Article

The politics of justice: Levinas, violence, and the ethical–political relation

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Abstract In the early and often ignored 1934 essay 'Reflections on the Philosophy of Hitlerism', Levinas identifies a historically dominant form of politics rooted in the ontological reduction of the other to the same that provides intellectual justification for physical violence against the other. The ethical relation aims to overcome this political violence by thinking from the alterity of the other. The turn away from the political to the ethical does, however, lead to a problem – the third (*le tiers*) – that cannot be resolved by the ethical relation and so necessitates a return to the political. The political returned to is not the same as that left, but privileges the ethical relation and involves decisions about how to realize a prior norm: justice. This has given rise to debate in the literature regarding the relationship between the ethical and political that pits an oppositional account against an entwined one. I defend the latter, but argue that it depends upon two issues that are problematic for Levinas's attempted overcoming of ontological forms of violence. Specifically, his (1) claim that this form of politics entails a 'good' form of violence, and (2) insistence that the political decision required to realize the ethically inspired conception of politics is compatible with his theory of substitution. I argue that the former undermines his claim that an ethically inspired politics is fundamentally different to an ontologically inspired one, while the political decision upon which his ethically inspired politics depends is incompatible with his notion of substitution.
Contemporary Political Theory (2018) **17,** 49–68. doi:10.1057/s41296-017-0141-z; Published online 7 August 2017

Keywords: Levinas; violence; justice; ethical–political; decision; substitution

In *Religion and Violence*, Hent de Vries explains that 'violence, in both the widest possible and the most elementary senses of the word, entails any cause, any justified or illegitimate force, that is exerted – physically or otherwise – by one thing (event or instance, group or person, and, perhaps, word and object) on another' (2002, p. 1). The notion of just and illegitimate violence and the possibility that violence cannot be reduced to its physical form finds explicit expression in

Levinas's attempt to affirm a politics of justice. Historically, Levinas identifies a privileging of, what I will call, 'ontological politics', which entails a privileging of egoism and the *conceptual* reduction of the other to the same principle or standpoint that provides intellectual justification for the *physical* reduction of the other to the same. Levinas's affirmation of the ethical relation aims to overcome this ontological violence and the physical violence derived from it, by overcoming the conceptual reduction of the other to the same that underpins it. This cannot simply entail a movement from a privileging of the political to a privileging of the ethical because Levinas comes to recognize that the ethical relation encounters a problem that cannot be resolved within its parameters. Through the third, the 'individual'[1] finds himself in the ethically problematic situation of being infinitely responsible for, at least, two others. How, then, is he to meet his infinite responsibility for both the other and third? After all, as Levinas explains, 'the other for whom I am responsible can be the executioner of a third who is also my third' (2001a, p. 100). The ego has an obligation to both so which one takes precedence? It is at this moment that the *pre-reflective* encounter with the other necessitates a *reflective decision* regarding which other to turn to first and, indeed, how the ego is to fulfil its responsibilities to him. This requires discrimination and a rational ordering, both of which are, for Levinas, inherently political acts. As a consequence, Levinas's initial *turn away* from the political is subsequently *returned to* the political. While he initially appears to posit the ethical–political relationship in oppositional terms so that the ethical is privileged over the political (Loumansky, 2009), the return to the political from this privileging means that the ethical–political relationship must be thought in terms of entwinement, albeit with a privileging of the ethical aspect (Fagan, 2009; Morgan, 2007; Perpich, 2008).

Having provided an overview of Levinas's thought to clarify the nature of the ethical–political relationship, I outline two different, but ultimately entwined, problems that result from his attempt to develop an ethically inspired politics: first, Levinas claims that a form of 'good violence' (1981, p. 43) may be necessary to overcome the 'bad' violence of ontological politics and so realize the justice inherent to an ethically inspired politics. It is not clear, however, why it is legitimate for Levinas to distinguish between 'good' and 'bad' forms of violence. Presumably, 'good' forms of violence entail ontological and/or physical forms of violence aimed at *preventing* others from committing ontological and/or physical violence against their other. This goal is presumably necessitated by the ego's responsibility for others as this is brought forth by the face-to-face encounter(s) with them. It is not clear, however, at what point it is legitimate for one state or individual to use violence to prevent another from employing violence against third states/individuals and, indeed, why Levinas's affirmation of a good form of violence is different from the violence inherent to the form of politics he criticizes. Levinas never discusses this issue and it has been relatively ignored in the literature, but, thinking with him, I identify three

options that could be used to identify a 'good' form of violence, before showing that they fail because they contradict other aspects of his thinking. The conclusion drawn is that Levinas's affirmation of 'good' violence perpetuates the ontological and physical violence that he criticizes ontologically inspired politics for perpetuating.

The second problem engages with whether Levinas's theory of the subject, as manifested through his notion of substitution, is compatible with the political decision that his ethically inspired politics demands. Whereas *Totality and Infinity* starts from the perspective of an ego that subsequently encounters an other, the notion of substitution developed most fully in *Otherwise than Being* undercuts the egoistic premises upon which his earlier thinking is based by making the ego an *ontological effect* of the other. Despite its importance to Levinas's thinking, there has been relatively little sustained engagement with Levinas's theory of substitution. This is strange given the central role it plays in his later thought and, indeed, its importance to the political decision upon which his ethically inspired politics depends. This decision determines the norms and structures of the state, specifically whether it will (1) aim to be ethical by affirming the other, (2) which other it will first affirm, (3) the socio-political structures of the state that will be constructed to realize this, and (4) if, when, and how much physical and ontological violence the state will be permitted to deploy to realize and defend its chosen norms. Crucially, the decision is a reflective act which, so I argue, must entail a degree of ontological and reflective autonomy from that which it decides upon; namely, the others encountered. This autonomy is, however, precisely what is rejected by the notion of 'substitution'. This reveals a contradiction between Levinas's theory of substitution and the requirements necessary to make the political decision upon which his ethically inspired politics depends.

This conclusion is contingent on the responses given to three sub-issues: first, whether the political decision can be made from the premises of substitution so that the former, like the latter, comes from the other. In other words, can the ego simply make the decision based on the others encountered? I reject this because, while the political decision is called for by the ego's interaction with the other, it cannot be resolved by simply reflecting what the other wants. The individual/state must decide in the face of equally legitimate, competing claims, *which* other to be for first. Second, I argue that the ability to make a decision requires some form of autonomy from that which is to be decided upon. This, however, is denied by Levinas's theory of substitution, because, third, substitution does not entail a synchronic relation, wherein the other founds the ego who subsequently exists autonomously from the other, but is diachronic with the consequence that the ego is *always* linked, through a relationship of alterity, to the other. The diachronic nature of Levinas's theory of substitution prevents the ontological distance from the other necessitated by the notion of autonomy upon which, I suggest, the political decision depends. There is, as a consequence, a contradiction between Levinas's ontology,

as manifested in his theory of substitution, and the autonomy inherent to the political decision upon which his notion of an ethically inspired politics depends. The latter depending on a notion of autonomous agency from the other that his theory of substitution explicitly rejects. To develop these arguments, it is necessary to first identify the nature of the ethical–political relationship.

The Ethical–Political Relationship: Hierarchy or Entwinement

In the early and often ignored 1934 essay 'Reflections on the Philosophy of Hitlerism', Levinas argues that the West's Christian heritage has led to a particular form of politics rooted in violence (1990, Preface). For Levinas, the Holocaust death camps were not simply an anomaly of Western reason, but, somewhat controversially, were the most explicit manifestation of the way of thinking that has dominated Western thinking since its Christian origins (1998a, p. 191). To support this conclusion, he develops a sweeping narrative that argues that the logic of the West's Christian foundations is manifested throughout its history. For Levinas, the chief principle that defines Western civilization is the notion of freedom, defined in terms of 'man [being] absolutely free in his relations with the world and the possibilities that solicit action from him' (1990, p. 64). The fundamental historical moment where this took place was not with Judaism and the ancient Greeks, both of which, on Levinas's telling, had a profound understanding of history and its relationship to the present, but with Christianity and, in particular, its rupture of the soul from the body (1990, p. 65). The introduction of the Christian division between an essential incorporeal soul and physical body led to various consequences: first, to a privileging of ontology, insofar as it perpetuated the idea that to understand the 'truth' of something, it was necessary to understand the being of each entity rather than the way it comports itself towards the other. Second, this ontological understanding was based on the notion of a fixed essence, which thought of entities in terms of pure presence and could not think of anything beyond or other than this essence. This is problematic for Levinas because it means that everything can be enclosed within a totality, a notion he associates with homogeneity and the annihilation of alterity (1969, p. 39). Third, the focus on a fixed defining essence was based on the notion that it is possible to determine, once and for all, the truth of that particular entity. Fourth, the focus on a fixed essence led to the separation of a fixed essence from its outer, inessential appearance. By associating the essential element with the non-physical world, the Christian soul/body division sanctioned the notion that the 'truth' of the world is based on something other than the physical world. This led to a flight from the concrete to the abstract. The combination of these led, fifth, to a privileging of the ego and an inability to think the other.

It is at this moment that violence arises, or, rather, one form of violence. While Levinas recognizes the common understanding of *physical violence*, entailing one object annihilating or imposing itself physically onto another, he rejects the reduction of 'violence' to this sense. There is another sense of violence, called here '*ontological violence*', which occurs when the other is conceptually reduced to the status of the same. Rather than be valued or respected in its alterity, the other is judged by universal standards, thought from the same principle as others, and/or conceptually reduced to the same designation as others. Putting the two forms of violence together, Levinas concludes that violence entails the conceptual reduction of the other's alterity to the same, which can lead to the more ominous physical annihilation of the other. This is not based on a decision, but is contained within the logic of an ontological understanding that focuses on *the* truth and which sees the answer to reside in a fixed, universal, abstract essence. In 'Reflections on the Philosophy of Hitlerism', Levinas aims to overcome this by replacing the abstract egoism he diagnoses as lying at the foundation of ontological and physical violence with an embedded, embodied understanding of the ego. Rather than being divorced from its social world, we must recognize that 'the situation to which he was bound was not added to him but formed the very foundation of his being' (1990, p. 67). We need, as a consequence, a 'new conception of man' (1990, p. 69) wherein the 'body is not…something eternally foreign' (1990, p. 68), but forms the focal point from where analyses must start.

After the Second World War, however, Levinas recognized that this approach was not radical enough because, in focusing on the individual's relationship to the world, it continued to privilege an individual standpoint and was not able to identify the constitutive role that social relations play in forming the ego. Levinas radicalized his position substantially in 1961s *Totality and Infinity* by identifying the ego's *experiential* dependence on social structures and hence the other. His starting point is the self-certain ego which, due to its self-certainty, is, initially, content in and with itself (1969, p. 36). This contentment is, however, won by opposing itself to the non-ego, which is perceived to be 'foreign and hostile' (1969, p. 37). The experience of the ego in this schema is defined not by comprehension or knowledge, but by 'the element of [sensuous] enjoyment' (1969, p. 59). The ego enjoys itself and does so through its engagement with and use of the other. This leads Levinas to distinguish between need and desire. Need entails a void within the ego that can and must be filled by subsuming the other within the ego. Desire is based in aspiration not lack. There is an aspiration to 'possess' the other and for this reason, desire emanates from the other (1969, p. 62). Desire does not, however, subsume the other, but goes to the other and leaves it as other. Ethics is based on desire not need because desire, like ethics, entails a movement to the other that, because it cannot be satiated, is infinite.

Through desire's turn to the other, the ego comes to recognize its proximity to other egos, each of whom also desires the other. The realization that it is not alone

facing a world it can use for its enjoyment is a startling one for the ego. It loses its self-referentiality as it not only encounters others who it must compete with to obtain the object that will allow it to enjoy itself, but also faces something that it cannot control or determine. The disruption caused is not a pleasant experience, but 'tears [the ego] from the solid ground on which [the] I, a simple individual, places [it]self' (1999, p. 28), 'puts into question the sufficiency of [its] identity as an I' (1998b, p. 133), and subjects the ego to an infinite responsibility for the other. Levinas writes that 'the way in which the other presents himself, exceeding *the idea of the other in me*, we here name face' (1969, p. 50). The concrete embeddedness of human existence and the uniqueness of each face-to-face relation means that ethics, for Levinas, cannot entail a relationship to the other mediated through formal a priori rules and regulations. Ethics is, as Simon Critchley explains,

> *lived* as a corporeal obligation to the other, an obligation whose form is sensibility. It is because the self is sensible – that is, vulnerable, passive, open to wounding, pain, and the movement of the erotic – that it is worthy of ethics. Ethics, for Levinas, is enacted at the level of skin (1999, p. 180).

Such is the impact that the experience of the other's face has on the ego that Levinas maintains that it holds the ego 'hostage' (1981, p. 112). This does not entail a physical hostage-taking, but a sense of captivation as the ego becomes beholden to the other. This occurs because the experience of the nudity of the face is a strange event that, while prior to conceptualization, nevertheless sends a message regarding the destitution and vulnerability of the other. Through this, the ego is brought to a sense of infinite responsibility for the other. Importantly, this responsibility is asymmetrical: 'I am responsible for them without concerning myself about their responsibility for me because I am, in the last analysis and from the start, even responsible for that' (2006, p. 57). The ego's responsibility is not because of action on its part, but because its relationship to the other entails 'a passivity more passive than all passivity, an exposure to an other without this exposure being assumed' (1996, p. 121). The ego's passivity is an effect of the other's transcendence, which lies at the 'foundation' of the ethical relation and, hence, the ego: 'transcendence is ethics, and subjectivity, which is not, in the last analysis, the "I think" (which it is at first) or the unity of "transcendental apperception," is, as a responsibility for the other (*Autrui*), a subjection to the other (*autrui*)' (1996, p. 140). The ego (=same) only exists because of the other, a dependence that is not an enslaving, but an election that always returns the ego to the other.

While this appears to make the ego an effect of the other, Jacques Derrida (2002, p. 133) famously criticized Levinas's *Totality and Infinity*, claiming that, by starting from the position of a self-certain ego, Levinas continued to affirm the egoistic standpoint he claimed to want to overcome. For all its apparent innovation, Levinas's thinking was not radical enough; it continued to privilege the egoistic

perspective it criticized. Levinas's response was to radically re-configure his thought from and around the notion of 'substitution'. First introduced in a lecture given under the same title in Brussels in 1967, Levinas re-worked it into a longer essay published in 1968 (1996, pp. 80–95), before re-writing it again and publishing it in 1974 as the 'centerpiece' (1981, p. xlviii) of *Otherwise than Being*. Schematically, there are, at least, three aspects to it. First, substitution does not 'happen to an empirical ego, that is, to an ego already posited and fully identified' (1981, p. 115); it 'precedes this empirical order' (1981, p. 116) and entails the onto-genetic process through which the empirical self arises from the other. Anya Topolski explains that the consequences are profound: 'one no longer begins from the "I" (ego), but from alterity. It is not the "I" that comes to the other, but the other who calls and *elects me*, transforming me into an "I" that can respond' (2015, p. 136). It must be noted, however, that strictly speaking there is no 'me' prior to the other: 'suffering the weight of the other man, the "me" [*moi*] is called to uniqueness by [ethical] responsibility' (1996, p. 176). The ego gains 'its exceptional uniqueness in the passivity' (1981, p. 117) that emanates from 'the incessant event of subjection to everything, of substitution. It is a being divesting itself, emptying itself of its being, turning itself inside out, and if it can be put thus, the fact of "otherwise than being"' (1981, p. 117). The ego is never a static point of reference, but is always an effect of the other who is also always being substituted by/for its others. The ego is pure diachronic relationality. Second, that the ego is an ontological effect of the other with whom it always becomes from/with means that the empirical ego is always indebted to the other. This is manifested through an infinite responsibility 'whose entry into being [is] effected…without any choice' (1981, p. 116). By the time the ego arises as a reflective self, it is already 'a hostage' (1981, p. 118) of the other and, indeed, is already responsible for the other. However, this ontologically derived responsibility needs to be experientially affirmed by the empirical ego and is through its individual choices and political decisions. The first two points mean that, third, substitution is not *fundamentally* a reflective act of the subject, nor is it based on a decision about the other or oneself: 'we do not mean to reduce an entity that would be the ego to the act of substituting itself that would be the being of this entity. Substitution is not an act; it is a passivity inconvertible into an act' (1981, p. 117). Contrary to *Totality and Infinity's* claim that social relations entail an already formed ego *encountering* and subsequently subordinating itself to the other, Levinas's notion of substitution maintains that the empirical ego is an *ontological*, not just *experiential*, effect of the other. It should be noted, however, that in the 1988 interview 'Responsibility and Substitution', Levinas recognizes that 'substitution entails bringing comfort by associating ourselves with the essential weakness and finitude of the other' (2001a, p. 228). There is, then, an empirical level of substitution wherein the empirical ego affirms the responsibility to the other that emanates from its ontological debt to the other. This secondary sense of substitution is, however, derived from the primordial

ontological sense: the empirical ego *should* affirm the other because it is absolutely responsible for the other by virtue of being ontologically derived from the other. Aryeh Botwinick misunderstands this when he claims that 'the ethical vocabulary of "substitution" suggests on some level that a robust and overly self-regarding self needs to learn how to properly subordinate itself to others' (2014, p. 205). This reduces substitution to its secondary sense and fails to recognize that it does not *fundamentally* entail the proscription of a certain ethical act where an already formed ego encounters and learns to reflectively subordinate itself to the other; substitution describes the ego's onto-genesis from the other. Botwinick is not then totally correct to claim that 'substitution is…violence because it takes hold of the other…before the other has had a chance to develop his individuality and to juxtapose and counterpose it to mine in the public space of institutions' (2014, p. 196). The fundamental sense of substitution entails the relational condition that *creates* the individual in the first place. It cannot entail a form of violence, in either its ontological or physical forms, because, strictly speaking, there is 'nothing' present for the other to do violence to prior to the 'act' of substitution.

Substitution offers an important clarification within Levinas's ethical theory that purges his thinking of the static, egoistic premises that continued to adhere to his earlier formulations. Levinas did, however, come to recognize that his ethical theory gave rise to another problem that it could not answer: the third. While Levinas's ethical theory takes place through a description of the face-to-face relation, actual society is never a duality, but contains others: 'persons are not simply in front of one another; they are along with each other around something' (2001b, p. 32). This complicates the ethical relation substantially and leads to a completely different form of social relation as the question moves from the realm of ethics to the realm of the political. As Levinas puts it,

> if there were only two people in the world, there would be no need for law courts because I would always be responsible for and before, the other. As soon as there are three, the ethical relationship with the other becomes political and enters into the totalizing discourse of ontology (1986, p. 21).

Whereas the ethical relation is a 'flat' relation wherein one face encounters the other, the third brings depth to Levinas's understanding of the social world. The third disrupts the face-to-face relationship because it brings the two members of that relation to an awareness of others, each of whom also issues a demand that he be cared for. Social relations are not then zero-sum games played between two actors; they are dynamic and diachronic and, for this reason, '[t]he relationship with another is a relationship that is never finished with the other; it is a difference that is nonindifference and that goes beyond all duty, one that is not re[ab]sorbed into a debt that we might discharge' (2000, p. 161). The third does not entail a relationship that culminates, nor does it entail any moment of synthesis or absorption of the other. Throughout the relationship, the alterity of each member is

maintained. If it were not, the other would be reduced to the same. The question arises as to how the ego is to adequately respond to the multiple commands it simultaneously receives from the multiple others it encounters. 'Who, in this plurality, comes first?' (1998a, p. 166). After all, as Levinas explains, 'the other for whom I am responsible can be the executioner of a third who is also my third' (2001a, p. 100). The ego has an infinite obligation to both, so which one takes precedence? Does the ego attend to the executioner or the one about to the executed? Faced with the other and the third, the ego has to reflect on both to decide how to respond to the call emanating from them (1998a, p. 103). Moving from the immediacy of the face-to-face ethical relation to the question of the third gives rise to 'the birth of thought, of consciousness, of justice, and of philosophy' (1996, p. 95). For Levinas, this is the moment when the non-reflective, ethical relation needs and so moves to the realm of the reflective, political decision. The comparison and organization inherent to the political are, for Levinas, 'necessary [and] justified' (2001a, p. 51) because they better allow the ego to evaluate the competing demands placed on it by its others, as a precursor to deciding how to respond to them.

Politics from Ethics

While Levinas's turn to the ethical is guided by a rejection of ontology, totality, and the state, his return to the political brings him to recognize that

> [t]he state, general laws, are necessary. Institutions are necessary to carry out decisions. Every work of politics and justice is necessary. This order negates mercy, yet is called into being by this very mercy with a concern to recognize all the others who form the human multiplicity (2001, p. 230).

This is part of Levinas's growing awareness that 'we can never completely escape from the language of ontology and politics' (1986, p. 22). However, while the ethical relation needs the political, the political returned to does not entail a privileging of ontology, but places ethical responsibility at its heart (2001a, p. 108). Only this form of politics is structured to secure the dignity of its citizens and ensure that each is respected in his alterity. At the most basic level, the just state is one whereby the laws of the state are egalitarian and aim at promoting the welfare of the other. States that do not do this fail to take their cue from the face-to-face relation and so cannot respect the other. They cannot be ethical states. As Levinas explains, 'it is in terms of the relation to the face or of me before the other that we speak of the legitimacy or illegitimacy of the state. A state in which the interpersonal relationship is impossible, in which it is directed in advance by the determinism proper to the state, is a totalitarian state' (1998a, p. 105). Totalitarian states ignore the other to affirm the same. It is for this reason that Levinas links traditional forms of the state to totalitarianism even if actual states profess

otherwise. In contrast, he insists that the political must be thought from the infinity of the ethical to establish a non-totalitarian politics founded on ethical premises. His conclusion is that the ethical requires 'political laws which are essentially egalitarian or held to become so' (1996, p. 168) where 'man always cedes his place to the other' (2001a, p. 112).

That the political returns from Levinas's privileging of the ethical brings forth two inter-related questions: (1) when does the third exist? And (2) how are we to understand the ethical–political relationship? Two options present themselves. Levinas's statement that 'first philosophy is an ethics' (1985, p. 77) appears to entail a privileging of the immediate face-to-face relation, which first exists before the third is experienced. This is developed in the secondary literature by Amanda Loumansky who claims that 'the Third's arrival is not spontaneous with, or contained within, the Self's face-to-face encounter with the other but is a distinct and separate event that contextualises it' (2009, p. 31). On this understanding, 'the ethical encounter with the Other must be a solitary affair, absent the Third, because it is as such that it acquires its moral force' (2009, p. 41). The strength of this approach is that it takes seriously Levinas's insistence that the ethical relation is concrete, emphasizes the radicality of the ethical relation, and, in so doing, distinguishes the ethical from the political. It does, however, drastically downplay the importance of the third by claiming that, strictly speaking, an individual can only encounter one other at a time. It does not, therefore, call for a decision regarding which other the individual will turn to first because it understands that the individual/state can only be responsible for the one it is turned to at that particular moment. As a consequence, the political problem is simply removed as Levinas's thinking is reduced to the ethical face-to-face relation.

As noted, however, Levinas makes a number of comments that affirm the importance of the political decision, arguing that it is a natural outgrowth of the ethical relation, and arises because of the existence of the third. Rather than being a secondary phenomenon to the face-to-face duality, Levinas explains that 'I don't live in a world in which there is but one single "first comer;" there is always a third party in the world: he or she is also my other, my fellow' (1998a, p. 104) and 'my relation with other men is not a relation with a single man. There is always a third, a fourth, because in fact we are in a multiple society where, on the fundamental relation to the other the whole knowing of justice, which is indispensable, is superimposed' (2001a, p. 54). In the secondary literature, these comments have given rise to an alternative entwined understanding of the ethical–political relationship. Rather than seeing 'the Third as a secondary element' (2009, p. 6), Madelaine Fagan suggests that 'an examination of the concept of the face and the face-to-face relationship demonstrates that the Third is present in that face-to-face relationship from the very beginning, in fact as an integral part of the face itself' (2009, p. 7). The third is not a secondary or unimportant concept coming after the face-to-face relation,

> the ethical, the face-to-face and the infinite responsibility it heralds are inextricably entwined with the ideas of the Third, justice and politics in Levinas's work…There is not first the Other and then the Third but rather the Other and the face-to-face relationship with them always includes the Third (2009, p. 9).

On this understanding, Levinas is not simply proposing that we privilege the ethical over the political, but, with the third, argues that the ethical and the political are intimately entwined. Fagan supports her position by pointing out that, whereas the oppositional understanding is 'an approach whereby responsibility is understood in terms of infinite responsibility in the face-to-face and politics as the interruption and corruption of this responsibility with the entry of the Third' (2009, p. 19), the division instantiated between the ethical's relationship to the other and the political's relationship to the third 'immediately breaks down because the Other is also the Third, and the Third is the Other' (2009, p. 19). As a consequence, 'the political and the ethical thus become inseparable in Levinas's work; there is no temporal separation of the Other and the Third and so no possibility of separating justice from charity or politics from ethics' (2009, p. 19). Rather than a 'pure' ethical confronting a 'pure' non-political, Fagan suggests that we understand Levinas's thinking 'in terms of the ethico-political. Not only does the ethical always permeate the political…but the political is also always within the idea of the ethical or responsible' (2009, p. 19). Diane Perpich draws a similar conclusion to explain that the third must exist simultaneously with the other because it is through the third that the movement from ethics to politics takes place. She never discusses it, but Loumansky's reading would mean that the political decision is optional. Perpich and Fagan reject this, claiming that the movement from ethics to politics is a necessity that emanates from the ethical relation itself. 'This means that ethics, or the ethical relationship, is never present without referring us directly to politics, and politics likewise contains an internal reference to ethical proximity' (Perpich, 2008, pp. 196–197). Politics is not optional for Levinas and so the third must be related to and implicated 'in' the face-to-face relation. It cannot be something tacked onto the face-to-face relation, but always accompanies it. For Levinas, 'ethics and politics are complementary. We cannot have the one without the other' (Morgan, 2007, p. 23).

While it may be tempting to claim that this is one of those moments where we simply have to choose a reading and run with it, Robert Bernasconi claims a way out that reconciles these positions and, in so doing, explains the relationship between the third and other, ethics and politics, all the while respecting Levinas's claim that ethics is first philosophy. While Bernasconi favours the entwined conceptions of the ego-other, ethical–political relationships, he accounts for the alternative reading by pointing out that, while there is textual evidence to support it, it is predominantly found in Levinas's earlier work, especially *Totality and Infinity*, which tends 'to present the relation of ethics and politics in terms of a derivation of one from the

other' (1999, p. 83). Bernasconi claims that this is subsequently corrected as Levinas recognizes that the ethical and political are 'conflicting aspects of what he increasingly present[s] as a single structure' (1999, p. 83). The conclusion drawn is not that we need to choose between an 'early' and 'later' Levinas, but that the two interpretations point to 'a difference between layers of meaning [whereby] the focus passes from the priority of the ethical over the political to the point of intersection between them' (1999, p. 80). Building on Bernasconi's insight, my suggestion is that we need to understand that, while the ethical is privileged over the political because it is the source of the meaning of the political, there is no absolute *experiential* division between the two. We need to distinguish between the *conceptual* level of Levinas's analysis of the ethical–political relationship that sees the ethical relation grounding the political and so creates a hierarchy between the two, and the *experiential* level that holds that in the actual, diachronic concreteness of the relationship, the ethical–political exist in symbiotic entwinement. The ethical is always brought to the question of justice through the mediation of its dependence on the reflective judgement of the political, while the political is brought to search for justice because it is grounded in and, on Levinas's telling, should be directed by the responsibility inherent to the ethical relation.

Levinas's attempt to affirm an ethically inspired conception of politics is certainly innovative, but it depends upon two issues that are problematic for his goal of overcoming ontological forms of violence. Specifically, his (1) claim that this form of politics entails a 'good' form of violence, and (2) insistence that the political decision required to realize his ethically inspired conception of politics is compatible with his theory of substitution. In what follows, I argue that the former undermines his claim that his ethically inspired politics is fundamentally different to ontologically inspired forms of politics, while the political decision upon which his ethically inspired politics depends is incompatible with his theory of substitution. It is to the former that I now turn.

Violence in the Name of Justice

Having previously criticized the ontological and physical violence of traditional conceptions of politics and affirmed the ethical relation to overcome these, in 1983s 'Philosophy, Justice, and Love', Levinas accepts that there may be a role for violence in an ethically inspired politics:

> 'There is an element of violence in the state, but the violence can involve justice. That does not mean violence must not be avoided as much as possible; everything that replaces violence in the friction between states, everything that can be left to negotiation, to speech, is absolutely essential; but one cannot say that there is no legitimate violence' (2001a, p. 167).

> What does it mean to say that violence can be legitimate? Where does legitimacy emanate from? And what does this mean for Levinas's attempt to overcome the ontological and physical violence he diagnoses as being synonymous with traditional forms of politics? Answering these questions requires that we determine which form of violence is necessary and justified in the name of justice.

Levinas's comments are under-developed, but if an ethically inspired politics continues to use the violence inherent to ontologically inspired politics, it appears that we cannot think of the two forms of politics in oppositional terms whereby the non-violence of the former is opposed to the violence of the latter. The entwined nature of the ethical–political relationship means that we must accept that violence is integral to the ethical–political relationship and think of it in terms of a continuum whereby different forms of the political are defined by different degrees of ontological violence. For this reason, Martin Hägglund's notion of 'lesser violence' (2008, p. 82) is helpful to understanding the violence inherent to Levinas's ethically inspired conception of politics. For Hägglund, justice does not and cannot entail the absence of violence because of the ordering inherent to the political decision. The question of justice requires a decision, which, while always entailing a form of violence insofar as it orders the multiplicity of ethical relations, does not aim at gratuitous violence. It will be remembered, however, that Levinas distinguishes between physical violence and, what I called, 'ontological violence' which occurs when the other is conceptually reduced to the same. Ontological politics is based in ontological violence and potentially, at least, physical violence. The Levinasian just state is distinguished from the unjust state because, whereas the latter uses physical violence to bolster its underlying ontological violence, the just state *can* employ physical violence to lessen ontological violence and so affirm the alterity of the other. The physical violence used, however, must be the least amount judged necessary to overcome the ontological violence at play. It is not clear, however, what 'least amount' means and who or what determines what it entails. Indeed, it is not clear that the state's intervention in the affairs of another does not subordinate the other to the same, the very action that Levinas's affirmation of the ethical relation aims to overcome. After all, how can the intervening state know when the other state is being unjust? And what allows it to judge the point whereby the actions of the other state surpass the acceptable amount of (ontological and physical) violence?

Levinas never discusses these issues, but, thinking with him, it seems that three options present themselves. The first emanates from Levinas's claim that the state has an infinite responsibility towards the other with the *just* state affirming this responsibility. Because the state emanates from its other, any decision about how to treat the other is, somewhat paradoxically, always grounded in and from the other. If the state bases its decision about its other from its grounding in the other, it may appear that the state does not have to decide on its treatment of its others; it simply

has to *reflect* what its other wants. As a consequence, the political decision of the state regarding whether to intervene in the affairs of other states and, indeed, how to do this will always be just because it will always *reflect* the other's 'needs' and so will always be *for* the other.

The problem with this option is that, while it recognizes the existence of another and a third, it fails to understand the problematic that this dual encounter throws up: the state can only take responsibility for *one* other at any time despite having an infinite responsibility for both. The political decision arises because there are, at least, two others – the other and the third – present, each of whom are in different situations and so require different responses. The state cannot simply reflect the 'needs' of the others encountered because, presumably, both will either affirm their individual importance or, if they are ethically inspired, the other. Both responses fail to help the state make a decision about which other to turn to first.

If the others encountered cannot guide the state's decision about when and what form of violence is required, a second option would be to leave it to the state to decide about the relative worth of its others. Levinas makes this claim in a 1992 interview with Roger-Pol Droit when, distinguishing between justice and charity, he explains that the former, upon which the ethical state depends and aims for, 'introduces a form of equality and measure, a set of social rules established as *the state sees fit*' (2004, p. 131, italics added). This, however, means that the state takes the decision from the perspective of its own ends, its perception of the other, and the way it understands its relationship to the other and third. The political decision is then a consequence of the state imposing its understanding of the relative worth/neediness of its others onto the other/third and using this understanding to judge which other to act for in that moment. This reduces the alterity of its others to the perspective of the state, thereby reducing the other's alterity to the same. In so doing, it commits the ontological violence to be overcome.

To overcome this, we are led to the third option: if the decision about which form of violence to use, when to use it, and against whom it should be directed, depends upon the state judging the relative worth of each of its others and this commits the ontological violence that Levinas's ethically inspired politics aims to overcome, is there another way to determine when and how much violence is to be used and, indeed, who it is to be orientated for? One option might be to introduce a criterion to allow the state to decide when, where, and against whom to use violence. This could entail (1) a *comprehensive* criterion that details when the individual/state is justified in responding violently to another and, indeed, what form the response should take or (2) the designation of a *content-less principle* that guides, without determining, the political decision about which other to be for. In many respects, Levinas offers this by claiming that an ethically inspired politics aims for 'justice' that is always 'to-come (*avenir*)' (1998b, p. 95) and so always 'anticipates a justice which is more just' (2001a, p. 51). In other words, justice could and should be used

to determine when violence is needed, what form it takes, and against which other it is to be deployed.

The problem with both options is that (1) reduces the alterity of each face-to-face relation with the other to the same principle and, in so doing, once again commits the so-called 'just' state to the ontological violence that Levinas rejects in his critique of ontologically inspired politics. This same problem is found in (2), but is compounded because this so-called 'objective' principle (justice) is, as Jason Caro notes, 'so underdetermined that it has few rules to guide its exercise' (2009, p. 672). It is quite possible, therefore, that Levinas 'can legitimately make any assessment that he wishes without incurring a strong charge of inconsistency' (2009, p. 680). Its indeterminacy means that the state would have to decide on what it entails. This, however, would ensure that the principle (justice) that was supposed to guide the political decision about violence actually depends upon the state deciding upon the meaning of that which is supposed to guide it. This would reduce the evaluation of the other to the perspective of the state and so perpetuate the ontological violence to be overcome.

We see then that, while Levinas's attempt to place justice at the core of the political may be noble, its execution depends upon the ontological violence to be overcome, which, as pointed out, can be used to sanction physical violence. As he admits,

> the element of violence in the State, in the hierarchy, appears even when the hierarchy functions perfectly, when everyone submits to universal ideas. There are cruelties which are terrible because they proceed from the necessity of the reasonable Order. There are, if you like, the tears that a civil servant cannot see: the tears of the Other (*Autrui*) (1996, p. 23).

If Levinas affirms the ethical relation to overcome the ontological and physical violence of ontological politics, but yet comes to accept that it is intimately connected to the ontological and physical violence to be overcome, it is difficult to see how he can justifiably hold that a privileging of the ethical relation can constrain political violence to affirm justice. At most, he may be able to claim that his ethically inspired politics entails a lesser form of violence than is constitutive of ontologically inspired politics, but this brings us back to the unanswered questions about the nature of 'lesser' and who decides on this.

Substitution and the Political Decision

The latter brings me to the second problem with Levinas's ethical–political relationship, specifically whether the political subject is capable of making the political decision about its others when Levinas's theory of substitution purges his thinking of the egoistic premises that this decision seems to depend upon. It will be

remembered that, through the third, the ethical relation necessitates a political decision regarding which other to be for at that moment and, indeed, how to be for that other to affirm the greatest amount of justice possible. Levinas never discusses the nature of this political decision and seems to think that it is unproblematic, but my argument is that it requires a degree of autonomy from that which is being decided upon (in this case, the others encountered) which is explicitly rejected by the theory of substitution. If the need for the political decision were consistent with Levinas's theory of substitution, the decision would not, in actuality entail a decision, but a reflection of the other's desire. It may be that Levinas is trying to introduce a new ethical conception of the decision as that derived from the other, a conclusion that would be consistent with his theory of substitution, but this does not solve the problem because the political decision does not ask the ego to decide to be for the other; it asks the ego to determine *which* other to be for in that moment. As noted, the answer cannot be derived from the others being considered because each would, presumably, respond that the ego should favour it. Of course, it might be objected that this would mean that each other was not ethical because it privileged itself over the other. The situation would not change, however, if each other were ethical and responded that the ego should choose the other's other. In this scenario, both others would provide the ego with the same response (i.e. affirm the other), meaning that the ego would still be left with the question of which other to be for in that moment. Furthermore, if it was suggested that the ego made the decision about which other to be for *unconsciously* from its previous interactions with the others involved, this would violate Levinas's claims that the decision, as a political one, is based in rationality and is, therefore, a reflective one (2001a, p. 183).

If the need for the decision is generated from the ego's simultaneous encounter with, at least, two others, but its response cannot be received from them, it appears that the ego must simply decide which other to be for first. I have already noted that this commits the ontological violence to be overcome, but I will now argue that the autonomy from the other that this requires is prevented by Levinas's theory of substitution. This conclusion depends upon three sub-issues: first, a particular conception of the nature of the 'decision'; namely, that it entails a purposeful, reflective, intentional act that (a) creates a schema regarding the relative worth of the others encountered, and (b) requires agential autonomy from that being decided upon. As noted previously, the political decision is called forth by the state's exposure to the competing demands of, at least, two others. It is only if the state ranks the relative worth of its others that it can decide which one to be for first. This either requires a criteria to judge each by or a normless decision made from the arbitrary judgement of the state.[2] Both, however, entail actions that reduce the other's alterity to the same. The decision requires agential autonomy because the state must judge the relative worth of its others. This judgement cannot simply reflect the desires or demands of the others encountered because the state encounters, at least, two others who impose infinite responsibilities onto it in the

form of the demand that the state be for each one first. Given its finite existence and resources, the state cannot meet all its responsibilities simultaneously and so must actively decide which is more important. This choice entails an agential act wherein the state identifies the demands of each other, weighs up their relative merits, decides which to affirm, how to affirm it, and, indeed, what to do with the one to be initially ignored. The political decision is then one that the state does *to* its others even though the need for that decision is received *from* its others.

Second, the agency inherent to the political decision requires a degree of autonomy from that which is being decided upon with this autonomy requiring some form of ontological distance from the matter in question. Only this ontological distance permits the ego to actually decide on which other to affirm in that moment without this decision being an effect of its other(s). If it were an effect of its other, as his theory of substitution claims, the individual would simply reflect the other's desire. Levinas recognizes that this might work '[i]f there were only two people in the world' (1986, p. 21) because 'there would be no need for law courts because I would always be responsible for and before, the other' (1986, p. 21). The problem of the third renders this solution mute, however, because it calls for a decision about which other to affirm. The ego's response cannot, then, simply be derived from the others encountered because both issue the same ethical command that the ego affirm it before others. This simply returns the ego to the initial decision about which other to be for in that moment. If the political decision requires agency on the part of the ego, which depends upon some autonomy and hence ontological independence from the other, it is difficult to see how this is compatible with Levinas's theory of substitution, which specifically rejects the notion that the ego is independent and self-determining.

This conclusion depends on a third sub-argument relating to whether the onto-genetic account of the ego from the other inherent to Levinas's theory of substitution is synchronic or diachronic. This is important because it will demonstrate whether the ego can exist without the other, which would provide it with the autonomy that would allow it to make the political decision. This would undermine my critique of the incompatibility of the political decision and Levinas's theory of substitution. By 'synchronic', I mean a relationship between ego and other whereby the latter brings forth the former before the ego exists autonomously from the other. The conception of onto-genesis from the other at play would be *eventful* rather than continuous, insofar as the ego's *ontological* dependence on the other would be restricted to a singular moment of creation before it subsequently existed autonomously from the other. This conception respects Levinas's claim, in his theory of substitution, that the ego is an *ontological* effect of its other, but subsequently permits the ego autonomy from its others to make the political decision. In contrast, 'diachronic' refers to a conception of onto-genesis whereby the ego and other exist in *continuous ontological entwinement* so that the ego is continuously created from the other in each moment of its existence.

Levinas affirms a diachronic form of onto-genesis. In the 1985 essay 'Diachrony and Representation', for example, he rejects 'the logical alterity' (EN: 166) underpinning the synchronic understanding because it holds that, at some point, the ego and other 'are marked off in opposition to one another, in which, in a purely formal way, this one, is other to that one, and that one is, by the same token, other to this one' (1998a, p. 166). A relation of opposition underpins the synchronic conception of onto-genesis, meaning that Levinas's rejection of that form of relation is also a rejection of a synchronic conception of onto-genesis. Rather than emanating, but subsequently existing autonomously, from its other, Levinas explicitly states that, at no point, do the ego and other exist in opposition to one another. Each is always other-than-the-other, which ties them together in their alterity. Indeed, 'the uniqueness of the self is the very fact of bearing the fault of another' (1981, p. 112). The ego only is a unique being by virtue of its relationship and, hence, connection to another. If this connection through alterity is not present, the ego cannot exist, meaning that, if it continues to exist, it is because it is in continuous alterity with/from another. This understanding lies behind Levinas's claims, in the 1982 interview with Phillipe Nemo, that there is 'dia-chrony before all dialogue' (1985, p. 97) and, in the 1986 interview with Richard Kearney, that 'time fashions man's relation to the other, and to the absolutely other or God, as a diachronic relation irreducible to correlation' (1986, p. 23). Rather than a synchronic relation wherein the other founds the ego who subsequently exists autonomously from the other, substitution is diachronic with the consequence that the ego is *always* becoming itself from the other: 'this is a responsibility that does not leave me time: it leaves me without a present for recollection or a return into the self' (1998b, p. 71). From this, it is difficult to see how the ego ever obtains the ontological distance from its other necessitated by the notion of autonomy upon which, I have argued, the political decision about its others depends. Levinas's thinking on the ethical–political relationship is innovative and challenging, but there is a contradiction between his account of the onto-genesis of the ego, as manifested through his theory of substitution, and the nature of the political decision upon which his notion of an ethically inspired politics depends; the latter depending on a notion of autonomous agency from the other that his theory of substitution explicitly rejects. His conception of an ethically inspired politics continues to rest then on a form of the ontological violence he otherwise rejects, while the political decision upon which his ethically inspired politics depends is incompatible with his theory of substitution.

Acknowledgements

This paper forms part of the activities for the Conex Marie Skłodowska-Curie Research Project 'Sovereignty and Law: Between Ethics and Politics' co-funded by the Universidad Carlos III de Madrid, the European Union's Seventh Framework

Programme for Research, Technological Development and Demonstration (600371), The Spanish Ministry of the Economy and Competitivity (COFUND2013-40258), The Spanish Ministry for Education, Culture, and Sport (CEI-15-17), and Banco Santander. More information can be found at https://sovereigntyandlaw.wordpress.com/.

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Notes

1 One reviewer objected that using the notion 'individual' is problematic given Levinas's critique of egoism and sameness. He/she is absolutely correct, but, as he/she noted, purging the use of 'the individual' or 'ego' from what follows would be stylistically problematic to the extent that it would produce a text was, most probably, incoherent. Until we develop the 'ethical language' (1981, p. 94) that Levinas calls for, I cannot think of another way to explain the duality of the ethical relation, including its diachronicity, without using the term 'individual' or 'ego'. The reviewer's critique is also premised on the notion that Levinas's thought aims to remove all vestiges of egoism or individuality from his theory, which, in turn, is, I suspect, implicitly guided by the notion that Levinas opposes the ethical to the political. One of the guiding themes of this paper is that Levinas's conception of the ethical–political relationship is one of entwinement, not opposition, with the consequence that the ethical relation has to continually engage with and, indeed, use the language, rationality, and calculation of the political. As Levinas came to recognize, the return to politics necessitated by the third means that 'we have no option but to employ the language and concepts of Greek philosophy, even in our attempts to go beyond them' (1986, p. 28). For this reason, I follow Levinas's continued use of 'individual' and 'ego' although remind the reader that he/she should always read these as entailing the other.

2 In Rae (2016), I develop these positions by undertaking a critical analysis of Carl Schmitt's and Emmanuel Levinas's political theologies, claiming that, for the former, the political decision is normless while, for the latter, it is normative based on the affirmation of justice.

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