

JUSTICE AND ACTION IN *OTHERWISE THAN BEING*

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Are we not at this very moment in the process of barring the issue that our whole essay attempts, and of encircling our position from all sides? (OB, 169).

One of the most provocative aspects of the work of Emmanuel Levinas, for many readers, seems to be his misuse of the term “ethics” in describing what it is he is doing. Ethical philosophy, in the tradition of Aristotle’s *Nicomachean Ethics* and Kant’s *Groundwork of the Metaphysic of Morals*, has set itself the task of providing a philosophical reflection on ethical action. It has attempted to provide some basic rules for conduct that can assist ethical decision making in particular circumstances. Levinas, in *Otherwise than Being* (OB) and elsewhere, does not only fail to do this; he in fact presents an “ethics” that is not even to be thought of as thematizing the world of concrete action in any way. He not only fails to provide rules for action, he presents a theory in which to describe an action as ethical would be a strict impossibility; it would be to misunderstand the very meaning of the ethical. Why this disorienting transformation in vocabulary?

In fact, the traditional ethical realm has not disappeared from Levinas’s account, it has merely been displaced and renamed—the sphere of ethical action in the traditional sense is the sphere of justice in Levinas. But while it is useful to recognize this, it should not allow us to be less disturbed by what Levinas has done. For while there continues to be a sphere of ethical (or in his terminology, just) action, his sphere of justice remains deeply connected with what he calls ethics. To understand the former, we will have to try to understand the latter.

The question remains of whether Levinas provides us any guidance for just action. I

would argue that this at least is a legitimate question, as opposed to two possible questions regarding ethics, which I will claim are simply based on a misunderstanding: that is, does Levinas give us the means to predicate “ethical” of some actions and not others; and does he provide us with any way to guide our own ethical decisions. “Ethics” for Levinas is simply not something of which these questions could be asked.

I would like, then, to explore the relation of ethics to justice in Levinas, by way of the parallel relation of the saying to the said. I will argue that action must be described in terms of justice and not ethics. Then I will attempt to show that *Otherwise than Being* itself can be considered as an attempt at a just action in philosophy—which for Levinas means that it has the specific task of thematizing the relation between the just and the ethical. Extrapolating from this reading of *Otherwise than Being* as a performative philosophical intervention in the sphere of justice, I will argue that Levinas has in fact provided some general criteria for what a just action must look like.

Ethics is to Justice as Saying is to Said

The relation between ethics and justice, for Levinas, parallels the relation between the saying and the said. In fact, more than merely being in parallel, ethics/justice and saying/said are two ways of talking about the same relation. One of the preeminent features of the saying, the first that any discussion of *Otherwise than Being*, as well as Levinas’s own discussion within the text, must run up against, is that the saying cannot be said without betraying it. It is that which cannot be fixed in discourse, nor even in

synchronic time. It is a pre-originary, irrecoverable past. The said, on the contrary, is discourse insofar as it is set down and given meaning, it is philosophy as phenomenology or ontology, it is ethics in the traditional sense of rules for conduct. The said organizes, structures, assigns meanings, compares, asks questions. The saying interrupts all of these—it is an-archival, the overturning of any possible *arché*. The said is the order of being, and the saying is the “otherwise than being” which, as Levinas insists, is not simply a “being otherwise” (OB, 3).

Levinas spends most of the book in discussing the two-term ethical relation of self and other, that is, in trying to get at what is meant by ethics and the saying. The self-other relation is described as asymmetrical—the other demands everything of me and I can demand nothing. It seems at first, then, that Levinas is primarily concerned with such two-term relationships, and only secondarily with the larger social sphere.

In fact, however, the realm of the said and justice is always already established; we do not have access to a pure saying. But neither is there a said pure of saying, nor a justice pure of ethics: “In [the saying of subjectivity], the said and being are stated, but also a witness, an inspiration of the same by the other, beyond essence, an overflowing of the said itself by a rhetoric which is not only a linguistic mirage, but a surplus of meaning of which consciousness all by itself would be incapable” (OB, 152). Thus the said is never absolute, but bears the trace of, or is overflowed by, the saying.

It is through what Levinas calls “unsaying” or “reduction” that we can attempt to get at the ethical traces in the said. The saying is accessed only by way of the said, and likewise ethics is accessed only by way of justice. This is true even though ethics overflows and interrupts justice. It is through the “reducing” or “unsaying” of the just that the attempt to thematize or enact the ethical must be made.

No Action is Ethical

From this description of the relation between ethics and justice, we can begin to see the absurdity of asking Levinas to tell us how or when we might predicate “ethical” of an action. No action can be described as ethical, because every action signifies between the saying and the said, every signification is ambivalent with respect to ethicality. Nor can we demand rules for ethical action from Levinas; the ethical is precisely the anarchical, the impossibility of principles. The ethical space “in itself,” if such a thing is conceivable, would not be a realm of questions or decisions, but the space of my total subordination to the other. We could probably say that in this realm every action is ethical. My every move would be a further deepening of my responsibility to the other, in an infinite approach, in which the distance between us would increase the closer I came.

Yet despite the impossibility of a pure ethical realm, the justification of justice itself will somehow concern the ethical. There must be differences in the way the saying gets betrayed into the said, the way the ethical gets betrayed in the just, that allow us to evaluate the ethicality of the realm of justice. To put it another way, justice must in some sense remember its immemorial past in ethics.

Otherwise Than Being is an Action

Levinas’s work is usually described as being about ethics, even if about a bizarre kind of ethics. In the strictest sense, however, this is not the case. We have seen that ethics is equivalent to the saying, which is the unthematizable. To attempt to thematize ethics is to betray one’s subject matter, fixing it in the said, and thus, to enter the realm of justice. *Otherwise than Being* is a work of justice. This can also be seen if we realize that the writing and publishing of *Otherwise than Being* constitutes the action of a consciousness in the community of others. Levinas

sends his book out, not to a single other, but to all the others.

Otherwise than Being is a philosophical action; and Levinas has very particular ideas about what the role of philosophy ought to be. Philosophy aims to work between the saying and the said, between ethics and justice. It is “called to thought by justice,” but “remains the servant of the saying” (OB, 162). It works in an alternating movement, responding both to the demand that ethics be taken up into justice, and that justice be reduced again to ethics. The role of philosophy is to justify justice itself by not letting it represent itself as a self-sufficient, closed system. The danger of justice and the said is that they take themselves to be foundational and define everything else on their own terms. The role of philosophy is to thematize the dependence of these two spheres (which are perhaps the same sphere) on what they cannot contain without betraying it: the saying, ethics, the “otherwise than being.”

This conception of the role of philosophy helps us to understand the general style of exposition that Levinas adopts in *Otherwise than Being*. He works to undermine any impression of an “adequate representation” of his subject matter. His text does not pose problems and then solve them; it rather takes the form of prophetic/paradoxical utterances which in cascading succession build up a complex impression of what Levinas is driving at, without allowing any foundational or structural footholds to the reader. Levinas’s style is aimed at resisting what he sees as the internal tendency of the said not only to forget the saying, but to forget that it has forgotten. The tendency of justice is also to forget that it has forgotten the ethical relation which makes it possible, and the tendency in ontology to reduce everything to being, i.e., to ontology itself. The task of philosophy is to trouble justice and the said with the reminder that they are founded on forgetting that which they cannot contain. The reader is thus not permitted the comfortable and self-sufficient position of detached adjudicator to

Levinas’s text, but rather is herself undermined, troubled, discomfited, made restless.

This sense of discomfort and restlessness that characterizes Levinas’s style is particularly prominent in the theme of “skin” in *Otherwise than Being*. Skin, in this work, is not something which neutrally encloses the self or which fades from notice before the sensations that it transmits. The skin is too tight, it makes one squirm:

In its own skin. Not at rest under a form, but tight in its skin, encumbered and as it were stuffed with itself, suffocating under itself, insufficiently open, forced to detach itself from itself, to breathe more deeply, all the way, forced to dispossess itself to the point of losing itself. (OB, 110)

In this section I have claimed, then, that *Otherwise than Being* can be understood as a philosophical action, and that the purpose of philosophical action for Levinas is to thematize the relation between the saying and the said or between ethics and justice. In particular, Levinas wants to resist the tendency of justice and the said to take themselves as self-sufficient, closed systems, and to introduce a kind of discomfort into their proceedings that will serve as a reminder of what they simultaneously exclude and rely on.

Making Levinas Tell Us What To Do

Reading *Otherwise than Being* as an action gives us the opportunity to examine a concrete example of an action in the realm of justice—precisely, a philosophical action. Can we extrapolate from this particular instance of this particular kind of action to a speculation on what some of the qualities of a just action that “remembers” its betrayal of the ethical would be?

One demand seems clear: that the realm of justice not be allowed to seek its justification within itself. This for Levinas seems to be the genuine danger of the betrayal of the saying in the said, that is, the possibility that

the betrayal no longer appear as a betrayal. This is extremely reminiscent of Heidegger in “The Question Concerning Technology,” where the concern is that we meditate on the fact that “enframing” is a mode of appearing which hides the fact that it is a mode of appearing, which is to say, a necessary betrayal of appearing as such. In a Heideggerian formulation we could say that “the essence of justice is nothing just”—rather, it is ethics. The logic of a better and worse betrayal being judged in terms of whether it recognizes itself as a betrayal seems to be shared between the two accounts.

It might be argued that there is at least one unequivocal demand that Levinas extracts from his ethics: Thou shalt not kill. Responsibility to the other meets its utmost betrayal in murder. However, even this absolute ethical demand cannot translate into an absolute demand in the realm of justice. Justice might, for example, call for armed resistance to the Nazi army’s mobilization into France and deportation of French Jews to the concentration camps. This resistance might require killing German soldiers. Levinas does not attempt to rule this possibility out—what he wants to insist on is that this must be the most troubled, even tortured, kind of justice. Successful armed resistance to the Nazis is not a glorious victory of justice over injustice, but rather a wrenching “reduction” or “unsaying” of justice itself. The more just I am, the more guilty I am; there is no glory or victory of justice, but rather a deepening obligation to see the limits of justice and push towards them.

Conclusion

To return to the citation with which I began: “Are we not at this very moment in the process of barring the issue that our whole essay attempts, and of encircling our position from all sides?” This is the question that justice has to pose to itself with regard to actions. In a sense the answer will always be yes, we *are* in the process of doing this; jus-

tice tends towards a totalizing self-justification and transparency, it tries to account for everything. But the ethical demand of the other is infinite, there is always more I could do, justice is always insufficient. Levinas is concerned to oppose the danger of a justice that is self-justifying, self-satisfied—a justice that would consider itself achieved. Such a conception, he wants to show, misunderstands the source of the demand for justice. This demand originates in the ethical demand of the other. Justice properly understood can only be a troubled justice, restless because it is nagged by the sense that it has forgotten something.

Even when we realize that to look for “ethical” principles in Levinas is to look in the wrong place, it does not seem as though he has given us much to work with in terms of positive directions to explore in how to be “just.” We can say that he asks for a sense of “uneasiness” and “restlessness” to trouble the self-justificatory said of our institutions and stock reactions. But what does this tell us positively about just actions? Presumably it is not enough that we “remember” that we are betraying the ethical, for Levinas, but that this remembrance introduce a genuine disturbance that actually affects the way justice goes about its business. Can we make this any more specific?

I do not think Levinas really aims to revolutionize the sphere of thinking about justice. “Thou shalt not kill” is not a very radical idea. What would be a radical change would be for it ever to be put into practice. What stops this from happening? For Levinas, it seems as though it is partly that this demand simply occupies one place in an ordered and calculating system of justice. Having become part of the said, “thou shalt not kill” gets its meaning from the system, and the ethical signification which is its true justification is forgotten. When this happens, “thou shalt not kill” stops being a demand and becomes merely an element in equations that include other elements: “except in such-

and-such circumstances,” “except in the name of the law.” Within the sphere of justice proper these exceptions are not failures, they are simply additional considerations in a complete account. They are justice in the process of encircling its position from all sides.

So my just action, for Levinas, should not merely be well calculated in its distribution

of benefits to the parties concerned. Having calculated, I strive at the next moment to undermine the claims of calculation itself, I feel my skin tightening around me. Precisely the successful “being-just” of my action makes the insufficiency of mere justice glaringly apparent to me; for the essence of justice is nothing just.

WORK CITED

Levinas, Emmanuel. *Otherwise than Being, or, Beyond Essence*. Trans. Alphonso Lingis. Pittsburgh, Pennsylvania: Duquesne University Press, 1981.

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