

On the Relationship of Ethics to Moral Law: The Possibility of Nonviolence in Levinas's Ethics

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Abstract: Emmanuel Levinas presents ethics as first philosophy by replacing ontology's traditionally axiomatic position in philosophy with responsibility which occurs prior to existence. The resulting foundation of ethics is perfect, but Levinas stops short of writing any sort of moral code based upon this foundation. This allows his ethics to remain unconditional, universal, and inviolate, but also results in its inability to inform ethical agent's actions in the world. I attempt to determine the relationship between the foundation of ethics and moral laws which must be delineated prior to any interrogation of ethics as ontology – toward the question of community.

Ethics has been a major concern of philosophy reaching back to the beginnings of Western Philosophy with the ancient Greeks. One of the accusations leveled against Socrates in the *Apology* is that he was "guilty of corrupting the young" (Plato 1997a, p. 23), a charge which led to his death. Plato spends much of his time concerned with "the Good" and begins many of his dialogues searching for a suitable definition of virtue and justice. Since that time, myriad moral systems have been proposed in the tradition of the Greeks, that is, in the form of a search for the perfection of the self. When interpreted in this light, ethics is concerned primarily with the self and often manifests itself as rules and laws that govern human relations – as a system of morality. Systems of morality impose criterion of right, which produce roles that inform ethical relationships. We differentiate these roles such as friend, enemy, guest, and ally according to the criteria proposed by our chosen moral system. This production ensures conditionality in the ethical relation as a form of reciprocity, and functions as a repressive form of power. To examine the production and the conditionality of morality, I want to examine the metaphor of hospitality used by Levinas in its relation to moral law. This metaphor marks a divergence from Greek philosophy,

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identified as the philosophy of self and unity, into the Hebraic tradition of alterity. To this end I hope to differentiate morality from ethics such that an opportunity might appear to broach the question of community free from the political determinations of 'people', 'nation', or 'state'.

The dwelling or home is very significant for Levinas, for it signifies the Heideggerian conception of the self upon which Levinas builds his ethics. The home is the location of being; it is where thought takes place or, more properly, the site of thought. This is illustrated by the *Da* of Heidegger's *Dasein*. *Dasein* literally means "being-there," and attempts to free being from the Cartesian concept of the *cogito*. *Dasein* ties thought, as the determinate of being for both Heidegger and Descartes, to a place rather than a thing. For Heidegger, thought occurs at the *Da* of *Dasein*, the 'there' of being, whereas for Descartes thought is a phenomenon of the thinking thing. The 'thing' possesses a certain agency expressed in the action of thought, as opposed to the passivity of a location. Levinas accepts the more passive nature of Heidegger's *Dasein*, but he understands human existence as an attempt to escape the solitude of being proposed in *Being and Time*. The solitude of being is found in the fact that "existence is the sole thing I cannot communicate" (Levinas 1985, p. 57), and the only thing I cannot share. We all die alone, and no one can die in my place. This inability to exchange or share my being is the isolation imposed by being. Levinas thus turns to human sociality as the means to escape solitude, and formulates an ethic based upon the relationship with the Other. Ethics replaces Heidegger's ontology and becomes first philosophy.

The complexity of this relationship demands further explication. For Levinas the condition of human existence is based upon ethics – the sociality of human being. Since ethics replaces ontology as first philosophy, Levinas' ethics occur prior to existence. The possibility of human existence is found within ethics, thus Levinas' entire philosophy is not predicated on existence or contingent to existence, but provides the conditions for human existence in the first place. This priority is expressed in a metaphor, the metaphor of the home and hospitality.

It is my home, properly understood as the self, to which the Other as a foreigner arrives unexpectedly. The Other comes from outside of my home as total alterity, uninvited and unlooked for, and arrives at my dwelling in what Levinas calls the face to face relation. The Other arrives at my door, the entrance to my dwelling, and commands me to welcome and invite it in, it calls me to hospitality. This call can only be answered by a recognition of responsibility. The command is purely asymmetrical, there is no

reciprocity or re-engagement with the self following the command. Levinas calls my answer to the Other's command "the saying" (Levinas 2001, p. 183). In answer to the command the subject says, "Here I am!" attesting to the responsibility of the self for the Other. The saying reveals my self to the Other and takes up my responsibility for the Other, that is, the willingness to die in the Other's place. Death no longer represents the solitude of being, but is now responsibility for the Other. The saying occurs before thought, intention, or action. It is beyond choice, for responsibility is prior to existence. The ethical responsibility for the Other is assumed prior to my very existing. It is "as if I had to answer for the other's death even before *being*" (Levinas 2001, p. 83). The 'I' is that which must answer for itself, that must respond to accusations before guilt; the 'I' must answer for its very subjectivity. By saying "Here I am!" the 'I' avows that it holds a unique place in responsibility for the Other, that is, no one else can accept *my* responsibility. The uniqueness of the 'I' is maintained through responsibility and establishes my subjectivity. "The unicity of the I is the fact that no one can answer in my place" (Levinas 1986, p. 353). Thus the saying founds the basis for the subjectivity of the subject in the face to face relation; it is the subject answering for its subjectivity and in so doing harkening to its responsibility of being-for-the-other.

Responsibility for the Other occurs before being. As Levinas says, "My being-in-the-world or my 'place in the sun', my being at home, have these not also been the usurpation of spaces belonging to the other man whom I have already oppressed or starved, or driven out into a third world" and "it is the fear of occupying someone else's place with the *Da* of my *Dasein*; it is the inability to occupy a place, a profound utopia" (Levinas 2001, p. 82). Responsibility is the subject answering for accusations upon its being, because its dwelling is at the expense of the Other. The very fact that I exist means that I use resources that could go to someone else. My very existence condemns me. Thus responsibility is assumed as substitution or being-for-the-Other. Instead of concerning myself with my own affairs, with what I will eat, where I will find shelter, and the concern for my wellbeing, I substitute this concern with concern for the Other. This is a subjection of the self by the Other, where the self is "taken hostage," and relieved of its burden of subjectivity, relieved of the solitude of being and the horror of dying alone. The self no longer "*expends itself primarily for itself* as a being that is concerned about its being" (Heidegger 1996, p. 305), but turns to face the Other and diffuses outward. In the subjection of the self is freedom, a freedom from feeding off itself, and a freedom from the violence of the self.

The violence I speak of is the consumptive existence of the self being-for itself. As the location of thought, the self becomes interiorized; it is formed by building barriers upon the ground of being. The formation of the self is marked by partitioning the world into the category 'object' and the self into 'subject'. Any separation established in this formation is purely illusory, just as a box within a room does not separate its contents from the room. But it does allow possession to take place. The barriers of the self mark off a boundary, they fence off a section of the world that is 'mine' which allows me to accumulate and hoard 'objects'. This is nothing more than an attempt at familiarity. By setting bounds a home is created, a haven that protects oneself from a harsh and alien world. It is the attempt at belonging, to find a place at which I am no longer a stranger borrowing and thieving in a land that is not my own. But this alienation is the very nature of temporality: to be a stranger in a strange land. Against this horror we have created the self, a refuge of our own mastery and dominance upon the world and others. For what marks certain ground one human's possession and not another's? When is time my own and not another's? By what right do I claim temporality, the duration of being, to be shut off from all else; to be solely and exclusively property in the most Lockian sense? It has been assumed from the earliest philosophers, although the exact constitution of the self changes, that time is always my inalienable right, and yet it is being alienated which allows me to possess. Alienation must be assumed, it is a beginning not a means or process. Too often it is interpreted as a transgression of 'natural laws'. Natural laws are those laws given by the construction of the self, and subsequently deliver up all 'otherness' to enslavement in possession of the self. It is either assimilation into the self or objectification as a possession. This is the violence that the self commits against the Other.

But if saying "Here I am!," attests to my subjectivity, and to the fact that no one can replace my responsibility for the other, if this saying is to occur, must not there first be a home? The subject must first be within its dwelling, the site of original violence in order to welcome the Other *somewhere* or *to someplace*. Is then the face to face relation, hospitality, not founded upon the violence committed by the construction of the self? Can the asymmetry that is essential for peace, "to be *for* a time that would be without me, *for* a time after my time, over and beyond the celebrated "being for death," (Levinas 1998, p. 92) be maintained within the economy of discourse that it enters into? To this end we shall take up Derrida's challenge to Levinas on the theme of hospitality, a question of the "transcendental and preethical violence, a (general) dissymmetry

whose archia is the same, and which eventually permits the inverse dissymmetry, that is, the ethical nonviolence of which Levinas speaks" (Derrida 1980, p. 128).

Levinas gave us a basis for ethics. He has set out to answer the question "What is ethics?" or "How is ethics possible?" He is not proposing a morality or ethical lifestyle. His phenomenological analysis occurs prior to moral decisions and prior to thought (ethics as first ontology, ethics precedes existence), although it does seem to presuppose the construction of the very self that he critiques. Levinas himself admits "my task does not consist in constructing ethics; I only try to find its meaning" (Levinas 1985, p. 90). Levinas is not attempting to write laws or provide instruction; his ethics is nothing more than a description of the possibility of ethics. This meaning or possibility is found within the face to face relationship with the Other – responsibility for the Other – a "being-for" prior to being. Historically, ethical systems have always been proposed in the Greek tradition of a perfection of the self. These ethics are radically immanent, as all impetus for "the Good" comes from some internal source, or manifests itself as reciprocity between the self and other. The self is the end of these systems.

Western culture is still within the tradition of the Greeks, and perfection is defined as a Parmenidian oneness. To deviate from the oneness of perfection (in modern society read: normality) is to abrogate it altogether. Perfection cannot change, and is forbidden to become itself; it must eternally retain itself as an absolute. Morality provides a path, or a means, to attain perfection. It reflects the actions of a perfect will, as in Kant's case, or informs the relation with "the Good." Morality tells us how goodness is attained in an empirical sense. In this capacity morality provides a system of right from which the operations of discipline are allowed to flourish. Morality as a system is represented by laws of political structure. The functions of these laws are no different from political laws; they prescribe actions, offering punishment in varying forms for disobedience.

Plato's *Republic* represents an excellent example of a moral system given to the self writ large represented by the *polis*. The citizens of *The Republic* do not have our modern conception of self, although the seed is still present, hidden within idea of the *polis*. Each citizen understands their personal identity in relation to the *polis*. One only succeeds to the extent that the entire *polis* succeeds. Goodness is relative to the whole, although the parts do influence the whole and retain their particularity, they are still given over to a complete communion of immanence – the *polis* as a single body. Thus what my neighbor does influences my self, for it affects the *polis* as a

constituent of the whole which is the self. But the *polis* still maintains a distinction between self and stranger – there remain laws regarding aliens and war is a prominent aspect of the *polis* in training guardians (Plato 1997b, p. 1094-1095). The violence of the self is retained in the relation to otherness and the perfection of the self, represented by the *polis*, remains the end.

The Republic is a thought experiment of a just city, and all the laws that Plato proposes in the formation of the *polis* have this end. Each law directs and molds, seeking to alter the operation of certain aspects of the *polis* until harmony is achieved. Moral laws are given beside political laws in the *Republic*; each law seeking to guide the *polis* into what is good (Plato 1997b, 980). Even categorizing such laws as ‘moral’ or ‘political’ misconstrues Plato’s aim, which transgressed the realms we would call moral and political. At which historical point the systemization of morality was thought as a separate entity to political law is not discussed here, although an investigation into the early formations of moral laws in Greek and Roman society would doubtless be necessary and fruitful.¹

Moral law requires “the Good” as an end and a central principle from which normalization can be accomplished. Conformity is the goal of any system of law. Political laws by nature operate through repression. They discourage certain behaviors toward a specific end, whatever end that may be – usually the perpetuation of the basis for laws themselves. Marginalization occurs inherently within this system. To disobey is to digress from the normality of the moral law. Marginilization is necessary in order for morality to function properly, for it must condemn values and actions opposed to its end. The function of morality lies in separating ‘right’ from ‘wrong’. This occurs empirically and immanently. The division places ethical agents into two different camps, the ‘right’ which represents normality and the ‘wrong’ which is marginalized. The separation is inherently contained within the bivalent system, and as such, is inalienable from it.

Morality always functions within history as law, whether it takes the form of a negative restriction or a positive encouragement. Morality appeals, in the same way as any such system or structure, to truth and right. Foucault, more than any other philosopher, has given us an analysis of the historical functioning of power within systems that propagate truth. Foucault expands the understanding of right from that of sovereignty to the “multiple forms of

1 Foucault has made some inroads in characterizing the historical formation of the self during the first and second centuries. See *The History of Sexuality: The Care of the Self* for an excellent explication of an early construction of the self.

subjugation that have a place and function within the social organism" (Foucault 1980, p. 96). Right occurs in more varied relations than the broad political relations that occur between the subject and the king, such as familial relations, teaching relations, and even the host-guest relationship. It establishes "good" and "bad" behavior, and in this sense is similar to political law but extends much deeper. Morality penetrates beyond the body to judge the very soul of the person or society. It condemns feelings, thoughts, and attitudes, not solely behaviors. The discipline that morality imposes is often the harshest, for it is carried out by the self against the self. Such discipline repeatedly condemns, taking the form of continuous self-flagellation.

Morality functions within exterior relations, and manifests itself within the ethical relation, but also occurs in a much more insidious form, as a repression by the self directed against the self. It informs the relationship of the self with itself, and gives rise to the disgust with one's self manifested as a certain asceticism, although not all asceticism stems from morality, an asceticism which Nietzsche would certainly denounce as a denial of life. I merely wish to show how morality, as it is bound to society within the political structure, applies a system of right such as right behavior, right living, what is good, correct, or virtuous that operates as power in the form of repression. Thus I endeavor to further separate what is ethical (morality) from ethics as it is proposed by Levinas in order to show the violence of ethical discourse, and the necessity of avoiding or transcending discourse, or at least keeping ethics set apart from the immanency of the moral law.

Now, I am not speculating about the correctness of this structure, for how can one call the construction of right either right or wrong, merely observing that it functions in a certain way. That is, morality functions as a repressive system of power by producing principles and roles that tell us how we are to judge actions, events, and even people, although especially in relation to actions of the self. This operation poses a problem, because morality is functioning as the definition of ethics, the state of being-with others, and turns it into laws. If the end of ethics is peace, how can morality possibly accomplish this goal? Ethics as the ontological condition of human sociality, given by Levinas as responsibility and substitution, cannot be transformed into a moral system without resulting in the violence of the self.

The question still remains as to the functionality of ethics as a guiding principle for morality. Do ethics always become morality, and as such, become another function of political power? As soon as a moral system is written, as soon as unconditional, abstract ethics

are inscribed within the realm of discourse, are they not given over to discourse at the same time? The same discourse that Derrida calls "violence against violence" or an "economy of violence," that is, philosophical discourse (1980, p 117). We will consider the problem from the perspective of the Law of hospitality contrasted with the laws of hospitality, a formulation of the problem given in *Of Hospitality*.

In *Of Hospitality*, Derrida differentiates between the Law of hospitality as unconditional welcome and the laws of hospitality as conditional rights, limits, duties, etc. The Law of hospitality is akin to Levinas' ethics, it is the unconditional welcoming of the stranger, before interrogation, before asking for a name; it is a welcoming and gifting of one's home, one's very self to the stranger (the Other). The laws of hospitality are the duties to the guest; they are conditional and may be violated. They are legislated in the form of laws and operate as political power. The laws serve only to retain the mastery of the self in its dwelling. The Law of hospitality is beyond any sort of violation, for it is not defined and set down as a rule or law to follow. If it is set down it is no longer the Law, but becomes laws. While the Law of hospitality is the possibility of being hospitable, the laws of hospitality are contingent upon and work to define the roles that permit hospitality to occur in the world. It is through these laws that we determine who our duty extends to, through them we determine between the guest and the thief. The laws form an economical and reciprocal relationship with the Other, and thus are given to a certain violence since the Other is a guest only inasmuch as the laws of *my* home are obeyed, as long as the Other fulfills his/her responsibility toward me. Hospitality is only accomplished after the Other has submitted to my claim of possession; it is contingent upon the dwelling being *my* dwelling and remaining *my* dwelling.

Derrida claims that the Law and the laws do not form a symmetrical opposition, rather they operate on a sort of hierarchy, with the Law watching over the laws (2000, p. 80). They rely upon one another and are in a sense inseparable, even while maintaining a certain antinomy. And herein lies the key: in order for the Law to be effectual it must become concrete, definite, and perverted. The Law must be set down as a set of laws. The Law operates beyond any possible violation as long as it is not defined, but to form it into a rule that can be broken is to produce another system of repression and enslavement. This perversion of the Law by the laws is necessary, claims Derrida, for the laws need the Law as a guide in the search for perfection, and the Law needs the laws in order to become effective, in order to establish itself within discourse and

history (2000, p. 80). Without the laws, the Law becomes nothing but an ideal or meaningless maxim; it cannot be put into practice without the laws. As Derrida writes, "It wouldn't be effectively unconditional, the law, if it didn't *have to become* effective, concrete, determined, if that were not its being as having-to-be" (2000, p. 80).

This critique applies to Levinas' ethics, and I think it describes an important paradox within his writing. Levinas never promises a system of morality or laws of hospitality. Levinas was only attempting to provide the Law, to give a meaning to ethics. His ethics are perfect, summed up in his paraphrase of Dostoevsky's famous quote "We are all responsible for all men before all, and I more than all the others" (Levinas 1985, p. 57). Levinas explicated how ethics is possible, and it is beautiful, but it remains inviolate at the cost of giving up its possibilities as laws; it establishes peace only insofar as it remains separated from the violence of the laws and the violence of discourse. Peace is possible, in Levinas' ethics, only as a paradox, the paradox of peace within violence, of the Law within discourse yet not given over to the laws. The question that is to be put to Levinas must be: how are transcendent ethics possible within immanence?

To become laws of morality it is necessary to condemn Levinas' ethics to concept and theory. Derrida writes in "Violence and Metaphysics," "It is true that ethics, in Levinas's sense, is an Ethics without law and without concept, which maintains its non-violent purity only before being determined as concepts and laws" (1980, p 111). Once it is determined, it becomes finite and violent – economical, a utility, a return to the mastery of the self, consumptive in its reciprocal nature. The conditionality of the laws guarantees an advancement of the self, the for-the-Other is maintained only after the self is satisfied; it is for-the-Other only insofar as the Other acknowledges the sanctity of my dwelling. Moral law will always be grounded in a fundamental violence of the self against the Other due to the finite nature of the laws, the economy of discourse they enter into and become. Only the Law of ethics, which guides the laws as perfection, is grounded in peace, a non-violence which precedes all violence but which initiates violence upon entering discourse, upon being subjected to concept and theory, upon being transformed into laws.

The problem is one of translation; it is a problem of functionality, a problem of the hermetic of the self. I am not as concerned with whether Levinas can speak of the Other, or of radical alterity, without already assuming the structure within which language functions, and defeating his project before it has even begun. I am interested in what Levinas is attempting to gesture toward: ethics

that is beyond discourse, freed of violence. Levinas attempts to avoid giving his ethics over to violence by abrogating any effectual discourse and relying purely upon metaphor and paradox (whether he succeeds or not is not investigated here). It is tempting upon interacting with Levinas to interpret his ethics as a moral system, but that would be a description of nothing. The appeal to metaphor is an attempt to escape the violence of discourse found in definition, in chiseling it indelibly upon the page. Levinas is describing a trace, a non-phenomenal phenomenon, a possibility that is always-already. The difficulty arises in the impossibility of retaining this purity within finitude.

We have considered the question of the necessity of keeping ethics free from the violence of finitude, even at the cost of its eternal inefficacy. Peace cannot descend upon violence, or operate within violence in order to recover itself following a war, but it must occur prior to or beyond violence. The question then presents itself, is the peace of ethics possible, especially considering the untranslatability of unconditional ethics? In order to answer this question an analysis of the nature of violence must first be undertaken. The violence that peace shuns and avoids must be defined. Is history fundamentally war as Hegel would pronounce it? Foucault describes the operations of power within both repressive and productive, both positive and negative political systems, but what is the nature of the political? Within the face to face relation of the self with the Other there is an operation of power in which the subjugation of the subject is accomplished. Foucault seems to take a negative or possible despairing tone toward the functioning of power, but would the face to face relation also be a function of political power? If any attempt at a translation of unconditional ethics is to be made from utopian abstraction to the political arena where power operates and still retain its inviolate nature, an inversion of Foucault must be attempted. If successful, it would be freed of the political in an irruption of the same by the Other, freed of history and discourse as a totality, and would mark a transition from political power to transcendent power.

This transcendent power is freed of violence in the dissolution of the self, for the self, as the very definition of finitude, is the original perpetrator of violence. Is not this "Other" power the very basis of the Good? Not good as morality would define it, within a socio-historical context, but the Good as forever indefinite, undefined, and inviolate. To relinquish definition is also to relinquish finitude, for the finite is definite. It is also to relinquish knowledge, as theory or concept, the primary form of control and consumptive act of the self as a subject. It is in the breaking up of the subject, the intrusion of the

in(de)finite into the definite, that this transcendent power operates. An analysis of these questions would take a far different approach than Foucault, for they cannot operate purely within political discourse but must make an attempt to move beyond a socio-historical analysis, a beyond in which Levinas' ethics dwells. A dialogue must be opened between Foucault and Levinas. A dialogue between a political discourse on power and what is called transcendence, or a recovery of the beyond of ethics as power: transcendent power as the possibility of peace.

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