

Bernie Sanders With Emmanuel Levinas: Thinking Philosophically About a Human Rights Revolution

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In this paper I sketch a Levinasian theory of human rights in relation to contemporary political calls for a Human Rights Revolution. In so doing, I identify three ways in which liberalism, the original political-philosophical harbinger of human rights, is ultimately inadequate to the task of preventing human rights travesties. No longer the “Rights of Man”—the rights of the individual, the right to possess, the right to assert oneself within the boundaries of a social contract—the rights of today’s burgeoning Human Rights Revolution are being articulated distinctively in terms of an ethics of alterity and social responsibility.

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INTRODUCTION

The goal of this paper is to philosophically outline a new theory of human rights in joint relation to both (a) contemporary political calls for a Human Rights Revolution, and (b) the ethics of twentieth-century French philosopher Emmanuel Levinas (1905-1995). In so doing, the following five propositions regarding human rights will be presented and defended: (i) Human rights are not political rights. At their origin, they are neither granted nor satisfied by a legal Constitution or governing body, since they enjoin us from a place beyond political life to a task that can never be fulfilled, and not to an inalienable claim that can be asserted and litigated. (ii) Human rights are not my rights. They are neither self-evidently given to the enlightened intellect nor self-reflexively universalizable. Rather, they are revealed to me as pertaining to *you* who eludes intellectual capture and resists totalization into a class. (iii) Human rights are not a guaranteed entitlement to certain basic resources of which there are only a finite amount. Human rights are, rather, an infinite responsibility we bear toward one another. They are not, again, *my* rights, but the rights of those who in looking me in the eye incite me to a destiny that is more than my own, more than my country’s, more than life, liberty and the pursuit of happiness. (iv) Human rights do not promote my freedom by securing my identity against violence. To the contrary, human rights promote freedom by liberating the individual’s identity from its autochthonous return to itself. (v) Therefore, human rights—if we are to speak of a Human Rights Revolution—can no longer merely be the *political* rights of the liberal individual, signatory of a fictitious social contract, who has long been decrying their neighbor’s right to economically subjugate and exploit them. They must instead be the *ethical* rights of what Levinas calls “the Other” (*Autrui*): the singular, personal Other, whether friend or stranger, in relation to whom “I” am constituted as a moral subject.

Because for Levinas, who perceived a danger in divorcing the political from the ethical, any promising formulation of rights must be located at the intersection of ethics and politics (Bernasconi, 2008), this paper

should not be taken as a political essay, despite its topic being squarely and explicitly situated in relation to the 2020 Bernie Sanders presidential campaign. Indeed, when it comes to human rights, Levinas clearly emphasizes the importance of their defense heralding from an “extra-territoriality” outside of any political society and from “a vigilance totally different from political intelligence” (1987/1993, p. 123). This paper seeks therefore to sharpen a form of Levinasian *ethical* and *philosophical* vigilance in speaking both to and for a Human Rights Revolution. Even more, this paper seeks to begin to meet a need for a specifically philosophical elaboration of a vigilance already being exercised at the intersection of ethics and politics, and to engage Levinas for this task.

Politically, an increasing number of human rights vanguards today identify capitalism as responsible for present human rights outrages, making any philosophical regrouping of human rights in capitalism’s original political-philosophical ally—Enlightenment liberalism—a suspect operation. Exiled from its birthplace, human rights discourse is left to wander onto political banners and into presidential campaign speeches as a relatively free-floating semiotic operator. No longer the “Rights of Man”—the rights of the individual, the right to possess, the right to will and to assert oneself within the boundaries of a social contract—the rights of today’s burgeoning Human Rights Revolution are being articulated in what are, from a Levinasian perspective, distinctively ethical terms.

“*I want you all to look around and find someone you don’t know,*” instructs Vermont Senator and 2020 presidential hopeful, Bernie Sanders, in his October 19th campaign rally in New York, just two weeks after suffering a heart attack (Bernie’s Back Rally, 2019). “*Maybe somebody who doesn’t look quite like you. Maybe somebody who may be of a different religion than you. Maybe they come from a different country. My question now to you is: Are you willing to fight for that person, who you don’t even know, as much as you’re willing to fight for yourself?*” The crowd erupts with cheers and applauds. “*Are you willing to fight to ensure that every American has healthcare as a human right—even if you have good healthcare?*” With its direct emphasis on the Other as the center of gravity for human rights, the Sanders campaign evinces a vigilance and intelligence that is not just political, but ethical as well.

The central claim of this paper in relation to which the above propositions will be presented and defended is, following Levinas, that liberalism is inadequate to the task of preventing human rights travesties. This is so for two reasons: first, because liberalism establishes human rights in relation to a frictionless ideal of human freedom; and secondly, because it divorces private life from public life, leading to a political neglect of ethical vigilance, which I have already begun to suggest can take both political-ethical and philosophical forms. It is on the basis of this twofold claim that I will begin to sketch an alternative Levinasian perspective on liberalism’s classical themes of freedom and the separation of private and public life. I will then conclude with a statement on why I believe it is imperative for any human rights movement today to directly ground itself in a theory of human rights the vigilance of which is distinctively ethical, even if and as it becomes more fully propagated and institutionally embedded via politics.

The Third Party

In order to set the stage for a fuller appreciation of his critiques of liberalism, it will be useful to begin by first exploring the nature of the intersectionality of ethics and politics in Levinas’ philosophy generally, and to locate this intersection in relation to several central Levinasian concepts in particular, including and especially those of totality and infinity.

The heart of Levinas’ philosophy is the face-to-face ethical relationship of responsibility we have toward other humans. The very structure of being is, for Levinas, fundamentally social and linguistic insofar as it is split absolutely into the same (the I) and the Other with whom I am convivial and with whom I converse (1961/1969). But sociality and language also exceed the dimension of being, engendering what Levinas calls “metaphysical desire” (1961/1969, p. 33)—a desire directed toward a dimension of exteriority, beyond being, revealed in the “epiphany” that is experienced in a face-to-face encounter with the Other (1961/1969, p. 194). Levinas’ privileged word for designating this transcendent dimension opened in the separation between self and Other is “infinity,” which he contrasts with “totality” (1961/1969, p. 26), this latter designating a kind of pathological human tendency—enshrined in both politics and philosophy—to reduce the alterity of the Other to the autarchy of the same. By contrast, the idea of infinity,

produced as metaphysical desire, is the ethical recognition of—and response to—my infinite responsibility for the Other, revealed in the self-shattering epiphany I have whenever I look them in the face.

The fundamental prioritization of the ethical face to face in Levinas' philosophy will often lead him to take a dim view of both politics and philosophy. Regarding the former, for example, he warns that politics "left to itself deforms the I and the other who have given rise to it," since it operates in an orientation toward totality and so assimilates the singularity of those involved in the metaphysical relation into a system of universality—a system of States, institutions, and laws—and in so doing obscures the "dimension and perspective of transcendence," for which politics can then never adequately account (1961/1969, pp. 300-301). Regarding the latter, Levinas accuses the whole of Western philosophy as being a "philosophy of power," again oriented toward totality, "which does not call into question the same" (1961/1969, p. 46). Philosophy, or, more descriptively, philosophy that prioritizes ontology as first philosophy, evinces a particular relationship with being such that, in order to comprehend it, it must first neutralize it via any one of a preponderant repertoire of conceptual mediations before finally rendering it wholly anonymous, impersonal, tyrannical, imperialistic, and unjust—but comprehensible.

Ethics, then, is explicitly opposed by Levinas to both politics and ontology as first philosophy. However, there is an alternative practice of philosophy that promotes ethics from just another branch of philosophy to the status of first philosophy, thus reorienting philosophy away from its ontological penchant for conceptual totality toward a proper recognition of the dimension of infinity and a redefinition of its key concepts in relation to this dimension (Levinas, 1961/1969). Such is the non-traditional philosophical praxis of Levinas himself; and while Levinas nowhere affords politics quite the same wholesale redemptory possibility that he does philosophy, he does, as Robert Bernasconi has convincingly shown (2004), attempt to more carefully characterize his oppositional positioning of politics vis-à-vis ethics, and to ultimately offer "an account of the political and the ethical in which they coexist in tension with each other, each with the capacity to question the other" (p. 77).

In this way, the question of the third party in Levinas is raised. The third party is the presence of the "We" in the metaphysical relation of the I with the Other. This presence is for Levinas explicitly political, taking the concrete form of States, institutions, and laws (1961/1969). Importantly, the third party is not an *addition* to the metaphysical ethical relation but is rather an ineliminable presence within it. Bernasconi summarizes the reason why Levinas came to adopt a view that the third party is immanent to the ethical relation as follows: "If the third party was absent from the face to face, in the face of the Other I would be absolved from all my commitments and obligations to everyone else. Because the third party is already located within the face to face, the passage from ethics to politics is immanent" (2004, p. 78).

Having conceded the equiprimordiality, so to speak, of all three parties of the metaphysical relation, it would seem as though ethics and politics might share equal standing as elements of first philosophy from a Levinasian perspective. Ethics and politics, it seems, mutually presuppose and condition one another: ethics—as responsibility for the Other—challenges politics to condemn tyranny and administer justice; while politics—as the community of the others of the Other—prevents the retreat of the face to face into a socially disinterested and self-sufficient "I-Thou" enclosure. However, all three parties do not in fact stand in a symmetrical face-to-face relation on the same metaphysical ground. Crucial to virtually every major concept in Levinas' philosophy is the doctrine that the Other comes to me from "on high" with an infinite demand that challenges me in my self-sufficiency and subordinates my freedom to "the personal work of my moral initiative" (1961/1969, p. 300). The metaphysical relation is, in a word, asymmetrical; and it is owing to this asymmetry of the ethical that the political, which is predicated on universality and the symmetries of formal equality, is criticized by Levinas as ethically blind. The blindness of the political persists to the extent that political life fails to take account of the asymmetrical surplus of infinity, organizing ethical relations instead into a "humanity of interchangeable men, or reciprocal relations," which Levinas condemns as the "primal disrespect" that "makes possible exploitation itself" (1961/1969, p. 298).

It is for this reason that Levinas accords to ethics the infinite task of reorienting politics (Bernasconi, 2004). The ethical is both an *interruption* and a *reorientation* of the political. However, it is important to emphasize that this interruption does not take the form of a holier-than-thou break with or disavowal of political society. It is, rather, an interruption of intersectional conflict and negotiation. If both the

metaphysical relation and philosophy are (or should be) first of all ethical, they are nevertheless persistently drawn out of themselves to negotiate the political, since the political third party, being immanent to the interfacial ethical relationship, likewise interrupts the closed connection between myself and the Other by revealing the presence of countless other Others, thereby summoning ethical responsibility and responsivity into active participation in the ongoing and unignorable demand for social justice (Xiangchen, 2008).

It is precisely from this intersectional perspective—ethics, philosophy, politics—that Levinas levels his critiques of the inadequacies of liberalism. In the remainder of this paper I will focus on two such inadequacies, each of which will be shown to have been met by Levinas with a philosophically vigilant reorientation that I shall argue we would do well to further articulate for today. The first of liberalism's inadequacies is its failure to prevent Hitlerism, attributable in large part to liberalism's frictionless ideal of freedom. Its second inadequacy is its insistence on the separation of private life from public life, which for Levinas results in a fateful disjunction of politics and ethics, paving the way for totalitarianism.

FIRST CRITIQUE: THE SERENE REASON THAT CHOOSES

Freedom in liberalism is first and foremost freedom from inhibition. From the guarantee—fully worked out in theory and practically secured via a political constitution—that I am my own sovereign and independent authority, master of my destiny, free to pursue that which I deem essential to my well-being without undue restraint from any external agent, be it neighbor or governing body or history itself—from this fundamental guarantee follow all the freedoms cherished by the liberal subject, all of which are enshrined perhaps most piously in the preeminent liberal freedom of *choice*.

Theoretically rescued from the vicissitudes of both “the brutal world and implacable history of concrete existence,” the liberal subject, Levinas writes in “The Philosophy of Hitlerism,” grounds itself in a belief in the sovereign liberty of reason, a vestige of the infinite liberty of the soul proclaimed by Christianity, and constructs for itself a world designed by idealistic philosophy in which all material constraints have been declared unconstitutional (1994/2004, pp. 14-15).

Man in the liberalist world does not choose his destiny under the weight of history. He does not know his possibilities as troubled forces churning within, that already orient him on a determined track. He sees them simply as logical possibilities offered to serene reason that chooses while eternally keeping its distance. (1994/2004, p. 16)

Detached from historical and material realities, liberalist freedom, according to Levinas, operates on the basis of a theoretical separation of individuals from the unconditioned wealth of possible destinies they are free to choose at any and every given moment. But the liberal subject is so free, Levinas begins to warn, that she may not be able to bridge the gap between her freedom and the alleged wealth of possibilities available to it. The gap may in fact never close, since one is always free to go back on one's choice; and to the extent that this gap, in and through which the myth of uninhibited and eternal freedom to choose is both philosophically and politically preserved, is kept open, liberalism harbors a potentially fatal danger, for “[i]n the interval that separates man from the idea slips the lie” (1994/2004, p. 19). Levinas spells out the danger of the lie with the following words of caution:

Thought becomes a game. Man plays with his freedom and does not permanently commit himself to any truth. He transforms his capacity for doubt into a lack of conviction. Not being shackled to a truth turns into not wanting to engage oneself in the creation of spiritual values. Sincerity becomes impossible, bringing an end to heroism. Civilization is invaded by everything that is not authentic, by cheap substitutes subservient to special interests and passing fashions. (1994/2004, p. 19)

Rushing into the gap separating the free liberal subject from its possible destiny comes the lie, the special interests, the propagandists, the scam artists, the demagogues, *the fascists*.

Of crucial importance to Levinas' critique of liberalist freedom is that it is ultimately self-referential and free-floating. The only truth to which it is tied is itself a lie, namely, the lie of the self's autonomous detachment from the weight of history. Levinas cites Marxism favorably in this regard, acknowledging the importance of its contestation of the historically frictionless fables of liberalism (1994/2004). However, history for Levinas, as we shall see shortly, while indeed a determining factor—in the form of politics and civil institutions—in the realization of freedom, cannot serve as the guiding spiritual value to which the subject who desires *true freedom* (i.e., freedom under the judgement of truth) should commit itself. The truth needed to establish subjectivity in an authentic dimension of freedom is for Levinas the truth that places the subject “under the judgement of God,” beyond laws and outside of history (1961/1969, p. 246). Such truth “is produced as judgement itself when it looks at me and accuses me in the face of the Other—whose very epiphany is brought about by this offense suffered, by this status of being stranger, widow, and orphan” (1961/1969, p. 244).

Freedom and Infinity

If liberalism fails in its twofold philosophical and political constitution of individuals as serene incarnations of reason, letting slip in the lie that leads to demagoguery and fascism, then how can we begin to articulate a vigilant ethics-as-first-philosophy reorientation of the misguided third party on the issue of freedom and the self?

The concrete reality of history, we have seen, engendered in political institutions and legal codes, certainly collects into itself a salutary juridical inertia that helps remind us of the conditioned character of freedom and slow down its total eradication by cynical forces. Indeed, in his late essay, “The Other, Utopia, and Justice,” Levinas praises “the very excellence of democracy, whose fundamental liberalism corresponds to the ceaseless deep remorse of justice: legislation always unfinished, always resumed, a legislation open to the better” (1991/1998, pp. 229-230). But such approving remarks concerning liberalism in Levinas' thought are roundly qualified by his much more deeply philosophically entrenched objections. Even still, it is entirely possible and consistent with Levinas' more pronounced objections to concede to liberalism the virtue of rendering, as he puts it in *Totality and Infinity*, objective judgement “by the very existence of rational institutions [...] reflected by the public order, in the equality which the universality of laws ensures it” (1961/1969, p. 242).

But this concession is not the final word, since it is in the very calling into question of the ultimate validity of universal objective judgement that Levinas exercises acute vigilance regarding the question of moral freedom and—with a rare explicit reference—human rights.

Objective judgement under the law—the very law born of a guarantee that the liberal subject shall enjoy an unencumbered autonomy to freely choose its destiny—institutes in place of the tyranny of an untimely death “another tyranny” of the universal and the impersonal (Levinas, 1961/1969, p. 242). Neither the objective judgement of the law nor the “judgement of history” (i.e., neither liberalism nor Hegelianism) can do justice to the singularity of the I who refuses to be judged *in absentia*; that is, according to a category (whether legal or historical) too clumsy to capture me in my full presence, which is only ever manifested before the face of the Other who commands me to present myself as an apology.

In other words, the third party is both impersonal and depersonalizing. It tyrannizes me to the extent that it subsumes me into a totality and excludes me as a living apology. Because universal norms pertain only to historical visibilities, they have no power to produce the “truth of the invisible,” since this can only be produced “by the subjectivity which states it” (Levinas, 1961/1969, p. 243). Accordingly, to exist as an apology, and to be judged as such, is precisely to exist as the subjectivity who states the truth of the invisible by responding with its entire being to those whose humanity is habitually rendered invisible. Such truth is encountered in the face of every Other: the truth of the stranger, the widow, and the orphan. This is what it means for Levinas to live a life of moral freedom. To be an apology is to be a singularity animated with the energy of infinity. But because “there can be no place for singularity in totality” (1961/1969, p. 244), the legally constituted liberal subject of universal human rights can never be morally free. It is only through the exaltation of singularity under the judgement of God, rather than of history or the law, that moral freedom—freedom under the judgement of truth—can be enjoyed. Here “God” is synonymous with the

judgement that “summons me to respond” (1961/1969, p. 244), and the better I accomplish my infinite duty to respond to the vulnerable face of the Other, “*the fewer rights I have* [emphasis added]” (Levinas, 1961/1969, p. 244).

My Freedom, Your Rights

Although this reference to rights, here in relation to moral freedom, is a rare direct reference in the Levinasian oeuvre, it is by no means the solitary one. Indeed, included in a collection of essays entitled *Outside the Subject* (1987/1993) is a ten-page reflection on “The Rights of Man and the Rights of the Other,” and it is in the context of this reflection—his most sustained reflection on the topic of rights—that I would like to situate some concluding remarks for this section regarding Levinas’ claim that the more my singularity as a subject *qua* apology is actualized in the exercise of moral freedom, “the fewer rights I have.” As we will see, this does not entail the total elimination of rights in favor of a non-rights-based theory of freedom, but *the transference of the center of gravity of human rights away from the I and toward the Other* via a theory of freedom grounded in ethics rather than politics.

If the objective judgment of the third party is a tyranny to subjective singularity, this is owing to the depersonalizing character of Being, History, Universal Law and their judgments, and not to that which is “the measure of all law and, no doubt, of its ethics,” namely, *rights* (Levinas, 1987/1993, p. 116). Rights are “the law’s latent principles,” Levinas writes in “The Rights of Man and the Rights of the Other,” principles constitutive of all of history, with us “ever since the first stirrings of consciousness” (1987/1993, p. 116). As such, *rights are prior to legal codes*, although these latter are no less an indispensable practical condition for the full exercise of those rights. This results in a paradoxical situation in which rights are irrevocable and indeed inalienable, “independently of any conferral,” but are recognized only on condition of a revolutionary historical act that achieves the actual implementation of rights in history (Levinas, 1987/1993, p. 119); and once such an implementation (which is by no means inevitable) has been accomplished, a further paradox is manifested insofar as the very laws that secure rights simultaneously efface the truth of which those rights are the *a priori* recognition: namely, that every individual is unique and singular, despite his or her subsumption under historical and legal categories that fail to adequately account for this singularity (Levinas, 1987/1993, p. 117).

The upshot for Levinas is that justice paradoxically limits human rights insofar as it seeks stability in “the powers of the state, in politics, which ensures obedience to the law by force” (1987/1993, pp. 122-123). Justice, necessarily having recourse to politics, becomes compromised to the extent that politics inevitably comes under the sway of the “clever dealings” and “necessities peculiar to the state” through which “man is repressed and a mockery made of the rights of man, and the promise of an ultimate return to the rights of man postponed indefinitely” (1987/1993, p. 123).

It is at this juncture in his most direct and sustained reflection on rights that Levinas makes the move that is most decisive for his theory of rights, and in relation to which their transference to the Other via the responsive agency of a morally free individual must be understood. I quote now the full paragraph, already glossed above, in which Levinas introduces, in relation to human rights, the ideas of “extra-territoriality” and “vigilance”:

This also means (and it is important that this be emphasized) that the defense of the rights of man correspond to a vocation outside the state, disposing, in a political society, of a kind of extra-territoriality, like that of prophecy in the face of the political powers of the Old Testament, a vigilance totally different from political intelligence, a lucidity not limited to yielding before the formalism of universality, but upholding justice itself in its limitations. The capacity to guarantee that extra-territoriality and that independence defines the liberal state and describes the modality according to which the conjunction of politics and ethics is intrinsically possible. (1987/1993, p. 123)

Commending liberalism for its unique ability to ensure that political power remains held open to an extra-territoriality in and through which ethical interruptions are possible, Levinas immediately proceeds

to follow this commendation with another forceful condemnation of liberalism's conception of freedom. Echoing Hegel's critique of Kantian and Fichtean conceptions of freedom in his 1803 essay on Natural Law, Levinas argues that liberalism's conception of freedom is based on a "reciprocal limitation [...] between wills that are initially opposed and opposable" (1987/1993, p. 123). Such a conception of freedom is purely negative and restrictive, whereas, if human rights are to be more vigilantly defended, freedom must be conceived rather as a positivity. So long as individuals are subsumed under a mediating concept of negatively defined freedom, as they are under liberalism, their relationship to one another likewise remains purely negative.

Earlier we encountered liberalism's mediating concept of freedom in the form of a philosophical-constitutional abstraction of the individual from all material determinations. Here it takes the form of an oppositional positioning of individuals as bearers of what become mutually exclusive rights. To borrow Hegel's example, which is consistent with Levinas' critique, if the right of ownership of a property is attributed to me, this attribution is negative, since it tautologically entails your non-ownership and the restriction of your rights in relation to mine. In both cases, individuals are assimilated into an idealistic philosophy that mediates, and therefore alienates, humanity (Hegel, 1803/1975). "In humanity," however, Levinas continues, "from one individual to another, there is established a *proximity* that does not take its meaning from [...] a [mediating] concept. *Immediately*, one and the other is one *facing* the other. It is myself *for* the other" (1987/1993, p. 124). Here I am. I am here *for you*; but there where I now find myself is no longer that abstract zone of freedom through which I became the alleged master of my own fate and contradictory subject of alienated inalienable rights. Standing with both feet on the ground and looking the stranger in the face, the center of gravity of my subjectivity is transferred over to *you*—and with it also my rights.

We are now in a position to register the precise nature and full significance of Levinas' claim that the more morally free I am in and as a mode of apologetic singularity, the fewer rights I have. Because rights are the *a priori* recognition of singularity, they can never be fully recognized through totalizing concepts or their accompanying third party institutions. For rights to be fully recognized requires that they be recognized in relation to the idea of infinity; and the idea of infinity, as we have seen, lays hold of me through the face of the Other who summons me into my singularity precisely by revealing to me *their* singularity, thereby relocating us both outside of civil society in the extra-territoriality of infinite responsibility and goodness.

This is a goodness in peace, which is also the exercise of a freedom, and in which the I frees itself from its 'return to self', from its auto-affirmation, from its egotism of a being persevering in its being, to answer for the other, precisely to defend the rights of the other man. (Levinas, 1987/1993, pp. 124-125)

In answering for the Other, for my neighbor—for the person who does not look like me, who may not believe the same things I believe, who may not have the great healthcare that I have—I am liberated from the very conditions in relation to which my rights had been paradoxically secured and effaced. In departing from the autochthonous self, splintered by the contradictions of singularity and universality, in taking leave of the self who once lived in fear of losing rights secured only through constitutional alienation and abstract negativity, I find myself again in a *freedom of solidarity*, "in which the responsibility of one-for-the-other is [positively] affirmed, and through which the rights of man manifest themselves concretely to consciousness as the rights of the other, for which I am answerable" (Levinas, 1987/1993, p. 125). I am free only to the extent that I am a living apology for your rights. To become such an apology is to become an ethical subject, but there is nothing to stop—and indeed much to encourage—the ethical subject from making her apology in the political sphere.

SECOND CRITIQUE: A FOOTHOLD IN THE ELEMENTAL

It may at this point appear as though Levinas has no tolerance and retains no place in his philosophy for anything like sovereign individuals in the modern sense—individuals who exercise full right of agency over their self-same sphere of privacy and independence. However, this is not the case. Through its commerce with what Levinas calls “the elemental,” a positive separation of a self-sufficient ego is accomplished (1961/1969, p. 159). Enjoyment is the name for this commerce with the elemental. “It is life, in the sense that we speak of relishing life. We enjoy the world [...] we breathe, walk, see, stroll...” (1961/1969, p. 139). To live elementally as a self-sufficient ego who enjoys is to enact the separation of being, becoming separated and independent through the carving out of a corner of the world in which one dwells. It is to be separated and at home with oneself (Levinas, 1961/1969, p. 147). It is the very production of *interiority*; but this being at home with oneself in a self-sufficient dimension of interiority is by no means a being home alone, since “within the very interiority hollowed out by enjoyment there must be produced a heteronomy that incites to another destiny” (Levinas, 1961/1969, p. 149). Never fully sealed off from the outside, interiority, from the earliest stages of its production in enjoyment, remains primordially opened upon a dimension of transcendence.

Interestingly, as Bernasconi points out (2008), it is precisely in relation to this sphere of separation and interiority that Levinas initially uses the term “extra-territoriality.” Indeed, in *Totality and Infinity*, extra-territoriality directly denotes “the domicile” that a separated being erects in order to get a foothold in the elemental:

He gets a foothold in the elemental by a side already appropriated: a field cultivated by me, the sea in which I fish and moor my boat, the forest in which I cut wood and all these acts, all this labor, refer to the domicile. (1961/1969, p. 131)

Here we encounter one of Levinas’ most direct treatments of privacy and possession, and it is a treatment that stands in critical tension with that of liberalism. Whereas classical liberal social contract theory highlights the rights of property, thereby securing the independence of the private realm in sharp isolation from the public realm, Levinas highlights the essentially non-possessable “common fund” from which and in relation to which all private possession and all property is situated (1961/1969, p. 131). The elemental in which the separate and self-sufficient being secures its independent foothold constitutes a milieu or medium in which everything is steeped, a primeval anonymity irreducible to ownership:

Things refer to possession, can be carried off, are furnishings; [but] the medium from which they come to me lies escheat, a common fund or terrain, essentially non-possessable, ‘nobody’s’: earth, sea, light, city. Every relation or possession is situated within the non-possessable which envelops or contains without being able to be contained or enveloped. We shall call it the elemental. (Levinas, 1961/1969, p. 131)

It is important to emphasize here that for Levinas securing oneself against the elemental as a separate and self-sufficient being is in fact a positive and necessary accomplishment. The extra-territoriality of the private dwelling place is a crucial dimension for Levinas in part because, conceptually, as Bernasconi again points out (2008), it can be used to “combat totalitarianism, which is defined in part by its denial of any ‘outside the state’” (p. 173) But as Bernasconi goes on to say, it is equally important to recognize that Levinas, especially by the time he comes to modify the meaning of extra-territoriality in “The Rights of Man and the Rights of the Other,” cannot be read as instituting with this notion “a private realm outside the state such as we find it in classical liberalism” (2008, p. 174). To institute a private realm in the classical liberal sense would be to institute too sharp a divide both between private property and the common fund, as well as between religion and politics. The first results in a sacrifice of the rights of the poor to the interests of unlimited accumulation, while the second disburdens politics of any ethical accountability since ethics becomes relegated to the apolitical sphere of private morality. In contrast, Levinas seeks to establish the

independence of the separated and self-sufficient being as a precondition for the ethical face-to-face encounter—the dimension of transcendence—in relation to which the political sphere can, as we have seen, be interrupted, held in check, and reoriented.

To further refine the trajectory and communicate the import of Levinas' critique of liberalism's sharp division between private and public spheres, I will briefly elaborate upon each of these two points of contention—the first concerning the rights of private ownership and the common fund, the second private morality and ethical vigilance—concluding with a statement of alternative Levinasian theories of separation, anonymous rights, and the interruption of the private sphere by the other Others who lay claim to the common fund.

The Rights of Property Versus the Right of Necessity

To concretely illustrate the divergence between a Levinasian theory of rights in relation to private possession and a liberalist theory, I would like to borrow directly from Bernasconi (2008), who provides an excellent and clear example when he contrasts an ancient right, “the so-called right of necessity,” with the classical liberal right of property.

According to the right of necessity, if the poor took what they needed for survival from another's surplus, “they were not committing theft but reasserting a common ownership that was ultimately inalienable” (Bernasconi, 2008, p. 177). Noting the impressive lifespan of this right in Europe, Bernasconi cites one of his previous papers (2004) in which he argues that the right of necessity was supplanted by the right to unlimited accumulation of private property in John Locke's *Second Treatise of Government*. Ostensibly, the rights of the poor largely disappeared from political-philosophical discourse until finally resurfacing in Levinas.

To illustrate this resurfacing, Bernasconi offers two pertinent quotations from Levinas. The first comes from *Entre nous* (1991/1998), where Levinas reflects: “My ‘being in the world’ or my ‘place in the sun’, my home—are they not a usurpation of places that belong to the other man who has already been oppressed or starved by me?” (2008, cited on p. 178). And the second from a much earlier Talmudic lecture (1977):

The problem of a hungry world can be resolved only if the food of the owners and those who are provided for ceases to appear to them as their inalienable property, but is recognized as a gift they have received for which thanks must be given and to which others have a right. (2008, cited on p. 178)

Consistent with arguments Levinas had been putting forward since at least 1961 in *Totalite et Infini*, the extraterritorial sanctuary of private enjoyment that I carve out for myself is a gift from the common elemental fund. It belongs as much to others as it does to me; and to the extent that my separation is accomplished only from the elemental commons, my extraterritorial sanctuary—my very independence and self-sufficiency—is inscribed in its deepest recesses of interiority with an anonymity no less yours than mine. Indeed, for Levinas, “my place in the sun,” my home, is by right *less* mine than yours.

Anonymous Rights and the Extra-Territorial Third Party

While the right of necessity could be construed as the anonymous right of anyone fallen on hard times, a right fully consistent with the non-possessable and anonymous nature of the common fund, it is important to remember that such anonymity for Levinas would ultimately betoken, when transposed from the elemental to the historical level, the tyrannical impersonality of the third party. However, if we further recall the ineluctable intersectional nature of ethics and politics noted earlier, a declaration of the anonymity of rights may seem a salutary final negotiation between the inequitable rights of private property (politics), on the one hand, and the wholesale reallocation of rights away from the private individual to the strange Other (ethics), on the other hand. Anonymity, such a principle would stipulate, secures equality against accumulation. One may perhaps even conclude that it is owing to its capacity to facilitate such felicitous compromises that Levinas commends liberalism in precisely the way I have acknowledged above that he in fact does: “The capacity to guarantee that extra-territoriality and that independence defines the liberal

state and describes the modality according to which the conjunction of politics and ethics is intrinsically possible” (Levinas, 1987/1993, p. 123). Here, again, we recall that the meaning of extra-territoriality has been modified by Levinas to denote an “outside the state” that is no longer simply one’s independent nook of privacy, but the specifically liberalist conjunction between politics and ethics.

But such compromises are for Levinas by no means as far as extra-territorial ethical vigilance should extend. It must extend further, since under liberalism the essential anonymity of the individual results in the relegation of all things pertaining to their singularity to a sphere of privacy concerning which the third party declares its total indifference. Thus is instituted the fateful division of the so-called “private sphere” from the “public sphere”—fateful because with this division comes the disjunction of ethics, which we have seen concerns individuals in their singularity, and politics, which now threatens to become an unchecked totalitarian force.

The failure of the anonymity of rights would, then, turn out to be the becoming totalitarian of the state owing to its divorce from ethical consciousness. Again Bernasconi (2008):

What is of lasting significance in Levinas’ question about whether ‘the rights of man’ can be divorced from their prophetic and ethical depths is the way that it highlights the dangers that ensue once politics—however well-intentioned in terms of its goal—is separated from ethics, as, for example, when the expectation of some desired result distracts attention from the atrocities that occur along the way, allowing them to be dismissed as so much ‘collateral damage’. (p. 174)

At the core of this concern is the need for an extra-territorial third party that does not merely pay lip service to ethical rights while remaining aloof to their popular political proclamations. Under liberalism, however, because morality and religion are relegated to a private sphere with which the third party remains unconcerned, the critical convergence of ethics with politics that would ensure that the neutrality of anonymity would not veer off toward totality, but instead be vigilantly reoriented toward infinity, is severed. Liberalism once again proves itself an inadequate protector of human rights.

But, as we have seen, there is a form of separation the critical importance of which Levinas readily recognizes. It is the separation of the I from the Other. What is critical about this separation is that it is the precondition for and generation of transcendence: the dimension of sociality. The dimension of sociality constitutes a metaphysical plane beyond that of the elemental anonymity from which we all arise and to which we all have a common claim. The Other, the deepest source of my desire, *personalizes* anonymous being. She makes it mine by revealing to me that I am for her. Only with this revelation can the common fund be returned to its rightful claimants. Ethics is first to enact and announce this rightful return, and politics makes the announcement public, rendering visible the other Others by whom I am claimed:

Are you willing to fight for that person, who you don’t even know, as much as you’re willing to fight for yourself? Are you willing to stand together and fight for those people who are struggling economically in this country? Are you willing to fight for young people drowning in student debt—even if you are not? Are you willing to fight to ensure that every American has healthcare as a human right—even if you have good healthcare? Are you willing to fight for frightened immigrant neighbors—even if you are native born? Are you willing to fight for a future for generations of people who have not yet even been born, but are entitled to live on a planet that is healthy and habitable? Because if you are willing to do that, if you are willing to love, if you are willing to fight for a government of compassion and justice and decency [...] If you and millions of others are prepared to do that, there is no doubt in my mind that not only will we win this election, but together we will transform this country. (Sanders, Bernie’s Back Rally, 2019)

CONCLUSION

The truly revolutionary move of today's burgeoning Human Rights Revolution is that it shifts the center of gravity for human rights away from the sovereign and self-sufficient individual toward the Other whose gaze reveals to me that indeed none of us are truly self-sufficient creatures. I need you in order to be myself, and it is you who summon me into the truth of my ethical subjectivity. This truth is the truth of human sociality: "*Not Me. Us*" (Sanders, 2019).

While liberalism is to be credited for its capacity to accommodate ethical interruptions and allow for the possibility of an ethical reorientation of the political, it is nevertheless simultaneously defined by certain features that cut in the exact opposite direction. These features mark liberalism as a paradoxical political ideology, since they effectively drive a wedge between ethics, which recognizes sociality, and politics, which without ethics becomes a vehicle for totalitarian oppression and exploitation.

One such defining feature of liberalism is its illusory conception of freedom as the uninhibited capacity, guaranteed as a constitutional right, of every individual to determine their own destiny simply as a matter of their autonomous power of personal preference and choice. A second feature is its commitment to the sharp separation between the private sphere of morality and the public sphere of politics. I have argued that in both instances these features of liberalism ultimately render it an untenable political-philosophical ally for today's human rights movements. In the first instance, the false ideal of frictionless freedom obscures both the historical and material dimensions of political life, as well as the deeper truth of freedom as a condition that is only realizable in society with others. In the second instance, a fateful sealing off of ethics from politics is instituted that leaves politics wide open to cooptation by special interests—as evinced already at the very beginnings of liberalism by its foundational alignment of human rights with the rights of private property.

By drawing attention to these inadequacies of liberalism vis-à-vis contemporary calls for a Human Rights Revolution, I have sought to exercise a distinctly *philosophical* vigilance alongside and in solidarity with the ethical-political vigilance currently being exercised by citizens, activists, organizers, politicians, policy influencers and others who are leading the twenty-first century movement for human rights. It is my belief that for human rights discourse today to have the full impact that it can and must have, it needs to be consciously decoupled from its original political-philosophical ally and refounded in a new theory of rights that stems from philosophical perspectives which take radically different starting points than those of Enlightenment liberalism. In this paper I have engaged twentieth-century French philosopher Emmanuel Levinas for precisely this task, whose philosophical starting point is neither empirical nor ontological, but uniquely ethical. It is my hope that organizers and policy influencers in particular will find inspiration in this effort, and that it might serve to help those who are working "on the ground" to find ways of both thinking about and articulating human rights that avoids a counterproductive lapse into the default mindset of liberalist individualism.

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