

JUSTICE IN PAUL RICOEUR'S PHILOSOPHY

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Abstract

According to Paul Ricoeur, the question "What is the just?" is interrelated with the question "Why be just?" which is in turn connected to "Who am I?" Ricoeur elaborates his conception of justice on the basis of his "little ethics," which is founded on his conception of narrative identity. According to him, justice is basically rooted in the dialectic tension between alterity and identity, which constitutes the self. His analysis of selfhood, from the most elementary level in semantic analysis onwards, shows that features of justice are reflected in the ontological-existential structure. It can be said that these features as a whole are characteristic of human existence, which is prone to perversion by evil. His analysis of the narrative provide the framework for a further analysis of the just in political, juridical and criminological fields.

Background

In Thailand, the study of justice or its counterpart, i.e. engagement against domination, largely draws upon the liberalist-socialist debate in the analytic tradition on the one hand, and upon Michael Foucault, the prophet of extremity of continental philosophy, on the other. This research fills in the gap with the study of justice according to Paul Ricoeur, one of the contemporary philosopher giants, who confesses the obsession in mediating polemics.

According to Ricoeur, the just finds its locus at the intersection of the horizontal and the vertical axes, i.e., consecutively, the dialogical constitution of the self and the hierarchical constitution of the moral qualifier predicates. The orthogonal figure is rooted in his philosophical anthropology that dialectically fabricates subjectivity with the themes of identity-alterity, and sameness-selfhood. Since the just is at the heart of the

crisscrossing that constitutes the self, its relation to the latter is inextricable. Questions thus arise as to how justice pervades the self and how the themes figure in the orthogonal axes and how these throw light on the understanding about justice.

This documentary research is a study of Paul Ricoeur's conception of justice in the context of his philosophical anthropology by mainly drawing on his *Oneself as Another* (Study 1-9) and *The Just*.

This research provides some complement to the body of literature employed in sociopolitical philosophy, especially on the issue of justice, which is now dominated by the liberalist and the Foucauldian trends. An alternative perspective is thus available together with the conceptual framework that is applicable beyond the political to the judicial and even criminological fields.

The results of the research focus upon the conceptual mapping of Ricoeur's concept of the just onto that of the self, whose ontological-existential structure is eventually and fully explicated with the concept of narrative identity. In the dialectical context of identity-alterity and sameness-selfhood, it will be seen how justice permeates our being and how the nature of our being throws light on that of the just.

Self and Justice

To demonstrate how the senses of the polysemic term, justice, permeates our being, it is best to examine Ricoeur's most elementary level of analyses of person, in his dialogue with the analytic tradition, undertaken to lay a foundation for the concept of narrative identity. Meanwhile, it is also shown how the theme of identity and alterity runs through all these analyses.

Semantic and Pragmatic Analyses of Person

The concept of person, as individual, is analyzed in semantic and pragmatic frameworks. Primarily concentrating on reference in space and time, the semantic framework inevitably treats the person as a referent, which implies in grammatical terms that the person is here understood as the third person. In the most fundamental level, the third person is just one among other entities that are likewise the objects of reference. Ostensibly designated by virtue of mere distinction against all others as background, these entities become individuals whose identity is thoroughly defined by alterity. The person is consequently not recognized as such, but as an individual among others.

The individualization makes it possible for anyone to make reference to an entity as a subject, which is a precondition for its description i.e. predication of the subject or, in other words, attribution of its properties. The nature of the particular referent is further delineated beyond mere alterity by the categories of properties attributable to specific kinds of entities. Following P. F. Strawsons, Ricoeur distinguishes properties into sets that are applicable to things and persons. However, a duality exists in case of the latter, which does not only consist of a 'soul' but also a body. Thus said, it follows that the individualized entities are further defined as things (or bodies) and/or persons.

Some features of justice, i.e. reciprocity and equality, are present in this analytical level. That is, entities are reciprocally defined by their mutual distinction. The predicates, moreover, are meaningful since they are part of language, whose rules are held in common. The predication also presupposes equality because different referents, if belonging to the same categories, are described with properties drawn from the common sets. This equality is made more evident when it is taken into account the personal

description that is an element contributing to the personal singularity, and yet is operated with common resource of predicates. To join Ricoeur's fruitful employment of the polysemy, I would also like to add that some trace of another sense of justice, lawfulness, can be observed when it is seen that people need to conform to the rule of language if they are to have successful communication. Thus, we may now conclude that the semantic analysis of person as a particular prefigures the permeation of justice in the ontological-existential structure.

Despite the insight into the ontological-existential nature, the semantic examination proves to be inadequate for the obvious reason that the person is more than an object of reference. Unlike the semantic framework, the pragmatic perspective rooted in the conversational context implicates the person not as the third, but as the first and second person who takes turn with his/her interlocutor designating him/herself, designating and being designated by his/her dialogical partner. With speech act theory, the pragmatic analysis seems to fulfill the conditions of personhood, which require agency. However, rather than the actor him/herself, the speech act is far more a matter of the act itself understood with reference not to the intention, but to the public rules, without which the author of discourse cannot even convey his intention through particular acts by utterance. After performed, in addition, the speech act becomes a publicly identifiable event reflecting itself rather than its actor. Since the act keeps relapsing into the event, the actor needs to make a continual effort of self-presence. Ricoeur calls this effort an act of the author anchoring him/herself to the linguistic event, which is in turn the result of the author's anchoring the language system to his/her concrete context.

The features of justice can likewise be traced in this level of analysis. The universality of the language system, including the rules governing speech acts, implies equality among the speakers of that language who are, *ceteris paribus*, entitled to the same linguistic resource. Not only does the language itself presupposes mutuality, the speech act that is actualized in the dialogical context, in which interlocutors take turn addressing and being addressed, also has as its precondition reciprocity, which foreshadows the characterization of the subject as the one who acts and suffers (i.e. is acted upon) on the ethical plane. The mark of 'lawfulness' also figures in the need to conform to the existing rules so as to perform speech acts. Moreover, apart from the actualization of general language system in a particular discourse, the theme of identity and alterity is properly present in the act of anchoring, in which the author of discourse so acts as to mark as his own the alienating linguistic event that is produced by him/herself. No less is the theme observed in the interlocutors reciprocally defined as subjects in the dialogue. Therefore, the question of self-identity, 'Who am I?' is partially answered, both in the semantic and the pragmatic levels, with this dialectics of identity and alterity-- in other words, the dialogical constitution.

Indeed, after the semantic and the pragmatic analyses of person as particular and before the explication of narrative identity, Ricoeur is engaged in semantic and pragmatic analyses of action. Although, for lack of space, the latter is not given consideration in this section, the analyses of person above suffice to demonstrate how inextricable the just is from our being.

Narrative Identity and Little Ethics

More of Ricoeur's genius in his play with words to disclose philosophical insights allows us to pick up where the former section has just left off. In his explication of self-identity, the first of the opposing identity-alterity poles has its senses delineated with the Latin terms, 'idem' and 'ipse.' The former means sameness, especially in the sense of identicalness through time, whereas the latter signifies selfhood understood mainly in the sense of self-constancy. It seems that the latter entails the former, and no need therefore exists that both are distinguished. Ricoeur asserts that it is so believed since both overlap in the usual case. Character-- whose continuation through time marks sameness and whose qualities define the self-- is just where they coincide. However, a case is there to demonstrate that selfhood exists without sameness. Promising is such exemplar, in which a person persists with his/her given words in the face of changes, external and internal, objective and subjective. This is evident since many do things despite themselves simply to keep their promises. Although self-identity comprises idem and ipse, paramount is the latter, whose role will be seen later in the narrative identity.

With double signification, the second of the opposing poles is not different. The senses of the alterity are mapped out in the contexts of relationship with others. To explicate this, it is worth returning to the pragmatic analysis. In the dialogical context, the obvious other is the interlocutor, who is equivalent to the peer in the more extended context of interpersonal relationship, friendship. Beyond the face-to-face circumstance, the other of another kind is referred to by the interlocutors in the same conversational setting as the third person that is analogous to 'anyone' in the institutional context. These senses are, of course, partial as the alterity may also signify something impersonal such as language, history, social institutions, or even the wholly Other, as P. S. Anderson

(1994) suggests. However, what binds these instances together is that people have them ‘in common.’ By this time, it is easy to see how the personal identity is related to the other in yet another way. That is, the alterity is the condition for the formation of subjectivity. For example, self-constancy disclosed in the act of promise keeping is not possible without the other to make a promise to. And, without language, the act of promising itself cannot be done either.

Ricoeur devises the notion of narrative identity to capture and mediate all these facets of the human self. Through narrative, life events-- diverse and at times discordant-- are rearranged and unified under a particular goal so as to create identicalness through time on the basis of self-constancy. This is how narrative plays its role in the formation of self-identity. Moreover, the narrative identity draws on the alterity in its different senses. Firstly, it is in response to the others that we maintain the self-constancy, preserve the commitment to the goal, or attest with action to the self formulated through narrative. In addition, the narration consists of a goal of life that can be loosely identified with ‘the good life,’ and a life plan that comprises practices, which together form the dynamics of the self that manages to adjust and maintain concord between them, and allows a coherence of narrative identity. Goals, plots and practices, elements of the project of existence, are not private but appropriated from the common resources such as history, life stories, and constitutive rules of practice. Like justice whose senses imply the mean, the narrative identity strikes the balance between idem and ipse on the one hand, and the specified and the unspecified other on the other hand. Indeed, the narrative identity can be said to provide the model for the just. In other words, the conception of the just is the extension of this model across Ricoeur’s meta-ethical articulation called ‘little ethics.’

The little ethics consists of three moments i.e. the good, the right, and the wise. The evaluation with the predicates, 'good' and 'bad,' is present in the selection of a goal that orients the life project, the narrative identity. The first teleological moment of aiming for the good life is therefore part of the self-identity formation-- to be more precise, part of our self. Without such thing as 'the good life' for everyone, each person needs to conceive it for him/herself, not in vacuum, but with the notions of the good defined by different social or institutional criteria. The good thus extends beyond the personal to the institutional sphere and so is equally available to all in the construction of their life project. The extension is beyond that as the realization of the good life is possible in the interpersonal context of solicitude and in the just institutions, which is why Ricoeur redefines 'the good life' as the one 'with and for others in the just institution.'

The second moment of the right, or the obligatory, enters the scene because the selected goal embedded in the life plan is carried out in the setting of interpersonal or social interaction where the power exercised in the effort towards the achievement leaves the others therein prone to domination and violation in various forms. Since the norms that dictate the right and wrong are so universalized as to be applicable to all, the implementation of these abstract rules can be too rigid to accommodate the very ground of morality, the good life.

The third moment of wisdom, phronesis or practical reason, becomes necessary at this point to mediate the good and the right. All the three vertically aligned thus form the hierarchical constitution of moral predicates, which completes the orthogonality together with the horizontal axis thoroughly explicated in the conception of narrative identity.

Politics, Judiciary and Justice

Ricoeur's elaboration of the just is based on the framework defined by the concepts of narrative identity and little ethics. The just in its different aspects, political and judicial, is delineated in relation to this framework. Ricoeur prefers 'the just' to 'justice' because his focus is not on institutions, but on the substantivized form of the quality predicated of action, person, or institution. One of his prominent approaches to justice is his adoption as the starting point the cry, "Unfair!" It can be heard in the interpersonal and the institutional contexts when particular persons receive less or take more than their due.

Apart from this question of equality, the remark of injustice may also arise in connection with the hierarchy of predicates. The question is not whether people have equal shares of social goods, but whether this or that is a social good or whether this or that should be allocated. It is not whether the laws are equally enforced, but whether such a strict and equal enforcement is appropriate or even whether the inevitable enforcement leaves something to remedy. It is not whether a policy or laws are from the legitimate processes and not whether the processes themselves are legitimate, but whether the rationales behind the processes are justified, especially from the perspective of the will to live together. Agents in charge of responding to these questions are either political or judicial, whose nature is explicated on the basis of the above exposition.

Narrative Identity and Politics

The narrative identity comprises a goal, a life plan, and practices. Although the goal is the horizon that gives meaning to our life, it is not crystal clear and flickering, which requires that a life plan to interpret and clarify it be designed on the basis of different practices, such as profession, family life and leisure, with their constitutive

rules. In the process of achieving the goal, the person needs to design and re-design the life plan either in relation to the goal through the reinterpreting process or in relation to the practices through the process in which practices are included and excluded on the basis of their suitability for the interpreted goal, their realizability and their contribution to the achievement. This is the dynamics, in which the person attests to his/her goal by anchoring this 'ideal life' to his/her real life. The goal can be generally described with the term, 'good life,' implemented within the normative framework that prevents violation. The implementation process as a whole can be characterized as the exercise of the practical wisdom. As said above, the effort to strike the balance within oneself and in relation to living with others has in it some trace of the meaning of justice.

With this as the model, it can be portrayed what the State is and what it is doing to remain just. The State, the city or the polis, is where the realization of good life is made possible. The State's ultimate goal is the will to live together i.e. to have the good life with and for others in the just institutions. Not only does it legitimize political power, this will also provide a background against which social or institutional arrangements are designed, especially through politics, to allocate benefits and burdens in the way considered to be just. The distributive structures are analogous to the life plan in that they are the result of the interpretation of the ideal (in this case, of how people should live together) and in the process of being adjusted in their implementation in order to achieve the ideal while accommodating to the reality that ever comprises conflicts due to disagreements about what is just, what should be included as social goods; and what social goods are to be structurally allocated and how. In the effort to become the just State where citizens achieve their good life, the dynamics of political activities that go

back and forth between the ideal and the real is governed by sociopolitical norms and requires exercises of practical wisdom to reinterpret the goal, apply and adjust the norms, develop and improve structural arrangements, manage conflicts on the basis of the will to live together, etc. Therefore, it can be said that justice characterizes both the end and the means of the State.

Practices and Spheres of Justice

A consideration on practices, an element in the narrative identity, will throw further light on the nature of political justice. The practices are different from the object of analysis for action theorists in the analytic tradition, the elementary actions such as hand raising and finger flicking. Teleologically defined, the practices cover sets of actions recognized as they are by virtue of the constitutive rules embedded in the practical contexts. For instance, different moves are understood as part of chess playing, not because of their own characteristics, but of the meanings conferred upon them by the rules of chess under the defined 'telos' of winning the game, which in turn figures in the larger practice of leisure. Similar actions are thus differently understood in different practical contexts. Ball handling, for example, is how players should do in the game of rugby; on the contrary, it is how players should avoid in soccer. Apart from their goals, the practices give normative standards that are used, not only in directing, but also in evaluating how well actions under their umbrella are performed.

Social goods, the target of structural allocation, are similar to the actions subordinate to the practices since they too are defined by constitutive rules in different 'spheres of justice,' the concept that Ricoeur adopts from Michael Walzer. With their own internal logic of justification, the spheres are irreducibly multiple. Examples are

commerce, education, family, and politics. The point is that the plurality must be recognized so that each sphere is not dominated by some of the others. In this age of consumerism, we have obvious instances of the interference by the commercial sphere into the others such as 'marketable programs' in education, and 'merits packages' in religion. The intrusion of justifying logic is deemed to be 'symbolic violence' for it acts upon and distorts the meaning of the good in the dominated sphere. Therefore, the cry, 'Unfair!', can also be heard when justifying logic from one sphere is dominating the logic in other spheres.

It is the politics that is responsible for keeping these spheres differentiated. However, since the politics is not only one among these spheres but also includes their notions of the good in its task of distributing benefits and burdens, this task of differentiation gives rise to what Ricoeur calls, 'political paradox.' We cannot go deeper into its details here but this contributes to a further understanding of justice in connection to the exercise of political power i.e. the politics' responsibility in preserving the just distance among spheres of the good while imposing limits on itself, the kind of responsibility that clearly requires practical wisdom.

The Judge and Dialogical Constitution

The figure of dialogical constitution with triangular link between the first, the second and the third persons can also be applied to elaborate the concept of justice in the judicial field. Embedded in the civil society, the judicial process is essentially to transform physical into verbal violence thanks for its provision for conflicting parties to be engaged in confrontation by arguments instead of force. In other words, it is to prevent what Ricoeur calls, "simulation of justice," in which a party filled with indignation seeks

justice for himself/herself by means of revenge. Even though the cry, "Unfair!" is important not only for the understanding about but also the pursuit of justice, it can lead to injustice when left unchecked. That is because the inflicted party may then employ a violent means and thereby makes the other party give more than his or her due. The conflicting parties are equivalent to the interlocutors, the first and the second persons in a conversational situation who have interpersonal contact while the judge occupies the place of the third person. However, it is complicated here. Although sharing the sense of 'neutrality,' the judge is not just 'anyone,' the faceless other, in the institutional context, but analogous to that context itself.

One characteristic of the institution, e.g. linguistic, is its provision of resource equally available for all. With authority drawn in the final analysis from the will to live together, the judge is to make sure this equality in different institutions is obtained. In maintaining the 'equality,' the judge not only has an obligation to ensure the deserved distribution of the good necessary in the quest for good life, but also restore reciprocity between conflicting parties by first giving them equal opportunity to speak for themselves. By doing so, the judge establishes a just distance between the two parties.

The permission for each to speak for him/herself signifies the term, 'due' (in 'to give each his/her due') on yet a deeper plane. That is, it is to confirm the recognition of them as the subject in the sense defined with narrative identity, the expressed power to choose and realize one's goal, share with and respond to the other, and attest to one's self-- in other words, as the human. The victim's status as the subject is reinstated when his or her voice, which was ignored in the time of violation, is now heard by all, including the criminal. Such status of the criminal is also recognized especially as the

author of action, the basis of self-esteem and self-respect. Whenever the criminal so recognizes him/herself, the capability for self-esteem and self-respect is thereby restored. And this should comprise the ultimate correctional goal.

Conclusion and Recommendations

It is clear from the above that, according to Ricoeur, the form of the just can be superimposed on the ontological-existential structure, i.e. narrative identity. Therefore, we can say, to the question, “Why be just?”, it can be replied, “Because we are just.” From this, a question follows, “If so, why can we be unjust?” The answer is, “We are perverted by evil.” As a result, the just is always prone to the unjust. This lays bare Ricoeur’s theological presuppositions, e.g. about the Creation and the Fall, although he wants to keep them apart from his philosophy. It is thus recommended that a further study be conducted to inquire into the significance of the concept of evil in Ricoeur’s conception of justice.

Ricoeur’s philosophy of justice interrelated with his philosophical anthropology is too comprehensive, profound and complicated to capture in a single paper or research. A bunch of analytical details, applicative elaborations and significant implications is inevitably left out. However, it is believed that, in this paper, a general orientation, or a map, is given as to how Ricoeur’s ontological-existential framework should be adopted in the approach to his analysis of the just and its instantiated forms, political and juridical.

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