

KANT AND LÉVINAS ON THE PROBLEM OF THEODICY

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ABSTRACT : In his article of 1982 “The Useless Suffering” Lévinas writes that his interpretation of the story of Job in the *Old Testament* is in agreement with the reading offered by Kant in his essay of 1791 on “theodicy.” For the two authors indeed every attempt at showing that a divine justice is at work in the events of the world is doomed to fail, or more precisely: to be contradicted by the facts. The question of theodicy must on the contrary be addressed from a strictly moral point of view. And this question provides a special opportunity to stress the profound differences between Kant’s and Lévinas’ ethics: on the one hand, honesty with oneself, and on the other hand, care for the other.

KEYWORDS : Lévinas, Kant, theodicy, authenticity, care, care for the other

RÉSUMÉ : Dans son texte de 1982 « La souffrance inutile », Lévinas déclare que son interprétation de l’histoire de Job dans l’*Ancien Testament* va dans le sens de celle que Kant développe dans son opuscule de 1791 consacré à la « théodicée ». Pour les deux auteurs, en effet, toute tentative visant à démontrer qu’une justice divine est à l’œuvre au sein des événements du monde est vouée à l’échec, c’est-à-dire à un démenti par les faits. La question de la théodicée doit au contraire être envisagée selon eux d’un point de vue strictement moral. Or cette question nous fournit une occasion privilégiée pour signaler les différences profondes qui subsistent entre l’éthique kantienne et l’éthique lévinassienne : sincérité envers soi-même, d’une part, souci de l’autre, d’autre part.

MOTS-CLÉS : Lévinas, Kant, théodicée, éthique, sincérité, souci de l’autre

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In what follows, I would like to draw a parallel between Kant and Lévinas from the point of view of ethics. To be sure, my aim is not to demonstrate that both thinkers have much in common. We know how profoundly they differ. But there are nonetheless certain affinities between the two that enable us to establish what may be an interesting comparison. The theme that I have chosen is the problem of theodicy, present in both. In fact, Lévinas claims in one passage that their respective readings of the *Book of Job* in the *Old Testament* coincide in a large measure. This seems to me to be a relevant point of departure from which to compare their moral

philosophies. After all, the problem of theodicy, as it involves the questions of evil and of suffering, brings us, if not to the core of their respective ethics, at least to concerns of central importance to them both.

The passage in question is to be found in a footnote to an article by Lévinas, entitled “The Useless Suffering” dating from 1982. The text deals with the meaning that can be given to suffering, and, while explaining his position on theodicy, Lévinas touches upon the story of Job. Here is what he writes about Kant after having given his own (brief) interpretation of the story: “*This is more or less the reading that Kant gives of this book in his (very) extraordinary treatise of 1791 “On the Failure of All Philosophical Attempts in Theodicy” in which he demonstrates the theoretical weakness of the argumentation in favour of theodicy*”.¹ The fact that Lévinas seems to grant an exceptional importance to this treatise of Kant’s encourages us to further explore what both authors might have in common on this topic. It looks as though Lévinas had found in Kant a confirmation of some of his own views, at least up to a certain point. I will try to distinguish what they have in common and on what topics they differ.

We will proceed in four steps. First, I shall examine Kant’s criticism of the theoretical weaknesses of all attempts at a theodicy in his text of 1791. Secondly, I shall expose Lévinas’ sceptical assessment of the question of theodicy in light of the tragic events of the history of the twentieth century. My third section will be devoted to a confrontation of the two positions, trying to distinguish the points of disagreement as well as the points of agreement. For instance, both thinkers are in agreement as to Job’s honesty, especially when compared with the attitude of his so-called friends, who end up being guilty of flattery toward God. Now this is expressed in Kant’s text with the help of two concepts that will be the object of my final remarks, namely “conscience” and “lying”. These themes, introduced at the end of the text, are central to Kantian ethics in general and they may serve as examples to illustrate, in the last section, the distance that nevertheless separates Kant’s philosophical position from that of Lévinas. In other words, the way Kant treats these two themes will show us that he remains in the realm of traditional philosophy – as Lévinas depicts it – and from which the latter aims to distance himself. Besides the two articles already mentioned, I shall also refer to a review written by Lévinas in 1978 under the title “Transcendence and Evil”, of Philippe Nemo’s book, *Job and the Excess of Evil*.

¹ Kant, “On the Failure...” 1791, quoted in the Akademie Ausgabe (AK) VIII, 255-271. Lévinas, “La souffrance inutile”, in : *Entre nous. Essais sur le penser à l’autre*, Paris, Grasset et Fasquelle, 1991, (Paris, Le livre de poche, 2007) p. 110 note 1.

1. The impossibility of theodicy from a theoretical point of view

We must first introduce a few philological remarks concerning the term “theodicy”. As we know, this word is a neologism invented by Leibniz. It has however given rise to a certain confusion, as nowhere in his book entitled “Theodicy” does Leibniz actually define the term. We have to consult his correspondence to learn more about its definition. In a letter of 1710 to Burnet, for instance, Leibniz writes: “*these essays of theodicy, or of God’s justice*”² and in another dating from 1712 to Des Bosses, we find the following Latin expression employed by way of explication: “*doctrina de jure et justitia Dei*”³. According to these passages, the word is clearly related to the realm of right, and theodicy plainly means God’s justice. Now this is what Jacques Brunschwig calls the “prudent” definition, since there is in fact another one that can be found in Leibniz, this time designating a trial, or more precisely a trial in which God is accused and must be defended. This is the “audacious” definition present in Leibniz’ preface of his book: “*It is the cause of God that is pleaded*”.⁴

At the very beginning of his article, Kant clearly adopts the audacious conception of theodicy: “*Under the heading theodicy we understand the defence of the highest wisdom of the author of the world against the accusation levelled by reason on the basis of what is contrapurposive in the world.*”⁵ This definition is broader in the sense that it does not focus the attention exclusively on the theme of justice, of God’s justice. In fact, Kant includes in this trial three different aspects under which the cause of God can be examined. These three aspects provide the structure for his treatment of the problem of theodicy and correspond to the three properties attributed to God from a moral point of view. These features are familiar to us since they have already been introduced in the *Critique of Practical Reason*: God is conceived as the holy lawgiver, as the good ruler, and as the just judge.⁶ Correspondingly, the three features of God are holiness, goodness and justice. Now I would like to concentrate on this last aspect, namely justice, since it relates precisely to the meaning that Leibniz attaches to the word theodicy when he defines it in the prudent sense. In my opinion, it is important to distinguish, for instance,

² Quoted by J. Brunschwig in his Introduction to Leibniz’ *Essais de théodicée*, Paris, Garnier-Flammarion, 1969, p. 11.

³ Leibniz, *Die philosophischen Schriften*, II, ed. Gerhardt, reprint: Hildesheim/New York, Olms, 1996, p. 428.

⁴ Leibniz, *Essais de théodicée*, p. 39.

⁵ Kant, 1791, AK VIII, 255.

⁶ Kant, *Critique of Practical Reason*, AK V, 131.

God's goodness from his justice, because they refer to different problems: goodness is related to the question of the highest good, whereas justice is specifically related to the problem of theodicy.

This distinction might seem like hair-splitting at this stage, but the reason why I find it important enough to stress will become clear later on, when we come to Lévinas. In fact, we must distinguish the question of the hope for happiness on the part of the virtuous subject from the expectation that the evil person be punished for her misdeeds. The first question pertains to the highest good, that is, the hope for happiness corresponding to moral merit, while the second question is, strictly speaking, a matter of justice, of theodicy in the narrow sense. In the first case, happiness cannot be expected in a juridical sense: it can only come from God's goodness, as a favour that is not due to the virtuous subject, but is granted on the basis of good will. On the other hand, retribution proportionate to the wrongdoing of the subject is a juridical matter, as Kant himself makes clear in his article:

Hence the complaint about the lack of justice that can be seen in the fate faced by man in the world, is not directed against the fact that good people do not live happily, but rather against the fact that the wicked do not live unhappily. Because in a divine government even the best human being must not ground her wish for a happy life in the divine justice, but always on divine goodness.⁷

Happiness cannot be the object of a claim based on right (*Rechtsanspruch*), but rather a matter of goodness. It is a favour or, as Kant writes elsewhere, a *remuneratio gratuita*⁸ from God's part, the word *gratuita* reminding us here of the English "gratuity", "grace" or "gratis", namely of something that is not contractually due or specified by a law. On the other hand, the concept of a judge that would be indulgent in his decisions involves a contradiction, according to Kant: goodness does not come into consideration in matters of justice.

If we examine the sections of Kant's article that deal specifically with the question of God's justice, we notice that the defenders of divine justice begin from the presupposition that there has to be a fitting punishment for wrongful actions, proportionate to the severity of the offence. The proponents of theodicy proceed thereby to an "*interpretation of nature*" in order to discover manifestations of divine justice in it. Now it is not difficult for Kant to produce counterarguments to every justification given by them, so that in the end no convincing defence

⁷ Kant, 1791, AK VIII, 258 note.

⁸ Kant, *Metaphysics of Morals*, AK VI, 489.

of God's justice can be presented. For example, God's alleged advocates claim that even though misdeeds sometimes seem to remain unpunished, the remorse that plagues their author is to be considered as such as an appropriate retribution. To this, Kant replies that in order to have a bad conscience one must first be open to one's own conscience and must listen to its voice, which is not necessarily the case with bad persons. Furthermore, the defenders of theodicy argue that the state of misery in which the virtuous person finds herself must be interpreted as an incentive to morality. Kant does not disagree with this but he adds that if this moral person suffers without relief until the end of her life, then this is a clear case of injustice. And the same goes for the advocates of a future life that would restore the right balance between wrongdoing and punishment. According to Kant, this cannot count as a legitimate justification: from a theoretical point of view this presupposition is purely arbitrary. All of these justifications are therefore obviously flawed. In fact, this question has to do with knowledge, and it leads to a "speculative" discourse in the sense that the defenders are obliged to search for traces of God's will within the finality of nature, which is, on Kant's view, an impossible task. It is impossible, in fact, to establish a link between the purposiveness of nature, as an object of observation, and the practical idea of the divine moral purposiveness, because in order to establish this link the knowing subject would need to have access to the super-sensible. The finiteness of the human power of knowledge is such that nature often remains, as Kant writes, "*a closed book*". And this means that the trial must be abandoned once and for all. Nothing can be conclusively brought either for or against theodicy through this kind of interpretation of experience. This entails for Kant that the justice of God cannot be dogmatically dismissed neither: the non-existence of divine justice "*cannot be proven*".⁹ These questions are metaphysical, they are transcendent, and they therefore escape human knowledge.

The only way to make "sense"¹⁰ of the course of events in the world is by having recourse not to theoretical, but to practical reason. On Kant's view, it is morality that leads to faith; that is, to a God having the three moral properties enumerated above, and, among these, justice. It is not possible to understand the form of this justice because the ways of God are hidden from human knowledge. But morality is a solid basis for faith, even though divine justice is not easily detected in the world, because the moral subject remains obliged to submit herself to God's will,

⁹ Kant, 1791, AK VIII, 264.

¹⁰ Kant, 1791, AK VIII, 264.

which takes the form of a “*system of unconditional decrees*”.¹¹ Now this is precisely where Lévinas agrees with Kant in his assessment of theodicy in the *Book of Job*. An adequate faith in God’s justice first requires a moral conduct from the part of the subject. In other words, this moral subject must be honest enough to recognize that she cannot understand the divine plan. Honesty as a moral quality is a first requirement. Let us read Lévinas on the Kantian solution.

*Here is the conclusion of [Kant’s] way of interpreting what “this old and sacred book expresses allegorically» : “In this state of mind Job has proven that he did not ground his morality on faith, but rather faith on morality: in this case faith, weak as it may be, is however of an exclusively pure and authentic kind, that is, of the kind which grounds religion not on the expectation of favours but on conduct in life.”*¹²

In the fourth section of this presentation, it will become clearer why Kant stresses the importance of honesty, as a moral quality, in this context.

2. Lévinas : The obvious absence of any theodicy

The 1982 article, “The Useless Suffering”, which I intend to examine here, was published in the collection of essays entitled *Between Us*. For my present purpose, I shall focus my attention on the two middle sections of the text, namely “The Theodicy” and “The End of Theodicy”. The article begins with a few observations on pain and suffering from a phenomenological point of view. From the start, suffering is declared to be meaningless. It affects sensibility but not in the way normal sensations or sense data do, which have an informative content, like secondary qualities, for example. According to Lévinas, pain has to be understood as pure “adversity” so that sensibility in the experience of suffering discloses itself as pure “vulnerability”. It is an assault on subjectivity that is impossible to integrate into any form of synthesis. Not only does suffering have no meaning as such, but Lévinas further depicts it as “*the deepest articulation of absurdity*”.¹³

In these conditions, it is easy to understand how problematic it was for the philosophical tradition to integrate it into a coherent whole and to grant it a legitimate place. This is the topic of the section of the text dealing with “theodicy”. Lévinas begins with a brief mention of some explanations of suffering, namely the biological and the social justifications. From the point of

¹¹ Kant, 1791, AK VIII, 265.

¹² Lévinas, “La souffrance inutile”, p.110 note.

¹³ Lévinas, “La souffrance inutile”, p. 102.

view of biology, pain is interpreted as a useful signal indicating some kind of disorder in the organism. From the point of view of society, suffering may appear useful, as when, for instance, recourse to punishments and to different kinds of “taming” contributes to establishing and maintaining civil order. But on the whole Lévinas expresses dissatisfaction with these explanations, as they in no way speak to the point that pain has no meaning as such. He puts into question the retributions of the justice system in the form of externally imposed suffering, especially in view of the fact that existing political institutions are themselves never a guarantee against the outbreak of evil.

Coming more specifically to the theme of theodicy, Lévinas remarks that even though the word is an invention of Leibniz (1710), the strategy of making sense of pain and misery by referring to the super-sensible is at least as ancient as the *Old Testament*, for instance when the tragic fate of the people of Israel is envisaged as a consequence of its sins. Lévinas shows that theodicy has survived in different forms until the nineteenth century, in the ideologies of progress, for example. But according to him, the twentieth century has definitely put an end to this tradition. Is it still possible to endeavour to prove, on the model of theodicy, the “innocence” of God? Lévinas’s scepticism stems from the observation of massive facts in the history of the past century, massive facts of suffering “for nothing”. As was to be expected, he mentions the two World Wars, Hitlerism, Stalinism, Hiroshima, the Goulag and the genocides at Auschwitz and in Cambodia. And for him, the Holocaust has the status of a “paradigm” with respect to useless human suffering. He sees here a clear “disproportion” between the magnitude of pain observed and any attempt at theodicy. In order to illustrate the irrelevance of any form of theodicy here, he quotes the book of Emil Fackenheim, *The presence of God in History*¹⁴, to the effect that among the victims of the Holocaust there were more than a million children. In the following passage, Lévinas puts the model of theodicy that I have exposed (i.e. theodicy as literally the justice of God) to the test. In the juridical context of justice, pain can only be conceived as retribution for a crime or a fault. Now, given the innocence of the children involved in the massacre, the logic of theodicy proves to be totally out of place.

*Pain in its pure malignity, suffering for nothing. Pain makes impossible and horrible any talk and any thought that would explain it by the sins of those who have suffered or who have died.*¹⁵

¹⁴ Lévinas, “La souffrance inutile”, p. 108.

¹⁵ Lévinas, “La souffrance inutile”, p. 109.

The claim according to which an all-mighty judge would be there, behind the curtain of history, to re-establish the right balance, the exact proportion between fault and suffering is clearly not acceptable. There are no traces in this example of any such justice. On the contrary, the innocent are the ones who suffer.

This is not however Lévinas' final word on the topic of useless suffering. In fact, the article does not end with the section entitled "The End of Theodicy". It is followed by another one under the title "The Inter-human Order". Even though theodicy is definitely declared "impossible" with regard to the events of the past century, this model was nonetheless designed to make sense of the pain and misery of mankind. And it is not because Lévinas discards this model that he must renounce the search for meaning altogether. This search does not have to take the form of a rationalisation of suffering as a kind of calculus of crime and punishment.

Instead of considering suffering from a traditional metaphysical point of view, Lévinas envisages it from the standpoint of ethics. In other words, pain has a decisive relevance for ethics and this is the only way that it can acquire a certain significance. To be sure, the fact of suffering remains a pure "excess", it is "un-assumable", "un-integratable". The suffering of the other is "unjustifiable" as such. But suffering can become meaningful when it reaches me, in my sensibility, in my pure susceptibility. Once opened, subjectivity is likely to be pained by the suffering of the other. Pain then has a meaning when it takes the form of "com-*passion*", or, to use a word that we do not find in the text, of sym-*pathy*. The suffering of the I in response to the suffering of the other is therefore "*no useless suffering*"; it is what Lévinas calls a "just" suffering. My suffering is just even though the suffering of the other remains plainly unjustifiable. This is to say that Lévinas, after rejecting theodicy, intends, in his own way, to give pain an ethical meaning. In order to achieve this, we have to leave the realm of justice, of reciprocity and of strict equity. The relation to the other, as we know, is not a symmetrical one. What Lévinas has in mind is my "non-indifference" to the other, my openness to her suffering, and my readiness to show compassion and to provide help. Once again, this help is not something that is due, or that is stipulated by a contract of mutual assistance, as in civil society. The dimension that Lévinas opens here takes place before the social contract, so that the sympathy and the help provided spring from pure generosity, from goodness.

And here we manifestly leave the sphere of justice interpreted, as it is by Kant, as a strict balance, as a precise calculus. We have seen that the realm of goodness is distinct from that of justice. This is the reason why I wanted to concentrate on the strictly juridical dimension of theodicy: it is this model that proves totally inappropriate in the case of the Holocaust. Now, by insisting on the distress of the other who is calling for help, Lévinas introduces the dimension of goodness, but this time (as opposed to the problematic of the highest good) not at the divine level, but at the human level. It is not a mere slip of the tongue when Lévinas characterizes the help provided by the I to the other as “gratuitous”.¹⁶ In fact we find a similar use of the word in his review of Philippe Nemo’s book : there he speaks of a “gratuitous” service rendered to the other, of a “*service indifferent to reward*”.¹⁷ So this means that pain has a role to play in the Lévinassian “*human morality of goodness*”.¹⁸ The inter-human relation is based on openness and generosity, a relation that is not reciprocal. The pain that the Self experiences awakens it to the other.

While Lévinas does try to make sense of suffering from an ethical point of view, this does not mean that he wants to justify it, although, as we have seen, my suffering from the suffering of the other can be said to be “just”. From the moral standpoint, “*the attention to the suffering of the other*” becomes, for Lévinas, “*a supreme ethical principle*”.¹⁹ To be sure, the help required by the other does not come from God, but the proximity to the other in distress is in some way a proximity to God.

3. Kant and Lévinas: disagreement and affinities

It has become obvious that Lévinas does not take account of Kant’s prudent conclusion in the treatise to the effect that nothing can be established with certainty concerning theodicy on the basis of mere facts of experience. According to Kant, as we have seen, there is no way of proving or of refuting theodicy. Now Lévinas refuses the highly problematic recourse to the super-sensible or to a metaphysical finality of the Leibnizian sort. The above-mentioned events of the twentieth century are such that theodicy “*appears impossible*”. The facts are manifestly

¹⁶ Lévinas, “La souffrance inutile”, p. 112.

¹⁷ Lévinas, “Transcendance et mal” (1978), in : Philippe Nemo, *Job et l’excès du mal*, Paris, Albin Michel, 1999, p. 158 note, 162-163.

¹⁸ Lévinas, “La souffrance inutile”, p. 109.

¹⁹ Lévinas, “La souffrance inutile”, p. 104.

overwhelming with regard to the disproportion between suffering and innocence. For him, theodicy has effectively come to an end because the historical facts preclude its truth.

We have also noticed that both authors, after having rejected all recourse to the juridical model of theodicy, are led back to their respective ethics as the primary dimension. Now Kant, while remaining faithful to the moral vocation of man, cannot at this level discern any meaning in the events of the world, at least not in his text of 1791. Morality simply leads to rational faith in a God whose ways remain hidden from man and whose decrees are impossible to decrypt. On the other hand, it is not because Lévinas discards theodicy as a way for finding a meaning to suffering that he abandons the quest for meaning altogether. Ethics itself makes sense of pain, as we have seen, to the extent that it awakens, in an acute manner, my responsibility for the other. Leaving aside any claim to divine justice, my suffering in response to the pain of the other is nevertheless “just”. Suffering is thereby integrated into the ethical realm where it becomes meaningful as con-dolence.

If we now come to the points on which Kant and Lévinas agree, we would be well advised to come back to the footnote of “The Useless Suffering”, in which Lévinas claims that Kant’s interpretation of the story of Job seems to be close to his own. After what we have seen, it is no wonder that neither author can admit the reading that Job’s friends give of his situation. In fact, these friends defend a strong version of the theory of God’s justice, so that they can only conclude that the tragic situation in which Job finds himself is due to his own fault. Against all evidence, Job’s friends argue that if he is suffering it must be because he has sinned. Kant and Lévinas both refuse this interpretation, based as it is on a dogmatic use of theodicy. By the same token, they agree that the *Bible* admits of other possibilities than solely that of a retributive God. Job suffers, but he nevertheless rejects theodicy because he knows that he is innocent and that the pains he endures are undeserved. This means that the message of the story is to be sought elsewhere, namely in the fact that Job is able, despite everything, to remain moral and to keep his faith in God. In Kant’s view, the lesson of the story is that it is morality that leads to God, and not a prior belief in God that determines our conduct, because, in the latter case, we would tend to act in order to obtain favours from him instead of sedulously performing our moral duty. And Lévinas agrees with this reading.

Before coming to the fourth and final part of this presentation, I would like to make two remarks concerning Lévinas and his reading of the story of Job. The first one is philosophical,

and the second is philological. At the beginning of the footnote, Lévinas says, as this becomes evident with Job, that strict divine justice might very well be a leitmotiv in the Bible but that the text allows for other possibilities. “*We have said earlier that theodicy in the broad meaning of the term is justified by a certain reading of the Bible. It is obvious that another reading is possible...*”²⁰ Among the commentators, Philippe Nemo must certainly be counted among those who have put forward an alternative reading of the story of Job. Now, in his review of *Job and the Excess of Evil*, Lévinas points out that Nemo restricts the law of the *Old Testament* to a strictly juridical meaning, that is, to the exact balance between sins and retribution: “*The machine... is so perfectly tuned that it punishes only in a proportion corresponding exactly to the fault, never more and never less.*”²¹ The law that generates this kind of justice is characterized by Nemo as the law of the world. It consists in a simple “technique”, as he depicts it, designed to regulate human actions. But Lévinas finds this interpretation of the Law too restrictive. He argues that another meaning for this Law, besides that of a precise accounting, can be found in the *Bible*. For instance, considered as a moral law, the Law of the *Bible* can also be seen as a law of generosity and of goodness. In other words, this law can elicit “gratuitous” service. Let me quote the passage of his book review: “... *the moral of the Law would be for him [Nemo] only a technique to obtain rewards and to avoid punishments. We think that, primordially, ethics means obligation to the other, that it leads us to the Law and to gratuitous service, which is not a technical principle.*”²² What this means is that Lévinas considers it important to integrate the Law (with a capital L) into his ethics of suffering.

The philological remark still has to do with Philippe Nemo’s book, but it is a mere conjecture of mine. It could be argued, namely, that Lévinas learned more than he is ready to admit from Nemo’s book on the story of Job. We have seen that Lévinas claims that Job rejects the theodicy of his friends. But if we pay attention to a passage of *Otherwise than Being*, published four years before Nemo’s book, we are led to think that Lévinas at that time thought that Job shared his friends’ view of divine retribution. For instance, when Job complains that he is innocent and that his pains are undeserved, he in fact subscribes to the theodicy of his friends, even though he is revolted. In *Otherwise than Being*, Lévinas relates what the author of the story

²⁰ Lévinas, “La souffrance inutile”, p. 110 note 1.

²¹ Philippe Nemo, *Job et l’excès du mal*, p. 57.

²² Lévinas, “Transcendance et mal” (1978), in : Philippe Nemo, *Job et l’excès du mal*, Paris, Albin Michel, 1999, p. 158 note.

says of Job and he gives us to believe that he agrees with him: “*This is what the Scriptures criticize Job for. He could have explained his misfortunes if they had been the consequence of his faults. But he had never sought evil! His false friends think like him: in a meaningful world one cannot be held accountable when one has done nothing wrong. So Job must have forgotten his faults.*”²³ Be this as it may, it becomes clear in Philippe Nemo’s extensive interpretation that Job adheres only momentarily to the position of his friends, and that he distances himself from it towards the end of the story.²⁴

4. The Primacy of the juridical in Kant

If we now come back to Kant’s interpretation in his treatise, we notice that what is important for him in the *Book of Job* is not so much the arguments raised by both parties to the dispute, as Job’s and his friends’ moral characters.²⁵ And this gives him the opportunity to discuss quite extensively at the end of his text two elements that are of central importance to his moral theory: conscience and lying. He insists, for instance, on the fact that Job relies on his own conscience in order to claim his innocence. Job is depicted as a virtuous man who is totally honest with himself, so that he cannot concede his friends’ allegations of immorality. The other concept is the moral fault that consists in lying. This fault is committed by the so-called friends who defend the theory of divine justice against all evidence to the contrary, only out of a desire to please God. Because otherwise, if they considered that Job’s suffering was not merited, as it is really the case, then God’s action would look arbitrary. Hence Kant sees that the friends’ judgment is not disinterested. Their attitude toward God is base flattery and hypocrisy. In other words, they lie to God, which, in Kant’s view, is as absurd as it is ridiculous (*ungereimt*). Now since these two themes belonging to Kant’s ethics are introduced in the discussion, I would like to use them as a guiding thread to illustrate how this moral philosophy differs from Lévinas’ ethics of the Other.

Knowing that he is innocent, Job refuses to play his friends’ game by starting to tell lies about his own moral disposition. As Kant writes, all throughout his ordeal, Job remains true to

²³ Lévinas, *Autrement qu’être ou au-delà de l’essence*, Kluwer Academic, 1974 (Paris, Livre de poche, 1991), p. 194.

²⁴ Philippe Nemo, *Job et l’excès du mal*, p. 69, 108.

²⁵ See Johannes Brachtendorf, “Kants Theodizee-Aufsatz. Die Bedingungen des Gelingens philosophischer Theodizee”, *Kant-Studien*, 93, 2002, p. 57-83 ; Pascal David, *Job ou l’authentique Théodicée*, Paris, Bayard, 2005 ; Tal Steinbrecher, “La Théodicée réhabilitée ou Kant versus Elihu”, *Archives de Philosophie*, 70, 2007, p. 201-226.

himself, he remains “*gewissenhaft*”, that is, he turns inside himself and listens to the voice of his conscience. Now I would like to pay attention to the fact that in his treatise Kant compares the voice of moral conscience to that of a “judge”. And this is not a purely accidental metaphor, since it is amply exploited in the other Kantian texts on ethics, where conscience is systematically described as a kind of tribunal. This means that there is a place, according to Kant, for an internal tribunal that assesses the moral validity of a person’s conduct, in this case, Job’s. Hence, if, for Kant, a full-fledged trial involving God with the purpose of deciding whether he rules the world justly is not allowed, the moral subject, for his part, has the duty to appear in his own court. As such this metaphor does not raise any particular problems, but in view of the comparison I propose here with Lévinas, it is worth noting that Kant thus introduces the theme of justice into the core of his conception of the moral subject. I by no means intend to say that Kant confuses the doctrine of right with the doctrine of virtue; rather, I would like to draw attention to the significance of the juridical metaphor. To be sure, this metaphor is quite pervasive in the whole of Kant’s philosophy. We remember for instance the importance of the juridical vocabulary in the *Critique of Pure Reason*: the transcendental “deduction”, the “trial” of dogmatic reason, the “birth certificate” of the categories and so on. But in the particular case of Kant’s moral theory, the reference to the tribunal of conscience, although it is merely metaphoric, is certainly revealing with regard to Lévinas’ conception of justice. We know, for instance, that Lévinas clearly sees the necessity of justice, but in his eyes justice plays a part only at a later stage. At the level of principles, it comes after ethics as such, from which it differs in that justice implies the intervention of a “third party”, which means the end of the ‘face-to-face’ relation proper to ethics as such. When we reach the level of justice, we are placed in a situation where the relations between human beings become impersonal, and at the same time reciprocal, as opposed to the purely ethical relation in the Lévinassian sense, which is non-symmetric. Justice is the realm of the concept, the realm of the law, before which all humans are equal – and so likely to end up in indifference toward the other. These themes are well known. But let us now examine what they tell us about the workings of conscience, conceived as a tribunal.

What is remarkable in Kant’s description is that conscience represents, in fact, the ultimate sphere of intimacy of the subject, taken in its unicity. However the metaphor of the tribunal implies a differentiation within the moral personality: on many occasions, Kant does not hesitate to say that in addition to the defendant, a prosecutor and a defence attorney are also

present in the examination of each case. As for the “internal judge”, he is depicted as the neutral person within the confines of this subjectivity. He stands, as Kant argues, for the “*human being in general*”²⁶. He no doubt holds the place of what Lévinas calls the “third party”, putting an end to the ‘face-to-face’ and deciding in conformity with the law, the universal moral law. Now the moral subject, the accused, is expected to always act according to the law, to raise herself from the particularism of self-love to the universal, that is, to accept to become identical with herself as a rational being. We are here at the level of reason, of the concept. Hence Kant specifies that conscience is purely “intellectual”, having nothing to do with sensibility. It is the concept that renders identity possible; in the present case, the identity in question being the identity of the moral subject with itself as a rational being. Kant praises Job for remaining faithful to himself, for remaining true to his moral duty, authentic and sincere. This is a matter internal to the self, and therefore the tribunal of conscience is an internal one. In order to establish a contrast, we might mention a few definitions of sincerity given by Lévinas in a passage of *Otherwise than being*. It will come as no surprise that they are all directed toward the other and not toward the self. On the theme of sincerity, Lévinas says for example: “*one exposes oneself without reservations to the other*”; he speaks of “*pure transparency*” but of transparency in confessions or avowals; finally he describes sincerity as the “*fission of the ultimate substantiality of the I*”.²⁷

If we now come to our second theme, lying, it might be interesting to take notice of the reaction of both of our authors to the lie of which the friends of Job are guilty. Both reactions are expressed here as general considerations pertaining to ethics. Let us begin with Lévinas, who sees in the “*justification of the pain of the other*” (which is precisely what the friends of Job are doing) as the “*source of all immorality*”.²⁸ As was to be expected, Lévinas takes into consideration the consequences, he thinks of Job as victim, he thinks of the other. To him, this insincere attempt at justification is in itself a scandal; we have to put ourselves in Job’s place: suffering, and at the same time being falsely accused of deserving it! This is the ultimate sin behind the lie. Kant, for his part, expresses himself regarding the misdeed committed by the friends of Job, characterising it, like Lévinas, in general terms. As he writes in his treatise on theodicy, the “*gravest moral fault of human nature*” is “dishonesty” (*Unlauterkeit*). Once again, Kant’s moral argument is directed at the individual, at the acting subject. Not surprisingly, lying,

²⁶ Kant, *Metaphysics of Morals*, AK VI, 438.

²⁷ Lévinas, *Autrement qu’être ou au-delà de l’essence*, Kluwer Academic, 1974 (Paris, Livre de poche, 1991), p. 225.

²⁸ Lévinas, “La souffrance inutile”, p. 109.

according to Kant, is a misdeed that concerns primarily the one who commits it, not its victim. Lying is above all a personal fault. Therefore the action as such and its consequences are not taken into account. Kant is explicit on this point in his Doctrine of Virtue: from the point of view he adopts in this text, the consequences of the lie are not allowed to come into play, if only because they are sometimes good, despite the reprehensible character of the fact itself. From a purely moral point of view, the latter concerns only the individual. This is the reason why in § 9 of the *Metaphysics of Morals* (Doctrine of Virtue), lying is declared to be the “gravest offence” against the duties of man (as a moral being) “toward himself”.²⁹ “Toward himself” here means that lying is equivalent to the “renunciation to one’s own personality”, or to the “annihilation of one’s human dignity”. It is my moral personality as such that is put into question by the lie. And this is why Kant grants so much importance to the case of lying in his works on ethics. The integrity of the moral subject is what appears important to him, that is, her identity. How could a moral person accept to say something, knowing for herself that it is not true?

Given all this, it is no wonder that Kant sees an additional danger in a specific sort of lie, namely, what he calls the “internal lie”. This topic is dealt with in the treatise as well as in his *Metaphysics of Morals*. It is important to him because in this case the acting subject is likely to lose touch with herself, believing her own lies. Kant sees that this fault can become a second nature, making it all the easier to lie to others without compunction. It is not necessary here to go into the details of the internal lie: its structure is quite intricate and Kant even wonders if he would be able to explain exactly how such a self-directed deceptive act takes place. Its logical possibility is certainly difficult to understand, but Kant claims that its effective reality in life is well known to each of us. What is crucial for my purpose here is simply to stress the importance for Kant of the integrity of moral personality, a moral personality conceived in light of pure practical reason. The subject must be at one with herself. Now, while everything in Kantian ethics takes place *foro interno*, we might glance at Lévinas in this respect. What is the status of intimacy in his ethics? After his systematic criticism of the “Me” (with a capital M), which, in traditional ontology, represents sameness – is there something like an internal sphere remaining for Lévinas? I have found in *Otherwise than Being* a three word definition of what for him constitutes what he calls the “ultimate intimacy of subjectivity”, and it reads, not surprisingly, like this: “for-the-other”.

²⁹ Kant, *Metaphysics of Morals*, AK VI, 428.

It might be relevant to notice that, in the end, Kant does maintain a concept of theodicy after all, a concept that has nothing to do with science and knowledge, but rather with faith. According to him, a theodicy, properly understood, is a matter of faith. But we could ask: what is the relation between God's justice and faith? To answer this question it must be remembered that faith, for Kant, is rational faith. It is morality that leads to God. We thereby understand Kant's insistence on the right moral attitude in faith: honesty as opposed to duplicity. Kant even speaks of an "authentic" theodicy, which he distinguishes from the doctrinal one, based on theoretical ratiocinations³⁰. What matters here is sincerity and truthfulness. Not only does morality open up to religion, but the three predicates that define the God of Kant's religion of reason are "moral" predicates, as we have seen, namely the holiness of his legislation, the goodness of his government, and his justice as a judge. Maintaining a theodicy, for Kant, means to believe in the justice of God (as a constitutive property of his nature), even though or even *because* the finite subject cannot understand its workings. Rational faith implies that one defines God's properties, but also that one admits his existence. To be sure, God is pure transcendence, although for Kant it is not revealed but rather posited as a being by practical reason. Transcendence is posited as such.

In his review of Philippe Nemo's book, Lévinas begins with general considerations on Kant, whom he criticizes for not having maintained God at the level of a pure thought, of a pure idea, as was the case in the *Transcendental Dialectic*, and for having reified it as the object of a postulate of practical reason, that is, for having posited him as a being. We have seen on the other hand that there is, in the end, no theodicy in Lévinas. This theme nevertheless allows him to pay attention to the phenomenon of suffering, which from the start appears in its excessiveness and pushes us beyond the borders of our normal and well-ordered lives. Suffering unveils itself to the passive subject as a rupture of immanence, revealing at the same time the subject's vulnerability and original openness. If there has to be a meaning to suffering, if there has to be a justification of my suffering, it consists in the fact that suffering represents for Lévinas a privileged (although not chosen) access to transcendence, conceived as an encounter, not as a position.

³⁰ Kant, 1791, AK VI, 264, 267.