

## On Sovereignty and Trespass: the Moral Failure of Levinas' Phenomenological Ethics

*Wendy C. Hamblet*

For the little humanity that adorns the earth,  
A relaxation of essence to the second degree is needed  
In the *just war* waged against war  
to tremble or shudder at every instant because of this very justice.  
This weakness is needed.  
This virility without cowardice is needed for the little cruelty our hands repudiate.  
Emmanuel Levinas.

With my pitiful earthly Euclidean understanding, all I know is that there is suffering  
and that there are none guilty.  
Fyodor Dostoevsky.

### Abstract

Mortal being is not being pure and simple, not *posit-ive* being alone, as the lived experience suggests it to be. Living being is always a living of mortal flesh, a living taunted by death as “the nothingness that wearies it.” This taunting doggedly pursues the living being and turns it inward in what Levinas terms “inter-esse.” In living its mortality, essence is always inter-esse — inside of itself — in the for-itself of self-interest.

This paper attempts to track the opening of essence from its “innocent” lived mortality, through the “thinking” awakening that brings it to an awareness of the violences entailed in its living, to its opening as an ethical being where self is abandoned, ruptured, sacrificed for the sake of the suffering other. This paper also addresses the larger question of what, if anything, is missing in Levinas' account of living being. In his fidelity to a monadic view of isolated existence with its meaning-appropriations, is Levinas bound to maintain the “innocence” of all living beings, even in their most vile acts against others? Can Levinas account for the ability of the existent to leap outside his enclosed world to effect the destructive works that we witness every day in the human world? Can Levinas, committed to the “innocence” of living being, do justice to the injustices of the holocaust that motivate his work, or to the endless parade of holocausts that mark the history of the human species even to the present day? Finally, this paper entertains whether Levinas' weddedness to this view of living being as isolated self-enclosure compels him to overlook the degree to which our meanings are preordained by the socio-politico-economic realities of our cultural contexts, whether the phenomenologist, as much as the existent, must remain blind to the powers of histories and institutions and systems to dictate the meanings that we find *as* the borders that give us the stable lifeworld.

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In a rethinking of Hegel's insights into the experience of living being, Emmanuel Levinas states:

The concept emanates from essence. The nothingness that wears it mortally perpetuates the truth of idealisms, the privilege of thematization and the interpretation of the being of entities by the objectivity of objects. (OB175)

Levinas' rewording captures, in Hegel, the fact that living mortal being is an enterprise of refusal. It is a project of repudiation of the losses that are definitive of mortal existence. It is a project of forgetting its own deathliness. Living being sets about denying its mortality by constructing a living site, bounded by permanent changeless truths. The home site of living being is a work of self-definition, accomplished through the same meaning-full process whereby it defines surrounding others. This defining is accomplished through conceptualizations, thematizations, objectifications, interpretations — the construction of stable identities and ideal truths. Within this site paved with established meanings, a living evolving subjective reality, surrounded by other living evolving subjective realities, can experience the lifeworld as a standing, a stopping, a stasis in the midst of mortal flux and flow. The chaos of fluctuating being is banished from the site of existence by a simple sleight of hand — naming stabilizes as “known” things infinitely unknowable — my mother, my son, my lover, my dwelling place:

Man has overcome the elements only by surrounding this interiority without issue [his engulfment in the chaos] by the domicile, which confers upon him an extraterritoriality. (TI 131)

And also:

the interiority of the home is made of extraterritoriality... (TI 150)

A stable site of existence can only be accomplished by grasping onto a “side” of a being as it flows endlessly alongside and past the existent, pursuing its own living adventures (TI 131-132). These “graspings” — appropriations of alterities — make

mortal existence bearable, even pleasurable, since they permit a forgetting of the persistence of death. Mortal being is not being pure and simple, not positive being alone, as the lived experience suggests it to be. Living being is always a living of mortal flesh, a living taunted by death, “the nothingness that wearies it.” This taunting doggedly pursues the living being and turns it inward in what Levinas terms “inter-esse.” In living its mortality, essence is always inter-esse — inside of itself — in the for-itself of self-interest.

This paper attempts to track the opening of essence from its innocent lived mortality, through the “thinking” awakening that brings it to an awareness of the violences entailed in its living, to its opening as an ethical being where self is abandoned, ruptured, sacrificed for the sake of the suffering other. This paper also addresses the larger question of what, if anything, is missing in Levinas’ account of living being. In his fidelity to a monadic view of isolated existence with its meaning-appropriations, is Levinas bound to maintain the “innocence” of all living beings, even in their most vile acts against others? Can Levinas account for the ability of the existent to leap outside his enclosed world to effect the destructive works that we witness every day in the human world? Can Levinas, committed to the “innocence” of living being, do justice to the injustices of the holocaust that motivate his work, or to the endless parade of holocausts that mark the history of the human species even to the present day? Finally, this paper entertains whether Levinas’ weddedness to this view of living being as isolated self-enclosure compels him to overlook the degree to which our meanings are preordained by the socio-politico-economic realities of our cultural contexts, whether the phenomenologist, as much as the existent, must remain blind to

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“Essence, cognition and action are bound to death,” states Levinas in the opening of the final chapter of his final work, *Otherwise Than Being or Beyond Essence*. The history of philosophy is founded upon this insight, Levinas suggests. “It is as though the Platonic Ideas themselves owed their eternity and their purity as universals only to the perishing of the perishable” (OB 175). The existent employs the concept — the universal — to stabilize its living world. With the concept, the coming-to-be-passing away of mortal existence can be fastened down to something eternal and unchanging. With concepts, clear and distinct meanings constitute boundaries to the chaos, and mortal being can forget the passing-away inherent in its coming-to-be.

Thus, in living, in action, in labour and in pleasure, the existent is at work constructing the names and assigning the meanings that form the borders of its secure, stable world, its home in the flux. This is an “ontological adventure” wherein freedom carves out a world. But does this view of the project of situating oneself within the chaotic “elemental” do justice to the real powers that configure individual worlds? Though Levinas is sensitive to the hollowness of a “finite freedom,” its inability to effective real ontological changes outside the immediate home (after all, the home is an isolated space without reach into the infinite depths of otherness), he rarely draws attention to the power of histories and cultural contexts to configure the parameters of lifeworlds *in advance* of the arrival of existents (TI 131-133). His analyses of living being help us to see ourselves in our egoistic isolation, but do they reveal the true

powers behind the phenomenal scene, manipulating our meanings and dictating the logic that configures our conceptual constructions? Is not the existent as blind as the phenomenologist to the ways in which human life is most truly, most insidiously, shaped?

Since both must rely upon the consciousness of a subject to gain access to the world, can either unmask the falsehood of a reason that understands itself to be uncovering the secrets of the universe in every clear and distinct idea? Human life, human ways of being-in-a-world, may appear, to the existent, as though shaped by the workings of the subject, but, in actuality, to a very great extent, meanings are carved out in a time long prior to the upsurge of a free being from Being-in-general. Human life is production, but historically-configured. Human practice transforms the elemental to answer to human needs by means of tools, organizations, and visions of what constitutes “human needs” — and these are historically drawn. Practical reason contemplates a world it finds already meaningful, if wanting, but it seeks to alter that world, according to historically-dictated idealities. Human labour uses reason to further the process of world-building and to evaluate the results of its work, but its processes and its measuring tools are products of a history, cultural configurations forged over time, in response to situations — politico-socio-economic circumstances — radically removed from the “now” of existence, radically foreign to the historical circumstances surrounding the existent. But, as Heidegger has shown, a tool is taken up without conscious attentiveness to the tool itself. The attention of the worker is directed toward the work, until the occasion when the tool breaks down and, only in its malfunction, only in its failure, does the tool reveal itself to the subject *as* a tool.

All societies are class societies, social hierarchies, and, as such, they depend for their continuance upon their ability to foster illusions of freedom in their individual members. Phenomenological accounts of living being report this freedom as non-illusory, in the lived experience of the existent. But this freedom is accomplished within the context of an encompassing cultural incarceration. Societies produce ideologies to conceal the contradictions of their “freedoms.” Reason, and the political action founded upon it, are configured by social ideologies, reinforced by social rituals, and reified in the world of commodities forged by existent’s hands. All participants in the transactions of the society are deceived about the reality of their powers, and about the reality of social relations within the structure.

Though the advent of capitalism has been hailed by many as a breakthrough to a new era of freedom, offering hope that, with markets liberated from governmental monopoly — with industrialization’s promise to free the labourer from tributary dependence and undue toil, and with the diffusion of “free thought” that promised to deliver the ignorant many from the conceptual fetters of absolutism or religious dogmatisms — social critics have increasingly noted the vast numbers of people who fall victim to the system, stripped of rights to natural resources once understood to be common, and thrown to the uncertainties and exploitations characteristic of industrial employment. Instead of the spread of a liberal humanizing dignity and equality of right and prosperity, critics have noted that the new global system merely fosters the proclivity of the few to luxuriate in their material prosperity while the vast majority of others are left to languish hopeless in the bottom-most realms of capitalist heaven.

It becomes the task of the philosopher to address the inequalities of goods and opportunities that discomfit the founding promises upon which the current global free-market paradise stands. She must address the falsity of a freedom that is always already configured by histories and their hierarchical legacies, their institutions and the social rituals that bind people into their social places. A clear and distinct vision of the injustices of the system is denied to the existent from within the secure home-site of identity. Therefore, it is of the gravest importance that the philosopher not be limited to the existent's lived experience of freedom, blinded to and by the dark designs of egoistic being, blinded to the limitations upon freedom imposed by the home system of values. Levinas demonstrates a subtle awareness of this problem, on those occasions when he gestures toward the problem of "finite freedom" and the power of institutions to betray their makers' intentions. On the question of the power of histories to configure the conceptual universe of the existent, Levinas states, in his treatment of "The Dwelling" in *Totality and Infinity*:

The consciousness of a world is already consciousness *through* that world. Something of that world seen is an organ or an essential means of vision: the head, the eye, the eyeglasses, the light, the lamps, the books, the school. The whole of the civilization of labour and possession arises as a concretization of the separated being effectuating its separation. (TI 153)

Levinas highlights the falsity of the existent's freedom and the power of the historically-figured modes of production to reconfigure meanings, when he speaks of the products of the existent's labour, the very means through which the existent forges a home in the chaotic elements. Levinas states:

The product of labour is not an inalienable possession, and it can be usurped by the Other. Works have a destiny independent of the I, are integrated in an ensemble of works; they can be exchanged, that is, be maintained in the anonymity of money. (TI 176)

Levinas grants that “integration within a system” does not mean that the inner life of the existent is absorbed or burglarized. However, that inner life is transfigured, in its confrontation with the estranged world of its works, since it “does not recognize itself in the existence attributed to it within economy” (TI 176). In like fashion, the politico-socio-economic institutions, with which the existent finds itself thrown, return to it “as alien,” “slip toward tyranny,” and immediately “[violate] the freedom” for the sake of which they were originally forged (TI 176).

Thus we can say that Levinas, though restricted to the phenomenologist’s view of lived experience, does, in the course of his works, find occasion to reveal the powers of histories and systems to configure and co-opt the existent’s freedom. He also reveals the limitations of a freedom that relies upon concepts and thematizations to accomplish its task of carving out a secure site. Levinas notes that the existent, concept-maker, is itself subject to the concept, since the ontological enterprise of existence fastens the existent itself in the center of his domicile as definitively as it fastens surrounding others into the “sides” of its world. In appropriations, walls are built, stable constructions of meanings. These walls form, not only the conceptual barriers that occlude the threat of death and the menace of the elemental unknown, but they form the prison walls within which the existent is trapped, in endless isolation from real, evolving living existences. The home represents a suffocation — a stale air,



a stifling enclosure, an “essence without exits.” In *Otherwise Than Being*, Levinas states:

The detour of ideality leads to coinciding with oneself, that is, to certainty, which remains the guide and guarantee of the whole spiritual adventure of being. But this is why this adventure is no adventure. It is never dangerous; it is self-possession, sovereignty, *αρχή*. (OB 99)

And again in *Totality and Infinity*, Levinas explains:

Freedom, as a relation of life with an *other* that lodges it, and by which life is *at home with itself*, is not a finite freedom; it is virtually a null freedom. (TI 164)

Therefore we can say that, in Levinas’ account of living being, the feat of a freedom living-against-death is a freedom within incarceration. Mortal being-against-death is an imprisonment within an enclosure from which there exist no exits. The existent can look out from its windows and doors onto a world that gives it a delightful, forgetful pleasure. But it cannot walk freely out of its doors or communicate with its neighbours. It cannot escape its histories.

The feat of having limited a part of this world and having closed it off, having access to the elements I enjoy by way of the door and the window, realizes extraterritoriality and the sovereignty of thought... Thus only do I see without being seen, like Gyges, I am no longer invaded by nature, no longer immersed in a tone or an atmosphere. Thus only does the equivocal essence of the home hollow out interstices in the continuity of the earth. (TI 170)

Levinas concludes: “Gyges is the very condition of man, the possibility of injustice and radical egoism, the possibility of accepting the rules of the game, but cheating” (TI 173). In this latter passage, Levinas seems to be admitting living being is poised,

in its most natural “condition” for injustice toward others around it. Its living is a potentiality for cheating, for bending the rules of the game. This hints toward a guiltiness in respect of other existents the possibility of which Levinas, elsewhere, refuses. The incarceration within being, lived through appropriations, is a pure “extraterritoriality,” a “trespass” without apology. However, Levinas insists that such trespass is entirely “innocent.” In *Totality and Infinity*, where Levinas treats of the enjoyment of separated being, he asserts:

In enjoyment I am absolutely for myself. Egoist without reference to the Other, I am alone without solitude, innocently egoist and alone. Not against the Others, not “as for me...” — but entirely deaf to the Other, outside of all communication and all refusal to communicate — without ears, like a hungry stomach. (TI 134)

Again, in the essay, “The Ego and the Totality” (CPP 25-46), Levinas describes the living being as existing within the conviction that “it occupied the center of being and were its source” (CPP 25). Thus the living being is “in ignorance of the exterior world... with an absolute ignorance” that is identifiable with “innocence” (CPP 25-27). How can one be guilty of trespass when one knows no exterior terrain? Any encroachment upon the other, any violence done to another’s sovereign site of existence, can only constitute the paradoxical event of an “innocent violence.”

It is a fundamental flaw in Levinas’ phenomenology that his commitment to the monadic structure of lived existence, and to the “innocence” of that structure, compels him to an understanding of violence — of trespass — that redeems it as necessary (due to the structure of mortal existence), or as a function of innocent ignorance (a blindness to the exterior nature of other beings), or, worst of all, as a necessary “evil”

that exists as “an excess” to meaningful existence that affords the utilitarian service of delivering us over to the god (CPP 175-186). Monads, as Leibniz insists, do not talk to each other. They compose windows to the world that cannot give real access to others. So, though each opens onto a world of its own, interaction between monads is merely illusory. That explains why Leibniz, in his *Monadology*, was obliged to guarantee the harmonious flow of the cosmic system by the “pre-established harmony” of a caring god.

Since Auschwitz, humankind has had to rethink its gods, question their existence, and, if bound to the god’s existence, question their omnipresence, their omnipotence, or, at the least, their unqualified goodness and concern for the sufferings within creation. This raises the question of whether Levinas, a philosopher largely motivated by the horrors of a holocaust that took most of his family and so many other millions of families, with his insistence upon this monadic view of *innocent* living being and with his interpretation of “evil” as redemptive, is doing justice to the suffering of the oppressed of the world. It raises the question whether Levinas appreciates the degree of conscious purposeful violence that comprises the history of the human world. How can such a phenomenology explain the radically intrusive violations that we know to occur in the world? In short, can Levinas’ phenomenological account of existence explain the deeply agonizing penetrations to the body, and the even more intrusive penetrations to the mind, that were daily events in Auschwitz and Mauthausen and Buchenwald? Can he explain the diabolical forces that continue to configure daily events in Afghanistan, Iraq, the Congo, Sri Lanka, Croatia, or Zimbabwe? How do

these mundane horrors occur at all, if the only commerce between beings is conducted as unilateral “seeings” through windows that cannot penetrate their vistas?

Paradoxically, Levinas demonstrates, from his earliest writings, a deep sensitivity to the radicality of violence that intrudes into, and configures, the worlds of victims under the tyrannizing grasp of another’s power. In the essay “Freedom and Command” (CPP 15-24), Levinas speaks of the sleight of hand whereby the history of thought, since Plato’s *Republic*, has misunderstood tyranny as the forced fulfillment of the will of the tyrant. Only another “noble lie” can claim merely apparent the heteronomy between the will that submits and the will the commands, states Levinas. “A will can accept the order of another will only because it finds that order in itself” (CPP 15). Therefore, the seemingly benign command of the good shepherd philosopher-king comprises the greatest tyranny of all. The supreme violence transpires where obedient compliance occurs, for there, explains Levinas, tyranny reaches into the soul of the victim and transfigures it in its very substance. Trespass, encroachment of the other, becomes occupation — colonization — of the other’s very being, his site of identity and freedom. Levinas states:

True heteronomy begins when obedience ceases to be obedient consciousness and becomes an inclination. The supreme violence is in that supreme gentleness. To have a servile soul is to be incapable of being jarred, incapable of being ordered. The love for the master fills the soul to such an extent that the soul no longer takes its distances. Fear fills the soul to such an extent that one no longer sees it, but sees from its perspective. (CPP 16)

The tyrant has many tools at his disposal: “love and wealth, torture and hunger, silence and rhetoric” (CPP 16). But, it is precisely when an alien order is no longer

seen *as alien*, but comes to be accepted as though it originated from the self, that the greatest tyranny is in force.

Clearly, in this early essay, Levinas displays deep sensitivity to the variety of forms of weapons that tyrannize the peoples of the world. Yet, within the logic of his own phenomenology, Levinas cannot account for these violences *as violences*, because innocent isolated being cannot be resolved into tyranny. The existent, trapped in isolation, can trespass only with the weapon of vision. It can conceptualize, thematize, appropriate in meanings that misconstrue. But it cannot step outside its domicile to forge real contacts with the other. It cannot effect real penetrations of the lifeworld of other existents. People represent isolated ontological realms, entire self-contained worlds. That one world can occupy and rule another is a brute fact empirically witnessable in the world — in nations, in religious orders, in marriages and in parent-child relations — but it is not a fact that can be accommodated within the phenomenology of this phenomenologist.

In the final analysis, what does it mean that Levinas cites again and again the haunting phrase expressed by Dostoevsky's forlorn and maddened philosopher, Ivan Karamazov: *We are all guilty of all things and to everyone; and I more than all the rest*. What does it mean, in the end, for violence and subjectivity to be guilty of innocence?

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