

Punishing and Forgiving: Contributions of Deconstruction to Contemporary Debates on Justice



Idoia Quintana Domínguez

(Centre for Applied Ethics, Deusto University, Bilbao, Spain; idoia.quintana@deusto.es)

ORCID: 0000-0002-9087-5366

Abstract: This article challenges the widespread tendency to frame forgiveness either as a moral alternative to punishment or as a practice set in opposition to and disconnected from criminal law. It instead focuses on the tension between punishment, forgiveness and justice by examining the work of Jacques Derrida. The paper argues that the prevailing readings of Derridean forgiveness as unconditional and alien to any legal logic overlook its place within the broader deconstructive task, particularly in the constitutive tension between law and justice. In light of this reconsideration, the article explores the critical scope of deconstruction to interrogate the role of forgiveness, both within punitive logics and within frameworks that advocate responses to harm beyond punishment, including transitional justice and restorative justice.

Keywords: Forgiveness; pardon; punishment; Derrida; justice; law; punitivism; transitional justice; restorative justice.

I. Introduction.

The Emergence of Forgiveness in Contemporary Debates on Justice

Research on forgiveness has generated an increasingly extensive body of scholarship that now extends beyond its traditional disciplinary boundaries.¹ This concept was historically addressed within moral philosophy and theology, where attention centred on its subjective and spiritual dimensions. However, forgiveness later transcended this framework and moved into political, legal and institutional debates on responsibility and reparation. This shift is inextricably linked to changing conceptions of punishment and criminal justice, as well as to growing critiques of punitivism as the dominant framework for managing harm and its effects on the social fabric.

A significant example of this shift is the growing interest in what have come to be termed *political apologies*, public requests for forgiveness made by political leaders or institutions in response to human rights violations committed in the recent or distant past. In this context, forgiveness is debated as an instrument for acknowledging harm, driving reparations and

1 Funding: This research has received funding from the European Union's Horizon 2020 research and innovation programme under Marie Skłodowska-Curie grant agreement No. 894400.

promoting reconciliation within and between States (Schaafsma & Zoodsma 2021). These practices highlight the prominent place that forgiveness has in contemporary political discourse and reveal the ambiguity of its effects when incorporated into institutional frameworks which are oriented towards specific outcomes. In what has been described as the “age of apology” (Brooks 1999; Lind 2008), public performances of repentance and forgiveness have become increasingly frequent. This development raises both the risk of banalisation and the need to think forms of justice shaped by imperatives other than traditional ones (Derrida 2019).

Forgiveness occupies a controversial position in processes of political and social reconstruction following episodes of mass violence within the realm of peace and conflict studies, particularly in transitional justice. In these contexts, it has become a practice traversed by persistent tensions between the demands for truth and justice and the aims of reconciliation. The specialist literature has emphasised its potential to foster recognition of harm and restore social bonds; the risks associated with its political instrumentalization; its use as a vehicle for impunity; and its imposition upon victims (Helmick & Petersen 2001; Bentley 2016). A paradigmatic example was the Truth and Reconciliation Commission in South Africa, which explicitly linked political forgiveness to national reconciliation. This process institutionalised a model that exposed the friction between so-called politics of forgiveness – often oriented towards exemption from criminal liability through amnesties – and interpersonal forgiveness. It also brought into view the complex interweaving of legal, moral and religious registers within a transition that sought to inaugurate a new horizon of coexistence (Cassin 2004; Lefranc 2002).

Within legal and criminological scholarship, several critical approaches have questioned the centrality of retributive criminal justice and explored alternative or complementary models, most notably restorative justice, which reconsiders the function of punishment, the role of victims and the forms of reparation. By emphasising the relational dimension between victim and offender, restorative justice may appear conducive to forgiveness. However, its leading theorists maintain that forgiveness should be understood neither as a guiding principle nor as an explicit objective. Rather, it is to be treated as a contingent element within a process focused on victim reparation, acknowledgement of responsibility and the reintegration of individuals (Zehr 2002; de Greiff 2008; Bessone 2025).

At the same time, forgiveness has begun to occupy complex spaces within classical punitive justice. Its use in legal systems suggests that the boundary between punishing and forgiving can be porous, which raises questions that challenge traditional categories: Can punishment and forgiveness coexist within the same institutional framework, for example by having criminal and restorative pathways work together? Alternatively, should punishment be understood as a requirement for forgiveness to create a new relational horizon? Moreover, some criminal codes have afforded forgiveness a specific place. This raises a further question: if forgiveness is required of offenders, whether as

a mitigating factor or as an explicit objective, does it risk being absorbed into punitive logic and reduced to a mere instrument of the judicial system? (Smith 2014; Quintana 2026; Nayfeld et al. 2025). These brief remarks are not intended to be exhaustive. They instead account for the diverse landscape of contemporary invocations of forgiveness, the functions of which remain uncertain and vary according to their assumptions and aspirations. In this context, recourse to forgiveness introduces a decisive ambiguity. While it may open a space for thinking about justice beyond punishment, it may also operate as yet another technology for managing harm and normalising conflict. How is it possible to conceive of a form of forgiveness that is neither reduced to a function of the punitive or disciplinary order, nor neutralised by the legal and political frameworks that seek to administer it?

This article explores forgiveness as a response to harm that is distinct from punishment and from logics of proportionality, at least in principle or in substance. To do this, it provides a reading of Jacques Derrida's contributions, as they are among the most rigorous theoretical frameworks for engaging with the complexity of forgiveness and its diverse manifestations. Derrida's approach has often been interpreted as a defence of unconditional forgiveness located in an abstract sphere. Such readings tend to minimise its critical force in relation to existing punitive practices and legal frameworks. Against this view, the article argues that, in Derrida's thought, unconditionality does not pretend to represent a pure or transcendent form; rather, it seeks to interrogate how it is articulated within the normative assumptions that regulate harm, responsibility and their possible responses. From this perspective, I intend to move beyond the familiar claim that forgiveness must forgive the unforgivable, with a view to reconsider the issue in terms of what forgiveness does – and undoes – within the political, legal and relational contexts in which it operates and is regulated. These processes are shaped by logics that range from reconciliation, reintegration and healing, to forms of inner transformation. I will focus on the aporetic and phenomenological dimensions of Derrida's proposal, highlighting the potential of his analysis to reactivate the paradoxical character of forgiveness and to illuminate the critical force that these tensions exert in contemporary debates on justice and punitivism.

II. The End of Forgiveness: The Unforgivable

One of Derrida's most suggestive and complex definitions of forgiveness is the one that condenses his approach into a paradox: "forgiveness forgives only the unforgivable" (Derrida 2001, 32).² This statement was formulated largely in opposition to post-Holocaust

2 In the late 1990s, Derrida gave a two-year seminar entitled *Le parjure et le pardon* (*Perjury and Pardon*) (1997-1999) as part of a series of seminars under the title *Questions of Responsibility* (1991-2003). The seminar was held at the École des hautes études en sciences sociales in Paris in 1997-1998 and 1998-1999 at the University of California, Irvine in 1998 and 1999, and later at New York University in 2001. Some of the sessions were reconstructed and published later

reflections on the limits of forgiveness and the notion of the unforgivable (Banki 2018; De Warren 2014). In this context, it was argued that there are some crimes that exceed the capacity to forgive or that are inextinguishable, insofar as no criminal penalty could ever be commensurate to them. Derrida took up and problematised this idea of the limit or the end of forgiveness. He highlighted that in justifying this, a close correlation is established between the power to forgive and the power to punish: where one proves impossible, the other is deemed impossible as well.

For Hannah Arendt, the power to forgive is rendered powerless in the face of “radical evil”.³ In cases where the harm inflicted is so extreme that it overwhelms human capability to respond, neither forgiveness nor punishment can fulfil their function of bringing closure. Both fail in their attempt to put an end to something that, without intervention, could be indefinitely perpetuated. Arendt underlined the structural relationship between punishment and forgiveness, which she understood not as opposites, but as alternative responses to harmful action. Both share a defining feature: they are capable of breaking the cycle of violence that sustains the logic of revenge.⁴ In *The Human Condition* she argued:

The alternative to forgiveness, but by no means its opposite, is punishment, and both have in common that they attempt to put an end to something that without

in special issues or in other works by Derrida (see “Editors’ Note”, in Derrida 2022, XVII–XVIII, n. 13; “Editors’ Note”, in Derrida 2023, XXIII, n. 26). This seminar has been published in two volumes (2019 and 2020) and translated into English under the title *Perjury and Pardon* (2022 and 2023). Some sessions had circulated earlier, but, especially in the English-speaking sphere, Derrida’s analysis of forgiveness was disseminated in the early 2000s through two key texts. The first of these was *On Forgiveness* (Derrida 2001). This was based on an interview in which Derrida discussed forgiveness in specific historical contexts, including apartheid in South Africa and the Vichy regime (Derrida 1999). The second was *To Forgive: The Unforgivable and the Imprescriptible* (2001), the first session of the seminar, where he set out the main problems developed throughout the course. Read and discussed primarily within specialist circles, these texts appeared at a time when forgiveness was gaining particularly problematic prominence in political and media debates. In 1998, for example, the report of the South African Truth and Reconciliation Commission was published, the Good Friday Agreement was signed in Northern Ireland, and the President of Japan made a public apology for the suffering caused during Japan’s colonial rule over Korea. A few years later, reconciliation processes unfolded in Rwanda in the aftermath of the genocide. These are just some of the most significant events that have placed forgiveness at the centre of discussions on accountability, reconciliation and justice since the late 1990s.

3 “Radical evil” is an expression borrowed from Kant and refers to a deviation from the moral law, the radical nature of which is linked to a propensity inherent in human nature. Arendt gave a different meaning to it, transferring its moral sense to the historical and political sphere (Arendt 1976, 459).

4 It is worth noting the extent to which Arendt distanced herself from the view, developed in a qualified sense by Paul Ricœur, that criminal punishment may retain the structure of an institutionalised form of revenge. Although Ricœur, drawing explicitly on Arendt in the epilogue of *La mémoire, l’histoire, l’oubli* (Ricœur 2000), presents criminal law as one of the major achievements of rationality insofar as it substitutes discourse for violence and interrupts the cycle of vengeance, in *Avant la justice non violente, la justice violente* (Ricœur 2004) he also argues that modern penal justice has not entirely overcome the logic of revenge. He describes it as a form of “violent justice” because, under the concept of retribution, there persists a rationalised form of vengeance – a repressed remainder [*refoulé*] within juridical culture. Penal justice thus succeeds in halting private vengeance, but it does so through institutionalised violence (punishment) whose rational justification remains incomplete, placing it at a stage prior to what he calls “non-violent” or restorative justice. Arendt, by contrast, conceived punishment less as a continuation of vengeance than as a dischargeable debt capable of bringing to an end a self-perpetuating cycle of violence.

interference could go on endlessly. It is therefore quite significant, a structural element in the realm of human affairs, that men are unable to forgive what they cannot punish and that they are unable to punish what has turned out to be unforgivable. This is the true hallmark of those offenses which, since Kant, we call “radical evil” (...) we can neither punish nor forgive such offenses and that they therefore transcend the realm of human affairs and the potentialities of human power (Arendt 1958, 241).

In a similar line of thought, Vladimir Jankélévitch introduced a significant twist with respect to the analysis he had developed in his essay *Le pardon* (Jankélévitch 1967), in which he defended a form of unlimited forgiveness, unconstrained by reason or calculation. In a later text (Jankélévitch 1986) which was part of the debates on the imprescriptibility of crimes against humanity in France in the 1970s, he argued that there is no punishment capable of atoning for the magnitude of certain crimes and that, in this context, forgiveness is morally unjustifiable (“Forgiveness died in the death camp”). Jankélévitch argued that, in the face of crimes that go beyond all human measure, punishment loses its compensatory and corrective function, just as forgiveness loses its ethical legitimacy: “Properly speaking, this grandiose massacre is not a crime on a human scale. (...) One cannot punish the criminal with a punishment proportional to his crime (...) strictly speaking, what happened is inexpiable” (Jankélévitch 1986, 29).

In Arendt’s and Jankélévitch’s reflections, punishment and forgiveness operate according to a shared metric grounded in correlation and proportionality. There is a symmetry between a crime and its punishment, as well as between the ability to punish and the ability to forgive. Situating forgiveness within a horizon of measurability suggests that the wrongdoing is still actionable through an economy of exchange, whether as punishment or reparation. The incommensurability of a crime means, on the contrary, the impossibility of resorting to punishment or forgiveness as adequate responses to this harm and as a way of putting an end to it. For Derrida, however, the unforgivable does not mark the limit of forgiveness but its point of departure. It is precisely the extreme nature of the crime, where no exchange between wrongdoing and any possible reparation can be conceived, that summons forgiveness and simultaneously defines its double status. Forgiveness thus appears, on the one hand, as a condition of possibility, since only the unforgivable truly calls for it. On the other hand, it appears as a condition of impossibility, since forgiving the unforgivable names an act that cannot, in fact, be realised.

III. Impossible Forgiveness: Double Bind between Conditionality and Unconditionality

To prevent forgiveness from being reduced to a mere exchange, Derrida pointed out that forgiving the unforgivable must be an experience that transcends the transactional logic that links harm to reparation, or wrongdoing to penalty: “If there is forgiveness, it must forgive the unforgivable – such is the logical aporia (...). If one had to forgive only

what is forgivable (...) then one would not forgive. One would excuse, forgive, erase, one would not be granting forgiveness" (Derrida 1997, 158). He also detached it from any exercise of sovereignty – be it individual, legal or state-based – and moved it towards an experience that exceeds the will. In doing so, Derrida notably took a radical distance from classical definitions that conceive forgiveness as a faculty or moral power of the individual – a position shared, among others, by Arendt (Arendt 1958), Murphy and Hampton (Murphy & Hampton 1988), Verdeja (Verdeja 2004), Griswold (Griswold 2007) and Konstan (Konstan 2010). He also questioned whether forgiveness can emanate from a subject capable of administering it as a resource at their disposal. In the face of the social logics of reciprocity or proportionality, forgiveness should be that exceptional instance that interrupts them; a pole of heterogeneity that defies the frameworks of symmetry and transaction, standing out not for its usefulness, but for its extraordinary character.

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 that 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, normalising. It should remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the ordinary course of historical temporality (Derrida 2001a, 32).

However, pure forgiveness, or forgiveness "worthy of the name" – terms used by Derrida to underscore its excessive degree in relation to the order of the possible – is characterised by features that render it irreducible to the order of the possible. These same features have led forgiveness to appear abstract and unrealisable. It does not constitute a transcendent ideal or an abstraction alien to history; rather, it operates as a disruptive force. While it is defined as "impossible," its nature as an event lies in its capacity to interrupt the course of the possible. This unconditioned dimension coexists in a conflictual tension with the conditioned forms of forgiveness.⁵ For that reason, the purity of the concept is not exhausted by mere transcendence. Instead, it operates as a demand that fractures and unsettles the economy of regulated exchange (confession, repentance and the promise of non-repetition). Although the aims of reconciliation and healing claim for themselves the name of forgiveness, Derridean unconditionality interrogates these

⁵ Derrida argued that, while the Abrahamic legacy largely inscribes forgiveness within an economy – or even a transeconomy – aimed at reconciliation, redemption or salvation through confession, repentance, sacrifice or expiation ("the greatest religious and spiritual traditions of forgiveness never remove forgiveness from the horizon of reconciliation, hope for redemption and salvation, through avowal, remorse or repentance, sacrifice and expiation" [Derrida 2022, 9]), it also opens onto the possibility of unconditional forgiveness in a tense and conflictual manner. Unconditional forgiveness would demand that forgiveness be granted without being requested, without requiring any transformation on the part of the offender and without relying on a historical horizon in which the past can be relieved or overcome. Derrida does not, however, locate the origin of forgiveness in the Judeo-Christian tradition. Instead, he problematises the widely accepted view that forgiveness was absent in Greco-Roman antiquity. According to this interpretation that is widely predominant in the general literature, only a form of forgiveness understood as clemency existed in antiquity, while forgiveness as grace emerged only within Judeo-Christian thought (see especially the third, sixth and seventh sessions of the first volume of *Perjury and Pardon* (forgiveness), in Derrida 2022).

structures. It shows that forgiveness, if it occurs at all, does so only insofar as it moves away with the logic of conditionality and resists reduction to a compensatory transaction.

The double bind between the unconditioned and the conditioned thus constitutes the axis of Derrida's deconstructive strategy and is articulated under the same logic as his analyses of justice (see especially Derrida 1992) and hospitality (see especially Derrida & Dufourmantelle 2000) and the recently published seminars on this subject). In these cases, an indissoluble yet necessary antinomy comes into view, one that describes two heterogeneous but inseparable orders. Just as justice is not law but the incalculable demand that interrogates it, and pure hospitality is that which opens to the stranger before implementing any legal identification or regulation, pure forgiveness appears as a force that destabilises the conditions of possibility and transcends all transactional normativity. On the one hand, the unconditional opens up the possible beyond itself; on the other hand, specific forms of forgiveness, regulated hospitality and positive law necessarily operate under specific conditionalities and purposes.

This structure implies that pure forgiveness does not stand in opposition to conditioned forms as though they were merely degraded versions of an ideal, but confronts the very conditionalities that organise experience. The incalculable, whether justice, pure hospitality, or unconditional forgiveness, does not occupy an external or transcendent plane. Rather, it operates as that which persistently fractures, displaces and reconfigures the field of the possible. Derrida therefore does not conceive these categories as moral ends that rely on a sovereign faculty. He understands them as expressions of an original mismatch that compels one to "calculate with the incalculable" (Derrida 1992, 16).

Understanding the unforgivable through this bind and through the intervention of the impossible allows us to situate Derrida's approach within contemporary debates on justice. My intention is to show that Derridean notion of forgiveness cannot be reduced to a technology of political stabilisation or grounding, nor can it be transformed into an instrument for securing closure for conflicts. On the contrary, its unconditionality constitutes a form of resistance to any use of forgiveness that seeks to bring about closure or to certify a final word. Precisely because of this, it keeps open the very possibility of forgiveness in an uncertain but indispensable way, while rendering suspect any form of forgiveness that is fully recognisable, verifiable or normatively defined within institutional frameworks.

IV. Pure Forgiveness and Impossibility of Closure: Normativity, Excess and Perjury

For Derrida, to speak of pure forgiveness is not to propose a normative ideal capable of institutional implementation, but rather to insist on the irreducibility of forgiveness in the face of political and juridical uses that tend to turn it into an end-oriented instrument, such as social pacification or national reconciliation. Forgiveness as defined by its

unconditional, incalculable and unpredictable character cannot be directly translated into public policy and regulated mediation practices. However, this position has raised important questions.

Among others, Ernesto Verdeja (Verdeja 2004) has questioned the practical and moral validity of this model (Evans 2013). According to Verdeja, the Derridean demand for non-conditionality, whereby forgiveness is a free gift that does not expect the perpetrator's repentance, carries significant risks. First, he argues that forgiveness which demands nothing in return may be perceived by the offender as a strategy of moral superiority on the part of the victim, thereby generating a "debt of *resentment*" that hinders true transformation. Secondly, Verdeja identifies a dangerous paradox in Derrida's work. To prevent forgiveness from becoming an economic transaction or a burden of gratitude, the act should be accompanied by an erasure of memory. From this perspective, unconditional forgiveness would run the risk of becoming a second crime against victims by dismantling efforts towards truth, accountability and reparation. Against what he regards as the "estrangement" of the private encounter between victim and perpetrator, Verdeja defends a firm, conditional model of forgiveness in which the acknowledgement of responsibility and the preservation of memory are prerequisites for any social closure.

Nevertheless, this critique presupposes that Derridean forgiveness is intended to replace or deactivate these devices of justice and memory. Derrida does not propose an alternative politics of forgiveness, nor does he deny the need for truth and reparation processes aimed at enabling coexistence:

Of course, no one would decently dare to object to the imperative of reconciliation. It would be better to put an end to the crimes and discords. Once again, however, I believe it necessary to distinguish between forgiveness and this process of reconciliation, this reconstitution of a health or a "normality", as necessary and desirable as it would appear through amnesties, the "work of mourning", etc. (Derrida 2001a, 50).

He introduces an aporetic displacement: pure forgiveness does not function as an alternative institutional model, but as the critical instance that prevents the full identification of forgiveness with closure: "A 'finalised' forgiveness is not forgiveness; it is only a political strategy or a psycho-therapeutic economy" (Derrida 2001a, 50).

Under this reading, Derrida's proposal does not deactivate criminal, transitional or restorative justice policies, but rather destabilises them by denouncing any pretence that they can exhaust the meaning of forgiveness. What is at stake is not an "erasure of memory" – which for Derrida would be another form of normalisation – but resistance to forgiveness being assimilated as a compensation mechanism that is automatically activated after repentance. By maintaining forgiveness as something "impossible," Derrida ensures that it is not absorbed into a logic of calculation that could, paradoxically, ultimately absolve the perpetrator of any responsibility.

This displacement also affects the way in which the relationship between punishment and forgiveness is conceptualised. The two are usually presented as ontologically

heterogeneous orders. Punishment belongs to the domain of calculation, proportionality, equality before the law and normative repeatability; forgiveness, by contrast, is an exceptional gesture that exceeds legality, disrupts equivalence and suspends calculation. However, the boundary between the two is neither external nor rigid. As Derrida pointed out:

The difference between the unconditional and conditional, or here between the juridical and nonjuridical, between the imprescriptible and unforgivable, isn't simply a distinction between two external terms. However heterogeneous those two values be, it is possible that one is inscribed within the other, that one comes to interrupt the other. In other words, that in law there is a moment of the interruption of the law, or conversely (...) that in forgiveness, that in the nonjuridical domain of forgiveness, there is a hidden juridical instance, and reference to a penalty, a potential punishment even where that isn't provided for by juridical legislation (Derrida 2022, 8, n. 19).

The heterogeneity between the two orders therefore does not entail total mutual impenetrability. Punishment is neither pure calculation as payment of a debt, nor is forgiveness a wholly disinterested gesture entirely beyond the reach of normativity. The order of punishment, albeit structured by generality criteria, is not reduced to mere automatic calculation. The notion of imprescriptibility, the appeal to single responsibility or the expectation of transformation of the subject introduce elements that go beyond the arithmetic of equivalence. Even where proportionality is sought, the penalty refers to a dimension that cannot be measured exhaustively in terms of symmetry between the harm and the sanction. Conversely, forgiveness is not purely external to normativity. In order to be intelligible, forgiveness adopts cultural forms, gestures and grammars that inscribe it in the public sphere. It is structured by expectations – repentance, recognition of harm, an explicit request – that shape its phenomenology without being ontological conditions in Derrida's framework. Precisely because of this, forgiveness can be feigned, instrumentalised or falsified. The very possibility of simulation reveals that there is an underlying normativity that makes it identifiable. If forgiveness can be a representation, it is because it is somewhat encoded in social and legal language.

This intertwining leads to a second decisive displacement: fully-verifiable forgiveness does not exist. The phenomenal dimension of forgiveness brings to light the impossibility of certifying its occurrence. Whether someone utters "I forgive you" or "I ask for your forgiveness," in neither case is there a criterion for determining conclusively whether the act has genuinely taken place. This fragility is not contingent, but structural, as forgiveness is constitutively exposed to the risk of perjury and simulation. As Derrida warns:

forgery would be immediately and fatally contemporaneous with the presentation, the putting into presence of forgiveness. A forgiveness that presents itself (forgiveness requested or granted) and says "here I am" would already be a forgiveness contaminated by the said forgery (Derrida 2022, 12).

Under this premise, the possibility of feigning forgiveness is not an accidental

deviation, but an internal condition of its functioning. The moment forgiveness is performed (when it appears through word or rhythm) it is fatally contaminated by the possibility of simulacra. There is, therefore, no access to a pure interiority that guarantees the authenticity of the gesture. This fragility also affects the institutional mechanisms that seek to inscribe forgiveness in formal reconciliation processes. This means that no commission, court or programme can certify that forgiveness has actually taken place or ensure its genuineness.

Far from invalidating justice policies, this impossibility forces them to recognise their own limits. Processes aimed at truth, reparation, public memory and guarantees of non-repetition can – and must – establish verifiable conditions, responsibilities and mechanisms. But they cannot produce or demand forgiveness as a result. When they turn it into an indicator of success or an implicit requirement for reconciliation, they run the risk of instrumentalising it. In this sense, Verdeja's critique can be reformulated. Pure forgiveness does not deactivate justice, but prevents justice from being fully identified with a logic of equivalence and closure. It does not replace memory or reparation, but neither does it allow them to be exhausted in a transactional scheme (Nussbaum 2016). Where punishment and compensation tend to be structured as proportional exchanges, forgiveness introduces an openness that does not cancel responsibility, but neither does it reduce it to calculation.

There is, therefore, neither a pure order of punishment nor a form of forgiveness wholly external to norm. There are heterogeneity and mutual inscription. And there is no fully certifiable genuine forgiveness. Its possibility is traversed by exposure to perjury, simulation and indeterminacy. Precisely for this reason, forgiveness cannot be a normative pillar of criminal, transitional or restorative justice. Its place, if it occupies one at all, is that of a critical "non-place" that is unverifiable and inoperative, although not thereby rendered non-existent or irrelevant.

V. Conclusions

Contemporary discussions of forgiveness have tended to situate the practice within a normatively defined framework. The aim is to specify when it is possible, how far it can go and what ends it can legitimately achieve. From this perspective, forgiveness appears either as a valuable – even desirable – component of processes of reparation and reconstruction of the social fabric, or as a problematic element that may undermine the demands for justice, truth, memory and guarantees of non-repetition now regarded as indispensable pillars of collective justice. With this framework, forgiveness is also assessed in relation to the rationality of punishment, as that which may temper it, interrupt it or call its legitimacy into question. Forgiveness therefore oscillates between functional inclusion in reparative frameworks and preventive exclusion. The latter arises from concerns that it may trivialise harm, enable impunity or prematurely bring closure

to conflict. Jacques Derrida's proposal makes a decisive contribution precisely at the point where this polarity emerges, between treating forgiveness as essential and rejecting it as an obstacle. He makes a decisive contribution that extends beyond a simple denunciation of its instrumental use.

Derrida invites us to think of an impossible forgiveness the impossibility of which is not merely logical or formal, but phenomenal in nature. Forgiveness can never present itself in a fully identifiable and verifiable form as such. It cannot offer itself as a certain or fully performative act, in the sovereign sense of the saying that acts as a doing, as if its enunciation alone were sufficient to transform reality and guarantee its effects. The characteristics that Derrida associates with forgiveness (a face-to-face encounter, unconditionality, its unique and unrepeatable character, and its excessive degree in relation to any political, legal or historical calculation or purpose) cannot occur in a fully present, transparent or immediate form. It is always traversed by conditions, mediations, interests, institutions or expectations, without these being able to exhaust it or contain its tension (demand for pure, unconditional, impossible forgiveness). It is precisely this overflow that shows how unconditional forgiveness resists, questions and reconfigures the limits, logics and tensions of these structures.

The impossibility of forgiveness, as Derrida describes it, does not render it irrelevant. On the contrary, it defines its mode of operation. Forgiveness does not present itself as a verifiable fact or a guarantee that can be secured. It appears instead as a demand that exceeds any concrete realisation. It does not replace that logic, but unsettles it by preventing forgiveness from being definitively stabilised as a closed equivalence between wrongdoing and compensation, between offence and punishment. From this perspective, Derrida problematises a recurrent assumption in contemporary debates on justice, whether punitive, transitional or restorative. According to this assumption, forgiveness could or should function as definitive closure or as a secure point of departure for a new temporal horizon. The force of his thesis lies precisely here. To transform forgiveness into an instrument of closure or a component in symbolic exchange is to eliminate the uncertainty, unverifiability and incalculability that define it, which is what it introduces. This does not mean that forgiveness should be excluded from practices of justice; rather, it involves that its relationship to them must be understood differently.

In processes of truth, reparation and the reconstruction of public memory, forgiveness, understood through the phenomenological instability proposed by Derrida, subjected to an inherent undecidability that marks its authenticity, cannot be established as either a normative requirement or an indicator of success. It is instead assigned a kind of "non-place" that reveals its critical force as resistance to logics of closure. Because it cannot be institutionalised or translated into measurable outcomes, forgiveness challenges the transactional dynamics of reparation, whether articulated through punishment or compensation. These dynamics tend to be structured as forms of equivalence: harm for punishment, offence for compensation, recognition for reintegration. Forgiveness, by

contrast, introduces an asymmetry that exceeds calculation. It does not eliminate the need for justice or substitutes reparation obligations. However, it prevents them from being reduced to a closed framework. From this perspective, forgiveness does not seek to complete a process or to bring conflict definitively to an end. It resists closure. It prevents justice from being reduced to equivalence, a reduction that Derrida repeatedly associates with the mismatch between justice and law. It also resists the temptation to treat reconciliation as a guaranteed resolution. This is the gesture of forgiveness: it opens a space while withdrawing any assurance that closure has been achieved.

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