Law & The Sacred: Levinas's Modern Sacred

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Two concerns pervade Levinas's writings. The first is to persuade us that the basic ideas of monotheistic religion -- God, the transcendent, the infinite, and the holy -- are indispensible for understanding human subjectivity. The second is to rid these religious ideas of all metaphysical and theological impurity. One of the major sources of this impurity, in Levinas's view, is the traditional idea of the sacred. Levinas typically writes as if the very idea of the sacred were one of the chief obstacles to a proper understanding of religion. He denounces the sacred as "the essence of idolatry" (1990a: 14), as the "brother of sorcery" and "the half light" in which sorcery flourishes (1990b: 141). At other times, however, Levinas speaks of the sacred more positively, suggesting a contrast between a 'false', idolatrous sacred, and a 'true' sacred, one that expresses the authentic meaning of religion (1990a: 159, 1990b: 159). While it is true that Levinas is reluctant about using the word 'sacred' at all -- he prefers the expression "the holy" -- it makes sense to read him as rejecting not the *concept* of the sacred as such, but a particular metaphysical *conception* of it. [1] That is to say, Levinas's reflections on the meaning of the basic concepts of monothesitic religion can be understood as a *new* way of thinking about the sacred, a way fitting for a modern, disenchanted, post-metaphysical age.2

It is just such a post-metaphysical conception of the sacred -- or, as we might say, a modern sacred -- that plays a crucial role in Levinas's account of subjectivity. This is the claim I try to establish in the first part of this paper, where I draw principally on two works published in the mid 1970s, 'God and Philosophy' and *Otherwise than Being or Beyond Essence*.3 In the second part of the paper I reflect more critically on Levinas's position. In particular, I suggest that Levinas's concern to render the sacred 'modern' by ridding it of metaphysical impurity ends up undermining his endeavour to articulate subjectivity through the sacred. My argument is that the sacred is so crucial for human subjectivity in Levinas's account because it functions as a simultaneous source of moral injunction and moral empowerment, it at once enjoins the subject to take responsibility for the other and enables the subject to act responsibly. The sacred at once directs and inclines the subject to the good. As I argue in the final section, we require quite a rich ontology in order to make sense of this possibility. But precisely such an ontology is not available to Levinas on account of his commitment to 'modernize' the sacred, to purify it of all traces of metaphysics, and thereby vindicate its place in a 'religion for adults' (Levinas 1990a: 11-23).

I

The fundamental problem Levinas sees with traditional, metaphysical notions of the sacred is that they represent *transcendence* as a special kind of *presence* or *manifestation*. This has to be mistaken, Levinas thinks, for a reason first identified by Kant: any manifestation of transcendence would be incompatible with the conditions of possible experience. There can be no transcendent presence for Levinas just as there can be no 'intellectual intuition' for Kant. Both are ruled out *a priori*. As transcendent, the sacred cannot be an object of experience, it cannot appear to consciousness. For if it were, it would be *conditioned* by subjectivity, and therefore not fully transcendent at all. Levinas interprets this conclusion as delegitimating all claims on the part of experience to put us in touch with the sacred. The varieties of religious experience can be no exception to the law of intentionality: *qua* experience, it is subject to the unifying categories of consciousness and subjectivity. However 'transcendent', 'extraordinary', or 'wholly other' it appears, religious experience "does not break with presence and immanence" (GP: 172).4 This, according to Levinas, is the salutary and irrevocable lesson of modernity.

In the disenchanted world to which our cognitive faculties are matched, there can be no presence of the transcendent, no manifestations of the sacred. Does this mean that all talk of transcendence, all 'bringing to language' of the transcendence of the sacred, is illusion? Not if it is possible to signify otherwise than by reference to an object of experience or a manifestation of being. In pursuit of such an alternative mode of signification, Levinas turns to Descartes. According to Descartes, we have an idea of a transcendent reality, a reality incomparably greater than that of the subject, in the idea of God or the infinite (Descartes 1967). It is crucial for Descartes that the idea of God is given to the finite subject; the subject encounters the idea of God or the infinite passively. As a finite being empirically conscious

of a world of finite beings, the subject lacks the resources to construct the idea of the infinite from an active synthesis of its own. While the subject receives ideas passively through what Kant called the faculty of sensibility, the passivity of the subject before the idea of the infinite is of a quite different order. For the idea of the infinite cannot signify by making its object present. The idea of the infinite precisely points beyond what can be grasped by the finite mind.

But on Levinas's reading, Descartes' point is not just that the subject lacks the power to comprehend the infinite. More fundamentally, the lack of comprehension of the infinite makes the subject's own powers of comprehension themselves possible: "The *in* of infinity is not a *not* like any other; its negation is the subjectivity of the subject, which is behind intentionality" (GP: 175). Descartes' great insight for Levinas is that the idea of the infinite does not signify as a presence; if it did it would not possess the requisite passivity, a passivity it must possess if it is to avoid subjection to the synthetic accomplishments of consciousness. Rather, the idea of the infinite signifies as a 'trauma'. The trauma happens to the conscious subject, in no way is it a product of the subject's spontaneity or its generative powers. As if to emphasise the passivity of the subject in its relation to the transcendent still further, Levinas insists on the "non-assumability" of the trauma through which the transcendent signifies. Never assumed, the trauma is "inflicted by the Infinite on presence" (GP: 180).

Now in Levinas's view, this is precisely the mode in which ethics signifies. Ethics does not assert, it enjoins. Its mode of address is the order or the injunction. The ethical demand inflicts itself on the subject from the outside. To say that the ethical demand 'inflicts itself' is to say that it exercises its force independently of any assumption, decision or commitment on the part of the subject. Its force is given, not assumed by virtue of some prior act. The injunction to take responsibility for one's neighbour -- the primary meaning of the ethical in Levinas's view -- imposes itself on the subject. Hence Levinas can claim that the affectivity of the finite subject before the idea of the infinite "takes shape as a subjection to the neighbour" (GP: 180). My neighbour, the 'other', is intelligible ethically not as a thematized item of consciousness. *Qua* other, the neighbour precisely escapes representation and instrumentalization. Levinas designates this non-representable, non-instrumentalizable epiphany of the other 'the face'. And it is in the face-to-face that the other is encountered ethically. In Levinas's account, this ethical relationship to that which is non-representable is the real source of the sacred. It is "the latent birth of religion in the other, prior to emotions or voices, prior to 'religious experience' which speaks of revelation in terms of the disclosure of being" (GP: 181).

So Levinas's answer to the question 'how does the transcendent signify if not by manifestation?' is that it signifies ethically, as an injunction. If the injunction is not to relapse into presence, it must hold externally to the being of the subject. For Levinas, the integrity of the other, and the full force of the ethical claim, depends on the other standing in a relation of utter exteriority to the subject. But this creates a tension. For, as Levinas is aware, the sacred not only enjoins, it *empowers* the subject to live ethically. That is to say, the sacred enables the subject to realise its highest calling, it functions, to use Charles Taylor's expression, as a "moral source" (1989: 93). Proximity to the sacred motivates ethical action, it activates the subject's potency to act, and hence empowers the realisation of the good. But how can it do this without at the same time bringing the subject to completion, that is, without also empowering the self-realisation of the subject? How can the sacred *at once* enjoin and empower if the subject stands to the source of injunction in a relation of utter exteriority -- in an 'ir-relation', as Levinas puts it?

Levinas recognises this problem, which he negotiates with reflections on the notion of disinterested desire. Levinas realises that desire must feature in the relationship between the subject and the sacred. But, given Levinas's insistence on the absolute exteriority of the sacred, it cannot be a desire that is integrated into the well-being of the subject. Desire in this case must be "of another order than the desires involved in hedonist or eudaimonist affectivity and activity, where the desirable is invested, reached, and identified as an object of need" (GP: 177). The desire inspired by the transcendent is "a desire without goal or need", or as Levinas calls it, a "dis-interestedness". It is this dis-interestedness, or desire without goal, that Levinas terms "desire for the Good". Desire for the Good is the "endless desire for what is beyond being" (GP: 177). In the dis-interested desire there is a desirable but not a desired. The desirable, God or the infinite, remains "separated in the desire; as desirable it is near but different: holy" (GP: 178). structure that at once saves the sacred from immanence and makes it available to the modern, disenchanted world.

It is through the idea of proximity, then, that ethical empowerment is rendered compatible with moral

injunction. In proximity to the good the subject suffers the force of the injunction to take responsibility for one's neighbour. But it also enables the subject to act in accordance with the command. Proximity to the good motivates and empowers the subject to live ethically, which, for Levinas, means living for another: "the goodness of the good... inclines the movement it calls forth, to turn it from the good and orient it to the other, and only thus towards the good" (GP: 178). The ideal of ethical life thus is far from being conceived along the model of the completion of the subject or in terms of full self-realisation. Ethical existence, for Levinas, "is a deficit, waste and foolishness in a being, to be good is excellence and elevation beyond being" (GP: 179).5 Indeed, there is really no such thing as 'ethical existence' or 'being good' in a strict sense. For ethics is not a moment of being, "it is otherwise and better than being". Ethical responsibility occurs in spite of my interests and in spite of myself. In the ethical relation, empowered by a desire for the good or the "beyond being", the subject "substitutes" for the other, is "hostage" to him or her. This relation of substitution, the "one-for-the other", is Levinas's paradigm of both original subjectivity and the ethical relation.6

The name Levinas gives for the kind of discourse that articulates this substitution of the self for the other is 'the saying'. It is through 'the saying', rather than 'the said', that the ethical relation finds representation in philosophical discourse. The saying, in Levinas's sense, is a mode of articulation that is "prior to all willing and thematization". Indeed, it is a way of signifying "prior to all experience" (GP: 183). The subject of the saying exposes himself or herself to the other and represents this exposedness in the saying. And it is only through the saying, rather than in the report, documentation or narration of some religious experience or revelation, that the infinite can be brought to language.7 In the saying one 'testifies' to the infinite. I bring the infinite to language not by a thematization, nor indeed by dialogue, but by the saying "'here I am' (*me voici*) said to a neighbour to whom I am given over" (GP: 183). Only in the ethical relationship is the infinite in relationship with the finite "without contradicting itself by this relationship" (GP: 184). But it is only through such a relationship that subjectivity as finitude emerges at all. As a term in the originary mode of signification, ethical signification, subjectivity is "wholly an obedience, obeying with an obedience that precedes understanding" (GP: 186).

II

So there are two ways in which Levinas objects to the metaphysical interpretation of the sacred. He takes issue first with the idea that a trancendent reality, a reality greater than that of the subject, is made manifest in the sacred. Second, he rejects the view that the sacred *qua* manifestation enjoins and empowers the good. Levinas does not, so far as I can tell, object to the notion that the sacred, properly understood, *does* point to a reality incomparably greater than the subject. And of course he emphatically does not want to deny that the sacred gets sense from its ethically enjoining and empowering function. His view rather seems to be that a manifestation, simply *qua* manifestation, must fall short of these requirements. To be made manifest is always already to be conditioned by the unifying and synthesising powers of appropriating subjectivity. Ethics, as responsibility for the other, allegedly stands in a relation of pure exteriority to these powers. Only something utterly transcendent, 'wholly other', offers us a reality incomparably greater than the subject. Only transcendence in the most rigorous sense can function as a source of injunction. In Levinas's terms, it is through 'saying' that do we do justice to the 'sacredness' of the sacred; the content of the said is never sacred enough. Moreover, the reality greater than the subject and the source of moral injunction are non-manifestable for a common reason: both take us beyond an ontology of the Same to pure alterity. Levinas's view thus conflicts with any way of thinking about the sacred that supposes the subject to realise itself or be brought to completion through the sacred. It also runs against the idea that the source of moral injunction and empowerment can in some sense be activated or awakened in an ontological discourse, one aiming at a disclosure of being.

It is worthwhile reflecting for a moment on why Levinas thinks that we must oppose ethics and ontology; and why he insists that human subjectivity can only be fully described through the hyperbolic metaphors of subjection, like "substitution" and "hostage".8 Much of the justification rests on the need Levinas perceives to articulate the call of the Other as excessive to and transcendent of the *appropriative* laws of intentionality. But Levinas's view will only appear compelling to the extent that we accept a background conception of being as the realm of unconstrained appropriation; as the scene of an amoral struggle for self-preservation between beings. And it is clear that this is in fact the kind of ontological view that Levinas himself upholds. The preambles to both of Levinas's main works -- *Totality and Infinity* as well as *Otherwise than Being* -- include startlingly unflattering vignettes of our ontological condition.

In the short section of *Otherwise than Being* entitled 'Being and Interest', Levinas points to the striving for self-preservation of all beings as evidence of the saturation of being by interest. As Levinas puts it, "Being's interest takes dramatic form in egoisms struggling with one another, each against all" (OB: 4). The primordial drama of being, according to Levinas, is the war of all against all: "War is the deed or the drama of the essence's interest... Essence thus is the extreme synchronism of war" (OB: 4). War represents immanence *in extremis*. To be sure, Levinas does not *identify* immanence with the condition of war, for beings can escape war-like struggle between themselves without fully transcending being. This, in Levinas's view, is what contracts achieve. Humans, as rational beings, can engage in contracts of mutual interest. By use of their reason, human beings can rise above the state of war, they can secure for themselves more commodious means of existence. However, Levinas stresses that contract does not take the subject *beyond* the sphere of interest; it merely resituates them within it in more commodious ways. Instrumentally rational peace, peace secured through contracts of mutual interest, is a matter of "calculation, mediation and politics". The binding norms of commercial society, on account of which we escape the condition of war, merely involves "reciprocal limitation and determination". Such transcendence is "factitious": it reinscribes interest rather than resisting it or moving beyond it (OB: 5). It is only by transcending the realm of interest altogether -- that is by moving beyond being as such -- that we encounter the other ethically, as pure alterity.

Levinas reiterates this philosophical anthropology during the course of an interview in which he summarises the claims of *Otherwise than Being*. The very title of the book, Levinas explains, refers to the idea that "the ontological condition undoes itself, or is undone, in the human condition or uncondition. To be human means to live as if one were not a being among beings" (Levinas 1985: 100). Levinas's view is not just that human beings, by virtue of taking responsibility for others, 'exist otherwise' than other, non-ethical, beings. For as he repeatedly observes, 'to be otherwise', or 'to exist ethically', is still to have an essence, it is still to be driven by interest. Levinas's position is the more radical -- and given his premises, more consistent -- one, that transcendence through ethics takes human subjectivity out of the circuit of being altogether. But why accept the premises in the first place? What is the evidence for this philosophical anthropology? Admittedly, the view that the natural state of human beings is one of incipient war is very much a part of the modern, disenchanted world view. But it may be that we should be *challenging* this anthropology rather than *accomodating* it in the albeit ingenious way that Levinas proposes. At any rate, it suffices for our present purposes to note that the hyperbolic conception of ethical transcendence Levinas offers is necessary only given a correspondingly hyperbolic conception of non-ethical immanence.

Paul Ricoeur makes a similar criticism of Levinas in *Oneself as Another* (Ricoeur 1992). Ricoeur draws attention to the mutually reinforcing function of the hyperboles of separation on the side of the Same and exteriority on the side of the Other. Given an ego enclosed in immanence, but only given that, the face signifies an absolute, non-relative exteriority. Furthermore, Ricoeur develops this point to call into question not just the premises but the coherence of Levinas's model of subjectivity. For in order for the subject to fulfil its responsibility to and for the other, it must be capable of *hearing* its voice and *acting* on its summons. Yet this capacity for hearing and acting is hard to reconcile with the model of separated subjectivity that appears on the hitherside of Levinas's inverted phenomenology (in what Ricoeur refers to as the Levinasian "reduction to ownness"). In order for the subject to be capable of hearing the voice of the other and acting ethically -- capacities presupposed on Levinas's account of the 'subject-as-hostage' -- it must be definable even in its separate identity by its "openness and capacity for discovery", and not just by closure and sameness (Ricoeur 1992: 339). The subject can be awakened ethically, and transported from an ontology of the same through an encounter with the other, given what Ricoeur terms capacities of 'reception', 'discrimination', and 'recognition'. If we think of the subject in terms of these capacities, we can acknowledge the subject's indebtedness to the other and its passivity before the ethical demand, without delivering the subject up to the other as substitute, hostage or martyr. By means of the capacity for discrimination, for instance, the subject is able to distinguish between different archetypes of the other -- the other as teacher, as offender and as executioner -- without thematizing, and thereby appropriating, the other. But these capacities of subjectivity remain unintelligible within the framework of the philosophy of the Same which Levinas's philosophy of exteriority serves to correct. The voice of the Other who utters the sacred ethical command, who says 'thou shalt not kill', must be heard, discriminated from other voices, and recognised as authoritative. In that way the voice of the other becomes the subject's own voice, the subject's own conviction, and an empowering source of the subject's self-identity.

This brings me to a second difficulty with Levinas's account. We have seen that for Levinas the sacred,

properly understood, has a role in activating ethical subjectivity. Articulations of the sacred awaken the subject to the ethical demand and they enable the subject to respond appropriately. The sacred at once enjoins and empowers. But in order to empower, in order to function as part-realiser of the ethical demand, the sacred must be integrated into the structure of self and subjectivity. And this requires some measure of self-affirmation. It requires an affirmation of one's being; of who one is as a becoming. Now admittedly the point is hardly a novel one: the young Hegel makes it in his memorable critique of Kantian and Mosaic ethics, and Ricoeur follows a similar line in his response to Levinas.9 Ricoeur observes that the subject is only able to identify itself *as* a subject of responsibility, as summoned to the ethical injunction, to the extent that the subject "does not detest itself to the point of being unable to hear the injunction coming from the other" (Ricoeur 1992: 189). The injunction coming from the other can only count for the subject if the subject is also able to affirm itself. But it is not clear what sense can be made of this conditioning affirmation in the structure of selfhood and sameness as revealed through the Levinasian 'reduction to ownness'. Without this conditioning affirmation, the subject lacks the self-esteem which gives crucial support to the power-to-act. And it is only once this power-to-act is activated that the subject can take its place in the dialectic of giving and receiving that makes up the ethical life.

It is of the greatest importance to see that the kind of ontological approach to subjectivity found in the young Hegel and Ricoeur does not subordinate otherness to sameness. For this reason, it is perfectly able to take on board Levinas's insights regarding the proximity of the other and the dis-interestedness of the desire for the other. Proximity is so important for Levinas because it lessens the subject's distance from the sacred other -- it brings the source of injunction closer and so enables it simultaneously to function as a moral source -- without appropriating it, which for Levinas is equivalent to making the Other manifest. A similar movement is involved with dis-interested desire: it reaches to the transcendent without grasping and controlling it. Both proximity and dis-interested desire involve non-presence *as well as* presence. It follows that the structure admits just as much of ontological articulation as a saying that signifies 'otherwise than being'.10 To be sure, such an ontology will be 'weaker' than traditional metaphysical forms. But the ontological approaches to subjectivity advocated by the likes of the young Hegel and Ricoeur are as much opposed to traditional metaphysics as Levinas' account is.11

Moreover, the ontological approach does not suffer from what I have argued to be an intractable problem with Levinas's model: that by rendering the sacred absolutely exterior to the subject -- by placing it, as transcendent or 'wholly other', in an 'ir-relation' to the self -- it fails to make sense of the possibility that the sacred can at once enjoin and empower. But this possibility is crucial to the idea of the sacred to which Levinas subscribes. The simultaneously enjoining and ethically empowering role of the sacred is only intelligible, I contend, if we conceive the sacred or the 'Other' as integrated into the very structure of selfhood itself. That is to say, we need to think of the source of injunction as ontologically constitutive of subjectivity.

Levinas comes close to making the same point himself when he distinguishes between the ego and the self (OB: 116-18). He observes that it only makes sense to ask the moral sceptic's question, 'why does the other concern me?', if it is already presumed that the ego is concerned only with itself, and with others only contingently and instrumentally. But this is not the situation the self finds itself in. The self has an immediate, non-contingent concern for the other, it hears the summons to care for the other directly and without thematization. It does not reach its concern for the other through a calculation or inference. As far as this goes, Levinas is in agreement with our claim that it makes most sense to integrate the 'for-the-other' structure into the structure of selfhood. But Levinas then interprets this direct concern for the other as a "religiosity of the self" that takes it beyond being -- beyond the oscillation between egoism and altruism -- as such: "The self is through and through a hostage, older than the ego, prior to principles. What is at stake for the self, in its being, is not to be" (OB: 117). The ego is not *transformed* or *transfigured* in the transition to selfhood, it "disappears" and "immolates itself" (OB: 118). There are no degrees of selfhood; there is no space for the idea of an 'ascent' to selfhood in Levinas's account. There is something of a performative contradiction involved here: for the power of Levinas's writings is in part due precisely to its capacity to resonate with the intuition that under certain conditions we do 'progress' or 'rise' to selfhood.

The argument of this paper has been that Levinas's radical separation of being and ethics is not necessary for making sense of the self's ethical relation to the other, nor can it be considered unproblematically productive of that relation. The hyperbolae of separation and substitution appear necessary given a conception of being as an amoral struggle for self-preservation. But it is not clear

why our interpretation of being should go that way, notwithstanding the prestige enjoyed by this ontology in modern consciousness. Once we accept such an ontology, presence can have no moral meaning for us, and even such notions as desire and the good must be dramatically reconfigured to retain any ethical dimension. This inevitably puts a strain on the concept of the sacred understood as a simultaneous source of ethical injunction and empowerment. In Levinas this strain threatens to reach breaking point.

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Footnotes

1 Levinas' desire to take religious thought beyond the idea of the sacred is signalled in the title of his 1977 collection of Talmudic readings, *Du Sacre au saint*.

2 Not that Levinas understands himself as offering anything especially new. Rather he places himself in a long, continuous tradition of Jewish self-interpretation.

3 See Levinas 1989 (hereafter GP) and Levinas 1981 (hereafter OB).

4 Thus Levinas emphatically rejects the view of theorists like Rudolph Otto who take 'ecstatic' and 'extraordinary' experience to be definitive of religion. See Otto 1959 and Levinas 1990a: 232.

5 And as Levinas puts it elsewhere: "The exceptional, extraordinary, transcendent character of goodness is due to just this break with being and history. To reduce the good to being, to its calculations and its history, is to nullify goodness" (OB: 18). See also OB ch 4.

6 [NO TEXT PROVIDED IN ORIGINAL]

7 In fact, articulations of the infinite that take these forms amount to 'dissumulations' and 'profanations' of the infinite. See, for example, OB: 44.

8 The following is a typically shocking formulation: "The subjectivity of the subject is persecution and martyrdom" (OB: 146).

9 See Hegel 1961. For a discussion of Hegel's text that reinforces the argument I am pursuing here, see Smith 1997 ch 4.

10 Or, as Marcel Gauchet puts it, "the sacred is specifically the presence of absence" (Gauchet 1997: 203).

11 On the notion of 'weak ontology' see Stephen K. White 1997. For a general defence of a suitably reconstructed ontological approach to ethics and identity, see Smith 1997.