

# LÉVINAS AND THE CLAIMS OF INCOMMENSURABLE VALUES

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SÍNTESE – O texto investiga algumas dimensões do pensamento de Lévinas em relação aos temas da linguagem, justiça, perdão e pluralidade, entre outros, a partir da leitura talmúdica "Envers Autrui", estabelecendo relações com alguns aspectos da filosofia analítica e do pensamento de Kant e William Galston.

PALAVRAS-CHAVE – Levinas. Filosofia analítica. Linguagem. Justiça. Perdão. Pluralidade.

ABSTRACT – The text investigates some dimensions of Lévinas' thought in reference to the themes of language, justice, forgiveness and plurality, among others, in the Talmudic lecture "Envers Autrui", establishing relations with some aspects of analytic philosophy and with the philosophy of Kant and William Galston.

KEY WORDS – Levinas. Analytic philosophy. Language. Justice. Forgiveness. Plurality.

I have to confess that I do not find Lévinas' strictly philosophical texts at all easy to read. (On the one occasion on which I found myself involved in the effort, the struggle even, to translate one of them, I, not surprisingly, found this task even more difficult, nor did I really receive much help in it when I went to consult Lévinas himself on how he wished to be reproduced in English.) On the other hand, his Talmudic writings are admirably clear. There is one of them in particular to which I have found myself repeatedly drawn back, and it is this one – entitled 'Envers Autrui' ('Toward the Other' or maybe 'In Relation to the Other') – which I shall take as my text here.<sup>1</sup>

First, however, let me also make it quite clear that I no more have pretensions to being any sort of Talmudic scholar than I do to being a Lévinas scholar. It has always seemed to me, however, that the great Rabbis managed to preserve a faithful respect for the continuity of traditional authority at the same time as maintaining a proper freedom to express their own sometimes highly distinctive views by combining a total respect for the letter of their predecessors' texts with a very

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<sup>1</sup> This text is in fact that of a reading given in the context of a colloquium on the subject of 'Forgiveness' held as far back as October 1963, the proceedings of which were published under the title *La conscience juive face à l'histoire: le pardon* (Paris: P.U.F., 1965). Its English translation is to be found in *Nine Talmudic Readings*, Indiana University Press, 1990.

considerable liberty in their readings of them both in terms of interpretation and of selective emphasis. I propose to exercise a similar discretion in allowing myself to concentrate here on three main themes among those to be found in this particular text, all of them very characteristic of Lévinas' thought: that of the network of responsibility in which each one of us finds himself or herself in regard to his or her fellow beings, that of the humanly irresolvable tension that lies at the heart of the human or moral situation and that of some of the ways in which fundamental moral-cum-political values may impose unmeetable demands on us. (These latter themes may both, of course, be seen as variations upon the dominating theme of Lévinas' text, namely that of the ever recurrent tension between the claims of universal principle and those of particular, individual humanity.) Let me add that I make no apology for the fact that I shall be quoting rather extensively from this text of Lévinas' towards the end of what I have to say; I make no apology, for, after all, faithful respect for at any rate the letter of the text is, as I say, among the most characteristic virtues of Talmudic debate.

It goes without saying that Lévinas has in general to be seen as a very non-analytic philosopher. There are, however, points of striking overlap to be found between certain of his most characteristic themes and themes to be found embedded within analytic or, as the French often say, Anglo-Saxon philosophy. Indeed, the convergences and divergences of these themes as they appear within both traditions – divergences of argument and, of course, of tonality – constitute another of my own sub-themes here. One of these overlapping themes occurs in a short passage where Levinas addresses himself to the question of “how could speech cause harm if it were only *flatus vocis*, empty speech, ‘mere word’?”, and answers himself by saying “The original function of speech consists not in designating an object in order to communicate with the other in a game with no consequences but in assuming towards someone a responsibility on behalf of someone else. To speak is to engage the interests of men. Responsibility would be the essence of language.”<sup>2</sup>

We do not need to take with any literal seriousness the reference to an “original function of speech”. The exact conditions under which our remoter ancestors evolved into language-using creatures is still a matter of (some would say inevitably and unduly speculative) debate; it is in any case hardly likely that the very earliest users of something that might be called language would have been capable of forming such a complicated concept as that of assuming a responsibility towards someone on behalf of someone else. Nevertheless, there is an interesting and strong argument to be made for the claim that such reciprocal assumptions of responsibility are not so much a function as indeed a basic presupposition of the very constitution of language as a system of symbolic communication and of the access to it of any new participants. The argument, which will be readily recog-

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<sup>2</sup> p. 20-21 of the English translation.

nizable as being broadly Wittgensteinian in inspiration, falls briefly and roughly, into two parts.

Part One consists of a version of certain central aspects of the so-called anti-private language argument. The use of a sound, a mark or indeed any other feature of the experienceable world as a vehicle of meaning – as distinct from its production as a *mere* sound, mark or whatever – depends on its being somehow understood that there is some basis for distinguishing between its use on appropriate occasions and its use (or misuse) on inappropriate ones. Children, learning to speak and to grapple with the interpretation and production of new sounds, have to acquire a sense of what their effective or ‘correct’ uses are as distinct from their ineffective, ‘incorrect’ or merely random ones; so too, at a later stage and a more explicitly conscious level, do any of us who struggle to acquire foreign languages. But, so the argument continues, there can be no sense to any such distinction for one who in principle can have no means of telling whether he (or she) has succeeded or failed in getting it more or less right. It is impossible, however, for anyone to succeed in providing such a test for themselves alone; for where there is – in principle – no opposition to be encountered or to come up against, one’s own word goes through automatically; though if this argument is correct, it would not in fact be a word, a symbol, a bearer of meaning, but nothing more than a mere sound or some other physical configuration. Nor is any opposition to be encountered in the essentially silent, non-speaking natural environment. The only place where potential resistance to one’s own production of some would-be symbol is to be found is in the possible encounter with some other speaker, with some other participant in the same form of discourse. Not that the test provided by such an encounter could ever constitute any final guarantee of correctness, for other speakers must always be as liable to error as is oneself. So the point is not one of relocating the ultimate source and basis of all certainty from where Descartes placed it in the inner recesses of the essentially solipsistic Cogito to place it instead in the mysteriously authoritative word of ‘the other’; the ghost to be laid is rather that of *any* ultimately guaranteed or guaranteeable certainty and the replacement is to be found in an always fallible check, a check in the double sense of that which does at least provide some sort of *prima facie* criterion and of that which holds one up and makes it impossible for one’s own say-so to go through without even the possibility of impediment. Here ends Part One of the argument.

As with all good arguments of inner complexity, Part Two builds upon Part One. The encounter with another speaker, that provides not only the point of learning-entry into a language, or, indeed, into discourse in general, but also the necessary potential check of Part One of our argument, is to be found in the confirming or disconfirming response that he (or she) gives me. But such response, such confirmation, will be of no avail if I am unable to rely on it for its constancy and consistency; my language teacher, he or she who may confirm me in my efforts to manipulate the sounds that I produce, is thus responsible for my progress and beyond that, in the last resort, for my maintenance within the network of communication. In that sense, we are indeed all responsible to and for each

other in the multiple reciprocity of our responses; and we may conclude, so it may seem, with Lévinas, that "Responsibility would" indeed "be the essence of language." ["La responsabilité serait l'essence du langage."]

But if this does indeed present a point of convergence or overlap between Lévinas and analytic philosophy, it would, I think, be misleading to present it as more than that. Analytic philosophy – as least in my version of one of its arguments – arrives at the conclusion that a certain reciprocity of responsibility would be, so to speak, the essence of language by way of an essentially epistemological argument, or one that might be said to belong to the philosophy of language. Without a great deal of further, and no doubt very problematic, argument, it must remain far from clear to what extent, if any, the responsibility to which *this* argument points is one of any genuinely ethical import, commanded, as Kantians might say, by a categorical rather than by a merely hypothetical imperative. (If you want to remain within the network of communicative discourse, you have to accept a certain minimum degree of responsibility of communicative response towards a certain minimum number of your potential fellow-members of the network; if, on the other hand, you don't want to accept this responsibility, then, unless you can get away with remaining a free-rider, you have to face the possibility of dropping out from the network of communication. But, one has in all honesty to add, it is wholly possible to remain firmly within that network, while doing a very great deal of harm to those with whom one communicates perfectly consistently and, in that sense, 'responsibly'; indeed, there are forms of harm which it is only possible to inflict on those with whom one does effectively communicate. And, of course, a language community may be able to accommodate a relatively large number of free-riders before being threatened with collapse.) I do not say that all attempts at such further argument, designed to draw an ethics out from the commitments of communication, *must* be doomed to failure; merely that we should not presume the success of any of them without careful scrutiny of the arguments put forward in their support. Levinas' démarche, on the other hand, is avowedly ethical in its starting-point and in its very conception; for him philosophy starts from the recognition of our most fundamental commitments as ethical.

So the question is, one might think, whether any argument can be given, or built out from the basis of earlier arguments, in justification of such a starting-point. However, the deeper question may be rather whether argument, rational argument as such, should be given such a status of exclusive privilege among the starting-points of philosophy. It is true that Lévinas says at the outset of this Talmudic commentary that "My effort always consists in extricating from this theological language meanings addressing themselves to reason."<sup>3</sup> but his overall view is rather that while argument has its place, indeed its necessary place, among the various strategies of reflective thought that have come to be known as philosophy, a truly human thinking has to start with the recognition of the ethical. "The ideal,

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<sup>3</sup> p. 14.

the rational, the universal, the eternal, the very high, the trans-subjective, etc., notions accessible to the intellect, are [God's] moral clothing. I therefore think that whatever the ultimate experience of the Divine and its ultimate religious and philosophical meaning might be, these cannot be separated from ultimate experience and meanings... Religious experience, at least for the Talmud, can only be primarily a moral experience."<sup>4</sup> One of the most obvious problems with putting the matter this way is that there would seem to be no possible response that did not immediately amount to a begging of the very question at issue. For if one looks for arguments on which to base, or with which even to contest, an answer, one would seem already to have come down on the side of the priority of rational argument; whereas if, on the contrary, one bases one's answer on a prior ethical commitment, one will already have come down on the side of ethics as constituting the proper point from which all argument has to start. Certainly it is possible to start by arguing that there can be no ethics without a modicum of communication and no communication without a modicum of what may properly be called reason. It is, as I have already suggested, the reverse argument that is the difficult, perhaps even impossible, one to present as argument without effective self-contradiction – though various attempts have, of course, been made at it in the history of philosophy. However, the more pointed question is one of whether any such attempt is called for or even in order.

What exactly, though, are we talking about when we speak of ethics in this way? This brings us to the second of the points that I want to pick up from this text. "Rabbi Joseph bar Helbe", Lévinas points out, "thus opposes the thesis of the Mishna with a thesis that will seduce many a modern person. The doctrine... which exalts the exclusive value of the universal awakens an echo in our soul....The tears and laughter of mortals do not count for much, what matters is the order of things in the absolute... Rabbi Joseph bar Helbe is sceptical regarding the individual. He believes in the Universal. An individual against an individual has no importance at all, but when a principle is undermined, there you have catastrophe... There is no idea capable of reconciling man in conflict with reason itself. The text of the Gemara... is against this proposition, which puts the universal order above the inter-individual order. God's forgiveness – or the forgiveness of history – cannot be given if the individual has not been honored... Peace does not dwell in a world without consolations... [T]he harmony with God, with the Universal, with the principle, can only take place in the privacy of my interiority, and in a certain sense, it is in my power."

This is the language of tension between the universal and the particular, a tension which is in many ways definitive of what it is to be a human being. Put thus starkly, this may sound an obscure and pedantically technical affirmation. It is nevertheless one which has been explored in many different versions, one of which may be set out, briefly and after all not too obscurely, as follows. It is a

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<sup>4</sup> p. 15.

prime characteristic of human beings that they possess language and are capable of rational thought and of (discursive or symbolic) communication. Reason is essentially universal in its logical claims and commitments, that is to say that if reasons hold good for one person, they hold good for all others finding themselves in the relevantly same situation – and universal also in the sense that it does not serve to individuate, to mark out or to identify any one given individual or set of individuals as distinct from any other. It makes no sense, for example, to ask how many reasons there are in a given room; one asks rather how many (more or less imperfect) embodiments of reason there may be there. This reference to the body is no mere quirk of idiom. In the last resort some sort of reference to spatio-temporal co-ordinates is always needed to secure unique individuation, and nothing about one is more firmly spatio-temporally unique than one's body. So as individual human beings we are all tied to the demands of the universal by virtue of our participation in rationally structured discourse (or, to use Lévinas' way of putting it in this text, we all of us share in the responsibility towards each other that would be the very essence of language), while we are at the same time subject to all the particular desires and needs that belong to the particular situations of our respective embodiments as well as to the particular claims on our loyalty that go along with our membership of and identification with particular families and/or other particular socially or historically determined groups. And it becomes clear, as soon as we start to think about it, that there may be only too many sorts of situation in which these two kinds of demands and claims, those on our universally common humanity and those on our particular tribal or national allegiances, may clash.

We may note in passing that this way of putting the matter may be said, broadly speaking, to reflect a generally Kantian way of understanding the human situation. If, as Kant himself put it, we were purely rational beings (such as angels, he thought), then we should automatically and of our purely rational nature respond to and fulfill all the demands of reason, without ever having to face issues of choice. (There is, of course, a problem in the way of understanding how we might meaningfully speak of a plurality of angels, given that the sole principle of individuation that we have to work with resides in the particularity of the spatio-temporally situated body – a problem with which medieval theologians wrestled with only problematic success.) If, on the other hand, we were incapable of rational reflection and our nature and behavior were governed by the laws of nature alone, natural causal explanations would suffice to account for our doing whatever we might do; for such purely empirical creatures no questions of reflective choice could arise. Angels, said Kant, would have a "holy will", mere animals a mere "arbitrium brutum". Only beings such as ourselves, torn between the demands of 'our own' reason and the pressures arising from our more naturally determined motivations, between the claims of the universal and those of the particular, are called upon to face ethical and moral-political dilemmas. If this is a tension definitive of what it is to be a human being, it is by the same token definitive of that

situation as a moral-cum-political one. We have returned to Lévinas, if by a seemingly different route.

There is one other thread to this argument that should be tied back into it, before I leave my second point. If there is any religion which commits its adherents to facing the full force of the tension existing in the conflicting pulls of the universal and the particular, it is surely Judaism, the religion of a Universal God, the father and Creator of *all* mankind, who has nevertheless entered into a Covenant with one particular, historically situated people. Jews, as, so I take it, most of us – including, surely, Lévinas himself – understand or understood the tradition (within the limits of our means of understanding it), are charged both with a universal responsibility to all our fellow human beings in virtue of their very humanity and yet with a particular responsibility towards our fellow Jews as such simply in virtue of their being Jews – and, what is more, a special responsibility to maintain our particularity as Jews across and down through the generations. But, of course, every member of every particular family, national or analogous group may likewise be seen as bearing a universally particular responsibility to all fellow members of the same particularity as himself or herself. What can be the rationale for this? Can it be the meaning of the Covenant, for example, that Jews are more important in the eyes of God than other people or, to put it in more universal terms, that the maintenance of whatever may be our own family, tribal or national particularity may be more important than love or compassion for another human being? It is not to my present point to suggest answers to these dilemmas, even by innuendo, but, (a), simply to emphasise the suggestion that if it is the inner nature of the human situation to live in the tension between the universal and the particular, and if it is here too that the source of ethics is to be found, then we may perhaps better understand the source of the peculiar involvement of Jewish religious thinking with the dilemmas of ethics; and, (b), to suggest, once again and, of course, *veru* unoriginally, how characteristically Jewish is Levinas' thinking in this respect too.<sup>5</sup>

I come now to my third and final point. This concerns one of the central themes of Lévinas' text, and is a matter of clearly crucial, indeed painfully crucial,

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<sup>5</sup> It is interesting to compare what Rabbi John Rayner had to say on this matter in his address to the Convention of the World Union for Progressive Judaism held in Paris in 1995: "It is a commonplace to say that in Judaism there has always been a tension between [particularism and universalism]. But tension is not equilibrium. In Rabbinic Judaism, though both were present, particularism was a great deal more pronounced than universalism. In Classical Reform there was a tendency to go to the other extreme. This is no longer true of Progressive Judaism. In the fifty years since the Holocaust we have veered considerably towards particularism. Surely nobody can any longer doubt our commitment to the Jewish People and the State of Israel. What needs now to be re-emphasized is the universalism..." (Republished in *European Judaism*, v. 29, n. 2, Autumn 1996.)

It is, of course, possible to formulate as a straightforwardly universal principle an injunction that every people should give priority to its own, its own survival and the welfare of its own members, for instance. But to claim a special obligation on some given people, say the Jews, to give priority to Jews just because they are Jews (and/or because God, singling them out from all other peoples, has a special covenant with them or given them a special mission) is quite clearly to assert an obligation on the basis of a claimed particularity.

importance to Lévinas himself, namely the question of forgiveness and its relation to justice – forgiveness even in such a context as that of the German responsibility for the Holocaust or Shoah. We are confronted with this issue in a peculiarly dramatic way in Simon Wiesenthal's book *The Sunflower* (first published in 1969), in which Wiesenthal recounts how he himself was confronted by it when, during his time at the Janowska concentration camp (as it seemed to him later that he so remembered), he found himself together with a dying SS officer, 21 years of age and blinded by his wounds. "The man gave his name and mother's address and confessed to Wiesenthal with graphic detail how he had gunned down Jews fleeing from a house set on fire by his SS unit." (I quote not in fact from *The Sunflower* itself, but from Hella Pick's biography of Wiesenthal, pages 77-80.) "He told this to a stranger because he wanted to be forgiven by a Jew. Without an answer, the SS officer said that he could not die in peace. 'I have longed to talk to a Jew and beg forgiveness of him,' Wiesenthal remembered hearing, 'Only I didn't know whether there were any Jews left. I know what I am asking is almost too much for you, but without your answer I cannot die in peace.'

"Wiesenthal, who had not witnessed this man's crimes, and had not personally suffered at his hands, walked away from the hospital bed without responding.....Even where there is recognition of wrongdoing, Jews believe that man is not entitled to act alone, or on God's behalf, to grant absolution – the only exception being forgiveness by a victim to the actual perpetrator... Even so Wiesenthal tortured himself with the thought that his refusal to give absolution reflected a desire for revenge... Had he shown a lack of compassion? But should compassion even be allowed to enter the equation?... Has every religion its own ethics, its own answers?

"... Before publishing the story, [Wiesenthal] sent his manuscript to some of the more eminent thinkers of the time, those who were preoccupied by the moral and ethical issues raised by the Holocaust... Those who did respond to [his] request took [the tale] seriously as a parable that posed fundamental issues in a memorable, accessible form... The replies, incorporated in *The Sunflower* as a symposium, offer a rainbow of views on the book's challenges... Wiesenthal has sought to deal with [his dilemma] by circumventing the issue of forgiveness with the precept of 'justice not vengeance', which he maintains has guided his actions and his attitude throughout his pursuit of Nazi criminals."

Wiesenthal's problem here is that of the apparent paradox – moral, religious, or perhaps even conceptual – involved in the idea of a person being called upon to forgive the perpetrator of some evil in a situation where the evil in question has been visited upon another. At one end of the scale it hardly seems to make sense to suppose that I might claim or be called upon to forgive someone for a wrong done not to me but to some third party. On the other hand, where the ties of stretched identity (or identification) between myself and that third party are felt to be sufficiently close, they will tend to carry with them bonds of vicarious responsibility, obligation and right; and these may include what one may call a claim to vicarious forgiveness together with a vicarious responsibility for the giving or



withholding of forgiveness. For the basic function of forgiveness is as a form of absolution, and it is here that the tradition is concerned with the tangle of relationships, discussed in some detail by Lévinas in the first part of this text, between God and man. But the many problems concerning the frontiers of identity and the nature and limits of individual identity will also be easily recognizable as belonging to even the most 'rigorously' analytic domains of philosophy.

This encounter between Wiesenthal and the dying SS man, the parable constituted by its recounting and the emotions aroused may be set not so much in parallel as in strange counterpoint to the episodes reported and discussed in the Gemara, the Bible and the Talmud, and further discussed by Lévinas himself in the text here in question. Rab Hanina bar Hama, so we are told in the Gemara, never forgave Rab for the offence that Rab had caused him by refusing to go back to the beginning of his commentary on the text that he was reading when Rab Hanina came in late, and this in spite of the fact that for thirteen years Rab went to him every year on the eve of Yom Kippur to seek his forgiveness.<sup>6</sup> In this refusal or inability to forgive – and although indeed the offences and issues involved were clearly very different – Wiesenthal and Rab Hanina would appear to have been at one. But both Wiesenthal and Lévinas are left manifestly unhappy and "ill at ease" ("mal à mon aise") by such apparent lack of compassion and generosity of spirit. So both of them turn to consult others, Wiesenthal to some of the "more eminent thinkers of the time, those who were preoccupied by the moral and ethical issues raised by the Holocaust" and Lévinas to "the young Jewish poet, Mrs. Atlan". The solution, as he calls it, that Mrs. Atlan suggests to him draws on a broadly psychoanalytic view of the person and suggests on the evidence of a dream – not, incidentally, Rab's own dream, but that of Rabbi Hanina himself – that "Rab, without knowing it, wished to take his master's place." Given this, Lévinas continues, following through Mrs. Atlan's suggestion, "Rab Hanina could not forgive... There are two conditions for forgiveness: the good will of the offended party and the full awareness of the offender. But the offender is in essence unaware. The aggressiveness of the offender is perhaps his very unconsciousness..."

Here we find ourselves faced once again with yet another characteristically philosophical issue of quite fundamental and fundamentally problematic importance. Many people – including a great many philosophers, indeed – hold that some version or other of the principle often summed up in the slogan 'Ought implies Can' lies at the very basis of our (contemporary? Western?) understanding of morals, the principle according to which it is not simply unfair, but more strictly speaking senseless to hold people responsible, whether in praise or in blame, for whatever would not have been in their power to do or to cause to have been oth-

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<sup>6</sup> Lévinas quotes from the Gemara: "Rab was commenting upon a text before Rabbi. When Rab Hiyya came in, he started his reading from the beginning again. Bar Kappara came in – he began again; Rab Simeon, the son of Rabbi, came in, and Rab again went back to the beginning. Then Rab Hanina bar Hama came in, and Rab said: How many times am I to repeat myself? He did not go back to the beginning. Rab Hanina was wounded by it. For thirteen years, on Yom Kippur eve, Rab went to seek forgiveness, and Rab Hanina refused to be appeased." (p. 13).

erwise. But on any psychoanalytic-type understanding of the matter at any rate we cannot normally be said to have any direct or conscious control over the workings or desires of our Unconscious. They are what they; and unless and until they can be brought to some effective sort of consciousness they are as much forces at work within us as are our normally automatic digestive processes. But what sense does it make to talk of forgiving someone for something for which he or she can not be held responsible? Does it make any sense to talk of forgiving or refusing to forgive someone for having a defective liver, for having Alzheimer's disease (which can certainly make those who suffer from it aggressive at times) or for being a schizophrenic? Does it make sense to blame or to refuse to forgive someone for harboring a wish of which he or she is genuinely unaware?

Once again we have here a whole entanglement of issues of a sort which have, of course, been much debated in analytic moral philosophy and philosophy of mind. What is it exactly to attribute an unconscious desire or wish to someone? Can this be understood in simply straightforward analogy with the attribution of conscious desires or aspirations? (And in any case, can one reasonably be held responsible for one's wishes, irrespective of whether one means to act on them or not? Or, as we might also put it, is the morally responsible person to be identified with his or her unconscious – or again, as in the cases of ageing war criminals, is the person, present and perhaps much transformed that we have before us, to be identified with the person that he or she may have been in the now remote past?) Is the most appropriate way of thinking of someone to whom one may be led to attribute a wish of which he or she is apparently unaware, that of taking him or her to be suffering from some form of self-deception? There is also the problem of how to understand the nature of self-deception itself, with its well-known paradoxical implication (or at least apparently paradoxical implication) that the alleged self-deceiver must somehow be aware of the facts into the ignorance of which he seeks to deceive himself, if his motivated self-deception is ever to get off the ground. Of course, if we *can* reasonably represent a man's state of ignorance of his own wishes as deriving from such an act of 'voluntary' self-deception as he might have chosen to refrain from, then there is in principle no reason why we should not hold him responsible for so deceiving himself, an act which would then be comparable to one of deceiving others and in regard to which the question of forgiveness might quite coherently arise. If, however, we have to conclude that there is no plausible way of representing ignorance of certain aspects of one's own state of mind as voluntary or deliberate, then maybe we have to look again at the exact nature and status of the principle that "'Ought' implies 'Can'". After all, the Ancient Greeks held Oedipus, (as he indeed held himself), to unforgiving account for having killed his father and gone on to marry his mother, even though the whole sequence of events – of the nature of which he was, of course, quite unaware at the time – had been 'fixed' for him by the Gods or by Fate (or, if one prefers to see it that way, by his own genetically and environmentally determined character).

Obviously, this is neither the place nor time to try and argue out once again the complex but potentially momentous detail of these questions. I note simply that they are all directly or indirectly raised by Lévinas' text, and that Lévinas himself seems to show a proper hesitation, not to say discomfort, as he faces them. For, after having canvassed the 'solution' suggested to him by Mrs. Atlan, he goes on, not altogether consistently, "But perhaps there is something different in all this. One can, if pressed to the limit, forgive the one who has spoken unconsciously. But it is very difficult to forgive Rab, *who was fully aware* (my italics)..." (And then turning back somewhat abruptly to his topic of underlying preoccupation...) "One can forgive many Germans, but there are some Germans it is difficult to forgive. It is difficult to forgive Heidegger. If Hanina could not forgive the just and humane Rab, because he was also the brilliant Rab, it is even less possible to forgive Heidegger..."<sup>7</sup>

But the uncertainties arising from the collision of 'Ought' and 'Cannot' do not end here. For it is also clearly impossible for anyone to fulfil two genuinely incompatible obligations at once.<sup>8</sup> The Lévinas text ends with a somewhat uncomfortable coda, consisting of a discussion of Chapter 21 of the Second Book of Samuel, which "reports that there were three years of famine in the time of King David. The king asked the Eternal about it and found out that 'this was because of Saul and that city of blood and because he put the Gibeonites to death'." The further details of this particular incident are too complicated to go into here. The upshot, at all events, was that David concluded that the Gibeonites had a genuine grievance against Saul and that he was therefore in all justice bound to accede to their demand that seven of Saul's descendants be handed over to them to be "put to death by nailing them to the rock on the mountain of Saul." Lévinas then goes on as follows: "The book of Samuel then goes on to tell that David went and took from Rizpah, daughter of Aiah, Saul's concubine, two of her sons, that he also took five sons from Michal, daughter of Saul... David took pity on Mephiboseth, son of Jonathan. [But] the seven unfortunate princes, given over to the Gibeonites were nailed to the surfaces of a rock. But Rizpah, daughter of Aiah, stayed with the corpses from the season of the first fruits of barley (from the day after Pass-over) until the first rains (the time of Succoth). Each evening she covered the bodies of the tortured with bags, protecting them from the birds of the air and the beasts of the fields."<sup>9</sup> To which Lévinas adds: "Do admire the savage greatness of this text, whose extreme tension my summary poorly conveys. Its theme is clear. It is about the necessity of talion, which the shedding of blood brings about whether one wants it or not. And probably all the greatness of what is called the

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<sup>7</sup> p. 25.

<sup>8</sup> Schematically speaking, we are thus left to deal, as best we logically may, with the following situation: although 'p' and 'q', taken separately or on their own, are each to be affirmed, the conjunction 'p and 'q' can not be – (where 'p' and 'q' stand for jointly unfulfillable obligation claims). (Sir David Ross, for example, famously distinguished between what he called 'prima facie duties' and 'duty sans phrase' or 'duty proper'.)

<sup>9</sup> p. 26.

Old Testament consists in remaining sensitive to spilled blood, in being incapable of refusing this justice to whoever cries for vengeance..."<sup>10</sup>

Lévinas is nevertheless very clearly uneasy at the 'savage greatness' of this insistence on justice at all costs. For while, on the one hand, he asks, "How could David have spared Mephisbosheth? Doesn't pity lead to the exception, to the arbitrary to injustice?" and answers: "The Talmud reassures us. David was not being partial at the moment of the selection of the victims. It is the Holy Ark which separated the guilty from the innocent sons among Saul's descendants. It is an objective principle.", he nevertheless returns again to the question "But then what happens to David's pity, which the biblical text nonetheless mentions?" To this he replies: "It is a prayer to save Mephibosheth. Let us take a general principle out of this pious text: To recognize the priority of the objective does not exclude the role of individuals; there is no heart without a reason and no reason without a heart."<sup>11</sup> (Which I am inclined to gloss as 'There is no particular without a universal and no universal without a particular'.)

Thus Lévinas seems able to reassure himself that "To punish children for the faults of their parents is less dreadful than to tolerate impunity when the stranger is injured. Let passers-by know this; in Israel, princes die a horrible death because strangers were injured by the sovereign... The image of God is better honored in the right given to the stranger than in symbols." For justice makes universal claims and, as Lévinas goes on, "Universalism has a greater weight than the particularistic letter of the text; or, to be more precise, it bursts the letter apart, for it lay, like an explosive, within the letter."<sup>12</sup>

So this part of his discussion ends with the reflection that justice is a somber virtue, as indeed the human condition itself is somber, and that there is a "cruelty inherent in rational order (and perhaps simply in Order)." And again, "The Talmud teaches that one cannot force men who demand retaliatory justice to grant forgiveness." And yet "strict justice, even if flanked by disinterested goodness and humility, is not sufficient to make a Jew. Justice itself must already be mixed with goodness. It is this mixture that is indicated by the word *Rahamim*, which we have badly translated as 'pity'. It is that special form of pity which goes out to the one who is experiencing the harshness of the Law. It is no doubt this pity which the Gibeonites lacked", a lack, which Lévinas affirms, explains just why 1 Samuel 21:2 reports that "The Gibeonites were not part of the children of Israel but of the rest of the Amoreans...".

So as he closes, Lévinas returns once again to the ever persisting tension between the universal and the particular. For "what remains is the image of this woman, this mother... what remains after so much blood and tears shed in the name of immortal principles is individual sacrifice, which, amidst the dialectical rebounds of justice and all its contradictory about-faces, without any hesitation,

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<sup>10</sup> Ibid.

<sup>11</sup> p. 27.

<sup>12</sup> p. 27-28.

finds a straight and sure way." For all the explosive power of Universalism, what remains is the image of the Particular; and Lévinas concludes: "what rises above the cruelty inherent in rational order... is the image of this woman, this mother, this Rizpah Bat Aiah, who, for six months watches over the corpses of her sons, together with the corpses that are not her sons... the victims of the implacable justice of men and of God. What remains after so much blood and tears shed in the name of immortal principles is individual sacrifice, which, amidst the dialectical rebounds of justice and all its contradictory about-faces, without any hesitation, finds a straight and sure way."<sup>13</sup>

But if in this particular text it is the Particular that seems to have the last word, who can suppose that either should ever have a final one? In fact, what is perhaps most striking in this reading by Lévinas of passages from the Mishna, the Gemara and the Bible itself, is the way in which he is led to affirm the ultimately overriding claims both of universal justice and of compassion for the particular case. The conflict between them, always potential, becomes, on contingent occasions such as that exemplified by the situation in which King David found himself, only too actual; it is this conflict that constitutes the problem with which Lévinas is here wrestling. Nor, as he presents it, is this conflict one which would admit of any negotiated mediation, based upon a comparative weighing of the competing claims of these mutually conflicting duties, an assessment of their comparative worth in terms of some acceptable common currency – for example, the classic utilitarian currency of the production of pleasure and the diminution of pain, or the more voluntaristic currency of observable consumer preference (in any one of its several versions). It is rather a conflict of strictly incommensurable values. Lévinas himself uses the term when, speaking of Saul, he affirms that "Merits and faults do not enter into an anonymous bookkeeping, either to annul each other or to increase one another. They exist individually. That is, they are incommensurable, and each requires its own settlement."<sup>14</sup>

Incommensurable values. One is reminded of that other notably Jewish thinker, Isaiah Berlin and his insistence on the existence of a plurality of values essentially incommensurable with each other. The recognition of such a plurality constitutes an acknowledgement of the radical imperfection and imperfectability of the world. It may also, perhaps, be understood as a version of the more characteristically Christian doctrine of original sin, that mark of man's radical incapacity to avoid doing wrong in one way or another in virtue precisely of his choice of which of two or more incompatible, but nevertheless inescapable duties to comply with and which to leave unfulfilled. In the version with which Lévinas presents us in this text, the universal (virtue of justice) may seem to stand on the side of the political, that of a properly ordered kingdom and its people, and the particular (virtue of personal compassion) on the side of the moral. However, one must be wary of the dangers of yielding to the temptation to fall back on what will turn out

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<sup>13</sup> p. 28 and 29.

<sup>14</sup> p. 27.

to have been deceptively over clear-cut dichotomies. The call of compassion for the individual is not wholly easy to disentangle from that of the need for reconciliation between ancient enemies, however bitter the past; and the need for Franco-German reconciliation has, of course, been one of the major political – as well as, in a deep sense, moral – themes of the last fifty or more post-war years.) Indeed, the deeper lesson is surely that there is here certainly no sharp antithesis nor even any very clear line of demarcation between the domains of the political and the moral. That the public policy of Israel should be one of equal justice for the stranger is also a matter of moral obligation. At the same time, and, one might say, by the same token, the human condition is one not only of moral, but equally of political imperfectability.

It may be thought that in presenting Lévinas as a value pluralist I am trespassing somewhat beyond the boundaries of his text. It is true that, so far as my avowedly limited and insecure knowledge of the whole body of his writings goes, he does not formulate his view of the human situation in that rather general and abstractly theoretical way. It was, indeed, not his way of writing philosophy. Nevertheless, I believe that, to adapt an already quoted expression of the very letter of his text, his fundamental value pluralism “bursts the letter apart, for it lies, like an explosive, within the letter.” And if this is right, it brings us back to yet further political considerations.

Here – for I have by now been going on more than long enough – I can do no better than refer you to a suggestive article by William Galston that appeared in this year’s winter number of the journal *Social Philosophy and Policy* under the title ‘Democracy and Value Pluralism’.<sup>15</sup> Galston formulates his overall thesis as follows: “If there are good reasons to take value pluralism seriously (and I believe that there are), then it becomes impossible to accord democracy normative authority over all other claims’ public and non-public. Not only is the scope of democratic political authority restricted; certain alternatives to democracy within the sphere of politics must be taken more seriously than they usually are.” Galston goes on to elaborate on this formulation in considerable detail, detail which it is not possible to follow through here. But here too we come across the message: both moral and political values are the values of human ways of behaving to and with – and, yes, also against – each other; many of them may be found to clash irreconcilably with each other; yet while it is possible, no doubt, to distinguish between these different values, this does not and cannot mean that they are not at the same time inextricably intertwined. And this, surely, Lévinas would have endorsed as a message in the true Rabbinical and Talmudic spirit.

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<sup>15</sup> v. 17, n. 1, Winter 2000, p. 255-268.