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**TRANSFIGURACIJE  
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# PHAINOMENA

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## PHAINOMENA

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# JUSTICE, RIGHTS, AND THE LAW IN PAUL RICOEUR'S POLITICAL PHILOSOPHY

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## *Abstract*

The aim of my essay is to point out Paul Ricoeur's conception of justice as a crucial dimension of his political philosophy. A further emphasis is given to the term "subject of rights" and the term "law," which are tightly connected with Ricoeur's idea of justice and his conception of responsibility. In the following, the emphasis is laid on Ricoeur's notion of justice, embedded within the "little ethics [*petite éthique*]" of his book *Soi-même comme un autre* [*Oneself as Another*]. In several of his texts, Ricoeur deals, from

different points of view, with the heterogeneous character of the just. He is particularly interested in anthropological, ethical, legal, socio-political, and philosophical aspects of the just as a multifaceted phenomenon.

*Keywords:* justice, law, rights, ethics, subject.

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### **Pravičnost, pravice in pravo v politični filozofiji Paula Ricoeurja**

#### *Povzetek*

Cilj eseja je izpostavitve pojmovanja pravičnosti kot osrednje razsežnosti politične filozofije Paula Ricoeurja. Avtor posebno pozornost posveti tērminoma »subjekt pravic« in »pravo«, ki sta tesno povezana z Ricoeurjevo idejo pravičnosti in njegovim pojmom odgovornosti. Nadalje članek poudarja mišljenje pravičnosti, kakor ga Ricoeur razgrne znotraj »male etike [*petite éthique*]« v knjigi *Soi-même comme un autre* [*Sebe kot drugega*]. V mnogih svojih spisih se Ricoeur z različnih gledišč ukvarja s heterogenim značajem pravičnega. Predvsem ga zanimajo antropološki, etični, pravni, socio-politični in filozofski vidiki pravičnega kot večstranskega fenomena.

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*Ključne besede:* pravičnost, pravo, pravice, etika, subjekt.

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Justice as a dimension of an ethico-moral, juridical, and political problematic has its place within the entire spectrum of Ricoeur's practical philosophy and a special place within his political philosophy. Moreover, Ricoeur makes it clear that the question of the just is also to be placed within the field of theology. The theological dimension of the just is particularly brought out in his lecture *Amour et Justice* (2008) where Ricoeur shows the tension between love and justice, mediated by the golden rule, the commandment of love and mercy. In the following, it will be shown that Ricoeur's later engagement with politics and ethics, and therefore also with the phenomenon of the just, is embedded in his wide range of philosophical anthropology that has passed through a profound examination of hermeneutics and phenomenology.

Even if Ricoeur addresses the question of the just mainly in his later writings, his interest for this topic has emerged much earlier. As an important influence for his interest in the phenomenon of the just, in particular concerning the context of legal law, can be regarded his participation in a seminar about the philosophy of rights at the Paris Law Faculty. There, he was strongly influenced by Jean Carbonnier, a specialist of civil law, who taught at the Paris Law Faculty from 1955 till 1976 (cf. Dosse 2008, 605 f.). As another important influence can be regarded Ricoeur's participation in a seminar of legal philosophy at the Institut des hautes études sur la justice (IHEJ), at the beginning of the nineties of the 20<sup>th</sup> century, held by the lawyer and Secretary General of the IHEJ, Antoine Garapon, with whom he had an active exchange during the following years. Garapon inspired Ricoeur to a profound philosophical reflection on questions about the law, and it is during that time, at the beginning of the nineties, that Ricoeur situated the just between the two poles of the "legal" and the "good," between the norm in a deontological perspective, on the one hand, and the ethical orientation in a teleological perspective, on the other hand (cf. Dosse 2008, 607–608).<sup>1</sup> It is therefore Garapon's idea of a "just distance" originally developed against the background of judicial practice that Ricoeur estimates as a fruitful concept for a philosophical reflection about the application of law, but also concerning the context of politics. The will to install a "just distance" within a judicial or political context can help to prevent the collision between two different parties in conflict, and to do justice to both of them by giving them their "just place," which can be regarded as a kind of recognition of their

persons, guaranteed by the law or institutional settlements (cf. Ricoeur 1991, 192–193).<sup>2</sup>

### A hermeneutic phenomenological approach

178 As mentioned above, Ricoeur addresses the question of the just particularly in his later writings, when he had already developed his own phenomenology during the early fiftieth until the early sixtieth decades, as well as the theoretical fundamentals for his own philosophical hermeneutics during the 1960s via the critical passing through structuralism and psychoanalysis. Later, he applied and enlarged his hermeneutic approach to narrative theory (*Temps et récit*, 1983–1985), and integrated it into his theory of personal identity (“hermeneutics of the self” in *Soi-même comme un autre*; 1990) and history (*La mémoire, l’histoire, l’oubli*; 2000). In his writings about justice and the just as a phenomenon of many disciplines, he also prefers the hermeneutic approach, which is tightly linked to phenomenology. Relevant works concerning the topic of the just, the subject of the right, and the law can be found, as already mentioned, in his book *Soi-même comme un autre*, in a number of essays and lectures that are collected in the books *Lectures I: Autour du politique*, in the two volumes of the collection of essays *Le Juste, Tome 1 & 2*,<sup>3</sup> as well as in Ricoeur’s study titled *Parcours de la reconnaissance*,<sup>4</sup> in which he shows that political justice must finally lead to mutual recognition. His main interlocutors with regard to the question of the just are—among others—Rawls, Kant, Aristotle, Walzer, and Habermas, while his reference list is much larger—it also includes Garapon, Dworkin, Alexy, Atienza, and Arendt.

The idea of a hermeneutic phenomenology is already present in his early engagement with Husserl’s phenomenology. Ricoeur initially criticizes the pure phenomenology that does not sufficiently consider double meanings and symbols in language and culture in general. Such a hermeneutical method can complement phenomenology—in this context Ricoeur speaks of the “grafting of hermeneutics onto phenomenology [*la greffe de l’herméneutique sur la phénoménologie*]” (Ricoeur 1969, 9–10). In his essay “Existence et herméneutique,” included in the volume *Le conflit des interprétations*, Ricoeur explicates his method, which he distinguishes from Heidegger’s hermeneutic

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approach. According to Ricoeur, Heidegger's "short way" of an ontology of understanding directly refers to the description of being [*Sein*], but without explicitly considering the concrete historical and cultural preconditions. By contrast, Ricoeur's own "long way" of understanding aims to point out exactly these preconditions by taking the "detour" through language, symbols, and signs, in order to bring to light the sense of these carriers of meanings. By bringing together hermeneutics and phenomenology, Ricoeur aims to illuminate the "link between force and meaning" (1969, 9)—a task that demands to refer to life itself as a carrier of meanings.

### **Little ethics: anthropological foundation**

The first point of my investigation concerns Ricoeur's concept of justice as illustrated in his work *Soi-même comme un autre* within the context of his "little ethics" where he analyses the ethico-moral dimension of the selfhood. Ricoeur demonstrates that the ethical dimension of justice is grounded in the dialectic between self and otherness, which is constitutive of the structure of the self. The self is "summoned to responsibility" by the other, in the words of Levinas (cf. Ricoeur 1995b, 189). It is, therefore, this bodily anchored experience of passivity, induced by the modality of otherness, that gives rise to the question of the ethico-moral orientation of the acting subject. As Ricoeur puts it, the acting subject is determined by an "ethical intention" as that which "aims at the 'good life' with and for others, in just institutions" (Ricoeur 1995b, 172). It is within the third part of this ethical aim—the life in just institutions—that the dimension of justice is to be unfolded. Justice, therefore, has an anthropological and also an ontological foundation that refers to the basic structure of the self. In his introduction to his book *The Just*, Ricoeur himself speaks of the "rootedness of the idea of justice in the ground of philosophical anthropology" (2000, XVI).

This ethical orientation that has as its horizon the idea of the "good life" is primarily attached to the teleological perspective, which is by Ricoeur clearly separated from the deontological perspective. He analyses the teleological perspective by means of the Aristotelian ethics, the deontological perspective by means of Kant's moral philosophy. Although Ricoeur clearly separates

between ethics and morality by underlining the primacy of ethics over morality, he also states that the ethical demands the test of the norm.

### Teleological perspective

First, I will refer to the teleological view Ricoeur analyses in the seventh study of *Oneself as Another*. In the context of this teleological perspective, justice requires a triadic relation between the *I*, the *other*, and the *third*—whereby the latter is represented by the citizen. The citizen, in turn, is characterized by the idea of plurality: since I stand in relation to the citizen through the mediation of the institution and law, the relation never amounts to a face-to-face encounter. At this point, it is to be noted that Ricoeur’s idea of plurality, which underlies his notion of the third, strongly refers to Hannah Arendt’s concept of plurality unfolded in her work *The Human Condition*,<sup>5</sup> but also to Eric Weil. Eric Weil determines institutions as the genuine and primary structures of our “living together” in a historical community. Both—Ricoeur and Weil—insist on the necessary link between politics and morality, and both of them underline the genuine embeddedness of everyone in a historical community.<sup>6</sup>

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With regard to the third party in a socio-political community, Ricoeur speaks of the “everyone [*le chacun*]”, by which he does not mean an anonymous collective or mass.<sup>7</sup> In accordance with Aristotle, the term “equality” here plays the mediating role between the dialogical structure of the face-to-face encounter between the “I” and the “you”—who is the nearby—, and the triadic structure between the “I,” the “you,” and the “third party.” (cf. Ricoeur 2000, 8).<sup>8</sup> The dialogical structure is determined by arithmetical equality, which finds its expression in the concrete solicitude for the nearby, whereas the triadic

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5 Ricoeur met Hannah Arendt in Chicago, where he taught from 1970 to 1985 at the University of Chicago. Ricoeur was very interested in the work of Arendt, there can be found many references to her in his own political writings. Ricoeur also wrote a critical introduction for the French edition of *The Human Condition* (see the 1983 essay “Préface à Hannah Arendt, *Condition de l’homme moderne*” in Ricoeur 1991, 43–66).

6 Cf. Deweer 2013, 37.

7 See the essay “Who is the Subject of Rights?” in Ricoeur 2000, 1–10.

8 See also Ricoeur 1995b, 195.

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structure is based on proportional equality. The sense for proportional equality constitutes itself in particular on the basis of the experience of injustice, and appears in the form of protest—the cry “Unfair!”—as Ricoeur puts it in his essay “The Act of Judging” (Ricoeur 2000, 131). Justice, in that sense, can, therefore, be considered as an extension of solicitude that refers to the political plane. But the “call for justice” and its underlying “sense of justice” are not sufficient for the formation of a political institution. This demands a concrete, moral rule of justice that transforms the ethical sense of justice into binding and enduring forms of legality (cf. Ricoeur 1995b, 203 f.). Ricoeur emphasizes that justice as a social virtue, in the words of Rawls, with its two aspects—the good and the legal—, therefore, plays a moderating role between ethics and morality, and also between the ethical and the political domain. In this context, I would like to refer to Ricoeur’s article “Le juste entre le légal et le bon” (1991). In the essay, Ricoeur points out that within a teleological perspective the just appears as a kind of “excellence,” which is to be understood in the sense of the highest *telos*—the good—in ancient Greek philosophy. So, the just as the actualization of the capacities of the acting subject within a teleological perspective appears as a virtue. Albeit within the deontological perspective, the just tends towards the legal with its character of obligation. In this context, the just demands rules of distribution that are binding (cf. Ricoeur 1991, 180).

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But, as Ricoeur makes it clear in his following analysis, the step from ethics to politics is the crucial and most vulnerable point with regard to the constitution of political institutions: the original power as the “power in-common” transforms into the power *over* someone that is based on the distinction between the ruler and the ruled. These two aspects designate the ambivalent and paradoxical character of political power, as Ricoeur already demonstrated in his earlier article “The Political Paradox” (in Ricoeur 1965, 247–270). There, he pointed out the ambiguous or paradoxical character of politics that consists, on the one hand, of the so-called “horizontal plane” based on the ethical wish of a historical community to live together, and, on the other hand, of the necessity for this community to accept an authority—the so-called “vertical plane” as the concrete institutional realization of this common power, which is always linked to the threat of

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forms of domination and violence.<sup>9</sup> Another central feature of Ricoeur's political thought is the historical character of the political, which is closely linked to the paradoxical character. Every establishment of ruling and ruled parts is not forever, and the claim for universal validity with regard to the political is in the end conditioned and limited by its special historical context.<sup>10</sup>

At this point, I would like to mention that the idea of political power, which is not only associated with force, domination, and violence, but is primarily grounded on a common will to live together, is strongly influenced by Arendt's concept of plural power.

### **Deontological perspective**

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In eighth study of *Oneself as Another*, Ricoeur analyzes the deontological perspective in light of the ethical aim to live a good life with others in just institution. By referring to Kant's formalism and Rawls' procedural theory of justice, Ricoeur demonstrates the limits of the deontological view that is determined by the obligatory character of the norm. Within the deontological perspective, first the question arises: how does the step take place from the ethical sense of justice to a "rule" of justice in the Kantian sense or a "principle" in the sense of Rawls (cf. Ricoeur 1995b, 207 and 227). It is, in the end, the Aristotelian idea of "just distribution" that is placed at the intersection of the ethical aims and the deontological perspective. Ricoeur first refers to Kant's deontological moral philosophy before facing the problematic of justice as presented by John Rawls' contractualist theory of justice (cf. Ricoeur 1995b, 204 f.). Such a detour is necessary, because, in the words of Ricoeur:

[...] one only ever enters the moral problematic of justice if one has first taken account of the demand for universalization for the sake of which the self strives for autonomy and also if one has acknowledged, at the very heart of one's relationship with the other person, the universal measure which means that what I respect in the other is his humanity.

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9 See Ricoeur 2000, 8. Cf. also Ricoeur 1995b, 194 f.

10 See Dauenhauer 1998, 1–2.

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Justice [...] forms a homogenous unit with the autonomy of the self and the respect for humanity in my personhood and in that of all others. (Ricoeur 2013, 19–20)

It is worth reflecting at this point upon Ricoeur's critical engagement with John Rawls. Although Rawls determines justice as the first virtue within the political institutions, he clearly separates it from any idea of the good. Rawls' *Theory of Justice* tries to give a pure procedural solution to the question of the just. It does this by characterizing the procedure of deliberation as a situation of fairness that should lead to the choice of those principles of justice recommended by him, whereas justice designates the content of the chosen principles.

But, for Ricoeur, the principles within Rawls' deontological approach remain in the end a-historical and abstract. He poses the rhetorical question: "to what extent an 'ahistorical' pact [the procedure of the contract] can be binding on a 'historical' society?" (Ricoeur 1995b, 236). At the end of this eighth study in *Oneself as Another*, Ricoeur asks whether the fiction of the pact is a "fiction intended to compensate for forgetting the foundation of deontology in *the desire to live well with and for others in just institutions?*" (ibid., 239). Here, Ricoeur expresses his conviction that the idea of justice within a deontological perspective cannot totally be detached from the idea of a common good, which is always linked to historical preconditions. But he generally recognizes that Rawls' maximin principle does not sacrifice a minority for the greater good as does the utilitarian conception of justice—his principle is, thus, reminiscent of the second formulation of the Kantian categorical imperative (in the *Groundwork of the Metaphysics of Morals*): act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.

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### **Aporias of the norm, practical wisdom**

Now, I would like to refer to a further problem with regard to the norm. Ricoeur emphasizes that the pure application of a rule can lead to aporetic

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situations as illustrated in Sophocles' tragedy *Antigone*. Ricoeur refers to it at the beginning of his ninth study of *Oneself as Another*—he calls it “Interlude”—entitled “Tragic Action.” In the *Antigone*, we have a collision of two different ideas of justice that brings about an aporia regarding morals. Such an instance of moral dilemma demands a reference to ethics again, since it is more suited to finding a solution for a concrete situation than the application of a universalizing norm, which does not consider the concrete, given case. Within this reference back to ethics, it is the application of practical wisdom, in the sense of the Aristotelian *phronesis*, that can lead us out of the aporias of moral principles. For Ricoeur, the Aristotelian concept of *phronesis* finds its equivalent in the moral judgement in situation that proceeds in Western democracies from free elections (cf. 1995b, 258). The place where this moral judgement in situation, mediated by practical wisdom, is exercised can be found in Hegel's concept of *Sittlichkeit*—the actual and concrete morality. The *Sittlichkeit*, as Ricoeur puts it, is the “hierarchy of institutional mediations through which practical wisdom must pass if justice is truly to deserve the name of fairness” (Ricoeur 1995b, 250). Ricoeur rejects the metaphysical foundation of the Hegelian concept of *Sittlichkeit*, which is based on the presupposition that *Sittlichkeit* is defined as the place of the figures of the “objective spirit” (cf. Ricoeur 1995b, 254). But what Ricoeur does take over from Hegel's concept, is the presupposition “that it was only in a specific institutional milieu that the capacities and predispositions that distinguish human action can blossom [...]” (Ricoeur 1995b, 254).

### **Ricoeur's “ethics of argumentation”**

At the end of his “little ethics,” Ricoeur proposes the concept of a new formulation of an “ethics of argumentation,” showing a strong reverence for Habermas. In his ethics of argumentation, Ricoeur rejects the Kantian purification that seeks to purify moral arguments from any kind of inclination, lust, and desire. Ricoeur's conception of discourse ethics also rejects the tendency of purification in Habermas' discourse ethics that is directed at anything conventional. Instead, Ricoeur proposes a dialectic between argumentation and conviction that seeks not a theoretical solution, but a practical solution

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of the moral contextual judgement. This sort of discourse ethics is far from amounting to a formulation of a new theory of justice. Instead, it must be regarded as a discursive approach towards the diverse phenomena of the just that allows for an integration of the teleological and deontological views, as well as the integration of universalist and contextual positions with regard to the idea of justice.

### **Subjects of rights**

Having gone over Ricoeur's "little ethics," I would now like to turn to the terms "capable men" and "subject of rights," which are bound to some juridical as well as some anthropological aspects with regard to the just. In his already cited lecture titled "Who is the subject of rights?" (published in *The Just*, vol. I), Ricoeur shows that the idea of capacity (capability) is fundamental with regard to the just. As justice is closely linked to the term "responsibility," the subject, who acts according to the law and seeks a good life in just institutions, can be determined as a capable subject: through the capacity of assuming responsibility for his or her actions, the self appears as a subject of imputation that posits itself as the author of its own deeds. This capacity of imputation or attestation is embedded within a wider range of capacities, included under the expression "phenomenology of the capable men." This phenomenology of the capable men that Ricoeur began to develop in his book *Oneself as Another* includes the capacities to speak, to act, to recount, to take responsibility, and, later, to memorize and to forgive. The examination of all these aspects of the capable self should lead in the end to an answer to the question: who is the subject—the question of the personal identity of an acting subject.

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The capacity to act in combination with the capacity of attestation is in Ricoeur's eyes fundamentally significant "for the subsequent assignments of rights and duties" (Ricoeur 2000, 3). The capable subject as a subject of imputation is tightly linked to ethical and moral predicates, to the idea of the *good* and *obligation*. These ethical and moral predicates result from our capacity to judge or to evaluate our actions, and those of others, as good or bad. This self-evaluation refers directly to the field of self-esteem and self-respect. We esteem ourselves capable of esteeming our own actions, we respect ourselves

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in that we are capable of impartially judging our own actions. Only a subject who is capable of evaluating his own actions can appraise himself, while the appraisal refers to the dimensions of self-esteem and self-respect, which define the ethical and moral dimension of selfhood.

### **From the capable subject to the subject of rights**

The step from the capable subject to the veritable subject of rights requires for an actualization of its capacities. For this purpose, there is a need for mediation between interpersonal forms of otherness and those of institutional forms. Ricoeur speaks not only of a “mediation of the other in general, but of a division within otherness itself into interpersonal and institutional otherness” (Ricoeur 2000, 5). The way to the institutional level, where the capable subject appears as a subject of rights, which is provided with real powers and rights, leads from an I–thou-dialogue, characteristic of the relation between individuals, to the relationship between me and a third party of an institution.

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Only the relation to the third, situated in the background of the relation to the Thou, gives us a basis for the institutional mediation required by the constitution of a real subjects of rights—in other words, of a citizen. (Ibid., 5)

In this context, for Ricoeur, politics is “the setting par excellence for the achievement of human potentialities” (ibid., 8).

The subject of rights is, therefore, a subject that has gone through the actualization of capacities and which is placed within the public place. It is a human subject that has reached the juridical level and that is ready to recognize the other person as a capable subject of rights.

This view is quite different from the liberal individualism that considers the individual as an accomplished bearer of certain right from the beginning, without institutional mediation. Ricoeur himself is nearer to a different liberal tradition—to that of civic liberalism, which considers also the role of institutions with regard to the development of individual capabilities.

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## Law and legal system

Now, I would like to refer to the term “law.” The place of the just—in the metaphorical sense—within the law and the legal system is a crucial theme in Ricoeur’s later engagement with the phenomenon of the just (above all, the books *The Just* and *Reflections on the Just* are worth mentioning in this regard). The question with regard to the just—how can an unfair situation be stopped by a just solution—is the central issue of the judge at the end of a trial process, induced by the verdict. The verdict represents the end of a series of arguments, which arise from a situation of uncertainty at the opening of a trial. As Ricoeur puts it, it is the speech act that states the law.<sup>11</sup>

On the legal level, the just is always opposed to the problem of violence. The instruments of the juridical field, thus, allow for a transformation of the immediate call for vengeance, which is itself a form of injustice. The search for the just—be it in a trial process, in a political debate, or in an individual moral debate—culminates in a certain judgement bringing the argumentation to an end by posing a just solution. The verdict as a juridical judgment manifests the act that states the law. On the juridical plane, the judgment of imputation is restricted to the field of positive law—in the case of the transgression of the law, the judgment of imputation leads to that of retribution. “It is up to the laws on the one hand to define crimes, and on the other to establish a proportion between crime and punishment.” (Ricoeur 2000, 135) The punishment following the verdict must be considered, in Ricoeur’s eyes, as a kind of obligation to give compensation or indemnification. The punishment must be constituted in such a way that it distances itself from a hasty reprisal. Instead, the whole juridical process with the verdict and the punishment should take place in a responsible manner that allows the victim, but also the sentenced person, to feel fully recognized as a subject of rights. Justice, therefore—be it with regard to the juridical, the moral, or the political plane—, is closely bound to responsibility.

In any case, for Ricoeur responsibility in a juridical as well as in a moral sense aims to establish a *just distance* between me and the other person I am

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11 See the essay “Interpretation and/or Argumentation” in Ricoeur 2000, 109–126, esp. 109.

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confronted with, as I mentioned above. In this context, the other as a subject of rights is regarded as the same subject worthy of respect like me. It is the task of the judicial and the political institutions to create this just distance between different parties, institutions, and persons. In that sense, the just must be considered as a kind of social practice (cf. Ricoeur 1991, 193).

With regard to the phenomenon of the just, Ricoeur himself focuses particularly on the juridical level, but he is also interested in the more general concept of a political judgement, which is located within the political realm and which has first been formulated by Hannah Arendt. Ricoeur criticizes Arendt's concept in some aspects, but he generally positively estimates the integral element of a reflective judgement of taste in her concept that refers to Kant's third *Critique*. Following Hannah Arendt's concept of a political judgement and its references to Kant's judgement of taste, Ricoeur himself proposes, in his article "The Act of Judging," as well as in his article "Aesthetic Judgment and Political Judgment According to Hannah Arendt" (Ricoeur 2000, 94–108), the idea of a political judgement, which is based on a deliberate process of  
188 argumentation and not on already defined rules (cf. Ricoeur 2000, 127–132).

It can generally be said that for Ricoeur justice is not a fixed term. Hence, it cannot be found through the strict application of a norm, but it must be discovered in a critical discourse that takes place within the public space (cf. Ricoeur 1991, 193). This is exactly the mode of the reflective judgment—to find a universal rule for a given, particular case. Ricoeur emphasizes that mostly thereby the social injustice and the protest against this injustice is being recognized, which leads to the constitution of a sense of justice (cf. Ricoeur 2000, 131).

### **Social peace and mutual recognition**

Let me now come back to the idea of distribution that is so central to the question of the just. It can be noted that the general concept of the society as a system of distribution, as we find it in Rawls' procedural theory of justice or in Michael Walzer's pluralistic concept of social justice, can, according to Ricoeur, serve as a fruitful basis for the elaboration of the principles of justice. This is because the idea of distribution brings with it the element of differentiation, of articulation that is missing from the pure ethical sense, which finds its expression

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in the notion of wanting to live together. But the idea of distribution is in the eyes of Ricoeur not sufficient for the flourishing of social welfare. Ricoeur emphasizes that the question of the just is not only that of distribution—the question of what separates us—, but also that of equal, common sharing—the last refers to our common embodiment in society itself, our needs, our shared values and hopes. This second understanding of the question of the just leads to the long-term effort with regard to the justice—the aim of this effort is to establish social peace within a shared society or between different societies (cf. Ricoeur 2000, 131).

This leads me to my last point. The long-term aim of justice—to establish social peace—must be thought in terms of the process of mutual recognition. Mutual recognition is a term treated by Ricoeur especially in his late study *The Course of Recognition* (2005, esp. 150 f., 171 f., and 201 f.) in its several aspects. The *course* includes an analysis of recognition as identification, recognizing oneself as a capable human being, and, finally, mutual recognition, which is a concept close to the Hegelian term of “*Anerkennung*,” but Ricoeur also refers to Axel Honneth’s concept of mutual recognition and to Boltanski, Thévenot, and Hénaff. The wide and complex field of mutual recognition on an institutional level overlaps with the field of theology. Ricoeur points out that the process of mutual recognition even goes beyond an understanding of donation exchange that is still based on the logic of reciprocity. Mutual recognition, in contrast, includes such values as *agape*, mercy, gratitude, and forgiveness without any expectation for response. This theological dimension of the just had, in some respects, already been sketched out in Ricoeur’s earlier lecture *Amour et Justice* (2008), where he shows the tension between love and justice, mediated by the golden rule, the commandment of love and mercy.

Marcel Hénaff, in his latest book *Le don des philosophes. Repenser la réciprocité* (2012), criticizes Ricoeur’s strict differentiation between mutuality and reciprocity. The threat, in Hénaff’s eyes, is that mutuality destroys the effort of reciprocity as a procedural and fragile effort to install justice. For Hénaff, mutuality and reciprocity belong simply to different fields—mutuality to the field of institutions based on plurality, whereas reciprocity belongs to the dialogical structure between two partners. Reciprocity, thus, cannot be set against mutuality (cf. Hénaff 2012, 197 f.).

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## Conclusion

In this paper, I have tried to illuminate some aspects of justice and the just as a multifaceted phenomenon, of the idea of a subject of rights, and of a legal system in Paul Ricoeur's political and ethical writings. In general, Ricoeur advocates a concept of substantive justice governed by shared presuppositions concerning the common good. Justice always demands a rule of justice and principles. In all his writings about justice, Ricoeur makes clear that the phenomenon of the just is an ethical and also a moral issue, the search for the just is the search for the middle place between violence and suffering, and requires the application of practical wisdom. The question of the just is attached to anthropological presuppositions and has as its horizon social peace.

In general, one can say that there is a clear line that leads from Ricoeur's explanations of the anthropological implications of the self in his comprehensive philosophical anthropology to his "little ethics." It is precisely in his "little ethics" that Ricoeur offers his analysis of justice, through which he brings out the notion of mutual recognition that goes beyond the pure requirement of equality. For Ricoeur, justice is not a fixed term, which can be found through the strict application of a norm. Rather, the phenomenon of the just in general must be discovered by means of a multi-layered, hermeneutic approach, whereby justice in view of its firm political dimension must be discovered in a critical discourse within the public space.

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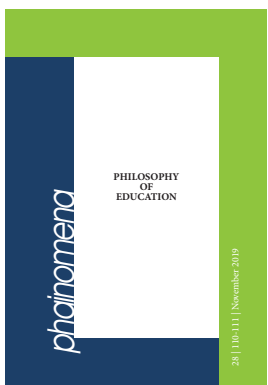
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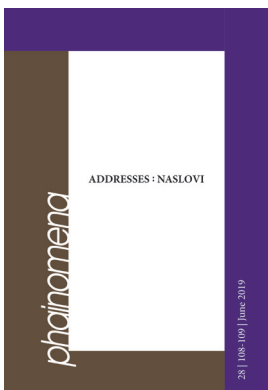


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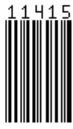


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