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## APOLOGY AND THE POSSIBILITY OF ETHICAL POLITICS

*Inattention on such a scale cannot possibly be explained by absent mindedness. It is a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape. What may well have begun as a simple forgetting of other possible views turned under habit and over time into something like a cult of forgetfulness practiced on a national scale.<sup>1</sup>*

### Making sense of apologies

The redemptive sequence, transgression-repentance/apology-forgiveness-reconciliation-redemption, has long functioned as an archetypical narrative of healing or liberation in both religion and personal relationships. Recently, it has also passed into the discourse of politics and international relations. Twenty years ago, the idea that a political leader might apologize on behalf of the nation to a section of its (current or former) population for past wrongs would have seemed anomalous, if not absurd. Today, the list of collective, representative apologies would more than fill this paper.

Although the political apology is an internally diverse category, in so far as it encompasses apologies for a wide range of violations, its coherence lies in the distinctly political quality of the wrongs committed, with their having been systematically committed under the mantle of the nation. Apologies are thus not simply concerned with an aberrant wrongful act, or even a collection of aberrant acts committed by wayward individuals, but with a class of acts that were embedded in the nation itself.<sup>2</sup> More specifically, they speak to the nation state's structural exclusion of a certain group from the circle of legitimate rights holders and active failure to recognise and respect them as full citizens. Thus for example, the main types of apologies include: European nations apologizing to victims of the Holocaust; post-colonial nations saying sorry for violations of Aboriginal peoples' rights; nations transitioning from periods of massive internal conflict and repression apologizing to the victims of very recent violations; and grand global apologies, such as the one for slavery and the slave trade that was

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<sup>1</sup> Stanner, William, *After the Dreaming: Black and White Australians: The Boyer Lectures* (Sydney: ABC Press, 1969), 67.

<sup>2</sup> My choice of nation as distinct from state here is intended to avoid narrowly locating the wrong in the institution of the state.

part of the final declaration the United Nations World Conference on Racism in Durban in 2001.<sup>3</sup>

This proliferation indicates that, despite its recent and anomalous entry onto the political stage, the public political apology has established its place amongst the lexicon of standard strategies for addressing social and political injustices and human rights violations. Beyond its de facto status as customary practice, it has even been inscribed as part of the international legal framework, as articulated in the United Nations 1996 *Basic Principles on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law*, which included apology as one of its prescribed forms of reparation.<sup>4</sup>

Yet apology, as a distinctly political act, remains poorly understood. To date, studies have been largely confined to legal and empirical/consequentialist analyses, with a particular focus on the comparative value of apology as one of several strategies available to address rights violations.<sup>5</sup> This type of empirical work evaluating apology's effectiveness as a political intervention is no doubt important. The problem is that it assumes that we already know the type of act apology is, and what it is that it is supposed to achieve, when it is precisely this *normative* hermeneutic analysis, examining the possibilities of apology, which is missing. To start with, not having a rich understanding of *apology* as a distinct form of action allows us to proceed with the untested assumption that it can be evaluated according to criteria relevant to other strategies for dealing with past public wrongs, such as material compensation or criminal trials. Thus, one of the main criticisms levelled against apologies is that 'mere words' (implicitly, as opposed to large sums of money or punishment) are a paltry rejoinder to such serious violations. Moreover, the failure to probe the distinction between collective political apologies and individual personal apologies underpins the assumption that political apologies are simply a category mistake. One sees this in another common criticism that because apology is essentially a highly personal, individual act, transferring it to the political level treats polities as persons writ large with internal consciousness.<sup>6</sup>

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<sup>3</sup> For a comprehensive discussion of a range of apologies, see Elazar Barkan, and Alexander Karn, , (eds.) *Taking Wrongs Seriously; Apologies and Reconciliation*, (Stanford: Stanford University Press, 2006).

<sup>4</sup> Commission on Human Rights, "Revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law prepared by Mr. Theo van Boven pursuant to Sub-Commission decision 1995/117", E/CN.4/Sub.2/1996/17. Although the body of international human rights law has now expanded well beyond its inception in the wake of the Holocaust, one might draw a hermeneutic line between Levinas' post Holocaust development of his ideas about the centrality of apology and this late emergence of apology within that body of law.

<sup>5</sup> Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998).

<sup>6</sup> Michel-Rolph Trouillot, "Abortive Rituals; Historical Apologies in the Global Era", *Interventions*, 2(2) (2000), 171-186. In the background here is Plato's image on the good society as an organism, which, like the man who hurts his finger and feels it through his whole organism, "will regard the individual who experiences pain or loss as part as itself, and be glad or sorry as a whole accordingly." Plato, *The Republic*, trans. H. D. P.

Thus, we need to take a step back and to deepen our understanding of apology as a distinct form of action (or family of actions) and to clarify what it means when apology takes place in the field of politics. This requires our entering into the history and philosophy of apologetic practices. In this paper, I take up the philosophical dimension.

Given that two of Levinas' central concerns were, first, the primacy of speech in general and apology in particular in human relationship and ethics, and second, the dangers of translating individual ethical processes into politics, his thought is highly relevant to these questions. Indeed, if one draws a connection between the post-Holocaust context in which he developed his thoughts about apology, and the emergence of apologies in this very context, his particular philosophical perspectives become still more germane.<sup>7</sup> Yet, (not surprisingly), his work suggests a highly ambiguous verdict. On the one hand, his understanding of apology as the archetypical act of human freedom, including the freedom to alter one's identity across time, provides a powerful framework for understanding the *sui generis* quality of apology as a transformative act. Indeed, in his complex conception of apology as an ethical alternative to the totalizing Hegelian *Aufhebung* (where the past is completely assimilated into a new totality), he provides a framework for understanding apology's potential to free us from the bonds of the past, while respecting, preserving and honoring the truth of the violation.

On the other hand, he is deeply suspicious of the totalizing thrust of any move from the ethical face-to-face to the political realm that would assimilate the unique experience of suffering into a public event, drowning individual voices and memories into a singular announcement. In this sense, his work seems to provide philosophical confirmation of the common intuition that political apologies preclude the very healing and justice they purport to effect, and indeed may replicate the injury by violating the humanity of the very people whose initial violation supposedly motivated the reparative action. As the human rights activist Aryeh Neier warned, when governments 'usurp the victim's exclusive right to forgive their oppressor, they fail to respect those who have suffered'.<sup>8</sup>

Lee, (Middlesex: Penguin, 1955), section 462. The classic refutation, asserting that "[H]uman beings in society have no properties but those which are derived from, and may be resolved into, the laws of the nature of individual man" can be found in John Stuart Mill, *A System of Logic*, (London: Longman, Green, and Co., 1925), Book 6, Chapter VII, section 1.

<sup>7</sup> The first political apologies were given in relation to violations against Jews during the Holocaust, with Brandt's *Kniefall*, when he bent down before a Holocaust memorial, often held up as the original apology.

<sup>8</sup> Susan Jacoby, *Wild Justice; The Evolution of Revenge*, (New York: Harper and Row, 1983), 117. Neier in fact made the comments in the context of a discussion with the human rights lawyer José Zalaquett over whether anyone had the authority to forgive other than those who were the direct victims of the wrongs in question. For an outline and response to both thinkers' positions see Juan Mendez, "Accountability for Past Abuses", *Human Rights Quarterly*, Volume 19, Number 2, May 1997, pp. 255-282.

Yet, within each of these conclusions, Levinas' work contains further ambivalences. For though he recognizes the irreducible power of speech, he is also alive to its potential instrumentality and beyond that, to the way in which speech can annihilate difference, rather than recognize and honor the other's experience. Moreover, while he identifies apology as the medium through which authentic confrontation with the past can transform identity into the future, he keeps us alive to the temptation to use apology to close off the past and the call to responsibility.

Thus, Levinas' thought tracks the inescapable ambiguity that surrounds apology's work. That is, it is unclear whether the apology's particular approach to 'dealing with the past' involves the preservation of that past, even as we alter our relationship to it, or if, when we apologize, we imagine that the future is a blank sheet, untainted by the violations of the past. Is the process one which seals the past, with the words of apology functioning like the final wax seal stamped with care to terminate any dialogue with the past? Or can the process of apology and reconciliation involve a more complex transformation in which the memory of the violation is not buried, but rather brought into the present to transform the relationship that perpetrators and victims have with their own past and future, and with each other?

Similarly, when it comes to the transfer from the ethics realized in the face-to-face relationship of apology to the politics of institutional discourses, Levinas insists that the movement is necessarily a rupture, but he also defines his own project as finding a way of '*maintaining, within anonymous community, the society of I with the Other - language and goodness.*'<sup>9</sup> The immediacy of the ethical transformation may always resist full translation into political relations, but as first philosophy, it should always compel us to explore the possible spaces in which the ethical might be woven into the political.

This article traces Levinas' exploration of these two themes pertinent to explicating and evaluating political apologies, taking as its touchstone of contemporary apologies the Australian apology for the forced removal of Indigenous children from their families. It does this first by elaborating his ambivalent evaluation of language in general and apologetic speech in particular, and then exploring how Levinas uses the notion of being in time to explain how it is possible for an action in the present to work back into the past. In particular, I look at Levinas' understanding of freedom, which, in sharp contrast to the conception assumed in the liberal tradition, locates it in relationships of responsibility to the other, thus making the apologetic bond the place where freedom, far from being suspended, is in fact realized. Finally, I turn to his treatment of the relationship between ethics and politics, drawing on his characterization of these two realms to think through the potentials and dangers of politicizing the apologetic relation.

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<sup>9</sup> Levinas, Emmanuel, *Totality and Infinity*, translated by Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969) 47.

### The speech of honor or the speech of murder

*'Apology, in which the "I" at the same time asserts itself and inclines before the transcendent, belongs to the essence of conversation.'*<sup>10</sup>

Jewish teaching is replete with rich explorations of the significance of repentance for the individual life, for the Jewish people and for the transformation of the world. Levinas takes up this teaching throughout the body of his work, placing apology at the heart of what he conceives as the essential ethical relationship between persons. Apology's distinct salience lies in its structure; in apologizing, I act as a subject, asserting a position that is *mine*, but the source of my orientation is the other, irreducibly separate from me, thus creating a bond 'between the same and the other without constituting a totality'.<sup>11</sup> Yet, this very same form of relation can be deployed instrumentally. Words spoken to the other may always also be attempts to thematise and dominate the other.

Levinas' essentially ambivalent portrayal of relationship between persons, and more particularly speech, provides a rich landscape against which we can map the possibilities of apology, and one which takes seriously the gravity of what is at stake when we negotiate the types of violations with which contemporary political apologies are concerned. Relationship is, as he says, the space in which I am both tempted and forbidden to murder the other (where murder is understood as annihilation of her otherness).<sup>12</sup> She stands before me and will come under the net of all my attempts to assimilate and thematise her, but in the infinity of her face and her unforeseeable reactions, she presents an ethical resistance to any attempt I might (and will) make to do so. I am called, above all else, to be responsible for her suffering, and yet will be drawn, not simply by some essential dynamic of domination, but by language's own categorical structure, to obscure this responsibility.<sup>13</sup> Levinas constantly holds this double attention to speech's potential to close, comprehending and reducing the thinker and the thought to pre-fabricated categories and forms, and to open, revealing and expressing, 'overflowing its container'. Thus:

*'...the function of language would amount to suppressing "the other" who breaks this coherence and is hence essentially irrational. A curious result: language would consist in*

<sup>10</sup> *Ibid.* p. 40.

<sup>11</sup> *Ibid.* This relationship that resists a totality is how Levinas defines religion.

<sup>12</sup> Levinas, 'Is Ontology Fundamental?' in Peperzak, Critchley and Bernasconi (eds.), *Basic Philosophical Writings*, (Bloomington and Indianapolis: Indiana Press, 1996) 12.

Levinas' use of the idea of murder conveys the force of his condemnation of the attitude that would deprive the other of her difference. For example, 'To kill is not to dominate but to annihilate; it is to renounce comprehension absolutely. Murder exercises a power over what escapes power.' *Totality and Infinity*, *op. cit.*, p. 198.

<sup>13</sup> For example, 'Language would be the equivalent to the constitution of rational institutions in which an impersonal reason which is already at work in the persons who speak and already sustains their effective reality would become objective and effective.' *Totality and Infinity*, *op. cit.*, p. 217.

*suppressing the other, in making the other agree with the same! But in its expressive function language precisely maintains the other - to whom it is addressed, whom it calls upon or invokes'*<sup>14</sup>

With this duality in mind, we can read his work as walking us through the two paradigms of relationship in which the two types of apology we noted above might arise. My apology can suppress and silence the other in her uniqueness, independence and difference, representing a 'so as to be done with responsibility' and effecting a return to my self same identity.<sup>15</sup> Or, it may be the conversational act in which I face the other, recognize her in her difference and confront the reality of unremitting responsibility. This certainly resonates with contemporary debates about political apologies, which have been plagued on one side by those who defend contemporary society against what Australian Prime Minister John Howard, for example, called a 'black armband history' that disturbs a relaxed and comfortable nation, and on the other by those who fear that apology is a strategy for shutting the victims up once and for all.

Perhaps most radically, Levinas is suggesting that the rupture of my self-enclosed subjectivity (which apology may occasion) is not, as liberalism would have it, the moment of domination or submission, but the possibility of freedom. In other words, and in a manner reminiscent of Arendt's conception of forgiveness as the sole human act which can break the inexorable chain of causality and introduce something new into being, Levinas reframes apology as the site at which the self can break free of an identity closed by the narrative of past actions.<sup>16</sup> To unpack this conception, we need to retrace Levinas' ideas about the link between time, freedom, the other and apology.

### The paradoxes of apology

*The paradox of pardon lies in its retroaction; from the point of view of common time it represents an inversion in the natural order of things, the reversibility of time.*<sup>17</sup>

Returning for a moment to our common reflections on political apology and the criticisms noted earlier, one key structural problem is explaining how any act in the present can alter the past. Let us take as the prototypical situation one person apologizing to another for a wrong she has committed against him and the suffering her actions have caused. Let us interrogate this scenario: What is the person apologizing actually saying about herself? Or, more structurally, when someone apologizes, who is the subject and who is the referent of her speech? These questions give rise to what we might call the first paradox of apology.

<sup>14</sup> *Ibid.* p. 73. This is reminiscent of Tennyson's fifth poem from the 1850 opus *In Memoriam*: 'For words, like Nature, half reveal, And half conceal the Soul within.'

<sup>15</sup> 'Partial negation, which is violence, denies the independence of being: it belongs to me. Possession is the mode whereby a being, while existing, is partially denied', "Is Ontology Fundamental?" *op. cit.* p. 9.

<sup>16</sup> Hannah Arendt, *The Human Condition* (Chicago: Chicago University Press, 1957) 241.

<sup>17</sup> *Totality and Infinity*, *op. cit.*, p. 283.

In the act of speaking the apology, the person is acknowledging that she is the (same) person who committed the wrong. Indeed, it is precisely this full and unmediated acceptance of responsibility and identification with the wrongful act that distinguishes apology from other responses such as excuse, explanation and justification.<sup>18</sup> Yet her *act* of apology, her recognition in the present that she did wrong and her aligning herself with concern for and recognition of the experience of the wronged other bespeaks *in the present* another identity, bringing into being a person who is no longer simply the one who committed the wrongful act.

Maimonides recognizes this shift in identity in the final chapter of his *Treatise on Repentance*, where he moves beyond the model of repentance as expiation, to what Rabbi Soloveitchik called the repentance of redemption.<sup>19</sup> Here, repentance does not merely remove the stain that the sin leaves on the soul of the penitent, but effects a total transformation of their being and identity - a kind of spiritual alchemy. In this repentance the penitent may 'have his identity changed, as if saying: 'I am now another person, and not that person who perpetrated those misdeeds'.<sup>20</sup>

Thus, in one movement the act of apology creates and acknowledges a complex and internally contradictory identity, rendering structurally ambiguous the relationship between the one who apologizes and her act, and thus between her identity at the two points of time. Can she still be held responsible for her act in the same way as before? We cannot logically say that she did *not* commit the act. And yet, the way in which we attribute the act to her must be different before.

Let us move along a few moments in our prototypical situation and imagine that the second person accepts the apology and forgives her. Let us assume even more, that the forgiveness is not superficial, but like the mercy described in the psalms (51: 1, 2), can 'blot out my transgression' and 'cleanse me of my sins.' But then, if she is forgiven and cleansed, how does that change her relationship with the person she violated or damaged? Are they still, respectively, the perpetrator and victim of the harm? If not, what is their relationship now with these other 'past' identities?

These questions are troubling, but not outside our normal understanding of the relative fluidity of personal identity. We accept and even assume that people will change over time. More difficult are questions about the status of the wrongful act itself. Is there any sense in which apology and forgiveness alter the past? Consider the cartoon of one little boy stealing a bicycle from a second little boy used in the public information campaign of the South African TRC. The parable

<sup>18</sup> See Nicholas Tavuchis, *Mea Culpa: The Sociology of Apology and Reconciliation*, (Stanford: Stanford University Press, 1989) 19 and Minow, *op. cit.*, p. 115.

<sup>19</sup> Maimonides, *Mishnah Torah*, Book 1, translated by Simon Glazer (New York: Maimonides Publishing Company, 1927)

<sup>20</sup> *ibid.* V 2.5.

was designed to teach the simplicity and importance of apology. Yet, if we probe the story a little, its lesson becomes far more ambiguous. If the boy who stole the bike apologizes, but does not return it, has the second little boy not still a reason to suffer? Does the apology make a *material* difference or does it alter the status of the act in some other way, and if so, how do we conceptualize this alteration? Even if the first boy did return the bike, his action now does not take away the time of suffering. The injury of the theft and the time the child spent without his bike remains. Moreover, if the bike is returned years later now to a man, not a boy, does it have the same reparative value? How can the actions in the present overcome the material and emotional effects that the original act set into play? This constitutes the second paradox of apology.

At one level of his thinking, Levinas would insist on the ‘incorruptibility of the past’ as the foundation of memory and the condition of personal identity, the ‘I returning to itself.<sup>21</sup> Yet, if this were the end of the story, it would make no sense to repent, or at least to see repentance as a process we can undertake in the present as a way of effecting the past. As Rabbi Soloveitchik writes: ‘One cannot feel remorse about a past which is already dead and has sunk into the abyss of oblivion.’<sup>22</sup> If this is the nature of time and human beings in time, the expression of apology would necessarily be confined to the surface of experience, to a realignment of the niceties between persons. It could not alter the existential relation in which they stand as perpetrator and victim and could certainly not affect the event itself.

In the face of this limitation Levinas asks, almost imploringly:

*For how could one sole tear, though it be effaced, be forgotten, how could reparation have the least value, if it did not correct the instance itself, if it did not let it escape in its being, if the pain that glints the tear did not exist “pending”, if it did not exist with a still provisional being, if the present were consummated?<sup>23</sup>*

Picking up on this intuition, he argues that we are condemned to these answers only if we confine our understanding of humans to their being quasi-mechanical objects operating according to physical laws of cause and effect. If, however we recognize human beings’ unique status as subjects capable of bringing something new into being, a property Levinas calls fecundity, we can come up with different answers.

Levinas articulates these two understandings of human being in a highly idiosyncratic way, turning not, as one might expect, to different characterizations of human psychology, but rather to different conceptions of time. Thus, if we are cynical about apology’s capacity to genuinely transform the past, it is because we habitually think of time as quantitative time, flowing according to the mechanical

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<sup>21</sup> *Totality and Infinity*, op. cit., p. 282.

<sup>22</sup> Quoted in Pinchas H. Peli, *On Repentance; the thought and Oral discourses of Rabbi Joseph Dov Soloveitchik*, (Northvale, NJ: Jason Aronson Inc., 1996) 30.

<sup>23</sup> *Totality and Infinity*, op. cit., p. 238.

laws of causation, where the moments of the past flow directly and mathematically into the present and then the moments of the future. Each moment is an irreducible, indivisible 'bit' of time, just as we used to think of each atom as an irreducible indivisible 'bit' of space. Passing time means that each moment ceases to exist when it is serially replaced by the next – 'a mobile image of immobile eternity'<sup>24</sup>. In this time we are condemned to the 'impossibility of retreat' which lies at the heart of acute suffering; there is space only for forgetting or fate, but none for pardon.

With Bergson, Levinas recognized the constraints of this mechanical vision of time and the need for a conception of time that 'adds something new to being'.<sup>25</sup> Yet he does not find the possibility for 'youth and recommencement' in Bergon's alternative metaphor of time as a seamless flow, insisting rather that for something new to come into being, 'there must be a rupture in continuity, and a continuation across rupture'.<sup>26</sup> Through these ruptures, 'the destiny of an actually lived life recommences at each instant, receiving a new sense starting from inimitable novelty of the present which opens upon the unforeseeable future'.<sup>27</sup> Full consciousness of what is (or was) does not comprise a relationship with a present fully accomplished (as past), but is always potentially vulnerable to the rupture of a present 'only constituted (sic) the *future* of a recollected being'.<sup>28</sup>

In other words, what breaks through the march of fate, the passage of moments following upon each other mechanically and inexorably producing each other, is the fecundity of the future, still indeterminate, still infinitely open before me, allowing for the possibility of calling up the past as memory and giving it new meaning. Between the events of the past and the present there is but one path - already marked out and incorruptible. But between the present and the future are many paths; or rather there is a detente or relaxation in the progression of events caused by my facing the indeterminate future where nothing is 'yet consummated'. It is my freedom at this place, looking forward, which leaves the possibility of another type of recommencement of the present, and therefore of the past.

Rabbi Soloveitchik's writings on the relationship between *teshuvah* (repentance) and time bring out the Judaic sources of Levinas' thought. He speaks of *teshuvah* as existing in qualitative, rather than in quantitative time:

*Man lives in the shadow of the past, future and present simultaneously ... the future determines the direction and indicates the way...There exists a phenomenon whose*

<sup>24</sup> Henri Bergson, *Time and Free Will*, translated by F. L. Pogson (London: Macmillan, 1950) 183-198.

<sup>25</sup> See in particular *Time and the Other*, translated by Richard Cohen, (Pittsburgh, Duquesne University Press, 1987), 80-81.

<sup>26</sup> *Totality and Infinity*. *op. cit.*, p. 284.

<sup>27</sup> *Ibid.* p. 130.

<sup>28</sup> *Ibid.* p. 166.

*beginning is sin and whose end is mitzvot and good deeds, and vice versa. The future transforms the trends and tendencies of the past.*<sup>29</sup>

Though these two conceptions of time may seem mutually exclusive, what Levinas is gesturing at by insisting that both describe human beings in time is a way of thinking of the narrative of events and identity as neither definitive, nor infinitely open. Again, in a manner resonant of Hannah Arendt's notion of promise and forgiveness as the two forms of action that provide the human condition with continuity and possibility, Levinas inserts human beings into this dual structure where our capacity for freedom lies in our movement between these two poles, definitiveness and non-definitiveness, an incorruptible past and a past always vulnerable to rupture, holding us in an identity which we can also shed. Like Arendt, he recognizes that unless we supplement the strictly causal analysis of the human condition with some transformative process, we are condemned to living the consequences of a single, original act. Yet if all is possibility, there is no narrative, redemptive or otherwise. This complex understanding of the inter-penetrability and fecundity of time (or more accurately of human beings in time) thus points us to an explanation (rather than a resolution) of the two paradoxes of apology. Mechanical time preserves the truth of the violation, ensuring that the tears once shed are held as inviolable, while the discontinuous time of fecundity makes possible a radical transformation of identity and relationship, giving meaning to finite freedom.

Human life, for Levinas, is held between the incorruptibility of the past and fecundity of the future; two absolutely non-synthesizable points of view, the historical narrative of my life, with all the fixity and finitude this implies, and the moral creation of the I, whose 'horizons [are] more vast than history'.<sup>30</sup> This latter form of subjectivity opens a space of freedom, giving to events a meaning invisible before the eyes of history. Yet it is not generalizable, it does not become history, and importantly, it does not obliterate responsibility: 'The pardoned being is not an innocent being'.<sup>31</sup> As such, the freedom it implies should not be mistaken with a capacity to rule over history and thereby change the 'event in itself', as if the event existed like an object disconnected from experience yet amenable to some magic of transformation. Just as my life cannot be thematized and so captured into the 'history of my life', so correlatively my experience of my life has no sovereignty over the story of events. As in Psalm 51, God might 'cleanse me of my sin', and yet 'my sin is ever before me'.

Perhaps most importantly for our purposes, as this Psalm indicates and as implied in the dyadic structure of apology itself, this freedom across time is not the work of a single consciousness who would, as it were, call up to mind a different understanding of the past. Rather, it is only the other who is able to mark the space that breaks the continuous flow, and the other must accompany

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<sup>29</sup> Rabbi Joseph Solovietchik, "Ish Halakhah" (Halakhic Man) in *In Aloneness In Togetherness, A Selection of Hebrew Writings*, ed. Pinchas Peli, (Jerusalem: Orot, 1976), 163.

<sup>30</sup> *Totality and Infinity*, op. cit. p. 246.

<sup>31</sup> *Ibid.* p. 283.

me in my re-visitation of the past. The rupture only breaks through mechanical time when I am called by the other to repent or, to stay closer to the meaning of the Hebrew term *shuv* (the root of *teshuva*h), to turn. What this suggests is a very different conception of freedom to the one that has come down through the liberal Enlightenment tradition, where freedom is strictly understood as a property of the individual person, exercised monadically through an application of his or her individual will. What can it mean then, to assert that it is 'the transcendence of the Other [that] accounts for freedom'?<sup>32</sup>

### **Freedom, the other and speech**

In religious and secular traditions alike the capacity for positive freedom (along with language) is seen as human beings' distinguishing characteristic. As a matter of logic, exercising such freedom presupposes the possibility of choice and the capacity to discriminate between options on the basis of some subjectively embraced criteria. Simply moving towards one alternative, with no subjective appraisal and evaluation of this option against others does not qualify as an exercise of positive freedom. In the Jewish and Christian frames, this idea is rooted in the moral distinction between good and evil, as conveyed in the biblical narrative, where it is only (and immediately) after Adam and Eve have eaten of the forbidden fruit that God observes (Genesis, 3.22) that humans have become 'as one of us, to know good and evil,' and thus able to choose and act freely.

In the liberal tradition, this capacity to exercise freedom is understood as some natural and essential property of individual consciousness or reason. Indeed, when other people enter the frame, it is as potential constraints on an individual's freedom. By contrast, Maimonides and Levinas pick up on the initial moment of freedom's inception and see its continuation in apology, where it is through recognizing the perspective of the other that a person is brought to recognize the difference between right and wrong in their own actions and thus freely choose to act differently. This understanding of the intimate link between freedom and apology is decidedly odd when placed against our habitual conception of free action, where apology's submission to the reality of the other would be anything but free.<sup>33</sup>

Indeed, for Levinas, following Maimonides, the apologetic relation, where one's speech is oriented towards, one might even say given by the other, is the prototypical form of action in which one is truly free. When we start from a liberal perspective, this orientation to the other takes us away from the self where freedom is sourced. From Levinas' perspective, an individual's sole

<sup>32</sup> *Ibid.* p. 255.

<sup>33</sup> In the background here are two very different theorists in the individual freedom tradition, Hobbes on the one hand, for whom freedom was associated with the movement of a will analogized to physical movement and Kant, for whom freedom was the imposition of a pure reason that itself constrained the brute will. In both cases, what is critical is that the relation with the other is necessarily a constraint on freedom.

consciousness closed into itself lacks the resources to break the chain of cause and effect.

One sees this clearly in Arendt's similarly structured conception of the link between forgiveness, the other and freedom. Arendt explains freedom's apparently contradictory dependence on the other by pointing out that to make the move from one identity to another which freedom entails, we need a point outside ourselves.<sup>34</sup> As she puts it, the act of forgiveness is 'the only action which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven'.<sup>35</sup> Even more relevant for our purposes is her observation that the possibility of forgiveness, of *being forgiven*, is the essential pre-condition for the possibility of human action *per se*. Were it not possible for us to be released from the consequences of what we have done, we would be 'confined to one single deed from which we could never recover.... victims of its consequences forever.' Indeed, the original meaning of the Greek *aphienai* (lost when we translate it merely as forgiveness) is *release*, just as the Hebrew *shuv*, translated as repent, means return or to retrace one's steps.

For Levinas, this process of acting in response to the other is not a detour from my own truth (understood as the free will). On the contrary, the truth of the will lies in its 'coming under judgment' and 'its coming under judgment lies in a new orientation of the inner life, called to infinite responsibilities'.<sup>36</sup> Far from limiting my freedom, the other's 'calling it to responsibility...founds it and justifies it'.<sup>37</sup> Freedom located in the apology, then, is not simply essentially relational, but essentially other-oriented. This is a very different freedom to the one that animates libertarian thinking, the free beast who would, if not constrained, pursue unmitigated self -interest. This is a freedom informed by recognition that the other is another site of subjective being who calls me beyond the monadic subjectivity that would experience freedom as the annihilation of her otherness.

This understanding of freedom and apology has profound implications for how we interpret the political apology. Recall, the problem I identified at the outset was that apology, if evaluated according to the criteria appropriate for material compensation or punishment is at best a poor cousin. Here, we can begin to see the unique possibilities that apology offers, not to 'pay back' either the one who was hurt or the one who hurt, but to provide a break in the chain of events and the self same identities informed by the past and carried into the present and future. In the absence of some rupture, the identity of the wrongdoer will

<sup>34</sup> For Arendt, the fact that sociability is the condition of freedom and action has very practical implications for the type of political order that can respect and promote human liberty. Action in concert, (the Republic) is not, as we see in theorists from Hobbes to Madison, a challenge we need to carefully stage, but the only possible human action.

<sup>35</sup> Arendt, *op. cit.* p. 241.

<sup>36</sup> *Totality and Infinity*, *op. cit.*, p. 246.

<sup>37</sup> *Ibid.* p. 197.

continue into the future as per Arendt's unbroken chain of cause-effect- effect-effect. The apology represents this rupture, a break in that determined chain where something new can enter into being, where, by virtue of being pulled out of its self same identity, the self can become something new.

This would certainly speak powerfully, at least as an ideal, to the types of wrongs that become subject to apologies. As I indicated at the outset, political apologies tend not to be for single aberrant, 'out of character' acts on the part of the state, but on the contrary for systematic acts that emerge from what the state was or is. The removal of Aboriginal children, for example, was deeply embedded in the character of the Australian nation. One might even argue that the structural exclusion and violation of first peoples was the necessary condition for the constitution of post-colonization Australian identity.

Thus, what needs to be addressed is not only the wrongful act itself, but also the identity of the nation that sanctioned and supported the wrongdoing. If this is not addressed, then, in a sense, the failure of recognition and the violation it entails continue. The nation may have paid out to the wronged others, but it still constitutes itself in such a way that precludes full recognition of their humanity - a recognition that can only emerge through facing the failure of recognition and what that says about *its own identity*. This may be why, in the UN rules referred to earlier, apology is linked with promises not to repeat the wrong, and why for Maimonides, one knows that repentance is complete if, when placed in exactly the same circumstances, one does not repeat the offence.<sup>38</sup> Compensation and punishment address the act, but if the identity is to shift, at a structural or constitutional level, something new does indeed have to come into being. What we learn by tracking Levinas' conception of the links between apology, the other and freedom, is that this constitutional shift in identity (in this case 'mainstream' Australian) can only occur through its being called out of itself, towards the experience of the other, who has previously been excluded from our field of vision or definition of Australian identity.

Still, one piece remains. Even if we accept that it is only by being called away from a constitutional habitual sense of self that we can alter that self, it is unclear how speech, or what we (moderns) habitually think of as 'mere words' could be sufficiently powerful to affect this type of shift. Yet for Levinas and the tradition on which he draws, words are anything but 'mere'. Indeed, for Levinas, Arendt and Maimonides, language, speaking to the other, lies at the heart of the process of transformation.

Thus, when Maimonides asks, what is complete repentance?, although his answer includes reparations, bringing sin- or trespass-offerings, turning away

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<sup>38</sup> In answer to his question, what is complete repentance?, he listed six necessary components: (1) abandonment of sin (2) removal of the sin from thoughts (3) resolution (4) regret (5) expression of sincerity before God and (6) oral confession. Maimonides, *Mishnah Torah*, The Hilchot Teshuva (Treatise Concerning Repentance), Book 1, V, chapter I.

from the sinful act and experiencing suffering, the *sine qua non* are the spoken words offered to the other.<sup>39</sup> One must address oneself to the other, and with spoken words, identify oneself as a wrongdoer, confess the specific sin, expose one's shame and promise not to repeat the sinful act.

The priority he gives to the act of speech stops us in our tracks. Surely the words of apology are embellishment, but not what really makes for change, which must be the inner experience of remorse, suffering for one's acts.<sup>40</sup> The words, as we tend to think of them are merely signifiers whose value is purely derivative, symbolically but not substantively important. Yet our text insists that the apology cannot be reduced in this way; in fact it is the most important aspect of the process.

In his general conception of speech, Levinas similarly writes against the grain of this habitual hierarchy, insisting that speech is neither weightless nor contingent on the reality it signifies: 'Language does not come to double up phenomena, so that men could point them out to one another'.<sup>41</sup> On the contrary, it is speech itself that breaks through the horizon of the concept, always exceeding what might be represented. Conversation takes place within the unbound openness of language, traversing a space that is truly inter-subjective, and thus opening an adventure of incertitude – 'a dangerous life', 'a fine risk to be run'.<sup>42</sup> It is this transcendent aspect of conversation which makes discourse the work of freedom and allows us to see it as creative and revelatory and not simply reflective and reproductive. Conversation (potentially) takes me toward the other and breaks the hold of my already constituted identity, my projected ideas and categories, the economy of the same. It is then 'an adventure in subjectivity which is not based on a concern to rediscover oneself'.<sup>43</sup> In a move that both mimics and transforms the biblical message, Levinas affects his ethics by making the word antecedent to being and the word the condition of freedom.<sup>44</sup>

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<sup>39</sup> Maimonides, *op. cit.*, V 1.1.

<sup>40</sup> For example, 'sometimes, of course the apology is more than mere ritual; indeed, in the best cases it is likely to be a way of manifesting repentance' Jeffrey Murphy, and Jean Hampton, *Forgiveness and Mercy*, (Cambridge: Cambridge University Press 1998), 28.

<sup>41</sup> Levinas makes this point throughout his texts, but it is surely not without significance that he gives a teaching on the primacy of speaking in his reading of the midrashic text on Atonement, where he argues that the text disrupts the distinction between material and verbal injuries. See "Towards the Other", *Nine Talmudic Readings*, translated by Annette Aronowicz, (Bloomington: Indiana University Press)

<sup>42</sup> Derrida writes of Levinas' text: '...ask oneself if language is not of itself unbound and hence open to the wholly other, to its own beyond, in such a way that it is less a matter of exceeding language than of treating it otherwise with its own possibilities.' Jacques Derrida, "At this very moment in this work here I am", in Bernasconi, R and Critchley, S. (eds.), *Re-reading Levinas*, Bloomington: Indiana University Press, 1991) 17.

<sup>43</sup> "Substitution" in *Basic Philosophical Writings*, *op. cit.*, p. 92.

<sup>44</sup> "Enigma and Phenomenon", in *ibid.* p. 73.

Still, language, like love, is essentially ambiguous, 'situated at the limit of immanence and transcendence'.<sup>45</sup> It is always possible that we will use language as another vehicle to thematize and assimilate, in which case language would be the discourse of the same, inscribed within an economy, 'governed by the concern to rediscover oneself'. Where this is the case, my speaking to the other is but the attempt to bind alertly and to 'submit[ting] the otherwise...to the authority of a category'.<sup>46</sup>

Finally, and most importantly from the point of our explorations, Levinas holds apology as the archetypal form of speech in which the self might escape the walls of a closed and already complete identity: 'Apology, in which the "I" at the same time asserts itself and inclines before the transcendent, belongs to the essence of conversation'.<sup>47</sup> If the speech's potential lies in the possibility of being called by the other, if 'responsibility would be the essence of language', then to apologize is to act as one must when truly facing the other - we might even think of it as the essential action of freedom and responsibility.<sup>48</sup> The face to face is the moment of freedom's possibility; the apology is its realization.

### **Ethics and the State - The possibility of a political apology**

*'.... as truthful an account as documents and testimonials will allow, without giving in to the temptations of closure. Closure in this case would mean an obvious avoidance of what remains indeterminate, elusive and opaque.....Working through means confronting the individual voice in a field dominated by political decisions and administrative decrees which neutralize the concreteness of despair and death.'*<sup>49</sup>

Given that for Levinas the immediacy of the encounter is the engine of apology's existential transformation, we need to ask in what sense apology can be transferred to the collective and political plane? Wouldn't the group and politics be precisely the context in which language works as a reductive force?

Shifting for a moment from Levinas' strictly philosophical treatment to a more historical methodology, there is in fact ample precedence in Judaism for the legitimacy of collective public repentance, as there is in early (pre-Trentine) Christianity, although this collective dimension has been thoroughly obscured by the dominant image of the individual penitent in the darkened privacy of the confessional. Thus, Maimonides notes that 'Yom ha-Kippurim is the time set aside for repentance for the individual as well as for the many; for it is the goal of exoneration and quittance in Israel'.<sup>50</sup> Indeed he speaks of not simply a just or

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<sup>45</sup> *Totality and Infinity*, op. cit. p. 254.

<sup>46</sup> Derrida, Jacques, op. cit., p. 18.

<sup>47</sup> *Totality and Infinity*, op. cit., p. 40

<sup>48</sup> "Towards the Other" in *Nine Talmudic Readings*, op. cit. p. 21.

<sup>49</sup> Friedlander, Saul, "Trauma, Memory and Transference" in *Holocaust Remembrance: The Shapes of Memory*, ed. Geoffrey H. Hartman, (Oxford: Blackwell, 1994), 261.

<sup>50</sup> Maimonides, op. cit. V2. 6.7.

wicked individual, but of the just state, and indeed the justice or wickedness of the whole world.<sup>51</sup>

Yet<sup>52</sup> Levinas is deeply suspicious of any slipping from the individual to the communal level and time and again warns of the dangers involved when we fail to notice the movement away from the immediate ethical recognition evoked by the concrete other and towards a generalization. This move is particularly abhorrent to Levinas, as he links it with the ontological backdrop of totality that his entire oeuvre seeks to displace. It lies, for instance, at the heart of his critique of Hegel's integrative system that would see the State as the perfection and ultimate fruition of the same spirit that animates individuals.<sup>53</sup> Precisely because this type of movement to universal history or political thematization assimilates the individual, it is, for Levinas not a perfection, but a movement away from God and from justice.

He develops this critique explicitly in his reading of the Talmudic text concerning atonement, where he strenuously objects to the suggestion that God has the ultimate power to heal even the offences between men. For Levinas, this interpretation of the text reflects a contempt for the individual, for the 'tears and laughter of mortals' which here count for little against the universal, the principle or history. His alternative reading insists that the text teaches that the offended person must be approached, appeased, consoled and honored individually. Not only is he arguing that an act of God, the universal or the general is not sufficient, but that the very meaning of God lies in the attention to the individual: 'God is perhaps nothing but this permanent refusal of a history which would come to terms with our private tears'.<sup>54</sup> Indeed, throughout the body of his work he stresses the singularity and irreducible quality of the interlocutors in ethical speech, 'irreplaceable beings, unique in their genus, faces'.<sup>55</sup>

For Levinas, the political is precisely what brings about this integration of the individual into the whole, such that 'the independence of the separated being is lost, unrecognized and oppressed'.<sup>56</sup> Moreover, although he does not explicitly address the question of a political apology, he characterizes the State's tyranny

<sup>51</sup> *ibid.* V3.1.2.

<sup>52</sup> In this one sees the strong and acknowledged influence of Franz Rosenzweig on Levinas' thought. Cf. Rosenzweig, *The Start of Redemption*, translated by William Hallo, University of Notre Dame Press, 1985. The Start begins, with an obvious reference to Hegel, "All cognition of the All originates in death, in the fear of death. Philosophy takes upon itself to throw off the fear of things earthly, to rob death of its poisonous sting...", p.3.

<sup>53</sup> For example: "this substantial unity is an absolute unmoved end in itself, in which freedom comes into supreme right. On the other hand, this final end has supreme right against the individual, whose supreme duty is to be one with the state." Hegel, *Philosophy of Right*, *op. cit.* section 258.

<sup>54</sup> "Towards the Other", *op. cit.*, pp. 19-20.

<sup>55</sup> *Totality and Infinity*, *op. cit.*, p. 252.

<sup>56</sup> *Ibid.* p. 208.

precisely in discursive terms. Thus, whereas speech between individuals is the potential space of transformative freedom, once speech becomes political the 'the role of language would be to dissolve ipseity of individual consciousness ...to make it disappear into its own discourse, whereupon, having entered into the state, it could only undergo the judgment of history, rather than remain me, that is, judge that history'. His description of politics' judgment, pronounced *in absentia*, but using the now silent voices of the unique subjects as 'datum for investigation' is hauntingly reminiscent of the processes where testimonies of suffering are gathered as evidence of the systematic wrong for which an apology ought to be given.

All this would seem to point to the inevitable conclusion that for Levinas, the political apology can in no way effect the ethical transformation he located as unique to the apologetic act. On the contrary, it could only ever constitute a strategic intervention, designed to appease the victims and ease the conscience of the perpetrators, but ultimately just replicating the failure of recognition. Yet, his texts are not without ambiguity. In *Totality and Infinity*, for example, he points out that if we understand the state only in terms of its opacity to the individual voice, we overlook the way in which it also provides the structural framework in which practical freedom becomes possible.

*Interiority cannot replace universality. Freedom is not realized outside of political institutions, which open to it the access to fresh air necessary for its expansion, its respiration, and even, perhaps its spontaneous generation.*<sup>57</sup>.

Read contextually, one can interpret Levinas' strong condemnations of the tyranny of politics as an attempt to stave off Hegel's equally extreme position that ethics can be collapsed into politics, and to reassert the unique ethical relation in the face of the grand totalizing sweep. Indeed, in what is perhaps a less reactive moment, he qualifies what otherwise seems to be an absolute opposition between ethics and politics by noting that the direct contradiction arises 'if both these demands are taken to the extreme.'<sup>58</sup> He also recognizes (in a manner resonant of Berlin's notion of parallel though incompatible goods), that the political has its own justification serving human requirements, albeit one different to and perhaps incompatible with the ethical, where the latter is understood in pure terms. Certainly, Levinas urges ethics as first philosophy, but first philosophy does not exist as the sole philosophy and insisting that it should risks reducing Levinas' ethical project to dogma. In fact, it would be quite in keeping with Levinas' displacement of totalities to reject the idea that the universe of human value and motivation is ultimately a unified cosmos and abandon 'the notion of a final harmony in which all riddles are solved, all contradictions reconciled.'

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<sup>57</sup> *Totality and Infinity*, op. cit., p. 241.

<sup>58</sup> "Ethics and Politics" in *The Levinas Reader*, Sean Hand (ed.) (Oxford: Blackwell, 1989), 292.

<sup>59</sup> Isaiah Berlin, 'Two Concepts of Liberty', *Four Essays on Liberty*, (London: Oxford University Press, 1969), 238.

Building on this recognition that in the moments between the extremes of ethics and politics one might also recognize 'a politics that's ethically necessary', Levinas sets out in some detail what an ethical political community might look like.<sup>60</sup> It would be one that transcended the friend/enemy dichotomy, demanding neither expulsion nor assimilation of otherness, but rather allowing a 'fraternal mode of proximity' in which the different can be close and yet retain their resistance to a synthesis which would diminish the identity of one or the other. Interestingly, this is once again highly reminiscent of Arendt's argument that although forgiveness belongs to the realm of love and is thus, by definition anti-political, there is a political analogue of forgiveness in the relationship of civic respect. Although Levinas and Arendt seem to move in opposite directions in their judgments of the relative value of political and intimate relations, both identify the political as a safeguard against the dangerous infinity of love relations, which, self-satisfied and forgetful of the universe have no space for justice.

Still, given the critical work that the face of the other does in invoking the relation of respect that is enacted in apology, one is left wondering whether such an intimate process can be transposed onto the collective political sphere, and if so, how. Levinas gives us some indications that perhaps the transposition is possible, in so far as the face, as he uses it, need not be that literal bodily part, but can rather be an evocative image or metaphor that draws us to the suffering of the other. He quotes, for example from Vasili Grossman's *Life and Fate*:

*[She] had never thought that the human back could be so expressive, and could convey states of mind in such a penetrating way. Persons approaching the counter had a particular way of craning their neck and back, their raised shoulders with shoulder blades tense like springs, which seemed to cry, sob and scream.<sup>61</sup>*

One might speculate that a sufficient level of knowledge about the suffering of the other, the oppression of certain groups or the violations they had suffered could fulfil the role of the face and give rise to an ethical political response, albeit one which is not immediate to a concrete individual. The graphic and personal recollections of children removed from their mothers, the pleas of the grandmothers of the children of their disappeared children, the images of the sunken boned Holocaust survivors might all hold the place of the evocative face. In such cases, a collective apology could provide the mechanism of recognition, reaching across in respectful preservation of the irreversible truth of the experience of suffering. Such an apology would aim to transform those conditions of hostility and non-recognition which preclude peaceful relations, thus allowing the possibility of greater proximity, without insisting that the material conditions of the past and thus the truth be minimized or placed on a page turned for ever.

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<sup>60</sup> "Peace and Proximity" in *Basic Philosophical Writings*, *op. cit.*, p. 292.

<sup>61</sup> Grossman, as quoted in "Peace and Proximity" *op. cit.*, p. 169

Certainly such an apology represents an ideal - one whose purity would always be but a component of the political apology as enacted. Indeed, it may be that the transposition has an ethical cost, in the sense that some people may feel that their personal suffering and their own voices have been assimilated into an anonymous process. That ethical cost should not be overlooked - yet nor should it distract us from the reality that there may be other sorts of benefits, the ethically necessary politics referred to above. The apology might then represent this irreconcilable contradiction between ethically justifiable politics and politically naive strong ethics.

Where an actual apology is placed on this map will ultimately have to be judged by assessing the concrete situation. Thus, for example, to assess the extent to which an apology meets the ethical requirements that Levinas identifies, one would look not merely at the political speech act itself, but also at the narratives that have been circulating in the community and that surround the apology. Have the narratives of those who were violated informed the processes of public speech? Do those in whose name the apology is spoken experience themselves as implicated in its expression? Is the apology informed by an authentic confrontation with the experience of those who were violated and the responsibilities of the perpetrators?

### **Justifying the apology?**

At the outset, I noted the sudden and ubiquitous emergence of apology as a form of political action for dealing with the past. We are now in a position to see how, contrary to our usual cynicism about the proliferation of so many collective apologies, apologies on this scale may in fact be justified.

At one level, Levinas' idiosyncratic understanding of apology as the fundamental ethical stance before the other seems completely in keeping with such a wide proliferation of apologies. Yet, this in itself might lead us to conclude that his conception is far too general to speak to the specific type of apology in which we are interested. If I am always already responsible, if responsibility defines the structure of subjectivity to the point that I am even responsible for the other's responsibility, what meaning is left for apology as a specific intervention? One might imagine a society in which everyone is apologizing, to the point where the act loses all meaning. Yet this is surely not what Levinas has in mind.

It is clear from his Talmudic readings on guilt and repentance that Levinas maintains the importance of connecting apology and restitution back to specific violations or wrongful acts. Despite his complex map of time and responsibility, he does not muddy the line from a fault committed by my hand to my obligation to pay dues to the other. His polemic against a universal justice that would overlook the minutia of violation and damage is offered, in part to protect and preserve the sanctity of each act and the obligation to attend to each individually. Each fault exists individually and requires its own settlement.<sup>62</sup> Thus, when he

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<sup>62</sup> "Towards the Other", *op. cit.* p. 26.

pushes us towards a more generalized understanding of responsibility, it is never supposed to be at the expense of the specific.

He does, however also push us to a more generous or demanding understanding of responsibility for the specific. Throughout his work he connects the most horrendous crimes, Auschwitz, extermination, uncontrollable fire, back to the mundane forms of injustice that were initially ignored.<sup>63</sup> Because the causes of gross violation run back into all earlier forms of social injustice, so too there are multiple lines of responsibility into and out of such drastic events. The fact that the extent of a violation far exceeds the direct result of my own immediate action in no way provides me with grounds to plead my innocence.<sup>64</sup> The fact that I did not answer the call to come to the aid of the one who suffered, and did not attend to the social and economic conditions allowed the emergence of acute oppression, and thus I am also responsible and under an obligation to apologise. In fact, my recognition of the other's suffering and my direct response to that suffering is the condition of my entering into a relationship with the other which does not compound the fault by annihilating their distinctness and humanity. It was in this vein that Mick Dodson, the Aboriginal man who had headed the National Inquiry into the Forced Removal of Aboriginal children from their families asked, some months after the call for an apology:<sup>65</sup>

*Will we be the generation of Australians who go down in history as denying the truth that's been placed in our hands? Are we going to be the generation that will go down in history as being unable to face and amend the wrongs of our past? Are we going to be the generation that's recognised as being complicit in the ongoing dispossession of indigenous Australians? Or will we be the generation that insists that we move forward into the next century of our nation with honesty, with an acceptance of shame at the parts of our history that fill us with shame? And with courage - are we going to go forward with courage, with pride, and maturity, and above all with honour?*<sup>66</sup>

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<sup>63</sup> *Ibid.* p. 27 and "Damages Due to Fire" in *Nine Talmudic Readings*, *op. cit.* p. 193.

<sup>64</sup> This is elaborated in Jaspers' distinction between the direct form of responsibility that arises when I commit the wrongful act itself and the more indirect, but still very real forms of guilt that arise from my participation in the shared political moral space where violations occur. Jaspers, Karl *The Question of German Guilt*, translated by E. B. Ashton (New York: Capricorn Books 1961). See also Joel Feinberg, "Collective responsibility" in *Doing and Deserving: Essays in the Theory of Responsibility*, Princeton: Princeton University Press, 1970 and Larry May, *Sharing Responsibility* (Chicago: University of Chicago Press 1992).

<sup>65</sup> In making this link between Levinas' theoretical response to the Holocaust and other violations such as the forced removal of Aboriginal children, there is no intention to compare the atrocities. For the purposes of this analysis, the attributes that allow them to be brought under a common theoretical lens are first that the wrongs cannot be understood in purely legal terms but must reach out to the political culture and ethical environment in which they occurred and second that responsibility thereby lies beyond direct perpetrators.

<sup>66</sup> Michael Dodson, Speech at Southern Highlands Community Center, May 1997, available at <http://www.hinet.net.au/~sally/cultures/reconc4.htm>

This broader understanding of the link between ordinary citizens and acute violations speaks to the shifting narratives about responsibility and gross violations that have been emerging as nations all over the world face the historical violations committed in their name. In the face of systematic violations committed against particular groups, be they blacks, 'leftists' or Jews, we are beginning to see the inadequacy of theories and practices of responsibility that confine this attribution to the one who wielded the gun or led the child away. Moreover, now equipped with theories that articulate the link between identity, recognition and rights, we are increasingly able to make sense of how we are all implicated in the rules of inclusion and exclusion that underpin institutions of rights and their violation.

Certainly, extending the scope of apology presents a challenge to politics, a challenge that is evident in the resistance we still see to our collectively accepting responsibility. But we must remember that Levinas' is a project of radical ethics that would move us beyond the limits we tend to impose. By locating the infinity of ethical responsibility in the heart of consciousness, and not as an optional supplement, he is calling us to make our ethical responsibility a priority. Rather than assuming that our starting point should be the question: 'Why should I/we apologise?', Levinas would have us start with the assumption that we *should* apologise and then discern reasons for absolute innocence. Such a realignment would then allow us to reframe our approach to the question of when an apology is due and who is under an obligation to apologise. As the debate stands, apology always requires justification. As we would reframe it, the burden of proof would fall on those who would refuse an apology.

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