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## Detention and the dwelling: Lévinas and the refuge of the asylum seeker

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## Detention and the dwelling: Lévinas and the refuge of the asylum seeker

### Abstract

The Australian government introduced mandatory immigration detention in 1992 as a means of deterring 'unauthorised arrivals' from coming to these shores and it has since been supported and extended by successive federal governments. Whilst immigration detention only forms one component of Australia's Migration Act 1958 (Cth), it has attracted widespread attention in recent years as the federal government has turned increasingly towards modifications in the Act, arguably as a means of augmenting its capacity to exercise punitive control. Such modifications, aside from the introduction of mandatory detention, have included the introduction of offshore processing, whereby asylum seekers are dispatched to detention in remote locations whilst their claims are assessed. These are located on the island republic of Nauru, approximately 4000 kilometres from eastern Australia, and a naval base on Manus Island, an outpost of Papua New Guinea. Removing them physically from Australian territory minimises their access to community and legal support, and presumably acts as a warning to asylum seekers that any attempt to land on Australian soil without going through the proper channels is precarious. The offshore processing of claims, known as 'The Pacific Solution', is all the more distressing given the isolation of these locations, the lack of support and other resources at hand, and the often inhospitable landscape and climate. (Nauru, for example, after many years of intensive phosphate mining, resembles a barren lunar wasteland.) A number of detention centres on Australian soil were initially set up in similarly remote locations, mainly in the desert, where detainees have often spent years awaiting the processing of their claims, many miles from towns and communities, surrounded by dry, flat, landscapes.

## **Detention and the dwelling: Lévinas and the refuge of the asylum seeker**

**Claire Loughnan**

### **The absence of dwelling? The context of Australian immigration detention**

The Australian government introduced mandatory immigration detention in 1992 as a means of deterring ‘unauthorised arrivals’ from coming to these shores and it has since been supported and extended by successive federal governments. Whilst immigration detention only forms one component of Australia’s *Migration Act 1958* (Cth), it has attracted widespread attention in recent years as the federal government has turned increasingly towards modifications in the Act, arguably as a means of augmenting its capacity to exercise punitive control. Such modifications, aside from the introduction of mandatory detention, have included the introduction of offshore processing, whereby asylum seekers are dispatched to detention in remote locations whilst their claims are assessed. These are located on the island republic of Nauru, approximately 4000 kilometres from eastern Australia, and a naval base on Manus Island, an outpost of Papua New Guinea. Removing them physically from Australian territory minimises their access to community and legal support, and presumably acts as a warning to asylum seekers that any attempt to land on Australian soil without going through the proper channels is precarious. The offshore processing of claims, known

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as 'The Pacific Solution', is all the more distressing given the isolation of these locations, the lack of support and other resources at hand, and the often inhospitable landscape and climate. (Nauru, for example, after many years of intensive phosphate mining, resembles a barren lunar wasteland.) A number of detention centres on Australian soil were initially set up in similarly remote locations, mainly in the desert, where detainees have often spent years awaiting the processing of their claims, many miles from towns and communities, surrounded by dry, flat, landscapes.

Studies commissioned on the impact of detention attest to the long term mental health effects of this system.<sup>1</sup> Separation from family, and uncertainty about the future, accompanied by a feeling of helplessness in the face of punishment attributable to no crime except that of seeking refuge, have contributed to a sharp decline in health of many detainees. Whilst the number of those seeking refuge here is small, relative to the experience of many other Western nations, there appears to be a strongly held belief both within the government and the general community that effective government control at this level is essential if we are to maintain our way of life, and an orderly system of immigration processing. This is clearly reflected in government websites, as well as in public debate.<sup>2</sup> The fact that orderly processing, and waiting in 'immigration queues' is simply not an option for those seeking asylum, seems to escape notice. The exercise of ministerial control, and the manipulation of geography, and questions of legality, suggest a form of 'governmentality' at work, according to which the management and control of populations becomes engulfed by obsession with procedure, documentation, and performance indicators. The emphasis on proceduralism, and bureaucratic operations, enlarges the distance between detainees and the government. It not only demonstrates the neglect of responsibility, as documented by the Inquiries into the circumstances of the wrongful detention of both Cornelia Rau and Vivien Alvarez, two legal Australian citizens, who were mistakenly detained by the Department as 'illegal non-citizens', (and in one case, deported), but also an active withdrawal from that responsibility. Whilst there have been some important improvements

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made to the *Migration Act 1958* (Cth) which ameliorate conditions for detainees, such as placing all children within community detention, there remains considerable power for the minister under the Act to exercise control in a punitive fashion, and immigration detention remains one of the pillars of the legislation.<sup>3</sup> Clearly community detention provides a better alternative to isolation, yet the principle of detention remains. As at March 2007, there remain 617 people in immigration detention, with only a small number of these (67) in community detention. Surely an ethical response to immigration detention might demand an alternative solution.

It is to Emmanuel Lévinas that I turn as a way of exploring the ‘wrong’ of detention. There are, I believe, two central components of Lévinas’ work which speak directly to the wrong of immigration detention. And it is these which have arguably been developed, not just out of the context of his early philosophical thought, but also out of his own experience of ‘detention’ in a German prisoner of war camp. It is the ability to take refuge in the dwelling, to be able to go out into the world from the home, together with our capacity for enjoyment, and ‘love of life’ which inform with a material immediacy, an ethical argument against immigration detention. This article proposes that Lévinas’ own experience of incarceration has had an influence on his philosophy which warrants attention, and that this provides us with some important parallels which can then be drawn between the content of his work, and the basis for an objection to immigration detention. The article consists broadly of three parts, commencing with a brief elaboration of Lévinas’ ethical philosophy. I then seek to establish some descriptive parallels between his time in a prisoner of war camp, and the experience of asylum seekers within immigration detention in Australia. The final part of this article considers how his notion of ‘dwelling’ might be put to use in exploring the ethical implications of immigration detention. Hence this is an appropriative reading of Lévinas’ discussion of ‘dwelling’ in *Totality and Infinity* driven by the productive possibilities of such an appropriation to an understanding of the ‘wrong’ of detention. It does not address the feminist critique of his work on the dwelling in terms of

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the feminine, although some very fine work has been done on this aspect of 'dwelling'.<sup>4</sup> Neither does it set out to engage with Lévinas' later, and more sombre formulations around dwelling and enjoyment in *Otherwise Than Being*, but instead seeks to engage with the ethical possibilities afforded within his early discussion of dwelling. It is hoped that within this, there is something which is retrievable for this project. The point of my argument is, that it is not sufficient merely to focus on the ethics of the 'face to face' (primary though that concept is in Lévinasian ethics), but rather that we need to consider what it means to have a material experience of home. What does it mean 'to dwell', and what are the qualities found in 'dwelling' which might establish a condition of possibility for an ethical encounter?

The dwelling — to be within home, refuge. To dwell — to stop for a moment, reflect, recollect, remain. By dwelling Lévinas is not referring solely to a static place, a site as building or place, but to a process which enables the self to effect a retreat from it. He moves between using the term both as space and process, and act and thought. As space, it offers shelter from the elements, and a refuge from the horror of the 'there is', the horror of an interminable existence which weighs heavily upon us, and which we see expressed both in Lévinas' work, and in the language of detainees in Australian immigration detention. However, it is as process, or verb, that dwelling delivers its most meaningful aspect, as we shall see below. We see dwell defined as a 'delay, stay, stoppage', to dwell as to 'continue for a time in a place', 'reside' or, to 'keep one's attention fixed ... ponder, consider ... at length', and dwelling as both the action to dwell, as well as 'habitation, a place of residence' (Shorter Oxford Dictionary). Dwelling performs two functions then, as both place of refuge, and as contemplation. My recollection is the recollection of an intimacy, but this is an intimacy *with someone*. In dwelling, I am afforded refuge at the same time that I am reminded of my isolation. The door, and the interruption to my dwelling that it represents, is the path to my encounter with the other. The disruption, the 'knock at the door' is the moment at which we are presented with the face of the other. It contains the possibility by which we recognise the other, as other.

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### **Ethics is first philosophy**

Beyond all concern with the abstraction of being, and a preoccupation with my own subjectivity, a Lévinasian ethics is defined as the 'calling into question of the same ... We name this calling into question of my spontaneity by the presence of the Other ethics' (Lévinas 1969: 43). Leaving aside an analysis of the different 'categorisations' of otherness that Lévinas engages in,<sup>5</sup> when my own being is interrupted by the Other, this is the space, or the moment, of the ethical encounter. 'The strangeness of the Other, his irreducibility to the I, to my thoughts and possessions, is precisely accomplished as a calling into question of my spontaneity, as ethics' (Lévinas 1969: 43). Ethics here is firstly founded upon the fundamental recognition that the Other is never knowable to me in his or her entirety. Because of this, any attempt to subsume the Other within my own being (that is, to presume a knowledge of the other, and to consequently attempt to reduce the other to my own needs and demands) result in a form of violence to the integrity of the Other.

It is in the face to face relationship that Lévinas locates the foundation of ethics, in a responsibility towards, and for the other. As a humanising force, it draws us into an ethical relationship with the other. I would like to propose that this intersubjectivity is at least in part the product of the function of dwelling, with the effect that sociality becomes an important component of the ethical. The face to face ... the impossibility of avoiding one's responsibility in the face of the other ...

The means by which asylum seekers have been detained in Australia have served to diminish the possibility of the face to face encounter. Reflecting his position that the intersubjective relationship is characterised by affect, I intend to examine not so much the theoretical structure of his work, as to focus attention on his frequent references to the affective quality of life. There is a trace, I argue, of something in Lévinas which speaks to us about the experience of being incarcerated, of being detained, which lends itself to an important and ethical understanding of the experience of immigration detainees.<sup>6</sup> Much of this is found within Lévinas' discussion of 'dwelling', and it is this with which I am predominantly occupied.

### A 'subhuman life'

Emmanuel Lévinas was born in 1906 in Lithuania into a Jewish family, the eldest of three brothers. Lévinas' first language was Hebrew, and he spent a good part of his scholarly life as a Talmudic scholar. On becoming a French citizen in 1939, he joined the army and was soon after captured and sent to a German prisoner of war camp. He lived, he says, as something 'subhuman', unrecognised by his captors as worthy of engagement on a human level, and unable to have any contact with, or knowledge of, his family. His first major piece of work, *Existence and Existents* was prepared almost entirely during this period of incarceration. Whilst Lévinas was reluctant to discuss this experience, it is difficult to imagine that this failed to inform his later discussion on the idea of refuge, of dwelling, and enjoyment. Although there is a limited biographical account of this, we can find the clues to such an influence both in a short, two and a half page essay on the arrival of a dog at his camp, and within *Existence and Existents*.

The short essay, 'The Name of a Dog, or Natural Rights', published in a series of essays, *A Difficult Freedom*, suggests a desire for the 'joy of life', and for the other, as well as for a humanisation denied by his captors. He writes:

We were subhuman, a gang of apes. A small inner murmur, the strength and wretchedness of persecuted people, reminded us of our essence as thinking creatures, but we were no longer part of the world ... We were beings entrapped in their species, despite all their vocabulary, beings without language .... And then, about halfway through our long captivity, for a few short weeks ... a wandering dog entered our lives .... We called him Bobby ... He would appear at morning assembly and was waiting for us as we returned, jumping up and down and barking in delight. For him, there was no doubt that we were men (Lévinas 1990:153).

Imagining oneself in the camp, what would I yearn for? For freedom of course. But how is this freedom represented and what does it mean? Clearly any desire for freedom is in some way an expression of the desire for a 'normal' life, for community, *for the conditions in which I can be free*, a capacity for the sharing of 'sorrow and laughter', of food

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and labour, in which we engage in social relations which feed our desire for the other in the sense in which Lévinas describes. Enjoyment and a desire to share this with an-other, characterises sociality, which is marked by language. Through language I am called to response by the other. The greeting at the door is a call to account; it is like a reminder of my responsiveness to the needs of the other.

Life is not bare life — it comprises labour and activities which occupy existence, and nourish it: '[T]hings are always more than strictly necessary: they make up the grace of life. We live from our labour which ensures our subsistence; but we also live from our labour because it fills (delights or saddens life)' (Lévinas 1969: 112). This affective quality emerges poignantly from the pages of prose and poetry written by asylum seekers in Australian immigration detention.

Life is the sweet odour of the white jasmine  
The white jasmines are the freshness of life  
(Daniel Alikahari in Scott and Keneally 2004: 81).

This is what gladdens, what nourishes the self. In enjoyment, the self attaches meaning, develops a life which is human:

I wish I was seven ... busy with children's mischievousness, dancing, singing the childhood songs under the rain ... (Daniel Alikahari in Scott and Keneally 2004: 80).

A life of detention (that is, of being 'held back from' life), is a life which has ceased to flow from one instant to the next, held instead within an unremitting present, from which there is no escape. Might Lévinas have experienced both the desire to escape (*to* freedom), as well the need to retreat *from* his imprisonment — in some senses these amount to the same thing — to seek refuge in something, or someone, which might challenge the dehumanisation which he describes. The arrival of 'Bobby', the dog, who greets the prisoners each morning and evening with a friendly bark and demeanour, recognising them as 'men', is the arrival of a 'little goodness' (Clark 2006), which softens the lives of the inmates of the camp and reaffirms their humanity to them.

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In *Existence and Existents*, we see Lévinas preoccupied with questions of boredom, fatigue, indolence, insomnia, and most tellingly, with what he terms the '*il y a*', or the 'there is', which he likens to the horror of wakefulness of the night — the sense of nothing, yet something, which comes down upon us with an unbearable weight, the weight of Being. It is this horror which he later describes in *Totality and Infinity* as something from which the dwelling affords us a refuge.

Time within detention is without both a sense of limit, or movement. The accounts of many detainees in Australian immigration detention attest to time as being unremittingly punishing in its lack of distinction. One moment follows upon another but there is limited meaning attached to the flow of instants, of moments one after the other. 'There is a weariness of everything and everyone, and above all a weariness of oneself' which is a weariness of existence, and the burden of having to bear each day which arrives and passes without the 'essential levity of a smile, where existence is effected innocently, where it floats in fullness as though weightless ...' (Lévinas 2001: 11). In weariness, says Lévinas, 'existence is like the reminder of a commitment to exist' (Lévinas 2001: 12). The words of Adeeb Kamal Al Deen, an Iraqi journalist and poet now living in Queensland, reflect this weariness:

I got bored with the waiting and not waiting  
With advantage and disadvantage  
With friendship and enmity  
With the charity bread  
And the bread soaked in blood  
And the scent of meaning  
And the scent of meaninglessness ... (in Scott and Keneally 2004: 22).

Time is what wearies when life is a life detained *from*; time as a retreat which then invites the other, is diminished within immigration detention. This is not to say that there is no meaning, or no possibility at all for intersubjective relations. Within even the most appalling cases of human degradation, we sometimes still see that a 'little goodness' arrives to assert our human 'dignity'. However, the capacity to live a

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human life enriched by our encounters with others is clearly undermined, and even ‘paused indefinitely’ in immigration detention. This is not a pause which produces hospitality, but one which is marked by the absence of hospitality. ‘Time is my hours that search in vain for two good arms, two lips compact with warmth and blossoms’ (Adeeb Kamal Al Deen in Scott and Keneally 2004: 24). Time here is the search for the other, the desire for the other, which cannot be satisfied.

It is through my relation with the other that joy acquires meaning. Life is life *from something*. One is not simply in the world, but lives from it, is of the world. Work, habitat, activity — these are the things which produce joy in life.

Life is *love of life*, a relation with contents that are not my being but more dear than my being: thinking, eating, sleeping, reading, working, warming oneself in the sun ... these contents make up the worth of my life (Lévinas 1969: 112).

Even whilst Lévinas’ philosophy is critically hinged upon a challenge to the egoist enjoyment of being, his language nonetheless asserts a yearning for the affective dimension of life. This explains why, in *Totality and Infinity* he also states that the happy self is the self who desires the other. This is not desire in the conventional sense of the word, but desire as a grasping towards the other which can never be satisfied, as the other can never be possessed.

If in detention, one is so exposed to the overwhelming horror of being that there is no retreat from the world, then it would seem plausible that a possible condition for sociality and hence, ethics is absent. This condition is what Lévinas seems to suggest when he describes the requirement to retreat from the world, in order to ‘dwell’ or recollect, which ultimately is the recollection, in my isolation, of the other. For detainees, the absence of a place one can call home is also possibly the absence of one of the conditions of an ethical encounter, at least in the sense in which Lévinas describes it. This denial emerges out of the privileging of our own ‘dwelling’, as a way of countering the request for ‘home’ by the refugee.

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In looking at what Lévinas' idea of dwelling can contribute to an objection to immigration detention, it is apparent that there are several aspects of dwelling which his work illuminates, and which together help to compose the ethical structure of dwelling. These include, first, dwelling as something which is situated spatially, and offers refuge in a material way. Secondly, we see dwelling as providing the possibility for a pause in life, and for recollection through retreat. Finally, the notion of dwelling carries a social aspect. It is in enjoying refuge, (the spatial), that I am afforded a pause (temporality) to reflect upon a possible intimacy with an-other, which provides the ground for intersubjectivity (sociality) as a possible condition of the ethical.

It is of course arguable that in seeking refuge in my own dwelling, I do not respond to the other, that I close myself off, emerging only to engage in my own worldly pursuits, blind to the other. However, is this a life of 'sincerity', or a 'dwelling' of sincerity, as Lévinas uses this term in *Existence and Existents*? Adopting Heidegger's terminology for Lévinasian purposes, does support of immigration detention suggest that we dwell 'inauthentically'? What contribution does 'authentic' dwelling make to the possibilities of an ethical encounter, and how might we describe it?

### The spatial

Dwelling is most easily described initially, by Lévinas, as that which provides shelter from the elements. It is, in its most elemental form, a refuge from what he terms the 'there is'; the something which is neither something, nor nothing. This is the feeling of horror we experience in the dead of night, the awareness of something like an anonymous rustling. Dwelling provides a retreat. It is comfort, and rest from the labours of life.

Dwelling mirrors the inside and outside of the self, since there is an inwardness of the self, and also a going out to the world. The door of the home performs a dual function, both a closing off, and an openness, a retreat and welcome. The door is a critical aspect of the dwelling as

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space, for it is what invites the other. One of Lévinas' achievements in this discussion is to postulate that the retreat is also what enables the welcome, and he does this partly through his use of language, in which the retreat to recollection (of the self), is what enables the move towards a welcome.

However, if dwelling is also a retreat from the world, it is in that act of withdrawal, that recollection, or reflection is produced. Here, the spatial aspect also retreats, and dwelling's temporal aspect comes to the fore.

### The temporal

Lévinas proposes that it is through dwelling (or a *dwelling upon*), that a 'space' in time (that is, a pause), is created. In other words, when we retreat from the world of labour, we enter into dwelling not only as home, but as occasion for reflection and recollection. In this way, dwelling represents not so much place, as an opening to the other, which time for reflection potentially allows. Of course, we might readily admit that a retreat to our private domain does not automatically produce an ethical response in the sense that Lévinas describes. There is no guarantee that in our 'separation from the world', made material in our retreat to the home, there emerges a recollection which is a recollection of the other. Yet a closer examination of the terminology which Lévinas employs is revealing.

In speaking of dwelling as the site for recollection of the self, Lévinas has chosen his words carefully. In the act of 'dwelling upon' we experience a stopping (for a moment) before continuing on in life. But we see that Lévinas uses the term 'recueillement', to denote the term dwelling, which in the French brings a richness of meaning which is lost in the English translation. Lévinas makes this clear when he states that 'recollection refers to a welcome' (Lévinas 1969: 155), something which is amply drawn out by Thomas (2004) in her discussion of dwelling in Lévinas. For *recueillement*, meaning dwelling, also denotes a recollection, a re-gathering, if you like, of the self. This bears some

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direct relation to the English 'dwelling', insofar as it also points to a meditative, contemplative dimension of dwelling. But it is in the denotation of a re-collection, (a memory, and a re-gathering), that we see Lévinas using this to identify dwelling as a return of the separated self to the intimacy of the home. It is then, a re-gathering of the 'separated self'. This reveals that dwelling has an important temporal aspect, which opens the space for sociality, and language. Without this, the ethical encounter potentially founders. The temporal aspect of dwelling also transforms it from a having a purely spatial aspect, and endows it with a productive, ethical quality. Dwelling is more than just a home. If we look further into the use of 'recueillir' it takes us to 'recueillement' meaning prayer or meditation. Is the dwelling a 'site' for a meditation, or reflection upon the other?<sup>7</sup>

Dwelling as a 'pondering', suggests engagement in a reflexive moment, thereby evoking an introspection. Importantly, this reflexivity implies a *going back*, or at least, a stopping before going forward, and outwards; it is a pause. This suggests a certain interiority, a preoccupation with the self, or with something, or someone characterised by a withdrawal both to the act of dwelling and dwelling as thought. As residence, it provides shelter, and a face to the exterior world, but the welcome that it also entails is the product both of the 'door' or 'window' to the world that the dwelling displays, as well as the self who 'dwells upon' and in doing so, finds the other in her recollection.

## The social

It is significant that dwelling implies a pause, since where Lévinas speaks of time, he does so by saying that the other *is* time. The other is time because it is through recollection, having the time to recollect that we discover the other. But also because the other alerts us to infinity, to what is unknowable. Dwelling, as both site, and as engagement in reflection, is, according to Lévinas, what turns our thoughts to the other. In our retreat to dwelling we are reminded of our isolation. The intimacy of the home presupposes an intimacy with someone. The temporal aspect

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of dwelling is what causes us to pause, to stop to enjoy time with the other, as well as to engage in recollection. We are invited, by the 'knock at the door', to enjoy the other as a gift, to receive the other, to rest with her (Marsh 2005). In providing a pause, the dwelling, and the event of dwelling create a space for an encounter with the other, even whilst they imply a retreat, or withdrawal. An interruption, which Alford (2005) describes as the knock on the apartment door. What does the knock bring? Future? Distraction from the everydayness of my own life?

'Recollection refers to a welcome' (Lévinas 1969: 155). *Recueillir*, is drawn etymologically from the French 'accueil', or welcome, and so suggests an opening to the other even whilst it signifies a retreat (Thomas 2004). If we are able to conceive of dwelling as, in Lévinas' words, 'more than site, or architecture', but also as the means by which we encounter the other, then the function of dwelling is not so much a fixed place, but something which is intrinsically relational and social. 'The privileged role of the home does not consist in being the end of human activity but in being its conditions, and in this sense, its commencement' (Lévinas 1969: 152). So even whilst it provides shelter from the elements, it also creates an 'ambiguity of distance' in which the other is welcomed into our home. According to Lévinas, this distance is also a proximity, since it contains the promise of a welcome.

In effecting a retreat from the world, the self separates from the world. When we pause from our labours, and seek refuge in the home, we establish a distance from the world. This separation nonetheless produces the possibility for encounter since it is only through the recollection (the 'memory of *someone*') that separation instigates our thoughts turning to the other. This is what Lévinas means when he refers to the 'being at home with oneself'. It is the 'space', in which we are able both to seek refuge in the dwelling, and 'to dwell'. Dwelling therefore, is a crucial condition for the exercise of our humanity, for the pause in life which it allows is what enables the welcome of the other. Indeed, the welcome relies on this pause. The promise of hospitality is not present when we are engaged in our own enjoyment, at one with the world, not separated from it. We must be 'at home with ourselves' in

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order to offer a hospitality. Indeed, it is the happy self, says Lévinas, who desires the other.

Lévinas puts it in this way:

To exist henceforth means to dwell. To dwell is not the simple fact of the anonymous reality of a being cast into existence as a stone one casts behind oneself; it is a recollection, a coming to oneself, a retreat home with oneself as in a land of refuge, which answers to *a hospitality, an expectancy, a human welcome* (Lévinas 1969: 156, emphasis added).

The social aspect of dwelling is therefore critical. We might then read ‘authentic dwelling’ as dwelling which fosters an openness, a hospitality, and a possibility for a recollection of the other which then leads to the ethical. Without dwelling functioning in this way, the conditions of possibility for the ethical encounter might become more remote.

### Dwelling — a condition of the ethical encounter?

Whilst dwelling’s spatial aspect gives us shelter from the elements, it is its temporal and social aspects which give us the possibility for ethical relations. In withdrawing, or separating, from the world, we recollect ourselves, we ‘dwell upon’ the other. The very construction of the home, its doors and windows, presuppose an opening to the other which our reflection instigates. This opening, this hospitality afforded by the dwelling is the ethical moment. We see Lévinas reveal the importance of dwelling as a condition not merely for physical refuge, but as the indication of the beginning of a life, in other words as more than a tool, but as life itself:

The statement ‘a house is an implement for inhabiting’ is clearly false, and in *any case does not account for the exceptional place that home plays* in the life of a man in sedentary civilisation, the sovereignty it gives the so-called plain man (Lévinas 2001: 34, emphasis added).

Clearly, one of the implications of having a system of immigration detention is that we do not inhabit dwelling the way Lévinas describes, and consequently, that we are a nation of selves who are not ‘at home

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with themselves', or that we are, to the contrary, *too* at home with ourselves, and so much so that we do not effect a retreat from the world. We are instead, wholly engrossed in our own enjoyment. If this is the case, then we are clearly unable to offer the welcome which is required at the moment of the encounter with the other. We neither inhabit the gentleness of home, nor are able, or indeed willing, to offer it. And yet, it is within the practice of human welcome that we might more gently encounter the other, than by an assertion of our own enjoyment, which results in a 'shutting of the door'. Dwelling, as with eating and drinking, and being in the world, where we 'take shelter for the sake of taking shelter, we study to satisfy our curiosity, we take a walk for the walk', are not simply tools, but the expression of a desire which characterises a sincere and authentic life. When one must eat simply in order not to die however, the order of the world seems reversed, and 'unhinged' (Lévinas 2001: 35). Despite this, 'the condemned man still drinks his glass of rum. To call it everyday and condemn it as inauthentic is to fail to recognise the sincerity of hunger and thirst' (Lévinas 2001: 35).

We see parallels between these words, and those of Rahman Shiri:

In the morning I stayed in my bed and fantasised. I thought to myself 'What am I going to do after getting up?' I could go to work or go to the park for a bit of exercise and then have a shower, a big breakfast and a kiss from my girlfriend. I was enjoying my fantasies before reminding myself that in the solitaires of the Juliet prison of the Refugee Detention Centre dreaming is an unforgiveable crime. But that's not why I couldn't rise from the bed; I was waiting for the sound of the Chinese girl's laughter. I wanted to wake up to her noise because the sound of her laughter was so many things; it was love and freedom and kisses and a shower and a full breakfast and job and happiness and ... (in Scott and Keneally 2004: 73).

The issue for detainees is that they are locked into a situation which is not so much a retreat from the world, but a denial of the world, and hence a denial of the possibility of retreating from it. As suggested earlier, perhaps this represents a form of dwelling we might term 'inauthentic' dwelling. And how would authentic dwelling lead us to the ethical encounter, the possibility of which is presumably undermined in 'inauthentic dwelling'? Authentic dwelling is here defined in

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Lévinasian terms as the 'space' or 'moment' (seen as both thing and event), which produces the possibility of encounter with the other, and therefore contains an ethical dimension. As Derrida has noted, Lévinas' discussion in *Totality and Infinity* is an immense treatise on hospitality, and certainly this is clearly observed in Lévinas' discussion of dwelling, and of the face to face encounter.

This response to the other is effected within language, which is the mark of sociality, in which ethics emerges as essentially an intersubjective experience. Subjectivity is a hospitality which occurs as a 'welcoming of the other' (Lévinas 1969: 27). By contrast, it is proposed, those 'housed' within immigration detention are confined to a mode of 'dwelling' which limits the space for an ethical encounter. Firstly, detainees are denied access to the world, in the sense of being able to engage in life with meaning and purpose and enjoyment. Consequently, life within detention is not only a denial of this engagement, but of the possibility of a retreat from the world which Lévinas implies provides the basis for recollection, as this is what constitutes the welcome to the other. What is noteworthy about Lévinas's work is that in dwelling, as in other matters, such as proximity and negation, things are neither absolutely one thing or the other. Dwelling is not either open or closed, but performs both functions, signalling a withdrawal from the world even whilst it provides an opening to it. This is crucial to his ethics since it signals to us that even though there exist boundaries, these boundaries also allow an entry.

However, although we might accept the possibility that dwelling, seen as a sort of enclosure, also allows an opening, and even presupposes hospitality and welcome, it remains to be seen whether or not this possibility is automatically embraced firstly as a function of dwelling, and secondly as an ethical imperative. But clearly Lévinas' concept of dwelling is a challenge to that of dwelling as closed space. This might allow us to then discuss dwelling in terms of what constitutes 'authentic' and 'inauthentic' dwelling, the former being that which allows space, or time, for the ethical encounter to occur. 'To exist henceforth is to dwell,' Lévinas tells us (Lévinas 1969: 156). A hospitality is demanded

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of us by the stranger, the widow, the orphan. If 'authentic' dwelling provides us with the space, and time in which to encounter the other, then perhaps this is what we lack. Hassan Sabbagh, detained at Villawood detention centre, writes:

For how much longer do I have to be a stranger?  
I have no home,  
I am tired of movement,  
From area to area,  
From exile to exile.  
I came here to ask for a haven,  
To secure my family ...  
I am 58,  
My shoulders are heavy ... (in Scott and Keaneally 2004: 75).

What do we see resulting from the denial of joy, of hospitality, and the recollection of the self back to itself, which normally takes place in the world, but which is lost in detention? There is both a separation of detainees from the world, and the prevention of separation, and retreat to the dwelling, in the sense in which Lévinas outlines. The separated being looks to return to itself in the dwelling, says Lévinas, to recollect itself. That immigration detention represents a refusal to offer a welcome, as well as preventing the exercise of hospitality even within its own confines, gestures towards the urgency of the interruption to our dwelling, as a condition of the 'face to face'.

Additionally, the urgency of an ethical interruption to the law is made apparent when we consider detention as a form of distancing produced by immigration law. The poignancy of the writings of detainees evoke this sense of distance, of isolation, and uncertainty, which 'authentic dwelling' might instead overcome. Australia's immigration regime, and the law which supports it, diminishes the potential for a meaningful life which might otherwise be supported in dwelling 'authentically'. The 'search in vain for two good arms', for 'kisses' and 'a full breakfast' and a 'job' reflect a yearning for an intersubjective life

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which refuge, reflection and intimacy, as an intimacy *with someone*, supports. Immigration detention has been marked by a desire to avoid the face to face, not merely on a physical level, but also through the growing complexity of the Act, and its bureaucratic administration. The relationship between ethics and law might more appropriately be founded upon law as an expression of ethical reflection, a 're-gathering', if you like, of the source of law in the other, of an entry into sociality as marking the sphere of ethics. Law then, might become a site for the possibility of reflection upon ('dwelling upon') our obligation to the other, rather than the expression of our autonomous, isolated selves in the form of an 'anonymous law or judicial entity'.

## Notes

- 1 Human Rights and Equal Opportunity Commission 1998 'Those who've come across the Seas' *The report of the Commission's Inquiry into the detention of unauthorised arrivals* HREOC Canberra available at: [http://www.hreoc.gov.au/pdf/human\\_rights/asylum\\_seekers/h5\\_2\\_2.pdf](http://www.hreoc.gov.au/pdf/human_rights/asylum_seekers/h5_2_2.pdf) accessed 28 March 2007; Vic Health, *Promoting the Health and Well being of New Arrival Communities: Learnings and Promising Practices*, Victorian Health Promotion Foundation, Mental Health Promotion Plan, 1999-2002, available at [http://www.vichealth.vic.gov.au/assets/contentFiles/New\\_Arrivals.pdf](http://www.vichealth.vic.gov.au/assets/contentFiles/New_Arrivals.pdf) accessed 28 March 2007.
- 2 For a discussion of the coverage of immigration issues by journalists and in the public domain, see Crock M ed 1993 *Protection or Punishment: the detention of asylum seekers in Australia* The Federation Press Sydney. See also the Australian Government website <http://www.immi.gov.au/managing-australias-borders/compliance/staying-legally/dob-in-line.html> accessed 28 March 2007 and <http://www.immi.gov.au/managing-australias-borders/border-security/border.htm> accessed 28 March 2007.
- 3 For evidence of this in the Act, see ss 183 and 193-5 of the *Migration Act 1958* (Cth), prepared 23 February 2007.
- 4 Elisabeth Thomas' book 2004 *Lévinas: Justice, Ethics and the Human Beyond Being* Routledge London New York is an insightful account of Lévinas' work on dwelling, and provides a complex and original analysis

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of the feminine in dwelling. This is an alternative interpretation to that made by others, notably Luce Irigauy.

- 5 Lévinas alternates between the use of 'Other', suggesting a transcendent other, and 'other' as singular other — the widow, or orphan, for example. I do not attempt to clarify these distinctions, and have alternated similarly here, according to his own adoption of these terms made in the texts I have used.
- 6 Whilst an initial sense of the potency of a comparison between Lévinas' experience of incarceration, and the experience of immigration detention, emerged out of an engagement with his early work, *Existence and Existents*, my understanding of the importance of this parallel was enriched by a paper given by David Clark, at the University of Queensland in 2006, during the Lévinas Conference 'My "place in the sun": Lévinas Today'. David Clark also directed me to the story of 'Bobby' in 'The Name of a Dog or Natural Rights'.
- 7 I am indebted to the work of Elisabeth Thomas on the 'economy of dwelling' for an elucidation of the structure of dwelling, and for a nuanced account of the etymology of dwelling.

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- 1990 'The Name of a Dog, or Natural Rights' *Difficult Freedom* Athlone Press London

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### **Legislation**

*Migration Act* 1958 (Cth)