaron* (Investigative Commission on the Situation of Disappeared People and Its Causes), was established by Parliament in 1985 and did publish a final report. Though its report was forwarded to the Uruguayan Supreme Court, it was otherwise not widely distributed nor were its findings ever officially announced to the public. I will discuss the Argentinean Commission in more detail below.

²⁴ "Transitional justice" is a sub-category of legal and political theory that has emerged in relation to truth commissions and matters of justice in transitional societies. For a representative example of this recent body of scholarship, see Rudi Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000); Neil Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 vols. (Washington: U.S. Institute of Peace, 1995); A. James McAdams, ed., *Transitional Justice and the Rule of Law in New Democracies* (Notre Dame: University of Notre Dame Press, 1997); Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (New York: Oxford University Press, 1997); Aryeh Neier, *War Crimes: Brutality, Genocide, Terror and the Struggle for Justice* (New York: Times Books, 1998).

radically progressive promise of truth commissions or the subtle inevitability of their dangers.

The particular historical details of each truth commission are essential to understanding all of the nuances of its construction and objectives—as well as the degree of its success or failure—and while the numerous commissions to date share many similarities, they are without exception attached to specific historical and political exigencies that make each of them unique in some sense. Among other things, truth commissions differ not only in the content of the “truth” to be uncovered but also in “who conducts the inquiry, the scope of the inquiry, the powers given to those who conduct the inquiry and write the report, the mechanisms by which the stories are found, how and where (and if) the results are published.”²⁵ In the following, I will first introduce the concept of transitional justice and consider the Latin American experience of truth commissions, in particular, the earlier and historically important manifestations in Argentina and Chile. I will then turn to an explicit treatment of the historical context, constitution and implementation of the South African Truth and Reconciliation Commission (TRC) in order to introduce several practical and theoretical innovations of that body that help to frame some of the unique challenges and promises of emergent democracies in the postcolonial era. My objective in this chapter is thus two-fold: first, to introduce the truth commission in both its general form and some of its particular instantiations and, second, to focus on the specific example of the South African TRC in order to set the stage for a deconstructive analysis of the theoretical questions it raises about the role of truth, forgiveness/reconciliation, and memory in democracies.

²⁵ Phelps, *Shattered Voices*, 78.

Transitional Justice and the Latin American Truth Commissions

The complicated project of evaluating truth commissions, in one sense, already begins on the nether side of one of the most difficult practical and theoretical questions facing societies in transition: “do you want to remember, or to forget?” Priscilla Hayner, one of the most accomplished researchers of truth commissions, asked this question of an unnamed Rwandan government official in late 1995, after the 1994 genocide in that country left over a half-million Rwandans dead. Not surprisingly, she received a cryptic response. He responded, “We must remember what happened in order to keep it from happening again... But we must forget the feelings, the emotions that go with it. It is only by forgetting that we are able to go on.”²⁶ Hayner’s Rwandan interlocutor had lost seventeen members of his immediate family during the 1994 genocide; by an accident of fate (he was out of the country when the genocide started), he was the only member of his family left alive. She recounts several similar conversations over the course of her research with survivors of repressive regimes from El Salvador to South Africa, which led her to ascertain that “remembering is not easy, but forgetting may be impossible.”²⁷ Whenever a repressive regime ends, Hayner speculates, a state and its people stand at a crossroads of memory and forgetting. She writes,

What should be done with a recent history full of victims, perpetrators, secretly buried bodies, pervasive fear, and official denial? Should this past be exhumed, preserved, acknowledged, apologized for? How can a nation of enemies be reunited, former opponents reconciled, in the context of such a violent history and often bitter, festering wounds? What should be done with hundreds of thousands

²⁶ Hayner, *Unspeakable Truths*, 1.

²⁷ Hayner, *Unspeakable Truths*, 2.

of perpetrators still walking free? And how can a new government prevent such atrocities from being repeated in the future? While individual survivors struggle to rebuild shattered lives, to erase the burning memory of torture suffered or massacres witnessed, society as a whole must find a way to move on, to recreate a livable space of national peace, build some form of reconciliation between former enemies, and secure these events in the past.²⁸

The existence of a truth commission *per se*, I would contend, signals a (more or less effective) commitment to what has come to be known as the “politics of memory.”²⁹

Most theorists of the politics of memory recognize, like Hayner and her interlocutors, that memory and forgetting are but two sides of the same coin, rather than mutually exclusive opposites. That is to say, what must be confronted in the wake of mass atrocities like genocide is *the extent to which* memories of the past will be preserved in an attempt to fashion a future that does not repeat them.

In 1986, *Transitions from Authoritarian Rule* was published as a major four-volume work that focused on Latin American and Eastern European democratic transitions in what was then a relatively new field of study (as evidenced by the study’s subtitle: “Tentative Conclusions About Uncertain Democracies”).³⁰ In that study, the authors attempted to reckon with what they deemed a dilemma of “immense difficulty,” in which transitioning societies must balance the desire to bury the past (in order to avoid further provocations of the conflict they are attempting to go beyond) and the equally

²⁸ Ibid.

²⁹ For a more extended discussion of the politics of memory, see my Chapter 6 below. The collections by Ifi Amadiume and Abdullahi An-Na’im, eds. *The Politics of Memory: Truth, Healing and Social Justice*, (London: Zed Books, 2000) and Alexandra Barahona De Brito et al, eds., *The Politics of Memory and Democratization* (Oxford: Oxford University Press, 2001) are also fine representations of this area of scholarship.

³⁰ See *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, eds. Guillermo O’Donnell et al. (Baltimore: Johns Hopkins University Press, 1986).

compelling ethical and political demand to “settle past accounts.”³¹ When *Transitions from Authoritarian Rule* was published, the National Commission on the Disappeared was just underway in Argentina and, according to Hayner, “there was still virtually no international recognition of nonjudicial truth-seeking as a transitional justice tool, nor was there much recognition of the range of other nonjudicial strategies now commonly considered during such a postauthoritarian transition.”³² In the next fifteen years, however, the situation changed dramatically. Most significantly, the field of “transitional justice” took shape as a “subset of the broader field of inquiry into democratic transitions.”³³

A “nonjudicial strategy” of justice doubtlessly demands some theoretical defense, as any departure from juridical structures—at least in democratic societies—is often seen as a departure from justice itself. Rudi Teitel, in *Transitional Justice*, defines the “transitional” aspect of “transitional justice” in the following:

...the conception of justice in periods of political change is extraordinary and constructivist: It is alternately constituted by, and constitutive of, the transition. The conception of justice that emerges is contextualized and partial: What is deemed just is contingent and informed by prior injustice... As a state undergoes political change, legacies of injustice have a bearing on what is deemed transformative.³⁴

Hayner argues that the basic challenges that scholars of transitional justice analyze—“how to reckon with the massive state crimes and abuses (or abuses by groups in

³¹ O’Donnell et al, *Transitions from Authoritarian Rule*, 75.

³² Hayner, *Unspeakable Truths*, 11.

³³ *Ibid.*

³⁴ Teitel, *Transitional Justice*, 6.

opposition to the state”—raise a wide range of “legal, political, and even psychological questions.”³⁵ And the wide range of inquiries that Hayner identifies is confirmed in the current scholarship on transitional justice.³⁶ If there is a common theoretical assumption among this wide range of scholarship, it is that traditional *theories* of justice—from Plato and Aquinas, to Kant and Mill, to Marx and Rawls or Nozick—are consistently inadequate to transitional situations and, perhaps, *no* unified theory of justice is mutable enough to be adopted without reservation during a political transition. Further, in the actual historical instances of political transitions, virtually all of the traditional *mechanisms* of justice (states, courts, police, etc.) have been absent, unstable, or severely compromised. Hence, the field of “transitional justice” is equally concerned with the theory and the practice of “justice,” however ambiguous that term may be. “Transitional justice,” because it is located in an otherwise virgin space of both theory and practice, is thus a field in which scholars are *both* formulating radically new political questions *and* setting the standards by which those questions can be, hopefully, answered.

Transitional Justice

I want to make a few broad claims regarding what “transitional justice” means (and why the justice under consideration is considered *transitional*) before turning to the specific cases of the Argentinean and Chilean commissions. Within the traditional liberal-

³⁵ Hayner, *Unspeakable Truths*, 11.

³⁶ For example, Rudi Teitel’s *Transitional Justices* and James McAdams’ *Transitional Justice and the Rule of Law in New Democracies* both tend to concentrate almost exclusively on the role of law in reformulations of justice, thus characterizing the “legal” aspect of transitional justice studies. Mark Amstutz’s *The Healing of Nations* and Teresa Phelps’ *Shattered Voices*, on the other hand, devote a good bit of their focus to the (individual and collective) psychological effects of transitional politics and transitional justice. Martha Minow’s *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* and Hayner’s *Unspeakable Truths* are two of the best *political* treatments of transitional justice, but all of the above mentioned cannot be excluded from the same categorization.

democratic conceptual framework, “justice” is generally considered within a somewhat limited range of models—most notably, retributive, compensatory, reparatory, distributive or some combination of these. There is much debate within liberal-democratic theory concerning the relative merits and weaknesses of these paradigms, and it is not my primary intention to rehearse those well-documented and extensive debates here. Rather, I want to call attention to the fact that, in considerations of “transitional justice,” what is emphasized by theorists is the historical-political “transition” underway that makes any consideration of a theory of justice a matter of special contestation. That is, when polities attempt to move from a repressive or oppressive regime (which, it goes without saying, is taken axiomatically to be “unjust”), what is up for debate in the transition is two-fold: (1) what form will “justice” take in the new dispensation?, and (2) what form will “justice” take in the practice of bringing about that new dispensation? In the first place, and almost without exception, emerging democratic societies aim in part for the traditional values associated with justice *qua* the “rule of law,” that is, the traditional liberal-democratic framework of justice that attempts to, in the words of John Rawls, “carry to a higher level of abstraction the familiar theory of the social contract as found in Locke, Rousseau and Kant.”³⁷ It is the *second* question—how to bring about this new order?—that is the more complicated locus of consideration for theorists of transitional justice. For example, can the “rule of law” be applied *during* the transition? Can systematic exercises of justice (of prosecution, trial, judgment and punishment) be effective where there is no effective “rule of law” yet? Even if there is a popular will for such implementations of the traditional juridical structure (which, often, there is not), are there adequate institutional, political and bureaucratic resources to accomplish it? Are

³⁷ Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 3.

there other models of justice (for example, “restorative” justice) that can augment the traditional conception of justice as a respect for the rule of law?

In his *Transitional Justice*, Rudi Teitel draws attention to the way in which the “rule of law”—the hallmark of democratic justice—is complicated in situations of political transition. He argues that the rule of law principles associated with “ordinary times” include clear distinctions in categories of law, while the workings of the law in transitional times tend to “blur the boundaries separating criminal, civil, administrative, and constitutional law.”³⁸ In normal (i.e., non-transitioning) states, these conventional boundaries aid in the effective application of the law and, presumably, in the effective exercise of justice. For example, civil and constitutional law traditionally establishes the definition of a citizen and his or her rights, status and duties within the state. With such definitions established, breaches of these rights and duties in stable states can then be tried and punished within the order of criminal law. But in transitional situations, such fundamental definitions and categories are often as-yet undetermined, or in the process of radical reformulation, and hence the “rule of law” functions as a symbol of something to which the transitioning polity is striving, rather than as something established that can be simply applied. Teitel goes on to argue that because the function of the “law” in transitional situations is largely symbolic, the ambiguous paradigm of “transitional justice” should be understood as both reflective of and *constructive in* the transition from one normative framework to another, presumably from an “unjust” normative framework to a “just” one. The question of law’s constructive (or re-constructive) role, which Teitel takes as the fundamental motor of transitional justice, is thus highlighted in the degree to which the transitional paradigm departs from the epistemological principles associated

³⁸ Teitel, *Transitional Justice*, 216.

with the conventional rule of law. Teitel explains this departure as a “de-differentiation in law,” when the paradigmatic feature of transitional law “is that it visibly advances the reconstruction of public knowledge, comprehending operative affinities and continuities that enable the separation from, and integration of, changing political identities.”³⁹

It should be noted that Teitel, like many theorists of democratic transitions, is deeply invested in resuscitating a viable *liberal* identity for post-transition societies. As a result, his emphasis on the rule of law, even in his admissions of its practical and procedural ambiguity, sometimes leads him to conflate all manifestations of “public interest” in transitional situations with a respect for the rule of law. For example, Teitel claims,

...while there appears to be diminished adherence to an ideal rule of law in transition, there is, nonetheless a palpably heightened sense of the public interest, evident across a spectrum of paradigmatic transitional responses, including constitution making, amnesties, reconciliations, and apologies.⁴⁰

Although, in the above passage, Teitel seems to rely too heavily on an adequation of these expressions of “public interest” and an “adherence to the rule of law” properly-so-called, thus perhaps over-determining in advance the “liberal” identity of transitioning polities, he nonetheless recognizes that the political identities at work in transitions must be considered as unique. Elsewhere, Teitel makes great strides toward establishing what he identifies as a “transitional identity,” a novel contribution to political theory and something left still to be seriously considered by it. One of the reasons that traditionally liberal conceptions of the “rule of law” fail in transitional situations is that the identity of

³⁹ Teitel, *Transitional Justice*, 222.

⁴⁰ Teitel, *Transitional Justice*, 225.

the “citizen” and the identity of the “state” in these transitions—not to mention the relationship between the two—is under construction. Theorists of transitional justice take seriously the importance of making room for these constructions and reconstructions of political identity, which means that they must remain attentive to the on-the-ground historical, social and political changes underway. “Transitional identity” as a category of political identification would thus be a person, group of persons, or a state that persists in seeking justice where there is no clear normative model for it, testing the ability of traditionalist claims of jurisprudence to adequately respond to the mercurial manifestations of political life. Teitel writes,

Entrenching the transitional identity... holds a compelling normative as well as functional appeal; after all, it is a political identity that emphasizes the possibility of unity and corrective justice—a redemptive vision. Similarly, transitional justice offers a controlled means of reform, more measured than changes guided solely on the basis of other normative sources, such as morals.⁴¹

Because the rule of law in transition is less a “rule” than the ongoing construction of such, we should understand “transitional justice” (at least in its legal sense) as function of that process. Justice in the courts is usually the “first and most prominent demand” of societies in transition, but it is also the most difficult.⁴² What Teitel and others who focus on the rule of law stress is the degree to which the “failures” of traditional jurisprudence in transitions—for example, in courts’ adoption of structural and operational features that many other civil and common law systems discard—are not simply failures of “justice,”

⁴¹ Teitel, *Transitional Justice*, 228.

⁴² Hayner, *Unspeakable Truths*, 12.

but rather modifications necessitated by the often unpredictable exigencies of political transitions.

Many emerging democracies choose not to fully prosecute the perpetrators of the regime they are transitioning from, and some even choose to grant (limited or blanket) amnesty in the effort to protect their newly formed, fragile democratic order. As will be seen in the following examples of truth commissions, there are many variations on a transitioning state's decision to modify the mechanisms of justice deployed during a transition. Some successor regimes focus exclusively upon "moving on" after collective violence, avoiding trials in an attempt to steer clear of the confrontational atmosphere that trials inevitably produce between previously embattled adversaries. Or, as is more often the case, many new governments abort the trial process because they lack "the political and economic power, or freedom from the prior military and judicial powers" that would allow trials to rise to even the most basic level of legitimacy.⁴³ Although it may be disheartening for justice traditionalists to admit, there are many arguments to be made against the value of trials in transitions... not all of which are tantamount to a rejection of justice. For example, especially in relation to the trials and truth commissions in Latin America, it is often argued that "fragile democracies need to be stabilized and not put at risk" before *any* concrete mechanisms of a jurisprudence system can be engaged.⁴⁴ Tina Rosenberg, in *Haunted Land: Facing Europe's Ghosts after Communism*, also questions the efficacy of the trial process in transitioning polities when she argues that "trials that seek to do justice on a grand scale risk doing injustice on a small scale; their goal must not be Justice, but justice bit by bit. Trials, in the end, are ill suited to deal with the

⁴³ Minow, *Between Vengeance and Forgiveness*, 28.

⁴⁴ Juan E. Méndez, "Latin American Experiences of Accountability" in Amadiume and An-Na'im's *The Politics of Memory: Truth Healing and Social Justice*, 135.

subtleties of facing the past.”⁴⁵ All of these criticisms, however, should not be taken as declarations of the total worthlessness of trials or the traditional rule of law in dealing with past atrocities. However, these criticisms do help to set the stage for some of the more complex questions of transitional justice, and the way in which alternatives to trials in the form of truth commissions arise in transitional societies as desirable options.

There are many different strategies for confronting past wrongdoing to be found both within the theoretical scholarship of transitional justice as well as the actual historical practice of it. These strategies, according to Mark Amstutz, fall variously on a scale that ranges from “denial” to “accountability.” Transitional strategies of amnesia or blanket amnesty tend to be the most extreme manifestations of “denial” and are often criticized as strategies that abandon justice altogether. On the opposite end of the scale, Amstutz cites trials and purges as the most extreme manifestations of “accountability,” as such strategies are the most consonant with traditional theories of justice. But there is a vast and complex middle ground between these extremes that includes not only truth commissions, but forgiveness (closer to the denial side) and reparations (closer to the accountability side) as well.⁴⁶ The increased number of truth commissions in recent history may be evidence of the fact that what Amstutz identifies as the middle way between denial and accountability is in fact the best expression of a strategy of justice in transitions. The question remains, however, whether or not such strategies of accountability are mechanisms of “justice” properly so-called. Advocates of truth

⁴⁵ Tina Rosenberg, *Haunted Lands: Facing Europe's Ghosts after Communism* (New York: Vintage, 1996), 351.

⁴⁶ See Mark Amstutz scale of transitional justice strategies in *The Healing of Nations: The Promise and Limits of Political Forgiveness*, 18. Amstutz discusses each of these strategies in detail in the following pages, 19-40.

commissions argue strongly for their place *within* strategies of justice. Yet the criticisms are formidable and must be addressed, as Phelps recounts,

Although typically the commissions are created and the reports issued in situations in which another official course of action—investigations and trials, for example—would be unworkable and unwise, some critics insist that these reports are an unsatisfactory alternative to *justice*. They use the term to mean, I think, retribution enacted by the state—investigations, trials, imprisonments, and executions—actions typically considered retributive justice. For the critics, the stories represent a trade-off for justice. Or perhaps a prologue to justice: first truth, then justice. In other words, the stories are not justice; they are something other than justice.⁴⁷

Amstutz, Teitel, and theorists of transitional justice in general, clearly want to combat this criticism, which relies on an overly reductive conception of democratic justice as primarily retributive. The value of truth commissions as instruments of another kind of justice is reinforced by political scientist Samuel Huntington, who urges us to “recognize that on the issue of ‘prosecute and punish vs. forgive and forget’ each alternative presents grave problems and that the least unsatisfactory course may well be: do not prosecute, do not punish, do not forgive, and, above all, do not forget.”⁴⁸ What should become evident in the following, in which I will turn to the concrete details of various commissions, is that the “least unsatisfactory course” is quite often the very best realistic option.

⁴⁷ Phelps, *Shattered Voices*, 53.

⁴⁸ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 231.

The “Latin American experience”

After the failed Ugandan Commission in 1974, the next historical appearances of truth commissions were on the South American continent. “Latin America” had long been home to repressive governments and, as a region, its history of struggles with oppressive regimes occupies a “special place in the history of anti-colonialism and its relation to postcolonial theory.”⁴⁹ However, according to Juan Méndez, the cycles of “revolution and repression in the 1970s and 1980s exceeded—in number of victims and the quality of the atrocities committed—everything the region had experienced before.”⁵⁰ This is a weighty claim on the part of Méndez, since the history of Spanish and Portuguese imperialism as well as anti-colonial struggles of complex and lasting duration in Latin America stretch back several centuries. Many have argued, in the words of the Zapatista National Liberation Army’s (EZLN) Manifesto, that the Latin American people “are a product of 500 years of struggle.”⁵¹ (The EZLN Manifesto alludes to Eduardo Galeano’s *The Open Veins of Latin America: Five Centuries of the Pillage of a Continent*, in which Galeano argues that Latin America has been consistently pillaged by foreign interests from the time of its original Spanish and Portuguese colonization through the contemporary era of its military, political and economic subjection by United States’ neo-

⁴⁹ Robert Young, *Postcolonialism*, 193.

⁵⁰ Méndez, “Latin American Experiences of Accountability,” 127.

⁵¹ *YA Basta!: Ten Years of the Zapatista Uprising*, ed. Ziga Vodovnik (Oakland: AK Press, 2004), 1643. The EZLN is an armed revolutionary group based in Chiapas, one of the poorest states in Mexico. The group takes its name from the Mexican revolutionary Emiliano Zapata, of whom they see themselves as ideological heirs. The EZLN opposes corporate globalization (or neoliberalism), an economic system advocated by every Mexican president from 1982-2000. (The North American Free Trade Agreement, NAFTA, is an example of neoliberal policies they oppose.) The 1984 Zapatista revolution coincided with the signature of NAFTA because the leaders of EZLN believed it would destroy the rights of Mexico’s impoverished indigenous communities. The EZLN claims to be fighting for the autonomy of the indigenous population as a solution to poverty.

colonialism.⁵²) Robert Young reinforces this unique aspect of Latin American political history when he reminds us that

Latin America's early liberation from European rule means that much of it has now been postcolonial for nearly two centuries that its postcolonial era began before many territories became colonial, before some European imperial powers, such as Germany and Italy, had even become nations themselves.⁵³

I contend that the Latin American truth commissions *must* be placed decisively within this colonial and postcolonial context, as it is the Latin American experience that set the stage for understanding the political transitions of twentieth-century “emergent democracies” as postcolonial phenomena. My own treatment of various aspects of truth commissions in the following chapters will stress the unique challenges facing emergent democracies in the postcolonial era, of which the challenge of truth commissions and transitional justice are but examples.

The establishment of truth commissions in Latin America greatly influenced not only the larger process (in the Western hemisphere) in the 1980s and 1990s of states transitioning from dictatorships to democracy, but also the manner in which theorists understood the strategies of justice employed in those transitions. In transitioning countries like Argentina and Chile, the emphasis on “truth and justice against impunity” shaped the then developing area of international human rights law in a manner not seen since the end of WWII. Méndez writes,

Based on those and other experiences, there are now emerging principles in international law to the effect that the victims of certain types of crimes, and the

⁵² See Eduardo Galeano, *The Open Vein of Latin America: Five Centuries of the Pillage of a Continent*, trans. Cedric Belfrage (New York: Monthly Review Press, 1973).

⁵³ Young, *Postcolonialism*, 193.

societies they belong to, are entitled to certain affirmative actions on the part of their governments, and that those obligations remain in force even with regard to a successor government that is not guilty of the crimes.⁵⁴

Within the current scholarship on democratic transitions, there are a few general “categories” of transition states that are consistently employed as means of comparison in most analyses. These categories are, for the most part, geographically distinct; for example, the general categories that include most “Latin American” cases, “Eastern European” cases, or “African” cases.⁵⁵ Not surprisingly, each of these categories indicates major regions of what is now considered the “postcolonial” world, that is, regions whose transitions have often been transitions *from* colonial/imperial rule or the legacies of such rule. The “Latin American” transitions (including not only the cases cited herein, but also Bolivia, Uruguay, Guatemala, Ecuador, Honduras, and sometimes Venezuela) are generally credited with producing the greatest impact on international law, human rights theory, and judgments concerning electoral legitimacy. However, as Méndez and others have noted, the Latin American commissions have also significantly modified the broader understanding of “accountability” in transitions. This is due in large part to two interrelated characteristics of the Latin American experience: first, the invention and recognition of the distinct category of the *desaparecidos* (“disappeared”) that was so integral to the “truth” being uncovered in many Latin American countries

⁵⁴ Méndez, “Latin American Experience of Accountability,” 127.

⁵⁵ The two exceptions to this general structure that I have noticed in my research are (1) the South African TRC, which is usually considered as a case distinct from other “African” transitions and, (2) the case of post-WWII Europe, which is almost exclusively discussed in terms of the Nuremberg Trials. Both the South African case and the Nuremberg case are often cited for their unique exemplarity—that is, they rarely are included in a broader category because it is assumed that they have never been “repeated.”

and, second, the long-established tradition of anti-colonial political thought and activity throughout the region.

Argentina

In 1984, the first significant report of a truth commission, *Nunca Más* (“Never Again”), was published.⁵⁶ It was the product of Argentina’s National Commission on the Disappeared (often referred to by the acronym of its Spanish title, *Comisión Nacional para la Desaparición de Personas*, or CONADEP) which had been established by the Presidential decree of Raúl Alfonsín. Eight years before Alfonsín’s election, in 1976, armed forces comprised of the commanding officers in Argentina’s army, navy, and air force, seized power in Argentina and went on to rule the country for the next seven years in several successive military juntas. Extensive tactics of extra-judicial detention, extreme torture, kidnapping and assassination were employed by the military juntas against suspected left-wing (communist) political dissenters.⁵⁷ Government overthrows such as the one that took place in 1976 were nothing new in Argentina, where the military had long played a prominent role in government and politics. The most storied example of a military-political hybrid leader in Argentina was Juan Perón, the military colonel who became central to Argentinean politics when he helped to unseat President Ramón Castillo in 1943. Perón was elected President in 1946 (due in part to the popularity of his movie star wife, Evita) but was himself overthrown in 1955 and exiled

⁵⁶ *Nunca Más: Report of the Argentine National Commission on the Disappeared* (New York: Farrar Straus Giroux, 1986). Originally published as *Nunca Más: Informe de la Comisión Nacional sobre la Desaparición de Personas* (Buenos Aires : Editorial Universitaria, 1984).

⁵⁷ *Nunca Más*, xvii.

to Spain.⁵⁸ Over the two-decades following Perón's exile, however, his popularity grew and he became a cult figure with immense influence on Argentinean politics despite his physical absence from the country. In 1970, a group of self-proclaimed "left-wing Perónistas" abducted *de facto* President General Pedro Aramburu (who was one of the leaders who helped depose Perón in 1955).⁵⁹ When Perón died in 1974, Argentina was mired in a bitter political divide between the political left and right, which was only compounded by rampant inflation and the public's growing impatience for a regime change.⁶⁰ Perón's vice president and third wife, Isabella, assumed power after his death, but proved incapable of dealing with Argentina's growing economic and political problems, eventually making way for the military junta in 1976, which was backed by tremendous popular support. The extreme tactics adopted by the junta were in large part allowed by the unfettered initial support it received after Isabella Perón's unseating.

It was only after Argentina's war with Great Britain over the Malvinas/Falkland Islands that Argentina's military, disgraced by loss, acquiesced to its outraged public's demand for a popular election. (According to a December 12, 1982 *New York Times* article, that demand came in the form of a 24-hour strike by 9 million of the country's workers, largely facilitated by the National Episcopal Conference of the Roman Catholic Church as a part of what it called "national reconciliation.")⁶¹ Argentina subsequently returned to civilian rule in 1983, but only *after* the military junta granted itself, on its way out of power, "immunity from prosecution and issued a decree ordering the destruction of

⁵⁸ Jamie Malamud-Goti, *Game Without End: State Terror and the Politics of Justice* (Norman: University of Oklahoma Press, 1996), 29.

⁵⁹ *Ibid.*

⁶⁰ *Nunca Más*, xii.

⁶¹ Edward Schumacher, "The Church Seeks a Way Out for Argentina" *The New York Times* 12 December 1982: A3.

all documents relating to military repression.”⁶² Raul Alfonsín, in his first official act as the newly elected president, asked Congress to declare the self-amnesty law dictated by the junta only a few days before the election “null and void.” Alfonsín announced at the same time his intent to address accountability for the human rights violations of the previous several years’ “dirty war” on the part of the military junta against political dissidents. This accountability was to come in the form of a truth commission, established within a week of Alfonsín’s election. Juan Méndez recounts,

...he created a National Commission on the Disappeared (CONADEP), chaired by writer Ernesto Sabato; he ordered the prosecution of members of the three juntas that had ruled the country since 1976m for the thousands of disappearances, extrajudicial executions and cases of torture of the “dirty war,” as well as the prosecution of some well-known guerilla leaders. As for the executors of the “dirty war,” he proposed to amend the Code of Military Justice so that those who obeyed orders would be exempt from punishment unless they exceeded those orders or committed egregious crimes...”due obedience” was allowed as a defense only if the defendant was unaware of the illegality of the order (thus bringing Argentine law closer in line with international law on the matter). Military courts had six months to show due diligence and, if not, federal courts of appeal would take over from them.⁶³

Although many international nongovernmental organizations (NGOs) had lobbied for a parliamentary commission, which could have been granted more extensive powers than a presidentially-appointed commission, they nonetheless eventually cooperated with

⁶² Hayner, *Unspeakable Truths*, 33.

⁶³ Méndez, “Latin American Experiences of Accountability,” 129.

Alfonsín's commission "because it lacked power to compel the production of information from perpetrators or military institutions."⁶⁴ In the end, the commission received almost no information from the armed forces, but it was able to use the vast resources provided by NGOs to assist in its inquiry into the disappeared.

Although CONADEP (also known as the Sabato Commission) never held public hearings, it remained very much in the public eye over the years of its operation and beyond, as evidenced by the high level of interest in its published report, *Nunca Más*.⁶⁵ *Nunca Más* became an immediate best-seller in Argentina upon publication; according to Diana Taylor, copies of it literally "dotted the beaches as summer vacationers in swimwear read the dreadful testimonies."⁶⁶ And the testimonies that CONADEP collected were, without doubt, dreadful. As indicated by its title, CONADEP's mandate focused and limited the commission to investigating and reporting on the "disappeared," those kidnapped during the dirty war who were either assassinated or died in detention/torture centers. The Depositions Department, CONADEP's largest, took depositions from people almost eight hours a day, Monday to Friday, in an attempt to gather as much information as was available for locating the persons (or bodies of persons) declared as "disappeared."⁶⁷ These depositions recounted literally thousands of reports of missing persons, as well as the testimonies of survivors of over 300 detention and torture camps.⁶⁸ Near the beginning of *Nunca Más*, the commissioners were intent to point out that much of its content would inevitably be difficult to comprehend, if not also

⁶⁴ Hayner, *Unspeakable Truths*, 34.

⁶⁵ The report included over fifty thousand pages of documentation, according to Human Rights Watch (See *Truth and Partial Justice in Argentina: An Update*. New York: Human Rights Watch, 1991.)

⁶⁶ Diana Taylor, *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War"* (Durham: Duke University Press, 1997), 12.,

⁶⁷ *Nunca Más*, 431.

⁶⁸ Hayner, *Unspeakable Truths*, 34.

to believe, as they suspected “the men and women of our nation have only heard of such horror in reports from distant places.”⁶⁹ Yet each of the cases cited in CONADEP’s report were but examples, according to the commissioners, of a larger pattern and in no way should be taken as more extreme than those cases that were not included in the report. This was a critical distinction on the part of the Sabato Commission, inasmuch as it helped remind Argentineans that the commission was not simply highlighting the most gruesome or sensational stories, but rather giving an objective and undiluted account of the actual events of Argentina’s dirty war. Although the commissioners struggled with how to properly represent the acts described by victims without turning *Nunca Más* into an “encyclopedia of horror,” in the end they found no possible way of avoiding the graphic details of the stories reported to the commission.⁷⁰

Nunca Más is dominated by victims’ personal narratives—in fact, Commissioner Ernesto Sabato’s six-page Prologue and the four-page final section, “Recommendations,” are the only sections of CONADEP’s report that are not primarily transcripts of recorded testimonies. Because the Argentine commissioners were inventing their own form as they wrote their report, the decision to intentionally construct a public record that self-consciously served as a counter-account to replace the previous regime’s master-

⁶⁹ *Nunca Más*, 9.

⁷⁰ *Nunca Más*, 21. As I recount the historical details of various commissions in my own text, I also find it difficult to decide whether or not to cite testimonies from the commissions’ reports. At least one of the more compelling aspects of truth commissions’ reports is that they construct a narrative out of the details of thousands of testimonies. It is, after all, quite a different matter to claim that Argentina’s dirty war included detentions, assassinations and torture than it is to relate the stories of those horrors in their first person accounts. Here is (just) one example from *Nunca Más*: Dr. Noberto Liwsky, File No. 3902, “They told me that I was not involved with terrorism or the guerillas, but that they were going to torture me because I opposed the regime...For days they applied electric shocks to gums, nipples, genitals, abdomen, and ears. Unintentionally, I managed to annoy them...because they could not make me pass out. Sometimes they put me on a torture table and stretched me out...which gave me the feeling they were going to tear part of my body off...I was face down on the torture table, they lifted my head then removed my blindfold to show me a blood-stained rag. They asked me if I recognized it and without awaiting a reply—they told me it was a pair of my wife’s knickers.” *Nunca Más*, 25.

narrative should be understood as an innovative, and largely unprecedented, democratic practice. The reports of truth commissions, it must be stressed, are attempts to re-write history in the name of the victims of history. Truth commissions thus both *author* and *authorize* a new narrative that will be put forward to the emerging nation to adopt as its collective truth.⁷¹ Commissioners are not simply there to record a litany of otherwise unknown historical details, horrific as they are, but also to put them into a context of meaning. Teresa Phelps, who devotes much of her study on truth commissions to the importance of “storytelling,” emphasizes the manner in which commissioners must structure the testimonies they collect in order to produce a “plot” with both “temporality and causality.”⁷² The Argentine commissioners “emplotted” *Nunca Más* in such a way as to focus accountability on the corrupt military, thereby revealing those atrocities not as random events but as actions invested with agency and purpose. They write,

Month after month of listening to accusations, testimonies and confessions, of examining documents, inspecting places, and doing all in our power to throw light on these terrifying occurrences, has given us the right to assert that a system of repression was deliberately planned to produce the events and situations which are detailed in this report...It is the sheer number of similar and interrelated cases which make us absolutely convinced that a concerted plan of repression existed and was carried out.⁷³

The notion of “plot” as a combination of temporal succession and causality comes from Aristotle’s *Poetics*, in which the plot is determined to be the most important (meaning,

⁷¹ The important role of truth commissions as bodies who record, establish, legitimate and authorize a new “truth” is considered more extensively in Chapter 4, “Transitional Truth,” below.

⁷² Phelps, *Shattered Voices*, 87.

⁷³ *Nunca Más*, 9-10.

the most potentially educational) element of tragedy.⁷⁴ (E.M. Forster famously explained it this way: “‘The king died, and then the queen died’ is a story. ‘The king died and then the queen died of grief’ is a plot.”⁷⁵) The men and women who are charged with the responsibility of making sense of historical tragedies like the Argentinean “dirty war” should be viewed, consequently, on the forefront of a radically new method of historiography. The fact that almost a quarter-million copies of *Nunca Más* were sold in the first year after its publication serves as a confirmation of the monumentally crucial role the Argentine truth commission played in the shaping of that country’s reconstructed history.

Argentina is an exemplar of a transitioning polity that I am terming a “haunted democracy.” The invention of the legal and political category of *desaparecidos* during Argentina’s transition calls attention to the fact that emergent democracies in the postcolonial era often must battle with a past that has not passed. Rudi Teitel argues that “repressive periods are commonly seen as gaps in a state’s historical time” and that the sense of such a break was most pronounced in Latin America because of the prominence of disappearances.⁷⁶ Teitel writes,

...the repression in 1970’s Latin America revealed a singularly coercive state power—to make the body disappear, making citizens vanish, and rendering them *desaparecidos*. During Argentina’s military rule, more than 10,000 persons were abducted, detained, and tortured, vanishing without a trace. Like the secrecy of abduction and detention, the victim’s ultimate disappearance is endemic to the “impunity of crime.” Every step of the military’s process—kidnapping,

⁷⁴ Aristotle, *Poetics*, trans. Richard Janko (Indianapolis: Hackett, 1987), part 3.

⁷⁵ E.M. Forster, *Aspects of the Novel* (New York: Harcourt, Brace, 1927).

⁷⁶ Teitel, *Transitional Justice*, 77.

detention, and torture, culminating in murder—is denied by the disappearances.

As long as citizens remain disappeared, the military has triumphed, preserving its power hold. The disappearance of the citizens displays a perversely cruel and absolute sovereignty.⁷⁷

Truth commissions like CONADEP are thus an attempt to answer the problem of this wide-spread crime of impunity. As Teitel argues, truth commissions emerge as the leading mechanism elaborated to cope with the “evil of the modern repressive state, since bureaucratic murder calls for an institutional counterpart.”⁷⁸ In the context of fragile and fledgling democracies, investigatory commissions like Argentina’s CONADEP signal not only a rejection of the predecessor regime’s *tactics* of power in the name of democracy, but also the *power* of that repression itself.

Chile

Teresa Phelps, in her excellent study *Shattered Voices: Language, Violence and the Work of Truth Commissions*, focuses on what she identifies as the “return to narrative” that truth commissions’ collection of testimonies exemplify. Interestingly, Phelps takes as the point of departure for her study the story of Paulina in *Death and the Maiden*, a 1991 play by Chilean writer Ariel Dorfman.⁷⁹ Dorfman’s began writing the play in the mid-1980’s, while he was in exile from Chile. *Death and the Maiden* is no doubt influenced by the Chilean truth commission, *Comisión Nacional para la Verdad y Reconciliación* (National Commission on Truth and Reconciliation, also known as “The Rettig Commission”), formed by presidential decree in 1990 after the narrow loss of General Augusto Pinochet

⁷⁷ Ibid.

⁷⁸ Teitel, *Transitional Justice*, 78.

⁷⁹ Ariel Dorfman, *Death and the Maiden* (New York: Penguin Books, 1991).

in Chile's 1988 plebiscite. Pinochet had ruled Chile since his overthrow of the civilian government in 1973, beginning seventeen years of a regime that brutally repressed all opposition. The worst year of violence, according to Priscilla Hayner, was the first year after the coup, when "some twelve hundred people were killed or disappeared, and many thousands more were detained, tortured, and eventually released."⁸⁰ In *Death and the Maiden*—which, according to the author, takes place "in a country that is probably Chile"—Dorfman relates the story of Paulina and her husband Gerardo, who has recently been named head of a commission designed to investigate crimes committed by the recently displaced military dictatorship. Paulina is herself a former activist who, as a student fifteen years earlier, had been kidnapped and tortured because of her political activities. Playwright Dorfman portrays Paulina as deeply disturbed, rather than comforted, by her husband's appointment to the commission in the following scene:

Paulina: This Commission you're named to. Doesn't it only investigate cases that ended in death?

Gerardo: It's appointed to investigate human rights violations that ended in death or the presumption of death, yes.

Paulina: Only the most serious cases?

Gerardo: The idea is that if we can cast a light on the worst crimes, other abuses will come to light.

Paulina: Only the most serious?

Gerardo: Those beyond redemption.

Paulina: Only those beyond redemption, huh?

Gerardo: I don't like to talk about this, Paulina.

⁸⁰ Hayner, *Unspeakable Truths*, 35.

Paulina: I don't like to talk about it either.⁸¹

The moral of *Death and the Maiden* turns out to be that Paulina *does*, in fact, want “to talk about it.” The crux of the play centers around a series of coincidences in which Paulina’s husband, who experienced a flat tire on his way home, invites in the stranger who assisted him on the road, a man named Roberto Miranda. Later that night in the couple’s home, Paulina recognizes Miranda’s voice as one of the perpetrators of her (blindfolded) rape and torture fifteen years before in a detention camp. (She feels confident in her identification of Miranda because he also plays Schubert’s “Death and the Maiden,” which Paulina remembers as the haunting soundtrack of her brutal torture.) Paulina knows that the crimes committed against her will be ignored by the newly-formed commission because, since she did not die as a result, they do not qualify among “the most serious cases.” She chooses instead to seek justice from her alleged torturer by binding and gagging him and submitting him to her own ad hoc “trial.” Though the play seems as if it is to be yet another story of vengeance and retribution, as it develops, Paulina instead wants more than anything else to have her story told, heard, and most of all *verified* by the person who violated her.

Dorfman’s *Death and the Maiden*, although it takes place in an unnamed post-transition country, is clearly a commentary on the complicated project of finding justice for the victims of Pinochet’s brutal regime in Dorfman’s homeland of Chile. When Patricio Aylwin was elected to succeed Pinochet in 1990, he was faced with severe restrictions on his democratic rule. Pinochet had amended the Chilean constitution in 1980 to stipulate that he was to remain commander in chief of the army until 1998, after

⁸¹ Dorfman, *Death and the Maiden*, Act One, Scene One.

which he would serve as senator for life.⁸² Despite Pinochet's self-imposed amnesty and the constraints placed on successive Chilean presidents for responding to the abuses of Pinochet's regime, President Aylwin bravely chose as "one of the most prominent initiatives of his new administration" to investigate and establish the truth about Chile's recent past.⁸³ Aylwin established Chile's National Commission on Truth and Reconciliation and, of the eight appointed commissioners, selected four Pinochet supporters for commission seats in hopes of avoiding "any perception of bias in the Commission's work."⁸⁴ The presidential Decree Establishing the National Commission on Truth and Reconciliation mandated the Commission to investigate "disappearances after arrest, executions, and torture *leading to death* committed by governmental agents or people in their service, as well as kidnappings and attempts on the life of persons carried out by private citizens for political reasons."⁸⁵ Significantly, the mandate excluded investigations into tortures or disappearances that did not end in death. This restriction, in one sense, made the work of the Rettig Commission more effective, as the limited number of cases it could consider allowed for a thorough investigation of each. However, those who were tortured and survived "were not listed as victims, their cases were not investigated, and there remains a lack of clarity on [their] total number... torture survivors also did not receive reparations in the program that was established to implement the commission's recommendations."⁸⁶ Like Dorfman's fictional character of Paulina in *Death and the Maiden*, there remained a large population of Chilean victims

⁸² Hayner, *Unspeakable Truths*, 35.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ Decree Establishing the National Commission on Truth and Reconciliation, Supreme Decree No. 355, Chile, 25 April 1990, reprinted in Kritz, *Transitional Justice*, Vol. 3, 102. (Emphasis added.)

⁸⁶ Hayner, *Unspeakable Truths*, 35.

(estimated between 50,000 to 200,000⁸⁷) whose stories would never be revealed as part of the “truth” the Rettig Commission was mandated to report.

The Rettig Commission’s eighteen-hundred page report was completed in 1991, concluding the short nine-month period it was allowed for its work. Although relatively few copies of the report were printed and it received limited public attention, President Aylwin read the report and responded to it in an emotional and televised address to the nation. Aylwin begged the Chilean public for forgiveness on behalf of the state, stressed the importance of reconciliation, and asked the armed forces to “make gestures of recognition of the past caused.”⁸⁸ Legislation was passed for a follow-up commission, the National Commission for Reparations and Reconciliation, which worked to institute the recommendations of the Rettig Commission as well as continuing to search for the remains of the disappeared. Although Pinochet expressed his “fundamental disagreement” with the Commission’s report, he did not directly respond to any of the specific details of the report’s conclusions.⁸⁹ Subsequently, Pinochet did step down from his post as commander in chief of the army and took up his prefabricated position in the Chilean senate in 1998. However, as is now well known, he was arrested in London later in 1998 on an extradition request from Spain to stand trial for torture and human rights violations. The Spanish court that requested—and eventually accomplished—Pinochet’s extradition was informed in large part by the report of the Rettig Commission.

⁸⁷ Ibid.

⁸⁸ *Discurso de S.E. El Presidente de la Republica, Don Patricio Aylwin Azocar, al dar a Conocer a la Ciudadania El Informe de la Comisión de Verdad y Reconiliación*, 4 March 1991. Published in English as Statement by President Aylwin on the Report of the National Commission on Truth and Reconciliation, cited in Kitz, *Transitional Justice*, vol. 3, 169-173.

⁸⁹ Hayner, *Unspeakable Truths*, 35.

Much of what the Rettig Commission investigated was already known by the general public. This is a common factor of many truth commissions: they are mandated to investigate a suppressed or repressed past, and not usually a completely “unknown” one. In many countries that establish truth commissions, the United Nations, Amnesty International, Human Rights Watch or various NGO’s have already documented the literally thousands of cases of abuse *before* the country in which they were committed begins its transition. However, the Rettig Commission and others like it accomplish a much-needed and unique task of *officially verifying* these stories by operating (to differing degrees) under the aegis of the state, thus legitimizing a national history in a way that international organizations can only approximate. José Zalaquett, one of the Chilean commissioners, described his experience as an executor of this legitimating function in the following:

I traveled through Chile. I heard hundreds of cases. The contact with so many families of victims convinced me of the paramount importance and cathartic power of seeking to establish the truth. It was a very personal experience to ask what happened to the victims’ families, and not just what happened to the victims. The families had refused to allow the previous government authorities to see them cry as they searched for their loved ones. But now they were being received with respect and offered a seat and a cup of coffee. The Chilean flag was on the desk as befits an official commission. They often broke down, because now they could allow themselves that measure of relief.⁹⁰

⁹⁰ José Zalaquett, “Balancing Ethical Imperatives and Political Restraints: The Dilemma of New Democracies Confronting Past Human Rights Violations” *Hasting Law Journal* 43 (1992), 1437.

Unlike Argentina's *Nunca Más*, the Chilean Commission's report did not opt to rewrite Chilean history through the polyphony of victims' stories but instead, according to Teresa Phelps, recounted those stories in the "controlling voice of the master narrative."⁹¹ The advantage of this option (to tell the story of Chile's past in the third person rather than the first) is that it allowed the Rettig Commission to concentrate on broad patterns of abuse and to solidly attribute accountability to Pinochet's regime. However, in opting to tell the truth *to* the people and not the truth *by* the people, Phelps speculates, the Chilean report also brought to the fore the dangers inherent to any authoritarian narrative. That is, such a strategy may inadvertently concentrate too exclusively on usurping the predecessor power regime's monopoly on public knowledge and thereby risk marginalizing the details of the experiences of those who suffered under it.

To return again to the significance of Dorfman's *Death and the Maiden*, the decision on the part of President Aylwin to limit the Rettig Commission's mandate to investigating abuses that ended in death also risked silencing a significant population of Chilean victims. Dorfman's play in many ways reinforces Commissioner Zalaquett's evaluations of the commission's work inasmuch as it confirms that there are important human and political virtues to be associated with the commission's ability to make a space for victims' families to tell their stories and have them officially acknowledged and validated. However, the *families* of the dead were not the only victims of Chile's past; there were still-living *victims themselves* (like Dorfman's Paulina) who needed the same acknowledgment and validation. In this way, Chile represents a different kind of "haunted democracy" than the one we find in Argentina—a democratic citizenry haunted not only by the dead or "disappeared" but also by the traumatized and unrecognized

⁹¹ Phelps, *Shattered Voices*, 96.

living among them. Many recent psychological studies have confirmed that victims' recovery is aided significantly by telling their stories, thereby engendering a "transformation from *victim* to *survivor*."⁹² This is a well-known supposition of psychology at least since Freud, but even those psychologists who have concentrated on the particular experiences of torture victims, like Glenn Randall and Ellen Lutz (in a study for the American Association for the Advancement of Science), recognize that "testimony is the most critical component of therapy for survivors of traumatic human rights abuses."⁹³ Hence, what Dorfman represents as "Paulina's good" in *Death and the Maiden*—the kind of justice that victim's can achieve not through revenge or punishment, but through an acknowledgment and validation of their experiences—is an extension of the kind of justice provided by truth commissions, but one which commissions like Chile's were not fully empowered to achieve.

South Africa's Truth and Reconciliation Commission

In the decade between the completion of the Argentina's CONADEP in 1984 and the advent of the South African Truth and Reconciliation Commission (TRC) in 1994, there were six other official truth commissions established in Uruguay, Zimbabwe, Nepal, Chile, Chad and El Salvador.⁹⁴ The South African TRC was in at least one way significantly distinct from all of its predecessors, especially the Latin American ones, in that it was charged with "creating an entirely new and hitherto inconceivable state that had never existed on the southern cape of Africa" rather than (as in most of Latin

⁹² Phelps, *Shattered Voices*, 56.

⁹³ Glenn R. Randall and Ellen L. Lutz, *Serving Survivors of Torture: A Practical Manual for Health Professionals and Other Service Providers* (Waldorf, Md.: American Association for the Advancement of Science, 1991), 117.

⁹⁴ For the details of these intervening commissions, see Hayner, *Unspeakable Truths*, 306-307.

America) “rebuilding moral and political communities that had at least in theory preexisted the periods of oppression.”⁹⁵ South Africa’s interim Constitution of 1993, after the negotiated settlement that brought about the end of apartheid, described the bridge between South Africa’s past and its future as a link “between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans, irrespective of colour, race, class, belief, or sex.”⁹⁶ South Africa’s history leading up to the establishment of the TRC, I contend, is in many ways a blueprint for the challenges facing emergent democracies in the postcolonial era. To that end, I will, in the following, treat the historical context of the TRC in more detail than my treatment of the Argentinean and Chilean commissions above. Although the measured achievements of the Latin American predecessors to the TRC influenced its construction and implementation immensely, the South African commissioners also learned much from their failures (and the failures of other commissions in the intervening years).

It has often struck me as one of the more peculiar aspects of twentieth-century political history that South African apartheid *began* in 1945, that is, *after* the rest of the world made a collective turn in international politics *away* from explicitly racist and totalitarian regimes. In George Fredrickson’s *Racism: A Short History*, for example, Fredrickson identifies the three “overtly racist regimes” of the twentieth century as (1) the Southern United States from the 1890’s-1950’s, (2) Nazi Germany between 1933-

⁹⁵ Phelps, *Shattered Voices*, 105.

⁹⁶ Constitution of the Republic of South Africa Act, 1993, section 232(4). Available at <http://www.polity.org.za/html/govdocs/legislation/1993>.

1945, and (3) South Africa through the 1980's.⁹⁷ Given the impact of both the American Civil Rights struggle and the Holocaust on the international recognition of the horrific implications of white-supremacist rule, I often find myself wondering: how is it that South Africa was able to institute apartheid—and sustain it under the guise of a Republic for almost forty years—*after* the end of the second World War? There are, of course, a host of complex reasons why many nations chose to ignore the more dubious justifications of South African apartheid, not the least of which is the immense wealth generated by South Africa's primary natural resources (gold and diamonds) and the impact of those commodities on the international market. Nevertheless, in a century that is presumed to be marked by wide-spread decolonization and an anti-racist political trend, South Africa remains a disruptive case for any “progressive” political history of the contemporary era. I would argue that it should come as no surprise, consequently, that South Africa also serves as the locus of one of the most disruptive and creative political innovations twentieth-century political history in the form of its Truth and Reconciliation Commission.

At present, South Africa is arguably one of the most influential “new” democracies—in both political and economic terms—in the world. Its current constitution, largely unchanged since the transition of 1994, contains the most extensive and pioneering definitions of human rights of any extant democracy. Though there continues to be much debate concerning the relative merit or success of the Truth and Reconciliation Commission, even its detractors credit that body for influencing (almost without comparison) the current shape of South Africa's democratic dispensation.

⁹⁷ George Frederickson, *Racism: A Short History* (Princeton: Princeton University Press, 2002), 99-100 and passim.

Further, as I will elaborate in subsequent chapters, the intentional self-reflection of the South African TRC with respect to the implications of its theoretical assumptions and its practical exercises provide a fertile ground for investigating the manner in which fledgling democracies in the postcolonial era have much to teach the rest of the world. Almost all of South Africa's current political problems—from general disputes concerning economic disparity and racial inequality to more specific contemporary problems like the AIDS pandemic and issues of globalization—are but examples of political crises that weigh heavily on democracies across the globe. Although I take South Africa as an exemplar in many ways of both the practice of truth commissions and the experience of emergent democracies, I am also acutely aware of the manner in which South Africa's history mirrors, in many ways, the democracy closest to me, that of the United States.⁹⁸ To that end, I want to emphasize the manner in which South Africa sets the stage *both* for the manner in which we need to rethink the “new problems” of contemporary democracies *and* the “new possibilities” that can be taken up by them.

Historical context of the TRC

The most obvious starting point when considering the historical context of the TRC is the forty-year system of state racism in South Africa, beginning in 1948 with the election victory of the Afrikaner National Party (NP), which went by the name *apartheid*. Apartheid was, of course, the brutal system that South African was transitioning *from* in what came to be known within the country as the “new dispensation” of a culture of

⁹⁸ For an excellent, and in my research *singular*, comparison of South African and United States' political history, see George Frederickson's excellent text *White Supremacy: A Comparative Study in American and South African History* (Oxford: Oxford University Press, 1981).

human rights.⁹⁹ Even prior to the TRC's official inauguration, apartheid had been denounced a crime against humanity in many international contexts.¹⁰⁰ However, the Commissioners' own view of the context of the TRC was much broader. Despite the fact that the Commission's Mandate limited its investigations to violations of human rights committed or suffered in the course of political acts between the years of 1960-1994, the TRC *Report* notes that these years, and apartheid itself, must be placed in the larger context of a protracted history of racialized human rights violations in South Africa. To that end, I will begin where the Commission began and attempt to follow their narration, though in a decidedly more abbreviated manner.¹⁰¹

Like many states, South Africa marks the beginning of its history of racial violence with the invasion of European colonial settlers and the brutal institution of slavery between 1652 (when slaves were first imported to the Cape) and 1834 (when slavery was officially abolished). Although it has been argued that the Dutch East India

⁹⁹ *Truth and Reconciliation Commission of South Africa Report*, eds. Charles Villa-Vincencio et al (Oxford: Macmillan Reference Ltd., 1999), Vol. 5., §24 and passim.

¹⁰⁰ The General Assembly of the United Nations, on numerous occasions, labeled apartheid a crime against humanity (GA Res. 2189; GA Res. 2202; GA Res. 39/72A; GA Res. 2074). In addition, the Security Council of the United Nations also separately declared apartheid as a crime against humanity [S.C Res. 282, Resolutions and Decisions of the Security Council, 25 UN SCOR at 12 (1970); S.C Res. 311, Resolutions and Decisions of the Security Council, 27 UN SCOR at 10 (1972); S.C Res 392, Resolutions and Decision of the Security Council, 31 UN SCOR at 11 (1976); SC Res 556 (1984)]. Other international bodies, which passed resolutions concomitant with the United Nations, include the International Law Commission (ILC), the International Court of Justice (ICJ), the African Charter on Human and Peoples' Rights. The TRC report also lists various conventions and charters that underscore the widespread international opinion of apartheid as a crime against humanity. Despite the largely unanimous opinion regarding the status of apartheid as a crime against humanity, the TRC report does also include a Minority Opinion, written by Commissioner Malan, which questions the legitimacy of these declarations. See *Truth and Reconciliation Commission of South Africa Report*. Vol. 4. "Appendix: A Crime Against Humanity" and Vol. 5. "Minority Opinion."

¹⁰¹ The section entitled "Historical Context" reflects the Commissioners' framing of this larger context, and can be found in Vol. 1 of the *Report*, pp. 24-43. A large portion of the following historical account is drawn from the Commissioners' timeline of major events leading up to the apartheid years. For a more general historical account of South Africa, see Leonard Thompson's *A History of South Africa* (New Haven: Yale University Press, 2000). An authoritative source regarding the early years of greater Africa's encounters with Europe is Thomas Pakenham's *A Scramble for Africa: The White Man's Conquest of the Dark Continent from 1876 to 1912* (New York: Random House, 1991). For an alternative early account of indigenous South African life, originally published in 1916, see Solomon Plaatje's *Native Life in South Africa* (New York: Raven Press, 1969).

Company did not originally envisage the use of slave labor in their settlements, by the mid-seventeenth century, when the company imported its first two shiploads of slaves (one from Angola and another from Dahomey), the Cape had set itself on an slave labor-dependent economic course from which it would not retreat for some two centuries.¹⁰² Almost simultaneously, European settlers embarked upon many wars of “dispossession and colonial conquest,” including the so-called “frontier conflicts” between white settlers and the Khoisan.¹⁰³ From 1659 to 1906, white European settlers continued their northward conquest of Southern Africa, until the armed resistance effectively ended with the Bambatha uprising of 1906. The seventeenth and eighteenth centuries were marked by the systematic elimination of indigenous peoples (particularly the San and Khoi-khoi) by both Boer¹⁰⁴ and British settlers. The “Great Trek” of the Afrikaners, which would come to occupy a central place in Afrikaner nationalist identity formation, coupled with African nationalists’ *difaquane* or *mfecane* (“crushing” or “scattering” in Sesotho and Zulu, respectively), involved protracted and bloody battles between the Afrikaner trekkers and indigenous Zulu populations over the rights to the South African frontier.¹⁰⁵ By the turn of the twentieth century, the conflict between the British and Afrikaner settlers also escalated, culminating in the South African War of 1899-1902, and the forced detention of Afrikaners in concentration camps, where almost 20,000 died.¹⁰⁶ Finally, in recounting the chain of events leading up to the institution of apartheid in the

¹⁰² Thompson, *A History of South Africa*, 36.

¹⁰³ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 25.

¹⁰⁴ “Boer” was originally a slang term, coined by British settlers of South Africa, to refer to Afrikaners who they viewed as inferior. “Boer” literally means “farmer,” but was taken to indicate a lower class or peasantry among white settlers.

¹⁰⁵ See Donald R. Morris’s *The Washing of the Spears: A History of the Rise of the Zulu Nation Under Shaka and its Fall in the Zulu War of 1879* (DeCapo Press, 1998) and Norman Etherington’s *The Great Treks: The Transformation of Southern Africa 1815-1854* (Longman, 2001).

¹⁰⁶ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, 26. See also Thomas Pakenham’s *The Boer War* (New York: Perennial, 1992).

mid-twentieth century, the *Report* also notes the genocidal war directed at the Herero people by the German colonial administration in South West Africa, which brought them “to the brink of extinction.”¹⁰⁷

Even in the deceptively compact form with which the TRC *Report* presents it, the narrative history of human rights violations in South African is striking. The legacy of European exploitation and expropriation yielded a particularly virulent strain of racism in South Africa that has modified itself slightly over the years, but never disappeared.¹⁰⁸ In the years immediately following the South African War, and as one of the first acts of the post-unification South African Party government, Alfred Milner’s administration undertook what can only be described as an Anglicizing strategy of social engineering that would serve as a preamble to Afrikaner apartheid. In 1913, the Land Act dispossessed black South Africans of all but 7% of the land, effectively re-mapping the entire nation according to the territorial separation of blacks and whites. As the TRC *Report* notes, the Land Act “set in motion a massive forced removal of African people that led, amongst other things, to the deaths of many hundreds of people who found themselves suddenly landless.”¹⁰⁹ Solomon Plaatje, in his early history of black South Africans’ experience of the 1913 Land Acts, recounts a story of a couple who, along with their young child, had been forcibly removed from their land and found themselves suddenly homeless. After days of travel, the child grew sick and eventually died. Plaatje writes: “Where could they bury the child? They had no right to bury it on any land. Late

¹⁰⁷Ibid. See also Packenham, *A Scramble for Africa*, 602-611.

¹⁰⁸ Interestingly, Hannah Arendt (in *Origins of Totalitarianism*) argues that “race was invented in South Africa.” Although her treatment of South Africa’s early colonial years harbors many of its own problems and prejudices, it nevertheless is a powerful analysis of the way in which “race” mutated from a category of human (phenotypic) difference to a political idea in South Africa. See Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace & Company, 1973), 185-121.

¹⁰⁹ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, 27.

that night, the poor young mother and father had to dig a grave when no-one could see them. They had to bury their child in a stolen grave.”¹¹⁰

While there were many particularly horrific stories of dispossessed South Africans (like those Plaatje recounts) forced to steal graves, the greater story is that the land of Southern Africa was stolen from the indigenous black majority on a grand scale. In 1909 the South Africa Act, passed by the British Parliament, consolidated Britain’s four colonies into one nation, which was granted juridical independence under a constitutional arrangement that transferred power to a minority of white voters. Disenfranchisement was added to dispossession when, in the 1936 Representation of Natives Act, African voters in the Cape were denied voting rights. By 1948, the racialized social engineering project of South Africa, begun by the British and Boers, yielded its intended result. The Afrikaner National Party, campaigning under the slogans of Afrikaner Christian-Nationalism and an attention to the growing “poor white problem,” took control of the South African government under the leadership of *Die Doktor*, Daniel François Malan. The National Party would immediately usher South Africa into the era of apartheid, from which it would not emerge for over forty years.¹¹¹ To further cement its authority and reduce the likelihood of its ouster in future elections, the National Party passed the 1956 Senate Act, which disenfranchised so-called Colored¹¹² male voters. In conjunction with the early anti-British rhetoric of the National

¹¹⁰ Plaatje, *Native Life in South Africa*, 83-84.

¹¹¹ It is beyond the scope of this paper to analyze fully the evolution of the concept of apartheid within National Party politics. However, an excellent treatment of the intricate workings and internal conflicts of the National Party can be found in Dan O’Meara’s *Forty Lost Years: The apartheid state and the politics of the National Party, 1948-1994* (Athens: Ohio University Press, 1996). O’Meara’s account of the events leading up to and during the NP’s *verligte/verkramp* wars is especially helpful in understanding the ideological struggles surrounding the particular form that apartheid was to take in South Africa.

¹¹² “Colored” is a racial category specific to South Africa. It generally refers to people of mixed-race, that is, people who do not clearly fit within the three other major racial categories of white, black, or Indian.

Party, the overriding ideology emerging from 1948 on centered around a policy of racial exclusivity, in which the nation of South Africa was to be shaped by and for Afrikaners.

The TRC Commissioners acknowledge that, in one sense, apartheid was simply the next step in a long development of increasingly stringent *de facto* segregation. Many of the laws enacted during the apartheid era were simply updates on systems of exclusion already in place (for example, the industrial Color Bar and limited African property and voting rights). However, apartheid was unique in the level of attention paid to the implementation of official segregationist legislation on the most micro-level of social and political life. The Commissioners write:

...the apartheid system was of a qualitatively different type. No longer content to tolerate a *de facto* pattern of segregation in which ‘gray’ areas of social mixing remained—such as in urban residential patterns and interracial personal contacts and relationships, including marriage—from 1948, the new government set out to segregate every aspect of political, economic, sporting, and social life, using established legal antecedents where they existed and creating them where they did not. Although making use of the forms of democracy (elections, proper legislative processes and so on), it constructed a totalitarian order that was far from democratic. Apartheid sought to maintain the *status quo* of white supremacy through the implementation of massive social change. It was thus an ideology, simultaneously of change and of non-change; or alternatively, perhaps, of reactionary change.¹¹³

Apartheid legislation itself, the worst of which was enacted between the years of 1948 and 1960, constituted a system of human rights violations against non-whites. Among

¹¹³ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 29-30.

the most significant pieces of legislation that sedimented South Africa's system of apartheid were seven Acts, which the TRC *Report* singles out for their devastating import. These include: the Population Registration Act of 1950¹¹⁴, the 1950 Group Areas Act¹¹⁵, the 1949 Prohibition of Marriage Act and the 1950 Immorality Amendment¹¹⁶, the 1950 Suppression of Communism Act¹¹⁷, the 1953 Separate Amenities Act¹¹⁸, the 1953 Bantu Education Act¹¹⁹, and the 1959 Extension of University Education Act.¹²⁰ Almost entirely within the first decade of their coming to power in South Africa, the National Party had begun a successful and overwhelming "white counter-revolution."¹²¹

A litany of legislation hardly tells the whole story of apartheid, however, nor does it give an adequate historical context for the TRC. Apartheid's systematic, brutal, state-sanctioned racism literally ripped the South African nation asunder, and then "recreated [it] in the image of a series of racist utopias."¹²² In the 1960's and 1970's, as Afrikaner Christian-Nationalism continued to entrench itself in legislation, the liberation movement

¹¹⁴ This Act classified all South Africans into one of four racial categories: white, Bantu (black), Colored, and Indian. The effect of this act was particularly devastating to the Colored community, in which many families were divided and separated on the basis of different racial classifications.

¹¹⁵ This Act divided the country into zones that were to be occupied exclusively by members of designated racial groups. The intent of the Group Areas Act was primarily to uproot and remove the black population from its proximity to the white population, which resulted in the destruction of many black communities.

¹¹⁶ Both pieces of legislation prevented interracial marriages and prohibited sexual contact of any kind across color lines.

¹¹⁷ The immediate impact of this Act included the banning of the Communist Party within South Africa. However, the more extended impact of the Act included the suppression of all forms of political dissent, even those that were not explicitly or implicitly communist in ideological orientation.

¹¹⁸ This Act racially segregated the use of all public amenities and facilities, effectively denying use of most to black people.

¹¹⁹ This Act implemented the basis for a separate and inferior education system for black African pupils. It was based on the racist assumption that blacks needed only as much education as would be appropriate, in the words of Dr. Hendrick Verwoerd, "in accordance with their opportunities in life." The effect of this legislation was the "under-skilling of generations of African children and their graduation into an economy for which they were singularly under-equipped." (*Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 31)

¹²⁰ This Act denied non-whites admittance to tertiary educational institutions. Instead, non-whites were consigned to separate ethnic colleges for Indians, so-called Coloreds, and Africans (further separated by Zulu, Sotho, and Xhosa-speaking).

¹²¹ Leo Kuper, "African Nationalism in South Africa, 1910-1964" in *Oxford History of South Africa* Vol. 2. Eds. Leonard Thompson and Monica Wilson (Oxford: Oxford University Press, 1971)

¹²² *Truth and Reconciliation Commission of South Africa Report*, Vol.1., 34.

of black South Africans became more militant. Still suffering under an official ban by the South African state, both the African National Congress (ANC) and the Pan-African Congress (PAC) developed militant youth wings, named *Umkhonto weSizwe* (MK, or “Spear of the Nation) and Azanian People’s Organization (AZAPO), respectively. Additionally, the 1960’s brought with it a newly radicalized non-white student and labor movement. South African Black Nationalism joined the wider international movement in the Black Consciousness philosophy of Steve Biko who, along with Nelson Mandela and others, became the voices and faces of the anti-apartheid struggle.¹²³ Some pressure also came from the international business sector throughout the 1970’s and 1980’s as the result of international boycotts and anti-apartheid sentiment in Europe and North America.¹²⁴

As in most political movements, South Africa’s anti-apartheid struggle had its own flashpoints, which galvanized both sides. The story of apartheid cannot be told without focusing on two central events, the Sharpeville Massacre of 1960 and the Soweto Uprising of 1976. (Significantly, the TRC’s Mandate authorizes the Commission to begin its investigations in 1960, widely viewed as the beginning of the worst years of apartheid’s violations.) Frustrated with the oppressive system of “pass laws,”¹²⁵ and mobilized by the increasingly active organization of the ANC and PAC, black South

¹²³ See Steve Biko’s *I Write What I Like*, Ed. Aelred Stubbs (London: Bowerdean Publishing, 1978) and Nelson Mandela’s *The Struggle Is My Life* (New York: Pathfinder Press, 1986). For an excellent overview of Black Nationalist thought in South Africa, see C.R.D. Halisi’s *Black Political Thought in the Making of South African Democracy* (Bloomington: Indiana University Press, 1999).

¹²⁴ For an analysis of the economic impacts of apartheid, including internal and external boycotts, see Vol. 4, Chapter 2 of the *Report*, under the section title “Institutional Hearing: Business and Labor.”

¹²⁵ Passes, or *dompas*, were a significant element in the “Grand Apartheid” plan. The original intention was to aid “influx control,” effectively augmenting the segregation of South African into “white” areas and “homelands” or “Bantustans.” Stated bluntly, pass laws kept blacks out of white neighborhoods and slowed black urbanization. Pass laws also strictly controlled the employment, classification, and general movement of blacks. The anti-pass campaign was one of the first and most successful mass mobilization efforts of the ANC and PAC.

Africans descended in protest on a police station in Sharpeville in 1960. Despite their obvious protection in armored cars, the police opened fire on the crowd, killing sixty-nine and wounding more. Subsequently, the apartheid government stepped up its pressure against the liberation movement by declaring a state of emergency and, more significantly, officially banning the ANC and PAC. Both the ANC and PAC movements went underground or into exile, and both shifted more resolutely to a strategy of armed struggle after Sharpeville. Additionally, Sharpeville ushered in the era of the “Vorster laws,” named after NP *Hoofleier* and Nazi sympathizer Baltazar Vorster.¹²⁶ (Prime Minister Hendrik Verwoerd, and after him Prime Minister Vorster, are largely responsible for implementing “Grand Apartheid” and the ensuing oppressive “security” state, respectively.) In 1976, at the height of student activism in South Africa, students took to the streets of Soweto in a series of demonstrations protesting the Bantu Education Plan in general, and in particular the requirement that all schooling be administered in the Afrikaans language (the “language of the oppressor”). Like Sharpeville before it, the Soweto rebellion became a focal point for police violence against protestors, resulting in hundreds of deaths. Also like Sharpeville, the police force clamped down on the resistance movement in general, arresting student leader and Black Consciousness activist Steve Biko, who mysteriously died in police custody. Unlike Sharpeville, however, Soweto galvanized the anti-apartheid struggle in empowering ways. Symbols of the resistance proliferated—the clenched fist, the slogan *amandla awethu* (power to us,

¹²⁶ The TRC *Report* (Vol. 1., §58-59) devotes a special section to mentioning the impact of the “Vorster laws.” The Commissioners write: “[Security legislation in the 1960’s] amounted to a sustained attack on the principles of the rule of law. The suspension of the principles of *habeas corpus*, limitations on the right to bail, the imposition by the legislature of minimum goal sentences for a range of offenses and limitations on the ability of the courts to protect detainees all contributed to a mounting exclusion of the authority of the courts from the administration of justice, thereby seriously eroding their independence. Security legislation introduced into the law a definition of sabotage so broad and all encompassing as to render virtually all forms of dissent illegal and dangerous.”

the people), the singing of *Nkosi Sikelel iAfrica*—and the collective memory of Soweto took on a symbolic meaning that was substantially different than Sharpeville. Dan O’Meara, in his account of Afrikaner political thought, recognizes the significance of Soweto in the following:

Yet unlike Sharpeville sixteen years earlier, ‘Soweto’ entered South African political culture not as a massacre, but as a proud and glorious rebellion. Those who died were not seen as victims of apartheid but as heroes in the struggle to overthrow it. Soweto showed that significant numbers of urban black South Africans no longer perceived themselves as the passive victims of white power, but rather as the active makers of their own history.¹²⁷

Of course, according to the ideology of Grand Apartheid, Soweto was hardly “proud and glorious.” Rather, Soweto signaled a real threat to the integrity of the white-nationalist project, a “crisis of apartheid,” and many attribute the increase in state-sanctioned repression to this perceived threat.

The entry of P.W. Botha as NP Prime Minister in 1978 inaugurated the era of “Total Strategy” reforms. South Africa was in crisis, and Botha inherited the advantage forged by his predecessor, Vorster, who had redefined the terms of the conflict in broader racial terms.¹²⁸ When the *verkrampes* were expelled from the National Party in 1969, it was mostly as a result of a persistent ideological conflict that had finally reached its apex.¹²⁹ The question was whether the NP “was to remain the vehicle of exclusively

¹²⁷ O’Meara, *Forty Lost Years*, 180.

¹²⁸ For an excellent overview of the Vorster era and the “crisis of apartheid,” see O’Meara’s *Forty Lost Years*, pp.135-240.

¹²⁹ The ideological battle in the Afrikaner National Party was between the *verkrampes* (“reactionary” Afrikaner nationalists) and the *verligtes* (“enlightened” or reformiAfrikaner nationalists). For an extended discussion of the *verkrampes/verligte* wars, see O’Meara, *Forty Lost Years*, 229-240.

Afrikaner nationalism, or had it become the bearer of a broader, bilingual, white South African nationalism?”¹³⁰ Vorster accepted the latter, effectively broadening the support base of apartheid by expanding the population who viewed it in their best interest. Botha, like Vorster before him, viewed the decisive terrain of the struggle to be the domain of public opinion, and borrowed heavily from conservative ideologues of modern conflict, mainly General André Beaufre (former commander of French forces in Algeria) and Samuel P. Huntington (American political scientist and theorist of “modernization,” especially with respect to the Vietnam conflict).¹³¹ In order to address the fundamental problems of South Africa, Botha’s Total Strategy ideology explicitly set out “to redefine three important elements of official discourse: the nature of the ‘war’; its contending forces—the definition of self (‘us’) and of the other (‘them’); and the broad lines of Beufrian defense (‘compromise’ or solution).”¹³² The “Total Strategy” was thus conceived with an aim towards conflating military and political strategy, such that the overall success of any and all proposed reform depended on an absolute concentration of power in the National Party central government.

The 1982 White Paper on Defense set out, unambiguously, the Total Strategy view of apartheid’s crisis. In Botha’s words, the Republic of South Africa was experiencing a “full onslaught of Marxism.”¹³³ The ideology of Total Strategy purported that South Africa’s crisis was not merely one of *racial* conflict, as evidenced by the Western powers’ (who Botha viewed as complicit in the schemes of Moscow) abandonment of South Africa. Rather, as Botha told Parliament, the conflict was

¹³⁰ O’Meara, *Forty Lost Years*, 265.

¹³¹ For an in depth analysis of the ideological forbears of Botha’s “Total Strategy,” see O’Meara, *Forty Lost Years*, pp. 254-265.

¹³² O’Meara, *Forty Lost Years*, 264.

¹³³ *Ibid.*, 265.

between “the powers of chaos, Marxism and destruction on one hand, and the powers of Christian civilization and the upliftment of people on the other.”¹³⁴ Explicit racial/racist rhetoric gave way to pragmatic economic rhetoric, focused on remodeling domestic and regional politics in such a way as to ensure South Africa’s survival. Botha’s famous warning to his constituents—“adapt or die”—galvanized widespread support for his technocratic, rationalistic and strategic ideology of reform. White capitalists and “securocrats” backed the general ideology of the Total Strategy in the hopes that adaptation would, in fact, result in the survival of South African apartheid.

By the mid-eighties, however, the structural problems of the Total Strategy and later the strategy of low-intensity domestic warfare, combined with increasing black resistance to Botha’s reforms, signaled the beginning of the end of apartheid.¹³⁵ In 1986, a State of Emergency was declared, which only brought the costs of counter-revolutionary activity to bear more heavily on the apartheid state. Botha’s administration had consistently alienated large segments of the Afrikaner base of the NP, and was struggling for new ideas to rally them again. International sentiment was again shifting heavily against apartheid and the NP regime. South Africa’s second major military crisis in Angola further divided the already polarized NP sharply and sounded the death-toll of apartheid. O’Meara sums up the end of Botha’s administration:

After forty years in power, the National Party had come to recognize that its historic mission to impose apartheid on South Africa had failed. Key moral brokers of the Afrikaner establishment were even harsher in their judgment.

¹³⁴ Ibid.

¹³⁵ Again, the unraveling of apartheid during the Botha years is a complicated matter, and the complex details of it are beyond the scope of this paper. I refer the reader to O’Meara’s account in Part IV of *Forty Lost Years*.

While P.W. Botha could declare apartheid a ‘mistake,’ and F.W. de Klerk acknowledged that the NP’s policy was ‘on the rocks,’ the entire society remained imprisoned in the crumbling but still standing ruins of apartheid. Yet the NP government seemed completely unable to demolish their foundations, and clung to power with petulance and viciousness.¹³⁶

Botha’s successor, F.W. de Klerk, was a man without many options. Inheriting the failures of Botha’s reformist strategy, unable to repeat anything like the 1986 crackdown without committing political suicide, de Klerk simply was forced to try what had been unthinkable for almost forty years.

The National Party, in the words of Pik Botha, had “run out of alternatives.”¹³⁷ By 1989, the ANC began signaling their willingness to negotiate and, under international pressure to do so, de Klerk realized that he must release ANC political prisoner Nelson Mandela. De Klerk’s Cabinet tried desperately to come up with strategies to recapture the Afrikaner initiative, but very soon all realized that “when P.W. Botha had jettisoned Verwoerd’s version of ‘moral’ apartheid for the dubious experiment of ‘power-sharing’ in the early 1980s, [the NP] had cast off a priceless political resource—the morality of its own project.”¹³⁸ Measure by measure, de Klerk began inching the National Party, and apartheid, toward its end. On February 2, 1990, the decades long ban on the ANC and PAC was lifted, and the South African Communist Party was de-criminalized. Nine days later, Nelson Mandela was released from prison. Negotiations with the ANC began and with them the general outline of a restructuring of South Africa. Joint government/ANC declarations (known as the Groote Schuur and Pretoria Minutes) laid out the timetable for

¹³⁶ O’Meara, *Forty Lost Years*, 381.

¹³⁷ *Ibid.*, 402.

¹³⁸ *Ibid.*

a democratic transition: talks (1990), negotiations (1991/2), abolition of statutory apartheid (1991/2), a referendum (1993), and implementation (1994).¹³⁹

The negotiations period and the transition to South Africa's new democracy was a tense, and sometimes bloody, enterprise. Factional differences and allegiances flared, not only between the NP and ANC, but also Inkatha Freedom Party (IFP), PAC, AZAPO, the Democratic Party (DP) and the South African Communist Party (SACP). Very often, more progress was made in response to activities *outside* of the negotiating room—boycotts, strikes, mass demonstrations, and even assassinations—than inside. Nevertheless, the ANC and the NP were able to construct a draft constitutional agreement by the end of 1993, which led to the first truly democratic elections in April of 1994 and the establishment of a “Government of National Unity.”¹⁴⁰ The elections were sanctioned as free and fair by independent monitors, and on May 10, 1994—three hundred and forty-two years after the Dutch East India Company formed a settlement on the Cape of Good Hope—Nelson Mandela was sworn in as the President of the new Republic of South Africa. The dominant theme of Mandela's inaugural address was reconciliation. Taking over a country literally racked with the cumulative effects of racism, colonialism and apartheid, Mandela invoked the image of a New South Africa:

Out of the experience of an extraordinary human disaster that lasted too long, must be born a society of which all humanity will be proud... Never, never, and

¹³⁹ Ibid., 405.

¹⁴⁰ For an overview of contemporary South African history, leading up to the transitional negotiations, see William Beinart's *Twentieth Century South Africa* (New York: Oxford University Press, 1994). Thompson's *History of South Africa* provides an excellent account of the transitional process and the “New South Africa” of Mandela's administration. Tom Lodge's *Politics in South Africa: From Mandela to Mbeki* (Bloomington: Indiana University Press, 2003) is helpful in understanding some of the economic, social and political effects of the transition, as well as the relative successes and failures of the Mandela and Mbeki administrations.

never again shall it be that this beautiful land will again experience the oppression of one by another.¹⁴¹

Mandela immediately began a series of symbolic public acts intended to cement his commitment to reconciliation in the public eye.¹⁴² Arguably, the greatest of these acts was the setting up of the Truth and Reconciliation Commission.

Based on precedents in Latin America and Eastern Europe that had recently experienced transitions from oppressive regimes, the South African Truth and Reconciliation Commission Mandate authorized it to investigate human rights violations since March 1960 (the same month as the Sharpeville Massacre). Unique to the South African TRC was the fact that it would conduct its business in public hearings, and that it would be given the power to subpoena witnesses and to grant amnesty to individuals. What is sometimes overlooked in considering the context of the TRC is that in both 1992 and 1993, the ANC independently conducted two different truth commissions (known as the Skweyiya and Motsuenyane Commissions) involving inquiries into abuses the ANC inflicted on some of its own members while imprisoned or detained. Because a semi-corrupt judicial system, as well as the scope of involvement in the crimes of apartheid, made criminal prosecution logistically impossible, South Africans were forced to look for other means to satisfy the collective need for justice during the transition. The aim of the Truth and Reconciliation Commission was to bridge the racial abyss in South Africa, to forge some common understanding of South Africans' shared past under apartheid, and

¹⁴¹ See Thompson, *A History of South Africa*, 264.

¹⁴² "He visited in their homes ex-President Botha and the widow of Hendrik Verwoerd, the principal architect of apartheid. He had General John Wiliams, the former Robben Island comander, to dinner. He even took lunch with Percy Yutar, who had prosecuted him and got him sentenced to life imprisonment, and he joined the Sunday congregation in an Afrikaner church. In his most successful gesture, he identified with the South African rugby team, who were all Afrikaners except for one Coloured man, by walking onto the field wearing the Springbok jersey after South Africa won the World Cup against New Zealand; the largely Afrikaner crowd cheered him wildly." Thompson, *A History of South Africa*, 274.

to promote reconciliation in the interest of the future of the incipient nonracial democratic dispensation.

In sum, the South African Truth and Reconciliation Commission is model case for investigating the new problems and new possibilities of contemporary democracies for a number of reasons. First, South Africa's crisis was (and is) indicative in many ways of the wider postcolonial crisis, in particular the way in which social and political issues have been polarized along racial lines. The TRC understood itself to be a potential salve for strained and often broken race relations, which over centuries of state-sanctioned racism had sedimented into an almost intransigent civic attitude. If one is committed to viewing race as an essential element in the "truth" of contemporary political discourse, the South African TRC points the way to how this discourse needs to be rewritten. Secondly, the South African TRC operated under the assumption that setting straight the historical record was itself a form of justice. That is, the master narrative of apartheid had not only erased non-white experience from the official history and collective historical consciousness of South Africa, but the human rights violations committed in the name of apartheid literally "disappeared" many of the men and women who were violated.¹⁴³ Often, the justice that the TRC was able to bring about centered on no more than disclosing the fate or location of a body, but more often the justice that it aimed to bring about was something remarkable, something "restorative."¹⁴⁴ Confronting the facts of past crimes in a public forum, in the view of the TRC, was the only way to clarify and acknowledge the truth, to respond to the needs and interests of victims, and to contribute

¹⁴³ See my discussion of "disappearing," in relation to the Latin American commissions above.

¹⁴⁴ See Elizabeth Kiss, "Moral Ambition Within and Beyond Political Restraints: Reflections on Restorative Justice" in *Truth v. Justice: The Morality of Truth Commissions*, eds. Robert I. Rotberg and Dennis Thomson (Princeton: Princeton University Press, 2000), 68-98.

to justice and accountability in the absence of an effective system of retributive justice. Finally, the South African TRC was explicitly committed to the idea of national reconciliation, which makes it unique in one sense among other truth commissions,¹⁴⁵ but I contend that this very uniqueness also makes it a better model for analyzing what kind of normative philosophical principles such commissions may offer.¹⁴⁶ Of the over twenty-one truth commissions to date, it is arguable that the most successful have been those committed to national reconciliation. Archbishop Desmond Tutu, Chairperson of the TRC, noted repeatedly that the sort of truth and justice that the TRC was pursuing was indispensable to the kind of future for which South Africans hoped, as evidenced by the title of his memoir on the Commission, *No Future Without Forgiveness*.¹⁴⁷ With Tutu's proviso in mind, I will now briefly turn to the manner in which I see the TRC, as the vehicle for the introduction of democracy to South Africa, highlights both the new problems and the new possibilities of emergent democracies.

New democracies, new problems, new possibilities

In the following chapters, I want to take the South African Truth and Reconciliation Commission (and its predecessors) as a point of departure for analyzing the manners in which truth commissions in transitional polities refigure how we may think about the

¹⁴⁵ The only other Commissions that include the term "reconciliation" in their official titles are those of Chile (*Comisión Nacional para la Verdad y Reconciliación*, or National Commission on Truth and Reconciliation, 1990-1991) and Sierra Leone (Truth and Reconciliation Commission, 2000-present). *Ibid.*, 305-311.

¹⁴⁶ It should be noted that I am not alone in suggesting the exemplarity of the South African TRC. Robert Rotberg, in a collection of essays evaluating different aspects of Truth Commissions, sums of the opinion of many experts who study truth commissions when he writes: "A book examining the nature of truth commissions inevitably must focus largely (but not exclusively) on the new standard-setting model of the practice. The TRC, though flawed in many ways, has set a high standard for future commissions...The South African commission has become the model for all future commissions..." from "Truth Commissions and the Provision of Truth, Justice, and Reconciliation" in *Truth v. Justice*, Eds. Robert Rotberg and Dennis Thompson (Princeton: Princeton University Press: 2000), 5-6.

¹⁴⁷ See Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999).

“democratic” relation to truth, forgiveness or reconciliation, and memory. It is my contention that many of the deconstructive practices exhibited in Derrida’s work, especially in his formulation of the “democracy-to-come,” are immensely helpful in rethinking these issues. One of the most difficult challenges for contemporary democratic theory is how to address the particular exigencies of multi-racial, multi-ethnic, and multi-cultural polities, not only in light of the crises and conflicts that have come to characterize established democracies like the United States but also the political economies of emergent postcolonial nations. I take the South African Truth and Reconciliation Commission and its impact on South Africa’s relatively new democracy as a unique model for rethinking democracy and democratic justice in the postcolonial era. I contend that the concept of “race” and the attendant political phenomenon of modern racism, manifest not only in South Africa’s former apartheid state but also in contemporary divisions and inequities within and between the global “North” and “South,” are indissociable from certain implicit theoretical assumptions of dominant liberal-democratic theory. In particular, classical liberal-democratic theory (primarily derivative of the European Enlightenment’s “social contract” tradition) assumes a culturally-specific formation of the citizen that is largely insensitive to the important reality of racial identities and enmities. Further, traditional liberal theory has tended to conceive of “democracy” as a static political state, which is instituted and empowered by a collective of autonomous, but abstractly race-neutral and homogeneous, subjects with rationally motivated claims to justice. On the contrary, recent transitional situations demonstrate that the development and sustenance of democracies is far more contentious and incrementally achieved, depending on the reconciliation of a host of equally

legitimate and contradictory claims, each of which are supported by particular disputes concerning the “truth” of the collective political situation. Without some relaxation and reformulation of liberal-democratic theory’s rigid normative principles, it inevitably falls prey to the indictments of its current critics who claim that contemporary democratic politics mask, variously, what is in reality oppression, exclusion or disproportionately assigned privilege in its execution of justice.¹⁴⁸ Consequently, I argue, dominant conceptions of democratic justice will fail to achieve long-term stability without significant modification.

Transitional situations are less and less an anomaly of political life in the twenty-first century, and while sociologists, political scientists, policymakers, economists, and other social scientists have come to reflect that reality in their respective disciplines, mainstream academic philosophy continues to evidence a paucity of serious theoretical reflection on this phenomenon. However, I believe that there are ready resources available within contemporary philosophy that provide a unique and significant contribution to rethinking democracy and the vicissitudes of democratic practice in the context of postcolonial political life. For example, Derrida has attempted in recent years to demonstrate the theoretical gaps and contradictions implicit in some of the most basic assumptions of dominant liberal-democratic political theory.¹⁴⁹ Among other insights, Derrida has argued that democracy is neither a static nor secure phenomenon; rather, democracy is best understood as a collective project that is perpetually under construction, constantly challenged and ever-revisable. In the idiom of Derrida’s

¹⁴⁸ For perhaps the best articulation of this blind-spot within democratic theory, see Charles Mills’ *The Racial Contract* (Ithaca: Cornell University Press, 1997).

¹⁴⁹ Especially in *Monolingualism of the Other* (1998), *The Politics of Friendship* (1997), *On Cosmopolitanism and Forgiveness* (2001), and the posthumously published *Rogues* (2005).

deconstructionist philosophy, democracy is less something to be achieved than something to be pursued, what he has provocatively termed “the democracy to come.” The deconstructionist approach is a particularly fertile one for analyzing transitional situations, as Derrida’s own work on the South African situation demonstrates, because the phenomenon of a polity-in-transition can be repositioned as central to democratic theorizing, rather than an exception to it. South Africa’s relatively “late” emergence as a postcolonial African democracy has made it a focal point not only for scholarly work on democratic transitions, but also for recent postcolonial theory. Postcolonial theory is an exemplary discourse for analyzing the legacy of colonial ideology and its impact on former colonial states, which include many of those currently considered long-established democracies (like the United States), and is particularly useful for understanding the continuing strain of racial conflict on both nascent and long-standing democracies. Further, the South African TRC’s commitment to articulating an ideological basis for its work in addition to anticipating post-conflict policy challenges (such as reparations, restitution, and redistribution programs) provides both theoretical and practical resources for understanding the difficult construction of democracy in postcolonial Africa and elsewhere.

Thus, in the following chapters, I want to offer a deconstructive analysis of two particularly provocative issues at stake “haunted democracies” and in the work of truth commissions as I have described them herein: *truth* and *forgiveness or reconciliation*. I contend that if we are able to successfully marry some of the particular deconstructive practices that I elucidated earlier with the broader deconstructive insights about the fundamentally “transitional” nature of democracy, then we might also gain a means of

rethinking the radically novel approaches to political truth and political reconciliation pursued, and sometimes achieved, by truth commissions like the South African TRC. My aim is to put forth an analysis of these bodies that can serve as a foundation for rethinking, ultimately, a more productively “democratic” relationship to both the memory of democracies failures and the possibilities of democracy’s future.

4. TRANSITIONAL TRUTH

The truth is cruel, but it can be loved, and it makes free those who have loved it.

--George Santayana

There's a world of difference between truth and facts. Facts can obscure the truth.

--Maya Angelou

All things are subject to interpretation; whichever interpretation prevails at a given time is a function of power and not truth.

--Friedrich Nietzsche

The past, it has been said, is another country. The way its stories are told and the way they are heard change as the years go by. The spotlight gyrates, exposing old lies and illuminating new truths. As a fuller picture emerges, a new piece of the jigsaw puzzle of our past settles into place... And we have tried, in whatever way we could, to weave into this truth about our past some essential lessons for the future of the people of this country. Because the future, too, is another country. And we can do no more than lay at its feet the small wisdoms we have been able to garner out of our present experience.

--Desmond Tutu, Chairperson, South African TRC¹

Using the term “transitional” to refer to the interim status of emergent democracies (or other states making the move away from repressive or violent regimes) inevitably runs the risk of underemphasizing the radical diachrony of those transitions. That is, the term “transitional state” itself implies a continuity between the formal polity being exited and the formal polity yet to be established, with the interim “transition” simply constituting the connection between these two political periods. Yet, in his “Foreword” to the *Final Report* of the South African TRC cited above, Desmond Tutu stresses that both of these formal polities (past and future) are in some sense “another country,” suggesting a major rupture in the continuity of a transitioning nation’s identity and history. In many ways,

¹ “Foreword by Chairperson” from *Truth and Reconciliation Commission Report of South Africa*, Vol. 1, 4.

the role of the truth commission—and especially the officially recognized “truth” sanctioned by truth commission reports—is to aid in restoring a link between the “other country” of (past) lies and the “other country” of (future) promises and possibilities. But establishing some continuity in a nation’s historical narrative and, even more so, establishing continuity between rival historical narratives put forth by various groups *within* any country is a contentious and often perilous undertaking. In the first case, official indictments (of perpetrators’ lies) and acknowledgment (of victims’ truths) that these commissions aim to provide are so powerfully influential precisely because, as Patricia Hayner contends, “official denial has been so pervasive.”² The Latin American commissions committed to confronting the widespread problem of *los desaparecidos* are prime examples of the manner in which truth takes on added significance in political situations where deception and dissimulation are so central to the pattern of abuses. In the second case, even in political transitions where abuses seem to have been well known (sometimes even well-documented) as they took place, the basic facts are often still “passionately disputed” or “intentionally misrepresented to serve political ends.”³ The challenge for truth commissions in these situations is less that of “uncovering” or “unsilencing” an unknown past than it is attempting to reconcile—or, at the very least, prioritize—contradictory versions of an official truth of that past. In both cases, as Tutu recognized, the work of constructing or reconstructing the truth of a nation’s past, especially when that past was dominated by a regime committed to repressing the sorts of truths that would call it to accountability, can often appear as formidable as attempting to meld together two different countries into one.

² Hayner, *Unspeakable Truths*, 27.

³ *Ibid.*

In the following, I want to take seriously the magnitude and complexity of these projects that attempt to construct, uncover, identify, modify and eventually sanction the official “truth” of a nation’s past as a prerequisite for establishing a just democratic society. Many truth commission scholars (like Rudi Teitel, Martha Minow, Patricia Hayner, and others) have argued that “historical accountability”—the attempt to record the truth of past abuses—plays a major role in liberal transitions by laying the “necessary basis for a new democratic order.”⁴ The idea that history is both a “teacher and judge” and that historical truth can itself be viewed as a form of justice has a long-established philosophical tradition, as Teitel notes:

The claim is that [collective history making regarding the repressive past] is essential to liberalizing transition: The transitional history directed at a better future envisions a dialectical, progressive process. In the spirit of an earlier age, this hearkens back to the Enlightenment view of history—of Immanuel Kant, or Karl Marx, whereby history itself is universalizing and redemptive... It is this view of the liberalizing potential of history that inspires the popular contemporary argument for historical accountability in transitions.⁵

According to South African scholar Deborah Posel, arguments for the merits of truth commissions—and, more generally, discussions of the conditions for transitional justice—have become the “dominant global prism” through which the world measures “the prospects of democratization in erstwhile authoritarian countries.”⁶ The truth commission, in such debates, is heralded as a uniquely promising device for stabilizing

⁴ Teitel, *Transitional Justice*, 69.

⁵ Teitel, *Transitional Justice*, 69-70.

⁶ Deborah Posel, “Truth? The View from South Africa’s Truth and Reconciliation Commission” in *Truth: Keywords for a Different Kind of Globalization*, ed. Nadia Tazi (New York: Other Books, 2004), 7.

fledgling democracies through the disclosure of their sordid pasts. Yet, as Teitel goes on to argue, we must be careful not to simply conflate “truth” and “history,” as if there were an “autonomous objective history of the past” that can simply be uncovered and recorded.⁷ I would add to Teitel’s warning a related *caveat*: we must be careful not to place too much confidence in some essentially progressive or “liberalizing” propensity of History (as one finds, for example, in Kant, Hegel and Marx). A sober look at political history since the Enlightenment hardly permits such an interpretation. If anything, transitional polities are living examples of the negative effects of believing too reductively in a simple and progressive truth of history. Truth commissions, and especially truth commissions’ official reports, remind us that “history” is itself a narrative, a story, sometimes an argument, and like all such constructions, history too can (and sometimes *should*) be revised.

Deborah Posel contends that, in the latter half of the twentieth century and into the twenty-first, the idea of an “objective, reliable truth” has been, from a philosophical point of view, seriously destabilized.⁸ Various academic formulations of (strong and weak) relativism currently pose serious theoretical challenges to any attempt to “discover or adjudicate a single, absolute, and robust truth.”⁹ The classical ideal of truth as foundational, immutable, detached and impartial—what is commonly referred to as “Truth-with-a-capital-T”—served for centuries (if not millennia) as the primary ground for metaphysical, ethical and epistemological objectivism. Yet, in the era of late modernity, a dominant academic counter-trend has manifest itself in various postmodernist, post-structuralist, and deconstructionist skepticisms regarding the

⁷ Teitel, *Transitional Justice*, 70.

⁸ Posel, 3.

⁹ *Ibid.*

possibility of Truth untainted by prejudice, cultural discrimination, or historical context.¹⁰ In fact, it is precisely in response to these sorts of criticisms of Truth that Jacques Derrida and deconstruction have been roundly criticized for an implied “relativism” or “subjectivism.” (Critics regularly accuse deconstruction of completely abandoning the “truth,” citing for support Derrida’s infamous and much-misunderstood claim, “*il n’y a pas de hors-texte*.”¹¹) However, there is also an increased *popular* uncertainty and skepticism about truth, according to Posel, that accompanies and mirrors in many ways the academic trend.¹² In his recent text *Truth: A History and Guide for the Perplexed*, British historian Felipe Fernandez-Armesto describes this popular skepticism in the following:

Trapped between fundamentalists, who believe they have found truth, and relativists, who refuse to pin it down, the bewildered majority in between continues to hope there is a truth worth looking for, without knowing how to go about it or how to answer the voices from either extreme.¹³

Given these skeptical trends, both academic and popular, the *reassertion of the social and political value of truth* evidenced in the increased instances and work of truth commissions may in fact appear as an anomaly. After all, in many ways, the generic truth commission form suggests an institutional body fashioned to reiterate “familiarly modernist assumptions about the prospects for and conditions of a reliably objective,

¹⁰ For a fuller review of the philosophical controversies surrounding the concept of truth, see Simon Blackburn and Keith Simmons, eds., *Truth* (Oxford: Oxford University Press, 1999); Paul Horwich, *Truth* (Oxford: Blackwell, 1990); Richard Kirkham, *Theories of Truth: A Critical Introduction* (Cambridge: MIT Press, 1992); Pauline Rosenau, *Postmodernism and the Social Sciences: Insights, Inroads and Intrusions* (Princeton: Princeton University Press, 1992).

¹¹ Derrida, *Of Grammatology*, 159. See my discussion in Chapter 1 above regarding the widespread misreading of Derrida’s claim.

¹² Posel, 3.

¹³ Felipe Fernandez-Armesto, *Truth: A History and Guide for the Perplexed* (London: Black Swan, 1988), 3.

expertly assembled, and politically disinterested body of truth.”¹⁴ According to Posel, any truth commission that embraced the relativist position of fundamentally perspectival and subjectivist truth would be a “contradiction in terms.”¹⁵ Truth commissions, Posel argues, *must* “reject, rather than embrace, the paradox of their genealogy.”¹⁶ That is, truth commissions, which are without doubt a unique product of late modern political society, must, in fidelity to their name, stand out against the widespread popular and philosophical skepticism that has come to define the late modern landscape in which they arise.

Posel’s contention, in my view, misses an important interpretative option for analyzing the “truth” of truth commissions. Strong relativist or strong objectivist conceptions of truth are certainly not exclusive philosophical alternatives. In my discussions of Derrida’s work above, I have argued that deconstruction offers us a way of philosophically “loosening” the hold of capital Truth while at the same time sharpening the way we might think about social/political responsibility and accountability. As I will demonstrate below, the South African TRC’s struggles and contentious debates surrounding the concept of truth in that body’s work are excellent historical evidence of a more subtle, and fundamentally deconstructive, working through of this problematic relationship between (to use a much-belabored but still apposite formulation of contemporary politics) truth and power. In the following, I will first recount the complicated and revealing taxonomy of truth constructed by the TRC in their *Final Report*. I will then consider the effective meaning of this taxonomy in a composite truth-category that I term *transitional truth*. My contention is that a deconstruction of the

¹⁴ Posel, 9.

¹⁵ Posel, 10.

¹⁶ Ibid.

classical or modernist conception of truth (along the lines of the South African TRC's work) does not resign us to a hopeless and ultimately unsustainable relativism, but rather opens up new social and political possibilities for structuring the most felicitous *democratic* relation to historical truth.

Truth according to the TRC

In recent scholarship, some have taken exception to the notion that transitional justice is best served by a collective commitment to or reconstructing of memory, and have instead suggested that “forgetting,” if not more healthy, is at the very least less divisive and destructive for nations emerging from oppressive regimes.¹⁷ The dilemma of choosing between *knowing the truth* of a painful past and evading, erasing, or “forgetting” that truth for the sake of personal or collective psychological well-being is a difficult one. That is, if one is willing to reject a reductively utilitarian position, which would categorically avoid any actions that reduce happiness (or cause pain) for the greatest number of people, then one inevitably confronts the question: *why* is the truth valuable in itself? *Why* should we feel compelled to value the truth even in situations where the knowledge of it only brings misery? Hence, I must acknowledge at the outset that my analysis of the South African TRC already bears within it certain evaluative assumptions.

First, I contend that there is a necessary, if complex, link between truth and justice—or, stated differently, that justice remains deficient inasmuch as it does not

¹⁷ For a general discussion of the contrasting positions of a politics of memory and a politics of forgetting, see Martha Minor, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*, 118-120. For representative examples of the argument against “too much memory” see Michael S. Roth’s “Remembering Forgetting: Maladies de la Memoire in Nineteenth-Century France,” *Representations* 26 (Spring 1989) 49-86; Charles Maier’s “A Surfeit of Memory? Reflections on History, Melancholy and Denial,” *History and Memory* 5, no. 2 (Fall/Winter 1993); Aviam Soifer’s *Law and the Company We Keep* (Cambridge: Harvard University Press, 1995), 104-111.

pursue a disclosure of the truth of the injustices committed. A commitment to the reconstruction of personal and collective memory, even if painful, is necessary in large part because it is the only way to keep us from resigning ourselves to a kind of metaphysical solitary confinement.¹⁸ Second, following Charles Maier, I contend that the work of truth commissions demonstrates “that societies and historians can establish narratives that are emancipatory and not simply efforts to control history or to channel the transition from one dominating culture to another.”¹⁹ One of the most efficient and effective repressive tools of non-democratic regimes is their control of a nation’s historical narrative, which allows them to whitewash their own acts of violence and subjugation as well as silence challenges to their legitimacy. However, transferring the power over historical discourse from one group to another need not also transfer the predecessor regime’s despotic or authoritarian exercise of that power. Mahmood Mamdani argues, presciently in my view, that “there can be no reconciliation without a reorganization of power.”²⁰ The historical truths at which truth commissions aim, ideally, should include a reorganization of power from non-democratic to democratic, in order to incorporate and reconcile the competing narratives that have instigated and sustained political conflict. However, I would note as my third evaluative assumption a related qualification offered by Maier, that is, truth commissions’ commitment to establishing an emancipatory narrative of a nation’s past is never secured in advance.

¹⁸ I discuss the importance of memory in more detail in chapter 6 below.

¹⁹ Charles S. Maier, “Doing History, Doing Justice: The Narrative of the Historian and of the Truth Commission” in *Truth v. Justice*. Eds. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 273.

²⁰ Mahmood Mamdani, “Political Reform After Genocide” in *When Victims Become Killers: Colonialism, Nativism and Genocide in Rwanda* ((Princeton: Princeton University Press, 2001), 268.

They are, at best, harbingers for a politics of possibility or, in Maier's words, "an advance, to be sure, but hardly a guarantee either of justice or democracy."²¹

The Commissioners of the South African Truth and Reconciliation Commission contributed immensely to the theoretical scholarship of such an endeavor by including a section in their *Report* on the "Concepts and Principles" sustaining their work. The *Report* contains several revealing insights on the nature of truth represented by the commission's work, not the least revealing of which is the reflection provided by TRC Chairperson Desmond Tutu, who explains that the Commission's report offers

...a road map to those who wish to travel into our past. It is not and cannot be the whole story, but it provides *a perspective on the truth* about a past that is more extensive and more complex than any one commission could, in two and a half years, have hoped to capture.²²

On one reading, Tutu's remark suggests that the incompleteness of the TRC's truth is merely a result of the inevitable inadequacy between the magnitude of its task and the finitude of its construction. But, when coupled with other sections of the *Report*, Tutu's comment seems to reflect a deeper philosophical skepticism on the part of the commissioners with regard to the possibility of representing the whole Truth of South Africa's embattled history. In the "Concepts and Principles" section, the Commissioners address the four "notions" of truth that guided their investigations: (1) factual or forensic truth, (2) personal or narrative truth, (3) social or "dialogic" truth, and (4) restorative truth.²³ The performative effect of this taxonomy of truth, I will argue, indicates that the

²¹ Maier, 269.

²² *Truth and Reconciliation Commission of South Africa Report*, Vol. 1, Ch. 1, Para. 5. (Emphasis added.)

²³ *Ibid.*, Vol. 1., 110-114. Interestingly, Deborah Posel contends that the TRC's "conceptual grid" of truth was "a late addition to the TRC's report, in an effort to put a coherent gloss on the problem that had

classic (or modernist) metaphysical conception of truth as a fixed and stable category is already disrupted. By deconstructing and delegating the differential operations of truth, the Commissioners implicitly acknowledged that the figure of the truth they were constructing was, by its very nature, already in transition. One should keep in mind that the truth constructed and sanctioned by the Truth and Reconciliation Commission, in the end, would be measured primarily by what it could *do*; specifically, the TRC sought a truth that could serve as the basis for reconciliation. The intimate relationship between the imposition of power and the control of knowledge was, at one and the same time, what the TRC was attempting to disrupt and reorient. Embedded in the power regime of apartheid was an elaborate structure of lies, and the TRC aimed to resist the perpetuation of both those lies and the oppressive form of power that they generated. Yet, the Commission was not giving up on “truth” altogether, or simply conflating the occupation of the dominant power position with the veracity of a certain narrative. Rather, the TRC’s conscientious diffusion of the meaning of “truth” aimed at what they clearly viewed as the provisional and transitional nature of historical truth, a kind of empowering critical element to be found within truth. Before explicating the notion of transitional truth that I would argue served as the basis for the TRC, however, I will briefly rehearse the multivalent definition offered by the TRC in their *Report*.

prompted so much debate, rather than as a framework that had guided the method and substance of the TRC’s research and analysis.” She claims that “these disclosures were made by scholars who had been researchers in the TRC research department, during the proceedings of a conference on Commissioning the Past: South Africa’s Truth and Reconciliation Commission, held at the University of Witwatersrand, June 1999.” (Posel 21, n.15) I discuss the implications of this contention in more detail below.

1. Factual or forensic truth

The first sense of truth that the TRC notes is, theoretically speaking, the most familiar one. Factual or forensic truth corresponds to the common “legal or scientific” conception of truth as a “bringing to light [of] factual, corroborated evidence, of obtaining accurate information through reliable (impartial, objective) procedures.”²⁴ The Promotion of National Unity and Reconciliation Act, no. 34, of 1995 required the Commission to examine factual or forensic truth in two different areas. First, the Commission was to make findings on the level of *individuals*, that is, “what happened to whom, where, when and how, and who was involved?”²⁵ To the best of its abilities, outside the strictures of a legal proceeding, the Truth and Reconciliation Commission adopted a method of verification and corroboration for the testimonies that it heard and accepted in order to establish the facts of individuals’ situations. Secondly, the Act mandated that the TRC make findings of factual or forensic truth on a *systemic* level; the Commission was to comment on the “contexts, causes and patterns of violations... to report on the broader patterns underlying gross violations of human rights and to explore the causes of such violations.”²⁶ This proved to be more difficult.

Michael Ignatieff has argued, “all that a truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse.”²⁷ One of the most formidable obstacles to the pursuit of factual or forensic truth on a *systemic* level is that truth commissions (on the model of the TRC) are forced to rely on the cooperation and honesty of perpetrators in uncovering the details of abuses and violations committed

²⁴ Ibid., 111.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Michael Ignatieff, “Articles of Faith,” *Index on Censorship* 5 (1996), 113.

by the former regime. As a result, the completeness of the reconstructed truth narrative is inherently limited by, the willingness of perpetrators to participate in the process of reconciliation. Most perpetrators who testify before truth commissions are reluctant to disclose the full extent of their responsibility or complicity in human rights violations—and consequently are reluctant to disclose the full extent of the violations themselves—or (as in the famous case of Adolf Eichmann²⁸) they tend to disseminate responsibility over a large bureaucratic enterprise that itself dissimulates factual truth. A second limitation on the full disclosure of factual or forensic truth—more mundane but no less restrictive—is the level of personnel, funding, and bureaucratic support provided for commissions. The South African Truth and Reconciliation Commission was provided one of the most extensive research departments of any commission to date, a full body of expert commissioners, several years to conduct their work, and was also unique in being the only truth commission granted powers of subpoena and of search and seizure. Yet, even with this wide-ranging system of support, they were only able to achieve what Tutu called a “perspective on the truth” about a body of factual truth more “extensive and complex” than any commission could capture. Within the South African community, the TRC is generally recognized as having largely succeeded in its function as (to use Ignatieff’s phrase) a historical “lie detector,” as it is no longer possible in South Africa to dispute the *fact* of abuses committed by both the apartheid regime and within the liberation movements. As is widely recognized in South Africa after the completion of the Truth and Reconciliation Commission, that accomplishment is a far cry from collecting all of the factual and forensic truth of South Africa’s past.

²⁸ See Hannah Arendt’s *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1963).

At least in the area of factual or forensic truth, the South African TRC was destined to fail in many of the same ways that traditional criminal trials fail to uncover all of the forensic details of crimes. Truth commissions are often touted as alternatives to criminal trials precisely on the grounds of recognizing the inability of court systems to consider all relevant factual or forensic data, thereby making them inadequate for addressing the magnitude of human rights abuses.²⁹ Though truth commissions certainly do suffer under fewer restrictions than criminal courts with regard to the information they are able to obtain and consider, this nevertheless remains a problem that is in many ways insurmountable. The paucity of the TRC's rendition of factual or forensic truth has been a source of criticism among many academic commentators since it concluded its work, and has provided disappointment in many South African communities with "higher expectations of the TRC's propensities to unravel intricate and hitherto opaque local histories of conflict."³⁰ Thus, given the challenge of these limitations on factual or forensic truth, as well as a recognition of the importance of reconstructing some viable narrative of systemic abuses, the TRC realized that it was necessary to turn to supplementary conceptions of truth if they were to honor the spirit of their mandate.

2. Personal and narrative truth

The TRC acknowledged that in the South African context, where the value of oral tradition is paramount, the process of personal storytelling by both perpetrators and

²⁹ For an interesting comparison of truth commissions and the International Criminal Court (which is also designed to address crimes against humanity, genocide, and war crimes) see Priscilla Hayner's "Truth Commissions and the International Criminal Court: Conflict or Complement?" in *Unspeakable Truths*, 206-212.

³⁰ Posel, 22. See also Hugo van der Merwe, "National Versus Local Truths" in *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, ed. Deborah Posel and Graeme Simpson (Johannesburg: Witwatersrand University Press, 2002).

victims was indispensable to unpacking the multi-layered truth of the experience of apartheid.³¹ Archbishop Tutu repeatedly emphasized the Commission's responsibility to listen to anyone and everyone who appeared before it, such that "everyone should be given a chance to say his or her truth as he or she sees it."³² The notion of personal or narrative truth, as is well known, also derives from the psychoanalytic model, where the "talking cure" is emphasized in the process of healing traumatized psyches.³³ The South African Truth and Reconciliation Commission provided an environment in which deponents could "tell their own stories in their own language," in hopes of contributing to the reconciliation process by way of validating the "individual subjective experience of people who had previously been silenced or voiceless."³⁴ Factual or forensic truth, it was demonstrated, inevitably left gaps in the knowledge it was meant to produce. Personal stories, perceptions, myths and experiences allowed for a much wider record of South Africa's collective past, even if it was a conflicted or self-contradictory record. Further, the uncensored validation of victims' personal accounts went a long way towards diminishing the stronghold of apartheid's "master discourse," as emphasis shifted away from the conservative perspective of the victor to the critical perspective of the victim.

It was, naturally, impossible to collate all of the personal and narrative truths into one coherent story. Yet, the value of personal or narrative truth is not to be found in the

³¹ See Njabulo Ndebele, "Memory, metaphor and the triumph of narrative" in *Negotiating the Past: The Making of Memory in South Africa*, eds. Sarah Nuttall and Carli Coetzee (Oxford: Oxford University Press, 1998), 19-28.

³² *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 112. In his "Minority Opinion," Commissioner Malan charges that the TRC emphasized this personal and narrative sense of truth above all others, such that a large part of the *Report* was devoted to the somewhat ambiguous "truth as one sees it" principle. Commissioner Malan argues that, because of this misplaced emphasis, the TRC neglected its responsibility to verify or corroborate as much as possible the truth that it was endorsing. In their collective response to Commissioner Malan, the other Commissioners flatly reject his accusation. See "Minority Opinion" and "Response to the Minority Opinion" (*Report*, Vol. 5).

³³ See Josef Brauer's "The Case of Anna O." in *The Freud Reader*, Ed. Peter Gay (New York: W.W. Norton Company: 1989), pp. 60-77.

³⁴ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 112.

production of a master narrative (as is the ostensible aim of factual or forensic truth), but rather to serve primarily as a *supplement to* factual truth.³⁵ In addition, personal narratives in the context of the TRC, as opposed to the context of criminal trials, offered an opportunity to uncover lessons that would not have met the strictest requirements of legal admissibility. The addition of personal narratives as a supplemental truth category was a decision on the part of the TRC to opt for, in the words of Antjie Krog, “the road...to restoring memory and humanity” as well as recognizing that the truth of South Africans was more than a collection of the data of their lives.³⁶ Investing value in the personal narratives of victims was equivalent to restoring their positions as legitimate subjects and citizens in the new dispensation. Emphasizing the value of personal or narrative truth, especially when legitimated through truth commissions, Rudi Teitel writes:

If the commissioners offer the moral authority of voices of political dispassion and neutrality, victims conversely offer the moral authority of the impassioned voices of those who suffered state horror firsthand and up close. The victims of prior oppression are the historical inquiry’s primary source of evidence, the stewards of the nation’s newfound history... Those who previously suffered most at the hands of the state become its most credible witnesses and authoritative voices. When the victims’ testimony is narrated by the commissioners’ quasi-state authors, it becomes a shareable truth, a national story, and the basis of transitional consensus.³⁷

³⁵ See my discussion of the Derrida’s analysis of “supplement” below.

³⁶ *Ibid.*, 113.

³⁷ Rudi Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000), 82.

On this account, personal narratives are figured as offering a version of historical truth from the point of view of the least advantaged, and thus the point of view with the most critical force.³⁸ This facet of the TRC's emphasis on victims' narrative truth has been lauded by many in the years since that commission's completion, and it is often cited as one of the aspects of the TRC that other commissions most desire to emulate. But what often goes under-acknowledged in academic discussions of narrative truth in the work of the TRC is the manner in which the personal stories of *perpetrators* also significantly supplemented the broader truth the TRC was constructing.

South African poet Antjie Krog's 1998 memoir of her reporting on the TRC as a correspondent—and also, significantly, an Afrikaner—demonstrates powerfully the influence of these “other” narrative truths. It may seem disingenuous to refer to the personal narratives of apartheid's perpetrators and beneficiaries as “other”—since, without a doubt, they collectively constituted South Africa's master discourse for almost 40 years—but given the fact that the primary focus of the TRC was on the stories of “victims,” the personal or narrative truth communicated by Afrikaners often does not receive the same attention. Krog's title, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*, reveals much about the manner in which the stories of victims broadcast across South Africa during the TRC's hearings forced many white South Africans (especially Afrikaners) to dramatically reconsider the truths of their own personal narratives. The guilt many Afrikaners felt upon being exposed to the litany of horrible details of apartheid—a system of which they had been the primary beneficiaries for decades—became a new South African truth to reckon with in their

³⁸ For an interesting analysis of this claim that the “least advantaged” have the most critical force, see Jean Paul Sartre's *Notebooks for an Ethic*, trans. David Pellauer (Chicago: University of Chicago Press, 1992).

post-apartheid lives. The dissonance that Krog recounts between her own “personal or narrative truth” before apartheid and after it is illustrative of the distinctness and impact of this particular truth type. “Perpetrators” who testified before the commissions in many ways drew back the curtain on an unacknowledged, but immensely consequential, aspect of South African social and political reality. Many white South Africans, like Krog, were forced to acknowledge the duplicity of their own narrative truths and then, painfully, revise them. For some, everything about the Afrikaner identity needed to be rethought, rearticulated, resymbolized and reevaluated after apartheid. In Krog’s poem “Country of Grief and Grace,” she writes:

speechless I stand
whence will words now come?
for us the doers
the hesitant
we who hang quivering and ill
from this soundless space of an Afrikaner past?
what does one say?
what the hell does one do
with this load of decrowned skeletons origins shame and ash
the country of my conscience
is disappearing forever like a sheet in the dark³⁹

³⁹ Antjie Krog, *Down to my last skin: Poems* (New York: Random House, 2000).

Of course, not all Afrikaners bore the weight of their racial and racist history in the same profound way that Krog did. This was evident in a series of extensive interviews (undertaken by TRC Commissioner Pumla Gobodo-Madikizela) with one of apartheid's most infamous and brutal executioners, the commander of apartheid's secret death squads Eugene de Kock.⁴⁰ Gobodo-Madikizela sought in her interviews with the man who came to be known as "Prime Evil" to uncover some of the personal and narrative truth of a fellow South African whose humanity had been so violently perverted and compromised. Although the "facts" of de Kock's crimes against humanity had been fully exposed in the TRC hearings, the personal or narrative truth of the man telling his own story added significantly to the arsenal of information necessary for understanding the fullest picture of apartheid.

Before turning to the third and fourth truth categories ("social truth" and "restorative truth") outlined by the Truth and Reconciliation Commission, I want draw attention to what I have identified as the "supplementary" character of personal or narrative truth, in order to highlight the deconstructive tenor of the TRC's work. *Supplementarity* is a pervasive trope in Derrida's deconstruction, dating back to his earliest work in *On Grammatology*. In many ways, it is not an exaggeration to claim that the logic of the supplement is central to the deconstructive project. In my reading of the *Final Report* of the South African Truth and Reconciliation Commission, the Commissioners carefully figure "narrative," "social" and "restorative" truths as *supplements* to the standard category of factual or forensic truth, and I take this as evidence on which to base my reading of their work as fundamentally deconstructive.

⁴⁰ See Pumla Gobodo-Madikizela, *A Human Being Died That Night: A South African Story of Forgiveness* (Boston: Houghton Mifflin Company, 2003)

Conventionally, we understand a supplement as secondary, that which is employed in the service of adding to or aiding something “original” or “natural.” Derrida’s primary examples of the logic of supplements are found in his analyses of the supplement of “writing” (through his reading of Plato’s *Phaedrus*) and of “masturbation” (through his reading of Rousseau’s *Confessions*).⁴¹ In brief, Derrida argues that writing, according to the Western philosophical tradition that follows Plato, is understood as a “supplement” to the live voice, through always secondary and inferior to speaking. Likewise, Derrida argues *via* Rousseau that masturbation (again, in the Western philosophical and religious traditions) supplements (secondarily and subordinately) the “original” expression of “natural” sexuality. What is interesting about both of these examples, as Derrida explicates them, is that they operate according to a logic in which their *function* and *value* as a “supplement” is deeply ambiguous, especially in relation to that which they are purported to supplement. According to Derrida, the concept of the supplement “harbors within itself two significations whose cohabitation is as strange as it is necessary.”⁴² He explains this undecidable ambiguity as such:

The supplement adds itself; it is a surplus, a plenitude enriching another plenitude, the *fullest measure* of presence. It cumulates and accumulates presence... But the supplement supplements. It adds only to replace. It intervenes or insinuates itself *in-the-place-of*; if it fills, it is as if one fills a void... The second signification of the supplement cannot be separated from the first.⁴³

⁴¹ Derrida’s analysis of supplementarity in Plato’s *Phaedrus* can be found in “Plato’s Pharmacy” in *Dissemination*; his analysis of Rousseau is present throughout *Of Grammatology*.

⁴² Derrida, *Of Grammatology*, 144.

⁴³ *Ibid.*, 144-45.

The logic of the supplement, then, is a double move—the supplement both aids and replaces, it supplements (in the conventional sense, “adds to”) and it also *supplants*. That is, writing both “adds to” the live voice, inasmuch as it provides another way to represent the presence of the original speaker, and it “supplants or replaces” the live voice, as writing can stand in the place of the voice that is absent. Similarly, masturbation supplements “natural” sexuality, yet also somehow indicates a lack or a fault in “nature” that can be replaced.

The significance of the logic of the supplement for deconstruction is that it upsets the clear opposition between presence and absence, between the original presence of something and its representation. What has been taken, traditionally, to represent the full presence of a thing in its “nature” or “originality” (such as the live voice or the act of procreative sex) is seen to be intimately tied to that which, by adding to it, can also stand in its place. It is in this same deconstructive sense that I read the TRC Commissioners’ deployment of their “supplemental” categories of truth. Narrative truth *both* represents differently and thus adds to factual truth *and*, in significant ways, stands in the place of factual or forensic truth. As such, it destabilizes the “full presence” that we assume “naturally” attends factual or forensic truth. Consequently, any account that is presented through factual truth—or, in philosophical terms, “foundational” or “correspondence” truth—can be viewed as just another form of representation, rather than some “original” or “full” account. The deconstructive logic of supplementarity may seem a dizzying and overly-academic route to this insight, but I argue that the insight itself is quite intuitive. Whatever “actually” happened during the years of apartheid can never be recovered in its full presence—there is, in a real sense, an ultimately impassable road to the past *as*

such—and every form of “truth” that we harness to recapture that past is but some manner of re-presentation. On a fundamental level, this is true of “factual” truth as it is of narrative truth. The value judgments we make between the two forms of representation, the two forms of truth, are consequences of our historically contextualized hierarchies of representations. (Those hierarchies of representation are, at base, the core of Derrida’s analyses in *Of Grammatology* and “Plato’s Pharmacy.”) What is unique about the TRC, and truth commissions in general, is that they are able to broaden the scope of what is considered a “legitimate” and “truthful” representation of the past. Employing supplemental categories of truth is evidence of this broadened scope.

The South African Commissioners realized, however, that factual truth, even when supplemented with personal narrative, still ran the risk of producing a kind of myopic interpretation of events. The focus on individual facts or individual experiences needed further supplementation in order to fulfill the TRC’s mandate to address systemic violations. Consequently, they included two further truth categories in their taxonomy to aid them in addressing the “broader” truth they were mandated to uncover.

3. Social truth

Judge Albie Sachs, a central contributor to the debates preceding the establishment of the TRC and later a Constitutional Court judge, made a distinction between what he called “microscopic truth” and “dialogic truth” in the following: “The first [microscopic truth] is factual, verifiable and can be documented and proved. ‘Dialogue truth,’ on the other hand, is social truth, the truth of experience that is established through interaction,

discussion, and debate.”⁴⁴ The TRC Commissioners viewed social or dialogic truth be the link between its actions and aims. By way of its public format, the Truth and Reconciliation Commission generated a wide scale “interaction, discussion and debate” between victims, perpetrators, academics, non-governmental organizations (NGO’s) and the national and international citizenry. Although not bound by the same rules as standard legal proceedings, the TRC’s processes were governed and guided by a conscious effort to provide an environment in which all views could be heard impartially and weighed rationally against one another.

The philosophical grounds for rational and deliberative social truth are perhaps best found in the literature surrounding deliberative democracy.⁴⁵ The TRC Commissioners themselves make a veiled reference to this tradition when they write that, in their view, it was “through dialogue and respect that a means of promoting transparency, democracy and participation in society was suggested as a basis for affirming human dignity and integrity.”⁴⁶ The actual findings of the Commission were, in principle, subordinate to the integrity of the process by which the truth was pursued. The emphasis on social truth and the rational and deliberative process of its production demonstrated, in the opinion of the TRC, a commitment to a particular set of “norms of social relations.”⁴⁷ Central to these normative social relations, which the TRC was both reflecting and promoting, was the indissociability of establishing the truth and affirming the dignity of human beings. National reconciliation was not possible without first

⁴⁴ Albie Sachs in *Healing of a Nation*, Eds. Alex Borrairie and Janet Levy (Cape Town: Justice in Transition, 1995), 109.

⁴⁵ See especially Jürgen Habermas, *The Theory of Communicative Action: Reason and the Rationalization of Society* Trans. Thomas McCarthy (Boston: Beacon Press, 1984). For a more general overview of the discourse of deliberative democracy, see *Deliberative Democracy: Essays on Reason and Politics*. Eds. James Bohman and William Rehg (Cambridge: MIT Press, 1997).

⁴⁶ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 114.

⁴⁷ *Ibid.*

cementing the foundations of rational truth and the moral worth of political subjects. To that end, the TRC's commitment to dialogic truth underscored their adoption of, in broad terms, the traditional liberal-democratic discourse of rational and autonomous citizens and subjects, capable of effectively deliberating about collective meaning and values.

By this "broadly conceived" traditional liberal-democratic discourse, I mean to refer to the largely Western philosophical tradition spanning from the Enlightenment "social contract" authors (Hobbes, Locke, Rousseau, Kant) up to contemporary liberal theorists like John Rawls and Robert Nozick. There is an interesting tension to be uncovered, I find, in considering whether or not the Western liberal-democratic tradition is fully compatible with the African *ubuntu* philosophy, which the TRC explicitly acknowledged as a philosophical point of reference. *Ubuntu* is a word derived from the Bantu languages (primarily Zulu and Xhosa) that names what is in effect a traditional African ontology.⁴⁸ The 1997 South African Governmental White Paper on Social Welfare officially recognized and defined *ubuntu* as:

The principle of caring for each other's well-being...and a spirit of mutual support...Each individual's humanity is ideally expressed through his or her relationship with others and theirs in turn through a recognition of the individual's humanity. Ubuntu means that people are people through other people. It also acknowledges both the rights and the responsibilities of every citizen in promoting individual and societal well-being.⁴⁹

⁴⁸ For two especially illuminating essays on the philosophical concept of *ubuntu*, see Magobe Ramose, "The ethics of *ubuntu*" and "Globalization and *ubuntu*" in *The African Philosophy Reader*, Second Edition, eds. P.H. Coetzee and A.P.J.Roux (New York: Routledge, 2002), pp. 324-330 and 626-648.

⁴⁹ The White Paper can be found at <http://www.gov.za/whitepaper/index.html>.

In the minds of the Commissioners, it is clear that they viewed the Western liberal-democratic discourse of the respect and rights of autonomous moral and political agents to be complementary to the more communitarian (and humanitarian) *ubuntu* African philosophy. They are correct in this assessment inasmuch as *ubuntu*, like deliberative democratic discourse, underscores not only the paramount importance of respecting every other's humanity but also the importance of agreement and consensus. Yet, according to Dirk Louw, "democracy the African way does not simply boil down to majority rule" but rather "operates in the form of (sometimes extremely lengthy) discussion or *indaba*," indicating some significant differences between the Western discourse and the African discourse on "democratic consensus" that are worth noting.⁵⁰ Many are familiar, for example, with Kwasi Wiredu's recent plea for an African "non-party polity" (as opposed to Western-style multi-party democracy). Wiredu argues for traditional African political institutions that emphasize what he calls "consensual democracy" and which do not "place any one group of persons consistently in the position of a minority."⁵¹ Wiredu's idea of consensual democracy seems more in line, in my view, with both *ubuntu* and the notion of "social truth" advocated by the TRC than the Western tradition of deliberative democracy that is often cited as support for that notion. However, according to many critics of the TRC, it matters little whether or not one views their project of "social truth" as mirroring the Western/liberal tradition or as "traditionally African." The TRC's pursuit of "social truth" is cited by many as the area of their greatest failure.

⁵⁰ See Dirk J. Louw, "Ubuntu and the Challenges of Multiculturalism in post-apartheid South Africa" 20th World Congress of Philosophy (Boston, MA). 10-15 August 1998. Available at <http://www.bu.edu/wcp/Papers/Afri/AfriLouw.htm>.

⁵¹ Kwasi Wiredu, "Democracy and Consensus in African Traditional Politics: A Plea for a Non-Party Polity" in *Philosophy from Africa*, eds. P.H. Coetzee and A.P.J. Roux (Johannesburg: ITP, 1998), 374-382.

In a 1999 conference on “Commissioning the Past,” dedicated to evaluating the work of the Truth and Reconciliation Commission, Phillip Bonner and Noor Nieftagoodien argued that several of the TRC’s mandates regarding its truth-finding mission proved incompatible with one another, thus diminishing the Commission’s ability to adequately articulate a “social truth.”⁵² Although Bonner and Nieftagoodien acknowledge that some of this failure was a result of restrictions placed on the TRC in the political compromise that initiated South Africa’s transition as well as the practical limitations of the Commission’s resources, they still charge the Commissioners directly with neglecting to make their data available to analysts and researchers who could have aided them in the fulfillment of their tasks. More specifically, Bonner and Nieftagoodien argue that the TRC was too committed to its other three notions of truth, especially “narrative” and “restorative” truth, which locked them in a ideological space dominated by the categories of “victim” and “perpetrator.” The human rights violations that the Commission was mandated to investigate, according to Bonner and Nieftagoodien, often did not permit such clean categorical divisions. Especially in cases of counterrevolutionary violence or violence within and between anti-apartheid groups—like the protracted conflict between South Africa’s African National Congress (ANC) and the Zulu-based Inkatha Freedom Party (IFP)—many of the “victims” were simultaneously “perpetrators,” and vice versa. The “social truth” of apartheid’s widespread human rights violations was curtailed, the authors argue, by the TRC’s inability (or unwillingness) to think outside of the categories of victim and perpetrator.

⁵² Phillip Bonner and Noor Nieftagoodien, “The Truth and Reconciliation Commission and the Pursuit of ‘Social Truth’: The Case of Kathorus” in *Commissioning the Past: Understanding South Africa’s Truth and Reconciliation Commission*, eds. Deborah Posel and Graeme Simpson (Johannesburg: Witswatersrand University Press, 2001), 173-203.

A similar criticism is leveled against the TRC by Mahmood Mamdani, who argues that the TRC failed to capture one of the most important “social truths” of apartheid: the crucial importance of apartheid’s class of “beneficiaries,” who fall outside of the categories of either victim or perpetrator.⁵³ One of the unique characteristics of South Africa’s transition—unlike, for example, Rwanda or many of the Latin American and Eastern Europeans cases—is that the South African apartheid years were managed by a statistical *minority*. (White South Africans never constituted more than 15% of the country’s population.) Further, *within* the minority white population, there were an even smaller number who actually perpetrated the most horrible human rights violations of that regime. As a result, the majority of white South Africans need to be recognized as “beneficiaries” of apartheid, something that Mamdani argues was obscured in the TRC’s “highly individualized notion of truth and responsibility.”⁵⁴ In their short-sighted commitment to national reconciliation, the TRC Commissioners (according to Mamdani) failed in their task to illuminate the most broad social truth of apartheid, which would include not only “painting apartheid as a regime of violence that dispossessed the majority of its means of livelihood” but also, perhaps more importantly, as a regime that “laid the basis for enriching a privileged minority,” creating an entire class of citizens that need to be recognized as “beneficiaries” even if they cannot be exactly termed “perpetrators.”⁵⁵ Like Bonner and Niefertgoodien, Mamdani views the TRC’s progress in

⁵³ Mamdani has made this argument in several places, most notably in “The Truth According to the TRC” in *The Politics of Memory: Truth, Healing and Social Justice* and in “Defining the Crisis of Postcolonial Citizenship: Settler and Native as Political Identities” in *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*.

⁵⁴ Mamdani, “The Truth According to the TRC,” 183.

⁵⁵ *Ibid.*

the area of “social truth” as seriously truncated by the political compromise that led to South Africa’s transition.

There is, undoubtedly, merit to the criticisms of Mamdani, Bonner and Nieftagoodien with regard to the limited version of social truth presented by the TRC. The Commission’s focus on “gross human rights violations” and its commitment to emplotting those violations in terms of victims and perpetrators often ended up obscuring the ubiquitous and ordinary violence of apartheid as well as the pervasive economic and social injustices that continue to shape the lives of non-white South Africans today. However, despite these limitations, the TRC’s explicit recognition of “social truth” as a part of their mandate gives their work an added dimension that cannot be underestimated. In fact, as some have argued since the TRC’s completion, its failures in the arena of “social truth” and criticisms of its work there have spawned an active discourse on the broader social, political and economic ramifications of apartheid for post-transition South Africa. To that end, it is clear that the inclusion of social truth in the TRC’s taxonomy of truth was both an innovative and productive supplement. This is perhaps most poignantly evidenced in the “Register of Reconciliation” that was established by the TRC, which invited South Africans who were neither victims of gross human rights violations nor applicants for amnesty to record their own personal reflections.⁵⁶ The Register, which in many ways called for South Africans to verify and legitimate the TRC’s disavowal of apartheid as a truth-in-common, is a concrete example of how such commissions can establish, even if only to a limited extent, effective “social” truths.

⁵⁶ Minow, *Between Vengeance and Forgiveness*, 75.

4. Healing and restorative truth

As a final truth category, the Commissioners offered what has become a central concept in the literature surrounding reconciliation and transitional justice: “restorative” truth. In the very project of explicating their taxonomy of truth, the Commissioners realized that such an undertaking

...explicitly rejects the popular assumption that there are only two options to be considered when talking about truth—namely, factual, objective information or subjective opinions. There is also ‘healing’ truth, the kind of truth that places facts and what they mean within the context of human relationships—both among citizens and between the state and its citizens. This kind of truth was central to the Commission.⁵⁷

The Truth and Reconciliation Commission was mandated to conduct its investigations with a view to both the past and the future. Part of its work could thus be framed in the classical epistemological paradigm, that is, an investigation meant to acquire *knowledge* about the events and experiences of apartheid. However, in order to transform this knowledge into an active agent for change in the future, what was needed was some means of creating a “common” truth, such that the citizens of South Africa could collectively work against the repetition of both the objective fact and the subjective experience of apartheid. Consequently, the Commissioners argued that *knowledge* must be supplemented by *acknowledgment*. Objective, factual information alone was epistemologically valuable, but not necessarily morally or politically valuable. Acknowledgement of the knowledge that the Commission acquired meant that information was placed on a public record, to be shared as a truth-in-common, which

⁵⁷ *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 114.

would ostensibly serve as a foundation for reconciling the subjective experiences that isolated South Africans from one another.

Acknowledgment understood in the context of an official, public and shared narrative is a double-edged sword. Among other things, it runs the risk of mimicking the form of “victor’s justice,” that is, the reinstatement of truth as the exclusive prerogative of the powerful. The Commissioners did argue that healing or restorative truth *qua* acknowledgment was “central to restoring the dignity of victims.”⁵⁸ However, it is also the case that one of the primary functions of restorative truth is to bridge the abyss between the divisive categories of “perpetrator” and “victim,” to reconcile each with his or her humanity in order to restore the common humanity of all. The idea and experience of a common humanity was itself a casualty of apartheid and, in the minds of the TRC Commissioners, was perhaps the primary meaning underlying the term “crime against humanity.” Cynthia Ngewu, the mother of one of the individuals known as the Gugulethu Seven, embodied this vision in her testimony:

This thing called reconciliation... if I am understanding it correctly... if it means this perpetrator, this man who has killed Christopher Piet, if it means that he becomes human again, this man, so that I, so that all of us, get our humanity back... then I agree, then I support it all.⁵⁹

Public acknowledgment of the price that South Africans paid during the apartheid years, in the form of the TRC’s officially sanctioned “truth,” restored the human dignity of both perpetrators and victims. Recently, scholars like Mamdani have utilized a helpful category for thinking about the sort of justice that ought to be sought in transitions.

⁵⁸ Ibid.

⁵⁹ Quoted in Krog, *Country of My Skull*, 142.

Rather than the standard opposition of “victor’s justice” (of the post-WWII sort) or “victim’s justice” (arguably, of the Rwandan sort), Mamdani offers “survivor’s justice.” He explains that “the term ‘survivor’ does not refer to surviving victims...but to all those who continue to be blessed with life in the aftermath.”⁶⁰ It is within this vein that I view the TRC’s final category of “healing” or “restorative truth,” which is also meant, in many ways, to combine and activate the other three definitions of truth employed by the TRC.

Antjie Krog, a reporter with the South African Broadcasting Company who was assigned to cover the work of the TRC, argues that in the absence of a substantial relationship to which South Africans could (or would want to) return, restorative truth was less about “reconciliation” than simply “conciliation.”⁶¹ However, TRC Chairperson Desmond Tutu invokes African humanist *ubuntu* philosophy as a counterpoint.⁶² Tutu acknowledged the background of the constitutional commitment to “a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *ubuntu* but not for victimization.”⁶³ *Ubuntu*, commonly translated as “humaneness,” is often summed up in the phrase “*umuntu ngumuntu ngabantu*” (“people are people through other people”). Tutu, in describing the nature and importance of *ubuntu* for restorative justice and truth, writes:

You can only be human in a humane society. If you live with hatred and revenge in your heart, you dehumanize not only yourself, but your community... In the African *Weltanschauung*, a person is not basically an independent, solitary entity.

⁶⁰ Mamdani, “Political Reform After Genocide” in *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*, 273.

⁶¹ *Ibid.*, 143.

⁶² *Truth and Reconciliation Commission of South Africa Report*, Vol. 1., 127.

⁶³ *Ibid.*, 126.

A person is human precisely in being enveloped in the bundle of life. To be... is to participate.⁶⁴

In the *Report*, the Commissioners acknowledge that, in the process of writing the new Constitution for South Africa, there was a “spontaneous call” for a return to the traditional African values of *ubuntu*.⁶⁵ And it is a widespread assumption that part of what was being liberated in the new democratic dispensation was just such traditional “African” value systems.⁶⁶ Yet, even without emphasizing the site-specific nature of *ubuntu* or the Judeo-Christian resonances of restoration, it is clear that the Commissioners viewed “restorative truth” as a project within a larger project, that of a fundamentally humanist enterprise. *Ubuntu* philosophy assumes that human beings are always already related in their humanity; on such account, every conciliation is a reconciliation.

There has been quite a bit of scholarship on the notion of “restorative justice” as a part of the larger body of literature on transitional justice. It is not a simple matter, however, to transfer those analyses in defining what restorative *truth* might mean. Restorative justice, according to Elizabeth Kiss, is “strongly oriented toward the future, toward institutional and moral transformation,” and this may be a productive place to start in understanding the specific nature of restorative truth.⁶⁷ The TRC Commissioners clearly viewed some of the truths that were uncovered in the course of their hearings as holding the possibility for transformation. More specifically, these truths held the

⁶⁴ As quoted in Krog, *Country of My Skull*, 143.

⁶⁵ *Ibid.*, 127.

⁶⁶ I put “African” in scare quotes, in part, because *ubuntu* is clearly a form of humanism and, to that extent, not exclusively “African.”

⁶⁷ Elizabeth Kiss, *Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice* in *Truth v. Justice: The Morality of Truth Commissions*, eds. Robert Rotberg and Dennis Thomson (Princeton: Princeton University Press, 2000), 87.

possibility of transforming both victims and perpetrators into suitable participants in the forthcoming human community dedicated to a “culture of human rights.” That is to say, the power of the truth to transform and restore human beings damaged, either by compromising their humanity in the course of human rights violations or having their humanity compromised as victims of those violations, was seen by the Commissioners as evidence of that body’s orientation toward the future they were working to achieve.

The notion that truth can be “restorative” reflects a central ideological commitment of the South African Commission, that is, that the truth they were attempting to uncover was not simply a value, but a *function*. Truth (or, at the very least, the sort of truth that the Commission came to value most) should *do* something. It should not only enlighten or educate—what we understand as the conventional and epistemological value of truth—but, more importantly, it should restore, reconcile, heal, repair and transform. In a basic sense, this active sense of truth harkens back to Plato’s Allegory of the Cave, where people imprisoned by ignorance and ruse turn themselves around and, quite literally, discover a new world and a new way of being in it. But an “active” truth is also a “deconstructive” notion of truth; it understands truth as deeply submerged in a social, political and historical context in which *how* it is valued (or devalued) and *how* it functions (or fails to function) has real consequences. Adam Gearey, in his essay “Tell All the Truth, but Tell it Slant,” argue that the very notion of restorative truth is one that “denies the objectivity of truth; it is truth in the service of a particular project.”⁶⁸ The deconstructivist sense of truth also, famously or infamously, denies the *simple* objectivity of truth, but what is often underemphasized is the

⁶⁸ Adam Gearey, “Tell All the Truth, but Tell it Slant: A Poetics of Truth and Reconciliation” in *Law and Literature*, eds. Patrick Hanafin, Adam Gearey and Joseph Brooker (New York: Blackwell, 2004), 53.

consequence of this qualified denial. Truth, or whatever is taken to be such, is always already in the service of some particular project or another, as Gearey argued. The aim of the TRC was to redirect that service, to deconstruct and redefine the project of South Africa's truth as one of restoration and reconciliation, rather than exploitation and oppression.

The effective meaning of the TRC taxonomy: "Transitional Truth"

As I implied at the outset of this explication of the TRC's taxonomy of truth, the Commissioners' careful deconstruction of the different operations of truth reveals two theoretical assumptions in their work: (1) the traditional metaphysical conception of truth as a stable, fixed, and primarily epistemologically valuable category is inadequate, and (2) alternatively, South Africa's "truth" had to be measured by what it could *do*, in this case, by how well it could contribute to the ethical and political work of national reconciliation. Consequently, as demonstrated above, the TRC found it necessary to provide a rich and multivalent definition of truth, which is best understood as a truth proper to the particular situation of a polity-in-transition. *Transitional truth*, I propose, is a composite category that can synthesize the various meanings of truth that the TRC provides, and is helpful in beginning to articulate the philosophical foundations and implications of the Commission. I argue that the value of *transitional truth* is best understood in the context of *historical justice* (rather than, primarily, retributive, distributive, or even compensatory justice). The normative claim here is that the work of establishing the truth about a state's past wrongs, although necessarily contentious and

transitional, is a form of instituting accountability and responsibility and is essential to liberatory political transitions.⁶⁹

First, let me provide a more explicitly philosophical context in which the effective meaning of the TRC taxonomy might be considered. In a recent lecture, Charles Taylor engaged the history of truth commissions by discussing the widespread preoccupation in contemporary democratic societies with what he called “negative commemoration.”⁷⁰ Posel describes Taylor’s distinction between “negative commemoration” and “positive commemoration” in the following:

Positive commemoration refers to the long-standing and familiar traditions of remembering and acknowledging major acts of moral courage, valor, heroism and leadership. By contrast, negative commemoration refers to the need to expose and confront harmful or otherwise destructive episodes in a nation’s history, in the attempt to set the record straight and remedy moral or political harms done. Negative commemoration requires truth-telling, for an essentially moral purpose.⁷¹

⁶⁹ In connecting the themes of transitional truth and historical justice, I am borrowing, in slightly modified form, some of the normative arguments of Rudi Teitel’s *Transitional Justice*. However, Teitel’s objective is primarily to reinforce the preeminence of the role of *law*, as it is commonly understood in the liberal tradition. I depart from her analysis on this point. Teitel claims that the liberalizing potential of history can be found, first and foremost, in the institution of the law, or the appeal to the institution of the law in situations where it has been distorted. On the contrary, I am much more inclined to follow Jacques Derrida in his strategic separation of justice from the law, and his insistence that the appeal to justice is “before” or “beyond” the strictures of the law. It is beyond the scope of this paper to give a full treatment of Derrida’s argument. Hence, I refer the reader to Jacques Derrida’s seminal essay “The Force of Law: The ‘Mystical Foundation of Authority’” in *Deconstruction and the Possibility of Justice*, Eds. Drucilla Cornell et al (New York; Routledge, 1992), pp.3-67.

⁷⁰ Charles Taylor, “Memory, Justice and Inclusion.” Unpublished paper presented at the Witwatersrand Institute for Social and Economic Research (WISER), Johannesburg, June 2002. Cited in Posel, 6-9.

⁷¹ Posel, 6.

According to Taylor, in contemporary societies, “the effort to be democratic increasingly necessitates exercises in negative commemoration.”⁷² This is partly a result of the late-twentieth century development of the discourse on human rights (“in relation to which there can be no morally disinterested person”⁷³), but Taylor also believes that practices of negative commemorations are a unique requirement of democracies in the “global milieu.” Democracies in this global milieu are forced to reckon with their own ugly truths, in part, due to their constant exposure by ubiquitous technologies of information. Further, as Taylor argues, the advent of multiculturalist discourses has also created a milieu in which “political and ethnic majorities in democratic societies can no longer be seen to ignore the existence and entitlements of minorities.”⁷⁴ Taylor was speaking in large part about stable, extant democracies, but his insights are especially relevant to the sort of negative commemoration enabled and performed by truth commissions in transitional and emergent democracies. To that end, the production of truth by truth commissions like the TRC should be viewed as directly related, in Posel’s formulation, to the “moral and epistemological imperative of the commemorative task.”⁷⁵ There is, as I will argue, a distinct moral, political, and epistemological value to be associated with the truth of transitions (or transitional truth), in which societies posit the “truth” of themselves in the process of reforming the truth of themselves.

Rudi Teitel suggests that the historical accountings pursued and ultimately provided by truth commissions are “less foundational than transitional.”⁷⁶ They do not arise in a vacuum, and are not simply uncovered whole cloth. Rather, the truth of truth

⁷² Ibid.

⁷³ Posel, 7.

⁷⁴ Ibid.

⁷⁵ Posel, 8.

⁷⁶ Teitel, *Transitional Justice*, 70.

commissions reflects a process of constructing and reconstructing a common narrative, tempered by both the historical accounts already in place as well as a liberatory vision of the future that motivates change. Political transitions are instances of “conscious historical production,” when the “politicized nature of history often associated with repressive rule is exposed” by the responses of those who have been oppressed.⁷⁷ Inasmuch as every political regime bears within it its own truth regime, we must understand transitional societies and truth commissions as instituting a fundamentally performative critique of the formerly repressive truth regime. In *Power/Knowledge*, French theorist Michel Foucault reminds us: “Each society has its regime of truth, its ‘general politics’ of truth; that is, the types of discourse which it accepts and makes function as true.”⁷⁸ Thus, the real value of the content or substance of a transitional truth regime will depend on the degree of critical transformation it performs. Ignatieff’s suggestion regarding truth commissions’ ability to “reduce the number of lies” that can go unchallenged in public discourse can be seen as both a negative and positive definition of transitional truth. Negatively, transitional truth performs the operation of critically de-legitimizing the claims of the previous repressive truth regime—the very same claims that buttressed and authorized the power of the repressive socio-political regime. Positively, transitional truth opens up the arena of legitimacy to previously silenced or contested accounts, and in so doing, constructs a wider “net” of authority. Hence, transitional truth, understood as both the primary deconstructive task and the primary justificatory episteme of political transformation, allows for not only an essentially democratic, but also liberatory, reconstruction of a shared historical narrative.

⁷⁷ Ibid.

⁷⁸ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, trans. Colin Gordon et al (New York: Pantheon Books, 1980), 131.

In situations of transition from oppressive to liberatory politics, the pursuit of historical truth is itself an attempt to de-legitimize the predecessor regime while at the same time establishing the legitimacy of the successor regime.⁷⁹ Repressive political states very often rely on their power to control information (or later, to deny information) about the methods of their oppression. Particular historical accounts are always associated with particular historical regimes, though “the uses of knowledge in politics are generally obfuscated by those in power.”⁸⁰ However, as the Truth and Reconciliation Commission demonstrates, recognition of this fact does not necessarily mean that the new (liberatory) objective is to be viewed reductively as simply replacing a “false” history with a “true” one. Warning against this temptation, Teitel writes:

Yet, the assumption that “truth” and “history” are one and the same evinces a belief in the possibility of an autonomous history of the past belying the significance of the present political context in shaping the historical inquiry. However, modern theorizing about historical knowledge considerably challenges this conception. When history takes its “interpretive turn.” there is no single, clear, and determinate understanding or “lesson” to draw from the past but, instead, recognition of the degree to which historical understanding depends on political and social contingency.⁸¹

There is, and must be, a dynamic interaction between the “old” historical account and the “new” historical account in order for something like historical justice to be done to a collective experience. For example, the findings of the TRC, in particular the reports of victims’ testimonies, should be understood as “counter-accounts” (in the Foucaultian

⁷⁹ Teitel, *Transitional Justice*, 72-73.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, 70.

sense⁸²) that in their very form advance a “critical” reformulation of the former apartheid regime’s historical narrative. The historical account that the TRC constructed was “emplotted”⁸³ in deliberate ways that explicitly responded to the prior regime’s own accounts, e.g. by categorizing deponents as “victims” or as “perpetrators.” Thus, by responding to and deconstructing the predecessor regime’s account in juridical categories that the previous regime also shares, the TRC is able to construct a critical (if only transitional) truth *of and by victims* that does not pretend to be wholly discontinuous with or unintelligible to perpetrators. This is a classic deconstructive move: one does not deconstruct a master narrative by bringing something from outside of it to destroy it, but by focusing on the *aporias* and contradictions already within it, thereby liberating new and alternative meanings that were previously repressed.

Transitional truth, as long as the transition is *from* oppressive regimes *to* liberatory ones, can be viewed as concomitant with a kind of critical truth. In the process of constructing transitional truth, truth commissions can help constitute a transformative normative order that emphasizes historical justice—the restoration of history as a shared experience rather than the imposition of the perspective of the powerful—without having to repeat the cyclical violence of forcibly replacing one truth-narrative with another. I agree wholly with Teitel’s argument that claims: “Truth is not synonymous with justice; neither is it independent of justice. Instead, it is better understood as a virtue of justice.”⁸⁴ Further, I would contend that without *historical justice*, the promise of other forms of justice (retributive, compensatory, even restorative)

⁸² See Michel Foucault, “Nietzsche, Genealogy, History” in *Language, Counter-memory, Practice: Selected Essays and Interviews*, ed. Donald F. Bouchard (Ithaca: Cornell University Press, 1977), 139-164.

⁸³ For a discussion of the role of “emplotment” and “categorization” in the construction of historical accounts, see Teitel, *Transitional justice*, 85-88.

⁸⁴ *Ibid.*, 89.

diminishes exponentially. At minimum, retributive justice requires the capacity to discern victim from perpetrator. Likewise, compensatory justice requires a full understanding of the wrong committed before the appropriate redress can be quantified. Even restorative justice assumes some common commitment to a shared narrative. Consequently, the implications of transitional truth and historical justice, as well as the association between the two upon which I wish to insist, provide the best evaluative model for understanding the positive benefits of bodies like the Truth and Reconciliation Commission.

I have alluded above to certain ways of reading this term “transitional truth,” but I want to unpack more explicitly what I mean by it. First, a non-philosophical definition: I mean by “transitional truth” precisely the sort of truth, whatever its content may be, that is produced in political transitions. In this sense, I intend to refer to the actual products of transitional political bodies like truth commissions (e.g., officially sanctioned reports), but also the art, literature, mythology and historical narratives that are produced during political transitions and come to make up what is “taken-to-be-true” of a polity and its constituents during its transitioning years. All of these forms of transitional truths—academic, governmental, aesthetic, personal and cultural—serve as unstable and provisional epistemic “foundations” for societies in a time when the traditional resources for mediating identity, history and other competing discourses have been undermined by the massive political upheaval underway. For example, in the later years of the anti-apartheid struggle in South Africa, the racial category of “black” was altered to refer to the more general population of non-whites (including Indians and so-called “Coloreds”) struggling against apartheid. Following the Black Consciousness philosophy inspired by

Steve Biko, many people took themselves to be “truly” black, that is, their identity as “black” was understood to be true within the context of a transitioning revolutionary movement.⁸⁵ Of course, as is well known, this is not what was generally taken to be true of that political/racial category *before* the Black Consciousness movement, nor is it how the category is primarily understood in South Africa today. In a similar vein, during the years that the TRC conducted its hearings, there were large populations of individuals who took up the TRC-sanctioned categories of “victim” and “perpetrator” as appellations that referred to some deeply significant and functionally valid “truth” about themselves. But *after* the TRC concluded its proceedings—indeed, as a measure of the success of its work—such categories were often sloughed off in favor of identity categories that reflected the notion of a reconciled citizenry. The critical point here is that *within the context of a political transition* certain “truths” hold sway, though certainly not absolutely or ahistorically. Such truths are understood as deeply embedded in the context in which they function, and they are as often radically transformed when that context changes as they are taken up unchanged or disposed of altogether.

Secondly, a philosophical definition: “transitional truth” is a term that I am using to refer to a non-simple, non-foundational, non-essentialist, and thus deconstructivist conception of truth as provisional, socially constructed and sustained, deeply contextual and aporetic. This is not, I want to stress, the same as a “weak” relativist position on truth, which might claim that, in the absence of essential or foundational structures, *whatever* one takes to be true *is true, simpliciter*. To claim that all truths are deeply contextual or even socially constructed is not tantamount to claiming that all truths are

⁸⁵ See C.R.D. Halisi’s *Black Political Thought in the Making of South African Democracy*, 127-131 and *passim*.

equally fragile or equally legitimate. There are some truth claims that appear extremely provisional (for example, many that one might encounter in aesthetic or social/political discourses), just as there are others that appear nearly impregnable (for example, some in the natural sciences). Correspondingly, there are different contexts in which the same truth claim may wield more or less influence, be accorded more or less legitimacy, or yield to more or less interpretation.⁸⁶ In the context of truth commissions specifically, the truth put forth by and in these commissions is unique in at least one significant sense: it is active in forging the context in which it is to be defined. To that end, “transitional truth” serves as the linking mechanism by which a path between two heterogeneous truth regimes can be understood. To use an aesthetic example, one could conceive of transitional truth along the lines of a musical modulation. When one changes keys in a musical composition, a lexicon of harmonic tricks is needed to accomplish the transitional passage and to assuage the dissonance between the earlier musical key and the subsequent one. Or, in language, when one wants to alter the meaning of a particular statement, one modulates the stress points or pitch of the syntagma in order to emphasize or de-emphasize different elements. In both of these examples, the intervening modulations or transitional constructions provide a passage from one meaningful context to another, while at the same time serving as meaningful constructions in and of themselves and defining a transitional context that, in some sense, possesses its own independent contours of meaning.

⁸⁶ See, for example, the discussion by Paul Boghossian (in the context of the famous “Sokal Hoax”) of the difference in truth claims about the origin of native North Americans by scientists and the Zumi people, respectively, in “What the Sokal Hoax Ought to Teach Us: The Pernicious Consequences and Internal Contradictions of “Postmodern” Relativism, and selected responses” in *The Sokal Hoax: The Shan that Shook the Academy*, eds. the editors of *Lingua Franca* (Lincoln: University of Nebraska Press, 2000), 172-186.

To further elucidate what I see as the “deconstructivist” tenor of transitional truth, let me return to one of Derrida’s insights that I addressed in earlier chapters. Much in the same way that Derrida—for example, in *Monolingualism of the Other*—focuses on the complicated process of attempting to traverse two incommensurable domains (the universal and the particular) in every autobiographical “experience” of language, I want to draw attention to the manner in which what I am calling “transitional truth” is also an attempt to forge a necessary, though ultimately provisional and incomplete, passage between seemingly incongruous contexts of meaning. To put it in more concrete terms, one only need consider the sorts of testimonies that were presented before commissions like the South African Truth and Reconciliation Commission and its larger project. It is not an overstatement to claim, in my view, that the TRC Commissioners found themselves in the midst of an *aporia*. On the one hand, the broadest interpretation of their mandate clearly obliged them to construct, verify, legitimate and make public the “truth” of human rights violations during South Africa’s apartheid years. To that end, the South African Truth and Reconciliation Commission was charged with the difficult task of taking the content of the multiple testimonies they heard and offering to (or, some would say, “imposing on”) the South African citizenry a kind of *universally applicable* historical narrative. On the other hand, the only way for the Commissioners to construct such a story was by compiling these numerous, conflicting and often unverifiable *particular* testimonies that were presented to them. Their mandate, for better or worse, demanded that they reconcile the irreconcilable—not only the irreconcilable differences between the truths of particular adversaries’ testimonies, but the ultimately irreconcilable

difference between the polyvalence of all those particular stories and some more general or universal truth under which they could all be collected.

On my reading of the TRC's *Final Report*, it is clear that the Commissioners were fully aware of the imposition of this *aporia* and that they understood, as Derrida so insightfully argued, that *aporias* cannot be endured as such. The Truth and Reconciliation Commission's project of soliciting a new truth, which would depart from apartheid's regime of dissimulation and deception, needed to be solidly couched in a context that could make both the departure from that regime substantial and, at one and the same time, could initiate new possibilities for preventing its re-sedimentation. Hence, their "truth" was deeply contextualized by a nuanced appreciation of its role in the *transitioning* process and project; in fact, it was the context of that very transition that *made true* the narrative of the Commission. That is not to say that the truths that were put forth in the TRC's (or any other commission's) *Final Report* were "untrue" or "half-true"—the context in which these truths were situated did not diminish their authority or legitimacy—but they were *interim* truths, provisional and conditioned. As stated above, they would be measured by what they could *do* and, more broadly, by what they could *make possible to do* in the future democratic dispensation.

Before turning to some of the objections that have been raised to the kind of truth put forward by the TRC and other similar commissions, I want to comment briefly upon the significance of such bodies in the context of racism and racial violence. It is no accident, in my view, that the South African Truth and Reconciliation Commission is becoming more and more the model appealed to by societies suffering from the legacy of colonialism, imperialism, and their attendant racisms. But "race" is, in our contemporary

world, a very peculiar kind of socio-political (not to mention metaphysical, ontological, ethical or epistemological) truth.⁸⁷ It is generally accepted today that “race” is not *factually* or *forensically* true, at least not in the scientific, biological or, more specifically, “genetic” sense.⁸⁸ Yet, as race theorists like Charles Mills, Lucius Outlaw, Linda Alcoff, Lewis Gordon, and Robert Bernasconi have persuasively argued, the inability to verify the scientific legitimacy of our contemporary categories of race is not tantamount to delegitimizing it as a very real social, political or existential truth.⁸⁹ There is much debate within the current scholarly literature on race theory concerning what to do with this deeply unstable and ambiguous category of race. In fact, the debunking of race as a natural kind—or the discovery that there is no biological correlate to what counts as “race” in various socio-geographical contexts—has done little to clarify its status as a concept, nor to minimize the reality or effects of race-thinking or racism. Some theorists, most notably Emmanuel Eze, Naomi Zack, and (in a more qualified manner) Anthony Appiah, have either urged for an elimination of the inadequate category of race or attempted to redirect our attention to what is often referred to as a “post-racial” future.⁹⁰ The conflict between these two domains of race theorists—on the one hand, “conservationists” who want to hold onto the truth of race as a useful referent and, on the

⁸⁷ See especially Charles Mills’ analyses of the significance of race in each of these philosophical domains in *Blackness Visible: Essays in Race and Philosophy* (Ithaca: Cornell University Press, 1998).

⁸⁸ See Anthony Appiah’s now-famous argument concerning the biological “illusion” of race in “The Uncompleted Argument: Du Bois and the Illusion of Race,” in *The Idea of Race*, eds. Robert Bernasconi and Tommy Lott (Indianapolis: Hackett, 2000), 118-136. See also the essay by Ashley Montagu, “The Concept of Race in the Human Species in the Light of Genetics,” in the same volume, pp. 100-107.

⁸⁹ See Mills’ *Blackness Visible*, Lucius Outlaw’s *On Race and Philosophy* (New York: Routledge, 1996), Linda Alcoff’s *Visible Identities: Race, Gender and the Self* (Oxford: Oxford University Press, 2005), Lewis Gordon’s *Bad Faith and Anti-black Racism* (New York: Prometheus Books, 1995), and Robert Bernasconi’s edited volume *Race* (New York: Blackwell, 2001).

⁹⁰ See Anthony Appiah and Amy Gutman’s *Color Conscious: The Political Morality of Race* (Princeton: Princeton University Press, 1998), Naomi Zack’s *Race and Mixed Race* (Philadelphia: Temple University Press, 1994) and Emmanuel Eze’s *Achieving Our Humanity: The Idea of a Postracial Future* (New York: Routledge, 2001).

other hand, “eliminativists” who (in the words of Montagu) hold that “race” as a category is “meaningless, or rather more accurately such meaning as it possesses is false”—is not really based on a significant disagreement about the social construction of race.⁹¹ Rather, the conflict centers around what should be done with this social construction, whether its deployment over the last several centuries has been entirely negative or whether still retains some positive and productive value.

I want to suggest that “race”—which played a monumentally important role not only during South Africa’s apartheid years but also in the South African democratizing process—is itself an compelling example of what we might consider a “transitional truth.” That is to say, it is no longer the case that, in the late-twentieth and early twenty-first centuries, we can unreflectively take up the category of race in the same sense that it was employed in the previous three centuries, i.e., as an ostensibly biological category with predetermined intellectual, moral, characterological, and cultural emanations. However, despite whatever progress has been made in the last fifty years concerning the racial inequality that resulted from such racist science(s), it also seems unlikely that we can simply advance forward to some version of a “post-racial future” (or that we would necessarily desire to do so). The “truth” of race is, at present, extremely unstable, shifting with the geographical, socio-political or personal contexts in which it is variously situated, and often further obscured by the incongruous projects in which it is put to use. Whether one is attempting to conserve (and, presumably, reformulate) the “truth” of race in the service of some larger project of resuscitating viable group identities in the service of advocating racial justice or, alternatively, whether one is attempting to eliminate or invalidate the “truth” of race in the a project of moving beyond it, is a matter of deep and

⁹¹ Montagu, “The Concept of Race in the Human Species in the Light of Genetics,” 105.

complex philosophical allegiances. However, in either case, to move from a global context dominated by racial hierarchies and racist histories to something other and better than that context, one needs to posit some provisional and, hence, transitional truths about this enormously variable referent.

The South African Truth and Reconciliation Commission's unique strength was not only its willingness and ability to address, in a formal and public way, the causes and effects of a protracted racist history and systemic racial violence, but also its insistence that the enormous challenges inevitably uncovered in doing so required a new philosophical framework for considering the range of possible truths about this phenomenon. Without abandoning wholesale their aim of accomplishing some degree of justice, the Truth and Reconciliation Commission conscientiously forged a way to acknowledge and condemn the manner in which justice and its dispensation has historically been reserved to (western, European) whites, while at the same time opening a path to a new political context in which race would not be the sole defining axis on which social, political and economic rights and responsibilities would be measured. As elusive as racial "truths" might be, and in spite of these limitations, the Truth and Reconciliation Commission recognized that addressing the problem of apartheid was a matter much larger than could be addressed through recourse to individual perpetrators and individual victims. It was impossible, or at any rate irresponsible, not to address their investigations to individuals *as whites* or *as blacks*.⁹² However, there was (and is) a significant South African population that intended for the new democratic dispensation to

⁹² Of course, I mean here "*as members of a racial group*" generally. The Indian and so-called Colored community, in South Africa's case, should be understood as implied.

be a “non-racial” order.⁹³ The important point here is that the TRC made it possible for “race” to be taken up—or not—as a central truth of South Africa after the transition by situating it in a context in which it had meaning, though a meaning that was in transition. As a result, the TRC should be viewed as a huge advance both in the project of coming to terms with the historic “truth” of white supremacy and racialized oppression, as well as loosening up the manner in which we can think about such social and political truths in the future. In a very concrete sense, this is precisely what Derrida meant when he claimed that every repoliticization (or redefinition of the contexts and meanings of the political) is also a depoliticization (or deconstruction of the current contexts and meanings of the political).

An incomplete truth

One of the most systematic objections leveled against the South African Truth and Reconciliation Commission can be found in Amy Gutman and Dennis Thompson’s article “The Moral Foundations of Truth Commissions.”⁹⁴ In that article, Gutman and Thompson contend, “the three most common [moral] justifications of truth commissions are incomplete from a democratic perspective.”⁹⁵ The three “moral justifications” to which the authors refer are what they term the “realist response,” the “compassionate response,” and the “historicist response.”⁹⁶ Alternatively, the “democratic perspective”

⁹³ I refer the reader to C.R.D. Halisi’s *Black Political Thought in the Making of South African Democracy* for its subtle and insightful analysis of the race-conscious versus non-racial strains in that country’s political ideologies during and since the transition.

⁹⁴ In *Truth v. Justice*. Eds. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), pp. 22-44.

⁹⁵ *Ibid.*, 22.

⁹⁶ The “realist response,” according to Gutman and Thomson, acknowledges that “terrible justices were committed by many people under apartheid and they should be condemned,” but realists argue that “because the injustices were so widespread and systematic (indeed *because* they were so terrible), it is not

that Gutman and Thompson endorse holds three requirements for any moral justification of truth commissions in place of traditional means for retributive justice: (1) that truth commissions be moral in *principle*, (2) that they be moral in *perspective*, and (3) that they be moral in *practice*.⁹⁷ In large part, Gutman and Thompson's strongest objections fall under the more general category of scholars who object to the South African Commission's specific power to grant amnesty. These detractors view amnesty *per se* as an abrogation of justice, and hence not morally justifiable. (I will address this larger category below.) However, without addressing the details of Gutman and Thompson's entire argument, I would like to address specifically their treatment of the "historicist response," which is the position closest to the one I have put forth in the previous section.

It should be noted that of the three justificatory models (realist, compassionate, historicist), Gutman and Thompson have the *least* objection to the historicist response. They argue that the historicist response, unlike the realist response, satisfies the first requirement of invoking an explicitly *moral principle*. Historicist accounts emphasize the importance of both truth and reconciliation, and endorse "a moral condemnation of the past as a way to start developing some common moral standards for the future."⁹⁸

Similarly, the historicist response, unlike the compassionate response, satisfies the second

practical to prosecute individuals for the crimes." Hence, the realists advocate truth commissions out of a recognition of the "reality" of limited better options. The "historicist" support for truth commissions is based on the claim that "historical truth is... both an end in itself and a means to a better society." The "compassionate response" in favor of truth commissions, according to Gutman and Thomson, adopts the perspective of victims and "follow a therapeutic approach, pointing to the psychological benefits of offering public testimony and receiving confirmation of injustices."

⁹⁷ Ibid., 23. To satisfy the first requirement ("moral principle"), the authors contend that the truth commission "should explicitly appeal to rights or goods that are moral and therefore are comparable to the justice that is being sacrificed." For the second requirement ("moral perspective"), the authors contend that "the justification of a truth commission... should offer reasons that are as far as possible broadly accessible and therefore inclusive of social cooperation." For the third requirement ("moral practice"), the authors contend that the justification "should offer reasons that are to the extent possible embodied or exemplified by the commission's own proceedings, and are not only intended to be put into practice by other institutions, observers, and future governments."

⁹⁸ Ibid., 33.

requirement of adopting an explicitly *moral perspective*. On this count, Gutman and Thompson acknowledge that even though the perspective of the TRC is asymmetrical—that is, it favors the victims—this asymmetry is in fact a morally justifiable perspective. However, Gutman and Thompson go on to argue,

The major weakness of the historicist justification is a failure to live up to the third challenge, which asks that the practices of the commission itself exemplify the practices of the democratic government toward which the society is striving...The standard historicist justification implies that there is a truth about the past to be finally discovered and authoritatively acknowledged. This truth, moreover, is not merely factual but already evaluative.⁹⁹

To answer Gutman and Thompson's objection, I would argue that any justificatory model that relies primarily on "historical justice" as its foundation must also, as I have done above, include a notion of transitional truth. Gutman and Thompson's worry is that the historicist model runs the risks of approximating too closely the model of "victor's justice," that is, of instituting a new power regime among the formerly victimized, without significantly altering the victimizing nature of that power regime. In addition, Gutman and Thompson worry that the TRC effectively imposed a particular historical narrative on those who would not accept it of their own, thus making the new historical account anti-democratic.

Gutman and Thompson appeal to the tradition of deliberative democracy as a suggestion to how the South African Truth and Reconciliation Commission might have avoided a failure of this third moral requirement. However, I contend that their objection is misplaced on two counts. First, as I have explained above, it is a fundamental

⁹⁹ Ibid., 34.

misunderstanding of the theoretical framework of the TRC to construe its work as the institution of a “final” and “evaluative” truth. The *Report* is unambiguous in its repeated recognition of the multivalence of the truth it was reporting, and of the potential for various evaluative judgments. That is not to say that there was *no* evaluative substance to the historical account put forth by the TRC, but rather that it was a consistently self-reflexive and self-critical account, very much imitating in *practice* the *principle* of its moral basis. Andre du Toit notes in his response to Gutman and Thompson that the latter seem to hold to the mistaken assumption that “in principle the demands of justice are the same even in radically different kinds of historical circumstances.”¹⁰⁰ Correspondingly, I would argue that Gutman and Thompson do not fully appreciate the manner in which truth also does not operate according to fixed, transhistorical norms. The Commissioners make this explicit in their *Final Report* and, in my view, Gutman and Thompson impose upon them a kind of authoritarianism that is not justified in a close reading of the *Report*.

Secondly, it is arguable that the alternative that Gutman and Thompson favor is itself problematic. They characterize their position thus:

Deliberative democracy offers the most promising perspective by which to judge the work of truth commissions that engage in public deliberations because, more than other conceptions of democracy, it defends a deliberative politics that is explicitly designed to deal with ongoing moral controversy.¹⁰¹

The idealized tradition of deliberative democracy is certainly admirable, and perhaps in many cases ultimately desirable, but Gutman and Thompson again fail to evidence an

¹⁰⁰ Andre du Toit, “The Moral Foundations of the South African TRC: Truth as Acknowledgment and Justice as Recognition,” in *Truth v. Justice*, Eds. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 124.

¹⁰¹ Gutman and Thompson, “The Moral Foundation of Truth Commissions,” 35.

appreciation of the specific context of transitional polities. The model of deliberative democracy, as Gutman and Thompson frame it, would leave few options for including the range of testimony and perspectives that the TRC was able to solicit. Deliberative democracy depends on the model of a rational, autonomous, moral agent as the fundamental “unit” of its deliberations.¹⁰² Those who could not, or would not, abide by the rules of rational deliberation would be silenced or ignored. The precise domain and contours of the “ongoing moral controversy” would be virtually impossible to delineate. In short, the clean and orderly operations of idealized deliberative democracy, as Gutman and Thomson figure them, seem ill-suited for the provisional, morally ambiguous, and contentious transitional situation in which the South African Truth and Reconciliation Commission found itself.

In my view, the objections of Gutman and Thomson are, paradoxically, aimed at both the TRC’s inability to produce a “complete” truth and their assumption that the TRC was purporting to have done so. Gutman and Thomson ultimately reject all arguments that would justify (on moral grounds) truth commissions as a legitimate alternative to traditional criminal trials because they believe such arguments sacrifice justice—and the truth that necessarily attends it—for some other, less desirable, virtue (political expediency, social cohesion, psychotherapy, forgiveness or reconciliation). In a similar vein, Mahmood Mamdani has also critiqued the incompleteness of the TRC’s truth. Mamdani, in an essay titled “The Truth According to the TRC,” argues that the truth of

¹⁰² I will only suggest here that Gutman and Thompson also seem unwilling to recognize the Eurocentricism implicit in the discourse of deliberative democracy. One of the advantages of the TRC, and one of its chief philosophical accomplishments, was its ability to meld the traditional Western juridical and political discourse with the traditional African values of community and *ubuntu*. I have serious reservations regarding whether or not a strict model of deliberative democracy would have been able to accommodate non-European modes of discourse with the same success.

the TRC must be understood as “an institutionally produced truth,” which was the outcome of a “process of truth-seeking” whose boundaries were narrowly defined by power and whose search was committed to reinforcing the new power.¹⁰³ Mamdani writes,

By reinforcing a political compromise with a compromised truth...the TRC has turned a political into a moral compromise, and obscured the larger truth. I do not question the wisdom or the morality of the political compromise. But I do question the wisdom and the morality of defending the truth for narrow political reasons.¹⁰⁴

The “larger truth” that Mamdani argues was obscured in the TRC’s “highly individualized notion of truth and responsibility” is the full picture of apartheid’s victims and beneficiaries. (I will leave aside, for the moment, my objection to Mamdani’s characterization of the TRC’s truth as “highly individualized,” which I believe is only possible by ignoring the “social” and “restorative” senses of truth that they included in their *Report*.) In their commitment to national reconciliation, the TRC Commissioners (according to Mamdani) failed in their task to illuminate the most broad picture of apartheid. For Mamdani, “reconciliation [became] a code word for diminished truth” and, like Gutman and Thomson, Mamdani finds the incomplete truth of the TRC morally and philosophically indefensible.¹⁰⁵

It is no doubt difficult, both practically and intellectually, to compromise our ideal of truth as complete, foundational, impartial, and ultimately determinant. One of the reasons that critics of truth commissions remain so attached to such formulations is that

¹⁰³ Mahmood Mamdani, “The Truth According to the TRC” in *The Politics of Memory*, eds. Ifi Amadiume and Abdullah An-Na’im, 177.

¹⁰⁴ Mamdani, 178.

¹⁰⁵ Mamdani, 182.

they see it as the only justifiable grounds for meting out justice. Yet, what the historical instances of truth commissions show us again and again is that alternatives to the classical formulation of truth (as scientific, empirical, or forensic) are often not only politically effective and politically expedient—as Gutman, Thompson and Mamdani worry they merely are—but very often also progressively and productively just. It would be a stretch to claim that the South African Commissioners explicitly adopted a “deconstructive” standpoint in their work, but I contend that, at least in the search for the most apposite philosophical context to understand what was happening there, deconstruction is a worthy candidate. Transitional truths may be provisional, but it is precisely that flexibility that allows for the repoliticization of a body politic that has, through events that exceed and render ineffective the traditional scales of justice, closed off new political possibilities like amnesty, forgiveness, and reconciliation.

5. POLITICAL FORGIVENESS AND/OR RECONCILIATION

Forgiveness is the key to action and freedom.

--Hannah Arendt

To err is human, to forgive, divine.

--Alexander Pope

The breaking of the hard heart, and the raising of it to universality, is the same movement which was expressed in the consciousness that made confession of itself. The wounds of Spirit heal, and leave no scars behind.

--G.W.F. Hegel

The quality of mercy is not strained;

It droppeth as the gentle rain from heaven

Upon the place beneath. It is twice blest;

It blesseth him that gives and him that takes.

--Portia (in William Shakespeare's *The Merchant of Venice*)

I shall risk this proposition: each time forgiveness is at the service of a finality, be it noble and spiritual (atonement or redemption, reconciliation, salvation), each time it aims to re-establish a normality (social, national, political, psychological) by a work of mourning, by some therapy or ecology of memory, then the 'forgiveness' is not pure—nor is its concept. Forgiveness is not, it should not be, normal, normative, normalizing. It should remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the ordinary course of historical temporality.

--Jacques Derrida

The rise of truth commissions in the last thirty years not only initiated new metaphysical and epistemological possibilities for thinking about “truth” in the context of gross violations of human rights, but also a new discourse with regard to the moral and political possibilities available for dealing with these horrible truths. As a result of a combination of global factors—among them the contentious debates regarding the relative success or failure of the post-Holocaust Nuremberg Trials, the international adoption of a discourse of human rights by the United Nations, the ongoing contest over the definition of “crimes

against humanity” and, not least among these factors, the increased recognition of historical instances of mass violence and political atrocity in the late twentieth and early twenty-first centuries—many came to realize that there was an urgent need for a new political vocabulary and institutional repertoire that could curb the tide of crime and retribution which was (and is) destroying societies, brutalizing their members, and diminishing the human community in both value and number. Since Nuremburg, “reconciliation” and “forgiveness” have been increasingly heralded as concepts that, when integrated into the moral and political vocabulary of transitions, offer a uniquely effective manner of restoring communities that have been cleft apart by far-reaching violence. The prime example to which many appeal as evidence of this shift is the South African Truth and Reconciliation Commission, which seemed to expressly link forgiveness with reconciliation as a strategy of justice that aimed to restore a severely damaged human community in the hopes of preparing it for a peaceful transition to democracy.

One unique aspect of the South African Truth and Reconciliation Commission’s structure was its “Amnesty Committee.” During the transitional negotiations that resulted in the formation of the TRC, South Africa opted for a policy of “qualified” or “selective” amnesty (as opposed to “blanket” amnesty). Applicants to the Truth and Reconciliation Commission’s Amnesty Committee, as a condition for being granted amnesty, were required to (1) disclose the full truth of their crimes and (2) demonstrate that those crimes were “political” in nature. If either of these conditions were not met, amnesty could be (and often was) withheld. The idea grounding the amnesty hearings was that “real” justice for South Africa was intimately linked to and, indeed, dependent

upon uncovering the whole truth of the crimes against humanity committed under apartheid. The only viable option for securing a productive understanding of that regime, it was conjectured, was to provide transgressors with the greatest incentive for disclosing the truths, however horrific, to which they were privy. Additionally, as I will discuss in this chapter, Chairperson Desmond Tutu and others believed that such disclosures would facilitate a process of reconciliation through *forgiveness*, as victims and perpetrators were restored to a level playing field with the re-institution of a truthful account of what had transpired between them,

There are, generally speaking, two predominant justifications offered for the implementation of the South African Truth and Reconciliation Commission (and its Amnesty Committee, in particular) in lieu of traditional criminal trials. The first is a negative justification, grounded in a sober recognition of the limited viable options available during the South African transition. This argument, which I will call the argument of “practical or political necessity,” acknowledges that the need to reintegrate the polity after the transition from apartheid created practical demands that traditional conceptions and mechanisms of retributive justice could not accommodate. The South African judiciary, police forces and administrative infrastructure in 1990 were still dominated by the former practitioners and beneficiaries of apartheid—many of whom, it had to be realistically acknowledged, had not experienced an overnight reevaluation of their former regime. When the African National Congress (ANC) negotiated the terms of a democratic transition with the Afrikaner Nationalist Party (NP), it was evident that this transition would face the immediate challenge of a semi-corrupt judicial system which, combined with the scope of involvement in the crimes of apartheid, would make

comprehensive criminal prosecutions logistically impossible. Thus, it is argued, the Truth and Reconciliation Commission answered the need of South Africans to find other means for satisfying their collective desire to expose to the world and to record for posterity the horrors of apartheid—but only by sacrificing, to a degree, the extent of their claims to retribution. On this argument, the African National Congress, representing the non-white majority population during the transition negotiations, was “forced” to acquiesce to the highly controversial amnesty provision of the TRC’s Mandate in order to secure the cooperation of the former apartheid regime and to stave off threats to disrupt the 1994 democratic elections. According to the argument of practical or political necessity, then, the Truth and Reconciliation Commission’s Amnesty Committee rightly abrogated traditional claims for retributive justice in the interest of successfully dismantling the greater system of injustice that was apartheid.

There is, however, another explanation for the creation of the South African Truth and Reconciliation Commission, one that is less deferent to the restrictions of realpolitik and more germane to the issue that I would like to address in this chapter. This second “positive” justificatory argument claims that the South African Truth and Reconciliation Commission, rather than being a non-ideal but logistically necessary alternative to criminal prosecutions, was instead an ambitious and visionary attempt to pursue moral aims beyond the reach of traditional mechanisms for rectificatory or retributive justice. In their *Final Report*, the Commissioners argued that the work of the Commission was intended to model and to facilitate “restorative justice” which, they claimed, is “concerned not so much with punishment as with correcting imbalances, restoring broken

relationships—with healing, harmony and reconciliation.”¹ Archbishop Desmond Tutu, the TRC Chairperson and perhaps the most outspoken and compelling advocate of the role of forgiveness in restorative justice (evidenced in part by the title of his book, *No Future Without Forgiveness*), repeatedly maintained that not only would criminal prosecutions likely yield *less truth* about what happened under apartheid and why, but would certainly provide fewer possibilities for closing the gap between racially divided South Africans that had resulted in an alienating and almost intransigent civic posture. What was to be restored in restorative justice and in the theater of forgiveness that was the Amnesty Committee, Tutu argued, was not merely the great balance of scales that retributive justice promises, but rather a reconciliation of each South African—victim, perpetrator, or beneficiary—with his or her humanity and, as a result, a concomitant reconstruction of their shared humanity. This restored human community was that upon which the future of the new multiracial South African democracy would be built, and it was the charge of the Truth and Reconciliation Commission to facilitate that restoration.

These two arguments for the Truth and Reconciliation Commission may seem incompatible, if not outright contradictory, despite the fact that they are very often proffered in the same breath by defenders of the TRC. As Elisabeth Kiss has argued, it is after all “very different to claim that the TRC was compelled by political necessity to do something unjust and to assert that its actions promoted a more ambitious and expansive vision of justice.”² And as I will argue in the following, it is also true that, at the *normative* level, politics developed in the wake of the South African TRC has been

¹ Truth and Reconciliation Commission of South Africa, *Final Report*, Vol. I, Chap. 5, Par. 70 and Chap. 1, Par. 36.

² Elisabeth Kiss, “Moral Ambitions Within and Beyond Political Constraints: Reflections on Restorative Justice” in *Truth v. Justice: The Morality of Truth Commissions*. Eds. Robert Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 69.

largely unsuccessful in incorporating the language of forgiveness on its *own* terms, instead “subsuming it under instrumentalist accounts that emphasize the value of forgiving violators as a means of reconstituting a badly fractured polis”³ Critics of the Truth and Reconciliation Commission in particular and the politics of forgiveness in general have argued that forgiveness—even *if* it is morally desirable (which is not beyond debate), even *if* it is theoretically considerable or practically possible in the face of gross violations of human rights (which is even more questionable)—nevertheless cannot be *required* and should not be forced into the service of a larger strategy aimed at achieving determinate political ends. Jacques Derrida, in his later years more and more expressly concerned with the types of political problems embodied by South Africa’s Truth and Reconciliation Commission, also questioned the suitability of a traditionally ethical/religious term like “forgiveness” to the extent that its expropriation into the political sphere may be a dangerous concession to, not a transforming of, a certain economy that underlies the power of oppression itself. At least in its *implications*, Derrida’s concern was not unique. Many objected to the Truth and Reconciliation Commission for appearing to place the unwieldy burden of forgiveness on victims, thereby reiterating the privilege of apartheid’s beneficiaries and making the Amnesty Committee, in effect, the final and supreme benefit of that oppressive regime. There seemed to be, on this objection, an implicit and unsustainable asymmetry in the work of the Commission, which required an already traumatized people to take on the almost superhuman responsibility of “humanizing” their oppressors in order to reconcile and restore the community.

³ Ernesto Verdeja, “Derrida and the Impossibility of Forgiveness” *Contemporary Political Theory*, Vol. 5, No. 1 (2004).

However, the *form* of Derrida's deconstructive argument against the politicization and instrumentalization of forgiveness was unique. Derrida formulated one of the most provocative and compelling objections to the TRC, essentially claiming that forgiveness *can never be* political, that politics is always no more and no less than the messy business of interests and aims in the service of pre-calculated finalities.⁴ Rather, he argued that "forgiveness," which on its own definition should remain pure and disinterested, has no place as an instrument in any political economy. According to Derrida, the very concept of forgiveness bears within it the structure of an *aporia*—a curious and maddening impossibility—similar to many of themes (like democracy, friendship and hospitality) elaborated in Derrida's later writings. In the following, I first want to briefly address the limited philosophical history of the concept of forgiveness and its relationship (or lack thereof) to politics, including the new politics of reconciliation. Next, I will recount Derrida's elucidation of the forgiveness *aporia* in order to bring us back to the question of what unique significance such deconstructive analyses might offer in the evaluation of real, historical instances of political forgiveness, like those that the South African Truth and Reconciliation Commission purports to represent.

⁴ Jacques Derrida, *On Cosmopolitanism and Forgiveness* (London: Routledge, 2001), 31. It is critical to note, at the outset, that Derrida never dismissed altogether the positive value of the South African Truth and Reconciliation Commission (or truth commissions in general). In fact, Derrida's writings on the subject of South Africa's transition evidence a profound respect, even admiration, for both Desmond Tutu and Nelson Mandela personally, as well as respect for the immense challenge that the Truth and Reconciliation Commission faced and, at least partially, overcame. (See Derrida's "The Laws of Reflection: Nelson Mandela, in Admiration" in *For Nelson Mandela*, eds, Jacques Derrida and Mustapha Tlili, New York: Seaver Books, 1987, 11-42.) As I hope to make clear in the following, Derrida's inquiry into the role of forgiveness in the work of political reconciliation is not *simply* a critique of the South African Truth and Reconciliation Commission, nor is it an outright rejection of either the morality or the political practicality of their work. Rather, Derrida intends to issue a warning as to the dangers inherent in *not* paying close attention to the way in which the concept of forgiveness, because of its aporetic nature, is especially prone to misuse and abuse. It is in this sense that I view Derrida's objections to the role of forgiveness in the work of the South African Truth and Reconciliation Commission as distinct from other critiques of that body.

Philosophical considerations of forgiveness

There is, of course, a vast body of literature on the role of forgiveness in various religious traditions, especially the Judeo-Christian tradition. Although there is a very compelling temptation to mine this scholarship, I want to carefully resist framing my inquiry in exclusively theological terms for a number of reasons. First, *if* there is a working definition of “political” forgiveness to be forged, it must be significantly independent of a particular religious tradition or, at the very least, it must be functionally transferable to contexts that are not grounded in one particular religious tradition. The chief reason for this is obvious: unless such independence can be theoretically secured, one is left normatively resigning whole populations to the status of non-political or pre-political agents to whom the acts and benefits of political forgiveness are disallowed. Second, my primary impetus for investigating the topic of forgiveness in the context of truth commissions is the manner in which those commissions have come to shape the international discourse on human rights abuses and political reconciliation, as well as the way in which they have served to sanction and legitimate (if not actively promote) public/political acts of repentance and forgiveness across the globe. The manifest international, inter-religious and intercultural proliferation of such acts should dissuade one from resigning this phenomenon to any particular theological paradigm. Finally, my intention here is not primarily to investigate the status or health of people’s souls in the “religious” sense, but rather the status and health of their collectivities, that is, their ability to cultivate and sustain working human communities.

Even with these caveats, however, it is not possible to utterly exclude theological considerations from an analysis of the concept of forgiveness or its role in the work of

political reconciliation and transition. At least in the Western philosophical tradition, the Judaic and Christian influence is, quite literally, ubiquitous.⁵ So, in the following, I will attempt to tread lightly on the border between the philosophical and the theological, while inclining my considerations decidedly in the direction of the philosophical. In this first section, I will address two particularly illustrative philosophical considerations of forgiveness, by Friedrich Nietzsche and Hannah Arendt, in the course of examining the tight relationship they draw between forgiveness and “sentiment.” Then, I consider the relative strengths and weaknesses of the semi-Kantian alternative to Nietzsche and Arendt posed by P.E. Digeser in his recent *Political Forgiveness*, which rejects a “sentimental” formulation of forgiveness as inadequate for politics.⁶ Finally, I will briefly recount Hegel’s conception of forgiveness and reconciliation as put forth in the *Phenomenology of Spirit*, with a corresponding consideration of the manner in which Hegel’s treatment of forgiveness has been almost completely eclipsed by his treatment of reconciliation in Hegelian scholarship. My aim in this section is to provide a context in which the significance of Derrida’s aporia of forgiveness, which articulates an expressly *philosophical* dilemma inherent to the concept of forgiveness and its relationship to political reconciliation, can be adequately evaluated.

Nietzsche and Arendt

In his *On the Genealogy of Morals*, Friedrich Nietzsche famously characterized the act of forgiveness as the expression of an unhealthy spirit, a man of *ressentiment*—

⁵ This is particularly true in the case of the philosophers who I will consider in the following (Friedrich Nietzsche, Hannah Arendt, G.W.F. Hegel and Jacques Derrida).

⁶ P.E. Digeser, *Political Forgiveness* (Ithaca: Cornell University Press, 2003).

consequently, not an act at all but rather a “reaction.”⁷ Forgiveness, according to Nietzsche, provides wronged “victims” with a means for demonstrating their *moral* superiority over those to whom they are physically, psychologically or (in the non-religious sense) “spiritually” inferior. In Nietzsche’s account, the “weak” who choose forgiveness as a reaction to wrongs against them effectively make a virtue out of a necessity—unwilling or unable to actively exercise revenge, they react to their offense by fabricating an elaborate moral scaffolding in which they can figure their perpetrators as “evil” and themselves as “good.”⁸ The practice of forgiveness reinforces this self-evaluation of “goodness” and simultaneously imitates a kind of power-for-the-powerless, inasmuch as it substitutes *reactive* mercy for *active* revenge. That is, for those who resent a world in which not all injustices can be rectified, the structure of “good and evil” not only manufactures “blame” and “responsibility” as tools for understanding wrongdoing, but also provides an opportunity for victims to calculate how much they are owed by their oppressors and tormentors. Of course, that tally is always “too much,” which gives weak spirits and weak psyches an impetus for forgiving, for exhibiting their moral superiority in the alleged cancellation of debt that forgiveness affords. Yet, for Nietzsche, this entire process only amounts to a dissimulation that further entrenches the forgiver in his or her *ressentiment*, rather than relieving it.

As P.E. Digeser has argued, Nietzsche sees forgiveness “not as eliminating anger and resentment, but as keeping it at a slow boil,” since forgiving “thrives on the very feelings that it claims to counteract.”⁹ In Nietzsche’s analysis, strong or “noble” human

⁷ For an excellent interpretation of the active/reactive distinction in Nietzsche’s work, see Gilles Deleuze’s *Nietzsche and Philosophy*, trans. Hugh Tomlinson (New York: Columbia University Press, 1983), 32-72.

⁸ See Digeser, 15-16.

⁹ Digeser, 23.

beings have no need for forgiveness, preferring instead either quick and resolute revenge or forgetting. In the *Genealogy*, Nietzsche uses celebrated French Revolutionary statesman Honoré Gabriel Riqueti, Comte de Mirabeau as an example of the latter, who “lacked all memory for insults and meanness done him, and who was unable to forgive because he had forgotten.”¹⁰ But the man of *ressentiment*, unlike the Comte de Mirabeau, not only chooses not to forget, but *cannot* forget. Forgiveness cultivates resentment, in part, because it makes the memory of the wrongdoing a foundational and necessary element in the self-identity of the forgiver (*qua* morally superior). What lies behind both resentment *and* forgiveness, then, is the “claim that others are Evil and oneself is Good.”¹¹ In a similar vein, Michael Ure argues that forgiveness and mercy are, for Nietzsche, “narcissistic consolations” that serve as salves for the “wounds we inevitably suffer in our personal and political struggles for recognition.”¹² Likewise, Allan Schrift figures the distinction between “strong” and “weak” morality (or *ressentiment*) by claiming that “whereas the slave moves from the negative premise (“you are other and evil”) to the positive judgment (“therefore I am good”), the master works from the positive differentiation of self (“I am good”) to the negative corollary (“you are other and bad”),” a move which Schrift also sees echoed in Gilles Deleuze’s reading of

¹⁰ Nietzsche, *On the Genealogy of Morals and Ecce Homo*, trans. Walter Kaufmann (New York: Vintage, 1967) Essay I, 10.

¹¹ Digeser, 23.

¹² Michael V. Ure, “On Mercy and Forgiveness: A Nietzschean Appraisal.” Presented at the Nietzsche, Culture, and Society Conference (Rhodes University, Grahamstown, South Africa). 13-14 January 2006. Available online at www.ru.ac.za/academic/departments/philosophy/nietzsche/SA%20Paper%20Revised.doc.

Nietzsche.¹³ Forgiveness, on all these readings, is no more than negativity disguised as moral superiority.

Famously, in Nietzsche's *Genealogy*, we are given a history of the invention of (moral) values, one in which the essentially amoral nature of the universe is rejected by moral men (and, in a much more shifty way, women) in an effort to shore up a fragile "self" assaulted and assailed by chance. According to Nietzsche, these "last men," desperately attached as they are to their own *ressentiment* and its corresponding moral evaluations, are alternatively sedated and tortured by an all-encompassing teleology grounded by the utilitarian payment of their debt of original sin. They are bound in their herd mentality to one mythological origin and one mythological end, to an archeology and eschatology, which derive their meaning, sense, and direction from a "moral" interpretation of the universe. This moral interpretation paralyzes the weak souls in their guilt, envy and resentment, holding them in relief in the presence of an ideological, religious or "otherworldly" fullness of which the earth is eternally lacking. Those who commit themselves wholly to moral evaluations become consumed with the endless project of both maintaining and submitting themselves to those manufactured values, without ever acknowledging their own role in manufacturing them. "Slaves" both to the resentment that initiated this process and the life-denying morality that is its product, weak spirits can not bear the thought that the "total characteristic of the world," as Nietzsche describes it, is

... in all eternity chaos—in the sense not of a lack of necessity but of a lack of order, arrangement, form, beauty, wisdom, and whatever other names there are for

¹³ Alan Schrift, "Nietzsche's French Legacy" in *The Cambridge Companion to Nietzsche*, eds. Bernd Magnus and Kathleen M. Higgins (Cambridge: Cambridge University Press, 1996), 330. See also Deleuze's *Nietzsche and Philosophy*, 180.

our aesthetic anthropomorphisms... None of our aesthetic and moral judgments apply to it. Nor does it have any instinct for self-preservation or any other instinct; and it does not obey any laws either. Let us beware of saying that there are laws in nature. There are only necessities: there is nobody who commands, nobody who obeys, nobody who trespasses.¹⁴

They weak, those consumed with *ressentiment* about the defining characteristic of the world, are afraid to say with Nietzsche's Zarathustra "sick" instead of "sinner," and their will is too weak to bear the destruction of that God and that guilt which would unmask their debt as disease.¹⁵ In fact, all of morality, in Nietzsche's *Twilight of the Idols*, is described as the "*instinct of decadence* itself...it is the judgment of the judged."¹⁶ Hence, it is easy to see the motivation for his rejection of forgiveness, which is identified in Nietzsche's analysis as fundamentally linked to the particular *sentiment* of resentment.¹⁷

In fact, many philosophical (and, for that matter, non-philosophical) discussions of forgiveness appear to depend on some configuration of sentiment by requiring "either a change of heart or the expression of a commitment to eradicating one's resentment [toward] the wrongdoer."¹⁸ Nietzsche is, arguably, the most polemical opponent of this

¹⁴ Nietzsche, *The Gay Science with a Prelude in Rhymes and an Appendix of Songs*, trans. Walter Kaufmann (New York: Vintage, 1974), 109.

¹⁵ See Nietzsche's *Thus Spoke Zarathustra: A Book for None and All*, trans. Walter Kaufmann (New York: Penguin, 1978).

¹⁶ Nietzsche, 5.

¹⁷ It is beyond the scope of this analysis to give a full treatment to Nietzsche's rejection of *ressentiment* as an unhealthy, life-denying, and ultimately "weak" sentiment. I refer the reader to several excellent treatments of Nietzsche and *ressentiment*, including Gilles Deleuze's *Nietzsche and Philosophy*, Nicholas Birns' "*Ressentiment and Counter-Ressentiment*" (available from the archives of the Nietzsche Circle online at <http://www.nietzschecircle.com/essayArchive1.html>), Robert Solomon's *Living with Nietzsche: What the Great "Immoralist" Has to Teach Us* (Oxford: Oxford University Press, 2003), Dan Conway's *Nietzsche and the Political* (London: Routledge, 1997) and "Nietzsche *ad hominem*: Perspectivism, personality and *ressentiment* revisited" in *The Cambridge Companion to Nietzsche* pp. 180-222, Pierre Klossowski's *Nietzsche and the Vicious Circle* (London: Continuum, 2005), and Martin Heidegger's lectures on Nietzsche collected in *Nietzsche: Vols. 1-4* (San Francisco: Harpers, 1991).

¹⁸ Digerer, 15.

(negatively) “sentimental” forgiveness, with his unrelenting criticism of *ressentiment* and its life-denying powers. Yet, even the conventional sense of what forgiveness *is* and what it *does* usually understands forgiveness, like Nietzsche described, as a way to put aside the anger and resentment one feels after being wronged. However, it is necessary to take a look at another, more positive, sentimental conception of forgiveness. Although their final evaluations of forgiveness could not be further apart, Hannah Arendt, like Nietzsche, also relies upon a tight conceptual connection between forgiveness and a particular sentiment. In the case of Arendt, the focus is not primarily on *ressentiment*, but the sentiment of love—more specifically, Christian love or *agape*.¹⁹ According to Arendt, Jesus of Nazareth was the “discoverer of the role of forgiveness in the realm of human affairs,” though she is careful to agree that the originally “religious” context of this discovery should not dissuade us from an appreciation of its “strictly secular” significance.²⁰ Following Jesus’ model, Arendt speculates, we understand that “only love has the power to forgive,” for it is love that makes possible an “affair in which *what* was done is forgiven for the sake of *who* did it.”²¹

Forgiveness is always “eminently personal” for Arendt, inasmuch as it is inspired by a passion to “destroy the in-between which relates us to and separates us from others.”²² On Arendt’s account, Jesus of Nazareth’s teachings instruct human beings to forgive one another for the “everyday trespasses” that they commit as a result of humanity’s finite, imperfect nature. The realm of human “action” *needs* forgiveness, on Arendt’s model, in order to re-establish relationships that have been broken by ignorance

¹⁹ See Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 236-243.

²⁰ *Ibid.*, 238.

²¹ *Ibid.*, 241-242.

²² *Ibid.*, 241.

and error, by *hamartanein*, so that each one is able (in Arendt's rendering of the Gospel of Luke) to "change one's mind" or "trace back one's steps" rather than being irreversibly bound by the consequences of one's actions.²³ Further, Arendt reads Jesus' command to forgive (as it is recounted in the Gospels) as particularly germane to the realm of *human* action in two senses:

It is decisive in our context that Jesus maintains against the "scribes and pharisees" first that it is not true that only God has the power to forgive, and second that this power does not derive from God—as though God, not men, would forgive through the medium of human beings—but on the contrary must be mobilized by men toward each other before they can hope to be forgiven by God also. Jesus' formulation is even more radical. Man in the Gospel is not supposed to forgive because God forgives and he must do "likewise," but "if ye from your hearts forgive," God shall do "likewise."²⁴

Hence, we can see how Arendt is able to turn her focus to the importance of forgiveness in its "strictly secular sense" because forgiveness, on Arendt's reading, is neither exclusively divine nor derivative of the divine. Rather, forgiveness is the miracle that is performed "upon earth" *by* and *for* human beings.

In order to fully understand the role of forgiveness in the realm of what Arendt calls human "action," it is necessary to briefly recount Arendt's rendering of the *vita activa*. Arendt, famously, divides the human condition into three spheres—labor, work and action; each "corresponds to one of the basic conditions under which life on earth has

²³ Ibid., 240. See also the Scriptural passage that Arendt cites in Luke 17:3-4.

²⁴ Ibid., 239. The Scriptural passages that Arendt is alluding to are found in Luke 5:21-24, 7:49, and 17:3-4; Matthew 6:14-15, 9:4-6, and 18: 35; Mark 11:25 and 12:7-10.

been given to man.”²⁵ Labor, the condition that insures not only individual life but also the life of a species, is bound up with the biological processes and capabilities of the human body.²⁶ The most basic labor of man, the tilling of soil, is an exemplar for Arendt because it demonstrates the cyclical and impermanent character of labor.²⁷ Labor involves a repetition of the production-consumption routine that remains close to the rhythms and demands of nature itself; it leaves nothing permanent in its wake and fashions no useful objects²⁸ in its practice. Work, on the other hand, involves the fabrication of human-made objects that endure and change the human experience of the world. Further, a more complex level of thought must be added in order for labor to be transformed into work. It is only with the added element of thought, planning, that durable objects can be added to “build” a world that is otherwise resigned to the cycles of natural or biological necessity.²⁹ The third realm of the human condition—“action”—is that which Arendt claims is the *conditio per quam* of political life.³⁰ Action, the only activity between men without an intermediary, reflects the human condition of *plurality*, and it alone corresponds to the fact “that men, not Man, live on the earth and inhabit the world.”³¹ Thus, for Arendt, the three elements of the *vita activa* correspond to the three fundamental human conditions: labor is the activity that corresponds to biological birth

²⁵ Ibid., 7.

²⁶ Ibid., 7-8.

²⁷ Ibid., 138.

²⁸ It is important to read “objects” in the loosest sense here, in order to include the broader structures of civilization (e.g., cathedrals, universities, homes). These are the objects that, in Arendt’s analysis, build a world.

²⁹ Ibid., 136-144.

³⁰ Ibid., 7.

³¹ Ibid.

and death, work is the activity that corresponds to worldliness (or world-building), and action is the activity that corresponds to plurality (or political life).³²

What is especially significant about forgiveness, in Arendt's analysis, is that it is the means by which "action," in a manner of speaking, is saved from itself. Forgiveness allows action to remain an independent sphere of the human condition without collapsing under the weight of what Arendt calls the "predicament of irreversibility." Arendt explains,

The possible redemption from the predicament of irreversibility—of being unable to undo what one has done though one did not, and could not, have known what he was doing—is the faculty of forgiving. ... [Forgiving] serves to undo the deeds of the past, whose "sins" hang like Damocles' sword over every new generation... Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover.³³

For Arendt, then, forgiveness serves the necessary function of ensuring that we are not slaves to our own past deeds, that we can break free of the restrictive human conditions of *animal laborans* and *homo faber* and truly enact the supremely human possibility to create "anew" in our lives with one another. Forgiveness de-limits the realm of action by releasing it from the predicament of irreversibility. Like promising, forgiveness depends on *plurality*, the "presence and acting of others," as Arendt insists that no person can forgive him- or herself.³⁴ In this way, Arendt speculates, the role of forgiveness (and promising) in political life establishes a "moral code" that is diametrically opposed to the

³² Ibid., 11.

³³ Ibid., 237.

³⁴ Ibid.

Platonic tradition, in which what ultimately mattered (for the Greeks) was the organization of the individual soul (with the ideal public realm being this harmonious soul “writ large”). In contrast to the Platonic ideal, the importance of forgiveness for the political realm requires that one exist *with others* in such a way that not only do human actions affect other humans, but the manner in which those effects potentially limit human possibility can be cancelled by the human action of forgiveness.

Yet, significantly, Arendt’s account of forgiveness is itself delimited. Turning to the Gospels of Luke and Matthew, Arendt distinguishes between possible candidates for forgiveness, offenses (*skandala*) and trespasses (*hamartanein*):

Crime and willed evil are rare, even rarer perhaps than good deeds; according to Jesus, they will be taken care of by God in the Last Judgment, which plays no role whatsoever in life on earth, and the Last Judgment is not characterized by forgiveness but by just retribution (*apodounai*). But trespassing is an everyday occurrence which is in the very nature of action’s constant establishment of new relationships within a web of relations, and it needs forgiving, dismissing, in order to make it possible for men to go on by constantly releasing men from what they have done unknowingly.³⁵

Arendt notes that the passage from Luke (17:1-5) indicates that Jesus not only acknowledged the inevitability of “offenses” (*skandala*) but also deemed them “unforgivable” (at least on earth).³⁶ Hence, in Arendt’s analysis, forgiveness does not apply to what Kant would call “radical evil” or *skandala* “that transcend the realm of human affairs and the potentialities of human power, both of which they radically destroy

³⁵ Ibid., 240.

³⁶ Ibid., n80.

wherever they make their appearance.”³⁷ Rather, what we are to forgive in human affairs is restricted to what we could, alternatively, punish. Arendt offers “punishment” as the *alternative to*—not the *opposite of*—forgiveness, because both “attempt to put an end to something that could go on endlessly.”³⁸ Therefore, actions that remain as candidates for forgiveness are, in effect, the same sorts of actions for which we can measure out punishment, that is, garden variety trespasses: non-voluntary, erroneous, ill-informed, but ultimately regrettable human actions.³⁹

In the end, then, it is clear that Arendt views forgiveness as indispensable to political life, the realm of human action. What is less clear, however, is exactly *how* forgiveness—which is ostensibly rooted in the sentiment of “love,” that is, an “eminently personal” passion—finds its way into the public realm where such “private” dispositional attitudes are anathema. Arendt directly acknowledges that “love” is both “apolitical and antipolitical” inasmuch as it “destroys the in-between that both relates us to and separates us from others.”⁴⁰ (Of course, it is just this “separation” that must be maintained in order to secure the “plurality” of the public realm of action.) But Arendt conjectures that *respect* (in the Aristotelian sense of *philia politikē*) is the “political” counterpart to love, which rules in the larger domain of human affairs and is (in Arendt’s curt formulation)

³⁷ Ibid., 241.

³⁸ Ibid.

³⁹ Jesus’ words in Luke 17:3-4 are: “And if he trespasses against thee seven times a day, and seven times in a day turn again to thee, saying, ‘I repent’; thou shalt forgive him.” Arendt interprets this passage from Luke in the following: “It is important to keep in mind that the three key words of the text—*aphienai*, *metanoein*, *hamartanein*—carry certain connotations even in New Testament Greek which the translations fail to render fully. The original meaning of *aphienai* is “dismiss” and “release” rather than “forgive”; *metanoein* means “change of mind” and—since it serves also to render the Hebrew *shuv*—“return,” “trance back one’s steps,” rather than “repentance” with its psychological emotional overtones; what is required is: change your mind and “sin no more,” which is almost the opposite of doing penance. *Hamartanein*, finally, is indeed very well rendered by “trespassing” in so far as it means rather “to miss,” “fail and go astray,” than “to sin.” The verse which I quote in the standard translation could also be rendered as follows: ‘And if he trespass against thee...and...turn again to thee, saying, *I changed my mind*,; thou shalt *release* him.’” (Arendt, *The Human Condition*, 240)

⁴⁰ Ibid., 242

“sufficient to prompt forgiving.”⁴¹ Arendt’s subtle move from “love” to “respect” as the prompt for forgiveness in the public realm may, in the end, excuse her from being charged with an exclusively “sentimental” conception of forgiveness, but there are few clues in her text as to how forgiveness shakes free of the sentiment of love entirely.

P.E. Digeser’s *Political Forgiveness*, in my view, is especially helpful for parsing out some of the problems with forging too tight of a bond between forgiveness and sentiment when attempting to think about the possibilities of forgiveness in the political realm. According to Digeser,

The larger difficulty associated with the sentiment-based view [of forgiveness] concerns our inability to see clearly into the recesses of the human heart. This opacity leads to the presumption that the act of forgiving itself, not the sentiments behind it, should count in politics.⁴²

Digeser fears that sentiment-based conception of forgiveness ultimately rest on two implicit claims: first, individuals are capable of working on themselves to remove particularly negative sentiments (like resentment, anger, contempt, etc.) that often follow on the heels of wrongdoing and, second, that this kind of “self-fashioning” is necessary because the preservation of negative sentiments is not only unhealthy, but tends to produce more injustice and offense.⁴³ Michael Oakeshott calls this capacity *self-enactment*, and Digeser views sentiment-based conceptions of forgiveness as resting heavily on the same sort of self-enactment.⁴⁴ Such a view clearly makes forgiveness a largely internal, private matter—one which cannot be intersubjectively verified in any

⁴¹ Ibid.

⁴² Digeser, *Political Forgiveness*, 25.

⁴³ Ibid., 21-22.

⁴⁴ Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975), 76-77.

definitive way, therefore one which potentially excludes itself from consideration in the political realm *qua* public realm. Attempting to steer clear of Nietzsche's problem, in which forgiveness is conceived of as being prompted by resentment and contingent upon the (for Nietzsche, impossible) eradication of resentment, Digeser rejects "forgiveness as self-enactment" on the basis of its inability to establish "what particular actions to perform" because of its focus on "the sentiments to adopt when performing [actions]."⁴⁵

Digeser justifies this rejection, in part following Arendt, by drawing out an inherent symmetry between the act of forgiveness (in politics or the "public realm") with the act of promising. Successful promising, Digeser explains, requires that one follow through on the "prevailing conventions of or conditions for" performing the promised act.⁴⁶ There are, of course, a wide range of sentiments that may inspire one to make some promise or another, but we conventionally understand that those sentiments have no effect upon whether or not a promise was, in fact, *promised*. (Alternatively, on the sentiment-based view of forgiveness, we may doubt whether or not one has "actually forgiven" if s/he does so "resentfully.") Digeser offers an example:

Just as Jill may promise to do something despite the contempt, generosity, kindness or pity she feels, I argue that Jack may forgive generously, condescendingly, insultingly, or (if this argument works) resentfully....Jill cannot say that her promise to Jack was any less of a promise because she made it contemptuously. In contrast to *self-enactment*, promising is an act of *self-disclosure* in which the promisers pursue an intended goal under the rules that govern its practice. The success of the act is independent of its motivations.

⁴⁵ Digeser, *Political Forgiveness*, 22.

⁴⁶ *Ibid.*, 24.

Similarly, I am arguing that political forgiveness is also an exercise of self-disclosure.⁴⁷

If forgiveness is not inextricably bound to resentment (as it is for Nietzscheans), then we can see that the self-disclosure performed in political forgiveness *can*, to some extent, be known. On Digeser's model, we can think of forgiveness as a kind of promise—e.g., “I forgive you and I promise to no longer treat you as an enemy” or “I forgive you and I promise not to expect payment on the moral or ethical debt that you have incurred with me.”—and such promises can be confirmed or disconfirmed in the realm of interpersonal *action* in a way that sentiment-based forgiveness cannot be confirmed or disconfirmed in its realm of personal psychology. “Jack” and “Jill” may continue to harbor resentments against one another, but what matters in the political realm (according to Digeser) is whether or not they *act* on those sentiments.

Digeser further elaborates this view of political forgiveness *qua* “self-disclosure” by enlisting the linguistic terminology of John L. Austin in his *How to Do Things with Words*.⁴⁸ In order for forgiveness to be a successful act of self-disclosure, in order for it to be “public” and thus “political,” Digeser argues that the locutions associated with forgiveness must be understood as “illocutionary acts.” According to Austin, the successful performance of an illocutionary act has three distinctive features. First, the act must have “uptake,” meaning that the locution is heard and properly understood, which also implies that there is an audience to whom the locution is addressed (and who understand the locution). Second, it must “take effect,” which according to Austin means that it must have certain “nonphysical consequences.” And, third, the

⁴⁷ Ibid.

⁴⁸ John L. Austin, *How to Do Things with Words*, ed. J.O. Urmson. 2nd Edition (Cambridge: Harvard University Press, 1962).

illocutionary act usually invites a response or a sequel (though this is not essential for the success of the act on Austin's rendering).⁴⁹ Digeser explains the importance of Austin's requirement of "uptake" in the illocutionary act of forgiveness in the following:

If the debtor or creditor does not get the message that they've been released from their debts, then something has gone wrong. Indeed, the recipients of forgiveness must understand that their debt has been forgiven for the forgiving to be successful. The actions of a jailer, who releases a criminal without informing her that she has been pardoned, may just as easily be interpreted as corruption, a setup, or a mistake. This further specification of what "uptake" entails flows from both its public, political character and from the purposes of forgiveness, namely settling the past and restoring a valued political relationship. If the recipient fails to receive the message, the full political character of the act cannot be realized and the possibilities for restoration are abridged.⁵⁰

The second of Austin's requirements for an illocutionary act to be successful, namely that it "take effect," is also reinforced in Digeser's figuring of political forgiveness as an *act* of self-disclosure. In contrast to sentiment-based forgiveness, which may not (and need not) result in any changes in the world, the central effect of political forgiveness *qua* self-disclosure (and not self-enactment) is "to release debtors or transgressors from what they owe."⁵¹ When political forgiveness is successful, it "takes effect" by enacting this

⁴⁹ Ibid., 177 and passim.

⁵⁰ Digeser, *Political Forgiveness*, 29.

⁵¹ Ibid., 30.

release, what John Searle also identifies as the “illocutionary point” of political forgiveness.⁵²

What has remained implicit thus far in my explication of Digeser, but which needs to be made explicit in order to reinforce the strength of his argument against sentiment-based forgiveness, is the relationship between acts of political forgiveness and the ostensible aim of those acts, namely, political reconciliation. Digeser lays out a series of conditions for properly “political” forgiveness which end up very close, one could imagine, to the sort of Kantian-inspired, agency- and respect-based view that Arendt might have constructed had she followed her suggestions in *The Human Condition* to their logical ends.⁵³ Digeser wants to reject sentiment-based forgiveness—whether the sentiment is Nietzschean *ressentiment* or Arendtian/Christian *agape*—because it is impossible to figure the psychological or emotional status of persons in any real, effective sense. Whatever reconciliatory effects forgiveness could afford within the realm of political action are cancelled if it is restricted by the ambiguities of sentiment. Digeser further adds that we must make a distinction between “reconciliation as a process” and “reconciliation as a state.”⁵⁴ He writes,

The general distinction between process and state opens the possibility of talking about a process of reconciliation without being committed to a claim that a state

⁵² John Searle and Daniel Vanderveken, *Foundations of Illocutionary Logic* (Ithaca; Cornell University Press, 1985), 13-15.

⁵³ Digeser’s “conditions for successful political forgiveness” include, in summary, the following: “(1) the existence of a relationship between at least two parties in which (2) there is a debt owed to one party by the other (3) that is relieved by a party with the appropriate standing, (4) conveying the appropriate signs or utterances, (5) whose success does not depend on the emotional or internal states of the forgivers, (6) even though it is generally thought to be good to receive what is due because (7) the effect of inviting the restoration of the offender or the debtor is somehow thought also to be good. What is conspicuous by its absence is the need for the victim or creditor to free themselves of or acquire a particular sentiment in order to forgive politically.” (*Political Forgiveness*, 35)

⁵⁴ *Ibid.*, 67-74.

of reconciliation has been or even can be ultimately reached. By seeking to diminish conflict or establish trust-building measures, adversaries may be involved in the activity of reconciliation. This activity can be intelligibly understood even though they have not reached a grander reconciliatory state.⁵⁵

The value of political forgiveness, on Digeser's account, is that it contributes to the *process* of reconciliation, and its value is not primarily contingent upon its actually achieving a *state* of reconciliation. Political forgiveness (*qua* illocutionary act and self-disclosure) has "real" political consequences—in Austin's language, "uptake" and "effect"—that involve settling past "debts" in such a way that the effects of that past "should no longer reverberate into the future."⁵⁶ Thus, Digeser argues, political forgiveness not only is possible, but is desirable and can be advocated, inasmuch as it is understood as a means for achieving reconciliation between political adversaries as well as a tool in the process of that reconciliation.

Hegel

But what, exactly, counts as "reconciliation"? It is impossible, or at any rate irresponsible, to discuss the philosophical relationship between forgiveness and reconciliation without consulting the treatment they receive in G.W.F. Hegel's *Phenomenology of Spirit*.⁵⁷ Forgiveness, which occurs at the end of Hegel's chapter entitled "Spirit," is the event that makes possible reciprocal recognition, and it is (arguably) the most transformative event of that entire text. Almost everything leading up to this event in the *Phenomenology* either presupposes or abstracts from it, and the

⁵⁵ Ibid., 67.

⁵⁶ Ibid., 68.

⁵⁷ G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Oxford University Press, 1977).

reconciliation achieved in this event sets the stage for all that follows. Although the episode that culminates in forgiveness is only roughly thirteen paragraphs long (relatively brief by Hegelian standards), it is a crucial part of Hegel's larger discussion of conscience, which is the penultimate form of Spirit that marks the transition to religion. Yet, strangely, one of the most influential readings of the *Phenomenology*, Alexander Kojève's *Introduction to the Reading of Hegel*, entirely fails to mention it, a characteristic his analysis shares with many, if not most, other commentaries.⁵⁸ (Even the recently published Routledge "Guidebook" to Hegel's *Phenomenology*—admittedly, by design, intended to be summary—reduces the event of forgiveness to a parenthetical remark, less than one full line long.⁵⁹) The omission or under-emphasis of forgiveness appears to be an irresistible temptation among Hegelian commentators, which makes one wonder whether or not the forgiveness of Spirit by Spirit makes for a more complicated (and interesting) moment in the *Phenomenology* than we might infer from the scholarship. Of course, it is beyond the scope of this project to give a full and careful reading of Hegelian reconciliation, but in the following I want to briefly recount the events that form the context for forgiveness so that we may consider the unique insights that Hegel offers there.

⁵⁸ Alexander Kojève, *Introduction to the Reading of Hegel*, trans. James H. Nichols, Jr. (New York: Basic Books, 1969). Kojève's analysis of recognition focuses on the master/slave dialectic and ignores forgiveness as the successful achievement of recognition. But Kojève is not alone in omitting or under-emphasizing forgiveness in the *Phenomenology*. Terry Pinkard, in his *Hegel's Phenomenology: The Sociality of Reason*, figures the episode of forgiveness as the confrontation between a Romantic ironist and a non-ironic, judgmental agent. This interpretation ignores the connection with the previous, unsuccessful attempts at forgiveness, and Pinkard's presentation of the climactic moment in the form of a conditional statement lessens its force. Charles Taylor, as well, smoothes over the events that frustrate forgiveness in his *Hegel* (New York: Cambridge University Press, 1975).

⁵⁹ Robert Stern, *Routledge Philosophy Guidebook to Hegel and The Phenomenology of Spirit* (New York: Routledge, 2002), 181.

After elaborating the various aporias that beset moral consciousness in the previous sections, Hegel moves to *conscience* in Paragraph 632 of the *Phenomenology*, which aims to escape those problems that frustrated morality. According to Hegel, conscience rejects “the internal divisions which gave rise to the dissemblance [of morality], the division between the in-itself and the self, between pure duty *qua* pure purpose, and reality *qua* a Nature and sense opposed to pure purpose.”⁶⁰ The unique characteristic of conscience is its certainty of itself as the arbiter and doer of what is right; consequently, conscience has none of the self-doubt that plagued morality. In conscience, the subject brings into itself (and stipulates content for) every universal determination of morality that putatively stood over against it. Conscience asserts itself not only through concrete actions, but also by positing the moral duties these actions are meant to satisfy. Of course, eventually, Hegel will require that conscience move beyond itself, as its intentions must be externalized in language and in action. But conscience *qua* conscience is predicated on its claims existing for itself, and conscience will try to minimize the impact of its actions on others.

Hegel claims that the “content of the language of conscience is the *self that knows itself as essential being*. This alone is what it declares, and this declaration is the true actuality of the act, and the validating of the action.”⁶¹ That is, the point of emphasis in conscience’s speech and action is on its performance of itself and its ability to close the circle of self on itself, *sans* others. Conscience relies on, in effect, its “gut feeling” to decide moral dilemmas, and defends this position by asserting that since almost anything can be justified as a legitimate moral action (depending upon one’s point of view), a kind

⁶⁰ Hegel, *The Phenomenology of Spirit*, 385.

⁶¹ *Ibid.*, 397.

of intuitive, internal moral conviction is the best we have. Conscience thus “places in duty, as the empty universal in-itselfness, the content that it takes from natural individuality.”⁶² However, an individual can never know whether or not others share his or her “gut feelings,” and thus can never know how s/he will be judged by others when acting on those moral intuitions. This is of little concern to conscience, though, which expects to be judged merely on its consciousness, that is, whether or not it is justified according to its own (internal) moral convictions. Hegel explains,

Whether the assurance of acting from a conviction of duty is *true*, whether what is done is actually a *duty*—these questions or doubts have no meaning when addressed to conscience. To ask whether the assurance is true would presuppose that the inner intention is different from the one put forward, i.e. that what the individual self wills can be separated from duty...But this distinction between the universal consciousness and the individual self is just what has been superseded, and the supersession of it *is* conscience. The self’s immediate knowing that is certain of itself is law and duty.⁶³

The effort to overcome and correct conscience’s self-misapprehension will involve a number of actors and transpire in a series of reversals. The sequence that follows—from the beautiful soul, to acting consciousness, to judging consciousness, to the breaking of the hard heart, and finally to forgiveness and reconciliation—will make clear Hegel’s conviction that, to the extent that conscience persists in the conviction that it is within its right to refuse others, it risks itself as well as Spirit.

⁶² Ibid., 393.

⁶³ Ibid., 396-7.

Conscience is, of course, a model of Kantian deontology, and it believes that it is impossible for others *not* to see its “moral genius” in its certainty of its good intentions. Hegel figures conscience as “rejoicing over [its own] moral purity” and generally “cherishing and fostering such an excellent state of affairs.”⁶⁴ Yet, conscience can only secure this high estimation of itself in the minds of others by *refusing to act* on its good intentions, for it fears that any action might lead to a misinterpretation of its motives. The “moral genius” thus becomes what Hegel names the “beautiful soul”:

It lives in dread of besmirching the splendor of its inner being by action and an existence; and, in order to preserve the purity of its heart, it flees contact with the actual world, and persists in its self-willed impotence to renounce its self which is reduced to the extreme of ultimate abstraction.⁶⁵

Although the beautiful soul does retain *some* connection with others—inasmuch as it “declares itself” as having certain convictions, which must in turn be validated by those that hear it—these self-declarations matter less to the beautiful soul than the immediate self-certainty that the declarations make certain. In essence, the beautiful soul claims to know what is right because *it* (the beautiful soul, the moral genius) is right. This implied internal connection with the divine will turn out to be the truth of religion, but the problem that Hegel is trying to bring to light here is that the beautiful soul can only be made complete if it is serious about the need to relate itself to others.

The rejection of others by the beautiful soul—manifest in its resistance to act on its conviction and, thus, risk judgment by others—ultimately silences anything that the beautiful soul says about itself. If the beautiful soul assimilates the contents of the

⁶⁴ Ibid., 398

⁶⁵ Ibid., 400.

universal to itself, the truth that it claims to possess instead becomes “the absolute *untruth* which collapses internally; it is the absolute *self-consciousness* in which *consciousness* is submerged.”⁶⁶ Any truth that is a purely interior phenomenon is rendered incommunicable by definition, which negates its validity as a truth for Hegel because communication is a prerequisite for anything to be constituted as truth. In the beautiful soul’s refusing of others, it becomes a consciousness that cannot speak. Hegel is quite literal on this point: “the absolute certainty of itself thus finds itself, qua consciousness, changed immediately into a sound that dies away, into an objectification of its being-for-itself.”⁶⁷

Faced with this dilemma of the “beautiful soul,” conscience realizes that it must act. Yet, conscience still sees itself as morally authoritative, inaugurating an inevitable conflict between itself and other individuals, and between individuals and the universal moral order. It is crucial to note that in the passage cited above, in which Hegel claims that the beautiful soul “persists in its self-willed impotence to renounce its self,” Hegel’s point is not that the beautiful soul is impotent because it persists in renouncing itself, but because it persists in *not* doing so. That is, the beautiful soul cannot admit that it is (or might be) wrong, and it clings to its self-certainty because that inner “moral genius” is all that stands between itself and the realization that without others, it is nothing. Consequently, the beautiful soul is doubly condemned by others, according to Hegel. In the first place, the beautiful soul will appear *evil* to others who abide by the established moral order for claiming that its inner convictions justify it absolutely. (One can think here of what others might have thought of Kierkegaard’s Abraham in *Fear and*

⁶⁶ Ibid., 399.

⁶⁷ Ibid.

Trembling.) On the other hand, others will accuse the beautiful soul of *hypocrisy* inasmuch as it claims to be interested in acting morally, while at the same time flouting the ostensibly universal rules of morality. (One can think of Raskolnikov in Dostoevsky's *Crime and Punishment*.) The beautiful soul is thus Hegel's first run at exhibiting, within the confines of the self, the lessons contained in wrongdoing and forgiveness. If the question posed is: how far we are willing to go when we think we are right?, the beautiful soul provides the answer: as far as it takes to prove ourselves right, which in this case means all the way to our own destruction.

When the beautiful soul reaches this impasse, Hegel then moves on to a new dyad of conflict: between "acting consciousness" and "judging consciousness." The first part of the new dyad of conscience, acting consciousness, valorizes itself through worldly action rather than through the solipsistic self-certainty of the beautiful soul. However, although acting consciousness claims to act in compliance with some universal duty, what it really does is act from its own particular motives and interests, or what Hegel calls its "natural individuality."⁶⁸ The source of its wrong is that it tries to invest the universal with content from its particularity. Hegel speculates that acting consciousness is aware of its own motives, when he writes:

In speaking of the consciousness of its action, it may well be aware of its pure self, but in the *purpose* of its action, a purpose with an actual content, it is aware of itself as this particular individual, and is conscious of the antithesis between what it is for itself and what it is for others.⁶⁹

⁶⁸ Ibid., 401.

⁶⁹ Ibid.

Acting consciousness is cognizant of the disparity between, on the one hand, the intention that others may infer from its action and, on the other hand, the goal that it intends to pursue. It says one thing corresponding to the demands imposed by the universal, while doing other things to secure an end derived from its own, particular self.

No sooner does Hegel introduce “acting consciousness,” which is inflected with individuality, than he produces its inverse, conscience that identifies with the universal, or “judging consciousness.” From the judge’s “universal” standpoint, the acting consciousness appears as “evil,” since it substitutes its particular whim for universal law. But its *specific* evil is “hypocrisy,” inasmuch as it claims to act on behalf of the universal, but really goes about satisfying the demands that arise from its individuality. While the goal of the subsequent dialectic appears at first to be the unmasking of acting consciousness’s hypocrisy, the judge’s failure to accomplish this unmasking will reveal the judge’s own hypocrisy. Hence, the dialectic leading up to the ultimate confrontation between these two finds the characters either trying to expose the disparity between what the other says and what it does, or trying to defend itself against the other’s accusations. So, for example, when acting consciousness defends itself against the judge by asserting that it acts from its inner laws, this backfires, as Hegel writes, acting consciousness “admits...to being evil by asserting that it acts, in opposition to the acknowledged universal, according to its own inner law and conscience.”⁷⁰ Conversely, when the judge denounces the other and asserts that it is superior because it alone is trustworthy, Hegel points out that the judge’s identification of the universal with itself means that it likewise wills from particularity. And this effort, too, backfires on the universal, if by “universal” one intends some rule that is known and acknowledged by all. The judge’s effort merely

⁷⁰ Ibid., 402.

“shows that what it calls true or genuine duty and which ought to be *universally* acknowledged, is something *not* acknowledged.”⁷¹ No sooner does the judge assert some law than acting consciousness flouts it.

With the terms of the conflict now established, Hegel sets up the conditions that will enable each side to see itself in the other. The first such condition comes about unintentionally as a result of the judge’s hypocrisy. The judge claims to be eschewing acting, since to act would implicate the very universal that he is charged with protecting. Here arises two levels of contradiction. First, the judge’s passivity contradicts the nature of law (for Hegel): law is only law through being enforced, and a law that goes unwilld is no law whatsoever. Second, and more importantly, despite this passivity, the judge is willing to judge, and to this extent will claim to act, even as it denies acting in any way that would implicate the universal. The hypocrisy here is that the judge thinks that condemnations of the other should count as actions, while also reserving the right not to “act” so as to escape judgment and condemnation. The hypocrisy that began with the acting consciousness wanting to preserve the gap between its words and its deeds has now extended to the judge, who desires his words about others be credited to his actions, without also needing to act or to be held accountable for the actions done in his own name.

This parallel is recognized by acting consciousness, which according to Hegel “*through his likeness* comes to see its own self in the other consciousness.”⁷² Hegel develops this likeness by focusing on the more egregious form of hypocrisy, which is specific to the judge rather than to acting consciousness. The judge can always gainsay

⁷¹ Ibid., 403.

⁷² Ibid.

the action of another by attributing it to some particular motive, rather than to respect for the law as such. But the judge thereby sets itself up as the arbiter of whether some action or another measures up to the standard of universality, which of course none ever do. As Hegel famously conjectures, “no man is a hero to his valet; not, however because the man is not a hero, but because the valet—is a valet.”⁷³ This being the case, once the judge is confident in itself, there is no situation in which the judge could not “play the part of the *moral* valet toward the agent.”⁷⁴ The judge always claims to be morally superior to the one who is judged, but the fact that it always arrives at the least charitable interpretation reflects its own baseness rather than anything about the one it presumes to judge.

All of this makes good on acting consciousness’s previous glimpse of hypocrisy in the judge. What acting consciousness comes to know is that the two of them are identical in their “nature and disposition.”⁷⁵ Both had staked themselves on the refusal to admit the disparity between their own intentions and actions, which impels them to point out to the other how s/he exhibits this disparity. It is here that something remarkable and progressive happens: acting consciousness sees itself being judged by the judge and realizes the judge is right. This realization is only possible because acting consciousness has seen itself through the eyes of the judge. They are really one in their hypocrisy and, as a result, acting consciousness

[perceives] this identity and giving utterance to it, he confesses this to the other, and equally expects that the other, having in fact put himself on the same level,

⁷³ Ibid., 404.

⁷⁴ Ibid.

⁷⁵ Ibid., 405.

will also respond in words in which he will give utterance to this identity with him, and expects that this mutual recognition will now exist in fact.⁷⁶

That is, Hegel points out that acting consciousness makes its confession in the expectation that the judge, too, has seen that it is as hypocritical as the other, and will be humbled and respond in kind with its own confession.

But when acting consciousness confesses “I am so,” the judge remains silent. By doing so, the judge denies any share in the hypocrisy that has been confessed and denies its resemblance to the one that has done wrong. The judge, writes Hegel, shows “the hard heart that is *for itself*, and which rejects any continuity with the other.”⁷⁷ Hegel claims that this refusal expresses “in its extreme firm the rebellion of the Spirit that is certain of itself.”⁷⁸ By refusing to admit its own hypocrisy or any resemblance to the penitent, the judge secures his denunciation by acting consciousness. But this refusal of acting consciousness by the judge also serves as a kind of synecdoche for a larger renunciation of humanity. Hegel thus writes that the judge reveals himself as “a consciousness which is forsaken by and which denies Spirit.”⁷⁹ Why is the judge so harshly condemned by Hegel? (After all, the charge of “forsakenness” is unprecedented in the *Phenomenology*.) The reason for the judge’s forsakenness is because the judge cannot forgive the one whom it most resembles, and it therefore cannot be reconciled to anyone. And, if it cannot be reconciled to others, then it deprives itself of the medium that is necessary for it to realize itself. Consequently, for the judge who refuses to forgive and maintains the hard heart, the renunciation of others ultimately amounts to

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid., 406.

⁷⁹ Ibid.

self-renunciation, as Hegel describes the judge as “disordered to the point of madness, [wasting] itself in yearning and [pining] away in consumption.”⁸⁰

Yet, acting consciousness exhibits a kind of grace in its confession, which is not rescinded, even when the judge refuses to make any reciprocal gesture. Despite the judge’s rebuffs, the decision by acting consciousness to forgive the judge’s hypocrisy holds good, whether the judge accepts it or not. Acting consciousness does not require that its forgiveness be reciprocated, or even acknowledged. The recognition by acting consciousness of itself in the judge established a parity between the two, and the confession/forgiveness by acting consciousness was not an attempt to reinstate an asymmetry that would then have to be corrected. But, eventually, the hard heart of the judge *does* respond to this graciousness. In perhaps the most famous passage of this moment, Hegel writes:

The breaking of the hard heart, and the raising of it to universality, is the same movement which was expressed in the consciousness that made confession of itself. The wounds of Spirit heal and leave no scars behind.⁸¹

The judge cannot help but see the “oneness” between itself and acting consciousness, and the judge subsequently “renounces the divisive thought, and the hard-heartedness of the being-for-itself which clings to it, because it has in fact seen itself in the [other].”⁸² The judge recognizes that its ostensibly universal judgment was in fact a “*subjectively* determined judgment,” just as acting consciousness recognized the subjectivity inherent in its characterization of action. For both, the forgiveness that is extended to the other is

⁸⁰ Ibid., 407.

⁸¹ Ibid., 407.

⁸² Ibid.

a “renunciation” of the *unreality* of itself as fundamentally characterized by individuality, that is, a renunciation of the “divisive thought” that separates the two. Hegel writes,

The word of reconciliation is the *objectively* existent Spirit, which beholds the pure knowledge of itself *qua universal* essence, in its opposite, the pure knowledge of itself *qua* absolutely self-contained and exclusive *individuality*—a reciprocal recognition which is *absolute* Spirit.⁸³

The value and the influence of Hegel’s account of reconciliation in the *Phenomenology* cannot be overstated—which makes it all the more puzzling that this particular moment of forgiveness is so under-emphasized in Hegelian scholarship. It is clear that the moment of forgiveness is essential to the reconciliation of Spirit with itself—its *complete* reconciliation—and this moment makes possible the subsequent transition to religion.

What is remarkable about Hegel’s account of forgiveness is its apparent limitlessness. Forgiveness occurs without conditions in the *Phenomenology*, in a moment of recognition without reciprocity that subsequently establishes the very foundation of reciprocal recognition. The standoff that Hegel stages between acting consciousness and judging consciousness seems to be an impasse in which both perceive the division between them as essential and insurmountable. Yet, it is precisely in the most dire circumstances that Hegel finds forgiveness most apposite. Without it, no individual can be reconciled with him- or herself—with his or her *humanity*—because the constraints of individuality, if tackled alone, are uncompromising. Although Hegel’s discussion is not framed in the context of “politics” *per se*, it is not difficult to see how his analysis easily extends to political conflicts, which are often marked by the inability of one side to see the common humanity underlying itself and its adversary. Unlike Arendt (and Dingeser),

⁸³ Ibid., 408.

who seem compelled to place limits on the political applicability of forgiveness (limits which effectively exclude situations in which adversaries might *actually* perceive the division between them as absolute) and unlike Nietzsche who rejects forgiveness as an ultimately ineffective and temporary salve for wounds that will inevitably re-open, Hegel presents the moment of forgiveness as, indeed, miraculous.

In fact, the moment of forgiveness is *so* miraculous in Hegel's account that he claims it "heals the wounds of Spirit and leaves no scars behind." It is this mysterious and hyperbolic claim, I suspect, that has prevented its uptake in subsequent discussions of the *actual* role of forgiveness in political conflict and political reconciliation. However, I want to hold this Hegelian account in relief, for the moment, in order to consider Derrida's *aporia* of forgiveness. Derrida's account will introduce an interesting duplicity at work in our concept of forgiveness—something that hovers between the unconditionality of Hegel's account and the conditionality of the accounts by Nietzsche, Arendt and Dignester—that makes the decision for or against "political forgiveness" more tenuous.

Derrida's *aporia* of forgiveness

Derrida begins his 1997 tract *On Forgiveness* with the claim that there is "no limit to forgiveness, no measure, no moderation, no 'to what point?'" and that forgiveness itself must remain "heterogeneous and irreducible" to any penal law.⁸⁴ The occasion for Derrida's reflecting on the theme of forgiveness was what he viewed as the adoption, on a global political scale, of a certain language of forgiveness, which Derrida claims is ultimately Abrahamic in origin and structure. Historically non-Abrahamic nations also

⁸⁴ Jacques Derrida. *On Cosmopolitanism and Forgiveness* (London: Routledge, 2001), 27.

trade in this common juridical discourse, which bases itself upon a culturally specific formation of forgiveness, as a result of a series of “extraordinary... performative” events (most notably, the Holocaust and the Nuremberg Trials) that produced the international concept of the “crime against humanity.”⁸⁵ On a global political scale, the concept of the crime against humanity has gained currency over the last half-century in the attempt, by nations, to emphasize a difference between the originary violence that grounds all Nation-States and the collectively unpardonable, “illegitimate” crimes that violate “what is most sacred in the living.”⁸⁶ To that end, the specific notion of forgiveness that now forms the “geopolitical scene” structurally resembles the Christian confession. It is a self-accusation on the part of the political bodies that enter the “theatre of forgiveness”⁸⁷—French, Japanese, South African, Chilean, German, and so on—which confess to hyper-transgressing the solidarity of the world’s more mediated collective culpability.⁸⁸ Elsewhere, Derrida refers to this overdetermination of geopolitical discourse by Roman Christianity as *globalatinization*, but it suffices here to note that this scene of forgiveness serves as an exemplar of a certain structural Abrahamic homogeneity that makes Derrida’s analysis of it graftable.⁸⁹

⁸⁵ Ibid., 28-29. “All of these public manifestations of repentance (whether state sponsored or not), and most often of ‘forgiveness asked,’ very new manifestations in the history of politics, are determined by the background of the historical-juridical resources that carried the institution, the invention, the foundation of the juridical concept of Nuremberg in 1945, a concept still unknown then, of the ‘crime against humanity’.” (“To Forgive: The Unforgivable and the Imprescriptible” in *Questioning God*, Eds. John D. Caputo et al. Bloomington: Indiana University Press, 2001, pg 25)

⁸⁶ *On Cosmopolitanism and Forgiveness*, 31. Derrida claims that this is the advent of the notion of human rights, most notably in the United Nations International Declaration of Human Rights.

⁸⁷ Ibid., 28.

⁸⁸ Ibid., 29. “For if we were to begin to accuse ourselves, in asking forgiveness, of all the crimes of the past against humanity, there would be no longer an innocent person on earth—and therefore no one in the position to judge or arbitrate. We are all heir, at least, to persons or events marked, in an essential, interior, ineffaceable fashion, by crimes against humanity.”

⁸⁹ Ibid., 32.

The limitlessness that Derrida wants to emphasize as the essence of forgiveness is in opposition to the juridical notion of the imprescriptible, that is, a crime for which the time for prosecution extends indefinitely, for which the “statute of limitations” does not expire. Derrida contends that the real question of forgiveness, like that of many other of his later themes (hospitality, the gift, democracy, friendship, etc.), arises in the hyperbolic, quasi-transcendental domain of what he has often termed “the impossible.” In the context of severe transgressions or “crimes against humanity,” Derrida conjectures that it is not the imprescriptibility of a crime that forms the contours of the impossible. Rather, the expiation of what Kant and Arendt (as well as most of us) would recognize as “radically evil” appears impossible primarily in the presence of what the global community understands as “the unforgivable.” Although crimes against humanity may be both imprescriptible and unforgivable, in a subtle but important way, the unforgivable for Derrida is not precisely coterminous with the imprescriptible. Imprescriptibility concerns the collective mechanisms and institutions of civil and legal society and their powers to punish. In contrast, the proper *mise en scene* for forgiveness is the “solitude of two”⁹⁰—the victim and the perpetrator—and this “quasi-secret solitude of forgiveness” makes it heterogeneous to the interference of any intermediary juridical institution.

Vladimir Jankélévitch, in his 1967 *Le pardon*, commenting on the 1964 debate in France concerning the determination of crimes against humanity as imprescriptible, claimed that the “forgiveness of a sin defies penal logic.”⁹¹ It is this judiciary order and penal logic that Derrida, like the early Jankélévitch, insists is interrupted and suspended

⁹⁰ “To Forgive,” 25.

⁹¹ *Ibid.*

by the “non-juridical dimension of forgiveness, and of the unforgivable.”⁹² However, in Jankélévitch’s later essay, *L’Imprescriptible*, he maintains that a crime against humanity (in this case, the Shoah) can never be forgiven if there is no evidence of repentance, if the criminals did not ask forgiveness.⁹³ All other crimes may be forgivable, but not the crime against humanity that Jankélévitch, following Hegel (the great thinker of forgiveness and reconciliation), views as a “crime against spirit, against the reconciling power of forgiveness.”⁹⁴ It is in this subsequent imposition of conditionality that Derrida recognizes a particularly Abrahamic version of forgiveness that he wants to call into question. Jankélévitch’s *Le pardon* professed a notion of absolute forgiveness, which he rooted in the Jewish and Christian tradition and its explicit imperative to love. Absolute forgiveness, in *Le pardon*, appealed to what Jankélévitch called a “‘hyperbolic ethics’: an ethics, therefore, that carries itself beyond laws, norms, or any obligation, Ethics beyond ethics...the undiscoverable place of forgiveness.”⁹⁵ But Derrida questions the limits of Jankélévitch’s—and the Abrahamic tradition’s—hyperbole that nevertheless also insists on the “conditional logic of the exchange, this presupposition, so widespread, according to which forgiveness can only be considered on the condition that it be asked.”⁹⁶ If forgiveness occurs only in proportion to the recognition and appropriation of fault by the transgressor, then it can never be other than an “economic transaction,” which paradoxically “confirms and contradicts” the Abrahamic heritage on which it is based.⁹⁷

⁹² Ibid.

⁹³ *On Forgiveness*, 34.

⁹⁴ Ibid.

⁹⁵ Ibid. (36)

⁹⁶ Ibid. (34)

⁹⁷ “It is important to analyze at its base the tension at the heart of the heritage between, *on the one side*, the idea which is also a demand for the *unconditional*, gracious, infinite, aneconomic forgiveness granted *to the guilty as guilty*, without counterpart, even to those who do not repent or ask forgiveness, and *on the other side*, as a great number of texts testify through many semantic refinements and difficulties, a conditional

Derrida's insistence that forgiveness possess no limit—that it is an “unconditional, gracious, infinite, aneconomic [gift] granted *to the guilty as guilty*”⁹⁸—ultimately precludes it from being a constitutive term in any economy of exchange. This means, for Derrida, that the only thing that could be truly forgiven is (paradoxically) that which can't be forgiven, that which appears as *impossible to forgive*, that is, the “unforgivable.”

It is clear that the erasure of limit that Derrida speaks of in relation to forgiveness is not simply an indefinite juridical extension of the statute of prosecution and judgment, but a fundamental disruption of that economy. However, the imprescriptible does have a structural relation to the Derridean notion of pure forgiveness in that it “signals toward the transcendent order of the unconditional... toward a sort of ahistoricity.”⁹⁹ What is most helpful about Jankélévitch's analysis is that it brings to bear on the question of forgiveness the problem of time, and with it the aporia of the gift. The aporias of the gift and of forgiveness, for Derrida, are “analogous and, what is more, linked.”¹⁰⁰ In *Given Time*, Derrida suggests that a true gift never “presents” itself, that is, it can never be “confused with the presence of its phenomenon.”¹⁰¹ In the act of giving, the circular economy of exchange and indebtedness is momentarily interrupted by a gesture toward the transcendent, that which cannot be “paid back” or immediately re-inscribed within an economy of equilibrium. This is intimately linked with the concept of time because one

forgiveness proportionate to the recognition of the fault, to repentance, to the transformation of the sinner who then explicitly asks forgiveness.” (Ibid.)

⁹⁸ Ibid.

⁹⁹ Ibid., 53.

¹⁰⁰ “To Forgive,” 22. Derrida also notes the Western linguistic connection (reflected also in English, Spanish, Italian, and German) of giving and forgiving, for example, the words *don* and *pardon*, “for-give”, *Vergebung*. These links are, and should be, part of the problem of forgiveness and, as Derrida notes, “both the semantic problem of the concept of forgiveness and a pragmatic problem of the acts of language or pre- or ultra-linguistic practice.” (23)

¹⁰¹ *Given Time: I. Counterfeit Money*, Trans. Peggy Kamuf (Chicago: University of Chicago Press, 1992), 29.

cannot conflate presenting (the act of giving) with the present (the phenomenality of the gift); the difference is one of temporality. Derrida argues that the logic of economic exchange wants to balance the scales (of gift and return, of crime and justice, of transgression and forgiveness) so that there is no surplus or madness to threaten the existence of an instituted order. All the same, between any singular instance of gift and return, there is still a lag, a gap, an abyss, which signals toward the transcendental and is thoroughly temporal.¹⁰² The gift, like time itself, never presents itself economically, but rather:

From the moment time is apprehended on the basis of the present now as general form and only modifiable or modalizable in such a way that the past and future are still presents-past and presents-to-come, this predetermination entails the aporetics of a time that is not, of a time that is what it is without being (it) [*sans l'être*], that is not what it is and that is what it is not, which is to be it without being (it) [*qui est de l'être sans l'être*].¹⁰³

Economies function through an attempt to calculate the gift back into a present, similar to the way human consciousness “modalizes” and “predetermines” temporality around the phenomenal “now.” The aporia of time appears as the irreducibility of the economic order of knowledge and the aneconomic element of desire in such a way that time itself always occurs as an attempted calculation of the incalculable, that is, as impossible.

Simply put, the present “now” signals toward a non-present past and future (as a more

¹⁰² “The gap between, on the one hand, thought, language, and desire and, on the other hand, knowledge, philosophy, science, and the order of presence is also a gap between gift and economy. This gap is not present anywhere; it resembles an empty word or a transcendental illusion.” (*Given Time*, 29)

¹⁰³ *Given Time*, 28. It is interesting to note here the similarity with Jean-Paul Sartre’s language in *Being and Nothingness* on the structure of consciousness, especially considering that many of the remarks that Derrida has concerning intentionality in *Given Time* also reflect this structure of (what Sartre calls) “metastability” between facticity and transcendence.

general temporal structure), but the moment it passes into the past or future (which is always already transpiring), the “now” is transcribed back into a logico-temporal economy in which it is no longer “now.”

Similarly, the gift signals an interruption in the economic order of exchange, but the moment it appears *as gift*, it is recalculated into the algebra of credit and debt, and thereby ceases being purely a gift.¹⁰⁴ In a true act of giving, the circular economy of exchange and indebtedness is momentarily interrupted by a gesture toward the transcendent, that which cannot, should not, or need not be “paid back” or immediately re-inscribed within an economy of equilibrium. What is special about gift-giving is that it is meant to upset this economy, but for Derrida, the true gift is destroyed as soon as it makes its appearance. For *anything* that proposes equivalence or recompense, even the unspoken “thank you” of the recipient or the implicit self-congratulation of the giver, effectively reinscribes the gift back into an economy and destroys its nature as gift. (Derrida is not making a psychological or empirical claim about the difficulty of transcending egocentric giving. He is elucidating a structural impossibility inherent to the concept of giving.) The true gift can never appear as such; it is “nowhere” and resembles in many ways a transcendental illusion. In order for a gift to remain truly a gift, it would require not only the anonymity of the giver, the ignorance of the recipient, but the invisibility of the gift. Such giving, phenomenologically speaking, will always be impossible. But it is this structural impossibility that grounds how we think about the possibilities of giving—what it would require to give, how we desire to give, what it

¹⁰⁴ “An expected, moderate, measured, or measurable gift, a gift proportionate to the benefit or to the effect one expects from it. . . would no longer be a gift; at most it would be the repayment of a credit, the restricted economy of a difference, a calculable temporalization or deferral. If it remains pure and without possible reappropriation, the surprise names that instant of madness that tears time apart and interrupts every calculation.” (*Given Time*, 147)

means to give. One can see the danger of the limits that Jankélévitch places on forgiveness, then, when he insists on a relationship of exchange (forgiveness asked, then granted). Jankélévitch's caveat of forgiveness is already inscribed in the Abrahamic tradition of exoneration from a debt remitted; it is too much within a history and a heritage that links the repentant subject with the transgressive event, the "who" with the "what"¹⁰⁵, as if that identification could provide the equation of a calculable forgiveness with a calculable justice. Forgiveness itself, within this history and heritage, will always be impossible, because it possesses what Hannah Arendt calls the structural limit of the human domain: "people will be incapable of forgiving what they cannot punish, and they will be incapable of punishing what reveals itself as unforgivable."¹⁰⁶ As long as one equates this logic of prescriptibility with a logic of forgiveness, then according to Derrida, one remains locked in an order of historicity that will continue to make calculations of devastating import to the possibility of any future.

It is this "equivocation of the [Abrahamic] tradition" that troubles Derrida on the subject of an international political discourse of forgiveness: "Sometimes, forgiveness must be a gracious gift, without exchange and without condition; sometimes it requires, as its minimal condition, the repentance and transformation of the sinner."¹⁰⁷ Pure forgiveness, for Derrida, the forgiveness of the unforgivable that is not immediately appropriated into an economic exchange, must occur as madness, with "no meaning, no

¹⁰⁵ "This question—"who" or "what"—will not cease, in its many forms, to return and to haunt, to obsess the language of forgiveness and this not only by multiplying aporetic difficulties but also by forcing us finally to suspect or suspend the meaning of this opposition between "who" and "what," a little as if the experience of forgiveness (of a forgiveness asked for, hoped for, whether granted or not), as if, perhaps, the impossibility of a true, appropriate, appropriable experience of "forgiveness" signified the dismissal of this opposition between "who" and "what," its dismissal and thus its history, its passed historicity." ("To Forgive", 24)

¹⁰⁶ *On Forgiveness*, 37.

¹⁰⁷ *Ibid.*, 44.

finality, even no intelligibility.”¹⁰⁸ (One can think here of the moment of forgiveness in Hegel’s *Phenomenology*, where Hegel also recognizes that forgiveness is still good even if it is completely one-sided.) It cannot be reducible to juridical concepts like amnesty, excuse, or prescription, and it cannot depend on a penal order as a condition for its possibility. The absolute reference for forgiveness, its “unconditional purity,” must remain heterogeneous to the “order of conditions” that allow it “to inscribe itself in history, law, politics, existence itself.”¹⁰⁹ Pure unconditional forgiveness, “forgiveness without power”¹¹⁰, forgiveness irreducible to any calculus of meaning, remains impossible, quasi-transcendental, to come. Paradoxically, however, it remains so in and against the Abrahamic tradition that, now globalized, shows itself in a public theater of forgiveness that professes (and confesses) to hold the possibility of any future politics.

One of the greatest difficulties that awaits us, in effect, stems from the fact that the hyperbolic ethics, which will also guide me, both lies in the wake of this tradition and is incompatible with it, as if this tradition itself carried in its heart an inconsistency, a virtual power of implosion or auto-deconstruction, a power of the impossible—that will require us once again the force to re-think the meaning of possibility of the impossible or the im-possibility of the possible.¹¹¹

The Abrahamic tradition contains its own aporia within it, that is, a limit to forgiveness that must be both preserved and surpassed. Derrida claims that this limit between the double imperative of conditionality and unconditionality is not a simple opposition, as the both terms are “certainly, absolutely heterogeneous, and this forever, on either side of a

¹⁰⁸ Ibid. (45)

¹⁰⁹ Ibid. (44)

¹¹⁰ Ibid. (59)

¹¹¹ “To Forgive.” (29-30)

limit, but they are also indissociable.”¹¹² If imprescriptibility and unforgivability are not identical, each order nonetheless contaminates the other in such a way as to problematize their irreducibility. Absolute forgiveness operates as a quasi-transcendental for Derrida to the extent that it functions as a “pole of absolute reference,” without which our common (juridico-political) idea of forgiveness “falls into ruin.”¹¹³ (Absolute or aporetic forgiveness does not, however, operate as a “transcendental” to the extent that there is no formal set of criteria that will generate, a priori, a proper normative answer to a question of forgiveness.) The auto-deconstructive tendency inherent in the Abrahamic tradition, insofar as it persists (and insists) as the dominant global-political discourse, still dictates the movements of extant forgiveness. Like the gift, the very same structure that permits forgiveness to make sense—to appear as option—is the same thing that makes it impossible.

As long as the double imperative of forgiveness exists in the Abrahamic tradition (unconditional and conditional), then the option of consigning pure forgiveness to the realm of the hyperbolically ethical and conditional forgiveness to the realm of the juridico-political is a false decision. Derrida finds Jankélévitch’s *Le pardon* and *L’Imprescriptible* compelling in part because its insistence on the radical singularity of the event of the Holocaust demonstrates the problematic contamination of the juridico-political realm with the ethico-religious, thus underscoring the autodeconstructive tendencies present in the Western/Abrahamic heritage. As this heritage has become increasingly grafted onto non-Western or non-Abrahamic cultures with the spread of globalatinization, one can see Jankélévitch’s questions resurface in Chile, South Africa,

¹¹² Ibid. (45)

¹¹³ Ibid. (44)

China and elsewhere. Derrida's discourse on the impossibility of pure forgiveness, then, is in no way an escape from real political questions, but in fact the very condition of their possibility:

There is in the movement, in the motion of unconditional forgiveness, an inner exigency of becoming-effective, manifest, determined, and, in determining itself, bending to conditionality. In such a way that, for example, and I am saying it too quickly for the moment, phenomenality or juridical or political conditionality is both outside and inside the motion of forgiveness—which will not make things easy.¹¹⁴

Politicizing the concept of forgiveness is difficult for Derrida, because political discourse tends to ignore the aporetic structure of this double injunction regarding the conditional and the unconditional. In the political globalization of the discourse of forgiveness, Derrida sees the universalization of a confused language, at once both juridical and non-juridical. Part of what Derrida criticizes in Jankélévitch's thought is the suggestion that the history of forgiveness ended with the Shoah, the "pure unforgivable", so to speak. In fact, for Derrida, it is because forgiveness "seems to become impossible that forgiveness finds a starting point, a new starting point."¹¹⁵ The magnitude and horror of the Holocaust marked it as a radically singular instance of the unforgivable for Jankélévitch, but recognition of crimes against humanity have escalated in the second half of the twentieth century in such a way that "the horizon of forgiving the unforgivable is now determining the human community."¹¹⁶ In contemporary politics, structurally analogous scenes of

¹¹⁴ Ibid. (55)

¹¹⁵ Ibid.

¹¹⁶ Ibid. (55-56) With the economic dominance of Western countries setting the tenor for global politics, underdeveloped countries are especially prone to being coerced into a culturally specific notion of the 'human community.' This may be, in part, an explanation for the ready adoption of non-native discourses (like that of Abrahamic, or confessional, forgiveness) among Eastern, Middle-Eastern, and African

forgiveness are constantly proliferated across the globe, despite the heterogeneity of traditions. Forgiveness, asked for and granted, has become a strategic tool among nations and groups struggling to expiate themselves from the charge of a crime against humanity, re-enter the global community and, with it, the future. Derrida suggests that it may be that the world is entering a “new era of forgiveness,” and it is with an attention to the inner exigency of “pure” forgiveness that Derrida wants to issue a warning:

The word forgiveness, once it is rigorously dissociated from all these motives associated with it by religion—redemption, salvation, justification, which are very biblical—once we have purified the concept of forgiveness, so to speak, then, even if it is inaccessible, we start at least to know what we are speaking about, we have at least a measure to control political rhetoric...If you do not have this point of reference for a rigorous use of the concept, however difficult it might be, then you cannot as a practical matter have a critical response to the political abuses of the concept, of which, as we know, there are more and more today. This is also a political precaution.¹¹⁷

It is, in the end, only in oblique reference to an impossibility (“pure forgiveness”) that one can question the actual deployment of the term forgiveness, its politicization and “becoming-effective”, and the tactical operations of a particular economy that that might entail. This, I suggest, is how we should understand the value of Derrida’s deconstruction: first, as a political precaution and, second, as a heuristic tool for identifying and minimizing the abuse of concepts like forgiveness. If (and when) we

countries looking to avoid economic retribution for what the West deems as culpable and unrepentant politics.

¹¹⁷ Ibid.

appeal to forgiveness within political discourse as something exceptional and extraordinary, something novel to which we can turn when our traditional mechanisms for justice falter, we must remain aware of the danger of letting forgiveness devolve into something that Derrida warns it should never be, that is, “normal, normative, or normalizing.”¹¹⁸

Derrida on the TRC

Though the original context of Derrida’s discussion on forgiveness is the Holocaust and Jankélévitch’s texts, the consequences of the structure he outlines extend beyond that event. The international adoption of the discourse on human rights, and with it the concept of the crime against humanity (as the unforgivable par excellence), frame contemporary geopolitical scenes of forgiveness as grafts of the Abrahamic tradition and its equivocal understanding of the term. This is nowhere more evident than in those areas of the world where indigenous cultures have been violently colonized through the process of globalatinization. It is here that the subtly autodeconstructive affects of the Abrahamic heritage become more pronounced as they are inserted into histories other than their own. This dissonance was exemplified in the South African Truth and Reconciliation Commission, established in the years immediately following apartheid to deal with the human rights abuses of that colonial regime. Archbishop Desmond Tutu, who served as the official and moral head of the Commission, intentionally staged the political rhetoric and operation of the Commission from the beginning as a scene of forgiveness critical to the possibility for a South African future. As a native South African and an Anglican

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archbishop, Tutu epitomizes a peculiar “Africanization” of Christian theology (and Western politics) with which Derrida wants to take careful exception.¹¹⁹ In fact, Tutu and Derrida do have similar notions of what pure or unconditional forgiveness is, that is, an aneconomic rupture, or as Tutu writes: “Forgiveness means abandoning your right to pay back the perpetrator in his own coin.”¹²⁰ In the period immediately following South African apartheid, Tutu viewed forgiveness as the only way to redress the protracted violence suffered by all South Africans. According to Tutu, the nation would be locked in a traumatic memory—the inexpiable “crimes against humanity”—that would certainly paralyze the new ANC (African National Congress) government, unless political and racial reconciliation in South Africa could be tied to a process of individual and collective forgiveness. Though the official documentation establishing the Truth and Reconciliation Commission contained no language of forgiveness, the actual rhetoric and processes of the Commission, under Tutu’s direction, could not do without it. The

¹¹⁹ Archbishop’s Tutu’s reconciliation theology adopts the Western Christian notion of forgiveness (to which Christians are obligated as a result of God’s forgiveness) and combines it with African *Ubuntu* philosophy, of which Tutu remarks: “In the African *Weltanschauung*, a person is not basically an independent, solitary entity. A person is human precisely in being enveloped in the community of other human beings, in being caught up in the bundle of life. To be... is to participate.” (Krog, Antjie. *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. New York: Three Rivers Press, 1998, pg. 143) Tutu’s theology exemplifies the strange coexistence of Western Christian notions of the individual’s radical relationship and responsibility to God (and others) and the African conceptual emphasis on harmony between the individual and the community (or, more importantly, the individual *as* the community). It is not difficult to apprehend the profound clash of African and Western-Christian *Weltanschauung* that arose under the colonialist apartheid regime. One explanation for the extreme bloodiness of those years may be that, in attempting to force itself upon the African *Ubuntu* conceptual framework, Western colonial power’s internal contradictions could only show themselves *as* destructive violence. One could conjecture that the reduction of heterogeneous conceptual/cultural/linguistic frameworks into a single, concentrated power structure (whether with good or bad intention) is the fundamental move of colonialism (See especially Derrida’s *Monolingualism of the Other, or, The Prosthesis of Origin*. Trans. Patrick Mensah. Stanford: Stanford University Press, 1998.). To that end, Tutu’s own philosophical position, as a purported reconciler between the South Africans and their Afrikaner oppressors, carries within it the same dangerous homogenizing and colonialist tendencies. It is important to note for the purpose of this paper, however, that Derrida is not directly taking exception with Tutu’s particular type of theology, but rather with Tutu’s insistence that his theological understanding of forgiveness can be politicized without bastardization, and that forgiveness and reconciliation are two terms of the same discourse.

¹²⁰ Tutu, *No Future Without Forgiveness*, 272.

postscript to the new South African Constitution in 1990 (after the release of Nelson Mandela from prison) contained the legitimating clause for the Truth and Reconciliation Commission:

NATIONAL UNITY AND RECONCILIATION: This Constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering, and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of color, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of a society.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization. In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions, and offences associated with political objectives and committed in the course of the conflicts of the past.¹²¹

The constitutional underpinnings of the Truth and Reconciliation Commission, then, expressly linked the process of South African reconciliation (and the possibility for a South African future) to that of amnesty, a juridical concept analogous to, but not

¹²¹Antjie Krog, *Country of My Skull*, 46.

identical with, forgiveness. Derrida's cautionary impulse reacts to the movements of a certain Abrahamic heritage, embodied in Desmond Tutu, which would seemingly transfer the finality of a calculated future, an expected or hoped-for outcome, to acts of confession and forgiveness.

Tutu's approach to the work of the Truth and Reconciliation Commission was complicated on many levels. The future existence of the South African nation was, in fact, at stake. Reconciliation between the new ANC government and the former NP (Afrikaner National Party) apartheid government was, in fact, necessary. All parties involved suffered not only from the trauma of apartheid and its upheaval, but also from both a lack of knowledge concerning all of the transgressions that had been committed and a lack of desire to too quickly recuse themselves from judging the distinctions between perpetrator and victim. One can understand the impulse, then, to introduce the language of forgiveness into this volatile political situation. The crimes against humanity, the unforgivable(s), attendant to apartheid were simultaneously singular events (transgressions of a perpetrator against a victim) and an institutional program of one racial group against another. The culpability and suffering to be confronted was consequently both individual and collective, one could say, both proximate and distant, both ethical and political. The crimes involved black South Africans (e.g. Steve Biko¹²²) and white South Africans (e.g. Eugene Terre'Blanche¹²³) as individuals or proper names, but also as Africans and Afrikaners, *as blacks* and *as whites*. Tutu's vision for the Truth

¹²² Leader of the Black Consciousness Movement (BCM) and the South African Student's Organization (SASO) in the late 1960's and 1970's, Biko died on September 12, 1977, while in police custody in Pretoria. (*Country of My Skull*. 397)

¹²³ Leader of the far-right nationalist Afrikaner Weerstandbewging (AWB), which he formed in 1973. Terre'Blanche's activism increased in the 1990's, culminating in the storming of the World Trade Centre in Kempton Park, venue of the national negotiations for a new Constitution. (Ibid.)

and Reconciliation Commission was that it would serve as a scene of forgiveness on both of these counts, to redress the asymmetry between individual perpetrator and victim as the asymmetry between groups. The hope was that by grafting the phenomena of forgiveness onto the work of an intermediary political commission, the country could reap the benefits of both personal healing and national reconciliation in one and the same movement. The commissioners were like midwives, in Tutu's analysis, "helping to bring to birth this new delicate infant—free, democratic, nonracial, nonsexist South Africa."¹²⁴

However, pure forgiveness and the juridico-political must, returning to Derrida, remain heterogeneous. The unconditional grace of forgiveness, its essence as gift, is attenuated the moment that it is inscribed into law, suffered under penalty or prosecution, or granted as amnesty. Absolute forgiveness must always exist as an exception to the law, as the "transcendental principle of a system [that] doesn't belong to the system."¹²⁵ Each time one attempts to "understand" forgiveness as a constituent term in a logic of reconciliation, or as a calculation toward a political finality, then a different scene has commenced and with it what Derrida calls "ordinary forgiveness, which is anything but forgiveness."¹²⁶ The Derridean notion of pure forgiveness cannot manifest itself where it is mediated, yet, at the same time, the becoming-effective of forgiveness is always mediated:

Even there, where it should engage only absolute singularities, it cannot manifest itself in some fashion without calling on a third, the institution, sociality, the

¹²⁴ Tutu, *No Future Without Forgiveness.*, 5.

¹²⁵ *On Forgiveness.*, 44.

¹²⁶ *Ibid.*, 49.

transgenerational heritage, on the survivor in general; and first on that universalizing instance which is language.¹²⁷

Derrida's qualified criticism of Tutu and the Truth and Reconciliation Committee is in the end a caution to those who would, through inattentiveness, confuse pure forgiveness with common forgiveness, or reconciliation. Reconciliation is a political process, the work of a tertiary¹²⁸—and consequently contaminating—element in the relationship between perpetrator and victim. Desmond Tutu wanted to employ the term forgiveness in the service of “healing away” the trauma of apartheid for the people of South Africa; but for Derrida, even this is a “strategic calculation” aimed at a finality and, consequently, not the work of pure forgiveness. Reconciliation is an economy; it functions to ensure the health and stability of a body politic, and it can appropriately measure its actions and effects by those ends. It is necessary to “refer” reconciliation to the hyperbolic concept of pure forgiveness, but it is equally necessary to maintain the distinction between the two. This means that, according to Derrida, pure forgiveness must separate itself from any notion of reconciliation or healing, even from truth.¹²⁹ The Truth and Reconciliation Commission's attempt to serve as a scene of forgiveness for the people of South Africa, as long as it remained simultaneously committed to a specific finality, could only ever be a “political strategy or psycho-therapeutic economy.”¹³⁰ Derrida, even recognizing Tutu's “imperative of social and political health,” nevertheless

¹²⁷ Ibid., 48.

¹²⁸ “... a process of reconciliation has begun: the third has intervened. Yet, this is the end of pure forgiveness.” (Ibid. 49)

¹²⁹ “...it is necessary to know the most and the best possible, but between the widest, the most refined, the most necessary knowledge, and the responsible decision, an abyss remains, and must remain.” (Ibid. 54)

¹³⁰ Ibid. 50

contests the identification of amnesty with forgiveness, which ultimately results in a strange “therapy of reconciliation.”¹³¹

When Desmond Tutu was named president of the Truth and Reconciliation Commission, he Christianized the language of an institution uniquely designed to treat ‘politically’ motivated crimes... With as much good will as confusion, it seems to me, Tutu, an Anglican archbishop, introduced the vocabulary of repentance and forgiveness... The Truth and Reconciliation Commission is very ambiguous on this subject, as with Tutu’s discourse, which oscillates between a non-penal and non-reparative logic of ‘forgiveness’ (he calls it ‘restorative’) and a judicial logic of amnesty. We would have to analyze closely the equivocal instability of all of these self-interpretations.¹³²

If one could charge the Derridean notion of pure forgiveness with a kind of abstract or paralyzing ineffectiveness, then one might consider an equally damning charge of Tutu’s equivocation as, finally, a more dangerous meaninglessness than pure forgiveness, because it pretends to transcend the limits of the human juridical and political economies while remaining steadfastly within them. In the end, it is not the fact that Tutu wanted to import a notion of forgiveness into the work of reconciliation that Derrida takes issue with, but exactly the reverse; under the influence of Tutu’s particularly Christian interpretation, the Truth and Reconciliation Commission attenuated and contaminated the concept of pure forgiveness in its attempt to effect a determined juridical and political future. This effectively robbed both victims and perpetrators of any recourse to a genuine

¹³¹ Ibid., 41.

¹³² Ibid., 42-43.

scene of forgiveness, which must finally remain a secret experience “inaccessible to law, to politics, even to morals: absolute.”¹³³

Situating Derrida’s criticism

Despite any shortcomings that Derrida may illuminate in the particular manner in which the Truth and Reconciliation Commission dealt with the issue of forgiveness, it is still true that the importance of the work of reconciliation in transitioning societies today is crucial. The rending of political bodies (individual and collective) forces one to confront those crimes that threaten to violate a people out of existence, and permanently foreclose any possibility of a future. The most “violent violence”, Derrida insists, is not merely victimization, but “when you victimize someone to the point that the victim cannot even forgive, cannot even speak, cannot even witness, and then is not in a position to be asked for forgiveness.”¹³⁴ I would argue that the inner exigency of which Derrida speaks in relation to the concept of “pure forgiveness” actually compels the mechanisms of “ordinary forgiveness,” of justice and politics, even as it exceeds them. Pure forgiveness serves as that impossible condition in which one is faced with the “aporia of the double injunction”¹³⁵: there is no way to calculate the responsible decision, and yet one must act. This impossibility moves the institutions of law and politics toward and through political reconciliations, even if the impossibly pure forgiveness remains outside of that economy.

¹³³ Ibid., 55.

¹³⁴ Ibid.

¹³⁵ *On Forgiveness*, 53.

Tutu suggested that the processes of reconciliation and forgiveness could be combined and modulated through the collective work of the South African Commission, but even those involved in the process wavered in their support of the TRC's interference in those processes. Derrida (borrowing a story from Antjie Krog) relates the testimony of a woman who came face-to-face with her torturer before the Commission and refused to forgive, and Derrida sees his precaution as echoing the voice of victims who refuse to sacrifice their singular forgiveness for reconciliation. Derrida writes,

So we cannot even understand what she meant by this 'I am not ready to forgive.' In any case, she was pointing out that no institution as such, no commission appointed by the government, no government is entitled to forgive. Forgiveness is something else.¹³⁶

One could say that the Derridean notion of pure forgiveness haunts reconciliation, reminding it of the autodeconstructive tendencies of its heritage, and challenging it to do more and better. Derrida, in the end, is committed to an actual politics, but one that respects and maintains the secrets that it cannot and should not appropriate, "that which exceeds the political or that which is no longer in the juridical domain."¹³⁷ Reconciliation and common forgiveness are the becoming-effective of the hyperbolic secret of pure forgiveness. Without this quasi-transcendental reference, all juridico-political discourse on reconciliation becomes tactical and economic, and threatens to reinstitute the very same oppressive schemas that produce the most violent violence.

¹³⁶ "To Forgive," 59-60.

¹³⁷ *On Forgiveness*, 55.

I would like to issue my own precaution against misreading Derrida's precaution concerning the misuse of forgiveness. What is today called "reconciliation" and what we see at work in the South African TRC and similar bodies is something like the best version of "political forgiveness" (*s'il y en a*), and Derrida's argument herein should not be taken as an outright rejection, or even necessarily a radical devaluation, of that work. The fact that Derrida thinks things like forgiveness, justice, friendship and democracy are aporetic and "impossible," always to come, does not mean that what we are left to do is sit and passively wait. Rather, "waiting" (desiring, expecting, hoping) for these things requires decision and action engaged in advance. The place between our various juridical/political/social economies and the quasi-transcendentals "to come" is the place of what Derrida calls responsibility. There is, governing this place, a "law of responsible transaction" according to which we can never predict or assume the "right" action, we can never know with what is called "knowledge" what to do for certain, we can never adequately calculate the risks and rewards in order to formulate a "good bet"—but we must decide. Especially in those cases where we find ourselves confronted with systems of oppression and exploitation that press the limits of our conceptual capacities, our responsibilities must be re-evaluated "at each moment, according to concrete situations, that is to say, those that do not wait, those that do not give us time for infinite deliberations."¹³⁸

My own research interest truth commissions is motivated in large part by a desire to locate those concrete historical situations where normative philosophy seems to have left us with the least power to determine responsible transactions, where right and wrong

¹³⁸ *On Forgiveness*, 56.

are the most undecideable, where the stakes of such decisions are the highest. The scenes of forgiveness that did take place in South Africa were truly remarkable, even miraculous. But the potential abuses of forgiveness are always imminent and often severe. The French have a saying—*Qui s'accuse s'excuse* (“To accuse oneself is to excuse oneself”)—that exemplifies only one of dangers of adopting an uncritical discourse of forgiveness. I would submit that forgiveness is neither a permanent cultural given nor a problem to be analytically solved. In fact, in many cases, forgiveness is deeply contextualized and even defined by the social, political and cultural milieu in which it is practiced—or, to state it more directly, forgiveness is as forgiveness does. But I think Derrida is right to remind us that this word and thing “forgiveness” has a complex history for those of us in the West where it has been deeply inflected with Christian theology, and although we may not want to refer to the Word of God to adjudicate all the ambiguities of this term, we still need to think about and take seriously the manner in which we have inherited a monumentally loaded concept. We should ask ourselves when we see the Pope ask forgiveness for the crimes of the Catholic Church against “Jews, women and minorities in general,” or British Prime Minister Tony Blair apologize for the Irish famine, or the Japanese government apologize to the so-called “comfort women” conscripted during WWII, or the President of Chile apologize for the horrors of the Pinochet regime, or President Clinton apologize to the Tuskegee Airmen—what is really happening here? Are these genuine scenes of forgiveness? What are we doing we “normalize” forgiveness in processes of reconciliation? I suggest that we can easily recognize the dangers of these kinds of normalizations in the spate of apologies we see in our own country today, where the ubiquity of the language of confession and forgiveness

has, in Hegel's formulation, "hardened" many hearts. In a very real sense, forgiveness is *plus de politique* (more than/no longer political), it is beyond calculability, it is a monumentally risky form of giving, but it can be the sort of gift that keeps human political economies going in more open-ended and hopeful ways.¹³⁹ This, I propose, is what we can see in the South African Truth and Reconciliation Commission, which helped to usher in a democracy—if not "to come"—only very recently, delicately and precariously arrived.

¹³⁹ Derrida, *Adieu To Emmanuel Levinas*, Trans. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 1999).

6. CONCLUSION: MEMORY AND THE A VENIR

The struggle of man against power is the struggle of memory against forgetting.

--Milan Kundera

History is a people's memory, and without a memory, man is demoted to the lower animals.

--Malcolm X (El-Hajj Malik El-Shabazz)

It's a poor sort of memory that only works backwards.

--Lewis Carroll

In a series of lectures, collected in his 2003 *The Burden of Memory, the Muse of Forgiveness*, Nigerian and Nobel Laureate Wole Soyinka argued that the possibilities for truth and reconciliation in still politically volatile places like the Sudan and Rwanda will remain chimeras unless the memory and vestiges of slavery can be brought to light and acknowledged.¹ According to Soyinka, what *really* stands as a challenge for these embattled countries is not simply confronting the memory of their recent genocides (for Rwandans) or their extended civil war (for the Sudanese), but rather the reconstruction of and confrontation with a more extended and comprehensive memory, one that reckons with the full context that shaped and produced these horrors of the present and very recent past. Memory is a “burden” that still weighs upon and closes down political possibilities for Rwandan and Sudanese futures, Soyinka claims, and the fact that these memories are repressed, but nevertheless present and real, makes their strange presence/absence all the more burdensome. He writes,

One does not shed the weight of centuries simply as a snake sloughs off its winter or harmattan skin. Our proposition is simply one of recollection or, to back to our commencing code, that of memory, the need for the preservation of the material

¹ Wole Soyinka, *The Burden of Memory, the Muse of Forgiveness* (Oxford: Oxford University Press, 2003).

and spiritual properties by which memory is invested, the acceptance of both its burdens and triumphs, or better still, its actuality, the simple fact of its anterior existence and its validity for its time. Within such a frame of mind, we begin to recognize the irrationality of mutual destructiveness on behalf of any values whatever, however seductive—cultural, ideological, religious or race-authenticated—that intervened, and obscured or eroded those multiple anteriorities, of whatever kind, from which our being took its definition.²

In contrast with the Rwandan and Sudanese dilemma, Soyinka has on several occasions praised the South African Truth and Reconciliation Commission for facilitating that country's coming to terms with the "anterior existence" of its own memory of apartheid and apartheid's causes, in a manner that preserved the "material and spiritual properties" by virtue of which the new South African identity was subsequently defined. What is particularly insightful about Soyinka's work, and others like him who emphasize the broader context in which contemporary crimes against humanity have arisen, is that he stresses the *collective* and, in fact, *global* "obscuring and eroding" of those "multiple anteriorities" which form the contours of contemporary social and political identities.

In fact, the current scholarship surrounding the politics of memory is dominated by just the sort of argument that Soyinka puts forth. Arguably, one of the most progressive elements of twentieth-century political history was the apparent global value shift—mostly after World War II and the international recognition of the horrors of the Holocaust, but also as a result of the many independence and decolonization movements in Africa and South America as well as the United States' Civil Rights Movement—that

² Wole Soyinka, "Memory, Truth and Healing" in *The Politics of Memory*, eds. Ifi Amadiume and Abdullah An-Na'im, 33.

seemed to reflect a kind of global consciousness-raising with respect to the dehumanizing, oppressive and exploitative nature of political regimes based on hierarchized or otherwise essentialist racial and cultural ideologies. Yet, as Soyinka points out, that consciousness-raising was truncated by the inability, or unwillingness, of many to accurately situate those oppressive regimes within their more extended histories of participation in slavery and the slave trade, thus preventing a corresponding recognition that the effects of such colossal expropriation and relocation continue to impact the formations (and reformations) of civic and personal identity in places which various diasporas now find their homes. Add to this the spread of global capitalism in the late twentieth century—which inevitably made those enriched by the previous centuries’ exploitation of labor even richer and sedimented the contemporary economic divisions between the global North and South that we see today—and Soyinka’s claim that the suppression of this memory is a “burden” not only of the past but also of the present and the future, is all the more acute.

I contend that truth commissions demonstrate, starkly and undeniably, that the collective memory constructed (or amnesia sustained) in political communities is indissociable from the manner in which those communities realize, actualize or neglect their political possibilities for progress and change. Some commissions, like Uganda’s, have shown that failing to reckon with the past virtually *secures* the continuation of an oppressive regime, as that very failure closes off any possibilities for the confrontation of an oppressive regime with the truth of its oppression. Alternatively, the commission in South Africa has shown how *radical* change can be effected by conscientiously uncovering and affirming the memory of past abuses. It is the conventional wisdom of

philosophy at least since Plato—and of psychoanalysis since Freud—that our memories fundamentally shape the variant constructions and reconstructions of our identity. We have no immediate access to our pasts, but one of the abiding mysteries of human consciousness is how we are able to somehow preserve those past experiences, filtered and interpreted as they may be, and carry them forward with us to shape and define our disposition both toward what is still possible and what appears as impossible. Truth commissions, in my view, are but instantiations of this otherwise individual process writ large, as they perform the social and public function of memory—of collecting, filtering, mediating, acknowledging and making real the past—which human beings *need* in order to maintain coherent and minimally consistent identities over time. Although we may never be able to claim that our (individual or collective) memories are uncontaminated “truths,” properly speaking, we *do* know that denying them altogether—especially in the case of traumatic memories—nevertheless leaves traces and “ghosts” of that repressed past, which pathologize and haunt our psyches, and which contaminate both the present and the future.

The lesson we should learn from truth commissions is that when the issue at stake is the relationship between political communities and their memories, to put it directly, there are hauntings, and then there are *hauntings*. The advantage of Derrida’s deconstructive analysis, I argue, is that it allows us to discern the difference between, on the one hand, the manner in which we are forever haunted by and tied to the (major and marginal) experiences and events that shape us and, on the other hand, the manner in which memories that we attempt to repress (whether because of embarrassment, shame, complicity or trauma) still haunt us and our relations with one another, often in spite of

ourselves. The Latin American truth commissions' category of the *desaparecidos*—the “disappeared”—highlights this second sense of “haunting.” The very idea of a political “community” assumes that there is a plurality of human beings, with complex and complicated lives, that aggregate to form what we recognize as the “whole.” When some of those people “disappear”—as many did in Argentina, Chile, Guatemala and El Salvador—the community cannot, or at least should not, simply strike the memory of the disappeared from the political inventory, as if such losses were the inevitable collateral damage of some intrinsically risky business. Rather, those lives and those deaths *call* to be remembered, they *demand* to be accounted for, acknowledged, and recognized *as lost*. Our failure to do so condemns us to a haunting that we cannot calibrate, so to speak, and infects everything that comes after it.

I want to put forward four general conclusions that I believe can be deduced from the analysis that I have conducted herein. Some of these, inevitably, require more investigation than I have been able to provide, but I contend that this study should provide a foundation for and an entry into their further elaboration.

First, Jacques Derrida's work offers the most philosophically productive, politically progressive and historically straightforward account of democracy as it exists in the contemporary world.

Derrida's account of democracy and democratic power in his later texts, especially *The Politics of Friendship* and *Rogues*, stresses two important elements: democracy's autoimmunity and democracy's constitutive deferral. The first of these, autoimmunity,

draws attention to the manner in which democracy is never “safe,” that its efforts at securing itself are often disguised risks to itself, and vice versa. The autoimmunity tendencies inherent in it thus cause democracy to be the unique political form that is both “perfectible” and “pervertible.” Further, to hazard a prediction as to whether any particular democratic practice will perfect or pervert is often *undecidable*. Derrida, unlike most classical and contemporary theorists of democracy, takes seriously the manner in which the source of democracy’s power—the *demos*—is not only an ultimately innumerable and incalculable, but also an unpredictable, resource. This is the basis for his second point of emphasis, that democracy will never “arrive,” will never come to full presence, will never stabilize itself. Democracy is something that is pursued rather than achieved, and it is this deferral implicit in the very idea of democracy that both frustrates it and pushes it forward.

The philosophical value of Derrida’s account of democracy, in my view, is that it does not attach itself to overly programmatic or procedural interpretations of democratic practice (arguably, in the way that contractarians or theorists of deliberative democracy do). Rather, Derrida recognizes that the manifestations of democratic “will” or democratic “consensus” are radically mercurial, and as often as not can appear anti-democratic. By abstaining from a strict distinction between the “democratic” and the “anti-democratic,” by acknowledging their mutual contamination, Derrida opens up a space for investigating some of the ambiguities in contemporary politics that have been ignored or marginalized by traditional democratic theory. Although I do not read Derrida, generally, as offering a series of concrete political prescriptions, I do believe that the philosophical flexibility that deconstruction provides tends in the direction of a more

“progressive” politics. In the same way that deconstruction effectively focuses criticism on the inevitable unsustainability of essentialist and foundationalist systems of thought, it also lends a critical force to combating essentialist and essentializing political regimes—including, importantly, *democratic* regimes that have begun to close down the possibilities that democracy is meant to keep open.

Despite the claims of his detractors, Derrida was at great pains in his later work to show *in concrete historical examples* the relevance of his analyses. To that end, I argue that his work on troubled, emergent, and established democracies in Africa, as well as his work on the ever-changing reformulations of democracy in North America and Europe, reinforces my evaluation that Derrida did have his finger squarely on the pulse of the postcolonial world. What we should learn from Derrida’s work on Algeria, South Africa, France and the United States, is that “democracy” is not *simply* the antidote to oppressive or repressive political regimes, or at least not unproblematically so. Rather, democracy is the form that appears—at this point in history—to offer the most access to a politics of possibility, even if some of those political possibilities remain haunted by the ghosts of the past. I would argue that deconstruction’s *lack* of dogmatic prescriptions in light of these hauntings, or its attention to the ambiguities that are often overlooked in definitive prescriptions, demonstrates a *more democratic* manner of thinking about democracy. Derrida does not believe that there is some essential form of democracy that is simply stamped onto the raw material of the world. In fact, it is this “overly prescriptive” sense of democracy that he has criticized, on many occasions, as representative of the fundamentally un-democratic or anti-democratic *hubris* of “the West” (in particular, United States). Rather, Derrida’s analysis shows us that democracy, too, is an economy

with its own imperfect calculations and inadequate estimations—but an economy that, ideally, aims to disrupt itself and prevent itself from being closed off to incalculable possibilities. Deconstruction urges us, as Derrida does in *Given Time*, to recognize the complex nature of this political economy, including reckoning with its ambiguities and imperfections, and then to give it a chance.

Second, democracies—including the “world democracy” of the United Nations—need to take up the work of mourning and memory in order to maximize progressive political possibilities for the future.

The chief reason that I have concentrated on the figure of a “haunted democracy” in this study is to underline the manner in which democracy’s potentialities are essentially bound to its past actualities. I believe that the discussion that one finds surrounding what should be done in the wake of the genocides in Rwanda, for example, presents a false dilemma. The predicament for any political community emerging from gross human rights violations is not merely to choose between “remembering or forgetting,” but rather to decide *how* to remember. Memories can be repressed, histories can be revised, and political communities can attempt to evade the moral and political decisions that such violations bring to the fore, but what recent history confirms is that each of these options are but “false exits,” which virtually secure a repetition of the atrocities that are allegedly transcended in “forgetting.” And this is true not only in the individual atrocities of individual countries but also, to the extent that we can speak of such a thing, in the global community as well.

One of the chief contributions of postcolonial theory is that it has produced a body of literature confirming what had for too long been suppressed or denied, that is, the centuries of conquest, exploitation and expropriation conducted under the rubric of various “civilizing missions” (many of them “democratic”) was, in fact, a brutal period of human history whose effects can still be identified, and even measured, in the world today. There is, globally, a systematic production of ignorance about the truths of slave labor and the slave trade, imperial and colonial rule, the dispossession of land and resources according to racial (and racist) ideological criteria, and the volatile political conditions that each of these created. The truth commissions that have been established in Africa and Latin America have attempted, to greater and lesser extents, to come to terms not only with the particular episodes of brutality that marked their recent histories, but also to bring to light the protracted state of affairs that made those episodes possible in the first place. The South African Truth and Reconciliation Commission, I have argued herein, was a preeminent example of the manner in which the restoration of memory in the service of political health and political reconciliation must also address those extended conditions. I would argue that the United Nations, our “world democracy,” should emulate that effort as well.

Current political conflicts in the Sudan, Rwanda, Algeria, Pakistan, Iraq and elsewhere *cannot* be fully understood—and, consequently, cannot begin to be remedied—without reference to the extended histories that shaped those conflicts. This requires a *political* commitment to reconstructing, making public, and recording for posterity the memories of those causative conditions and the parties responsible for them. If there is such a thing as a “democratic” relationship to memory, it must mean that the

most important events to be remembered are those that tend to be suppressed by the majority. The lives, deaths, and sufferings of traditionally marginalized peoples define, both negatively and positively, the form that democracies take. Citizens of democracies—in the name of democracy—must commit themselves to protecting not only the rights and liberties of the minority, but their memories as well. If this sort of democratic relationship to memory is not maintained, then the possibilities for maintaining democracy itself are greatly diminished.

The analysis that I provided in Chapter Four should serve as a kind of *caveat* or a precaution to accompany my emphasis on democratic memory. The “truth” of memory is not simple, and it cannot be recovered without interpretation, mediation and contamination. But we are able to recognize in the histories that we construct for ourselves that there are memories that are *more true*—in all of the senses of truth emphasized by the South African TRC (factual, narrative, dialogical and restorative)—and memories that are *less true*. Democracies need to find a way to navigate the multivalent “truths” of their pasts by making space for the broadest range of testimonies to that past, and to emphasize, as much as possible, the “restorative” aspect of truth. What was evident in South Africa is the manner in which democracy can break its representative bond with its constituents, which subsequently breaks the human bond between citizens. The South African TRC attempted to restore these breaks, and I argue that the relationship between democracy’s memory and democracy’s future depends, in large part, on the degree to which these restorations can be achieved. This means, among other things, that there may be moments in the formation or maintenance of a democracy that demand that it abandon a strictly retributive sense of justice. The value of

“restorative justice,” as evidenced in the work of the South African Truth and Reconciliation Commission, is that it placed emphasis on the real damage that is done in political trespasses—even those trespasses that go beyond our powers of understanding, like human rights violations. In such violations, it is not the case that what has been created is simply a “debt” that needs to be repaid, but rather what has been created is a break in the relationship between citizens and a break in the relationship between citizens and the state that purportedly represents them. That break is what needs to be restored for democracy to survive, and it can only be restored by concentrating our efforts on the sorts of “truths” that mend, reconcile, and repair.

Third, truth commissions can serve as midwives for social and political reconciliation, but they do not do so without risk.

Pace Hegel, not all wounds “heal and leave no scars behind.” Although I would argue that the South African Truth and Reconciliation Commission is an exemplar of the restorative and reconciliatory power of the truth commission form and, in many ways, could be advocated as a kind of “normative” model for democratic transitions, there are still many, many more instances of *failed* truth commissions. I do not measure the success or failure of truth commissions simply by the comprehensiveness of the “truth” they are able to achieve—though this is certainly a central criterion in my evaluation of them—but rather by the *change* they are able to effect. To that end, the South African Truth and Reconciliation Commission is truly exceptional, achieving a *radical* political change in South Africa by ushering in a wholly new political form and, arguably,

facilitating a radically new mode of moral and social relations between its citizens. The South African Commissioners realized, in their process, that the nearly forty years of apartheid would inevitably leave many “scars” behind, and they attempted to minimize the effects of those scars as much as possible. But when a truth commission does not take this broad view adopted by the South African Commissioners, it risks leaving behind scars that become the *primary identification* of its citizens or, worse, that continue to wound anew.

What I want to emphasize here is that the truth commission—like democracy itself—is a risky business. There are, unfortunately, many ways in which the truth commissions’ potential for failure can be facilitated. They can be hamstrung by partisan commissioners, they can be underfunded and underequipped by uncooperative regimes, they can doom themselves by operating with ambiguous or equivocal philosophical frameworks, or their findings can be obscured and ignored after they complete their work. I have referenced in this study several instances of all of these failures, in the hopes that I can contribute to understanding a set of criteria for the establishment of successful truth commissions in the future. Even here in the United States, we can see the failure of attempts at truth-seeking in the commissions set up to investigate the events precipitating the September 11 terrorist attacks³ and the events following 2005’s Hurricane Katrina⁴, both of which, arguably, have been unsuccessful either in bringing to light the more complex truth of those catastrophes or in opening up possibilities for

³ See *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W.W. Norton & Co., 2004).

⁴ After much debate and a failed proposal by Sen. Hillary Clinton (D-NY) to establish a bipartisan Katrina Commission on the model of the 9/11 Commission, the United States’ Congress passed U.S. House Resolution 265 authorizing President George W. Bush to set up “The Hurricane Katrina Disaster Inquiry Commission” with a mandate “to assess the circumstances related to the damage caused by Hurricane Katrina on or between 26 August 2005 and 30 August 2005.” Although the commission’s hearings were televised, no final report of that body has been published.

rethinking and preventing the repetition of them. The “Katrina Commission” is a particularly revealing example of the manner in which such commissions can be set up to fail. Despite widespread recognition of the national, state and local governments’ many failures—including lack of preparation and foresight before the event, monumentally (and fatally) inadequate response during the event, as well as continued disavowal of responsibility afterwards—the Katrina Commission was severely hamstrung by its congressional mandate only “to assess the circumstances related to the damage *caused by Hurricane Katrina.*” The scope of the commission’s investigation was limited to the days of the Hurricane Katrina’s *literal* occurrence (between the 26th and 30th of August 2005), effectively evading the subsequent days of real disaster, which only *began* with the horrific weather phenomenon and, even two years later, continue to reek havoc today. For those who watched the commission’s hearings, which were televised during the two (brief) days of its operation, even greater failings of that body were highlighted—such as the inability or unwillingness of the commissioners to seek the greater “truth” brought to the fore by Hurricane Katrina, namely, the gross disparity in United States’ administrative aid and governmental care for its poor and racially marginalized populations.

I would argue that, in addition to the obvious shortcomings of the Katrina Commission’s mandated scope and the structure of its operation, we can also identify ways in which it was destined to fail by comparing it with other truth commissions—a comparison, importantly, that was *not* considered in the construction or implementation process of the Katrina Commission. Had such comparisons been made, I propose, the possibilities for the Katrina Commission to bring to light the political problems lying in

wait for just such a disaster, or to *actually effect change* in light of these truths, could have been more properly amplified. The failure on the part of the U.S. Congress (and, to be fair, also on the part of those activists and critics seeking to expose the “truth” of the Katrina disaster) to conscientiously situate that commission in the broader context of similar commissions blinded them to the real potentialities available there. There was little to no talk of “reconciliation,” of “transitional justice” or of the broader context of “truth” that one sees in other historical truth commissions and which could have immensely augmented the Katrina investigation. It is my hope that the contributions that I have made here to elucidating more explicitly some of the tacit operations of the truth commission *form* will not only aid in the comparative evaluation of truth commissions, but also serve as an encouragement to actively make those comparisons.

I want to characterize truth commissions like the South African TRC as “midwives” for social and political reconciliation for two reasons: first, because I do not see truth commissions as foolproof guarantors, but only facilitators, of such reconciliation and, second, because truth commissions’ potential for failure is as real (and as devastating) as the tragedies they are designed to heal and to prevent. Ushering in a new democracy, or resuscitating and reforming an extant democracy, is as risky as giving birth. It is, metaphorically, tantamount to bringing into the world a new (political) life. Truth commissions, on my analysis, are integral part of this perilous process, not merely evidence its successful resolution. Even the most successful instantiations of the truth commission form, like the South African TRC, achieved only a *measure*, only a *fraction*, of the reconciliation that it was designed to facilitate. Yet, I argue, this conservative accomplishment ought not to be underestimated, especially if one is willing to reckon

with the fact that political reconciliation is often (to use Digeser's distinction) more of a "process" than a "state." One of the reasons that Hegelian reconciliation is underutilized in political philosophy, in my view, is that we have little faith in the actual possibility of the kind of *absolute* reconciliation upon which the entire Hegelian edifice depends—a reconciliation in which "the wounds of Spirit heal and leave no scars behind." But we can have more incremental, more sober, and ultimately more attainable goals in the midst of political conflict. This more measured sense of reconciliation is the proper domain for considering truth commissions, and it is the place where they offer the most promise.

Fourth, democracy—like forgiveness, like reconciliation, like justice and like "truth"—is always to come.

Derrida has described his emphasis on the "to come," the *a venir*, or "futuraity" in several of his works as a kind of "messianicity without messianism," emphasizing the incalculability, the unpredictability, in fact the unknowability, of the *telos* or "Messiah" around which our structures of hope are built and sustained. Interestingly, in Derrida's formulation, this messianicity is *both* a "weak force" *and* an "essential, indispensable—even ultimate lever."⁵ In the preface to *Rogues*, he writes,

This vulnerable force, this force without power, opens up unconditionally to what or who *comes* and comes to affect it...an act of messianic faith—irreligious and without messianism... On it, perhaps, a call might thus be taken up and take hold: the call for a thinking of the event *to come*, of the democracy *to come*, of the reason *to come*. This call bears every hope, to be sure, although it remains, in

⁵ *Rogues*, xiii.

itself, without hope. Not hopeless, in despair, but foreign to the teleology, the hopefulness, and the *salut* of salvation. Not foreign to the *salut* as the greeting or salutation of the other, not foreign to the *adieu* (“come” or “go” in peace), not foreign to justice, but nonetheless heterogeneous and rebellious, irreducible, to law, to power, and to the economy of redemption.⁶

That is to say, the “hope” or “messianicity” at the core of deconstruction is a kind of naked expectation, one that recognizes, in the aporetic undecidability of the present, the call of something or someone not-yet-present and the implicit promise of that as-yet-unknown event *to come*. Without claiming to predetermine the identity of that which is to come, without betting on its salvific or eschatological significance, in its nakedness and indeterminacy, this hope is “weak.”⁷ But that “weak force” is such primarily in comparison to its alternatives, that is, the force of sovereignty, the force of mastery, and the force of absolutist essentialism. In a variation on La Fontaine’s claim—“the strong are always best at proving they’re right”—the deconstructionist recognizes, correspondingly, that the strong are always best at proving they’re *strong*. This is the “strength” of the historical messianisms, the three Abrahamic religions, whose war with one another and whose shaping of the contemporary political world, according to Derrida, has locked us into a sense of “power” that is not only impossible to achieve but, in the failure to recognize the ultimate impossibility of this power, exercises its strength by closing off possibilities for exercising (or thinking about) other forms of power.

⁶ *Rogues*, xiv-xv.

⁷ See John Caputo’s treatment of “weak force” and the “event” in *The Weakness of God: A Theology of the Event* (Bloomington: Indiana University Press, 2006). The concept of the “event” has gained much currency in recent philosophy and a certain strain of contemporary theology, much of it inspired by Derrida, but also by the work of Caputo, Alain Badiou and Jean-Luc Marion. See also Badiou’s *Being and Event*, trans. Oliver Feltham (London: Continuum, 2006) and Marion’s *God Without Being: Hors-Texte*, trans. Thomas Carlson (Chicago: University of Chicago Press, 1005).

The radical question that Derrida and deconstruction pose is whether or not a “force without power”—or, at least, a force without the kind of power that we conventionally understand as powerful—can be not only *another kind of lever* for gauging and negotiating the possibilities of the present, but may be the “ultimate lever.” This entails thinking of the future *not* in terms of dogmatic and programmatic calculations determined in advance by a messiah, but as a “call” or a “promise” that is, for all we know of it, *empty of determinate content*. And, further, it entails arranging our disposition toward the future as a kind of expectation that is also without determinate content, open to what cannot be known but only expected, only *desired*. In a footnote to his *Critique of Judgment*, Immanuel Kant bemoaned the fact that he had been criticized for defining the power of desire (a “higher power governed by the concept of freedom” and one of only three powers that can be “deduced from the soul’s capacities”) as the “*power of being the cause, through one’s presentations, of the actuality of the objects of those presentations.*”⁸ Kant’s critics claimed that “mere wishes,” after all, are desires too, but we all know that merely *wishing* for something does not produce the object of the wish. Kant responds,

That [criticism], however, proves nothing more than that some of man’s desires involve him in self-contradiction, inasmuch as he uses the presentation by himself to strive to produce the object, while yet he cannot expect success from it... Even prayers that ask for the deflection of some great and, as far as we can see, unavoidable evil, and also various superstitious means aimed at achieving purposes unattainable through nature prove the causal relation of these

⁸ Immanuel Kant, *Critique of Judgment*, trans. Werner Pluhar (Indianapolis: Hackett Publishing, 1987), 16 n.18.

presentations to their objects; and this relation is such that even an awareness of its insufficiency for producing the effect cannot keep it from striving for the effect... It seems that if we had to assure ourselves that we can in fact produce the object before we could be determined to apply our forces, then our forces would remain largely unused. For usually we do not come to know what forces we have in the first place except by trying them out. Hence the deception contained in [desires, prayers, vain wishes] is only the result of a beneficent arrangement in our nature.⁹

I want to carefully situate the messianicity in Derrida's work as a kind of response to this Kantian insight. What Kant clearly recognized, if only implicitly, is that the way we think about the future sometimes involves us in self-contradiction, often to the point of *desiring the impossible*. But this desire is part of the "beneficent arrangement" of human reason—we cannot *not* attempt to make judgments about the future, that which we cannot know, and judgment is the capacity that falls somewhere in between pure cognitive power (the domain of the concepts of nature and necessity) and morality (the domain of the concept of freedom). Derrida's insistence that hope, expectation, and desire are indispensable levers in the execution of human activity in this in-between space, irreducible albeit "weak" forces (inasmuch as they do not possess the power to insure the production of their presentations), allows him to figure these powers of judgment as a part of a kind of messianicity without committing him to the determinacy of a Messiah.

The force of a "call" (of the future, of a promise, of an event) is something that can radically change our lives, but—unlike a command, imperative, interdict or prescription—it can just as easily be ignored. Unavoidable and yet undecidable,

⁹ Ibid.

interminable and yet indeterminate: these are the aporetic characteristics of Derrida's "weak force." Deconstruction's focus on the aporia and the undecidability of our world and our systems of thinking about it (whether philosophical, cultural or religious) refigures the way we address the relationship between our present and our past, as well as our present and our future. In fact, it squarely situates the present as a place not of phenomenological self-certainty, but rather contaminated with memory and hope, in which memory is unreliable and in which hope is precarious... but in which memory and hope nonetheless are our best levers for decision-making and for responsibility. This is the space of political activity and political decision, as I have argued in this study, and "politics" is the place where such weak forces most effectively exert their leverage. In an interview with *The Brussels Journal* shortly before his death (entitled "For A Justice to Come"), Derrida confirms my reading of deconstruction as emphasizing a repoliticized and messianic sense of "force" and "power" when he claims:

I would say that today, one of the incarnations, one of the implementations of this messianicity, of this messianism without religion, may be found in the alter-globalisation movements. Movements that are still heterogeneous, still somewhat unformed, full of contradictions, but that gather together the weak of the earth, all those who feel themselves crushed by the economic hegemonies, by the liberal market, by sovereignism, etc. I believe it is these weak who will prove to be strongest in the end and who represent the future... I place my bet on the weak force of those alter-globalisation movements, who will have to explain themselves, to unravel their contradictions, but who march against all the hegemonic organizations of the world.... My intent here is not antireligious... but

it is a matter of marking a place where these messianisms are exceeded by messianicity, that is to say by that waiting without waiting, without horizon for the event to come, the democracy to come with all its contradictions. And I believe we must seek today, very cautiously, to give force and form to this messianicity, without giving in to the old concepts of politics (sovereignism, territorialised nationstate), without giving in to the Churches or to the religious powers, theologico-political or theocratic of all orders, whether they be the theocracies of the Islamic Middle East, or whether they be, disguised, the theocracies of the West.¹⁰

Those who continue to stand by our traditional political conceptions of “strength” maintain their positions of power, in large part, by refusing the kind of leverage that Derrida’s weak force can exert in the world. They do so by denying the contradictions that sustain them, by homogenizing and normalizing, by refusing “to explain themselves and unravel their contradictions,” and by justifying all these refusals and denials with a kind of self-certainty that can only be sustained when one believes that the whole process of history is like a divine scroll unraveling to make known the Truth of that self who is certain of itself.

Deconstruction deconstructs just such powers of certainty and, consequently, deconstruction will always lack the certainty that it attempts to unravel and explain. Yet, this weak force, this leverage, is what keeps systems of power, of meaning and of activity open to possibilities that “certainty” makes impossible. *This*, I argue, is the leverage of a messianicity without messianism: it can actively hope for that of which it knows it can

¹⁰ See Lieven De Cauter’s “For A Justice to Come: An Interview with Jacques Derrida,” trans. Ortwin de Graf (19 February 2004), 6. Available online at http://archive.indymedia.be/uploads/derrida_en.pdf.

never be certain—like democracy, forgiveness, reconciliation and truth. Such hope is nowhere more pronounced than in transitional political situations like those I have addressed in this study, where what Derrida calls the “old concepts of politics” have failed to make good on their promises. Truth commissions attempt to take those old pledges and resituate them in a new domain of political concepts and political activity, to restore the power of their promise, but they do so with a recognition of the fragility of all promises, all possibilities, and all hopes. In so doing, truth commissions in their best form respond to the call of an event to come, some imprecise time in the future, and they prepare as best as possible the conditions for its realization.

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CURRICULUM VITA

LEIGH M. JOHNSON

Assistant Professor of Philosophy

Rhodes College

2000 North Parkway

Memphis, TN 38104

johnsonl@rhodes.edu

EDUCATION

B.A., Philosophy, University of Memphis, 2000

M.A., Philosophy, Villanova University, 2003

Ph.D., Philosophy, The Pennsylvania State University, 2007

Doctoral Minor, African and African-American Studies

PRIMARY RESEARCH AND TEACHING AREAS

Areas of Specialization:

- Social and Political Philosophy
- 19th and 20th C. Continental Philosophy (esp. Derrida and Deconstruction)
- Race Theory/Postcolonial Studies/Africana Philosophy

Areas of Competence:

- Theoretical and Applied Ethics
- Feminism and Gender Studies
- History of Philosophy

PEER-REVIEWED PUBLICATIONS

“Transitional Truth and Historical Justice: Philosophical Foundations and Implications of the South African TRC” *International Studies in Philosophy* 38.2 (Fall 2006): 69-107.

“Risking Our Security, or Securing Our Risk?: Neoimperialists Play With A Stacked Deck” *Contretemps* 4 (September 2004): 45-57.