

Chapter 7

Ethics, Ontology and Justice

This chapter addresses Levinas' attempt to overcome the problems associated with the apparent duality of the ontological and the ethical subjectivity through a rethinking of justice as primarily an ontological moment. However, in doing so the ultimate aim of the analysis is to demonstrate that the question of justice is not only linked to a question of being but also to an ethical event. The first half of the chapter discusses the issue of the relation of being, truth and justice suggesting that the significance of Levinas' reversal of truth and justice should be read in the light of Heidegger's interpretation of these terms and is not based in a pre-Heideggerian notion of truth. I consider Heidegger's interpretation of justice in the Anaximander fragment tracing the development of this line of thinking to its ethical conclusion in Heidegger's concept of "letting be". I suggest that Levinas' basic objection to the notion of Being's justice is its subordination of the ethical moment to a necessity which Heidegger thinks in terms of *to chreon*, or the dispensing of justice.

In the second half of this chapter, I trace Levinas' argument regarding the limits of Heidegger's notion of ethics. Turning to his second major work, *Otherwise than Being or Beyond Essence*, I suggest that Levinas' notion of justice is to be found in the realm of ontological significations, that is, in "the Said".¹ Levinas acknowledges the priority of significations in the Said, in other words, the priority of ontology. However, I will argue that for Levinas, the play of significations in the Said, which I will discuss in terms of the relation of the Said and the Saying of the Said, turns to a critique of affectivity, revealing its

¹ In the following I have written the Said and the Saying with capitals and thereby do not follow the English translation but Levinas' own capitalisation of *Dit* and *Dire*. All quotes with capitals should be read as modified translations.

subordination to the production of meaning and pointing to an alternative thinking of affectivity, in a Saying beyond the Said.

i) Truth and Being's Justice

In his essay, *Philosophy and the Idea of the Infinite*, Levinas suggests that Heidegger's concern for the question of the meaning of being ends up affirming a tradition in which the question of freedom precedes the question of justice, where securing a place for the subject precedes the question of the subject's relation to the Other.² Such a formulation conceives of the Other as a threat, and the question of justice as secondary to the question of the meaning of being, which circumscribes the limits of human being. In the light of Levinas' own concerns for the position and "defence of the subject" in *Totality and Infinity*, it could be suggested that this criticism fails to recognise the very necessity of subjective being for a relation to the Other.³ In the following I suggest that the difference between Heidegger and Levinas on the relation of being and justice, hinges on the question of necessity itself.

In *Totality and Infinity*, Levinas' criticism of Heidegger on justice is developed in a discussion of the relation and meaning of truth and justice. Levinas writes that:

Truth, a lesser contact than tangency, in the risk of ignorance, illusion and error, does not undo "distance", does not result in the union of the knower and the known, does not issue in totality.⁴

Levinas recognises that an ontological notion of truth does not rely on a teleology of unity of subject and object.⁵ At this point in *Totality and Infinity*, Levinas is

² E. Levinas, *Philosophy and the Idea of Infinity*, CP 53/DEHH 171.

³ TaI 26/TeI xiv.

⁴ TaI 60/TeI 31-32.

concerned to locate the quest for truth in a separated subjectivity who lacks nothing and who resides in/as the plenitude of economic existence. In other words, truth is not a quest for completion, nor does it arise in a being who finds itself lacking, nor is it understandable as "theory". Nevertheless, Levinas rejects the Heideggerian notion of truth as unconcealment. Truth, or should we say, the desire animating the quest for truth, is a desire not lacking anything, not in need of certain facts, nor Being, but an awakening to the speech of the Other.

To put speech at the origin of truth is to abandon the thesis that disclosure, which implies the solitude of vision, is the first work of truth.⁶

In *Totality and Infinity* Levinas insists that "disclosure" does not "respect" the other of discourse and he elaborates on this point, claiming that discourse is justice, and truth is thus founded on justice, not the "solitude of vision".⁷ As the arguments of the previous chapter of this thesis have suggested, this justice is tied to the ethical relation. Levinas undertakes an apparent reversal of truth and justice such that justice is conceived as a moment of a relation to the Other who calls me to justice. Truth as disclosure is a consequence of this ethical moment. Truth in other words, arises after the question of justice has been posed in the relation to the Other.

These analyses in *Totality and Infinity* leave out Heidegger's own interpretation of justice in 1949, in which truth as unconcealment is conceived in terms of justice which is itself linked to the question of Being and the ontological difference. In other words, it does not address Heidegger's own attempt to rethink the relation of truth, justice and Being. If Levinas does not address this question

⁵ I am relying here on Bernasconi's account of Heidegger's critique of truth as "correctness of perceiving" or the agreement of knowledge with the thing itself, R. Bernasconi, *Heidegger in Question*, p. 41.

⁶ TaI 99/TeI 72.

⁷ In the following I suggest that Levinas approaches justice as belonging essentially to the disclosure of being. The question then becomes the ethics of being's justice.

explicitly it could nevertheless be suggested that this linking of justice and truth does nothing to undermine the inversion Levinas effects insofar as the Heideggerian notion of justice does not undermine the attachment to being that the ontological notion of truth insists upon. As Levinas adds:

Despite [*contrairement*] the theses of the philosophy of existence, this contact is not nourished from a prior enrootedness in being.⁸

As the arguments of Chapter Four suggested, the production of representations presupposes a subject who dwells, who nevertheless, is not a sufficient condition or ground of the production of truth. In other words the notion of dwelling as a primary mode of being of subjectivity already undermines the notion of an enrootedness to being. In *Totality and Infinity*, Levinas insists that truth already marks the end of this enrootedness. It is a relation across a distance or, as he says above, a "lesser contact than tangency".⁹

What is certain at this point is that Levinas does not accept the Heideggerian notion of being and considers that it ignores the "presence" of the Other as the face. The face speaks rather than designating, perhaps speaks as it designates, but nevertheless introduces a dimension to language that the subject cannot discover alone, but is revealed in the unique presence of the face. As shall be discussed below, whereas Levinas' reversal of truth and justice entails the advent of the face and the notion of the Other, Heidegger's reversal is linked to the question of the meaning of Being. The following discussion outlines Heidegger's approach to being and justice in his reading of the Anaximander fragment and situates Levinas in regard to these notions. I suggest that this reading provides a fruitful context for an understanding of Levinas' notions of the Said and the

⁸ TaI 60/TeI 32.

⁹ TaI 60/TeI 32.

Saying in *Otherwise than Being* and ultimately the basis of an interpretation of the relation of justice and ethics in this work.

In his discussion of the Anaximander Fragment,¹⁰ Heidegger attempts to explore the meaning of justice and injustice, and its necessity, beyond any juridical or moral conceptions.¹¹ As Robert Bernasconi explains, Heidegger thereby refutes from the outset, the standard interpretation of the Anaximander fragment in which it is argued that concepts from the "human" realm are being applied to the natural realm. This is not to suggest that the terms are to be reversed such that the human is now to be understood in terms of the natural. These boundaries and oppositions do not apply. Rather, Heidegger will attempt to think the meaning of justice and its necessity, in terms of a more original thinking.¹²

This original thinking is called an originary ethics by Heidegger in his *Letter on Humanism*, which is contemporaneous with *The Anaximander Fragment*.¹³ In the former essay, Heidegger interprets *ethos* beginning with the Heraclitean phrase *ethos anthropos daimon*. He suggests that the *ethos* means abode, or place of residence, [*Aufenthalt, Ort des Wohnens*], the "open region where man dwells".¹⁴ *Daimon* is interpreted as God, such that the entire phrase

¹⁰ M. Heidegger, "The Anaximander Fragment" in *Early Greek Thinking*, trans. D.F. Krell & F.A. Capuzzi, (Harper & Row: New York, 1984), pp. 13-58. According to Heidegger, the Anaximander fragment is most commonly translated as : "Whence things have their origin, there they must also pass away according to necessity; for they must pay penalty and be judged for their injustice, according to the ordinance of time", Heidegger, *Anaximander Fragment*, p. 13. Heidegger separates the first half from the second arguing that the early section is already an addition to the original. However, he does offer an interpretation of the entire saying, which would read: "... coming to be is and passing away comes to be [or referring to the ancient Greek *genesis*: that from which things arise also gives rise to their passing away] along the lines of usage; for they let order and thereby also reck belong to one another (in the surmounting) of disorder", Heidegger, *Anaximander Fragment*, p. 30, 57.

¹¹ For an account of Heidegger's argument in this paper see Bernasconi, *Heidegger in Question*, specifically Chapter 3: "Justice and the Twilight Zone of Morality", pp. 40-55.

¹² Bernasconi, *Heidegger in Question*, p. 43.

¹³ See Bernasconi, *Heidegger in Question*, p. 43. In the *Letter on Humanism*, Heidegger explains that original thinking is neither ontology nor ethics insofar as ontology is understood as the thinking of beings in their being, and ethics is conceived as a science alongside logics and physics which applies to the specific realm of "human being". For Heidegger, both of these positions suffer from the same forgetting of the original thinking that asks the question of the truth of Being. Heidegger, , p. 38-39/232.

¹⁴ Heidegger, , p. 39/233.

reads: "Man dwells, as man, in the proximity of God".¹⁵ For Heidegger, this opens the possibility that the meaning of "God" and "man" can be thought in terms of an more originary openness: the openness of man who dwells in the proximity of Being. As such, originary ethics, is the thinking of the meaning of the openness of man to Being. Ontology as the thinking of beings in their Being, is secondary to this more original thinking. These distinctions are important for the following discussion, insofar as Levinas will attempt to insinuate a signification for *ethos*, "the human" and the "proximity of God" beyond this Heideggerian conception, without thereby interpreting the Heideggerian position in terms of the naive opposition of the human and the natural realms.

In *The Anaximander Fragment*, Heidegger suggests that "injustice" runs through the totality of the "present". Injustice is the "presence" of entities in their persistence and is to be contrasted to justice as "presencing". Ontologically, Heidegger explains, what is present *approaches and passes away*, and thus is said to "linger".¹⁶ Lingering is the "jointure" or "juncture" [*Fuge*] of presencing which consists in a fundamental discontinuity: coming to be and passing away, "doing both at the same time".¹⁷ However, that which lingers can persevere, persist, and aim for subsistence and continuance. In so doing, it abandons the jointure of the while, or is "out of joint". This disjunction or *Unfuge* :

¹⁵ Heidegger, _____, p. 39/233.

¹⁶ Heidegger, *Anaximander Fragment*, p. 42.

¹⁷ Heidegger, *Anaximander Fragment*, p. 42. "Juncture" or "jointure" are the terms used to translate the Greek *dike*, usually rendered as "justice". The German word Heidegger uses is *die Fuge* meaning seam, joint, crack, but also related to the musical term "fugue". Heidegger does not draw out the musical analogy in the discussion of the Anaximander fragment, however, as Fred Dallmayr's discussion of Heidegger on ethics and justice suggests, there is little doubt that this idea of *Fuge* is related and developed from the notion of *Seinsfuge* or "ontological juncture" which Heidegger first explores in lectures written between 1936-1938 as a process of the joining or rejoining of four interlacing parts and voices. Dallmayr writes that ontological juncture, is "a source of *agon*, or contest, between presence and absence" which is to be thought as the "gateway to the new beginning" beyond metaphysics, in face of the sober fact of our "abandonment of and by being" [*Seinsverlassenheit*], itself nurtured by the "oblivion of being" [*Seinsvergessenheit*]. Dallmayr goes on to suggest that Heidegger's discussion of the Anaximander fragment involves the development of the notion of *Seinsfuge* with specific regard to "the issue of social (and cosmic) justice", F. Dallmayr, *The Other Heidegger*, (Ithaca and London: Cornell University Press, 1993), p. 110ff, and p. 118. As the following discussion acknowledges, the connection Dallmayr makes insofar as it considers that Heidegger's analysis of justice is driven by the question of the oblivion of being. However, a full discussion and appraisal of Dallmayr's analysis is not possible in this thesis.

... consists in the fact that whatever lingers awhile seeks to win for itself a while based solely on the model of continuance.¹⁸

Nevertheless, this persistence does not escape the ontological fact that what lingers is in transition. There is an approach/withdrawal, which continues despite the disjunction:

The enjoined continuance ... does not fall into disjunction; it surmounts disorder.¹⁹

Heidegger suggests that Being, understood as the presencing of what is present as lingering, is not unjust. Rather, beings are unjust insofar as they "tarry", "delay", "hang on".²⁰ This would be a momentary forgetting of Being as presencing. For Heidegger, that which lingers becomes present "as it surmounts reckless disorder, which haunts lingering itself as an essential possibility".²¹ Furthermore, the very "presencing of what is present is such a surmounting".²² Reckless disorder is thus associated with the persistence of things in their being and not with the fact that in their coming to be they also pass away. Thus, order is associated with justice/*dike* and that which comes to presence by way of presencing.

For Heidegger, the whole manner of lingering is tied up with the jointure of presencing, which, in his analysis of the Anaximander fragment, he associates with *giving reck* to the other.²³ It is to allow something to be itself. This is thought to be considerate, in the sense of letting the other be; an "indeterminate

¹⁸ Heidegger, *Anaximander Fragment*, p. 43.

¹⁹ Heidegger, *Anaximander Fragment*, p. 44.

²⁰ Heidegger, *Anaximander Fragment*, p. 45.

²¹ Heidegger, *Anaximander Fragment*, p. 49.

²² Heidegger, *Anaximander Fragment*, p. 49.

²³ "Reck", as opposed to "reckless", is interpreted in terms of "care", or "order" and can thereby be linked to the notion of *Sorge*. "Reck" = to allow something to be itself, to esteem, Heidegger, *Anaximander Fragment*, p. 46. According to Heidegger, beings which linger awhile let order belong, and each being thereby lets reck belong to the other, Heidegger, *Anaximander Fragment*, p. 47.

reciprocity", the leaving of the other to itself.²⁴ Tolerance, as an indeterminate reciprocity, is the essence of justice, or justice conceived as the silent essencing of being.

In the interpretation of the Anaximander fragment, Heidegger thereby approaches justice in terms of Being. However, this not to define justice or Being once and for all, but as Bernasconi explains, "to understand *dike* in terms of what still remains to be thought in the assignment of the truth of Being".²⁵ For Heidegger, what still remains to be thought is *to chreon*, which is most often translated as "necessity" but, according to Heidegger, is to be interpreted as "usage".²⁶ Looking to the root meaning of the German term for usage he relates it to the Latin *frui* which not only means fruitful but also, Heidegger claims, to enjoy. For Heidegger, *to chreon* means to enjoy, in the sense of letting something present come to presence, to enjoy the fruits of. This does not designate anything to do with human behaviour, but rather the manner in which Being itself presences.

As such, the word *to chreon* designates a relation between Being and beings, where Being is a delivering or dispensation, a letting something belong to someone.²⁷ Heidegger describes it as a "handing over of presence which presencing delivers to what is present".²⁸ Being is that which distributes justice and injustice. In other words, Being, is not *that* which distributes, nor what is distributed, but distribution.²⁹

However, "[a]s soon as presencing is named it is represented as some present being".³⁰ Ultimately, Heidegger says that this means the forgetting of the difference between Being and beings, since Being is reduced to the highest being.

²⁴ Heidegger, *Anaximander Fragment*, p. 47.

²⁵ Bernasconi, *Heidegger in Question*, p. 45.

²⁶ Heidegger, *Anaximander Fragment*, p. 53. Heidegger suggests that what has been translated as necessity, is the first name for the Being of beings. In the following I argue that Levinas takes issue with this association of necessity with Being.

²⁷ Heidegger, *Anaximander Fragment*, p. 52.

²⁸ Heidegger, *Anaximander Fragment*, p. 52.

²⁹ Bernasconi, *Heidegger in Question*, p. 43.

³⁰ Heidegger, *Anaximander Fragment*, p. 50.

The essence of presencing, and with it the distinction between presencing and what is present, remains forgotten. *The oblivion of Being is the oblivion of the distinction between Being and beings.*³¹

However, Heidegger adds that this oblivion is not a consequence of the forgetfulness of thinking but rather belongs to the self-veiling essence of Being. So that at the very beginning of the history of Being the distinction collapses and the two parties do not reveal themselves as distinct.³²

Thus, for Heidegger, justice would be the law of Being as the oblivion of the difference. This would be a "law" in which the other is "distributed" in/by Being. Again, Bernasconi reminds us that this "law" must not be understood in any juridical or moral sense which would overlook its metaphysical content which he understands as originary collectedness of *phusis*. While this does not mean that ethics and law were not an issue for Heidegger, they would be secondary to the fundamental ontology as an original ethics that attempts to think *ethos* in terms of the truth of Being.³³

The totality of beings is the simple object of a singular will to conquer. The simplicity of Being is confounded in a singular oblivion.

What mortal can fathom the abyss of this confusion? He may try to shut his eyes ... the abyss does not vanish.

... Is there any rescue? Rescue comes when and only when danger *is*. Danger *is* when Being itself advances to its farthest extreme, and when the oblivion that issues from Being itself undergoes reversal.

But what if Being in its essence enjoys [*braucht*] the essence of man? If the essence of man consists in thinking the truth of Being?

³¹ Heidegger, *Anaximander Fragment*, p. 50.

³² Heidegger, *Anaximander Fragment*, p. 51.

³³ Bernasconi, *Heidegger in Question*, p. 43.

Then thinking must poetize on the riddle of Being. It brings the dawn of thought into the neighbourhood of what is for thinking.³⁴

This passage, coming at the conclusion of Heidegger's analysis of the Anaximander fragment, can be read as a dense summary of the outcome of his reading of the fragment and its consequences for the thinking of Being and "man". The interminable play of justice/injustice in Being, which Heidegger brings out in his discussion of the Anaximander fragment, reminds us that what is at stake is the forgetting of the difference between Being and beings: the oblivion of the difference. The oblivion, as argued above, is not an error or lack that can be recovered, but belongs to the self-veiling essence of Being. Oblivion is not a consequence of the forgetfulness of thinking, rather, forgetfulness would be a consequence that presencing as such, cannot appear: the fact that the presencing always gets interpreted as some present being and Being is reduced to the highest being.

Thus, for Heidegger, persistence and the violence of the present is a consequence of the oblivion of Being and the difference. What is the meaning of the reversal which oblivion undergoes suggested in the quote above? Dallmayr suggests that the reversal entails letting juncture be and "to be considerate to one another as well as to nature and Being".³⁵ This is to be brought about through a "bracketing of instrumental production and the readiness to undergo a transformation [*Kehre*]" in which "humans turn from oblivion to the recollection of being".³⁶ But how is this possible? The reversal of oblivion would seem to consist in an impossible remembrance. Can we think of this impossibility as having a positive signification, rather than as the inevitable failure or fall into despair before the abyss, which never vanishes? Heidegger writes that rescue comes only when there is danger. Does danger consist in standing on the

³⁴ Heidegger, *Anaximander Fragment*, p. 57-58 (translation modified).

³⁵ Dallmayr, *The Other Heidegger*, p. 129.

³⁶ Dallmayr, *The Other Heidegger*, p. 129.

precipice of a remembrance that forgets its own impossibility, confronting the abyss of nothingness? It can be argued that for Heidegger, the anxiety which takes hold is now to be understood as the moment of Being's call. Heidegger suggests that this might be precisely the essence of "man", or perhaps more correctly, the very essencing of "man", and furthermore, that it is Being that gives this "essencing", in the sense of letting such a being come to presence in the manner of presencing. The forgetting of the impossible remembrance is reinterpreted in the light of Being's justice, as a lingering which in coming to be, passes away. Thus, in essencing "man" would be fulfilling the order of justice according to Being. Can we understand justice otherwise?

ii) Ethics and Being's Justice

In Levinas' understanding of Heidegger, it is the interminable play of justice /injustice that calls the violence and persistence of the present into question. As early as 1951 Levinas suggests that the notion of "letting be" allows beings into a horizon in which they can be comprehended without "knowing", "independent of the perception which discovers and grasps them".³⁷ However, this relation subordinates the Other to the openness of Being, reduces humanity to existence, and the anonymous forces of justice that operate in it. "Letting be" covers over the "cry whose echo will resound forever in the eternity of spaces": the tragic necessity which determines each subject to which Levinas draws out attention in *Existence and Existents*.³⁸ The tragic, as Heidegger conceives it, lies in the essential forgetting of the oblivion of Being by a "singular will to conquer" and not, as Levinas writes in *Existence and Existents*, the "forgetting of the unforgiven [] instant and the pain for which nothing can compensate [compenser]".³⁹

³⁷ E. Levinas, *Is Ontology Fundamental?*, BW 6.

³⁸ EE 90/153-154.

³⁹ EE 90/154.

In *Otherwise than Being* Levinas claims that: "Being qua Being is a function of justice".⁴⁰ However, this does not settle the question of *ethos* and the meaning of the human which he insists lies beyond this original thinking of the truth of Being. It is clear in the 1951 paper *Is Ontology Fundamental?*, that he considers Heidegger's notion of "letting be" suitable as an account of the experience of beings in their Being, but that he has doubts about its suitability as a description of the relation to the Other as "human" and not just as a specific kind of being amongst beings. Despite Heidegger's critique of comprehension, where to comprehend is no longer to "define", but to find ourselves in an affective disposition,⁴¹ Levinas suggests Heidegger's alliance of the verb "to know" with the verb "to exist" effaces a difference that is beyond the difference effaced in the oblivion of Being.

Levinas, I suggest, recognises that for Heidegger, the affective disposition of "thinking" is the ontological impossibility of overcoming forgetfulness which opens an abyss that cannot be overcome by "a singular will to conquer".⁴² However, for Levinas, such an ontology leads to an interpretation of concrete existence "as a function of its entry into the 'openness' of being in general".⁴³ As Heidegger claims in the *Letter on Humanism*, we must think the essence of man in terms of this original thinking in non-definitive terms as he who resides in the proximity of Being, not as the master of being, but as the host [*Hirt*] he who is claimed by Being.⁴⁴ *Ethos*, the open region where man resides, lies in the proximity of Being. In proximity to Being, an abyss is opened. There is a fundamental disturbance that challenges the possibilities of the "will".⁴⁵ On this,

⁴⁰ OTB 162/AE 207.

⁴¹ *Is Ontology Fundamental?*, BW 4, "To think is no longer to contemplate, but to commit oneself".

⁴² Heidegger, *Anaximander Fragment*, p. 57.

⁴³ *Is Ontology Fundamental?*, BW 5.

⁴⁴ Heidegger, *Letter on Humanism*, p. 199.

⁴⁵ For a discussion of the relation of Heidegger and Levinas with regard to a fundamental "metaphysical disturbance" see Christoph von Wolzogen, "Die eigentliche metaphysische *Zur Grundlegung einer integrativen Ethik*, (Frankfurt: Suhrkamp, 1995), pp. 130-154.

Levinas and Heidegger are in agreement. However, the disturbance, which shakes the foundations of affective being, is given two fundamentally irreconcilable interpretations by Heidegger and Levinas.

Levinas does not accept the Heideggerian analysis of this moment in which "man" is thought in terms of Being, and the fundamental disturbance is conceived as the tragic essenc-(ing) of the "human", who must give himself to the anonymous futurity and historicity of Being. Llewelyn sums up Levinas' position with regard to the Anaximander fragment, as follows:

... this resolution [of the tragedy of being] is sought in a return to human subjectivity that Heidegger's analysis of *Dasein* would leave when he locates what he refers to as a resolution of the tragedy of being in the coming to presence of the present as in the overcoming of the dis- of dis-order denoted by Anaximander's word *a-dikia*.⁴⁶

Heidegger talks of the overcoming of disorder as a relation to danger. It is in relation to this abyss, the fundamental disturbance, that redemption might be thinkable. This relation of danger and redemption in Heidegger's work is

Patmos, which expresses the paradox of the proximity of God and yet the difficulty of an approach to God, and suggests that in recognising the risk one already takes a step toward redemption:

Close,
and difficult to grasp, God.
But where danger is, grows
the saving-power also.⁴⁷

⁴⁶ Llewelyn, *The Genealogy of Ethics*, p. 25.

⁴⁷

The anxiety invoked in the recognition of the "absence of God", no doubt calls into question the pretensions of the "singular will to conquer". The abyss itself is interpreted as a moment of an awakening to Being's call. While it might be argued that Heidegger is far from offering consolations, the question remains what is it to heed the call of Being. Who is saved? Who suffers? Is there another danger in linking being's justice to the growth of a saving power?

Levinas implicitly takes up this questioning in the paper *Diachrony and Representation*, where, commenting on Heidegger's analysis of the Anaximander fragment, he suggests that Heidegger's putting in question of the presence of the present in its persistence and violence might be read as gesturing toward the calling into question of the ego, in its perseverance in being.⁴⁸ Levinas writes:

It [the notion of the unjust presence of the present] puts into question the "positivity" of the *esse* in its *presence*, signifying, bluntly, encroachment and usurpation!⁴⁹

Levinas asks whether Heidegger inadvertently gestures toward the original signification of ethics at this moment, and suggests that the manner of presencing discussed by Heidegger is already a sign of the offence done to the Other by the persistence of being's good conscience.⁵⁰

However, Levinas makes clear in another comment that what he sees in this account of being is an honesty with regard to its violence and not necessarily an adequate account of its overcoming.

I have always admired the Heideggerian analysis of the Anaximander fragment. The

⁴⁸ E. Levinas, "Diachrony and Representation" (1982), TO 97-120/EN 165-184.

⁴⁹ *Diachrony and Representation*, TO 109/EN 174.

⁵⁰ *Diachrony and Representation*, TO 109/EN 175.

postponing the past and the future, without suggesting any remorse in this exclusive "Being-there".⁵¹

On first reading, Levinas' claim appears somewhat contentious, as the discussion above reveals that Heidegger makes a distinction between the "presence of the present" and "presencing". As we have seen, the presencing of the present does not appear in his analysis as persistence and violence, but as "giving reck" or the surmounting of disorder/injustice. But we must examine this interpretation of presencing as "justice"/dike more closely, considering the question of remorse, before we make a decision regarding Levinas' claim.

Levinas is correct to suggest that the presence of the present appears in Heidegger's analysis as violence and persistence. However, he appears to overlook the fact that this presence is a consequence of presencing which gives reck, in his claim that this is a presence without *remorse*, where the latter would be of a different order to the order of presencing.⁵² Thus, in *Otherwise than Being*, Levinas examines the ethical signification of remorse beyond ontological, psychological, or pre-determined moral definitions, as a moment of the encounter with the Other.

The relation of remorse and justice in Levinas can be traced back to one of his earliest discussions of justice. In *Existence and Existents*, he discusses a notion of suffering or pain which cannot be redeemed. He finds that "[t]here is no justice that could make reparations for it".⁵³ In this work, the meaning of pain or suffering is doubled with an ontological signification as a moment of impossibility. Between the moment of suffering, which is itself conceived as an

51

Langages, 1989), p. 13 (my translation).

⁵² "Remorse", generally speaking, can be defined as a painful affect that is a remnant of a previous event. Etymologically "remorse" can be broken into "re-", and "-mordere", where "re-" means "behind/after" and "mordere" means "biting".

⁵³ EE 91/DE 156.

enchainment to being, and the moment of justice there is an unbridgeable gap, a not being able to return to the moment in which pain was inflicted so as to undo it. One cannot undo the attachment to being through acts of justice. It announces the impossibility of a certain justice which would be based on the idea that reparation is an *adequate consolation* under such impossible circumstances.

In the light of this early account of justice it can be suggested that the problem with the interpretation of existence as a function of justice, is the reduction of affectivity, or sensibility to a passive exposedness to being, which does not seem to recognise the violence inherent in this exposedness and the demand that man give himself to, or become the servant of Being. In *Existence and Existents* passive exposedness appears as a violence with regard to the subject. In *Otherwise than Being*, the signification of exposure is introduced as the gnawing sensibility of remorse.

In *Otherwise Than Being*, Levinas describes remorse in relation to the notion of recurrence and substitution. Remorse is a "gnawing away of identity", or the recurrence of the contracting ego, which is associated with intolerable rest and the break up of the principle of being.⁵⁴ This is not the "alienation of an identity betrayed" but substitution, an inequality beyond consciousness where the self is out of phase with itself - "biting in on itself" - remorse.⁵⁵ In *Otherwise than Being*, remorse is a term used to describe a sensible subjectivity whose embodiment is now understood in terms of an ethical affectivity. Sensibility is no longer a mode of enjoyment, rather, the "immediacy of enjoyment *and* its frustration" describes the "immediacy of sensibility".⁵⁶ This immediacy is the "for-the-other of one's own materiality": a proximity and vulnerability to the Other.⁵⁷ It is at the level of material "vulnerability" that the subject, "despite itself [*malgre soi*]" is responsible to the point of substitution for the Other.⁵⁸ In other

⁵⁴ OTB 114/AE 145.

⁵⁵ OTB 115/AE 147.

⁵⁶ OTB 74/AE 94 (my italics).

⁵⁷ OTB 74/AE 94.

⁵⁸ OTB 74/AE 94.

words, initial materiality already has an ethical signification. In the terminology of *Otherwise than Being*, the relation of this ethical affectivity and being, is discussed in terms of the relation of "the Said" and "the Saying", where the Said is the realm of the interminable play of justice and injustice, of the coming to be and passing away of entities in their being, and the Saying is excessive moment of ethical affectivity which is necessarily betrayed in the Said but not thereby negated.

Thus, the question of justice and the question of subjectivity, is no longer a question of whether or not justice can be rendered to being, but a necessity that arises out of the ethical Saying. What this introduces is a notion of responsibility that cannot permit the subject of justice to remain indifferent to the Other. Responsibility is not simply bad conscience, nor conscience as the fact that one hears the silent call of Being. Responsibility is prior to the response given to the call. There is no economy of need, even the need of Being for humanity.

iii) Language and Affectivity

In his 1967 essay *Language and Proximity*, Levinas introduces the Said in a discussion of intentionality and signification.⁵⁹ Language, Levinas suggests, is the manner in which the world is present to intentional consciousness. This is not to say that language is a system of signs which represents or reconstitutes, in a subjective consciousness, the objects of an external world. The phenomenological conception of language challenges, on the one hand, the naturalist or naive realist conception of the relation of subject-object in which the objective world is present to consciousness through sensible perception; and on the other hand, the idealist notion in which the manifold of intuition is presented

⁵⁹ E. Levinas, "Language and Proximity", CP 109-126. Originally published in French as

to a synthesising consciousness which immediately identifies this or that. As Levinas writes:

To be present to consciousness is not reducible to presence in a receptacle nor to the unfolding of *this* or *that* before the gaze. Presence to consciousness is the fact that *this* which takes form in experience is already alleged [] or understood [*entendu*] or identified, hence thought *as* this or *as* that and as present, that is, precisely thought.⁶⁰

The notion of the identification of "this as that", or identity as the understanding of this *as* that, also has something in common with Heidegger's notion of interpretation [*Auslegung*] as the understanding of a "something *as* something" as Levinas point out.⁶¹ From a phenomeno-ontological perspective, it is the signification of the "as" that is in question. According to Heidegger, to understand "something *as* something" is an "articulation" of this as that "before our making any thematic assertion about it".⁶² In *Language and Proximity*, Levinas borrows the Heideggerian phrase to help explain the phenomenological notion of meaning. In terms of the "as", meaning is not something added to preexisting unities, nor is it how the unities are given, but rather, it is "the fact objects are meant [*entendu gemeint as* present in the original, in 'flesh and bone'".⁶³

The consequences for our understanding of the relation of language and world, or perhaps we should say, for the meaning of "language" and "world", are explained in *Meaning and Sense*:

⁶⁰ *Language and Proximity*, CP110/DEHH 218.

⁶¹ *Language and Proximity*, CP 111/DEHH 219. See Heidegger, *Being and Time*, p. 189.

⁶² Heidegger, *Being and Time*, p. 190.

⁶³ *Language and Proximity*, CP 110/DEHH 218-219. In *Otherwise than Being*, Levinas comments on Derrida's translation of the German word "*Meinung*" by the term "*vouloir dire*". In English this is equally difficult to translate. Lingis has chosen "meaning to say", rather than, for example, a more literal version of the French "willing to say". While the former maintains the connection to the primacy of meaning, the latter maintains the reference to the will which Levinas adds, "every intention remains". Every word, Levinas writes, has this "willing to say", "which is not simply an aim". This seems closer to the German which is related to "*mein*", literally "mine", "belonging to me". The distinction is discussed in the following, OTB 189/AE 46, footnote 23 to Chapter II.

Experience is reading, the understanding of meaning exegesis, a hermeneutics, and not an intuition. *This taken qua that* - meaning is not a modification that affects a content existing outside of all language. Everything remains in a language or in a world ...⁶⁴

This then is the importance of Heidegger's ontology which overcomes the subject-object opposition that plagues "intellectualism", and brings the things in themselves back to the horizon of their appearing.⁶⁵

In *Language and Proximity*, Levinas first distinguishes the notion of "identification" as the work of classification or subsumption of an identity under a predicate (Kantian apperception), and the properly phenomenological notion of identification as "*kerygma*". The latter notion which conceives of the act of identification as a primary movement of meaning which is presupposed in any predicative act will be discussed in detail below. However, the discussion in *Language and Proximity* does not limit itself to the delineation of this distinction but attempts to reveal an assumption common to both: that all acts of identification are grounded in a presupposed spontaneity. Levinas continues: "[a]nd the authority of intuition rests on this *as*, on this meaning behind which one can not reasonably seek anything further".⁶⁶ In the former, the subject is identified by being subsumed under a predicate. In the latter, identification is the *a priori* mode of presentation of something to intentional consciousness, of being-in-tention.

In his analysis of these issues in *Otherwise than Being*, Levinas also draws our attention to Husserl's discussion of an "originary doxa" [*Ur-doxa*] in

⁶⁴ E. Levinas, "Meaning and Sense", CP 78-79/HAH 22.

⁶⁵ I do not wish to reduce Heidegger to Husserl, nor Husserl to Heidegger. Levinas contrasts Husserl to Heidegger, in *Meaning and Sense*, suggesting that Husserl lies ambiguously positioned between intellectualism and the overcoming of it. In this paper it is quite clear that for Levinas, Heidegger's ontology epitomises the final step out of the labyrinths of intellectualism. This ontology is nevertheless a phenomenology in the sense stated here.

⁶⁶ *Language and Proximity*, CP 110/DEHH 219.

Experience and Judgement.⁶⁷ Husserl suggests that the "merely passive pretentional [*vorgebendes*] consciousness" in which the entity [*seiendes*] is "pre-tended" as a unity of identity, is also a realm in flux.⁶⁸ For the grasping of the unity of identity as an objective identity, the pretention is always already accompanied by a "perceptive contemplation" [*wahrnehmendes Betrachten*] of the pre-tended sensible substrate, which Husserl claims is already an Activity.⁶⁹ In other words, the primary "tention" of "intention", is the fact that it is neither a pure passivity of sensibility, nor a pure act of reflection in which a subject is assumed under a predicate. The *a priori* presentation is a "primal impression" which is "not *impressed* without consciousness".⁷⁰ The significance of this analysis lies in Husserl's insistence that the relation of the pre-predicative realm and the predicative judgment is not one of passive receptivity and active contemplation, but that already at the pre-predicative level there is an active "I" [*Ichakte*].⁷¹

Thus, says Levinas, intentionality cannot be summed up by the well known phrase, "consciousness is always consciousness of something", or an openness upon something, unless we recognise that this openness is already an "understanding" [*entendement*]. It is the fact that understanding is an *a priori* "being-in-tention", in the sense of a pre-tension [*pretendu*], a proclamation of something *as* something.⁷² Thus, in *Otherwise than Being*, Levinas writes: "[t]he Said is not simply a sign or an expression of a meaning; it proclaims and

⁶⁷ E. Husserl, *Erfahrung und Urteil. Untersuchung zur Genealogie der Logik*. (Hg.). Ludwig Landgrebe (Hamburg: Felix Meiner, 1972). OTB 35-36 & 189/AE 45-46. Cf. OTB, footnotes 21-22 to Chapter II.

⁶⁸ Husserl, *Erfahrung und Urteil*

⁶⁹ Husserl, *Erfahrung und Urteil*

⁷⁰ OTB 33/AE 41.

⁷¹ See especially Husserl, *Erfahrung und Urteil*

consciousness cannot grasp that the givenness of the object is already an achievement [*Leistung*], a judgement at the most fundamental level.

⁷² I have used "pretension" as a reminder of the etymological relation of the terms, "*entendre*", and "*pretendre*", which Levinas uses and which are also related etymologically to "intention". This connection is lost in the English translation of "*pretendre*" as "claim" or "*allege*", and "*entendre*" as "understanding".

establishes this *as that*".⁷³ In other words, the Said is another word for the *a priori* spontaneity of consciousness.

However, what Levinas claims to have uncovered is not a notion limited to Husserl, but a notion of the *a priori* common to the Western philosophical tradition.⁷⁴ This notion of spontaneity is ultimately conceived of as a first enunciation, the possibility of predication, or the spontaneous advent of the universal.⁷⁵ "Primal consciousness" is a "surplus of spontaneity" prior to the reflective thought which will subsume the proclaimed/pretended identity under a predicate.⁷⁶

For Levinas, the specificity of Husserl's notion of spontaneity lies in the suggestion that it is situated *between* activity and passivity, where these are conceived as an opposition of body and intellect, and thereby to insinuate the "sensible as lived" not only as the fundamental level of judgement but reducible to neither side of the opposition mind/body.⁷⁷

Thus, Levinas claims that the pre-predicative Said cannot be reduced to a spontaneous subjective expression conceived as the spontaneous outburst of an

⁷³ OTB 35/AE 45.

⁷⁴ Cf. Levinas' footnote 20 to Chapter II, where Kant is quoted, OTB 188-189/AE 45.

⁷⁵ "In a cognition understood (experience and receptivity), in order for the numerical identity, the identification of this as that, to become meaningful (for identity never belongs from the first to the given profusion of the indiscernible, which is chaotic), what counts is spontaneity structured as an universal ... [t]hought can therefore reach the individual only through the detour of the universal. For philosophy as a discourse, the universal precedes the individual; it is in all senses of the term, *a priori*", *Language and Proximity*, CP 113/DEHH 221-222.

⁷⁶ OTB 35/AE 45.

⁷⁷ We can also recall here what Levinas says with regard to the idealist tradition in his preface to *Humanisme de l'Autre Homme*, and the essay "Humanism and Anarchy" which appears in this book. Idealism's discovery of a dynamic identity, an essential "being-in-act" of subjectivity, is epitomised in the Kantian "unity of apperception", in turn admired by Hegel, and taking its most radical form of expression in Fichte (*Wissenschaftslehre*), who taught that the "reflexivity of the ego is nothing else than the fact of being the origin of the origin", E. Levinas, *Humanism and Anarchy*, CP 131. The intelligibility of the subject itself rests on this movement of consciousness which, by definition, nothing can enter "fraudulently", nothing can enter without becoming truth, *Humanism and Anarchy*, CP 131. Levinas continues, seeming to suggest that this ego [*moi*] is involved in the postponement ad finitum of the *Sollen*, - "devolving from the subject posited as Ego [*Moi*]", which already announces the failure involved in human action. Wenzler suggests that Levinas is referring to a passage from Fichte such as: "Das Gesetz ist darum schlechthin rein, ein *Soll*

[...]", [The Law is thus pure as such, nothing more than a formal Ought, that in this purity repeats itself infinitely] (my translation). *Fichtes Werke*, (Hg.). I.H. Fichte, Bd. X, Berlin 1971, S. 486. Cf. L. Wenzler, "Anmerkungen zu 'Humanismus und Anarchie'", in *Humanismus des anderen Menschen*, übers. L. Wenzler, (Hamburg: Meiner Verlag, 1989), p. 118.

embodied thought, but is an obedience to an originary doxa [*Urdoxa*], a listening or "hear-say" [*oui-dire*], which Levinas also calls the "already said" [*deja dit*] or the "epos where the *given* is held in its theme".⁷⁸ In other words, the identification of something as something does not "take place", so to speak, in a world of pure sensations, but in a world where things are already "meant". This is not to claim that the world has already been grasped theoretically, or has been named, or represented as this or that. Rather, the already said "signifies (proposes and orders) experience".⁷⁹

In the terms above, the Said refers to the spontaneous activity accompanying the givenness of the object, yet prior to any predication. In distinction, the *already Said*, which Levinas describes as "the saying teleologically turned toward the kerygma of the Said",⁸⁰ is the fact that this spontaneous activity takes place, so to speak, at the fundamental level of the sensible lived. Together, the Said, and the already said, insinuated between activity and passivity, are the possibility of a naming and of an approach to, and out of, the sensible. What this means is that the Said is not merely the nominalisation of an undifferentiated, or pure flow of temporality, the flux of an "objective world". The relation between temporal flow and the Said takes place across the affectivity of the "sensible as lived":

In the sensible as lived, identity shows itself, becomes a phenomenon, for in the sensible as lived is heard and "resounds" essence, the lapse of time and the memory that recuperates it, consciousness ...⁸¹

⁷⁸ OTB 36/AE 46. In terms of *Being and Time*, it could be suggested that the "already said" can be grasped as the ontological fact that all interpretation [*Auslegung*], the *kerygmatic* said, is grounded in the fore-structure of understanding as the primordial state of *Dasein's* Being, which is always a Being-in-the-world alongside things ready-to-hand.

⁷⁹ OTB 36/AE 46.

⁸⁰ OTB 37/AE 47.

⁸¹ OTB 36/AE 46.

Thus, Levinas connects the "amphibology of being" - the essential hide-and-seek structure of Being, the coming to be and passing away of beings in the Said - neither to a notion of a fundamental duality of matter and mind, nor to the essential oblivion of Being itself, but to the fact that the "sensible lived" resounds in any denomination of Being. In other words, the verballity of the verb lies in lived sensibility. The sensible is "already the ambiguity of the verb and the noun that scintillates in the Said".⁸² The ambiguity lies in the fact that the sensible is always "already said". Levinas writes that the Saying that bore the Said "was absorbed and dies in the Said, was inscribed".⁸³

This account of the Said and the already said contains a more complex critique of the latent intellectualism of Husserl's position, which was touched upon in Chapter Three. As suggested in that chapter, although Husserl recognises the significance of affectivity, he subordinates it to intentional consciousness, to an act of meaning giving - even if we now understand this "meaning-giving act" as beyond theoretical naming.

Thus, Levinas links the Heideggerian question of being, or in Levinas' terms the "amphibology of being", to Husserl's notion of the "lived sensible" or the question of the nature of sensibility. In other words, he links verballity to sensitivity. Should we see this as a radical reinterpretation of the ontological difference, where the fact of the silent essencing of being, which always gets Said, is tied up with a betrayal of the sensible lived?

Levinas has introduced us to the Saying teleologically turned toward the Said, a Saying or affectivity, the signification of which, is always subordinated to the moment of presencing, if only as the condition of the possibility of such essencing. For Levinas, however, the Saying cannot be reduced to this moment in which it is fixed in terms of the teleology of the Said.

⁸² OTB 36/AE 46.

⁸³ OTB 36/AE 46.

iv) The Said and the Saying of the Said

As the discussion above suggests, the introduction of the Said and the Saying, after *Totality and Infinity*, should be read as a clarification of a difficult and debated relationship between ethics and ontology.⁸⁴ In the terms of *Totality and Infinity*, the issue resides in the question of the relation, priority and contradictions involved in the announcement of the face/*Autrui* as the ethical signification of "language", while "language" seems nevertheless, to remain the "house of Being". In the language of *Otherwise than Being*, this becomes a question of the possibility of an ethical Saying which not only ruptures the ontological language of the Said⁸⁵ but, in this very rupture transforms the manner in which we think the relationship.⁸⁶

These terms already appear at the end of the Preface to *Totality and Infinity*, where Levinas writes that the preface is already a restatement of the work written, and is an attempt "to break through the screen stretched between author and reader by the book itself".⁸⁷ As such, he says, the preface "belongs to the very essence of language, which consists in continually undoing its phrase by the foreword or the exegesis, in unsaying the Said".⁸⁸ Rather than suggesting that

⁸⁴ The importance of Levinas' introduction of the "Said" and the "Saying" in *Otherwise than Being* is generally agreed upon in Levinas scholarship. Whether one conceives of *Otherwise than Being* as a radical turn from *Totality and Infinity*, or a continuation of the project announced even as early as 1935, one cannot deny "the limitations of language" in *Totality and Infinity*, as is often announced. What exactly these limitations amount to is perhaps more open to examination and itself informs the manner in which the relationship of *Totality and Infinity* and *Otherwise than Being* is thought. I do not intend to discuss the degree of success or failure of Levinas' enterprise in *Totality and Infinity*, but to explore the issue behind the debate which is the relation of ethical and ontological language. I agree with Critchley's and Bernasconi's suggestion in the preface to *Re-Reading Levinas* that the relation of the two texts is more complicated than any simple developmental thesis, but it is nevertheless "clear that in the latter work (OTB) Levinas is more aware of the logocentric recoils that occur when ethical Saying is thematised within the ontological Said", Critchley and Bernasconi, *Re-reading Levinas*, p. xiii.

⁸⁵ Critchley and Bernasconi suggest that the central preoccupation of *Otherwise than Being* concerns the possibility of an ethical saying which ruptures the ontological language of the Said, Critchley and Bernasconi, *Re-reading Levinas*, p. xiii.

⁸⁶ I am not suggesting a dialectical transformation, since, and as I hope to show, the rupture does not involve negation of either the "ethical" nor "ontological" realms.

⁸⁷ TaI 30/TeI xviii.

⁸⁸ TaI 30/TeI xviii. This mention of the preface and the ensuing discussion of the relation of the saying and the said is undertaken in full view of the warning given by Paul Davies. He writes that it is not enough to make reference to what Levinas says about the prefatory word in *Totality and*

these claims in the preface introduce (albeit in condensed form) the relation of the Saying and the Said that is elaborated in *Otherwise than Being*, I suggest that the unsaying of the Said to which the prefatory word would correspond, remains ambiguously situated between what Levinas calls in *Otherwise than Being*, the Saying teleologically turned toward the Said, and the "Saying without the Said".⁸⁹ In other words, the unsaying of the preface is not equivalent to the ethical Saying of *Otherwise than Being*, but merely the ontological fact of the unsaid, which continually undoes the Said in the "hide-and-seek" game that is essential to Being.⁹⁰

In the opening paragraph of his exposition, Levinas claims that despite the amphibology of Being, Being is determinant for truth. It can now be added that the amphibology describes the manner in which we understand "truth" itself. Levinas does not take issue with this but asks whether the importance of Being for truth should not overshadow another amphibology with regard to ontological difference itself. Levinas is suggesting that ontological difference does not escape the denomination of the Said.⁹¹ While the difference is disturbing, in determining it we lose sight of it:

Infinity, nor to provide an account of the distinction of the saying and the said, to decide the question of the status and possibility of the very language in which the "ethical" could be heard once and for all. In other words, the problem of the possibility of "ethical language", is not an issue that must be decided in the positive before we can take Levinas seriously, but rather its undecidability is integral to Levinas' "ethics", which "can never have done with the issue of language." See P. Davies, "On Resorting to an Ethical Language", in A. Peperzak (ed.), *Ethics as First Philosophy*, (London: Routledge, 1995), p. 96-97. We should keep this in mind throughout the following discussion, which does not intend to uncover the possibilities for the appearance of an originary ethical concern, but leads to the necessity of betrayal and "non-sense" for the possibility of justice.

⁸⁹ OTB 45/AE 58. Perhaps *Totality and Infinity* could be read under the sign of this ambiguity, which the preface already announces and, as Paul Davies suggests, is a possibility not meant to be resolved, Davies, "On Resorting to an Ethical Language", p. 97. This would be to re-read *Totality and Infinity* not only after the preface, but after *Otherwise than Being* and the latter as Levinas' second preface to *Totality and Infinity*.

⁹⁰ OTB 23/AE 29.

⁹¹ As Peperzak writes: "the amphibology of being belongs to the dimension of the Said. The hesitation of language between nouns and verbs, its switching from beings to Being, and the other way round, characterises it as logos, apophansis, Said", A. Peperzak, "From Intentionality to Responsibility", in A.B. Dallery and C.E. Scott, (eds.) *The Question of the Other*, (New York: State University of New York Press, 1989), p. 10.

belongs to [] *monstration* as such, it belongs [*appartient*] on the same plane as being, for which the hide-and-seek game is, certainly, *essentiel*.⁹²

What distinguishes being [] is its essential amphibology. But the distinction suffers the same fate. Thus Levinas appears to point to the necessary oblivion of Being and the distinction. However, as suggested in the discussion of Heidegger above, and as the following discussion demonstrates, Levinas' explanation of this necessity goes beyond being itself.

Levinas insists that both being and the difference belong to the plane of monstration. For Levinas, the essential hide-and-seek play at work on this plane, is a "modality of signification".⁹³ However, this plane cannot be considered the ultimate event of sense or meaning. Elsewhere Levinas writes that such a conception of meaning is in keeping with the Greek tradition where 'language' is the fundamental event of sense.⁹⁴ This 'language' is dominated by the denomination of being, where being might have existence as its essence but will be "a being" nonetheless. While Heidegger reveals the oblivion of the difference, Levinas claims we cannot stop at the Said, nor the Saying teleologically turned toward the Said. It is necessary to consider the possibility (and impossibility) of a Saying beyond the Said. Thus, Levinas claims that: "The Said and the non-said do not absorb all the Saying, which remains on this side of, or goes beyond the Said".⁹⁵ The question that is immediately raised is: How are we to approach this "beyond" without again fixing it in the Said?

In *Otherwise than Being*, the distinction between the Saying and the Said is complicated from the first by this distinction between the "Saying teleologically turned toward the Said",⁹⁶ and the Saying which cannot be conceived of as a

⁹² OTB 23/AE 29 (translation modified).

⁹³ OTB 23/AE 29.

⁹⁴ E. Levinas, "Questions et Reponses", DVI 137.

⁹⁵ OTB 23/AE 29.

⁹⁶ Levinas also will use the terms, "epos", "already said", and "kerygma", discussed below.

correlate of the Said. Thus, the relation of the Said and the Saying is not one dimensional. The relation of the Saying teleologically turned toward the Said corresponds to the "amphibology of being", Levinas' expression of the ontological difference, or in terms of the above the realm of justice. The Saying beyond the Said, on the other hand, introduces the "amphibology of this amphibology" itself, which Levinas insists cannot be thought on the plane of being.⁹⁷

Does the mystery of being [] and entities [] already? From the start, the distinction and the amphibology of being and entities will show itself important and being [] an amphibology and does not signify the ultimate.⁹⁸

In what appears to be a repetition of the opening paragraphs of *Existence and Existents*, Levinas draws our attention to the difficulty of differentiating between being and entities in the opening paragraph of his "Exposition".⁹⁹ Just as Levinas makes a distinction between "difference" and "separation" in *Time and the Other*, he is now attempting to distinguish "distinction" and "amphibology". There is a distinction and an amphibology, he claims, but the distinction is also an amphibology. What is the difference between the first and second amphibology, the first and second distinction?

The first distinction, or amphibology is between nominality and verbality, that is, between an entity that is and the *process of being* of the entity - its *essence*. As Levinas reminds us: "the term essence here expresses Being different to

⁹⁷ John Llewelyn also distinguishes these two amphibologies, calling them the "ontological" and the "ethical" respectively and suggesting that the ethical amphibology doubles the ontological amphibology. What this exactly amounts to, I hope will become a little clearer in the following discussion, Llewelyn, *The Genealogy of Ethics*, p. 196.

⁹⁸ OTB 23/AE 29 (translation modified). Lingis interprets: "la distinction et l'amphibologie de amphibology of being and entities will turn out from the start to be important and *to be* determinant for truth," (my italics). Thus he translates " " as "to be" rather than "being" which would be a reference to the necessity of being for truth.

⁹⁹ I refer here to Levinas' first sentence: "The distinction between that which exists and its from its view", EE 17/DE 15.

being".¹⁰⁰ Verbality, in other words, is qualitatively different to denomination. However, according to Levinas, the verb always gets *understood* as a species of nominality: naming an event or process as opposed to an entity, but nevertheless naming. Whether designating an entity that is, or that entity's *process of being* [*le*], it cannot rid itself of the nominalisation. The process "captured by the designation, even if it is a movement, shows itself, but is immobilised and fixed in the Said".¹⁰¹

Nevertheless, and as Llewelyn points out, "the nominalised being of beings is always exposed to the resounding, echoing essence, essence or essencing through the verb".¹⁰² This relationship in which the process of being is captured in the Said, yet remains exposed to the essencing of the verb, describes the amphibology of being. In the French, being is written as *être*, a nominalised verb. Levinas opposes this to "to be" or *to be*, which he calls the verbality of the verb. The verbality of the verb lies in this telling of the temporality that any event would already presuppose. As such, verbality expressed by *to be*, is linked to temporalisation, where time is not the essence of *to be*, but rather temporalisation is the essencing of being - a "vibration" or "resounding", rather than the naming of being in the Said.

The verb *to be* tells the flowing of time as though language were not unequivocally equivalent to denomination, as though in *to be* the verb first came to function as a verb, and as though this function refers to the teeming and mute itching of that modification without change that time operates.¹⁰³

¹⁰⁰ OTB preliminary note: p. xli/AE ix.

¹⁰¹ OTB 23/AE 29.

¹⁰² Llewelyn, *The Genealogy of Ethics*, p. 181. In his preliminary note to *Otherwise than Being* Levinas claims that he does not chose to write *essance* to distinguish his use of "essence" from the Scholastic *ens* meaning the essence of an entity. However, as already suggested, this does not mean that he conceives of essence in this traditional sense. OTB xli/AE ix.

¹⁰³ OTB 34/AE 44.

This essencing is an expression of the "saying teleologically turned to the *kerygma* of the Said",¹⁰⁴ which Levinas also calls the Saying as a correlate of the Said. As Llewelyn writes of the relation of the Said and the Saying as correlate of the Said:

On the one hand is the exposition of the properly propositionally said that may be written down and transferred and remembered from one generation to another ... [o]n the other hand is the exposition that is the exposing in Saying or to-say (*Dire*) of the proto-impressional temporal flow of being which is the poietic source of scientific life.¹⁰⁵

The exposedness of being which is said, to the silent essencing of being, points to the essential hide-and-seek structure of being. Being, essentially amphibological, is a plane where entities show themselves as such, are represented or 'said', but in belonging to being, also pass away, are concealed or remain 'unsaid'. Temporality "comes to be analysed as a divergency making possible the rediscoveries of an act of consciousness".¹⁰⁶ Temporality exposes, in the sense of illuminating, and ontological illumination is a modality of signification in which truth is revealed.

... temporality which illuminates resounds for the "listening eye" in the verb to be. And it is for that man is a being of truth, belonging to no other genus of being. *But is the service of being?*¹⁰⁷

Anaximander fragment, can be linked to justice understood as presencing, in

¹⁰⁴ OTB 37/AE 47.

¹⁰⁵ Llewelyn, *The Genealogy of Ethics*, p. 181-182.

¹⁰⁶ OTB 37/AE 48.

¹⁰⁷ OTB 37/AE 48 (translation modified).

signification. However, Levinas questions whether this is a sufficient condition of signification. What is left out of this amphibology, is not simply the "presence of the other", but a notion of sensibility, which Levinas has been pursuing throughout his work, a notion of the sensible, which is not subordinated to theoretical consciousness. This notion and the nature of its relation to the realm of justice, will be the topic of the final chapter.

In conclusion it can be suggested that Heidegger's attempt to think "the human" beyond ontology and ethics in terms of what remains to thought in terms of the truth of being, is questioned by Levinas insofar as it conceives of the human not only in terms of a relation to the truth of being, but also insofar as this truth is thought in terms of an essentially anonymous play of justice and injustice. This chapter explored Levinas' analysis of this realm of justice in terms of the Said, which for Levinas is the realm in which everything shows itself according to this unavoidable ontological necessity.