

From The Ontology Of The Thing To The Ethic Of The Other¹

Carlo Lottieri

Translation by N. Michael Brennan

Significant juridical and political debates presuppose crucial metaphysical questions. In particular, how we view the world defines the framework in which we locate the social institutions in law, politics and economics to which we daily contribute to building.

In this essay we will attempt to clearly show how modernity has imposed modes of perception that have at once distorted our relationship to reality (§1) and in so doing have opened the way to the triumph of ideologies devoted to centralized planning and to the domination of some persons by others (§2).

This process has been accompanied by the decline in ethics as a privileged form of encountering reality. In an attempt to offer a response to the difficulties in which we find ourselves, the conclusion of this brief text will emphasize precisely the importance of the rediscovery of an encounter with the Other as a foundational experience in and of itself (§3), in the conviction that moral philosophy is truly—as Emmanuel Lévinas taught—first philosophy and the most pregnant manner in which to experience reality.

§ 1. Reality “Dissolved”: The Triumph Of Nothingness

At the center of contemporary thought there is the dissolution of realist philosophy, which rested to a great extent on the conviction that the world could be the object of reliable experience, beyond simply being common and shared.

For Thomas Aquinas right thinking consisted in comprehending the reality placed before us: “*veritas est adequatio rei et intellectus*” (Aquinas, *quaestio 1, articulus II*).² This perspective implies not only that reality is the same for all people, but also that it can be experienced and thus, though perhaps in an imperfect manner, humanly knowable. In this sense, realism and cognitivism proceed together. As an Aristotelian, Aquinas held that induction and deduction are not alternate paths but two converging modalities of our way of comprehending the world, though ever partially.

With the crisis in Scholasticism, the development of theoretical philosophy was characterized by nominalist, sceptical, idealist, historicist and hermeneutical tendencies, which in various ways render reality as empty, dissolving every foundation.

With David Hume in particular reality lost solidity, and one is left with a mere bundle of subjective impressions. The critique of the idea of substance undermines the very possibility of a philosophical anthropology, since—though we may encounter many individuals apparently similar to us—we have no certain merit in the fact that they are truly human beings and not something else.

If as Descartes had already noted that a stick immersed in water appears bent even if it is not, then the imperfection of our perceptual faculties leads us to conclude not only that every experience may be fallible and distorting, but that reality itself is in some ways inaccessible as well.

Hume’s is a sceptical perspective, but it would be better yet described as phenomenal and relativistic, destined to descend into a particular form of historicism.³ In his radical empiricism, Hume forcefully negated the possibility of individuating universal knowledge and rationally cognizable principles. In the view of the Scottish thinker, reality existed only as constituted historically and phenomenally, which admitted no possibility of recognizing the existence of truth above that of individual opinions.

On a moral level, his eudaemonism led him toward a utilitarian perspective ahead of its time, which partially anticipates Jeremy Bentham and his consequentialism. Within the framework of Humean ethics, virtue has no

other scope than to “make her votaries and all mankind, during every instant of their existence, if possible, cheerful and happy; nor does she ever willingly part with any pleasure but in hopes of ample compensation in some other period of their lives. The sole trouble which she demands, is that of just calculation, and a steady preference of the greater happiness” (Hume, 1748, IX.II).

After Hume, the ethical relativism of many Enlightenment figures and of those who appeal to them does not rest on significantly more sophisticated conceptual elaborations. More than one protagonist of the 18th century culture will limit him/herself to ascertaining that what is good in England seems frequently evil in Turkey. The presence of so many conflicting truths induces (or at least should induce) one to conclude that a single truth does not exist; yet, if there is no truth, there is neither law or justice—concepts that necessarily refer back to ultimate criteria for legitimacy, which for that very reason are held as “true.”⁴

If there is no human substance, if in the bottom line there is nothing except the local definition of particular customs and conventions, the aspiration itself to desire to live within just institutions appears indefensible.

Humean phenomenalism negates every “hard kernel” of reality, be it physical or moral.

Laws, authorities and governments simply exist; over the course of time they succeed in obtaining a certain (though implicit) adherence by the populace, until they are finally recognized as legitimate. In short it is habit, well beyond a rationally and explicitly granted consensus, which can stabilize a social order. Contrary to the libertarian themes of John Locke, who argued to source a legitimate government in a concrete act of will on the part of consenting individuals, Hume held that “When we assert that all lawful government arises from the consent of the people, we certainly do them a great deal more honour than they deserve, or even expect and desire from us” (Hume, 1742, II.XII.30). For Hume governments exist and, even if illegitimate, are in position with the passage of time to obtain respect, or at least obedience.

To recall Hume in this regard means evoking a thinker that has profoundly influenced all of modern and contemporary thought (from Kant to Popper,) primarily sourcing from the thesis that inference to universal affirmations from particular assertions and singular experiences is not justifiable.

In fact, the rejection of natural law in modern and contemporary ethics essentially derives from the idea that very different customs exist within distinct societies; what may be true in London society is not necessarily true among the natives of central Africa.

But even in Europe on the one hand we have witnessed profound changes, such that, for example, an institution such as that of private property, at one time respected, today is routinely subjected, with broad consensus, to all sorts of limitations. In certain well known pages of Norberto Bobbio one can on the other hand read that “the notion of nature is so equivocal that diametrical opposites have been considered as natural laws.” Where a natural law advocate such as Immanuel Kant, for example, held that individual independence was the fundamental natural law, Aristotle “considered slavery perfectly natural, as nature had made it such that some men are naturally masters and some men are naturally slaves” (Bobbio, 1965, p.169).⁵

Historical relativism leads to the negation of the existence of natural law. If reality does not exist apart from being constituted phenomenally (e.g. the Heraclitean river that ever becoming never exists,) it is not even possible to imagine a just order and to recognize inviolable individual rights.

In the sphere of reflection on law, the dissolution of reality opens the way to what is called “legal realism”⁶, that is, the reduction of juridical order to simply a social game, however that is variously defined within specific communities and their cultures. The discipline that most interprets this perspective is the sociology of law.⁷

§ 2. Reality “Constructed:” The Hegemony Of The I

On the one hand, when reality disintegrates by the adoption of a theoretical perspective that negates the possibility that substances may be given in experience, humanity easily ends up taking the place of the Creator himself. The weakening of human reason can result in a boundless exaltation of consciousness itself, and scepticism can transform into idealism.

On the other hand, when he affirmed that the I posits reality, Johann Gottlieb Fichte does nothing more than take up and generalize a voluntarism deeply rooted (even back into medieval times) in the tradition of European thought.

Furthermore, the I of idealism transposes into the ontological sphere the sovereign at the center of Thomas Hobbes' theory, the true protagonist in modern political and juridical thought. If then *auctoritas facit legem*,⁸ and if therefore there is no order other than that conventionally introduced into the world by a ruler, then the relationship of humanity to the world is radically altered.

From various points of view, modern post-Christian philosophy is characterized by subversion, in overturning and paradox. In great measure it places itself beyond good and evil, beyond all our personal experience of what is just and unjust. Thus in Niccolò Machiavelli the crimes of the prince are virtuous acts; in Bernard de Mandeville every vice is celebrated because it is useful to society; in Jean-Jacques Rousseau the sovereign democratic will which imposes itself on the choices of individuals is a force of liberation; in the Marquis de Sade gratuitous violence, if it produces pleasure, is admissible and even an occasion of emancipation; in Georg Wilhelm Friedrich Hegel reality becomes rational even though history drips innocent blood. These results are connected to a long process of de-structuring reality, both physically and morally.

Modern constructivism, which has found expression in every form of totalitarianism, centralized planning and social engineering, imposed itself onto a reality which had been dissipated by historicism and relativism, in its turn establishing order and intelligibility where otherwise there was only chaos and conflict.

Hume's phenomenalism has already been discussed. However, even a century earlier in Blaise Pascal there were recognizable considerations reviving ancient Protagorean themes, which, from the simple acknowledgement of the variety of legal orders, derived the impossibility of defending any given idea of justice and law. In fact, if that which is right on this side of the Pyrenees is wrong on the other side, this means that law is always relative to space and time. A meridian determines not only the truth about things, but also the legitimacy of various behaviors.

In Pascal's notes the relationship between epistemological relativism and juridical positivism⁹ acquires completely new characteristics, signified by the *zeitgeist* of Statist modernity. In the moment in which a sovereign ruler defines a border which separates territories and communities, cartographers in the service of the apparatus of domination create spaces within which law is merely the will of the sovereign, which is the product of arbitrary decisions abstracted from any relationship whatsoever to truth and law. The mapping of the world opens the way for the nationalization of law, and thus to the triumph of juridical voluntarism and of a relativism which negates any possibility of addressing a truth which transcends different points of view.

The emergence of the meridian placed in the service of separate sovereign rulers and the delineation—with the slow but constant decline of common rights—of borders which place in opposition distinct legal orders dissolves the very unity of humanity and with it the bond between law and that which is true because it is just. For this reason, the border of which Pascal speaks not only breaks up Europe (understood as a cultural, economic, juridical and religious community) but initiates a progressive marginalization of the individual.

In the moment in which law becomes simply whatever is pronounced by legislators, and when law is no longer the standard for social relations but becomes an instrument of a small group determined to "civilize" all of public life, society is destined to become formless matter, a space open to the designs and ambitions of the political class. In Rousseau's thought, and then with even greater coherence and determination in the administrative policies of Maximilien Robespierre, society become pliable wax which must be shaped by the political will of its interpreters.

When Karl Marx asserts that the time is past to analyze the world because it is by now urgent to change it, he does nothing less than take up again and empower the modern hubris in which a small intellectual elite detests an entire society (its shortfalls, vices, and imperfections) and which takes upon itself to purify it, even taking recourse in unorthodox methods.

But the merciless action of the “holy guillotine” led to profound evolutions in European thought, to transformations which progressively empty reality and thus open the way to the New Legislators of the Universe.

As has already been anticipated, Marx is certainly an eminently representative interpreter of modernity, but one would understand little of the primacy of praxis over theory (which is stated in the Manifesto of 1848, for example) were one to miss that in Marx’s view the substance of the world consists in pure production. Since economics dictates the scientific laws of history itself, and since wealth is nothing other than the “crystallization” of human labor in manufactured goods, one may say with certainty that there is in Marxism not only a dependency on the thought of Ludwig Feuerbach, but also that implicit in Marxism there is the attribution to the working masses of the pre-eminence which the Judeo-Christian tradition attributes to God.

If in the past a Christian politician at his inauguration committed to the Creator the hope that he might act wisely, today it may occur that one dedicates one’s acceptance of an eminent institutional role “to all working women and men.” Far beyond simply a propagandistic “captatio benevolentiae,”¹⁰ one may recognize in this an extenuated persistence of a social mysticism that has made of the proletariat the new immanent and incarnated divinity.

This can be understood in the light of the fact that in the clangor of the modern workshop the Marxist *homo faber* is posited as the new craftsman of physical and social reality. Recalling Marx’s thought aids here in understanding the limits of a notable portion of libertarian thought.

As Murray N. Rothbard highlighted more impetuously than anyone in his history of economic thought, there exists in fact a straight line that leads from Adam Smith to Marx (Rothbard, 1995). In particular, the Marxist analyses of exploitation and value-addition, at the heart of *Das Kapital*, would be unthinkable without the theoretical nucleus of classic economics and of Smith and David Ricardo in particular. These two British economists develop a theory of value which, though somewhere between ambiguous and incoherent, frequently relates value to the simple labor required to produce this or that good.

As Rothbard emphasizes, prior to Smith entire generations of scholars clearly understood the subjective (and intersubjective) character of value, which is unthinkable outside of the judgments expressed by those who are more or less interested in that which is created, offered and accepted. Thus there exists a long line of scholars—primarily among the authors of the late Scholastic period, though not solely (consider Turgot)—who anticipated the themes and analyses of the Austrian School initiated by Carl Menger and which subsequently had first class interpreters in Eugen Böhm-Bawerk, Ludwig von Mises, Friedrich A. von Hayek and, obviously, Rothbard himself.

While the subjective Austrian theory posits the value of what I make in the eyes of whoever observes my work, in Smithean and subsequently Marxist theory goods have value in and of themselves, since labor itself is a substance which gives value. And, it is significant that while for the Austrians the economy is essentially the market (i.e. the place of exchange), for the Marxists it is essentially the factory (i.e. the place of production.)¹¹

The nullification of the world as an other and autonomous reality leads thus to the triumph of the I as the absolute legislator, the manufacturer, and the absolute creator. And if, as noted, the nullification of the world as reality common to all of humanity has led to the sociology of law, when reality becomes “pure representation” the philosophy of law leans fatally toward juridical positivism, that is, toward the identification of law with the simple will of the sovereign or of the parliament. Such a climate is eminently interpreted by the concept of positivistic law, in which the judicial order is coextensive with the set of written laws and with the ongoing codification of legislative decisions in formal acts.

§ 3. Reality “Encountered”: The Recognition Of The Other

The modern and post-modern nullification of reality permits not only the advent of non-libertarian thought, it favors the triumph of an I that lays claim to be the legislator of being, and which fully expresses itself in constituting itself as sovereign. Through the welfare-warfare State, power assumes upon itself the role of

emancipator of the weak and of the ill, for all those who are victims of fundamentalism or suffer the wrongs of dictatorships.

The profound metaphysical crisis within European civilization in the course of recent centuries leads to the triumph of an interpretive model of reality which marginalizes humanity and, in particular, imposes schemes developed from the study of the natural world and, even more specifically, from the physical universe.

In Aristotle the conceptual model that guides all knowledge of the world derives from biology. The very notion of “final cause” shows the roots of this thought, which grasps that already in the seed there is the possibility of a tree. The relationship between act and potential sources essentially from the observation of the living universe, which becomes the fundamental key for the comprehension of reality in its entirety.

In the medieval age a reinterpretation of the world as divine creation confers a completely new meaning on the relationship between potential and act, since the purposefulness inscribed in reality is no longer constrained to full development within natural possibilities, but ultimately finds its motive within a global salvific plan. The actuality is the world, but potentially it is already redeemed and certainly redeemable.

With Modernism it is instead physics, and a substantially mechanistic and linear model (one billiard ball strikes another and so causes the movement of the second,) which defines the categories which dominate philosophical speculation and our own way of thinking about reality. The most evident manifestation of this is in Kantian epistemology, which largely depends on the studies of Isaac Newton. The “gap” between the first and second Critiques bears witness how much the German philosopher was aware of the difficulty embedded in the reduction of reality which he himself effected.

For philosophical speculation of the 19th and 20th centuries, to say “experience” means to draw attention to the way in which humans encounter external reality, essentially by receiving physical stimuli which the nervous system reprocesses in various ways along its circuits and which then articulates representations. The idea that our relationship with reality should be primarily and essentially characterized by an ethical relationship with those like us is unacceptable within contemporary philosophical culture.

As H. Richard Niebuhr highlighted, “we live in a depersonalized and often disenchanting world in which we are taught to doubt the primary realities that we experience, the self and its companion selves, and in which we are taught to flee from the knowledge which lies near the beginning of wisdom—the knowledge of ourselves” (Niebuhr, 1960, p. 140).

In this regard, the debate over natural law and the so-called “Law of Hume” is significant as never before. In the thesis according to which natural law would be indefensible, in as much as it is not possible to derive “ought” (that which should be) from “is” (that which is,) it is attested quite clearly that one can encounter the world thanks only to physical phenomena. Existence is confined within such a sphere, while the presence of the Other and the universal character of our every moral experience are openly contested.

The “Great Division” at the heart of neopositivism, which judges descriptive analyses alone as scientific (and empirically falsifiable), relegating to the field of subjective and irrational emotions any proposition of an ethical or directive nature, bears witness to the grave crisis which has struck practical philosophy.

In this sense, a characteristic trait of modern and contemporary speculative philosophy is precisely such a dehumanization of reality. The assertion of nihilism as the tenor of contemporary philosophical experience is incomprehensible without the exile of humanity and without the negation of moral experience, that is, of the universality of our experiences in encountering others different than ourselves, those who transcend us.

As has been noted, in an author such as Martin Heidegger the rehabilitation of ontology happens in the shadow of nihilism. As an illustration, one of his writings from the early Fifties is particularly eloquent in which he investigates the nature of reality by beginning with one thing, chosen from among the most common and apparently banal things. He starts with a jug and illustrates how “it has had place, and it has place, by an act of institution, precisely through pro-duction. ...That which exists by virtue of this pro-duction is that which subsists in and of itself” (Heidegger, 1953, p. 110).

At first glance, reality is summarized in its essence, exactly as in Marx, as a simple projection of humankind: a product. However, while in Marx it is the action of the *homo faber* which posits reality in that which is most his own (i.e. his economic value, as the cohesive force of human labor,) in Heidegger the object constructed by the person to be a jug exists essentially in that includes the void: “it is the void which the recipient contains. The void, this nothingness in the jug, is that which the jug is as a recipient which contains” (Heidegger, 1953, p. 112).

It is thus the void, the nothingness in the jug and of the jug, that aids us in grasping the essence of reality. Not only does reality exist as an object, but as an object that is characterized by being hollow, empty, and lacking.

This essay is quite typical because in it nihilism is interwoven with aesthetic mysticism which characterizes the language of the German thinker of the later *Kehre*: “the thing causes to persist the Four-fold, earth and heaven, gods and mortals, in the simplicity of their Four-foldness, united in and of itself” (Heidegger, 1953, p. 118). It is however highly significant that in regard to a similar oracular eloquence Gianni Vattimo advanced the hypothesis that one should understand in these words the fulfilled dissolution of language and of reality itself: “it would not be wrong [...] to learn to read Heidegger as a ‘comedian’ of philosophy” (Heidegger, 1957, Introduzione, p. XVI).¹²

When reality is defined in its being as essentially privation and absence, nothing remains except to alternate between irony and ecstatic contemplation, between play and euphoric intoxication. Philosophy is forced to cede ground.

One finds a radical alternative to all this in the thought of Lévinas and of his metaphysic of the Other. In the writings of the French-Lithuanian philosopher there is a humanism which not only stands in contrast to the predominant tendency within the essentially reductionist contemporary human sciences, but which above all takes head on the philosophical culture in which it would be senseless to continue to consider the subject (i.e. the individual, the singular person) as a question worthy of attention. In this epoch of the end of metaphysics, the individual person, as a being among beings, would be (clinically) dead. The individual person would finally come to the same fate which Friedrich Nietzsche reserved for God himself. In this tradition of thought by now the question of the person can at most interest anthropologists or psychologists, given that s/he has been relegated to the status of simple entity (which is in effect to state, in Heideggerian parlance, that this a second order problem.)

In reality, the primacy of ontology in reflection since Heidegger would source from the hypothesis that the question of being (“why does all that is exist, instead of nothing?”) would be without a shadow of a doubt preeminent with respect to the question of the other (“what does the face which I encounter require of me?”). But we are dealing with a hypothesis which should not be discounted. For Lévinas and for the entire Judeo-Christian tradition, in fact, the ethical questions which derive from the Other are to be placed above every speculative investigation regarding being itself.¹³ Ethics precedes ontology, and the latter is not at all to be tolerated as an all-encompassing dimension which absorbs every other reality into itself, annulling them all. The contrast between Heidegger and Lévinas on this point could not be more clear.

Being and Time and successive Heideggerian writings lack all experience of the transcendency of the Other, for which reason humanity is absorbed into Being as a generality, even to the point of disappearing in and among things. “In Heidegger the world is very important. Along the country road there is a tree; one does not encounter humans” (Levinas, 1983, p. 15). He adds that if humans are present, it is only—or primarily—as a presence which testifies to a culture, to the melding of human traditions in locales, within the universe of history as the immanence of histories and meanings: “He has a keen sensitivity for all that makes landscapes—not artistic landscapes, but locations in which humanity is rooted. He is not a philosopher of immigration! I would also say that he is not a philosopher of the immigrant”¹⁴ (Lévinas, 1983, p. 15).

In *Totality and Infinity* Lévinas states that in his return to ontology and to pre-Socratic thought Heidegger “conceives the relation with others as that which unfolds in the destiny of peoples in a stable habitation, as possessors and constructors of the earth” (Lévinas, 1971, p. 44).

In this sense, the same hermeneutic circle, thanks to which we validate our intuitions (in the dialectical process by which a subject fully appropriates knowledge which one already has available), can appear as the most complete

form of the triumph of ontology within Western philosophy. This happens when the Other fades in his radical otherness to become something which has always been given within us, which ceases to engage us ethically, which is negated by her distance, which annuls temporality itself as the possibility of something yet untold. In such a betrayal of ethical experience, writes Lévinas, “philosophy is an egology” (Lévinas, 1971, p. 42).

The obsession with ontology leads the German thinker to withdraw himself from the transcendency of the gaze and from the imperative of the Other, while for Lévinas, to the contrary, “morality is not a branch of philosophy, but first philosophy” (Lévinas, 1971, p. 313). Philosophy originates in the recognition in the countenance of whoever is before us as transcendent with respect to self. The need to act—within the modes of thought itself, in prayer, in revolt when confronted by injustice—arises in the presence of the Other because it is precisely as living presence that the individual person recalls afresh the Biblical commandment “Thou shalt not kill.” The stirrings of conscience are inseparable from the relationship with the face of the Other, from the experience of humanity external to oneself, which is in part a reflection and rediscovery of one another as human individuals. Certainly “the face of the Other endures in an elevated status which obligates me and commands me” (Malka, 1984, p. 31).

It is not thus in Heidegger. Proceeding from ontological difference (the difference between a being and Being) as the primal focus and as the sole question authentically worthy of thought, the philosophy of Being reaches its terminus in genericity and impersonality, ultimately in anonymity. Lévinas contrasts the theme of “*il y a*”¹⁵ to that of the face, declaring that the “*il y a*”, in its refusal to take a personal form, is “Being in general” (Lévinas, 1947, p. 94). He illustrates this with the image of the night, in which everything fades and that which is present—precisely, night—is the fading into nothingness of all things.

Impersonal Being is the source of the concept of “world” and of a neutral dimension in which the asymmetry between I and Thou is erased, along with the imperative of the face of the Other. In virtue of the “*il y a*”, reality—and primarily its social dimension—is constructed in the course of daily life, thus also as technology, bureaucracy, and centralized planning. This generalizing outcome, which is also in some ways unavoidable (as we will see later), can be quite menacing if the individual thus loses her uniqueness and responsibility. In this sense, Being threatens the person as an ethical and transcendent subject.

While in Kierkegaard the foundation of individual liberty rests on the I and the conscience (i.e. on the withdrawn solitude of a person in conversation with God,) in Lévinas all this sources from the Other and her exteriority. God is not my God of a jealous interiority; rather, he is truly in the presence of the Other who engages me with his gaze (Lévinas, 1971, p. 38). In this sense the face is the source of every word, the origin of language itself and of its possibility.

These last considerations help us comprehend how Lévinas does not at all intend to renounce either the reasoning of philosophical discourse within a Greek framework or the universal demands which it interprets. He sees in the “*il y a*” an obscure, impersonal burden and a refuge into genericity which refuses to accept the asymmetry of I and Thou and the primacy of the face. This however does not cause him to abandon the language of philosophy or the justice of law.

He simply desires to clarify that the countenance is beyond Being and beyond nothingness, not so much because it becomes something intimate within (as conscience or as interior experience), but primarily because it is beyond any thematization in as much as it is Otherness, and thus ever to some extent an “exterior” experience. The experience of the other person which is fulfilled in the face of the Other is by its very nature imprecise and incomplete, meaningful and inexpressible. It is in Otherness that we experience most authentically and most primitively the diversity and pluralism of all that is human.

In Lévinas’ ethic the face of the Other has a fragility which does not impede its moral imperative; precisely because bare and exposed, Others invest us with an absolute responsibility which cannot be absolved by the postmodern vanification of all certainty and reason. It is its weakness which obliges us to resolutely defend its existence, its dignity, and its truth. Precisely the transitory, accessible and constitutionally mortal character of the face imposes a discipline of rational discourse, within a system of reason oriented not toward that which is

opinionable, but to that which is true, in a manner which is not inclined to accept every more or less local and destructive objection.

As Lorenzo Scillitani has well summarized, “in as much as it speaks, the face is the thematization of the infinite; it is infinity itself” (Scillitani, 2000, p. 365). The Other is absolutely beyond my power, since she can be dominated only by negating her transcendence and infiniteness. In this sense, infinity is not that which results from an accumulation of countless finite entities (i.e. a totality realized in time and/or space), but the separation which Otherness introduces into our relationships with the entities which surround us. Before another person, the I discovers its own nature as creature and its own dependency, such that one may state that “the dimension of the Divine opens originating from the human face” (Lévinas, 1971, p. 71).

The encounter with the Other, in this sense, is an experience which one cannot ignore or set aside.

In Lévinas’ reflection, the countenance imposes a high sense of justice which is not confinable to mere legal rights, a justice which demands the exercise of absolute charity. It is this transcendent space which opens the very possibility of human conviviality to the extent which such is possible, sealed from violence and willful dominance.

However, to individuate such a metaphysical foundation of the juridical order means recognizing the primacy of obligation over rights, as the latter is primarily defined as legal claim within interpersonal relations. The rights of the I cannot be developed autonomously, reflexively sourcing from itself and following merely principles of legal vindication; these are admissible only as the end of a long process in which the I is itself recognized in its otherness.

It is in short the existence of the third person which requires the establishment of a system of justice which maintains an obligation toward the demands of those who are absent.

The Other imposes on the moral plane an absolute and sacred responsibility which may even ask the ultimate sacrifice, and on a juridical level imposes the maximum respect of persons and of their spheres of legitimate action. Every solipsism is ethically censurable, and every aggression (violation, expropriation, and so forth) is juridically indefensible.

The fundamental character of the relationship to others aids also in recuperating essential dimensions of Western philosophical history, beginning from the centrality of dialectics, understood as the search for truth in the locus of the exchange and contrast of ideas in interpersonal relations. In this sense, one may recall that already in the 10th century dialectic was considered the discipline of disciplines, capable of instructing how to instruct, of learning how to learn. When in the Medieval era Greek thought was re-introduced within a cultural context saturated in Christianity, it was essentially dialogic within a system of disputation, confrontation, and discussion. It is in short exactly Otherness that brings about the possibility of an encounter with truth itself.

Many sources underscore, and with good reason, that within the Western tradition the concept of liberty of Modern thinkers (understood as independence from power, the dignity of the individual and the right of self-determination) is the child of Christianity and of its clear valuing of each person as created in the image and likeness of God.

It is however equally necessary to insist on another fact that signals a decisive break between Greek philosophy and Christian faith. In the classical world there were in effect frequent hypostatizations of evil; evil existed as an objective reality and, according to Plato, it could manifest through embodiment or through music.

The emergence of the Christian message silenced all that. In the Gospel of Mark, addressing the crowds Jesus declares “Listen to me, all of you, and understand this: nothing that goes into a person from outside can defile him; no, it is the things that come out of a person that defile him” (Mark 7:14-15, *Revised English Bible*).

No longer cosmos but creation, reality can no longer be pernicious, and the nature of the Fall itself is mysterious and ambiguous, sourcing in liberty and human determination (it was the choice of Adam and Eve to pick the fruit of the tree.) All things therefore are saved, and the capacity to defile and destroy is entirely in the human gaze, in the intentionality which is at the heart of each person’s actions. To use the words of the Gospel, “the things that come out of a person.”

In Western history the reversal of ontology into ethics, and absolute responsibility in the face of reality, originates from this.

It is thus thanks to the centrality of the Other that gives access to a realism which is not imprisoned within ontology,¹⁶ by which one may leave behind the sort of symmetrical thought which leads one to posit the question of Being prior to the question of the Other, which in various circumstances leads even to the condemnation of anthropological imperialism in the name of an inter-species equality, affirming the equal dignity of bacteria, flies, mice and humans.

At times beyond the letter of many of Lévinas' analyses, one may proceed from certain intuitions of the French-Lithuanian scholar to grasp how the triumph of nothingness may essentially be the sign of a fulfilled modernity which has at its center the modern State and its myths. Our cultural formation as Westerners takes place not only in public educational institutions according to administrative directives, rather, it is primarily the reflection of concepts which have glorified the State as the interpreter of community, seeing in it the culmination of civilization and the end of history.

If today the declaration that the Constitution should well and truly represent a "civil Bible" is common (and even inflated) currency, it is difficult to decouple the totalitarianism which is ever possible in our condition of "*citoyens malgré nous*,"¹⁷ from the triumph—within the more crucial debates of the 19th and 20th centuries—of the ontological totality which has intertwined the languages of the national State, of law, and of progress.

The Other locates reality in a perspective which structures reality hierarchically (the primacy of Thou over I) and thus escapes all egalitarianism, without however renouncing the principle of universality without which the idea itself of justice would ultimately come undone.

References

- Aquinas, Thomas. (1259). *Questiones disputatae de Veritate*. Retrieved June 15, 2009 from The Dominican Province of Saint Joseph Web Site: <http://www.op-stjoseph.org/Students/study/thomas/QDdeVer.htm>
- Bobbio, Norberto. (1965). *Giusnaturalismo e positivismo giuridico*. Milano: Edizioni di Comunità.
- Fromm, Erich. (1966). *You shall be as gods: a radical interpretation of the Old Testament and its traditions*. New York: Holt, Rinehart and Winston.
- Heidegger, Martin. (1968). *Saggi e discorsi*. Milano: Mursia (Italian translation of: *Holzwege*, Klostermann, Frankfurt a/M).
- Hume, David. (1748). *An Enquiry Concerning the Principles of Morals*. Retrieved June 15, 2009 from Saint Anselm College Web Site: <http://www.anselm.edu/homepage/dbanach/Hume-Enquiry%20Concerning%20Morals.htm>
- Hume, David. (1742). *Of the Original Contract*. Retrieved June 15, 2009 from Library of Economics and Liberty Web Site: <http://www.econlib.org/library/LFBooks/Hume/hmMPL35.html>
- Hume, David. (1757). *Of the Standard of Taste*. Retrieved June 15, 2009 from Minnesota State University, Moorhead Web Site: <http://www.mnstate.edu/gracyk/courses/phil%20of%20art/hume%20on%20taste.htm>
- Letter to Diogneus*. (2nd century A.D.). Retrieved June 15, 2009 from Christian Classics Ethereal Library Web Site: <http://www.ccel.org/ccel/schaff/anf01.toc.html>
- Lévinas, Emmanuel. (1947). *De l'existence a l'existent*. Paris: Vrin.
- Lévinas, Emmanuel. (1983). *Filosofia, giustizia e amore*. Conversation held with R. Fornet e A. Gomez, *Aut aut*, settembre-dicembre 1985.
- Lévinas, Emmanuel. (1971). *Totalità e Infinito. Saggio sull'esteriorità*. Milano: Jaca Book, 1980 (Italian translation of: *Totalité et Infini. Essai sur l'esteriorité*, La Haye: Nijhof, 1961).
- Malka, Salomon. (1984). *Leggere Levinas*. Brescia: Queriniana, 1986 (Italian translation of: *Lire Lévinas*, Paris: Editions du Cerf).
- Niebuhr, Reinhold. (1960). *Radical Monotheism and Western Culture*. Retrieved June 15, 2009 from Google Books Web Site: <http://books.google.com/books?id=HSIDl7pZ1IEC>
- Reinach, Adolph. (1913). *The A Priori Foundations of Civil Law*. (trans. John Crosby). *Aletheia*, 3, 1983.
- Rothbard, Murray. (1995). *Economic Thought before Adam Smith. An Austrian Perspective on the History of Economic Thought*. London: Edward Elgar.
- Scillitani, Lorenzo. (2000). "Dall'infinito del pensiero all'infinito etico: i diritti dell'uomo e i diritti altrui in Emmanuel Lévinas". *Rivista Internazionale di Filosofia del Diritto*. luglio-settembre 2000, LXXVII, n.3. (untranslated).

Endnotes

- 1 “Dall’ontologia della cosa all’etica dell’altro”. This article originally appeared in *élites* by the title “L’ordine della diversità e del molteplice,” year X.2, aprile-giugno 2006, pp. 4-17. The original Italian text of the article is online at <http://mobile.brunoleoni.com/nextpage.aspx?codice=3727>. Translation by N. Michael Brennen, <michael@michaelbrennen.com>; any translation errors are my own. All English translations of cited Italian texts are my own.
- 2 “Truth is the conformity of thing and intellect.”
- 3 It is notable in this regard that he finishes by dedicating a significant portion of his own life to the redaction of *The History of England*.
- 4 For Hume it is not at all easy to suppose the existence of something that in and of itself is authentically “beautiful” and artistic. In this regard he asserts that “Beauty is no quality in things themselves: It exists merely in the mind which contemplates them; and each mind perceives a different beauty” (Hume, 1757, #7). The only way to distinguish the greatness of Milton from the miserable works of the least poetaster would consist in recognizing the consensus which certain opinions obtain within selected environments.
- 5 In this regard one should perhaps recall—as Adolf Reinach wrote in his defense of an a priori doctrine of law—that “the lack of an ‘consensus omnium’ does not represent an obstacle, just as the it is not an obstacle for mathematical axioms the fact that only a small part of humanity can understand and intuit them.” (Reinach, 1913, p. 210).
- 6 For further information see “Legal realism”. (n.d.). Wikipedia: http://en.wikipedia.org/wiki/Legal_realism
- 7 For further information see “Sociology of law”. (n.d.). Wikipedia: http://en.wikipedia.org/wiki/Sociology_of_law
- 8 “ authority makes laws”
- 9 For further information see “Juridical Positivism”. (n.d.). Catholic Culture Dictionary: <http://www.catholicculture.org/culture/library/dictionary/index.cfm?id=34417>
- 10 “Any literary or oral device which seeks to secure the goodwill of the recipient or hearer, as in a letter or in a discussion.” Glossary of rhetorical terms. http://en.wikipedia.org/wiki/Glossary_of_rhetorical_terms
- 11 It is interesting to note that in Bastiat value is essentially considered in relationship to the capacity of this or that good to serve the other; it is not I the producer to produce wealth, but this emerged solely in the appreciation which a given labor finds in relation to others.
- 12 To this end, it should be said that following the advice of Vattimo it might be easier to understand the meaning of expressions such as the “thinging of the thing” or “worlding of the world” (Heidegger, 1953, p. 118 and p. 120).
- 13 In the first letter to the Corinthians, St. Paul offers one of the more explicit affirmations of the primacy of love (I Corinthians 13:1-2, *Revised English Bible*): “I may speak in tongues of men or of angels, but if I have no love, I am a sounding gong or a clanging cymbal. I may have the gift of prophecy and the knowledge of every hidden truth; I may have faith enough to move mountains; but if I have no love, I am nothing.”
In an essay of Erich Fromm this Biblical radicalism and the consequent rejection of every political metaphysics are coupled to the importance of both the role of the prophetic and of the prophets (“who had denounced the idolatric admiration for secular power”) in the affirmation of the human-oriented culture which underlies the Bible and Judaism. For Fromm one should never forget that “the Jews retained an effective, authoritarian secular power for a brief time, in fact for just a few generations”, and that this led them to align themselves primarily on the side of individuals, their rights and needs. (Fromm, 1966, NMB translation).
- 14 It is interesting to note that in the Letter to Diognetus in the second century after Christ (one of the major texts of early Christian literature in which, among other things, the refutation of Jewish formalism is particularly clear) an emphatic valuation emerges of the liberty and dignity of humankind above that of one’s country and of the community to which one belongs. In defining the unique quality of Christians, in fact, the anonymous author states that “Every foreign land is to them as their native country, and every land of their birth as a land of strangers” (Letter To Diognetus, ch. V).
- 15 “there is...”
- 16 Significantly, one of the first essays of Lévinas is titled “De l’Évasion”, Paris, Fata Morgana, 1998 (1935). An edition of the magazine *Cités* entirely dedicated to the Lithuanian scholar was entitled simply “Emmanuel Lévinas. Une philosophie de l’évasion”. (n. 25.)
- 17 “citizens in spite of ourselves”