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Deliberation and Forgiveness in the Public Sphere

Ejvind Hansen

> *[Y]ou'll always earn pardon as long as you do so in the name of democracy [...] [A] democrat loves only another democrat. One must be "integrated." Into what? Into democracy, clearly.[1]*

There is a common objection to the argument for deliberative approaches to democracy that goes like this: the deliberative framework assumes an all-inclusiveness that it provides no mechanism for achieving. Or in other words, it already assumes a democracy of consensus, instead of showing how such a thing is achievable. This paper takes this objection to deliberative theory seriously. An account of deliberation that does not see that the very idea of the inclusion of all is itself a negotiable and negotiated concept will tend to overlook important repressive mechanisms in public deliberation. We will, however, also argue that this does not in itself refute the deliberative ideal.

Our argument begins with the claim that even though an all encompassing notion of all-inclusion cannot be redeemed on either the practical or theoretical level, there are nonetheless mechanisms inherent to the deliberative processes that hinder hegemonic overreachings that would try to determine who counts as relevant and legitimate participants in the public exchanges. In a close reading of Hannah Arendt and Jacques Derrida's writings on forgiveness, we will argue that forgiving involves a renegotiation of our enemies and of ourselves. As an example of this politics of forgiveness, we will refer to the front page of the post-attack issue of *Charlie Hebdo*. In our reading and in our example we will try to show how renegotiation of the seemingly unbridgeable understandings of who our enemies are can be achieved.

We will argue that forgiving involves a realization that we have something in common with our foes. This opens the question: *Why* did they (our foes) choose their path at some point, and why did we choose ours? We become puzzled and start to search for reasons. Hereby it becomes possible to realize that our foes are not merely evil, nor are we merely good. They actually may have reasons for choosing other ways of life. Not necessarily good reasons, but reasons nevertheless. Similarly, an examination of our reasons for choosing our way of life may depend on both good and bad reasons. This does not mean that we have to accept ways of life that we actually detest. But it does mean that we need to be able to articulate counter arguments against the arguments that are defended by our foes.

I

Democracy and freedom of expression have been linked since the Enlightenment. The Enlightenment rejection of dogmatism was based, in part, on the belief that the autonomous individual had the capacity to use the universal instrument of rationality to guide him or herself. This requires freedom of expression as an aspect of and means to self-fulfilment, a critical approach to truth discovery (that is, discovering truth through dialogue and debate) and a critical approach, as well, to authority (suspicion of government or any institutional coercion). The enlightenment program was in synch with and a driver of the growing importance of the public sphere in the democratic societies (which entailed the growth of media and the development of platforms for citizen participation).[2]

Even though the idea of freedom of expression plays a significant role in most modern theories and reflections on democracy, it is nevertheless not unarguable. Theorists, politicians and other public voices debate the reach and limits of it.[3]

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1   Alain Badiou, 'The Democratic Emblem', in *Democracy in What State?*, ed. Giorgio Agamben et al., trans. William McCuaig, New Directions in Critical Theory (New York: Columbia University Press, 2011), 6-7.

2   E. M. Barendt, *Freedom of Speech*, 2nd ed (Oxford ; New York: Oxford University Press, 2007), 7-23. Alistair M. Macleod, 'Free Speech, Equal Opportunity, and Justice', in *Freedom of Expression in a Diverse World*, ed. Deirdre Golash, AMINTAPHIL, the Philosophical Foundations of Law and Justice 3 (Dordrecht [The Netherlands] ; New York [NY]: Springer, 2010). John Steel, *Journalism and Free Speech* (New York: Routledge, 2012), 14-22.

3   Elaborated in Ejvind Hansen, 'Grænser for Ytringsfrihed', *Journalistica - Tidsskrift for Forskning I Journalistik*, no. 1 (2011): 92–111. Ejvind Hansen, 'Den Uregerlige Ytringsfrihed – et Bud På Hvordan vi Bedst Begrænser Ytringsfriheden I Dag', in *Ytringsfriheden Til Forhandling - Ytringsfrihedens Betingelser Og Udfordringer I Det 21. Århundrede*, ed. Ejvind Hansen (København: Hans Reitzels Forlag, 2013), 201–22. Ejvind Hansen, 'The Positive Freedom of the Public Sphere', *Journalism Studies* 16, no. 6 (2015): 767–81. Ejvind Hansen, *Kugleregn Møder Kuglepen* (Aarhus: Philosophia, 2016).

A motif common to the growing number of deliberative theorists in the late 1980's and onwards[4] was relating the notion of freedom of expression to the democratic public sphere.[5] A decisive difference between traditional liberal theories and the deliberative approaches is the emphasis on rational public discursive processes as the proper way of deciding how to handle political challenges – playing down the negotiative approach in which individual interests are weighed against each other and compromises are found in the end through electoral processes.

The claim in the Habermasian and Rawlsian school is that deliberative processes are socially successful against the privileging of electoral decision making because they do not leave behind frustrated minorities, in as much as critical minority participation is inherent to the deliberative process. However, a persistent argument against the deliberative approach is that it is difficult to determine when we have a successful deliberative process. The aim of deliberative approaches (to minimize the influence of established power players in democratic political processes) will only succeed to the extent that the rational public discourses are not dominated by discursive power play. It is important that relevant groups or persons not be excluded from the deliberative sphere.

Looking through the modern literature on deliberative democracy makes it clear that it is mainly understood as a modification of the liberal idea of the independent, self-reliant agent whose decisions are made without the pressure of institutional coercion. The deliberative objection to the liberal tradition is that the ideal individual of liberal dogma is drained of any social specificity. Free decision making, in the deliberative model, is more realistically thought of as something that happens in cooperation rather than in solitude. The main worry of deliberative theorists seems to be how we reach the best decisions[6] – or alternatively: How we make sure that decisions are legitimate.[7] Some theorists reflect upon both worries.[8]

Even with the move towards a cooperative model of decision making, deliberative theory still tends to accept the liberal idea of the autonomous individual as an ideal.[9] Critics of the deliberative tradition[10] have pointed out that the public attempts to reach consensus also contain discussions and negotiations about whom to consider as relevant discussants. As a result they conclude that the deliberative ideal is not

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4   E.g. James Bohman and William Rehg, eds., *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, Mass: MIT Press, 1997). Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, N.J: Princeton University Press, 2004). Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, Mass.: MIT Press, 1996). Stephen Macedo, ed., *Deliberative Politics: Essays on Democracy and Disagreement*, Practical and Professional Ethics Series (New York: Oxford University Press, 1999). John Rawls, *Political Liberalism. Expanded Edition*, Expanded ed, Columbia Classics in Philosophy (New York: Columbia University Press, 2005).

5   The idea that deliberation is an important factor in democratic decision making is certainly not new. Statements supporting this claim can be found back in Ancient Greece (Pericles) and in Enlightenment theories of democracy (Burke, Sieyès, d'André and Barnave – Elster, *Deliberative Democracy*, 1-5. Gutmann and Thompson, *Why Deliberative Democracy?*, 8). The idea of a deliberative democracy however gained new impetus in the late 1980s through the broadly disseminated work of Jürgen Habermas and John Rawls (e.g. in Jürgen Habermas, *Strukturwandel Der Öffentlichkeit: Untersuchungen Zu Einer Kategorie Der Bürgerlichen Gesellschaft*, 2nd ed. (Frankfurt am Main: Suhrkamp, 1962). Jürgen Habermas, *Theorie Des Kommunikativen Handelns* (Frankfurt am Main: Suhrkamp Verlag, 1981). Habermas, *Between Facts and Norms*. Rawls, *A Theory of Justice*.

6   E.g. in Thomas Christiano, 'The Significance of Public Deliberation', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1997), 243–77. Jon Elster, 'The Market and the Forum: Three Varieties of Political Theory', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1986), 3–33. David Estlund, 'Beyond Fairness and Deliberation', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1997), 173–204.

7   E.g. in Seyla Benhabib, 'Toward a Deliberative Model of Democratic Legitimacy', in Democracy and Difference: Contesting the Boundaries of the Political, ed. Seyla Benhabib, Princeton Paperbacks (Princeton, N.J: Princeton University Press, 1996), 67–94.

8   Joshua Cohen, 'Deliberation and Democratic Legitimacy', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1989), 67–91. Gerald F. Gaus, 'Reason, Justiacation, and Consensus', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1997), 205–42.

9   Christian F. Rostbøll, 'Freedom of Expression, Deliberation, Autonomy and Respect', *European Journal of Political Theory* 10, no. 1 (2011): 5–21.

10 E.g. Michael Hardt and Antonio Negri, *Commonwealth* (Cambridge: Belknap Press of Harvard University Press, 2009), 18. Chantal Mouffe, 'Deliberative Democracy or Agonistic Pluralism', *Reihe Politikwissenschaft/Political Science Series* 72 (2000): 1–17. Jacques Rancière, *La Haine de La Démocratie* (Paris: Fabrique, 2005). Iris Marion Young, 'Difference as a Resource for Democratic Communication', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1997), 383–406.

realistic – or perhaps even repressive. In Mouffe's critique of Habermas and Rawls:

> ...both are unable to separate the public from the private or the procedural from the substantial [... This reveals] the impossibility of achieving what each of them, albeit in different ways, is really aiming at, i.e. circumscribing a domain that would not be subject to the pluralism of values and where a consensus without exclusion could be established.[11]

This paper takes as its starting point that this critique of the deliberative tradition must be dealt with. An account of deliberation that does not take into account that the very idea of all-inclusion is itself a negotiable concept will tend to overlook important repressive mechanisms in public deliberation. We will, however, also argue that this does not in itself refute the deliberative ideal.

Certainly there is some justification for seeing the unbridgeable tension between the ideal of public all-inclusive consensus on the one hand and the insight that the notion of all-inclusion is itself negotiable on the other as a logical paradox that deliberative theory cannot resolve. As pointed out by Seyla Benhabib, the point that the ideal upon which we assess ongoing public deliberations is a product of the public deliberations is, as it were, circular – but not necessarily in a vicious sense.[12] Drawing on Derrida's notion of social and cultural aporias, we will suggest that the circle is a product of an aporia of public deliberation. Public deliberation is aporetic in the sense that it aims towards all-inclusive consensus based on rational arguments, but at the same time the notion of all-inclusion is in the deliberative practice negotiated, and as such subject, potentially, to a negating critique: As part of the rational public deliberation we continually discuss who are the relevant agents and interests to take into account from our historically structured positions as speakers.

There is no reason to say that this in itself refutes the importance of public deliberation, even if it is certainly an important reason why public deliberation rarely evolves into *actual* consensus. The product of public deliberation is thus not firm unquestionable decisions. Sometimes deliberation may evolve into temporary consensus, sometimes deliberation will have to end in a counting of votes. However, the deliberative demand or quest does not only point towards how to prepare decisions – the deliberative quest is just as much a demand to keep every actual decision open to further reflections. The legitimacy of decisions is never final, nor should it be an instrument for stifling objections to it, either partial or total. In this way, public deliberation upon certain issues does not end as soon as a decision has been reached. Due to the aporetic structure of public deliberation, any legal or political decision is essentially open for further discussion and deliberation. This is because any consensus is always based on certain conceptions of who are the relevant participants. In turn, the question of relevance – or discursive power – is, by the very nature of deliberation itself, vulnerable to subsequent discursive reflections (or battles) concerning both the form taken by the deliberative process and the validity of prevailing conceptions,

If this is so, however, and if deliberation is always founded on an unsolvable aporia, why bother with it as an instrument of governance? If deliberation is flawed at its very basis, how is it then better than the mere counting of votes?

There are several ways of arguing on the side of deliberation: in this paper we will mainly pursue three of them. Firstly, deliberation is of value because it urges the participants to *try* to overcome differences. At its best, deliberation is the process in which discussants exchange views, listen to each other, and are willing to learn from what others say – hereby bridging or softening differences between opposing views. In this process participants of the deliberative process will gradually come to realize the rationality of opposing views – not necessarily in the sense that we come to *agree* about what to do, but in the sense that we at least understand the rational or affective motive driving others to disagree with us. Secondly, insofar as the exchange of arguments carry an obligation to be able to argue – to come up with reasons as a response to objections – ill founded views will find it hard to survive (ceteris paribus, discussions lead to better decisions). Thirdly, even if the decision making ends up in a counting of votes, the alternatives that are voted upon will have been surveyed critically and thus be of a higher quality, if they are based upon the preceding discussions – and those who are subdued may in a certain sense see that they have left a certain mark upon the final decisions. A higher degree of acceptance of the legitimation of the made decision can thus be expected.

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11   Mouffe, "Deliberative Democracy or Agonistic Pluralism", 8.
12   Benhabib, "Toward a Deliberative Model of Democratic Legitimacy", 78.

Summing up, deliberation at its best is of democratic value because it forces agents and groups to worry about the views of others – to take others seriously. In deliberation it is necessary, in order to convince others, to show how proposed views and decisions will lead to collective betterment, – rather than merely being of value to oneself.

This does, however, certainly not come through deliberation by itself. We are talking about "deliberation at its best". Even "at its best" we cannot break out of the aporetic structure of deliberative ideals, which means that there is no final consensus. Most theories of deliberative democracy are thus normative in the sense that *certain kinds* of deliberation are brought out as preferable for the democratic gains to emerge.

We will proceed these reflections on the normative aspects of deliberation. We have previously argued that in order for the public deliberations to gain democratic worth, the notion of courage is important.[13] Public deliberations turn sterile if the truth claims under discussion are not courageous. We will now turn to a particular social case: the role of *forgiveness* in public deliberation. In a close reading of Derrida's account of forgiveness, we will argue that the gap between deliberative endeavours to reach an all-inclusive consensus on the one hand, and the way power-structures come in to influence negotiations of who to count as relevant deliberative parties on the other hand can be made to seem more socially palatable through an awareness of what happens when we forgive each other.

II

Historically the notion of "tolerance" has played a large role in articulations of how to establish fruitful public spheres. Theorists have often argued that freedom of expression by itself is not sufficient to produce a fruitful public sphere. Rather, freedom of expression should be qualified by notions of tolerance.[14]

The notion of tolerance was also at the center of the discussion in Habermas and Derrida's common book on terrorism.[15] In their virtual discussion (mediated by B. Giovanna) Habermas and Derrida seem to agree that by itself, tolerance is an asymmetric notion. Derrida articulates it thus:

> [T]olerance is first of all a form of charity. [...]Tolerance is always on the side of the "reason of the strongest".[16]

It is primarily the majority cultures that "tolerate" the existence and practices of minority cultures. You can only tolerate if you actually have the power to suppress the tolerated issues.[17] Habermas accepts this premise.[18] However, he claims that

> ...the constitutional state contradicts precisely the premise from which the paternalistic sense of the traditional concept of "tolerance" derives.[19]

Even though it is true that by itself tolerance is a paternalistic concept, Habermas is claiming as one of the

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13 Hansen, "The Positive Freedom of the Public Sphere". Ejvind Hansen, 'Aporias of Courage and the Freedom of Expression', *Philosophy & Social Criticism*, 2017.

14 E.g. in John Locke, 'An Essay Concerning Toleration', in *John Locke: An Essay Concerning Toleration: And Other Writings on Law and Politics, 1667-1683*, ed. J.R. Milton (Oxford: Oxford University Press, 1689). John Stuart Mill, 'On Liberty', in *Collected Works of John Stuart Mill*, ed. John M. Robson, vol. 1977, 18 (Toronto & Buffalo: University of Toronto Press, 1859), 213–310. John Milton, 'Areopagitica', in *Areopagitica, and Other Political Writings of John Milton*, ed. John Alvis (Indianapolis: Liberty Fund, 1643). Karl Raimund Popper, *The Open Society and Its Enemies*, 5th ed (London: Routledge & Kegan Paul, 1966). John Rawls, *A Theory of Justice. Revised Edition*, 2. ed (Cambridge: The Belknap Press of Harvard University Press, 1999). Rawls, *Political Liberalism*, 461. Michael Walzer, *On Toleration* (New Haven ;London: Yale University Press, 1999).

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

16 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 127.

17 Less powerful agents do not *tolerate* – they *submit to*, *resign to* or *accept* unhappy state of affairs – because they cannot do anything else.

18 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 40-1.

19 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 40.

results of the emergence of constitutional democracies, with their fundamental definition of participants as essentially equal ("equal rights and reciprocal respect for each other"[20]), that the asymmetries are essentially open for negotiation.

The discussion of tolerance between Habermas and Derrida thus seems to get us right to the aporia of all-inclusiveness mentioned above: tolerance avoids, according to Habermas, the implication of a power relationship between those who tolerate and those who are tolerated insofar as it is embedded in a constitutional democracy which is legally bound to treat all of its citizens as equally holders of rights. At the same time, however, the reason why we should bother about tolerance at all is, that it establishes the very possibility of an ongoing negotiation of the delineations of frontiers between majority and dissidents. Habermas:

> A democratic constitution can thus tolerate resistance from dissidents who, after exhausting all legal avenues, nonetheless oppose legitimately reached decisions. [...] In this way, the democratic projects of the realization of equal civil rights actually feeds off the resistance of minorities, which, although appearing as enemies of democracy to the majority today, *could* actually turn out to be their authentic friends.[21]

Tolerance, according to Habermas, thus avoids the paternalistic trap in as much as it is embedded in the ongoing dynamic of a constitutional democracy that historically evolves to make good the ideal of preserving the equal rights of the citizens; it continues to exist, however, as a value in being one of the preconditions for the very ongoing negotiation of the borderlines between majority and minority cultures.

Habermas is certainly outlining a circular relationship here. However, in real life circular relationships are of course not necessarily vicious. It may very well be that the ideals for constitutional democracy (in Habermas interpretation) and tolerance are mutually dependent.

We will, however, in the following argue that Habermas does not quite meet Derrida's objections. This is not to say that tolerance has no value at all. In Derrida's words:

> I clearly prefer shows of tolerance to shows of intolerance.[22]

As long as we in societies have acute conflicts and oppositions, tolerance will certainly very often be preferable as opposed to violent solutions. Tolerance may be the *first step* towards a softening of conflicts: we agree to disagree – we tolerate that others have beliefs or forms of life that we think are false or wrong for the space of the argument. We base this on the premise that others have the same right to choose their position for themselves, as long as they do not prevent us from doing the same.

The main problem with tolerance is, however, that it consolidates the differences. Tolerance is a ceasefire in which we stop fighting – both bodily (which is good) but sometimes also argumentatively (which is more problematic). In a certain sense one might say that the moment of tolerance signals a certain social resignation one with the other, a threshold past which we realize that we cannot reach a common understanding through argumentation and we don't wish to test opinions through physical violence, as though the physically or socially stronger will decide the question. This angle on tolerance also points to the asymmetry at the social heart of it. In the words of Derrida, tolerance...

> is most often used on the side of those with power, always as a kind of condescending concession.[23]

It is the stronger part that "accepts" the views of the weaker part. But how does this look from the perspective of the weaker part? If the stronger part has the choice to decide whether to tolerate or not – i.e. to consider whether the discussed differences are acceptable or not – what then about the weaker part? Does the weaker part have a similar choice? By its very definition, the weaker part is at a disadvantage. It lives at the mercy of the tolerance of the stronger part. But what if the weaker part prefers an ongoing

20 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 41.
21 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 41-2. Emphasis in the original.
22 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 127.
23 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 127.

battle/discussion rather than the tolerance of the stronger part? In that case the tolerance of the stronger part might actually be an instrument of repression.[24]

We will not deny that tolerance is of immense importance from a democratic point of view. Neither will we deny that in ongoing rational deliberations, tolerance is important because tolerance can prevent heated discussions from turning into exercises in physical coercion. We will, however, suggest that from a democratic point of view, we are better off if less tolerance is needed. If public deliberations are to change or soften political differences we need something else, or something more. We need something that renegotiates the positions of the opposing parties.

Derrida suggests a focus upon *hospitality* rather than tolerance. In his understanding hospitality is a better approach than tolerance because hospitality is more radical. The hospitable host lets in a guest, without wanting the guest to become like the host, while (in Derrida's reading) tolerance is more conditional. The tolerant host is a limited host, because the host wants "to retain power and maintain control over the limits of my 'home'".[25] And

> we accept the foreigner, the other, the foreign body *up to a certain point*, and so not without restrictions.[26]

Tolerance can be paraphrased as "O, so this is who you are. I accept it, but I don't like it". Hospitality is different from tolerance in that the other (the guest) is thought of as a stranger – someone you do not know. So, in Derrida's reading hospitality means to open oneself to the unknown (it is a "new arrival"), hereby actually risking one's "home" – which in this context might be translated into your self-identity, your ideas of the good life, etc.

We agree that in its openness towards the total stranger, hospitality might have some benefits over tolerance. Hospitality does, however, contain inherently a logic that is not all that different from tolerance. The power relations are, at least at the outset, just as rigidly fixed in hospitality as in tolerance. Hospitality involves a clear definition of who is to be the host (the one who owns the place) and who is to be the guest (the stranger, the one who is not at home). It is true, then, that the potential dangerousness of the guest might turn out to alter these roles, and as such hospitality is more open to role negotiations than tolerance. We will, however, in the following section argue that *forgiving* might be a more fundamental model for the negotiation of roles.

III

Since the Enlightenment the political subject has been construed in terms of *rights*.[27] Carl Schmitt argued in the early 20th century that something precedes this definition: a political decision.[28] It was, at base, the decision about how to consider the relationship between friend and foe.[29] We are not going to follow Schmitt's path in this paper, but his articulation of how the political stems from the relationship between friend and foe contains an important insight:

> Each participant is in a position to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's

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24 This argument certainly resonates the critical part of Marcuse's argument in Herbert Marcuse, 'Repressive Tolerance', in *A Critique of Pure Tolerance*, by Robert Paul Wolff, Barrington Moore, and Herbert Marcuse, Beacon Paperback (Boston: Beacon Press, 1965), 81–117. Michael Hardt and Antonio Negri's works on the relationship between Empire and the multitude can be read as an attempt to articulate how the tolerance of "capitalism" in a certain sense is one of the main challenges of current day resentments (Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000), esp. ch. 2.6. Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: The Penguin Press, 2004). Hardt and Negri, *Commonwealth*.

25 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 127-8.

26 Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror*, 128. Emphasis in the original.

27 Michel Foucault, *Surveiller et Punir: Naissance de La Prison* (Paris: Gallimard, 1975), ch. 3.2. Carl Schmitt, *Politische Theologie. Vier Kapitel Zur Lehre von Der Souveränität*, Zweite Auflage (1934) (Berlin: Duncker & Humblot, 1922).

28 Schmitt, *Politische Theologie*, 16 + ch. II.

29 Carl Schmitt, *Der Begriff des Politischen: Text von 1932 mit einem Vorwort und drei Corollarien*, 8. Aufl., (Neusatz auf Basis der Ausg. von 1963) (Berlin: Duncker & Humblot, 1932).

own form of existence.[30]

While the terms are exaggerated in Schmitt's claim, and the operation of sovereignty is obscured (quite often the decision is not in the hands of the implicated parts), the point that the foe is a product of a *judgement* is important. Our enemies are enemies insofar as we *consider* that their offending or hostile actions or their attitudes aggress against some notion of our "way of life". Our foe is the one who represents something that negates our existence. Our foe is defined through the lenses of our way of life – as its negation.

The definition of our foe is thus to a large extent dependent on what we consider to be our way of life, on our self-definitions. Our self-definitions define who we are, and our foes are those who are the opposite of this.

This opposition is, however, not something that is given once and for all. As Arendt argued in *The Human Condition*, "forgiving, serves to undo the deeds of the past".[31] This undoing is, however, an act in itself, and is not merely a verbal product unaccompanied by actual deeds. It is done through love that

> possesses an unequaled power of self-revelation and an unequaled clarity of vision for the disclosure of *who*, precisely because it is unconcerned to the point of total unworldliness with *what* the loved person may be, with his qualities and shortcomings no less than with his achievements, failings, and transgressions. [...] [O]nly love can forgive because only love is fully receptive to *who* somebody is.[32]

Now, it would certainly be naive to think that we could have a democracy in which every citizen loves every other citizen. Arendt's argument is not so unrealistic – immediately after the quote she emphasises that "love" translates into "respect" in a social setting. What is important in the quote, however, is the description of what happens in forgiving: Forgiving does not happen primarily as a neglecting of what the other has done, her attitudes towards us or what she represents. Forgiving happens through a rethinking of *what* the other may *be* – a rethinking based upon an increased receptivity towards who the other is. If we translate Arendt's point into the language of Schmitt, one might say that in forgiving we renegotiate the relationship between the friend and the foe.

In Arendt's account the act of forgiving is, however, mainly a kind of contribution from the forgiving agent that is passively received by the offending agent. As such it unfolds within the same kind of troubling pattern which we saw undermine notions of tolerance and hospitality as true models for social reconciliation.

To analyse forgiving in terms of reciprocity would certainly also be quite contra-intuitive – in the very notion of for-giving lies an element of giving. We will, however, now turn our attention to the writings of Derrida in order to become aware of how forgiving also implies a renegotiation of the self – in the giving of forgiveness the forgiving agent also renegotiates herself.

Derrida sets out by stating that forgiving is aporetic in the sense that true forgiving implies the unforgivable.[33] In cases where the offence of the other is immediately forgivable, there is, as it were, no need for forgiveness. One might certainly object towards this claim of purity as a true description of the role played by forgiving in our real lives. Derrida acknowledges that we do speak of forgiving in less radical terms – as kinds of impure, conditional, heterogeneous forgiving.[34] It will not be decisive for our argument whether or not the less radical kinds of forgiving are impure or real. Rather we will argue that the more radical kinds of forgiving are also socially performed, and that when they are, they contain significant potential for a reconfiguration of the logical impasse we have traced in deliberation.

This is so, because the forgiving transgresses prevailing accounts of right.[35] The forgiven agent does

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30 Schmitt, *Der Begriff des Politischen*, 26.The English translation is taken from Carl Schmitt, *The Concept of the Political*, trans. George Schwab et al., Expanded ed (Chicago: University of Chicago Press, 2007), 27. The translation is actually not quite accurate, but it suffices for our present purposes.

31 Hannah Arendt, *The Human Condition* (Chicago & London: The University of Chicago Press, 1958), 237.

32 Arendt, *The Human Condition*, 242-3. Emphasis in the original.

33 Jacques Derrida and Michel Wieviorka, *Foi et savoir. Suivi de Le Siècle et le Pardon*, Points Essais 447 (Paris: Éd. du Seuil, 2001), 108. Jacques Derrida, *Pardonner L'impardonnable et L'imprescriptible* (Paris: Galilée, 2012), 28.

34 Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 61-2.

35 Derrida and Wieviorka, *Foi et savoir. Suivi de Le Siècle et le Pardon*, 118.

not have the *right* to be forgiven. The forgiven agent is at first seen as an agent who threatens the forgiving agents way of life. Insofar as the forgiving agent considers her way of life to be legitimate, the foe will thus be considered to be the ones who threaten the rights of the forgiving agent to lead that kind of life. Forgiveness, however, breaks with accepted views of justice:

> Even if it were 'just', forgiveness would be just of a justice which had nothing to do with judicial justice, with law.[36]

How does this break happen? According to Derrida it happens through a "question mark around the name that comes before my own".[37] Derrida is with this point in line with Arendt's idea (and ultimately with the common inspiration of both Arendt and Derrida: Heidegger) that forgiveness means not to take the "name of the other" for granted. In order to forgive it is necessary that we become aware that the other is more – or (in Derrida's view) at least something else – than we tend to think. As long as the totality of the other is kept in the categories through which we traditionally see her, we cannot forgive.

So far Derrida's account of forgiving has not brought us beyond the problem inherent in notions of tolerance and hospitality. Derrida, however, goes on:

> This question mark indeed marks the anguish or this anxiety as to the name of the other, as to this other to whom I am given over with my eyes blindfolded, passively, although I sign, the other having signed before me and marking, sur-marking in advance, my signature, appropriating my signature in advance, as if I always signed in the name of the other who also signs thus, in my place, the other whom I countersign or who countersigns me, who countersigns my own signature.[38]

This is admittedly a rather enigmatic passage. What Derrida seems to be saying is, however, that the name, or the signature, of the other is intimately interwoven with my own signature. The questioning of the name of the other thus means a questioning of my own name (therefore the anxiety). The name of the other is intimately interwoven with my understanding of myself – I am, as it were, defined through the name of the other. Forgiving is thus, according to Derrida, not a matter of decision in a traditional sense,[39] because there is, as it were, no isolate self to carry out the decision. The forgiving agent becomes someone else in the act of forgiveness in so far as she redefines her other with that act, and thus herself in relation to the other. In this way there is an alteration in the defining and challenging gaze of the other.[40]

In Arendt's analysis, forgiving sets us free from the past because it can "put an end to something that without interference could go on endlessly".[41] In Derrida's analysis forgiving does not put an end to anything – it should rather be seen as a new start. According to Derrida forgiving takes as its starting point that we cannot get past our past.[42] The gift of forgiving is not that we can overcome something in the past, but that we are given a new (open) future (to-come, *à venir*[43]). Both Arendt and Derrida agree that forgiving through its revision of the present's canonical past is a necessary element in the establishing of the political approach (for Arendt as a necessary element in our ability to step out into the public *polis* as acting creatures; for Derrida through its opening up of the indeterminacy of the future/to-come[44]).

So, to summarize the findings of this reading of Arendt and Derrida's analyses of forgiveness: Forgiveness can play a crucial role in a renegotiation of the relations between friends and foes – in

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36 Derrida and Wieviorka, *Foi et savoir. Suivi de Le Siècle et le Pardon*, 118. The English translation is taken from Jacques Derrida, *On Cosmopolitanism and Forgiveness* (London; New York: Routledge, 2001), 43.
37 Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 45. The English translation is taken from John D. Caputo, Mark Dooley, and Michael J. Scanlon, eds., *Questioning God*, Indiana Series in the Philosophy of Religion (Bloomington: Indiana University Press, 2001), 37.
38 Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 45. The English translation is taken from Caputo, Dooley, and Scanlon, *Questioning God*, 37-8.
39 Derrida and Wieviorka, *Foi et savoir*, 129. Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 45.
40 Jacques Derrida, 'The Animal That Therefore I Am (More to Follow)', *Critical Inquiry* 28, no. 2 (2002): 369–418.
41 Arendt, *The Human Condition*, 241.
42 Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 31-2.
43 Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 43-4 + 53-4.
44 Jacques Derrida, *Politiques de L'amitié. Suivi de L'oreille de Heidegger* (Paris: Galilée, 1994), 58-66.

renegotiations of what it means to be an individual with certain rights that should be respected. This happens through a new understanding of our opponents – and through this a new understanding of ourselves. Forgiveness does not have to imply that we diminish the wrongs done towards us, but it does imply that we are not captured or held hostages by prevailing antagonisms.

In the following section we will exemplify these insights of forgiveness in relation to a famous case that involved some notion of forgiving – namely the first post-attack issue of *Charlie Hebdo* – i.e. the paper issued on January 14, 2015. After the exemplification we will return to the more general significance of the analyses, in which we will argue that forgiving may be one of the necessary elements in handling (not resolving) the aporias of deliberative arguments: Forgiveness can certainly not do the work of fulfilling the promise of inclusion, but in a public sphere characterized by forgiving relations we will be able to accept *different accounts of* the meaning of inclusion – hereby avoiding submerging inclusion in the struggle for undisputed hegemony.

IV

On 7 January 2015 the satirical weekly newspaper *Charlie Hebdo* was attacked by two brothers who killed 12 people and injured 11 others.[45] These horrendous attacks were followed by two events: on the one hand the police staged a major manhunt, which led to the killing of the attackers, and on the other hand, massive demonstrations of solidarity and sympathy were held in cities and towns all over France and, indeed, the world .

In this paper the shootings themselves will, however, not be our prime concern. Even though every violent attack against the works of the pen is immensely disheartening, they do not actually constitute historical caesuras. Violence has always been a proximate shadow of the freedom of expression. Even though, of course, the political theory of freedom of expression entails as one of the conditions for enabling people to speak up as they like, that the speakers will not incur physical harm for so doing, practically we have known since Aristotle that rhetoric operates on the emotions and that there is always the risk that provocative content will not only anger people, but will make them try to channel that anger in violent action. This has been the case as long as provocative literature and art have existed.

We will, however, argue that something historically decisive *did* happen in connection with these attacks. They happened six days later, at the press conference in which the surviving part of the editorial office presented the first issue of *Charlie Hebdo* after the attack – issue no. 1178, popularly called the "survival issue".[46] In the following we will show how the front page of this issue, together with some of the reflections of Rénald Luzier at the press conference, illustrate the points made in the previous section. This will, eventually, lead us back to the previous reflections upon public deliberation.

The front page of the "survival issue" was created by Rénald Luzier (pen name: *Luz*) and pictures a sad Arabic looking man, commonly identified as the prophet Muhammad, on a green background with a tear in his eye, and a note in his hand, with the text that united the demonstrations of sympathy and solidarity after the attacks: "Je suis Charlie" – "I am Charlie". Above the man a text says "Tout est pardonné" – "All is Forgiven".

This front page was a surprising response from *Charlie Hebdo*. They had recently lost many of their close colleagues in an attack (Luzier himself probably only escaped assassination because he came in late to a meeting) that the attackers claimed was in retribution of insults to Islam (a particular interpretation of which was held by the attackers). It did not seem obvious to talk about forgiving in relation to the main Muslim icon at that time.

In the following we will argue that this front page (interpreted through some of the statements by Luzier at the press conference) exemplifies the power of forgiving in relation to public deliberation. It is, however, important to stress that the front page is (certainly) open to several interpretations. The following interpretation will not pretend to articulate the only possible or relevant interpretation. Neither will it pretend to articulate the real intentions of its creator(s). It is not decisive whether or not Luzier has actually forgiven the attackers.[47] Instead, I want to make an argument for the possibility of the following

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45 In succeeding attacks the brothers killed five and wounded eleven.

46 Surviving cartonists, *Charlie Hebdo. No. 1178 (14 Janvier 2015). Tout Est Pardonné.* (Paris: Éditions Rotatives, 2015).

47 Reading his post-attack book *Catharsis* one gets a clear impression that he definitely, understandably, has not been able to let go of the events (Luz 2015). Furthermore in an interview with Vice News (seen at https://www.youtube.com/watch?v=ebL1oCy6tgY) he states that he mainly understands the *pardonner*-statement as a dialogue between himself and the

interpretation, opening a space for reflection upon where this would leave the relationship between groups which, seen from a perspective in which forgiving is not possible, are beyond participation in deliberative processes – which is to say, at war.

Seen from the perspective of the attackers, clearly the relationship between the *Charlie Hebdo* cartoonists and the kind of Islamic understanding the attackers represented had reached a point where deliberation was at an end. In the eyes of the attackers *Charlie Hebdo* clearly represented something evil.

The "survival issue" was, as it were, the response to the deadly attack. The attackers had most clearly attacked some of the most crucial human rights of the employees at *Charlie Hebdo*, and as such it would have been natural if the response had been a counter attack – it would have been natural if the attackers had been somehow exhibited in humiliating or ridiculing fashions. The oppositions between the involved parties could hardly be deeper – in a certain sense a kind of war was coming up.

Charlie Hebdo, however, refused to travel that road. They went down an alternative path, talking about forgiveness – forgiveness connected with the religious character that in a certain sense represents the evil attackers. How is this forgiving approach possible?

At the press conference preceding the publication of the "survival issue" Luzier reveals some of it. One of the decisive elements in the process is probably that he comes to realize that the attackers are not *only* attackers:

> ... we are above all cartoonists who like to draw little characters, just like when we were kids and, by the way, the terrorists, they once were children, they did drawings too, like us, like every child.[48]

Returning to one of our decisive points in the previous section, this quote demonstrates how Luzier realizes that the attackers – his foes – are in their human totality more than simply his foes. They are not *only* terrorists with guns – they are also human beings with a history. What is more: This history makes it possible to realize that *Charlie Hebdo* and their foes have something in common. At some point both the attackers and the *Charlie Hebdo*-employees have been kids who loved to make drawings. This is the anxiety-provoking moment of identification, where the forgiving agents come to realize that at some point they have shared the road of the attackers. Their way of life has a common human starting point. However, at some point the terrorists lost their creative openness towards the world, they forgot about drawing – while the *Charlie Hebdo*-employees went in another direction.

It is, however, also important to notice that this forgiving attitude does not by any means diminish the responsibility of the evil deeds. As soon as we realize that our foes at some point resemble ourselves, we also realize that they could have chosen another path. Or, to be more precise: It becomes possible to wonder why they did not, and certainly this reflection might very well lead to a rejection of these reasons.

However, even if the reflections *do* lead to rejection, something deliberatively decisive has happened: We have bridged the abstract understanding of our foes, we have started wondering how the differences between our foes and ourselves have come about. Our foes are no longer *merely* evil,[49] there must be certain reasons why they have become our foes, and we have become theirs: reasons for our different paths. In this move, our foe has become someone, our foe ceases to be an abstract evil character and becomes a person with reasons (reasons we probably disagree upon), whereby she becomes a voice that needs to be deliberatively refuted if we are to secure our own "way of life".

Another important lesson to be learned from the example is that forgiving is not synonymous with passive acceptance. The forgiving person does not merely bow her head. *Charlie Hebdo*'s forgiveness was insubordinate. The forgiving of *Charlie Hebdo* was very loud and sold in 8 million print copies.

"character" Muhammad (which is not necessarily identical with the prophet *Muhammad*).

48 "Mais on est avant tout des dessinateurs qui aiment bien dessiner des petits bonhommes, comme quand on était gamins. D'ailleurs, ces terroristes, ils ont été gamins, ils ont fait des dessins. Comme tous les gamins.". A video of the press conference is available at http://nyhederne.tv2.dk/2015-01-13-muhammedtegner-jeg-har-gjort-det-igen (visited at 2016-06-10). The English translation is taken from http://www.mirror.co.uk/news/world-news/charlie-hebdo-cartoonist-weeps-recounts-4974286 (visited at 2016-06-10).

49 Foes are obviously not always considered to be "merely evil". We are, however, mainly focusing on extreme cases because this is where the binary between forgiveness or reprisal is most strongly outlined. Even though less radical kinds of forgiveness are possible (and important), we mainly need an answer to the problem of overcoming exclusion in our deliberative approach, and the most severe kinds of exclusion are the ones where we do not even acknowledge the legitimacy of the position of the other.

Furthermore *Charlie Hebdo* still expressed their views or statements through drawings of Muhammad – the forgiving of the terrorist does not (at least at that point) involve a submission to the aniconism of some Islamic traditions. Forgiving involves awareness of common grounds – not a total fusion of ways of life. Forgiving is a disturbance of both sides of the conflict – a disturbance stemming from the surprising fusion of some aspects from both sides.[50]

Forgiving in this example is not passively and silently accepting the evils done to us, even if it actively inhibits doing evil in return. Rather one can say that forgiving sets us free from the exchange of evils that feeds the cycle of violence. Instead of remaining chained to the routine of giving back evil for the evil done to us, it calls for a cessation of evils. As soon as we realize that our foes (in the *Charlie Hebdo*-case: the attackers) are more than abstract representatives of evil, that they are human beings with multiple facets, several reactions become available to us, depending upon which parts of the other we end up reacting upon. If the forgiving approach to the *Charlie Hebdo* shootings had come to the fore in the public understanding of these events, perhaps the escalating conflicts between "Western" and "Islamic" cultures could have taken a more deliberative path, as compared to our presently increasingly polarized approaches. The road taken by *Charlie Hebdo* makes it possible for us to see that even the iconographic figure of Islam – Muhammad – is *Charlie* too.[51]

V

We will now return to our reflections upon deliberative democracy, and how forgiveness may help handling the aporia of total inclusiveness in deliberative processes. We have seen that in the writings of Arendt and Derrida, and exemplified by the case of *Charlie Hebdo's* reaction on the shootings in January 2015, forgiving involves a negotiation or reinterpretation of the other and ourselves. Forgiving does not involve so much that we deny the evil done towards us, but rather that we come to see that the other is not wholly defined by our immediate reaction. Even though it may seem obvious to return evil with evil, the process of forgiving makes it possible for us to see that the evildoer is more than that.

In this process we come to see that we have something in common with our foes. This is where forgiving stands out, compared to other conflict-minimizing approaches such as tolerance and hospitality.[52] In the forgiving process we realize the humanity in our foe, we realize that under the right circumstances we ourselves could have been like her. We ourselves could have taken the path of our foes – just as our foes could have taken our path. As soon as we realize this, the road is open for quarrels or arguments: What made our foes take the path they did – how was that path historically constituted? And how was our own path historically constituted? At this point, new horizons of deliberation thus turn up.

Traditionally it is argued that freedom of expression, freedom of assembly and the right to vote are seen as preconditions for a deliberative democracy.[53] However, the aporia of deliberative total inclusiveness does tell us that even though you can raise your voice, it is not certain that it is heard. For your voice to be heard, your addressees need to acknowledge your voice as relevant. We need more than mere negative freedom of expression. Processes of forgiving can bridge insurmountable fissures in our

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50 A possible objection against my interpretation of the *pardonné*-front page might be that *Charlie Hebdo* by offending the aniconism of Islam actually *is* hitting back, hereby escalating the conflict. I acknowledge this as a possible interpretation – I do, however, not agree with it: partly because it was not articulated thus at the preceding press conference; partly because of the "kind" character of the drawing. Previous drawings of Muhammad by *Charlie Hebdo* were much more harsh and confronting than this one.

51 We are aware that in the mind of Luzier, the figure Muhammad is actually not identical with the prophet Muhammad. As mentioned above, we are however not primarily interested in the *intended* message(s) of the front page.

52 It is more difficult with the notion of recognition as conceived by Axel Honneth (e.g. in Axel Honneth, *Kampf Um Anerkennung : Zur Moralischen Grammatik Sozialer Konflikte* (Frankfurt am Main: Suhrkamp, 1992). In Honneth's account the struggle for recognition is exactly a struggle for mutual recognition in which agents seek to become someone, as it were, that should be taken seriously in public discussions. Honneth does not discuss the relationship between forgiving and recognition – in his analyses recognition is primarily to be analysed in terms of love, esteem and solidarity. This is not the place for a detailed discussion of the relationship between recognition and forgiving. In our understanding (partially based upon Honneth's reading of Derrida and Levinas (in Axel Honneth, 'Das Andere Der Gerechtigkeit', ed. Axel Honneth, 2000th ed., Das Andere Der Gerechtigkeit (Frankfurt: Suhrkamp Verlag, 1994), 133–70) forgiving can be understood as *one* of the possible processes that may alter structures of recognition – whereby new efforts to achieve total inclusion may take place.

53 E.g. in Cass R. Sunstein, 'Agreement without Theory', in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo, Practical and Professional Ethics Series (New York: Oxford University Press, 1999), 147.

public exchanges, making way for a new attention space in which new voices can be heard.

In relation to the continuity of the deliberative urge towards some kind of consensus, processes of forgiving will be more disruptive. In the forgiving processes we do not merely let our foes in to our horizons of relevance. We also, as shown by Derrida, loosen (or at least shake) our own ground. As soon as you begin arguing with/against your foe, you become someone else, because you cannot articulate objections against your foes, without trying to understand how you foe ended up where she did.[54] Forgiving thus challenges deliberative horizons, the traditional norms of personal and social rights, traditional understandings of what it means to be a responsible person, a person with freedoms, rights and responsibilities. *Charlie Hebdo* broke with a common view that terrorist attacks call for reprisals even greater than the attack. Not every public voice approved of their reaction; probably only a few would have raised an eyebrow had they responded more traditionally with a scathing caricature. The forgiving response (probably) raised much more public discussion than would have the expected response.[55] Democratically speaking, however, this dissenting deliberation is much more fruitful than the fixation of already established (inadequate) norms of all-inclusion.

Forgiveness is certainly not a substitute for deliberation. It gives itself, instead, as a condition within which deliberative and argumentative processes can take place with a lesser degree of hatred and threat. The mere commonality with your foe is not enough to act upon differences – but the recognition of the historical route by which all parties came to their positions should infuse deliberation with a tolerance for new articulations that may bring about progress in the search for non-violent solutions. If we were to stop by the insight that we have something in common with our foes, forgiving could certainly very easily end up in a mere acceptance of the evils done towards us.

Forgiving, understood radically as the forgiving of the unforgivable, is "mad", happening in spite of a lacuna of incomprehensibility.[56] In order for us to participate actively in a society we need more than commonality with the others. It is certainly necessary to be able to recognize differences too. Even though forgiveness, in the words of Arendt and Derrida, sets us free from the tyranny of the past and the present, it does not in itself suggest more specifically what to do. So, even though we should listen to the insights that follow making sure that there are forums for forgiveness in society, some kind of deliberation needs to succeed the forgiving, otherwise forgiving might very well become tyrannical. Deliberative reflections must take over, in which the singularity and particularity of the forgiving relationship[57] is transferred into generalized reflections upon how the new challenges are best translated into a social setting. Through this violation of the protocols of rationality, new notions of right, new kinds of language come about – a deliberative horizon that will itself at some point be shown to be limited, whereby new forgiving events will become urgent.

VI

Before concluding the paper there is, however, one problem that needs to be dealt with. As we have seen radical forgiving is out of the hands of the individual person. Radical forgiving is not an act of decision in a traditional sense, because the process of forgiving negotiates the very individuality of the person, and thus the very meaning of decision-making. The aggressor (our foes) cannot deserve forgiveness, and "we" cannot produce it. It is thus quite difficult to end this paper with a suggestion that we become more forgiving. Why, then, all the fuss?

We suggest two answers: On the one hand, the argument in this paper has implications for philosophical reflections upon the relationship between deliberative democracy and all-inclusiveness. It suggests a way to handle the aporetic impasse of the ideal of total inclusion. Through reflection upon forgiving it becomes possible as a deliberative democrat to acknowledge the aporia of the ideal without letting go of some of the main gains won by deliberative reflection (the bridging of differences).

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54 As shown in Gadamer's analyses of the idea of the fore-conception of completeness. Hans-Georg Gadamer, 'Vom Zirkel Des Verstehens', in *Wahrheit Und Methode : Ergänzungen ; Register*, 2. Aufl. (durchgesehen). (Tübingen: J. C. B. Mohr (P. Siebeck), 1959). Hans-Georg Gadamer, *Wahrheit Und Methode. Grundzüge Einer Philosophischen Hermeneutik*, 6. Aufl. (durchgesehen). (Tübingen: J. C. B. Mohr (P. Siebeck), 1960), 299.

55 In that sense the forgiving response is much more courageous than the "natural" response – cf. Hansen, "Aporias of Courage and the Freedom of Expression".

56 Derrida and Wieviorka, *Foi et savoir*, 123-4.

57 Derrida and Wieviorka, *Foi et savoir*, 118-9. Derrida, *Pardonner L'impardonnable et L'imprescriptible*, 16.

On the other hand the arguments may also (even though it must be admitted that a huge amount of work needs to be done for it to happen) be used as an icebreaker in practical political exchanges, in discussions based upon arguments of necessity. Even though it is true that forgiving cannot be demanded by us, the very awareness that its possibility challenges such arguments. Even though there are *obvious* or *natural* responses to certain issues they are never actually *necessary* (in Derrida and Arendt's terms: Forgiveness liberates us from determinate accounts of our past, present and future). As such one might say that even though forgiveness cannot immediately become part of our everyday political discussions, the mere possibility of forgiving challenges certain public strategies.[58]

Literature

Arendt, Hannah. *The Human Condition*. Chicago & London: The University of Chicago Press, 1958.

Badiou, Alain. 'The Democratic Emblem'. In *Democracy in What State?*, edited by Giorgio Agamben, Alain Badiou, Daniel Bensaïd, Wendy Brown, Jean-Luc Nancy, Jacques Rancière, Kristin Ross, and Slavoj Zizek, translated by William McCuaig, 6–15. New Directions in Critical Theory. New York: Columbia University Press, 2011.

Barendt, E. M. *Freedom of Speech*. 2nd ed. Oxford; New York: Oxford University Press, 2007.

Benhabib, Seyla. 'Toward a Deliberative Model of Democratic Legitimacy'. In *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib, 67–94. Princeton Paperbacks. Princeton, N.J: Princeton University Press, 1996.

Bohman, James, and William Rehg, eds. *Deliberative Democracy: Essays on Reason and Politics*. Cambridge, Mass: MIT Press, 1997.

Caputo, John D., Mark Dooley, and Michael J. Scanlon, eds. *Questioning God*. Indiana Series in the Philosophy of Religion. Bloomington: Indiana University Press, 2001.

Christiano, Thomas. 'The Significance of Public Deliberation'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 243–77. Cambridge, Mass: MIT Press, 1997.

Cohen, Joshua. 'Deliberation and Democratic Legitimacy'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 67–91. Cambridge, Mass: MIT Press, 1989.

Derrida, Jacques. *On Cosmopolitanism and Forgiveness*. London; New York: Routledge, 2001.

———. *Pardonner L'impardonnable et L'imprescriptible*. Paris: Galilée, 2012.

———. *Politiques de L'amitié. Suivi de L'oreille de Heidegger*. Paris: Galilée, 1994.

———. *Spectres de Marx: L'état de La Dette, Le Travail Du Deuil et La Nouvelle Internationale*. Paris: Galilée, 1993.

———. 'The Animal That Therefore I Am (More to Follow)'. *Critical Inquiry* 28, no. 2 (2002): 369–418.

Derrida, Jacques, and Michel Wieviorka. *Foi et savoir. Suivi de Le Siècle et le Pardon*. Points Essais 447. Paris: Éd. du Seuil, 2001.

Elster, Jon, ed. *Deliberative Democracy*. Cambridge Studies in the Theory of Democracy. Cambridge, U.K.; New York: Cambridge University Press, 1998.

———. 'The Market and the Forum: Three Varieties of Political Theory'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 3–33. Cambridge, Mass: MIT Press, 1986.

Estlund, David. 'Beyond Fairness and Deliberation'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 173–204. Cambridge, Mass: MIT Press, 1997.

Foucault, Michel. *Surveiller et Punir: Naissance de La Prison*. Paris: Gallimard, 1975.

Gadamer, Hans-Georg. 'Vom Zirkel Des Verstehens'. In *Wahrheit Und Methode: Ergänzungen; Register*, 2. Aufl. (durchgesehen). Tübingen: J. C. B. Mohr (P. Siebeck), 1959.

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58   As such forgiving is structurally equivalent with Derrida's account of the spectre. Jacques Derrida, *Spectres de Marx: L'état de La Dette, Le Travail Du Deuil et La Nouvelle Internationale* (Paris: Galilée, 1993), ch. 1.

———. *Wahrheit Und Methode. Grundzüge Einer Philosophischen Hermeneutik*. 6. Aufl. (durchgesehen). Tübingen: J. C. B. Mohr (P. Siebeck), 1960.

Gaus, Gerald F. 'Reason, Justification, and Consensus'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 205–42. Cambridge, Mass: MIT Press, 1997.

Gutmann, Amy, and Dennis Thompson. *Why Deliberative Democracy?* Princeton, N.J: Princeton University Press, 2004.

Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Translated by William Rehg. Cambridge, Mass.: MIT Press, 1996.

———. *Strukturwandel Der Öffentlichkeit: Untersuchungen Zu Einer Kategorie Der Bürgerlichen Gesellschaft*. 2nd ed. Frankfurt am Main: Suhrkamp, 1962.

———. *Theorie Des Kommunikativen Handelns*. Frankfurt am Main: Suhrkamp Verlag, 1981.

Habermas, Jürgen, Jacques Derrida, and Giovanna Borradori. *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*. Chicago: University of Chicago Press, 2003.

Hansen, Ejvind. 'Aporias of Courage and the Freedom of Expression'. *Philosophy & Social Criticism*, 2017.

———. 'Den Uregerlige Ytringsfrihed – et Bud På Hvordan vi Bedst Begrænser Ytringsfriheden I Dag'. In *Ytringsfriheden Til Forhandling - Ytringsfrihedens Betingelser Og Udfordringer I Det 21. Århundrede*, edited by Ejvind Hansen, 201–22. København: Hans Reitzels Forlag, 2013.

———. 'Grænser for Ytringsfrihed'. *Journalistica - Tidsskrift for Forskning I Journalistik*, no. 1 (2011): 92–111.

———. *Kugleregn Møder Kuglepen*. Aarhus: Philosophia, 2016.

———. 'The Positive Freedom of the Public Sphere'. *Journalism Studies* 16, no. 6 (2015): 767–81.

Hardt, Michael, and Antonio Negri. *Commonwealth*. Cambridge: Belknap Press of Harvard University Press, 2009.

———. *Empire*. Cambridge: Harvard University Press, 2000.

———. *Multitude : War and Democracy in the Age of Empire*. New York: The Penguin Press, 2004.

Honneth, Axel. 'Das Andere Der Gerechtigkeit'. edited by Axel Honneth, 2000th ed., 133–70. Das Andere Der Gerechtigkeit. Frankfurt: Suhrkamp Verlag, 1994.

———. *Kampf Um Anerkennung : Zur Moralischen Grammatik Sozialer Konflikte*. Frankfurt am Main: Suhrkamp, 1992.

Locke, John. 'An Essay Concerning Toleration'. In *John Locke: An Essay Concerning Toleration: And Other Writings on Law and Politics, 1667-1683*, edited by J.R. Milton. Oxford: Oxford University Press, 1689.

Macedo, Stephen, ed. *Deliberative Politics: Essays on Democracy and Disagreement*. Practical and Professional Ethics Series. New York: Oxford University Press, 1999.

Macleod, Alistair M. 'Free Speech, Equal Opportunity, and Justice'. In *Freedom of Expression in a Diverse World*, edited by Deirdre Golash, 57–71. AMINTAPHIL, the Philosophical Foundations of Law and Justice 3. Dordrecht [The Netherlands] ; New York [NY]: Springer, 2010.

Marcuse, Herbert. 'Repressive Tolerance'. In *A Critique of Pure Tolerance*, by Robert Paul Wolff, Barrington Moore, and Herbert Marcuse, 81–117. Beacon Paperback. Boston: Beacon Press, 1965.

Mill, John Stuart. 'On Liberty'. In *Collected Works of John Stuart Mill*, edited by John M. Robson, 1977:213–310. 18. Toronto & Buffalo: University of Toronto Press, 1859.

Milton, John. 'Areopagitica'. In *Areopagitica, and Other Political Writings of John Milton*, edited by John Alvis. Indianapolis: Liberty Fund, 1643.

Mouffe, Chantal. 'Deliberative Democracy or Agonistic Pluralism'. *Reihe Politikwissenschaft/Political Science Series* 72 (2000): 1–17.

Popper, Karl Raimund. *The Open Society and Its Enemies*. 5th ed. London: Routledge & Kegan Paul, 1966.

Rancière, Jacques. *La Haine de La Démocratie*. Paris: Fabrique, 2005.

Rawls, John. *A Theory of Justice. Revised Edition*. 2. ed. Cambridge: The Belknap Press of Harvard University Press, 1999.

———. *Political Liberalism. Expanded Edition*. Expanded ed. Columbia Classics in Philosophy. New York: Columbia University Press, 2005.

Rostbøll, Christian F. 'Freedom of Expression, Deliberation, Autonomy and Respect'. *European Journal of Political Theory* 10, no. 1 (2011): 5–21.

Schmitt, Carl. *Der Begriff des Politischen: Text von 1932 mit einem Vorwort und drei Corollarien*. 8. Aufl., (Neusatz auf Basis der Ausg. von 1963). Berlin: Duncker & Humblot, 1932.

———. *Politische Theologie. Vier Kapitel Zur Lehre von Der Souveränität*. Zweite Auflage (1934). Berlin: Duncker & Humblot, 1922.

———. *The Concept of the Political*. Translated by George Schwab, Matthias Konzen, John McCormick, and J. Harvey Lomax. Expanded ed. Chicago: University of Chicago Press, 2007.

Steel, John. *Journalism and Free Speech*. New York: Routledge, 2012.

Sunstein, Cass R. 'Agreement without Theory'. In *Deliberative Politics: Essays on Democracy and Disagreement*, edited by Stephen Macedo, 123–50. Practical and Professional Ethics Series. New York: Oxford University Press, 1999.

Surviving cartonists. *Charlie Hebdo. No. 1178 (14 Janvier 2015). Tout Est Pardonné*. Paris: Éditions Rotatives, 2015.

Walzer, Michael. *On Toleration*. New Haven ;London: Yale University Press, 1999.

Young, Iris Marion. 'Difference as a Resource for Democratic Communication'. In *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg, 383–406. Cambridge, Mass: MIT Press, 1997.