

THE PROBLEM OF THE PROMISE: Derrida on Levinas on the Cities of Refuge

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LEVINAS'S ZIONIST WRITINGS are generally neglected. This might seem odd in light of the fact that one of the criticisms most often made of Levinas is that he has no interest in politics. You would think that scholars looking to defend him would be led to a consideration of his most overtly political writings. But as yet they have not. Partly this has to do with the prevailing political wind: in the last decade, Zionism has not been altogether popular with the socially conscious, and it is the socially conscious who read Levinas. But it is not just a question of the leanings of Levinas's readership. What those who criticize Levinas for having no politics want is the occasional policy statement, a comment here or there on how the ethics might apply to the concrete problems of the twentieth century—the kind of thing they are used to from, for instance, Jacques Derrida. What they get instead in the Zionist writings is a fervent discussion of the upper limits of human political possibility. It is an intemperate discourse, one in which the sobriety for which Levinas is known is all but entirely relinquished. Readers tend to find this alarming. Even those who crave more political discussion than is offered in the major works grow uneasy at the enthusiastic embrace of Israel's higher potential.

Derrida is one of the few commentators who take up the Zionist writings at length. His discussion, which appears in the essay, "A Word of Welcome," oscillates between praise and criticism.¹ Ultimately I think the criticism is intended

to stand in the service of the praise; in other words, Derrida's intention is to deepen our appreciation of these writings and the political theory they present by deepening our understanding of their problems. In this paper, however, I will not complete the argument; instead I will raise only the forceful critique. The Zionist work on which I will focus is the talmudic lecture, "Cities of Refuge."² I will begin with a summary, and go on to raise questions in my own name and in Derrida's, questions which, however, should not be understood as my last word, or his.

The Talmudic passage Levinas takes up in "Cities of Refuge," Makkot 10a, arises in the first instance from Deuteronomy 4:41-3, which describes how Moses founded three cities to provide sanctuary to the manslayer, the one who "kills his neighbour unintentionally." The Talmud provides more detail, and a discussion of the purpose and significance of the cities. It begins by listing certain civic regulations. The cities had to be guarded so that a relative of the one killed could not get in and take vengeance on the manslayer—and, in case an avenger did get in, the citizens of the cities were forbidden to leave lying around any objects that might be used as weapons. More broadly, the cities had to be founded on trade-routes, near water-sources, and were required to have a good-sized population—presumably if a lot of people moved out, others were encouraged to move in. These and other provisions are mentioned by the rabbis, provisions both for sustenance and for a full communal, spiritual life.

Why, Levinas asks, so much concern for the manslayer? He answers: because we are all manslaughterers. The manslaughterer is the one who is half-guilty, since he has killed, and half-innocent, since he did not mean to kill. We all participate in structures of oppression—this makes us guilty—but we participate for the most part unwittingly—this makes us innocent. Levinas uses the images of sleepiness and wakefulness to describe our circumstances. Were we fully awake, he says, there would be no manslaughter. We would know what we were doing, and while under such conditions there might still be murder, there could be no unwitting harm. But, as it is, we do not know exactly what we're doing; our intentions frequently go awry; we are, in these respects, sleepy. We're conscious enough to know that our state is imperfect; we push towards waking; we're aware that responsibility is not limited by negligence, that it is not really adequate to say "I made a mistake." But we do make mistakes and we have to forgive each other. Though we understand full responsibility and may assume it deep down, we cannot impose it on others or ourselves. For this reason, says Levinas, all our liberal cities are organized as cities of refuge. The original cities

of refuge provided sanctuary because the manslayer was innocent, and exile because he was guilty. Our cities too provide sanctuary from radical violence, sanctuary we deserve in our innocence. At the same time they perpetuate unwitting oppression—economic, social, and political—and in this way allow or encourage their citizens to stand in exile from the truth, in sleep's exile from waking.

The talmudic passage turns next to questions of Torah. A rabbi asks why we need cities of refuge when it is written that the Torah is our refuge. Another answers that one might be interrupted while reading, and in the moment of interruption one would be unprotected; to this Levinas adds that, since there are always interruptions, it is safer just to go to the city. The point is apparently straightforward. Even the scholars of Torah need the city of refuge. In this world, under these conditions, the Torah, which is everything, nevertheless requires the politics of the liberal city, the politics that makes allowances. Given that this is his thrust, it is not surprising that Levinas labels the argument that the Torah provides refuge “questionable,” and later “specious” (ADV 61, 62).

But though Levinas appears to be supporting one side of the argument—the Torah *needs* refuge—against the other—the Torah *is* refuge—he is actually not entirely happy with either side. He cannot agree that the Torah has some kind of talismanic use in personal or national defense, but neither is he at ease with the idea that the Torah needs anything outside itself. He therefore now departs slightly from the talmudic passage, taking what Derrida calls “a further step,” one which, Levinas himself says, goes “beyond the noble lesson of the city of refuge, its indulgence, and its forgiveness” (WW 109, ADV 65). The Torah, far from being connected to our sleepy, refuge-requiring condition; “is justice, complete justice, justice which goes beyond the ambiguous situations of the cities of refuge. . . complete. . . because. . . it is a call for absolute vigilance, [because it is] the great awakening” (ADV 64).

What Levinas seems at first glance to mean here is that while Torah requires politics, it also inscribes something beyond politics. Teaching, learning, talking, thinking in connection with this book are better than anything the political can offer. But to describe this by saying that the Torah goes beyond forgiveness is rather extraordinary. Is the Torah not the story and the instrument of divine mercy? Is one of its main purposes not to describe fallibility—or sleepiness—as the human condition, lamentable and at the same time glorious?

Even more controversial is that Levinas links this Torah to the city of Jerusalem, thus making a connection between something that had seemed to

be extra-political and the political realm—perhaps even reinscribing the former back into the latter. The connection is made with reference to the lines that close the talmudic passage, lines that evoke the image of a “heavenly Jerusalem” and an “earthly Jerusalem” that are “compact together.” Commenting on these lines, Levinas defines a number of theoretical social levels. First, there is the non-polity of the war of all against all, which Levinas describes by quoting *Pirke Avot* III.2: “pray for the state, for without it men would eat each other alive.” Second, there is the city of refuge or the liberal city, providing security from the chaos of the non-polity: here are the manslaughterers and the half-truths; here is error and forgiveness. Third, there is Jerusalem, which Levinas associates with the Torah he has just described; here we are completely awake; there is no manslaughter (though perhaps there may still be murder), and we are beyond forgiveness. Depending on how one understands Levinas’s use of the image of the earthly and heavenly Jerusalem compacted together, this last city may be one or two, and the corresponding total three or four.

Levinas is led to the delineation of levels by the fact that the Talmud speaks of the two Jerusalems and of the cities of refuge in the same passage; he himself adds the Hobbesian pre-political realm into the mix on the authority of *Avot*. Still, the delineation does not arise obviously from the talmudic text. What, then, is he thinking? There is a hint in the lecture that the threefold model emerges from his reflections on the Holocaust: the camps, the liberal cities that provided refuge from the camps, and then Jerusalem, different in these respects from those liberal cities because, as Levinas says explicitly, it is a mistake to see the significance of the founding of the State of Israel as merely the establishment of a safe place for Jews, its significance in distinction being its relation to the heavenly Jerusalem. But the fourfold model is better mapped, I think, in another way: the place where people eat each other alive is the state of nature, the city of refuge is the present human political condition, the earthly Jerusalem is the messianic era, and the heavenly Jerusalem is the world to come. Keeping this in mind, let us turn to Derrida’s questions, and to mine.

Derrida is uneasy about what seems to him a fetishizing of the holy city and the holy land that stands at odds with Levinas’s usual subordination of the idea of Sinai to the idea of the face. He responds to Levinas’s assertion that “the longing for Zion. . . is not [just] one more nationalism,” by pointing out, dryly, that all nationalisms make this claim (*ADV* 70, *WW* 117). To be sure, this does not rule out the possibility that the claim may sometimes be true, but it does imply strongly that nationalism, pure and simple, is Levinas’s motivation in

the lecture. However, Derrida also says that the apparent fetishizing may be less of a problem than it initially appears. He reminds us of Levinas's many "extraordinary political essays" that "always placed the covenant above or beyond a 'Jewish nationalism'" (WW 118), and in this light hints that it might be possible to think of Levinas's Jerusalem as *any city*, and indeed, to consider whether any and every actual tangible city including Jerusalem does not inscribe within it all the theoretical social levels—offering violence, refuge, and something higher, some connection to God.

But Derrida is still left with what I will call the problem of the promise. Why do we need to evoke the quasi-Augustinian image of an ideal city within the real city? Why the insistence on completeness or fulfillment, and why is the completeness located in a social-political context? "Why gesture in the direction of a welcome that would be more than a welcome, older and more to come than a welcome? An eschatological hospitality that would be more than hospitality, as it is understood in law and in politics, a hospitality of the Torah that would be, in a word, more than a refuge?" Why, in other words, are welcome itself, hospitality itself, and perhaps also Torah itself—with whatever refuge its study can provide us—not enough? "These questions," Derrida adds, "are not posed" (WW 106).

Derrida's remarks lead me to a longer critical mediation. Derrida comes to the Zionist writings in the second half of "A Word of Welcome." Some of what precedes is a discussion of what he calls the "transgressive" character of Levinasian politics, by which he means Levinas's idea that politics has, or ought to have, reference to something outside politics. Now I would say that transgressive politics is a feature of the majority of political philosophies, the *outside politics* appearing perhaps as natural justice, or God's law, or human conscience, or some combination. The idea that good politics is pushing toward something that is not politics, and therefore that to be itself it must also not be itself, transgressing its boundaries, is common. I believe that what is distinctive in Levinas is not that he speaks of a *beyond the state in the state*, but the nature of his beyond, namely, the suffering of the other and the rupture it causes in me. This is to say that the element of experience driving Levinas's ethics and consequently his politics is something that is always there—right there. Levinas sometimes calls it higher (it calls to us from a height) and sometimes lower (it lies under the surface of things) and sometimes past (it is prior to all action or decision) and sometimes future (it bears reference to a *not yet*). But all these designations are ways of reinscribing the traditional language of philosophy and

theology into a conception that is profoundly intimate, now and here. In a certain sense, for Levinas, my reaction to the suffering of the other is natural justice, and God's law, and human conscience—but only if these things are seen correctly as immediate, and not as things that are outside of *what is* and that trump it. For any such conception—any conception of a higher justice or a lower necessity, a prior law or a future ideal—relativizes my responsibility.

This means that Levinas's political theory differs from theories that temporalize or historicize the process of gaining ethical awareness. In particular it differs from the theories that explain the origins of human action on the basis of antagonism and struggle, and then, in order to describe what it is that transgresses politics and makes it good politics, speak of a something new, something, in the Kantian formulation, that is given from on high, or something, in the Hegelian-Heideggerean formulation, that presses in from the future. Of all the thinkers who begin with the war of all against all, Kant is the closest in conception to Levinas—and Derrida's essay includes a long comparison of Levinas's and Kant's transgressive politics. But even Kant, having begun with war, has to push "true" peace outside and to the end, such that his essay, "Perpetual Peace," becomes a matter of working out how an "institutional" peace might best be effected as the promise of an "eternal" peace. Levinas and Kant agree that what we call "peace"—that is, institutional peace, the peace of graveyards, or a temporary cease-fire in the war of all against all—cannot be "true peace"; they agree that in spite of this some compromised form of peace is the best we can do politically; they both adopt a transgressive politics because they are interested in building better institutions in the awareness that we cannot build perfect institutions. But the fact that Levinas defines "better" on the basis of the face to face rather than a future promise or ideal is what preserves his responsibility, forming a stronger safeguard against the ideological *schwärmerei*.

However, we have also to face the fact that Levinas does use the words higher, lower, past, and future, that he describes ethical rupture as something beyond, something transcendent. The problem haunts his discussions and subsequent discussions in the scholarship, inspiring the use of such confusing phrases as "transcendence without transcendence," and "the beyond that is not beyond." It arises in particular in discussions of messianism. On the one hand, Levinas argues in all his works that to look forward to a future ameliorative transformation of the human condition is one of the marks of the modern ideological system and leads one to relinquish responsibility. On the other hand, all of his thought is, in a deliberately fuzzy way, directed towards a future: it relies

on hope; it is full of promise; and, as we have begun to see, this emerges especially in the Zionist writings. We might try to solve the problem by drawing a line between hope and expectation. But this solution, though it has sound rabbinic backing, is not enough, since such a line is hard to draw in theory, and impossible to draw in practice.

This sort of reflection is, I think, what lies underneath the question Derrida puts to Levinas, the question of the promise. When Levinas seems to evoke a trump—a welcome higher than welcome, an ethics higher than ethics, a Torah higher than refuge—does he not revert to precisely the kind of political utopianism he combats in his major works?³ I see the problem in particular in the way the four-society scheme maps so neatly onto the messianic scheme. In this mapping, it seems to me, having begun with the Hobbesian state of nature, Levinas has had to push the transgressive idea of peace to the end, adopting a supernal ideal and opening the door to dangerous political elations, or indeed, to the demand that a heaven be created on earth. When Levinas writes that “in Jerusalem we have a more conscious consciousness” (ADV 68), he seems to me at the very least prone to misunderstanding.

Another line in the talmudic passage, one I have not yet mentioned, describes a ruling that disciples must follow their masters into exile, and masters their disciples. Levinas comments on the line, but he does not seem to see that if the ruling were strictly followed, it would surely eventually locate all yeshivot in cities of refuge. Maybe that is the best we can do. And maybe the best we can do is enough.

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AT THE END OF DERRIDA'S COMMENTARY on the lecture he writes: “Can we not hear this promise? We can also receive and listen to it. We can even feel ourselves engaged by it without, however, remaining insensitive to the silence it bears at the heart of the call.” The silence is Levinas's continuing refusal to speak concretely about political issues, and we must consider it seriously, Derrida says, because it can also be understood as “a mouth opened to speak and eat, but a mouth that is still silent” (WW 113).

Despite appearances, Derrida is trying to be generous here. He does feel the call of the promise. And he knows that the silence at the heart of the call is part of Levinas's uncertainty, his standing outside of politics, his unwillingness to give us any fixed rules, his rejection of the utopian ideal in favor of the “better”: it is the silence without which we are potentially totalitarians. Moreover, at the

height of Derrida's rhetoric, this mouth that was open but "still silent" speaks: the silence is transformed into the silencing of the whirlwind that allows the still small voice to be heard, the silencing of ideology that makes room for the voice of the other (WW 114). But we must pay careful attention to Derrida's imagery. The mouth of the other, open to speak and eat, speaks. *Does it eat?* In other words, while Levinas's way of thinking in this lecture and others like it—his distaste for discussions of policy combined with his enthusiastic inquiry into transcendent politics—might be sufficient in some sense to give the other a hearing, it might not be sufficient to the other's material needs. On the contrary, it might tend to overlook them.

It seems obvious that Jerusalem—the actual tangible one—is just as sleepy as any other city. Derrida, writing in 1996, mentions the Landau Commission Report that led to the legalization of certain forms of torture for the purpose of interrogation (WW 82). This hardly represents a complete vigilance; on the contrary, it is clearly a deliberate shutting of the eyes. And though that legislation has been repealed since Derrida wrote his essay, we have ample evidence today of mistakes made in Jerusalem, of the gap between intention and action, in short, of manslaughter. But should awakening from our sleepy state be our goal? Maybe, as Derrida suggests, the road we should be following now is the road not of hospitality beyond hospitality or complete justice but of simple hospitality, of refuge and forgiveness—maybe too, as he also suggests, this is the road of Torah.⁴ Kant provides a tentative legal beginning, when he proposes as one of the articles for the peaceful nation that "the rights of men, as citizens of the world" shall be defined by a qualified "universal hospitality."⁵ Levinas goes further when he writes, in another essay, that "one belongs to the messianic order when one has been able to admit others among one's own"; it is "the criterion of humanness."⁶ In citing these passages, Derrida remains aware that the issue is complicated. Hospitality can never be complete: if one is to invite others into one's home, one must be and remain in some sense the home's owner (WW 39–40). He is not necessarily advocating the right of return. But he is, I think, asking whether Levinas's notion of a higher hospitality is not a grand illusion.

Notes

1. Jacques Derrida, "A Word of Welcome," in *Adieu to Emmanuel Levinas*, trans. Pascale-Anne Brault and Michael Nass, Stanford: Stanford University Press, 1999, 15–123, 135–152. Henceforth "WW."

2. Emmanuel Lévinas, "Les villes-refuges," in *L'au-delà du verset: Lectures et discours talmudique*, Editions de Minuit, 1982, 51–70. Henceforth "ADV."

3. To be sure, Levinas uses the term "utopia" favorably. But he has transformed its meaning almost entirely from the common usage, reinscribing it as a reference to the ethical encounter, which is prior, now, and to come—and which is not political, though it has political implications. On his use of the term see Miguel Abensour, "To Think Utopia Otherwise," trans. Bettina Bergo, *Graduate Faculty Philosophy Journal*, 20/2-21/1, 1998, 251-279.

4. A teacher of mine, Gad Horowitz, explains it as essential to Judaism. *Zachor!* means *remember that you were strangers in a strange land* before it means *remember that God brought you out*.

5. This is the third "definitive article," that is, the third article of the second section. Derrida refers to it and to Kantian hospitality in general many times in "A Word of Welcome."

6 Emmanuel Lévinas, *A L'heure des nations*, Editions de Minuit, 1988, 113-114, also cited in WW 72-3.

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