

Chapter VI

Paul Ricoeur's concept of equality and some of its applications in legal and political philosophy

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1. Introduction

This article is an attempt to bring closer Paul Ricoeur's views devoted to the concept of equality and its possible connotations in the field of philosophy of law and political philosophy¹. The basis of reasoning are provided by the assumptions adopted by Ricoeur in two relatively late works, i.e. *Soi-même comme un autre*² and *Parcours de la reconnaissance*.³ It should be noted that Ricoeur's concept refers to the views of Aristotle, and then creatively adapts and exceeds them, drawing *inter alia* from the achievements of Edmund Husserl⁴ and Emmanuel Lévinas.⁵ Ricoeur, among other things, differentiates between 'reciprocity' and 'mutuality', the first of which is related to 'the logic of justice' while the second to 'the logic of gift'. This distinction allows to capture the inner dialectics of the concept of equality, while providing its in-depth characterization at three levels (indicated below) of the definition of ethical aspiration.

In Ricoeur's studies the issue of equality is not a central but rather a recurrent theme, providing more specific considerations. In *Soi-meme comme un autre* it

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² Paul Ricoeur, *Soi-même comme un autre*, Éditions du Seuil, Paris 1990.

³ Idem, *Parcours de la reconnaissance. Trois études*, Gallimard, Éditions Stock, Paris 2004.

⁴ Cf. Edmund Husserl, *Cartesian meditations: An introduction to phenomenology*, Springer Netherlands, Dordrecht 1977.

⁵ Cf. Emmanuel Lévinas, *Totalité et infini: Essai sur l'extériorité*, Martinus Nijhoff, The Hague 1961; idem, *Autrement qu'être ou au-delà de l'essence*, Martinus Nijhoff, The Hague 1974.

constitutes a direct substrate of the philosopher's views concerning the ethical aspiration of the entity, while in *Parcours de la reconnaissance* it is the base of a reflection on the political and legal dimension of the recognition of human subjectivity. It is surprising that Ricoeur as if accidentally develops a theoretically uniform concept of equality, which is the core of the research ranging from the micro-scale of the subject to the macro-scale of the political philosophy. In this paper, this concept will be extracted to the surface and shown through the prism of some specific issues relating, inter alia, to the theory of the law of obligation and the theory of the state.

2. Equality as the element of the constitution of the entity

The direction of the argument is determined by the transition from the ontoethics of the entity to 'the struggle for the recognition' of its subjectivity at a political level. It should be clarified that Ricoeur correlates these issues in the definition of the ethical aspiration understood as "the intention of the good life with another and for another, in just institutions".⁶ Of the three levels of the abovementioned definition the interpersonal level, expressed in the phrase 'with another and for another' as well as the political level, expressed by the notion of 'just institutions', are considered as the places where the issue of the equality is being examined. However, in Ricoeur's views, the analysed issue is already revealed at a seemingly individualized first level of ethical aspiration. The entity indeed respects itself, if its 'intention of the good life' results in equal treatment of another, confirmed in observing its promise. Thus, Ricoeur implies that the entity remains itself (in *ipse* sense) if it follows its own commitments, despite the passage of time or changes in the character (i.e. the fluctuations of being oneself in *idem* sense), etc.⁷ It is significant that the fact of making a promise to another person is, in the philosopher's view, of a paradigmatic character in respect to the commitment even if undertaken only in respect to oneself. Therefore, Ricoeur argues that ethically significant being oneself is

⁶ Paul Ricoeur, *Soi-même comme un autre*, p. 202.

⁷ In the context of the distinction of being oneself in *idem* sense and *ipse* sense Ricoeur introduces a narrativised concept of the-one-who-is-himself. According to the philosopher, 'being oneself' is a conscious decision of proving oneself every time, what can interfere with the natural (and subject to change) disposition of character. See Paul Ricoeur, *Soi-même comme un autre*, p. 143. See earlier views in idem, *The question of the subject: the challenge of semiology*, in: idem, *The conflict of interpretations*, Continuum, London–New York 2011, p. 232–262. See also David Rasmussen, *Rethinking Subjectivity: Narrative Identity and the Self*, in: Richard Kearney (ed.), *Paul Ricoeur. The hermeneutics of action*, SAGE Publications, London–New Delhi 1996, p. 160–172.

impossible without taking into account the context of another human being.⁸ The thesis of ‘self-esteem’ in relation to Another is thus grounded in the concept which deems reciprocity — the premise of equality — to be the foundation of the identity of the entity.⁹

The theory of the entity developed by Ricoeur is applied in the analyses of the philosophical and legal basis of the law of obligations. First of all, it allows to specify a personalized, onto-ethical foundation of *pacta sunt servanda* principle.¹⁰ At the same time, it allows to interrelate this principle with mutual recognition,¹¹ constitutive for the law of obligations, as well as with formally understood being under the influence of one’s own accord.¹² The theory of the entity, taken from Ricoeur, unifies therefore the issues of reciprocity and promises at the level of the onto-ethics of the party to the contract.¹³ As a result, the phenomenon of abiding by the agreements is granted its basis in the very existence of the party (in *ipse* sense). Moreover, in the light of Ricoeur’s theory, any legally significant commitment shall be made by the entity in respect of ‘oneself as another’. The commitment is therefore an ethically significant way of being the party to the contract, defining itself by means of the reciprocity principle. Ricoeur’s views concerning ‘the ontology of reciprocity’ provide an ultimate possibility of building subjectively well-established and unified theory of the law of obligations.

The philosopher writes,

although respecting oneself indeed gains its primary role in the movement of reflection [of the entity — M.P.] [...], this meaning remains disconnected until it runs out of dialogic structure which is introduced by a reference to another man. In turn, this dialogical structure remains incomplete, apart from a reference to the just institutions.¹⁴

⁸ “Preserving oneself is in case of a person such a conduct that the other person may count on us”, Paul Ricoeur, *Soi-même comme un autre*, p. 195.

⁹ Cf. idem, *Parcours de la reconnaissance...*, p. 119 ff.

¹⁰ Cf. Marcin Pieniążek, *Dlaczego dotrzymujemy umów? Zasada pacta sunt servanda w świetle filozofii Paula Ricoeura* [Why do we keep agreements? Pacta sunt servanda principle in the light of Paul Ricoeur’s philosophy], in: Aleksandra Samonek (ed.), *Teoria prawa. Między nowoczesnością a ponowoczesnością* [Theory of law. Between Modernism and Post-Modernism], Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2012, p. 255 ff.

¹¹ The reference to Aristotle’s concept of friendship (*philia* — see below). Cf. Aristotle, *Etyka nikomachejska* [Nicomachean Ethics], PWN, Warszawa 1982, p. 511.

¹² The reference to the Kantian concept of categorical imperative. Cf. Immanuel Kant, *Ugruntowanie metafizyki moralności* [Groundwork of the Metaphysics of Morals], Zielona Sowa, Kraków 2005, p. 95.

¹³ The problem of the interrelations between the principle of reciprocity and the categorical imperative has been touched upon by Ricoeur not only on the basis of ethical considerations, but also theological ones. Cf. Paul Ricoeur, *Figuring the sacred. Religion, narrative and imagination*, Fortress Press, Minneapolis 1995, p. 293–302.

¹⁴ Paul Ricoeur, *Soi-même comme un autre*, p. 203.

This means that the relational element, resulting in the question of the mutual arrangement of the subjects on the map of the adopted commitments, belongs to the most basic level of the ontoethics of the entity. From a broader ethical perspective this question concerns the equality of the entities connected by interrelations, both in interpersonal as well as political dimension.¹⁵

3. Equality in interpersonal relationship

The necessary mediation of another on the way to the realization of one's own respect opens up the second level of ethical aspirations. When characterizing the interpersonal level of the aspiration, Ricoeur uses Aristotle's achievements in which a prominent place is granted to equality issues. More specifically, Ricoeur treats the Aristotelian concept of friendship (*philia*), in the light of which 'friendship is equality', as the basis of his analyses. The analysis of the study on friendship, contained in the books VIII and IX of the *Nicomachean Ethics*¹⁶ is thus undertaken by Ricoeur due to the mediating role of another man in the realization of the ethical aspirations.¹⁷ The philosopher assumes that the friendship links the first and the third level of this aspiration, thus providing a transition between an individualized intention of "the good life [...] and justice, the virtue of human multiplicity of a political nature".¹⁸

Ricoeur explains that he aims "to preserve the ethics of mutuality, sharing and co-existence"¹⁹ from Aristotelian achievements. Therefore, in Ricoeur's view, the key features or properties of friendship, closely correlated with equality, is mutuality (French *mutualité*) and reciprocity (French *réciprocité*), "indispensable at the ethical level". The concept of reciprocity is subjected to a deep analysis in later *Parcours de la reconnaissance*, thus opposing this concept with reciprocity understood as a formal equivalence.²⁰ However, Ricoeur emphasizes already in *Soi-même comme un autre* that the mutuality in friendship has "its own requirements" of which the most important is "to love another as the one that he indeed is". This seemingly obvious statement sheds some light on the issue of equality, thus setting a rule of the irreplaceability of the entities that are the parties to the relation of friendship. The philosopher interconnects the said rule with an individualized ethical aspiration of the parties and with 'self-esteem' in the following way: loving

¹⁵ See below in points 3 and 4.

¹⁶ Paul Ricoeur, *Soi-même comme un autre*, p. 213.

¹⁷ In *Parcours de la reconnaissance* Ricoeur writes as follows: "A man 'who acts and suffers' has to go through a lot in order to find out that he is actually capable of certain achievements. This self-recognition [...] requires at every stage the help of another man", *ibidem*, p. 119.

¹⁸ *Ibidem*, p. 213. The problem of 'equality-related' aspects of justice will be touched upon in point 4.

¹⁹ *Ibidem*, p. 219.

²⁰ This opposition will be characterised in point 5.

another man ‘as’ the one that he indeed is “prevents any [...] egological deviation: it establishes mutuality. The latter, in turn, cannot be thought without a reference to the good which is present [...] in the friend, in the friendship, so that self-reflexivity is not abolished, but as if split by mutuality [...]”.²¹ Ultimately, according to Ricoeur, “friendship adds rather than takes away anything from self-esteem. It adds the concept of mutuality in the exchange between human beings, each of which respects itself”.²² At the same time, Ricoeur emphasizes the importance of reciprocity in friendship and he refers to ‘the old saying’, according to which ‘friendship is equality’ — “since each of the two friends gives another the equivalent of what he receives”.²³ Reciprocity understood as a condition of equality comes here to the fore in the context of the philosopher’s considerations. Ricoeur states that it constitutes a peculiar binder of the second and the third degree of ethical aspirations because “it is through reciprocity that friendship is adjacent to justice”. Then the philosopher directly reaches to the concept of equality and concludes that “it places friendship on the way to justice, where sharing life with one another by a very small number of people gives way to the division of the shares among many people at the level of historical political community”.²⁴ This means that, according to Ricoeur, equality creates a uniform foundation for the pursuit of ethical aspirations both in terms of interpersonal relationships, as well as in just social institutions. When anticipating the discussion on the struggle for the recognition of subjectivity in the political and legal sphere, the philosopher claims that equality is the premise of friendship, while in just institutions it remains a goal to achieve.²⁵

With reference to Aristotle’s views, Ricoeur argues that in the interpersonal dimension the issue of equality is interrelated with the concept of care. This term stands for a readiness to provide help as well as solicitude for the life and happiness of the other, namely for encouraging another to the same extent as encouraging oneself.²⁶ According to Aristotle’s intention, Ricoeur combines the analysed concept with the ancient Greek concept of the pronoun *allēlous* (‘one another’).²⁷ Consequently, in Ricoeur’s view, solicitude constitutes the fundamental feature of equality-related bond between individualized entities — friends.²⁸ Therefore,

²¹ Paul Ricoeur, *Soi-même comme un autre*, p. 215.

²² *Ibidem*, p. 220.

²³ *Ibidem*, p. 215. It should be added that the issue of mutuality and reciprocity bothered the philosopher also in the view of ultimate things; the paragraphs devoted to these issues can be found in the last writings of Ricoeur (of 2004 and 2005), published as *Vivat jusqu’à la mort. Suivi de fragment*. Cf. Paul Ricoeur, *Soi-même comme un autre*, Éditions du Seuil, Paris 2007.

²⁴ Paul Ricoeur, *Soi-même comme un autre*, p. 220.

²⁵ *Ibidem*, p. 215–216.

²⁶ Małgorzata Kowalska, *Wstęp [Introduction]*, in: Paul Ricoeur, *O sobie samym jako innym [Oneself as Another]*, trans. by Małgorzata Kowalska, PWN, Warszawa 2005, p. XXIX.

²⁷ Paul Ricoeur, *Soi-même comme un autre*, p. 225.

²⁸ As Aristotle writes, a friend is the second ‘I’ (*állos atuós*). Cf. *Etyka nikomachejska [Nicomachean Ethics]*, IX, 4, 1166 a 32.

as the philosopher believes, “care does not add to self-esteem from the outside, but it develops its dialogical dimension” through the exchange between giving and receiving.²⁹ At this point, there appears the key issue of equality; according to the philosopher, friendship is indeed “a shaky equilibrium point” in which giving and receiving are inherently equal. With reference to the Aristotelian theory of Golden Mean (*mesótes*) Ricoeur considers this point as “the middle of the range whose opposite ends are the opposite kinds of incompatibility between giving and receiving, depending on whether in the initiative of exchange there prevails the pole of oneself or the pole of another”.³⁰ This means that the starting point for forming the relation of friendship is the original inequality, overcome in the name of solicitude.³¹ These views encourage the philosopher to formulate the concept of the interpersonal relationships, typical of the second level of ethical aspiration, characterized by the reversibility of roles and irreplaceability of people. In the proposed model, unique people, realizing their ethical aspirations remain equal friends.

Ricoeur believes that equality-related character of friendship leads to the development of its particular attribute, i.e. the similarity of the entities. The philosopher claims that “similarity is the result of exchange [i.e. dialectics — M.P.] between self-esteem and solicitude for another”. This statement expresses the essence of Ricoeur’s ethical theory, according to which *there can be no self-esteem without self-esteem for another as for oneself*. The philosopher explains that “as for oneself means that you are also able to initiate something in the world [...]”.³² Therefore, the issue of equality again reveals its fundamental nature for the ontoethics of the entity that remains in the interpersonal relationship, as postulated by Ricoeur.

Ricoeur’s views on Aristotelian virtue of friendship are used in the theory of the law of reciprocal agreements, especially in the analysis of the issue of equality of the contracting parties. From the outlined perspective, the analysed aspects of equality (mutuality, reciprocity) may be indeed considered as constitutive criteria of the bond in the contract concluded *inter partes*. Moreover, the philosopher’s views on the ‘reversibility of roles’ and ‘irreplaceability of the entities’ allow to capture the essence of the formal and material aspect of obligation relation. They allow the analysis of the reciprocity rule in the contract (by means of the pronoun *allélous*), and at the same time they allow to individualize its parties. Ultimately, in light of Ricoeur’s views, the observance of contracts is the consequence of a dialogic balance between giving and receiving, expressed in the concept of solicitude. The correlate of such a relationship shaped in the contract is resemblance, understood as the mutual recognition of the subjectivity of the equal parties of an obligation.

²⁹ Paul Ricoeur, *Soi-même comme un autre*, p. 212.

³⁰ *Ibidem*, p. 221.

³¹ The problem of inequality will be raised in point 4 and 5.

³² The presented idea has been expressed in the title of the work *Soi-même comme un autre*.

4. Equality in political relations

As mentioned above, in Ricoeur's theory equality provides a common basis for both interpersonal as well as political relations, in which the problem of just (e.g. state) institutions has a central place.³³ The philosopher characterizes this uniform foundation of the second and the third level of ethical aspirations by pointing to the close relationship between solicitude and justice. According to Ricoeur, "equality [...] is related to the life in [just] institutions in the same way solicitude is related to interpersonal relations". When expanding the above parallel, the philosopher states that solicitude as a 'response' in the relations with the other man "places in front of the-one-who-is-himself another who is the face in the strong sense" (i.e. within the meaning of Lévinas),³⁴ while on the basis of justice, "equality places in front of the man 'others who will never be faces'".³⁵ Ultimately, according to Ricoeur,

the sense of justice does not detract anything from solicitude; even more so, it indeed assumes the latter to the extent that it considers people to be unique. On its part, justice increases solicitude to the extent to which the entire humanity is in the centre of application.³⁶

What can serve as a concise summary of the dialectics of solicitude and justice is Małgorzata Kowalska's comment, according to which in the relations with 'other anonymous entities' ethics requires *concern for justice*, understood as the act of granting equal rights for all.³⁷

The question of the interrelations between equality and justice is placed by Ricoeur at the third level of ethical aspirations. At this level there takes place (as discussed in *Parcours de la reconnaissance*) the struggle for the recognition of the political and legal subjectivity which is a consequence of the intention of the good

³³ Under the term 'institution' Ricoeur understands the structure of the co-existence of historical community — the people, nation, region, irreducible to direct interpersonal relationships. The nature of the institutions is shaped, in Ricoeur's view, by common customs rather than by forced rules, which is due to the fact of closely relating this concept with ethics. Cf. David M. Kaplan, *Ricoeur's critical theory*, State University of New York Press, New York 2003, p. 105–106.

³⁴ According to Lévinas, "The concept of the face [...] leads to the notion of sense [...] independent of our initiative and power. It stands for the philosophical anteriority in relation to being and externality which does not call for power or possession [...]. The concept of the face allows [...] to describe immediacy", Emmanuel Lévinas, *Całość i nieskończoność. Esej o zewnętrznosci* [*Totality and infinity. Essay on the externality*], trans. by Małgorzata Kowalska, PWN, Warszawa 2002, p. 43. Cf. Paul Ricoeur, *Emmanuel Lévinas: thinker of testimony*, in: idem, *Figuring the sacred...*, p. 108–126.

³⁵ Paul Ricoeur, *Soi-même comme un autre*, p. 236.

³⁶ *Ibidem*.

³⁷ Małgorzata Kowalska, *op. cit.*, p. XXX.

life, realized, *inter alia*, in the institutions of a properly operating state.³⁸ According to Ricoeur, in the macroscale of just institutions the concept of equality plays a key role. It is again understood by the philosopher in Aristotelian terms, as an average measure (*mesótes*) and equality among one another (*isótes*). Ricoeur cites Aristotle's view, according to which "the average measure is an equality, since in every activity in which one can talk about what is greater and what is smaller, one can talk about what is equal".³⁹ Following Aristotle, Ricoeur assumes *mesótes* to be a reasonable feature common for all the virtues of private or interpersonal character, thus tightening the bond between the interpersonal and political level of realizing the ethical aspirations.⁴⁰ The philosopher draws deeply on Aristotle's achievements in respect of the interrelations between justice and the 'average measure' as well as he recalls that "that which is just, is [...] in accordance with the law and equity". Therefore, in Aristotle's opinion, the offence against equity (taking more than someone is entitled to) and the offence against equality have a common element, namely *ánisotes* — inequality of *pleonéktes* — a greedy man.⁴¹ Ricoeur emphasizes that in Aristotle's views, both the disadvantage of the desire to constantly have more — *pleonexí* — as well as inequality refer to 'goods or burdens' which should be subject to just distribution. This observation draws Ricoeur's attention to the bonds that interconnect equality with the issue of distributive justice, applicable to "honour or money, or other things that can be the subject of distribution between the participants in the national community".⁴² As a result, the concept of 'proportional equality', aimed at providing the characteristics of distributive justice, is valued by Ricoeur as Aristotle's outstanding achievement. The concept stems from Aristotle's belief that arithmetic equality does not correspond to "the nature of people and distributed goods". Therefore, Aristotle writes that "justice is [...] something proportional [...] because the ratio is considered as an equality of relations and it assumes at least four elements".⁴³ The above comment means that the distributive justice is based on four-element relation of proportionality, including two people and two shares and in any case it aims at equaling two relations between the person and merit.⁴⁴ Ricoeur emphasizes the importance of Aristotle's position

³⁸ According to the dictionary definition, the institution "is understood as a public facility operating in a certain area, or as a set of legal or moral norms for the organization of a given sphere of life. This term is also understood as an organization or institution, based on specific standards", after: Władysław Kopaliński (ed.), *Słownik wyrazów obcych i zwrotów obcojęzycznych z almanachem* [Dictionary of foreign words and phrases in foreign languages with the almanac], Oficyna Wydawnicza RYTM, Warszawa 2006, p. 258.

³⁹ Aristotle, *Nicomachean Ethics*, V, 1131 a 12–13.

⁴⁰ Paul Ricoeur, *Soi-même comme un autre*, p. 232.

⁴¹ *Ibidem*, footnote 1 on p. 232.

⁴² *Ibidem*, p. 233. Cf. Aristotle, *Nicomachean ethics*, V, 2, 1130 b 30–33.

⁴³ Cf. Aristotle, *Nicomachean ethics*, V, 1131 a 29–32.

⁴⁴ Paul Ricoeur, *Soi-même comme un autre*, p. 235.

which leads to the justification of the concept of equality, not consisting in simple egalitarianism. The importance of the commented Aristotle's views is equaled by Ricoeur with the efforts undertaken in the twentieth century by John Rawls in *A Theory of Justice*.⁴⁵ Ricoeur ultimately uses his interpretation of Aristotle's views for "recognizing a convincing and enduring strength of the interrelation between justice and equality". At the same time, for Ricoeur average measure and proportional equality are "the ways of a philosophical and ethical form of 'saving' equality".⁴⁶ From the perspective of the present argument, it is critical to indicate the philosopher's conclusion according to which equality (in the sense of *isótes*) constitutes *an ethical core of justice*.

According to Ricoeur, 'proportional equality' is realized in a "special arrangement of just institutions", namely in the state. Ricoeur assumes, after Hannah Arendt, that the state guarantees the "duration longer than ephemeral existence of the human being", providing the individuals with 'prolongation of mortality'. In addition, it allows the 'intergenerational integration', understood (after Wilhem Dilthey) as a fusion of inherited traditions and projects involving the future of a particular historical community.⁴⁷ According to Ricoeur, rationality is a characteristic feature of the state, expressed in the operation of the institutions, intermediating between the 'legacy of generations' and the 'projects of modernity shaped by the market'. At the opposite extreme of the rationality of the state there is located the remainder of the archaic and irrational 'founding violence', visible in the historically established "tradition of the authority of the power".⁴⁸ Ricoeur refers at this point to M. Weber's opinion, according to which "the state is understood as the valid recourse to authority in the final instance".⁴⁹ As a result, Ricoeur distinguishes the vertical aspect and equality-related (horizontal) aspect of the state political relations. The first is related by the philosopher with the issues of institutionalized violence and the concept of 'ruling', referring to Max Weber's hierarchical division between the rulers and the ruled.⁵⁰ In contrast, Ricoeur borrows the importance of the horizontal dimension from Arendt who defines the community's 'consensual desire to live'

⁴⁵ According to Ricoeur, a similar task was contemporarily set by John Rawls. Cf. John Rawls, *A Theory of Justice: Original Edition*, Belknap Press of Harvard University Press, Cambridge, MA 2005.

⁴⁶ Paul Ricoeur, *Soi-même comme un autre*, p. 235.

⁴⁷ Paul Ricoeur, *Krytyka i przekonanie. Rozmowy z François Azouvim i Markiem Launay* [*Critique and Conviction: Conversations with François Azouvi and Marc de Launay*], trans. by Marek Drwięga, Wydawnictwo KR, Warszawa 2003, p. 142 (original title: Paul Ricoeur, *La critique et la conviction. Entretiens avec François Azouvi et Marc Launay*, Calmann-Lévy, Paris 1995).

⁴⁸ *Ibidem*, p. 142–143.

⁴⁹ *Ibidem*, p. 143.

⁵⁰ Paul Ricoeur, *Soi-même comme un autre*, p. 227.

as ‘common authority’. Finally, the philosopher states that the purpose of the state policy should be ‘a developed compromise’ between hierarchical ruling and equality-related common authority.⁵¹ For individuals this compromise stands for overcoming inequality and “recognizing their subjectivity at the political and legal level”.⁵²

Ricoeur discusses more closely the issue of inequality, understood as the horizon of the ‘average measure’, i.e. as a reference point for solicitude and justice. Referring to Lévinas, Ricoeur writes that asymmetric boundary states, being in violation of the idea of just shares in goods and burdens (both in interpersonal as well as political relationships), on the one hand, rely on a selfish separation and, on the other hand, on the infinite, mutual indebtedness.⁵³ Thus, Ricoeur indicates a problem of recognizing the subjectivity of another man as a result of overcoming the initial asymmetry, discussed in the book *Parcours de la reconnaissance*. In this work the philosopher develops an original concept of equality which is not viewed only as a formalized reciprocity, but also as mutuality of autonomous entities.

5. The features of equality: mutuality and reciprocity

As compared with *Soi-même comme un autre* in *Parcours de la reconnaissance* the issue of equality rarely reveals its leading role, giving place to the original analyses of reciprocity and mutuality. However, as mentioned above, according to Ricoeur, equality is a direct consequence of, or correlate of these categories. The subsequent presentation takes into account this relationship and explores its consequences.

As pointed out above, Ricoeur’s deliberations in *Parcours de la reconnaissance* focus on the issue of recognizing the subjectivity of another (and, as a result, the mutual recognition). From the perspective of the ethical aspiration, they develop the phrase “you are also able to initiate something in the world”.⁵⁴ Like in *Soi-même comme un autre*, in *Parcours de la reconnaissance* Ricoeur takes up the issue of inequality as the state preceding the recognition

⁵¹ More broadly on Paul Ricoeur’s political philosophy: Bernard P. Dauenhauer, *Ricoeur. The promise and risk of politics*, Rowman & Littlefield Publishers, Inc., Oxford 1998; idem, *Ricoeur and Political Theory: Liberalism and Communitarianism*, in: Scott Davidson (ed.), *Ricoeur across the Disciplines*, The Continuum International Publishing Group Inc., New York 2010. See also: Marcin Pieniżek, *Paul Ricoeur’s thought as the basis for the political theory of the European Union*, in: Antonia Geisler, Michael Hein, S Hummel (eds.), *Law, politics and constitution. New perspectives from legal and political theory*, Peter Lang, Frankfurt am Main 2014, p. 95–108.

⁵² Paul Ricoeur, *Krytyka i przekonanie...*, p. 144.

⁵³ Idem, *Soi-même comme un autre*, p. 236.

⁵⁴ *Ibidem*, p. 226.

of mutual subjectivity. In the undertaken analyses the philosopher draws on the achievements of Thomas Hobbes, Emmanuel Lévinas, Edmund Husserl and Georg Wilhelm Friedrich Hegel (Jena period). In particular, Hobbes's views are used by Ricoeur to illustrate the logic of the original non-recognition, struggle and exclusion, visible in the famous anti-topos 'man is wolf to man'.⁵⁵ Ricoeur suggests that "when going from [...] the logical exclusion relationship between the same and another to a dialectical relationship [...], we are heading towards the category of reciprocity or mutuality".⁵⁶ In addition, the philosopher draws attention to the difficulty that "understanding of the relationship of reciprocity" encounters in the depths of phenomenological philosophy. Therefore, Ricoeur examines Husserl's and Lévinas' views in which the nonsymmetrical relation of *alter* and *ego* constitutes the 'initial situation'.⁵⁷ In the political and legal practice, this asymmetry is a flashpoint of conflict and struggle for recognition, aimed at overcoming inequality, or at realizing interpersonal reciprocity and distributive justice. In the chapter *The struggle for recognition at the legal level*, the philosopher undertakes the analysis of the concept of 'legal recognition', which (after Axel Honneth) he associates with the principle of reciprocity. According to Ricoeur,

We can consider ourselves as the holders of the rights only on the condition that at the same time we are aware of the normative commitments that we have to abide by in respect of the other person. In this sense, the recognition has a double reference — the norm and another man; when it comes to the norm, recognition is understood as [...]validation, giving validity; when it comes to people, recognition is perceived as the process of identifying each person as an individual who is free and equal to all other people [...].⁵⁸

In practice, an important ground for the recognition of subjectivity are human rights (as indicated by Bartosz Wojciechowski, among others in the context of the issues of 'equality of opportunity').⁵⁹ Finally, in Ricoeur's belief, the process of expanding the sphere of equal rights takes place by means of a distribution of new categories of rights (i.e. by increasing their 'quantity'), and by allocating these

⁵⁵ The Roman playwright, Titus Maccius Plautus, is considered to be the author of the maxim *Homo homini lupus est*, used in the comedy *Asinaria*. The paraphrase of this anti-topos was used in Thomas Hobbes' *De Cive* when he writes: "To speak impartially, both sayings are very true; That Man to Man is a kind of God; and that Man to Man is an errant Wolfe. The first is true, if we compare Citizens amongst themselves; and the second, if we compare Cities". Cf. Thomas Hobbes, *Man and Citizen (De Homine and De Cive)*, Hackett Publishing, Indianapolis 1991, p. 388.

⁵⁶ Paul Ricoeur, *Parcours de la reconnaissance...*, p. 241.

⁵⁷ *Ibidem*, p. 246.

⁵⁸ *Ibidem*, p. 309.

⁵⁹ Bartosz Wojciechowski, *Human rights as the element of mutual recognition and equality of opportunity*, in: Marek Zirk-Sadowski, Bartosz Wojciechowski, Karolina M. Cern (eds.), *Towards recognition of minority groups. Legal and communication strategies*, Ashgate, Farnham 2014, p. 63–76.

rights to new categories of individuals or groups (i.e. by increasing the circle of their recipients).⁶⁰

In *Parcours de la reconnaissance* the philosopher made a further step and asked the question about ‘peaceful states of mutual recognition’, alternative to the struggle for recognition. According to Ricoeur, these states ‘escape’ the logic of a formally understood reciprocity, characteristic for the institutional legal order, commercial competition, and the like. The philosopher, therefore, opposes ‘the states of peace’ with “the states of struggle [...] that does not necessarily stand for violence [...] but they also include struggles in the field of justice, as evidenced, for example, by the proceedings before the tribunal”.⁶¹ This means that the philosopher questions the model of equality, consisting only of the legal equivalence of entities.⁶² As a result, Ricoeur completes the issue of equality with the original meanings correlated with the concept of mutuality and those related to the ‘one-sided logic of gift’.

Ricoeur distinguishes three types of ‘peaceful states of mutual recognition’: *philia* (in the Aristotelian sense), *erōs* (in the Platonic sense) and *agapē* (in the biblical and post-biblical sense).⁶³ *Philia*, as discussed above, is of a border nature, since it combines the prospect of reciprocity and mutuality.⁶⁴ Meanwhile, the experience of *agapē*, ‘closest to friendship’, ‘already excludes the idea of reciprocity’, since its characteristic “generous habit of giving [...] no longer requires a reciprocation gift and is not associated with such expectation”. Ricoeur introduces the concept of one-sided generosity, ‘typical of *agapē*’, in order to call into question the reductionist perspective of the logic of reciprocity. ‘The logic of gift’ therefore meets the ‘critical function’ in respect of the formal concept of equality, which blurs the features of the parties of the interpersonal relationship.⁶⁵ At the same time, according to the philosopher, ‘the logic of gift’ individualizes the donor and the beneficiary through the features of a solemn ceremony, characteristic for *agapē*. An example here would be a symbolic ‘gift’ of marriage vows, which is not the exchange of ‘something for something’, but consists in a formal submission on unilateral but mutual promises by the spouses. Therefore, Ricoeur argues that “human beings are capable of experiencing [...] a symbolic recognition, a model of which can be the ceremony [...] of [mutual] act of giving”.⁶⁶ A solemn characteristics of presenting someone with a gift breaks the schematic nature of the reciprocity rule, applied in law. Ricoeur realistically states that the relations of mutuality are exclusive and in the context of reciprocity “they

⁶⁰ Paul Ricoeur, *Parcours de la reconnaissance*, p. 311.

⁶¹ *Ibidem*, p. 343.

⁶² *Ibidem*, p. 339.

⁶³ *Ibidem*, p. 342.

⁶⁴ *Ibidem*, p. 344.

⁶⁵ *Ibidem*, p. 342.

⁶⁶ *Ibidem*, p. 242–243.

look like clearing [franc. *clairières*] in a dense forest”.⁶⁷ However, in a society of anonymous individuals one can easily perceive the palpable hunger for individual treatment that exceeds the logic of reciprocity in favour of the gift that does not demand retribution. Today, this phenomenon is revealed in charity events,⁶⁸ in constantly developing volunteer hospice movement,⁶⁹ etc. On the other hand, the indicated needs are sometimes abused by commerce when the slogans of products in the advertisements use the rhetoric of ‘extraordinary gifts’ for ‘an individually treated customer’.⁷⁰

Ricoeur relates the ‘logic of gift’ with ‘the paradox of mutuality’. It consists in the fact that although the gift does not expect to be reciprocated, it raises in the recipient the need of a similar response. Such a response is not subject to the rule of a formalized reciprocity, but it preserves the asymmetry of entities and is expressed in an analogous act of presenting the other person with a gift. At this point it is worth noting that Ricoeur’s views were inspired by the New Testament; ‘the logic of gift’ stands in fact for the consent of the recipient to serve humbly with respect to the donor. For example, St. Paul in his letter to the Philippians recommends that Christians “should in humility assess one another as being more important than themselves”, thus achieving true equality.⁷¹

The abovementioned standpoint presented by Ricoeur reveals weaknesses in the logic of reciprocity and it enriches the concept of equality with informal mutuality. At the same time, the logic of gift humanizes the perspective of equality by emphasizing the uniqueness of entities, interconnected with the bond of *agapē* and other ‘peaceful states of mutual recognition’. Finally, in Ricoeur’s belief reciprocity and mutuality constitute the internal dialectics of equality. As pointed out, ‘the state of peace’ in the form of *philia* synthesizes these two perspectives, thus creating a complete model of equality. In friendship the principles of ‘the interchangeability of roles’ and ‘irreplaceability of people’ reach ‘the balance’, desired both in the interpersonal solicitude and in political distributive justice.

⁶⁷ *Ibidem*, p. 339.

⁶⁸ In Poland, they for example include annual fundraising to purchase medical equipment within the framework of the so-called ‘Great Orchestra of Christmas Charity’ (www.wosp.org.pl, access: 15.01.2015) or purchasing gifts for Santa Claus Day for poor families within the programme ‘Noble Bundle’ (www.szlachetnapaczka.pl, access: 15.01.2015).

⁶⁹ Cf. the quote from the website of the Hospice of St. Lazarus in Krakow: “Voluntary help plays a crucial role in hospice care, through the selfless help offered to patients and families, in the direct service rendered to the patients as well as in the form of performing administrative and organizational activities related to fundraising in order to carry out this care” (after: http://www.hospicjum.krakow.pl/index.php?option=com_content&task=view&id=25, access: 15.01.2015).

⁷⁰ An example of such are TV commercials suggesting that there is a special voluntary gesture of the manufacturer behind the product — cf. the slogan “I give you what I’m hiding in myself”, etc.

⁷¹ *Pismo Święte Nowego Testamentu [The Scriptures of the New Testament]*, Pallotinum, Poznań–Warszawa 1976, p. 509 (St. Paul in his letter to the Philippians – 2,3).

6. Summary

The undertaken analysis sought to achieve twofold results. Firstly, it was to reconstruct Paul Ricoeur's views on the concept of equality. This reconstruction took into account the contexts in which the philosopher discussed the perspective of ethical aspirations and the 'struggle for recognition' of the political and legal subjectivity. The article firstly aimed at presenting the onto-ethical conception of the entity, in which 'self-esteem' is related with the reciprocity rule (point 2). The essential part of the argumentation was devoted to Aristotelian inspirations of the concept of equality in Ricoeur's philosophy, visible on both interpersonal and institutional level of the implementation of ethical aspirations (points 3 and 4). The final part of the article brought closer the original ideas of the philosopher on the characteristics of equality, namely reciprocity and mutuality (point 5).

Secondly, the presented argumentation pointed out some possible applications of the proposed concept of equality in the field of philosophy of law and political philosophy. These references were correlated with the three spheres of implementing ethical aspirations as defined by Ricoeur. In the sphere of 'self-esteem' equality was considered to be an onto-ethical foundation of *pacta sunt servanda* principle (point 2). In the sphere of interpersonal relations equality found its application in the analysis of the issue of mutual agreements, thus taking into account the concepts of friendship (*philia*), solicitude and resemblance (point 3). In turn, in the area of just institutions equality served the purpose of providing the proper characteristics of political relations, remaining in correlation with the problem of distributive justice in a properly ordered state (point 4).

It should be emphasized that a uniform concept of equality, developed by Ricoeur, holds together three levels of the implementation of ethical aspirations. This unification is evident especially in the context of the concept of 'the struggle for recognition' of the political and legal subjectivity. This struggle starts in a microscale of the entity which recognizes Another as an equivalent foundation of 'self-esteem'. Then, it moves to the interpersonal level where the equality of the parties is at stake, being the basis for the observance of mutual obligations. The most extensive arena of the struggle for the recognition of subjectivity is the sphere of just institutions, in which 'all that are not faces' participate in common authority based on the principle of proportional equality.⁷²

As mentioned above, Ricoeur rejects the view according to which the realization of equality is a mere consequence of the 'struggle for recognition'. Equality is being consistently connected by him with a peaceful 'ethics of

⁷² Cf. Marcin. Pieniążek, *On Paul Ricoeur's tribute to legal philosophical issues of recognition and reciprocity*, in: Marek Zirk-Sadowski, Bartosz Wojciechowski, Karolina M. Cern (eds.), *op. cit.*, p. 87–102.

coexistence', fundamental to being oneself, for mutual solicitude and social justice. In this context, the argumentation brought closer the dialectics of reciprocity and mutuality (point 5), inspiring for legal philosophy and political philosophy. When differentiating reciprocity and mutuality, Ricoeur opposes 'positive' equality of the gift with 'negative' equality of the claims. The concept of mutuality ultimately captures the weaknesses of the formal reciprocity rule which assumes the replaceability of people in the political and legal sphere. We should finally give the floor to Ricoeur when he writes that

the mentioned [...] ethical feelings [reciprocity, mutuality — M.P.] belong to [...] the phenomenology of 'you also' and 'one-as-another'. They in fact express the paradox contained in this equivalence; the paradox of the exchange that takes place between that which is unique. Therefore, equal esteem for another as for oneself and equal esteem for oneself as for another become fundamentally equally important.⁷³

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⁷³ Paul Ricoeur, *Soi-même comme un autre*, p. 226.

- Pieniążek, Marcin, *On Paul Ricoeur's tribute to legal philosophical issues of recognition and reciprocity*, in: Marek Zirk-Sadowski, Bartosz Wojciechowski, Karolina M. Cern (eds.), *Towards recognition of minority groups. Legal and communication strategies*, Ashgate, Farnham 2014.
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