

Article

The Other, Shame, and Politics: Levinas, Justice, and Feeling Responsible

Steve Larocco

English Department, Southern Connecticut State University, New Haven, CT 06515, USA; laroccos1@southernct.edu; Tel.: +1-203-227-1677

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Abstract: Adi Ophir has suggested that the political realm is an order of evils, producing and managing regular forms of suffering and violence rather than eliminating them. Thus, the political is always to some extent a corrupted order of justice. Emmanuel Levinas' work presents in its focus on the face-to-face relationship a means of rethinking how to make the political more open to compassionate justice. Though Levinas himself doesn't sufficiently take on this question, I argue that his work facilitates a way of thinking about commiserative shame that provides a means to connect the face-to-face to its potential effects in the political sphere. If such shame isn't ignored or bypassed, it produces an unsettling relation to the other that in its adversity motivates a kind of responsibility and care for the other that can alter the public sphere.

Keywords: commiseration; shame; sympathy; Levinas; responsibility; other; guilt; law; evil; politics

1. The Problem of the Political

Adi Ophir in *The Order of Evils* argues that political orders are not merely organizations aiming to control factional interests and manage populations. As part of their normal functioning they are also engaged in the "production and distribution of evils" (Ophir 2005, p. 12). According to Ophir, political struggles are waged around the central problem of "who can or cannot be damaged and what counts as acceptable deprivation" (Ophir 2005, p. 27). There are two modalities of this problem: first, there is an active mode in which a given political organization such as a state institutes policies, activities, and procedures that knowingly and foreseeably create harms and suffering for portions of the governed population; second, there is a passive mode in which an institutional, collective indifference to either generated or routine forms of suffering is "inherent and structural" (Ophir 2005, p. 27), but could be otherwise and is therefore culpable.

Etienne Balibar theorizes political orders differently, but in a way that I find usefully relevant. He argues that political orders, especially liberal ones, take as their fundamental ideological presumption that "violence can be eliminated" (Balibar 2015, p. 2), a notion that treats violence as the fundamental evil that politics is supposed to subdue. Of course, Balibar recognizes that such a notion of politics is an ideological fantasy, for politics functions not by dispensing with violence but rather by structuring, managing, and distributing it. This can occur by force of law, as Benjamin (1978) has heralded, where law as such arrogates for itself a fundamental violence in order to exert a threefold power: to fashion and manage other forms of violence; to deploy biopolitical managerial tactics through which political orders discipline populations by the imposition of selective forms of authorized bodily life; and by more brute impositions of authority and domination. Politics, of course, can and does also cultivate forms of cooperation and communication within and across human collectives, but it does so, at least in part, through its organization, distribution, use, and management of violence rather than by a primarily principled, scrupulous commitment to nonviolence. According to Balibar, liberal political orders construct and institute "civility" as part of such a strategy of political management, impressing

thinly shared forms of public propriety on subject populations so that people who are different and thereby inevitably in forms of conflict can live together. But this begs a central question: if Ophir's and Balibar's assertions are correct, and I would argue that they are (even if they are not the *whole* story of politics), what is justice and what is its place in politics, especially if one sees political orders as a means to produce and distribute evils, to structure and manage violence, or to "civilize domination" (Balibar 2015, p. 2), whatever else their operations may be?

To begin to sketch out an answer to this question, I'm going to take up a challenge posed by the work of Emmanuel Levinas, which directs us to think through this question of justice *as if* the ethical precedes the political. For one of the crucial problems in assessing justice is to decide whether it is primarily an ethical, a juridical, or a political phenomenon. What justice is and how it functions will look very differently depending on that preliminary, superintending decision. Levinas would say that it is the former, the ethical, that determines justice, and in his major works, *Totality and Infinity* and *Otherwise than Being*, he develops phenomenological analyses of our life with others that provide support for that determination. He argues for the primacy of the ethical (before politics or law) in the dynamics of the face-to-face relation, a relation in which the alterity of the other founds responsibility and an obligation to care prior to the enculturated, actualized formation of selfhood or egoic experience. Such a vision of the ethical certainly has implications for justice, even if Levinas himself recognizes that justice operates according to a somewhat different order of social life, one in which the binary focus of the face-to-face is troubled and made more complex by the presence of the third, another face that asserts its own need beyond and outside of the originary face-to-face relation. For Levinas, "[j]ustice consists in recognizing in the Other my master" (Levinas 1969, p. 71), by which he means justice is the subordination of one's own egoic desires to the needs of the absolutely other, the alterity that always singularizes and simultaneously transcends the other as face.¹ But this absolute responsibility becomes unworkable when the faces of others and the needs of those other faces are neither circumscribed by the structure of binary relationality or perceived as an abstraction, but rather seem to multiply infinitely. In this increase, the other becomes not a face alone but a living, need-bearing population. Levinas alludes to this problem synecdochally in his reference to the troubling of the binary ethical relation by the proximity of the third, the other face that stands for *all* the other faces. He does explicitly recognize this quandary (the way that attending to the most proximate face bypasses the need of less proximate ones), but he offers what I consider to be an inadequate response due to his insufficient investigation of the complexities of what justice precisely is morally *and* politically and how it relates to an ethics posed by the face-to-face relation.

But before dealing in more detail with what I consider to be the possibilities, problems, and inadequacies posed by Levinas' work for an exploration of justice, I would like first to anatomize what justice looks like as a sociopolitical phenomenon. To begin, all social orders operate according to what they consider to be imperative practices of justice, that is, the distribution of material and more specifically social goods (freedom, security, ease of life, comfort, normative acceptance of one's expression of one's emotions, identity recognition, etc.) that that social order wants to warrant as legitimate. Social orders produce and enculturate populations in worlds of meaning, which "make sense of" the given distribution of social goods that participates in that production. A dominant, normative sense of justice is part of that production. In spite of manifesting such an embedded sense of justice, however, this distribution of social goods and the related structuring of human relations can be and invariably is unequal, too often intolerably so, and it can and does create and perpetuate suffering. Yet within the social order itself, it is often portrayed as not only normal but as just.

Of course, in most political orders, it is precisely this normalization and institution of justice that is contested, a major source of conflict within subject populations. Still, it remains true that

¹ The capitalization of the word "Other" in the quote indicates that Levinas is referring to the transcendental other, not the actual other of material reality. The transcendental other is a manifestation of absolute alterity, of the infinite, non-apprehensible depths of the other. Such Otherness extends beyond being ontically/materially other.

considerable portions of that (inequitable) allocation of material and social goods fail to be contested, even by oppressed populations and individuals; it also remains true that the coalitions and institutional organizations that dominate a given social order, which aim to conserve or extend their own arrogation of an excessive proportion of those social and material goods, has the advantage that the distribution that it desires already *is*, to some degree, normative. What exists, by default, seems normal. And, unfortunately, what has become socially normative exerts a fairly powerful influence over what is morally normative. That is, what is socially normative becomes, implicitly, an order of justice, and that order of justice treats what is socially normative as morally so. It thereby surreptitiously equates a given distribution of material and social goods with a moral distribution of such goods. The political, to some degree, even if contested, becomes the moral, or at least establishes a powerful template on which any moral contests about justice have to operate. For example, if Balibar's analysis is right, political orders that inculcate civility as an answer to the problems of difference and violence construct civility not simply as a civic, performative obligation but rather as a personal, moral virtue. To be a good person, one needs to be civil. To be uncivil, therefore, by questioning or criticizing the justice of instituted suffering in its various forms, for example, becomes to some degree, paradoxically, unjust, an unfair way to treat those who are defending the order of what is.

Justice, of course, as a political tool of the oppressed can also be a tool to expose the problem of suffering. But it is important to note that justice in the realm of politics usually works more for the oppressor than for the oppressed. It does this in two ways: first, it euphemizes the fact that hierarchy typically hurts,² and thereby sanitizes the ordinary violence of structural inequality; and second, it tends to institute a "threshold of moral sensibility" (Ophir 2005, p. 476), a baseline of what need not be attended to as a moral issue at all, of what is just normal in a given sociopolitical order, a banalized regularity no matter how hellish. Or, as Ophir remarks of this version of justice, "justice attempts to remove the *temptation* posed by compassion" (Ophir 2005, p. 312, my emphasis). The fact that justice often treats compassion as a problem rather than a resource, especially in the legal and political spheres, manifests why the decision about whether to treat justice as arising within a political/juridical field or an ethical field first is so important.

2. The Ethical and Shame

It is critical, however, not merely to put ethics first in rethinking the problem of justice, for there are many kinds of ethics, most of which do not have as their driving focus the need to attend to and alleviate the suffering of the other, especially the other's regular, normal, useless suffering (but certainly not only that). There are many versions of ethics that are caught up in using moralized forms of aggression as a means of handling, ordering and suppressing the ordinary conflicts and mess of life with others. Morality invariably comes in three forms: first, it involves compassion and care for the other's needs and forms of generous rapport; second, it concerns cooperative life with others, improvisational collaborative attunement to the practices of others exemplarily manifested in informal play;³ and third, it entails adherence to and the policing of social rules, norms, and practices as well as mandated forms of reciprocity. I would call this latter mode juridical morality, which operates by the use of moralized aggression to police a "just" allocation of social and relational goods and interactions. Levinas' ethics of the face-to-face pushes against this juridical moral frame. It instead centers on compassion and care, on the need and suffering of the other. I will argue that some such ethics is pivotal in thinking through how to envision justice as a mode of compassionate responsibility to and for the other and not unwittingly have it become primarily an apparatus of sociopolitical (typically state) control that is institutionalized in conventional, political versions of the rule of law and the

² I am borrowing the language that "hierarchy hurts" from a talk by Dillon (2018) given at Southern Connecticut State University on 5 October 2018.

³ See Vinciane Despret's discussion of justice and play in relation to "animal morality" in *What Would Animals Say If We Asked the Right Questions?* (Despret 2016, pp. 71–80).

presumption of civility. To make justice ethical in its best sense, it needs to be separated from its customary links to the aggressivity of juridical morality.

For Levinas, the moral begins with the forswearing of violence: “the face is what forbids us to kill” (Levinas 1995, p. 86). But why is this? If there is a fundamental risk of rivalry in the face-to-face, as Hegel classically articulated in his depiction of the Master/Slave encounter in *The Philosophy of Mind*, how could the face also be what *forbids* one to kill? For Levinas, the answer seems to lie in what the face *does* to the consciousness that perceives it, and this is to induce a state of shame that ultimately overruns rivalry. Levinas states that shame arises “when freedom discovers itself murderous in its very essence” (Levinas 1969, p. 84). For Levinas, freedom is egocentric, a form “of remaining the same in the midst of the other” (Levinas 1969, p. 45); in other words, freedom is a mode of being immune or indifferent to the other’s need and claim on one’s responsibility and compassion. To enact freedom is “to maintain oneself against the other” to ensure what Levinas calls “an autarky of the I” (Levinas 1969, p. 45). What he means is that freedom is a modality of living as an “I” that composes itself in and as individuality, as separation. It denies and needs to deny the relational responsibility that the other’s want asserts. Freedom constitutes itself in non-relational opposition, as a dereliction of constitutive intersubjectivity. And at its limit, this attitude is murderous, for it conceives of the other only in terms of rivalry, as an impediment made all the more antagonistic by its alterity, its other consciousness. To use a metaphor that Levinas favors, freedom exists in an allergic relation to the other.

But for Levinas, the face of the other imposes on this freedom, disables it, and it does so by creating responsibility that is rooted in shame. Levinas says: “Morality begins when freedom . . . feels itself to be arbitrary and violent” (Levinas 1969, p. 84). Thus, morality begins in feeling, though here it is not yet a feeling *for*, but rather a feeling *of*, specifically, a feeling of what freedom *does* to the subject because of what it does to the other (in a sense structurally). Freedom makes or recognizes the other as a rival, a relation which could be experienced otherwise, and is therefore arbitrary. In this relation, the subject wishes to assert itself against the other’s separate existence injuriously, hence violence. But for Levinas, this antagonism of the subject wishing to construct its own existence as *separate* is countered by “the shame that freedom feels for itself” (Levinas 1969, p. 86), a shame that seems to arise from the subject’s feeling of its own failure to recognize that the subject itself *is* only in relation to the other, that paradoxically only in that relation, the relation of the face-to-face, is its freedom. Levinas says “to welcome the Other is to put in question my freedom” (Levinas 1969, p. 85). And he also says: “The Other . . . is desired in my shame” (Levinas 1969, p. 84). What is going on, in a language that Levinas would probably not be happy with, is that the face of the other imposes a kind of desubjectivation, that is, a form of being that exposes egoic subjectivity to its own blind, defensive insularity and its originary non-integration. In relation to the face of the other and its need and claims, the subject feels its own exteriority to itself, its fundamental condition. I am only through the other. It feels this condition in its constitution in the other’s eyes and their ethical demand, and not in egoic separation or individuation. It is in unhinging the egoic self that one broaches morality and non-juridical, non-calculating justice. The other’s exposure of this fundamental sense of insufficiency and dereliction produces shame.

But is the production of such shame inherently or necessarily moral? Is shame itself a substratum of morality or a source of its undoing? The answer to this question is ambiguous and depends on precisely what shame is as a feeling in a particular world (*if* that can be precise) and how it works. One must specify how, when, and what form of shame motivates a morality based in compassion rather than manifesting itself through moralistic aggression or a retreat from relational engagement. I will argue that the crucial version of shame for compassionate morality is what I call commiserative shame, that is, a shame that emerges in and through the other’s shame. It is a shame that is not egoic, not a response to a social disciplinary gaze or appraisal, but rather a shame that occurs through a kind of transmissibility, a movement of shame from the other to the subject as a form of affiliation and thereby responsibility. As with Levinas’ notion of the face-to-face, such shame is asymmetrical. One feels commiserative shame for the other without any expectation of reciprocation. Levinas himself, however,

does not explicate the problem of how to move from facing the other to moral care in quite this way, but his thinking about the face-to-face relation in its depth calls for this kind of supplemental analysis.

To unfold what commiserative shame is and how it works, both in relation to Levinas' thinking and in general, I will sketch out how Levinas uses shame, what different forms of shame there are, and then finally, how commiserative shame works and how it is connected to transitivity or transmissibility. To illustrate commiserative shame, I will use Primo Levi's treatment of shame in his late work on his Holocaust experience, *The Drowned and the Saved*, in which he talks explicitly about the shame he feels for and on behalf of others, a shame that compels him to try to witness, to be responsible to and for their radical debilitation, for their shame.

First of all, shame is not a unitary phenomenon. For Levinas, symptomatically, shame doesn't seem to refer to only one thing. Rather, Levinas seems to use shame in at least two ways (and perhaps more). At times, it seems to be an equivalent of guilt.⁴ Shame is what one experiences when one has done something wrong. It is an effect of a juridical framing of experience.⁵ This blurring of shame and guilt is not uncommon, as there is, in everyday use, a conceptual closeness of the terms centered on one's sense of some kind of social fault. Much contemporary work on shame, however, would criticize this conflation of shame and guilt, defining guilt as referring to an act or acts of transgression (thoughts and attitudes here can be conceived as acts), and defining shame as an affective response to being found out or exposed as being somehow deficient. In this framework, guilt is about what one has done; shame is about what or whom one is (or has been exposed as being). In this differentiation, guilt is about acts of transgression, about violation of *law* in some form, while shame is about feeling that one's self has been revealed (to self or to others) as being defective, tainted, or spoiled, about violation of one's *ethos* (see Hutchinson 2008, p. 145).

The notion that shame registers affectively an existence that is spoiled by failing to be able to realize one's enculturated, rooted sense of propriety about who one would like to be conjures up Levinas' ontic account of shame in his early treatise *Of Evasion*, in which he suggestively examines the shame that arises in being "riveted" to a body—vulnerable, exposed, insufficient, frail—that one can't escape (Levinas 2003, p. 82). In that delineation, however, shame is less about one's social being than about a more fundamental problem with human life itself. Rather than shame being about one's failure to live out one's warranted social identity, it is instead related to a fundamental, non-social problem of freedom: shame arises in the inability to transcend one's ontic existence, one's life as a fragile, intimately felt body in a lifeworld in which fragility is always a source of vulnerability and exposure, and thereby anxiety. Such shame, however, has little direct moral effect, except to register a fundamental problem in subjectivity—that the subject at its core is riven by an aversion to the limitations of its own embodied existence.⁶ It does suggest, however, that for Levinas an inexorable dis-ease rumbles at the core of subjectivity and disturbs any fantasy of comfortable egoic existence. This will provide a groundwork for his later development of what I call commiserative shame.

Commiserative shame is the shame glimpsed if not foregrounded in Levinas' later major work. It is only glimpsed because Levinas is focused primarily on a phenomenological account of the face-to-face relation and its impact on human relationality rather than on sociopsychological considerations. Still,

⁴ For example, Levinas states that "the face institutes guilt" (Levinas 1969, p. 203), a structural rather than a behavioral culpability. It would seem better to say that the face institutes shame.

⁵ Levinas exhibits, at times, a juridical conception of what the face of the other does to the subject. To repeat the quote in the previous footnote: "the face institutes guilt" (Levinas 1969, p. 203).

⁶ There is embedded in this desire for evasion, for Levinas, a seeking that will ultimately hint at the transcendent in the face of the Other, but this shame as yet is caught in the ontic dimension of existence with its fundamental dis-ease. Shame, Levinas writes, is our "presence to ourselves . . . What shame discovers is the Being that discovers itself" (Levinas 1969, p. 87). Agamben interprets Levinas' sense of shame here as what occurs when the subject becomes aware that it has "no other content than its own desubjectivation; it becomes witness to its own disorder, its own oblivion as a subject" (Agamben 1999, pp. 105–6). What is different between the two is that Agamben analyzes shame as the trace of the inhuman interior to the subject and undoing the subject as such, while Levinas views ontic shame as an experience of a lack of transcendence manifested in the unsettling intimacy of bodily existence.

what he suggests is that such shame resides in the face-to-face encounter and therefore necessarily inhabits the ethical relationship itself.⁷ Commiserative shame, as I'm delineating it, proceeds from one's being exposed as having an unfulfillable responsibility to and, more crucially, *for* the other, a responsibility that holds one impotently attentive and hostage. It is the feeling one gets when one sees a homeless person, and in spite of social imperatives to ignore the person (because they really could work if they wanted, because to give them money is to enable their alcoholism, drug use, etc.), one feels disrupted and called out by the other's destitution. One is innocent in a social sense of the other's troubles, but one is nonetheless shamed. In this latter accounting, shame arises from an elemental inability to fully attend to and meet the needs of the other, a need that one fully recognizes and, at some level, can't help but recognize (and this holds, even if the other, in her freedom, appears in the guise of an enemy). Commiserative shame arises in an inescapable attentiveness to the flawed deficiency of the other, which generates responsibility. What one recognizes in the other claims attention; if not ignored it preoccupies. But this awareness (experienced as a susceptibility) exposes the commiserating subject's lack in two ways: first, in the subject's inability to free the other from her need, to eliminate her exposure, her vulnerability, her defects, her *shame*; and second, in the shame of relationality itself, in the exposed encounter that reveals that the I fundamentally and rightly *is* only in the need and importunity of the other—that I become only in the other's needful gaze, in my recognition of her shame.⁸ Or, less radically, in the face of the other, I am disclosed as not being only or primarily for myself. The flight from one's self is not the only primal dis-ease faced by the subject; the look of the other, or the other's saying (not the content of language but its call), also disquiets the subject and places the subject in a relational world with responsibility, with a summons to respond. For Levinas, it is the burden of such a summons that actuates constitutional, commiserative shame in the face-to-face relation, and it is this shame that is the implicit leaven of ethical life.

But before exploring this version of shame further, I would like to first describe two other forms of shame, both of which bear on the question of the ethical and its relation to justice. First, there exists what I would call affective shame, that is, the shame that arises from intense or insistent emotional animation that is dissonant and goes unmirrored in the social environment.⁹ For example, it is the shame that arises when one feels absolutely elated in a group that ignores such elation, or it is the primal shame of an infant whose micro-ecstasies are bypassed or rebuffed by a primary caregiver. This is the shame of excessive or persistent affect and the correlative disattention of the other, a shame that occurs because of one's sense of one's emotional misalignment or deviance in relation to the social surround, of being emotionally out of joint. Such shame can occur even if the discrepancy isn't marked or eyed by others. This is a shame that drives not compassion but conformity, a sense that justice would be one's own egoic recognition by others, their accrediting of one's feelings. Justice here becomes being able to fit in.

Finally, there is what I would call interpellative shame, redeploing the term "interpellation" that the structuralist Marxist Louis Althusser used to describe the way that the social world calls one into predetermined forms of subjectivity by recognizing one as necessarily manifesting those forms (Althusser 1972, p. 181). In interpellative shame, which is often taken to be shame as such, a subject feels herself to be exposed to an aggressive, authoritative social gaze that finds her in some way defective, flawed, or tainted. It is the shame that attends blurting out an inappropriate comment at a business meeting or having a blotchy food stain on one's white dress (if one is in a certain class) or of having your children treat you spitefully in public or if one goes bankrupt. In interpellative

⁷ I call this shame metaphysical because it is about how one fundamentally lives even if for Levinas it occurs only in a relation that is "otherwise than being," so not normally what would be referred to as "metaphysical."

⁸ I recognize here that I am giving a more *immanent* account of human relational life than Levinas does. Whereas for him transcendence and infinity are crucial as means of breaking with the immanent, my account of shame will make no such break.

⁹ Allan Schore notes that a primary caregiver's non-recognition or more active suppression of such emotional arousal is one of the earliest sources of shame (Schore 1994, pp. 199–215).

shame, one is constituted and socially established as defective or blemished. This is the experience of shame that theorists such as Sylvan Tomkins (Tomkins 1995), Thomas Scheff, and Suzanne Retzinger (Scheff and Retzinger 2001), in different ways, have focused on. It is what foregrounds shame, for many theorists, as *the* fundamental social emotion, for it is always a feeling about how one looks or lives in the social eye. This shame is different than Levinas' version of commiserative shame, for it is less about the other's inexorable flawed inadequacy and more about the self's social defect. A version of interpellative shame is sketched out by Bernard Williams, who argues that such shame is not simply a matter of being the subject of an external social gaze, but rather can entail the effect of "an internalized other that the agent can respect" (Williams 1993, p. 103). For Williams, "the [internalized] figure remains a genuine other, the embodiment of a real social expectation" (Williams 1993, p. 103). While I'm not sure what the term embodiment can mean here, given that the other is internalized, a virtual entity, Williams is right, I think, that much interpellative shame can and often does derive from an internalized sense of social reality, a social reality that one doesn't simply feel as coercive but that one respects, that one identifies with.

Shame, formed in this way, though derived from the social surround or the external other, doesn't feel heteronomous, as coming from elsewhere, from some external social eye. Rather, it feels indigenous, unassumed. And it can be powerful. As Williams argues, such shame can make one feel a sense of necessity about how one ought to be in her enculturated world such that "one could not live and look others in the eye if one did certain things" (Williams 1993, p. 103). Williams' assertion captures some of the force that shame exerts in making a given person subject to social judgment as an assimilated imperative. The question for justice is whether such an imperative is primarily social, that is, normative in the sense of fitting within a given enculturated way of life, or moral, which, in Levinas' sense, means feeling responsibility for the other. One can, and perhaps often does, in social life, submit to the gaze (internalized or external; real, virtual or imaginary) of the other, yet feels no responsibility for care. In fact, as Ophir foreshadows, one can feel a form of shame precisely because of feeling compassion, a shame of not being "hard enough" or detached enough according to social norms. So while interpellative shame typically has a crucial role in justice and morality, it does so mostly in relation to juridical versions of them. Interpellative shame is a registering of being adversely appraised by normative law, figured as the eye of the other; it provides a motive for normative compliance, and for feeling such compliance as justice. It breaks with this frame only if the gaze of the other fosters responsibility and care (and not merely social compliance and acceptable normative alignment), only if it becomes, through concern for the other's welfare, perhaps even for the other's shame rather than disciplinary presence, commiserative.

This shift can happen in the following way. Social orders, even oppressive, pernicious ones, endorse the necessity for certain circumscribed kinds of compassion. The worst concentration camp functionary would be expected to care for the suffering of his beloved ill dog. More generally, it would be shameful not to care in most social environments for certain parties and their suffering (though it is almost universally *not* shameful to ignore the suffering of a host of other parties). Crosscutting against this framework of interpellative shame, however, is the fact, underlying Levinas' adumbration of commiserative shame, that shame is transmissible. It doesn't simply arise or belong to an individual. Shame can be and often is an intersubjective feeling, an experience with, as, and for the other, not simply an experience of how one is perceived *by* the other. Shame can mark receptivity to the other as impaired and exposed rather than as manifesting one's own exposure of social defect.¹⁰ More radically, commiserative shame may extend beyond receptivity to entail taking on the other's shame. In this sense, it is always to some degree asymmetrical. However, the face-to-face is not only a

¹⁰ Commiserative shame is not a form of empathy in the conventional sense. One doesn't simply share what the other feels, but one feels something in line with what the other feels. The other in commiserative shame is not apprehended as an alter ego, but rather as an alterity with an experience of debility, shame, and suffering. Commiserative shame is more *for* the other than *with* the other, even if the feeling arises through the other and resonates with her experience.

scene of asymmetrical responsibility, as it is for Levinas, me offering myself in place of the other,¹¹ but also a scene of shame that moves between faces, in which one finds and accepts the other's shame as a necessary impetus and participant in one's own. Such shame is not contained by interpellative relations or internalizations. It does foster asymmetrical responsibility, a feeling for the other as other.

To sketch out how such shame works, let me explore two ways that such transmissible shame surfaces in Primo Levi's late meditations on the felt leftovers of his experience in Auschwitz. He is writing about what has been conventionally called survivor's guilt, but I would argue that what he's describing are differing forms of commiserative shame.¹² Such shame, for Levi, manifests in two ways. First, it emerges vicariously through an involuntary taking on of some of the destitution of the other's deficient or shameful activities. Others acted in the camps in ways that were corrupt, vicious, and obscene, and Levi feels the shame of *their* being responsible for those actions. Conceptually, this form of shame seems muddled, but for Levi the experience was powerful. To put it theoretically, he felt interpellated in some sense by the social judgment called forth precisely by someone else's experience. He feels defective because of his proximity, his *closeness*, to others who have been exposed as defective. But this is not conventional interpellative shame, for he himself is not being judged or scrutinized. He is only judged as he feels himself in the place of the other, as he feels a responsibility to substitute himself for the other in Levinas' sense, that is, to feel that he owes it to the other to put himself in place of the other's shame-bearing existence. The second form of transmissible shame has more direct impact for morality and justice. This is the shame that emerges as a kind of asymmetrical co-feeling of the want of the other *and* one's sense of responsibility for that want. Here, one is doubly shamed. On the one hand, one shares the other's being exposed as somehow inadequate, impaired, drowned. On the other hand, one also feels shame for having some responsibility for that impairment even if, in reality, one could do nothing, even if their shame is not my shame. One *should have*, even if one *couldn't*. Here, the self of compassion arises even in, or perhaps, *as* its impotence. *I am* precisely in the failure of my care. I see the other's lack, and I commiserate *as responsible*. Of course this is not logical, or even perhaps reasonable; yet for Levi it is fundamental to his moral response to camp life.

In transmissible shame, the feeling of shame starts with the other and not from a felt exposure of one's own flawed or defective self. In *The Drowned and the Saved*, Levi tries to come to terms with his experience of transmissible commiserative shame, while also confessing to feeling the more classic sense of interpellative shame, shame for who one is in the eyes of the scrutinizing social other, whether external and embodied or internalized and imagined. He feels the latter shame because of his sense of his own deficiencies of care in the Lager (not sharing an accidentally found pipe of water, for example, with one of his fellow *haftling*, or his feeling that he "failed in terms of human solidarity" (Levi 1988, p. 78)). He has a sense that he just didn't do enough for all the others, which exposes flaws in who he was (and is). But predominantly, he doesn't feel that sort of shame, as he feels that relatively speaking he is innocent. But he does powerfully experience commiserative shame because of his attuned perception of the other's suffering, frailty and vulnerability. He recognizes that those who died were exposed and vulnerable and suffered but otherwise worthy, and, like everyone in the camps, had been shamed, and that his own survival most likely came at some other person's expense.¹³ Even though he survived, he feels the shame of the precariousness and disposability of the lives of those who didn't.¹⁴ Levi says of those who survived that "each one of us . . . has usurped his neighbor's place and lived in his stead" (Levi 1988, p. 68), and laments "I might be alive

¹¹ I am referring here to Levinas' notion of substitution. See *Otherwise than Being* (Levinas 1998, pp. 113–18).

¹² As Ruth Leys has argued in *From Guilt to Shame: Auschwitz and after*, there is a complex history over the cultural shift from calling what Levi and others experienced guilt to calling it shame (Leys 2009, pp. 17–55). I am arguing for a particular understanding of shame as a way of understanding Levi's account. I don't hold an absolute distinction between guilt and shame such as that used by Agamben, who conceives of guilt as operating in a juridical frame and shame as operating in an ethical frame ((Leys 2009, pp. 21–22); see also the very insightful discussion of the issue by (Hutchinson 2008, pp. 52–54)).

¹³ This was an enormously common feeling among survivors.

¹⁴ Leys calls this the "mimetic-identificatory dimensions" of Levi's thought (Leys 2009, p. 22).

in the place of another, at the expense of another" (Levi 1988, p. 69). This feeling, this commiserative interpellation by the other is insistent: "Are you ashamed because you are alive in the place of another? And in particular, of a man who is more generous, more sensitive, more useful, wiser, more worthy of living than you are? You cannot block out such feelings" (Levi 1988, p. 81). They have been exposed as disposable, as bearing the shame of such disposability, but they are, for Levi, better than he is. By attending to them, that is, by attending to their shame (among other things), Levi comes to receive it, to open himself to it. For Levi, one's existence isn't one's own but exists only in a partial substitution—I live in the place of another. He finds the feeling of surviving in the other's stead by a kind of luck to be oppressive and insufferable—inexorably shaming. His sense of unbearable substitution effects a harrowing responsibility worthy of shame, yet without guilt: "I felt *innocent*, yes, but enrolled among the saved and therefore in permanent search of a justification in my own eyes and those of others" (Levi 1988, p. 69, my emphasis). Here, commiserative shame explicitly competes with interpellative shame as Levi looks back on his proximity to what Giorgio Agamben has called "bare life," a life stripped of all dignity, agency, autonomy, a life that incarnates the shame of losing being human (Agamben 1999, pp. 44–60; see Levi 1986, pp. 26–27). What he sees are people little different than himself, though unprivileged, unlucky, and therefore destitute, and, eventually, drowned. As Levi finally concludes: "the just among us, neither more nor less numerous than in any other human group, felt remorse, shame, and pain for the misdeeds that others and not they had committed, and in which they felt involved, because they sensed that what had happened around them and in their presence, and in them, was irrevocable" (Levi 1988, p. 72). The "just" here refers to those who have some form of commiserative shame.

For Levi, commiserative shame emerges in attending to and feeling the debilities of the other and the irrevocability of the past. One feels shame for and *as* others (in relation to a past that cannot be changed). Their shame evokes his shame, as he witnesses and suffers in attending to their experience. Hannah Arendt argues that the irrevocability of the past is the spur for forgiveness, the will to be able to change that irrevocability by enacting a sense of ethics and politics that allows and fosters renewal; she imagines that the burden of the past can be transformed and made better if not fully rectified (Arendt 1998, p. 237). But for Levi there is no forgiveness, only responsibility. Forgiveness remits the past; responsibility (through commiserative shame) instead takes it up by taking it in. For Levi, the transmissibility of the shame of those drowned in the Lager compels a responsibility to bear witness, even if that witnessing can never be adequate or reparative. It cannot fix the past. Nonetheless, responsibility asserts itself as an insistence, one that Levi feels for all the defiled others; such responsibility goes well beyond either social normativity or rational calculation. It is not an effect of conventional justice, but it may be a basis for what justice ought to look like. For Levi, commiserative shame imposes a more sensitized threshold of moral sensibility that he cannot ignore.

3. The Problem of Bypassing and Displacing Shame

Levi's shame, of course, isn't everyone's shame. He feels compelled to witness, by proxy, for the majority of those who entered Auschwitz who couldn't and can't speak for themselves and who perished, but whose shame Levi can't let rest (Levi 1988, p. 84). This ethical shame, however, is certainly not universal or, perhaps, even the dominant form that shame takes. As I outlined earlier, shame as lived has several forms, most of which are driven by a person's sense that their egoic blemish or debility of some kind has been exposed. Such shame is a toxically adverse response to felt social assessments of self, an experience of disclosed normative defect or blemish, not the kind of commiserative shame that haunts Levi and drives him to a feeling of ethical responsibility. Such shame, whether about being riveted to a defective existence, or about being misaligned emotionally with the social surround, or about being interpellated as impaired or defective by a disciplinary social gaze, typically generates three kinds of responses: a retreat or hiding from social relationality to escape the

toxic feelings of unwanted exposure; more explicitly bypassing it,¹⁵ living as if such shame doesn't exist or can be circumvented to escape feeling colonized by it; or finally, co-assembling it with other, more dischargeable negative emotions, such as anger, outrage, resentment, contempt, etc., and then projecting it outward in a form of typically aggressive disburdening. All are problematic as responses to the order of evils, to use Ophir's phrase, for all shun commiserative responsibility and, crucially, shirk the transitivity of suffering. At issue is a certain egoic wish for sovereignty, the desire to have the power not simply to be what one wants, but inversely the power to not be what one doesn't want to be (Hutchinson 2008, pp. 44–52). In bypassing shame, one establishes a fantasy sovereignty. Moreover, if shame is adverse and dis-integrating, as it almost invariably is, then self-sovereignty *means* circumventing shame. Significantly, if the other's need is a source of some of that shame, this can lead to a wish to evade or eliminate the other, even if the other is destitute or suffering and perceived as such.

The urge to bypass shame has a powerful impact on justice, as such circumvention powerfully shapes what justice is in the social sphere. In normal life, shame is a thickly enculturated social experience, an emotional humor that is significantly fashioned by feeling rules (Hochschild 1979, pp. 563–69), fostered dispositions, customary practices, and something like what Geras (1998) has called “the contract of mutual indifference,” that is, the pervasive conviction that it is normatively respectable in most cases *not* to attend to or even notice the other's suffering or need.

What *is* the enculturated place and function of shame in normative social life? Typically, as I stated earlier, the role of shame is ambivalent and complex. On the one hand, as interpellative shame it is something to be instituted and used, as it involves a tethering of the subject to the normative pressures of the social. Social orders use the instituted apprehension of shame to fashion “volitional” behavior and comportment by those subject to a given social order. For the subject, such shame is so adverse that the will to avoid it leads one to voluntary social compliance. Interpellative shame is a resource for what Michel Foucault has called the microphysics of power, that is, the pervasion of power into the subject's affectively animated body (Foucault 2004, p. 550). Shame in this sense serves a disciplinary purpose. It helps constitute subjects who respond to normative pressures by making such subjects fearful of being found out as social defective. This is the kind of ordinary shame that makes being lazy or disorganized or messy or rigid or obsessive or overweight or promiscuous or queer, etc. defacing (in a culture that treats those qualities or social frames as characterological defects). The subject who is so stigmatized or “found out” will often try to bypass or escape those feelings by some form of return to repaired (competent, unremarkable) social identity, and this can entail performed, diffident compliance or defensive, bypassing discharge. The latter occurs, as I suggested briefly earlier, by co-assembling shame with negative reactive emotions such as outrage or contempt. This response pushes back against shame's social imposition, in a sense, but often only in a way that displaces it with moralized aggression. One bypasses shame by becoming righteous, but often not by becoming just (if justice involves responsibility to the face of the other *first*). Bypassing the shame that derives from social interpellation is a means of salvaging and re-securing egoic subjectivity. What is felt as dis-integrating or desubjectivating is externalized by projection, using others as repositories for bypassed shame who are then attacked. Shame is something that exists in the other, and his deformity or defect deserves ego-solacing destruction. The woman who finds a sexist joke offensive and says so may become the target of accusations of being too sensitive, of being aggressive and nasty, or of not having a sense of humor. Here, in bypassing shame through projection, one eclipses the face of the other. Rather than attending to the actual shame of the other, one instead expels one's own shame onto the other and attacks it there. It is you who are defective and not me. In such projective bypassing, the other becomes not a face but a staging for what is ultimately a defensive displacement of feeling.

¹⁵ The notion of bypassing shame is Helen Lewis's. I borrow the term from Thomas Scheff's discussion of Lewis (Scheff 1990, p. 87).

Where such projective bypassing of shame exists, there can be no compassionate justice, for there can be no imperative responsibility for an other whose alterity and face are being nullified.

Even when bypassing shame does not entail projective displacement of one's own shame, it still works against other-driven ethics and justice. The reason for this is that bypassing shame by suppressing or ignoring it reinforces the subject's sense that desirable subjectivity entails primarily sustaining an effectual settlement between egoic preservation and social interpellation (that is, managing the conflict between the homeostatic aims of the egoic self and the disruptions posed by an omnipresent scrutinizing social gaze that often finds that egoic self defective or wanting). If subjectivity comes to be primarily about weathering this dissidence, then attention to and responsibility for the need and want of the other tends to disappear. At stake is an implicit contention between responsibility *for* the other and responsibility *to* the self. When one bypasses shame, one is trying to service the egoic needs of the self by circumventing shame's perceived deregulating toxicity. The subject, whether consciously or non-consciously, wants to evade the emotionally disquieting experience of shame. Shame, especially when intense, is experienced as desubjectifying (Agamben 1999, p. 106). If I lose my temper and smash a wall in my house in a domestic argument, I might feel afterward, if I find such behavior anathema to who I imagine myself to be, inescapably unsettling, a dis-integration of my prior sense of self. To withstand desubjectivation, one can, as I suggested above, co-assemble shame with more externalizable emotions and discharge it outwardly into a world fabricated by one's own emotional needs. Or, one can bypass it in less refractory ways by overlooking or disdaining it. In this case, the subject privileges his own emotional regulation over the way that shame connects one to social life and, potentially, to the other, even to the other's face. Emotional regulation is one dimension of egoic demand, and often has little to do with the other.¹⁶ When driven by an interpellating gaze, emotional regulation becomes an anxious, fraught focus of subjectivity. And the goal of emotional regulation itself is at most only secondarily care of the other (though it may involve *use* of the other).

For there to be compassionate justice for the other, commiserative shame can't be bypassed. One has to allow oneself to attend to and feel the suffering, discomposure and even desubjectivation of the other. One has to hold the face of the other, even if it disrupts or dysregulates the egoic self. Such holding and feeling is discomfiting, unsettling, vexing. But commiserative shame compels one to feel responsible to and for the face of the other with its challenges, shame, and freedoms. The bypassing of interpellative shame in projective discharge or evasive self-regulation has an obvious effect on social responsibility, as it is a means of trying to recover compliant sociality. Bypassing commiserative shame presents a different but fundamental ethical problem, for it means evading the transmissibility of shame, one's felt responsibility of living attentively for the always already blemished other. Unfortunately, bypassing commiserative shame may be relatively easy, even if, as Levinas I think would argue, the encounter with the other that generates commiserative shame is elemental, otherwise than being. It is well worth remembering that it is normal to bypass shame of all types; it is normal to live a life in which commiserative shame is bypassed, persistently so. In this sense, one could argue that the normal is in part constituted by the bypassing of commiserative shame. The problem with justice, then, may be precisely the socially legitimized normalcy with which commiserative shame can be bypassed. To fight against the political production of evils, then, may entail figuring out how to return commiserative shame to its role as a primal, necessary response to encounter with the other. Or, more simply, it may entail allowing commiserative shame to just be normal.

¹⁶ That is, unless emotional regulation, as it always can be, is managed with and through the other, as a form of relational cooperation. We often connect with or use others for our own emotional regulation. We function in a social matrix of emotion, not simply in an individualized form of existence in which emotions are solitary embodied responses. See Theresa Brennan's *The Transmission of Affect* (Brennan 2004) and Ian Burkitt's *Emotions and Social Relations* (Burkitt 2014). In some ways, to regulate emotions individually is to *bypass* the social interconnectedness of emotion.

4. Commiserative Shame and Justice

For commiserative shame to function ethically or to drive a compassionate form of justice, it cannot be bypassed. It must be felt as normal or welcome, even if disturbing. This means creating a social lifeworld in which self-composure through egoic forms of emotional regulation does not dominate the aims of being a subject. Commiserative shame requires a receptivity to being discomposed by the other. This receptivity occurs because the capacity of the other as face “to resist possession, to resist my powers” (Levinas 1969, p. 197) does not beget the other as a threat, but rather discloses the other as a bearer of sufferable alterity. Levinas recognizes that, outside of the egoic dream of self-sovereignty, there is “a need for non-allergic relation with alterity” (Levinas 1969, p. 47), and commiserative shame may be one means by which that occurs. When one faces the other, when one faces *someone else*, a person with flaws, defects and needs, someone who does not arrive as a rival but as a vulnerable person (no matter how much the other himself seeks to mask or deny that vulnerability), a person whose shame one recognizes and takes on, one feels the commitments of compassionate morality and an intimation of justice.

But let me be clear: commiserative shame is not sympathy, though it resembles sympathy in some ways. Both are forms of focusing attention on the suffering or debilities of the other. But there is a critical difference: sympathy is ego compatible and, at times, bolstering. The person who sympathizes experiences an ego-syntonic form of care. One can enjoy sympathy because the other’s suffering or deprivation abets an identification with the compassionate component of one’s ego ideal, that is, with the fantasized ideal self that one imagines one is or ought to be. Sympathy supports a subject formation around feelings of compassion and care, but because those feelings themselves are felt as positive (the distress produced by sympathy paradoxically generates ego support), sympathy may not lead to action. The feeling of sympathy, because it normally isn’t adverse, doesn’t drive the subject to take care of or dispose of it. While sympathy can support compassionate behavior, particularly for those who I perceive as worthy of my sympathy, those who I can identify with, too often sympathy is a form of kitsch, a sentiment that may be as much about the goodness of the self as about the suffering of the other.

Commiserative shame is substantially different. The most crucial reason is that it is always an adverse feeling, one, like shame in general, that pushes towards desubjectivation. The person who feels commiserative shame suffers; egoic existence is disrupted, messed up. The other’s shame disarticulates the attending subject from the illusory comforts of composed subjectivity. Because this shame experience is always adverse, it drives two kinds of response: a desire to bypass it or a desire to *act*, a need to return to settled subjectivity. Commiserative shame motivates action because it is never its own reward. To feel shame, even shame for the other, disturbs a person at the axis of her subjectivity. This is something that sympathy almost never does.

Commiserative shame is crucial for justice even though it precedes the political because it provides a feeling potential within the enculturated subject that resists the production of evils and opens up nontraditional thresholds of moral sensibility. By itself, of course, commiserative shame doesn’t solve the sociopolitical problem of justice: that conventional justice, as I argued earlier, is often an ideological moralization of what is socially normative (and this holds whether the sociopolitical order is totalitarian, authoritarian, or liberal). What this shame does do, however, is reveal that such ideological moralization needs to override more compassionately just inclinations, those that arise in the commiserative transmissibility of feeling one’s way into the shame of the other. Social orders typically see such feeling to some degree as a threat, something to be combatted. This is why social orders (and political orders) often treat compassion (in some ways a derivative of commiserative shame) as a temptation or risk that needs to be contained, allocated according to shared feeling rules, or rebuffed. Compassion, especially as such passion becomes collective and public rather than private and singularized, often appears, in the eyes of dominant sociopolitical orders, as a moral hazard. To feel commiserative shame for the other is to break with the enjoined social practices of structured

indifference (to pain, to suffering, to the need of the other) that allow the persistence of everyday evils, both banal and obscene.

Because commiserative shame attends to the lived humanity of the other, it refuses the order of evils, the conventional distributive and juridical forms of justice that to a great extent legitimize and ignore daily suffering, inequities, incapacities, and humiliations in producing and sustaining a given social order. Such shame works, if it works, by impelling responsibility, other by other or face by face. It assumes that if the other is a subject of shame (as the other inevitably is), then so am I. This transmissibility, however, is not the same as or a specie of empathy. It is not a simulation or reproduction of the other's feeling. It does not emerge from an order of the same. Commiserative shame can and does occur even if my and the other's shame is fundamentally different—she is exposed as shamesworthy for social flaws that I don't share. It may entail a substitution but not an identification in any simple sense. Any such substitution is asymmetrical, outside of identification or mutuality. Commiserative shame, then, is a receptive extension into the *other's* vulnerability, defectiveness, and need. To use Levi's example, he felt shame and responsibility for those in the camps who were unlike him, those who were not privileged in some way, those who drowned. More generally, commiserative shame takes up the other's exposure and suffering, receives them as belonging to the other but worthy of my attentiveness, of my receptivity, even my taking. And it insists beyond enculturated indifference, rivalry, and perhaps even hostility. It forms a counter to the social imposition of a shame/pride dynamic that emerges from dominant social protocols based on a conventionalizing social gaze that works to fit each subject to the structure of the social order. Commiserative shame uncouples the subject from such subjectivities and from the order of evils, at least in relation to the face of the other. And this is where an other-solicitous justice begins.

5. Justice, the Order of Evils, and Politics

In terms of public justice, the justice of the political realm, commiserative shame is not a panacea. As Ophir and Balibar argue in different ways, the political realm is a corrupted compromise formation, one that accepts evils according to its own ideological values and whose aim is to institute those values with a minimum of explicit physical violence. Shame *is* one of the key tools that is at stake in politics, for what is often fought over is just what is shamesworthy and who deserves to be ashamed.¹⁷ More so than keeping politicians in check, however, the institutional use of such shame helps to keep populations in check by cultivating and policing a public order that structurally undergirds the conventional political field itself. In Foucault's language, or Agamben's, it is an important apparatus of biopower. But the shame that is used in this way is not commiserative shame but rather interpellative shame, the shame of rather than shame for. It is about adverse social exposure rather than being moved by a receptive sense of the other's stain or stigma.

As I've argued already, however, commiserative shame breaks with the biopolitical uses of interpellative shame and other forms of domination. To be more specific, it breaks with any sociopolitical morality that imposes an implied contract of public indifference to much of the suffering produced by any sociopolitical order. It also resists moralized forms of policing aggression not only by institutions but by the governed population itself (or at least factions of it). It holds out against the disciplinary control that works by conflating morality with an imposed order of evils. If, as Ophir argues, there is an ethical need in all political order to disrupt the regularities that produce and sustain a given order of evils, commiserative shame is one means for that to occur, for commiserative shame affects how one apprehends the other (receptively, indifferently or allergically), to what degree one lives by such apprehension, and who one feels oneself to be affected by.

¹⁷ The political sphere is also a space of calculating reason, which leverages a notion of mutuality or functional equivalences as a means of suggesting that what it imposes is just. Such mutuality can and typically is vastly asymmetrical, though in a very different way than Levinas suggests that asymmetry undergirds the ethical. In politics, mutuality is too often either de-faced and misused or an imaginary ideal.

For Levinas, however, such an approach to the moral recognition of politics would fail to take enough account of the crucial problem of rivalry posed by life in common, that is, the problem that my care cannot be universal, that if I care for the face of one, in doing so I neglect the face of an other, and by extension, all the others. In other words, privileging the binary relation of the face-to-face (say in a sense of justice driven by commiserative shame) fails to recognize that the realm of politics always inherently has a calculative, pragmatic dimension: that whatever I do to or for one face always has to be measured politically in the context of what that means and how it affects others. In Levinas' language, this is the problem that the third poses for justice, the additional set of eyes (substituting for all the other eyes) that necessarily complicates and disrupts the absolute primacy of my encounter with the other in the face-to-face. It is the problem of the political sphere as a space of multiple needs and multiple egoic freedoms, a space that effaces the asymmetry of the face-to-face in a particular *use* of rivalrous mutuality. The point is well taken.¹⁸ The problem, however, is that Levinas doesn't himself do enough intellectual work with this insight. As Bergo (2017) asserts: "The site at which comparison, justice, and normativity can be deduced is beyond Levinas' immediate concern." His political thinking is not nearly as useful or rich as his moral or phenomenological thinking. It doesn't go much beyond asserting that the face-to-face generates a trace of responsibility that affects justice.¹⁹ This is because his central project is about how responsibility comes to be rather than how its trace works in the world (Bergo 2017), and this impacts how useful a strict, allegiant reading of his works can be for the problems of justice in the political sphere. As Bergo (2017) points out, in the philosophical work "Levinas' remarks on politics are rare and, at times, idiosyncratic." Levinas himself doesn't provide adequate guideposts for how to use the face-to-face to think politically.²⁰ If the face of the third is "an incessant correction of the asymmetry of proximity, in which the face is looked at" (Levinas 1969, p. 158), how is one to think through that insight in the frictions and alliances between politics and justice?

It is my contention that the face-to-face provides a framework to explore the phenomenon of commiserative shame and its potential role in both ethics and politics. Commiserative shame occurs in but is not limited to or contained by the face-to-face. It emerges in and through relations of asymmetrical attention, ones that involve at least the impulse to responsibility. But the problem here is not defined, as it is by Levinas, in the issue of proximity or the disproportionate attention to the face in front of me as opposed to all the other faces I could attend to and feel responsibility for. Here, Levi's writings are exemplary, as they sketch out the feeling of obligation and care for the other that

¹⁸ A parallel point is made by Derrida (2000), who argues in *Of Hospitality*, a work influenced by Levinas' thinking, that the absolute generosity of hospitality in the world is always contradicted by its limits. The problem for both Levinas and Derrida is how to proceed beyond the aporias generated by the conflicts between the absolutes of their ethics and the political world of pragmatic or structural limitations. In a sense, the problem is to imagine a world in which the Third is not simply a limit to ethics, but perhaps rather a non-corrosive and necessary supplement.

¹⁹ Caygill (2004) uses Levinas' explicitly political writings in the journal *Esprit* between 1934 and 1983 to enrich the debate about how much and what Levinas says about politics. Caygill argues that Levinas' political commitments are crucial factors in his philosophical writings. In his writings for *Esprit*, according to Caygill, Levinas "opts for a complexity of political judgement [sic] that far exceeds the formalism of many of his discussions of justice and politics in terms of 'the third'" (Caygill 2004, p. 13). The complexity of these writings, however, doesn't explain why in his philosophical work Levinas treated politics and justice primarily under the constraints of the "formalism" of the third. For Caygill, the explanation of this lies in Levinas' proximity to the central political horrors of the 20th century in the West. According to Caygill, "the political for Levinas is the unassimilable or the unforgettable that returns disruptively to insist on the *question* of the political" (Caygill 2002, p. 3). The third seems to veil Levinas' sense of the disruptive problem of fraternity as a double-edged political appropriation and distorting use of the face-to-face.

²⁰ Levinas' own political writings are sometimes problematic, given his own philosophical writings. Part of the problem is his sense of an often intractable difference between the political and the ethical, in which the former is marked by the inhuman or at least by calculating reason while the latter is, in some real sense, messianic. The face of the other bears the trace of the messianic. If for Levinas, the ethical depends on the transcendental, of a piece with and perhaps a trace of the messianic, then politics can only be a fallen sphere, one in which the absence of the messianic is fundamental (he might be ambivalent about this with the state of Israel, especially concerning the tension between Israel as a religious-political entity and as a state with politics (Caygill 2004, pp. 9–10)). Secular versions of universal history, such as Nazism, would be at best radical perversions of the possibility of the messianic as a political phenomenon.

arises in the recognition of the other's (or, crucially, the *others'*) shame, both as an ontic state and as an interpellated judgment about the others' stigmatic condition. Such a feeling, even for Levi, is neither necessary nor universal. One of his most affecting moments of interpellative shame blurring into commiserative shame is a complex sociopolitical one, detailed in *Survival in Auschwitz* in a chapter called "The Last One." There he recounts the story of the execution of a man who had aided the *Sonderkommando*, the group of prisoners who operated the gas chambers, in their violent rebellion, which resulted in the destruction of one of the Birkenau crematoria. Levi and his friend Alberto watched the hanging, "the body wrigg[ing] horribly" (Levi 1986, p. 149) and neither did nor said anything. Here on the gibbet was a man, interpellated by the Nazi regime as criminal, as a marked embodiment of shame, but who largely sparked apathy and indifference in those witnessing. But the man's cry, according to Levi, the painful revelation of his absolute destitution as a man, "pierced through the old thick barriers of inertia and indifference, it struck the living core of man in each of us" (Levi 1986, p. 149). Here is the moment of receptivity. Levi did pay attention; he did feel. But because no one acted, including himself, Levi feels ongoing interpellated shame: "but you Germans have succeeded. Here we are, docile under your gaze; from our side you have no more to fear; no acts of violence, no words of defiance, not even a look of judgment" (Levi 1986, p. 150). But his writing of the story suggests that this judgment was not entirely true. There is a current of commiserative shame that the interpellative shame imposed by the totalitarian political order can't quite subdue. There remains, even in the moment, a feeling of something other than pure submission. This will eventually develop into a politics of irrepressible witnessing for Levi. Through that witnessing, Levi will produce a form of ethical justice, one that doesn't allow the other's vulnerability and shame to vanish due to an egoic embrace of indifference. For Levi, there is no problem of the third, because for him commiserative shame just *is*. It knows no bounds and is not competitive. One finds it wherever and whenever one meets the abject eyes of the other and attends to them, whenever one tunes in instead of hiding behind a sociopolitically fostered indifference and tuning out. For Levi, tuning in is not simply a choice, it is already a disposition, one he fears can be broken and may have been for him, at times, in Auschwitz. But it is also one that remains, even in his brokenness, as a capacity. And as a disposition, it affects how he feels and functions in the political realm, in later life as a citizen or, in the camps, as a non-citizen.

The problem of the third is not the primary problem or signpost for justice. Rather, the paramount problem for any kind of compassionate justice is how to disrupt the regularities of ordinary evils and our complicity in them and with them. Levinas, in his treatment of the third, may not have given enough political significance to commiserative shame, which emerges in the face-to-face relation but ought to extend powerfully into the domain of the political and, at times, does. If there is to be justice in politics, it is not through a reluctant accommodation to some kind of calculative reason based on the third (even if that politics frames itself as being about some version of mutuality), but a cultivation of commiserative shame that attends to the other, even the enemy, in her vulnerability, defectiveness, and difference. This is not empathy. It is not seeing the other primarily as the same. It is being able to imagine that compassionate justice emerges only in being able to attend to, bear, and remain hospitable to the other *as* other, as someone who I can recognize as shame-worthy. Normally, such a recognition makes the other toxic or disposable. The justice of commiserative shame is that I extend myself into and beyond that recognition and begin the hard work of living with the unavoidable adversity of feeling that such an extension treats as not only unavoidable but as *welcome*. Commiserative shame makes ethics precede politics and emerge inside politics. This will certainly not eliminate the order of evils, but it may make the order of evils more just and ethically livable in the world we live in and in the world to come.

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