

Freedoms and Rights in a Levinasian Society of Neighbors

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Abstract: This paper attempts to argue that a radically different notion of freedoms and rights that originates from the other, that is founded on the infinite responsibility for the other, and that demands an encounter with the other as pure alterity, could be a plausible starting point towards the conception and possible realization of a Levinasian society of neighbors. First, an explication is made on why a radical change in the area of freedoms and rights could be the starting point towards a social, political, and moral philosophical framework based on the radical philosophy of Levinas as elaborated in his *Otherwise than Being or Beyond Essence*. Then, a discussion on conventional conceptions of freedoms and rights, particularly those based on liberalism, libertarianism, and utilitarianism, is presented as groundwork for a comparative analysis between these conventional conceptions and a radical notion that would be entailed by a conception of a Levinasian society of neighbors. Lastly, an attempt is made to characterize a radically different conception of freedoms and rights based on the philosophy of Levinas and to argue how it could be the starting point towards the conception and possible realization of a Levinasian society of neighbors.

Keywords: Levinas, society of neighbors, the other, *Otherwise than Being or Beyond Essence*, freedoms, rights

Initial Arguments

In this paper, I attempt to argue that an alternative conception of freedoms and rights that originates from the other rather than from the self, and that sufficiently accounts for the encounter with the other as pure alterity, could be a plausible starting point towards a conceptual sketch of a Levinasian society of neighbors. The motivation behind this attempt is based on three initial supporting arguments which I now proceed to explain briefly.

First, I think it is fair to assert that Levinas' philosophy, as articulated in his *Otherwise than Being or Beyond Essence*, is a radical philosophy in the sense that it challenges the conventional philosophical concerns within the realm of being and ontology and proposes an alternative view of ethics as first philosophy through a search for the otherwise than being. A conception of a Levinasian society of neighbors would of course be based on this radical philosophy of Levinas and so intuitively, the starting point of an attempt towards such a conception should also have a similarly radical character. What follows from this intuition is that the starting point should involve a radical change in a central element in the important philosophical discourses concerning human social

affairs, particularly within the areas of social, political, or moral philosophy. In line with this, I think that the predominant conception of freedoms and rights in a certain society is central to almost all important social, political, and moral discourses within the society concerned. A significant part of the laws within a society is concerned with the parameters of the freedoms and rights of its members. The dynamics of major social institutions such as educational institutions, religious institutions, and the mass media depend on the predominant conception of freedoms and rights within the society. Moreover, the prevailing orientation of people's social, political, and moral behaviors in their ordinary everyday lives is heavily influenced by their conceptions of freedoms and rights. A person's conception of freedoms and rights also impacts significantly how he or she relates with other human beings, in various contexts of human relationships within a society. Other examples could be provided, but the point I am trying to drive is that a certain conception of freedoms and rights is a central element of the most important discourses concerning human affairs in a society, and thus, conceivably, a radical change in the predominant theoretical framework of freedoms and rights in a society could be a plausible starting point towards a conceptualization and possible realization of the radical vision of a Levinasian society of neighbors.

Second, a central concern in Levinas's search for the otherwise than being is the recognition of one's infinite responsibility for the other which resists the assimilation of the other into the self or into the realm of being. Thus, I think it follows from this that the starting point of the philosophical task of attempting to conceive a Levinasian society of neighbors should also involve a shift in focus from being or from the self towards a focus on the other, and should also involve a resistance against the re-assimilation of the other into the self. I posit that major conventional conceptions of freedoms and rights, especially liberal, libertarian, and utilitarian conceptions, are based on the self, are founded within the realm of being, and thus ultimately assimilate the other into the self and into being. This will be discussed more elaborately in the next section. Thus, apart from being a central element in the most important discourses in human social affairs, the predominant conception of freedoms and rights within a society could also be the area wherein the radical shift in focus from the self to the other could be made. Conceivably, a conception of freedoms and rights that is radically different in the sense that it originates from a human being's infinite responsibility for the other, instead of originating from the self or from the realm of being, could be a plausible starting point towards a conception of a Levinasian society of neighbors.

Third, another central concern in Levinasian philosophy, which I think is also important to consider with regards to the task of attempting to conceive of a Levinasian society of neighbors, is the concern on encountering the other as pure alterity. I assert that although conventional conceptions of freedoms and rights include concerns of equality, fairness, and justice as central considerations in

their theoretical frameworks, they do not sufficiently account for the pure alterity or difference of the other against the self. This will also be discussed with more elaboration in the next section. Thus, I think that it is also in the area of the conception of freedoms and rights in a society wherein a sufficient concern for the encounter with the other as pure alterity could be included, towards a radically different conception that could be a plausible starting point of an attempt to conceive of a Levinasian society of neighbors.

As mentioned above, there are certain assertions made in the brief discussions of the second and third initial supporting arguments above which I think need further elaboration. This will be addressed in the next section. Afterwards, a rough conceptual sketch of an alternative conception of freedoms and rights that originates from the other and sufficiently considers the encounter with the other as pure alterity shall be attempted and it shall be argued that this could be a plausible starting point of an attempt to conceive of a Levinasian society of neighbors.

Conventional Conceptions of Freedoms and Rights¹

In the discussions above on the three initial supporting arguments, two things were asserted regarding conventional conceptions of freedoms and rights, especially liberal, libertarian and utilitarian conceptions. First, it was asserted that conventional conceptions of freedoms and rights are founded within the realm of being and thus ultimately assimilate the other into the self and into being. Second, it was asserted that conventional conceptions of freedoms and rights do not sufficiently account for the encounter with the other as pure alterity. The discussions in this section shall focus on liberal, libertarian, and utilitarian theories of freedoms and rights because these schools of thought are usually considered to represent the two major types of conceptions of freedoms and rights. On one side are deontological conceptions, represented by liberal and libertarian theories of rights, which regard freedoms and rights to have intrinsic value regardless of consequences. On the other side are teleological conceptions, represented by utilitarianism, which exclusively attribute the value of freedoms and rights to a particular consequentialist goal such as utility.²

¹ For the discussions in this section on liberal, libertarian, and utilitarian conceptions of freedoms and rights, I draw from a modest reservoir of ideas from my readings on the subject of freedoms and rights, especially from Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press; Sen, Amartya. 1999. *Development as Freedom*. New York: Alfred A. Knopf, Inc.; Sen, Amartya. 2002. *Rationality and Freedom*. Cambridge: Belknap Press.; Nozick, Robert. 1974. *Anarchy, State, and Utopia*. Oxford: Blackwell; and Waldron, Jeremy ed. 1984. *Theories of Rights*. Oxford: Oxford University Press.

² For this distinction between deontological and teleological conceptions of freedoms and rights, I draw from the discussions in Dr. Armando Ochangco's Philosophy 298 class at the University of the Philippines - Diliman, with the course title *Human Rights: Problems, Issues, Perspectives*, which I took during the first semester, AY 2013-2014.

Liberal conceptions of freedoms and rights, for instance those attributed to John Rawls, as well as libertarian conceptions of freedoms and rights, for instance those attributed to Robert Nozick, regard freedoms and rights to have value in themselves, regardless of consequences, with very minimal limitations. For Rawls, the rights of an individual can only be justifiably limited when the practice of such rights already violates the rights of other individuals (Rawls 1993). In Nozick's libertarian conception, individual rights can only be justifiably limited by a minimal state that would arise naturally from an initial scenario of anarchy (Nozick 1974). Ronald Dworkin, another liberal, also asserts that rights are like trumps that should prevail over utilitarian considerations (Dworkin 1984). Thus, liberal and libertarian conceptions of freedoms and rights assert that the normative force of individual rights has an almost unconditional priority over other evaluative considerations. Some theorists, such as J.L. Mackie in particular, propose that the whole theoretical framework of human morality can be derived from a deontological conception of freedoms and rights (Mackie 1984). From these general characterizations, I think it is not difficult to see how liberal and libertarian conceptions of freedoms and rights can tend to become individualistic and self-centered, based on the entitlements, choices, and interests of the self. Freedoms and rights are stipulated as fundamental and unconditional entitlements of the individual self. Responsibility is only a derivative of these entitlements in the sense that others are responsible for not interfering with the rights of the individual. It can also be said that deontological theories of rights are founded within the realm of being since they are usually based on a justificatory notion of human nature, rationality, or justice. Thus, an individual's entitlement to his or her rights is justified by such justificatory notions. In liberal and libertarian conceptions of freedoms and rights, the other is primarily seen as another individual with the same set of rights and who has the responsibility to respect my rights. In this sense, the other is assimilated to the same. Moreover, although concerns about the collective of individuals within a society, such as concerns on equality, fairness, and justice, are central considerations in liberal and libertarian theories, the encounter with the other as pure alterity or pure difference is still not sufficiently accounted for. In a liberal or libertarian society, an individual's relationship with the other who is radically different is often reduced to an attitude of negative respect or tolerance for the preferences of the other person. Such an attitude of negative respect or tolerance does not actively advance an encounter with the other as pure alterity, but instead could lead to an undermining of this encounter with the other. Suzanne Holland recognizes the limitations of the conventional discourse of respecting and tolerating rights in terms of sufficiently accounting for the encounter with the other as pure alterity. Such a discourse of tolerance has the tendency to define the relationship of the self with the other as mere indifference, especially if the other is radically different from the self. Thus, the alterity of the other is respected and tolerated only as long as the other does not 'impose' its alterity on

the self, as long as the self is not compelled to encounter the other as pure other (Holland 2003).

Although theories of freedoms and rights grounded on utilitarianism are fundamentally different from liberal and libertarian accounts, the utilitarian view is nonetheless very much founded within the realm of being. One way of looking at utilitarianism is that it seems to undermine the liberty of the individual self in the sense that its central concern is the maximization of the total collective utility, which is usually defined in terms of happiness, pleasure, or mental satisfaction. However, the utilitarian view does not demand a shift in focus from the self to the other, nor does it compel the self to engage in an encounter with the other as pure alterity. Utilitarian theories are almost exclusively preoccupied with the ontology of utility and with the question of how utility can be maximized. Thus, the values of both the self and the other are seen only in terms of their contributions towards the maximization of utility.

Of course, there have been attempts to reconcile liberal, libertarian, and utilitarian views on freedoms and rights, primarily through the integration of both normative and consequentialist considerations into a broadened conception of freedoms and rights, such as in the case of T.M. Scanlon's two-tier or third way view (Scanlon 1984) and of Amartya Sen's alternative conception of development as freedom (Sen 1999). Such attempts primarily point out the narrow and limited characters of both deontological and teleological conceptions of freedoms and rights and thus have advocated a more expansive set of considerations in the discourse of freedoms and rights. For instance, in criticism of moral philosophies that are exclusively based on the normative power of rights (i.e. rights-based moral theories), J. Raz asserts that an account of morality should include a broader or more plural set of humanistic ideals and values which may not be sufficiently accounted for by conceptions of freedoms and rights alone (Raz 1984). Similarly, Sen points out the need to expand the informational bases within which both libertarian and utilitarian accounts of freedoms and rights are founded, towards a more holistic understanding of the actual lives that people live and value and have reasons to value (Sen 1999). However, although Raz and Sen do recognize the insufficiency of conventional conceptions of freedoms and rights in providing an ample account of the comprehensive set of important considerations in human life in relation to freedoms and rights, I think it is fair to say that their attempts to expand and broaden conventional conceptions of freedoms and rights does not amount to the kind of radical shift in focus from the self to the other, as well as to the demand of encountering the other as pure alterity, towards a possible conception and realization of a Levinasian society of neighbors. A possible conception of a Levinasian society of neighbors would entail more than a broadening or informational bases or an expansion towards a pluralistic understanding of human morality. It would entail a total shift from a self-centered account of freedoms and rights towards an other-based conception.

Moreover, it would compel the necessity of the encounter with the other as pure alterity.

Perhaps one idea that could be thought of as somewhat parallel to this radical shift is Sen's assertion on the need to shift the focus of discourses on justice. For Sen, what is important is not to develop a highly sophisticated, ideal, and precise account of the ontology of justice or an ideally just society or ideally just institutions, but rather to discourse about what needs to be done to eliminate identifiable injustices such as famines, the subjugation of women, and the deprivation of freedoms and capabilities (Sen 2009). Sen's position can be thought of as a sort of radical shift in focus from theoretical systematic rigor to practical reasoning and sensible comparative analysis when it comes to discourses about justice. There is an intuitive sense by which it can be said that a similarly radical shift in focus in the conventional conceptions of freedoms and rights could be a plausible starting point towards the conception and possible realization of a Levinasian society of neighbors. As already discussed briefly earlier in this paper, the radical shift is from a conception of freedoms and rights that is based on the self, founded within the realm of being, and ultimately assimilates the other to the same, to an idea of freedoms and rights that originates from the other and sufficiently accounts for the encounter with the other as pure alterity.

A Radically Different Conception of Freedoms and Rights

I now proceed to attempt to characterize this radically different conception of freedoms and rights which could be a plausible starting point towards a conception and possible realization of a Levinasian society of neighbors.³

First, I think that a shift from a conception of freedoms and rights that is based on the self to an idea of freedoms and rights that originates from the other would entail a shift from a framework that is based on the entitlements, choices, and interests of the individual self to a notion that is based on the self's responsibility for the other. In this radically different conception, responsibility is not derived from the entitlements of the self, in the sense that others are responsible for not interfering with the rights of the self, but instead, the self's responsibility for the other is the starting point of the self's very conception of freedoms and rights. All valuational concerns within this radically different framework of freedoms and rights are based on responsibility because the Levinasian conception of value ultimately originates from the notion of responsibility. In other words, something has value only in so far as it has value towards recognizing and fulfilling the infinite responsibility for the other. The

³ The ideas presented in this section are comprised mostly of my interpretations of Levinasian conceptions from Levinas, Emmanuel translated by Alphonso Lingis. 2008. *Otherwise than Being or Beyond Essence*. Seventh printing. Pittsburgh, Pennsylvania: Duquesne University Press.

self's relationship with the other in a society is also founded on this sense of responsibility – the community of the self with the other as a brother begins in the self's responsibility for the other. The relationship of the self with the other cannot be characterized by an attitude of negative tolerance or indifference with regards to the other's difference as compared to the self, but rather because of responsibility, the difference between the self and the other is conceived of as non-indifference – not as the self in spite of the other or the other in spite of the self, but instead as the self for the other or the self because of the other. Although this sense of responsibility is not negative tolerance or indifference, it is also not characterized by mere altruism, rather it is a goodness that is beyond or otherwise than altruism. Altruism could be thought of as another kind of thematization of the self's responsibility for the other. The self's responsibility for the other that would be the basis of the radically different conception of freedoms and rights in a Levinasian society of neighbors would be characterized by a sincerity that is not thematizing, a sincerity that is not founded within the realm of being, a sincerity that is articulated in the encounter with the other without condensing into the realm of the said. This responsibility is unlimited and infinite in the sense that the self or the subject originates from an anarchic point before the beginning of convention and proceeds endlessly beyond obligation. This responsibility beyond essence entails the self to push forth even beyond the responsibility for the other, towards the next level of responsibility, which is the responsibility for the other's responsibility (Levinas 2008). Thus, a radically different conception of freedoms and rights that could be the starting point of conceiving of a Levinasian society of neighbors is based on a radically different notion of responsibility, a responsibility that is non-thematizing and infinite, beyond the self and beyond the realm of being.

However, it seems quite difficult to think of a conception of freedoms and rights that is based on the self's infinite and non-thematizing responsibility for the other. How can there be freedoms and rights that are not based on the individual entitlements, choices, and interests of the self? How is it possible to have a notion of freedoms and rights that is based on responsibility? To address this difficulty, it must be pointed out again that a conception of freedom that is based on responsibility is radically different from the conventional notion of freedom that is based on entitlements, choices, and interests. Conventional conceptions of freedom pertain to freedom within the realm of being or essence, wherein responsibilities are only derived from the liberties of the self – an exacting accounting of permissions, prohibitions, obligations, and claims that merely sublimates in the realm of the self and of being without truly breaking free from the confines of essence. A radically different conception of freedom that is based on the self's infinite responsibility for the other is neither the freedom of choice nor the alienation of slavery. This sort of freedom is not a finite conception of freedom wherein human action and thought can be strictly categorized either as a free thought or act as a non-free thought or act, but

instead is found in the impossible logical cognitive realm of the excluded middle between freedom and non-freedom. Because the infinite responsibility for the other is infinite in the sense that it originates from an anarchic point before the beginning of convention and proceeds endlessly beyond obligation, the sense of freedom that emanates from it is similarly an obedience to the call of goodness that is not dependent on voluntary volition, choice, or decision but is also anarchic in the same sense that the infinite responsibility for the other is anarchic and infinite. It is a freedom that is brought about by a traumatic, overwhelming, and unbearable sense of infinite responsibility for the other which leads to a human being's very realization as a self and a subject, and compels the self or subject to become overflowing inspired and restless in fulfilling its infinite ethical responsibility for the other. Despite the seemingly paradoxical notion of freedom originating from responsibility, as well as the equally seemingly paradoxical Levinasian notion of freedom prior to choice, it is most important to point out that in the Levinasian conception of freedom as responsibility, responsibility is not conceived of in relation to the loss of freedom; instead, the infinite responsibility for the other is itself the true and ultimate freedom because it is only in the self's encounter with the other where the self is able to break free from its alienation within the realm of being and essence and is thus able to become truly free. Freedom in the unlimited responsibility for the other, in the most passive passivity of substitution, is the ultimate freedom wherein ...

... the self liberates itself ethically from every other and from itself. Its responsibility for the other, the proximity of the neighbor, does not signify a submission to the non-ego; it means an openness in which being's essence is surpassed in inspiration (Levinas 2008, 115).

This radically different notion of freedom is based on an ultimate, inevitable, and traumatic accusation of the infinite responsibility for the other, which is on one hand prior to any conventional notion of free choice, but on the other hand is nonetheless what constitutes the true freedom beyond the alienation of being and essence. Thus, the freedom in a Levinasian society of neighbor is most analogous to the freedom of love. Love is absolutely traumatic, a trauma that originates from the self's sense of the other as some sort of infinity, and thus true love cannot originate from the mere freedom of decision or choice. And yet arguably, love is nevertheless the ultimate free act.

This radically different conception of freedoms and rights that is based on the self's infinite responsibility for the other would also demand an encounter with the other as pure alterity. Such an encounter is necessary because it is in the self's encounter with the face of the other where the otherwise than being or beyond essence becomes a possibility. It is the realization of the pure difference between the self and the other that initially brings about the sense of infinity. This difference or alterity is pure and infinite in the sense that it can be located only in the excluded middle between dialectics and equalized difference. The

encounter enables the self to have a glimpse of the infinite passivity, where sincerity is articulated as pure saying in the other without condensing into the realm of the said. This extreme passivity in pure saying in the encounter with the other is what makes the self as well as the realm of being absolutely vulnerable to the trauma of the infinite responsibility for the other, which is also the opening towards the otherwise than being or beyond essence. However, as it has been implied earlier in this paper, this passivity is not tantamount to the sort of indifferent tolerance fostered in a liberal or a libertarian conception of freedoms and rights. This passivity, because it is traumatic and infinite, is characterized by an endless inspiration and restlessness in proximity with the other, a bearing of the infinite responsibility for the other, analogous to that of the bearing of a mother, which is bearing par excellence, wherein another level of responsibility is brought about – the responsibility even for the persecutors' persecuting. A radically different conception of freedom also demands the encounter with the other as pure alterity because it is in this encounter wherein the self faces the extreme accusation, and where the self is taken hostage by the infinite responsibility for the other and thus the ego is stripped of its imperialism within the realm of being and essence (Levinas 2008).

Thus, a radically different idea of freedoms and rights which could be a plausible starting point towards the conception and possible realization of a Levinasian society of neighbors originates from the other in the sense that it is founded on the self's responsibility for the other, a responsibility that is infinite and non-thematizing. It is an idea of freedoms and rights that is radically different from conventional conceptions of freedoms and rights that are based on the entitlements, choices, and interests of the individual self or on the essence of certain societal goals such as utility. Responsibility is not a derivative of these entitlements, choices, interests, or goals, but instead all other things are derived from this pre-original, anarchical, unlimited responsibility for the other that is beyond essence. It is from this infinite responsibility for the other that the ultimate freedom arises, before any choice and beyond any duty. This freedom is most analogous to the freedom of love. This radically different idea of freedom demands an encounter with the other as pure alterity and a resistance against the assimilation of the other with the same. It is in this encounter wherein the self is exposed to the other as pure difference, taken hostage by the sensitivity and extreme passivity in proximity, into the dynamics of substitution which is a most profound realization of this idea of freedom as responsibility, of ethics as first philosophy, a philosophy that "is the wisdom of love at the service of love" (Levinas 2008, 162).

Concluding Remarks

In this paper I have attempted to argue that a plausible starting point towards the conception and possible realization of a Levinasian society of neighbors could be a radically different conception of freedoms and rights that originates

from the other, that is founded on the infinite responsibility for the other, and that demands an encounter with the other as pure alterity. This attempt is initially motivated by the intuition that conceiving a Levinasian society of neighbors would entail a radical change in a central discourse in human social affairs, and it was asserted that the discourse of freedoms and rights could be such a central discourse where a radical change could be conceived of as a starting point. This paper provided a brief discussion on conventional conceptions of freedoms and rights, especially those anchored with liberal, libertarian, and utilitarian theories, in order to suggest the inadequacies of these conventional notions of freedoms and rights with respect to a possible conception of a Levinasian society of neighbors. The inadequacies are rooted in the preoccupations of these conventional notions of freedoms and rights with concerns within the realm of being or essence – either with the entitlements, choices, and interests of the individual self or with certain societal goals such as utility – as well as the attitude of negative tolerance or indifference fostered with regards to the encounter with the other. Lastly, an initial attempt was made in this paper to characterize a radically different conception of freedoms and rights that is based on the infinite responsibility for the other and which compels the need for the encounter with the pure other.

Of course, this paper barely scratches the surface of the discussion on a radically different idea of freedoms and rights which could be a plausible starting point of the conception and possible realization of a Levinasian society of neighbors. However, I have only intended this paper to be such and must now close it despite its meagerness. My hope is that I would find other appropriate junctures in the future where I could develop the ideas presented here further. My other hope is that the modest discussion presented here could provoke even a small motivation to anyone who might come across it, to reflect further on the discourse of freedoms and rights in relation to the vision of a Levinasian society of neighbors, and to re-think how we conceive of our freedoms and rights with respect to our relationships with others.

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