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## Neither the Condition nor the Outcome of Ethics: Derrida, Levinas, and the Deduction of a Politics from Ethics

Robert Bernasconi\*

### I

In “Passions: ‘An Oblique Offering’” Derrida summarized the debate about the relation of deconstruction to ethics. He saw a split between, on the one hand, those who criticize deconstruction as a modern form of immorality and irresponsibility and, on the other hand, those who were encouraged to find signs in his more recent texts that he had become more interested in ethics. In “Passions,” Derrida rejected both observations as leading toward a restoration of morality and thus, in his view, a new dogmatic slumber. Derrida professed that he could imagine nothing worse than a community of complacent deconstructionists, happy in their good conscience. For himself, Derrida questioned the very names ethics, morality, politics, responsibility and the subject. Without underwriting any of these terms, he posed the questions “What is the ethicity of ethics?, the morality of morality? What is responsibility? What is the ‘what is?’ in this case?, etc.”<sup>1)</sup> According to

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\* The University of Memphis

1) Jacques Derrida, Passions. “L’offrande oblique,” (Paris: Galilée, 1993),

Derrida's 1964 essay on Levinas, "Violence and Metaphysics." Levinas did not seek to propose laws or moral rules, nor determine a morality, but rather he attempted to uncover the essence of the ethical relation in general. Derrida called it "an Ethics of Ethics."<sup>2)</sup> That Derrida correctly identified what Levinas had attempted and what he left to one side was later confirmed by him when he explained, "My task does not consist of constructing ethics; I only try to find its meaning."<sup>3)</sup> However, Levinas added immediately that it would be possible to construct an ethics on the basis of his philosophy, "but that is not my own theme" (EeI 96; EI 90). Levinas thereby made room for a possible deduction of rules on the basis of what he called ethics. Over the years Derrida repeatedly returned to that question, and in what follows I will explore some of his discussions of it, paying particular attention to the relation of ethics and politics.

When in "Passions" Derrida asked about the ethicity of ethics, his point was that Levinas's work posed an appropriate question but still without sufficiently questioning the term "ethics." That this was one of the crucial ways in which Derrida differentiated himself from Levinas is confirmed by other texts. For example, in a discussion of Levinas's philosophy in *Altérités*, Derrida emphasized that he had no objection to Levinas's thought but that there were differences of idiom

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p.40; trans. David Wood, "Passions 'An Oblique Offering'," *Derrida: A Critical Reader*, ed. David Wood (Oxford: Blackwell, 1992), p.14. Henceforth PO and POC respectively.

2) Jacques Derrida, "Violence et Métaphysique," *L'écriture et la différence*, (Paris: Seuil, 1967), p.164; trans. Alan Bass, "Violence and Metaphysics," *Writing and Difference* (Chicago: University of Chicago Press, 1978), p.111. Henceforth ED and WD respectively.

3) Emmanuel Levinas, *Ethique et Infini*, (Paris: Fayard, 1982), p.95; trans. Richard Cohen, *Ethics and Infinity* (Pittsburgh: Duquesne University Press, 1985), p.90. Henceforth EeI and EI respectively.

and of language between them, however difficult those differences might be to determine.<sup>4)</sup> It was in this context that Derrida outlined his concern over the term “ethics” (A 70). Derrida began with Heidegger’s observation in the Letter on Humanism that ethics was a late development compared with the question of Being<sup>5)</sup> and concluded that to make the question of philosophy depend on the question of ethics, as Levinas did, was ultimately to fail to interrogate the ethicity of ethics. This constituted a serious objection that, given Derrida’s earlier characterization of Levinas’s thought as an ethics of ethics, went to the heart of Levinas’s thought. However, Derrida modified it somewhat with the judgment that, even though Levinas’s use of the word “ethics” had some continuity with that found from Greek philosophy to nineteenth century German philosophy, it was nevertheless “wholly other” (tout autre).<sup>6)</sup> Even so, it was “the same word” and so the question arose as to the legitimacy and likely success of attempting to free a word of its historical determinations. This is a familiar deconstructive move: Levinas’s intentions were betrayed by his language. Nevertheless, Derrida did at least offer a suggestion as to how Levinas might negotiate the problem by proposing a Heideggerian-style argument that is also

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4) Jacques Derrida, Altérités, (Paris: Osiris, 1986), p.74. Henceforth A.

5) See Martin Heidegger, “Brief ber den ‘Humanismus,’” Wegmarken, (Frankfurt: Klostermann, 1967), p.147; trans. Frank A. Capuzzi, “Letter on ‘Humanism,’” in Pathmarks, ed. William McNeill (Cambridge: Cambridge University Press, 1998), p.241. For a more detailed discussion, see Robert Bernasconi, “Deconstruction and the Possibility of Ethics,” Heidegger in Question: The Art of Existing, (Atlantic Highlands, New Jersey: Humanities Press, 1993), pp.211–224.

6) For further discussion of Derrida’s remarks on Levinas in Altérités, see Simon Critchley, The Ethics of Deconstruction, (Oxford: Blackwell, 1992), pp.9–11 and 15–17.

characteristic of deconstruction. According to this argument, Levinas's semantic transformation of the word "ethics" would not be arbitrary, but would restore the condition of possibility hidden or dissimulated in Greek and German ethical thought.<sup>7)</sup>

Although Levinas proclaimed "ethics as first philosophy," this is not to say that the ethical provides the condition of possibility of the tradition of Western philosophy. Levinas did not circumscribe his thought by adopting the argument proposed by Derrida here. Nor did he engage in the prolonged confrontation with Greek and German ethical thought that this would have required. Ultimately Levinas was more concerned to reveal the ethical as that which exceeds Greek (and German) philosophy without detailed reference to how ethics has been treated in that tradition. Levinas tended to think this interruption differently both from the way Derrida thought it and from the way that Derrida thought that Levinas thought it. This is fully apparent only if one reads Levinas's confessional writings alongside the philosophical writings. Levinas came to understand the task of his confessional writings as that of translating Hebraic wisdom into the Greek language. He did not extend his profound distrust of the ontological tradition, Greek wisdom as he called it, to "the Greek language" in the sense of the languages of the West. He judged these languages to be both clear and malleable and so eminently suitable for this work of translation.<sup>8)</sup> This was in large measure Levinas's

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7) Jacques Derrida, Marges de la philosophie, (Paris: Minuit, 1972), pp.161-163; trans. Alan Bass, Margins of Philosophy (Chicago: University of Chicago Press, 1982), pp.134-136. Henceforth M.

8) Emmanuel Levinas, "La traduction de l'Écriture," A l'heure des nations, (Paris: Minuit, 1988), pp.43-65, esp. 64-65; trans. Michael B. Smith, In the Time of the Nations (Bloomington: Indiana University Press, 1994), pp.33-54, esp. 53-54. Henceforth HN and TN

response to Derrida's appeal in "Violence and Metaphysics" to "some indestructible and unforeseeable resource of the Greek logos" such that whoever seeks to repel the logos would always be overtaken (ED 165; WD 111-112). The serious question of whether Levinas's distinction between language and wisdom was itself not circumscribed by the logos is not the issue here, so much as his apparent rejection of Derrida's claim in "Violence and Metaphysics" that "Greece is not a neutral, provisional territory, beyond borders" (ED 227; WD 153). Levinas not only believed that the Greek language was neutral and beyond territory, but he also supported the universalist pretensions of the West, understood as the conjunction of Greece and the Bible (HN 155; TN 133), at the expense of an appreciation of other cultures.<sup>9)</sup>

Apparently in direct response to Derrida, Levinas in his final years began to question the term "ethics" with which he was at one time so closely identified. When François Poirié in a wide-ranging interview introduced the word ethics, Levinas responded, "The word ethics is Greek. More often, especially now, I think much more about holiness, about the holiness of the face of the Other or the holiness of my obligation as such."<sup>10)</sup> Levinas did not reject the word "ethics" simply because it was Greek. He did not give up on the word "ethics," but he came to prefer the word "saintliness," although he

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respectively. See also "La Bible et les Grecs," HN 155-157; TN 133-35.

9) See also, for example, "Intentionen, Ereignis und der Andere. Gespräch zwischen Emmanuel Levinas und Christoph von Wolzogen," Humanismus des anderen Menschen, (Hamburg: Felix Meiner, 1989), p.140.

10) François Poirié, Emmanuel Levinas. Qui êtes-vous?, (Lyon: La Manufacture, 1987), p.95; trans. Jill Robbins, "Interview with François Poirié," Is it Righteous to Be? (Stanford: Stanford University Press, 2001), p.49.

subjected neither term to genealogical scrutiny. However, what he did say about the word elsewhere indicated at least some sensitivity to the problems that concerned Derrida in Altérités. Already in Totality and Infinity, Levinas had warned that “saintliness” or “holiness” (*sainteté*) carries the “odor of the ‘numinous.’”<sup>11)</sup> This would severely hamper its suitability for describing the topic of Levinas’s thought. However, in a book of commentaries on the Talmud, From the Sacred to the Holy, Levinas came to relate the word “holy” (*saint*) to the “demythification” of the religious that is said to be characteristic of the Judaic tradition.<sup>12)</sup> Anticipating his subsequent displacement of ethics by “holiness,” Levinas identified an “ethical meaning” that can be extracted from the Torah and which corresponds to the holy. According to him, it presents “the ultimate intelligibility of the human” (SS 10; NTR 93). In one of the Talmudic readings in the volume, “Desacralization and Disenchantment,” Levinas opposed the holy to the sacred, asking whether they can coexist: “I have always asked myself if holiness, that is, separation or purity, the essence without admixture that can be called Spirit and which animates the Jewish tradition or to which the Jewish tradition aspires can dwell in a world that has not been desacralized” (SS 89; QTR 141). There is a clear parallel between what Levinas described here and what he attempted in the philosophical context of Totality and Infinity, where his target was “the violence of the sacred” (Tel 49; TI 77), as well as the onto-theological language of Western

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11) Emmanuel Levinas, Totalité et Infini, (The Hague: Martinus Nijhoff, 1961), p.169; trans. A. Lingis, Totality and Infinity (Pittsburgh: Duquesne University Press, 1969), p.195. Henceforth Tel and TI.

12) Emmanuel Levinas, Du sacré au saint, (Paris: Minuit, 1977), p.10; trans. Annette Aronowicz, Nine Talmudic Readings (Bloomington: Indiana University Press, 1990), p.92. Henceforth SS and NTR.

philosophy. Levinas's questioning of the sacred contributed to his redetermination of ethics even though he was relatively silent about the part played by the sacred in the history of ethics.

Although Levinas nowhere offered a genealogy of either "ethics" or "holiness," such as Derrida required, this brief examination of their respective terminologies does not reveal a great gulf between them. Both shared an extreme suspicion of "good conscience." What Levinas proposed under the name "ethics" and what Derrida attempted when he challenged what usually passes for "ethics" was to some extent the same: an attack on good conscience.<sup>13)</sup> Their proximity — and difference — is further clarified by turning to the moment when Derrida proposed the word that came to serve him as "ethics" served Levinas. That word is "justice."

## II

Derrida pronounced the word "justice" in a most dramatic way, when in 1989 in Force of Law, on the occasion of a conference entitled "Deconstruction and the Possibility of Justice" at the Cardozo Law School, he announced:

Justice in itself, if such a thing exists, outside or beyond law, is not deconstructible. No more than deconstruction, if such a thing exists. Deconstruction is justice.<sup>14)</sup>

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13) See, for example, Jacques Derrida, "Aporias. Mourir - s' attendre aux 'limites de la vérité,'" Le Passage des frontières: Autour du travail de Jacques Derrida, (Paris: Galilée, 1994), p.316; trans. Thomas Dutoit, Aporias (Stanford: Stanford University Press, 1993), p.19. Henceforth AM and Ap respectively.

The law is deconstructible, whereas justice is not. Where now is the genealogical suspicion that was so much in evidence when Derrida was questioning “ethics”? More puzzling even than the exceptional treatment accorded the word “justice” was Derrida’s attempt to enlist Levinas’s support for it. Derrida drew a parallel between his own use of the word “justice” and the discussion of justice found in Totality and Infinity. By quoting Levinas’s identification of “justice” there with “the relation with others” (la relation avec autrui), Derrida was able to associate it with Levinas’s account of the heteronomic relation to Others, where I am hostage to the face of the Other that commands me (FdL 49; FL 959 citing Tel 62; TI 89). He next related what Levinas called “justice” in these sections of Totality and Infinity to what Levinas called “holiness” in his Talmudic lectures in order to displace “ethics.” And yet throughout this discussion Derrida did not mention the word “ethics.” Derrida’s restraint in not introducing his objections to the word “ethics” can perhaps be understood as strategic, even diplomatic. But how is one to understand Derrida’s failure to mention the fact that Levinas’s use of the word “justice” in the section from Totality and Infinity that he cited does not conform to Levinas’s standard usage? It is within the context of Levinas’s work anomalous. The general claim that Levinas was making is summarized in one of his section headings: “Truth presupposes Justice” (Tel 62; TI 90). That is to say, truth is founded on the relation with the other that he here called justice (Tel 72; TI 90), which he had only a few pages earlier

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14) Jacques Derrida, Force de Loi, (Paris: Galilée, 1994), p.35; trans. Mary Quaintaric, “Force of Law: The Mystical Foundation of Authority,” Cardoza Law Review, vol. 11, nos. 5-6, (July/August 1990), p.945. Henceforth FdL and FL.

explained as this approach to the face in discourse (Tel 43; TI 71). Elsewhere, however, Levinas identified justice somewhat differently.

Levinas customarily reserved the word “justice” for the relation to the third party. However, occasionally, such as in the passages Derrida quoted from Totality and Infinity, Levinas used “justice” as a synonym for what he elsewhere called “ethics,” the face to face relation with the Other. This would raise the question as to whether Derrida’s recourse to “justice” in “Force of Law” did not take advantage of that ambiguity. Could it be that Derrida, recalling that his objections to Levinas were largely to his use of the word “ethics,” had found a way of bypassing the objection by focusing on those moments when Levinas used the word “justice” instead of “ethics”? Derrida’s reference to sainteté and the absence of any mention of the ambiguity of Levinas’s use of the word “justice” encourages one to understand his text in this way. However, it would still leave unexplained why the word “justice” was not subjected to the same kind of questions that Derrida had raised against the word “ethics.” Derrida, it has to be said, did not offer a genealogy of justice, even though Nietzsche already made some suggestions in The Genealogy of Morals. Nor did Derrida raise the question of the role that the term “justice” has played in Western metaphysics, even though Heidegger had suggested how the history of Western philosophy might be read in terms of it.<sup>15</sup>) Derrida merely issued the obvious warning about how the term “justice” can be misappropriated:

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15) See Robert Bernasconi, “Justice and the Twilight Zone of Morality” in Heidegger in Question, pp.40-55. Derrida concedes the absence of “the least detour through historical memory” (FdL 47; FL 957). There are, however, allusions to this history at FdL 19-20 and 44; trans FL 927 and 955.

Left to itself, the incalculable and giving (*donatrice*) idea of justice is always very close to the bad, even to the worst for it can always be reappropriated by the most perverse calculation. It's always possible. And so incalculable justice requires us to calculate. (FdL 61; FL 971)

But it seems therefore that even if justice is nondeconstructable, it is always necessary to deconstruct the term “justice,” just as must be done for the term “ethics.” Derrida's whole discussion of justice as “not deconstructible” seems more provocative than scrupulous, according to standards that Derrida himself helped to establish. For this reason the issue requires more analysis before Derrida himself can be accused of lapsing into his own dogmatic slumber.

When, in 1975 at the University of Leiden, Levinas was asked about the ambiguity in his use of the word “justice,” his response was that he did apply the word more readily to the relation with the third party than to the relation with the Other, but that the two relations are not distinct. “But in reality, the relationship with another is never uniquely the relationship with the other: from this moment on, the third is represented in the other: that is, in the very appearance of the other the third already regards me.”<sup>16</sup>) This account was borrowed from the brief passage in *Totality and Infinity* where, under the heading “The Other and the Others” (*Autrui et les autres*), Levinas presented an argument that the third is not an addition, but is already there in the encounter with the Other. “The third party looks at me in the eyes of the Other — language is justice” (Tel 188; TI 213). In other words, the alleged ambiguity of the word “justice”

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16) Emmanuel Levinas, *De Dieu qui vient à l'idée*. (Paris: Vrin, 1986), pp.132-133; trans. Bettina Bergo, *Of God Who Comes to Mind*, (Stanford: Stanford University Press, 1998), p.82.

arises from the nature of the relation with the Other as Levinas analyses it and is not simply the result of an equivocation of terms. This complicates the question of how one is to judge Derrida's appeal to Levinas's usage in order to justify his own adoption of the word "justice." The complexity of Levinas's account of justice confirms that Derrida was wise in "Force of Law" not to extend any further than he did the parallel between his own thought on justice and that found in Levinas (FdL 49; FL 958).

However, that presumably should not prohibit others from attempting to do so. In "Force of Law" Derrida insisted on the undecidability of justice. The "infinite 'idea of justice'" surpasses rule and calculation (FdL 55; FL 965).<sup>17)</sup> To this extent it corresponds more closely to what Levinas called "the ethical," than it does to what Levinas usually called "justice." Levinas most often associated justice with "comparison, coexistence, contemporaneousness, assembling, order, thematization, the visibility of faces, and thus intentionality and the intellect, and in intentionality and the intellect, the intelligibility of a system, and thence also a copresence on an equal footing as before a court of justice."<sup>18)</sup> This is what Derrida

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17) That this Levinasian language is employed according to a seemingly Levinasian logic is confirmed by the fact that Derrida declares that the "idea of justice" is infinite because it is irreducible and that it is irreducible because it is owed to the other before any contract. One would also need to consider the "absolute justice" of God as Levinas interpreted it in one of his Talmudic Readings. See Emmanuel Levinas, "Leçon Talmudique. Sur la justice," Emmanuel Levinas, eds. Catherine Chalier and Miguel Abensour, (Paris: Editions de l'Herne, 1991), p.127.

18) Emmanuel Levinas, Autrement qu'être ou au-delà de l'essence, (The Hague: Martinus Nijhoff, 1974), p.200; trans. Alphonso Lingis, Otherwise than being of beyond essence, (The Hague: Martinus

would call “law.” To this extent, Derrida’s nondeconstructible idea of justice could even be said to be more “ethical,” more Levinasian, than Levinas’s idea of justice. But it would still be something other than Levinas’s notion of the ethical under another name.

According to Levinas’s 1975 explanation, the distinction between ethics and justice is unstable. One cannot readily separate the asymmetrical relation to the Other, whereby the Other demands of me more than I have the right to demand of the Other (Tel 24; TI 53), from the symmetrical relation with all the others, where each, including myself, has a right to equality. In one of his interviews with Philippe Nemo, Levinas attempted to summarize his efforts to relate ethics and justice. He repeated that the presence of the third party alongside the Other is what conditions laws and establishes justice (EeI 94; EI 89). If there was only the Other, I could say that I owe the Other everything. The third complicates this.

The interpersonal relation I establish with the Other, I must also establish with other men; there is thus a necessity to moderate this privilege of the Other; from whence comes justice. Justice, exercised through institutions, which are inevitable, must always be held in check by the initial interpersonal relation. (EeI 95; EI 90)

If this meant only that justice as it is exercised by institutions must be questioned in terms of an infinite idea of justice, then it would correspond to the way Derrida understood the relation of the law to justice. However, for Levinas ethics goes further: “There are, if you like, the tears that a civil servant cannot see: the tears of the Other.”<sup>19)</sup>

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Nijhoff, 1981), p.157. Henceforth AE and OB.

19) Emmanuel Levinas “Transcendance et Hauteur,” Bulletin de la Société

That means that ultimately what Levinas wrote of politics must also apply to justice: “left to itself [it] bears a tyranny within itself” (Tel 276; TI 300). Levinas's early work from 1947, Time and the Other, already posed the question: “Does not the essential difference between charity and justice come from the preference of charity for the other, even when, from the point of view of justice, no preference is any longer possible?”<sup>20</sup> In other words, not even the infinite idea of justice could satisfy what Levinas calls ethics. Does not Levinas show how the ethical exceeds every conception of justice, just as Derrida shows that justice exceeds law and calculation (FdL 61; FL 971)?

The difference between Levinas and Derrida at one point seemed to be very small, perhaps only terminological. It seemed that what Levinas called “justice” was much closer to what Derrida called “law” than what Derrida called “justice” and that what Levinas called “ethics” corresponded to what Derrida called “justice.” However, Levinasian ethics is not the same as undeconstructible justice. It may be even more hyperbolic. Ethics, as Levinas understood it, introduces a level of impossibility beyond the problem of doing justice to all. Even in a society of two, I could never do enough for the Other. Levinas did not simply present justice as a modification or a deficient form of the ethical, arrived at by negotiating all one's ethical demands. Justice also has legitimate claims against the ethical. Levinas made the point succinctly in “Sociality and Money,” when he

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française de Philosophie, vol. 3, (1962), p.102; trans. Tina Charter et al, “Transcendence and Height,” Basic Philosophical Writings, ed. A. T. Peperzak, S. Critchley and R. Bernasconi (Bloomington: Indiana University Press, 1996), p.23.

20) Emmanuel Levinas, Le temps et l'autre, (Montpellier: Fata Morgana, 1979), p.76; trans. Richard Cohen, Time and the Other, (Pittsburgh: Duquesne University Press, 1987), p.84.

asked, “Are not elevation and the holiness of love of the neighbour compromised by inattention to the third party ....?”<sup>21)</sup> A similar point is made at greater length in the Fifth chapter of Otherwise than being, Levinas’s most sustained discussion of justice. Justice is initially presented there as a way of negotiating the problem that arises when the third party intervenes on the proximity of the Other (AE 200; OB 157). It is problematic that Levinas has the third party enter on the scene after the Other, contrary not only to the analysis of the third in Totality and Infinity but also to the tendency in Otherwise than being to move away from a portrayal of the encounter with the Other in empirical terms (cf. AE 147; OB 115-116). However, Levinas quickly corrected this impression. Within the space of a page, he acknowledged both that the entry of the third party is not an empirical fact and that the others obsess me “in the proximity of the other” (AE 201; OB 159). This is important because the narrative account here renounced, and which even so retains a certain popularity in the secondary literature, is what tends to support the view that the ethical provides the basis from which justice derives, when the third party is added. Once it is recognized that “the others concern me from the first” (AE 202; OB 159), a somewhat different picture prevails. Levinas wrote, “The third party introduces a contradiction in the saying whose signification before the other until then went in one direction (sens)” (AE 200; OB 157). Once there is a third party, and the third party is always already in place, then, from a certain perspective, the ethical needs correction: the relation with the third party is presented as “an incessant correction of the a symmetry of proximity in which the face is looked at” (AE 201; OB

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21) Emmanuel Levinas, “Socialité et argent,” Tijdschrift voor Filosofie, vol. 50, 1988, p.420.

158). That justice is not simply a degeneration, diminution, limitation, or neutralization of ethical responsibility is emphasized in the Judaic writings.<sup>22)</sup> As I have argued elsewhere, one can read Levinas in such a way that justice puts ethics in question, just as ethics questions justice.<sup>23)</sup>

There could be for Levinas no justice without ethics, nor ethics without justice. And yet the demands of ethics and the demands of justice cannot be readily reconciled, cannot perhaps be reconciled at all except in limit situations. This aporia amounting to a contradiction is at the heart of Levinas's thought, even if it is not always presented by him in this way or recognized as such by his commentators. It is an aporia as challenging as the aporia of justice addressed by Derrida in Force of Law. If Levinas tended to focus on ethical asymmetry, it is not least because it was overlooked in the traditional evocation of justice. That is why Levinas attempted to think an ethics without justice, a face to face relation with the Other without the third party,

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22) In an interview from 1988 Levinas emphasized the demands of both charity and justice as they arise in the Judaic tradition. Emmanuel Levinas, "L'Autre, Utopie et Justice," Entre nous. Essais sur le penser-à-l'autre, (Paris: Grasset, 1991), p.261; "The Other, Utopia, and Justice," trans. Michael B. Smith and Barbara Hershav, Entre nous (New York: Cambridge University Press, 1998), p.231. Henceforth EN and ENT respectively. In an essay dating from 1957, "A Religion of Adults," Levinas had already explained that Judaism prefers to talk of justice rather than love, because love demands justice: "My relation with my neighbour cannot remain outside the lines which the neighbour maintains with various third parties. The third party (le tiers) is also my neighbour." Difficile Liberté, (Paris: Albin, 1976), p.34; trans. Sean Hand, Difficult Freedom (Baltimore: Johns Hopkins University Press, 1990), p.18. Henceforth DL and DF respectively.

23) Robert Bernasconi, "The Third Party," Journal of the British Society for Phenomenology, vol. 30, no. 1, 1999, pp.76-87.

even if it reverts to the narrative account whose appropriateness he elsewhere denies. One cannot argue that, because there can never be a face to face with the Other without the others, the notion of ethics makes no sense and there is only justice. That would be to attempt to reduce the ethical to an ontological event; it would be to insist that the ethical be a ground of the kind Levinas sought to question. If one allows that there are invisible tears to which even infinite justice is blind, then a certain distance separating Levinas from Derrida comes into view. This distance becomes even more pronounced if one recognizes, as I have argued elsewhere, that justice is a concretization of the formal structure of the idea of the infinite, that is to say, of the so-called metaphysical relation.<sup>24)</sup> This claim that justice is a concretization can best be clarified by turning to the case of hospitality where what Levinas means by concretization can be more readily explained.

### III

The relation of ethics and justice is also at the heart of some of Derrida's more recent forays into Levinas's work, most notably De l'hospitalité and Adieu à Emmanuel Levinas.<sup>25)</sup> In the latter Derrida

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24) Robert Bernasconi and Stacy Keltner, "Emmanuel Levinas: The Phenomenology of Sociality and the Ethics of Alterity," Phenomenological Approaches to Moral Philosophy, eds. John Drummond and Lester Embree, (Dordrecht: Kluwer, 2002), pp.249-268.

25) Jacques Derrida, Adieu à Emmanuel Levinas, (Paris: Galilée, 1997); trans. Pascale-Ann Brault and Michael Nass, Adieu to Emmanuel Levinas (Stanford: Stanford University Press, 1999). Henceforth AEL and AL respectively. On the question of hospitality see also Anne

described Totality and Infinity as “an immense treatise on hospitality” (AEL 49; AL 21). It is an interpretation which conforms with certain remarks by Levinas, most notably his claim in the Preface that “this book will present subjectivity as welcoming the Other, as hospitality” (TeI xv; TI 27). However, in the context of his reading of Levinas in Adieu, Derrida called hospitality “ethicity itself: the whole and principle of ethics” (AEL 94; AL 50). He seemed thereby to equate hospitality in Levinas with ethics as such, the ethics of ethics, as opposed to the prescriptions of an ethics. But that way of formulating the issue merely serves to highlight the question that Derrida also raised in Adieu as to how Levinas might deduce a politics and an ethical right from ethicity, as it seems he must (AEL 198; AL 115).

Levinas did not pronounce the prescription: be hospitable. Nor is it clear whether, if he had said that, hospitality would be allowing the stranger into one's home, giving the stranger the run of one's home, or giving the stranger one's home. It is striking that Levinas wrote that the subject is a host (TeI 276; TI 299), not that the subject ought to be a host. Furthermore, most of Levinas's claims about hospitality equate it with language (TeI 147; TI 172), with metaphysics as the relation with the other (TeI 276; TI 300), and with the metaphysical event of transcendence (TeI 232; TI 255). He only rarely used the term in anything like its usual sense. The most significant arises when he wrote:

Recollection in a home open to the Other —hospitality— is the concrete and initial fact of human recollection and separation: it coincides with the Desire for the Other absolutely

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Dufourmantelle and Jacques Derrida, De l'hospitalité, (Paris: Calmann-Lévy, 1997); trans. Rachel Bowlby, Of Hospitality (Stanford: Stanford University Press, 2000). Henceforth DH and H respectively.

transcendent. (Tel 147; TI 172)

By locating hospitality as the concrete realization of a formal possibility, Levinas related his discussion of it to his account of his method.

Levinas described his method in Totality and Infinity in terms of a transcendental and an empirical, or concrete procedure.

The method practiced here does indeed consist in seeking the condition of empirical situations, but it leaves to the developments called empirical, in which the conditioning possibility is accomplished — it leaves to the concretization — an ontological role that specifies the meaning (sens) of the fundamental possibility, a meaning invisible in that condition. (Tel 148; TI 173)

That is to say, the direction (sens) in which the possibility is to be taken is given by the situation. To understand that is to clarify the notion of deduction operative in Totality and Infinity. Levinas explained it as follows:

What counts is the idea of the overflowing of objectifying thought by a forgotten experience from which it lives. The break-up of the formal structure of thought (the noema of a noesis) into events which this structure dissimulates, but which sustain it and restore its concrete significance, constitutes a deduction — necessary and yet non-analytical. (Tel xxvii; TI 28)

Although it went unremarked by Derrida, there is a deduction in place in Levinas, but it is not a deduction of the political from the ethical. In “Useless Suffering” Levinas explained that “The order of politics — post-ethical or pre-ethical — which inaugurates the ‘social

contract' is neither the sufficient condition nor the necessary outcome of ethics (EN 119; ENT 100-101. Cf. EN 48; ENT 34). Levinas's deduction is not a logical derivation, but the locating of a formal structure in the concrete such that the meaning of that structure is revealed. For example, the thesis that subjectivity is hospitality means that the formal structure of a subjectivity that is founded in the idea of infinity is produced concretely in hospitality, as it is in generosity and justice.

It should be understood that when Levinas described the relation with the Other, he was not giving an account of an ethical relation that takes place independent of the order of ontology. He insisted that "no face can be approached with empty hands and closed home" (TcI 147; TI 172. Cf. AE 94; OB 74). Furthermore, when the doors are left open, this is not one's own doing but the Other's doing: "the relationship with the Other is not produced outside of the world, but puts in question the world possessed" (TcI 148; TI 173). The point is made even more clearly in a later essay that underlines the fact that it is not the Other's poverty relative to me that is decisive: "I did not know I was so rich, but I no longer have the right to keep anything for myself."<sup>26</sup> The poor are not those who are less well off than me, or a group of people whose objective status can be determined by social scientists, any more than the Levinasian stranger is someone who is different from me in some specific way or necessarily someone from a foreign country.

Nevertheless, in Totality and Infinity there is still a clear sense that

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26) Emmanuel Levinas, "La signification et le sens," Humanisme de l'autre homme, (Montpellier: Fata Morgana, 1972), p.46; trans. Alphonso Lingis, "Meaning and Sense," Collected Philosophical Papers (Dordrecht: Martinus Nijhoff, 1987), p.94.

dwelling is the condition of hospitality. Indeed, Levinas's attempt to show this structures the argument which is directed toward establishing the separation of the I as a condition of the relation with the Other. To be sure, this does not reduce me to my place of origin in a form of enrootedness that Levinas characterized as typical of Heideggerian thinking and, more generally, what he calls paganism.

The chosen home is the very opposite of a root. It indicates a disengagement, a wandering (*errance*) which has made it possible, which is not a less with respect to installation, but the surplus of the relationship with the Other, metaphysics. (TeI 147; TI 172)

But in Otherwise than being the emphasis is not on establishing oneself at home as a precondition of hospitality but on the structure of persecution. The model is that of a stranger “hunted down even in one’s home” (AE 117; OB 92).

Derrida's discussions of the heterogeneity of the law of hospitality as opposed to its laws attempt to locate within Levinas's discussion of hospitality an aporetic structure similar to that set out in his account of the gift, where the gift is presented as being by definition without return, but where it is impossible to understand how there cannot be some return, if only by virtue of the intention to give.<sup>27)</sup>

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27) See Jacques Derrida, “En ce moment même dans cet ouvrage me voici,” Textes pour Emmanuel Levinas, ed. F. Laruelle, (Paris: Jean-Michel Place, 1980), pp.21-60; trans. Ruben Berezdivin, “At this very moment in this work here I am,” in Re-Reading Levinas, eds. Robert Bernasconi and Simon Critchley (Bloomington: Indiana University Press, 1991), pp.11-48 and Donner le temps. 1. La fausse monnaie, (Paris: Galilée, 1991); trans. Peggy Kamuf, Given Time 1. Counterfeit Money (Chicago: University of Chicago Press, 1992). See also Robert Bernasconi, “What Goes Around Comes Around: Derrida

Unconditional hospitality, were it possible, would be free of all the constraints that are normally imposed on guests. Hospitality calls for the welcome to be without question and condition (DH 31 and 71; H 29 and 75). This extends to not asking the identity of the one who arrives and even to the one who welcomes the visitor: “Since the arrivant does not have an identity yet, its place of arrival is also de-identified: one does not yet know or one no longer knows which is the country, the place, the nation, the family, the language, and the home in general that welcomes the absolute arrivant” (AM 322; Ap 34). It is worth remembering that in “Violence and Metaphysics” Derrida, employing the logic of alterity set out by Plato in the Sophist which establishes the other as always other-than, characterized the absolute Other of Levinas as unthinkable, impossible, and unsayable (ED 168-169; WD 114).<sup>28)</sup> This was widely understood as a criticism of Levinas, but when Derrida contrasted the absolute other as nameless, anonymous, and unknown (DH 29; H 25) with the stranger, who is defined by laws and by birth, and who has a relative alterity (DH 81; H 87), then Derrida was relying on this same notion of the absolute Other as Levinas. But this means that because hospitality that takes place is contextualized, it is never uncontaminated, never innocent. Approaching the same issue from another direction, Derrida was able to say that without the conditional laws of a right to hospitality, the law of unconditional hospitality

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and Levinas on the Economy of the Gift and the Gift of Genealogy,” in The Logic of the Gift, ed. Alan Schrift, (London: Routledge, 1997), pp.256-273.

28) See Plato, Sophist, 238e and Robert Bernasconi, “The Alterity of the Stranger and the Experience of the Alien,” in The Face of the Other and the Trace of God, ed. Jeffrey Bloechl, (New York: Fordham University Press, 2000), p.74.

would be little more than a pious desire, irresponsible, formless, ineffective, and perverted in every instance.<sup>29)</sup>

One of the guiding questions of the discussion of hospitality in Adieu is whether Levinas had the resources to secure a passage from ethics to politics (AEL 45; AL 20), but in one sense or another it was the guiding question of Derrida's encounter with Levinas from the beginning. I have suggested that if the question is asked as a question about deducing a politics, then it amounts to a misunderstanding about how Levinas thinks deduction. However, if the question is asked as if Levinas could be read independent of the intersection of ethics and politics, then that constitutes an even more serious misunderstanding. A reading of Levinas that allowed the law of unconditional hospitality to be a pious desire would scarcely be a reading at all if it were conceived in isolation of the laws of hospitality. Ethics, the law of hospitality, puts in question politics, the laws of hospitality. It interrupts them, haunts them, breaks from them (cf. DH 29; H 25). To this extent Levinas and Derrida are very close, albeit Derrida's problems of contamination are very different from what Levinas conceives by organizing his thought in terms of the formal and the concrete. But it is important to understand in this regard that welcoming the Other is not for Levinas the most concrete form of transcendence. Rather welcoming the other is concretely produced as the calling into question of the same by the other (Tel 13; TI 43). It is this being called into question such that Levinas's ethics of ethics is an ethics of suspicion that ensures that Levinas did

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29) Jacques Derrida, Cosmopolites de tous les pays, encore un effort! (Paris: Galilée, 1997), p.57; trans. Mark Dooley, "Cosmopolitanism" in On Cosmopolitanism and Forgiveness (London: Routledge, 2001), p.23.

not open the way to a deduction that would justify the performance of any deed in good conscience.<sup>30)</sup>

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30) See Robert Bernasconi, "The Ethics of Suspicion," Research in Phenomenology, vol. 20, 1990, pp.3-18.